



OKANOGAN COUNTY
OFFICE OF PLANNING AND DEVELOPMENT

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Planning Commission Meeting Minutes

1 A regular meeting of the Okanogan County Planning Commission was held **November 28, 2022,**
2 **at 6:00 PM.** The meeting was held in the Commissioners Hearing Room, 123 5th Ave. N.,
3 Okanogan, Washington and via WebEx.

4 **PLANNING COMMISSION MEMBERS** present included: Salley Bull, John Crandall, George
5 Thornton, Dave Schulz, Phil Dart

6 **OKANOGAN COUNTY STAFF MEMBERS** present included: Director of Planning Pete Palmer,
7 Rocky Robbins Planner III, Sarah Birch Administrative Secretary

8 **OTHERS IN ATTENDANCE via Phone/WebEx/In Person:** Isabell Spohn, Michael H. Wilson,
9 Kevin D. Fox, Jim Soriano

10 **Approval of Agenda:** George called the meeting to order. Dave moved. Phil seconded.

11 **Approval of Minutes 10/24/2022:** Phil made the motion to approve. Dave went over line 59-61
12 70-72 George moved to ask County Commissioners to present to the DOE to close future wells.
13 Dave asks George what the purpose to close the basin is. George asks if Dave found an error in
14 the minutes. Pete states that Dave wants to make a motion to move this discussion to the new
15 agenda to a new business item. John and Phil both second.

16
17 **Public Hearing:** George calls Mr. Wilson to speak. Good evening my name is Mike
18 Wilson my wife Joy. We live in Malott, S of Malott, but we run cattle in Tunk Valley under
19 Wilson cattle company. To give you a little background on who we are my great
20 grandparents on my father's side homesteaded in Chuwilikin and my great grandparents
21 on my mother's side homesteaded in lower Tunk Valley. We graze approximately 15,000
22 acres in the Tunk area and it goes into the Chuwilikin drain just barely. To give you a little
23 background when I was a kid, we had beaver dams in Chuwilikin creek and Tunk creek
24 and today I don't know if there is enough water to support beaver dams there at all. In the
25 70s my dad leased and my brother and I worked with him in a place known as the
26 gadabout farm ranch that goes back to Judge Smith in the Tunk Valley there, it had a
27 water right, I do not know if it still has the water right, probably not but for gravity water out
28 at Tunk Valley and we irrigated about 30 acres there at the time and when the ranch
29 bought that they actually doubled that irrigated acres on that and even in 77 it was a very
30 dry year we were still able to irrigate out of Tunk creek at that time and at the same time
31 Virgil Green was in the lower part of the valley and he irrigated I don't know how many
32 acres, maybe 30+ acres there in the lower part of the valley. I don't believe the stream
33 there would be able to manage that today and I don't think it is because of a wet year or a

34 dry year. We have had some wet years and I still do not think it would be able to do that.
35 With the water situations and the development in upper Tunk creek we have found it more
36 difficult for livestock watering, springs and streams. Our cattle have to walk farther, in
37 some places they have to walk at least a mile to water. I know some of you understand
38 what I am talking about you are dealing with the same things. When I think of the upper
39 Tunk Valley, we actually used to graze cattle there and it is all subdivided now. There used
40 to be some meadows there and when I drive through up there those meadows are
41 basically gone, it has totally changed the echo system there, the wildlife, it has put more
42 demand on the county for infrastructure, road maintenance and care. I also believe it
43 causes erosion because of the modern roads. It defiantly has put a weight on the DNR as
44 far as fire management. So, you guys already know I think but we are having lower
45 streams. I would like to see larger parcels in the area. I appreciate your time and I thank
46 you.

47 George call Mr. Fox to speak.

48 Good evening, I live up in Tunk I have lived up there for 23 years and have had property
49 for 30yrs. I do have original water rights on it. I can say right now my water rights have not
50 been renewed what so ever. Some history my wife and I were on the old hazard litigation,
51 we represented Tunk Valley. I thought we had a pretty good plan at that point we were
52 already having water issues, lack of water. They had the creek gauges and all of that stuff.
53 The water has been depleted and it just has not come back to the way it was. A lot of our
54 concerns up there have gone by the wayside for whatever reasons. Some things we did
55 not take into consideration now was water, water of the future it is not going to get any
56 better, not at the rate that people are moving in, I'll use the word abusing the water
57 sources that they have up there. The parcel sizes need a moratorium on any new lots,
58 until we find out where the water is going and what we are going to do in the future. And or
59 larger parcel sizes. I think there should be a moratorium on any wells up there like I say on
60 parcels that are less than 600 acres. I have a lot to say but I don't really have a lot of time
61 but I am concerned about it and a lot of my neighbors are. In fact, it has come to
62 planning's attention that we have numerus people that are running short of water and for
63 some reason it is right after 3 or 4 homes have been put in the same immediate area, who
64 can prove that is what influenced the water, we've never had a problem before that and
65 after these homes go in, we started having more issues. So, for what it is worth those are
66 my concerns and I hope we can come to some kind of an agreement on that, maybe nip it
67 in the bud for the future. Tunk is a beautiful place right now but it still has a bit of water it
68 won't be when there isn't any water up there. Dave asks Mr. Fox was your water right
69 granted by the state of Washington or by the US government. Mr. Fox states Federal
70 Government.

71 George calls Mr. Soriano up to speak. Jim Soriano I am from Tunk Valley, I have been up
72 there 38 years now, 38 years September, I guess it was. I guess I was going to give more
73 of a prepared statement but you know really all the information has been provided, my
74 wife, Isabel Spohn, Jeana McCoy we have just submitted reams of paperwork, we all
75 know, everybody has seen it, we all know we have a huge problem up there we are
76 kidding ourselves if we don't think that we do. So, I'd kind of like to just have this as a let
77 me do a little venting and if you guys would like to ask some questions, please ask me
78 questions. I am going to start with the history kind of where we started back in 2007, I saw
79 a little add in the Chronicle about committees were going to form and they were going to

80 talk about this is when they were composing a comprehensive plan and I thought well that
81 would be interesting I was kind of concerned with what was going on and I guess I was
82 naive and I thought okay well maybe I can be part of the process. So anyway, I attended
83 the first meeting in January 2007 I could be kind of off on my years. We met out at the
84 Riverside Grange, I remember there was no heat it was kind of like a January night, kind
85 of like what we have here now. There was about 6 or 7 of us that showed up and I think it
86 was Char Beam from the county, we all kind of looked at each other like ok what are we
87 supposed to do here. She kind of read out that the state had provided money for this
88 process, for the county to get these neighborhood committees put together so we did that,
89 I think by the third meeting they got the heat going out there in Riverside so that was kind
90 of nice. More people started showing up and everyone was putting in input, exchanging
91 ideas and we didn't agree on a lot we agreed on some things, but one thing one thread
92 that we all agreed on and this was a pretty good first group, was water. We have a
93 problem with water up here and its just going to get worse. So, all of these committees, all
94 of the information was packaged up and provided to the county, here you go, here is our
95 neighborhood mission statement, the whole thing and water was the number one well
96 doggone it if it didn't go missing those papers never showed up, we submitted to the
97 county and it just disappeared. Everything, all of our work maybe a year and half maybe 2
98 years, was just lost, gone and no one was accountable, nobody said a word about it, so
99 anyway that was kind of frustrating and then things started to kind of change, it got a little
100 bit darker, we started to get threats, my wife actually got intimidated by public officials.
101 Hell, I got slandered in the newspaper, so did my kids, you know my kids they have
102 nothing to do with this. Slowly the battle ship started to swing, the bow started to swing, we
103 got a new set of commissioners, I met with Jim Detro several times, we talked about this,
104 he understood, he'd been out there in Riverside, grew up out there, he knew exactly what I
105 was talking about. So that battleship started to turn, now all of a sudden, we kind of have
106 this momentum and it just keeps on going and I think we can all agree, that we need to do
107 something about this problem. What I am thinking and commissioner Schulz can tell me
108 we have a line of three commissioners right now and they all agree that we got to do
109 something and we got to do something big. Not just 20 acres, that's not going to do it,
110 sorry, there is just too many loopholes in that system. We need to go for, well my proposal
111 is no more new parcels. We've had three years now of the moratorium and doing their
112 parcels and everybody seems to be surviving and just so it is out in the clear it affects me
113 more than anybody by a 10/1 factor. I mean it's the second closest to my property it would
114 be about 10 times undermine, so I am going to take the biggest hit. But I propose we don't
115 allow any new parcels, we see what we can do about a moratorium on wells, I mean this is
116 just absolutely important and it's a property right. My well, my stock water, my irrigation, I
117 own the property but I can't irrigate because there is no water, it is so important that we
118 just need to protect this. So, if we can't say no to the parcels, lets go back to the old
119 homestead and say 160 acres and again we have three commissioners on this and they
120 are willing to back me up. Whatever you say, go big, they are going to back it up, lets take
121 advantage of that, lets get this thing figured out, lets just kind of take care of the problem
122 before it becomes any worse.
123 Dave asks how deep of wells have you drilled and is it surface water that you are running
124 out of or is it wells too? I have tried to read the report and it was not really clear. Mr
125 Soriano states that it is both, just so you understand that property that Mike Wilson spoke

126 of they irrigated it and I bought that, so I have that irrigated land, but you can't, there is not
127 enough stream flow in that creek to pull the water out, so we just lost our surface flow.
128 Dave asks how deep are your wells, your have drilled wells I assume? Mr. Soriano It
129 varies I have one that is 360 ft, I know there is people that went over 500ft. there are
130 people that once went over 1000ft and they got 2.5 gallons, it's all over the map. Dave
131 said that's why he was trying to go over the map to see where it was to maybe find an
132 Aquaphor. Mr. Soriano, you have a better chance at finding oil than you do an Aquaphor.
133 Thank you for your time, I appreciate it.

134 George asks if Isabell would like to speak. Isabell Spohn, I submitted SEPA comments,
135 which you've already seen. I live in Twisp. You've already seen why I am concerned about
136 Tunk. As I understand it the question that is being asked from this public hearing is
137 whether or not the Planning Commission will approve the proposed resolution written by
138 Director Palmer, for presentation to the county commissioners, as a solution for the
139 determination the commissioners have already made, which is the zoning for the area is
140 inappropriate based on water availability. It was somewhat difficult to submit my SEPA
141 comments before actually seeing the actual resolution that was in the staff report, so now
142 that I have seen that, I would like to respond to that. First, I agree with the commissioner's
143 concern that the zoning is inappropriate via scientific studies, testimonies from residents,
144 farmers in the Tunk. However, I disagree with the proposed resolution, it doesn't come
145 close to addressing the problem the commissioners have presented. I urge the Planning
146 Commission to continue to keep working on this problem while the existing moratorium
147 subdivision stands. Scientific studies as well as the testimonies have established that
148 basically there is no more available water to allocate for the new subdivisions allowed with
149 R20 zoning. However, it is written in code and what the zoning is used for there should be
150 no more wells or subdivisions for the Tunk for the foreseeable future in my opinion. I'd like
151 to address the proposal itself in more detail. The mathematical explanation of the number
152 of new parcels that would be created by the Rezone is nearly impossible to understand,
153 especially how the parcels over 100 acres are accounted for. This wording fails to address
154 how much water would be consumed, by 566 parcels that could not be further subdivided.
155 It also fails to address water consumption on the 220 new parcels that could be created in
156 the remaining 151 parcels and as you listen to this you can see how complicated it is. It
157 doesn't address the added water consumption of the many additional uses allowed in R20
158 zoning as opposed to rural residential low-density zoning which also has 20-acre
159 minimums and the only place in the county that has this is the Rendezvous over in the
160 Methow Valley. So, I don't know whether or not Ms. Palmers math is correct on the
161 number of new lots that would be created, lets just assume those figures are correct for
162 the sake of argument. The allowable 5000 gallons per day are per unit multiply by 365
163 days per year equals 1,825,000 gallons per year for one well. Multiply Director Palmers
164 calculations of 220 new dwellings times 1,825,000 gallons per year, we get 401,500,000
165 gallons per year. Now I don't claim to be a water expert, but that sounds like a lot of water
166 to me. Especially since we have already been running out of water and senior water rights
167 are already being impaired. So, this calculation also fails to paint the overall picture, which
168 includes, trailer parks, multiple family dwellings, one accessory unit per lot, 5 multifamily
169 dwellings or mobile home unit per acre, rv parks, campgrounds, hotels and motel and
170 more are currently allowed under the R20 zoning. So, if we put in the R20 zoning what is
171 going to be the impact of all of these? I want these lines, if resolving the water situation is

172 a concern, why wasn't rural residential low-density zoning considered, as in the
173 Rendezvous area of the Methow. This zoning wouldn't allow the multiple family dwellings,
174 rv parks and trailer parks etc. that would be allowed under this zoning. So, upon those
175 lines also, in addition to water the fire concerns, along with the number of vehicles, human
176 population involved during evacuation between trailer park and rv park etc it says nothing
177 of livestock we could have a desperate situation here if there isn't a much better
178 intervention here. This whole issue is a real question about how other areas with a water
179 shortage will be dealt with across the county in the future. The Planning Commission
180 needs to consider how equity and equal treatment under the law will be accomplished in
181 the future and how this decision today will affect other areas of the county that are
182 overallocated such as the Methow, regarding lot resources in the future, thank you.

183 George asks if any other people would like to make comments

184 Mr Soriano asks if he can make another comment. Now R20 zoning there is an exemption
185 in that, I believe it's like 17A.60.110 which gives you I believe is a special provision where
186 those 20 acres can be cut again, it's called a limited exemption. So, we can zone it for 20
187 but then people can cut off a piece of the 20 without a lot of resistance there. I still think we
188 need to go way bigger.

189 George closes the public comment. All second.

190 Pete Palmer states this is normally when I would be presenting her staff report. She is
191 withdrawing the proposal for rezoning the Tunk Upper and Lower. She reads from her
192 Memorandum. Future dates December 19 a Special PC Meeting. January 4 & 5 Notice of
193 SEPA checklist and comment Period. January 19 written comments on proposal and
194 SEPA close. January 23 Regular PC Meeting-Public Hearing on Tunk Rezone.

195 According to riverbank software shows an estimated capacity for new permit exempt wells
196 in the Tunk Basins at 154. 100 acres (or larger) is the preferred parcel size. Special
197 provisions (to consider) Allow 1 division down to a 5-acre parcel (for family member-in
198 laws, children, parents) and condition no further development on remaining acreage. Phil
199 state there are 717 parcels how many have wells and how many do not? Pete states she
200 can tell you how many are developed. 178 had been developed. Phil states we are already
201 at double what we are at now, so why are we even trying to make more parcels available.
202 PC Commission discuss options. George states he would like to ask the board of county
203 commissioners to close the basin. The DOE is the one who has to close the basin and the
204 wells. John Crandall asks how does the county continue to zone if the evidence shows
205 that there is no water. Under 1927 we have to verify that there is water. The moratorium
206 ends on December 2. Pete explains that DOE is in charge of handing out the approval for
207 the start card to issue a well. 47 of the parcels are already in Conservation Easements that
208 are owned either by Tribe, State Forest Service, or Large Ranchers.

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211 **Discussion:**

212 Director Pete Palmer explains the amendment to her staff report, she is withdrawing her
213 proposal for rezone in the Tunk Basin's R20 zone for a few reasons. They were errors in
214 the statistics that were shared, Also, conversations with members of the public. Director
215 Palmer has linked and email discussion to planning commissioners and county
216 commissioners. Attached to the email is the correct statistics on the number of parcels that
217 can be sub-divided, number of parcels that cannot be subdivided and the number of new

218 parcels that can potentially be created under scenarios of 20acre,40acres,80acres and
219 Director Palmers original proposal of R100 designation. With the 100acre designation
220 being the most favored in recommended designation to rezone the upper and lower Tunk
221 and Tamarack Basin.

222 Director Palmer proposed additional dated for this process, she also expressed the
223 importance of the planning commissioners, rules and participating in each step of this
224 process including meeting attendance to provide input along the way.

225 On December 19,2022 a special Planning Commission meeting will be held, to discuss
226 additional information that was handed to Planning Commissioners, revisit information that
227 was presented back in October regarding scenario of R100 designation.

228 On Jan 4 & 5 2023 notice for SEPA Checklist comment period starts.

229 On Jan 19 2023 written comment will close.

230 Jan 23 2023 Planning Commission meeting for Public Hearing on new proposal.

231 Director has discussion on current R5 zone and explains the numbers on parcels that is
232 existing, not subdivided and parcels that can be further subdivided. These number are
233 calculated by the GIS department.

234 According to the comments and conversation with the board of county commissioner 100
235 acre or larger parcels are the preferred parcel size.

236 Planning Commissioners has discussion on calculation, basin, wells and moratorium.

237 **Motion of Discussion:**

238 George moved to end discussion; Phil makes a motion to move forward with 20-acre
239 designation to close gap & continue with timeline of future meetings to adjust to larger
240 designation to eliminate future subdivisions. Salley seconded motion. George stated the
241 motion is first and seconded to keep the R20 in motion until the agenda proposal plays out
242 for a final proposal. Dave wants the attachments to go to the board of county
243 commissioners to go over the studies for justification. Motioned moved to approve. Dave
244 Abstains.

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249 **Old Business: zone Code Update:**

250 Director Pete Palmer clarified that a consultant was hired called Oneza and associates,
251 she provided them with zoning survey, comments from all agencies that was received
252 during the comment period for the comprehensive plan and correspondence that was
253 communicated with the Yakama Nation and introduced them via email. Oneza will be

254 reaching out and inviting them to the table and also do a one on one through zoom with
255 each of the agencies to get a better idea of what they are looking for in the zoning
256 regulations. Deadline for zone code is in June.

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260 **New Business**

261 Dave expressed that he wants the motion that is decided on to be more technical and
262 clearer. Salley is interested in writing a letter to the Board of County Commissioners to
263 explain the decisions were made and where they stand. Director Palmer stated that the
264 County Commissioners has the final decision.

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George moves to adjourn; Dave moves Phil seconded

268 **ADJOURN 7:27**

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➤ **Next meeting: Special Meeting December 19, 2022 6pm**

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SUMMARY OF MOTIONS

274 Prepared by

275 Sarah Birch
276 Administrative Secretary

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