

Board of Okanogan County Commissioners
Tuesday, January 24th, 2023, 1:30 p.m.

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Present:

Chris Branch (CB), BOCC District 1
Andy Hover (AH), BOCC District 2
Jon Neal (JN), BOCC District 3
Lanie Johns (LJ), County Clerk
Pete Palmer (PP), Planning Director
Esther Milner (EM), Prosecutor's Office

Time stamps refer to the time on the wall clock. An AV Capture archive of the meeting on this date is available at: https://okanogancounty.org/departments/boards/live_streaming_of_meetings.php

Summary of Important Discussions:

- Planning Commission's recommendation for Upper and Lower Tunk Basin and Tamarack Springs zoning code amendment (County Ordinance 2023-1) adopted by BOCC. 160-acre designation created, status of Cannabis operations, fruit, vegetable and dairy stands, gravel pits and quarries change from permitted use to conditional use; at Commissioner Branch's recommendation road maintenance issue and comp plan's mention of basins' rural character added to amendment. The BOCC to work with Department of Ecology on closing the basin, will investigate water storage systems for existent lots.
- As part of her review of county code attorney Esther Milner from Prosecutor's Office points to benefits of hiring a Public Records Officer, BOCC to research cost of staffing this position; recommends adopting a revised fee schedule to charge more for copies of electronic documents.
- American Rescue Plan (ARPA) funds approved for Fire District 6's station project and Economic Alliance.

1:30 - Public meeting, Tunk Basin Rezone (Ordinance 2023-1) - **PP**: We're here to consider recommendations from the County Commissioners for the Upper and Lower Tunk Basins and Tamarack Spring Basin rezone. *She shows maps that were shown at previous day's public hearing of rural 5-acre and rural 20-acre parcels as exist now, the ones over 160 acres, where the domestic general water rights, irrigation and stock water are, and where the owners, including the Sorianos, are.* A record of the public hearing, the original staff report, the four written comments and a draft of the rural 160-acre zoning designation will be inserted into the county zoning code. It also includes the district map changes comparing 160s with agricultural residential, rural residential and low density residential designations, and we agreed upon all uses with the exception of cannabis and processing facilities, which the Planning Commission felt should be allowable uses, changed to conditional use, the same with fruit, vegetable and dairy production stands, gravel pits and quarries, mini storages and shooting ranges. All would be allowable under the conditional use permit with the exception of fruit stands, which was permitted use. (Included are) the draft ordinance for adoption of rezones, finding of facts and conclusions of

law. All that said, I want to reiterate that on January 23rd the Planning Commission held a public hearing via zoom. There were four written comments; two of those people also testified at the hearing. There were three in-person testimonies. All hearing notice requirements were met. The commission transmits and recommends the following:

- The adoption of the new rural 160 designation, revised district maps and revised district use chart
- That the BOCC engage with the Department of Ecology to close (*these three*) basins
- That the BOCC begin to investigate new underground storage cisterns, water banking and other water storage systems for properties to be able to purchase water from.

AH: We have been listening to this for a long time—people who ran out of water. There are a lot of lots in that area. To keep everybody (*able to get water*) is the best option. All who have lots there to build on (with physical availability of water still in question)—I think there need to be water storage projects done there to bring ground water levels up. JN: I’ve had conversations with a couple of people on the commission. They may be the only and best options we have.

CB: I’ll take you further on this. Water isn’t the only issue in the Tunk Basin. It’s pretty much sub-divided into parcels that are now required to meet the (*inaudible*) standards for roads. We talked about public services, including ambulance service... The cost of delivery in the Tunk Basin (*inaudible*) generated by the taxes there. The road system is, I don’t know if you’d call it marginal, but ...the lots that are existent there now could probably cause us some grief in the future as well. So emphasis on the fact that this is a pretty rural area. The (*inaudible*) could cost more than the county would be able to support... That would be a finding that I would like to add if we vote to approve this. I don’t know if you remember hearing opposition from one person at one point but there are issues that could be addressed by this rezone and serve the county in maintaining its rural character as it says in the Comprehensive Plan. One thing to ask Pete: Do you feel you were duly advertised? **PP:** Yes. We met all legal public requests for notice. In fact we gave one additional week for comments. *CB mentions to JN the processes for permitting in Oroville which didn’t require an additional hearing after the council considered decisions.*

LJ: Usually (*the changes?*) are adopted as an attachment. **AH:** It will be ordained that Attachment A, Findings of Fact, is adopted. **CB:** We’ve talked about form of adoption. I’m speculating that you’re planning to add other recitals of adoption. *LJ reads the ordinance adopting the 160 designation and changes to the official zone map, district use map and the rezone as allowable usage.*

PP: Lanie (*Johns*) will add “Therefore be it ordained to add attachments A and B which would be the findings and the conclusions. *CB wants an ordinance that adopts changes with reference to findings of fact.* **AH:** A “Therefore be it ordained” would have to be added to adopt the findings of fact. **CB:** ...We might even run an “approval for signature by the attorney ...(*and include*) references to exhibit A (*zoning code change*), B (*findings of fact*) and C (*zoning map amendments*)... I’d like it added that other issues of development of the Tunk Basin are relative to the road system and the provisions (*inaudible*) of maintaining (*its*) the rural character... (*PP leaves to make the changes.*) **CB:** This is probably the most significant zoning change we’ve made in a long time.

1:56 - Prosecuting Attorney Albert Lin and assistant Esther Milner arrive to discuss her ongoing review of County Code. First they go into executive session to discuss a potential litigation.

2:24 - County Code Alteration/Public Records Requests - **EM:** (*The changes*) are not really substantive— dropping some things into “definitions” for ease of reading, as other counties have done. **AH:** (*Here*) it says “If a person requesting public records knows which office or department

has custody or control, the request may be made directly to the Public Records Officer, designated as follows. I don't know if that should be in there. **EM:** That's what I wanted to (*mention*). We lose all continuity of the request, to know where it's at. The current system has the Board acting as Public Records Officer and made every department head and elected officer also a Public Records Officer for their department. This is (*what*) I'd like to see the Board get away from, and have a designated person acting as the sole Public Records Officer. We'd still need a liaison in each office to assist. We have way too many public records for one person to do all the redactions. Each individual department is going to have a better grasp on the records and help the Public Records Officer and probably do the redactions. ...I gave you copies of the model rules the AG (*Attorney General*) put out.

AH: I talked to the auditor because she was bombarded with public records requests. We talked about a Public Records Officer taking the brunt off all the people who are trying to get work done. Valid public record requests are one thing but record requests just to hamstring government is a whole 'nother thing, and unfortunately they're allowed. **JN:** Big money in it. *AH asks if CB could have Human Resources look into what sample wages for this position are.* **CB:** The recommendations... It's all worth it to look at. There are comparisons to be made.

EM: I've looked at a lot of other codes, model code, making sure ours is up to date, but I left the structure alone. I need a direction from the Board. I want to recommend a different structure. But I have not updated this draft to reflect that. The biggest changes are trying to make it more organized. The biggest substantive change is fee schedule. ...We're just way behind the times, especially for electronic records. **AH:** We change fee schedules all the time. Anything that says we can't change (*them*) without changing the code? **EM:** You have to do a public hearing to change, or say that you're going to adopt the alternative fee schedule in the RCW (*Revised Code of Washington*). Other counties say they're going to (*do that*), then they publish it on their website. The reason is, that doesn't require them to go through with a public hearing. But ours isn't written like that. We charge the maximum for paper copies but there's language that allows us to charge 5¢ for four electronic copies so if we get a large request we're not charging what we could under the RCW. We should just publish the fee schedule, and that wording is one of the things I added. Do you want me to wait until you've done more research on the cost of a Public Records Officer before making the other changes?

AH: (*Hiring one*) is going to take awhile. ...If we were to adopt this as part of our code, along with the fee schedule, we modify it again when we go to hire. *In six months they can have another public hearing.* **EM:** So when should I have another version? **AH:** As soon as possible. *He says LJ is used to writing these drafts, if EM can get her the information.* **EM:** So is there anything now, going through this draft, that concerns you? **AH:** I'll go with whatever you recommend. *They agree to a public hearing on February 14th. JN reminds them it's Valentine's Day. CB will look at the draft and send ideas. He mentions the Board of Adjustment.*

CB: I'd like to get clear on what constitutes a records request. ...During a meeting, a reporter asked me for information and it was basically a draft. *He goes on to say there needs to be a definition of this in the code. something like a draft shouldn't require a records request, and that this should be laid out in the code.* **EM:** I did include a definition (*in the proposed code amendment*). As a component, the AG's office constantly encourages agencies to get more of their public records posted on line because if you can just direct more people to your website, then you save a lot of requests. **CB:** Others use that option for our agendas. ...If there's a document being introduced, it saves a lot to just send us a link.

EM: If a lot off records are repeatedly requested, it makes a lot of sense. **LJ:** All the ordinances are getting uploaded (*as will the current one on the Tunk*), all the resolutions, the AV Capture

recordings. If they want the older ones, they have to do a request. **AH:** Do you get those? **LJ:** A lot. In the county code it references resolutions. That's mostly what requests in our office are for. **EM:** One of the provisions I'm recommending to add is if copies are available on the County's internet website, provide an internet address and link to specific records requested on the website. The link will be verified and the requester will be given a time frame to access it.

2:47 - **EM:** We haven't talked about the Water Conservancy Board. The code dates from 2000.

AH: We're actually funding them no a little bit. ...**CB:** You might want to put in there that the state allows the BOCC to provide funding. ...We had to go forward to decide whether or not we could do that. A provision provides for that. I see clearly that it was adopted to create the *(inaudible)*. This was the minimum necessary to make that happen. **EM:** That's what it looks like to me. *She'll review the statute. (About reaching out to the departments)* The way it's written, the Agriculture and Pest District covers two different chapters of the RCW., like it's a combination, and the Tri-county Pest Board only does chapter 15-09. **LJ:** We identified that issue... Then we no longer pay anybody to control the other pests.

Board of Adjustment - **EM:** The RCW talks about "When the Board shall have created a planning agency, it shall also, by ordinance, coincident with the enactment of a zoning ordinance, have created a Board of Adjustment. **CB:** Later that statute then *(refers to)* examiners as a *(inaudible)* replacement. **EM:** The Planning Enabling act. **CB:** ...The Growth Management Act. **AH:** 3670970. *(He finds it through an internet search, is amazed how easily it came up.)* **EM:** It pops up with "Okanogan County Code." **CB:** Knowing our own code is a pretty important thing. **EM:** It really woke me up. **AH:** But did you really want to? **EM:** I think we do. I don't want a Pandora's box. ...**AH:** I would like to look at statute first and make sure our code is following statute. *(Laughter.)*

3:00 - **AH:** A few more items. ...I would move to approve LJA19 for ARPA *(American Rescue Plan Act)* funds to the Economic Alliance to the amount of \$105,000. *Motion is approved. They also approve \$251,073 in ARPA funds for "construction and financial support" of Fire Hall 6.*

LJ: In Ordinance 2023-1 on the Tunk, *(I propose)* another "whereas" to include that the BOCC held a public meeting on this day to review the statute. **CB:** That was the final action of the Planning Commission. "Commissioners considered the recommendation this day". *AH moves to approve the ordinance, adopting amendments made to OCC (Okanogan County Code) 17A (Zoning), OCC 17A220 (District Use Chart) and the County's official zone map for the Tunk Basin, Lower Tunk Basin and Tamarack Creek Basin, all located in Water Resource Inventory Area 49.*

3:10 - *Meeting Adjourned.*