

Okanogan Board of County Commissioners
03/19/2018

JD—Jim DeTro
AH—Andy Hover
CB—Chris Branch
LJ—Lalena Johns-clerk to the Commissioners
PH—Perry Huston—County Planner
DH—Dan Higbee—Building Department
Dave—Dave Hilton, Environmental Health
Angie—Angie Hubbard, Planner
MW—Mike Warden, Sheriff's Department

This is a paraphrasing of conversations by one of several volunteer citizen note takers and published on the website of Okanogan County Watch (countywatch.org) Any writer's comments or explanations are in italics. For officially approved minutes of Board of Commissioner meetings, normally published at a later date, see www.okanogancounty.org.

Public Hearing concerning Nightly Rentals. Discussion includes whether nightly rentals must be required to have liability insurance and nightly rentals in Planned Developments.

Shoreline Management Plan (SMP) Discussion of Community access and Public access to shorelines. Also a discussion concerning changing the designation to conservancy where rural overlapped with riverine.

Proposed Communications Center Update Mike Warden of the Sheriff's Office updates the Commissioners on the Communications Center which could include radio technicians area, Emergency Operations Center (EOC), common space, quiet room, GIS, a server room, and space to work on radio equipment in vehicles. The proposed site is in the back of the parking lot behind the Grainger Building.

Updates: Perry Huston updates the Commissioners on upcoming meetings. Commissioner Hover reads a statement he wrote concerning the vision of the Comprehensive Play. He emphasized later in an email to the notetaker that this is just some thoughts he put on paper. They may or may not be considered as a proposal.

Public Hearing concerning Nightly Rentals

1:35 (Hearing delayed 5 minutes due to AH & CB arriving late.)

PH has written on the flip-chart:

1. Eliminate Amortization—All legal pre-existing remain.
2. Annual license—Not a permit review.
3. Planned Developments are vested.

PH—I draw Commissioners' attention to some documents. The copy from the Planning Commission shows the mark-up by Bill Pope.

PH—To recap,

- a new code was adopted in 2016.
- Nightly rentals vested in September 2005 can continue if not abandoned (for 3 years).

- Annual licenses review perishable items such as Public Health permits, UBI number (a tax registration number required to do business in Washington), etc., not zoning compliance.
- With respect to Planned Developments (PDs), nightly rentals are allowed in PDs if the PD allows them, not what the zoning code says. We need to understand this.

PH—Planning Commissions suggests two major changes:

- Nightly rentals need to show proof of insurance (but what exactly do we mean by that?)
- Building Permits are not perishable. Once a permit is OKed, it's always OK.

DH—There's a resolution that says only nightly rentals that are available more than 180 days/year require sprinklers.

PH—The resolution was adopted years ago by the BOCC.

CB—Is it in the Building Code?

DH—No. I asked the State Building Code Council. They said a decision could go either way.

AH—The State Building Code Council is trying to revise this part of the code for 2020. If the code changes, what do we do?

DH—The BOCC can rescind the resolution then.

PH—The license reviews perishable items (UBI#, insurance, etc.) are still in effect. This is driven by the Lodging Tax.

AH—Inspection Report required. What's that?

CB—Explain the insurance requirement.

PH—The BOCC wanted to make sure renters were adequately covered. But I'm not absolutely sure what would be required as proof of insurance.

JD—Most of the insurance companies I've dealt with (in trucking) have a "proof of insurance" certificate.

PH—I haven't asked Risk Management about this.

AH—It's important to hear what Risk has to say.

AH—What about nightly rentals in newly proposed Planned Developments?

PH—They have to build nightly rentals into the Planned Development documents.

JD—Opens the hearing up for public comments.

Natalie Cooler (Sp?) I'm an attorney representing pre-existing Nightly Rental owners. I've already submitted written comments but I'll also make these comments. We would like it clarified to include a statement that the permit is only required at the commencement of building or to change the use to a nightly rental. Also, proof of insurance—other commercial establishments aren't required to do this, so why single out nightly rentals? Also, nightly rentals in Planned Developments are exempt but it needs to clarify from what. Thank you.

JD—Any more comments? No.

AH—Does the draft reflect these comments?

PH—It makes sense to take license out of where it is and put it in the other place.

AH—I'm still concerned about liability insurance. Other businesses, like restaurants, are not required.

Dave—Correct. There's no requirement for liability insurance for restaurants.

CB—I'm a little bit skeptical about liability insurance.

PH—Like how much would be require? \$2,000,000? \$5,000,000?

JD—There's no other place in the code where businesses are required to have liability insurance.

CB—I wonder about our legal ability to require it. The Fair Grounds requires it, but that's our building. If we require a minimum amount of insurance and something happens, will we be liable?

PH—I'll prepare clean documents reflecting your comments and the public hearing. I'll prepare it for final adoption.

AH—I move you do that.

Motion passes 3-0

PH—It'll be at least a few weeks.

Shoreline Management Plan

PH—Shifting gears to the Shoreline Management Plan (SMP). Your draft was sent to the Department of Ecology (DOE). We need to understand the difference between community access and public access.

- Community access provides access for people within a development.
- Public access provides access for the public at large.

PH—How to proceed? You've got until April 2 to accept the DOE changes or not accept them.

AH—If I own property and don't provide access, then I sell pieces of it, they why would I have to provide access then? Why would I need to provide access to the public if I develop it?

PH—Reads proposed language. Exceptions to providing access: safety hazards, security requirements, environmental harm from access, cost of access is prohibitive.

CB—So if I propose 50 lot development in a shoreline area and provide no public access, a community development may be OK because I've created demand and satisfied demand within the development.

PH—How do we know what kind of demand is a development putting on the shoreline? Public or community?

JD—Maybe case-by-case?

PH—Yes. Case-by-case. Public access is probably a bigger problem. With the suggested language, a development has to show the demand isn't met.

JD—Veranda Beach development has no public boat launch because there are lots of other boat launches nearby, but any boaters can use the restrooms on the dock.

CB—That's a good example.

AH—Community access—if you have 250 lots and only let the lots on the shore have access, that creates community demand but not public access.

AH—If you take away public access you have to provide public access. But if you have 250 lots and provide community access, that's OK.

CB—What happens if a community designates a shoreline trail, so if a development comes along, you have to provide access. Also, there's the expectation of public access if there used to be access.

AH—If we use the DOE language, anyone developing property would have to prove that access won't be an issue. With our language, they have to prove it would.

PH—If a development creates a need for public access, development leads to more developments.

AH—How many developments created more public demand for access?

CB—We'll have to research and look at the scale. We have two with more than 200 lots.

AH—The scope of what we're looking at is smaller.

CB—We should put this in the plan in case it happens later.

PH—So what should I do? Move to our language or theirs?

AH—Ours. You don't have to do it unless the law says you do.

PH—And what you're doing hurts public access or increases demand for public access, it could be mitigated and the mitigation could be somewhere else.

PH—Discusses changing "Riverine" designation to "conservancy".

AH—Riverine vs. Rural. But not all rural was riverine, so the area we're talking about we can find by using map overlays. How much overlap is there?

PH asks Angie to get the figures.

PH—(while Angie is gone) Of all the other suggestions they made, nothing is significant.

AH—It's mostly cleaning up terminology—example: buffer zone vs. vegetation.

PH—Are there any problems with these changes?

AH—No. Just public access.

AH & CB discuss access. CB points out how well offsite mitigation works for developments.

Angie—There's a bunch of little lakes.

AH—Flood plains and channel migration zones.

AH—Don't want to convert back to conservancy vs. rural. Can we just change the designation to conservancy where rural overlapped with riverine? 150' setback designation. That doesn't really change a lot, not imposing more regulation than what's already there. Not onerous in the Methow.

CB—In the Okanogan River, flood plain rules may be different.

PH—So next Monday I'll have a draft of changes to give to you.

Discussion ends 2:52

Proposed Communications Center Update

PH—Mike Warden of the Sheriff's Office will give an update on the planned Communications Center.

MW—Two months ago the department heads met. Here's the current plan for the new building, which was designed for room for expansion in the future:

- 1st floor—Radio technician space, Emergency Operations Center (EOC), common space, quiet room, GIS space.
- 2nd floor—Pillars in front to support it. IT Center and server room. We know the need for more tech is constant, but the size of the hardware decreases.
- Roof—dispatch center & EOC need antennas for transmissions. Also air conditioner/heat exchanger.

MW—We're still waiting to hear from Klickitat and Grant Counties to get cost and square foot estimates. Dispatch costs can be high, but it depends on how much new equipment we'd have to buy.

AH—What about seismic requirements?

MW—Critical infrastructure costs more, plus we still may need new equipment.

AH—Where are you planning to put this building?

MW—Back in the corner of the parking lot. That would mean fixing the leaky parking lot so the building doesn't get flooded.

CB—In the corner or partially in the hill?

MW—Not build into the hill probably. Plus probably the fire code will require access all around.

MW—A quiet room is common for dispatchers for use after stressful calls. Also, we could use it as a lactation room. We're going to have a need for that, soon.

JD—I have a meeting coming up and I have to go.

JD leaves 3:05.

AH—Some state money is available for this new building, but it's split between four counties. The split doesn't necessarily have to be equal.

MW—Who do I talk to about accessing this money?

AH—We'll find out.

AH—Be careful not to add things that'll make taxpayers mad.

AH—There's need for a space to work on radio tech stuff in vehicles. It's not for doing routine vehicle maintenance like an oil change.

MW—The auditorium can use folding walls so you have smaller meeting rooms.

PH—It's always a good idea to plan for expansion. An empty conduit installed 10 years ago is very valuable now.

MW leaves 3:14

Updates

PH—Quick updates—

- Planning Commission meets next week to discuss 17.84.00 . Prepared to move it forward.
- Cannabis interim controls entering the comment period. Public hearing in October.
- Comp Plan—I'm gathering information, population data, etc.

AH—Did you hear my vision statement?

PH—Yes. Where do you want it to be?

AH—I'll read it: "Okanogan County's vast land mass, clean air and water, immense areas of public land, diverse recreational opportunities and long traditions of farming, ranching and use of natural resources lends itself well to a rural lifestyle. Planning efforts should be made to promote this lifestyle, but also to look to the future to create and cultivate new economic opportunities which would create a robust and sustainable economy so that future generations may flourish."

CB & those listening in the audience think this statement is good. (AH mentioned to me later via email that this statement is some thoughts he had and it may or may not be considered for the vision statement.)

PH—Comp Plan—I'll pick it back up. I hope to be finished with the alternatives for you next week.

PH leaves 3:30.

Notetaker leaves.