

BOARD OF OKANOGAN COUNTY COMMISSIONERS
05/13/2019

In Attendance at Meeting:

Jim DeTro- JD (BOCC)

Andy Hover - AH (BOCC) *(absent)*

Chris Branch – CB (BOCC)

Lanie Johns – LJ (Clerk of the Board)

Perry Huston - PH (Administrator & Planning Director)

Angie Hubbard – AHu (Planner)

Cortney Ingle – CI (Administrative Secretary)

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 of significant discussions

RFQ – M Tank Ceiling

The commissioners reviewed two apparent submissions for the Request for Qualifications issued for the M Tank Ceiling project. Only one appeared responsive to the RFQ; the other may have coincidentally been submitted for general purposes at the same time that the RFQ submittals were due. The commissioners selected the more responsive submission as a basis for entering into negotiations for a contract.

WRIA 49 watershed plan update

Craig Nelson (Okanogan Conservation District), facilitator for the watershed planning unit, is suggesting that three individuals be added to the technical advisory committee and is asking the county to agree. The technical advisory committee advises the planning unit on mitigation projects to offset future development. AH noted that the individuals mentioned are all from entities that implement projects. The commissioners discussed the role and history of the technical advisory committee and whether there would be a conflict of interest in including these entities, without coming to a conclusion.

Code Enforcement

PH briefs the commissioners on a code violation within the shoreline zone of the Twisp River. Ground disturbing activities were undertaken without a permit. Responding to a complaint, PH made a site visit

and issued a stop-work order. The property owner will be required to acquire a permit and mitigate for the disturbance.

Non-scheduled subject: privately installed gate on an existing road

PH describes a newly-installed gate on private property along an existing road. He believes that the gate is not legal, but the responsibility for establishing that the road is public does not rest with the county.

Non-scheduled subject: proposed amendments (interim controls) to the Density ordinance (17A.40.060)

PH presents a draft of proposed revisions to the Density ordinance that would establish interim controls reducing allowed density of development on lots currently zoned for 'up to 5 multi-family dwellings per acre.

1:30 Planning Update (Commissioner DeTro absent as meeting is convened)

RFQ – M Tank Ceiling

PH - RFQ deadline. Two responses. Will get copies to you for selection.

AH – What projects has Beeman (*sp?*) done for us?

PH – L Tank. SMD hasn't done projects for us yet.

(AHu brings copies of submittals)

PH confirms that Susan Driver is 'SMD'.

PH – Up to the commissioners. Tanya is familiar if you want her to be involved.

AH expresses confusion as to whether the SMD response is for the RFQ at hand; CB agrees.

PH – It came in response to our RFQ. *(It seems that the submittal relates to 'planning')*

Further discussion.

PH – It is up to you to decide whether either is acceptable.

AH reads from the SMD submittal.

AH – Either way, I don't think it is difficult to decide.

CB – What is your reason for thinking this is in response to the RFQ?

PH – Timing. As always, I will follow up.

AH – Move to enter into negotiations with Beeman Architecture for *(M Tank ceiling)*.

CB – Second. Discussion? All in favor say Aye. *(Both vote aye).*

PH describes details of bidding, how to avoid confusion in the future. RFQ's don't have to remain sealed in the same way.

JD arrives; AH asks PH to update him on the RFQ for the project; PH does so.

WRIA 49 watershed plan update

PH – Just given you an email from Craig Nelson, facilitator. Suggests additions to the technical advisory committee. Suggests adding Amy Martin (*Conservation District and author of Voluntary Stewardship Program*). Jay O’Ryan (*OTID - Oroville-Tonasket Irrigation District*). Jason Lundgren (*CCFEG – Cascade Columbia Fish Enhancement Group*). And someone from the county.

AH – Was this discussed within the group?

PH – No. Don’t know the reason.

AH – I can understand them wanting more technical advice, but I think it should be a group decision.

PH – (*too rapid to record*)

AH – Technical team doesn’t have vote. Shouldn’t they just tell the group what their options are?

PH – Other money available to do additional assessment, should the group chose to ask for it. Part of this is to find out from the technical advisory group whether that is needed.

AH – I am going to point out the obvious... these groups all do (*fish*) projects. I am curious why these were specifically put on there.

CB – Jay probably has some ideas – this was to meet a June funding deadline – if they have some projects ready to go... they might need funding. I heard Jay has some projects.

AH – Hypothetically – why not put it out there to the technical committee that this is available?

PH – Just wanted to put this in front of you.

CB – Last meeting – there might be some opportunity to submit projects for funding.

AH – Technical committee should take in all the information and make a neutral presentation.

CB – A decision like this...

PH – If conservation district believes they need a position on the advisory group...

CB – If they think they need some projects...

PH – Jay is free to show up at any of the meetings (*OTID represents an initiating government for the watershed plan*)

AH – When you have the Salmon Recovery Board – they are not the project initiator.

CB – Whether they are formally appointed, or whether they just show up to provide input, I don’t care.

AH – If some of the advisory group are actually implementing projects, I can see why these other people want to be on there.

CI leaves to get the list of the people on the technical advisory group. AH looks at list. Chris describes when one project was pitched.

CB – I am sure that information got back to the Conservation District... Anyone is free to show up and present a project to the planning group. I think that is okay.

PH – Same people, different groups...

CB – I agree with you. Don't see the need for formality. In the long run, maybe we need to take a look at the technical advisory committee. They weren't allowed to be on the planning group because of their interests.

AH – Semantics of this. This says 'technical information advisors'; nothing about a group.

PH – That is not how they chose to structure it. Way back, the agencies were technical advisors. They weren't allow to be on the planning unit. As that evolved, some of the people suggested for the planning unit got put on as technical advisors. Now we have two groups that have been appointed.

AH – Okay, that is not how I thought it worked. That is different from having a technical group that meets separately and vets projects.

CB – Did they consider who gets to be on the advisory group?

PH – I don't think so. Speed was a big factor. I think DOE wanted a compact group that already had some traction. Some of these projects have been in development for years.

CB – *(too rapid to record)*

PH – We had some folks come the other day that aren't even on. They are charged with bringing a list of projects to the planning unit....

AH – So the conservation district is the facilitator but is not in the group, right? OTID is in the group. CCFEG was never in the group, right?

AH lists the groups soliciting funding from the UCSRB.

PH – I can *(inaudible)*, if you like.

CB – Or you could call.

AH – In other places, groups are siloed. People were afraid to open their mouths because someone else might do the projects...

CB – I am inclined to tell them just to show up. Those fish recovery groups, whoever they may be, know about salmon recovery projects. Because of that, they weren't allowed to be on the planning unit. I think we should be open to projects.

AH – I agree. I don't care if everyone has a project to propose.

PH – I will check with Craig. The next thing to inform you of is that we do have a meeting of the technical advisory group next Wednesday.

CB – This has to be done before this isn't ours anymore. *(referring to deadline for finalizing the watershed plan)*

PH – I don't think there will be anything submitted by June. I think it will be in the next round. They are looking for recommendations.

CB – There's water-for-water projects, then there's net ecological benefits. I imagine the salmon recovery projects are net ecological benefits...

AH – How many people are on the group? Don't the initiating governments need to decide about how many....

CB - The technical group has no say. They just bring a list of projects.

AH- Why don't you take that piece of paper (*the email*) to the planning unit?

PH – We can do that. We are getting way down in the weeds.

CB – Process is not going to look good if we pick and choose who can be on that. We went through months of formation process in the past.

JD – I agree with PH. We are getting into the weeds. How long have we been at this now? Three months?

PH – We are moving along.

AH – The facilitator should lay it out. You are coming up with (*too rapid to record*)

PH – You are supposed to come up with water-for-water (*describes mitigation hierarchy*).

AH describes how mitigation should work.

CB – Are these people Craig is describing, are they non-biased?

PH – Next thing. Webinar May 30 (*Streamflow Restoration Planning Groups*). We could set it up. Everyone who is interested can watch it at the same time.

Code Enforcement

PH – Fellow doing some ground-disturbing activities up Poorman Creek Rd (*within the shoreline zone of the Twisp River*). (*PH shows aerial photos, describes work done removing old equipment with a bulldozer*). Greatest concern is culvert. I went up and looked, issued a stop work order until he files a JARPA (*Joint Aquatic Resources Permit Application*). No one was onsite when I went there. It appeared that someone has planted a bunch of trees. Someone burned out the ditch and it got away and burnt to the neighbor's property and to the road. They are going to need an HPA to replace the culvert. It is an interesting situation, with the way the new SMP is working. In order to restore the area were disturbed, he would need to file a JARPA, which is a bit complicated. Need to get him in.

CB – Does Fish & Wildlife still use the JARPA?

AHu – yes.

AH asks how JARPA works in this situation; PH explains.

PH – The work needed to be done; unfortunately, he used a D6. He would need a JARPA to work there at all. Now he needs one to do the restoration.

AH – So if I was going to do something like that and told you that I was going to take a cat down there, how would I do that?

PH – Silt fencing; replanting. The original complaint was that there was a subdivision going in. (*shows 100 year floodplain*). They thought that there was a subdivision going in. They have actually consolidated three lots into two.

AH – How much would the permit cost?

AHu - \$800.

AH expresses shock; AHu describes the amount of work involved in providing permits and follow up monitoring.

CB – So is it ludicrous to have this rule?

AH - No. Just that there are situations where something needs to be done....

Philosophical discussion of permitting issues. Fish recovery projects don't require shoreline permits. CB describes special conditions attached to instream work.

AH – I know the Planning Department has to issue and monitor, but is there a way that streambank cleanup can be exempted from the fee? (*yes*)

PH – There were exemptions/allowances in the old SMP. (*AHu doesn't know for sure*). Occasionally you waive or reduce fees if there is a public benefit.

AH – I am not saying get rid of the permits themselves, but...

PH – New program, have to see how much leeway we have.

CB – Can't see what they did on that picture.

PH – There was ground-disturbing activity; no argument.

Non-scheduled subject: privately installed gate on an existing road

PH – A series of old exempt segregations that essentially say where the road is. One of the people decided they were tired of having people drive across their property. Went out and put a gate up.

CB – Did they create their own road?

PH – I am guessing that the road was already there. Can they keep the gate? I would say no, but let the courts decide.

CB – I have had people ask how the county can let that happen. They can get an easement by necessity, but they have to spend all that money.

Champerty Shores

PH – Have a meeting with the Champerty Shores group on Thursday. The task is pre-bond, get enough information to know how much to make the bond for. It is going to cost about \$25,000. Am going to

ask the HOA whether they can just do that. Only two members of HOA are available. I'll go up and we'll talk.

Housing Authority NEPA.

PH – Will let Colville Tribe know what we are up to.

Comp Plan Update

PH – Planning commission continuing discussion. *(Describes hoped-for timeline; too rapid to record)*

Non-scheduled subject: proposed amendments (interim controls) to the Density ordinance (17A.40.060)

AH – What is definition of 'multi-family dwelling unit'? Where did we ever come up with 'Up to 5 multi-family dwelling units per acre'

PH – I haven't found that out yet.

CB - Two or more.

AHu projects 17A.40.060 Density, with proposed revisions. (changing from permitting up to 5 per acre to allowed by conditional use permit, depending on water availability)

AH – If we go with this – CUP (*Conditional Use Permit*) – we have to come to grips with this. Is it reasonable to have 5....

PH – *(reads the text)*. CUP talks about neighborhood characteristics. How not to exceed Campbell-Gwinn limitations. We didn't really put sideboards on it.

AH – If I am on the outskirts of a water service area I could hook to it and build an apartment complex. Not saying that is bad...

Discussion of various potential scenarios.

CB – Is it wise to use the CUP? The county is left hanging out, where someone thinks they can just get a CUP. If they don't get it, they sue. I learned long ago that you should minimize CUP to minimize legal exposure.

AH – Do we just take this off the books right now. That should be done, but there are places where having 5 duplexes on an acre makes sense.

PH – If there are places that can hook up to water and sewer infrastructure, it shouldn't be zoned for 5 acres.

More discussion of scenarios.

CB – How many multi-family applications like that have you have recently?

PH & AHu can't remember any.

PH – All these changes are interim controls. In place for 6 months, with another 6 month extension if you are showing progress. Hope to have Comp Plan to you in that window. Then pick up the zone code and deal with it.

AH – So, we have a proposal for change of the ordinance?

PH – A draft proposal. It hasn't gone through legal yet.

CB suggests some changes (*road access cross-ties with CUP*), which PH discusses.

CB – It would alert you there.

PH – other changes to the map; Between Pateros and Methow (*outside of 2 cfs reach*) change from 1 acre to 5 acre(?) Most of it is on the other side of 97.

More discussion of mapping details without projecting map; note- take cannot follow.

AH – Have we considered changing all of the lower Methow 1 acre zoning to 5 acre and adding a clustering ordinance?

PH – We have. It got pulled out by the (*earlier*) planning commission.

AH – Don't like to model what they are doing in west-side counties, but (*describes situation in Skagit County cluster ordinance*). Can you get hold of that?

PH – We can do that. That is your agenda commissioners. Anything for me?

3:20 Meeting ends.