

Board of Okanogan County Commissioners
January 22, 2018

JD – Jim DeTro (Chair)
CB – Chris Branch (Vice-Chair)
AH- Andy Hover
LJ – Lalena Johns (clerk)
PH- Perry Huston (Planning Dept. Admin)
DR- Dennis Rabidou (Juvenile Court Admin)

This is a paraphrasing of conversations by one of several volunteer citizen note takers and published on the website of Represent Okanogan County (ROC.) 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.

Subjects addressed:

- **Juvenile Detention Center**
- **Courthouse Security**
- **Comprehensive Plan**
- **SSB 6091 (Hirst decision legislation)**
- **Fairground Facility Budget**
- **Marijuana Advisory Committee**
- **Mt. Hull Restoration Project**
- **HB 2756 (ATV pilot program)**

Note taker arrived at 10:30 AM.

Juvenile Detention Center

Discussion in progress re: juvenile detention center
DR was discussing details of proposed new building. Commissioners asked several good questions about capacity, accessibility, cost, etc. Scheduled meeting for March to make formal presentation to BOCC.
DR's ssistant (Sabrina) left. Before she left JD mentioned that Scott Stewart was killed in snowplow accident with tractor. Wanted to make sure she knew.

Courthouse Security

DR- Discussed Courthouse security. Wanted to examine changing way security is run at the courthouse. Talked to some folks in Seattle about how they do it. The Seattle Municiple Court has implemented a Marshal system. DR recommends that OK County look into something similar. We would need to include the Sheriff in the discussion.
AH- What does this group call itself?
DR-They are the Seattle Marshals unit, or something similar. The Seattle PD and the council drafted an ordinance that created this group that is under the auspices of the PD.

It gives this group full authority to act as law enforcement in the courthouse only, with no authority outside of that.

AH- Is this marshal service under the city police dept? Is there any conflict with the sheriff's office? Why isn't it just under the county sheriffs jurisdiction?

DR- The Courthouse is located in the City, so they created this special jurisdiction to allow this marshal group to act as security.

Discussion followed about how it could work in OK county. Need to include judges, sheriff in discussion.

DR- I could see if the folks from Seattle could join our discussion by conference call. BOCC agreed that would be good.

Further discussion about how it could work logistically, and about the need to do thorough research on it before committing to a similar program.

DR departed at 11 AM, and BOCC dispersed to their offices as there were no more public issues to discuss until after lunch. Note taker left at this time.

Note taker returned at 1:15 pm.

BOCC public meeting resumed at 1:30 pm.

Planning Dept update.

Comprehensive Plan

PH- We will start with the Comprehensive Plan. I pulled up the 2012 draft. That had gone through legal review and the previous board was moving forward with adoption. Angie has passed you the hard copy. What we did was take the water section, rearranged the table of contents, brought some sections from the 2014 draft (airports) and put that in. I reviewed the resource designations as advised by legal council, and you now have a draft consistent with legal review with the water issues that AH suggested. The closer you stay to the book, the easier it is to defend. There is some latitude on how you weight certain criteria regarding resource lands. Soil types, water availability, proximity to transportation and population, etc.

In a perfect world you would designate all your lands, then remove the urban and commercial areas. Everything else is rural. We need to talk about how or if you want to weigh the criteria.

AH- Can they overlap?

PH- From a policy level, they can overlap.

AH- What about say, forest lands and ag lands.

PH- There was a concern that if you designated something forest, that you could not use it as ag. This was a concern to cattle grazers.

AH- I have documentation that shows that cattle increase the productivity of forest lands.

PH- There is analysis that was done by the farm bureau. We need to consider the needs of the industry.

CB- You have to decide if you are going to separate public and private lands. And what is the intent of designating resource lands?

PH- That depends. Many are concerned with protection, others are concerned with maintaining resource use. We are a non GMA county and that gives us some latitude. There was concern by private land owners that if their land was designated as a certain resource type, it could never be changed.

Discussion among BOCC about pros and cons re designating lands as resource.

AH- We need to work closely with state agencies.

CB- Do we want to follow the intent of the GMA even though we are not required to? I believe that it applies to private land.

AH- I disagree. The Fed govt needs to see that counties need to pave their own way for economic viability. Example is the secure rural schools lands. There are a couple of areas that are being squeezed out.

CB- Was there a conversation about how this designation works with Federal and State rules?

PH- Yes there was. The fed and state agencies are supposed to comply with the county designations.

CB- Gave example of how Nat'l Parks sent OK County a letter asking how we are addressing their proposed grizzly bear plan. I think a comp plan could have reference to other agencies and how their land use plans mesh with ours.

AH- Explain to me why we should treat private land designations differently than we treat federal lands.

CB- Expressed that it should be possible to try to comply with the intent of the GMA as much as possible without negatively impacting our economy.

AH- Read from planning enablement act (WA state).

CB- The GMA trumps that in my opinion.

PH- The question is if you designate public lands as resource lands, are you done? Will there be no more need to have any private lands designated as resource land?

CB- Gave example of past case where they were discussing this, and farmers said that it didn't matter about soil types, it was irrigation that was critical.

More discussion about risks of creating designations, and locking people in.

CB- I would like to look at previous resource land designations and see what has worked, with an eye to avoiding litigation, and with an attempt to comply with the GMA as much as possible. And we don't want to create a situation where people can't do what they want with their land.

AH- We are in an unusual situation given that roughly 80% of our land is public lands. We will never be able to over develop because of this.

CB- When the feds stopped cutting timber, a lot of private timber was sold overseas for a very high price. We also have to consider the tax base. We have to consider the economic benefit of having public land used in diverse ways.

AH- What about mineral lands?

PH- The most common extractions are sand and gravel and rock.

CB- The goals and expectations of how the lands will be used are a big factor.

AH- What we really need to do is determine what will be the consequence of the designations, before we make the designation.

CB- I agree.

AH- Why do we have the RCWs and WACs referenced in the plan?

PH- They don't have to be. We can pull many of them out. Some were just there from previous drafts.

AH- I want to make sure that we are only referencing things that absolutely need to be referenced.

CB- Sometimes it is helpful to inform the reader.

JD- Going way back, one of the previous drafts had about 5000 pages. Then we got down to 265 pages. This one is around 45 pages. That's a much better document.

PH- This is the kind of input we are looking for.

SSB 6091 Hirst Decision Legislation

Called Hearing Examiner Beardslee to listen in via phone.

PH- I have prepared a memo about what this means in our world.

AH- I called DOE and told them we want to be first on their list for assistance with working on this. They told me that they should be able to come here in a couple of weeks.

They have \$300M appropriated to assist and we want to get some of that.

PH- DOE told us that WRIA 48 does regulate exempt wells, WRIA 49 does not. In the statute for building permit, if you have an existing well, that is proof of adequate water. That is different that what we were doing. We were requiring beneficial use. In WRIA 48, that might impact one of our current litigations.

All of the statutes tie our responsibilities to two specific points in time. Issuing a building permit, and division of land. We have been issuing decisions outside of these conditions, for folks who just want to know, but are not ready to build yet. I would propose that we stop doing that and only issue a decision when there is a building permit applied for.

AH- We know that in 48 we have the 2 cfs that gives us a discrete number to work with as far as knowing how many houses we can build.

Discussion about how to handle priority dates when a region is getting close to the limit. Example- a well has been drilled but not used. Other wells are drilled and used, and then limit is reached. First well is then used – it becomes subject to shutting off.

PH- Discussion about details of bill and what the intent is. I believe the intent is to reduce well usage from 5K to 3K gallons per day.

JD- Have you heard anything about a differential that can be used as an in-stream flow credit?

PH- Feb 1 2021 is deadline for WRIA 49 to come up with a watershed plan.

AH- WRIA 49 should try to tap into the DOE money to hire a full time person to compile all the data.

PH- In WRIA 49 we are required to charge \$500 (\$350 goes to DOE). We currently charge \$250. All the focus in SSB 6091 was on in-stream flow. It doesn't say anything about senior water rights. Our process in Title 20 was geared towards giving senior water rights the opportunity to weigh in on decisions.

AH- We have a commitment to everyone, and we want to make sure that senior water rights are maintained. Will it change the amount of time it takes? In 48, we have a 2 cfs reservation. We should have enough water in 48 that it won't impact senior water rights.

PH- In terms of wells, we will be back to business as usual. In terms of land divisions, we don't have that many, but we need to decide if we still need to have public hearings for short plats, for example.

In 49, we still have restrictions. It will get interesting with the cannabis growers.

PH- They (the State legislature) amended the planning and enabling act to say that our development regulations have to follow any rules adopted. I'm going through our Title 20 to see if we need to make changes to be in compliance with state regs. I will report out to you when I get through that.

PH- It sounds like our main concern is how to deal with existing wells, which I will look at.

Beardsee- (via phone). I found that the 3000 gal/day per connection doesn't restrict anyone from using wells as long as they comply with the imposed limits. Also, this clarifies what the 5000 gallons per day means. There has been a discussion for a long time about if it is on any given day, or an average. This clarifies that it is averaged over a year.

Discussion about commercial use. It is not specifically addressed, so assumed that it is allowed.

Discussion about other WRIsAs that extend into OK County. 49 doesn't have to form a committee. Others will need to have committees formed and come up with watershed plans and instream flow rules. WRIA47? Does it dump into the Columbia?

Checked out map- 47 does go into Columbia. They have an existing rule but it needs a revamp.

Fairground Facility Budget.

Discussion about making changes to budget. Dissolve one fund and create another fund to pay for Fairgrounds. Need to determine the date that this will go in to effect so that maintenance schedules can be transferred to the appropriate dept.

AH- Events coordinator will manage fairground RV park, facilities, etc. That person will coordinate with the County maintenance dept for work that needs doing. And also coordinate with the Fair advisory committee. We should figure out what the hierarchy is. Is the events coordinator a direct supervisor of the maintenance dept? Probably not. It should be a horizontal relationship.

CB- Who is the ultimate authority should there be a dispute between the two? It can't be the BOCC, or the Clerk.

Discussion about possibilities to use temp. employees.

Joe ? (maintenance guy) said that they really need one person full time starting in the Spring. In the month before the fair they have used trustees in the past, but they are not

available any more (*no mention of why*). We had 6 guys for a month. That's a lot of man-hours to fill. I would say that one full time temp for about 6 months would stay busy all the time.

AH- How many maintenance people do we have?

Joe- 2 maintenance guys and one custodian.

Joe's assistant – When do we put this out for public notice?

PH- Why don't we figure out the budget and what we will need. BOCC will need to vote on resolution.

Joe's assistant – Will we need to bump up the maintenance budget? Or will the maintenance be covered somewhere else?

PH- I recommend that any maintenance personnel be covered under the maintenance dept budget.

Discussion about what the salary should be for the new events coordinator position. No number arrived at.

PH – Noted that there is no tractor at the fairgrounds any more. This makes it hard to move picnic tables, bleachers, etc. He could probably figure out a way to get it done, but he is getting older and not so strong any more.

AH- Agreed that Perry needs a tractor to assist.

Discussion about where to get replacement equipment. Buying vs renting?

Note taker observation: It sounded like the Planning Director himself is moving picnic tables and other equipment around at the Fairgrounds on a fairly regular basis. Is this normal? Is this really part of his job description?

PH- There will be a public hearing to discuss the 4 roads that will be excluded from WATV access in District 3.

PH- Hearing examiner annual report. Not much to comment on other than OCC 2.65 which establishes the office of hearing examiner. There is some conflict with the language in this section. It needs to be revised.

Marijuana Advisory Committee

PH- Marijuana advisory committee is on the home stretch. Getting ready to write the final code. Probably have something to show the BOCC the week after next. That will be prior to the March 5th deadline.

Discussion about timeline for lifting moratorium, public hearing, etc.

AH- requested a map to be provided (overhead projection) in time for BOCC to review and for the public hearing.

Mt Hull restoration project

Forest Service gave notice on Jan 2nd that the project is going to begin. A citizen was concerned that too many roads would be decommissioned. BOCC should read the project proposal and the complaint and make comments as you would like.

JD- The problem with decommissioning roads is that then logging companies can't have access for getting logs out in the future.

CB- We need to see a map of which roads they want to decommission.

AH- I'd like to know more about it from the perspective of the small diameter log businesses and what access they need.

CB- We should get more of the collaborative groups involved.

AH- Plus it just restricts access for everyone.

JD- Plus the Open Roads Coalition (ORC) is becoming active. Are they going to start paying attention to the forest service roads and push back against that, too?

CB- What about looking at the entire road network to ensure egress is maintained? And looking at the entire road network as a whole to see what would make sense in terms of access and safety for everyone. Access to public lands and roads that serve the people living in that interface is important.

JD- Cited an aquatic review in Stevens County that raised some concern. The forest service wants to not have to use NEPA any more.

PH- I think I have an idea on how to respond to the citizen who complained based on this conversation.

Brief discussion as Tonasket EMS district. Approved payment to Lifeline.

Planning Discussion

PH asked dept heads to submit top 5 issues that they would like BOCC to address in the coming year. He has results and will compile a list. When does BOCC want to meet to discuss this?

AH- I would like to have as many dept heads here as possible.

Discussion about when would work best. Lanie will send out a doodle poll to see what works best.

HB 2756 (ATV pilot project)

Spencer from the ATV club is present to discuss a pilot project. Something to do with a proposed state bill HB 2756 regarding ATVs. 3 areas in Eastern WA. Spencer recommended Ferry, Chelan and Okanogan Counties. Don't know what program will look like. There will be funding available for signage and mapping. Have the commissioners looked at the proposed Bill? It is an opportunity for BOCC to open up connectivity that is not available now. There has been input from WA state patrol, and other stakeholders.

AH- What's the max distance that you can run on highway?

Spencer- currently its only 35 mph or less, and you can traverse the highway at 90 degrees.

AH- Referenced a place where ATVs would need to ride on highway for about 100 ft.

Spencer- filled in some details. Gave example of Chelan County where they want to connect the south shore around through the town of Chelan and on to Manson. There would be signs indicating it as an ATV tourism route. The plan is to have ATVs be able to run on state highways that connect the official ATV routes.

AH- Do we want to sign this letter approving OK county to participate in the pilot program

CB- I think it's OK as long as we include stakeholder groups in the discussion.

PH- I would ask that the BOCC consider how you would staff it. I assume that it will require some kind of staffing for participating in the program. Someone has to administer the grant, someone has to attend meetings, etc.

Note taker left at 4:05 pm.