

BOCC
Jan. 23, 2017

Jim Detro – JD
Andy Hover – AH
Chris Branch – CB
Lanie Johns – LJ

Albert Lin – AL
Josh Thompson – JT
Perry Huston - PH

All writer's comments are in italics. This is a paraphrasing of conversations. As this has periods of BOCC work time there are extended periods of BOCC members looking at a variety of papers, reading correspondence on computers, emailing and texting. All BOCC members are present at opening.

BOCC Executive Session, BOCC Clerk Sub., EDD Voucher, LTAC Meeting, WASC Conference Call, WSU Extension Job, Highland Wonders, LTAC & Fair funding, Upcoming Meetings, Whistler Trailhead property, EIS for Outfitters, EIS for Outfitters, Community Action Finances, Planning Permit Refund, Road Vacation Process, Local Ranger & Forest Supervisor Meeting, OCC Title 20, WRIA 48, ATV, Shoreline Master Program, Critical Area Ordinance, Tonasket EMS, Nightly rental, WASC conference call, Osoyoos Water Assn, Fairgrounds, Other:

9:05 **BOCC Executive Session** – performance of Public Employee. BOCC, Juvenile Dir. Rabidou, HR – Angela Hubbard, + 1. 15 min.

BOCC Clerk Sub. Training a new person to be backup on taking minutes.

EDD Voucher LJ – requests to approve #8 on Consent agenda – specific to two vouchers, EDD & Training. CB – looks like EDD funding at Federal Level likely to go away under new president. This came to CB via former local EDD director Michael Guss. Move to approve Res. 14-2017 (moved from consent to immediate action), Passed.

LTAC Meeting 9:30 CB & AH – discuss meeting conflicts and AH missed LTAC meeting. Is rescheduled for next week. CB asks if BOCC Es-officio attendees at other meetings are voting? – no specific response noted by note taker.

WASC Conference Call with obbyist Zach – they had sent a summary of actions to BOCC members, this was being forwarded by LJ at that moment so BOCC had not seen the summary. 1) bill introduced having County required to provide for proper disposal of paints & solvents. 2) Bill for hydraulic permit requirements for work in and around water – fines if not followed. 3) Hirst: water banking – a lot of bill filed are in the works. 4) MJ & cannabinoids bills – many, will probably be lumped, hard to tell outcome, nothing yet to balance tax revenues between producing counties (Okanogan) and retail counties (Big populations). Mostly Ag. issues, safety, measures. Bill if County puts a moratorium on cannabis the State Liquor would block revenue sharing to that county. Lobbyist complains that no effort to recognize problems of production counties. There is no by law requirement for state to give any \$ to local jurisdictions in any case. 5) possible

change of law for wheeled ATVs (new category – not snowmobiles or PWC?). Would need proper WSP highway equipment to operate on public roads. 6) some sort of Cougar law to allow pursuit & kill with hounds as opposed to just pursue & tree. Probably not going anywhere. 7) CB asks about Hirst Bills – some bills modify in stream flow requirements, another to allow County to override court rulings, how to manage at County level, consider which agencies involved in applications. OTHER: Foster ruling says can't use a seasonal right to build a water bank. CB & JD – no legal ruling whether GMA or Comp. Plan are affected by Hirst. Does 1st in time, 1st in right go before in stream flow? If so would solve some issues. CB feels language in Comp. Plan legislation requires County to address sufficient quantity and quality. Zach feels in stream flow was set too high so not fair. This leaves a lot of room for legal challenges & advocacy. – CB is Ok. Co. rep to lobbyist group. Lobbyist says to make sure tell them if local BOCC is going over and will arrange meetings. This would be extra contacts beyond WSAC agenda. CB wants to be hearing about any MJ production & Revenue issues and also Hirst. JD – county already has reservations for many LRT days (Legislative Round Table). They are in JDs name and need to contact LJ to change reservation name.

WSU Extension Job 10:00 Beverly – Wash State Extension Director – office person has resigned and needs to post position for replacement. When wants to post the position for a few days and then quickly close in order to replace quickly. It's a part time permanent position.

Highland Wonders An invitation was given to the entire BOCC to attend a Feb. 3 Highland Wonders event at the Tonasket CCC. The topic will be on Mountain Caribou and presented by David Moskowitz. The event is open to the public and free.

LTAC & Fair funding Discussion – AH – someone want county to withdraw request for funding from LTAC for Fair Ground seating. Last Friday LTAC met and discussed. LTAC funded Fair Bathroom, LJ discussed history of funding to Fair. AH – seems odd that Co. has to apply for funds when money comes from County. CB – issue is governing RCW. AH argues that county may take \$ off the top for same goals as LTAC. RCW is vague and subject to interpretation. LJ – mention s a person to talk with to clarify interpretation – Toni Nelson. LJ - Part of LTAC RCW requires a 45 day comment period if County does something off the top of LTAC monies. Does not force county to agree to comments with LTAC point of view. Must still meet RCW goals for any project. CB – county must support case if go away from LTAC position.

Upcoming Meetings 10:30 JC – upcoming meeting on 1/25 in Wenatchee with USFS concerning Weeds, travel mgmt, Twisp fire, & outfitter guides. AH – national fire plan meeting on 1/26 at Sheriffs Office to ID areas in Okanogan Co. for Fuel reduction projects.

CB & JD – **Whistler Trailhead property** – water was transferred to County Shop in Tonasket for use as dust suppression in various areas in north end. Taber inquiring about wanting county excess land around trail head. BOCC seems open to looking at feasibility of surplus. JD goes over history of process of acquiring and surplus of other land around

trailhead. Will run by PH – discussion of pros & cons of lease or sale and also if better for county for land to agricultural or residential.

AH – bringing up **EIS for Outfitters**. Pointing out concerns over original EIS from various groups. Original EIS was pulled now a supplemental coming out and reduces overall #s of days in wilderness. AH – uses disabled access argument to justify regular guaranteed permits. Complaint is that commercial usage has an adverse impact. CB brings up why the objection to considering the level of impact? AH brings up an outfitting group that takes disabled youth into wilderness. Are they precluded under present system? AH & JD contending Outward Bound & Heli people have a greater impact than outfitters with horses CB arguing that need to look at impact and get past restriction argument.

EIS for Outfitters Maurice brought up recurrent Twisp River ice buildup – What is county going to do?

Community Action Finances: LJ – is there a need for extension on 2060 funds? BOCC has approved extension for action on 2060 funds or return to county. Community Action (CA) (Lael Duncan director) – BOCC approved Homeless funds but not Low Income – 2060 funds (lack of low income housing in county). CA has not had a contract for doing anything with 2060 funds until threat of county pull back of funds. Now CA wants to quickly disburse funds after a quick RFP process – Request for Proposal. A letter of concern on 2063 funds also. It looks like CA is rushing disbursement by Mar. 17 to beat county deadline. The 2060 \$s have been built up overtime (3 yrs or more). County is also complaining about lack of accountability over how funds are being used. Gave a 60 day intent to pull back funds from CA. Issues seems to be CA collected \$ for low income but did not spend. Acted like a slush fund that was never used. So did not benefit large need. AH wants to know what is going on. How was money spent & used. CA needs to show details of 2060 program so BOCC knows what is going on. CB agrees. RFP process was approved in Sept. 2016. LJ is uncomfortable about lack of detail in RFP on 2060 (low income funds), while CA did spell out details in disbursement of 2063 (Homeless) funds. JD – need to watch Lael real closely as she is very territorial. There is a 6% limit on admin. costs, some history of over billing on admin. costs by CA. Need to look at this very closely. Possibly happening to 2060? CA is a contract person not public employee. CA coalition often leaves meetings with a different perception that what BOCC thought they had said. JD concerned over attitude of BOCC messing with CA \$ and meddling. BOCC needs to provide accountability over public \$ and to assure quality and efficiency. County needs to know what is going on. JD – OCAC was told what county needed to know, how Low Income \$ are being spent, what is used and how . LJ reporting post budget actions vouchers to county by CA. Has just been a request for \$ from county, presently no details on what \$ are for. No history of any project or actual usage at CA's end. Matching \$ for other grants? Reimbursement \$'s? – county needs to know. Since county requested action – CA has used RFP process to expend \$200,000 before county's 60 day limit. Goal is to spend before oversight?

11:32 PH – possible **Planning Permit Refund** – Pete Gorbaski calls in and is put on speaker phone. Previous board denied request. New board now hearing renewed request. Did not go ahead with planned building. Wants \$ refunded. Gobaski is partially disabled

and unemployed. He wants some \$ back due to not doing full plan. Mentions that he had gotten a second permit while 1st permit did not have an expiration date. There was some change in plans in 2nd permit so planning needed a new site analysis. PH arguing that there was a requirement for a 2nd site analysis so a services was performed that needed to be paid for. Gorbaski is arguing that his actual end bldg was under 200 sq. ft. so did not need a permit. The fee is based on what is applied for and not a later change after the fact. BOCC will take under consideration and send a decision via mail.

11:55 Road Vacation Process JD & AH; A discussion on comments about Road Vacation process not being properly advertised. Comment seemed to be manufactured as the comments seemed to very, very similar. Each road was different story, need to examine each separately and carefully. Is a vacation process the only way to go? What if the road never existed but is on the map? What of traditional public usage? Open & notorious usage?

Local Ranger & Forest Supervisor Meeting. Matt Reidy, USFS Tonasket Ranger – Feb. 21, 2:30 - Forest Supervisor wants a meet and greet with new board.

Lunch

1:07 – Note taker returning finds LJ meeting with OCAC people, Lael, +1. Going over OCAC budget, vouchers, etc. – projects, possible future meeting with BOCC.

1:30 Planning Update – PH. **OCC Title 20** – under appeal but moving forward until told otherwise by courts. IS setting up a Omnibus hearing setting a baseline to establish adequate & legal water availability. Goal is to set findings from planning. Mr. Mackie suggests form Mr. Flynn. He has worked on original WRIA 49 water plan. Goal is to present background detail for omnibus hearing. 3 hearings planned - #1 is for staff to present WRIA & 49 information. No public testimony at that time. Next two separate hearings one each for each WRIA. These last two would have public testimony. Mr. Beardsley (County Hearing Examiner) would then present a finding to use as a guideline. i.e. exemptions to in stream flow , how much usage for a domestic well (volume taken – Recharge rate). Ah – County does not admin. Impairment of Senior Water rights, why examine issues that influence impairment such as granting exempt wells. Problem is Whatcom/ Hirst requires county to look for in stream and Senior water. JD & PH discuss inherent tension in a variety of interpretations & application of Whatcom/Hirst. Hirst did not cover a lot of things, need to work out details at the county level. CB – purpose of Omnibus Hearing is to lay out county science information and then take public science to pool information in established baseline for Hirst. Feels Comp. Planning & Zoning need to reflect water influence in order to get around challenges. PH – challenge to Comp. Plan is county did not do enough to protect ground water, equally in Title 20 and Zoning. All have to address same issue. Better line is to challenge is that county is not doing enough. Need to develop a process & background, due diligence to show doing enough.

2:00 PH – agrees with basic Omnibus approach. First meeting lays out all available science. PH feels this process is not appealable as it is, not a decision but provides background for future decisions. Feels hard to have a successful suit if can't tie it to a decision, policy or

ruling. Specific project or permit decided with this background could be challenged. Mr. Beardsley says not a hydro engineer person but can hear evidence and make a ruling. Is not a policy maker. CB mentions there are guidelines on chasing best available science. To not follow those accepted guidelines invites challenge of process. Beardsley – purpose is to develop as good a record as possible. Then develop a ruling that reflects the science and policy from which is presented in the record. PH – Omnibus hearing. OK, AH – yes, CB – yes with indentifying objectives. Flynn (?) – AH feels is a reputable source, has worked on WRIA 49 and knows his stuff. CB – by choosing Flynn (ASPECT?) this is challengeable source.

2:15 AL shows up. JD – where does consultant \$ for ASPECT study come from? PH – his professional services budget. Al – trying to lay groundwork to establish legal and adequate water for Hirst standards. Knowing in the background that there are lawsuits against Comp Plan and Zoning. CB – there could always be opportunities to find a common ground settlement to get out of legal costs. The current path looks to a continuous series of lawsuits. AL – not willing to address the question in public. Ultimately is a decision of BOCC to proceed with legal challenges other course of action. CB – does county need ASPECT report developed by Flynn? PH – likes Flynn to testify. AL – says it is valid to discuss costs of additional expert testimony. Additional down this line should not be in public. PH – trying to refocus back to Omnibus Hearing and information/Science gathering. CB – arguing that uncertainly of adequate knowledge must be factored into the process. Feels making a ruling is subject to inevitable challenge. AL – feels process involves getting best possible info to determine. Al – feels process involves getting best possible info to determine what can be known. PH – feels that when decision of water or not is key at building Dept. or Zoning, or Comp Plan, etc. CB – if make a deliberate effort at Comp Plan then set limits/standards will be a good goal. Feels that Okanogan Co. is becoming focus of a series of lawsuits and Co. will carry burden of costs & consequences. Ph – put off the rest of discussion on Flynn until Sandy Mackie comes Tuesday, 1/24.

In Stream flow rule on **WRIA 48** – Methow. Watershed Council seeking a revision. Proposal is to move Early Winters water down to Twisp & Winthrop cities to support development in city service area. Also wants to open some closed basins for water storage possibilities in one of the tributaries. Last meeting with Colville, Yakama, Planning, Watershed Council led to all parties not wanting transfer or change. A move from an area of no possibility of loss/usage to another where there is a possibility of loss/usage is a net loss/usage of in stream flow. PH pointed out any implementation would involve county action. PH feels county needs to do the title 20 actions to inform thinking.

ATV – has not done anything, will come back with a specific with a specific proposal.

Shoreline Master Program – got changes back from DOE. Mackie suggested some language changes to comply not done yet. BOCC needs to review DOE comments – what is/isn't critical habitat is weighty. Some were cleaner ways to say what is in state law. Last step is DOE comes in for a serious discussion.

Critical Area Ordinance - Dept. of Commerce has reviewed, now county needs to send in as 2012 update. Then need to start a 2018 review or drop 2012 review and just get into 2018 review. Have not created a new 2012 draft. CB – what are the issues – setback more or less, utilities in 100 yr flood plain, to protect habitat more or less. 2018 needs to be in place by end of 2017, possible to get extension. Currently out of compliance because 2012 review not adopted. Long and involved PH discussion of why 2012 revision was not gotten to. JD says when SK, RC wanted to review before any 2012 actions, just got put back and put back. Issues: aquifer recharge, wetland set back,. AH – if we do not adopt 2012 – Dept. of Commerce may withhold some grants/loans. Comes up in FEMA issues. PH does not know of any group that was denied as a consequence of 2012 non-compliance. AH – if adopt 2012 will be subject to legal challenge. Dept. of Commerce is watching. AH – can have approach likely litigants and try to find a way to get it right. PH & JD say in Comp Plan was tried and made compromises but still got sued anyway. CB – inclination is to throw out 2012 and use comment on it to inform 2018 review. Only damage is can't apply for a grant, maybe?

3:22 **Tonasket EMS** - Vouchers - \$22,504. Contract payments & Stair chairs. Will move some funds around from old 2016 to 2017 within current categories. PH has calls in to Lifeline on contract. Needs to write into a contract for BOCC to review. This Tonasket building & city 1st right of refusal for purchase has drug on for months. Not moving. Whole process seems very long. Outstanding issues are Payroll, L & I problems, medical chasing, Lifeline contract, closing of Tonasket EMT & county taking over.

Nightly rental discussion is still open. Has processed mot permits sent up by Health. Some push back about applicability of new rules.

Planning has a **WASC conference call** every Friday morning – Washington Assn of State Counties.

Osoyoos Water Assn – wants to set up a LID to tax for milfoil abatement.

Fairgrounds – manager has been offered a contract and has accepted. Setting up an orientation session to help the new manager with current procedures. PH wants to go ahead and set up an agreement with Health Dept. to do water testing. Create a separation from Fair and one less task on part of new manager. This is a monthly task as Fair is a Class A system.

3:50 Summary of bids on new Fair bathroom. Lowest is \$120,000 over estimate. Architect is exploring why such a large increase over estimate.

Other: Will bring back discussion of Whistler trailhead and increase in sales tax.

Public Hearing follows on road vacations. Many other notetakers present of this one leaves after a short while and goes to another meeting.