

Okanogan Board of County Commissioners
10/2/17

Present:

Andy Hover (AH) - BOCC

Jim DeTro (JD) - BOCC

Chris Branch (CB) - BOCC

Lanie Johns - Clerk of the Board

Dave Gecas - Deputy Prosecutor's office

Perry Huston - Director of Planning and Development, Administrative Officer

Tanya Craig - Risk Manager

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.

Content: Budget hearing, exec session discussion; questions/changes in county jobs in re budget & job descr; VSP contract, Marijuana Adv. Committee, Hirst /Title 20 in WRIA 48/49, Nightly Rentals, Tonskt EMS.

Summaries: Apparently poorly attended or unattended public hearing on County Budget for 2018 has just occurred. There is a discussion of job description changes and divisions of tasks between County Clerk and Director of Planning and development along with changes in salary due to expansion of Planning Director's job in taking on fairgrounds and other administrative functions. Other jobs mentioned.

The Nightly Rentals Code was published last Wednesday, and people are now commenting upon the SEPA on those changes, on the notice of application and the threshold determination. Second comment period will be for the over arching proposal, with comments along the way. Mention that there is no provision for SEPA appeal, a bit confusing. Meaning of "Best Available Science" debated briefly. The Marijuana Advisory Committee will have its first meeting this coming Wednesday and is requesting some materials.

Title 20 is going through a "clean-up." Timelines, potential conflicts, problems that were not caught, etc. PH will put it before BOCC, then route it through Planning Commission. AH wants to know if concerns of Yakama Nation are taken care of, PH says probably so. There are questions regarding exempt segregations and whether or not they are "exempt" and other questions about subdivisions. PH is trying to come up with a different methodology for review in WRIA 49 re determination that a permit exempt well has impaired senior appropriations. Switching attention from WRIA 48 to WRIA 49 now, which will slow things a bit. PH is telling folks it decision will be about 120 days from time of application. Trying to pick the simpler ones first, so some folks got ahead of others. We need to do a higher level of review. Branch questions what is done in a case that you do an exempt seg and then a boundary line adjustment.....

Higbee says that building permit applications are going crazy in the Methow. BOCC would like to see break-out of figures in various parts of the county, which Higbee will do. Branch expresses concern over the processes/definitions for affordable housing.

11:35 - County Budget:

Note taker arrived 11:35. Flags to limit length of testimony for public hearing on table. It appears that no one showed up for the public hearing on approval of the Final 2018 County Budget or that there was very little testimony. Mics are not on and it is a "small group" style of discussion with the prosecuting attorney present, difficult to hear anything. Perry Huston present along with Attorney Gecas and is taking large part in discussion.

11:37 - Discussion of an advisory committee of "2012 - 2018?"...maybe regarding the Voluntary Stewardship Program?

Someone says: We were in exec session with attorney(s) and wanted to continue discussion about what was said. Do they have to be there?

CB says he can find out the information after this meeting.

(Note - perhaps they were in the middle of an executive session when note taker unexpectedly entered?)

PH - A complaint against a public employee...you can discuss complaint but cannot take action..

CB - I see this being a problem.

AH - I think what can happen is that Tonya can draft the 18th question and then possible response. Without us..... people are somewhat silent. They haven't expected me.

CB - Aside to Tonya - can't hear. Discussion about Tonya e-mailing him regarding something about attorney.

CB - comment, not audible.

PH - Keep in mind, if you want to respond to me, you go over the line into....

CB - Just making sure that authority is an advantage??

PH - Will put in updated 2018 numbers for VSP. Their contract should be.... that will be on its way. We'll talk about that. Marijuana Advisory committee this afternoon. Next meeting Wed afternoon.

CB to Lanie - Motion set for continuance (*perhaps of 2018 budget?*) Nov 21 at 2 PM.

(Machine for cooler is still interfering with hearing speakers.. At a previous meeting over a year ago, it was stated that would be fixed. Going off and on.)

11:50 - Discussion among commissioners about budget. Discussions of dates, wording changes, resolutions vs amendment, and so forth - not possible to follow without a document to follow.
PH and DG leave around this time.

12:55 - Discussing errors in minutes.

Informal Discussion of county jobs, mostly the changes in Huston's jobs & division of tasks among Clerk, Risk Manager, Human Resources, Code Enforcement Officer (Huston)

CB: When Perry's position was changed to admin along with raise..is this different or similar to what we did the other day? Not what I mean - never mind. I was wondering if that raise was given because of having 2 positions?(*Note PH's new contract was as Director of Planning and Development but included a new job also, as Administrative Officer including various duties below.*)

LJ - There were duties reassigned that included administration of several things. They ...became more involved with a lot of things besides planning.

DT - Also because PH is the code enforcement officer.

CB - You see why I asked this, because when those sorts of positions....

LJ - That was by amendment to his (PH's) contract.

JD - We changed the job description at the same time (*same time as contract?*)

CB - Do you see in management and administration that changes like this can happen - or is that division of labor?

LJ - In terms of his assignment?

CB - I'm not aware of existing staffing at that time.

LJ - So... He is still very much involved - like he just came for budget hearing. Much involved with advising the board on that sort of thing...involved with other administrative advice to raw Board. I'd say nothing is really changed, but that is up to you guys. If you feel that he is giving you enough....

CB - Certainly things change with a new board..in terms of staffing level and people leaving, new jobs - I'm considering all the staff that is available to us here on the Board.

LJ - 20th (? *looking at computer*) Took on the other part which is the risk management part. More of the official designee on those types of things. PH is not involved with this (risk management) or HR (human resources.)

CB - And wasn't before?

LJ - Yes.

LJ - I took on capital improvement and the projects. such as for the fairgrounds. But those items.... I couldn't do that in the sense that I could hold the line.... but I couldn't....I was told I needed to delegate some of the tasks I had taken on..... so that went to Perry - Fairgrounds, Tonasket EMS, I did routine energy projects involvement. Why I was involved at the beginning.....I had been attending those meetings, whereas Perry didn't have that knowledge. And then I kept the infrastructure of Economic Alliance, but pretty much deleted Fair and Tonasket EMS (given to PH.)

12:00 - Hover and DeTro have left. The conversation is mostly between PH and LJ..... I was coming to meetings to advise and when asked...I was never involved....Perry had more technical knowledge about the things they were dealing with. ...goes into a whisper.

(Very hard to follow, inaudible.)

CB - Everybody is invited... aren't they?

LJ - I wasn't involved with the history of things, wasn't representing BOCC at some of the legislative or council meetings...*(Seems to be description of what she did not do, which PH was doing..... perhaps an explanation of why she was no longer in an advisory position?)*

CB - *(Can't hear.)* Just curious.

Everyone seems to drift off to lunch.

Meeting resumes at 1:28

1:28 - Hover, Branch, Huston, Gecas: informal conversation in re responding to e-mails.

1:30 - Begin meeting. Waiting for DeTro & Lanie.

PH - Requests Executive Session on Litigation.

1:32 - Informal conversation while waiting for others. Branch promotes use of mics for all, including those at the table facing away from audienceand makes sure mics are on. Those

present glance at each other, and then the only one who does not then put his mic close to his mouth is PH.

Nightly rentals - Informal conversation - working on one that has 3 residential structures on property, which is not legal. PD's weren't too specific on what they allow. Nightly rental code published on Wednesday - trying to get the rest at the end of the month.

PH - The initial publication is notice of application and threshold determination. Everyone is commenting on the SEPA now. Then the second comment period is the over arching proposal. People start offering comments along the way. Only time this is relevant is if there is a SEPA appeal. There is no provision for this anymore.

1:35 - DeTro enters.

Perry Huston requests Executive session on current litigation . A LUPA coming up, a marijuana issue. Estimates 40 minutes.

2:23 - (Only slightly over estimated time.)

BOCC and Gecas chatting in back, Hover comes out to compare notes with Huston at front table on wells while others trickle in.

A somewhat informal discussion ensues, apparently an extension of a previous discussion on water rights:

Hover - Questioning what science we are using

Huston - Best available! Chatter about Upper Kittitas previously, what science used.

Branch - *Enters into conversation.* There have been published guidelines for Best Available Science in Critical Areas, etc.

2:22 - Detro enters.

AH - Gravity would be best available science. When you are talking about the water basin where it is a mold, a million users sucking out, you can project when it will be gone. Best available science for that aquifer is not necessarily the best for another.

CB - BAS depends a lot upon the situation.

AH - appeared that Ecology had about 20 million in their budget to help with Hirst - related issues. I heard this.

Voluntary Stewardship Program (in re Critical Areas)

PH - A contract, intergovernmental agreement with Conservation District. Working group met and went over scope of work, now in an IGA (intergovernmental agreement.) In this particular case, you have first - the district staff has looked at it but do not meet until tomorrow. I request you look it over and if it passes muster, pass it on so the Conservation District can look at it tomorrow.

Part A - Scope of work

Part B- Budget. this will go into 2018 budget.

If you can do that, we will be on draft of actual document. Numbers will go into 2018 budget. Revenues in, expenses out. Represents expense in addition to what would normally occur. Staff time is what is already in budget. Will offset current expenses. My professional services line will come out of grant. Hearing - will probably need to get Supplemental. Will get with Lanie.

AH - Would be paid by contact? Yes.

PH - Some lines are over, but there is offsetting revenue. Prof services is getting close. Working group - regular day is Thursday, but went extra day last week.

CB - Moves to approve IGA with Conservation Dist.

AH - second. Motion carried.

Marijuana Advisory Committee

PH - Meeting Wed 3-5:00 from now on. Wanted map of zones. Will put on that map the locations of the different complaints received and the nature of complaints. Will find that initial complaints appearance, etc. Subsequent complaints(*muffled.*) These are phone calls, etc. CB has fielded a lot of them. In common: all around people's houses.

AH - Light & Noise pollution is also relevant, not just one-acre zoning.

PH - Will start with conditional use chart. Had to work our way through anticipated high points....economy vs. debilitation by odors. Need to move past that to what we will do about problems.

CB - Requests that PH distribute the materials to us also. PH agrees to cc BOCC.

OCC Title 20 (Hirst Process)

PH - I went through the whole Title to clean up things that needed to be cleaned up or better worded. Some of it I do not agree with and will make recommendations. Ie legislative review of

permits - you don't do that. Conditions and what needs to be tied to - pull back to the proportional nexus test to the effect that it has to be driven by peer reviewed science - a lot of things that dilute the SEPA process. Timelines, potential conflicts, etc. Problems that were not caught. I will put it before you, then route it through Planning Commission.

AH - We were under litigation for Title 20, but now we are not.

PH - Were under litigation for Zoning, Title 20, and other loopholes - Comp Plan.

AH - I am interested in comments by Yakama Nation. Are those comments being taken into account in your recommendations?

PH - I believe so.

AH - In the eye of the beholder, but....

PH - Takes care of what it was supposed to do. Quotes an RCW - GMA counties have to follow, other counties can. Originally intended to do, picked up additional momentum not consistent with 70B. Whatcom Hirst generated exception at the last minute. If there are concerns that it would be a distraction, we don't need to do it. It's just things that don't match up.

AH - Just don't want to muddy our waters. Want to clean it up, but not in a way that.....

All agree.

PH - WRIA 48 - 2 cfs set-asides. As a result, last batch of apps, we cherry-picked heavily because we have tracking system, and some people got ahead of others. There is a reason for that. Picking first the ones that are on firmer ground as far as decisions....we are working out details. We are also getting bunched up here. There are other applications. on the 12th, we have 4 packets.

WRIA 49 - Trying to come up with a different methodology for those reviewed. What we have in 49 is an exception for permit exempt wells. This exception gives rise to whether it negates the methodology is that if we do not determine that permit exempt well has impaired senior appropriations. Moral of story - Shift attention from 48 to 49 to be sure that what we are doing is defensible. That will slow things down a bit. We are already getting the phone calls. I explain we are trying to avoid court. Telling them it will be about 120 days from time of application. I don't see any way around it. We are trying to pick some that are simpler than others. We need to do a higher level of review.

CB - Where are we with the overlay?

PH - It's out for comment . We are coming up on the end. That one, we are pretty comfortable we can set up for PC hearings at end of October. Then what ever comes of that will come to you.

Going slower. Issued a number of things in 48. Coming to end of (review?)

Want to pick up 49 - We have (two other areas) but there is no in stream flow rule.

CB = question I did not get.

PH - All go to hearing examiner. A lot of push-back on exempt segs. We are running these through the public hearing for water availability. One thing I've been mulling about - Boesel came in to talk about ag only exempt segs. Have been trying to figure out...it would be more process, but I have an idea. You have nothing but legal description, and title companies are not picking these. up. We could ask for a CC&R, but unless the county becomes a party to it....one thing we could do is a simple development agreement to record against the title. There would be a public hearing and then you can adopt it. Trying to think of some way.....

CB - An example of a very simple DA would be.....

PH - Rattles off a lot of wording rapidly. What I'm trying to avoid is problems we have had in the past, where lots sell 2 or 3 times and then someone wants to well their house.

CB - If ag only use applies only to a piece of ground and there doesn't seem to be any ag..???

PH - Only came up in short plats, few long plats. There was no evaluation. Focus wasn't so much for ag, but that they couldn't use it for residential. People want to differentiate....right now, someone wants to make out where the house is and sell the remaining part. Just want to restrict larger parcel for ag use one. But finding the vehicle to do that is the challenge on that one. Getting statement signed by notary that will put a restriction on the packet so it can be tracked. Not necessarily something that will come up in a title search.

Miscellaneous

WATV ordinance still needs to be worked out with Josh before going forward.

JD - Cites a piece of property that had an agricultural contract filed with the assessor, but the contract expired with the money exchange...etc. very complicated. 'questioned if it could go to Board of Adjustment.

LJ - Is that "Choice LLC?"

JD - No. **Omak Gun Club.**

LJ - We have a similar one on Board of Equalization where persons has to pay **7 years back taxes** ...continuing the ag use, has a “continue please “ (?) agreement with people who have been grazing it for 20 years.

JD - Gun Club is 501c 3there is an expiration date. People using it have been making their payments.

AH - question about the back taxes.

PH - Current ag.....(???)

AH - Says that is not accurate. Ours is %age of use.

PH - For income.....must demonstrate that you are commercial Ag for that particular application. **There is open space** that will do as well...remember discussion with assessor 5-6 years ago?...Auditor can sign notice of continuance. In open space, assessor can sign this with the new owner. Or he can ask BOCC through planning for more information. This was just signed on this sale.

PH - If you sell part of it ...open open space, where part of it got sold and doesn't qualify anymore. We'll need to pay 7 years of back taxes.....public rating system...but with ag a classification, as long as pieces general the required income...

...more details.

JD - But this isn't a land sales. No one one knew there was an expiration date, but they kept up the terms of the contract.

PH - Mentions an appeal possibility - cannot remember whether to BOCC or other.

CB - Whether subdivisions are exempt or not.

PH - There is a real question now as to whether they are exempt or not.

AH - On big parcels, I was thinking the other night when the US Government was granting land in this area, how big where they? 160A or 40A blocks?

JD - 160 Acres in Homestead Act.

AH - So when the first settlers moved in,

JD - Largest was 160 A, not smallest.

PH A lot of references to that....always tied it back to old government lot descriptions.

AH - was thinking about Western water law and water useage. What was the original parent piece of property? If I had a parcel that was 1,000 Acres but originally 10 people owned it or it was granted in 10 sections, trying to figure out what the actual parent property size was. If Ted

pH - If Ted doesn't know, will find out.

AH - When you talk about parcels, how many parcels are in a 500 A block that someone owns? What if the line is down so you have a 500 A parcel - what did it come from originally? That's what I'm trying to figure.

PH - If you create that and no one pays attention, 58.17 is where all the platting requirements are...water availability, etc. Also creates an exception ...in terms of state law, 5 A is there they draw the line. Quotes SEPA exemptions. No exemption for anything but short plats. We ran into this with 4 lot subdivisions. Goes on , difficult to follow. Large lots are run through SEPA. A bit of a disconnect.

CB - In a case that you do an exempt seg and then a boundary line adjustment.....

PH - Exempt segs, can still do that, but not with smaller lots. Don't see it much any more, but now and then.

More.....

Building Department

PH - Asks Dan Higbee for any observations.

Dan - First time in years that we have had a fall rush....especially in the Methow, it's going crazy.

AH - Quantify.

DH - Used to have spring rush, tapered down, then fall rush. counting more on inspections. 20 inspections we and fri - insulation, framing. Probably 10 new foundations in past month in the Methow. Not typical for them to be starting that late. Huge with what we've been doing. Lumber yard has had the best year in a long time. Contractors say they are all booked up for next year. Mostly second homes.

AJ - Want to be sure we are not exaggerating. not talking about 200 houses....

AH - Do you have them broken down for Methow? How many have you given out this year?

DH - Up to 340 some applications, county wide.

AH - That includes garage, remodels, houses, everything. Not specific to single family homes. But I can get it to you by Methow, North Central, etc. Issued or applied?

DH - Can get both, can also look at last 5 years, etc.

AH - We will soon be looking at growth rates, etc.

PH - We have that in analysis of EIS for zone code...you could look back.

DH - Debbie can get this pretty quickly.

CB - Can we assume most of them have exempt wells?

DH - No , Liberty Woodlands, others, have their own water system. We have 7 right now with town water system in Liberty Woodlands.

CB - Wants to be sure that coupled with....a lot of numbers being thrown around.Need good numbers.

PH - Can just lay Dan's numbers against our tracking system.

AH - So total amts of permits, then single family residences, then single fam that require new wells.

CB - Targeting development to those areas that need.... (cut off)

PH - Tracking system has a column that includes site analysis ...may not have building permit in yet, but that is the first step.

CB - That's one of the premises of GMA and Hirst - ...what concerns me is that development doesn't just stop. Someone who is supporting the Hirst decision...asking that question is important when talking about affordable housing, whether they are second homes, ...when people feeding info to me, I like to be sure especially with affordable housing..brings in the discussion of what affordable housing is...this is all part of it. ? of the world numbers...important that the info we throw out there is real information.

AH - Trust or verify....Can we read down building permits by reaches? would be very interesting.

PH - Yes. We need a direct tie - gestures toward Dan Higbee. When we issue certificate, there is a 5-year "shelf" on it. Need to figure out which certificates actually are tied to a building permit. Will need to tie it in with Dan's information.

PH - Kittitas went to one that is really handy - can pull it up in real time, see what has signed off.

DH - All debts (?) are tied into it.

AH - This sounds like the logical way to use grant money.

Perry - We are creating a tracking system, just like we created own receiving system. Just like for site analysis.

DH, PH - Pretty dependent upon him (programmer.) If we can get more into connected tracking system, can do a lot toward work of assessor's office. Everything right now is manual entry. Assuming that assessor mines Dan's info for new For water, need to get this tracking system up and working...for guidable lands analysis. We need to plug our certificates in by reach.

CB - Buildable Lands analysis is included?

PH - We aren't tracking that in terms of 2 cfs....haven't pulled that out.

AH - It is parcels outside of municipalities.

PH - Stuff in town can be as useful as stuff outside...trying to do an analysis for affordable housing. Lots developed, lots not...all on radar.

AH - What Branch mentions about being inversely tied to each other would be important for barns. Say the thought was to limit growth in outlying areas and into municipalities. But what kind of resources do the municipalities have?

CB - Yes. And it doesn't have to be incorporated.

AH - Look at city expansion areas.

CB - Regardless, it's the urban growth area, should be at least a sort of water system or satellite systems.

AH - Or ability to create them.

PH - DOE does have one \$\$ lying about that we could tap into. Maybe we should consider writing an application.

C - - Questions whether there is already a requirement re availability of money.

PH - Came up again in session.....

NIGHTLY RENTALS -

PH - Comment period is next week sometime. We'll take a look at what we get on that.

DB - Comment on overlay?

PH - Comment from Yakamas, maybe one from MVCC. a lot of phone calls asking about it. One person intercepted as a moratorium against all development. Worked our way through that.

AH - Action items?

AH - Adjourns as BOCC and convenes as Ton EMS.

Tonasket EMS -

What we are doing..we have our reserve and then our levy. 197 and change. We will still be using an auditor for awhile insuring the building and ...

AH - Goes over figures on chart, not visible to audience. Points to figures on chart. They are responsible for everything. Fixing machines, ambulances, buying supplies....we do nothing but write a check.

AH - Aero Methow - are they set up to take level rate and semi-annual payment?

PH -I am at a loss as to how to figure it out. Levy divided by 12 is what they get. What they may be doing is dividing their level up and Twisp/Winth calculate their part....

LJ - they DO have carryover.

PH - Not paying all the level money from all 3 sources.

AH - Rough count?

LJ - \$53,000 plus.

CB - The \$220 is the annual levy?

PH - Ni. Points to a place on chart that is not visible. It's not rocket science you know how much the levy is. Numbers aren't going in as well as they had hoped. This is what levy is for. Whether we spend it on an ambulance or they do.... I will sit down with them and talk about how /when we make the payment. Wanted to alert commissioners to this so we do not run afoul. Keeping monthly payments - based on historical collections, barring something bizarre, that should be a set number. Will go through it one more time to be sure they understand, and away we go.

AH - How do these for-profit entities ask for levy increases?

PH - They don't. The contract is written so our payments are tied to the levy. If they want an increase in payments, it's up to you. Termination language, provision that if it drops to more than 5%, can be re-opened. If levy fails, contract termination. Tried to build in as much as we could, but we are on path that we need to figure out how to make this work. Need to pick it up or put the brakes on. I think we can make it work, but want to be sure BOCC is fully aware of where we are going.

AH - You have explained well enough to me that I can make a decision.

PH - that's the objective.

AH - I know.

PH - will be going over this one more time.

AH - if amt of the levy increases, you said 5%...how does a levy amount increase?

PH - reconstruction about the one way.

AH - But I thought

PH - you have the option. You can calculate new construction..... you work everything out and all the value goes into the equation and the levy itself moves around.

AH - 197,000 will stay at that rate until new levy intact? How does the new construction play into this?

PH - Do not anticipate 5% to happen.

AH - I can see if you had a marked increase in number of people building homes, probably means an increase in demand for your services, we may need to look at amount of \$\$\$. This is a huge number.

AH - All these things ripple into it. There are some contracting requirements - will need to remind them to bring them in. They can monitor the (?Public info) but also need to know what are they are getting off the Colville. I think Oroville levy is not far down the road (district level) Tonasket one is 6 years out yet.

CB - Challenge in Oroville level - different amounts, different times. City of Oroville and Oroville rural are different types, different times. If you increase the Oroville level and then the city level doesn't come up again, some disparity.

Reconvenes as BOCC.

PH - Tomorrow, going to Oroville for a number of reasons. Going to talk about church, the Oroville city Council has Camp Shores on agenda. Be gone most of afternoon. Wed afternoon - VSP and marijuana Adv. committee. Anything more from me?

AH - Questions Lanie regarding our attendance at the meeting coming up.....are we ok? (*Reference to Farm Bureau meeting?*)

LJ - Yes, it's in the last part of the RCW.

AH leaves.

3:44. JD - Correcting some figures in minutes with Lanie.
BOCC reading on computers.

3:45 - Note taker leaves. Sees on computer that Farm Bureau meeting is rescheduled from 4:00 to 5:30. Lanie confirms that the county's agenda was changed at the last minute to reflect this. (There is to be a quorum of the BOCC in attendance at this meeting.)