

BOARD OF OKANOGAN COUNTY COMMISSIONERS
11/13/2017

In Attendance at Meeting:

Jim DeTro- JD (BOCC)

Andy Hover - AH (BOCC)

Chris Branch - CB (BOCC)

Melissa (County Clerk)

Laurie Thomas - LT (Auditor)

Cari Hall - CH (Financial Manager, Auditor's Office)

Melissa - M (Clerk/Minute taker)

Josh Thomson - JT (County Engineer, Public Works)

Perry Huston - PH (Administrator & Planning Director)

David Gecas - DG (Deputy Assistant Prosecutor)

Dennis Rabidou - DR (Juvenile/Family Services)

Lanie Johns - LJ (Commissioners Clerk) (*not present, but referred to in the meeting*)

About a dozen members of public present for ATV public hearing

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.

Public Hearing on North County Roads Snowmobiles was recorded by LJ.

Summary of significant discussions

Juvenile Detention Tax Budget Structure

PH noted that ballot measure to pay for improvements to and maintenance of the Juvenile Detention facilities appears to have passed and asks the commissioners how they want to structure the budget. About \$750,000 per year is anticipated, but because the collection of the extra sales tax will not begin until March, 2018 revenues are anticipated to be less than \$700,000. The proper way to structure is discussed, with LT and CH providing input. LT, CH and PH will work together to develop a resolution that will structure the budget in a way that is consistent with state law and the commissioners' wishes.

OCC 20

The Hearings Examiner upheld an appeal on the issuance of a water certificate within the Gold Creek drainage, ruling that the Department of Ecology must approve the installation of a well within closed basins prior to the issuance of a water certificate by the county. The

commissioners agree not to appeal the ruling. The county will now direct applicants to ECY and require a letter of approval for an exempt well prior to issuing any county permits. This was the procedure prior to the Hirst decision. CB asks PH whether water certificates being issued in the Tunk Creek basin are for existing wells, noting that it is a 'Closed' basin. PH replies that there are no closed basins in the Okanogan watershed.

SHORELINE MANAGEMENT PLAN (SMP)

The Department of Ecology (ECY) has almost completed review of the latest draft SMP. Staff-level discussions between ECY and the county indicate that the only significant alteration required by ECY involves requiring public access as a condition of subdivision of lots along the shoreline when certain thresholds are reached, unless the conditions for exemptions are met. The current draft encourages but doesn't require providing public access. Once finalized, it will be the responsibility of ECY to defend against any appeal of the SMP.

Voluntary Stewardship Program (VSP)

VSP is ahead of schedule.

Marijuana Advisory Committee (MAC)

MAC is continuing to work on delineating what areas are appropriate for establishing marijuana growing operations. There is agreement that high density sites are not appropriate. The subject of vesting operations has not been taken up yet. Protecting growing operations from potential commercial hemp production is a subject of concern to growers. Extension of the existing moratorium was discussed. The timeline for doing so is getting short, due to the requirements for public hearings.

Comprehensive (Comp) Plan

AH asks PH whether he has posted information pertaining to revising the Comp Plan on his (Planning Department's) website, per the BOCC meeting on 11/6/18. PH replies that he will need to check. PH recaps over the previous week's discussion, outlining the steps for revising the Comp Plan.

Miscellaneous

Oroville Emergency Management System (EMS)

LJ discovered that the levy supporting the Oroville EMS expires in 2018, so a new levy will be needed to support emergency services. The current levy is 25 cents/thousand dollars of assessed value; the maximum allowable is 50 cents per thousand. Current revenues are less than the budget. The subject of the proper level of funding will be discussed with the city of Oroville.

Public Hearing - North County ATV Roads

Certain roads in District 3 are being proposed for WATV use. PH has issued an Environmental Impact Statement (EIS); the primary environmental concern identified is the potential for illegal off-road use in sensitive areas. The possibility for increasing penalties and enforcement for illegal off-road use are discussed, as well as the need for public outreach and additional signs. Public testimony was in favor of the proposal, however, in the case of dead-end roads included in the proposals, not all adjacent landowners have been heard from. CB asks PH whether all the written comments have been circulated to the commissioners. PH retrieves the file. There is a discussion of input from a concerned landowner in the Tunk Creek basin; evidently the email was received only by CB. The procedures for developing an ordinance were discussed. The commissioners extended the public hearing to their 11/20/18 meeting in order to allow for more input.

1:30 Juvenile Detention Tax Budget Structure

PH - Ballot measure appears to have passed. This is a restrictive fund. About \$750K per year, but won't start until March. So, there will be less than \$700K for next year. Want to know how you want to structure that. Haven't checked with...

AH - We should create a separate fund. Easier to keep track of. If we structure the budget correctly - line item to address maintenance costs. Identify maintenance, strictly in the Juvenile Center. Then a line item for capital improvements. Then the rest of the money goes back into the fund.

CH - That will work.

DR - Don't have any comment.

LT - Cari and I talked about it. Easier to track it in a separate fund. Want to point out that on the ballot, it said for jail operations, also.

AH - I want to bring those into the budget under 'Maintenance'. I know it also said 'jail', but I think people were voting for Juvenile. Certain amount of labor is needed to maintain building.

CB - *(too rapid to record)*

AH - *(too rapid)*. Our maintenance budget now is just a blanket.

(Discussion of billing for labor needed for maintenance)

AH - Joe told us that through the program we are using, he has an idea *(of labor costs)*

PH - Even if you don't use any of *(revenue from ballot)*, it will still help you with your tracking.

DR - Appreciate your comment *(inaudible)*

AH - If we include that in our budget, it would get locked in and we would never end up having the money to do some of those things. If we created a plan that actually created a facility that supported...

PH - If you don't spend the money out of this fund, and you are banking money, it will save you money in the end. It will free up money.

AH - *(too rapid)* We can keep accumulating money on a variable basis, to reach a goal.

DR - *(inaudible)* Exactly what you are talking about. It would give us flexibility.

AH - *(too rapid)*

PH - It sounds like it is the intent of the commissioners to create a reserve fund.

(PH is corrected by LT - a 'special' fund, not a reserve fund)

PH - Assume we will want a resolution to create the fund?

CH - Correct. State auditor wants you to specify *(too rapid)*

DR - *(inaudible)*

AH - For our budget, safety issues are paramount. \$135K in budget (*conversation between AH and CH about details of the budget, too rapid to record*). L&I tied to a person's wage, but (*too rapid*

CH - *(details way to structure budget)*.

AH - To create a resolution to really line this out, we need a recommendation from the Auditor's office - outline it for us. Outline for us what the State Auditor wants.

(LT and CH agree)

PH - I can assist drafting the resolution...

AH - You (*LT and CH*) can provide the technical basis, Perry can do the wordsmithing.

DR - *(inaudible)*

OCC 20

PH - Weaver application (*for a water certificate in the Gold Creek drainage*). Hearings Examiner upheld the appeal (*by the Yakama Nation*). I would recommend we don't appeal.

AH - I don't think we even need to discuss it.

CB - I have asked Dave to come up...

AH - I have read the decision, think it is proper.

PH - Then we don't need executive session.

CB - Important thing is we haven't made a motion to approve the decision. We might want to have a conversation with Dave.

(Note: This subject was informally discussed further at a later time, when the commissioners were in executive session. See below)

SMP

PH - Staff level, talked with Lennard about what we will likely see when he comes back with his draft (early Dec). Most was mostly semantics. One thing significant. Public access, the approach your draft took was that it would not be required unless it (?). His approach is that it will be required unless it is (?).

AH - So, if I own a piece of property on the shoreline, want to subdivide it, I have to provide access unless it meets one of the exemptions?

PH - Their interpretation is that it is required. Our interpretation is that it is encouraged. There are certain thresholds, and exemptions, like security.

AH - I want to look at it.

PH - Just wanted to give you a heads-up. Keep in mind, all staff-level at this point. There could be other things coming from higher up in ECY. No changes in terms of setbacks proposed, archaeological resources, wetland buffer, vegetative management areas, subdivision.

CB - Not much they can do with the subdivision prohibition.

PH - Residential development is one of the priority (*activities?*) When it gets through the higher level review, it comes back to you. If you say okay, then it is final.

CB - (*? Shoreline residential question*)

PH - All the changes we made were okay with them. This is the piece that Lennard and I agreed is significant.

CB - So (*too rapid*)

PH - He was reluctant to make sweeping changes to what we proposed (in terms of setback).

CB - Are there challenges to the final product, once they adopt it?

PH - It goes into the appeals pipeline. Kittitas County is under appeal (*over archeological resource protections?*) He said our archeological resources section was more detailed.

CB - An appeal is of ECY's decision?

PH - Yes, it is their responsibility to defend their decision. Any questions on the SMP? Don't have it in my hand; this is a preview.

VSP

PH - A skosh ahead of schedule. It's beginning to come together. Drop dead date to go to (?) committee is June 28. We are about a month ahead of that. They have 3 months for technical review. So far, so good.

Marijuana Advisory Committee

PH - Haven't gotten into vesting. Working on definition of high density sites. Some agreement. Grow operations not appropriate to urban areas. 5 acres or less, not appropriate. CUP in city expansion areas. Bring city to table, in terms of future development plans. Some certainty for grower. 'High-center' point is what to do with the rest of the county. With the exclusion of high density areas, growers would like to have access throughout county. Some reluctance to let go of CUP process.

AH - What about going from the opposite direction - only in industrial areas?

PH - Not much is zoned that way, except south of Twisp. They all recognize that.

CB - Question I have about that - need to look at Comp Plan - that might change in zone code. The whole sawmill area in Oroville used to be industrial. Something we want to think about. We could have industrial zones.

PH - That is something they didn't deal with. There isn't anything currently. They are trying to look ahead. They discussed whether all industrial uses are compatible with grows.

CB - Keep in mind that most industrial areas are within urban growth areas, because of the services.

PH - And because of water.

CB - Some industrial uses are completely connected to agriculture. (*Describes an example*)

JD - New complex going in on Rodeo Trail. That is tied to ag.

AH - Have they talked about the hemp/pot?

PH - Coming right out of the chute they wanted to talk about industrial hemp. Fear from the growers is potential for cross- pollination.

AH - Think they would be forward-looking enough to identify areas for industrial hemp...

PH - Some of the growers want to forbid industrial hemp production.

JD - Tribe is really big into that.

PH - Deadline is fast approaching. We might have some interim controls. Need to craft, adopt and set public hearing. Need to identify public hearing date.

AH - We are not locked into 6 months, are we.

PH - No. You can't extend it beyond 6 months. You can repeal it any time. No public hearing needed. Just be thinking about timeline.

(PH asks Melissa if there is a date for a public hearing. She looks at calendar)

CB - *(too rapid)*

PH - Look ahead to the first 2 weeks of December

AH - Final budget is 11th - 15th of December. Don't want to interfere with that.

(more discussion of scheduling)

PH - Will sit down with Melissa, propose a couple of date. I will look to see if we can come up with interim controls *(or if the moratorium needs to be extended)*

PH - Interim controls should eliminate vesting problem.

CB - Value in land, not a total loss.

PH - Amortization period. Reasonable time for somebody to recover their costs...

Comp Plan

AH - I have something that is not on your agenda. Last week we talked about documents for Comp Plan. Did those ever get on your web site?

PH - Need to check on that. We'll do a tentative schedule, put them on website. Next week will be the beginning of your discussion, after you go over the public comments. By first week in December will be able to create sections. Talked about joint meeting with Planning Commission about what you want to accomplish. I'll issue the EIS. Goal is to get it to the Planning in March. Gave some additional thought - will do the checklist, Scoping (30) days. I'll write a new draft EIS.

CB - Who is your Commerce contact?

PH - Ben Sur. He have replaced Dave. Suggestion (to revise EIS) is probably bread-and-butter approach. We are talking about backing up a step farther than that.

CB - I think that is appropriate.

SMP, continued

CB - Did you say Ecology has a date that they will be finished with SMP?

PH - He (*Lennard*) didn't give me a hard date. Will be putting the final touches in a couple of weeks.

CB - Did he give you any idea about changes that his higher-ups might want?

PH - He didn't say.

Miscellaneous

AH - (*too rapid; change of subject*) Figure out who is going to draft that SRS (? letter?)

CB - Congressional action codes(?)

JD - They are wanting us to sign a letter in support. Suggest we send it out to the school districts. It is \$800K.

PH - Okay. I'll have Rocky send it. Send it to school districts, see if they want to weigh in.

CB - Deadline?

JD - This week. Did you see that? Evergreen. Would like you (*CB*) to go to that. He is giving a dinner presentation on (*PILT and other forest-related subjects*). Let him know that I won't be able to attend, so you are.

PH - This is not on your agenda. Please convene as Tonasket EMS

(Moved, seconded, approved)

PH - This is about the tail end of the catch-up on the old agreement - reimbursements. Pretty close to having that wrapped up.

CB - Two reimbursements...

PH - One at bottom is reimbursement to an insurance company (medical?); the other is to Lifeline.

CB - Move to approve vouchers. *(Seconded, approved)*

Commissioners reconvene as BOCC

BOCC goes into 10 minute executive session to consider performance of public employee.

While commissioners are out PH describes Weaver appeal - Gold Cr. Yakamas contended that Ecology should determine hydraulic connectivity first; Beardsley agreed. PH & Lorah discuss procedures for Comp Plan sessions.

2:20 Commissioners return.

PH - Public hearing tonight for Capital Facility Plan. Lake Management District moving along. (*too rapid*)

PH - Oroville EMS 6 year levy on, expires 2018. LJ has emailed about dates you could put in on ballot. Need public hearing to continue the levy. Currently 25 cents/thousand. Could put up to 50 cents/thousand (shows numbers on flip chart: budget \$116,304; actual \$100,903. AH asks how much revenue is generated per 5 cents; answer is about \$20K)

AH - Lifeline is the provider, same as AeroMethow. How does that compare? You are at maximum. Agreement reads that they get all of the money. You actually generate a reserve. That is rural. Winthrop and Twisp also contribute; maybe that contributes to the reserves.

CB -

PH - They has a separate agreement (provides details)

CB - If they are maxxed, then the conversation would be moot.

AH - Right.

PH - Both Oroville and Tonasket agreements - if the levy amount increases by 5%, it re-opens the agreement.

CB - That is another reason to have a conversation with Oroville.

PH - Lani caught the discrepancy. Your decision establishes timeline.

AH - Another question is what is the most cost-effective time to send out the ballot. What would happen if the levy fails?

PH - Cancels your agreement with Lifeline.

AH - To make it more cost-effective is to wait for general election.

JD - Special election is under \$10K.

AH - Should have that conversation with her.

PH - You need to talk to the city of Oroville.

AH - Talk to city first about how much the levy should be for, then Auditor.

JD - We have a reserve for a year now, *(what is the hurry?)*

PH - Good point. Do you want to hold onto your reserve?

(AH runs through the math - shows that the reserve is being decreased by difference between revenues and expenses)

AH - That would be a reason to increase *(at least)* a nickel. That would take care of *(the deficit)*.

JD - Yes. It would take 2 years.

PH - Set up meeting with city of Oroville?

AH - Yes. Then talk with Auditor about timeline.

CB - Executive session to discuss pending litigation; include DG

(seconded; approved)

3:10 BOCC goes into executive session; return in less than 5 minutes

OCC, continued

PH - Mapped closed basins, we are not even going to take the applications. Direct them to Ecology.

AH - Consistent with what has been going on for years and years.

PH - No change.

AH - That was part of my question: we are going to send them to ECY. ECY will tell them what to do - schedule an inspection.

PH - What we do, where they already have a well, we require them to produce a letter from ECY. In the end, it is essentially the same. Question is, what do we do with the ones that are in the basin, but are not in the 'Closed Basin'?

AH - If ECY told them they could drill it (*before Hirst decision*) and it is not in the mapped portion, then they (ECY) have to take the fall for it.

AH - Did ECY ever deny a permit that wasn't in the mapped portion?

(discussion too rapid)

PH - On subdivision proposals, where they were proposing to use exempt wells, ECY (*too rapid*)

CB (*too rapid*)

PH - There was at least one time (*a subdivision*) where they told them that they could not drill a well.

(discussion of hydraulic continuity)

AH - If you are in the mapped portion, then they say you are in hydraulic continuity.

CB - Tunk Basin - are the wells already drilled? It is a closed basin.

PH - There are no closed basins listed in (*WRIA*) 48 (*different from WRIA 49*). I did take the liberty of talking with the Yakama Nation's hydrologist. They did not appeal where the well was already drilled and they had a letter from Ecology.

PH - Here is a flyer - it has not been approved - a short plat. (*Flyer shows parcels for sale that haven't been established. Lorah says the seller is planning on using a well that is on another person's property*)

AH - People can advertise. We have no control over that.

PH - Just wanted you to be prepared when the calls come.

3:30 Public Hearing - North County ATV Roads

JT projects map of North County on screen.

JD - Open it up to staff.

PH - Hearing to consider opening roads in District 3 to ATV. Met with WDFW, USFS, allowing them to express any concerns. Proposal scaled back. Two public hearings. Issued EIS. Primary concern involved potential for illegal off-road use. JT, county engineer can walk you through the highlights of the proposal.

(JD takes a list of public members wanting to testify. Two yes - Spencer Camp(?) & Phil Milam).

AH - One question. Initial meeting - a stiffer penalty was brought up. If this is passed, how would that happen?

PH - Part of EIS is that you would review penalties. I believe state code allows you to be more restrictive. You can adopt an ordinance. Need to coordinate with Sheriff and staff to establish fine structure. Could also allow other agencies to enforce.

AH - Minimum fine is \$95?

JD - \$75.

JT - 2013, legislature establish WATV (distinct from ORV). Only roads with speed limits of 35 mph or less can be opened. Started with north county (describes color coding on map showing roads already open, roads they propose to open, roads that could close 'gaps' but that have speed limits over 35 mph - would need a separate procedure; roads that are eligible to be opened but are not being proposed for opening. Reads from code(?) requiring signs with warning language and regulatory language and describes problem with creating signs)

JD - We discussed 'red dot/green dot' signs showing where you can go and where you cannot go. Putting information of website.

AH - Most important is safety. Not to say you shouldn't sign wetlands or sensitive areas. Red dot/green dot would be less expensive, keep it simple, put it on website.

PH - As SEPA responsible official, intent was some sort of informational sign along road. Some other smaller sign placed on a regular basis would meet intent. Could be coupled with public outreach.

AH - One sign needed is penalty in strategic locations. (Uses fine for watering county roads as example)

CB - Certain things we can only sign so much.

PH - Certain areas, because of topography and location, more likely for off-road use.

CB - Sensitive areas should be signed. Increasing the fine is probably best thing to do. (Example of driving with loaded gun - gun is confiscated). If they took your ATV away, that would make more sense to me. The more signs you put up, the less relevant they seem to be.

End of staff discussion.

Phil Milam - MVCC -First of all, concern is with process; we don't know the roads. Commend the process. Signs for critical areas and go/no go. People from out of county need to know to stay on road. Like your communications with agencies, stronger enforcement. CAO should take up sensitive areas. Hope you will give deference to people who live along the roads. Right now, want to say 'Good job'.

Spencer King President North-Central ATV Club - Appreciate process to work through areas that need to be looked at. Agree with Phil about signage. Funds available for WATV route signage through WATV license fees. I sit on panel. Have not yet seen a template for route signage. This form of recreation is growing considerably. I know there is a considerable amount of money in that signage program. This club would be willing to help put in proposal for funding signage.

JD - Anyone else wanting to make public comments?

No one.

CB - Any written comments? I received email comments.

PH - They should all have been forwarded. There were not very many. MVCC, USFS letter. Do you have the file?

CB asks for file; PH goes to get it.

Phil asks whether there is an ordinance.

AH - I think if there is a resolution that we pass as a result of this, then we

(Procedural discussion is too rapid to record)

BR - I want to remind you that you are in recess so you are not allowed to make decision. Would be good to wait until Perry comes back (goes through procedure for ordinance, appeal process)

AH - I don't think we are in recess.

CB - Quasi-judicial process. Public hearing necessary before we make decision.

4:00 AH moves to take 5 minute recess; seconded, passed. PH returns with file. Commissioners review file

4:05 Recess expires

CB asks about comment email from Nancy Soriano. PH responds that the commissioners are the location for comments. Melanie notes that LJ prints out comments received and that there is nothing there. CB notes that it is important for all the commissioners to all have the same, complete comments. JD says that he forwards emails. CB says the comments he received noted the critical and sensitive areas in the Tunk Valley.

JD - Any further discussion?

AH - WDFW comments on (lists several roads. Asks JT to bring the area up on the map; JT does so. Commissioners examine map). Those two roads don't lead to anywhere...

JD - And have one private property.

AH - If we closed public comment, how would somebody comment again?.

PH - You have the ability to re-open public comment.

AH - Don't know that anyone got ahold of...

JD - Junior.

AH - So, that was comment from WDFW. Some other negative comments, dealing with ridership; people going to do things that are illegal. That is not what we are dealing with here.

CB - That is a dead-end road.

AH - Move to open public comment again (*seconded; passed*)

Spencer King - Questions are on some of those areas (*Happyville area*), whether there are ranchers in those areas that want to access private property from other areas.

JD - Joe and Alice are hear. Why don't we ask them. Joe, would you care to comment on that?

Joe Burning - Landowner - What Spencer says is quite true. Private landowners need to be able to access other places that they own. Woodward Rd, Poechmann Rd.

JD - Thank you. That is a good point.

AH - No further comments, close public comment.

JD - Close public comment.

PH - For the record, might ask if anyone else

Bill Johnson - Show the Van Der Schelden Rd? I have property in that area. As far I am concerned, you could leave it off. I don't know of anybody up there that needs to ride.

CB - Is that for hunting access?

Bill - Conservation easement. Old boys used to go in there. Then it got shut down by the people that got the conservation easement. It is for an elite group now. It was paid for by the public; conservation easements should be open to the public.

PH - Can't add roads but you can eliminate roads if you choose to do so. You can hold another public hearing if you choose. When you make a decision...

CB - I am not prepared to make a decision right now.

JD - I agree. I want to talk to (?)

AH - Set another public hearing?

(scheduling is discussed)

Ph - Could continue it to my study session (*next week*). Could lead off with this.

AH - Move to continue Public Hearing to November 20, 1:30 pm.

(seconded; approved)