

BOARD OF OKANOGAN COUNTY COMMISSIONERS
11/06/2017

In Attendance at Meeting:

Jim DeTro- JD (BOCC)
Andy Hover - AH (BOCC)
Chris Branch - CB (BOCC)
Lalena Johns - LJ (County Clerk)
Josh Thomson - JT (Public Works)
Varlene Hughes - VH (Public Works)
Perry Huston - PH (Admininistrator & Planning Director)
Angie Hubbard - AHu (Planning Department)
David Gecas - DG (Deputy Assistant Prosecutor)
Melissa - assistant clerk

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 Dual Use Roads Snowmobiles was audio recorded by LJ.

Summary of significant discussions

Dual Use Roads Snowmobiles

After a briefing from VH and hearing from one member of the public, the commissioners passed a resolution on the use of snowmobiles on roads.

Update - Planning

Comprehensive(Comp) Plan Review

*In a lengthy discussion, several topics were addressed. After a public records request from a citizen regarding the legal requirements for citizen advisory groups, PH looked into the matter. He advised the commissioners that such groups should either be formed or that section of the code should be **repealed** (Note: note taker recorded the word 'appeal', but was probably mistaken). The pros and cons of advisory groups were discussed; PH expressed concern regarding how much staff time is required for working with such groups. CB inquired as to how much the draft SMP was informed by the work of citizens groups, and the history of the various draft Comp Plans was discussed. CB expresses concern over the instability of process, with one board of commissioners upending the work done under the prior board. His concern is with fiscal considerations related to planning, and ending the uncertainty.*

Timelines for finalizing the Comp Plan were discussed, but not conclusively. PH thinks that if the Planning Commission receives the plan in March 2018, it could be finalized by June. He will be writing an Environmental Impact Statement for the plan that will also cover the future revised zone code. Timelines and documents will be posted on the Planning Department's website.

PH mentioned three main areas of concern: Water quantity/quality; Wildfire protection; Resource lands. 'Resource lands' vs. 'Rural' designations were discussed. PH described a 'Resource/Recreation' designation that was intended to ensure that the zone code that was not overly restrictive. He advised the commissioners to come up with designations that would allow more flexibility: designate Rural lands adequate for development and Resource lands adequate to support industry.

CB emphasized that the Comp Plan should be a guiding document that explains 'What we want and why', and specifics should go into the zone code and other documents. AH wants the plan to be organized for clarity and consistency.

CB expressed the desire to meet with the Planning Commission so that BOCC's goals for the Comp Plan can be directly communicated. The role of the Planning Commission and its relationship with BOCC and the Planning Commission were discussed.

Marijuana Advisory Committee

The Advisory Committee has begun work on some of the more contentious issues. PH is aiming to get their report before the expiration of the current moratorium on December 26th.

OCC 20

Issuance of building permits is going smoothly. PH reported that his main backlog involves water certificates for lots. Continuing uncertainties include how to deal with water supplies for subdivisions and how to avoid liability for unproductive wells that are drilled after the county issues water certificates.

Shoreline Management Plan (SMP)

Department of Ecology staff will be returning the current draft to the county, with suggested changes, in about a week.

Lake Management District

The boundaries of the Lake Management District were discussed. The work group has suggested that agricultural lands with no development should be removed from the assessment. PH is unconvinced that other undeveloped lots should also be removed from the assessment, noting that many are used recreationally and that in the future, the district boundary can be reduced, but not expanded. The subject will be continued next week; PH will inform the Farm Bureau that the commissioners will be 'drilling in' on the district boundaries.

Capital Facility Plan

The objective of the Capital Facility Plan is to identify projects that can be funded with real estate excise tax revenues. PH has developed a summary of the plan that will be reviewed for consistency with the Comp Plan by the Planning Commission.

11:30 Public Hearing - Dual Use Roads Snowmobiles

JD and CB are present. JD begins public hearing

VH - Our snowmobile routes haven't changed since 2013. Sent the message to Snowmobile Board; no recommended changes. Sent message to Methow School Board (*goes over the Public Notices that were published*). Received one comment from Twisp River resident; very much in favor. They haven't seen a problem in the 23 years they have been there.

JT - Haven't seen any issues in snowmobile use. I support the proposal.

Unidentified public member - Open them up.

CB - No issues?

JT - Occasional use where they don't belong, not where they are permitted.

VH - Occasionally hear from the Snowmobile Board. They have been super to work with.

JD - Close public hearing. Do we have a resolution? (*LJ provides it*)

CB - Move to approve resolution.

JD - Second that. (*JD & CB vote to approve*)

1:30 Planning Department Study Session

Comprehensive Plan Review

PH - Dave & I had a discussion; need a further executive session on 48.

(AH is tied up - DG says it is not urgent, can cover it tomorrow morning. DG leaves. PH hands out a summary of comments)

PH - Today we need to develop a work plan. Start with advisory committees. Sufficient in number and geographic distribution to advise. Moral of story, if we want advisory committees we should form them. If we don't, we should *repeal* that section of the code (*Note: note taker recorded the word 'appeal', but was probably mistaken*). (*PH gives example of previous advisory committee. Notes that it was tremendously staff-intensive*). What would the commissioners like to do?

CB - There were advisory committees for Comp Plan in draft form. It was guided by that work?

PH - '09 version, yes. Neighborhood groups were formed that led to the first draft, went through Planning Commission; former commissioners changed that plan.

CB - Was there a huge divergence from the first draft?

PH - In the lower Methow, yes. There was a lot of contention. With others it was a mixed bag. Sometimes the groups didn't come up with a consensus.

CB - I have a concern for and a concern against (*reestablishing advisory groups*). Concern against is that if we have it in the code, would need staff time. Concern for is that they could do a lot of work.

PH - (*Gives example where standing committees were routed work, as necessary. Reiterates need to either comply with code or form the groups*)

CB - I like it *ad hoc*, where we use them as needed. Concern about having them required by code and taking up staff time.

PH - (*gives examples of groups - Mazama, Loup Loup*). I don't need a decision today.

CB - Also, North County.

PH - They had grant funding for staffing. Then the other groups started up, and they were reconstituted. I'll put somebody on tracking down that ordinance. The language that is codified suggests that the groups were formed, but I haven't found anything to substantiate it.

CB - (*reads applicable code*) 'sufficient to advise Planning Commission'.

PH - Let me continue that research, see what we should be doing.

CB - It would be interesting to find out what came out of those groups and compare it to the existing draft. Find the differences and why.

PH - (*cites Mazama Advisory group work that was adopted into the Comp Plan*). Other groups' work morphed into the zone code.

CB - Is any of that (*too rapid to record*)

PH - (*mentions public records request from a citizen*)

CB - Any of the staff today part of the involvement with those groups?

PH - Char had just started. Hubbard...

CB - (*To Ahu*) What area did you do?

AH - Middle Methow.

PH - (*lists staff involved with various areas. Char did Riverside. PH did most of the Brewster meetings*)

CB - I attended (*North County?*). There was a lot of testimony. There was a feeling that the Comp Plan does a lot more than those plans are supposed to. I heard a lot of fear.

PH - Those were held in 2011. Public hearings in the 4 corners (*of the County*). Range of testimony. Mostly that the plan was too big, too complicated. With the 2013 (?) elections, outgoing board decided to defer to the incoming board. That board did not form advisory groups. All done with (*legal*) counsel.

CB - Reason I ask, obviously you have a comp plan for a reason. Thing I am concerned about is shifting sands. Need to remedy that. Whether or not we are doing what people think we are doing, I am concerned about fiscal issues. What is it costing us for developing in different areas? Look at it from a fiscal standpoint. Need to stabilize. Shifting (*the Comp Plan*) from one board to the next doesn't do any good. The shifting is killing us./

PH - (*going to flip chart*). My fear is putting something in the Comp Plan forcing you to put something in the zone code that you don't want to do. (*Writes three main concerns on flip chart.*) Water quantity/quality; Wildfire protection; Resource lands. Resource lands, concern was that it would force you to put things in the zone code that you don't want. Desire was to put that on public lands. The rest has a rural designation. Came up with a 'Resource/

Recreation' designation. Driven by a desire not to come up with a zone code that was overly restrictive. My recommendation is to come up with a Resource land designation. You have a lot more flexibility in how you deal with your resource lands. Then designate Rural lands, big enough to allow development; resource lands adequate to support industry.

(AH arrives)

CB - (*too rapid*) I have a concern about the usefulness of land changing; owner stuck with something he can't do anything with. Problem is, the discussion is black and white. Not sure it really is.

PH - Common theme is that anything that could be used for agriculture has to have a resource designation. Not necessarily.

CB - We dealt with that years ago, in conversations. Oroville urban growth area in agricultural lands. Growing demand for residential. Compromise was that during the conversion period, residential use was prioritized (*e.g. orchard spraying*).

PH - Suggest we pick that back up in the Comp Plan. Give the cities a little more flexibility.

AH - Question about schedule. Meeting 2 weeks from today.

PH - You come up with a schedule. We'll post schedule and other documents on my website.

AH - 2 weeks from today, initial discussion. Put that on website.

CB - One point. We need a strategy (*cites shifting ideas with different boards*). Need a reasonable strategy. What I see is that we could get that done, all be turned out of office, and new board changes everything. People are afraid that we are going to turn everything upside down again.

PH - Resource land - tighten language, then go into designation. Water quality/quantity - if we just put in the Comp Plan what we did I think we will be okay. There is a difference between whether you addressed it or not and whether you did it correctly. Wildfire protection - what do you want to require? Or, you could offer incentives.

CB - Comp Plan should explain what we want and why. Wildfire protection - we need that to have a resilient county. Same goes for the floodplain. What are we trying to achieve? Not how we are going to do it. We don't have to go a long way beyond that. Don't get the regulatory stuff in it.

PH - For instance - geologic hazard area. We already require (??) footings.

CB - Guiding principles in the Comp Plan, and leave it at that. For example, mining. We say we support mining in Okanogan County, and here are the considerations. Then when we get a proposal, look at it and say 'right place' or 'wrong place'.

PH - Lay out a schedule?

CB - Need a strategy first.

AH - Give the general outline to somebody. Running it through the Planning Commission and cycle it back to us? Not hands-on?

CB - Lay out policies or goals...

AH - So, in 2 weeks we review comments

(convoluted discussion between CB & AH)

PH - Develop policy statements...

CB - And also your options for dealing with issues.

PH - Identify sections and what you want to do about it. If I can get that, we can work something up. Still recommend EIS as opposed to zone code. If the zone code is consistent with comp plan, it should be covered.

AH - Take the water section. Have a broad policy on water in the Comp Plan. How would the EIS deal with that?

PH - *(too rapid)*

(circular discussions of lot size, projected growth, designations)

PH - Do an EIS on the existing plan; make sure zone code is consistent...*(on flipchart)*, you guys review and I will do an *(EIS)* addendum, if needed.

CB - A review of the checklist.. *(too rapid)*. Would like to see a little more training on the SEPA process. And would like a meeting with the Planning Commission; communicate directly together.

AH - See it 2 different ways. They should come up with unbiased recommendations.

CB - Right, but let's have a conversation about why we are even doing this. It is not forbidden. It is even encouraged in some schools of thought. Planning commissions take their guidance from commissioners. They are a research body, looking into things more deeply.

PH - Lawyers get freaky about that, but CB is right. There is nothing forbidding it. The planning commission's role is to assist you. Hard to do that when they don't know what you want...

CB - Right. I have always argued against an interface *(i.e., an intermediary (PH) between the county commissioners and the Planning Commission)*.

PH - Could meet, bat it around. If we can do that in January, we could get it done in the middle of next year. Move onto the zone code.

(CB refers to one of the comments received, notes that the issue described should not be addressed in the Comp Plan)

AH - *(too rapid)*

PH - My opinion - they didn't pay enough attention to the maps. Didn't command enough attention. Really, really important we do that, especially when we get to the zone code. One of the comments noted that.

AH - We have all of this text. If we rearrange existing text to where we think it needs to go, that gives us a baseline starting point for continuity and consistency. Think we need to sort out document first.

CB - Agree with you. If reader gets impression the plan is jumbled up...

(more discussion, with examples of poorly organized, inconsistent documents)

AH - I go back to the format of scientific papers.

PH - Agree. We could look at that, rearrange it and bring it to you.

AH - I'll go through and rearrange it the way I think we should do it, then we can compare.

CB - *(refers to a standard format used for comp plans)*

PH - *(goes through upcoming steps in the process)*. Shoot for Planning Commission meetings in March. Should bring it back to you in June. I'll issue an FEIS. There is no appeal on that; it would be tied to your adoption of the plan.

CB - *(to AHu)* If you are going through it and you see problems, I encourage you to let us know.

(PH and CB have informal conversation about ingress/egress issues for developments. CB emphasizes the need to solicit input on developments during the SEPA process)

Marijuana Advisory Committee

PH - Have some agreement on the easy stuff, but we are getting down to the more sensitive issues. Some people going missing. I am going to turn them loose on the subject of vesting. Coming close to the end of the moratorium (Dec. 26). Am going to bring you what I can get out of the group, see if that is enough to go forward with.

CB - Is the vesting issue one of the more controversial?

PH - Yes. That is why I shoved it off. We are right on schedule, but people are starting not to attend.

CB - Tell them that the more they come up with, the less we will.

PH - We have been talking about that.

USFS - Smokejumper Base Letter

AH - I forwarded to Mary.

PH - Good, that is what I wanted to know

Douglas County Solid Waste

(Discussion of opposition to long trains)

CB - Need to let them know that we understand, but that there may be unexpected consequences that they will not like.

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PH - *(to Dan)* Is everything still flowing into your office? (yes) Ones that are backing up now are the ones relating to sales. Am comfortable with the process regarding permits for lots. Subdivisions, we will have to figure out what we are going to do with those - whether they are creating a water system. Still we restling with that.

(AH describes nuances of splitting a 100 acre parcel - individual vs. community water systems)

AH - Goes back to Campbell-Gwinn...

PH - DOE has introduced the notion that if you have 2 houses on one well, that is a water system and not available for the 2 cfs. Same with subdivision.

AH - In 1976, when the 2 cfs came around, why would they have done that if they didn't anticipate subdivision? Otherwise, they could have counted up the lots and figured out how much water was needed.

CB - Needs a conversation. Might not agree with it, but that is what they are saying. Another thing is, who administers?

AH - Right if the meter is running and I turn on the tap, water goes into septic system. The water doesn't go away.

CB - What is the consumptive use?

PH - Aspect says, 30 gals per day.

CB - The water has changed (e.g. municipal outflow).

(more discussion of consumptive water use)

PH - My concern, if you are dealing with a person who is building... I believe the water certificates we are issuing are becoming marketing tools. I am having a little trouble with that. If someone is buying an expensive lot in the Methow - they don't understand what the certificate means.

AH - 2 aspects. Our certificate says that water is legally available...

PH - It is those occasions when we don't have a well. I am trying to be careful about the language I use. The balance I am trying to reach is *(to comply with Hirst without telling them that there is water there)*.

AH describes water availability that might not be permitted for use by the Health Department.

Tonasket EMS

PH - Have a contract ready, with one mark-up.

(Commissioners convene as Tonasket EMS board, approve a voucher and reconvene as county board)

Melissa - assistant clerk

SMP

PH - Lennard called. He will be returning document with suggested changes in about a week

Church Property for Homeless Shelter

PH - 25 ft riparian buffer for Salmon Creek...

(discussion of current status was too rapid to record)

Lake Management District

PH hands out work-up and map

PH - Won't have to (?) Map shows the Green's agricultural land on which there is no development. One of the things that came out of the work group. The ag land that had no development, the suggestion was to remove them from the assessment.

Planning Department Supplemental Appropriation

(LJ arrives with supplemental appropriations request \$67K for Planning Department, and a public hearing on that item is begun)

PH - \$32K is grant funding for VSP. The rest is increased activity. Legal expenses, postage, printing and projected expenses for legal services. Through the end of 2017, I would continue those bills (\$10k). \$10k could come out of my 2018 budget, as legal department will take over processing. *(too rapid; describes revenue associated with bills (\$10k). \$10k could come out of my 2018 budget, as legal department will take over processing. (too rapid; describes revenue associated with VSP). Project billing out (too rapid).*

AH - Generated from within your own department?

PH - Correct. With all the revenue that has come in, I will exceed my allowed spending limit.

(JD opens for public comment; no comments; resolution is passed)

Lake Management District, continued

PH - Back to LMD. I would suggest not backing out all the undeveloped lots. Many are clearly being used for recreational purposes. The whole reason is to improve water quality in the lake.

CB - You could take just Shady Park - they were in the agreement? (yes) I am sure we can find others. *(Goes over the map)*

PH - Farm Bureau had representatives there at the workshop. Participants agreed that undeveloped ag should be excluded. Other undeveloped lots, I am not convinced. Another thing - you have the opportunity to reduce the district boundary in the future, but you can't increase it. I'll put this back on the schedule for next week, let the Farm Bureau know that you will be drilling in on this.

Capital Facility Plan

November 13, 2017 hearing

PH hands out plan

PH - Capital Facility Plan is actually a good-sized document. A lot of good information. Have created a summary that will go to the Planning Commission on November 13. For bigger projects I think we should tear into the plan in 2018. The process is different. The GMA counties have to tie Capital Facility Plan to Comp Plan. County Engineer has been given more power. That is why there is a 6 year plan for them. The idea behind having the Planning Commission review it is for consistency with the Comp Plan. That is a real debate in the GMA counties. When I sent the notice out to the other tax districts, most of the feedback I got was 'What do you want to know?' Had some pretty good conversations. Breaking new ground. Will get into a little more detail in future years about why we are doing this. The Planning Agency is tasked with *(too rapid)*. We don't administer the Capital Facility Plan. All

this does is review the planned projects for consistency with the Comp Plan. (too rapid) We then pose the question annually, 'What do you plan to do under the Capital Facility Plan?' Whether you can use excise tax for maintenance, the answer is yes, if you have the money to do your capital facilities.

AH - Reads from list. Two that are missing - Public Works building - very inefficient. The second is the flood control dike (*in Okanogan*) that we own.

CB - Aren't we turning that over to the city?

AH (too rapid)

PH - Objective of Capital Facility Plan in Okanogan County is to identify which projects you can spend real estate excise tax \$\$ on. The real objective is to maintain consistency with Comp Plan.

CB - I get where you are going with that. Some of those projects are irrelevant to excise tax spending.

PH - Right. The review will reveal regulations in place (*refers to a specific project in Tonasket*). That is a broader view of the Capital Facility Plan.

CB - Some of them are improvements associated with growth. Outside money comes in. Not against putting things in the 6-year road plan. That is a tool.

PH - An option, as we mature our new approach, we could adopt in the 6-year transportation plan. Coordinate between cities and county, make everything consistent. Planning Department will generate a report after the November 13 meeting.

AH - My concern is Public Health. That is a priority. They are asking for a one time \$40k. They will save on heating bill and put that into their budget.

CB - 'Here is what we are doing for you, instead of giving you more money.'

AH - Right.

4:20 *End of meeting.*

