

Board of Okanogan County Commissioners
1/29/2018

Present:

Jim Detro (JD): Board of County Commissioners
Chris Branch (CB): Board of County Commissioners
Andy Hover (AH): Board of County Commissioners
Perry Huston (PH): Director of Planning and Development, Administrative Officer
Angie Hubbard (AH): County Planner
Lanie Johns (LJ): Clerk of the Board
Dan Higbee (SH) - Building Department

These notes have been taken by one of several volunteer citizen note takers and published on the website of Represent Okanogan County (ROC.) Some sections have been summarized. Others have been taken as close to verbatim as possible, with any writer's comments or questions in italics. For officially approved minutes of Board of Commissioner meetings, normally published at a later date, see www.okanogancounty.org.

Summaries:

Lake Management District, continued hearing: Lengthy discussion. Board of Commissioners voiced questions regarding the proposed Lake Management District following the previous public hearing. After an hour of questions, answers, and detailed discussions, Cmr. Hover moved to deny the proposed District due to the number of unanswered questions, with a unanimous vote of the Commissioners. He pointed out that people will need to know what they are voting for. He directs staff to make a map, include outreach, and make a more concise plan. Cmr. Branch stated that the scheme just needs to be perfected. Cmr. Detro and Hover emphasized that it must be clear and understood.

OCC Title 20, Hirst, water, etc. Lengthy discussion regarding change in state law. Dept of Ecology will be here Tuesday, Feb. 6 at 2:00 PM to answer questions regarding the changes. In this county, WRIA 48 must follow the instream rule. WRIA 49 will need much more attention. OCC Title 20 will be revised so that we are not required to follow our own out-of-date code. An "interim" ordinance, good for up to 6 months, will take its place and should be ready for implementation in a couple of weeks. It will be strictly a process document on how to review permits. By 2/2021, we must have a new watershed plan. Will start the process toward possible grants from Ecology to help with all this work.

Comprehensive Plan: Brief session. (A 4:00 on another matter has been scheduled.) All that is new is a cleaned-up Comp Plan draft circulated to BOCC, with previous strike-outs having been accepted by Planner Hubbard. Not much time to discuss Resource Lands definition other than a few questions. In answering one question, Huston states: If you know there is an area where there is little water, maybe that is not a great spot for 1 acre lots; but you need to be sure transportation, other grids are looked at. Interim control ordinance for processing permits should be available for implementation by the building department in a week or two.

1:30 - 2:34 PM: LAKE MANAGEMENT DISTRICT CONTINUED HEARING

Anna Lyons: Noxious Weed Control Board
Mr. Waterstadt: Lake Osyoos Association

This is the last hearing on the Management District - Questions from the Board of Commissioners.

Major issues discussed:

1. Questions arose regarding taxation of the parcels.

- * How would foreclosures be handled?
- * How about parcels with no home, but which have basketball courts and other recreational value?
- * Specificity is needed.

2. Buffer zone, weed treatment. 1,000 ft. was self-imposed during the previous grant. There has been concern from the Canadian side due to use of 2,4 D. Milfoil increase could be of concern. Some landowners were being assessed but their property was not treated. Waterstadt: In Veranda Beach, Canadians addressed weed treatment. A letter from them came regarding stipulating pesticide use. Enviro Canada only lists conditions follow, doesn't ban in buffer zone. But WDOE said they need a letter that the buffer zone can be treated (from Enviro Canada.) In buffer zone, on E. side of lake is a good place for burlap. SW side of border - about 600-800 ft. w. no residents - easier to get approved. It is challenging to get people together to talk. We need the right people to say it's ok. Anna Lyon: Noxious Weed Control Board discussed possibly of being used to administer funds. They are ok with this.

3. Questions regarding assessment of parcels: Veranda Beach - some undeveloped lots want to be excluded. PH - Assessments are addressed along with the annual Budget. There are questions regarding whether additional assessments can be made. How about levies? Boat launches? Could the district be involved with these? Who would have the authority to do this? Could recreation be used as a possible venue? What options would remain for the future?

4. How would invasive species be addressed?

5. Public questions at hearings: People brought up that people other than those who live there would benefit the most.

6. Are we prepared yet to put this on the ballot?

Comr. Hover pointed out that this has been 2 public hearings and we still have questions. Probably agrees that there needs to be some management of the lake, but we are not clear on who would manage it. If we were to start once gain, what would we need to come up with for a clear plan?

Further discussion:

PH: You are only proposing it to the voters. Questions we have are close to being answered. If we at least leave an open door with the noxious weed board, we could do this fairly quickly.

JD: Are we at the point of being able to put it on the ballot or not?

PH: If you are going to assess undeveloped lots or not - needs to be told to the public. Suggests having one more round. Would need to be closer re Ag lots: if developed parcels would be taxed.

AH - In Veranda Beach, could go back and say that all lots within that area are included - might give an idea of what will be assessed.

CB - The lots in shorelines will have a recreational aspect. Would be fair to tax the rest of the lake with that density and not charge them accordingly.

AH - Suggests that there be wording as to the future regarding this.

CB - Could count units. Subdivisions with "X" number of units - boat docks with more than one unit, etc.

PH: All the units except the one we discussed are included. Are you willing to charge for the lots that have basketball courts, etc? I'm not sure I would distinguish between developed and undeveloped lots.

CB - Ag lots on the lake are not necessarily undeveloped recreational lots.

AH - Need a mechanism to get a time by which they might be charged.

PH - Could include all lots now, but do not charge until they become recreational.

AH - If you leave undeveloped recreation lots not assessed, do the same with Ag lots. Just do not assess those with no houses.

More discussion re Planned Developments:

CB - Those particular resorts have boats. The issue was how many boats on the lake? Some are not subdivided. They just have condos. You could use a multiplier. Just an idea.

AH - Main idea is a concentrated amount of people using the lake for recreation. Could you assess a private boat launch?

CB One piece of property could be assessed for 150 users, but could actually have 250 users.

Waterstadt: Veranda Beach condo owners only own the structure, not the land.

PH - Fee simple lots on Veranda Beach.

CB - They are subdivided within the development.

Waterstadt: If Veranda Beach is opposed to the Lake Management District, they can just vote it down.

JD: If we exempt them and continue on, would they merge with you later?

Waterstadt: Possibly. They paid a lot to have it treated last time. Homeowner dues are really high.

CB - I see the issue, but milfoil can be increased.

Waterstadt: \$700- 7,500 last year.

AH: That's 47 lots at \$150.

CB - Lot on shorelines of Veranda Beach is a community lot.

AH - How many lots in Veranda Beach?

PH - About 100.

CB - What if Veranda Beach goes broke and they stop treating?

AH - Once we stabilize our math...we really haven't sat and talked about what is a realistic budget for treating all of this. People asked how are you going to do it?

PH - I have a note from Angie that there are 184 lots (in Veranda Beach.) 230 (total?) Some are outside Veranda Beach.

CB - Brainstorming. Maybe we just charge Veranda Beach for number of units that are there.

AH - Timeline is such that we wouldn't get this done this year.

PH - We could get it approved now.

AH - My preference is not to move ahead at this time, but have a study session. Must be concise. People need to know what they are voting on.

PH - To get to the concerns: Take map, make another run at lots to be assessed on day one. Just a math exercise. Study session: No reason we can't just go to Veranda Beach and ask if they are interested. Need one more public hearing to answer all the questions.

CB - It's important to answer questions. 2019 will be the mail-out and collection.

Waterstadt: Mentions ongoing concerns: about water quality, milfoil. If we have whole lake, can get breaks on the costs. Thanks BOCC for their time. Finally, the voters will vote yes nor no.

AH - Our concern is to be equitable and consider all people there.

CB - I think we have a common vision. We need to answer people's questions so they do not just go out to vote against it.

PH - Summarizes: You are poised to close the public hearing. Assessment deferred until lots developed. Outreach - Veranda Beach and noxious weed board. Create more refined budget. RE-calibrate your 1st year assessment to see what assessment will be.

CB - Points out that there are Ag uses that have not been designated as Ag. Who has to pay back-taxes?

AH - There is Open Open Space, Open Ag, Open forest, Residential community, etc. If you want to put a house up, probably need to change the classification.

Leah Mc Cormack - The part of the land the house is on - the cost goes up.

AH - Can't build a house on Ag land.

PH - Summarizes all tax classes are according to zoning.

AH - If Ag lot, if payment due - goes into "developed use." (?)

PH - Definition - what is the definition of developed vs. undeveloped? How about those with basket ball courts, etc?

AH - This should be part of the discussion and trigger for assessment. RCW says we can use an advisory board.

AH - Moves to deny Lake Management District. All agree. Moves to direct staff to make a map include outreach, make a more concise plan.

CB - The scheme just needs to be perfected.

JD/AH - Agrees. It must be clear and understood.

2:42: OCC Title 20 - Regarding Water, Hirst, etc.

PH - All paths lead to the conclusion that in WRIA 48, we follow the rule. Next Tuesday (Feb 6) Ecology will be here at 2:00.

WRIA 49 - Obviously the focus of a lot more attention. By Feb, 2021 - in terms of existing wells we have to do what is required in 6091. I think they just crossed out 5,000 gallons and wrote 3,000. Existing wells- only hooked to a building permit. Have a well log in their hands showing enough water - they get a permit. We need to change Title 20.

WRIA 48 - See if well log runs afoul of the law. Take an extra look at the well logs. Shows a legal source, whether being used or not. Need to change Title 20.

WRIA 49 - 3,0000 gallons legal restriction. Need to change Title 20.

PH: I sent revised Title 20 to you. Strips everything that has to do with water. All Title 20 is a statement of regulatory reforms. Requires GMA counties to follow, other counties may follow. If not doing a public hearing, etc. - need to get Title 20 off the books.

AH - 172.548 - A reserve of water & a finite amt. of building that can take place. If we can get a consumptive use, etc....no definitive end. Now how do we deal with this?

PH - by 2/2021 - Must have a new watershed plan. We are not directed to revise the instream flow rule, but to make a plan as to how "to do that." If you want a land division, must show available water. Must adhere to exempt wells to 3,000 gallons. Marijuana farms - does not allow commercial use. In 48, we are saying they are interruptible. In 49, no such language. 49 - No new requirement that building issues have to go through Ecology.

If we get \$\$, what do we want to do with it? We've always wanted to reconcile wells to houses, will walk backwards to buildable lands requirement. Staff work - pay them somehow. May be an opportunity to pick up permit tracking process. Discussion of time-tracking software so people can go on to see where their process is, go online to schedule inspections.

(Notetaker question: To what extent is enforcement being considered?)

Does BOCC want to flesh out a grant application?

AH - Tell Ecology in February (6th?) that we already have a list of where we need to go. If we hire out, more expensive, a little faster. Need to figure out hours for personnel, etc.

PH - We can expand notification process, but I prefer a set process. Doesn't mean we can't confer with Yakama's, etc. Need to look at whether wells were dug in accordance with regulations - especially where Ecology did not issue the letter.

PH - Want to do an "interim ordinance" so I don't need to follow our own current rule. If no appeal process, we need to take it out of Title 20. Technically, a building permit can be appealed - but we have no notification process.

AH - But we do not administer the waters of the state. In my mind, you could not notify anyone because we are following Ec'y rules. Or you could notify the whole basin, in case some senior water right holder had a concern.

PH - Rather than bury it in another code, create a new water section in Title 20. We can distinguish between 48 and 49. A new water section - can be amended when 49 is done, when Comp Plan and Zoning are done. Cite state rules, types of notification, etc.

- 1) Interim Title 20 (simple process)
- 2) Interim water supply section. (NEEDS TO GO THROUGH PLANNING COMMISSION.)

AH - If we only take out requirements of Title 20 - where do we say what we will do?

PH - All water availability must come out of 20. Notification process- do they go through SEPA? Notification re Bldg. permits still there. Draft - I went over today and pulled out everything re water. The bill authorizes us to impair instream flow.

AH - We don't deal with impairment. That is Ec'y. If I am putting in a well on the Lower Methow, why would owners upstream need to be notified?

PH - Whatcom/Hirst did not adequately protect groundwater. Kittitas - Senior water rights. IF we deal with this in Comp Plan, would we still need to do it in the permitting process?

AH - Say we didn't look at water issues in Comp Plan but followed the instream flow rule.....
14 cfs for all permit exempt wells since '76... Saying that when Kittitas was incompetent, with no rule to follow- at least we have rules to follow. Originally Title 20 was appealed because it looked like the county was going to depart from the rule.

PH - I agree, in part.

CB - Comp Plan - I am inclined not to gear it to conforming to any rules, but we will rely on Ec'y for water adequacy for development. We will find and adopt our own data. It has been Carte Blanche so far.

AH - Agrees, but things have changed a bit with Ec'y.

CB - The Comp Plan is basic rules and objectives.

PH - To a point BOCC has made consistently - it is a policy document to which you will tie other docs.

CB - We can recognize options. Look at water management.

POSSIBLE GRANT \$\$:

CB/AH - Discuss fees, permits, software program to track fees, connecting with auditor's office, see how Ecology wants to get information. Are we limited in what we can charge? Discussion about being proactive in deciding how we interpret Ecology's rules.

(Note taker question: would enforcement be included in this mix?)

PH - I will write 2 ordinances:

- 1) Repeat Title 20. New water section, different for 48 & 49.
- 2) After 2/2021, will address permit - exempt wells.

CB - The obvious is that within statutes, etc. they are constantly changing.

AH - Do exactly what Perry says. Pull up all water data available. Only thing we should consider are senior water rights and impairment. Can we do anything to prevent impairment?

PH - Draft Title 20 is only how to review permits. Strictly a process document.

(ABOUT 3:30) COMPREHENSIVE PLAN UPDATE

PH - Angie accepted the strike-outs. I want to look at criteria for Resource Lands.

AH - Designation for Ag lands - type of soil? What do we put on the list? Maybe where there is actually Agriculture? Look at city expansion areas? With irrigation districts? Need enough land to support the industry. Some areas do not lend themselves to rural.

PH - Cleaned -up draft of Comp Plan is the only new thing.

Mtg. update - Summary of several projects well underway. Revised watershed Plan in 49 anyway. They want additional guidance on this.

AH - Recites list of regulations we have to follow. Beyond that, we could discover there are places there is just no water. Where do all these regulations come into play when someone asks if we are following policy (I believe this refers to policies in Comp Plan.)

PH - If you know there is an areas where there is little water, maybe that is not a great spot for 1 acre lots; but you need to be sure transportation, other grids are looked at.

Dan Higbee (Building Dept.) - Do you have a timeline for us on Title 20?

PH Soonest - a couple of days.

DH - Implementation?

PH - As interim control, very quickly (can be in effect for up to 6 months.) A week or two. Up to BOCC. The people who just “want to know” and already have a well, I will give them a copy of the law. No well - I will try to point out for now, then 2021 deadline will kick in.

Fair Facilities - Resolution needed by Feb. 28th.

4:00 - Apparent meeting with some department heads. Note taker leaves.

