

BOARD OF OKANOGAN COUNTY COMMISSIONERS
06/10/2019

In Attendance at Meeting:

Jim DeTro- JD (BOCC)

Andy Hover - AH (BOCC) *(absent)*

Chris Branch – CB (BOCC)

Lanie Johns – LJ (Clerk of the Board)

Perry Huston - PH (Administrator & Planning Director)

Dave Hilton – DH (Environmental Health Director)

Dan Higbee – DHi (Building Official)

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.

Summary of significant discussions

M Tank Ceiling Project

PH presents a revised contract with the architectural firm selected for the project and describes changes involving additional tasks: bid package preparation, review of bids and inspection of materials and workmanship. The commissioners approve the contract.

Purchase and Sale Agreement

Evidently the county is selling a parcel to an entity that intends to use it as a gravel pit. Although not required to do so, the commissioners want all residents within a 5-mile radius to be informed of the intended use. PH reports that 478 postcards for notification are prepared and ready to send out at the commissioners' direction. A conversation about how to structure a public meeting on the proposed gravel pit ensued. The commissioners agree on a study session, to be held on the 24th.

Lake Management District #1

The commissioners act as a board of equalization for the Lake Management District #1. They discussed how to discharge that duty.

Water Availability Study Areas

Mitigation Language

The commissioners had a lengthy discussion with PH, DH and Di regarding the confusion over the legalities of building homes in closed basins. The Department of Ecology has been providing inconsistent information about what is permissible. CB advocated for declaring the county's approach in a position

paper, prioritizing 1) allowing existing wells to be used for domestic water supply, 2) supporting municipalities' acquisition of water for future development and 3) pursuing a means of allowing development of existing lots. AH agrees. The potential for using cisterns was discussed; there are complications with the Department of Health policies.

Code Enforcement

PH has recently issued stop work orders at two locations. AH asks about changing code violations to a civil infraction, and a discussion ensued. DHi noted that current practices waste a lot of time and expressed the opinion that recording penalties against the property title is an effective solution; PH agrees.

WRIA 49 Update

The Watershed Planning Unit intends to ask for money for an assessment model to identify which basins give the 'biggest bang for the buck' (presumably for mitigation activities). The Planning Unit has a vacancy due to a recent resignation.

Interim Ordinance Changing R1 Zoning to R5 Zoning in the Lower Methow Valley

PH presents an ordinance establishing interim controls to change R1 zoning to R5 zoning in the lower Methow Valley. The commissioners unanimously approve it. A public hearing will be scheduled.

1:30 Planning Update

(AH is delayed and misses the beginning of the meeting)

PH – Have a number of action items that you could address while waiting for AH. Ask to convene as the Tonasket EMS governing body.

CB so moves; seconded; approved. The commissioners approve a budget item for Tonasket EMS. PH informs them that there is a routine audit underway. 'Closing the loop' on earlier issues such as some missing equipment.

LJ – I believe I have some old flip phones in a box.

PH – That would be part of it.

CB – It was brought up that there were some additional dollars available for EMS. Apparently federal dollars you have to access through the state. Don't know if it would be worth it.

PH – No real clear process. Could combine all the EMS's.

CB – Might check in with the EMS Council.

PH – I will check in with him. We are still sorting out the different ambulances. Which ones are good, which are not. Those are the kind of things we need to clean up.

CB moves to adjourn as Tonasket EMS and reconvene as BOCC. Motion seconded and passed.

PH – New contract with Conservation Commission for 20-21 Voluntary Stewardship Program (VSP). \$220,000 with which to budget. Do not have an agreement yet with the Conservation District, so can't amend county budget yet (*distributes a draft budget*). Not time sensitive.

CB – Looks like the old agreement...

PH – It is now for implementation. Had some left over money that has already gone for implementation.

CB – *(inaudible)*

PH – Mostly for outreach. Picking up from where we left off. \$240,000 total contract amount; \$20,000 retained as a contingency *(for finishing the work)*.

CB – I would like to look at it more.

PH – I can put it on for Monday.

M Tank Ceiling Project

PH – This is the contract with Beeman Architecture. We had intended that they would stay on until the end of design. They want to stay through the bidding phase to make sure bids are responsive *(and then through construction, for quality assurance)*. The bulk of their work would be in preparing the bid package.

CB – There is pretty good confidence in staff's ability to manage the project?

PH – County staff will schedule the work. Beeman will make sure that materials and workmanship are consistent with the bid documents. We have better history with Beeman.

CB – Architect travelling from Portland, OR?

LJ – *(inaudible)*

PH – Standard architectural contract. Beeman will review bids and make recommendations to you. Staff will oversee project, with Beeman monitoring workmanship and materials.

CB – Move to approve contract with Beeman.

(seconded; AH arrives)

AH – Sorry, I missed the beginning of the conversation...

PH describes what was discussed.

PH – The changes are consistent with the fee schedule. Checked with Gecas *(County attorney)*.

CB amends his motion (inaudible). Motion is seconded and passes unanimously.

CB describes problem with previous contract involving change orders.

Purchase and Sale Agreement

PH – Crew generated a 5 mile radius; 478 postcard notifications. We are ready to mail those out, at your direction.

AH – Because this goes beyond what we statutorily are required to do...

PH – Correct. You are not required to have a public hearing. Until the gets to a conditional use permit.

AH – Want to make sure we are being consistent.

PH – Unless the applicant decides to charge you with being arbitrary and capricious.

AH – I know I was the one who came up with the 5 mile radius. Normally it would be 300 ft....

PH – I am comfortable that you are notifying anyone who would be affected by this gravel pit. The purchase and sale is what is being addressed.

CB - If it is a public hearing, then there is testimony. There is not the opportunity for interaction, two-way conversation.

AH – We have already published the notice, right? (YES) So, if people still have questions, we can...

(more discussion of how best to have a public conversation on the subject)

PH – I intend a fairly detailed presentation about what this whole thing is about.

JD – Don't want to do it as a workshop. People could say, 'Well you did it last time'.

PH – We have time to put a study session together, either the 24th or the 1st. Have an informational meeting. *(Commissioners agree on the 24th, decide to set a time limit).*

PH describes the information and materials he will have.

Lake Management District #1

PH – Weed board working. You made some adjustments, acting as a Board of Equalization. In the statute there is no discussion of doing this annually. There is some argument for having an ongoing process. With your permission, will schedule another meeting when people can come in and challenge their assessment.

AH – When would you do this?

PH – Late in the year.

CB – Seems like a fair thing to do. Maybe we should set ourselves some rules so we have a consistent process.

(Discussion of how the Board of Equalization works.)

PH – We would parallel that process.

LJ – You have 30 days after the postmarked assessment to appeal.

PH – Could codify the process; meet once a year as the LMD Board of Equalization.

AH – Mr. Hill just came in. Is he on your...?

Tax Title Property Parcel #3024101009

PH – Didn't sell. Explained to the Las Vegas outfit about the process.

2020 Census

PH – We have been contacted. Last time, my department handled it; I assume you will want us to do so.

LJ – They also want some community outreach. I assume that when they do meet with you they will want to talk to you about that.

Water Availability Study Areas

Mitigation Language

AH – We are moving into a time of water for water. One way is to have an infiltration gallery; doesn't have to be potable. Other possibility is cistern. Does the state have standards for cisterns?

DH – Haven't been able to find out. One question that keeps coming up is where the water comes from. Do the cities provide a connection?

AH – So, the source is an issue there. At some point, the county has to figure out what it happening. We need to help people mitigate. Help with the interaction between people who want to mitigate and the Department of Ecology (DOE, or 'Ecology'). We need to identify what they can do.

CB – We need to know.

PH – things have been somewhat fluid. Such as existing wells. DOE has softened on that.

AH – That is something that they can't arbitrarily do. They have to either say yes or no.

CB – Agree.

AH – These are real things that are happening right now. We are going to have to come out in the lead.

CB – The only resolution is to tell them that there is only so many times you can change your mind.

AH – We need to come up with policies and show them to DOE, tell them 'This is what we are going to do'. When they won't tell us how they interpret their rules...

CB – That is the problem. They keep changing their minds.

AH – I want to drive the conversation.

CB – Let's do it.

PH – First is existing wells, properly constructed. Are we going to let them use those? Second problem is with cisterns. There are some existing group systems out there. We are trying to get a handle on the people who want a group system; ones that have some kind of public process history. Time has expired for objecting. The new ones will be different.

CB – Why don't we write a position paper?

AH – Agree. I also agree with one parcel.

DH – Have been involved with this for 20 years. (*describes history of Group A and Group B water systems*). From an environmental standpoint it was a horrible nightmare. They didn't meter. For me, a single high capacity group well is best. They need to meter/monitor.

AH – I have always said (*inaudible*).

CB – You are suggesting a managed system. To satisfy health – water quality. Other side is water quantity. Those join together.

AH questions details of Group A/B.

CB – These days municipalities have obligations for conservation.

JD – I am on a group well. We voluntarily put meters on both wells.

AH – We can't do a Group B in WRIA 48. But the more wells you put in, the more chances you have of contaminating the aquifer.

CB – Tighter rules for group wells. More robust environmental controls.

AH – One 12" well with high capacity pump could potentially serve 13 households.

CB – A position paper would help us in two ways. It would say what we believe. And it would make you think about it.

DHi comes to the table.

AH – *(inaudible)*

CB – What are you trying to achieve?

AH – With the 2cfs reservation (*in the 7 reaches of the Methow*) and Aspect's 710 gallons per day (*estimated daily water use per household*), we would know how many households could we serve.

CB – So, you want to use the entire 2 cfs?

AH – Not necessarily. Don't want to use water to decide on growth. But you would know limit. Municipalities can't get more water. We have subbasins that are closed that they really can't say why. No stream gages. But they have said that we can mitigate. So, we need a mitigation plan. People paid for property based on the documented guarantee that well construction would ensure that the water would be deducted from the 2 cfs reservation.

CB – From my perspective, existing wells are a priority to resolve. Then, creating a position on how that water is utilized. Number two on my list is making sure municipalities have the water they need to grow. That has a lot to do with the economy.

AH – Agree with your priorities. No new wells in those closed areas, but if they have a document that allows them to drill the well.

DH – We inspect every well. There is nothing out there that says they can't use that well.

CB – Need to put that in the position paper.

AH – Let's triage. This would be one. Another would be group systems.

PH – The questions we get – existing wells in restricted areas; can I drill a well in a restricted area? The answer is no, or maybe – with mitigation – stay tuned.

AH – A cistern would be the easiest way to go. I understand your (*DH's*) reservation on that.

CB – We work down through those priorities. Then, the cistern idea is more complicated. People come up with all kind of ideas that may not work out. Need some hydrology expertise. (*describes unintended consequences*). I agree it can be done; Aspect has brought pictures. But Aspect is in it to make money.

AH – So, if somebody comes and says they want to build, they hire a hydrologist and they come and say they will do such and such to mitigate. Are we going to say yes?

CB – Send it to the Water Conservancy Board.

AH – *(inaudible)*

CB – We have to comply with water law. And water law has recently changed.

AH – There was a plan, over there *(in western Washington?)*. Did the county sign off on the plan?

PH – They signed off on the plan, but not on the implementation plan.

CB – The City of Oroville had Aspect work for us. We proposed some things that were perfectly legal, but then things changed. What those lawyers are doing is trying to make their cases bullet-proof. And remember, Ecology gets sued, too.

PH – Second question is to subdivide property and share well. the answer is no. We assess against Campbell-Gwinn, how many parcels they can get.

AH – They forget that in 1945 they stipulated that a group system could not draw more water than individual systems.

CB points out the underlying need for growth management.

CB – There is water in the river for a number of reasons.

AH – We deal with complex issues. Some places, the lots probably should be 40 acres, based on our ability to provide services. Let's not use water to stymie development.

CB – Intrinsic relation between water and growth. It is not always where you need it.

AH – We have real world issues.

CB – Real world pressures from people who want to develop their properties... Back to the hierarchy of concerns: 1) I have a well and I want to use it, 2) municipalities, and 3) I have property I want to develop.

PH – third question: *(long and complicated description of a problem with multiple scenarios involving shared wells)* Some Group B systems involved trading water right. Not treated as a water right but it provides a priority date.

AH – That is not true in the Methow. All water withdrawn reverts back to the 1978(? – *evidently referring to the date of the instream flow rule*) priority date.

PH – Theoretically now, with ESSB 6091... Resolution: Group system – if approved by Ecology, we honor that.

AH – We need to meter that.

PH – Correct. If someone comes and wants to share a well, we tell them no unless they can point back to a public process.

DH asks a question about subdivision and sharing a well. AH goes into the description of the pertinent law and its shortcomings.

CB - A lot of other things get mixed into that. We are not going to win a discussion on the finer points of water law. Need a position paper, take it to Ecology, tell them 'This is what we want to do. Do you agree?'

JD – I can go back to when they shut the ditch off.

AH points out the conflicting rules for Department of Health, Planning, Building and Ecology. And Ecology giving inconsistent answers.

PH – Locally, what we need to work out is the question of group cisterns. We have taken the position that there is no group system.

DH – From state and county departments of Health, we don't regulate group wells. We kick everything in the Methow over to Planning. If they can get a building permit, fine.

CB – We need to pull that together. We have to speak with a collective voice.

JD – Tell them, if Ecology says it is okay, you have Ecology call us.

AH – I am trying to get us all on the same page and say – these are the rules we are going to follow until we change them.

CB – I think we are all in agreement on that.

PH – What I think I am hearing: in 48 restricted areas/closed basin. Want to see existing lots able to build a house. Existing wells – they can use. New wells – only with mitigation. Elsewhere in Methow, 2 cfs reserve.

AH – What if I have a mitigation plan?

PH – Provide it and I will run it by Ecology.

Discussion of water availability/adequacy and building permit.

CB – Wonder if water adequacy should be defined in Okanogan County.

DH – Quality and quantity are equal.

CB – Don't want anyone thinking they have water adequacy prematurely. The buck stops with Building (permit).

PH, Dave and Dan agree that it is not a current problem.

PH – Group system. Existing lots with public process, DOE paperwork, some documentation, we will honor those. New group systems for existing lots – we might agree with them, but may not be able to allow them. New lots, no.

CB – Process we have for short plats. That says we have looked at water. We allowed people to subdivide on that basis. If we don't stand up for those positions, trust in county government is eroded. We said, yes, this is a piece of property that can be developed. We have got to resolve those things.

AH – DOE. I heard them say – one well, one parcel. Makes no sense.

CB – Tell them that. We believe that makes no sense. Call them out. Get that discussion going.

PH – What I am hearing: bright line between existing lots vs. subdivision. That is a consistent policy approach. We are going to create policy that allows people to build house on existing lots.

AH – Look at that emergency rule. Look at how they did that.

PH – One thing about existing lots. Courts have been upholding the LUPA (? – *Land Use Planning Act?*) standard (*time to appeal has elapsed?*). What I'm hearing is, those existing lots can share a well.

CB – Position paper: this is where we are going, where we know we are safe. This is where you need to figure it out and clarify it for us.

PH – If you went through subdivision and in the public process there was nothing to say you can't have a group well. But you can't have more than 5,000 gallons per day.

CB – Overlays are a form of mitigation. That goes in the position paper.

PH – I am going to put it in the form of a resolution. (*Describes the issues to be addressed*)

AH – We should also run the report on the amount of water still available in the 2 cfs reservations.

CB – Municipal water. That steps a little over what the Methow Watershed Council has in mind, but we need to address that.

PH – That is supported by a previous BOCC resolution.

Commissioners direct PH to develop a resolution. AH asks whether people with existing wells can build. PH says yes, and that he believes Ecology is good with that.

PH – When people call me about whether they can build, I tell them it would be a lot easier to answer if I had a proposal in front of me. Dan can review site plan; building permit is good for a year. If you ask 6 months from now it might be different.

CB suggests regular meetings amongst Planning, Building and Health.

DH – Water supply for cisterns has to come from an approved water source.

Comprehensive Plan

PH – DEIS moving along. One of the pushes to get that to happen is (*describes multiple factors, too rapid to record*).

Code Enforcement

PH – Stop work order in place at the salvage yard, stop work order in place at (*inaudible*)

DHi – No discussion with the prosecutor about processing these?

PH – Not recently.

AH – Changing it to a civil infraction?

PH – Need to establish a bail code, that sort of thing. The discussion we had about a year ago, that has morphed.

CB – Think about, if you are talking to the prosecutor and sheriff, that we actually have a discussion here.

PH – I talked with the sheriff about the deputy doing animal control, move that over to enforcement. We could send the letters and then send it to the sheriff. The prosecutor may not want the extra work; may not seem like a high priority.

CB – The person with the ticket book should be the person with a gun.

PH – I have had occasions when I have asked the Sheriff to deliver the stop work letter. Dan has had more success than I have.

DHi – My thought is that we should be able to record stuff with the title. That way we will finally solve it. The way it is now, we are wasting a lot of time.

PH agrees with Dan; leverage happens when they want to sell their property.

WRIA 49 Update

PH – Have Aspect agreement (*hands them out*). We are talking August now. That would be for their presentation on mitigation strategies. Next month we will be doing buildable lots analysis.

CB – Don't we have an RFP/RFQ?

PH – Technical committee recommended 2 things. Planning Unit agreed to ask for money for an assessment model. Proposed project analyzed for NEB (Net Ecological Benefit). The other is a basin by basin assessment. Where you can get the best bang for the buck. The RFQ would follow our application for the money. Vanessa has to make sure the proposal is sound. As lead agency, we would have to apply for the money. We would have about a week to spin this around. If we are successful (asking for money) we would put out an RFQ. I can't do that work. We have a vacancy. Mr. Wyss has resigned.

JD – He has an appointment by the President to be the state Farm Director (?).

PH – We do have a spot on the Planning Unit.

Interim Ordinance Changing R1 Zoning to R5 Zoning in the Lower Methow Valley

PH – We have discussed interim controls on R1 zoning.

Brings up a map of the lower Methow

PH – The discussion that we last had, the commissioners recognized, this line right here is the line of demarcation as to whether wells would affect the Methow or Columbia. That line extends up to the MRD. I have written an ordinance that changes the zoning in the Methow from R1 to R5. That changes the number of parcels. We have also discussed the notion that R1 zoning has other problems (*Campbell-Gwinn, density*).

PH reads from ordinance, refers to RCW 58.17.???

PH – In my opinion, this ordinance supports the 2014 Comprehensive Plan. If the commissioners wish to adopt this as an interim control, you have to have a public hearing within 60 days. You would have 6 months of interim control. I believe that you will have the Comp Plan revised by then and that this will be consistent.

AH – Move to approve ordinance

CB – Second

Approved unanimously.

PH – I will schedule a public hearing. Will report this to the Planning Commission, which meets tonight. That is the end of your agenda.

4:30 Note taker leaves.

RFQ – M Tank Ceiling

PH - RFQ deadline. Two responses. Will get copies to you for selection.

AH – What projects has Beman done for us?

PH – L Tank. SMD hasn't done projects for us yet.

(AHu brings copies of submittals)

PH confirms that Susan Driver is 'SMD'.

PH – Up to the commissioners. Tanya is familiar if you want her to be involved.

AH – (expresses confusion as to whether the SMD response is for the RFQ at hand; CB agrees).

PH – It came in response to our RFQ. (It seems that the submittal relates to 'planning')

Further discussion.

PH – It is up to you to decide whether either is acceptable.

AH reads from the SMD submittal.

AH – Either way, I don't think it is difficult to decide.

CB – What is your reason for thinking this is in response to the RFQ?

PH – Timing. As always, I will follow up.

AH – Move to enter into negotiations with Beeman Architecture for (M Tank ceiling).

CB – Second. Discussion? All in favor say Aye. (Both vote aye).

PH describes details of bidding, how to avoid confusion in the future. RFQ's don't have to remain sealed in the same way.

JD arrives; AH asks PH to update him on the RFQ for the project; PH does so.

WRIA 49 watershed plan update

PH – Just given you an email from Craig Nelson, facilitator. Suggests additions to the technical advisory committee. Suggests adding Amy Martin (author of VSP). Jay O'Ryan (Tonasket Irrigation). Jason Lundgren (). And someone from the county.

AH – Was this discussed within the group?

PH – No. Don't know the reason.

AH – I can understand them wanting more technical advice, but I think it should be a group decision.

PH –

AH – Technical team doesn't have vote. Shouldn't they just tell the group what their options are?

PH – Other money available to do additional assessment, should the group chose to ask for it. Part of this is to find out from the technical advisory group whether that is needed.

AH – I am going to point out the obvious... these groups all do (fish) projects. I am curious why these were specifically put on there.

CB – Jay probably has some ideas – this was to meet a June deadline – if they have some projects ready to go... they might need funding. I heard Jay has some projects.

AH – Hypothetically – why not put it out there to the technical committee that this is available.

PH – Just wanted to put this in front of you.

CB – Last meeting – there might be some opportunity to submit projects for funding.

AH – Technical committee should take in all the information and make a neutral presentation.

CB – A decision like this...

PH – If conservation district believes they need a position on the advisory group...

CB – If they think they need some projects...

PH – Jay is free to show up at any of the meetings (initiating government)

CCFEG

AH – When you have the Salmon Recovery Board – they are not the project initiator.

CB – Whether they are formally appointed, or whether they just show up to provide input, I don't care.

AH – If some of the advisory group are actually implementing projects, I can see why these other people want to be on there.

(__ leaves to get the list of the people on the technical advisory group) AH looks at list. Chris describes when one project was pitched.

CB – I am sure that information got back to the Conservation District... Anyone is free to show up and present a project to the planning group. I think that is okay.

PH – Same people, different groups...

CB – I agree with you. Don't see the need for formality. In the long run, maybe we need to take a look at the technical advisory committee. They weren't allowed to be on the planning group because of their interests.

AH – Semantics of this. This says 'technical information advisors'; nothing about a group.

PH – That is not how they chose to structure it. Way back, the agencies were technical advisors. They weren't allow to be on the planning unit. As that evolved, some of the people suggested for the planning unit got put on as technical advisors. Now we have two groups that have been appointed.

AH – Okay, that is not how I thought it worked. That is different from having a technical group that meets separately and vets projects.

CB – Did they consider who gets to be on the advisory group?

PH – I don't think so. Speed was a big factor. I think DOE wanted a compact group that already had some traction. Some of these projects have been in development for years.

CB –

PH – We had some folks come the other day that aren't even on. They are charged with bringing a list of projects to the planning unit....

AH – So the conservation district is the facilitator but is not in the group, right? OTID is in the group. CCFEG was never in the group, right?

AH lists the groups soliciting funding from the UCSRB.

PH – I can (inaudible), if you like.

CB – Or you could call.

AH – In other places, groups are siloed. People were afraid to open their mouths because someone else might do the projects...

CB – I am inclined to tell them just to show up. Those fish recovery groups, whoever they may be, know about salmon recovery projects. Because of that, they weren't allowed to be on the planning unit. I think we should be open to projects.

AH – I agree. I don't care if every one has a project to propose.

PH – I will check with Craig. The next thing to inform you of is that we do have a meeting of the technical advisory group next Wednesday.

CB – This has to be done before this isn't ours anymore.

PH – I don't think there will be anything submitted by June. I think it will be in the next round. They are looking for recommendations.

CB – There's water-for-water projects, then there's net ecological benefits. I imagine the salmon recovery projects are net ecological benefits...

AH – How many people are on the group? Don't the initiating governments need to decide about how many....

CB - The technical group has no say. They just bring a list of projects.

AH- Why don't you take that piece of paper to the planning unit?

PH – We can do that. We are getting way down in the weeds.

CB – Process is not going to look good if we pick and choose who can be on that. We went through months of formation process in the past.

JD – I agree with PH. We are getting into the weeds. How long have we been at this now? Three months?

PH – We are moving along.

AH – The facilitator should lay it out. You are coming up with

PH – You are supposed to come up with water-for-water (describes hierarchy).

AH – (describes how it should work)

CB – Are these people Craig is describing, are they non-biased?

PH – Next thing. Webinar May 30 (Streamflow Restoration Planning Groups). We could set it up. Everyone who is interested can watch it at the same time.

Note taker was not recognized; she will call in during public comment period 5/14 to comment that the SMP allows development on the basis that restoration projects create a 'no net loss' of ecological function.

Code Enforcement

PH – Fellow doing some ground-disturbing activities up Poorman Creek (Methow). (shows aerial photos, describes work done removing old equipment with a bulldozer). Greatest concern is culvert. I went up and looked, issued a stop work order until he files a JARPA. No one was onsite when I went there. It appeared that someone has planted a bunch of trees. Someone burned out the ditch and it got away and burnt to the neighbor's property and to the road. They are going to need an HPA to replace the culvert. It is an interesting situation, with the way the new SMP is working. In order to restore the area were disturbed, he would need to file a JARPA, which is a bit complicated. Need to get him in.

CB – Does Fish & Wildlife still use the JARPA?

AHu – yes.

AH asks how JARPA works in this situation; PH explains.

PH – The work needed to be done; unfortunately he used a D6. He would need a JARPA to work there at all. Now he needs one to do the restoration.

AH – So if I was going to do something like that and told you that I was going to take a cat down there, how would I do that?

PH – Silt fencing; replanting. The original complaint was that there was a subdivision going in. (shows 100 year floodplain). They hwas that there was a subdivision going in. (shows 100 year floodplain). They have actually consolidated three lots into two.

AH – How much would the permit cost?

AHu - \$800.

AH expresses shock; AHu describes the amount of work involved in providing permits and follow up monitoring.

CB – So is it ludicrous to have this rule?

AH - No. Just that there are situations where something needs to be done....

Philosophical discussion of permitting issues. Fish recovery projects don't require shoreline permits. CB describes special conditions attached to instream work.

AH – I know the Planning Department has to issue and monitor, but is there a way that streambank cleanup can be exempted from the fee? (yes)

PH – There are exemptions/allowances in the old SMP. (AHu doesn't know for sure). Occasionally you waive or reduce fees if there is a public benefit.

AH – I am not saying get rid of the permits themselves, but...

PH – New program, have to see how much leeway we have.

CB – Can't see what they did on that picture.

PH – There was ground-disturbing activity; no argument.

PH – A series of old exempt segregations that essentially say where the road is. One of the people decided they were tired of having people drive across their property. Went out and put a gate up.

CB – Did they create their own road?

PH – I am guessing that the road was already there. Can they keep the gate? I would say no, but let the courts decide.

CB – I have had people ask how the county can let that happen. They can get an easement by necessity, but they have to spend all that money.

PH – Have a meeting with the Champerty Shores group on Thursday. The task is pre-bond, get enough information to know how much to make the bond for. It is going to cost about \$25,000. Am going to ask the HOA whether they can just do that. Only two members of HOA are available. I'll go up and we'll talk.

Housing Authority NEPA.

PH – Will let Colville Tribe know what we are up to.

Comp Plan

PH – Planning commission continuing discussion. (too rapid)

AH – What is definition of 'multi-family dwelling unit'? Where did we ever come up with 'Up to 5 multi-family dwelling units per acre' (two or more)

PH – I haven't found that out yet.

AHu projects 17A.40.060 Density. (changing from permitting up to 5 per acre to allowed by conditional use permit, depending on water availability)

AH – If we go with this – CUP – we have to come to grips with this. Is it reasonable to have 5....

PH – (reads the text). CUP talks about neighborhood characteristics. How not to exceed Campbell-Gwinn limitations. We didn't really put sideboards on it.

AH – If I am on the outskirts of a water service area I could hook to it and build an apartment complex. Not saying that is bad...

Discussion of various potential scenarios.

CB – Is it wise to use the CUP? The county is left hanging out, where someone thinks they can just get a CUP. If they don't get it, they sue. I learned long ago that you should minimize CUP to minimize legal exposure.

AH – Do we just take this off the books right now. That should be done, but there are places where having 5 duplexes on an acre makes sense.

PH – If there are places that can hook up to water and sewer infrastructure, it shouldn't be zoned for 5 acres.

More discussion of scenarios.

CB – How many multi-family applications like that have you have recently?

PH & AHu can't remember any.

PH – All these changes are interim controls. In place for 6 months, with another 6 month extension if you are showing progress. Hope to have Comp Plan to you in that window. Then pick up the zone code and deal with it.

AH – So, we have a proposal for change of the ordinance?

PH – A draft proposal. It hasn't gone through legal yet.

CB suggests some changes (road access cross-ties with CUP), which PH discusses.

CB – It would alert you there.

PH – other changes to the map; Between Pateros and Methow (outside of 2 cfs reach) change from 1 acre to 5 acre(?) Most of it is on the other side of 97.

More discussion of mapping details without projecting map; note- take cannot follow.

AH – Have we considered changing all of the lower Methow 1 acre zoning to 5 acre and adding a clustering ordinance?

PH – We have. It got pulled out by the planning commission.

AH – Don't like to model what they are doing in west-side counties, but (describes situation in Skagit County cluster ordinance). Can you get hold of that?

PH – We can do that. That is your agenda commissioners. Anything for me?

3:20 Meeting ends.