

BOARD OF OKANOGAN COUNTY COMMISSIONERS
06/26/2017

In Attendance at Meeting:

Jim DeTro- JD (BOCC) *(absent)*

Andy Hover - AH (BOCC)

Chris Branch – CB (BOCC)

Lalena Johns - LJ (County Clerk)

Perry Huston - PH (Admininstrator & Planning Director)

Angie Hubbard – AHu (Planning Department)

Dan – 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.) 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

Update – Planning

Tonasket EMS

The agreement between the county and Lifeline for providing emergency services in the Tonasket area is nearly complete. However, there was an extensive discussion of how to acquire a suitable building in a way that is financially feasible for Lifeline. Various options were discussed. The county has constraints imposed by the State Auditor's office, in regards to cooperative real estate arrangements with Lifeline. PH will explore those further and report to the commissioners.

OCC 20

Many aspects of Title 20 were discussed. PH reported on catching up on the backlog on building permits. Establishing a study area for water availability vs. developable lots was discussed. PH raises the possibility of allowing commercial development based on interruptible water rights. The additional responsibilities placed on counties by the Hirst decision was noted; how to meet those is not yet clear. AH questioned how to establish 'physical' availability of water. Consumptive vs. total water use, in relation the 2 cfs of water available per reach of the Methow River was discussed. AH noted the disparity in land area associated with the various reaches,

particularly in regards to the lower valley. The question of too many lots relative the amount of water available for development was discussed.

Discussion – Shoreline Master Program

Changes to the definitions of ‘wetland buffer’ ‘setback’ and vegetation management area’ were described; the term ‘buffer’ has been eliminated in favor of consider the vegetation management area to be the shoreline buffer. The question of how much veg. mgt. area is needed to protect ecological function was raised again. The question of whether current designations are appropriate was also raised again.

1:30 Update – Planning

Tonasket EMS

Two individuals, Jeff and Wayne, from Lifeline present.

PH – Best and final offer, squeezed everything I can out of it. *(Describes details of 3 year payment plan, after which Lifeline becomes responsible.)* Looking for a different site for building, at which point existing building becomes surplus. That revenue is not hard-wired, but it could go to payments. Wayne introduced idea – current levy is 41 Cents; state maximum is 50 cents. *(more details; too rapid to record)* We are transferring all assets, except for building, to Lifeline, so we will not be in a position to do any asset control/inventory. Have checked with state auditor; it is okay. They are here to chat with you about agreement. Have been up front – your objective is to get out of the ambulance business; their objective is to come up with a sustainable business model.

(Commissioners adjourn & re-form as Tonasket EMS Board)

AH – Do you have a viable business model?

LL – Somewhat. Concern with capitalization; not sure how to do that.

AH – That is my concern; if we put taxpayer money into capitalizing (too rapid)

LL – Fair enough. Have to do something about the building. Doesn’t support our image. But if we put money into it, need a return.

AH – Want to make sure everything is out in the open so people understand what we are doing. Want it to be viable for you, so it can continue.

LL2 – Can’t predict the long-term future, but need to do due diligence. Maybe build into the contract that if at some point we can’t continue, then maybe we can look into transferring title back to EMS. Jumping in with the hope that this is going to work out long term.

JD – My concern is that the last thing we want to do is set you up for failure.

CB – As I recall, that building was the fire hall in the fifties. Not appropriate for running an ambulance out of.

AH – Want to be sure to take care of taxpayer dollars; have a backup in place.

Jeff – Oroville was a little easier; just cleaned up the building. Just a matter of making capitalization work out.

LJ – Does building and land stay with district?

PH – Yes. Cleaner to do it that way. Increase payment to recognize additional costs. Transferring ownership of ambulance. Talk about Plan B.

Jeff – Equipment has amortization schedule. At the end of that time we turn it back over to you or compensate.

LL2 – We talked about LL having ownership of the building, to keep things easier for maintenance; won't be coming to the county. Doesn't alleviate problem. Maybe amortization of building it a way.

PH – Can explore the option of a building transfer.

AH – Not talking about existing building. We are paying more...

PH – Paying more in recognition of increased start-up cost. First 3 years, as a result of building being in poor condition.

AH – I am good with that.

CB – How long is contract?

PH – 7 years. Can look for a site that is more economical. Batted around possibility of using existing site. Building is toast. Can look into taking it down. Probably has enough room. Need 2 bays instead of 3. Agreement doesn't specifically recognize that as a possibility. I can build that in.

Jeff – Wayne & I kicked it around... Might be cheaper to find another lot. Wayne came up with an idea (describes leaving retaining wall in place, putting up a steel building)

AH – But it would make us more intertwined...

Wayne – It would. It is surprisingly difficult to find another location (zoning, etc). Finding a piece of property is a bit more daunting than I had anticipated. Have looked within one mile of city limits...

AH – That would lighten the initial start-up costs, but would intertwine us more.

Wayne – Might conserve some cash for the county.

PH – *(something about Tonasket EMS)*

JD – After you giving us info on the difficulty of finding property... *(Describes Wayne's idea for steel building)*

PH – Would need to pick up my discussions with Tonasket *(too rapid)*

AH – So are we proposing keeping the property....

JD – Could do a lease option.

PH – Challenge with State Auditor is investing in a building we will never own. Lifeline is on the hook for capitalization. If we retain existing site *(too rapid)*

Jeff – I think cleanest thing is for the County to own everything or we own everything.

AH – Can we just sell it?

PH – No, we have to surplus it.

Jeff – Other option is county remodels and we buy it.

AH – Can we bond?

PH – Sure. The only thing is that whatever we bond I can't use for current expenses.

JD – *(describes a similar steel building and cost)*

Wayne – Included is living space within the building. Looking at our response times. On average, coming from the church slows response time down 3 to 5 minutes. Important to have them married up. Any possibility – Jim, you were talking about a sunset clause – where the county – you can value the property – take the value of property, include that into the initial start-up. Is that an option?

PH – Haven't found any exceptions that will let us do that for real estate.

JD – Any exceptions for emergency response?

PH – Not that I have found. State Auditor has been cool toward that. No problem with gear, ambulances.

CB – Have you looked at zoning restrictions – setbacks?

PH – Looking at same footprint.

CB – New structure/current zoning?

Wayne – Haven't looked into that. I believe we would meet setbacks.

CB – I would check. Zoning might change right there; could create constraints for a new building.

JD – Wouldn't be surprised if it has been zoned (*inaudible*).

CB – Should be commercial, but it might change right there.

Wayne – Can put fire & police stations in residential neighborhoods with Conditional Use Permit (in Omak?)

CB – Should check zoning code.

JB – I think we should investigate that (*others agree*). This is a health, safety and welfare issue.

Wayne – Have a schematic drawn up, estimate. Do hate the way we enter onto the street. Doors would face 5th Street, come out onto pad and straight out. Will have more useable space. It appears that there is nothing wrong with back wall other than that it seeps water in spring. That would save a lot of money.

AH – Do cities have to follow the same laws for surplussing? (*yes*)

PH – Look over draft you have. If we pursue this, we need to figure out if you (Lifeline) can do what you need to do with the resources you have.

CB – Crossover between Tonasket & Oroville? (*yes*)

Wayne – They are dynamic. One public concern has been lack of backup. We have found that within two years that is not necessarily the case. The two resources (*Oroville & Tonasket*) are working more collaboratively. We are sending the closest rig (*describes other scenarios*) We are trying to do that. Having two different facilities, you are talking about a lot of redundancy. Some is good, but cost of facilities, crews... I have some operational thoughts, how to make that more streamlined. But public perception...

CB – That takes time. Some redundancy is good (*too rapid*)

PH – Trying to hook up with (*inaudible*). Idea being, (*too rapid, inaudible*)

AH – Transporting people back to their houses after they get released from medical facilities?

Wayne – Have talked to lots of facilities. Everyone says there is a need for door-to-door service for elderly, limited mobility. Someone checks into hospital at midnight; just needed antibiotics. They don't have anyone to pick them up. They don't qualify for ambulance service. If there was a wheelchair van to come pick them up... We would run out and help them. Appears to be a need to get a lot of these folks to and from doctors, dentists appointments. One case in point: dialysis patient in Molson area, completely able to live at home except for making dialysis appointments 3 times a week. Family thinking about moving him to town. Not sure how big the need is.

AH – (*costs?*)

Wayne – No. Fee for service. In Wenatchee we charge \$45. (*too rapid*)

PH – (*too rapid*)

CB – (*inaudible*)

PH – Batted around ideas. My opinion, it is worthy of considering.

AH – I do to.

PH – Also helps fund other services. One

CB – Where was the tipping point in the central valley, where you were able to provide the services?

Wayne – Never was EMS service in Omak/Okanogan. Done by fire district. When Lifeline came – combined the two, streamlined. The other thing that made the thing viable, transportation out of the valley was being done out of Wenatchee. We knew that we could make it more efficient. When Jeff says that it is marginal – the biggest devastating factor for us is the minimum wage. Our problem. Before minimum wage went up, it was okay. (*refers to upcoming increases*) That is what gives us uncertainty.

PH – Keep in mind, manning a 24 hour service. You have the draft. We will go ahead and explore this.

AH – Can you explore with State Auditor whether there are any ‘out of the box’ possibilities for emergency services?

PH – One phrase (*too rapid*) Not language you often see. Opens door for commissioners to be able to subsidize that kind of service. I can ask.

CB – Did you look into property (*inaudible*).

Wayne – Yes. Two properties. One has a deal underway. The other they are not sure they want to let go of. Out of curiosity, who owns Aeromethow property?

AH – They own it.

Wayne – That is an example where tax dollars...

AH – (*too rapid*). Finding a piece of property is the thing now.

Wayne – Will go over everything with Jeff. We are generally in agreement, just a few things to iron out.

Jeff – I like the additional services.

Wayne – (too rapid)

Jeff – (too rapid)

Wayne – Tonasket – they are doing really well. (*number of calls for service*) When you guys have more time, I have ideas on how we could mix this need for additional transport.

AH – Is TranGo part of this conversation?

PH – That is my idea. Attach services that already exist. In this case, rather than them ramping up to fill this unfilled need, might be better to contract to fill need. It ties into an existing revenue scheme.

AH – Haven't been to a (*TranGo*) meeting. It would be interesting to see – information from the hospitals. You are a for-profit organization....

PH – Anything else today?

2:47 End of Tonasket EMS

OCC 20

Ph – Dan, Title 20?

Dan – No yellors, screamers, so far. Those tied to exempt well, we are getting so many a week. Seems to be working okay. Am surprised. Thought we would be hearing more whining & complaining.

PH – Have 11 on my desk, represents all the backlog in 49. You (*AHu*) have some with problems.

AHu – Floodplain.

PH – Did a short plat.

Commissioners reconvene as BOCC

PH – On the 13th we have a short plat. Moral to story, we are actually catching up. We are still dealing with an elongated timeline.

AH – Question. We had some (?) here, were going to plan a study area..

PH – Two steps. One, language that would allow you to designate a study area, 2 (*too rapid*)

CB – Where are we with that?

PH – (*too rapid*) Drawn up so boundaries of sub-basin

CB – Similar to zoning district, you just haven't done it yet.

PH – Language is there. You just need to adopt it on an interim basis. Need public hearing within 60 days, then go to planning commission.

AH – What is goal?

CB – Say you have a basin with uncertainty. Say closed. Similar to a moratorium. In that process, look at, if all lots were developed, where would you be? Until you do that, moratorium.

AH – Is that something we want to work on?

PH – Let's see what Perry has done. Next week we can decide whether to apply it.

AH – Ecology's closed basin maps don't match the watersheds/

PH – 1948...

CB – Folks say we have a problem. Don't allow more subdivision until studied.

PH – So, continue with development, but don't allow subdivision? (yes)

CB – First move is adopt option, second is to apply option.

PH – (*too rapid*) Second question is what, if any, sub-basins you want to do. Support for agriculture – last proposal – want to build bunkhouse & bathroom for workers. Don't see any way to do that. New water use, but still domestic. Have had others who wanted to do things along those lines... in (*WRIA*) 49. In (*WRIA*) 48, if you read the rule broadly enough, there is some option to develop outside of the 2 cfs. But it has to be interruptible. If prepared to accept interruptibility, bring in bottled water, whatever, could look at doing it as part of... If the commissioners are interested.

AH – Interruptible water right?

PH – I can't issue a new water right, but can permit an exempt well. For a commercial venture, some claim they would be willing to accept interruptibility.

AH – Looked at the number of days the Methow went below base flow. One year, 140 days. My question would be, if the river is above base flow, then water rights can be used. On a day-to-day basis.

PH – Subject to change without notice.

AH – How would you regulate usage, based on river flow?

PH – Do the same as ECY. Forecast based on snowpack, send out letters to junior water users. We would have to track those and do the same.

AH – Before we get into this, we need to sit down with Ecology. We are doing a lot of things that Ecology used to do. Want to know what our interactive role is with them, looking into the future.

CB – At the moment, the court said something about responsibility. They didn't say anything about (*inaudible*)

PH – They have been very quiet. (*too rapid, talking about bill in legislature*) Haven't heard lately. I am working with central region staff, setting up meeting on the 10th (*mentions names of attendees from state agencies*). Central region office plus Olympia. Just keeping the commissioners informed as things pop up. Want to come up with suggestions about what things we need to look at. Whole host of issues in addition to building permits and exempt wells. Don't know that we need to add more days (*to process permits*). Updating fee schedule, see what will be full cost recovery. Hearing examiner will be here on the 10th. Wants to listen to that conversation. One thing that is not in 20: any kind of review process. Assessing the likelihood that you will find water, if there is no well there. Well logs, topography.

AH – I can understand the county saying 'legally available water', but physically available? Why can't we say it is up to your discretion to dig a well, but you have to have this much water...

Dan – I am verifying that...

AH – (*too rapid*)

PH – Fine precision language. Burden is on applicant to show that it is available. Fine interpretation of the WAC. To Dan's point, should we just require that they punch the well, to prove?

AH – Don't feel it is up to us to say you can't drill the well, unless there is a legal problem.

PH – We aren't telling them we can't dig a well. Turned down one, because Ecology... (*a subdivision*)

CB – You (*Dan*) have to know there is enough water....

PH – In terms of subdivisions, we may want to drill in on legal questions before physical availability. Subdivision – 2 steps – preliminary approval and then final approval.

CB – Steps with short plat...

PH – Short plat, long plat, either one. Preliminary approval has whole list of conditions you have to meet.

AH – 2 cfs, single family, domestic. If you subdivide and put in one well. I don't see anything in the language that says (*too rapid*)

PH – That is something we are wrestling with. Ecology says it is a community system; doesn't allow it for exempt. Is it a community/municipal system. Haven't had that litigated yet.

AH – Need to home in on that. 2 cfs at 710 gpd, you are only going to get 1.6 million gpd. You get a finite number of lots; doesn't matter where they are.

CB – Difference between high rise building and 5 acre lot. In a high rise, you aren't going to use much on irrigation. If you say 710 gpd on 5 acre lot; when a fire comes, you are going to use a lot more on irrigation.

AH – By that argument, a one acre lot would be better.

CB – 5,000 gpd exemption. Very conservative approach.

AH – Remember, you are dealing with infiltration with irrigation. If you irrigate at night, less evaporation. What is your consumptive use?

CB – Relying on everyone's wisdom about when to irrigate?

AH – See your point. We are going to be looking at Comp Plan, Zone codes...

CB – Have been very involved with municipal water systems. What made the difference is the bill. Metering, bill – that is what suppresses water use. Remember commissioner who said don't adopt a rule that you can't enforce. Just the thought about that justification. 5,000 gpd vs. 150 gpd.

AH – That is consumptive use. Not talking about metered use.

CB – So, if we set the parameters... Why did they pick 5,000 gpd? Why was it challenged (*Hirst*)?

PH – Mystery to me. 5,000 gpd, adopted in 1945?

CB – To me, that was the conservative approach, because of uncertainty.

AHu – If they limit it to ½ acre, can't we just limit it to ½ acre?

PH – Back in the day. In house use and supplemental irrigation.

CB – Seems like a development agreement would be easier if you used a set quantity and metered. Then the argument is over; this is how much water is used.

AH – Single domestic – what does that mean. There is not talk about physical transport of water. All that matters is the amount - 4 straws vs. 1 straw.

PH – To Angie's question. We would rely on ECY to tell us if we ran afoul of instream flow rule, closed basin.

CB – The challenge isn't just to us; it is to ECY, too. Methow system (*too rapid*)

AH – Yes, there are probably wells out there that are not documented.....

PH – Had one the other day.

AH – My point is that we have a whole bunch of data. If somebody took the time you could figure out how much of 2 cfs has been used. We can calculate that.

CB – Based on assumptions.

AH – Problem is with lower reach. People *think there are too many lots. Lower reach (below Twisp)* is a much larger land mass (*compared to middle reach*).

CB – (*to PH*) Do you know why?

PH – Motivation was de facto land use control (*ski hill*). Keep in mind, that was all surface water diversion. We have morphed that to groundwater.

AH – This leads to lower Methow and development density. X number of wells that can be used; a huge amount of property. Is it first-come-first-served, or are you going to zone? If you have more lots than water, you will have people clamoring.

CB – Conservative water use.

PH – Mitigation.

AH – We are going to have to talk this out in the next year and a half.

PH – Shape files in closed basin. Look at developed lots vs. total lots. Give us a start at writing environmental impacts when we get to zone code.

CB – A few years ago, a Canadian developer wanted to do a subdivision – water conservation, recycling.

PH – Technology exists. If you are doing a high profit margin.

CB – Aversion to metering, but there is opportunity. Development we are struggling to respond to is based on guesses and science. If you are measuring, you would have a much better case.

PH – We were requiring metering (*where?*) People think it is a precursor to state charging for water. That is what I hear.

CB – Especially for a group system.

PH – Flip it around. Everyone doesn't want to pay for that one guy...

CB - (*too rapid*)

PH – Title 20 process now. Keep in mind, Comp Plan didn't deal with water sufficiently.

AH – In a theoretical world, you don't need Title 20. You know what you have and you know what you are going to give out.

PH – Create areas where you have done your research....

(multiple conversations)

PH – Still think subdivisions (*inaudible*). That is where we are going to get push-back. Major subdivisions. With one person who wants to build, you are not going to get push-back.

AH – Lot size and lot density – two different things. (*gives example*) However you get to the density... Need to muddle through it a little bit.

CB – Are you suggesting (?)

AH – Suggesting the Planning & Building departments are working with the best information they can get.

(Discussion of upcoming meeting schedules, public notice)

3:50 Shorelines

Changes to the definitions of 'wetland buffer' 'setback' and vegetation management area' were described; the term 'buffer' has been eliminated in favor of consider the vegetation management area to be the shoreline buffer. The question of how much veg. mgt. area is needed to protect ecological function was raised again. The question of whether current designations are appropriate was also raised again.

PH – Suggesting we keep 3 terms: wetland buffer, setback, veg management area. 'Buffer' is gone.

CB – What about areas where wetland buffer & veg. mgt area are the same?

AHu – They can commingle.

PH – Use those terms as separate requirements. Setback measured from OHW or floodway. Added another row on chart.

AH – What would be an example of Urban Conservancy?

AHu – Huge floodplain. Out of city limits.

AH – My question is, we have these setbacks 25,50, 100, 150, with different designations. Should that be the building setback, or do we need that much veg. mgt area.

CB – Let's use that example. You are still allowed to build within the Urban Conservancy...
(looking at example on map)

(Multiple conversations; some confusion about conditions)

AH – How much veg. mgt area do you need in any area?

AHu – 100 ft., with view corridor, wetland buffer.

CB – Some of that is farmland?

AHu – Reduced buffer in one area; increased in another.

PH – Idea in breaking out definitions, have the option to identify the veg. mgt area, but bump the house back.

AH – On Wolf Creek, at my house. Rural – 50 ft. Trying to understand how much you need to preserve ecological function?

CB – Now we have this definition (*veg. mgt vs. setback*) Going to assume they were designated as such for a reason. What ecological function does the veg. serve?

JD – Need to adjourn at 4:00.

CB – Look at designations; they were applied because of ecological function.

AHu- Yes, and (?)

AH – Do you want to make them different.

CB – Well, I assume that the designations were made properly.

AH - (*too rapid*)

CB – As it sets today, 100 ft. veg. mgt area.

AHu – Right.

CB – Expect veg. mgt area, that is what F&W conservation areas...

4:09 End of Shorelines discussion, misc. scheduling, proposed resolution). Commissioners adjourn.

