

Board of Okanogan County Commissioners Mtg

7/5/2016

JD - Jim DeTro, BOCC

RC - Ray Campbell, BOCC

SK - Sheilah Kennedy , BOCC

LJ - Lalena Johns, County Clerk

PH - Perry Huston, Director of Planning & Development

AL - Albert Lin, Attorney

MR - Matt Reidy, USFS Tonasket District Ranger

PN - Paul Nash, USFS Silviculturist

Matt Marsh, USFS Wildlife Biologist

Summaries of subjects discussed in detail

Forest Service Project Totes Coulee

First, USFS staff brief commissioners on upcoming range management analysis for four allotments (Totes AMP). Commissioners request results from field work prior to USFS developing alternatives; Tonasket District Ranger agrees. Second, FS staff brief commissioners on Tonasket Ranger District's 5 year plan for forestry activities and ask for input; they express that they are flexible about their priorities.

Zone Code

PH and commissioners discuss recent revisions by the Planning Commission to the Zone Code. First, the removal of the subdivision/planned development/cluster ordinance. Commissioners did not direct that the ordinances be restored to the draft Code. Second, the Cannabis ordinance was discussed. The commissioners decided to reference state permit requirements in the Zone Code to allow the County to revoke Cannabis CUP if state requirements are not being met. PH also informed commissioners that consistency with 'Neighborhood Character' requirements were removed from Cannabis ordinance due to legal advice pertaining to its vagueness. SK also inquired about the status of the motorcycle track south of Okanogan under the new code.

1:32

AL- Request executive session to discuss pending litigation

(moved, seconded, approved)

2:35 Commissioners return

Discussion - Forest Service Project Totes Coulee

MR - Commissioners expressed desire for early dialogue. I have talked with staff about upcoming projects. Now want to talk to commissioners about those projects before beginning the public process. We have 2 upcoming projects (*introduces PN & MM*).

MM - (*hands out maps*) This year we are doing field work and analysis for range management for Totes AMP. Four allotments, several permittees, multi-year. Look this year, analysis in '17 & '18. (*Describes allotments on map*) 1) Small, 40 pair, burned, 2) Horseshoe, in wilderness; previously grazed by sheep. Not used in 10 years. Forest looking at FEIS for domestic and bighorn sheep, 3) Totes, big one, one permittee, 452 pairs, 4) Deadhorse, 39 pairs, 1 permittee. We will be looking at conditions this summer.

JD - Are there bighorn on Horseshoe?

MM - 2 bands in proximity.

RC - Horseshoe strictly sheep?

MM - Yes - historic practice. Others are cattle.

JD - EIS?

MM - Planning EA, see if EIS is needed. Not affecting permittees.

RC - Assessment standards?

MM - USFS standards - over/under utilized? Trough placements to improve distribution/utilization. We are working with permittees. We have annual instruction meetings with permittees - will let them know this is coming.

SK - Concerns by users?

MM - Continuing use; reactivate Deadhorse allotment.

MR - Different techniques and management plans for using that area. Discuss with permittees - what they have been doing, or other approaches. How to work with DNR for best rotation practices.

SK - Evaluation will note good conditions & practices?

MM - Yes.

MR - Where utilization is good; where it could be improved. Look at all the options.

MM - Look at fencing. Can it be better to help rotation? Next year, scoping. Final plan in FY18.

RC - Description of analysis?

MM - Scoping will send that out.

PH - Commissioners are asking for the information before that.

MR - Yes.

PH - Moving from field work to alternatives - Commissioners want to have input.

MR - We would like you to share info - your knowledge of the ground.

RC - Appreciate that.

PH - That is what the Commissioners are asking for.

MR - This will be a big priority.

SK - What makes it big?

MR - Meeting last week. Range unit NEPA not complete.

SK - Mapping things like weeds?

MM - Yes. Last AMP of 41 allotments on the Tonasket District.

JD - Once you're done, you're done?

MM - No. We will start another round.

MR - After completion, then a 10 year review - are you getting desired results? If so, good for another 10 years. Minor tweaks can be made. Otherwise, have to go back to NEPA.

MM - Is there anything else you are interested in?

JD - Once you have done your field work, we want to talk. See what permittees say.

RC - Might have more questions down the road.

PN - Here is a map of the 5 year action plan. Gray shows projects over the last 20 years. Much of Tunk, Conconully & Bonaparte. Upcoming: one in progress, one in queue. Twenty-five years since last activity. Aerial photos & landscape analysis. Lower Toroda/Beaver Creek. Later: Hominy, Conconully, Coulee. No activity yet. We put off Conconully; give it time to settle after fires.

RC - Conger area?

PN - Tripod burned 60-80 acres. Burnout plan stopped fire.

MM - Investment in (?) & Lower Toroda. 10 years since Tripod in west side of district. Time to go in. We are flexible about priorities. MR - Map shows activities focused on eastern side of Ranger District. Help support forest in providing materials. Adjusting plan for 5 years. We will share draft plan with you. Do you have higher priorities?

RC - Looking at map. A couple of sections in Lower Toroda?

MM - Roadless areas and mine area. Might be in 5 year plan next year.

RC - *(points out another area)* Roadless?

PN - Yes. We haven't done any management in a long time.

RC - Concerned about roadless areas; overgrown/fire hazard. Very concerned. What is the protocol for getting in there & cleaning up?

PN - New roads into roadless area needs EIS. Our forest hasn't ever been successful - all the way to the Vice-President's office.

RC - When fire hits there....

JD - There used to be a fire break on (?) Mountain/Totes Coulee. Is it still viable?

PN - No, not viable. Some areas have no fuel left since fires.

JD - Where I hunt in Douglas County - burned 2014 & 2015. Now just grass and stumps.

MR - Burned in Hell's Canyon year after year. Changes species composition; won't carry fire.

(Discussion of bunch grasses & fire)

SK - How much bug kill?

PN - Not much mortality. We have defoliation. Won't be surprised if bark beetles increase.

(Discussion of beetles & flathead borers)

PN - Aeneas Valley - pine beetles coming in. We've already reduced stocking levels; trees have a better chance of survival.

JD - As far as prioritization - you have more info. Share that with us.

MR - This is our best plan.

MM - We are in comment period. [With the comments we have received] we are not seeing much change. We should finalize in a couple of months.

PN - Thinning along road in Bonaparte roadless area is generating comment.

JD - It's like a candle in there now.

MR - Restoration and fuels reduction okay, as long as there are no new roads.

RC - Federal funding?

MR - \$1.2 million for Joint Chiefs area. Contractors are out now, thinning & fuels reduction. One of few areas selected in the country. We want to show success.

JD - NACo (*National Association of Counties*). Bill strictly for that. Hasn't come up yet.

MR - Show success in Joint Chiefs area - will set up for future funding. Good investment, get work done.

JD - On committee. We have short and long term goals.

RC - Have been to Portland. Talked to Peña. Part of what I have asked for. Short term, but also get ahead of problem. Need to convince legislators back East.

MR - 2 other update. We are looking for solutions for 42 Road (Loup Loup to Conconully). Looking for commercial firewood contracts to remove hazard trees. We would like you to help us reach out (*to potential contractors*).

PN - We are looking for a list. Lottery for 2 contractors.

MR - Resource Advisory Council (RAC) - Title 2 funding. MM, within a couple of weeks, awarding fencing contracts. Appreciate your assistance. We have handed out fencing materials to permittees.

MM - Fence contractors - FedBizOps. Segments/options.

SK - When do bids close?

MM - Less than 2 weeks.

JD - Good news.

MR - RAC - go ask for more money.

3:35 Thanks all the way around; USFS personnel leave)

Zone Code

JD - How long will it take?

PH - Up to you. We went through changes.

JD - Will Angie come?

(PH leaves to get Angie. The commissioners take up the consent agenda until 3:48)

PH - Review revisions of Zone Code. We went through major changes the other day. Public meeting on the 12th. Today we have maps. How do you want to proceed?

SK - Anyone *(from public)* look at the maps?

PH - No. Have heard *(inaudible)* group is coming to the meeting. No comments prior to hearing. Anything you want to drill in on?

RC - Nightly rental. Need to understand that.

PH - 2 parts: code, and district use part. Planning Commission (PC) recommended requirement for planned community in the Methow Review District (MRD). Amortization... Tried sunset clause but court said no. This creates a 5 year amortization period. This January, nightly rentals have to come into compliance with code.

RC - Slow down; look through this. Conditions...

PH - Go to District Use Chart, P. 116. Nightly rentals P. 121. Note - permitted in many districts. MRD - planned development requirements (no change, on books now - include county-wide). Will be permitted without Conditional Use Permit (CUP); will need nightly rental permit.

(Discussion of MRD)

SK - So, we have accomplished leaving MRD alone?

PH - Yes. Discussion was to get to permitting process to make sure everyone is paying taxes. Coordinate with Public Health - they have their own permits. After 1/1/21 (?), in MRD they will need CUP. Questions?

LJ - 3 types/zones: permit, permit with CUP, permit with planned development?

PH - Yes.

RC - Permitted doesn't mean no regulations.

PH - Comparable to a building permit.

RC - Health, fire, access. Will have conditions?

PH - Permitted uses.

RC - CUP - allows you reasonable things, but more restrictions. Need to make that argument.

PH - Other questions?

SK - Areas we heard about before. Dan (Beardsley?) mentioned putting (planned development/subdivision/cluster) back in.

PH - Advisory Committee created Planned Unit Development. Bring that into cluster section. Zoning tool and cluster/subdivision would track along with Zone Code. They wanted cluster to go through, with Zone Code coming along. They wanted to flip it. Put old one in and add cluster after.

RC - Meeting in Brewster. Subdivision ordinance draft is ready.(Ed note: at time of posting, there is no info on what the meeting is about nor who is attending.)

PH - (response too rapid to record)

RC - Going to have a gap.

PH - Yes. They anticipate push back. Rationale is to prevent gap.

SK - Do something like interim Zone Code?

PH - Yes.

RC - How difficult would that be?

PH - Depends if everyone accepts it.

RC - Things going on - development. Don't want to put a hitch in it.

PH - Planned developments going on now - old rules. Methow. Support (note taker unable to keep up). Leave status quo, pick up with subdivision code.

SK - Go back to document. We gave Planning Commission... Let me think about this.

PH - Planning Commission anticipate quite a bit of tension.

SK - If we put it all back in there... Then subdivision update to Planning Commission. We are close.

PH - With FEIS. SEPA - will bring that forward. 90 days if it moves fast.

SK - 90 days, or 6 months?

PH - Planning Commission didn't see it as a problem operating under current conditions. Can do a planned development anywhere in the county. Two acres, minimum. (note taker unable to keep up)

SK - Hypothetical - if we end up approving document they sent... if it gets challenged when approved. Worse case scenario?

PH - Valid until adoption; rarely stayed (*by court*). Valid until overturned - 2 to 3 years.

RC - Done SEPA. Hold up - more things get in.

PH - FEIS has been issued.

SK - 2 areas of questions. Motorcycle track south of Okanogan.

PH - As proposed - CUP. Chief distinction. Tried to administer - applied only to commercial. Court said Zone Code didn't say that; needed CUP. New Zone Code refers to commercial, not private.

SK - Okay. So, I will try to get the landowner in to talk before hearing. Don't understand why track can't be grandfathered.

PH - If it pre-dates current rules. We've had no additional complaints. I do enforcement based on complaints. New code will allow. Commissioners can allow in certain zones.

SK - Want to let them teach little kids, and occasionally charge (*other users?*)

PH - All zones have to be consistent. Can't make exceptions without CUP. If it is a pre-existing nonconforming use....

RC - (*inaudible*)

SK - Can be an economic generator. So, if I want a track on my property for the grandkids?

PH - If you build a track, currently you need a CUP. Under new code, then okay, if it is not commercial. That is why this definition was created.

SK - I'll have the landowner come talk to you. Cannabis...

PH - they hearkened back to suggestions from the Advisory Committee. All new operations will need CUP. Did away with amortization. Legal, pre-existing get to stay. Original proposal would have been difficult to enforce. Difficult to defend a 6 month to 1 year amortization period.

SK - Water permit. Water districts have federal water.

PH - Not all districts are federal. If they are in irrigation district they have to bring commitment from district to provide water to get CUP. If they have an exempt well - Courts (*Campbell-Kim, commercial greenhouse?*) expanded 'industrial' to 'commercial' - can use 5,000 gallons per day. As Code Administrator - each parcel can use up to 5,000.

RC - So, 'checkerboard' permits - numerous grows on 20 acre parcel - they would need water right?

PH - DOE (*Washington Department of Ecology*) is talking about this. Planning Commission - demonstrate lawful use of water. The rest of it - recitation of state WAC's (*Washington administrative code*)

SK - We haven't mentioned - State was supposed to make sure they are in compliance with all this, but they are not. We are...

PH - We can walk all the state requirements into the code.

RC - Reference state requirements.

SK - I've lost all faith in the state Liquor Control Board to enforce. Put some...

PH - Can include citations of state requirements, along with 'valid license'.

(RC & SK agree)

SK - If something were to go haywire, it puts it on the State, also.

PH - Operator out of compliance with State, you can revoke CUP.

SK - Problems?

PH - Double-edged. Gives you control but gives you more work.

(Discussion of State ignoring violations of conditions)

SK - If we don't have it in the Zone Code...

(Further discussion of State ignoring violations of conditions)

SK - Recommendations?

PH - If you want more control you should probably reference state requirements.

SK - Don't really want more control, but *(note taker unable to keep up)*

RC - *(inaudible)* What do you do when they are violating CUP?

PH - Send letter, tell them to come into compliance.

PC - Next step?

PH - They come into compliance, or we tell them to shut down. They can appeal to Hearings Examiner and then to Court.

RC - *(inaudible)* Reference state regulations.

PH - Okay. Another major change: Removed 17A 290.080 'Neighborhood character'. Like other CUP language. Attorneys don't like it - too vague. Rely on CUP - if you can operate in compliance.

SK - Burning/odors?

PH - Rely on existing WAC's.

SK - Not subject to agricultural exemptions.

PH - Anybody would have to comply with these standards. You are right. Different taxes. Will eventually be litigated.

5:05 End of meeting

