

Board of Okanogan County Commissioners
9.26.16

Present

Sheilah Kennedy (SK, BOCC)
Ray Campbell - (RC - BOCC)
Jim DeTro - (JD - BOCC)
Perry Huston - PH - Planning/Admin
Angela Hubbard - AH - Planning

Public

John Hayes
Karen Reneau - Mazama Advisory Committee
Isabelle Spohn
Gina McCoy

Public Hearing : Draft of Title 20 Code OCC 20

Summary of discussion: PH appeared to be introducing the commissioners to a draft document they were not familiar with. He briefly described the range of permits that could be included in the proposed code. He also commented on which they might remove, for various reasons. Two members of the public took the opportunity to comment, advising the commissioners on reasons to modify the draft. Commissioners are going to study the draft and hold another public hearing on October 10th. The public comment period will be kept open at least until then.

PH - Summary: Purpose & applicability. Bridges may not be consistent with State, may want to remove. Water & sewers may not be appropriate. Environment - local code that adopts SEPA. Appropriate to bring under this code. SEPA is not a permit, it is a process. Need to make sure of consistent permit review. Title 16 - begun consistency review. 17 - same thing. 20, not codified yet. One public comment is if this changes provisions of SMP, it should be in there. SMP may be problematic unless we do under banner of amendment. Need guidance from commissioners in terms of how much you want to bring under umbrella. Have prepared draft ordinance with quick legislative history of what leads us to this. Didn't prepare draft finding of fact because we didn't meet with commissioners for study session. Need to know where commissioners want to go. Posted for public comment, public hearing today. Recommend further public input, keep record open. Suggest we move to public comment. (*Note: much of the description was too fast to capture in the notes*)

Huston: History of proposed Title 20

PH: This started a number of years ago in different form - objective was to put into one title the permit review requirements of Title 17A and Title 16, Subdivision code.

After GMA, legislature adopted another regulation - which created specific timelines and requirements for permit review. Because with all Comp Plans being created under GMA, the perception was that permit review had become too complicated, taking many different time lengths. All GMA counties were required to adopt the standards of 36.70B . Non GMA counties could, did not have to. There were some requirements of case law... OK Cty, while we did not adopt the specific requirements, much of our code is reflective of the standards. Object was to pull the provisions out, combine them, and review for consistency.

The draft in front of you is seeking the the same objective, but by a different track.

Permit reviews that bring several titles.. we need to talk about jurisdiction...keep in mind that the objective was to get this out to the public for review....

Chapter 20.02- purposeVery little here that would be influenced except conflict with State Law. We may not want to bring it under this code. If we do, we need to revise.

Title 13 - Water and Sewer - a holdover from the days you had county health dept. May not even be applicable. All handled now thru health district. May not be appropriate to include.

Title 14 (shows Title 20) - Environment. Local code that adopts most of the requirements of SEPA and SEPA WACs. To bring it under this section is not inappropriate. We would need to be sure it recognizes conditions of environmental preview.

SEPA is not a permit. While Title 20 hastime lines,etc. it also mentions SEPA. If included, need to be sure it is consistent. Only one then should be not to elevate SEPA to a permit process

Title 16 - Environment under this process, but do not know what the BOCC desires. Title 17, 17A - same thing. 20 - unintelligible.

There was a comment from the public - should have language that recognizes___ ? (inaudible.) Shorelines master program may be problematic in terms of bringing this unless we do it under the banner of an amendment. We need guidance from BOCC. How much umbrella do you want to create?

(Diverges into some "housekeeping" issues.)

I have prepared a draft ordinance that goes through a quick legislative history that leads us here. It's by no means complete. I also did not prepare draft findings of fact...we did not have the opportunity to meet with you in a study session. Need direction from commissioners before drafting this. That's it in a nutshell....

We posted...(unintelligible.) I will recommend that you continue the public hearing. Take points about your discussion, glean direction that we can, and put in housekeeping and an appropriate

amendment. Suggests that we keep the record open. Unless specific questions, suggest moving to public testimony now.

JD - who wants to participate?

Isabelle Spohn raises hand from audience.

JD - Do we need a sign up sheet?

(Perry starts it about the room.)

JD - We have a conflict here....supplemental appropriation is scheduled for 1:40. can we adjourn this hearing to make room for that? *(Note taker - seems a little disrespectful of the public who have shown up at the announced time for the hearing.)*

Lanie - That is for tomorrow. Audience signs in as list is passed around. Takes some time.

1:40 - public input begins.

Public Comment: Isabelle Spohn

OCC Title 20 Draft

Public

Thank you for this opportunity for input:

Much could be said regarding this important draft of Title 20, but here are a few things that jump out to me:

- 1) **First**, to assure transparency, the county should issue public notices of pre-application conferences with developers - and specifically state that the public may attend these conferences if they wish.
- 2) **Next**, Title 20 isn't coordinated with other sections of our County Code. **For example**, the county recently passed a resolution that requires Cannabis farms to operate under a Conditional Use Permit. But Title 20 would forbid the county, or any agency, from attaching conditions that are not documented as either a statute or "peer reviewed science." How will a statute be found, when the very reason the county's requiring a Conditional Use permit is that the state statutes are inadequate? In addition, instream flow rules, construction codes such as building and electrical codes, and county road standards are also not statutes. Conditions of approval that are not considered statutes are also often necessary to comply with other regulations, such as the County Comprehensive Plan, and should be allowed.
- 3) **Along the same lines**, the requirement of statutes or "peer reviewed science" will prevent many "common sense" provisions that could be added for protection of the public - for example, flooding and landslides in Critical Areas. "Peer reviewed science" language allows studies that may be out of date and are no longer the best available. So the term "best available science" should be used instead.

- 4) **Considering these problems** and others, the County Code and Title 20 need to be aligned with each other and another public hearing should be held after that is completed.
- 5) **Finally**, Title 20 also needs to comply with state law. It can't be applied to the Shorelines Master program unless it's processed as a Shoreline Master Program Amendment and approved by the Washington State Department of Ecology. Since Title 20 deals with more than only procedural issues, it should come under the appropriate level of SEPA (State Environmental Policy Act) review.

Haste makes waste! Let's not risk the chance of incurring more litigation or confusion within the county for the sake of a hasty decision and lack of adequate public and agency input on this important issue.

Thank you for this opportunity for input.

Sincerely yours,

Isabelle Spohn

1:50 John Hayes - I'm in favor of looking at all these development procedures because I have to look at them all the time.

I heard what Perry said and agree about things needing to be look into. One thing - example. We've had junk yards, or these things appear where they are under a Conditional Use Permit because of a law that if there is more than 7 vehicles not permitted and on a property, it is a junk yard. Hope that Al looks at this, though be sure it doesn't (?) on CUP's I have had a situation where a custom limitation needed to be put on, and it was often put on by the a planning administrator. It was for an obvious reason, and they are not covered by state statute. So that's it.

No further comments.

JD - Will continue the public hearing to ...

PH - if I might, I would invite at least some discussion from the board or, if not prepared today, some indication as to the timing I'd like you to look at.

DeTro - will continue the public hearing and open it up to the board. Now open to board.

Ray - questions that need to be clarified. Looking at Title 12, 13, and 20 - take a step aback and look at it. Need more time to review. I would move tomumbles to Sheilah.

Sheilah - for clarification, Title 13 water and sewer - if we excluded out of this, is all of that covered under Public Health?

PH - Public Health District now deals with installation, onsite regulations, etc. to standards adopted by Board of Health. Title 13 is a holdover from when you had a County Health Dept. Do we repeal Title 13? Adjust it?

RC - Public Health also deals with legal water supply and - review that.

PH - Good point. Look at Title 13 on this Roads and bridges - same thing. 1404 SEPA (?) ...Do the BOCC wish to bring SEPA process with provisions proposed in Title 20? I want to avoid the implication that we are elevating SEPA to a permit. Not a permit - it is a process. Not a process you have to approve. It informs the other provisions. 16-17: Just double checking. 20 - Would it alter timelines in shorelines master program? Would it require amendment with DOE and whether that is desirable or not.

VESTING - Wa state laws are pretty good. Strong for landowner. One of the issues that has evolved around pre-app meeting. Asking "Alfred" (?) for input. Ties to vesting. While vesting has spoken to complete application, case law has expanded that to the point that if you require someone to come into a pre-application meeting, it's vested at that point. Discussion - some years after pre app, tried to change it a little. Finer legal point to explore before we require a pre-application meeting. Before requiring that, need to be fairly comfortable in terms of vesting law.

With that, it sounds as if the BOCC are interested in exploring. We can explore Shorelines Master Program question and vesting. Can look for consistency.

If we are looking to pick up Subdivision code and Critical Areas. Will publish on Wednesday for comment period. If this is the direction, my suggestion is 2 weeks before public hearing, leave the record open for public comment.

LJ - 2 weeks is Oct 10th, a Monday.

(The Date for continued hearing is set for October 10th.)

PH - Recommends a motion to keep public hearing open. RC makes that motion there. Sheilah seconds. Oct 10th, 1:30.

Approved.

2:00 - Administrative Review.

Critical Areas Ordinance: will publish on Wed. Recap - the draft that will satisfy 20.10 requirements. Would pick it up foranother requireme

nt.

Subdivision Code: will follow tightly thereafter.

Executive Session - Employee performance review. 30 min.

2:37 - Oroville EMS - They understood and recognized that we wouldn't be looking for any more___form the cities. They still want a pipe of the insurance. In that discussion, we did go over the point that if in fact the BOCC were willing to continue with this arrangement, we would not pay admin fees, staff time, just a quick invoice from them for insurance bill. Need to know if you are ok with all those relationships coming to an end. I said I'd ask. I told them we would insure the building.

SK - Wouldn't it be easier if we insured the building when we insure them?

PH - 6 of one, half dozen of the other. I suggest the interlocal...if BOCC want to move ahead, canceling everything and putting clear language in that our part is insuring the billing, etc. I can put it into a new interlocal and then send them a fresh draft - or I can do an addendum.

SK - I'd say a new agreement. Would like a quote from Tanya on insuring the building.

PH - Will draft it. Conceptually, not a remarkably different discussion when we were all there. Tidying it all up. This entwines with Tonasket.

Oroville went ahead and took the DOH approach, relinquished their license. Looking to us for them to be the provider. One can extrapolate this from what we have written, but I will generate that. The rural never had a license. We contracted them.

So Tonasket - DOH still wants us to surrender our license and assign it to Lifeline.

SK - How close are we to getting contract with Lifeline? Reluctant to go ahead until that happens.

PH - What will impact here we get that finished will be where we are with the building, how we deal with repairs, etc. Hope to have better answer for you after my next discussion with them. It will include supplies, etc. have it all wrapped up, not ongoing. Will meet with them Wed. (Something about electricians.) I will take a different tact with plumbing affairs and write it up as a work order. Tell them what needs to be done. (Unintelligible.) Wayne reported that the 3rd ambulance started leaking again. Will take in to Joe, who said he'd take a look. Did get a progress report - might have come in when Lanie was gone.

(Note: Lanie has not been in since this started at 2:27.)

Something I missed in re supplies and stair chairs (?) Handier than gurney. The one they have is old. This is the one discretionary purchase. We have most of the oxygen tank issues straightened out. I have the numbers. Expecting to owe for one tank and a smaller tank. All the rest taken care of .Economy of scale. If we invested in the manifold so the new company doesn't fill all the little tanks, just fill the big tanks and then fill the little ones from there. I recommend this. That is one of the purchases you recommended.

RC - What are numbers on the stair chairs?

PH - I don't recall you were cc'd. Apologize. Will e-mail to you.

Clerk is picking up some files she was working on. Payroll company - all details covered by the end of the year, W-2 s to employees for earnings up until July 31. Question about making a form to fill out , lay everything to rest. (*More rapid details I couldn't follow*)- we will have to pick at some point the things that are uncollectible. Decide whether to write off or go to collection. Get all the different contractors and service agreements laid to rest.

Lanie enters 2:50

PH - tells her he's been talking about payroll, etc. in this regard. Will get this done. Wanted to make sure that at the end of the year, when we sign long-term agreement that we know when to turn the lights off, etc.

RC - Makes sure he is taking on some of Lanie's duties, which PH confirms.

LJ - So Laurie Thomas - I requested that she does make me designee on board of fire fighters. She is going to do this.

PH - You would be the Board of Trustees for Tonasket EMS. Sheilah moves to adjourn BOCC and reconvenes as Board of Trustees for board of firefighters. Moved carried, etc.

PH - You are ex officio (*something about fire fighter pension relief fund.*) Has to have 2 members of BOCC on board. All not on the board. You need to decide who. Auditor, designees, director of district, another medical worker, ...this is a Quorum of the board of Trustees.

RC - Steps onto this until for next couple of months. They ask DeTro if he will be on board of volunteer firefighters to take care of Tonasket EMS issues.

PH - minutes should reflect who you are and that there are 2 vacant positions.

Time to address - letter from board of volunteer firefighters and reserve officers - before they can approve payment of the enclosed bill, they need approval for local board. Has to do with an EMR who will put their name on the form. (Shows them the blank form. But they do have the backup sent to the department that did not have the original ink that they needed. Lanie shows them paperwork. The report was sent with copied ink. they need the highlighted places filled out with original ink. I have another one of these forms that will have the person fill out and I will take the ???to fill it out again. They will then process whatever needs to be done to????

So one is for Linda, the other is for Wendy. These are for things that happened before we contracted with Lifeline. One a dog bite, another a twisted ankle.

SK - Motion to approve or separate motion to approve? LJ - Probably two separate motions.

RC - moves to approve the redraw of invoice

PH - Be cognizant of HIPA so that nothing in minutes reflects this. As far as nature of injuries, go into Exec session. Anything in minutes should be generic.

RC - I am only....

PH - Claimed by so and so is sufficient.

RC - claim by Wendy Burkes

JD Dont know who chair of board is.

PH - the Board didn't say who was chair.

RC - Makes the motion for Wendy Burkes' claim and it's approved.

PH - before you leave board, do trustees - EMS discs treated differently from fire, etc. EMT's are not automatically members of this program. Talked to someone whose employees are not a part of this program. I will explore with state as to whether his employees are still with program.

SK - they will start not receiving anything from us.....

PH - In another 8 years it will still be dangling. We can solve with a simple letter.

Lanie is reading the documents to RC and JD. They are trying to figure out chair and

Lanie nominates Jim for chair.

Lanie -we are the only 3 board members.

JD says she can be secretary or clerk.

PH - LJ is a board member appointed by auditor.

JD - What we are trying to figure outnumerous things about secretaries.

PH -these forms are generic, and there are different numbers of people on a lot of boards. You could either appoint a chair, or mend a motion or whatever...

JD - I can authorize Ray to sign as secretary.

PH - No member you can't appoint a board member to be secretary.

JD - Confusing because Lanie is secretary. RC and LJ say JD should be chair because it's his district.

RC - Moves to appoint JD as chair, LJ as secy.

JD - Clarifies they have right signatures.

RC - Approval of claim by Glenda Brown. Moved, approved, etc.

LJ - points out that paper work is not quite ready. But knowing that is' approved, when it's ready I'll have you sign.

RC - adjourns as the Tonasket board of volunteer firefighters and to reconvene as the BOCC.

All approved, etc.

PH - Those are all the updates I have for Oroville/Tonasket EMS.

Juvenile Detention

Next item: Send back your resolution and findings re the juvenile detention facility. Are there additional changes? I added two findings, reworded some. Did add two at end of list. Hopefully consistent with our last discussion. Polished up the resolution. at whatever point you are comfortable taking action...

SK - would like to get moving so we can get eval of building so we can make whatever decisions we need to make.

PH - In adopting the resolution, it adopts findings, records, directs staff to go through evaluations in terms of structure of building, required programs, funding options, etc. We have not formatted the resolution for adoption. Do you want to check now? We could get ready for adoption or put it on for next week.

SK - Items 1 and 2 on back page - adding in there that it will go out to vote of the people. I didn't see where we had that about putting it out to the public for a vote.

PH - Tried to cover in 26 and 27. (Will require voter approval.) Reads them aloud rapidly.

RC - Question about findings of fact, inaudible.

PH Will become a single package...records, comments, meetings agendas, everything that was on the we site has been gathered to ether and indexed, which will become a par tof the resolution so anyone looking it up will find that package.

SK - Make their job easy.

PH - Ballots going out, initiatives, etc. we will periodically record those decisions - I would recommend through resolution. If we are ordering, will need to put out an RFQ or RFP to get people qualified to do these (estimates?) Need to ID funding for them.

SK - Under 6, number 4.....

PH - Those are right out of the state statute. I included the whole package so it would be in context. The more important are #1 and 2. But all relevant.

SK - I don't know if we have.....

PH - this would be part of evaluation that risk manager engages in or if we bring in someone who determines if the infrastructure can support the whole program. Two pronged approach - are we doing what we are supposed to do, and can we do it? Can we get it done with our existing facility? If the facility doesn't support efforts, it is a problem.

SK studying document carefully. Others seem to be waiting.

SK - on #23....reads - "by allowing staff to provide a higher level of outreach and support. " What about "higher level?" Depending upon the presentation from Martin Hall...they were saying the programs they provide were a higher level. I want this removed. It wasn't established that we did provide such a higher quality program. We have different programs, but does it equate to a higher quality?

PH - That was the decision you wanted to make and what you offered to volunteer - they are here, close. They can get in often, they can engage more rapidly. The assertion was there is a greater opportunity for intervention. Not necessary that they have better programs. A higher level of outreach and support. Not suggestion Martin Hall programs are not top-notch. But close, more often, these super services are more readily available. No suggestion that the formal programs, counseling, etc at Mental Health or anywhere else are inferior.

SK - Still wants to eliminate "higher" and put a "better" level.

PH - The theory is that you have to read all of this in totality and context. Having a local facility has advantages. But as said, if the infrastructure will not support that, this is another challenge. So again, the message is to read the whole thing, the give and take..

SK - We have the advantage of being involved with all this info and being in all the meetings. But if someone 10 years from now doesn't go through everything....

PH - Understood. People are people. That's the way it works. What does BOCC want to do with #23?

Long silence.Ray and Sheilah reading carefully.

RC - Let's reword it.

SK - Provide a "local" level of outreach and support. Eliminate higher.

RC agrees. Done.

Sk - Get it signed, get the inspections rolling.

Albert sent wordsmithing. I will incorporate those. Will ask your people to format and get ready for adoption.

Grandstands

PH - Grandstands? You elected ___engineers. I will begin the process for contract for services. Restrooms - consistent with last discussion, have gone back to Erlandsen to put together the bids packets and manage the project. Will get back when there is a draft.

One item that has run along... your end of year work plan. It's begun, a work in progress. ...If of any value, shall I put together a list of things as I hear them, that we want to accomplish by the end of the year? You can delete or add.

RC - Sounds good.

SK - Was made aware this week end that there is a discussion going on for possibly a different building - a new biding at fair grounds, going to the Bird brothers for funding. Asked them to please coordinate with us, because we have things going on with bathroom and grandstands, and we will be going to the Bird brothers to ask if they are interested. Bringing to your attention, I was a little surprised.

PH - Talking about asking or something to be done on someone else's property. Do you want me to follow up on that?

JD -I heard discussion at the fair, but didn't realize.....they want to make extension of Beef barn.....

SK - Project a good idea., but if we are fighting over the same funding...and some is going to be donated by a local person.....all needs to be coordinated. If they are looking for surveys, and we have them completed, it's going in different directions. All are interested in improving the facilities, but no coordination.

PH - Do you have orders for me?

SK - You could start by talking with Maurice. No sure if anyone could go to Bird Bros and request....

pH - Talks about possible pitfalls in re statutes, making sure you follow

SK - Talks about trust funds, no one going to them with a plan in the past. Created a lot of confusion for them. There has not been a dollar spent from that fund for many years.

PH - - Your umbrella being under a fair advisory committee.

SK - Says their only duty is to put on the fair.

PH - Who is asking for money, if not you? I will explore and report back. I realize everything is give and take - a sounding (?) comes available, etc....at least some idea, if nothing else, prioritization. Grandstand a priority...etc.

SK - Beef barn or other buildings...need to reinforce beams. No one has done anything for years and years.

PH - Will try to figure out who is trying to accomplish what and get back. Leaves at 3:28

3:30

SK/LJ - Brief discussion about OCTC meeting.

Sk - Forgot to ask Perry about next roads meeting. Could maybe do on the 7th? Meeting on 6th with the Forest. So she does have it set on Thursday. Could do on the 10th after continued public hearing.

3:34 -RC walks out. JD on phone. SK reviewing witten material, then leaves. Only JD left, LJ.

RC returns.

JD - all the propaganda on our guides. They've been dinking with that thing for 15 years.

Keys and Courthouse Security

3:40 - LJ - There was a situation where a key was given from one department to the other. I was notified more than a month later that the key was in the office, active. I'm supposed to be notified as to who has own key, coming and going, etc. This doesn't seem to be the case. Wanted to bring to your attendant that there are Depts that have not read the key policy. Clear direction in key poilcy as to what to do about keys. Hard to keep the Courthouse secure if people are not following the policy to keep them safe. Wanted you to know there is still an issue.

SK - Was thinking about this over the weekend. Maybe a follow-up..mentions e-mail..that we will be updating key policy to reflect when keys are not turned in or are lost,etc.

LJ - They are also sharing keys, even with people I didn't know worked here. Like...I thought Ada (?) had retired, but apparently is still working for juvenile.

JD - She was in clerk's office. How did she get to juvenile?

LJ - Reads something from computer about Ada Ward. Terry was in prosecutor's office.

SK/LJ discuss retirement hours, and so forth. LJ - Imagine they worked with HR. RC says to check with HR to check

LJ - Checks to be sure she is not working over the number of hours needed.

3:45 - note taker leaves.