

1 **RECORD OF THE PROCEEDINGS**

2  
3 **OKANOGAN COUNTY**

4  
5 **APRIL 30, 2018**

6  
7  
8 9:00 AM Review Commissioners Agenda, Consent Agenda, and Meeting Minutes  
9 9:30 AM Briefing Among Commissioners – Discuss Individual Meetings &  
10 Schedules  
11 11:00 AM Executive Session – RCW 42.30.110 (1)(i)  
12 11:30 AM Discussion – Conservation Easement – Jerry DeBacker, Okanogan Land  
13 Trust  
14 1:30 PM Update Planning – Perry Huston  
15 3:30 PM Update – WSAC Briefing & Litigation Program – Eric Johnson  
16 4:30 PM Executive Session – RCW 42.30.110 (1)(i)  
17 5:00 PM Approve Consent Agenda  
18

19 The Okanogan County Board of Commissioners met in regular session on April 30,  
20 2018, with, Chairman Commissioner Jim DeTro, Commissioner Chris Branch,  
21 Commissioner Andy Hover, and Laleña Johns, Clerk of the Board, present.

22  
23 The Board convened at 9:00 am

24  
25 **Executive Session – RCW 42.30.110 (1)(i)**

26 Commissioner Hover moved to go into executive session at 9:10 a.m. for 20 minutes  
27 inviting Chief Civil Deputy David Gecas and Planning Director Perry Huston to discuss  
28 potential litigation to which the county may be a party and/or litigation that has been  
29 specifically threatened. Motion was seconded, all were in favor, motion carried.

30  
31 Executive session ended at 9:30 a.m. no decisions were made.

32  
33 **Review Commissioners Agenda, Consent Agenda, and Meeting Minutes**

34 Commissioner DeTro explained he could attend the meeting this week on the DNR  
35 Virginia Ridge project timber sale noting that decision to harvest should be based on  
36 science. The DNR has done SEPA and complied with concessions and long term  
37 strategies and there is no question about whether the area should receive treatment.  
38 Commissioner Hover noted that Commissioner Branch may have a different opinion so  
39 he asked where he stood. Commissioner Branch agreed with the majority opinion on  
40 treatment and is fine with supporting the project as changes may be worked out.  
41 However, he further explained his position noting he is aware that there are differences

42 of opinion even among the scientists as to the approach for treatment. He said he met  
43 with and listened to MVCC representatives and is sensitive to their concerns about the  
44 harvest methods and timing in light of special circumstances relative to the upper  
45 Methow Valley and tourism. He said that there was some discussion going on with  
46 DNR and those concerned the project design and he supports issues being worked out  
47 so the project is not appealed resulting in nothing getting done. The Forest Service does  
48 the pre-commercial thinning and it costs a lot which also cuts the dollars that go to the  
49 school system. There is a shift going on, on how the forest is treated and there are  
50 arguments about that going on right now. How does that fit into this scenario,  
51 concessions have been made not so much about tree density but there is concern  
52 where the landings are as they are quite large and would be hard not to see?  
53 Commissioner Hover said there are already two landings that are not visible.  
54 Commissioner Branch said there are actually about 18 landings. It is hard to get past  
55 the few years it takes for understory trees to establish. The commissioners are basically  
56 on the same page with going forward with the project with some differences in terms of  
57 how they want to see this project handled.

58

59 Commissioners reviewed the letter to the Haub family and believe more discussion  
60 should happen before signing the letter as is with the request for the long term trail  
61 easement agreement for use of the trail system over the Sun Mountain properties. The  
62 commissioners discussed being 100% behind them on this and support sending a letter  
63 of condolences.

64

65 Commissioner Branch would like to respond to the letter of the CCT regarding the  
66 Landfill uses and representations prior to the special meeting with the council on May  
67 17. The other commissioners agreed.

68

### 69 **Briefing Among Commissioners – Discuss Individual Meetings & Schedules**

70 Joe Somday attended to update the board on a Sheriff's truck that lost its motor.  
71 Undersheriff Somday explained the motor replacement costs and the need to utilize  
72 other cars while it is repaired. The cost for the motor replacement is around \$8,200  
73 compared to replacing the whole vehicle. The repair budget will take a big hit and the  
74 possibility of a supplemental later in the year was discussed. Radios in the vehicles are  
75 no longer supported so as new vehicles are purchased they will be equipped with the  
76 new radios therefore increasing the equipment expense. Stone Garden disapproved the  
77 Sheriff's request for a vehicle this year, but Undersheriff Somday explained they will  
78 reapply next year.

79

### 80 **Executive Session – RCW 42.30.110 (1)(i)**

81 Commissioner Hover moved to go into executive session at 11:05 a.m. for 30 minutes  
82 inviting Chief Deputy David Gecas, Mike Worden, and Undersheriff Joe Somday to  
83 discuss potential litigation to which the county may be or become a party where public  
84 knowledge regarding the discussion is likely to result in an adverse legal or financial  
85 consequence to the agency. Motion was seconded, all were in favor, motion carried.

86

87 Executive Session ended at 11:35 a.m. no decisions were made.

88

89 **Discussion – Conservation Easement – Jerry DeBacker, Okanogan Land Trust**

90 Mr. DeBacker provided the board with a fact sheet of the proposed easements which he  
91 discussed. He thanked the board for taking the time to confer with him today. He  
92 explained that Ellis Barnes intended to submit an application for additional easement in  
93 the Shankers Bend area but the application didn't take into account all their holdings.  
94 The information provided spells out the scope of the project and the maps lay out where  
95 the proposed area is. Most of it is range land with a small portion within wet lands. Right  
96 now it is wetter than normal up in that area. Commissioner Hover asked if there were  
97 kids on the ranch. When those go into conservation easements it is harder to keep  
98 grazing cattle on those easements. It gets more and more difficult. Mr. DeBacker stated  
99 it is farmland preservation with several components involved. The property scored high  
100 on the farmland preservation possibility. Significant is when a family placed an  
101 easement the water cannot be separated either in order to provide for future agricultural  
102 products. Commissioner Hover asked whether there was dedication to future buildings  
103 with plans to preserve house sites and water and road construction. There is also a key  
104 component for securing PUD potential flood and rebuild of Enloe Dam with an  
105 agreement in place to emerge some of that ground. There is some script in the  
106 agreement. Pacific Northwest trail has been consulted and WDFW has been consulted  
107 on habitat. They are ready to engage in this region.

108

109 This project has been in play for several years and many have been consulted on the  
110 proposal. There have been several subdivision proposals in the area so the land is  
111 under threat of development. If funding is realized, the family wants to try and do some  
112 things. He discussed where the funding might come from for the investment, such as  
113 from USDA.

114

115 Mr. DeBacker explained past details of the Alma ranch conservation easement and how  
116 the landowner provided that the property stay on the tax roles.

117

118 Commissioner Branch asked about the Pacific Northwest Trail recreation/public access  
119 area and how this conservation easement might be affected. Mr. DeBacker explained  
120 PNWT indicated their focus was on the other side of the river. There was some question

121 as to how that works with the existing trail as there is a bridge to get back over to  
122 Nighthawk Road from the way the trail is configured now.

123  
124 The project will not provide public access along the Similkameen trail, but they may be  
125 willing to discuss providing public access later on. In this case, the plan is conceptual as  
126 physical and legal agreements are not in place but it is a component that could make a  
127 higher score.

128  
129 The application will be submitted this week. There is also another application being  
130 submitted for property in Ferry County. They have seen interest in several areas of the  
131 county such as North County, Bonaparte, Brewster, Highlands, Wauconda, and for the  
132 most part people are walking in from the street to talk about it. It is all a question of  
133 funding. Caution people that it is a one to two year process and only certain properties  
134 have potential of scoring high for funding considerations.

135  
136 Commissioner Hover explained the Methow Conservancy will also be submitting an  
137 application for conservation easements in the Methow Twisp area. Stewardship reports  
138 were discussed and work to be performed to ensure easement compliance in terms of  
139 weeds. Mr. DeBacker said Bob Clark is working with those landowners on those issues.  
140 Commissioner Branch commented that he supports the conservation easement  
141 application.

142  
143 Isabelle Spohn signed in at 1:25 p.m. and took notes on her computer.

144  
145 Melanie Rowland, attorney, signed in at 1:25 p.m. and asked Angie Hubbard about a  
146 map she had received.

147  
148 Kit Arbuckle taking notes on his computer.

149  
150 DOE, Connie Iten, taking hand written notes.

151  
152 **Update Planning – Perry Huston**

153 Angie Hubbard

154  
155 *Administrative Officer Study Session*  
156 *Fairgrounds Facility*

157 Director Huston stated the maintenance crew did a wonderful job preparing the  
158 fairgrounds for the Vintage Faire. For next year, the contract will provide language to  
159 ensure proper preparations. The commissioners want to further consider the surplus of

160 the fairgrounds garbage truck to see if it would be economical to fix and keep it for the  
161 needs of the fairgrounds.

162

163 The trail documents were located and were sent to legal staff.

164

165 *Tonasket EMS*

166 **Motion Tonasket Ems District**

167 Commissioner Hover moved to adjourn as the BOCC and reconvene as the Tonasket  
168 EMS District. Motion was seconded all were in favor, motion carried.

169

170 Commissioner Branch moved to approve the Voucher certification and authorize the  
171 Tonasket EMS District vouchers for March to be paid in the amount of \$21,700. Motion  
172 was seconded, all were in favor, motion carried.

173

174 Commissioner Hover moved to adjourn as the Tonasket EMS and Reconvene as the  
175 BOCC Motion was seconded all were in favor, motion carried.

176

177 *Planning Dept. Study Session*

178 *SMP Map Review*

179 Director Huston explained the list of riverine lakes and rivers and some tributaries and  
180 so the subject today is geared around those. The map was displayed for the discussion.  
181 The lakes are on the list because they were part of the summary analysis and were the  
182 original previous calculations. Momentum was that designations had a Nexis for habitat,  
183 focus was on main stems and specific decisions on those, the lakes were not changed,  
184 and the question remains change it. Commissioner Hover explained concerns that were  
185 relayed to him. Ms. Rowland said floodplain regulation and asked whether there was a  
186 requirement to retain vegetation as riverine would give that. Commissioner Hover said  
187 he is looking at regulations that affect people's ability to construct things, what are the  
188 current limitations, and if we applied this what would be the impact to people. He  
189 understands flood management doesn't preclude mowing down your river bank. Ms.  
190 Rowland asked if that would then need to be changed. Commissioner Branch asked if it  
191 fulfills the requirements. Director Huston stated there are three pieces of code that  
192 addresses this; the zone code, flood management program, and then the Shoreline  
193 Master Program itself and it states how much vegetation can be moved. There are  
194 different standards in the conservancy and the amounts retained, there is a difference,  
195 stated Ms. Hubbard.

196

197 Variances were discussed, with Ms. Rowland contesting its practice in allowing building  
198 to occur in certain circumstances. Commissioner Branch stated ecology makes the final  
199 decision on variances. Director Huston provided the following sections of the plan  
200 14.15.530 Shoreline Variance Review Criteria, 14.15.510 Appeals and 14.15.550 Legal

201 Pre-Existing Structures. The board reviewed the language for variance criteria.  
202 (attached) Director Huston explained it must be an allowed use within that designation.

203

204 The commissioners believe they will be ready to move forward on Monday.

205

206 *Comprehensive Plan Map Review*

207 Director Huston explained the next item for discussion was the Comprehensive Plan  
208 map review. Ms. Hubbard showed materials to be reviewed via the projector. It was  
209 stated that resource designations and new mapping options are available and will show  
210 NRCS soils –Farm Land soils of state wide significance and tax classifications. How  
211 does the board wish to designate state land? Director Huston still thinks every inch of  
212 land should bear some kind of designation. None of the prime soils will show up on  
213 federal prime land because the state has not mapped them yet here.

214

215 *Planning Director's Planned Absence Schedule*

216 Director Huston provided dates to the board for his planned absences.

217

218

219 **Update – WSAC Briefing & Litigation Program – Eric Johnson**

220 WSAC Director Eric Johnson provided the board with an update regarding WSAC  
221 litigation program.

222

223 He provided a handout showing the strategic litigation and communication work group  
224 program. This is many years of discussion among the directors where focus has been  
225 legislative agenda. The last several years there has been a growing concern. WSAC is  
226 their agent and so the discussions that emerged were to improve in several areas. Our  
227 County Auditor was the catalyst of enough is enough because of the ballot box issue  
228 here with no funding to support the requirement.

229

230 WSAC created a budget which included litigation dollars in an amount collected that is  
231 close to \$400,000. The board has been thoughtful in its strategies when addressing its  
232 proposed work plan. The work groups include: strategic litigation and communications,  
233 and two subcommittees process and strategy. WSAC has worked very hard to work  
234 within the county family and litigation can have ramifications beyond county  
235 commissioners, and the same time will hold the executive branch accountable such as  
236 for the ballot issue.

237

238 They will be taking a plan to the board of directors' retreat on Orcus Island. He  
239 discussed what brought WSAC to this point and what the 2018 action plan is.

240

241 Director Johnson explained they have a rough outline of what the work group has  
242 working on that he can discuss.

243  
244 Commissioner Hover explained budget impacts the county faces and is glad WSAC is  
245 coming together with a plan. Commissioner Branch stated legislators won't even allow  
246 other options such as raising property taxes to help with the unfunded mandate.  
247 Commissioner Branch noted a letter from the AGO office addressing the county's lack  
248 of courthouse security, yet the county doesn't have the kind of funding necessary to  
249 address the issues brought out. Director Johnson explained how other states have  
250 addressed these unfunded mandate issues.

251  
252 Justice by geography was discussed and the issues explained in terms of indigent  
253 defense. King County dropped 1700 misdemeanors due to cost. There was also the  
254 proposal to do away with the death penalty. The message should be paid attention to  
255 and the legislature must step up. Uniformity is important to ensure people have equal  
256 access to the services. It is time for legislators to take this seriously. It is okay if you  
257 come up with dumb ideas, just make sure you provide the funding to carry them out.

258  
259 Director Johnson explained WSAC involvement with Amicus Briefs. Intervention is one  
260 activity they can do. Coordinate litigation with other counties such as for Marijuana  
261 operations zoning and issues; they see their role may be to seek AGO opinions on  
262 things; connecting research on related issues among counties.

263  
264 Ms. Craig asked the board for executive session.

265  
266 **Motion Executive Session RCW 42.30.110 (1) (g)**

267 Commissioner Hover moved to go into executive session at 4:22 for 8 minutes inviting  
268 Tanya Craig HR Director to discuss the performance of a public employee. Motion was  
269 seconded, all were in favor, motion carried.

270  
271 Executive Session ended at 4:30 p.m. no decisions were made. Commissioner DeTro  
272 directed Ms. Craig to compile documentation to address billing discrepancies which will  
273 then require subsequent action of the board.

274  
275 **Executive Session – RCW 42.30.110 (1)(i)**

276 Commissioner Branch moved to go into executive session at 4:30 p.m. for 15 minutes  
277 inviting Prosecutor Brandon Platter, Chief Civil Deputy David Gecas and Tanya Craig to  
278 discuss litigation to which the agency may be a party and public knowledge regarding  
279 the discussion is likely to result in an adverse legal or financial consequence to the  
280 agency. Motion was seconded, all were in favor, motion carried.

281 Executive session ended at 4:45 p.m. no decisions were made.

282

283 **Approve Consent Agenda**

284 Commissioner Hover moved to approve the consent agenda items 1-4, excluding item

285 3. Motion was seconded, all were in favor, motion carried.

286 1. Commissioners Proceedings April 23 & 24, 2018

287 2. Special Occasion Liquor License #353657 – Tonasket Rodeo Grounds 6/1 & 6/2 – Beverly Montanye

288 ~~3. Letter – Long Term Lease Request – Haub Family & Methow Trails~~

289 4. Bid Award Recommendation – 2018 Guardrail Repair Quote – M2 Industrial – Public Works

290

291 The board adjourned at 4:50 pm.

292