

RECORD OF THE PROCEEDINGS**OKANOGAN COUNTY****APRIL 29, 2019**

The Okanogan County Board of Commissioners met in regular session on April 29, 2019, with Chairman, Commissioner Jim DeTro; Vice Chairman, Commissioner Chris Branch; Member, Commissioner Andy Hover, and Laleña Johns, Clerk of the Board, present.

Review & Discuss Commissioners' Agenda and Consent Agenda

Commissioners reviewed their agenda and consent agenda items.

Motion Executive Session RCW 42.30.110 (1)(b) & (i)

Commissioner Hover moved to go into executive session at 9:20 a.m. for 20 minutes inviting attorney David Gecas and Perry Huston to discuss and consider the selection of a site or acquisition of real estate by lease or purchase and to discuss legal matters to which the county may be a party or become a party. Motion was seconded, all were in favor, motion carried.

Executive session was extended at 9:40 for another 5 minutes.

Executive session ended at 9:45 a.m. no decisions were made.

Sheriff Hawley informed the board that a wolf was shot in Okanogan North County. He said he'll let the board know of any new information as he hears it. Deputy Yarnell as well as WDFW has been contacted. Commissioners spiritedly discussed their views on the situation. Commissioners discussed the challenges involved.

Commissioners reviewed the publication for the Oroville Rural EMS District Levy notice and approved for publishing. The board decided the ballot question would be posed at the county Primary Election on August 6. The resolution with the proposition will be refined next week.

Commissioner Hover explained the difficulties of finding interested representatives for the LTAC who collect hotel motel taxes within commissioner district #1 to sit on the LTAC. He previously requested the clerk find out if members other than collectors or receivers could sit on the committee.

The Clerk of the Board discussed LTAC membership as the current members consist of the elected official, three receivers and only one collector representative on the seven member committee. She explained an MRSC inquiry she made about whether non-collectors or non-receivers could serve on the committee. She found out that as long as a minimum of five members serve with at least two collectors and two receivers and an elected official, then any additional members could serve at-large as long as they did not represent a collector or receiver. Commissioner Hover stated an amendment of resolution 125-2014 would be needed to amend the committee membership to include two at large positions.

Commissioner DeTro adjourned for lunch at 11:40 a.m.

Briefing Among Commissioners–Discuss Weekly Meetings & Schedules

Emily Sisson video and audio recording the meeting for Okanogan Watch group.

Public Hearing–Amendment to OCC17A.400.130 Water Availability Study Areas

The Clerk of the Board turned the audio recorder on.

Commissioner DeTro called the meeting to order stating this public hearing is to consider an amendment is to OCC 17A.400.130. He opened the hearing up to staff report.

Director Huston indicated this hearing was to consider amendments. It was an interim control without a public hearing but we have it scheduled today. The hearing materials had action on April 1 so it will route through the PC and make recommendation to the commissioners for permanent action into the county code.

Director Huston provided history of the rule affecting water resource areas in the Methow. He discussed the reserves in each of the seven reaches. The rule established reserved instream flow and made note of future water appropriations. A map of combined restricted areas was shown. Director Huston said it wasn't the basin that was closed it was the tributaries, and discussed what was or was not available for future allocations. The red areas have been reviewed, and yellow areas were from the work of 1991. Historically this has taken several shapes, action through this ordinance was discussed. Director Huston discussed accepting sub division proposals.

Director Huston his action focuses on the established water availability study areas in the Methow Valley. There is a two year review in which the county will conduct the study. However there is some tension within the code begging the question of we cannot impair a senior water right in anyway and whether the acceptations even apply.

SEPA exemptions WAC 197-11-800(6)(d) was discussed and subject to environmental review and sites short plats. But large lot segregations impacts are not, so feedback will be given as they work their way through the conflicts and the revised code of Washington. At the end of the hearing he will ask the board to continue so it gives more time to work with the county Risk Pool and county Civil Deputy in order to work through theses. He suggested a three week continuance.

Director Huston explained short plat and short subdivision applications are bunched together whenever over the limit of four lots then the environmental review is done on them. All the administrative decisions are subject to appeal.

Commissioner DeTro called for testimony. He read from the sign in sheet of those wishing to testify. He said there will be no time constraint today due to only a handful wishing to speak.

Harry C Burkholder, testified stating his agenda is much broader than the topic today and sees it as a much bigger issue. He advocates an extreme need for Methow Water issues to be solved by scientific means. He is all for a study area. He read from his prepared comment that also was provided to the Methow watershed council. He encouraged we do what we plan to do and also do more beyond what is planned. He read from the letter. He owns 180 acres, some in Thomson Cr Basin and some in Elbow Coulee, with water flowing in but not out of the basin. He read the report having to do with all his land as reported on June 25, 2018 by Ecology on the Thomson Creek Basin.

He concluded that Ecology plans to manage water arbitrarily in the Methow despite the rights he relayed in the code to exercise their right to show they are not in hydraulic continuity.

He believes the county should do the same thing and do everything it can to insist the decisions made have a scientific basis and not be arbitrary from a legal standpoint.

Deanna Melton expressed concerns. Ms. Melton explained if she owns property in one closed basin and purchases another property not in that basin just for water to serve another property. She believes this is happening on her neighboring property. Existing short plat applications are handled in what way? Does it get held? If there is a discrepancy on the application, how does one correct or fact check the information provided in the narrative. If someone puts a water right claim on the application, then who verifies that? Does the person who actually owns the water right get notified? She has on record

her comments from the Water meetings.

Director Huston showed the list of parcels by basins in the restricted areas. There was a question in terms of applications that have already been submitted. Those are vested but there are requirements relevant at would be answered at the point the decision is made.

Director Huston stated it would be appropriate to continue the hearing in order to explore the “No application for the subdivision of property located within an overlay zone will be accepted except for: “confusion. He is exploring some better language. He suggested continuing this hearing to May 20. In that time he will review the wording and consider adding definitions.

Commissioner Hover asked if public testimony be kept open as he believes only written comments be accepted. Commissioner DeTro replied that verbal testimony would be closed, but written testimony would remain open.

Motion Continued Public Hearing OCC 17A.400.130

Commissioner Hover moved to continue the public hearing to May 20 at 1:30 p.m. leaving written testimony open. Motion was seconded, all were in favor, motion carried.

Director Huston discussed water rights and how it is to be used for a project. He discussed

Exempt Segregations and Large Lot Subdivision

Director Huston discussed some improvements to be considered to these sections of code having to do with exempt segregations and large lot subdivisions. He suggested we find out where our liabilities are in terms of these decisions. RCW 58.17.110(1) He is working with the Risk Pool on the legal issues, in the current form, if they exist, then choose to amend or eliminate them. This is not a specific Okanogan County issue as many member counties in the state are going through this type of code update so in the interest of getting in front of the questions to be asked, the Risk Pool is beginning their review across the state.

Director Huston explained the environmental review sections in OCC, WAC and RCW that do not line up. The point being there is tension between these elements of code and requirements to be met are inconsistent. He discussed what is required and what isn't required between short plats and short subdivisions. He said this conversation is priming the pump for future regulation review.

Update – Planning Department – Perry Huston

Angie Hubbard, Dan Higbee, Rocky Robbins

These bill have passed and may affect how we do things.

SHB 1798 Short Term Nightly Rentals

Local regulation

Dan Higbee, Rocky Robbins

Director Huston discussed the county's hybrid code that was adopted some time ago regarding short term nightly rental requirements. How much of the new regulation will need to be amended into our code still needs to be determined?

Ms. Robbins explained some of the requirements for signage and contact numbers for short term nightly rentals. Who will enforce the code, asked the Building Official? Who is responsible?

The nexus would be through our annual licensing requirement. Much of the enforcements may run through public health, but will need to be considered to ensure we cover our bases. Commissioner Hover thought a consumer safety memo outlining the consumer safety requirements would be good.

Commissioner Branch didn't think we should get overly excited about the changes. Director Huston will conduct a more comprehensive analysis for future discussion.

This bill did pass last week.

ESSB 5284 Smoke Detector Requirement

Local enforcement

This bill is being reviewed to see what the ripple effect will be. Assigns the responsibility to the Fire Marshal, but the county does not have a position such as this. The county could designate a fire official. Commissioner DeTro did not recommend one be designated by the state.

ESSB 5383 Tiny Houses

Economic Analysis

Director Huston explained we do have some plats with restrictions on trailers. How does it affect CCR's? Commissioner Branch discussed counties allowing tiny homes, and adds the tiny homes to trailer parks. Director Huston said this will be discussed further at a later date as he has not completed his review.

Dan Higbee explained that L&I inspects dwellings on wheels. The commissioners discussed the bill at length and their experience with tiny homes and what the definition means to them.

The Planning Commission did start their review of the Comp Plan and would like economic impact analysis regarding impact of the development, location, type and impacts it has or not on services. Trying to come up with a primitive model to do some comparisons. Commissioner Branch asked, has there been discussion of level of service standards? Director Huston replied yes, with the conclusions being left to the bodies making the decision. Commissioner Branch discussed using trends.

Bids for the Jail ceiling project will be present to the board once in hand.

Director Huston explained Tonasket EMS will be audited again.

Commissioners discussed the salary adjustments requested by the Emergency Manager and Building Official. They thought a decision is needed as it has been put off after each discussion without a decision.

Review Meeting Minutes

Commissioners reviewed their meeting minutes.

The board adjourned at 4:00 p.m.

Dated at Okanogan, Washington this 21st day of May 2019.