

**RECORD OF THE PROCEEDINGS****OKANOGAN COUNTY****JANUARY 7, 2019**

The Okanogan County Board of Commissioners met for its regular session on January 7, 2019, with Chairman, Commissioner Jim DeTro, Vice Chair Commissioner Chris Branch and Laleña Johns, Clerk of the Board, present.

Commissioner Hover, was absent this morning due to attending the UCSRB meeting but returned at shortly after 11:00 a.m.

**Reorganize the Board**

Commissioner DeTro and Commissioner Branch discussed nominations for chairman. Commissioner Branch thought because Commissioner Hover is so involved with the county's budget, that Commissioner Hover should be chairman. Commissioner Branch did not have an issue with Commissioner DeTro continuing as chair if he wanted to and Commissioner DeTro said he didn't have an issue with being chairman again either.

Commissioner Branch said he is thankful Commissioner Hover likes crunching the numbers and being so involved with the budget details. Commissioner DeTro stated he likes the current format for the budget process without having the budget books.

**Motion Chairman-DeTro**

Commissioner Branch moved to nominate Commissioner DeTro as chairman. Motion was seconded, all were in favor, motion carried.

**Motion Vice-Chairman-Branch**

Commissioner DeTro moved to nominate Commissioner Branch as vice-chairman for 2019. Motion was second, all were in favor, motion carried.

**Review Commissioners Agenda and Consent Agenda**

Commissioners reviewed their consent agenda items.

**Briefing Among Commissioners**

Commissioner DeTro and Commissioner Branch discussed meetings they attended over the last couple weeks as well as discussed meetings they will attend this week.

**Department Head Quarterly Meeting**

Present: Larry Gilman, Leah McCormack, Pam Johnson, Cari Hall, Jamie Groomes, Dan Higbee, Judge Short, Darla Schreckengast, Judge Rawson, Judge Culp, Dennis Ravidou, Anna Lyon, Ben Rough, Larry Hudson, Kayla Moses, Josh Thomson, Maurice Goodall, Sheriff Toney Hawley, Mike Worden, Tanya Craig, Dave Rodriguez, Aaron Culp, Charleen Groomes, Susan Speiker, Laura Wright, and two unknown staff from Sheriff's office, were present.

Perry Huston provided an agenda of listed topics to discuss. (attached)

**1) Presentation: Facility Dude Program**

Joe Poulin projected the Facility Dude Program on the projector screen so all could see how maintenance requests are processed and how reports are generated for various maintenance expenditures and programmed maintenance tasks.

Commissioner Hover returned from the UCSRB meeting at 11:15 a.m.

Mr. Poulin discussed the value of and efficiencies created by the Facility Dude program and explained how it saves the county money and time. There were questions about whether the program could also be used for Asset management like communications equipment PM schedules. Departments expressed that maintenance requests are responded to much quicker now.

For emergency maintenance issues, Mr. Poulin asked that departments call the maintenance department cell phone to relay verbally the emergency rather than spending the time entering the task into the Dude.

## 2) 2019 Fiscal Year: Cash Flow Update

Department Head/Assistants Workshop-future scheduling

Treasurer Leah McCormack relayed her desire to hold a future workshop that will help departments correctly process their financial responsibilities with the county Treasurer. She wants to be proactive in helping departments with these items.

## 3) Exempt Employee Leave Policy Update

Tanya Craig updated the group on the new exempt employee leave policy which was previously provided to those affected for review and discussion. A workshop to go over the draft was previously held and exempt employees provided their feedback and input. Ms. Craig will go over the policy with the board before adoption.

## 4) Website site update

Ms. Craig explained one website demonstration happened last year. Another demonstration will be scheduled this year. The website update is being considered because it is inconsistent across departments and primitive and not user friendly for the public. Each department would be able to update their own departmental site using a drag and drop type tool for updates. Commissioner Branch asked if the plan was to reach the goal of a new site and if so what is the timeline. Would there be a test run to see how a particular program would work across all the county departments. Ms. Craig replied that all three companies being explored are very similar in format, some offer intranet, and extra fees for including extra options, all three pretty much costs the same depending on the options. Commissioners asked for input on the idea as we go along so we get a product that works for all. Systems used by emergency service offices may need to be interactive.

## 5) Review on-going committee projects

Director Huston discussed the following items that emerged from the previous Department Head meetings. He will send out a note to those specifically working on these items, to prepare for future discussions. It will help structure what is still to be done.

1. Courthouse Security/public access (4)
2. Campus security/Office relocations (2)
3. Update personnel manual
4. Communications system/internal emergency warning
5. Salary grade review/revisions (3)
6. Vehicle replacement funding (2)
7. Revised fee schedule (building)
8. Reinstate department head meetings
9. Emergency communications center
10. Radio network expansion/upgrade
11. Medical Insurance
12. Emergency Safety Training AED, CPR, Blood Packs

Commissioner Branch would like to make sure Dept. head meetings are productive and he appreciates input on the value of holding the meetings and welcomed ideas on a better format.

Judge Culp said he would like to set regular dates for the quarterly meetings so he knows well ahead of time. The Clerk of the Board said the quarterly meetings have already been scheduled and Outlook invites sent.

Judge Rawson noted his concern about conforming to ADA in the courthouse. He said the rotary club is interested in providing the training for use of the Blood Packs and that it would be worthwhile to provide CPR training for county employees through LifeLine. He also said the active shooter training was very helpful wondered if that could be provided again. Commissioner Hover asked who the safety coordinator is, Ms. Craig said she is. Assessor Gilman explained it is a requirement for employees to have the CPR training in other counties. Ms. Craig as the Safety Coordinator will work with Assessor Gilman on this. Commissioner DeTro asked if there was a short version. Mr. Gillman said standard training is two hours by the heart association.

Ms. Craig asked if the board was interested in scheduling active shooter training. It has been two years since the last training. Yes, it appeared everyone would like to see regular active shooter training scheduled.

The meeting ended at noon.

**Public Hearing – Code Amendment OCC 17A.400.130 Water Availability Study Area**  
Angie Hubbard, Planner;

Emily Sisson member of the public turned on her video and audio recorder as representative Okanogan Watch Group.

The county's audio recorder was turned on. The county code sections were displayed via projector for all to view.

Commissioner DeTro opened up the hearing. He asked staff to report on the issues. Director Huston stated a proposed amendment to open up 17A.400 was adopted into the zone code and gave authority for designating water availability study areas. Three basins within WRIA 49 were designated as water study areas in the Tunk Valley. They were Lower Tunk, Upper Tunk, and Tamarack Springs.

A public hearing was previously held for interim controls back in September 2018. The action before the board today is to consider amending the code which would take it out of interim control status and it becomes an amendment to the county code.

17A.400.120 sets the adoption criteria. It was read from the projected code section along with the subsection rules for land development. This language had already been adopted into code.

The map showing developed parcels and active water rights holders were discussed. (attached)

The maps were reviewed showing the three different areas within the different zones. Director Huston said this information lends itself to local lands analysis, but additional work is needed before any additional lots are created.

Commissioner DeTro closed staff and opened up to public testimony. He relayed that testimony would not be restricted to 3 minutes as long as testimony was not redundant.

Gerald Greene has had a vested interest in Tunk valley for over 80 years. He read the public notice because he doesn't believe the rule includes language about fire impacts. The document has a lot to do with the current water situation. Mr. Greene discussed the area around GH Green Road and Tamarack Springs. He said there is more water available now due to the recent fires. Tamarack Springs is privately owned on the west side of Beehive and Forest Service owns the land the water

comes from. Tamarack Springs seems to be included because of the intention of powers to be. Mr. Greene owns property on GH Greene Road that he wants to develop, but if this goes where he thinks it will go he won't be able to develop at all. The wild fires should be called out along with the basins where they take place. There is Tamarack Springs, Upper Tunk, and Leader Mountain west of Tamarack Springs that is privately owned. The state has property with old growth forest in that area too. He thinks Lower Tunk is in the same shape as the rest of the valley, it is fried. He said even so, there is more water than ever before because less trees due to the fires. He said went to the internet and found studies of healthy trees. He read from his research paper that trees take up about 70% of the available water and the rest goes to nature and people at 30%. He said some soils draw less water than soils with trees such as grasses and shrubs. He explained how dead trees deal with the water left in their branches once the tree dies. He concluded by sharing his opinion that there is actually more water now than ever before because of the burns.

Dennis Brothers stated that he has lived in Tunk Valley most of his life. He said he knows the natural springs are on FS lands. He lives at 4300 feet above sea level and there are springs all over that mountain. He has been aware of the water issues for 25 years because when he applied for riparian water through DOE they led him to believe it was still possible to get a right, but they denied him after waiting for two years. When he called them on it they said no more riparian rights are being issued even though they led him to believe he could get a right. His problem now is that those with irrigation rights are no longer being used and haven't for several years. Senior water rights are not being utilized. He said Mr. Greene wanted to develop some property, but he cannot do anything for two years. What recourse does he have when he cannot drill a well and utilize it for what it was purchased for? He feels his property value is much lower because of this.

When used for domestic use such as for crops, septic systems or garden uses the water leaches back into the aquifer after it is used. He feels the study should acknowledge that. People's right to drill wells on their land should not be taken away. The studies have been tough to prove because water moves around and every year it changes depending on run-off so there is a lot to consider. He doesn't feel he should be restricted from developing during the study time.

Kris Erlandsen Brewster, wanted to confirm his comment was received by the commissioners. It was. He submitted another comment from an attorney, but did not read it. (attached)

Tyson Carlson, Aspect Consulting, asked the board to include additional language to a section regarding impact to a basin. He would be happy to discuss any mitigation criteria the board would like to see for consideration. DOE was consulted and they indicated there were no valid claims in the Tunk Valley but they may not be aware of recent ones if there are any. Withdrawal from a well within the basin would be debited from the stream or outside the basin and should be looked at as factors as well. Sometimes they are many miles away. The use may occur here but the impacts happen way down the line.

Nancy Soriano handed in her comment then testified. She previously submitted email comments which the board received. The Comp Plan has been challenged and she doesn't see the WRIA 49 watershed plan incorporated into any of the zoning rules. The WRIA water report showed precipitation was much lower now than ever before. There is a long history regarding recharge water in Tunk Valley. She read from the recharge report that said Tunk Valley receives precipitation at 1.5%-5% and if there is no snow pack it would be less. Another report showed the aquifer is shallow and only about 5% of the precipitation makes its way into the aquifer. She said there is definitely water scarcity.

Ms. Soriano stated there are many abandoned water rights in the valley because there just isn't enough water. A viable water right is worth over \$40,000. The Tunk Valley Water Association report showed rights to water 40 acres of alfalfa, but then in the same time period Figlinski's lost their water and then had the 40 acres converted to ground water which went to DOE. They spent a lot of time working on it, and DOE knows of the impaired water right, but still after all that there still just isn't

enough water to irrigate. Ms. Soriano said there is evidence of impaired water in Tunk Valley. She said the Figlinski's had to buy new land out of the area and find new water. They would not have walked away from the land if there was water.

Ms. Soriano said wild fire and water scarcity are related. The year after the big wildfire, right now, after the largest fire in Washington State burned Tunk Valley, the county still allows 5 acre parcels to be developed with five family residences, 20 family residences for 20 acre parcels. She said there is impairment and very little recharge trend in the last 100 years. The county should adopt the overlay. She believed the impairments happened when people were allowed to drill into the headwaters and she believes this trend will continue if development and additional withdrawals are allowed. When you buy land, water is not included, many do not realize that. There just isn't enough water in the Tunk Valley to support the number of lots allowed. Ms. Soriano said she was in favor of the commissioners adopting the water study area.

Commissioner DeTro asked for additional testimony, no one else wished to testify.

Commissioner Hover said that people may want to help mitigate water impacts and contribute their suggestions. Commissioner DeTro closed the hearing to public testimony and opened up to commissioner discussion. Commissioner Hover asked if pieces of mitigation language were to be added to the draft, what would that process look like? Would it have to go back to the Planning Commission? Director Huston stated the board could direct staff to include mitigation language. He said the county did not create a provision in the code where each study area would be tailored to exceptions legal and appropriate. In terms of process, a subsequent day may be set to adopt interim controls. He discussed those options. The subdivision section tried to capture alternate water systems, but didn't get into other sorts of mitigations. Infiltration gallery was not looked into, but if the board wishes, it can be done. Commissioner Branch clarified that the WRIA 49 work is beginning and designed to create a study of available water, not restrict the use of wells. Wells may still be drilled on existing parcels, but you cannot subdivide to make more parcels based upon language in 17A.400. Both the overlay and the required work under 6091 are intended to answer these questions.

The Board's options were discussed for addressing the interim controls. There is still time within the time period to sort out any changes the board wishes to make. Commissioner Branch believed additional research is necessary, but felt we should move forward with the adoption of the overlay. Commissioner DeTro stated the study is mandated by the state of Washington, but if we do nothing, it would be imputative we have no choice. He further appreciated the information provided by Aspect Consulting as it gave additional insight to consider. Water is where you find it. Even though testimony has been given on impairment, the BOCC is not the judge whether or not there is impairment. He believes there is room for improvement and would entertain a motion to continuing the hearing.

Commissioner Branch said the overlay draft was prior to Hirst fix, things were changing quickly and the overlay happened. This piece is not mandated but will help assist us with what happens in other sub-basins. The Planning Unit will identify those issues and is the part we must do by law, but this part came up. The Water shed planning done before identified. There are questions either way, and this study may help but it also may seem confusing when both are considered so close together. He would consider changes, and he would be looking at options such as water banking. It doesn't have to take two years.

Commissioner DeTro appreciated Commissioner Branch's comment. So much can happen in such a small amount of time when it comes to the various agencies involved.

Commissioner Hover said localized problems can be created if we don't look into the mitigation efforts and we might get more benefit from local standpoints.

Director Huston surface water reference will be tidied up. With the board's direction there could be

opportunity to incorporate additional work into the study, and part of the work directed to do come up with our 20 year water use based on certain criteria that would lend itself to a more refined discussion. Quantification of that would provide more specific direction. He explained additional information that would help in regards to study area. There should be a record review attached to each water right. Commissioner Branch said the water availability study is underway, but the comment suggests we look into it. It was not a moratorium for two years, it was a restriction the board put on themselves. Commissioner Hover said there is a limitation. Commissioner Branch doesn't see the difference since water adequacy has to be determined to approve a subdivision. It is good to get it done.

Commissioner Branch said he'd like to continue the hearing. Director Huston stated there is a study session on the 14th but not the 21st. He said the commissioners always have the option to adopt an amended to the code section of 17A.400 and remand to Planning Commission. If a different course altogether, this water study can inform the decision of other bodies of regulation. If densities are not reflective on the water availability then there are some tools to be used to implement whatever the water study reveals.

Commissioner DeTro stated written and emailed testimony remained open.

#### Motion Continue the Hearing

Commissioner Branch moved to continue the hearing for OCC 17A400 to January 28, 2019 at 1:30 p.m. Motion was seconded, all were in favor, motion carried.

Public Hearing verbal testimony was closed with written testimony and email comments remaining open.

Mr. Greene explained he has one 42.5 acre parcel he wanted to divide in one 20 acre and one 42 acre parcel. Director Huston said the code prohibits creation of more lots.

#### **Update – Planning – Perry Huston**

Rocky Robbins, Dan Higbee

Cannabis operations amendments have gone out for public review. The SEPA review has very few comments. The Planning Commissioner will be hearing this on January 28th.

Planner Rocky Robbins explained she found 107 nightly rental establishments with 50 of those currently applying and being licensed. There were two that could not be licensed. The Public Health Department has sent 28 notices to those operating without permits and compliance is happening. Four new applications are waiting for the Health Department permit before further processing can be done by county planning. Director Huston said a better pipeline into the Veranda Beach association is still needed to ensure all nightly rentals there have the proper permit. Director Huston stated in other areas he has seen much better compliance on the new county licensing requirements.

Commissioner Hover asked if the board was aware of the Tonasket Police Department issues. He was asked by the Sheriff to discuss the possibility of a law enforcement contract and what that would entail. The level of service may require the county to purchase additional equipment, staffing, and other budget impacts to be considered. Commissioner Hover could not see anything less than a 7-8 years contract. Commissioner Branch suggested Director Huston be part of the conversation due to his history in the field and county. Commissioner DeTro thought Director Huston should participate.

#### *Comp Plan*

Director Huston received a request for extension of the scoping period and he did extend it two more weeks and in the end would make a smoother process. The extension will publish Wednesday. An index of comments will be compiled for commissioners.

#### *WRIA 49*

Meeting was last Thursday, and a subcommittee is being formed. There were several examples that will be used for this. Recommendations for submittals for the facilitator have also been updated. Things are beginning to get some momentum with alternates and members straightened out.

Some of the letters were mistakenly generated that the board signed last week so those were pulled out.

Director Huston updated the board on the grant application. She explained to him the intent is to reach back to January 2018 for expenses, and communicate to DOE it will be on the fast track in terms of funding.

The environmental review will actually be published a week from tomorrow.

#### *Airport Safety Zones*

Director Huston provided an update on this language and made some suggestions. Planning Commission will see the draft sometime in February.

#### *WRIA 48 Closed Tributaries*

Director Huston reported that Cow Creek and Gold Creek finished reviews waiting for tribe. We will have two more tributaries to update the map. It appears the comfort level of DOE has increased on the areas not reviewed. They will stand by their new work of those revised, not making decisions on those not reviewed, that has been relaxed a bit. He explained they are helping with those.

#### *Champerty Shores*

Barker project has been completed in their section. Our next steps for the LID will be to put together a packet for the commissioners' review. The proposal includes the bulk of the parcels and was the deal with the city. There are a couple parcels intervening that would like to participate and asked what that value is. The timing for the construction is finite. Will discuss further next week.

#### *Wolf Incident Tracking System*

County Wolf Tracking System link failed, but has been repaired.

#### **Motion Methow Valley EMS District**

Commissioner Branch moved to adjourn as the BOCC and reconvene as the Methow Valley EMS District. Motion was seconded all were in favor, motion carried.

Commissioner Branch moved to approve the Voucher certification and authorize the Methow Valley EMS District vouchers to be paid in the amount of \$56,797.83. Motion was seconded, all were in favor, motion carried.

Commissioner DeTro moved to adjourn as the Methow Valley and Reconvene as the BOCC Motion was seconded all were in favor, motion carried.

#### **CANCELLED Executive Session RCW 42.30.110 (1)(i)**

Commissioner Hover said the executive session was not needed.

#### **Discussion Juvenile Dept. Vehicle Quotes – Dennis Rabidou**

Mr. Rabidou explained his intention to purchase three of the four vehicles they requested through the state contract. He said there is enough cash on hand within fund 160 for the \$123,114 purchase and the expenditure was budgeted. Mr. Rabidou said the vehicles would not be paid for until received sometime in June.

Additionally, Mr. Rabidou would like to know the status of Juvenile detention carpet replacement bids. He will come up tomorrow during staff meeting to discuss bids with Joe Poulin and the

commissioners.

Mr. Rabidou asked what the commissioners plan to do to prevent more flooding of the detention area. What are the plans to fix the issues with the pipes? He said more sewer drainage problems happened on 11/28 and 12/10. He relayed that the camera that was previously sent down the pipe stopped before reaching the end due to blockages. We cannot fix the carpet without first replacing the pipes that caused the problem in the first place.

Mr. Rabidou asked about the Law and Justice council and whether one was formed. He said there is an ordinance requiring it. He explained he will discuss further with Sheriff Hawley to coordinate as the council would include the Sheriff. Mr. Rabidou will do some more research about it. Commissioner Branch read the relative portion of the statute aloud and said if the law says one should be active we should have an active council.

Commissioner Hover returned at about 4:25 after meeting with the Sheriff about the City of Tonasket's law enforcement assistance request. He explained the request and what questions are involved such as cost, length of contract, needed equipment, and staffing. Commissioner Branch said he previously discussed the request briefly with Tonasket city staff.

The board adjourned at 5:00 p.m.