

RECORD OF THE PROCEEDINGS

OKANOGAN COUNTY

JUNE 17, 2019

The Okanogan County Board of Commissioners met in regular session on June 17, 2019, with Chairman, Commissioner Jim DeTro; Vice Chairman, Commissioner Chris Branch; Member, Commissioner Andy Hover, and Laleña Johns, Clerk of the Board, present.

Review Commissioners' Agenda and Consent Agenda

Commissioners reviewed the previous week's meeting minutes of June 10-11, 2019.

Briefing Among Commissioners—Discusses Individual Weekly Meetings

Commissioners reviewed their individual schedules and discussed meetings they attended.

Commissioner DeTro updated the other commissioners on his attendance at the Tribal Canoe journey launch event that happened at the Crescent Bay Boat Launch on Friday, June 14th. He explained that D.R. Michel, executive director of Upper Columbia United Tribes, would like to meet with the commissioners about salmon and various topics that both entities deal with. The Clerk of the Board will reach out to him and schedule a meeting.

Commissioner Hover updated the other commissioners on the Fairgrounds arena and racetrack work. He said the ditch for the electrical conduit is dug and prepared.

Public Hearing – OCC 17A 40.060, OCC 17A 50.060, and OCC 17A 60.060

Angie Hubbard,

Members of the public Emily Sisson video and audio recording the hearing, Kris Erlandsen, and Melanie Rowland, attorney

Commissioner DeTro opened up the hearing asking for staff report regarding OCC 17A 40.060, OCC 17A 50.060, OCC 17A 60.060. The ongoing discussion of comp plan and zone code the board has been sensitive to water but some sections were inconsistent among the different zones for single family dwellings. He explained the commissioners have elected to amend those out without a hearing, but because they were adopted a public hearing is required within the 60 day window to take public testimony for or against the amendments. The interim controls remain in effect for up to six months which can be extended. The amendments may roll into the plan which will be reviewed by the planning commission.

Director Huston explained the intent of the draft density restrictions as noted in 17A.040.060. He explained which require a conditional use permit as shown on the District Use chart displayed on the screen. Farm Worker housing is treated separately from multi family dwelling units and is a permitted activity. Commissioner Branch asked about other rules that apply to farmworker housing. Director Huston noted some have been approved through the state. Commissioner Hover asked multifamily is permitted in Methow.

Commissioner DeTro called on commenters.

Melanie Rowland a board member of the MVCC and is very interested in anything protecting the Methow and Okanogan. She appreciates the measures the board is taking while addressing its comp plan. They are concerned that the 2014 plan is still in place and are interested in a considerate process. They are concerned as voiced in the courts and comments as there are serious flaws with

that version. They wish to preserve the status quo but with support on measures to support water in area basins, and interested in other measures while it unfolds. Preserve the status quo while thoughtful considering the changes and will be watching to see if there are other measures the board is considering as they think there are more and they are willing to discuss further with the board.

Commissioner DeTro called for other commenter, seeing none, he opened up to the commissioners' discussion.

The actions today would be to repeal 2019 -9 or amend it or simply leave interim controls in place then they will be submitted to the Planning Commission for review. Those are the three options. If the board would like to continue then that is okay too.

Motion Interim Controls In place 17A40. 17A50. And 17A60

Commissioner Branch moved to leave the interim controls in place as adopted via ordinance 2019-9. Motion was seconded, all were in favor, motion carried.

Update – Planning Department – Director Perry Huston

Dan Higbee, building official, Angie Hubbard

Water Availability Study Area

Director Huston provided some mitigation language for this code. (attached) The discussion today is that we are getting closer to the mitigation language the board is comfortable with. The mitigations are directed in those areas by water restrictions. He listed the areas with impairment of senior rights etc.... and anywhere the board determines there is a supply. Ways to determine consumptive use of the water. Commissioner Hover thinks we can get a little closer. It is a land use activity the county will decide if division of land can be done under this section of code. If he is a landowner and he wants to drill a well in a restricted water area, he'll have to create a mitigation plan that he tells the county on how he will achieve replacement of the water. That plan will need to be run by DOE will that be done first where mitigation measures are to be approved, or does that get... Director Huston said he is comfortable with DOE in terms of onsite determinations, but he doesn't have a firm grasp on DOE's basin wide mitigations or what that will look like. He took a more basin wide approach. We have an option of coming up with our own plan that outlines how the county will deal with the specific areas with water supply.

Individuals will want to mitigate for their building and will hire whomever they need to. No matter what everyone is to submit the same thing for review so we are not saying because you could afford a hydrologist we'll review but we won't look at yours because you couldn't afford a hydrologist.

Commissioner Branch said we should have something defined and right now we are still working out mitigation. He said cisterns are predictable but can they be used for a group domestic system. Commissioner DeTro said yes, he has one. If we have all cisterns and all water going in must be potable, and it goes into a recharge it doesn't have to meet all the qualifications of a group b system. There are different regulations for consumable water and recharge water. Commissioner Branch said conceptually the overlay is temporary for subdivisions and he feels we are getting ahead of ourselves. He wonders this because we are looking at what mitigation looks like in 49. We have identified two different issues we are trying to apply the same rule to.

Director Huston explained after two years we would have had the results of the study in 49 but in WRIA 48 there is no process. Commissioner Hover said we mitigate in our basin to keep the water in our streams, but if there isn't a means to measure the effect of what we are doing without gages in the streams then how do we determine our mitigations are affective. Director Huston replied the commissioners would need to be happy with whatever mitigation measure they are comfortable with. Commissioner Branch discussed difference between the two watersheds and suggested breaking them apart as this is a temporary moratorium and puts hardship on people as it is figured out.

Commissioner Hover wants to limit our liability in as far as how they come up with the decision understanding the fact these issues are going on around the state. Just because we don't know how they work doesn't mean we should not be going out and asking. He wants to do this but he wants a defined process on how a mitigation plan gets submitted. He has had people talk to him about it. Commissioner Branch thinks 2cfs rule and closed basin is unique to Methow Valley. Commissioner Hover said when someone cannot get water in either WRIA the way you deal with that will be the same. Commissioner Branch said it is a different world the way the rules are applied in one and the other. He sees the difference and believes they should be treated differently. The director said he does deal with the two WRIAS differently. Director Huston said in 48 it allows permit exempt wells and in 49 it does not. Get in touch with DOE and look at site specific mitigation plans, what would be the things DOE would provide technical support what would they need to look at in order for them to give the technical support they offered? Director Huston said he is moving in that direction. Commissioner Branch said the Water Conservancy Board is trained by DOE on what the law allows them to do. It is important to ask that question so we know there is consistency on the water decisions. Director Huston discussed cisterns as a measure employed in areas with physical water issues, where on mitigations he sees that as the legal challenge and draws the line there. Commissioner Branch replied it isn't so much a growth issue it is more a legal issues, growth through water, if water is the issue we should address that, but if the issue is growth then we should address it in the comprehensive plan and not just use water laws to restrict growth. There are other growth potential other than a 20 acre lot.

Commissioner Hover said if the infrastructure is not there to support the growth then it isn't there, but if the water is there and people say it is the controlling factor then he feels that needs to be addressed. Commissioner Branch said if the development details get weighed down by the courts then they won't know what to do. Commissioner Branch senses there is also a growth issue in how the county grows. No water, not growth, no transportation grid, no growth. If we have growth it should be managed correctly, but we need to know what the mitigation looks like. Commissioner Branch pointed out that short plats are an administrative process so when we approve mitigation as an alternative we are authorizing the plat administrator to decide when mitigation is acceptable so we need to be clear as to how that is determined.

Commissioner Hover discussed what is affordable for some is not going to be affordable to others and why mitigation plan criteria must be discovered first by the county.

Commissioner DeTro stated there are other items he wished to get to this afternoon and asked that this conversation be continued.

Resolution

WRIA 48 Exempt Well Policy

Previously the board discussed how to deal with exempt wells within WRIA 48.

Director Huston discussed a draft resolution policy that incorporated into it the previous direction of the board regarding the use of permit exempt wells as authorized by RCW 90.44.050 within the boundaries of WRIA 48-Methow.

Director Huston read the draft recital history on how we got where we are today with regards to water and water law applicability in restricted areas and outside restricted areas. He provided some mitigation scenarios to show how the code would apply to the different areas.

DOE has declined on commenting on any legal areas of our plan regarding new group systems. The debate in the work group was mostly regarding time and large lot segregations.

Director Huston discussed particular land development situations that he knows where these rules would apply. He discussed interruptible public water supplies and what the debate is oriented around.

The new section for new group systems has not yet been adopted.

Ms. Rowland asked about comment letters the commissioners have been seen regarding an application to use a single domestic well for groups of users. The application was in April, comment period in May, and she said the law doesn't allow a single use exempt well for multiple use lots, and the county okayed a proposal that divided land into 22 lots that would use a single well. Ms. Rowland continued and said there are comment letters on the interpretation that say the county may not do that. Commissioner Branch stated he did see those letters, if there is conflict with the interpretation among the commissioners then he would like to know that. He asked Commissioner Hover if he understood, Commissioner Hover said absolutely yes he understands the rules on it. Director Huston stated that DOE did not offer a legal interpretation on the red section noted as "new group systems" within the draft resolution being reviewed. Commissioner Branch would rather work it out among the commissioners than have it worked out in the courts for us. Commissioner Hover stated Group B systems stopped being regulated by the state, but the county has regulation for Group B systems. What does the board wish to do with the draft resolution/ordinance? Commissioner Branch asked if there was a conversation regarding the primary concern about short plats, if he sees a consistent challenge, he would like to know why it is an issue and how will we address it. If he sees something being brought up, he wants to know why.

Commissioner Hover would like to know RCW look like they conflict with punching multiple holes in the ground. DOE provides for quality, and we have to look at that too. Having all the pieces all together would help frame things better. Director Huston stated he would pull those together and draft a memo to the Planning Commission on what the Commissioners are doing, couch the code section until the crew looks at it. Commissioners were alright with that direction.

Administrative

Motion Tonasket EMS District

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

State auditor wish to continue and follow up on the audit done and remedial actions completed that was started from the 2015 audit. There may be items at the station that ought to be surplussed. They do want us to authorize the audit costs of \$500 that will be paid by the Tonasket EMS District.

Commissioner Hover moved to approve the letter of the Washington State Auditor regarding the Tonasket EMS District State Audit and authorized the chairman, Jim DeTro and Director Perry Huston to sign. Motion was seconded, all were in favor, motion carried. .

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

Purchase and Sale Agreement Pit

Director Huston stated there are people who live in the Methow who have requested the county hold the work session meeting about the county's plan for the property in the Methow to discuss the variety of concerns cropping up. He suggested keeping the public hearing and the work session already scheduled then have an additional meeting in the Methow. Commissioner Hover said he previously requested that some drone footage be taken of the different elevations of the proposed property. He stated he would attend a meeting in the Town of Methow to discuss the property uses with those concerned. Director Huston set one up before the other meetings. Director Huston stated he would go ahead and set it up for Tuesday or Wednesday in the town of Methow.

M-Tank

The agreement was fully executed and was provided to the architect. The project may begin.

Director Huston discussed a grant memo to DOE for some grant like funds that must be in by the 28th in order to meet the deadline. The EIS effort can be peeled off.

Director Huston discussed the salvage yard enforcement. He said the front of the salvage yard is cleaned up, graded flat, and organized. They are still working on it. Commissioner Branch hoped they do not slide backwards. Director Huston briefly discussed the status of other ongoing enforcements.

Director Huston discussed avoidance of legal nonconforming lot sizes and we have code that addresses and what transitional zone, but he recommended looking at them individually. Malott is remarkably different than Wauconda, so he recommended looking at them separately. Need back to existing town plats, in the interim we could take quite a few off by putting them in R-1.

Motion CDBG Public Services Grant Contract No. 19-62210-011

Commissioner Hover moved to approve the CDBG Public Services Grant Contract No. 19-62210-011 between Dept. of Commerce and Okanogan County. Motion was seconded, all were in favor, motion carried.

Review Meeting Minutes

Commissioners reviewed their meeting minutes.

The board adjourned at 4:00 p.m.