

RECORD OF THE PROCEEDINGS**OKANOGAN COUNTY****MARCH 25, 2019**

The Okanogan County Board of Commissioners met in regular session on March 25, 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 discussed county business. Emergency Manager Maurice Goodall discussed weather and emergency management involvement.

Commissioners discussed strategies for addressing concerns and comments regarding WATVs with Planning Director Huston

Briefing Among Commissioners – Discuss Individual Weekly Meetings & Schedules

Commissioners discussed their meeting schedules.

Motion Executive Session RCW 42.30.110 (1)(i)

Commissioner Hover moved to go into executive session at 9:20 for 15 minutes inviting Attorney David Gecas, Engineer Josh Thomson and Planning Director Perry Huston to discuss legal matters or potential litigation to which the county may be a party or become a party. Motion was seconded, all were in favor, motion carried.

At 9:35 a.m. Commissioner DeTro recessed executive session for 10 minutes due to Potts and Associates update then extended the executive session at 9:45 a.m. for another 15 minutes under the previous reasons.

Legislative Update – Potts & Associates

Lobbyists Jim Potts and Zach Kennedy called in.

Mr. Kennedy explained the committee cutoff schedule. (attached) He stated we made it through cut off with legislators going home for the weekend for town halls. One topic is the branding bill by Senator Lawrence, now seeing if it will pass. Another program bills for dogs to be trained to keep wildlife away from domestic animals. It seems legislators are not interested in funding bills and feel the burden should fall on the rural counties, based on their inaction to address issues such as PILT. Many counties depend on those tax payments, but they are the minority and understand the need for it, but many aren't voting in persons from the Democratic Party.

Commissioner DeTro asked about the WATV bill. It isn't a priority but they are moving it along. It would help Okanogan County in signage costs and clearing up the confusion. The house version has been referred back to transportation. There won't be a lot of info on this bill until the next cutoff. An answer will be known closer to that cutoff date.

Commissioner DeTro extended executive session at 10:00 a.m. for another 10 minutes.

Commissioner DeTro extended executive session at 10:10 a.m. for another 10 minutes.

Commissioner DeTro extended executive session at 10:20 a.m. for another 10 minutes.

Executive session ended at 10:25 a.m. no decisions were made. Commissioners waited until 10:30 a.m. before going into the next agenda item.

Commissioner Hover discussed a countywide issue affecting lower income people where Medicaid isn't providing sufficient reimbursement for services provided and the costs are passed on to the person. He discussed drafting a letter of support to Life Line in support of this issue being addressed by legislators. Commissioner Branch will take a look at the letter sample.

Update Veterans Relief Board-Okanogan County VSO Eric Fritts

Pam Stevens Y Perz

Mr. Fritts provided the commissioners with his CVSO Q1 Update 2019 and discussed the items summarized there. (attached)

They've had a busy quarter. He explained the recent turn out for the Veterans event that was organized. He explained what services and information was provided. Douglas County hired a new veteran's service officer, he trained with her recently and she will shadow him tomorrow and Wednesday.

Discussion of the VA clinic with Senator Murray was scheduled. He wanted to show the effects of disbursing vets on a healthcare system in order to understand what was going on.

The Veterans Treatment Information Form was discussed. Mr. Fritts created the form for use if a veterans must go to the hospital for emergent care which will help him to be an advocate for the patient to ensure proper treatment information is transpired. Before we had to rely on the veterans getting their records and sifting through it. This form helps by authorizing the records when seen under the emergent care system. This has only been implemented with North Valley Hospital at this point.

Mr. Fritts explained Ms. Stevens is eligible for On the Job Training through the OJT with Work Source. She is learning one day per week in his office until such a time as the county can hire a more permanent person for back up in the office.

Mr. Fritts discussed processing veteran's claims and fully developed claims is what they will continue to file. The portal crashed 27 time on the first day with many other crashed thereafter and finally the site was taken down for an overhaul. Veterans who wish to file a claim must consider the filing time frame and the needed forms. It only affects appeals after February 14.

Mr. Fritts explained the drafted Veterans By-Laws and changes made and need for commissioners approval. The Veterans Committee now meets quarterly. Honorable discharge was required and provided a very narrow window. They had to broaden the definition used. In the description other than dishonorable discharge. They have been operating outside the scope of the by-laws but under the state guidelines it is defined differently.

Commissioner Hover asked that Tanya Craig, Risk Manager also review the By-Laws. Mr. Fritts stated documentation will be put in the file where the veteran's committee members must sign acknowledging the policy.

Mr. Fritts explained the assistance provided to the Fairgrounds for the Show Works program. The question has arose whether or not Mr. Fritts was billing his time to the Fairgrounds for the training. The commissioners wanted to ensure if he was to be paid that payment would be processed out of the correct fund. Mr. Fritts explained the 2.5 hours he spent on the Fair premium book was nominal. The benefit is the product is a good product and provides the information consistently.

Commissioners requested the budget supplemental be prepared for the OJT worker and submitted.

Auditor Hall came to discuss the issue of payroll. The noncommissioned contract is expected to be in place this week, so she asked if those changes can be incorporated into the upcoming payroll.

Commissioner Hover wanted to ensure the pay amount is correct. If the board is comfortable with the new pay scale enough for her to make the changes then the salaries would be changed to the new pay, then for the retro it will be processed separately.

Motion Non-Commissioned Payroll Changes

Commissioner Hover moved to allow the auditor to change the noncommissioned pay for this pay period in line with the noncommissioned agreement changes. Motion was seconded, all were in favor, motion carried.

Continued Public Hearing Proposed WATV Proposal-Perry Huston

County Staff-Josh Thomson, Perry Huston, Angie Hubbard, Larry Gilman, Dave Hilton and Members of the public-Lorah Super and Nancy Soriano were present.

The audio recorder was turned on.

Commissioner DeTro stated this was a continued public hearing from February 25, 2019. He called for the staff report and noted the record had been closed to in-person testimony but not for written.

Director Huston explained this was a continued hearing regarding allowing Wheeled All-Terrain vehicles on certain county roads within commissioner District #1. He said the commissioners were to consider an ordinance that would open county roads up for use by Wheeled All-Terrain vehicles. He said the MDNS was done and results published. He asked Engineer Thomson to discuss the signs. Engineer Thomson commented that the signs order for illegal use will be in this week. There about 160 of the other signs that will be ordered and will arrive within 2-3 weeks. Commissioner Hover mentioned HB 1028 that may affect the signs but not the delineator signs.

Written comments were received from Nancy Soriano regarding WATV season and mitigation. (attached)

Commissioner Branch asked about GH Green Road and whether that road was opened up recently or roads that lead to were opened? He asked about the implications of it being closed to WATV but not ORV. Commissioner Hover discussed farm use and farm exemptions for ORV's use on the road. The ORV would have to be trailered in in order to use it on that road with ORV because it is open to ORV but not WATVs.

Director Huston stated roads to be opened are listed on a list. Commissioner Hover thought the board should consider WDFW unloading areas comment. As we get into this more, this is a recreational activity, and if we need to figure out how this activity fits in.

The signs would be set out this week and the other markers after they are ordered around 2-3 weeks.

Motion Ordinance 2019-3 Roads Open to WATVs

Commissioner Hover moved to approve Ordinance 2019-3 approving the listed county roads open to the use by wheeled all-terrain vehicles. Motion was seconded, all were in favor, motion carried.

Commissioner DeTro closed the hearing. He asked those intending to visit each other to please go outside and visit.

Update – Planning – Perry Huston

Public Health Director Dave Hilton, Angie Hubbard

Member of the public Emily Sisson video and audio recording the meeting. Nancy Soriano taking notes on her computer. Salley Bull, Lorah Super members of the public.

Permit Exempt Wells
Mitigation Strategies
Withdrawal rates/consumptive use
Comprehensive plan-DEIS
Wildfire protection

Director Huston discussed public hearing processes in terms of notices and who gets those. He explained categorical exemptions and said there isn't one to conversion of a particular site to a marijuana site. Even under the administrative rules, he sees us needing to go through the environmental review steps.

Director Huston discussed a previous issue with a CUP that required the landowner to certain things under the current rules, but with the new regulation, the land owner would be able to transfer use of the land from one use to another without having to comply with the previous rules. Commissioner Branch discussed the extent of exemptions and when those become an issue. Director Huston stated the laws have become more flexible, but would require an application defacto permit issued. If we don't permit then what are we doing SEPA on? While it is a permitted activity, it still means you must comply with obtaining a permit with some kind of mitigations for the activities. Director Huston explained that a similar situation is happening with Nightly rentals where an allowed activity of a single-family residence applies for expansion or for nightly rental essentially a change of use from one allowed use to another allowed use.

SEPA is triggered when something outside of the normal is considered outside the normal use of what was applied for, wouldn't only the new uses, the ones not allowed be the SEPA trigger? Commissioner Branch discussed his interpretation of SEPA where the change in use is under SEPA. If I see a zoning use chart with allowed uses listed, then later on they do it, and the license with the state is exempt, and so to change from one use to another, if he had a grow and wanted to change it to another allowed use, then what? Levels of review were discussed.

ESSB 6091, regarding streamflow restoration, recommendation for water use estimates published by Dept. of Ecology was provided for the discussion.

Four water uses identified in 90.44.050. Director Huston went through the AGO of 2016 on stock watering which is related to the four water uses identified. The McKenna and others have separated the uses for the different allocations. Irrigation water is not calculated in the 5,000 exemption. But DOE is thinking it would include some water for irrigation. Commissioner Hover stated the rule lays out what the water can be used for and provides the detail for the different uses of the 5,000 gallon per day water exemption.

Commissioners reviewed the Methow Watershed Council's website in the planning and reference documents where publications posted there from the Kauffman, K.G. and J.R. Bucknell. Water Resources Management Program Report of the Methow River Basin. WA DOE River Basin Program Series, No. 4. December 1976, were read. Commissioner Hover discussed the definitions that DOE historically applied for water single domestic water that included ½ acre of irrigation.

We tried to tie each well to the parcel it serves, Aspect didn't do that nor will they. DOE generated a model we can turn on or turn off certain assumptions. Commissioner Hover discussed the 7 WRIA in the county, and the tool has already been developed to basically add on to the data base. Director Huston shared our GIS was heavily involved with putting this together with Aspect. We can do the same thing but through a different model. DOE may consider that in the boundaries of our \$60,000. Is the board interested in modifying our grant application to include this data base work? Commissioner Branch asked if there would be funding for well tracking?

The grant could be adjusted to include that work.

Public Hearing-Tonasket Airport Overlay

Angie Hubbard and Perry Huston were present.

Commissioner DeTro stated this was a public hearing from February 25, 2019. He called for the staff report and noted the record had been closed to in-person testimony but not for written.

Director Huston stated an ordinance would amend the county zone map by creating overlays in the Tonasket Area. This work came from an airport advisory group about 8 years ago with the idea of reviewing the surrounding area for compatible uses. There were many complaints from home owners around the airport about quiet enjoyment of their property.

It would have created a section for each of the cities, with the exception of Methow. While cities have incorporated into the city, but the outlying areas are within the county. The FFA zones were shown on the map via projector. (attached. The zone code section 17A.300 of the zone was reviewed. The 17A30.080 flight operations section was read. When getting into zone II there is more recitation of what is allowed and what is not allowed. Restricted to 5-acress or larger with the intent to avoid putting anything out there like bird houses or things that would attract large groups of people, housing with sufficient open spaces. With the adoption of the maps 17A.300.100 would go away. Zone 3, Transition.

Notices were sent out for the area that was inaccurate and a second mailer did not go out. Director Huston stated there isn't any time sensitivity other than from the cities. He further stated this wasn't generating much public feedback. The most impactful change would be in zone 3.

Commissioner DeTro asked for public comment.

Salley Bull Oroville area, Ms. Bull commented that Tonasket is the easy one out of the all the plans, she is sure that is why people didn't show up. Mennonite school and church is located near the zone. The preexisting uses have already been allowed in that zone, replied Commissioner Branch.

Commissioner Branch had no further concerns about this. He did discuss economic development being another concern in that area.

If the boards inclination to adopt the proposal, he will draft the recitals. He suggested continuing the hearing out another two weeks with a draft ordinance they have not seen before. Leaving the hearing open will allow any changes to be commented on.

Motion Ordinance Draft Tonasket Airport Overlay

Commissioner Branch moved to direct staff to draft an ordinance regarding the Tonasket Airport Overlay for the board to consider prior to the continued hearing date. Motion was seconded all were in favor motion carried.

Motion Continued Public Hearing Tonasket Airport Overlay

Commissioner Hover moved to continue the public hearing to Monday, April 15 at 1:30 p.m. leaving the record open for public comments. Motion was seconded, all were in favor, motion carried.

Director Huston stated next is Brewster and he's already prepared the base line and SEPA review.

Director Huston said he is continually being asked for something to look at in regards to the groundwater-restricted areas. He showed the commissioners the map he'd like to publish and noted that Disclaimers were placed on the files as the DOE map is not reconciled to parcel boundaries, but the map can be published if the commissioners are comfortable with it. Yes, the board would like it published.

Commissioner Hover asked that we hold off development until we know what mitigation measures will be utilized. He would like time to learn how much water is allowed for development. Commissioner Branch agreed.

Director Huston said the cleanest vehicle to do this is through 17A.400 and designate the restricted areas of the closed basin as adopted or will be adopted to study what sorts of mitigation would be important that would allow people to build in the future. A well outside the closed area where the water would be used in the closed area. Commissioner Hover discussed those instances that affect the stream flow that are most concern of DOE.

Benson Creek next then French Creek will be done next as he sees those areas as the two most useful to review next, said Director Huston.

Conservation District has requested the additional funding, so an amendment to the contract will be done to allow. There is funds for this in the planning budget but he doesn't have the budget for the facilitator contract so he may come back to the board on what that spending will be in the Professional Services line.

A couple appointment letters are still needed for the Planning Unit.

Director Huston discussed complaints about airplanes flying very low and fast in Okanogan County, where you hear the signature well after the plane has passed and you can see the pilot's helmet and you can see where the missiles go. The Department of Defense sent several maps to him showing where they intend to fly low. Director Huston will provide the contact information to the board of who to call to ask questions about the activities. Commissioner Branch would like all the information that was sent to Director Huston. A meeting will be set up with the Department of Defense as requested.

Review Meeting Minutes

Commissioners reviewed their meeting minutes and offered clarity where needed. Commissioner DeTro asked about the Forest Travel Management Plan. He commented that when the FS created the roads they were built to county standards.

Commissioner Hover discussed a comment regarding the delisting of wolves. Director Huston thought comments previously submitted could be used as a starting point for new comments on the proposed delisting.

Commissioner Hover discussed Jamie's Place that provides an assisted living program to seniors, but because the Medicare Medicaid reimbursements do not cover the costs, Jamie's House cannot take in Medicare/Medicaid residents. This is not only affecting Life Line services but also everywhere, this is an example of the impact of not adequate reimbursement for actual costs of doing business. Jamie's House cannot take anyone on Medicare or Medicaid. Commissioner Hover stated a letter stating because of our demographics we are going to lose companies that provide medical services because they cannot afford it and we lose those services for that demographic. It is a huge effect, nationwide.

The board adjourned at 4:00 p.m.