

RECORD OF THE PROCEEDINGS OKANOGAN COUNTY

APRIL 5, 2021

AMENDED

The Okanogan County Board of Commissioners met in Regular session at 123 5th Avenue North, Okanogan, Washington on April 5, 2021, with; Chairman, Commissioner Chris Branch; Vice-Chairman, Commissioner Andy Hover; Member, Commissioner Jim DeTro and the Clerk of the Board, Laleña Johns, present.

AV Capture provided audio and video of the meetings held today, while ZOOM provided best audio accessibility and public interaction.

Review Commissioners Agenda and Consent Agenda

Commissioners reviewed their agenda and consent agenda. Commissioners

Briefing Among Commissioners- Discuss Individual Weekly Meetings and Schedule

Commissioners discussed the American Recovery Act Funds. Commissioner Hover stated other counties are creating a brand-new separate revenue fund for receipting the funds. There hasn't been much published guidance on the use of the funds.

Commissioners can outline what Okanogan County will use it for in a resolution. The Auditor and Treasurer will discuss this more tomorrow, but they agree a separate fund should be created to receive it. Commissioners discussed what the resolution will include to not limit the funds all uses consistent with the requirements.

Commissioner Branch stated he attended the Ground breaking event for the Meadow Lark Senior Housing development. There will be dual access to the development between Harbor Freight and Robinson Canyon Rd.

Discussion Legal Newspaper Bid Award 2021/2022

Commissioners discussed consistency when considering bids and normally bids are rejected if the bidder is not considered responsive.

Motion

Commissioner Hover moved to let the legal Newspaper contract for July 1, 2021 through June 30, 2022 to Sound Publishing for legal publications in the Methow Valley News and Gazette Tribune. Motion was seconded, all were in favor, motion carried.

Commissioner Hover asked the Clerk of the Board to notify the Chronicle and Sound Publishing of the decision due to the Chronicle none responsive bid.

Don Nelson with the Methow Valley News provided his appreciation of the commissioners' decision.

Discussion Stennes Addressing Appeal-Planning

Pete Palmer, Gene Wyllson, David Gecas, three others (landowners?)

The Planning Department received an application for a road name change by Katy Thomason. The Planning Director's staff report argued the newly named private road, Beach Villa Lane, provided access to two properties one owned by Alex and Katy Thomason and the other by Melody White both have consented to the name of the road. These signatures constitute 100% ownership. Beach Villa Lane does not access any Stennes properties to require the Stennes consent to the name Beach Villa Lane. The Beach Villa Lane is a primary access road that intersects with another private access road, Stennes Point Drive. Beach Villa Lane is separated by a sliver of land owned by Alex Thomason which eliminates any abutment or crossing of the Stennes properties.

An appeal packet of the decision pertaining to the road name was submitted to the BOCC in accordance with OCC 112.25.440 dated December 18, 2020 by April Anderson. Ms. Anderson's appeal is of the Okanogan County Planning Department's decision to approve the renaming of a portion of Stennes Point Drive to Beach Villa Lane.

The appeal shall be heard by the Okanogan County Board of County Commissioners and shall be limited to a review of the record and limited to the issues raised in the appeal.

David Gecas explained ways of interpretation. He reached out to the appellant and bot agreed to waive a public hearing. The record is what was submitted by the Planning Director which includes all the information provided by the appellant and the applicant. The appeal will be deiced by the commissioners.

Director Palmer stated Stennes Point comes off Starr Road and is a private road. Tab C showed a map of the roads

Commissioner Hover stated a code change should be done in the addressing section because it should say addressed to instead of abutting to.

Deviations from the code were discussed. Director Palmer stated staff made no deviations from the code. There were no changes in road location. Nothing changed physically on the ground. OCC 12.25.240 was read. Primary access locations for two houses is near the RR Track. David Gecas provided a drawing of the road locations to the Columbia RR. Stennes Point Dr comes off Starr road and crosses the RR track and

the branch to the left is named Beach Villa Lane. The branch to the right accesses Stennes property.

Commissioner Hover does not believe the road name should have been changed. Mr. Gecas explained why. Originally the whole road was Stennes Point Dr but unless the whole road name was changed it should not have been changed. It is unclear where Beach Villa Lane starts and Stennes Point Dr ends.

Director Palmer believes this portion of the code needs to be addressed as property owners are beginning to fight about road names. The code should be revisited for update and clarification.

Commissioner Branch discussed whether the road is serving the 911 system appropriately. Does Dispatch comment on proposed name changes? Mr. Wyllson said Dispatch doesn't really comment on the changes. Stennes actually owned all the lots along the Beach Villa Lane, but properties changed hands. Director Palmer looked at the road as an intersection where Beach Villa Lane comes off Stennes Point Dr. These properties involve the same plat.

Commissioner Hover believes the road should never have been changed because it is one continuous road. What needs to be reversed.

Reverse the road name from Beach Villa Lane Drive to Stennes Point Drive to clear up confusion about there being an intersection or not.

All landowners on the continuous road were not notified of the road name change

Motion

Commissioner Hover moved to reverse the Planning Decision to rename the road to Beach Villa Lane and return it to Stennes Point Drive and to correct any mistakes as far as mapping goes as a part of the driveway was named. Motion was seconded, Stennes properties sharing the paved driveway to remain 18 & 20 not A & B, landowners are required to number their driveway for the two addresses that belong on the paved driveway. Motion carried.

Commissioners adjourned for lunch at 11:45 a.m.

Public Hearing Ordinance 2021-3 Moratorium on Building Permits-Planning

31 people joined zoom.

Commissioner Branch opened up the hearing with regards to the building permit moratorium in WRIA 48 ordinance 2021-3. Director Palmer provided her staff report. (attached) She read the ordinance.

Director Palmer stated it was the recommendation of the Planning Commission to continue the moratorium based on the time needed to resolve the ecology dispute.

Commissioner Branch opened up the public testimony and called for names. Six people raised their hand indicating their wish to comment.

Heidi, Peter Gurche, Melanie Rowland, Sarah Conover, Dick Ewing, Richard Kiene, Lee Bernheisel, MVCC, Doug Robnett

Lorah Super commented for MVCC as program director. The ordinance sets a clear goal to avoid legal and financial risks. Proof of water adequacy is not needed for some lots, the confusion this causes needs to be cleared up as there is incorrect information on social media. Some people received and made other investments towards a building permit hoping to be ahead of the situation when approved or they do not know and have made significant investment into property that cannot be put to use in the near future. Make sure realtors etc... don't happen if wells are not going to be approved in the near future. Building permits will not be issued until this is resolved.

Heidi Dunn commented that she hears what Lorah is saying and is against new subdivisions. She bought a property that was already divided has a well and irrigation water and a well part of a 3-parcel subdivision and she's been working here in the valley for 20 and now she cannot build on the property and cannot sell it either. She already has property divided and those like her will face an economic hardship and would like the commissioners to work something out so those already divided and can move forward. Are the properties vetted for compliance?

Peter Gurche commented on his position. His lot is affected by the moratorium. Based on the available information at the time he was considering purchase he went ahead and purchased the property thinking he could build his house. Encouraged the county to consider the existing infrastructure with certified wells and consider those impacted in the middle of a land transaction in the Methow.

Melanie Rowland commented that she lives south of Twisp and is on the MVCC but commenting as an individual. She is very aware of the hardship created of those caught in the middle of this. It is very unfortunate that some are caught up in this. The kinds of lawsuits that can occur due to not following the ecology interpretation letter. The county should disclose everything to developers. She urges the county not to accepting or approve building permits even those in the pipeline. She thinks it would be more helpful.

Doug Robnette commented that he is newly retired and purchased last year property in the Methow that is restricted. It has wells already in and it is buildable. He gets what the factors are and agrees with what the moratorium does. He wants the decision based on facts.

Sara Robnette commented that everywhere there is water issues. Metering wells would be one way to monitor wells. They have thousands of dollars into their property. They have an approved well system. Not speculators, they don't want this tied up in court for years. They have a lot of money into their investment and counted on the county government.

Richard Kiene commented that he has property two years ago and did their due diligence. He contacted PH and Building department and made preliminary inquiries. He was told he could continue developing. Then, COVID delayed purchase of the materials plus costs doubled. He understands the government approved wells he expects a resolution for those with property with wells and its use for those certificated and approved. A resolution to approve development on properties already approved by the state and the county for use. Please resolve as quickly as possible

Dick Ewing commented on and read from WAC 173548100 regarding revisions. Court case Campbell Gwinn and now curious why ecology hasn't done on their end to explain what the county must do. In a WRIA rules 90.92.54 must be consistent with specific applicable rules. Needs to be clarified.

Commissioner Branch closed the public testimony and opened up to commissioners' discussion.

No determination from Ecology and out case has not gone forward yet. Commissioner Hover discussed the points made by the public that could turn litigious. The priority rests in the properties that have gone through LUPA and subject to DOE water adequacy and most were given start cards to drill wells and determine water adequacy. He would like to hone in a conclusion and stay the course for the full six months and hopefully our case will be heard by that time. Commissioner DeTro stated if the county does not stay the course people will get hurt more economically and hopefully DOE will respond so we can make our decisions.

Commissioner Branch stated the current board inherited something with a lot of uncertainty. There was assumptions across the state that there was water there and that ecology would step in if there wasn't. The Hirst Decisions have changed water law for us. The exempt segregations that are occurring out there, and that law doesn't speak to water adequacy. It is a subdivision of land and making more than one parcel. We allowed those to occur and we could not guarantee the property has access according to the rule. People need a clear disclosure whenever anything is approved to date. We need to make sure PH understands that what they approve may not be able to go forward. The decision to determine water adequacy is a real terrible burden. We all feel miffed that ecology would still continue issuing start cards.

Commissioner Hover went back to the definition in 1976 basin report. Campbell Gwinn contorted what it was supposed to be by pulling in the ground water rule and saying if you develop several properties you are subject to 5000 gallons per day. It doesn't clarify under Methow rule that one single use is going into one single house. It wasn't written based on the ground water rule, it was written regarding surface water and not connected to ground. He can show people what the board has done to start taking planning and water resources more seriously in this county. We should not go through law suits, we should have conversations and work it through. Commissioner DeTro stated this is the most aggressive board in trying to work out the water and land use issues in Okanogan County.

There are several tracts to account for water under the Methow Rule. Commissioner Hover doesn't believe those are separate tracts. One way is we don't legally agree, cannot tell us land use acts and given property notice can then be readdressed after that, it sets precedence in the state. Water resource management is another thing. One thing is for sure, is that it is more complicated than people can understand. He knows people's dreams are affected by this.

Motion

Commissioner Hover moved to keep the ordinance in place for the period of six months as written in the ordinance. Commissioner Branch considered a point that might go into the ordinance. It was unclear what the moratorium applied to. Does the board wish to clarify the exempt segs in the ordinance? Commissioner Hover stated no. If 20 acre lots is not sufficient for water use, then he doesn't know what is. Clarify segregations subject to 58.17 because the determination of water adequacy happens at two different times. This ordinance is regarding building permits for every lot created by subdivision code March 28, 2002. Motion seconded, all were in favor, motion carried.

Commissioner Branch stated an information sheet about the moratorium to clarify what it applies to. Clarify within our departments to ensure septic permits are issued without the applicant in full knowledge of the situation. Site analysis is done by building department and those permits are being issued. It would be helpful to communicate with ecology about wells they issue a start card for and verify with the county.

Commissioner Branch closed the public hearing. Melanie Rowland commented that the commissioners just created more confusion with this ordinance and referred anyone with questions to the public comment period tomorrow. Are building on lots previously created by either large lots or exempt segregation covered by the moratorium is that subject to the moratorium, No. Water adequacy is still to be determined. Commissioner Branch stated application for building permits, determination of water adequacy, and those applications made under the rules in 2002 are challenged under 58.17 Campbell Gwinn and does not address exempt segregations. Wasn't deemed to be a project by the DOE.

Commissioner Branch wished to continue the conversation among the board. One issue he has is with tracking to make sure we can see where we are with the allocation of the Methow Rule. Commissioner Hover would like to press Aspect on what their assumptions are that can tell us how much water is being used. Why is it the Methow Valley is 710 and Okanogan is 317. Methow reserve is different and cubic foot per second reservation for highest consumptive use and measurement happens in the summer and is not an average value. Commissioner Hover believes there is enough water in the reserves. It won't drive things from now on, what it does is tries to account for the data base that accounts for things never recorded. Ecology records get fuzzy in the early 1980's.

Update- Planning- Director Pete Palmer

No time.

The board adjourned at 3:10 p.m.