

**RECORD OF THE PROCEEDINGS
OKANOGAN COUNTY**

FEBRUARY 10, 2021

The Okanogan County Board of Commissioners met in Regular session at 123 5th Avenue North, Okanogan, Washington on February 10, 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.

Discussion DRAFT Ordinances Regarding WRIA #48

Pete Palmer, Angie Hubbard

David Gecas arrived at 1:36 for the meeting.

Commissioners discussed the realization of differences between Kittitas County and Okanogan County watershed instream rules.

Motion Executive Session RCW 42.30.110 (1)(i)

Commissioner Hover moved to go into executive session at 1:35 for 5 minutes inviting Planning Director Pete Palmer, Attorney David Gecas, and Planner Angie Hubbard. Motion was seconded, all were in favor, motion carried.

Commissioners extended executive session at 1:40 for another 5-minutes.

Commissioners have a letter from DOE that gave us their interpretation of the laws on instream flow rules for WRIA 48 and assumed reserves could not be used for any building permits on lands subdivided March 2002. Commissioners explained their disagreement with that opinion of the Attorney in the Ecology division who responded to our attorney who has been dealing with the issue. It was stated as a request of Okanogan County. It has not been adjudicated by a court of law and we should direct and seek a determination of the law. We have parcels we know where created and if we allow building permits to go through they would get caught up in the legal issues. We should put a moratorium on the issuance of building permits that rely on the single-family residence well. Dry cabins that do not need exempt well or anything else that doesn't rely on domestic exempt well water. Previously plats were approved that relied on single family exempt rules. The county was doing it correctly in 2013 but rules have changed and often based on water law court cases. It was not believed that Okanogan County was willy nilly doing things that were not backed by DOE. DOE sent letters stating exempt wells use was appropriate use for what we were doing. State of affairs

have changed and the question came up on instream flow rules which took a dramatic change. Commissioners would like to see a court rule on this. The biggest issue is what will this cost and that is unknown. Financially the county is at risk between those who have put in plats already and cannot use their investment versus what it will cost the county to defend those folks. Look at the county as a whole and we have done things that affect everyone. Using tax dollars in certain areas to help economics in that area. Should consider that to benefit the whole county. We collect a certain amount of tax dollars and if property values go in the hole then everyone else has to make up those tax dollars so this does affect everyone.

Commissioner Branch stated another course of action proposed that would run parallel. Commissioner Hover stated he would like to get the water issues straightened out. There should be a certainty that people buying property have a certainty in the county planning to provide and undertake. Bring all stakeholders together to discuss the landscape land use to discuss what the Methow will look like in 10 years so we can go to ecology. We have to have a baseline to know if we must mitigate those things or is it in order to do affordable housing how do we mitigate that and going through the process will hopefully help us get there. Commissioner Branch is not opposed to litigation, but the cost is something to consider. We have generally not been happy with what has happened but he would like to ensure everyone is listened to and not necessarily just certain groups. Commissioner Hover said the rural lifestyle in Okanogan County is important to him and balancing the need for development such as for retirees, kids coming back versus open space agriculture lands and things like that.

Motion to Direct Staff to Prepare for Litigation

Commissioner Hover moved to direct staff to prepare and initiate legal action against The Department of Ecology on the position it has advanced in its Letter in order to adjudicate, resolve and clarify claims made. Motion was seconded, Commissioner Branch was opposed Commissioner Hover and DeTro in favor, motion carried.

Motion Ordinance 2021-3 Temp Moratorium Building Permits WRIA #48

Commissioner Hover moved to approve ordinance 2021-3 authorizing a moratorium on the issuance of building permits within WRIA#48 on parcels of land that were subdivided post March 28, 2002 with the exception of the Columbia River influence. Motion was seconded, all were in favor, motion carried.

Commissioner Hover stated the moratorium will expire in six months. Commissioner Branch hoped this could be resolved within that time frame.

Motion

Commissioner Hover moved to direct the Planning Department to review the water adequacy codes of Okanogan County and to initiate an update process of the code based on changing legal opinions. Motion was seconded, no discussion, all were in

favor, motion carried.

Commissioners discussed holding a public hearing at least 60-days from the adoption of the ordinance. Commissioners scheduled the public hearing for Monday, April 5, 2021 at 1:30 p.m.

Commissioner Branch stated he knows of an Application for trail improvements in the North that should be considered. Commissioners discussed use of LTAC revenue on North County owned trails. Commissioners discussed nightly accommodations being few in that area.

Commissioner Branch discussed the wish of Lake Osoyoos Water District to dissolve in the near future as there are some audit requirements that are very onerous.

The board adjourned at 2:30 p.m.