

# RECORD OF THE PROCEEDINGS OKANOGAN COUNTY

**FEBRUARY 22, 2021**

The Okanogan County Board of Commissioners met in Regular session at 123 5th Avenue North, Okanogan, Washington on February 22, 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 made a change in that February 15 was not a meeting day and no meeting minutes were taken. Commissioner Hover asked if the Agenda was going to be changed at the start of each day? Commissioner Branch stated sometimes there will be a need to make changes each day as they pop up.

## **Legislative Update Potts & Associates Zak Kennedy**

Zak Kennedy provided his legislative update. The floor action will need to be monitored. He provided an email and a list of bills and their status. Commissioner Branch would like them to know when they are not addressing our interests and they should take notice. Zak Kennedy explained WSAC cannot take the heat for some of the bills to be pushed. He will make sure when he steps out in front of things he will ensure the county is on record saying no it is not good for us.

## **Motion - Voucher Approval - Commissioners**

Vouchers certified and audited by the Auditing Officer as required by RCW 42.24.080 and those expense reimbursement claims certified as required by RCW 42.24.090 have been recorded on a list, and made available to the Board. As of this date, the Board did vote, by unanimous vote, to approve the regular vouchers in the amount of \$11,836.85 and Payroll vouchers in the amount of \$1,016,728.30. Warrant numbers as cited on the attached blanket voucher list. Motion seconded and carried.

## **Briefing Among Commissioners**

The Clerk of the Board stated the Treasurer would like to discuss Tax Title Property sale this afternoon and the board added her at 2:00 p.m.

Commissioners discussed the Crown Columbia letter that was received from the Department of Ecology. (attached) Commissioner Hover plans to write a response letter for the board to consider. It was a letter to the EWCOG. Commissioner Hover discussed having to submit \$50 in order to comment about this, and he was adamant about why a

local government would need to submit \$50 like a member of the public. He is very opposed to it because irrigators get shut off in the Methow as well as in the Okanogan when water is low. It is an impact. Commissioner Branch wasn't sure we would be able to make the short deadline regardless of having to process the \$50. He wanted to make note that Okanogan County was opposed to it when he spoke to Sage. The letter was sent to many agencies.

Commissioner Branch recently attended a meeting of the Tri-Counties forest group and updated the board about that meeting. Commissioners discussed having a say in the Tri-Counties forest group because Tonasket Forest ranger district was added to the Colville Forest and is no longer part of the Wenatchee/Okanogan Forest.

Commissioner Hover suggested a public meeting be set on the discussion of the pest control district. A Draft interlocal agreement was received and reviewed for a Tri-County Pest Control district. There is enough funding in the reserve to cover the \$130,000 of joining the tri county situation.

#### **Discussion Pest Control District-Interlocal Agreement-Appointments**

Commissioners discussed the current Pest Control situation. Commissioner Hover would like to consider repealing RCW 17.12 regarding invertebrates and for Okanogan County to clarify in a resolution its Pest and Disease Control Board under RCW 15.09 as a resolution was never adopted.

Commissioners thought some research be done to answer the question: are there a set type of classifications of land for assessment or does the Pest Board make them up to comply with 15.09.

Commissioners discussed budgeting funds for another planner in Planning because the work load is too much for the five planners currently on staff. Another Senior Planner position was discussed. The Part Time planner was discussed and it was thought the City of Oroville did not want to share a 50% planner with Okanogan County as no response was provided by them to affirm.

Commissioners discussed the interlocal agreement and thought it would be best to surplus the Pest Control capital equipment including the truck and chainsaw. Insurance costs will need to be researched as it divides the costs three ways. Commissioners continued to work out questions of how RCW 15.09 and the Powers and Authorities vested in each Pest and Disease Control board and how those fit with the language and purposes written in the interlocal.

Commissioners discussed Cannabis operations and local control.

The Clerk of the Board explained meeting minutes from the Methow Watershed Council

recommending the appointments of position #1,2 and 4 to be filled by Greg Knott, Mike Fort and Alyssa Jumars. The council requested the Board of County Commissioners acknowledge the appointments and move to approve. Commissioners acknowledged the recommendation and appointment of the three people as stated above.

Commissioners discussed the need for a water bank in Okanogan County. Commissioner Hover asked how the Board feels about Conservation District being the water bank for Okanogan County? Kittitas County Water bank was a for profit water bank and it isn't known how the price setting happens there. What is the thought on how to price water if you are buying it. Cost recovery, proposed Commissioner Branch to sustain the program and it has the cost to administer, manager and cost of water. Commissioner Hover asked where the capital to buy more water would come from if it was only cost recovery. If proposed to be a revolving fund would for purchases costs then cost recovered? The \$350,000 proposed was just to set it up for water bank not for water purchases.

Commissioners adjourned at 11:05 a.m.

### **Update Planning -Pete Palmer**

#### *Introduction New Staff*

Director of Planning introduced Camden Erwin new GIS planner and Morgan Allen Administrative Secretary. She noted the Planning meetings and hearing will get straightened out soon.

#### *Legends Resort-Jim Hammond*

Director Palmer updated the board on the status of the Veranda Beach project that involved a model home, verification of the ordinary high-water mark for the Plat and compliance with the Development Agreement and building requirements.

The Planning Director explained the situation that Jim Hammond was here to discuss with the commissioners in order to familiarize the board with the particulars and understand the issues. It was determined the reasons for the various delays was the county's need to verify the ordinary high-water mark for the model home changes that were part of the 2013 Development A. Mr. Hammond expressed frustrations about how long it has taken the county to finally approve the various parts of the plat versus the model home. It is an opportunity to make some headway and drive economic benefit for their community as 45 cottages have been sold in the past year and it is in the county's best interest not to delay He realizes his responsibilities, but as long as the project conforms to the DA the Planning Director has the authority to approve plats with the final approval by the board.

Jim Hammond is here to address the projects immediate needs and express frustration about the length of time taken to approve. All the projects pieces are stacking up and he

merely wants to finalize so the project can move forward. The opportunity is there to sell new development that hasn't been there in years. They have sold 45 cottages in the last year and it is in the county's best interest not to delay the building of the homes. It is an opportunity to make some headway and drive economic benefit for their community. Processing the plat application is taking 18 months had he known this he would not have ventured into it.

She stated an indemnification form was drafted and provided to Mr. Hammond and David Gecas. The highwater mark is scheduled to be established by ecology. A model home is involved and Mr. Hammond is working with the Building Dept. No flood plain was required due to the PDA but structure would have to be built two feet from specifications. The living space is below flood elevation. Angie stated there is crawl space below and venting is too high, the bottom datum says 915 and the next is 922 so could be a datum oversight and vent put in at the right level so water can flow up and over. AT this point there is not a final plat approved and in order for the resident be built an indemnification state must be signed. The state no longer has veranda beach registered as an entity so signature authority is needed. Engineering on the slope will need to be done and the final plat map and fee paid. Once all that is done it will need final signature of the commissioners. In the past a survey line was used to identify the ordinary high-water mark, enforcement actions were done on the homeowners, so it was agreed one would be done each time. A boundary line adjustment would be needed because site plan encroached on the HOA. Mr. Hammond said the site plan now doesn't encroach it is different.

Mr. Hammond requested time with the Board and provided a memo, the DA, and plat map. He discussed the time line for the long plat. He reviewed the issue. In 2010 a request to modify the DA around the inception of Veranda Beach and was approved in 2013. The DA is very detailed and is over 30 pages and sets out all terms and conditions of development. The DA is in in place precursory to the Plat in questions. In 2019 a LP was submitted for the Point and it is now 2021. He summarized the memo and the timeline submitted. (attached) He recognizes the County was without a Planning Director for some time. The purpose of the meeting is to move the project forward as it has been a long-time processing. The outstanding issue is the verification of the ordinary high-water mark. There is a plan it was part of the Terrapin project. It showed the highwater mark at the time. He went over that buildings are to be at least 50 feet from the high-water mark and twice the distance of the Shoreline Master Program at the time. Commissioner Hover asked who can establish the ordinary high-water mark. Angie stated a biologist usually determines based on Ecology's set rules. Terrapin established the mark and they are a biologist. Angie explained the county is verifying the work that was done is and will suffice. DOE was actually going back and using the old mark, and then doing the enforcements. The county did not want that to happen so we are asking DOE to verify their work.

Director Palmer stated she would like the official document not one that has been stamped over the words preliminary, plus she would like to go onsite to verify the other survey information. Commissioner Branch explained the county's interpretation of the ordinary high-water mark may have changed. Determination is to be done every five years or so.

Mr. Hammond would like the home to be able to be used this summer but Planning determined all these other things needed to be accomplished requiring a 30-day process. If the Plat is in place these would not need to be done. He hopes to finish the plat. He understands the need to verify the ordinary high-water mark. The requirement has been in place for a very long time. Invited DOE and County to come to the site but elected not to come, and here we are and the Biological was submitted seven months ago.

The final Plat was distributed, but Planning said they had not received it yet. Commissioner DeTro said the last time he met with Mr. Hammond he had the Final Plat in hand ready to deliver to the Planning Dept that day. He saw the documents in his hand. Director Palmer said that planning did not have them. Mr. Hammond will deliver them again.

Commissioners discussed how to handle individual's inquiries when they come up such as the one discussed.

Commissioners would like to discuss Engineer Josh Thomson's recommendation for architect services designation.

The Clerk of the Board presented the Tax Title properties exhibit A which would be approved for auction via resolution. Commissioner Hover asked why the board should direct the Clerk of the Board to write a resolution isn't it redundant?

### **Motion Directing Staff to Draft Tax Title Property Resolution**

Commissioner Hover moved to direct the Clerk of the Board to draft a resolution regarding three tax title properties to be sold at public auction to be prepared for signature before Tuesday, February 23. Motion was seconded, all were in favor, motion carried.

Commissioner Hover discussed a DOT owned parcel adjacent to the bridge in Mazama. He was asked to look into funding mechanism of RCO or the county to purchase the property. Commissioner Hover talked about the county's interest in purchasing the property to the other commissioners and they said yes, but why are we not getting the credit for net ecological benefit for this or the Miller pit property.

### **Motion Acknowledgement of Receipt-Treasurers Report**

Commissioner Hover moved to acknowledge receipt of the List of Refunds Made to Taxpayers in 2020 by the County Treasurer. Motion was seconded, all were in favor, motion carried.

**Rescheduled Public Hearing-WRIA #48 Ordinance 2021-1 Interim Controls-March 15 at 2:00 p.m.**

**Review Meeting Minutes**

The board adjourned at 3:10 p.m.