

RECORD OF THE PROCEEDINGS OKANOGAN COUNTY

MARCH 15, 2021

The Okanogan County Board of Commissioners met in Regular session at 123 5th Avenue North, Okanogan, Washington on March 15, 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 a petition from Kerri Sullivan to create a dog control zone in the West Oroville area. The commissioners would like to discuss the situation with the County Sheriff before moving forward with a public hearing.

The Clerk of the Board explained a request for work attire for maintenance employees for annual \$200 budget allocation. Commissioner Branch suggested the clothing be embroidered with county logo or a uniform dress attire like polo shirt for ease of identification. The cost for the embroidery should be researched.

The Clerk of the Board also explained a resolution for consideration that would provide a training budget for the office. The commissioners were in favor of considering the budget amendment.

Sheriff Hawley was invited to discuss the Dog Control Zone petition received from Keri Sullivan for the Oroville West Lake Area. He would like to see the same fee schedule across the board adopted.

Commissioner Hover explained what kind of changes need to be made to the overall dog control section of county code. Sheriff would support a civil infraction over a misdemeanor unless the offense warrants a stronger provision. Commissioner Branch thought new state legislation was passed a couple years ago that addressed dangerous dogs. Sheriff discussed licensing and where that would reside and who would handle that. Deputy Yarnell was involved prior with the county code section and may have some input. The public hearing date of Tuesday, April 20 at 3:00 p.m. will be set for further testimony. Commissioners discussed dog id tags where all dogs wear them. Commissioners discussed fines. Commissioners will discuss the fee schedule further with Deputy Yarnell.

Motion Set a Public Hearing on Dog Control Petition

Commissioner Hover moved to direct the clerk of the board to create a public hearing notice regarding the proposed dog control zone and review of the signature within the petition and set a public hearing for April 20 at 3:00 p.m. Motion was seconded, all were in favor, motion carried.

Commissioner Hover discussed H2A housing that cannot be within 500 feet of livestock which is defined as one livestock, but can be within 101 feet of orchard sprayer. A back-yard horse is considered livestock. The concern is that H2A inspector will be enforce this. Commissioner Hover would like to write a letter to WSDA asking why this exists and difficult since Okanogan County is an agricultural county. Commissioner Hover will work with the Clerk of the Board to draft a letter for consideration.

Commissioner Hover discussed repairs to several fairgrounds building such as replacing the ridge caps and screwing the roofing into place on the metal roofs. To him if we are going to preserve the buildings fully the felt underlayment should be replaced and that would remove all leaks.

Briefing Among Commissioners

Commissioners briefed among themselves.

Discussion Feasibility Study Application Loomis Fire District- Nathan Wehmeyer

Roni Holder Diefenbach

Mr. Wehmeyer with Loomis Fire District discussed a grant the District wishes to apply for to build a new fire hall in Loomis. It is a USDA RBDG program. The District is trying to acquire the ground right now across from the current fire hall property. It is best if the District owns the property prior to applying for the funding for construction. The application is due at the end of March. If awarded the District intends to tear down the old building and build a new one. The grant would allow them to fix up the community building and make it part of the meeting facility.

Roni Holder Diefenbach stated she met with the USDA program grant manager. The first component would be a feasibility study and then the second component construction. The funding would have to come pass through the county and the application would need to be by county. Commissioner Hover stated he would like to authorize this as he feels it is a very important project. A site analysis has already been done by Planning and Public Works has looked at the roads. It would be nice to have a fire base out there, but getting everyone together is difficult.

Ms. Holder-Diefenbach said this project was ranked as one of the top community development projects. One of the challenges the study brought forth is the taxing base being so small for the district. Questions that came up are What are the options for a construction project and where would the funds coming from. T

Mr. Wehmeyer said the Palmer Lake area is being annexed but the timeline to complete that is unknown. Loomis Fire District's current budget is around \$20,000 but once Palmer is annexed they will have a bigger base and with that the need to support the bigger base with equipment and storage etc.... Off setting the income was discussed. Ms. Holder-Diefenbach said she met Stevens County Fire Chief as he brought in five new rural fire halls in that county and he may help with the feasibility estimates.

USDA has set aside funding and is encouraging us to apply for as many projects as possible. They funded every project submitted from Okanogan County to USDA in the past. Historically Eastern WA has not submitted projects. Mica has been pushing for people to apply in our area. There are several projects for infrastructure projects should apply. Ms. Holder-Diefenbach is encouraging those agencies to apply. Some grants have 20% match and some are for 100% funding Commissioner Branch asked if there were some funds for administration.

Commissioner Hover stated the Clerk of the Board administers many of the grants such as these, so there needs to be some level of administration for the grants. The Clerk of the Board stated she could take on more grants if she had some additional help in her office to delegate some of her other work to. There should be a fiscal discuss about this. Commissioner Hover asked the Clerk of the Board to analysis her job duties to show what she could delegate for a future discussion with the board.

Motion USDA RBDG Grant Loomis Fire District

Commissioner Hover moved to authorize Loomis Fire District to pursue the USDA grant that would be passed through the county. There is a pre-application process and budget that is needed. Ms. Holder-Diefenbach will find out what admin costs are allowed. It is not a construction construction grant so a report isn't likely required every quarter. Electronic application is submitted online and is reviewed prior to full submittal. Motion was seconded, all were in favor, motion carried.

Ms. Holder Diefenbach explained a group is utilizing the Thurston County strategies to identify where the stimulus money is going to go and prioritizing to roll out a model of what projects are rolling out to help prepare and plan. Commissioners were interested in the they are working on. Businesses and rural area needs in the region are looking at opening up and it depends on vaccination rates. With the Tribes federal assistance to vaccinate 18- and up, vaccination rates are much higher here than in counties without. They are looking at hospitalization rates too. We also have three hospitals with icu's. We may be able to open up to phase III. Businesses are still not making money and loosing out.

Meeting adjourned for lunch. 11:43

Update Planning- Director Pete Palmer

Director Palmer commented on some items that came up. She has the Craig Nelson contract to be approved after legal review. The senior planner supplemental budget has been submitted.

Project review committee met but Public Health Dave Hilton was not able to attend. Between the Public Works and Building departments the meeting was somewhat productive regarding water adequacy. Commissioner Branch said on group B or group A subdivisions and when required testing is done a well that serves the development.

When interim controls were authorized, the questions that followed were to be funneled through one person, Angie Hubbard. Now, a list is being kept of callers and emailers and a pattern is shaping of which properties get the most calls such as from buyer, real estate agents etc.. Staff is better able to answer questions consistently. This allows better time management between phone calls and emails that take staff time so there is time for other work load. Commissioner Hover mentioned streamlined permitting software module that allows good integration of permit tracking that departments need. Building Official Dan Higbee researched some programs for this that were very expensive, but GIS Gene Wyllson said he could create an inhouse modification of our current system for permit tracking. Director Palmer explained the demonstration program she thought would be most helpful had point and pay, can make zoning map interactive and that would tie into permits and everything can be done online to see where permit is at in cue. It allows information input in the field even without internet services. Director Palmer stated her concern staff time to integrate new programs and creating something new since fire season is coming and timelines are short. Director Palmer stated the program with the capabilities needed was called Dude Solutions. She can put something together for further discussion.

Project review committee wants to redo their map to simplify the map version to more of a 1,2,3 step process.

Getting the clearing and grading ordinance going and taking it off the back burner once the comprehensive plan and other items are completed. Public Works wants to ensure some of their projects are exempted for road projects they deal with.

Director Palmer provided five ways the county could wrap up the comprehensive plan and provide clear path to move forward and public to understand the plans.

Commissioner Hover said just because people write in comments doesn't mean those are the people who hold the weight as the decision is being made, the commissioners represent over 40,000 people and so their decision based on what is best overall considering the comments provided.

Public Hearing- WRIA #48 Regarding Ord 2021-1 Interim Controls- Pete Palmer

Attending via zoom were: Emily Sisson, Isabelle Spohn, Pakraus, Jasmine Minbashian, Melanie Rowland, Heidi, Robert Steiner, MVCC Staff, Two physical attendees

Commissioner Branch opened the hearing up to staff. Director Palmer went over her staff report which included the findings of fact on the interim zoning code water availability within Methow WRIA 48 with the exception of the Columbia River influence which prohibits the subdivision of land according to the provisions of OCC Title 16 and RCW 58.17. The public hearing for the adoption of said ordinance 2021-1. (attached) She read from whom comments were received. The recommendation to the commissioners is to consider full adoption of the interim land use controls applicable to water resource inventory area #48.

Commissioner Branch would like comments keep to five minutes.

Isabelle Spohn provided commented that she was in favor. Protects water right holders and clarifies situation and give time for developers. Not applying to exempt segs because it creates new laws without potable water. She believes caution and information gathering and not get ahead of ourselves.

Melanie Rowland commented member of MVCC and legal council for the organization. Tromhovich had done a good job outlining the situation. She highlighted she supports the moratorium and hopes things can be resolved within the year. Aware of the need to gather data on it. Need more information about how much water is available before we hand it out. Prohibits the use of water on new subdivisions. One lot being divided and building one more house has been eliminated and follows the instream rule. It does not mention although large lot se and requires the determinate of potable water. The commissioner said nothing specific about large lot segs. Assuming those are not included and people can do those without a determination of potable water. Attorney Gen and DOE letter does say if it is a sub division it is a group use. Once lots are created there won't be water. Contention is that those are group uses and protentional problems in the future to allow the large lot and exempt segs and if those lots are put up for sale not prohibited to dividing those lots but if you go to build a house you may not have potable house.

James Weaver has property in the Methow. His concern is he applied for building permit and was denied. He is just beginning to understand. He has a legal well drilled in 2007 and now he is ready to build and cant. He doesn't understand how it can be back dated to 2002. He just wanted to put a face to a name and speak for those with established wells who cannot build. He like commissioners to balance the two issues.

Heidi Apple commented and hoped the county addresses this complex issue. She lives in the county and has property in Twisp. Hopes promote group uses and find some

route to allow group domestic wells. Promoting densities in towns but it is a limited reality. The towns have some prohibitive rules. She suggested when is the last time anyone used their money to develop a lot in town. If affordable housing and promoting density in town we still need to have growth in the county and people have affordable homes in the county. Find a way to allow develop existing inventory of lots because so many have relied on the future use of their land. WE need housing and we need inventory, development in town is not going to be the saving grace.

Commissioner Branch closed the public testimony of the hearing. Commissioner Hover said in his discussion data and statement being given is so important to be able to make determinations. It is interesting because he does quote water resources management program that predicated the rule, and a lot of statements were thrown around about the rule. When you look at page nine and he read from the page the following uses to be beneficial. It doesn't say anything about single domestic or group domestic. And read what uses the documents are written around the surface water not around the ground water. There is a lot that has to do with the ground water and connect to surface water. When the document was written in 1971 it was written for the surface water in the Methow. In Agriculture junior users get shut down and we look at how many houses are being put in and those reserves predate junior uses. In 1980's was the second call for water rights and those are the jr users and somewhere in between those two times domestic water was appropriated. This in particular on putting a hold on future subdivision he thinks it should be maintained until we have better data on population density in the Methow Valley.

Commissioner DeTro 14cfs reserve in several reaches and he thinks everyone agrees it comes off the bottom not the top. Trying to mitigate heavier densities by moving development to lower reaches but that opens up litigation which ties up reserve and future ability for growth in courts simply because of a loop hole. He agrees with commissioner hover that hard data is needed that includes facts and data that is provable we cannot depend on opinion or litigation tied up in court. He doesn't know what the answer is to this right now.

Commissioner Branch said he was pouring over comments from Future wise and made some points.

Laws put into place to create additional lots, and the challenges and opinions of the DOE attorney about the Gamble Gwinn regarding subdivisions, the board has taken those opinions seriously. If we didn't do the moratorium subdivisions would still be denied. The moratorium is for those whose projects may be turned down later. The fact is the law is there. Hirst decision was not clear if it actually applied to Okanogan County because it is not a GMA county. Commissioner Branch discussed vesting that county has done and where uncertain ground was found. Exempt subdivisions require the determination of water. Okanogan County would prefer to work it out based on the

information in the Methow Valley. Anecdotal information is difficult to consider. The process for impairment is when people file Impairment claims with DOE then DOE would come to the county. Commissioner DeTro said that isn't happening, so how can a determination be made. Commissioner Branch stated impairment is difficult because neighbors lean on their neighbors. Exempt wells in a neighborhood can be the elephant in the room. Commissioner Hover asked how many have to leave because their well went dry? Drilling down to a certain spot with limited water then using it up folks drill down again and then don't get any water. The reserve was created under RCW 90.54 and tied back to 1976. Is the creation of the lots going to at some point impair someone in the subdivision due to the extraction of water?

Commissioner Branch discussed the importance of vesting. Hirst changed the assumption.

There are projects staff are working on. Asking legislature for \$500,000 to help us sort all this out. Make sure we use the data. One thing Commissioner Hover hears is there isn't enough water in the river for the fish. He has not heard if these two entities have said this. Areas of cold-water introduction to main stem will be important places in the future. Trees along the river that would shade the river don't cool the river down it just keeps it cool. Cold water cools it down. Study where the cold water comes from and provide protections in some of the areas. Commissioner Branch stated the Methow valley has an attraction to buyers to live there.

Commissioner Branch said the moratorium is like a warning sign to those who have property. Vesting rules should be focused on and what those rules mean. The state changed the law to allow longer vesting period and the county needs to consider that.

Production agriculture folks make a living in agriculture. Sustainable agriculture is what people want to do and in order to sustain one piece of farm ground they want to sell another for division. In the spring gives you a loan and in the fall, you can pay off the loan and keep on living and that is one thing people miss a lot. If they cannot make it and they cannot do different things to make the farm work, then what?

Commissioner Hover discussed the moratorium being in place for one year which will allow the county figure out what level of development it can be. We have to have answers to prevent putting this off year after year. Even if the moratorium was not renewed it would not make a difference, but we also aren't leading them down a path with no resolution. It is a protection now. WE won't have more and more people getting into a situation. Director Palmer stated DOE puts a lot of the grey area back on the county. The legalities and how they will apply here has to be figured out by attorney Gecas. The well tracking software with good inputs is how we get there along with the permit tracking software. Commissioner Branch stated a key is to see if there is water to serve the vested interest committed need and a future need. Commissioner Hover said

one assumption is DOE coming up with the amount of water used in a household consumptive use. If we take that and apply consumptive uses on how many lots we have in each reach and the maximum lots in each reach and multiply to find out if 2cfs is enough water. He wants to know if that is the math to use. It all starts with assumptions and proves the point. There isn't enough water for fish, but the fact is the 2cfs was set before baseloads instream flow rules. It is difficult to manage mother nature.

This hearing meets the requirement to hold a hearing after adoption of a moratorium.

Motion

Commissioner Hover moved to keep the moratorium ordinance 2021-1 in place in the Methow Valley within WRIA 48 that was adopted January 26, 2021. Motion was seconded, all were in favor, motion carried.

The Clerk of the Board presented a plaque and certificate for Board signature for Pest Control Agent Dan McCarthy.

Review Meeting Minutes

Commissioners reviewed their meeting minutes.

The board adjourned at 3:24 p.m.