

Okanogan Board of County Commissioners  
02/05/2018

JD—Jim DeTro-not present (BOCC)  
AH—Andy Hover(BOCC)  
CB—Chris Branch (BOCC)  
LJ—Lalena Johns-clerk to the Commissioners  
PH—Perry Huston—County Planner  
AH—Angie Hubbard, Planner  
JT—Josh Thomson—County Engineer, Roads

*This is a paraphrasing of conversations by one of several volunteer citizen note takers and published on the website of Represent Okanogan County (ROC.) Any writer's comments or explanations are in italics. For officially approved minutes of Board of Commissioner meetings, normally published at a later date, see [www.okanogancounty.org](http://www.okanogancounty.org).*

**WATV Road Closure Public Hearing** *The Commissioners listen to testimony and vote to close 4 roads to WATV traffic.*

**OCC—20 Review** *A discussion of repealing OCC-20, adopting OCC-20A, and other changes necessary to deal with recently passed SB-6091 which deals with the Hirst decision. Discussion of WRIA 48 & 49.*

**Comprehensive Plan** *Perry will prioritize the Comprehensive Plan this week in hopes of getting a document to the Commissioners that's ready for its first public review.*

**WATV Road Closure Public Hearing—1:30**

CB—The hearing is open. First the details and then the testimony.  
PH—In broad strokes, the proposal to close these roads is a result of public review & people living in the area. The roads don't connect to other roads open to WATVs and there's a high risk of trespass and damage to critical areas. We've received written comments.  
JT—Here's the map. The roads proposed to be closed to WATVs are marked with dashes.  
J H Green—Open to ORVs but not ATVs.  
Knox Rd.  
Knox Rd. ext.  
Ed Eiglenski Rd.

AH—These roads pass through only private property?

JT—Yes.

Testimony:

Jim Soriano—(adjacent land owner) Thanks for considering this. Lots of the property isn't fenced. There's a history of trespass. There hasn't been lots of damage, but less is always better. Green Rd is one lane with blind curves. Farm equipment use it, for example hay moving vehicles, etc. I'm glad this issue is being publicly debated.

Lorah Super (Program Director, MVCC) Thanks for responding to us. We support the closures.

Isabelle Spohn—I agree with the proposal to close the roads. It's sharp tailed grouse habitat.

Emily Sisson—I agree with Isabelle.

AH—OK. We've taken comments, read the written ones we've received & looked at all the issues—connectivity, etc. It's in the best interests to close these four roads to WATVs.

CB—I'm familiar with the roads, but not with respect to ATVs, WATVs or ORVs. The area is wide open & there's easy access. People are hardly seen up there except for maybe the land owners. It's grouse habitat & really rural. The ATV advocates don't really care about these roads.

AH—Also, Green Rd. is still open to ORVs because of previous issues. Cattlemen use them to move the cattle.

Jim Soriano—That's true.

BOCC passes the ordinance closing the four roads to WATVs. Vote 2-0.

CB—the hearing is closed.

JT leaves 1:45

PH—We're not going to talk right now about the Okanogan Land Trust letter of support. My staff isn't ready.

**OCC 20 Review** (Okanogan County Code Title 20. Development Permit Procedures and Administration)

PH—reviews the history of trying to bring Title 20 into compliance with RCW36.70B (Local Project Review) Proposed before the Hirst decision. Tried to deal with it by adding permit exempt wells to OCC Title 20. Came up with a "Certificate of Water Availability" which has a 5 year shelf-life. It gives the holder 5 years to put the water to beneficial use. For people with future plans who "just want to know". Perry has done some of these and there are some still in the hopper. But how does this process fit in with a world post-SB-6091? (An ACT Relating to ensuring that water is available to support development ( <http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bills/Senate%20Passed%20Legislature/6091-S.PL.pdf> )

PH—I've sent the council an ordinance that would totally repeal OCC Title 20 and replace it with 20A. You'd also have to amend several other titles that refer to Title 20. Refer to Title 20A instead. Title 20A would leave us with nothing on water. So maybe we should create a water section in OCC Title 14 (Environment) that deals with water.

PH—If we create a local title, it's easier to maneuver the water laws in other WRIAs. Some WRIAs are primarily in other counties with just a very small area in Okanogan County. Some are primarily on reservation land. We've been deferring to the Colville with water pronouncements. We've had only three instances and they've gone smoothly.

PH—Timing is also an issue. If we don't pull Title 20 off the books, I feel obligated to follow it.

PH—We've made people demonstrate they've put the water to beneficial use and that's not on SB-6091.

AH—We don't need to do that because in WRIA 48 (Methow River) the water plan spells out how we put water to use.

CB—Before Hirst & water adequacy was necessary, if you had a well, that proved adequacy, & then what to do if the well went dry. In Oroville, there was a duplex with this problem.

AH—Are we still under litigation about this?

PH—We are working with Yakamas on a stipulated agreement.

AH—Has 20A gone to legal review?

PH—Dave Gecas is looking at it.

PH—Does 20A need public review? Probably. The previous BOCC said 20 was just process so it didn't need review.

PH—We need to figure out what to do with the current 5-year applications. There are 6 in WRIA 49 (Okanogan River) and collected the \$250 fee. If we don't do anything, I'll send the money back and tell

them to apply later when they know what they want to build. Those applications that came after SB-6091, they're sent back.

AH—20A and 14 need legal review, but I'm agreeing with what you've said. How does SB-6091 affect us? If we notify a senior water rights holder and s/he says it will cause impairment, what should we do? How do we defend against this?

PH—The County should have to go through more due diligence to prove water flow, etc. Let senior water users know & they can tell us if they object. That signals to us to look at the application more closely.

PH—In WRIA 48, the process we've used affects the permit decisions. In WRIA 49, continue to find permit exempt wells haven't impacted in-stream flows.

AH—In WRIA 49, how many water applications are tied to building permits in 2017?

PH—Most were "just want to know." Maybe up to 20 tied to a building.

AH—Water usage in a four-person home. Let's estimate consumptive use at 30 gallons/day. Let's go way high and use 100 gallons/day as the consumptive use. With 20 permits during the whole year, that's 2,000 gallons/day. What's the level of complexity to notify the senior rights holders? Would that be acceptable?

CB—Do we have an accurate definition of consumptive use?

PH—Basically, it's the amount of water that's lost.

CB—We need to make sure our argument holds with respect to consumptive use.

AH—Talking with the Methow Watershed Council. Rules in WRIA 48 aren't clear. We need to know what's consumptive use. To get that definition you have to do good science and lots of review.

PH—Discusses specifics of SB-6091, but now our WRIA rules don't regulate permit-exempt wells.

AH—SB-6091 changes permit-exempt wells from 5,000 to 3,000 gallons/day, but the process we have in water shed planning for WRIA 48 still has to go on and the plan has to be completed by 2021. So do we really have to notify everyone?

AH—Lorah? What do you think?

Lorah—I'd need to look at the Ecology memo. I appreciate the work it'll take & I appreciate senior water rights. And it's a problem if we wait until there's an actual impairment.

AH—Look at Wolf Creek. It doesn't impact the ground water. What do we do? Who has to show impairment is probable? Do we wait until it happens?

CB—With respect to exempt wells, tests aren't prolonged. We go back to the position on water use unless we go back to sub-division proposal. We have little authority over exempt wells.

AH—So do we want to move forward this week?

CB—Straightening out 20 to 20A isn't a bad idea.

PH—It's easier to repeal an old title & adopt a new one than just to rewrite the old one. Title 14 deals with environmental stuff & seemed like a good place to put water issues.

PH—What should I do with current applications?

AH—Just return the ones you've got. Don't do anymore.

PH—There are 6 in WRIA 49. For new applications in WRIA 48, I'll process them if they actually want a building permit. I won't process "Just want to know."

PH—Repeal 20 and adopt 20A? Interim adoption?

AH—After legal review.

PH—Should I write a new 14?

CB—Write it as a proposal, but only if it doesn't cut into your other work.

AH—Let's wait.

CB—OK. Given limited authority, I appreciate there's a process to follow.

PH—Maybe with respect to 14, I'll write a position paper. I won't front-burner it.

PH & CB—Discusses fees for permits, notes on short plats, recording issues.

PH—Told to revisit WRIA 49 planning units. Some haven't been around for a long time.  
CB—BOCC appoints them but some will be gone. Getting the right balance is very important. The law requires consensus.  
PH—BOCC, biggest municipal water supplier, largest agricultural water supplier—planning units.  
CB—Conservation District.  
Lorah—There's a meeting tomorrow & I'll bring it up.  
CB—Can you send me the old list you've got?  
PH—OK. Some are in the Voluntary Stewardship Program.  
CB—Watershed planning process. Had people to help people understand their water rights.  
PH—Reconcile water rights, parcels, etc. with WRIA 48 & 49.  
AH—Speaking of WRIA 48 & 49, the Methow has tons of data about recharge rate, etc. Okanogan, not near so much data. If we talk about consumptive use, we need a standard. Where will that fit into data that's already been collected? How can we combine efforts to come up with how much water is being used?  
CB—Reconcile well logs, water usage. Does the Watershed Council do this.  
AH—The Watershed Council is poised to start making recommendations to Perry.  
CB—We need to adopt a standard for consumptive use.  
AH—Yes. For example—a septic system gives a recharge amount of..., etc. Let's talk to Ecology about this. And there's instantaneous use vs. overall use. Even if we know lots of data, what standard do we use.  
PH—Maybe we'll figure out what we need to know. Talking about standards in a big meeting.  
CB—Level of information 1—using data we've got. Expensive to get more data.  
AH—We could go out & count the wells & measure the flows. It's a lot of work to do that.  
PH—Can I begin to salt in everybody's mind what we're going to do before I send actual invitations?  
AH—Have people of the Water Council & see what they think about this. If we define information we want, they'll do a lot to get the info.

### **Comprehensive Plan—3:30**

AH—I'm looking at 2012 & 2014 plans. We need to start honing in on sections—what are we going to put into them?  
PH—I'll send a new draft. Goal is to get something you're comfortable enough with to start scoping. The goal is not adoption level draft but one that can be hearing-ready. Ground water section, public health, safety, fire, etc.  
AH—2012 Groundwater is 2 1/3 pages long. 2014 version is 1/2 page. In between those two is what we need to come up with. Lots of things in 2012 I don't know we want.  
PH—This is Comprehensive Plan week to get it to you to add or delete. The goal is to get a draft that structure-wise, it's what you want to talk about.  
CB—There's a mistrust issue. Whatever you write, everybody sees it with hidden meaning. To achieve our goal by the end of the year, limit it just to policy and don't go into the weeds.  
PH—We can't drill in on philosophy. Drill into policy statements that will drive the zoning code. Work on zoning code will focus on maps. If we get Comprehensive Plan adopted like we want, zoning maps will be easier.  
CB—Comprehensive map has generalities in zoning.  
PH—I'm hoping Comprehensive Plan policies will help with zoning maps.  
PH—I'll get this out. This is Comprehensive Plan week. Get it ready for the 1<sup>st</sup> public review.  
CB—There have been lots of hearing over the years. Lots of feeling expressed that weren't relevant. We need to get the message out that we're not getting into that too deeply.  
AH—What interests me—if it's a document that can be amended for a fee? Other counties do that.

PH—In Kittitas County the plan could be amended for a fee—tweak the urban area boundaries, wind farms, etc.

**Other issues 3:45**

PH—Should I send out the revised letter concerning Mt. Hull. It's in Jim DeTro's district.

CB—It was a good letter but let's hold off until next week when Jim is back.

PH—BLM fuel reduction notice. They're scoping it, if you want to offer scoping comments.

PH—Fairgrounds budget.

AH—Bring in the budget and we'll look at it. We'll need to reallocate money based on creating new positions & eliminating old ones. What level of service do we want to provide?

PH—We'll build the budget.

PH—Oroville Rural EMS levy. Building a schedule to get the levy on the ballot in Nov. 2018. Lanie looked at the documents & found that the old levy dies on Dec. 31, 2018.

CB—It has to go on the ballot. Should it be raised?

PH—I'll just ask who do they want you to talk to.

CB—Do you have the rates from before & the current rate?

PH—No report on Champerty Shores.

Notetaker leaves 4:00