

BOARD OF OKANOGAN COUNTY COMMISSIONERS
07/23/2018

In Attendance at Meeting:

Jim DeTro- JD (BOCC) (*absent*)

Andy Hover - AH (BOCC)

Chris Branch – CB (BOCC)

Lanie Johns – LJ (Clerk of the Board)

Perry Huston - PH (Administrator & Planning Director) (*absent*)

Char Schumaker – CS (Planning Department)

Josh Thompson – Public Works

Tyson Carlson – TC (Aspect Consulting)

Dan Haller – DH (Aspect Consulting)

Larry (?) – L (Building Department?)

These notes have been taken by one of several volunteer citizen note takers and published on the website of Represent Okanogan County (ROC.) The notes have been taken as close to verbatim as possible, with any writer's comments or explanations in italics. For officially approved minutes of Board of Commissioner meetings, normally published at a later date, see www.okanogancounty.org.

Summary of significant discussions

Update – Planning

Oroville-Tonasket Irrigation District (OTID) Water Banking

Aspect Consulting made a presentation, informing the commissioners that they will have conserved water available for water banking and suggesting that the county could establish such a bank. This could provide the mitigation for future exempt wells in certain areas that is required by ESSB 6091. The procedures for establishing were outlined, and funding opportunities discussed. Identifying mitigation for future development will be part of the upcoming Okanogan watershed plan update, making the proposal by OTID timely. The commissioners expressed that the proposal could be beneficial and are interested in finding out more.

OCC 17A.400 (Water Availability Study Areas) Update

PH informs the commissioners that legal review of the proposed ordinance has been done. The commissioners want to review the changes suggested by Futurewise. Evidently, that discussion will occur on Monday the 30th.

WRIA 49 Watershed Plan Revisions update

PH is preparing to send letters soliciting participation in the watershed planning effort to a number of organizations and to advertise in local papers to solicit interested individuals.

Code Enforcement update

PH is dedicating Thursdays to code enforcement until he can process the backlog. He is responding only to complaints. He described the process involving 3 notices prior to taking action. He intends to coordinate with the Sheriff's and Prosecutor's office to try to address future code enforcement.

Business licenses

The commissioners discussed the issue of which businesses should be required to get a business license. Evidently, some owners of cannabis operations are not paying personal property taxes and there has been a suggestion that requiring a business license could be a means of ensuring the payment of those taxes. PH cautions against picking and choosing which businesses should be licensed.

Planning Department Update

1:30 Oroville-Tonasket Irrigation District (OTID) Water Banking

PH – Team from OTID to discuss water banking.

(TC distributes copies of the PowerPoint presentation to the commissioners)

TC – We are helping OTID with aspects of water banking. *(Introductory remarks too rapid to record. Then he begins the PowerPoint presentation, which is projected onto the screen. The first slide shows the steps taken in establishing a water bank)*

TC - Water right certification *(i.e., establishing the current validity of the 'paper' water right)* – Began water right due diligence and CWRE (JULY 2015). OTID changed their system from gravity to pressurized. Seven points of diversion from lake and river, plus Similkameen River diversion. Water certificated – 216 cfs ~ 40,000 acre-ft. Irrigating 9,823 acres. We are now the mapping district to determine water use. This will inform how much water is available for mitigation *(i.e., available for the water bank to use for mitigating the effects of future exempt wells)*. Water Bank development to provide irrigation water April 1 – Oct. 15, and domestic water, year-round. Where will mitigation be suitable? Mainstem Okanogan, Similkameen below Nighthawk, lower reaches of select tributaries (?), Mainstem Columbia River.

Water Banking – needed due to 1988 instream flow rule; Hirst/ESSB 6091.

Water bank redistributes water right authority between buyers and sellers. Certifies validity of water rights; business rules; establishes pricing.

Consumptive use – traded in water banking scenario.

Water bank seeding – In-kind *(water for water; what OTID is offering)*. Out of kind *(habitat focused)* restoration of instream and riparian habitat *(subject to Foster pilot studies)*

DH – ESSB 6091. Question whether it will embrace water banking, once it plays out through watershed planning – water for water preference. Does a lot of good things for counties – recognition of local control, funding, and window for development. Water for water bent makes water banking a great tool. *(shows graphic)*. Water banking is complicated; can be onerous. Seeded, usually with water rights. *(goes through County/State(ECY)/Water bank/Customers roles and interactions; gives examples from Spokane and Kittitas counties)*

Potential water right acquisition – Preliminary due diligence – County negotiates purchase and sale agreement – Water right transfer– Trust water agreement – County code adoption – Outreach and training.

Nice thing about partnership with OTID is that most of the work is already done – almost turnkey. (County code adoption and outreach and training still need to be done).

Supplemental mitigation strategies: Water right purchases; reservoirs (*in-kind*); out of kind (*restoration*).

Planning level demand is for about 500 wells; OTID can meet this demand.

Proposal: OTID and Okanogan County work together to develop a Water Banking Letter of Intent (Involving: *Interlocal Agreement on operation, funding, permitting, outreach and enforcement of a County mitigation program; cost share; Potential 6091 funding, year 2*)

AH – What is the benefit of a private company coming to the County to do this? Versus private?

DH – We work with private, semi-private and nonprofit banks. Ecology has to agree to enter into a trust water agreement. Counties have a unique role to provide all kinds of services. Can do it at low cost for people who want to build a house.

AH – Want people to understand that I think county-run bank is the way to go. Avoid price gouging.

Don't agree with sending it (*water*) out of the county.

PH – Development regulation has to follow, regardless of who runs bank. Watershed plan will tie it all together.

TC – OTID will set up and provide (*inaudible*). Can get off the ground running.

DH – You can shape the conditions to retain water in watershed.

AH – Typically, when county is purchasing water rights, do they have a say in... A person in Yakima says, I want to buy all of your water right. What is the line between county and seller's interests?

DH – Kittitas County will only make it available for single family domestic use, and it has to be put to use within 2 years, within the county. You can decide on priorities. If you sell everything to everyone, it will take longer.

CB – How is the water service area established?

DH – Has to be according to Department of Health (DOH) rules.

CB – Oroville's water service area is water bank.

DH – Understanding (*too rapid to record*). How to shape water bank to fill in those gaps.

AH – Everything else is all about price. Don't want to get into that right now. Is there a number of wells?

TC – In conversations with Perry, about 500 wells.

CB – We are the ones that determine the application...

T? – OTID is offering a bucket of water; you are the ones who decide how to use that water.

PH – One thing that would be useful is your thoughts on where do we go from here.

AH – Really important to understand – would this be an all-in buy-in or pay as you go? Understanding the business model, cost per share. Our budget is not in a position to go out and purchase huge amounts of water if we are looking at 20 to 30 years before it all gets used.

TC – 6091 funding – it will not all fall on counties. State grant money will offset a lot of those costs.

DH – Kittitas County got funding from the state legislature to solve their problem. Theoretically, the county and OTID could jointly apply for funding from the state.

AH – This is extremely timely, with the watershed planning effort.

CB – Oroville City bought the water right to continue growth...

AH – I am interested in finding out more.

CB – I think this could be beneficial.

TC – Unique situation in that there is also year-round water (*not just irrigation water*)

PH – I will go ahead and continue discussions

CB – In the money that Ecology is talking about, is that affecting money for watershed planning?

T? – Two streams of money, one for planning, the other for implementation.

PH – *(too rapid to record)*

CB – The availability of the solution might affect the funding.

AH – with a willing seller, might make it easier.

2:22 Hard Cider Plat review resolution

CS – Presented information last week. Do you have any questions

CB – Have some questions *(for proponents)*

AH – Move to approve.

CB – Second. *(to applicants)* You are okay with what is prepared? *(yes)*. City of Oroville has the water? *(yes)* I think it is the way to move forward.

AH – *(to CB)* I know you know this fairly well. Was waiting to see how you felt about it.

CB – *(moves to approve; seconded by AH; passes)*

2:27 OCC 17A.400 (Water Availability Study Areas) Update

PH – Legal review has been done. I need to know what you need to move this ball down the field.

AH – I don't have any more questions. There was one suggestion to change some language *(Futurewise)*. Let's look at that.

PH – I will put that up on the screen. Do you want to see that next Monday?

(discussion of scheduling. Wolf issue discussion occurring next Monday.)

PH – Two discussions. Will put it on the agenda for 3 pm.

AH – *(to CB)* Where do you think we are at?

Note: at this point it seems that they switched to talking about the Comprehensive Plan update.

CB – *(asks a question about the maps)*. Once we have that we will see how it ties together.

PH – Will map the city expansion areas.

AH – Thinking about Wednesday. See where you are with it.

Well Tracking System Update

PH – Putting together our budget. Should get that done in the next couple of days. Fairly sure we will get that pre-approved. Will stick with the Planner I job description. Describe the skill set; make sure it is understood that when the money is gone, the position is gone.

WRIA 49 Watershed Plan Revisions update

(discussion of GIS mapping and who it will be available to)

PH – First phase is to get well logs and tie those to the parcels. Not contemplating purchasing additional software. Final form software will be important, but we have a lot of legwork to do.

AH – Understand that. But we have ongoing tracking to do.

PH – *(too rapid to record)*

AH – We need to see what he *(Larry)* has got.

L – Not much to show. Just provides a brief description – this parcel has a well.

PH – List of organizations to send letters, soliciting participation. Ad will be going out *(for interested individuals)*. Will put information and application on the website.

AH – Was that a legal advertisement?

PH – It was structured that way. We could put in an insert.

AH – That’s what I wanted. Get it out of the legal section. People don’t always look at that.

CB – You could do an article, too. Realtors are an interest, too. Do they have an organization?

(Audience member presents himself as representing realtor’s organization)

PH – We figured out the 3 regions; will be able to get good representation. Anticipate we will be doing what we are doing, in terms of the well tracking. It will be a scope of work, timeframe for deliverables. I will check with Vanessa, see how she is coming with that.

3:43 Code Enforcement update

PH – Have tied in Thursday for code enforcement. Still doing a complaint-only basis. Trying to distinguish the ones we really need to get to, compared to neighbor disputes. Will do Thursdays for the next month or two, try to catch up.

AH – when are we going to make violations into the civil code?

PH – Have been working on that for a long time. We have discussed in the past, getting everybody together – Sheriff’s office, prosecutor. What matters is who has the ticket book. I don’t have that. So prosecutor’s office or sheriff’s office could be called in to do that. Get everybody in the room, see what people are willing to do.

Realtor – (expresses the preference that PH not get the ticket book. He thinks that he can work with clients better – to fix things- if they don’t think Perry will write a ticket)

AH – My dad went through the same thing.

PH – It has been a recurring discussion since I started 11 years ago. Getting a code enforcement officer has never gotten traction.

AH – There has to be a difference between driving by, seeing something and writing a ticket vs. ‘this is the 5th time, now you are getting a ticket’.

PH – Perception still exists that we have never gone out and look. Try to give people a chance to come into compliance. Still there is a perception of a black helicopter.

CB – There were a large number of illegal marijuana grows. There was a lot more at stake, having someone who can come onto your property. Approach, in terms of complaints, I have had a lot of experience with that. When a badge shows up... I see the challenge. I appreciate that you will be going out.

PH – What I have set up is a tier of notices. Send out first notice outlining the problem. I don’t go past ‘No Trespass’ signs. They have opportunity to respond. Go through 3 notices, then talk to prosecutor. Have punted all the building permit violations to Dan. I’ll continue to work with Dave, will get everyone together, see what could be done.

CB – Procedurally – is that system you are using in the code?

PH – No. It is just something I put together.

CB – We need that. When it comes to prosecution, they want to know that you have followed a process. The person being dealt with can look at process.

PH – One cabin in the Methow, built where it shouldn’t have been built. Working with the prosecutor’s office. Owner wants to sell it to someone who will buy it and remove it. (Describes another violation near East Lake.

Administrative Agenda

3:05 Lake Management District

PH – Got the ballots out. 260 owners.

Nightly Rentals

Notice published

Notice/applications mailed

PH – Letters went out. Recall I built a fair amount of time in so we could do this at a more leisurely pace. September 1.

Business Licenses

Code updates

PH – Under business license there are things you could require them (*Cannabis operations*) to show that they have paid their personal property taxes. Am doubtful about making some businesses get licenses, but not all.

CB – Is there information that they are not paying their taxes? There is some potential for self-policing with the producers group.

AH – Nightly rental has a lot of inter-tie with public safety. For a sewing shop, no.

PH – Impetus behind nightly rental was to make sure they pay their (?) Am advocating that we be very careful about picking and choosing who needs a license.

CB – Lodging facilities pay the lodging tax, follow the rules. (*talks about unfair competition*) This (*cannabis*) is a new industry. Have the conversation with the industry and let them know that if they want to be treated as a legitimate business, they have to pay their personal property taxes. Also, some unpermitted grows out there.

PH – In your business license section there are a number of things – we talked about the dance hall one- I will yard them out and see. I will bring it up tonight at the Planning Commission meeting. That is your agenda. Anything else for me?

Commissioners return to discussion of the Comp Plan

AH – On Wednesday the 1st – can we get some points we can hit?

CB – Go back to comments, where are we with those? Need a broad overview.

PH – Need to tidy up the population projections. Rural designations, new language to look at. Most other sections, language okay. Need to tidy up maps. Those will be impacted by the alternatives.

AH – Let's take (?) . Rural, agriculture, forest. Every square inch of private property will be under one of those 3 designation?

PH – Backing out – identify ag, forest and mining. Then, everything else is rural.

AH – What about property that you can't use for anything?

PH – Those are mapping exercises.

CB – We have areas that are predominantly rock. Want to make sure..

PH – If you can demonstrate that you have designated the suitable land, you are in pretty good shape.

CB – If I designate something as ag land, what happens there is (?). Need to be careful with that. In a comp plan, it is always a messy situation. There will always be areas that someone thinks should be taken out of a designation. There is a process to do that. The fear is that it will turn into something that will never change. What won't change is if you develop in high resource areas, you will never get it back. Why are we doing it? Well, for that reason. Say, we are an agricultural region, this is important to us.

PH – Rural designation is where you intend to site your higher density development.

CB – Tie it to the cost of services. Development that occurs over time, based on need. If you don't designate all this rural land across the landscape... if it doesn't cost more to serve it. Designated floodplain – if you can't develop those lots without going through a lot permit process. Why not make a rule that every lot has to be partly out of the floodplain?

PH – Will bring what still needs to be resolved. City expansion areas – cities put them forward; it is up to you whether to approve them.

AH – Ag lands and us talking about serving development. We live in a region where highest value ag lands is in the river bottoms, which is where the transportation network is. So, that is the cheapest to serve. Are we going to designate those rural? I don't think we are going to run out of ag land. If you look at the places we have ag that we never would have imagined...

CB – Where they got water. It is all about water...

AH – Which comes from out of county.

CB – Let's put some thought into it. Make sure we have the rationale. I want it to be durable.

AH – In the hinterlands, is it better to have 20 acre lot? What do people do with 20 acres. Would it be better to have subdivision? Say 5 acre subdivision within 100 acres?

CB – You are talking about clustering.

AH – Right. 20 acres for some people is a lot.

CB – It is a function of how you are distributing it. It depends on your objectives.

PH – We will be ready for you discussion.

3:35 Session ends.

4:00 Public Works update

AH – Information that Josh and I were just discussing was old Commissioners' meeting minutes, old petitions for road vacations.

JT – Maintenance – mostly chip-seal. Got HPA for Windy (?). Got culvert. Design depends on whether the stream is fish-bearing. Overtime – 217 hours of overtime last week – chip seal, equipment repair. Equipment purchases for 2019. Would like to order soon – will fall into next year's budget. 2 pieces: roll-off truck and striping truck. (*Describes need*). Does that sound reasonable?

AH – Sounds reasonable to me.

McClure radio site. Meeting on site tomorrow. Sheriff's office got a grant to replace. Cell system installed a tower last year, tore up the site. Forest Service has investigated; it's pretty clear what happened. Will be meeting with the cell company tomorrow.

FEMA projects close-out. 2014 and 2015 working to get those closed out so we can get paid (about ½ million)

MVID/Barkley Ditch project. Tight-lining the ditch. Trying to get at least a letter to show that the county is not going to be responsible for drainage. Davis Creek all goes into the ditch right now. They are going to put a culvert to the river but it is not big enough for spring runoff. They have asked us to replace the culvert under the county road. It is going to cause us flooding somewhere. We will replace the culvert. I am working on a letter for Del Pruitt to sign saying that he is aware that there will be flooding and he won't hold the county responsible.

Lorah Super suggests conferring with the Conservation District.

JT – At this point he is not that concerned; it is an alfalfa field. Just want to make sure we have a letter in the file if they want to do something else in the future. They know that it is undersized; if the landowner isn't bothered. (Balky Hill road intersection will be improved)

Coordination with Yakama Nation fish projects. Meeting with Hans Smith. Will go look at what they have in mind.

Peter Dan Rd slide repair. Closed the road this morning – have a thirty day window. Three scrapers going

Hwy 7 Tonasket Bridge South – paving this week.

No consent agenda this week.

USFS road service agreement. They think they may have something in their files.

