

**BOARD OF OKANOGAN COUNTY COMMISSIONERS**  
**08/13/2018**

**In Attendance at Meeting:**

Jim DeTro- JD (BOCC)

Andy Hover - AH (BOCC)

Chris Branch – CB (BOCC) (absent)

Lanie Johns – LJ (Clerk of the Board)

Perry Huston - PH (Administrator & Planning Director)

*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](http://www.okanogancounty.org).*

**Summary of significant discussions**

***Wolf Management***

*PH is organizing a meeting on September 10<sup>th</sup> with the regulatory and land management agencies to develop a protocol for responding to potentially dangerous wolf/human interactions. Following development of a protocol, the plan is to conduct training with the Sheriff's office and to then undertake public outreach.*

***Well Tracking System***

*PH is working with staff from the Department of Ecology (DOE) to establish the deliverables on a grant to identify existing exempt wells, their locations (i.e., parcels), and whether they are in use. The information is needed in order to comply with ESSB 6091. Also relating to compliance with ESSB 6091, the subject of potential county involvement in water banking was discussed.*

***Hummingbird Development (not on agenda)***

*AH has questions for PH about the permitting process for the proposed Hummingbird development near Winthrop.*

***WRIA 49***

*PH describes the status of the recruitment efforts for participants on the WRIA 49 watershed plan and provides the commissioners with a preliminary budget for reimbursable expenses.*

***Shoreline Management Plan Implementation***

*PH notifies the commissioners of a disagreement with DOE regarding the permitting of uses within the shoreline zone that are not identified in the District Use Chart. DOE's stance is that anything not specifically identified requires a Conditional Use Permit; PH's position is that if the use is similar to a permitted use it can be permitted; if it is completely dissimilar it may need a code revision.*

## 1:30 Update – Planning

### Planning Department Study Session

#### Wolf Management

PH shows flip chart:

- 1) Response protocols
  - a. Public safety
- 2) Training
- 3) Public outreach/training

PH – Follow-up to discussion. On your desk is email I sent out to Mr. Thompson. Have not revised letter to USFWS; wanted to make sure we are going to go ahead with meeting. Since our discussion I have had a conversation with Sheriff and Deputy. We have created some modules (*talking about the flip chart*). Need to get away from pre-notification situation.

AH – Right. I am dealing with that right now. (*Talks about dipping out of river for fire fighting*).

PH – Correct. If there is an emergency you don't seek permission for a response. The goal is that he will bring material from his hierarchy.

AH – It would be good to have WDFW director and regional director here so that they can hear it come out of his mouth.

PH – Building a hierarchy here. Next step, assuming that there is a successful meeting is to have sheriff's department understand the protocol. This could either be a big training thing with everyone together in the same room. Moving from that (*the protocol*), should lead to public outreach. Also attached to that, what do you do if you run into a rendezvous site? The idea being, create a wolf-specific 'code of the west' – what times of year, where, how do you react? With commissioners' agreement I can move forward with Mr. Thompson on September 10<sup>th</sup> meeting.

*(Commissioners express agreement/support)*

PH – If you are prepared to move ahead I will get ahold of Brown (WDFW), DNR.

*(Commissioners agree to move ahead)*

PH – Letter to WDFW. Criticisms we have routinely made about wolf management plan is the promises they made that they routinely fail to keep. Get them back on track.

AH – Haven't read through entire letter yet...

*(discussion of who to invite to the Sep. 10 meeting)*

AH – Talk about how WDFW is representative for federally listed species. Would be very helpful to hear the protocol from them.

PH – Will try to get them to flesh those out. DNR may be involved in conflict or response, so they are essentially interested ‘bystanders’.

*AH agrees.*

PH – I’ll get hold of Mr. Thompson, let him know the meeting is a go, then will notify everyone else.

JD – I had a discussion with Commissioner (?). He went to Denali, Alaska. They have a healthy wolf population up there that they do control. They have twice as much area as we have and half as many wolves.

AH – A comment I heard was that in the wolf management plan, there is a range between 96 and 300 animals... They weren’t sure of pack size. At 96 they are considered recovered.

JD – It was fatally flawed at the outset. Should be thrown out right now. MacArthur (?) told me ‘I am not afraid to shoot a wolf’.

AH – Exactly, people want to treat them like the holy grail. Look at cougars – they reproduce slowly but they are not protected.

PH – (?) was quite passionate in defense of the model... would lead to greater biodiversity, healthier populations. The whole thing begins to unravel in the real world.

AH – The problem is ‘enough wolves’ is a lot!

JD – Got a call from Pozzanghera (*WDFW*). They have had 5 confirmed kills. Now that they have got this set up, once they file with the intent to go with a lethal strategy, they have an 8 hour window.

AH – I think it is longer than that.

JD – These wolf-deniers, they already have their paperwork... Bam! They have their injunction.

PH – It’s unfortunate, it gets in the way of what could be a productive discussion. It’s like that with the grizzlies, too. Some of it is a visceral thing about the notion of hunting. D – One of these days we are going to have one of those winters – 40 below temperatures, wind, snow. Will drive everything down to the valley floor, in Winthrop. Then what are you going to do?

AH – Protect yourself.

PH – Follow the money... (*discusses who benefits from current wolf management practices*)

AH – I have thought about that with the salmon recovery board – what about when we get done?

*(discussion of beneficiaries of fish recovery funding)*

AH – I think it would be good to let Stevens, Ferry, Pend’Oreille. Let the know we are going to do that (*i.e., have the meeting*).

PH – I’ll go ahead and make that outreach.

**Well Tracking System**

PH – Had a call from Vanessa and John Kirk(?) regarding the well tracking grant. They are on a different track than I am. Need to discuss that with you. The scope of work is ambitious, in terms of time and money available. Reconcile well log. Every well will be tied to a parcel. That will allow us to assess current use, help us to project future use. In the end, the parcels with no well will give us a buildable lots analysis. Collectively that will bring us into compliance with ESSB 6091.

AH – Money could be used for water banking. OTID (Oroville-Tonasket Irrigation District) puts us way in front of that, but we need to get the information about applying for the money.

PH – OTID has been in contact about their expectations. Presupposes that the commissioners want to get into the water banking business. That puts you in competition with OTID.

AH - ? I thought they were offering it to us?

Brief discussion; PH will check on their intentions.

PH – One way or another there will need to be a water bank in order to support future development. (Discusses workshop he went to and the various competing interests: water banking vs. restoration and other activities). OTID offer could put you in the driver's seat. Lundgren water rights transfer – I have been approached as providing lead for the SEPA review, not formally, part of the discussion. We can do that. Interesting discussion regarding water claim vs. water right.

AH – I have been through that. Our claim was for 30+ cfs on 230 acres. When it came down, it was 5 cfs. They claimed as much as they could back then.

PH – To put it into the water trust... That will be an interesting discussion.

AH – We heard from OTID that it could be utilized anywhere downstream. If they are doing a groundwater withdrawal downstream, who is doing the environmental review?

PH – 197-11-800 creates a categorical exemption. If you have a water claim that you want to put into a water trust, is that a new withdrawal? 33 cfs is what they are asking; someone else says, 'no, you have 6 acre-feet'. Big spread. 6 acre-ft is exempt from environmental review.

AH – But does anyone do the environmental review at the point of withdrawal.

PH – Depends. You do an environmental review on the effect of using it within the area of the water bank, then you don't do individual withdrawal. Water banks pick up seniority with the water right. (Cites Suncadia purchase of old water rights) Now the people drilling a well have senior rights over their neighbors with older wells.

DOE wants us to do an Assessor's overlay...

AH – Isn't that what we are doing?

PH – Not all the way to a new overlay. We can get the first part done, but it is not going to be as useful to us as if we tie into the well logs and get everything tied to a parcel.

AH – That would be useful. You can find out how much error there is (describes a way of figuring out how many wells are out there without logs).

PH – In a perfect world, every single parcel we will know if there is a well, whether it is developed/not developed.

PH – (indicating flip chart) I think this will get us a long way. Their point is, the well logs are hideously inaccurate, and they are right. Will need to do field work, get info from County Health. There will be extrapolation, some guess-work. Okay.

PH – Notice of application/determination for Hummingbird. I have issued a MDNS. Will have a 30 day (?) It is going through SEPA. Wouldn't ordinarily do that on a short plat. There will be a lot of interest.

### **Hummingbird Development (not on agenda)**

AH – So, Thompson Creek is now a closed basin?

PH – some of it is inside the Thompson Creek closed basin. They are proposing 12 bedrock wells for those.

AH – How many lots?

PH – 24. Again, you are not in the decision-making stream, but you will be getting phone calls.

AH – Are we looking at steep slopes? Fire ingress/egress?

PH – We get assessments on those things from *(DOE and others; too rapid to record)* during the comment period. Approval or denial, we go through the findings *(cites WAC)*. We've always done those things, but it was more of a checklist. In your subdivision code, the first step is preliminary approval. Then you end up with a whole list of conditions you have to meet to get final approval.

AH – So, if I were to come to you with a proposal for 100 1-acre lots, the first thing you have to look at is whether that is even allowed *(under existing zoning)*.

*(PH goes through conditions for short plat vs. long plat. Short plats are not subject to environmental review)*

AH – Why doesn't that go through long plat? Are there separate applications?

PH – Yes. I can bundle them up for *(? Too rapid to record)* *(Rapid discussion of nuances of platting)*

AH – So, when you do SEPA review, is looking at each parcel broken up?

PH – Cumulative impacts *(are evaluated)*. We do SEPA review as if it was a long plat for 24 parcels.

AH – Sewer, water, ingress/egress...

PH – To get final approval you have to prove there are 12 holes in the ground, have enough water, know where roads will be, get Public Health approval for septic *(percolation tests)*. All that is part of preliminary approval, then within 4 years you have to come in with proof *(to get final approval)* or approval expires.

### **WRIA 49**

PH – Notice has been published. Have done some outreach to organizations. Making progress. I learned from Vanessa that we can use the same form that we used for the well tracking. Not exactly sure what (mentions 2 grants – local capacity & private capacity). My assumption is that the line falls

between what we are doing planning, and what will be done. Tied to that, the (budget) spreadsheet with preliminary report. Went through all the numbers with Cari. Came pretty close to costing out what the VSP will cost through the end of the year. Don't know what we will be spending on WRIA 49. Am trying to be fairly lean on the revenue we will collect on those reimbursable grants this year, compared to expenses.

AH – *(Discusses budgeting processes used for reimbursable grants)*

PH – You will get a preliminary budget that is relatively accurate. Talked to Cari about whether she would suggest *(more discussion of how to track reimbursable expenses)*

AH – You are going to have a revenue line that is greater than your project line because (? *Too rapid to record*)

### **Comprehensive Plan Review**

PH – 23<sup>rd</sup> we will tear back into the Comp Plan. Will have cleaned up draft and not-cleaned up draft. Four alternatives based on population.

### **Shoreline Management Plan Implementation**

Had an interesting discussion with Mr. Jordan (DOE). Commissioner Branch sat in on it. Don't know how to characterize it. It *(the Shoreline Management Plan)* doesn't say what he thought it says. *(There is a difference of opinion with DOE on what is permitted vs. what will require a Conditional Use Permit)*. May end up getting pushback from DOE.

AH - ?

PH – Kind of interesting discussion. In your parlance of zoning, you have Permitted, Conditional Use Permit (CUP) and everything else. Say someone comes in and says that they want to put in a weapons grade plutonium plant. There is nothing like that in the code. DOE says it defaults to a CUP. I say no, you have to amend the code. If you had a particular activity that is not listed, DOE thinks that automatically defaults to a CUP.

AH – Okay, if I am on the shoreline, I can't just go and say that I want 4 5-acre tracts. Would that revert to CUP because subdivision isn't listed?

PH – right. We talked about it all the way through the document. They are taking a considerably different position with the SMP than with the Zone Code.

AH – But they are saying that you could apply for a CUP for any non-listed uses in the shoreline zone?

PH – Yes. Anyway, stay tuned. I'll keep you posted on how we are going to handle this. We just don't get that many applications *(inaudible)*. One thing I will do is to make a spreadsheet with substantial development permits, with whatever feedback we get from DOE. We are still having a bit of a wrassling match over JARPA. They say they can't set Ordinary High Water Mark. But they can override it when someone else does. I am not issuing any permits until they *(the applicants)* get approval *(of the High Water mark)*. DOE was on-board with that. We may set up a training for identifying the High Water mark.

AH – They are afraid of getting sued. If they have to approve, why don't they just go ahead and decide?

PH – There is no joint anything anymore. I am not sure why we are using the JARPA anymore, other than that is what the book says everyone will use. But it is dead; there is no viable process anymore. I just won't issue permit until it is signed off by everyone else. They have an additional 20 days in our code.

### **Administration Agenda**

#### **Business Licenses**

PH – We do have provision in your code to license peddlers, hawkers and auctioneers. State doesn't have those.

LJ – We don't have a process for doing that... I don't have anything in the files showing that we have delegated that to the Sheriff's office.

PH – Just illustrates that we need to go through that code section and see if it makes sense anymore.

#### **CXT Toilets**

CXT toilet situation. Looks like we need to do the impact (NEPA), due to funding source. Thought the FS was going to do that. NEPA can be a very simple process, or not. We had to do that on the Similkameen trail: archeology, foot traffic, etc. I will look at it, see what they want.

AH – The trail system is good, but honestly, I don't want you tying up all your time on a toilet on a trail system. We are getting sucked in because of grant conditions. You can get a contractor and they can run it through us.

PH – I understand what you are saying. This is the type of thing they should understand before they apply for the grant. I'll monitor, get into the email change, see what people's expectations are.

AH – Or whatever they charge. River guides, outfitters have to pay for their SEPA's.

#### **Title Insurance**

PH – *(Discussion of title insurance for property swap after conveyance, evidently related to trails).*

AH – What does title insurance cover?

PH – Very little.

AH – What do you get, after the swap is already done?

PH – think of it as Errors and Omissions insurance *(describes a scenario).*

AH – So it is the Seller's responsibility *(yes)*

PH – That is part of the scam *(describes the need to buy 2 policies for the same transaction).* RCO, as funder, has interest in the property.

AH – So if you buy title insurance, it covers the whole time you own the property? *(correct)*

PH – I'll check with him(?), see what he wants. That is the end of the agenda. Do you have anything else? *(No). (PH describes some of the items that will be addressed in Tuesday's meeting)*

3:15 Meeting ends