

Okanogan Board of County Commissioners  
01/08/2018

JD—Jim DeTro  
AH—Andy Hover  
CB—Chris Branch  
LJ—Lalena Johns—Cerk to the Commissioners  
PH—Perry Huston—County Planner  
LD—Leah McCormick—County Treasurer  
Angie—Angie Hubbard—Planner (Land Use, incl wetlands)  
Anna—Anna Lyon—Manager, Okanogan County Noxious Weed Control Board

*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).*

**Continued Public Hearing concerning the proposed Lake Management District for Lake Ososyoos.** Discussion focused on which lots would be included in the district, the Noxious Weed Board, how the district's setup would affect the County Treasurer's office and other matters.

**Comprehensive Plan**—Continued discussion of revising the plan after its legal review of 2017. Chris Branch emphasizes the need to streamline the document to reflect policy, not regulations.

**Marijuana Advisory Committee Update.** The committee is making progress & Perry Huston expects only two more meetings. The committee may release a minority report if some members feel an issue was not properly addressed. Attorney General Sessions' recent statement concerning enforcement of federal marijuana laws is also discussed.

**OCC20 Update Parcel data within closed basins.** Discuss WRIA and how several bills currently before the state legislature will affect the Hirst decision.

**1:30 Lake Management District—continued public hearing** concerning whether the property owners around Lake Ososyoos should form and finance a lake management district. Background: On July 3, 2017, the BOCC passed a resolution announcing its intent to form such a district. The discussion today focused on which lots would be included in the district, the Noxious Weed Board, how the district's setup would affect the County Treasurer's office and other matters.

PH—Creates a chart describing different types of lots & whether or not each type would be included.

- Agricultural lots—Developed—Yes
- Agricultural lots—Not developed—No
- Other lots—Developed—Yes
- Other lots—Not developed—Yes
- Not buildable—No
- Buffer—Yes

PH—Agricultural lots include those that have lake front. If they're not developed and don't have lake front, they're excluded. That's what the Farm Bureau wants.

PH—Other lots are included whether they're developed or not (developed according to the Assessor's designation) Lots that are not buildable (in a wetland, for example) are excluded. According to statute, lots can be removed from consideration during the hearing, but lots can't be added to the proposed district without a new resolution and new hearings.

PH—Veranda Beach Resort's Homeowners Association owns all the waterfront property at Veranda Beach. It would be a sizable inclusion to the district. We'd need more hearings to include them.

Anna—A no-spray buffer zone was established by the Weed Board because of objections by Canadians. In order to get anything done on Lake Ososyoos. It's pretty informal—a ¼ mile buffer. We could approach the Board concerning the buffer. Alternatives to chemical treatments are OK in the buffer zone.

AH—to Anna—Is there open communication with Canada to solve milfoil problem?

Anna—Informal discussion is going on. The person in Canada we originally heard from is no longer there, but s/he provided a list of people to talk to & they're people we have talked to in the past—the Water Board & tribes.

CB—We should make clear who we're talking to in Canada—federal or provincial government. Also, informal agreements don't carry a lot of weight.

Anna—Lots of concerns that were raised in 2011 date back to a previous application in the 1980s. The application drifted north, but technology is a lot different now so that wouldn't happen.

CB—Who is benefiting from this treatment? Property owners and users of the lake who aren't necessarily the people paying for the treatments.

CB—Creating a Lake Management district doesn't mandate control methods.

Anna—Everybody who uses the lake on the US side benefits and also there's a positive impact down river if we get a new weed or (Heaven forbid) a mussel.

CB—Our control is not just chemical application. There are barriers, etc.

JD—And we use biological controls, too.

AH—Property owners may not see the main benefit. But many people buy undeveloped land as an investment. Not having noxious weeds in the lake is good for your investment, so that's a benefit.

AH—If the Lake Management District is formed, the BOCC is the governing body. We would need a subagent to implement the policy.

PH—That's one of the issues. There are options for managing the districts. The Weed Board could do it.

AH—If another entity manages it, they'd be newcomers. The Weed Board seems like a natural fit.

JD—Have you discussed this?

Anna—We have. But we'd need a new set of rules, accountability procedures, etc.

AH—If it's formed, there's a pot of money out there to be utilized. And more collaboration with the tribes, the DNR, Fish & Wildlife, the BLM, on aquatic treatments.

CB—If we create the district and people vote for it, then you have to decide how to control milfoil. Also, want to hear from the public regarding aquatic applications. It'd be like a mosquito district. Create it and then do a management plan.

Anna—We could leave it the way we manage it now, with different rules and different methods for different locations. Ex: near pumps and wells and near the border.

CB—We need parity if we form a district. If users of the lake have to get a permit, they they will have paid. What about Veranda Beach?

AH—We'd need to have a new hearing if we include them.

JD—There's a block of people who won't like it and vote no.

PH—It's a simple majority vote. We've gotten feedback from the Treasurer and Assessor. Collections could begin in 2019.

LM—But that depends on when it's decided. When you set up the district, there are things we have to do, for example—certify the tax rolls. We'd need to have that all in place by November 1.

JD—Veranda Beach HOA could change its rules so it doesn't pay twice.

LM—Is it possible to build a district and then Veranda Beach connect over and above the HOA dues? It's not part of the district vote this way.

Anna—Veranda Beach has its own weed control plan and it's doing well. Worked with the Weed Board and the Lake Ososyoos Association. But if they want to be part of the Lake Management District...

AH—Most of the lots on the lake were bought for recreation. If just Veranda Beach is cleaned up but everybody had to pay what is felt as fair, that's hard. Inclusion of Veranda Beach includes Canadians. I'll defer a bit to you, Chris, because it's your district and you've looked at the issue, but it's complex.

JD—We need to decide should we put it on the ballot.

CB—I can't predict how people will vote. We seem to have a fair plan.

PH—The Lake Ososyoos Association came up with the proposal. We need also to think about other things—what's a reasonable budget? What's a reasonable assessment?

LM—There are other issues, too. What would be the connecting identity number? The parcel number? If so, then it's connected to the Assessor's Office. What if someone won't pay? Is it foreclosable? That would be like irrigation districts.

PH—I don't know. I'll review it.

AH—Probably one parcel should be removed—undeveloped agricultural lots. With undeveloped non-agricultural lots, you'd still get value being in the district. Unbuildable lots should be left out. Lots in the buffer would still get some treatment, although not necessarily chemical, so they'd get some value.

Anna must leave. 2:23

AH—Options:

- Close hearing now and don't form the district
- Take Veranda Beach into account. Close this hearing and have another including Veranda Beach.
- Go ahead with the District with the proposed criteria (Ag, non-Ag and Buffer) and do Veranda Beach later.

JD—If the district is voted down, Veranda Beach is a moot point. If it passes, then we can worry about it.

PH—If you reduce the size, which is what you're doing, then you can proceed today.

CB—What about Thorndyke? It's supposed to be developed.

JD—Maybe we should have a provision that if you're Ag undeveloped and you become developed, we can put them in the district?

PH—I haven't seen any provision in statutes for doing this.

CB—Maybe include them in the district and they vote, but no fee until developed. There's also BK Orchards and Smith Point.

CB—Other agricultural land is proposed for subdivision. We need some way to update when agricultural land goes from undeveloped to developed.

PH—What if a parcel is subdivided?

AH—So if the market goes up, what to do?

PH—You don't have to decide today.

AH—There's a group that wants to see it done, but we need to know how it's going to be done.

CB—There are issues. We don't want to hurry just for the sake of hurrying.

JD--There are important questions.

CB—We don't want to throw this out but come back to it.

AH—Let's not form a district at this time but hash out the questions before the next public hearing.

PH—I can generate another map, research recourse for delinquent parcels, subdivisions. Can the district have a trigger to get agricultural undeveloped lots to pay into the district if the lots become developed?

AH—If we include Veranda Beach, then we need to have a new hearing.

JD—It could be a moot point.

AH—So not include Veranda Beach?

JD—Later on, what would we do? A memorandum of agreement? A memorandum of understanding?

PH—When there's a Lake Management District, commissioners as the governing body can have a contract with the Noxious Weed Board to do stuff.

LM—Am I correct—You're the governing body but you wouldn't appoint a board?

CB—But it doesn't preclude that somebody else could do this, but the buck stops with us.

AH—How long can we continue this hearing?

PH—You have a fair amount of latitude.

AH—Leah, if the Treasurer's Office gets a yes, how long to hit the November deadline?

LM—No later than August. Earlier is better.

AH—Who's the liaison for this with the Treasurer's Office?

PH—My suggestion, if answers have a bearing on your vote, if there's any possibility to include Veranda Beach, don't put it off.

AH—We've all decided not to include Veranda Beach. We think we can do it outside this hearing.

CB—I move to extend the hearing.

PH—How long. I suggest 3 weeks.

AH—That January 29.

CB—So the motion includes January 29, 1:30 PM with comments.

PH—You still want to keep the record open for comments.

Motion passes 3-0. Leah leaves. 2:45

### **Comprehensive Plan—continued discussion**

Begin at 2:50

PH—The proposal is to move ahead with more efficiency. Trying to morph the former Comprehensive Plan into a new draft. In 2012 the draft went into legal review. In August, 2017, we received the results of the legal review. We've added a section on groundwater. Angie (Hubbard) and I have updated files to send you. Use it as a starting position. We'll try to do changes we need to do and get it out to you before the 22<sup>nd</sup> study session.

PH—The 2018 commitment to the Yakima Nation—we need to get something out for public comment.

PH—That's all I have.

CB—We need to zero in on simplifying the policy. It's not a zoning document.

PH—Yes. I won't do regulations, but policy instead.

CB—So the transportation plan we've finished. RPTO (Regional Transportation Planning Organization) basis. Have you looked at that?

PH—No.

CB—Circulation plan displayed on a map; road standards; what they need to accomplish. Not what the regulations were.

AH—Do references to the RCW have to be in the plan?

PH—No. And historical record doesn't have to be there either. Just general planning objectives

AH—When you have a comprehensive plan (example—the water section) don't need a line item saying this is exactly what we're going to do.

PH—Second tier review. Comprehensive plan vision statement outlines what you do but doesn't say exactly how. Streamlined.

PH—I'll send it out as it currently exists and you can compare with my new one.

PH—Didn't do a great job of required vs. amplified elements.

PH—OK. That's all.

End 3:00

### Cannabis Advisory Committee

PH—The committee met again. We're almost done. Maybe two more meetings. But there are issues we're not moving forward. For example—buffer with existing structures. Both sides are trying to come up with something reasonable. We'll come up with a proposed body of regulations, and maybe a minority report if they think something isn't properly addressed.

JD—Do you think the members really know what “advisory board” means?

PH—I think they know whatever comes out of their report, the Planning Commission makes a final recommendation to the Commissioners. So they know there's nothing sacred about their report. I've told them repeatedly.

JD—I just read a comment and that guy wants no buffers except for him.

PH—Issues attached to marijuana—odors—are the same as with industrial hemp. If industrial hemp is cross-pollinated with marijuana, the THC level is changed. It can turn industrial hemp into hemp with too much THC. There is some concern on both sides about wild hemp.

CB—Is hemp outside the parameters of the committee?

PH—Yes, but both the industry and non-industry groups wanted to talk about hemp. The Colvilles might want to grow hemp.

CB—The Planning Commission will have a different perspective.

PH—And when it gets to the BOCC, a whole new group of people will give testimony.

JD—It should be interesting to see how Attorney General Sessions' comments affect this.

PH—That happened since the last meeting.

JD—Sessions' comments are on the agenda today in Olympia.

PH—I don't know if it'll make any difference.

CB—Maybe they'll focus on interstate? At airports, for example. The TSA policy in Alaska is to defer to the local jurisdiction because there are lots of towns with no roads leading to them. You have to fly.

JD—That question came up before—what if you want to sell cannabis on the islands. You can't take it on the ferries.

PH—You'll see work out of the Cannabis Advisory Board in a couple of weeks.

AH—The governor has proposed a bill to deal with the Hirst ruling. It mandates those in Okanogan County who drill a well to pay a fee of \$1,500. Specific to Okanogan County. But where does the money go?

PH—I haven't read the bill.

AH—You should. It's terrible. The Senate Bill is still alive. Non-GMA (Growth Management Act) counties would work with the state. Lots more opportunity to work than the Inslee bill.

CB—Does the money go to Ecology?

AH—I don't know.

CB—If the legislature tells Ecology it has to make these decisions, it'll need a funding source.

AH—But not everyone. Just some counties.

CB—Must be non-GMA counties. Who's backing that? If we don't have a fee, then the legislature would have to impose one.

AH—But they're only talking about taking money from six or seven counties and we're way ahead of the curve on this.

CB—We had wells that had been approved.

AH—This is frustrating.

PH—I'll check on this bill.

AH—I sent it to you on December 19.

End 3:25

## Okanogan County Code Title 20 update.

3:25

PH—I've moved 5 parcels in 48 (Methow River) and 5 parcels in 49 (Okanogan River).

JD—Low hanging fruit means some are easy to accept.

PH—I'll do more this week and have additional updates tomorrow.

CB—I count 15 WRIAs. (Water Resources Inventory Area) Okanogan County has two huge ones.

PH—Any more questions on Title 20?

AH—What's your opinion on 20? Do we need to change it?

PH—As we talk about it, Title 20 takes in more than WRIAs. Consolidates review process. As we develop a better understanding of rules for 48 and 49, will there be a need to do short plats administratively? We are at least notifying senior water rights holders. Our assertion is that takes care of our responsibility.

AH—Also in the Methow Valley—look at the Comprehensive Plan and population densities. People want more density in towns, but the rules are written with towns way down on the list.

PH—A disconnect with growth management. Urban centers have to get water for class A wells. There's a push to make it easier for cities to get water easier than rural areas. Stream flow is appropriated and now there are requests junior to that. Hirst creates this opportunity.

AH—Conversion of agricultural water to domestic use. Use of water in the summer vs. all year round.

PH—Policies in the Comprehensive Plan should tie land use activities to water suppl.

CB—Look at Oroville for example. (Long review of the history of water use in Oroville including the town buying water rights.)

PH—Yes, we need to drill into Title 20.

CB—Do you see anything in the legislature helping us?

PH—No. It all goes back to the foundation of western water law.

CB—We need to see what's applicable in Okanogan County.

PH—Will anything get streamlined? The perception is that it'll make it easier to get water.

CB—Alternative option—take Twisp, for example—with a metered system.

End 3:55

## Administrative agenda

Fairgrounds fee schedule.

PH—Rescind inaccurate fee schedule resolution and adopt an accurate one.

4:00 Notetaker leaves as the discussion turns to fees for horse stall rental.