

BOCC meeting notes 10/16/17

Arrived 10:30 AM

JD- Jim DeTro

AH- Andy Hover

CB- Chris Branch

LJ- Lalena Johns

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.

Subjects addressed:

- **Agriplex use and fees, Methow Headwaters Campaign, Courthouse complex energy project**
- **Perry Huston Planning Dept report: Voluntary Stewardship Council, Lake management district and water treatment, marijuana advisory committee, smokejumper base, water availability, tax sale of property, Sewer extension in Oroville area**

Note-taker arrived at 1025, BOCC was in discussion about misc subjects. No others in attendance.

CB-mentioned a blog where someone made a comment that they wanted clarification on.

CB- asked AH if he had been on the radio yet, and how did it go? AH said yes, it went pretty well. He heard back from someone on a tax issue that indicated they had learned something.

Casual discussion about cars, personal life, etc. Shopping, music, pros and cons of living in an urban area.

LJ (Lalena Johns) arrived at about 10:31. Conversation briefly turned to NCI data.

Agriplex fees and usage

LJ- Letter from Jumps-Are-Us Inflatables. Local business that rents inflatables for parties. Sent letter regarding summer vs winter business. Asking BOCC to use Agriplex for winter activities. They are suggesting that they be given a special rate so that they can run their business there in the winter.

AH- The problem is the heating bill.

LJ- They want to have a flat rate, or a percentage of the sales. Suggested that county could have some revenue. Asking BOCC to reconsider rental rates from Agriplex to make it more affordable to the average business.

BOCC discussed and said that it's an interesting theory but needs to be proven. AH said that PUD rep mentioned that other entities use a similar space for winter activities full time. Discussion about other fairgrounds that do something similar with vendors who occupy a public space full time.

AH- mentioned possibilities of various local food vendors who might want to do something. Talked about a winter farmers market type thing.

JD- Brought up that farmers markets are based on growing food which is not available in winter. Might consider craft vendors.

CB- mentioned someone who was looking at trying to do something similar in Oroville. More discussion about basic heating and maintenance costs. How could it be cost effective? Multiple vendors to share the cost?

JD- Agriplex needs a drop ceiling to save heating costs.

Discussion about alternate heat source. Diesel fired heaters (indirect)?

More discussion about who to contact regarding vendors who might want to participate. Farmer's market folks, Ronnie from Economic Alliance?

AH- Switched to discussion about grant for mobile slaughter unit in the Methow. What about permanent facility? What about a combination? Slaughter on site, then take to stationary cut and wrap. Chewelah has something like this. OK county does not have a USDA inspector. One would have to come from a distance, and users would have to coordinate.

AH- Mentioned that demand for local grown food is growing.

Methow Headwaters Campaign

LJ- Moving on to next issue. USFS – sent info on reissue of outfitter/guides. Also Methow Ranger district proposal for special road permit for two roads near Gold Creek. Timeline is Nov 2017. Also USFS is conducting an analysis regarding Methow Headwaters.

AH- Headwaters campaign has been asking for a resolution from BOCC. How do we do that? I have mixed emotions about it. Newhouse asked me how to report on this without it being a NIMBY issue? It's difficult to go to a conservative congress and say you don't want to use natural resources. I suggested that the roads are not adequate and that the money generated would not outweigh the benefit of recreational value.

CB- This would be a good place for the conservative caucus to do some work. They should find some benefit.

AH- Let's take the Gebbers for an example. What if they wanted to build roads that were of benefit for the whole county? I would not be opposed to that. I told Newhouse that I was speaking for myself, but you have to look at the tourist dollars in the Methow vs other counties and areas that don't have such a big tourist income.

JD- Cited some other mines in Utah that are in big tourist areas that are hidden so nobody notices or complains.

AH- Cited a big coal mine in Wyoming that you can't see so it doesn't impact the tourist dollars.

CB- Mentioned that the voice of reason has to be looking at more than just dollar signs.

AH- Mentioned again that it would be very hard on our roads. And you have to be careful about setting precedent.

1105: Courthouse complex energy project report.

3 individuals present- no names mentioned. Project manager?, courthouse maintenance man, and an unidentified woman (possibly a State employee?).

Project manager- has been here for 2 weeks for final installation. Jail should be done this week. Complete with punch list Oct 27th. Training will take place soon. Close-out will be around 5-10 November.

JD-Are you at capacity?

Ans: We are above the minimum requirement of 300 gpm. Should increase with time. We had a challenging learning curve.

AH- What was the learning curve?

Ans: We hired out of area geologists and well drillers. Once we got the local guys involved it went much better. Discussion about details of geology and soil conditions.

JD- Cited comment by an experienced well driller- "water is where you find it, not where you want it to be".

AH- How does the rebate work? Does someone come in and test it?

Ans: My check-out report will have info confirming performance. Work with PUD who compares actual power bills with what we projected. They will do calculations and issue rebate check to county as appropriate.

AH- What if they look at it and there is disparity?

Ans: We will come back and try to find out why. Usually it would involve some repair or adjustment that will take care of it. This is fairly rare.

JD- Asked maintenance guy what he thought.

Ans: The heating and cooling has never been better. Very comfortable, and equipment is running less. Temps are constant and it's much quieter.

JD- This is a great project that most people don't realize. We had a 100 year old boiler and a lot of old equipment. This is a huge improvement, long overdue. My greatest fear was that if that old boiler had failed during a serious winter cold spell it would have been a disaster. We would have had frozen pipes and who knows what else.

Project manager: the nice thing about this new system is that any problem can be isolated to one zone and the rest of the system will still operate.

LJ- LTAC met last week and have some awards to recommend. I will be putting together a spreadsheet with the details.

AH- Had question about how to bill for travel related to meetings. LJ clarified for him.

LJ- Back to LTAC. Do you want to just see the recommendations, or would you like to see what the applicants asked for as well?

CB- just the LTAC recommendations. Unless there is something unusual that we need to respond to.

LJ- It's all pretty straightforward. They did a good job.

CB- discussion about adjusting fee schedule for agriplex with LJ. The county doesn't have a cost allocation plan, so we don't have a consistent way of charging fees. We look at the actual costs and charge accordingly, which is complicated and confusing. If we had a plan, we could have standard fees for everything- propane, maintenance costs, garbage fees, etc.

AH- discussed an article from the AG regarding open meetings act. Apparently if the meeting is taking place in public with public access, you are OK. Last paragraph had a caveat that even if it's a public meeting, if what they say and do in the meeting is illegal, it is not valid.

CB- makes proposal that county attorney research the ability of BOCC to participate by phone when necessary.

Short discussion. AH seconded, voted and carried.

Discussion about Robert's Rules.

Adjourn for lunch.

1:30 pm.

Voluntary Stewardship Council

Voluntary Stewardship council discussion of area-wide, vs local area plan. Craig Nelson (CN) from Conservation district.

CN- referenced other counties that have area plans. Cited Methow and small piece of Chelan watershed that could be lumped together. Okanogan Valley, and Kettle river/ Nespelum. Suggested that areas should be considered independent of each other.

Consider how land is used, socio-economic data, and geography, etc. One way to gauge success is how many people apply for various programs and use them.

AH- does this include conservation easements?

CN- It could, but we look at more broad things than just easements. We can see if we are meeting goals on a level that is meaningful.

AH- could you give an example of what benchmarks you are looking at?

CN- For example water level in a particular stream, or rotational grazing records. We need to look at how many resources it would take to track these things on local level. If we can do it economically at a county-wide level, it might be worth it.

PH- This board really hasn't talked that much about that. The original board wanted a county-wide program, this new board hasn't really discussed it in detail.

AH- why did they want a county-wide approach? Was it because they could reap the benefits?

PH- there was a fear that there was too much of a regulatory overtone. They didn't want one part of the county to drive a more onerous regulatory atmosphere that would affect the whole county, and they didn't want a sweeping rule that would affect everyone. They wanted the least onerous approach possible.

AH- I don't understand. Wouldn't a county wide approach be a sweeping rule that would affect everyone?

PH- Craig has a point, and we could see that it makes sense to look at specific details for different areas.

(Note taker observed that PH was essentially saying that if the rule was that there would be minimal to no regulation, then they wanted it to be county-wide. If the rule was to enforce stricter regulation, then they did not want it to be county-wide.)

JD- At first they were concerned about opt-in, or opt-out situations, and how it would work. They thought it would be too complicated. We worked our way through that, and now are figuring it out.

AH- so you would find out the pros and cons of going with an area-wide approach?

CN- I have a close personal friend who is very familiar with this and can ask him to give me honest input. I'm looking at this from a point of view of what it will take after the plan is implemented to do the tracking. Not so much how to get the plan accepted.

AH- I would suggest looking into how the conservation easements do it. That is essentially a form of voluntary stewardship.

JD- That is not the same- you are giving up something when you get an easement. We are talking about something that is supposed to be voluntary.

AH- I'm not talking about the specifics, I'm looking at the mechanism. Those easements are set up cooperatively by the landowners- they have input on what the requirements will be.

CN- Can we count leases on state and federal land as part of the benchmark? The state said yes, because it is showing an improvement, regardless of who owns the land.

CB- does it go further for approval than just the advisory council?

CN- Oh yes. The state makes the final decision on whether the plan is accepted. They will be the entity that will be getting sued if someone has a problem with the plan.

CB- So it makes sense that the 5 types of critical areas should be identified.

CN- Yes, those should be all part of it, but the cornerstone concept is that nothing should be done that would negatively impact agricultural operations. Orchards for example, have a lot of rules already that control their operations.

CB- We don't want to remove farmland just because there are critical areas. Are you looking at mitigations?

CN- Yes, cited an example of a cattle feedlot that had springs start appearing and affecting the area he had available. We put in some drain tiles to collect the water and divert it to an adjacent wetland. The objective is to not have any net loss.

PH- We just need to know at this point if the BOCC is open to the idea of an area approach vs a county wide approach.

CB- Absolutely. It's a learning experience.

CN- Yes, nobody had done this until about 5 years ago. In some ways we have an advantage that we are starting late so we can learn from what others have done.

Next agenda item- **Lake management district and water treatment**

There were 3 presenters, and about 6 people in the audience for this. None of the audience members spoke during the presentation, and all left immediately afterwards.

PH- We have some maps here that have been updated. We have pulled off all the secondary parcels. The map now shows just the primary parcels. We will identify the ag parcels that are not developed.

AH- How do the number of parcels affect the yearly assessment.

PH- If there are more parcels, each person would pay less. We are looking at around \$180K total.

Experts gave presentation about details. Note taker did not get names of these experts.

Expert #1: The first thing we did was to look at where irrigation pumps are located. We looked at 1300 ft. That number comes from state regs regarding minimum distance required for applying products. Products used are short-lived, and applied at 1-2 ppm. We can work with irrigators to shut off pumps during application. We send letters to property owners 10 days prior to application, and also post notices on the day of application. We are governed by DOE, which requires this.

We have treated 4 times since 2012. We don't treat during fish windows. There has not been any noticeable die-off.

AH- How would this affect organic growers?

Expert: We can test right after the treatment to make sure there is nothing in the water. If it is non-detectable it is legal to use for organic.

We work with pend Oreille County, and have done testing there which shows no impact. The best thing is to communicate with growers and make sure everyone knows what is happening. We will provide MSDS sheets to anyone who asks. (Gave MSDS sheets to BOCC for review).

CB- it says here that fish can swim in it at 0 days? And you can drink it in 3 days?

Expert: yes, but DOE requires 1 day. We are aware that some people have potable water intakes from the lake, and in those cases we will provide a supply of drinking water for them.

PH- We had a rep from the Farm Bureau who is working with us to define boundaries of the Lake District. We need to fine tune it and go out for another public hearing.

Expert: Discussion about acceptance of using chemicals to control milfoil, etc. Mention of 2,4 D. Comments suggested that it is still used occasionally. Cited a place where 2 gallons of herbicide can control a couple of acres of milfoil for a whole season. We try to use the very minimum amounts. We also apply it using a weight so that it goes on the bottom where it is needed. We have used dye to test, and it goes away right away. It goes into the plants rather than stay in the water.

AH- asked about Patterson Lake. It appears to have a lot of milfoil.

Expert: Actually, not really. We have done testing as recently as 2014, and it turns out to be a hybrid type. DOE wants to do more testing before any herbicide application is being made.

CB- that's important because native milfoil would have natural controls and chemicals may not be needed.

Next agenda item- **Marijuana advisory committee report.**

PH- committee has full membership now. There was an issue with a member, but they worked it out. 10 member panel now. The discussions are productive. We are generating maps for them. Looking at population density, crop maps. Looking for areas where it is not appropriate to grow cannabis, industrial hemp, etc.

CB- is this out of concern about cross pollination between industrial vs medical?

PH- yes, basically. We have industrial hemp regs on the books, so it is a matter of working it out. We are addressing cannabis as a whole, and can apply rules to marijuana and industrial hemp as appropriate.

Agenda item- **Smokejumper base**

PH- I prepared a letter for your review. I need to know if the tone of the letter is what you are looking for.

AH- yes, but it needs to be an invitation to come up here to meet in person with the group.

PH- OK. I will change it to include the invitation to a meeting.

AH- OK- but we need to remember that we can't invite them to their own property. We can invite them to meet at a different location to discuss the issues.

CB- Want to make sure it is a collaborative approach.

PH- need to have data on how many people it employs, how long it's been around, how much it impacts the economy. Historical type info.

JD- Bill Moody has all that info.

Water availability issues

Agenda item- Water availability study area OCC17A-400

Need one more person for quorum, will confirm then schedule public hearing.

Conditional use permit- *(not sure what this in regard to).*

PH- It's before the hearing examiner for a SEPA review.

AH- I would like to clarify. When someone asks me why is such and such a project getting approved? What do I tell them?

PH- SEPA drives a discussion, I decide if it's legal, then hearing examiner makes the ultimate decision. I do not offer an opinion, I only pass it along if it appears that it will meet all legal requirements and all items on checklist have been completed.

Discussion about finer points of reviewing SEPA and other conditions of a CUP.

PH- Discussion of water availability for a specific exempt segregation: proposed to break up large piece into two smaller and a BLA. This is allowed per county rules.

There was a hearing, in which one of the senior water rights owners had a concern about water usage. It's in front of the HE and we will see what he comes up with.

AH- previously we never were in the business of telling people that they could or could not drill a well. Now we are. This is new. I wonder what DOE says about this?

PH- I asked them this question, but there is no real answer. It's different now- this is not a philosophical discussion about environmental impacts, it is a senior water right holder saying that he thinks this will impact his water. We have no guidance on this.

AH- What proof are we requiring from people to show that their concerns are valid?

What's to stop someone who just doesn't like their neighbor, or doesn't want to see a bunch of subdivided land near them from using their concern about water as a reason to oppose it?

PH- This is what we have to figure out.

Tax Sale of property

3 pm- Leah McCormick- Treasurer

PH- prepared a resolution regarding some property that was put out to bid, but there were no bids. AG says it's up to the BOCC to set a minimum bid, but there is no guidance as to how that number is to be arrived at.

LM- I brought this up before. The assessor had put a value on it at \$25K. The taxes owed on it are around \$2.8K.

AH- We could shoot ourselves in the foot if we put a certain value on it and it's way off. What is the resolution?

LM- It would be to allow me to advertise it. I would like to put in on the calendar for December. If I put it back on the tax rolls, it will continue to accrue taxes until it sells, which will benefit the county.

AH- moved to accept resolution. CB seconded. Voted and carried.

Sewer Extension – Oroville area

3:10. PH- continuing on with agenda.

? Shores. Sewer extension for a homeowners assn. (somewhere in Oroville). Talked about how they would finance the project. Cost should be around \$750K. They are interested in some kind of improvement district to pay for it. If the BOCC are interested in pursuing this I will put together something for you. The HO ass'n would take care of any easements needed. They are looking at a Local Improvement District (LID), which would issue a bond. The County would be involved with administering the collection of the tax. Probably added to the existing sewer bill.

AH- need to clarify. How many lots are involved? Is it an extension of an existing system?

PH- The numbers that are being talked about are about 40 lots, and the cost per land owner would amount to about \$20K. We own the pipe, the ass'n would pay us for usage. Current septic systems would then connect to a new lift station.

AH- if it takes \$20K per lot, was this talked about when the lots were sold way back when?

PH- what drove this was their need for city water when their well failed. In order to get city water, they have to be connected to city sewer. The original sewer line was built to accommodate this future expansion.

CB- One of the dynamics was that way back when, the lots were selling for \$80K. Some people got their land for cheap.

AH- was there ever an assessment done about how many lots could eventually connect to this sewer system?

PH- yes, my predecessor did a study. It will accommodate a lot, the question is whether it will pay for itself.

AH- is there any way that on resale you can recover some of the cost of the sewer expense?

PH- If someone didn't pay their LID tax or connection fee, the county could have a lien on the property to collect the money when the property is sold.

More discussion about details of how to pay for such a thing.

Convened as Tonasket EMS board at 3:33pm.

PH- prepared a resolution and draft of contract. This contract gets us to where you wanted to be. We just manage the contract and collect fees. They are responsible for all maintenance and repair of equipment and property.

AH- moved to approve voucher for Tonasket EMS. CB seconded. Voted and carried.

Adjourned as Tonasket EMS, reconvened as Oroville EMS.

AH moves to approve voucher for Oroville EMS. CB seconds, voted and carried.

Reconvened as BOCC.

Water issues

Last item- Title 20

Waiting on one hearing. Event Center – one piece that has not been addressed is that of interruptibility of the well.

There is some movement in administrative appeals on water rights. I was asked to amend my decision, and after having been in discussion with Yakima Nation council, I have the approval so will go ahead and do that.

Mentioned some specific applications and details regarding them. Said that one in particular was conditionally approved, and sent on to DOE.

AH- this is a good approach because it shows that we are doing what is required, which is what Hirst decision is all about.

Dan Higbee- asked to comment on Title 20. Said it was all going OK. It's the new normal.

PH- one thing that has come of this is code compliance. We are finding that they may have approved water that they have been using, but that the structure they are using the water in is not built to code. When we find this, we pass along the info to the building dept.

Note taker departed at 3:48 pm.