

Board of Okanogan County Commissioners
Feb. 13, 2017

Jim Detro – JD
Andy Hover – AH
Chris Branch – CB

Albert Lin – AL
Perry Huston – PH
Lanie Johns – LJ

All writer's comments are in italics. This is a paraphrasing of conversations. As this has periods of BOCC work time there are extended periods of BOCC members looking at a variety of papers, reading correspondence on computers & smart phones – also emailing and texting.

Grazing, Malott & marijuana, Feral horses, Oroville, CA & Oroville, WA, Smoke Jumper base, LTAC goals & funding, Rotenone usage, Paper water rights vs actual use, Hirst bills blending, Water & Sewer & Lake Osoyoos, Water rights, Interplay of city – county – BIA, BOCC more open, Grizzly presence, Supplemental appropriation for Jail Cook overtime, VSP, Title 20 Omnibus meetings, Nightly Rentals, USFS & PH letters, Grizzly's & Morton Bill, Code Enforcement, Shoreline Master Plan, CAO, WIRA Area 48, Tonasket EMS, Fairgrounds contracts, Fairgrounds BR & Grandstand, Whistler Canyon, Hubbard Rd. Property, Meeting with USFS, Executive Session

9:03 JD & AH discussing a receiving a lot of complaints about grazing issues in TRD (Tonasket Ranger District). Seems 23 of 40+ permittees received letters of noncompliance. The discussion was quite animated and heated at times. JD & AH are expressing much concern over the tone of the approach of the letters of non-compliance. There is a pre-scheduled meeting with USFS personnel on Feb. 21 that is a more likely discussion point.

9:06 – PH & JD discussing whether **grazing permittee meeting** is to occur. BOCC has scheduled a Thursday meeting without confirmation of the availability of USFS personnel. The various permittees are likely to gather with BOCC members to share their feelings uncontested.

PH – conditional use permit for the **Malott Elementary School for marijuana** grow operation was denied and will likely be contested. A heads up for the BOCC as they will likely hear about the issue.

There is a short discussion between BOCC members about **feral horses and control efforts** – when does a horse become “wild,” feral or merely free roaming? Who is responsible for the grazing and actions of the animals?

Comment and discussion over the **confusion with Oroville, CA and Oroville, WA** concerning the Oroville Dam on the Feather River with its flooding, erosion issues.

JD – there is some review of the **Smoke Jumper base in Winthrop**. The study may amount to closing and the BOCC and others are communicating with Rep. Newhouse and Brian Danzel of the Dept. of Agriculture about the issue. The goal is keeping the base in Winthrop. Area. There are the loss of jobs and investment in the County, CB to get question and concern to his contacts in the EDD (Economic Development District) about the thoughts and efforts of the Port of Douglas County and Pangborn field.

Discussion of LTAC goals and funding. How money is spent, who sources the money to the LTAC are brought up. Promoting of a variety of activities in various areas of the county vs. the source of the tax money (largely the Methow valley).

AH – general thoughts on **rotenone usage** and general bias towards trout only fisheries even in lakes less than suitable for trout only and the viability of that direction. (AH greatly enjoys bass and other spiny ray fishing).

PH – USFS Tonasket Ranger Reidy not available this week but will be on a meet & greet next Tuesday. AH has talked with Mike Williams – USFS Wenatchee. A major issue is at what time or stage of a project or study is the county to be brought into the process. County wants to be brought in before general public comment period.

Paper water rights versus actual use complicates over allocation concept. BOCC has a discussion of recharge rates, perched water tables, refill of ground water from irrigation and how this complicates Hirst decisions and water rights and access to water and exempt well uses.

CB & JC went into a discussion of the variety of **Hirst bill in the legislature and the probable blending** of many of them into a single bill or two to move forward. It is hard to say what that would look like at this point. There will be a Tuesday morning conference call from WSAC – Washington State Assoc. of Counties. There is a complicated history of planning, farming, GMA & CAO issues to be considered. Long term agriculture usage is being force to manage and keep land in agriculture when maybe not best use in current economic scenario due to use or lose water rules. Preserving farmland in face of changing economics and greater macro-economic trends is a dilemma.

An **overview of water, sewer issues around Lake Osoyoos** and the East Lake Sewer system is a big long term positive but the short-term finances are a problem.

In general BOCC not eager to open **water rights and uses** due to a Pandora Box effect and not having much control over the outcome.

A brief discussion of the **interplay of city – county – BIA** taxing, jurisdiction issues & public perceptions and understanding of the interplay and complications and the consequent impact of BOCC. The discussion transitions into a sharing of points of view on the pros and cons of direct BOCC management versus county manager system and or a blend of the two. (Perception is that

Ok. Co. is a blend). How this impacts the role of the BOCC and what quality of person you get at different wage scales in a BOCC person – pros and cons again.

AH & CB go into an exchange of ideas about of how to be **more open to the public** and deal with open meeting laws. What are the practical limits of being open (cost, timeliness, details) and the inability to discuss some issues (lawsuits, confidentiality, need for extensive background in order to frame a topic, etc.). This discussion prompted by note taker asking about feasibility of an open panel by BOCC for public questions and a forum. Also AH will be on Open Line radio and there is a need for a FAQ like sheet of the county POV and not his personal take on issues – this is always a variable and BOCC members need to be careful in this regard. BOCC wants to be open to public but is difficult due to quickly evolving nature of many issues.

JD opens up the topic of the various scenarios of **promoting of grizzly presence** in the North Cascades. JD relates personal anecdotes of grizzlies being “dropped off” by outside agencies. JD wants to introduce actual evidence supporting the anecdotes. As is this is in the “someone said” or “it happened” and a need to obtain substantiated evidence. There is an exchange of the possibility of long term viability of introduction or natural re-population of a resident population of the North Cascades as compared to an occasional “wandering in” of the a single animal or such.

11:30 Supplemental appropriation for Jail Cook overtime. There has been an over expenditure for the position. BOCC needs to know why the overtime and why not budgeted for in original budget request for 2017. Was this an oversight, intentional, who & why – need more information. LJ – the request from the jail does not have much background information. After some investigation and phone calls it appears the there was budgeted OT in 2016 but none in 2017 budget. Now 2 months into 2017 and the is a request for a supplemental budget. Seems this might have been intentional so BOCC could examine the issues on a regular basis and was decided by previous BOCC. AH will look more into the request and process but need to be approved for now as the OT has already happened.

Lunch

1:30 PH report on **Planning for the week.**

VSP – a new contract with the Ok. Con. Dist. to gather info on a variety of projects in the county on critical areas issues – salmon recovery, stream enhancement, conservation efforts to help provide background for VSP process. JD – what if the legislature does not fund the program for the new fiscal year? PH – he expects work to be done and the legislature will find a way to finish the program even if there is a reduction in funds.

Title 20 – 1st of 3 **Omnibus meetings** will be 10am, Thursday. This will be a technical data introduction and not for public comments. Yakama Nation has asked for a postponement – PH does not want to delay the process so will go ahead and then hold the record open to give the YN an opportunity to add their information to the process. AH – if other relevant information down a

year or other time in the future how is this to be included? PH – with every decision going forward there will be a “finding” by the Hearing Examiner that will add new information to the Omnibus finding process. AH – how does a prospective builder find out the accumulated “findings” say 20 years from now? PH – there will be a searchable process. Ph does not know what this looks like but there will be an index on the website of all the info that comes in. New input could modify current understandings. Tim Flynn of ASPECT Consulting will not attend the Omnibus meeting but will send a Mr. Sullivan who is equally familiar for the \$2500 limit. MV Watershed group, Okanogan Watershed, Colville CC, Yakama Nation, Well Drillers, ASPECT and more are scheduled for the Thursday hearing. AH wants to make sure process moves quickly. He has been fielding a variety of calls from builders, buyers and other concerned parties wanting to get going and there needs to be a resolution. As an aside the ILA (Inter-local Government Agreement) dictates if someone wants a permit on tribal or trust lands must go with Tribe process, but if on fee simple lands can chose either County or Tribe but is locked into that choice. County will abide by or defer to Tribal standards in issuing its permits.

AH – Dave from Public Health – about **Nightly Rentals**. Could the County application for a nightly rental have provision for the applicant to know the steps and agencies to get the approval? Does the app. Also cover cities? Or are they different forms? Could a specific City app indicate a need to attach the city business license? In the past applicants to Public Health just processed regardless. With the new County regulation on nightly Rentals Public Health needs to know if the applicant is complying with the new regs before processing. Dan Higbee – Building Dept. – 1st looks at whether the app. is over 6 months usage. If not then there is no need for a nightly rental app., the specific 6 month threshold was asked for by Veranda Beach situation. Thought was cities would do what they want to do in terms of internal permitting and city would accept their process – County does not have jurisdiction within city limits.

AH – interesting about YN involved in the Title 20 and asking for a delay when they are involved in other legal actions with County.

USFS & PH letters 1) Transportation Plan 2) Grazing – have the letters requesting Feb. 21 meeting dates gone out? USFS is trying to meet schedule. BOCC wants to hold off on Transportation but move ahead on Grazing letter for next Tuesday meeting.

Grizzly’s & Morton Bill – AH asking if there might be a conflict with the Morton Bill which states that no state \$ could be spent on Grizzly introduction. What if the NPS/BLM/USFS bring in a grizzly – can the state do anything if they can’t spend money?

Code Enforcement – as Hirst and other issues calm down PH may be able to get back to Code enforcement. He wants to get office people to put out 1st & 2nd notices of code violations. PH goes out into the field and is the enforcement person – his personnel do not have background for actual enforcement.

Shoreline Master Plan – nothing new.

CAO – 2012 revision or 2018 revision? PH needs direction from BOCC. After a discussion BOCC will move forward on 2012 revision public hearing to accept or not accept 2012 revision that was postponed by previous BOCC. CB advocates a new release and outreach that the goal is get a temporary CAO and that there will be a complete 2018 revision to work on updates.

WIRA Area 48 – MV watershed Council and the 2 cfs per reach set aside. The plan is to take some of the extra water (Old Early Winters set aside) and move downstream for use by cities (Twisp & Winthrop) and perhaps water storage via diversion into water storage during high flow times within specific drainages. The complaint is this amounts to “using” water that is currently in the stream and that it will no longer be available for others as it is currently unused. YN wants improved fishery and is opposed to plan. F & W argue all of the 2 cfs are already gone – in stream flow rules were drawn from a mathematical model not a biological model so they object. BOCC position is to not do anything as it exposes the County to an uncertain outcome and is a Pandora Box including more lawsuits.

Planning Admin Agenda.

Tonasket EMS to pay vouchers. \$529. 12 are OKed. AH – when will the misc. voucher process & need go away? PH – when he gets and agreement finished. PH has gotten word back from the State Auditor, and needs to capitalize a new building for the Tonasket EMS.

Possible sales tax increase, Juvenile tax, etc. for a variety of needs for new buildings and other enhancements. March 14 @ 8:15 there will be a meeting with **Courthouse & Justice** people to discuss the issues with BOCC.

Sheriff’s Office has responsibility to assign & designate as they see fit in regards to personnel.

Fairgrounds contracts. A question from PH if the current BOCC wants to see changes in management and process at the fair grounds such as contract for usage. AH would like an overview on which venues come into the Fair Grounds. PH will make a written policy to govern usage but it is not wise to decide on a case-by-case basis – that would open up any number of arbitrary issues. Should every event that uses Fair Grounds and serves alcohol be required to have uniformed security? Currently that requirement is waived on a case-by-case basis. PH & Risk Manager want to have a rule uniformly enforced. All must have uniformed security, no waiver. No decision.

Nothing new on **Fairgrounds BR & Grandstand.**

Whistler Canyon - possible land surplus. A map was produced showing the proposal and possible actions. This is the south and east end behind and south of the current parking lot. The BOCC wants to put an agriculture restriction on the sale and then move to an auction process.

Hubbard Rd. Property - possible surplus sale. This plot previously went to surplus sale but did not sell. Now Morgan & Sons have approached County as they have developed a legal sewage disposal site nearby and would want to buy the property. County will arrange for an effort to sell both properties at a public auction.

Next Tuesday @ 2:30 - scheduled **meeting with USFS** Tonasket Ranger Matt Reidy and Mike Williams, Wenatchee. County is asking to move to 1:30 to accommodate JD trip to Olympia. This meeting would include grazing issue.

PH concludes Planning Admin. session.

AL asks for an **Executive Session** regarding possible litigation. Session is scheduled to last of 15 min. with BOCC, AL & PH.

Note taker leaves.