

BOARD OF OKANOGAN COUNTY COMMISSIONERS
04/15/2019

In Attendance at Meeting:

Jim DeTro- JD (BOCC)

Andy Hover - AH (BOCC)

Chris Branch – CB (BOCC)

Lanie Johns – LJ (Clerk of the Board)

Angie Hubbard AHu (Planner)

Perry Huston - PH (Administrator & Planning Director)

Unidentified County staff - US

Kurt Dannison – KD (Tonasket City Planner)

Jon Neal - JN (Oroville mayor)

Mike Warden - MW (dispatch center)

Wayne Walker - WW (Lifeline Ambulance)

Tyson Carlson -TC (Aspect Consulting)

Kelsey Taylor – KT (Cannabis industry representative)

Anders Taylor – AT (Cannabis industry representative)

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

Tonasket Airport Safety Overlay, Continued Public Hearing

After discussion with the Tonasket City Planner, the commissioners unanimously approved the Tonasket Airport Safety Overlay.

Oroville EMS Levy Discussion

The commissioners discussed the scheduling of two upcoming levies with JN, MW and WW. They were concerned about the possibility that it would be difficult to get approval for two levies. The need for clear communications with voters was emphasized. It was agreed to move forward with both levies.

Mitigation strategies for exempt well

TC, a hydrogeologist with Aspect Consulting made a presentation on 'mitigation' required by ESSB 6091. The legislation requires watershed plans that will offset (i.e., 'mitigate') water consumption from future development that relies on exempt wells. Many mitigation options were described and discussed.

Making Hemp Possible

Two cannabis industry representatives proposed modifying the existing cannabis ordinance to allow cultivation of hemp for CBD (i.e., medicinal hemp). Currently there is a 10 mile mandated buffer between cannabis production and hemp production. Feminized plants could be grown within the buffer that would not threaten the production of high-quality cannabis. PH suggested that the next step should be a specific proposal provided by the proponents. The commissioners agreed that the subject will need further discussion and that the issue should be sent to the Planning Commission for consideration.

Planning Update

Tonasket Airport Safety Overlay, Continued Public Hearing

Discussion of draft ordinance underway. Commissioners ask whether there are any plans for extending the airport. KD describes Tonasket seeking funding for airport improvement – competitive funding source. Says safety ordinance as supporting the funding request by assuring that development will not further encroach in the safety zone.

CB moves to approve ordinance; AH seconds; motion carries unanimously.

Personnel

US – confirmed there is a line item (*for making a hire*). Carrie (*Auditor*) and I discussed it.

AH – Carrie told us that the carryover in your budget is \$14,000 more than expected. But we don't want to draw down your future budget. Need everyone to talk it through; make sure that the money comes from current expenses (?) and carryover.

US – Total is \$29,000.

AH – Do you have a job description?

US – Yes.

JD – Looks like we are good to go.

US – I will get with Tanya (*describes procedures for proceeding with hire*)

AH – You don't have a line item right now.

US – The good news is that we don't have to have all the money right now... Thanks for your direction.

BIA (Bureau of Indian Affairs) notice - Review

PH – A few items. Received notice from BIA– want to designate property in Coulee City as (?) Don't get this kind of communication often. We can map it; do a work-up...

CB – Mapping it sounds good. Checkerboard ownership.

JD – Sounds like a city lot.

PH – Yes, it is a small city lot. They don't usually describe what they want to do.

CB – Guess it is probably an individual trust.

PH gives an example of an individual trust parcel being used for a new gas station.

JD asks if anyone is interested in a work-up.

AH wonders why the BOCC should be interested.

PH – This is your opportunity to object. If it was 200 acres, it might be a potential casino site. Previous board was interested, the one before that, not so much.

AH – It is a small lot, in town.

PH – This one might not be interesting. Provides the opportunity to establish a procedure for responding.

CB – My interest is that we have similar issues with checkerboard ownership.

AH – So, can you give us the information on a map?

PH – I can do that.

CB – The time this would be important is if it is a commercial endeavor.

PH – Okay, I've got it.

M tank ceiling project

PH - Have published notice. Will get submittals. Staff will review. Will bring that to you. Then we will develop contract.

Miscellaneous Items

PH - No executive session needed.

PH - Meeting on the 24th with the Colville Natural Resources Program. Want to see if they have better language for zone code language, comp plan.

PH - Have code enforcement complaints; need to get out on Wednesday to check on those. We have entered recreational bulldozing season.

2:00 Oroville EMS Levy Discussion

PH – Rural and urban levy discussion. When to get it on ballot. Other measures need to go on ballot.

AH – When we signed the resolution about wanting to after that .1% (?) We understood that you were going to put it on this year's ballot. We have to figure out timelines. We are past timeline for special ballot. In order to get it on the primary ballot, we have to submit it (*note taker doesn't hear the date mentioned*). For the November ballot we have to submit information by Aug. 6. If it didn't pass in the primary, you won't be able to get it on the November.

MW – When I heard that the communications levy would be on the November ballot, that was when I decided the primary ballot.

AH – Do we have the time (*in the next month*) to get the information out that the public needs?

PH – Probably Plan B is to get information out any way you can. There are some people interested in carrying the banner, so to speak. In terms of .1%, we don't have the time. We have a combined geographic region for the EMS; a widespread area.

AH – So, we've got 4 months for – plenty of time for writing a good ballot measure. Do we want to try to do that this year, or do we want to build momentum for it and not overwhelm people with two sales tax increases?

MW – I am not going to jam up the County saying we have to have it this year. We can manage. The EMS situation in the north county has been evolving for a while.

AH – Right. We have to make decision. The .2% didn't pass (?). How do we convince people a second time? 'What does this do for us?' Don't want a sales tax that is so regressive that people will go to Wenatchee.

JN – I can see both sides. I am involved with both. I can tell you that in an emergency situation, communications are critical.

WW – Whole county affected by emergency communication sales tax; see that has gained a lot of momentum. It has been worked on, and pushed down the road for multiple years. I am more of the mindset to try and fail rather than fail to try.

AH – If you think we have the momentum we should go ahead. Do you think there is enough information out there to put it on November ballot?

MW – My opinion is that we have a publically consumable education packet for the communication part. Haven't been a part of the EMS levy.

WW – All the work I have been doing was to shoot for the November ballot. But EMS, I think if we know what our deadlines are, have the green light to plow ahead, we can get that out.

CB – Is Oroville going to the 50 cents?

JN – Haven't made a decision. Can throw that out there at council meeting tomorrow night.

CB – I think we need to stay with 50 cents; a lot of people don't understand that it was a renewal. Signs should have the word 'renewal', just to get that out there.

JN – They need to understand that no matter what system is out there, we still need that money.

AH quotes the budget numbers from recent years – says that it is not a lot of money.

PH notes that current practices might not pass muster. If you are going to control staff activities, uniform them, etc. you have to pay them accordingly.

AH notes that we don't have the resources in the county to administer all the people who volunteer.

JD – We have been through the volunteer system and seen the flaws. Now we have a system that works and we need to maintain that. They have gotten used to a certain level of service. I could give a slide show on the reasons the State Auditor (?)

WW – Making the adjustments we have made has worked, on paper. Volunteers up there have been fantastic with willingness to come out. I have all the statistics. The numbers lay out almost identical to what was projected. Due diligence we did – it all works out. To my knowledge there has not been one time when we have failed to meet the state response time standard (*required to meet it 80% of the time*).

AH – So, are we going to push it up to the November ballot?

CB asks whether that will cost more; evidently not.

AH – The campaigning will be compressed. I think the important thing is good verbiage on the ballot – consistent between city and county. Make sure people understand even if they have no other language.

CB – And that it is one measure. It is not two taxes.

JD – Verbiage needs to be crystal clear.

CB – Helpful to have the volunteer fire fighters out there; they are our best messengers;

PH summarizes the question in front of the BOCC. Discussion ensues.

AH – So, we are going to push and get the EMS measure on the ballot?

PH – Prosecuting Attorney's office develops language.

AH – I would want to see it.

JD – I think you all should be involved...

AH – Maybe we should develop something good, then show it to you. Maybe you could adopt that. (to LJ) Can you get the language used before?

Discussion about avoiding confusing language.

LJ – Some of the language has to be in there.

MW – Can we get the Prosecutor's office to tell us what that is?

LJ – Probably the prosecutor and the assessor.

Discussion of timeline for developing language. BOCC want to see something by next Monday (required language)

PH – Communications tax (to MW) Are you going to take the lead on that?

MW – Yes. I have already been talking to Dave Gecas (*attorney*).

PH – Do we have a plan?

CB – Were you contemplating open houses?

MW – Not yet. I have been concentrating on (?).

CB – Just a thought. Could be helpful.

More discussion of the challenges of communicating needs to the public.

Mitigation strategies for exempt well

PH introduces TC.

TC brings up a Powerpoint presentation. Notes that mitigation in tributaries is more complicated than mainstem.

The following text depicts the presentation by TC, except where noted.

1. Why mitigate?
2. Approach
3. Mitigation Toolbox

TC talks about seasonal closures due to instream flow rules. Mitigation can be used from one season to apply to another. Notes the differences between Okanogan and Methow.

Provides regulatory overview: WAC 173-549-020, 173-549-025; 173-549070

Shows ESSB 6091 Map. Notes 2 basins required (Whatcom, Nisqually) to provide plans last year. Nisqually made deadline; Ecology took over in Whatcom.

Tasks:

- Define 20-year exempt well consumptive use impacts
- Define water-for-water projects at watershed scale
- Define mitigation gaps in time and space at subbasin scale
- Define list of Net Ecological Benefit (NEB) projects
- Determine NEB, consensus recommendations
- In-kind/Out of kind mitigations
- Consumptive use estimates

Displays list of possible water banking to redistribute water rights

AH – What is the process for transferring ag water rights to city?

TC – Depends on what you are impairing with change of season. We do an impairment *analysis (flow conditions in winter)*. Is there the capability to store water to compensate for season-of-use change. *Cites storage in the Yakima basin*. In tributaries it becomes harder. Water banking is increasing across the state. Market is changing rapidly. Kittitas County has started a water bank, lowering the cost for buying mitigation certificates. *Displays 'suitability map', showing areas Kittitas water bank could serve.*

Evidence-based conservation measures. Comparing baseline data on water use or estimates prior to implementation.

Aquifer storage and recovery. Injection wells storing water when water is high; withdrawing when low. *Provides White Salmon example.*

Managed aquifer recharge (MAR). Similar to septic drainfield. Take advantage of lag effect. Not withdrawn. 'Wave' of water timed to reach tributary during critical periods. Considerations – hydrologic and hydrogeological. Not the cheapest option.

AH – Not cheapest, but could be useful where there is little to no natural storage. What are the biggest risk factors?

TC – Probably, available water, demonstration of efficacy. SAR (*injecting water into wells to recharge aquifers*) has huge permitting challenges.

Cisterns. Used to be frowned upon; now becoming a necessity. Water delivered by truck, put in a cistern and used for indoor. Some counties has struggled with DOH (Department of Health) cistern policies. Issues with potability. Looking at groundwater well to provide potable water; cistern provides mitigation water. Working on consumptive use pilot study in Kittitas. Indoor use metered; outdoor use prohibited. Septic effluent metered.

AH interrupts, leaves for a conference call with WSDOT.

TC - Indoor consumptive use estimates ranging from 20-30% (Upper Kittitas Rule); others at 10%. Aspect thinks it will turn out to be less than 10% (5.38% or less – Kittitas Deneen pilot goal)

Storage – Columbia River Mitigation (Lake Roosevelt incremental storage releases – one foot annually and 1.8 ft during droughts)

JD mentions Odessa aquifer recharge project. Discussion ensues, including water reuse projects.

CB asks about floodplain 'Floodplain by Design'

TC - Poison Creek near Cashmere. 20 acre-ft potential storage. Incised channel; channel-spanning wood structures.

(Analysis by Natural System Design showing 200 days of flow benefit)

JD – So it will shorten closure?

TC - Or eliminate it.

Wetland restoration opportunities.

Source substitution. Bruton ditch/Taneum Creek. Cabin Owners Mitigation (60 acre-ft mitigation)

Hydrogeologic Impacts. Example – Kittitas KRD canal. Development on tributary alluvial fans. Mission Creek, Chelan Co. – determining debits to tributaries vs. mainstem.

Culverts – fish passage mitigation.

Note taker mentions the need for screening on high flow storage projects. Costs and maintenance.

JD – Can't have unfunded mandate.

CB – Working with state so that more than highway culverts are addressed.

Discussion of costs.

Evaluation and accounting. Spreadsheet tools for quantifying benefits.

WRIA 11 (Nisqually) plan approved by Ecology. Projected offsets a little over 2 cfs. Climate change is the real problem.

A lot of opportunities and technologies. It boils down to site specific conditions. No one tool.

Hard lessons learned in (?). Don't sweat the demands; concentrate on mitigations

AH – Figure out what you can do. That will be your limiting factor.

KC – Fairly easy solution in Okanogan (?)

PH – Tech Committee is sending mitigation options to Planning Unit.

AH asks about progress on consumptive use analysis in WRIA 48.

JC – it is 'under construction'

AH asks about how much hydrogeology is needed in regards to timing of impacts of well vs. MAR opportunities. JC replies that some hydrogeology is needed.

AH – One of the problems is 'molecule for molecule', so you could be taking out the recharge water. Is there a way to show that isn't the case? Is it possible to say that you will not be taking a molecule from the surface water.

JC – Difficult to say. Hard to prove a negative.

JD mentions there is always another lawsuit. PH notes that the next one is cued up with Net Ecological Benefit.

3:55 Making Hemp Possible

KT - Concerns of growers. A few ideas of how that might be possible. Everything (*hemp*) is clumped in as industrial (*in the ordinance*). Can be grown for a variety of reasons – fiber, CBD oil. Okanogan is not good for industrial hemp because of infrastructure requirements. CBD oil, might be; more labor intensive.

AT – Existing buffer requirement makes Okanogan more appropriate (*for CBD hemp production*). (*Talks about legislation; possibility of establishing rules in County that would allow CBD oil hemp*). Production could begin this season. Easy to grow for flower production using only feminized plants – need no buffer from cannabis. Would allow cannabis growers to diversify into hemp. Labor intensive. Basically the same as cannabis, only without the THC. Niche product. County would have access to the national market. So much overproduction in Washington State. This would be a way of allowing struggling cannabis producers to make a profit. Big key is, it has to be feminized. That would be the way to alter the bans that are in place (*10 mile buffers between hemp and cannabis grows*)

CB – What would be the enforcement for feminized plants?

AT – Verified sources of seeds or clones. We have been growing CBD plants in our operation since 502.

CB – So the difference is that you could see it. From the seed and fiber end – you are aware that there have been various efforts here to grow seed crops.

AT – Industrial hemp will never take off in this county because of transportation costs. It will all be produced close to those hop processing facilities. We have spoken with investors interested in funding drying facilities. The big thing that adds to the benefit to the county is the availability of new jobs.

(Describes labor needs of 1 ½ acre cannabis grow). We would be looking at putting in 10 acres of hemp production this year. Looking at 150 jobs for the county, this year.

CB – If hemp didn't smell like the other 'hemp', it would be easier.

AT - Different strains have different odors. We are concentrating on varieties with more floral scents. Difficult to regulate that, but most growers will try. The smell lasts about 1 ½ months.

AH – You (KT) were on the Advisory Committee. You wanted the 10 mile buffers. Now, you are coming back, saying...

KT – I wasn't aware of feminized plants. Industrial hemp is grown on a huge scale, making big problems for cannabis growers.

AT – We are just getting feminized seeds. That is very inexpensive, can plant with a tractor.

CB – Interesting. Sounds like it needs to go to the Planning Commission.

PH – No ban. Hemp production is allowed (on the Colville reservation). Would need to do two things: amend the definition of hemp and change the District Use Chart.

AH – So, you could grow it outside a fence, on a way bigger plot. Would require an extensive conversation. Would it make our lives easier or harder? Would the added jobs offset the downside? For us it requires extensive conversation. I would say, ship it to the Planning Commission.

CB – Wouldn't you want to have the conversation first?

PH – It would be easier to have your detailed conversation after you have a proposal to look at. That would be the vehicle for sending it to the Planning Commission.

AT – I understand. When we first started, grows popped up everywhere, caused backlash. Might want to do Conditional Use Permit. My opinion is that this is a result of moral outrage about growing marijuana. As long as we are giving proper notice to neighbors...

AH – Honestly, it doesn't matter how hard it is for us. That is what we got elected for. The issue is what is the effect on the people of the County? I think Mr. Huston's thought about what would an amendment to the code look like? You talk about only having feminized plants: we can't police that and we can't direct where people get their seeds.

AT – *(Too rapid to record)*

AH – You are getting into the weeds...

KT – It should be self-policing. There is a strong incentive not to grow male plants *(for CBD production)*. As long as you are clear about what the hemp is being grown for...

AH disagrees, citing Roundup-ready alfalfa problems.

AT - Sure. The difference here is that if you are growing hemp with male plants in it, you will never have any buyers.

CB – Thank you for your time. We here will need a little more discussion. Need to define what we are actually look at. Taking a look will take up somebody's time. Typically the Planning Commission is a research body. We will have to talk about that.

KT - Would be happy to help with that. Would be easy to start with a small-scale test.

CB – Glad you acknowledged that at the beginning, the rules were loose. The way the zoning is in Okanogan County is more or less formatted. Doesn't lend itself well to restricting uses.

4:32 End of meeting