

**Board of Okanogan County Commissioners
Regular Meeting 5/16/17**

Present:

AH-Andy Hover, Commissioner, District 2

JD-Jim DeTro, Commissioner, District 3 (Chair)

CB-Chris Branch, Commissioner, District 1 (Vice-Chair)

LJ –Lalena Johns, Clerk

BR-Ben Rough, Director, Public Works

JT-Josh Thomson, Engineer, Public Works

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:

- **Public Works Update**

- **Citizens Comment Period (presentation by MVCC on Title 20- permitting with regard to the Hirst decision)**

- **Public Hearing – Supplemental Appropriation Fairgrounds Facilities 127**

- **Public Hearing – Utility Franchise City of Pateros U02-17**

Note-taker arrived at 11:00AM

Public Works Update:

Summary- Ben Rough reported on management issues such as job openings, contract negotiations, solid waste management, recycling.

Josh Thomson reported on road conditions and projects that are underway. Opened conversation about changing speed limits on some roads.

BR-Started out discussing the leasing of some office space. *Note taker did not hear the specific location of this space, but it appeared that this was an on-going issue and not a big deal.*

Open Jobs

BR- Job Position openings- There are still several open positions, and it's taking a lot of time to fill them. Of the current job openings, some are temporary, and some are permanent. Some are from people leaving, and some are seasonal.

A medical issue within shop personnel resulted in a temporary position to fill for <6 months. Also a full time mechanic is needed. He will try to interview next week. We are receiving some applications, but not very many. There is a pretty small pool to choose from.

BR- Going to walk levy tomorrow with Verlene. *Note taker did not hear the specific location of this levy.*

Sewer Maintenance agreement with Town of Concunully

BR- The Concunully agreement for sewer utility maintenance is done. Their Town Council signed it. BR will meet with Albert Lin to sign. Should be to BOCC for signature next week.

State Audit

BR- State audit status- going well, all parties are satisfied. The State will take a break of several weeks before resuming the audit.

Solid Waste and Recycling

Br- Our Solid Waste management plan is starting to pick up speed. Will be reporting back to ? as it progresses.

JD- brought up comp plan with regards to recycling. It seems that we are always behind. Cited what Wenatchee did, which is to only take amount that they are funded for.

BR: I had that conversation this morning. Parametrics (*note taker assumes this is a company that has been contracted to do a study for the County*) will look into if OK county is allowed to do that. If we can leverage State to increase funding for recycling, it would be good. We need to decide if OK County is going to do more with recycling than required by DOE, or if we just stop when funding runs out.

AH- mentioned Whatcom county system where they are using digestors that process waste, cardboard, etc and extract methane.

JT- We are such small scale that it is hard to make it pay.

JD- Described another system somewhere that processes 200 tons per hour of recyclables.

AH- What are pitfalls that we could run into with garbage collection?

BR: One of the hurdles with recycling is machinery expense, since we are so small scale. It ripples through all the related issues such as leachate pond, garbage collection, etc.

JD- There is new tech that is recommended in lieu of leachate pond.

BR- They are expensive, and have high maintenance costs.

Discussion about incineration, solar arrays, etc. What to do with waste material from such systems. Others have tried it, but it is not necessarily cost efficient.

JT- We need to do what we can to extend the life of the current landfill. Manage what goes into it to make it work better. Green matter affects the decomposition process.

AH- Do we need to think about collecting green matter separately?

BR- We should look at that, how it's constructed, what goes into it, etc.

CB- Isn't this in the scope of what Parametrics is looking at? We had several technologies presented to us.

JT- We should at least look into all of these options and document it in our plan so that we can show that we have considered multiple options.

Discussion about a potential project in Oroville for co-generation plant at a sawmill. JD told story about what happened there in the past. All was set to go, but it fell through. Story is that BPA didn't want a sawmill making electricity.

BR- Still wondering about digesters, and what happens with the effluent.

AH- The methane gas is used to dry the waste so there is no liquid to deal with.

This guy has 75% of Whatcom county's garbage. It is run in conjunction with Waste Management. They even deal with cattle waste from dairy farms.

CB- What are the tipping fees?

AH- They are about the same as ours.

BR- There are probably a lot of things we could be doing. We need to be looking at cost efficient methods of dealing with waste. There are going to be a lot of changes over the next 10 years.

CB- The recycling committee has been looking at all the technologies that have come along. It comes down to capital investment. It's costly due to our scale and location. What is landfill space worth?

AH- Maybe we need to pull out pieces of the garbage stream that are easier to deal with (green waste, etc).

CB- The expensive part for us is transportation.

JT- Raising tipping fees is not necessarily going to help much. The main hurdle is ease of use. If people have to work too hard to do recycling, they won't do it.

CB- The recycling committee discussed using a single stream, and what is the expense of doing it? It was shipped overseas, and the market crashed and then it was more expensive.

AH- People don't recycle to make money. They do it because they think it is the right thing to do. Why not charge people to recycle?

CB- People asked us why we aren't recycling everything? Other areas subsidize it. Can't make money on it.

Discussion about the cyclical nature of the prices for materials. Sometimes it pays, sometimes it doesn't. Can't count on it.

BR- Solid waste negotiations are going really well. (*Note-taker assumes this is with the Union employees who work in the Solid waste division*). The conflicts and angst with the union that were in the past seem to be gone. The discussions are respectful and both sides are receptive to ideas from the other side.

Schedule- solid waste negotiations on Monday, may have jury duty on Tuesday.

AH- Mentioned that there is a lot of rain forecast for tonight, with snow in the mountains.

Road condition report:

JT- Squaw creek is sliding slowly, dropped about 1.5 ft. Signs are up, two people live up there and have access. We are monitoring it.

Similar situations are starting to appear in Tunk Creek and Burma Rd. Tunk Creek is not serious, Burma Rd looks like it's deeper. Could be expensive. No way to fix other than digging and replacement.

Loup Loup Canyon- went up there yesterday. Washout is not where we thought it was. Culverts are out, big 100 ft wide washout came down. We can clean it up when it dries out. Loup loup creek will be several years before it calms down. Working with State on a 5 year plan to do a rock driving surface until it can be permanently repaired.

Peter Dan Rd- getting a lot of calls about slide. Trying to come up with temp solution for one lane.

Upper Beaver Creek- Logs are cleared out, and it is working OK now. We do need to fix it. Contract, or County?

AH- Should we get Chris (*note-taker did not hear the last name of this person*) on the agenda to talk with us? I've talked with Yakimas about mitigation, etc.

JD- this would be an opportunity for BPA to contribute to mitigation. They are always selling off land for salmon, then they don't contribute to fixing road failures that result from the work they do.

CB- This is an opportunity to get all the stakeholders together to look at what's happening and figure out a way to have everyone contribute to mitigation.

AH- Expressed frustration and said he felt like the County was under attack for not taking care of roads, when problems were caused by others.

CB- We need to address communication problem so that people are not pointing fingers at each other and instead are working together to address issues.

JT- There has always been an attitude that the fish projects don't have to follow all the same rules as everyone else. When problems happen they (the organizations that are implementing the fish projects) don't want to take responsibility.

Discussion about a location that is being considered for fish passage culvert and whether it is required or not. Larger arch is good for absorbing high runoff, but what is the cost between that and just a standard 36" or 48" culvert. State wants County to pay for extra cost.

AH- We have a duty to our taxpayers to manage a budget and not spend money unnecessarily. The state is mandated to provide for fish. The County is mandated to be responsible about how we spend our money. This sets up a potential conflict- we need to get both sides together to understand what each is trying to do.

CB- It's important to avoid an institutional attitude that is confrontational.

JD- So often the state purchases property and then doesn't maintain it or pay taxes. Local ranchers and farmers have some resentment. Has spoken with many locals who have said they don't care who owns property, as long as they take care of it.

JT- SR20- They are still digging, and there is more drainage damage. The emergency contract for repairs is over this week, and we will open bids for a permanent contract this week. There could be a delay if a new company gets the bid and has to get up to speed. There are no estimates on when one lane will be open.

FEMA PDA- haven't heard anything back. Rattled off a bunch of names of status for repairs to Peter Dan Rd. Could be \$1.9M to repair.

JD- Senator Short called and said to keep track of expenses in case she could help get State funding.

JT- There was 59 hrs of overtime this period. Not too much unexpected, mostly budgeted for already.

Indian Dan Canyon project is paving today.

Proposed changes to speed limits

JT- Speed limits- general rule is 50 mph on paved, 35 on gravel. When Indian Dan Cyn rd becomes paved, it could go to 50 mph, but we recommend keeping it at 35 mph due to narrow winding nature of road. Gebbers support keeping it at 35.

Texas Cr Rd and Old Carlton Rd, will receive a petition from local residents to reduce from 50 to 35. Unsafe for kids and others in area.

AH- There is a petition coming to drop speed limit in front of Mazama Store. Goes from 50 to 25. Want to have a step down in speed limits. We will process when received.

Discussion about parking for snowmobiles, etc around the Mazama area.

Bridge condition and inspection report submitted for review of BOCC. Two are structurally deficient. These are under construction and will be fully functional when completed. 4 are functionally obsolete (this means too narrow). Need to seal decks on a few (2 major ones). None are in unsafe condition. Majority are inspected every 24 months. Some are 12 months because they are not in great shape. JT is a certified bridge inspector as of last Fall. All bridges will need to be in the State system if we want funding in the future. There are some bridges that have to be load rated by the end of this year. A consultant will be hired to accomplish that.

CB- When do you put your street and road plan out?

JT- It's required by the end of the year, but we try for June/July so as to be consistent with what towns and other agencies do.

Hwy 7 project is scheduled to go out for bid next week.
Indian Dan Cyn Rd is being paved today and tomorrow

Working on an application for guard rail for that project.
Hazard tree removal is moving forward (with Conservation District)
Meeting with WDFW tomorrow. (to discuss road plans).

CB- What about DNR? Should we touch base with them about their roads?

AH- We should meet with Forest Service and DNR to talk about travel plans so that we all know what is happening.

The above is in context of which roads will be closed, etc.

CB- What about the road to Leader Lake? We don't know what other agencies have in mind.

JD- Surprised about rules regarding ATV's at State parks. Was allowed to have an AVT on a trailer at Concunully State Park.

Talked about road near Molson that may want to have speed limit adjustment. This would allow connection to Chesaw. This makes sense to get around the area and 9 mile.

Concluded Public Works report at 12:20pm.

Break for Lunch.

Resume meeting at 1:38 pm.

Public Comment Period:

BD- Brian de Place, Executive Director Methow Valley Citizens Council (MVCC)

LS – Lorah Super, Program Manager, MVCC

AL- Albert Lin, OK County attorney

PH- Perry Huston, Planning Director

BD & LS presentation regarding Title 20 (DEVELOPMENT PERMIT PROCEDURES AND ADMINISTRATION)

BD- We are representing MVCC. Thank you for having open public comment opportunities.

AH- Reminded everyone present that the BOCC are involved in litigation that may restrict what they can say.

CB- Mentioned that county attorney has said that it's OK to talk about things that are not under lawsuit.

BD- We wish to convey constructive comments, mostly about the process, not on any specific topic that is currently in litigation.

AH- Requested that Albert Lin be present for this conversation just to be on the safe side. (*brief pause while AL is contacted and makes his way to the room*). AL says that MVCC is in litigation on Title 20.

BD- Title 20 is the topic, but we wish to address the administrative component only, and some comments on the process. We also have some suggestions for future changes to Title 20, should the BOCC decide to open it up for revision.

AL- Asked if MVCC has contacted their attorney for approval about presenting their comments.

LS-yes

AL- Said that discussion is OK as long as it doesn't include comp plan or zoning, which is under litigation.

BD- Reviewed timeline of Title 20 implementation, and offered input on the experience so far.

Omnibus hearings- what came from them? MVCC is getting questions about that. We would like a report on the analysis from omnibus hearings. Haven't heard anything about the results. We are aware that there is a list of records on the County website, but nobody has heard anything about what the analysis has revealed. We have heard that permits are starting to move through, but have no info on why they have been approved.

AH- We talked yesterday about this. Prior to Hirst, DOE was the agency who determined water availability in terms of building. I posed the question to Perry Huston- what is DOE's role now?

The Omnibus hearings were the first compilation of a whole bunch of information.

BD- Agreed that gathering info is a starting point, but there is no information coming out about how the data is being analyzed and applied. i.e. Why are some building permits being approved? What criteria is being used to determine that there is adequate water? The only way now is to file for a Public Disclosure Request (PDR).

Perry Huston (PR) enter the room, along with a rep. from the Fairgrounds. (*note-taker assumes he was the Fairground Manager, although he was not introduced*).

2:00 pm - Break in comment period for scheduled public hearing. **Supplemental Appropriations for Fairgrounds Facilities.** Brief discussion about internal funds transfer between line items so that fairgrounds can pay bills. Fuel, small tools, utilities. This is due to change in categories for various items. It doesn't change bottom line of budget for fairgrounds.

AH- made motion to adopt

CB- seconded.

Voted and carried unanimously.

2:05- resume public comments.

BD- Our comments are about providing more transparency. Letting public know how decisions are being made.

AH- Why does the general public need to know about site specific details that don't apply to them? Example: someone gets notice that they have adequate water. Then the people around them think that they don't. It's costs \$\$ to put legal notices in the paper to announce every single application.

BD- Suggested that the info doesn't need to be in the legal notices, but rather on the web site in plain language that describes the general nature of the project.

AH- In another county there was an issue where two hydrogeologists were in conflict about whether water is available. Science is great, but water science is hard. It's about managing a resource, that is finite at some point. How to do it is difficult. We've thought about a water bank. Cited someone who has extra water and wants to put it in a trust, but is scared about losing it. Would rather dump it than lose it. How do we encourage people to do the right thing?

BD- We appreciate the complexities. Maybe we could address smaller issues first.

CB- I heard you say that you are not getting the criteria that is used to make the decisions. Is that right?

PH- The Omnibus hearings are ongoing. We are talking at staff level about making a packet with checklist that will help public know what needs to be submitted. It should be uniform. We could put the packets on the website.

BD- That would be helpful, if it were done before Perry makes his decision about water availability. We recommend that addresses be used to identify the property rather than parcel number. Nobody knows their parcel, but addresses are easy to figure out.

LS- I'm observing that a lot of our questions are the same as what you have asked yourself. What is DOE's role?

AH- DOE has pushed work onto us and not provided funding for the county to do the work.

CB- We should put a link on our website to DOE's site where they explain their response to the Hirst decision.

PH- DOE is waiting for the Legislature to come up with some solutions.

AH- As we go along, water gets more and more scarce. I hate selling water rights out of the county.

CB- Omnibus hearings contain information from a lot of sources (individuals, studies, watershed council notes). Maybe it would be helpful to list the resources that are being considered in the decision making process.

BD- Yes- that is what we were trying to say. List which studies and data you are using so that public knows.

AH- We get accused of not doing enough and doing too much. It's not black and white, very site specific. Looking at admin codes. 2 cfs allocated in the Methow that is senior to any other water right. But how do you determine the criteria? Can you drill in the middle of the river? Or at an angle that goes under the river? No, and we have to figure out how to make the rules.

JD- People fear that even if they have established water rights that an activist judge can legislate from the bench and cut them off. Cited an example of someone who was told to shut off their water, but was able to produce their water right document that was filed in 1882 and saved their land.

AH- Futurewise has a lot of resources that can be put to good purpose in terms of saving water. There are so many issues around the fear of losing water rights that it's too complicated to answer quickly.

LS- Suggested changes to Title 20. Letting planning dept screen out applications for subdivisions that don't have legally available water is recommended. Legal water should be the first thing considered before continuing.

AH- What about someone who is in the process of getting legal water and wants to move forward with other parts of application?

LS- It ties up the process for others who are down the line while resources are being used on a project that is unlikely to get off the ground. Also it gets people all stirred up.

2:30: Break for **public hearing regarding Utility Franchise for City of Pateros**. Verlene Hughes OK County Planning Dept. This is for a renewal of a water franchise for city of Pateros. In 1967 the Town of Pateros got a franchise for a water line. 4" line, 12 ft from center line. Legal counsel has approved, legal notices have been published. No comments have been received regarding this. Josh Thomson: This is a renewal, no issue from Public Works.

CB- motion to approve franchise renewal

AH- seconded.

Voted and carried unanimously.

2:34- resume public comment discussion about Title 20.

PH- The Legislature has refused to talk about bringing all the land use statutes into consistency. There is no way for anyone to even know what all the laws are, and some are contradictory. This is the Legislature's job, to clear it all up.

BD- There is value in knowing what other counties are doing regarding water availability and it would be helpful to have all the rules in one place.

AH- Others are looking at OK county to see how we are handling it. We are trying to plan for the future of this County.

BD- It's always a balancing act to try to meet all the requirements, and also use common sense. My question is, is the thing that goes before the hearing examiner a final product?

LS- We would recommend that the first thing to be considered is whether there is legally available water. If there is a question about this, then the whole process gets held up while it is addressed, and all the other applications behind it are delayed. If these type of applications were set aside to be dealt with separately, it would allow others who have their ducks in a row to move forward more quickly. Some examples of the type of things we are talking about would include:

- any application for a group water system in WRIA 48 without a water right (which are subject to interruption and therefore not adequate sources for domestic water),
- applications in closed basins where lack of hydraulic continuity with groundwater can't be proven, and
- applications that propose to use a water right that is contested or not approved by the Water Conservancy Board and DOE for the proposed use.

AH- The process still takes time. Before Hirst, we had a very quick turnaround- much faster than the average in the State. I know that contractors are always in a big hurry.

BD- Most people even if they don't like the rules, just want to know what they are.

PH- Our planners have applications that have other problems besides water. These take much longer.

CB- Gave example of having 2 lines, so to speak. The fast line is for people who have everything in order and are ready to go. The other line is for incomplete or more complicated applications that will take longer.

AH- There are people who are complaining without really knowing. Many questions could be answered with a phone call.

LS- We just want to be able to get accurate information out to people. It's hard for me to get my head around the details, but if I can figure it out, I can get it out through multiple channels.

CB- We should be able to put out an info sheet that spells out what our process is. There are studies out there that are good and that we are using. We could make those more available so people know that we are relying on some very good work that has been done. One thing to be aware about with a "fast line/slow line" is that Perry might be accused of rubber stamping the fast line while holding up others.

LS- If you cite the studies and criteria that you use to make the decision that would help.

AH- Cited example of someone drilling a well in an area where there is lots of water, and someone's well went dry due to unexpected situation. County should not be on the hook for that.

CB- Cited a "wetland" that turned out to be created by a water leak in municipal line.

BD- The ideal situation is to have background and anecdotal info that is not included in scientific studies.

AH- To sum up, it sounds like you want more clarity about the process we use to make decisions about water availability and permits.

LS- There is a short window for people to contest a decision, so it's important that the information be available at the soonest opportunity in order for people to know if they need to contest a decision.

CB- It would be good to have a public input period on the process we are using for Title 20 sometime down the road.

BD- It would be nice to have a review of some of the projects at the public input so that people can be informed and have actual examples to look at.

Public comment period was ended, with thank you's all around for a good dialogue.

PH- The next question is going to be what to do with existing wells that don't meet the criteria, and are on property that hasn't been developed yet.

LS- Another issue is what to do with existing subdivisions that did not have the availability requirement. Now we have subdivisions that will be putting wells on lots. Will they be approved? It sounds like a huge can of worms.

CB- People have made investments in property. What people have done in the past is the tricky part. Dealing with partially developed land that no longer complies will be a problem.

Public Comments concluded at 3:05 pm. *Note-taker left at that time.*