

RECORD OF THE PROCEEDINGS**OKANOGAN COUNTY****JULY 20, 2020**

The Okanogan County Board of Commissioners met in regular session at 123 5th Avenue North, Okanogan, Washington on July 20, 2020, with Chairman, Commissioner Jim DeTro; Vice Chairman, Commissioner Chris Branch; Member, Commissioner Andy and Laleña Johns, Clerk of the Board, present.

The Clerk of the Board amended the agenda this morning after Director Palmer relayed the time was incorrect for the continued public hearing for Tunk Valley Water Availability study area. It should be noted at 2:00 p.m. per the commissioners' prior motion on June 23, 2020.

Review Commissioners Agenda and Consent Agenda

Commissioners reviewed their agenda and consent agenda items.

Briefing Among Commissioners' – Discuss Individual Weekly Meetings & Schedules

Commissioner Hover discussed who on the list actually lives in Okanogan County for firefighting contracts. Commissioner DeTro made a call to see if he could find out precisely.

Commissioner Hover noted that the Sheriff received their five vehicles and the Sheriff believes the loan amount is short about \$9,000 but the projection of the loan amount appeared to be minimal and would find it in the budget.

Executive Session RCW 42.30.110(1)(d)

Commissioner Hover moved to go into executive session at 9:30 a.m. for 30 minutes inviting Risk Manager Tanya Craig and Okanogan County Public Defense Contractor Melissa McDougall to review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs. Motion was seconded, all were in favor, motion carried.

Executive session ended at 10:00 a.m. no decisions were made.

Commissioner Hover stated a proposal from the State on the extension of the CARES ACT funding for public health was requested of Senator Murray's office. Any money that cities or counties put into Public Health should be extended out beyond October 30, 2020.

Commissioner Hover said the 6-year TIP information is coming from Engineer, Josh Thomson.

Update Noxious Weed – Anna Lyon, Larry Hudson

Commissioner DeTro explained the Board's conversation last week with Forest Ranger Chris Furr and Communications Chief Mike Worden about the noxious weed issue on the Thurlow property.

Larry Hudson explained the Thurlow property issues. The weed office is looking at the same situation again this year of having to go onto the property again to ensure the weeds are being addressed. Commissioner Hover clarified the weed was Scotch Thistle. Early May is the best time to spray and that was discussed with the Thurlow's, however April works best for them. Mr. Hudson stated the Thurlow's have not applied any herbicide as required. Mr. Hudson said the Thurlow property seems to be where the worst accumulation of this weed is. The majority of the problem is not near the road at all, it is in Booth Canyon and there is very little of the weed along the access road. A couple patches were treated along the road but there are actually thousands in the Booth Canyon area. Mr. Hudson said the seeds may have come in with the hay that is fed to the cattle. Vehicles may have spread it but

that may not have been the way it originally got there. The Thurlow's do feed cattle in that area and there are scattered plants there, but it is hard to say how it got there. Is there knowledge of when the issue started, asked Commissioner Branch. Anna Lyon, via zoom, said when she started in 1990's there were a few scotch thistle plants in that area, but there weren't as many plants then. The weed office was informed at that time that the Thurlow's were taking care of it, and later on it looked like someone was working on it at some time.

Commissioner Hover asked how many gallons of herbicide would it take to do that area. Mr. Hudson said, most of the application is done with back pack sprayers because of the steep sloped topography. He doesn't go by gallons he goes by acres. Last year treatment was around 30 acres, but that was spread out throughout the property with most in the canyon draw but a lot on steep hillsides. His spray records, from 2018, show treatments through a grant for wildfire recovery that was offered to many land owners including the Thurlow's, but the weed office staff were not allowed to go onsite until fall. Commissioner Hover said if we knew this was going to be a problem why are we now having the conversation. Mr. Hudson said a meeting with Diane Thurlow happened in March and they tried to come up with a solution at that time with Forest Ranger Chris Furr after speaking with the commissioners about the situation. What was the cost of the application materials? Mr. Hudson said it was \$1857.70. Commissioner Hover asked how many times it would take to eradicate the weeds. Mr. Hudson said Scotch Thistle has a 40-year seed life, therefore they must keep after it year after year, if not, then they go back to ground zero. Commissioner Hover said he has scotch thistle on his place about a 10x10 patch, and he had cut them off with the mower and now he doesn't have them anymore. He must not have had a big infestation, but when one plant goes to seed it has tens of thousands of seeds that could go dormant and could come up later. Commissioner DeTro asked if we could contact the school's football team or a 4H/FFA group to see if they would help the Thurlow's out because the seeds have already formed and spraying may not be affective. Mr. Hudson said the Thurlow's were against anyone helping like that. Commissioner DeTro said if they are not willing to come to the table to fix the problem then the state laws can be enforced. Mr. Hudson said when the lien was put on the Thurlow's property they were invited to come to the table to come up with a plan and they simple won't. Commissioner Hover said everyone must be treated equally. We are trying to do the best for everyone out there. If someone is going to keep saying no to all the options given, then the county has no other choice.

The right of way will be done in April and Thurlow's agreed to that. Contact Ms. Thurlow with the solutions discussed. Mr. Hudson said he is processing the search warrant needed for property access this week, since that is the only way he is allowed on the property. The total fee as of today is \$2,536.26 with about \$700 administrative fee.

If the Thurlow's come up with a plan for future weed maintenance and allow noxious weed on the property to verify, then the administrative fee could be dropped. Ms. Lyon said she is willing to work with the land owner on this as she knows they just don't have the money, but the Thurlow's don't want to help themselves nor do they want anyone in there to help them.

Commissioner Hover said one reason the TV district exists in the Methow is because the Thurlow's allowed the easement over their land to the tower, which is Forest Service land. He will talk with the conservancy also to see if they can help with this issue.

Larry Hudson showed the board a map of the location and where the weeds are being observed. He showed the gate they cut the lock on last year to avoid getting the FS involved. He showed two other gates that only the Thurlow's have the keys for.

Commissioner DeTro said the plan is:

1. Pay now
2. Plan to spray in April/May also there is years like this when the thistle isn't bolting until second week of June. Use Mile stone since it is safe with animals. Treatment might not be done at the same time

each year.

3. Then lay out a plan for future.

Dennis Rabidou arrived at 1:25 p.m. to talk about something with Commissioner Hover.

Update-Planning Director Pete Palmer

Director Palmer provided the planning department agenda and discussed the items listed there.

Executive Session

Director Palmer requested executive session to discuss potential litigation today or tomorrow.

Dog Kennels

Director Palmer discussed county code regarding Dog Kennels. She proposed some changes to require yearly site visit to ensure conditions are being met, and then only hold a public hearing if the operation is out of compliance. The code states that every year the site is to be revisited and requires a public hearing to say they are in good standing and meeting all requirements, but the cost to bring a Hearing Examiner is high. Discussions are happening on whether or not it is actually needed when they are actually meeting the conditions. She is looking at proposed changes to include annual site visit with no public hearing unless they were not meeting their conditions. Commissioner Hover asked how those types of complaints are handled. Director Palmer said a written complaint about the kennel would need to be received if outside the annual site visit, then it is investigated from there.

GIS Map Updates

Director Palmer explained that 911 addressing changes on the map overlays are not being incorporated into the mapping system for city, fire and irrigation district annexations because annexations are not being provided to her department. She further explained how this will be dealt with moving forward. Commissioner Hover said all annexation notices that the Clerk of the Board receives from the city, fire, and irrigation districts should now be provided to the Planning Department for incorporation into the mapping systems.

BiWeekly Permit Review Committee update

Director Palmer explained the results of the first bi weekly meeting that she, Dan Higbee, Dave Hilton, Josh Thomson, Anna Randal, Angie Hubbard and Char Schumacher attended regarding zoning requirements that do not mesh with health departments minimum lot size. (attached) Everyone was excited about having future meetings so one will be held every other week.

Commissioners discussed the information, but thought we needed to figure some additional things out to ensure everyone is getting the information they need to do their part. Jody Ogdon is point of contact and she can answer questions for Dave Hilton. He also has Lani McKee as the backup staff person for septic system questions. There is a breakdown on water adequacy with the samples and well logs and people not understanding that they need a water adequacy permit from the department. They are trying to get that all down so people aren't getting upset.

Director Palmer said folks need to include the entire foot print of their project to be included with the site analysis, even decks.

Director Palmer said the planning office will approach the treasurer to see if the Planning Dept. can start accepting credit card payments, which will help with the Coronavirus situation and allow timely processing of applications and permitting. Commissioner Hover asked that she include the fairgrounds in the inquiry.

Continued Public Hearing-WRIA #49 Tunk Valley Water Availability Study Area 2020-3

The audio recorder was turned on. Commissioner DeTro opened up the public hearing asking for staff report. Director Palmer provided her staff report for a water availability study area. (attached) She relayed the next steps as listed in the staff report.

Extend work period

Amend the ordinance to include statement
Adopt the findings of fact.

The draft findings of facts were included in the packet. Several comments should be excluded from the packet as the comment had to do with a different issue.

Isabell Spohn commented that her comments were submitted already. She instead commented that the commissioners' agenda was corrected this morning to note the hearing time from 3:00 to 2:00 as it had incorrectly noted the time of the continued hearing. She said there may be folks who wished to comment who saw the original time of 3:00 who may not now get to comment because the time was moved up.

Kevin Fox commented as a 20-year resident of the Tunk Valley. When his family bought the place it had 1907 original water right on a spring the family has used, but there is no longer water due to the spring never having recovered. They were forced to drill at well at a cost of \$12,000. There is a reason the spring went dry but it had run continuously until recently. The aquifer isn't able to regenerate a water supply. There is diminished water in the aquifer. The water study should be completed before any more wells are drilled there. The 2008 water study already determined that back then. He thinks a moratorium should be put on all new wells until things are figured out.

No more comments were given. Commissioner DeTro opened to commissioner discussion.

Commissioner Hover said it would be important to keep the ordinance in place. He asked Commissioner Branch what changes were made. He recommended that if we continue to use the overlay we should put a work plan on that. It would still be a moratorium. If it is a temporary change and adopted outside the formal procedure then we are in a moratorium and plan to make a change.

Commissioner Hover discussed testimony from people who have less water. In his opinion he thinks we should increase the aquifer in the watershed, keep the no subdivision Ordinance in place and show progress during the year and figure out a work plan.

Commissioners will reevaluate ordinance 2020-3 and change it to fall under the moratorium instead of 17A.400. Commissioner Branch thought a couple things were needed.

Motion Staff Direction Tunk Water Availability Work Plan & Moratorium

Commissioner Hover moved, based on testimony and conversation along with comments and findings of fact, to create a new ordinance repealing 2020-3 that puts into place 1-year moratorium based on RCW 36.77.795 and to create a work plan for a water availability study. Motion was seconded, clarification, leave the ordinance in place until a new ordinance is signed repealing it. All in favor, motion carried.

The audio recorder was turned off, but several minutes afterward Ernie Figlinski joined via zoom to offer his comment. He commented that 15-20 years ago, Tunk Valley had alfalfa fields, but after many wells were drilled to provide the needed water for the fields there just wasn't enough water and they could no longer water the fields and had to buy water rights out of the river to continue their cattle operation. He is positive all the wells impacted the creek. It cost them a lot of money and was a big deal. He told Chris Branch about it. Commissioner Hover asked if it was a surface pump in the creek, no it was syphoned to the field and a PTO pump was used to pressurize for sprinkling. The alfalfa field went in around 1982 and ran until 1990's 2000's and stopped because of water flow. Were there beavers in Tunk Creek, yes Ernie said there were many, one dropped a tree on his back porch, but he doesn't mind them. Commissioner Hover thinks that we should do something like beaver dams that would back up the water and saturate the area.

Commissioner Hover thought Planning or Building Dept. should figure out how many building permits were issued from the 1980's through the 1990's. Commissioner DeTro said we should look into beaver dams as a way to help with the aquifer.

Commissioners continued to discuss ideas for regenerating the aquifer in the Tunk Valley.

Review Meeting Minutes

Commissioners reviewed their meeting minutes.

Motion - Voucher Approval - Commissioners

Vouchers certified and audited by the Auditing Officer as required by RCW 42.24.080 and those expense reimbursement claims certified as required by RCW 42.24.090 have been recorded on a list, and made available to the Board. As of this date, the Board did vote, by unanimous vote, to approve the regular vouchers in the amount of \$1,527,858.74 and Payroll vouchers in the amount of \$974,998.51. Warrant numbers as cited on the attached blanket voucher list. Motion seconded and carried.

Motion Public Health Voucher

Commissioner Hover moved to approve the Public Health Vouchers including regular vouchers in the amount of \$43,777.63 and payroll vouchers in the amount of \$36,407.62. Warrant numbers as cited on the attached blanket voucher list. Motion was seconded, all were in favor, motion carried.

The board adjourned at 2:55 p.m.