

Board of Okanogan County Commissioners
Monday, August 21, 2023 AM

JN—Jon Neal, BOCC, District 3
AH—Andy Hover, BOCC, Vice-Chair, District 1--Absent
CB—Chris Branch, BOCC, Chair, District 2
LJ—Lanie Johns, Clerk of the Board
CHa—Crystal Hawley, Deputy Clerk of the Board
SK—Steve Kelly, Commenter
IS—Isabelle Spohn, Commenter
MG—Maurice Goodall, Emergency Management
PP—Pete Palmer, Director of Planning
EM—Esther Milner, Chief Civil Deputy Prosecutor
SK—Shelley Keitzman, Human Resources and Risk Management

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Summary of significant discussions:

- Steve Kelly, who addressed the BOCC three weeks ago about inmates in the jail and their friends being taken advantage of financially, asks for an update on the situation. The commissioners will talk to the Sheriff about the situation.
- Pete Palmer, Planning Director discusses problems with compliance to Conditional Use Permits and permits in general. She refers the Commissioners to an article in the Omak Republic, an on-line publication.
- Isabelle Spohn asks the commissioners when the yearly review of the county's Multi-Hazard Mitigation Plan will be complete. They passed Resolution 89-2022 on July 12, 2022, calling for the plan's implementation and yearly review.
- Esther Milner, Chief Civil Deputy Prosecutor, updates the commissioners about her proposed revisions the Okanogan County Code 3.04 and 3.04A—Real Estate Excise Tax.
- Meeting adjourns for the day at 11:05

06:20—Pledge of Allegiance

AH—I'd like to add an executive session to the agenda today if we can. Under RCW hmmm. Considers performance of an ..., then decides on RCW42.30.110(1)(i)—possible litigation. Can we see if EM can make it?

CHa—I can't reach EM. Shall I try Albert (Lin, County Prosecutor)? She tries to call Albert Lin.

CB—I've been having quite a bit of discussion about homeless people and dirty air.

JN—I've had a little, too.

AH—My discussions have been about—get the pass opened up. I'm going to be on a cooperative meeting at 10:00 today. I'll make sure everybody is saying the same thing.

Board of Okanogan County Commissioners
Monday, August 21, 2023 AM

CB—What does MG say?

AH—He's the one who sent me the link to the meeting. The geotechnical person will be at 10:00, but I've heard some other stuff. I want to make sure everything is going correctly.

CB—I've been getting mixed stories, the interim director for this region says it inspired him to get on some calls. He found out that the fire at that point was on the other side of Ross Lake. That's when they opened it. It was moving quickly, blowing up in places...

AH—And then there was a roll-over wreck that closed it back down. I saw some photos. The cliff face became unstable and big rocks came down. That's why there's the geo-tech looking at it today.

CB—I understand they got a few trucks over.

CB—I see there were a few tents in Legion Park this morning. That's where I'd go if I couldn't breathe.

14:40—Public comments. One person is in the meeting room.

SK—I'm Steve Kelly. I was here three weeks ago concerned about the exorbitant interest rate charged to use the ATM at the jail—10%--to transfer money to someone in the jail. The other thing is that Sam Roy Rasmussen isn't getting his money. Some is deducted for child support and other things, but the last time I talked to him, he wasn't getting *any* money in his commissary fund at all. That seems like a very not good thing. I'm just here to remind you guys and prod you a little.

SK—the other thing I was curious about, and I talked to Sheriff Budrow about it, was having face-to-face visiting again in the jail. Is there anything going on about that?

CB—That's not for us to decide, but we can find out about it. I'm curious about, if whatever is decided causes us to suffer more lawsuits, we'd have a great concern.

SK—So you're saying you don't want to deal with face-to-face visits or with any of the jail stuff?

CB—If there's something that the risk pool would frown on, we probably wouldn't do it.

SK—Well, I think the ATM interest rate would annoy a lot of people.

CB—We haven't had an opportunity to talk to the sheriff yet, or the jail director. He works for the sheriff.

SK—The sheriff referred me to you guys about the ATM issue.

CB—Somebody asked me about that a few years ago. Somebody objected to having to pay to get into the system to communicate with someone in jail.

SK—There's that, too. They're taking advantage of a desperate situation. It's scurrilous to say the least.

CB—It's good to check back with us.

SK—OK. I'll be back in a few weeks. I'll hope for some movement on this.

No other comments.

20:40—AH—I move we sign the contract between Okanogan County and Carol Civic (?) to the OK Equine Fund for the horse racing purse. \$20,000. FAC (Fair Advisory Committee) had a special meeting Thursday night and voted on this. Motion passes.

AH—I move to sign the special run vouchers for \$20,000. To pay for the contract.

22:50—AH—The PUD lights. They were \$3,800. I think we should buy them for the fair and we could use them for other stuff, too. I'll call the PUD.

AH—They'd be good for anything disaster-wise. We don't have good lights in the parking lot.

AH—Also, if it's OK, I'll go to the hardware store and get combination locks for the FAC. They'll have their own locks and we won't have to give out our codes. (CB and JN agree AH should buy the locks.)

AH—At 10:00 I'm going to jump on the cooperators meeting about the highway.

Board of Okanogan County Commissioners
Monday, August 21, 2023 AM

26:00—CB—I met with the housing coalition on Thursday. There’s a lot of interest in creating new housing options and new revenues in that regard. I think you guys will be contacted to have similar meeting with them. It gives you the opportunity to talk with them without being in a public meeting.

EM called back. Discussion when they can all attend an executive session.

30:10 —MG—I’m Maurice Goodall, Emergency Management. The Crater Creek Fire north of us is where most of the smoke is coming from. They don’t know the exact boundaries of the fire because there’s so much smoke. Visibility is zero. Modis maps are a guess. Misinformation on Facebook—the trails have been swept, there are no helicopters dropping water bottles with notes inside. We looked for two different people. One was actually home in Monroe. One was up by 30 Mile and we saw that he came out. If there are people in there, they’re sneaking around.

MG—There’s nothing flying. This morning they tried to get a medivac flight out, but they couldn’t land. No visibility. They’re using our Facebook page to get information out.

MG—They’ve got lines they’ve built in the past. It looks to me like they’ve got a good plan.

MG—The Sourdough Fire near Hwy 20, we’ve got the call at 10:00. Another fire at Blue Lake. They closed the highway for safety, not convenience of the firefighters.

MG—We’re pushing masks out throughout the county. The issue I have—the people we give them to are 9 to 5 people and for people who need them after hours, it doesn’t work. And all these masks can be purchased.

MG—The Multi-Hazard Mitigation Plan (MHMP), it talks about the Community Wildfire Protection Plan. I’m working with the Conservation District and they’re pretty sure they have funding to get the Wildfire Protection Plan completed. We have a section of it in the MHMP, but we want to have a full plan.

MG—What’s the timber sale? Mission? (Yes.) Is it the Forest Service? (Yes.)

CB—The Twisp sale is under a challenge about NEPA (National Environmental Policy Act) right now.

MG—Any questions?

CB—I think you covered the issue of the homeless when they’re out there and need a place out of the smoke. I’ve had reports from Oroville that the homeless are nowhere to be seen. Community Action asks where are they going?

MG—The person who called the other day was in the library. They didn’t need housing except to get out of the smoke.

CB—Emergency Management can help some, but not do it all yourself.

38:00—AH—I move to go into executive session under RCW 42.30.110(1)(i)—to discuss potential litigation for 10 minutes. Inviting EM. Motion passes. Off they go.

43:50—PP—I’ll try to go through this quick.

PP—I have an agenda bill to renew the contract about the copy machine. There was less than \$4 difference between the two bids. We went with Kelly Connect because we thought the service would be better. I request that the chair signs it.

AH—I move to authorize the contract between the Planning Department and Kelly Connect for copying services for \$368.56 per month plus copy charges. Authorize the chair to sign. Motion passes.

PP—We need to submit a budget for the Lake Management District. It expired this year. We’re about a month behind in renewing it.

CB—Deadline for the tax being collected? Has the assessment charge expired?

Board of Okanogan County Commissioners
Monday, August 21, 2023 AM

PP—I'd have to ask the Treasurer to see how it works. I'll verify if the assessment gets renewed or not, but I wanted to update you.

AH—Is it (*milfoil abatement in the lake?*) working? We put it on for five years to see if it works.

JN—It's not perfect, but it has made a difference. I think the program should keep going.

49:05—AH—I have to leave to be at the cooperators meeting, so I apologize if I miss anything. AH leaves.

PP—I want to get a little clarification about the Aspect contract that was just approved. They'll do grant writing. I assume the grant administration will fall on the county and reimbursement for staff time for my department.

CB—The contract for the water bank. Are “we” applying for the grant?

PP—Aspect will write the grant, but if it's approved, I assume the Planning Department will administer the grant.

CB—That's about the only place it can go.

PP—So what's the Conservation District's role in this?

CB—They're a partner of ours in implementing the water bank. We can include you in that discussion.

PP—Thanks.

PP—Next thing is the Watershed Council Foundation contract. It expires this year. Are we going to renew it? Should I put it in my budget?

CB—I assume we'll extend it.

PP—Another budget thing: I have a vacancy for a Senior Planner. With all the compliance issues coming up, I'm thinking about a proposal changing this position from a planner to a compliance person—code enforcement, compliance checks on all of our CUPs (Conditional Use Permits).

CB—At the same rate of pay?

PP—I believe so. Maybe a little less.

CB—A suggestion: maybe better to fill the position (if you can)...

PP—We can find a qualified person but not with the experience needed to be able to dive right in and be able to tie everything together.

CB—So we could change the senior planner description. The compliance may be a moving target. I'd prefer not to have someone with that title, but someone who is assigned duties, so the person isn't identified as *the* compliance officer.

PP—OK. What we're finding out, thanks to the Lloyd Logging thing, is that back in the day, a lot of our CUPs are approved with an annual inspection requirement, but the requirement has bit us a little bit.

CB—I'd like to see the list of conditions you have to check on. Example: wetlands. One the land owner does all the work and the CUP is issued, that's the last you ever hear about it.

PP—Another example is nightly rentals.

CB—You hear people talking about it at Lake Chelan. “You've got to get a permit but they never check.” I've heard that right in the boat store.

JN—Lake Chelan is really cracking down.

PP—As long as we're talking about enforcement, I think you received a copy of an article written in the Omak Republic. It was emailed around, talking about failures in Emergency Management but trickles into the Building and Planning Departments about how they permit structures and how they're approved as an ag-exempt building, but then let people move into them as a residence. They're being sold as residences in fire-prone areas. There was a specific property mentioned in the article, so I pulled the site analysis for it. It was permitted as a barn for animals and storage on Indian Dan Canyon Rd. and no water. Now it shows people are clearly living in it, selling it for almost \$500,000, cash only or owner contract sale.

Board of Okanogan County Commissioners
Monday, August 21, 2023 AM

PP—I talked to Dan (Higbee, Building Department) about it. I understand that people might want a bathroom in their shop, but if they start adding a laundry room, every amenity except a kitchen sink and a stove, which is what you need for the building to be considered a residence. Dan pulled the building permit. It was issued without plumbing, electrical or heat for open storage only. Clearly you can see that they're getting the certificate of occupancy and turning them into a residence.

PP—We agreed we're not going to respond to the request for a comment, we take this stuff pretty seriously.

CB—I'm not familiar with this publication.

PP—Average monthly permitting stats:

- 55 site analyses
- 5 boundary line adjustments
- 20 site analysis amendments
- 15 addressing.

This doesn't include nightly rentals, land divisions, CUPs, or appeals. We're moving a pretty good stack of paper every month.

CB—That issue with shops—it's a can of worms. I once rented a house exactly in that situation. Wasn't really fit for habitation. Later it was sold and the new owner wanted to make it legal, and it took a lot of doing.

PP—If a fire burns one of these structures, then people need help and they have no insurance. The county gets blamed for it.

PP—With all the legalities with water and shared wells in the Methow, it's got people being real creative.

CB—It's been going on for a long time. One guy inspected a house without a building permit and learned that every house of the road was without a permit. There was talk about some parts of the county not having building permits at all.

PP—Parts of Montana are like that.

PP—I don't understand why people wouldn't want to protect their investment.

JN—Some don't want you to know they're there.

PP—That's all. PP leaves.

CB—I can name a few drainages where there's a leader who gives advice about how you do it (*build without a building permit*).

1:06:40—CB—If we can get Larry (Hudson, Noxious Weed Board) to come and talk to us about the Lake Management District tomorrow afternoon, that would be great. Or 10:30 is OK, too.

1:14:15—CB—Isabelle (Spohn), do you have a question? You've got your hand up (*in the Zoom chat box*)?

IS—Yes. I put a comment in the chat.

CB reads the chat entry.-- "*When will you get to the annual review of departments' progress on the MHMP (per Commissioners' resolution?)*"

CB—I don't know the answer to that but probably pretty soon. I have to talk to MG about that, or somebody does.

IS—I don't think that's on MG's plate. That was what the Commissioners that were going to do. That would be you.

CB—Right, but we do that in consultation with Emergency Management.

IS—I'm not sure what that means but thanks.

Board of Okanogan County Commissioners
Monday, August 21, 2023 AM

CB—It means if we have a conversation about it, we'll probably have a subject that touches on that and will require input from MG, so we'd probably schedule it with Emergency Management.

IS—Wasn't he scheduled on the agenda today?

CB—He was scheduled briefly for a staff meeting but we don't have him scheduled today.

IS—I think I heard him this morning.

CB--Yes. He came in with a real quick staff report under staff meetings.

IS—Yes. I heard that.

LJ—I want to inform the commissioners that Crystal will be leaving to take a job with Trango. So September 5 is her last day.

CB—That's a better job than here? Sorry to hear that, but that's what people have to do for themselves.

CHa—I know. Bittersweet.

CB—No guilt. No guilt. People have the prerogative to advance themselves however they choose.

JN—(Jokingly) No matter how adversely it affects others.

IS enters *"I can see that after waiting for months, this MHMP is probably best addressed through the press.."* in the chat box.

CB—Well, that's a veiled threat, isn't it, Isabelle?

JN—So it would seem.

IS--You can take it however you want.

1:18:35—AH returns from the Hwy 20 call.

Discussion of Code Revisions Okanogan County Code (OCC) 3.04 and 3.04A.

CB to EM—Are you ready?

EM—I'm ready when you're ready.

IS—For some reason, responding to your question: It's been almost a year since you passed that resolution to address the ongoing problem of goals in the MHMP being put off every five years pending funding not available. It's been almost a year and it might be nice if you guys initiated that public conversation with MG, with the departments. You haven't made any progress at all in that year.

CB—Yes. Thank you.

CB—That's something we probably should, it's that resolution that talks about the review of the MHMP, I think annually, that was adopted in the past. You can expect to see it on the agendas.

JN—Sounds good.

IS—Thank you.

CB to EM—It's a little early, but we can start.

EM—I thought it'd be easier for us to do shorter session and not going through multiple ordinances. Let's start with 3.04 (Real Estate Excise Tax.) Why do we have this in our code? It's all governed by the RCWs and WACs. We don't need it in our code. We'd need a public hearing to repeal it.

AH—Have you talked to Larry (Gilman, County Assessor)?

EM—I'll ask him, but I think it makes sense to repeal.

AH—Can we repeal and say we follow RCW whatever?

EM—Or make 3.04A the same as the RCW.

Discussion of options to repeal 3.04 and changing 3.04A to include current RCWs.

EM has discussed the changes with Pam Johnson, County Treasurer who is comfortable with them. She'll discuss it with Larry Gilman.

Board of Okanogan County Commissioners
Monday, August 21, 2023 AM

EM—I'll keep plugging away and bring them back as I get them done. That's all for today. If there are sections you want me to jump ahead to, I can do that.

CB—Unless there's sometime that's a hot topic. Like nuisance properties.

AH mentions zone code in the Methow Review District (MRD), which is School District 350 that says you can't build a house in the 100 year floodplain. Other places don't have that restriction. A couple of people called me because they're within the floodplain. Usually you can build up 12" or build pass-throughs, but in the MRD, nope.

CB—I wonder what the thought was at the time.

EM—It looked like the last time the zone code came up, everybody was happy with that.

CB—There's a big long conversation about building in a floodplain.

AH—It's hard where the floodplain goes back 75' and CB says there were time where the county gave a building permit and they sue you when your house fell in the river.

CB—Chanel migration zones complicate things. And if you build in a floodway or floodplain an engineer has to sign off. If they keep doing this over time, you wonder what the cumulative effect is.

AH—Redirection of the floodway.

CB—The 100 year floodplain reference comes from FEMA. It's not environmental, it's flood damage prevention. It's an insurance guarantee program.

AH—It terminates half way up the valley.

EM—As far as flood risk, there's more water coming in. My brother-in-law is on the river in Carlton, and he lost 5 feet of the bank this year.

AH—I saw the loss of 125' to the bank.

AH—Part of the salmon recovery stuff opens up side channels and hopefully relieves stress on the bank.

EM—It'll be fun when we get to those parts. EM leaves.

CB—And maybe the Animal Ordinance. It's only a couple of titles away.

1:46:05—JN to AH—What did you learn about Hwy 20?

AH—Their geologist was looking at that stretch of highway while we were talking. Hopefully, it's OK. I asked who makes the decision. If DOT says it's safe and they're conferring with the Incident Command Team. I said I understand but there's a big commercial impact and you guys have to get together to figure it out.

1:47:55—CB—I agree with Jane Morales' statement (referring to the OmakRepublic.com article). I'm going through this issue with the Forest Health Collaborative. This is a publication I should read a lot. Perspective.

AH quotes the article: "Who needs progress when we can just watch everything burn?" The Forest Service doesn't agree with the county.

CB—Lots of people don't agree with the county.

Discussion about whether Larry will discuss the Lake Management District with to the commissioners tomorrow at 10:30, next week, or just answer their questions via email.

1:53:25—Albert Lin, County Prosecutor comes in to see if he was needed for the earlier executive session. Discussion about criminal trespass and who is charged with it?

AL—I look at the person's criminal history, facts in the case and if the case is sent to us for review.

AH—Anything in the law related to hunters?

AL—Maybe. My Fish & Wildlife guy knows all about that. Hunting will get the right amount of attention.

Board of Okanogan County Commissioners
Monday, August 21, 2023 AM

CB suggests people read the Omak Republic. They've got a talented news team and I think you'll find it entertaining.

Meeting adjourns at 11:05.