

**Okanogan Board of Health**  
**Tuesday, January 11<sup>th</sup>, 2022, 1:30 PM**

*These notes were taken by a County Watch volunteer. Every attempt is made to be accurate. Notes are verbatim when possible, and otherwise summarized. Note taker comments or clarifications are in italics. These notes are published at <https://countywatch.org> and are not the official county record of the meeting. For officially approved minutes, which are normally published at a later time, see the Okanogan County Commissioners' website at <https://www.okanogancounty.org>.*

**Present:**

Lori Jones (LJ), BOH Director  
Dr. James Wallace (JW), Health Officer  
Mariann Williams (MW), board member  
Dave Hilton (DH), BOH, Environmental Health  
Chris Branch (CB), Commissioner, board member  
Jim Detro (JD), Commissioner, Board Chairman  
Andy Hover (AH), Commissioner, board member  
Chuck Zimmerman (CZ), Health District Attorney  
Megan Barton, Mid Valley Hospital  
Jim Wright (JWr), Board of Health  
Jill Gates, Public Health Fiscal Coordinator  
David Goetz (DG), Prosecutor's Office  
Eric Fritz, Central Services  
John Schapman, Director, NCACH  
Marcy Stamper, Methow Valley News  
Mike Harr, Environmental Health  
Cynthia Benitez (CynB), Manager, Okanogan Family Faire  
Ria, Okanogan Family Faire

*Time stamps refer to a Zoom recording on the County Watch website.*

***Summary of Important Discussions:*** *Long discussion with attorneys who are amending the sewage systems ordinance with regard to subdivisions, assessing the necessity for inspections of existing system. Environmental Health officer DH raises potential risks, the attorneys, JD and AH say wait for complaints to arise and CB says look closely at state and county code before voting on new resolution; Omicron spreading fast and threatening hospital capacity, now more hospitalizations of vaccinated than unvaccinated, the latter continuing to represent the most serious cases; Manager of Family Faire tries in vain to get an idea of circumstances which would allow event planned for May to happen, previous four were canceled; Methow building permit moratorium repealed.*

6:11 - Election of Officers, Financial report - Board unanimously elected Jim Wright and Mariann Williams as Chairman and Vice-Chairman, respectively. Reserve balance is \$200,000, Medical Emergency Reserve, the required \$15,000. LJ says they pay Mid Valley with re-imbursable testing dollars; Covid funding will continue until 2023.

16:00 - **Septic system regulations with regard to subdivisions** - CZ (brings up discussion of the previous month): This has been the subject of many objections. Do you want to find trouble where there isn't any, which is what your current regulation does, or do you want to wait until a system fails and take care of it? To get past the first hurdle: proof of compliance as of a certain date. Many homes have no record. The way your on-site system works, it's on a complaint-based system. In subdivisions there's no complaint, just regulation. My understanding from last week's meeting is

that you wanted to move away from making someone with a functioning system take that up to a better standard, and, when someone goes to divide their land, allow existing systems that are actually functioning fine to continue until they present a health threat as determined by the Public Health officer. (18:29) Our goal is to get a new regulation as relates to subdivisions, adopting an amendment to the sewage disposal regulations of the district. The resolution puts its staff in an unnecessary position of having to figure out when someone's septic was approved and under what regulation they should evaluate the building permit. The amendment says if you have a developed lot, the regulations in place when you make an application to build on it should apply. (CZ and DH discuss necessity of eliminating a one section.) CZ: Does the system have to be pressurized? DH: Yes. CZ: We don't allow holding tanks, do we? JD: Yes we do. It's a variance process. CZ: State law says it has to be applied to the Public Health Office... If we had more time we'd make any kind of appeal to development with the Hearing Examiner. ...In Chelan-Douglas County no one has ever appealed. JD: Since I've been her 99.9% of people didn't know they could appeal... (answering a question by MW) CB brought this up. He felt the DOH shouldn't be involved with land use decisions such as subdivisions. DG: (reading) "On-site septic systems are governed by rules and regulations of a county's health department." For a district this size you should do without county code. You don't want to keep amending.

35:50 - CB: We need a reference to get to the health board's site so it's easy to get that information. (Questions the term "variance", says he prefers "waiver".) DH: A variance is for a local regulation. Waiving is for a state WAC (Washington Administrative Code). DG: ...You wouldn't want to have the Hearings Examiner to have so much (power) to see if their decision is consistent with the regulation's intent. CB: If DH didn't grant me a waiver, I'd have to file for an appeal with the Hearings Examiner to say if I followed the statutes. DG: It says "local health officer (that's Jim Wallace) would evaluate on an individual site by site basis to see if the waiver is consistent with standard intent of these rules." The state (is informed by the Health Officer of a decision) and if the Hearings Examiner runs afoul, will... get them back on track... Let's take holding tanks. It says you can't use them for full time residential use but you can use them for the discharge of recreational use cabins. It either becomes a waiving of the state WAC or a variance to the local right. CB: There's even some room for waivers in our own code for subdivisions. CZ suggests using "variance/waiver" in the language of the re-written resolution: "Any variance/waiver must be consistent with the waiver procedure of the WA Department of Health." He points out that the person making the appeal pays the bill, and that it could get costly.

53:42 - MW: (reading) "The Board should define areas of concern". I wonder if that is defined. CB: How about "five feet from the creek"? Is there something, DH, that you do regarding waste water that's different? DH: What we do when we get near surface water or even under pressure is everything's (fleeced?) so that we add a second layer of protection. AH: (With drain fields) are there setbacks near the surface of the water? DH: Yes, and tanks. CB: The county's Shoreline Master Plan says you won't put a septic system within 25 feet, or whatever. Then you defer to that? DH: No, it's more stringent. MW asks for several clarifications but her conversation with DH is inaudible. AH: (reads) "Vertical separation requirements?" DH: It's based on vertical separation between undesirable layers and the discharge point of the drain field and horizontal separation such as surface water or wells. ...DG (summing up the amended ordinance): If there isn't something we'd have had to go out and check, anything goes... All the new ones have to comply with the regulations in place.

1:01:48 - DH: It actually references the inspections (referring to the issue of soil types) ...One example was that test holes are required on all lots with potential for contaminants, if there's a gravity system serving an existing home on type 1 extremely gravelly soil... CB: You're doing two things. One is about the appeals process. The other is, what part of the subdivision process triggers your looking at the septic system? DH: What are (the state's) expectations for (inspection)? They know

the fact that everything needs to have a test hole. **JD**: Are we going full circle? **DG**: ...We haven't done (*test holes*) in the past because it's been permitted before we got there. **CB**: Maybe something we could incorporate into our subject. (*AH asks why they would do a soil log.*) **DG**: "Health offices shall require the following prior to approving any development." ...**JD**: That's development, when you're just cutting out another lot? **DG**: "Development" means creation of a residential structure/facility/subdivision/(inaudible) activity resulting in the production of sewage. The existent system is not a development... I think it's a policy decision, not a legal one. **CB**: I appreciate what you're saying about land density. When we talk about subdivisions I ask "How big?" "Where's the well?" That's a health issue. What's the relation between the old and new lot and the shoreline? We have several regulations which could in fact trump these regulations... The process for waiver or an appeal is the most important part of this process... I'd like to look at our own code. **CZ**: It's important to get it right. *AH asks about a test hole.* **DH**: It's the suitability of the soil for an on-site system. **AH**: Our thought should be, (when you're subdividing) can this lot support, for example, three additional households, not, "Is this extra household causing issues?" **JD**: Why create a problem that doesn't exist? **DH**: We're not testing horizontal movement on wastewater (but) when you realize you have a contaminated water table, it's too late. *Discussion about failure of dry wall, using tires to form a barrier, grey water, the effectiveness of older gravity flow systems compared to pressurized systems which, JD has heard, fail at a faster rate.*

1:19:35 - **CB**: It's (*the proposal's*) major point. If a system is permitted or un-permitted, when it's subdivided, do you leave them alone? **DG**: Treat existing systems like all other systems. Don't go after them unless there's a complaint. **CB** suggest identifying special (*areas?*), **DH** says to be careful. *Consensus on the need to better understand how county code relates to state code and to 1) put these into lay terms 2) unite building, planning and health requirements on the website and 3) have a sort of checklist for building permit applicants visible on the first page of the information they receive.*

1:36:05 - **CZ**: I see four components. 1) the resolution. I'll fix it. 2) The fee update. 3) I'll work with **DG** to put a county board resolution in place to replace it with a cross reference to (inaudible) the health district and engage (*building official*) Dan Higbee in this process if he can take that on and 4) a Hearing Examiner inter-local (fee) agreement (*DG and I*).

...**AH**: I don't understand. How do you get an off-site permit to a lot that can't have a building permit? (*DH? MH?*): If you have an RV they give you a place to dump your tank... If you have a holding tank in a cabin you can drain your tank into the septic system. **AH**: So when a person said "Your health district allowed me to spend \$10,000 on property that I couldn't even get a building permit on – *MH? Says they may not even know on which (land?) it's forbidden to take water because they're in a closed basin.* *AH says they need to look at the GIS overlay that shows these.* **JR**: We've got a lot to get done. Let's let the legal pros figure this out.

1:44:47 - Medical Examiner's report - **JW**: Okanogan is 400, more than doubled since mid December. Our 7-day case rate reflects an even higher rate. Chelan-Douglas has 11 or 12 hundred. Shorter infection rate and much ore contagious but not as severe. The likelihood of being infected is so much higher that hospitalizations are higher than with Delta. There might not be enough beds, weather is making it difficult to move patients. Good news: what works for prior variants also works for Omicron. Hospital rates have flipped. More of those hospitalized are vaccinated than unvaccinated. Out of 21 people 15 are vaccinated but of the other six, three are in the ICU and intubated. The most severe cases continue to be among the non-vaccinated but we're seeing plenty of break-through and a lot of re-infections. A lot of staffing can be done by EMS. ERs need to be reserved for emergencies, not coughs and colds. Public health can help direct traffic. **LJ**: we're still testing through Air Methow, Lifeline, all clinics and "mass vax" sites. Still no estimates on cost of repairing drainage problem (*at the Fairgrounds*). The state DOH put out something about clarifying

online misinformation. We'll be, by law, making changes to the structure of the BOH but for years we passed out the power and authority of the health officers which includes isolation and quarantine. *She cites a case where law enforcement, backed by WA code, was involved in keeping a person with tuberculosis from frequenting a bar, and, in 1905, quarantine for kangaroo itch and leprosy. She says to reach out and get precise information.*

1:54:00 Family Faire May 20<sup>th</sup>-22<sup>nd</sup> - *JW tells CynB there are no restrictions for having mass gatherings.* **LJ:** We can meet with them. Nothing was wrong with the safety plan (*of last fall's gathering, canceled at last minute*) but rates were 1,200/100,000. **CynB:** JW said it as because of full hospitals. I'm looking at "does the county have requirements above the state's? What could cause another re-location of our event? This could harm our non-profit status. We've missed four events now. **JWr:** It would be wonderful to (anticipate) but (we can't now. I would caution th BOH not to give a guarantee other than to support the event if it doesn't present a serious health risk. **CynB:** JW said if incident rate was over 200 it would be too dangerous. **JWr:** This board would not invoke an injunction beyond that of the state. ...**LJ:** They can invite us to their zoom so we can give them an idea. They had a wonderful safety plan but our rates were high. It was a super-spreader event. **CynB:** Thank you. I'll e-mail you when we start planning. For us it's a matter of surviving. **Ria:** We had a phone meeting and we were giving a date to present final plans (for the last event) but the decision was made before the date. People were harassing the BOH for us to not hold it, and it was canceled two weeks before. If you get calls from small groups of people, give us time to present our plan. **LJ:** We knew rates weren't going to change. We told you before so you could tell your vendors sooner.

Subdivisions in the Methow - **AH:** We repealed the moratorium on building permits in the Methow but new subdivisions over there aren't going to happen until we figure out water issues. *JD asks if all previously approved subdivisions will go through and AH says it depends on what the court order says.* **JD:** Planning was concerned about... a home on an individual parcel. **AH:** That was the 1-lot subdivision. But it's not an additional lot or home. It's an ADU. We have to talk with the attorneys. I would hope that it would go through. The house is falling apart. It falls under your 5,000 gallon exemption as domestic use. **DH:** An ADU is two residential structures. We can't issue (inaudible). Is there a size restriction? **AH:** Size and distance requirements. **CB:** We have to look at the details. It would be quite easy to have the same things you had with subdivisions. (2:15:00 **CD:** The ones that are suing us, if we don't address the water use issues, we're in the same boat. I'd like to talk about that... in regards to allowing us to go forward in rescinding the moratorium. There were just a few days left. There are a few issues. We should probably get our ducks in a row, and do it right away. It's fortunate we didn't get appealed. I want to proceed carefully. (Mentions the big pile of comments for the Comprehensive Plan.) We try to look at all the comments.

2:16:59 - Meeting Adjourned.