

Board of Okanogan County Commissioners
Monday, October 12, 2020 PM

Present:

Jim DeTro (JD) - BOCC Chair, District 3

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

Andy Hover (AH) - BOCC, District 2 (Absent until 2:47 PM)

Pete Palmer (PP) - Director, Planning Dept.

Mike Warden (MW) - Communications

These notes were taken by an Okanogan County Watch volunteer via Zoom.. Every attempt is made to be accurate. Notes are verbatim when possible, and otherwise summarized or paraphrased. 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 <https://okanogancounty.org/Commissioners/Minutes%2020/2020%Minutes-page.html>. Time stamps below are in real time. To locate topics, a clock on the AV Capture screen at <https://okanogancounty.org/avcapture.html> can assist in finding the correct spot on the recording.

Summary of Significant Discussions or Actions: Request to consider bringing land use at the lakes in Conconully under the county's jurisdiction rather than under Bureau of Reclamation; **November 2:** Public hearing on Recreation Plan, Methow & Lower Methow Zoning Map.; **October 19th:** Public hearing for WRIA 49 addendum. Legal processes for these hearings discussed. New Generator: cost, what departments would be served, historical review of project, funding, various options.

1:30- No sound. Branch Talking with PP.

1:40 - DeTro enters. Still no sound on Zoom on AV Capture.

1:42 - (*Have sound after calling county.*)

1:40 PM - Question of bringing cabins around upper and lower Conconully lakes under county jurisdiction rather than that of Bureau of Reclamation

(There has been a request to consider bringing land use at the lakes in Conconully under the county's jurisdiction. Commissioners are reviewing what the feasibility of this would be, and what it would mean to the landowners if they came under the county laws.)

PP (in progress when sound was turned on.) We will run into some issues with channel migration and shorelines because of the proximity of the cabins to the HWM. If they get a building permit, will get onto the books today. I did including your packet the draft MOU's that were sent. Look it over.

JD - Was there any conversation re the oat launch and what Bureau of reclamation was going to require?

PP - Surrounding the one cabin that was bit with out a permit. Some of them have been there for 100 years, but a lot were reconstructions or considerate rehab within the past couple of years. We didn't go into plans or anything - just the permit and regulation

JD _ They rebuilt the campground below the board launch. Just camping and RV. The old resort with cabins is completely closed and abandoned, they were going to tear out the cabins and a copelte re-do on septic and get it out of the way, because they are part of that situation you are looking at.

And another thing is - those people - the whole community that is built within the Bureau of Reclamation foot print, they all know they are under a permit. They may have to tear them down...when those cabinsI talked to the people who were there - they know they do not own the land.

PP The ones I did see, it looks like he made some....one of the ones in the back there. On the lower lake. There was one way in the backend was on DNCR property - heavily posted with no trespassing, some signs a little intimidating.

CB - "Conconogan."

PP That's where we are at. We walked along the stream.

CB - Was there a letter?

PP - Copy of the draft MOU in your packets. Cam from me, addressed to the board.

CB - Trying to get the context of what they are asking. The designation...how they....I think they are looking at where PUD has control of the shorelines. If there is a change in that effort, either we have the SMP there, maybe a change in regs....do what we laid out so we know what we have...unless we go in a dn enforce to those standards. Did know what they had out there. Are there any permits that have any been issued in that area?

PP - Refers to one place. One private place that should have had a permit, b ut didn't ask them.

CB - Clarifies that both lakes are Bureau of Reclamation. Asks about locks...

PP - Some of them right on tp of each other.

JD _ I don't think in the past they paid any attention - all those people who build the very first cabins..I think they were considered squatters. They were just up there.

PP I think that's what the Bureau is wanting to stop.

JD - I can tell you, nationwide, upper and lower (Salmon) are one of the last male 6 or 8 of the 10 in the nation that the Bureau has not come in and said we are done, hold the leases, etc.

CB -Looking at the paperwork.

PP - Refers to what has happened in other areas.

JD - Talking about other areas. All those things came under scrutiny under Park Service.

PP - Refers to another place where they wanted everything owned by the agencies.

CB - Interesting deal there. There is one piece of land that is a long strip along the lake. Owned by Sackmans. Pretty big piece of land. She has a good part of that side of the lake. So the upper lake has more.....that's a bunch of.....that's probably the biggest chunk right there, on that side.

JD - A lot of that that Annie owns is really steep down to the lake and is unbuildable.

CB - Then you get there over to the West Fork there is some private there too. Concanogan is BLM. Then you have all the stuff on the upper - most of that is in the Bureau. Every bit of it. On the upper one, 3 years ago we had the flooding there? Big runoff. Up further towards Loomis. That's probably what you are looking at. I didn't know what they policy for docks was.

JD - If the general public wanted to push it, there's probably nothing anyone can do....people can walk down between their houses, etc. That's why everyone is trying (be Included?) Takes a log o contentious things.. If they open the boar launch, would have law enforcement there all the time....

CB - Especially if they knew it was public land.

JD - At least the Bureau has. Kept the boat launch opened. They had promised to work on the cans and actual resort. Were going to refurbish it, get the newer back away from the lake, then rebuild som cabins and put it back on a resort lease.

CB - (??? Indecipherable)

JD - Most are looked on with a ?? That is pumped up to the shoreline. Has a grinder. But the old resort was not...septic is problematic. That's why they don't want to address it at all, just rip it out, get into the same zone, and build anew system. It could be compromised right now, but no one is using it. Almost could swear that it's compromised right now.

CB - The main thing is that stuff. Just looking at what they want to use as their regulatory base to locate what's going on there. Docks are always a tough permitting process, because people want what they want. And with fish, it's a certain kid of dock. If I were them and wanted to put in a dock, I'd just get the kind that are already approved. When they start putting them in themselves, it's kind of dicey. They are on old axles, etc.

PP - Especially when you get into....when you need to pull them out, the OHWM is not in a place that allows....

CB - In Oroville, at Sandalia, we permitted that one but said they had to take the things out over a boat launch.. If they had started doing it at ?? Beach, they would have had construction right on the each....

PP We got word back that the ??? Plan that would have purchased water in Pine Creek were not funded. But 2 were funded after that opportunity (grant?) One was Antoine Ck Branch.

Recreation Plan - Hearing, November 2, Rec Plan Methow & Lower Methow Zoning Map.. Next Monday, October 19th will be hearing for WRIA adoption. (Watershed Plan addendum.)

PP - How do you want to handle public hearings?? In 2010, of the Ok County Code, speaks of legit review and application, in #24 - Recommends Planning Commission send to BOCC and BOCC shall set a public meeting at which the BOCC can either accept or set another hearing....We are seeing that a lot of the adoptions we are talking to require only one public hearing. Have been doubling up with PC hearing and then BOCC. Do you want this, or do you want the hearing at BOCC level or PC level? I just went through a training with the municipalities on (?) - one of the things that caught my ear was a log of the counties not he line said how the PC would hold the public hearing, gather the info, make the recommendation, and the BOCC just acts on the recommendation rather than holding another public hearing.

What do you want to do? One public hearing, or a public hearing for both levels?

CB - If it were quasi-judicial, that's how it works by law. They brought it into the planning docs - you can have as many hearings as you want because it's legislative.

But if PC has been making findings and ??? - it goes down the drain, because none the BOCC start getting lobbied, makes it something different. What will happen is that people don't even go to the PC hearing. They just wait until the BOCC hearing. I'm not expressing my view about either, but I think we need to talk about that with Cmr. Hoover too, and how we feel, because anything that happens at any level, the public wants to thus come before the decision-makers. Variances not as complicated - less of problem with appearance of fairness.

PP - My main thing is that we are fine one way or the other, just would like an established process so that the next director or new person that comes through knows, and so we are not overwhelmed by public hearings....PC, then BOCC, then things change, etc. Have to have your head straight when working with it. Locations, etc.

CB - the process you read - what was that from ? (20-10 and development procedures. Lao 36.70 - PC holding at least one public hearing, and the Board is a public meeting, not a hearing.

LJ - So they closed public meeting with BOCC, no more comments being submitted. That's been consistent for a very long time. Planning Enabling Act

CB - It was describing this as the process.

Pete - 36.75.080 When BOCC makes final decision, if they make changes, it goes back to public hearing process. 2020-4 from 2020-6 (changes made after public hearing.)

PP - So I can put that on a future agenda to talk with all 3 of you? Just want to come up with an official process we can follow each time. We are holding a lot of public meetings, but if there was a way we can funnel that process and we get all the process and nothing is missed.

CB - I haven't gone all the way back to where official controls start - in my mind the Comp Plan isn't an official control. He cites laws from RCW 36. I ask that question because the Comp Plan effort in the past has gone sideways through just that kind of a process. When it got to BOCC, someone got it changed...

PP - that was what I talked about - PC had a public meeting, then BOCC had a meeting to take their recommendation. But if they changed anything, they fall through 36.0 (?) 2020-6 - we did that. Had to have another public hearing.

CB - So that process does not eliminate another public hearing. What gets me about his part of the Code is it talks about Official Controls. I hate that terminology for a Comp Plan.

PP - End of month, 26th - whole agenda will be Comp Plan. Close to final draft by then, hope they can take that and make their recommendation to you. Dept of Commerce has been listening in, and they have asked for a draft. I am getting ready to share that and to take that leap.

CB - I'm going to look into this process now....I think that I've looked at it enough in my past re Planning Enabling Act..."Official control" does not apply to a Comp Plan. Take a look at that. If you get back earlier, it's not an official control - those are the regs that are under the Comp Plan. Not sure what they were doing before, but they had lots of changes....4.20 and 4.30 (???) Maybe I misunderstood?

PP - Yes, difference between a public hearing and a public meeting.

CB - under 36.70.A, or B - Regulatory Reform Act. It had some implications for non-GMA counties - a 2-step process. What happened was that the PC would have the hearing, and then if it was quasi-judicial, the process then brought it to the BOCC, there was a lobbying activity, some people's permits were changed, and went out the window - I think that's why the state changed so that the permittee didn't get jacked around. (*Note: this process is similar to what happened during 2009 Comprehensive Plan activities, although at a different level.*)

PP- Have been to those before. Costs a lot of money, everyone then needs their own representation.

CB - It did simplify things - then it went to HE, and that actually fixes the situation. One of the first short courses I went to - said to eliminate as many conditional use permits as you can - the more you get into hearings, etc, the more procedural lawsuits there were. They were promoting setting standards then then whoever the administrator was, they were trying to get the standards set - but they need to be set good. He sees strict standards, but when it comes to applying them.....That's our job upfront to work with you on that to be sure not to give the applicant grief.

Whenever you look and see you will have problems with some of these regs, bring it up.

PP - When you are talking about court cases, it's the procedures....I've been a real stickler on that. Right now, that's where we are. At this point, we need to slow up and maybe sit back to make sure we are doing all this right. So way far on the back burner is the CAO. Will take it up as soon as Comp Plan is over. Dept. of Commerce involved in funding.

LJ - I had reached out to Mike to see if we could move it up.

2:27 PM - Mike Worden: Courthouse Generator Costs.

CB - We had George Thornton here (this morning), talking about TV districts. A lot of different things - talking about joint work. Sounds like you may be talking. He had a program with KXLY & KSPS - both are interested in relationship with district and doing the technical work. They are also looking for opportunities, like a used tower structure - they are looking for one. More than what just these 2 stations need - more would hook on . You can get a lot on them, I supposed.

Mike - standards and ratings are always changing...

CB - If you see anything used out there, there is a lot of interest.

Mike - Last week e talked about impacts of fire. Board wants to address. Last week I went with Central Services and (???) Trying to see what we did in the past.

Hers's what we ended to know - ???appears to have focused on Central Services only. Requires certain amp of back-upI would suggest that the Treasurer get on the generator, the audio...how many or which Departments would be critical?

CB - I am in the mind of dealing with the whole courthouse.

JD - Central services is not there, you are on there, then the 3 additional.....

Mike - Primarily for Central Services...technology that allows us to.... Bring on the Treasurer and getting the panels????They share a breaker box with Treasurer So the whole annex is the minimum?? From 50 KW to 100 KW? If you are looking at courts on the 3rd floor, that will double the load. My thought in the process: what is critical and necessary vs less so. If we are out of power for awhile, court will probably cancel anyway. That's where I start the double line - That's my opinion. Should I look at something more than Treasurer, Assessor, Auditor?

CB - I'd like to see cost difference. If diff from 50 to 100 KW, where you get it from will also be important. We want something that will work as often as you use them. Just and example from Oroville/Brewster station was a huge generator for that system ...it never gets used, but when you do use it, it will be a big deal. I've used generators that are really old, been around for eyears and years - only used for while

This might make your decision for you.

CB - when the public says....(??)

LOCATION OF GENERATOR

MW - Did talk with structural engineer - sounds like simple solution to have generator on that ???
Would require framework under the lid or top of the lid to support it. Core samples, etc. Maybe \$10,000....talking with Lanie, have to go with historical/archeological when dealing with Courthouse.

May be better to not mess with the ??? At all....something about gravel station, don't need to deal with engineers,

JD - Skid mount it?

CB - talks about a huge generator he knows.

Mw - The historical issues - that going next to the vault is probably the simplest. No code restrictions, as long as the exhaust is 3 feet from the window.

CB - How close to the street? (Maybe 30 feet?)

CB - I agree with that approach. A money-saver.

MMW - Size - will work on.

Electrical - none of the disconnects in court house, nothing is labeled. Have done some chasing down....(unintelligible.) probably have to do some scheduling with departments.....

Someone suggests 7AM scheduling with departments. If it's just wiring the transfer switch, easier.

JD - figures something is about \$100,000.

HISTORICAL REVIEW

MW - final question: Don't know if any costs, assuming we don't have to do the engineering for the lid, own gravel, historical issues.

LJ - Developing an e-mail to Chris Moore, Dept of Historical??? My thought is that if he's available he will respond soon and I'll pass it on to you. Last we did was windows replacement and he wanted to come after things were done.

MW - It is 2021 budget time, and does it come out of Capital?

CB - can we get EMS to put it into ???

MW - Have e-mailed to Hazard Mitigations.

CB - Talks about All Hazard Mitigation Plan - way back in Oroville when I was on this, they said to go back to your admin --...often this determines whether you get funding. Is it in the All Hazards Mitigation Plan?

Legis is looking at 2024 biennium is when we'd become eligible?

CB - questions things about the process = I think early 2021 - have it in there. Any of that emergency money that comes out of the blue, we look at it, but with legislative it's different.

MW - We have looked at this a number of times over 10 years. At what point do we decide to....?? (People talking over each other.)

CB - So you are asking if we are willing to dedicate capital improvement projects over others.

MW - I'm afraid if we don't establish a deadline, it won't get done....

LJ - We have 876,000 + in cap improvement funds. One is for cement gables (?) program... Talks about other funding . Don't know what will be budgeted for 2021.

2:47 PM - Hover has entered.

AH - This jail helps all of us. What is the infrastructure situation?

MW - This is particularly for the courthouse.

CB - I'd like to see the costs and then see what we are talking about.

AH - Kilowatt from the PUD?

MW - \$150 K for whole courthouse. Question was if whole courthouse is cost-prohibited, what are the critical depts we want to include/

AH - Using H-Vac and everything in there.

CB - The whole meal deal - on the other end, there is the basic - dispatch, central communications/

?? - Dispatch has their own. It would be just Central Services - we feed it to them.

CB - Does your generator - what die is it?

(MW) -.....

JD _ Holy Crap!! I was talking about..... (People all talking over each other)

AH - talks about Generac generators. 150 ??? For \$30,000. I know you can get them for around that.

JD _ Not diesel, which is ok.

MW - for propane, need a lot of other regs - 25 feet from structures, property lines.....

On and on with these prices.

JD - turn key, everything, about \$100,000.

Other options being considered.

CB - there are all kind of options, so you need bare ones of what you need.

CB - If we were to prioritize on Cap Improvement Plan, I think this would rise to the top. What else would? If you have no power, none of the facilities mean anything.

JD - We need to protect these things.

AH - We just told everyone this would boost communications infrastructure. A generator is maybe not the only cost. I'm not going to just reserve that \$\$ - I know Branch is on the advisory board, but my personal feeling is to reserve this for the big infrastructure for when it's really needed. If we will need the whole courthouse - obviously won't need it for all that.

CB - the numbers would really help.

MW _ Just asking for budgetaries, then will come back for authorization for bids.

CB - So it our Cap Facilities Plan Effort, we are asking Mike to do something.....what happens in local gov'ts that we as consultants worked for - we included not only city councils, but they went on priorities they had set. I can't imagine other projects we'd like to see happen more than emergency back-up power.

AH - Infrastructure funds - Typically.

CB - Law has changed - economic development is on the front. Many arguments, but they even changed the laws to make it clear.

AH - Questions.

CB - will find statute and bring it up . That big generator on East Lake.....Using a huge part for sewer infrastructure. That's why it's sensitive - need to get with Economic Alliance. I've been involved with that one for a long time. The bond that the county was going to pass was all for those kinds of improvements. Caused a huge upset. The argument began.....

AH - I was thinking, can you even do it if it says for "economic" ...

LJ - that is the clincher.

AH - the other thing. Need to take a hard look - do we need to be running HVAC - looking at the time it took to get back on line was less than 2 days, and that was a major deal. So do you need something that runs the entire courthouse if they are going to run for a long time.

CB - We spoke about this before you arrived. ...reiterates. The associated costs to the \$150,000 will add up quickly.

AH - You can ask PUD - we need 150 KW into Courthouse. A transfer switch sometimes, if you are only feeding a piece it costs a lot. But if feeding the entire thing, maybe e cheaper - re getting power into the building.

Silence.

MW - I see nothing to dispute that. Ummm.....If we do a piece of the courthouse, we have to do some switching. If you get big generator, you may just need to switch things around.

(Woman) - figuring out what's going where.....

AH - Bulk delivery of electricity, in those old things, is often cheaper.

MW - We will keep developing and I'll be back.

3:04 - MW has left.

Voice - we can adjourn now. Andy and JD leave.