

Board of Okanogan County Commissioners
Monday, December 7, 2020 PM

Present:

Jim DeTro (JD) - BOCC Chair, District 3
Chris Branch (CB) - BOCC Vice-Chair, District 1
Andy Hover (AH) - BOCC, District 2
Lanie Johns (LJ) - Clerk of the Board
Dan Higbee (DH) - Building Dept.
Arian Noma (AN) - County Prosecutor
Pete Palmer (PP) - Planning Department

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%202020/2020%20Minutespage.html>.

Time stamps below are in real time. To locate specific topics, a clock on the AV Capture video screen at <https://okanogancounty.org/avcapture.html> can assist in finding the correct spot on the video recording.

Summary of Significant Discussions or Actions:

Planning: Pre-existing, nonconforming cabin in Conconully, permitting and enforcement issues; discussion of MOA between Bureau of Reclamation and County; Decision not to continue with previous Planner's lenient policy on nightly rentals; Letter of Support for Twisp Restoration Project mentioned; Discussion of requiring water meters in new homes in Methow to establish current and future amt. being withdrawn from the reserve; Palmer raises Covid concerns re staff safety and a recent positive; immunocompromised individuals on staff; CB adds that guidelines should be enforced in the meeting room also; DeTro responds that starvation is a greater issue than Covid and states "You are not going to get me to turn into an Inslee...."; Change of Juvie location to old USFS site; Extension budget; Noma Exec. Session; Homeless Housing Coalition: 2 funding resolutions passed.

1:35 - Pete Palmer, Planning Update- (Technical problems, so "Carissa" had to call in.) Technical problems for a few minutes.

1:40 Conconully Cabin - Existing non-conforming cabin.

Carissa (C) - Nonconforming cabin, permitting and enforcement issues between Okanogan County and Bureau of Reclamation. Agreement sent to County re this.

AH - My initial question is what has prompted the Bureau to reach out to the county?

C - Have lots of cabins there on fed land. Right now a lot of those owners want to constrict things like a Giant brand new cabin. Per our license, they are required to follow all fed, state, and local laws. So as the cabin was being built, county planning got involved somehow. The issue is they did not have a 2-1 ratio for setbacks, etc. So county did a stop work order until reclamation got more involved. As Reclamation and all other agencies talked, it came about that the county thinks they cannot enforce your regs or codes on our federal property, so owners refused to do anything about it. Rec said the county could enforce. Owners came back and refused until it was in writing. Trying to come to terms with this.

AH - Trying to be sure the county can enforce local building codes on that federal land. Site analysis: one thing I was concerned over is that falls into Shorelines. A lot of moving parts in the area of the cabins. Trying to figure out if we....these cabins were built probably without permitting from us.

C - Have been there 50 -60 years. So

AH - So if people want to add on to their houses, what do you propose we follow regarding regulation?

C - Good question. Cabins are not supposed to be expanded. Supposed to stick by that. We are ok enforcing. This cabin came about in an unexpected way, not supposed to happen. When people build onto sheds, we'd like to you enforce whatever you usually enforce. Also need your help knowing how you fit in with this?

AH - Like with JARPA, have to get agreement among agencies. If you just want us to enforce building codes, I guess we out do that. The agreement as it was structured seemed a lot more complicated than just enforcing code. In the agreement, it looked like you were contracting with us...

C - Glad you brought that up. On Friday, he and I did have brief discussion re this. You are right the MOA or MOU is quite complex. Almost doesn't make any sense. Per our code of regs, already stated that on rec facility, owners are to follow local, state, and county laws. That being said, we are thinking Reclamation field office will create a memo from us to you guys. Basically saying that we said - want you to enforce rebuilding code on their property....

AH - Out in the county, permits are issued by us, and we care for those. Fee covers the cost of going out to inspect those buildings. For different jurisdictions, we contract with them and charge an amt for our services. We will not going to be able to do something that encumbers our building dept with costs....

C - The costs go to the cabin owners. Yes, we need to include that.

Dan Higbee (DH) - Wanted to give background. County doesn't ave ability to enforce on federal land. We have done quite a bit ...what we haven't done is required our planning dept to do any site analysis because that's not the request. I guess the question is with with jurisdiction. We couldn't give them a stop work order because we didn't initiate the buildings. Prosecutors wouldn't have anything to go on for stop work order, because they don't have permission.

AH - In our case, it would be a site analysis, later a building permit. 2 steps. Site analysis portion - we are taken out of that because we do not have the jurisdiction because they aren't allowed to expand their foot print - we didn't even know that.

CB - In the cities, for instance - if we have land use authority in jurisdiction, we used to have the border control doing things in Oroville. Border patrol said they were not subject our rules. IN this case, the feds are saying no - we will abide by your rules. If you take that way, the process is like it is for anyone else. If it's lease - free, etc. When it comes to things built a long time ago, they are called pre-existing non-conforming uses. No different than having internal controls on a subdivision.

G Bates, Bureau of Reclamation - (*can't hear.*) Instead of having a big MOU, we want to put it into a simpler document.

AH - A little bit of an issue is someone applies for a porch to us and we deny it because of our codes and your codes and they appeal it, we are on the hood for the appeal costs based on.....

Bates - we can give a permit for a porch, but..

AH - If we give them permit, and Reclamation....

Bates- They have come to us before about the footprint. If it's something we allow, then they have to get their permits from the county.

CB Example is East Lake in Oroville. A lot different.

Pete - Dan and I can work on it.

JD - What's going to happen - looks like the site analysis and (???) fell through the cracks because of miscommunication, and then the stop work order was issued. How will we fix that?

Bates - can't go back in time, but can go forward. Whether there is a dock...(fading out.) Will issue something stating the rules. Get their own permits fees, and follow your rules.

JD : Agree - has to be going forward, because after the fact the three of you agree and then BOCC agrees to contents, the actual jurisdiction of this action still lives with Bureau of Rec.

AH agrees - the only way we should give a permit is if we have seen a document from the Bureau. We sign off. If they have done that - there has already been a site analysis.

Bates - if Bureau says they can't have a porch...

AH - I think you misunderstood me. If we get a letter from the Bureau, we....

(Several people talking over each other.)

Pete - Bureau only says IF they have complied with their regs.

Bates - (*too hard to hear.*)

AH - If they are building something that's within our shorelinesthe lake falls within our shorelines jurisdiction. So if.....

Bates - If they are going to put up a dock, they have to go through everything . If they put a dock down in the water....

AH _ Ours (*Shorelines*) includes even cutting down trees, in the Shorelines environment....we would have to deny it.

Bates - I don't know. I know we allow cutting down dead trees, etc.

AH - I think you and Pete and Dan can come up with something, but if your Shorelines definition is different from our Shorelines management plan, we have to know that.

Bates - We just want to be sure people are doing work In a safe and correct manner.

CB to Pete = Federal water,.... like Columbia River. You have a dock application and the Corps doesn't like what we allow.

Pete - If Bureau has a requirement above and beyond ours, we defer to them.

CB - Talking about within Ok county jurisdiction. So if your standard is lesser than ours, wouldn't come into play - Only if it's stricter than ours.

Pete - We we comply with your rules. If you deny, we will deny.

AH - I think they are only talking about safety, and that our Shorelines is more restrictive.

Pete - our restrictions will be

AH - (*interrupts*) we could not enforce our stricter requirements on federal land.

Pete - if Corps has a dock requirement less strict than ours, it's ours that prevails.

CB - If you want to talk about this outside and bring it in.....I know what we are talking about. We've done a lot of that. The more restricted applies.

AH - (*talking over Branch.*) If someone wants to do a porch and Bureau says ok, but we say you can't. To whom will be landowner appeal?

Pete - They will have to appeal to us under our code. \$300 appeal fee. Some things we'd need to work with the USBR. As long as they give us the jurisdiction in writing, I think it can be worked out. Will involve Gecas.

CB - Also would suggest..... looking up what we are already doing, to demonstrate that's what we are doing.

JD - Another question, to Carissa or Bates - what will happen with the rest of the upper Lake resort, where the Bureau promised they would clean it up but haven't done it? It happened on the upper lake, but not the lower.

C - Upper lake resort is out of our domain .Not in our dept.

JD - Asks for a contact with natural resources. They will get you some contact info. Pete wants to be copied.

This section of meeting seems to have ended.

AH - Treasurer needs an e-mail about a transfer of about \$2,000 needs to go out of vehicle reserve fund into your fund.

PP - Tax and licensing wasn't int the bid they gave, so they were out of the lower bid. Re- drafted the agenda bill, etc. etc. . Budget over 10 years.

2:20 - Pete Palmer, budget being talked about.

AH Treasurer needs a transfer. 2,022.33 - transfer out of vehicle reserve fund into your fund. #423 Redrafted this for your signature approving this purchase: Asks to authorize 2024 Compass SUV for planning dept. \$26,087.35.

2:21 PM resolutions drafted for you by HR based on 2021 budget proposals.

*First will reinstate the Senior Planning position and funding removed from budget in prior years.

*Promote Planner 2 to Senior Planner (Angela Hubbard)

*Creation of new position for GIS Technician.

2:24 PM, AV Capture 3:55:56 - Letter for your signature which was also e-mailed as a part of the packet - [draft for the Twisp Restoration Project letter of support.](#)

Nightly rentals - A person (Ives) in Methow Valley owns 3 lots. Lives on 3rd lot. Wants to build 2 residents on lots and rent them out as a nightly rental.

AH - He can't do it.

Pete: **In the past, the planner had been more lenient.** He owns the plot but someone else owns the other 2 lots.

Pete - We talk about consistency. The code says one person cannot have more than one nightly rental. But in the past, that hasn't been done.

CB - He has to be in a planned development to build one.

JD - Would be against giving Pete direction to go outside what the code says. I don't care why

AH - He cannot build a planned development with what he has, so it's not legal. And as Branch says, nightly rentals have to be a part of the Planned Development.

2:28 PM (AVC 3:59:50) Well Meter Request WRIA 48: Discussion of requiring water meters in new homes in Methow to establish current and future amt. being withdrawn from the reserve

AH - Request from Watershed Council (*WRIA 48*). Re new buildings, part of the watershed plan was to meter all new houses to get a number you could assign for each house to withdraw from the reserve. Voluntary program. The meters are on cell towers and transmit data that can be collected anywhere. A ten-year battery life. Whenever your meter stops, that's it....that's the data we are collecting.

PP - It may require a code amendment to require under law. Moving forward, it's no problem, but not retroactively. Would be able to get better numbers: ESSB-9091. Stream flow legislation makes it easier.

AH: And we are only talking about WRIA 48 . And if we had the meters, it would be part of the permit cost and

Dan Higbee (*Bldg Dept*) - We need to put that info out to people. Need to know ahead of when they are applying for a building permit. About \$750 per meter, including wiring. Some of the houses are off-grid. Would the meters be able to work?

AH - Mike Fort did all of the research on the meters. Can you get ahold of him?

CB - Use other cities which have done it.

AH - Could try to get a grant from ECY to offset cost and then do it on a voluntary basis.

DH - We have 60 volunteers so far, but only 12 available. You'd think some of these groups, with all the \$\$ they have, would gladly donate some. \$37,00 is a lot, but there is a lot of \$\$ out there too.

AH - Don't have to implement immediately; can take the time to do it right.

DH - If we could get meters through a branch, people would be more accepting.

CB - I think thatmight be more accepted when we are dating with Methow Water anyway. This time we can come to some kind of consensus of what's going on there.

AH - If we are going to go to the trouble of trying to get this info - agree it should be done. Look at all sides. What will we get out of it?

CB - So let's describe the desired outcome.

AH - Responsible growth within the entire county, at least WRIA 48, that is not all over the place, good land use policies that allow for growth ...if the growth is concentrated here....you could have all cluster ordinances might be a more efficient system of growth. . We know we have a certain amt of water, and how are we going to best utilize that?

CB - Must make good decisions based on good data. Accurate data

AH - Right . If you found out the actual usage was 300, rather than 710, How should you use that data?

CB - You might use it in the way that that data actually drives your water use. So if we are tracking it and everyone knows that, the argument goes away as far as how much people use. Some use more, some use less, but then we know what we are really talking about . That debate goes away, so when we talk about growth and how much water we use, it isn't really about what it's used for. Not so much an advocate for putting a meter on, but it seems to lead us where we need to go as far as the whole Methow fiasco and water use.

PP - for staff meeting - What I see on the agenda will not be happening (*She does not publish her agenda, as Perry did.*) Asks for short exec session, maybe 8:30 in the morning.

AH - if Dave is around, we can do it now. We have 45 minutes until next public hearing.

2:21 PM (4.12.40 AVC) - Concerns from Planning Department re Covid-19

PP - With the recent positive here in our in our building, it has aroused some serious concerns with my staff. You need to be aware of that.

CB - Wanted to speak on this - Last week or the week before, you brought up a plan to manage your dept to cut the risk back. I think we should consider that as a decision on your part to help stop Covid spreading around the departments.

(4:13:52 AVC) - AH - If the departments goes down down, all things cease.

PP - After today, we had a visitor, I'll just say that, and after that happened, I was bombarded with staff and their concern about isolation, visiting around, etc. etc. Was asked then can we lock our door to everyone outside our department? Up against the wall. Want to keep the dept safe, but want to continue doing our jobs. How far do we take this? I'm just bringing it to you - trying to get some direction.

JD - Mumbles something.

JD - I didn't realize we had a policy.

AH - I didn't either.

PP - We've got a Dept. and we have other staff members here wandering around that still haven't been tested....visiting around, and so forth. It's raised a real big concern. It's an issue when we have someone with people with a compromised immune system. It's public knowledge now, but It concerns me about keeping our office open. If one of us did get infected and shut our office down, what position it would put the public in, not having a planning department functioning.

CB- It goes for every department. The compliance with the safety precautions across the board. Because of HIPAA rules, we tend to keep these situations kinda under cover. If we continue that's going on, , and we have a serious disease circulating amongst us, and are not able to bring it up or talk about it?where does that put us?

AH - You can put that discussion to whoever wrote HiPPA.

(4:16:38) AVC - Well, Yes, I know , but possibly we need to look at our system of communications during this pandemic and figure out how do we can communicate within the county to be sure everyone is doing the safe thing.....and if there is a threat among us, we need to know, so we can act accordingly. What if you didn't know and you were constantly in contact with someone who was constantly in contact with someone who was positive? How do you know what to do?

PP - I think that also goes back to the "holder" and that person being respectful of other people, and that person being responsible to the people you are contacting and - responsibility to other people.

(4:17:11 AVC): CB - And sometimes when you do the contract tracing it's based on an interview , and they can't remember everything they did.

2:45 PM (AVC 4:17:44) AH - to Pete I guess you are the one who needs to decide what you can accomplish with um, you, know, keeping people fromthey are working in their offices....because that one cubicle has glass on it. . Maybe you assign someone to work out there, and the others in their own little cubby hole.

CB - And if there are meetings in our meeting room, we need to be sure those rules are abided by. Even if people don't like it, we are going to have to buckle down on it. (Pete - in background - we are cleaning, disinfecting, etc.)

Long silence

JD - "You are not gonna get me to turn into an Inslee, I'll tell you that. "

CB - Im 'not asking anyone to turn into anybody. Just doing a reality check here.

JD - Well, one realty check is that over a little over 1 million people died of Covid worldwide, but over 8 million people starve to death each year, and nobody says nothing.

CB - Well, I'll tell you what - I just sent my test in and if it comes back positive, If I got it, and I die, you guys are going to be hearing about it, let me tell you.

JD - You mean, you got exposed someplace?

CB - If I walked into that building, I probably did.

JD - Well.....

CB - We need to just think about that, really seriously .When it comes to politics, I'd just as soon not go there. But all across this country, there are people dying, and often they are where some people don't accept these practices. The other day, Jim, you asked if these precautions work, how come it's spreading (*during citizen comment period 2 weeks ago*) It's probably because 1/2 or more of the people are not complying with those rules. . That's my answer.

Long Silence.

(*Other Commissioners and attendees choose to change the subject.*)

AH - Asks for Dave for exec session.

DH - Talks about Gecas and upcoming session.

AH 110.1 (i) potential litigation, with Pete and Ave. 15 min.

3:00 - Gecas enters. Executive Session, RCW42.31.110 1 (i) Potential litigation

Miscellaneous Discussions, including change of location of Juvie to old USFS building.

(AH?) Last week, I made a motion to make a moratorium on new cannabis grows, and after that I realized that Planning can go ahead and do that without a Resolution.

Pete - something about a "place marker."

AH - We have about 15 minutes: USFS building. We are at end of Covid funding. I think that looking at Juvenile going there under Juvenile 160 fund would be a good purchase.

CB - Especially when talking about Juvenile, we can do it contingent upon CUP or rezone.

AH - Probably need bond counsel on that one. Have to talk with Leah about the process.

3:19 - JD and CB agree with this.

Talk about public works budget changes. (*Covid concerns from Planning Dept and CB have apparently been dropped.*)

3:30 - Public Hearing Budget Supplemental Appropriation Emergency Communications

Fund 161 - Mike Worden

Due to the negotiated 12 hour schedule brought forth by members of that group, then we learned here from Dept of Labor, who did review - they concluded that something about work week was not appropriate. So in the midst of transfer, reviewed by auditors off ice as to whether we could absorb those costs. Answer was yes. So back to Sept 2018. Plan is to cut the checks Dec. 14/15.

Resolution 169-2020 Approved. \$18,219.

AH - Can we move Kayla up in the schedule?

(Answer is yes.)

Kayla Wells Moses -(K) Discussion , 2021 Extension Budget (moved ahead on the agenda instead of 3:40 - the "powers that be" say that you were right that full-time benefits do kick in. When fee is 50 or over, however, the HR person said the option to decrease the FTE to have overtime, that wouldn't work because laws for overtime do not carve out exceptions for part-time work because the over time part wouldn't be pro-rated.

AH - But if we only put her on a 32 hour work week....at the county, daily overtime goes into effect. Anything over 8 hrs goes into OT. If she was only working 32 hour weeks, but whenever she had to work over 8 hours, you could ask for OT.

K - I understood, but the answer was that it wouldn't work. In addition, if someone's FTE were to be changed, that has to go up to the director extension - appointing authority for the university - either Andre or Stacey, the director of extension.

AH - She will just have to work 40 hours work week with no overtime.

K - Seems to agree. The solution is not to work overtime. She is a WSU employee.

AH - So basically, they can say we can't pay her over her salary.

All agree. WSU will come up against the same law.

AH - So we can look at your budget. Started budget hearing, to be continued at 9AM.

(They go through individual items, like travel - and that will be cut due to lockdowns, utility increases,

Kayla still speaking at 3:50. Might be the oldest in the state - it's from 1986. Format will have graphic exchange, update the language - may take multiple meetings back and forth, lawyers.

AH - Have us send the template for the MOA. Will pass it on to Gecas. Is this the one approved by WSU?

K - Yes, but not specific to Okanogan County.

AH - Please send template of our recent agreement and template.

K - It will be more - 4 pages became 8 pages.

164-2020 -Relating to prosecutors. AH - Talked with Dennis: CARES Act funding that should have come through already but may have gone elsewhere. Passes.

165 - 2020. Passes.

4:02 PM - Homeless Housing Coalition 2 resolutions.

168-2020 - For housing, use in 2021, passes

167-2020 - Homeless Housing funds for use in 2021. \$185,621 Does not include Oroville Housing Shelter, because that was their recommendation. Can be included in budget for next year.

166-2020 = Stipend for temporary assignment of CARES ACT admin duties. Stipend for Clerk of the Board.

Noma - Exec Session. RCW 42.31.110 (i) potential litigation.

4:27 PM : end of Zoom.

CB - There is a COG (Council of Government) meeting.....