

Board of Okanogan County Commissioners
Monday, November 9, 2020 PM

Staff Present:

Jim DeTro (JD) - BOCC Chair, District 3, ABSENT
Chris Branch (CB) - BOCC Vice-Chair, District 1
Andy Hover (AH) - BOCC, District 2
Lanie Johns (LJ) - Clerk of the Board
Stephanie "Pete" Palmer (PP) - Director of Planning and Development
Leah McCormack - County Treasurer
Lisa Schreckengast - Treasurer's assistant

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%Minutespage.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: Pete Palmer - Under DOD grant, County would do more administrative work for DOD for relatively nothing, and the State will do what the County needs anyway. **Decision to send DOD copies of relevant County regulations rather than applying. Bureau of Reclamation** proposal for county to take jurisdiction over problematic, non-conforming Conconully cabins: decision to meet with Bureau Rep, with skepticism regarding proposal. **Lake Management 2021 Public Hearing** to be scheduled ASAP, with time for public notice and postcards to all owners . **Discussion: Legal necessity of public hearings, in particular for Comp Plan by PC/BOCC;** need to decide levels of Comp Plan hearings; streamlining review process, Permit Review Committee; **Budget Work Session, Sheriff Funds** 124, 143, 145, 106, & 132; **George Thornton, TV Dist #1:** working with KXLY & KSPS & have found a 100 WATT translator, which could greatly improve emergency announcements among other things. Complications discussed.

1:30 - Informal talk- Pete Palmer waiting.

1:45 PM: Pete Palmer, Department of Defense (DOD) Grant Application: (Meeting starts late.)

Good afternoon, Pete Palmer. Submitted agenda - 1st thing is clarification of what we need to work on , on DOD grant. Basically they are asking us what we are proposing to do on the grant. Basically, under the grant would be doing work for the military rather than county getting anything . Under that. Do you want me to continue with pursuing this grant? Also , a question re energy council

CB: DOD - Looks like it would....would airports be relative? They want to know what benefits the military would get , rather than county.

AH - CB - They are not willing to do much more for DOD than that.

CB - I have a feeling it would tie us up, giving us more admin work than benefit.

PP - same feeling. Also, if the state agency is already going to do what we want.

CB - On the (??) You said...

PP - I included the letter, but....

CB - must be here. The 3rd paragraph - reads. DOD thinks county may have data they would like. Re wildlife habitat, floodplain/easements, etc.

AH - I'd just send them our current CAO, don't want to send draft of Comp Plan...but put "Draft" all over it, all of County Code - that is easily accessible to you. Tell them, "here we go...."

CB - Also, they want renewable energy and we don't have much.

AH - Also, Pete may need to get city's plans or let them know to do that, since they have the urban expansion areas.

CB - I think cities must have submitted them to us.

AH - Either way, we can get those to them. Are we good with that?

2:52 PM: Conconully Cabins Agreement proposal by Bureau of Reclamation:

PP: Have gone through with a fine tooth comb. Looked through at legal uses, etc....a lot of the houses /cabins were put in without any permit. Concerned about how run down some of them area. They are also close to the OHWM (*Ordinary High Water Mark.*) Included maps for upper and lower - they are in our SMP (*Shorelines Master Program.*) Included those maps . Type 3

stream that requires 150 ft. Setback. Right off the top of my head - at least 2 structures are 2 ft off the OHWM.

AH - But they are pre-existing.

PP - If they become unused for 3 year period, they are considered abandoned and would had etc be reconstructed according to our code or replaced using the current foundation. But could still be non-compliance.

AH -Will be a big headache for us.

PP - We don't have what we need in the code right now to enforce. She traces track that letters that would happen, involving the prosecutor who is already in over his head with issues in the Methow - don't want to add to that overload. They are asking us to ??? Something about walls and structures.....they are authorizing us to provide a site analysis,, etc.

AH - Section F - fees: County will charge any existing fees if authorized, etc. will be remitted to Reclamation. Are they talking about our fees or

PP - Yes basically They" don't want us to charge any fees. So when back in D where it talks bout code enforcement , THEY only listed certain things, not zoning or shorelines. The second thing about the fees - talks about variances, but then leaves it blank.

So we can't charge Looks like Reclamation proceeds rather than our own appeal process.

AH - Can we say that if you want to do this, you need to send a representative.

CB - We jumped around a bit here.....so it ...he reads something aloud.....so that first paragraph is interesting compared with 2nd paragraph on nonbinding agreement - it says IF the parties agree....Item F - in fees - so the relativity to fees in that section, it says it creates no rights or trust responsibilities or procedural.Item F.

AH - Are we looking at the same thing? Mine says fees.....I'm looking at the MOU.

CB - I think I am too, but you are talking about a different section. I'm in Item 5...

AH - OK.

CB - So you were referring to a different Item F, then. The obligation under this 4F item - the obligation is if the county charges additional fees ...through legislation. No obligation unless we agree to it. Will change any fees according to Reclamation legislation . I don't see an obligation on our part.

AH - Problem in verbiage ... "In fees."

CB- Will charge any other fees approved by Reclamation by legislation. To me this is....what are you getting at?

AH - Fees will be remitted to the county on a regular basis...is this All fees?

CB - The county will charge additional fees.....What legislation? Ours? Federal gov't? We would have to ask that question. As far as code enforcement is concerned on pre-existing nonconforming uses....would be the same as others?

AH - But there are a lot of things that are non-compliant and cannot be made compliant.

CB - Example?

AH - Someone wants to build a deck....?

CB - We would have to say no.

Pete - But on code enforcement, it only says...."by code," not things like SMP.....

CB - It says Reclamation....there is a missing piece from the very beginning: This memo is ...missing the whole piece about why we were not enforcing laws on this in the first place. That needs to be in there to say...all of a sudden they are giving us this authority, but don't say why we didn't have it in the first place. Then....the Reclamation District shall - allow the county to enforce.....so building permits, inspections....but they did say "all applicable regulations" so that part is covered. I think the most important part is why we didn't do it in the first place.

AH - They didn't let us.

CB - But ...I'm relating this to Okanogan County in general....on a broader basis then just this. We have a lot of nonconforming uses out there for various reason.

AH - But these building fall in a different category because they are so close to the water.

CB - In a different category?

AH - If I'm out in hinterlands and we have a code that says....I just look at it being so close to that lake - there are a lot more things that can go wrong.

CB - ...You'd have to say no....

AH - Why are we not just saying to reclamation - just run it by us, we will charge you for the site analysis, and we will tell you whether you can do that or not? Why should we clean up the mess they allowed?

CB - If we charge them, and they charge the land owner.

AH - I am confused by what you are saying. What you are saying, or what I think you are saying - that we should have been enforcing county code on federal land.

CB - We never did it because we didn't have the authority. So they want to give us that authority.

AH - Which would then make us the bad guys - or to cause us a lot of grief - we were never given the authority to say yay or nay, and now, after however many years, they want to say here is your jurisdiction. Probably they are getting bombarded with people who want to upgrade.

CB - But I want to talk about this because we have enforcement issues all over the place on nonconforming issues.

AH - I disagree that we should take on this responsibility.

CB - I was just talking in general, that I wanted to take this opportunity to address all nonconforming uses.

AH - Let's say no.

CB - If we do that, I want to do it for the right reasons.

AH - Do you know for sure why we were not enforcing own codes?

CB - Yes. We had no jurisdiction.

AH - So why are you wanting to take on this responsibility?

CB - For the reasons you put in here.

AH - I would ask, how many applicationswhat level of service would we have to.....Do not mean to.....I am just saying that there's something that does not jive right now, and we don't have all the info in front of us.

CB - That's true. And the things within the agreement; I was clarifying. I could easily argue either way. My vote as one of the three commissioners is not going to matter. I'm making some points here.(reads aloud, saying it's the only grounds for doing that.) If someone is on federal ground and doesn't need to comply like everyone else..... Makes me want to do that.

AH - I did not say that. I said I'd like more info in order to make a decision on this, because I am not seeing the whole picture.

PP - Want to have them send a representative? Also, need to know if there are liabilities? If we issued a permit on a nonconforming structure, are they going to come back on the county because we issued permit? Issuing a permit and just looking the other way.....

CB - I don't want to discuss it anymore. I would just not do it. For me, it's not worth a discussion.....it's not as important as it sounds....I was just making points about the agreement the

-
AH - Could we just have someone come in, because there are some areas in which the fed and state gov't should be consistent with our Comp Plan. Coordination. But they are talking about us taking on responsibilities

CB - I would prefer just not to do that. There are a a lot of other things we have to deal with - I would much more prefer to argue those rather than talking about federal land.

AH - I would like to have someone come in....tell us what regs we are looking at.

CB - I suspect they want us to take over because they do not have the regulatory basis. We are not doing what we need to be doing....why spend time on federal lands?

AH - Wants to have someone come in from Bureau of Reclamation.

CB - Wants not to.

AH - The landowners have some teeth - we are in a Don't want to spend a lot of time on that. There were several projects affected, and then the federal gov't who does not not seem to be looking at our codes...

CB - Ok . We can have our discussion. But as I look at thisI want to be sure we are clear about how we are responding....if it shouldn't be that contentious of an issue.

2:19 PM: Lake Management District - Public Hearing must be scheduled immediately

PP - I need Lanie to set up public hearing for Lake Management 2021need to have it done by end of year....I can e-mail her. Need to get it done quickly.

Lanie enters, about 2:20 PM - says that Commissioners were shuffling through papers too closely to mics - the reason it was hard for public to hear.

AH - (To Lanie) Need to schedule public hearing for Lake Management District

LJ - I am not familiar with those rules to know whether it requires a notice 2 weeks in a row. Once we know , we will count 2 weeks for publication. So Nov. 30 is the deadline for getting that certification. If you are required to certifyis it BOCC, or did you assign it to be the Noxious weeds agreements.

AH - We did it last year. We only contracted with noxious weeds

LJ - Who will do notification?

AH - I think we need to do those.

LJ - Perry was coordinating with Treasurers' office as to list of people who needed to be notified, because they can choose to be excluded.

AH - Each person in Lake Management District needs to get a postcard

LJ - Proposes two dates dependent upon whether or not it needs to be advertised for 2 weeks in a row?

AH - This came through right under the wire. Can we put this on the calendar for a revolving date?

LJ - Who will be responsible for doing that? I have not been responsible so far. Perry was involved.

AH - Let's put it on the responsibility of Planning.

CB - Let's refer to our ordinance as far as procedure is concerned. That's all we have to do. I'd prefer it stayed in Planning since that's been initiated. Seems to make sense.

AH - They were sending postcards?

LJ - They respond to post card and say why they want to be excluded, and then they would move on each individual parcel or lot.....

AH - Put this one on high priority.

CB - Reads regulations in the agreement. Basically saying that BOCC can act as a board of equalization on the assessment role. May raise, lower, etc. special assessment rolls by adoption of a resolution...etc. etc. If demanded to raise special assessments, etc. a new public hearing shall be held. Limited to such and such, notices sent to owners or to reputed owners...etc.

AH - Which is postcards. By what date? As Lanie said, it's a special taxing district, so needs to be approved by Nov. 30th.

PP - Says something about 31st of Dec. Because special taxing district.

All agree this is best.

PP - Will look into it, time needed to notice, postcards with a lot of time allowed.....

CB - Are we obliged annually, or when someone requests as with the Board of Equalization?

AH - We need to find our ordinance.

PP - We have only had one request.

AH - So might as well get it all done.

CB - Reads about appeals/protests.

AH - Angie did the last one.

PP - Have been picking her brain too.

CB - Always good though, to go back to the statute.

PP - Will look at all this. Will let you know what I find.

FEMA - Fish enhancement in floodway: This caught the attention of Yakamas. Going to require any proposal for development in floodway will require Hydrology (permit?) Also , in some cases a LOMAR Permit. Will take a lot of pre-planning. Probably 6 months, plus wait time for those letters. Just giving you a heads-up.

2:34 PM - Discussion & Debate: Issue of Which Land Use Public Hearings are Necessary:

PP: I researched this on my own, including stuff from Municipal Research and sent them a question a couple of days from ago; answer due. (Appears to have given memo to BOCC and appears to be referring to that.) Overview on public hearings. 36.70 - Highlighted definitions references BOCC, PC (Planning Commission) and then exactly what the official controls are. Then one to Official Controls 550, types of controls, etc. and the adoption of those controls. Specific to Comp Plan. Then to our own county code 20.10.040 - legislative review of applications, public hearings, publications, etc. Last thing included- based on putting all of that

together into a flow chart, where initiation(missed) So we can decide what level for Public Hearing.... or at all levels.... or just with Commissioners.

AH: 20.10.040 says: Following a public hearing, recommendation of PC shall be forwarded to BOCC. Upon receiving, BOCC shall set a public meeting to consider the proposal, at which the BOCC may either accept or reject the recommendation. But if we change it, we have to hold a public hearing. We can ask them to look at something, change it or not....but if we do not adopt their recommendation, we have to hold a public hearing. I like not holding a public hearing if the PC has already held one - and then either accept, reject, etc.... or change it and then hold a public hearing.

CB - Yes. Great.

PP - This is the process we will use, moving forward. (But is this changed later?)

Further discussion as to meaning of regulations regarding hearings:

AH - Let's take something simple - such as 5 acre zoning...we actually did that, soin the statute, they don't have to have a public hearing, just a recommendation. If we develop a proposal we want to send to Planning Commission, they just give us their recommendation back, and then they have a hearing?

CB - I don't read it that way.....

AH - Take a zoning amendment.....

CB - I think by statute the PC holds a hearing. I think. (Citation) - He thinks it says they may instigate it or we may. PC may draft legislation as may in its judgment be necessary to uphold Comp Plan, etc.... may then recommend for adoption. So then..... I guess we don't have it all. Thought it said somewhere that in statute if the BOCC sent it to PC, that we were to have the public hearing.

PP - If you go to 36.70.380.....approving all or part of Comp Plan etc. (Reads) BOCC may hold additional hearing.

AH - PC has to have one hearing on Comp Plan, then we.....

PP - Specific to Comp Plan - PC holds hearing, then may go ????? (Too many changes. Notetaker Lost track.)

PP - Talks about official controls also, zoning, subdivision, etc.

Ah - 36.7.640 (??) Official controls were that the Board may initiate. May initiate consideration of an old official control.....shall first refer the proposal amendment to the PC for a report which

shall thereafter be considered from there on similar to (????) Same as us holding a public hearing.

CB - That about initiating something? Then 630 says if the Board changes something, we have to have a public hearing . If we initiate something, will get a report back from PC, and we have a hearing no matter what. PC does not need to hold a public hearing.

Disagreement on meaning of statute between AH and CB.

AH - if you go to 630 - if official controls come back after PC public hearing, the board deems a change in the recommendation of PC are necessary, the change shall not be incorporated into the control until the BOCC has its own public hearing. But if we just adopt or reject, we can do that at a public meeting. If at the public meeting, we say there are things we could change, we could hold our own public hearing.

CB - Yes. After PC has a public hearing. (This and that.....) About zoning - say we want a rezone and send it to PC. They prepare a report. Do not have to have a public hearing.

CB - They can.....You don't want them to?

AH - No. Reading from 640.....considering an ordinance establishing official control....

AH - (Says he plans to meet with someone at lunch tomorrow. Sounds like it may be Gecas. Reads the statutes over again.) It is being read differently by different individuals. I think we are trying to streamline this so we don't have 2 public hearings all the time. It would take 2 of us to initiate something anyway, so you send to PC....so then it comes back to us.....

CB - I agree, but if the PC has a hearing it's part of the process to me. If they have looked at it and they hear from the public....but if we want to collectively have a public hearing at any particular matter, I don't care. I brought these up o have a conversation about things. I'm ok with having a public hearing here on any matter brought up to the PC.

AH - Are ok with.....

CB - I don't care. It's all going to come down to.....

AH - Do you think I'm trying to.....all I'm thinking about is trying to streamline.....

CB/AH - Trying to understand whatever they are trying to communicate.

AH - After review, I see that BOCC either accepts or rejects or sends it back.....OR has their own public hearing.

CB - I agree.

AH - All I'm trying to do is figure out when the Planning Director says we ought to streamline.....we are talked out, I'm ok with not having a public hearing every time if the PC has already had one.....

CB - Most of the time we will probably have a public hearing. If they had said we had a public hearing on the 5-acre zoning, I wouldn't have had a public hearing.

AH - If we wanted to change that, we'd need a public hearing. Have the reasoning behind why they recommended against the change. For example, we might have a hydro study and we might then have a hearing and say this is why we changed our mind.

Interruption: additional Planning issues

PP - I have other things. Tomorrow's agenda's staff meeting? Keep this item until then? I have a mileage request....

AH - You have a lot of time, more than other staff, on Mondays.

PP - We can do it now....

CB - Are we doing this for everyone? Do we have to approve their leaves?

AH - Nice to at least e-mail, if it's ok.

Resume Discussion regarding PC/BOCC public hearings

CB - Talks about consistency on zoning, rezone, hearings examiner, subdivision process, quasi-judicial matters, and public hearings. Wants to be sure our code says the right thing, because people do look at them now and then.

AH - That's why I like the flow charts, which include a "return" link.

CB - If we have a role for the Planning Commission....sometimes when they have gone to cities, they have made a mistake....we didn't have Hearing Examiner then, so they were making the decision (at city council - ??) and so if there was a problem... Complicated. My point: I try to respect the PC's role because if we do not, there is no interest in being on the PC.

AH - But you have to have a lot of info in order to change their recommendations. You should have their own findings of fact....If they say they think you should do "xyz" and you don't.. you would need to adopt our own findings of fact, etc. to say why you are not adopting their recommendation. If they see an issue, they need to bring it up, for example, on Parks and Rec, all we had to do was adopt it. But it has to be on the BOCC agenda as a public meeting.

Permit Review Committee: PP - That brought up another thing. This Thursday, we have a Permit Review Committee meeting - planning, building, building, public health, others. We have been doing this on an as-needed basis; there were excavators in a wetland areas - we were called

(by???) He couldn't say if he had the authority (???)so she sent an e-mail. It worked ok. But I'd like to be sure we are all on the same page as to who has what authority.

3:00 PM - Streamlining the permit process

Here is a sore subject - but I'll bring up anyway at the meeting: There are ways we could streamline our permit process more: make it more of a one-stop shop.. Sometime decks are left out of the onsite analysis, and then they have to pay for another site analysis & everyone gets upset. I would like to take care of a lot of this upfront so we can eliminate a lot of frustration for those applying for permit.

BOCC agrees.

PP - It's still a work in process, but I think we can make it better for property owners.

CB - yes . It prevents surprises.

3:14 PM - Informal Discussion: Lisa Schreckengast enters and is talking about a financial matter and standard time.

Has something to do with fairground.....

3:29 - Conversation on surplus sale still going on about some agreement, etc.

3:29 - Hover - just because they surplus something, doesn't mean they sell it outright. Woman who sat down at end of table pulled her mask down under nose as she sat down.

3:00 Sheriff's Budget: Sheriff's Dept, Leah McCormack, Lisa Schreckengast

LM - Budget for 2020 -. Revenue side: \$229. For far we brought in \$219. Pretty close to par. Expenditures - \$120,000.

AH - What do we get from revenue?

LM - Mostly contributions and grants.

LS - (can't hear.)

Traffic safety commission - change in grant. Click it or ticket. Starts in Sept. would like to add wage line to 124. (Debate over funding, difficult to follow.)

3:37 real time - Our expenses are running a lot lower. LM - \$120.

AH - we should be able to carry over \$120, shouldn't we?

(Not enough mics at table. Hard to hear.)

4:25 PM - Recreational and other supplies for inmates discussed. Cameras for indoor/outdoor recreation (but not for hallways.) This will be clarified for maintenance. These cameras are for activities that are privileged.

4:27 PM - Law library: Who pays, etc? Been a fairly long-standing rule in WA state that a physical law library does not have to be provided in most circumstances. A pro se inmate would need to ask their attorney for that info. If does not have an attorney, they notify us and an attorney will be provided.

AH - Law library right now is \$18,000 professional services bill
Can't hear. People at front table.

CB - what does it come out of if they need a public defender?

AH - We need to look at this more. If we are in fact going to

CB - My question is actuals for professional services.

No one knows.

CB/AH - We want to know this.

AH - Could you do a detail report and e-mail to us? If we are going to wind up paying through current expense, why aren't we transferring it into General fund and making it easy on ourselves? Is there a statutory requirement?

One last question that was open: Patrol vehicle question. Lengthy discussion . We will need to have that after we figure out more information. A big place-holder.

Last item: We have 2 professional services lines - current expense and employment costs. We also pay for the medical officer's vacation time out of this. It is a significant cost. The other line is security control, etc. Tammy and I want to move that????(AH talking over.)

AH - this is directly safety related, so that would make sense.

Man They do this on the juvenile side, so it makes sense.

CB - It's not paying for a vacation, it's paying for a sub.

4:40 - end sheriff meeting. Branch is late for another meeting.

4:42 PM - George Thornton - Discussion, TV Dist. #1

Congratulations to both of you in election - seems to show a vote for competency. More compliments for how much work you do. I have followed for about 3 years and am amazed at the amount of work involved.

Had a meeting with KXLY and KSPS and we are developing a long-range plan for improvement. Trying to get FOX and KREM together to offer support and guidance. It's really hard to convince KREM when we don't carry their signal.

100 WATT translator - we have located one. It would allow us to open up several more translators. Weather permitting, would happen in the next month or two. One thing would be an emergencychannel - slide show, visuals, with audio overlay - would be broadcast. Whoever is operating could push a button and make any kind of announcement. County would have to find out how to get the signal from here to there in order to make announcements

AH - Us having to do that doesn't impact (????)

CB - Every time we have an emergency, a lot of people don't know what is going on . This wouldn't solve problems, but would help.

AH - Agreed. If Facebook is down, etc.this would reach more people. And broadening the base for people would be good.

GT - That is a real quick overlay of where we are at at this point.

AH - TV district in the Methow is #2? I'd like you to be in touch with them.

GT - Knowing something is almost more dangerous than knowing nothing. Lanie has our contact info. A discussion would be good. Nice in the long run if the two could be merged.

LM We have tried that many times. There used to be a TV 3 also. One reason was because this district was so low on \$\$, and the other districts had a lot of \$\$.

Nice to be proactive, but ...(a lot of noise obscured.)

George - someone is having health issues. I'd love to offer you something, but.

LM - that is a concern. This is just one side of the coin. The other side is the whole admin side.

GT Lisa has done a good job, but the problem is her family and personal health issues - we have to figure out something.

LM - and who is going to repair the stuff on the mountain, etc? Because we are in November, we will be looking at a (??) Coming up in next 30 days.

GT - Something about Lisa and training someone else to do it.

LM - Have to have the (??) rolls out in January and need to have them certified. She gives a date in January. Fees, etc.

AH - Tomorrow I will try to get you in contact with the District 2 TV to see if they can provide help.

GT - Could you use me?

LM - Yes....Some talk about "rolls"?? And certifications.

GT - Up until last month, we were

LM - *(Can't hear well. LM not using mic, George far away.)*

GT - Brought up the last time that it would be helpful, thru CARES act, or whatever - we need some capital funding. Possibility of a used tower. Would be a big help to get one. You brought up the possibility of purchasing and purchasing at a saving. I can get the specs as to what you need. We have made a lot of progress, but I do understand the problems. If we can't get a good signal with a good product, I'm wasting my time.

Lanie - I have e-mailed Becky Studen, Treasurer for Methow Dist.

4:55 - Meeting Adjourned.