

Board of Okanogan County Commissioners
Tuesday August 27th, 2024, 1:30 p.m.

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Present:

Andy Hover (AH), County Commissioner District 3
John Neil (JN), County Commissioner District 2
Chris Branch (CB), County Commissioner District 1
Laney Johns (LJ), Clerk of the Board
Esther Milner (EM), Chief Civil Deputy Prosecutor
Josh Thomson (JT), County Engineer

Time stamps refer to Tuesday's AV Capture video. *An AV Capture archive of the meeting on this date is available at:*
https://okanogancounty.org/departments/boards/live_streaming_of_meetings.php

Summary of Important Discussions:

- Motion assigning "local significant" points to sites vying for Resource Assistance Program funds amended to give priority to Bonaparte Lake Rd.*
- In county code revision discussion, public records officer contract amended slightly; this new position helping keep track of issues and meet timelines; discussion to be continued in January*
- Chief Civil Deputy Milner says flood plain issue needs better enforcement code, Commissioner Branch recommends Douglas County's making non-compliance infraction instead of misdemeanor, allowing for progressive compliance*
- Discussion on RVs being used as permanent residences– same standards as mobile homes should apply*
- Discussion on permissibility of well-drilling on properly-zoned property; legal availability not same as guarantee of water availability.*
- Fair contracts approved; certificate of partial demolition of sheriff's storage/coroner's facility by Groat Bros. signed*
- Commissioner Branch in anticipation of retirement recommends continuity in county's involvement with Regional Health District meetings, the Infrastructure Assistance Coordinating Committee and Washington State Association of Counties, urges clarification on emergency medical services, and keeping Aging and Adult Care on board's radar*

• Discussion about two unbuildable “ex-title properties”, one of which Commissioner Hover wants to auction off

• Meeting adjourned at 3:09

1:30 - JT: So I was looking at the applications and there was a spread-sheet with it. *There was a problem with the adding of points—whatever he added put on ten points automatically.* When I was comparing which ones should get the local significant points, Twisp is actually 10.2 points behind Oroville. Also Bonaparte, it bumps it down to the point where it might not get funding if I don't give that one the points. So I would recommend that we put the ten points on Bonapart because I think that one is the highest need.

JN: I agree. *JT says the other two probably wouldn't get points.*

AH: So we had a motion prior to leaving for lunch that said let's approve the amended “RAP” stuff (*the U.S. Ag Dept.'s Resource Assistance Program*) based on the discussion. *He moves to strike the motion they passed. I would move to amend for a second time the RAP funding points schedule to add the ten local significant points to the Bonaparte Lake Road... Motion carried. JT leaves.*

1:34 - Public Hearing on Public Records Codes Revision - EM: This was sent to you last week. We'd actually intended to do a pre-hearing on this and we set the public hearing at the same time and ended up needing the time of the pre-hearing for an executive session and we never got the talk in... Basically, though, this was a fairly minor update. When we first did the big revision we had also decided we wanted to go to a centralized public records officer and that we wanted to start using the software, the Next Request platform, and it took awhile to implement those so there are a few things we're going to change in the code... the procedures related to the public records officer and also the language... *There are changes related to contract information, the biggest: going to a single officer instead of each department handling requests...*

AH: So that's the ordinance that talks about our public records process. Do we have any policy documents that say this is what we have to do to train?

EM: ...This has a significant walk-through process, that tells us what we want to do. *If they needed a policy to assign different duties they could look at that.*

AH: Laney would sometimes get a public record request for one of my emails or texts or something. She would notify me, I was wondering, it goes all through the central—

LJ: It goes to the public records officer. He then reaches out to Central Services who search and provide the files...

EM: Each office has a liaison or coordinator. A lot of offices are still doing their own redactions and it's too much for one person to handle.

LJ: This works a lot better for us in our particular office, and I'm sure it helps a lot of the other offices too in making sure everything is getting a timely–

EM: In the last several months we've had a lot of big ones. It hasn't resolved that issue and i don't know if we expected it to but it helps us keep better track of it, and meeting the timelines... *JN opens it up to public comment; there is none.*

CB: This is a process. I was looking for guidance in the ordinance itself... How any particular employee or public official deals with their own public records.

EM: Do you mean management? *Yes, and policy.* I would recommend doing that as an internal policy. I think there is one.

CB: I think we need to visit it anyway.

EM: I think I printed it. It was very extensive..., not very practical for here, probably borrowed from another county. There is a lot of help available but with electronic records and paper records, no one-size-fits all. It would take some department input. *She doesn't have the time to focus on this.*

CB: Another one would be just a concerted and organized effort to make sure everybody got their training... because there's a little loophole there. There's been some pretty extensive training right here, but as far as elected officials are concerned it's not scheduled at a time that's good for them.

EM: It would be nice to do some records management training, and I believe there is some available through the archives...

1:46 - CB: It kind of takes a third party, someone who hasn't been looking at this stuff over and over again. You know you're in a community meeting when you see two little old ladies in the back of the room giggling about the document you prepared, that misspell that you missed. ...Something that came up a little earlier that I wanted you to know about: we have an interlocal (*agreement*) with Walla Walla and it was one that I know that not all agreements have recitals in front of them but I asked that maybe that could be provided because I've had to rely on the history of other people's work and I wanted to know what they were doing. Just wanted you to know... *He had put some pressure on the previous public records officer.* It sounded like it was an arduous task.

EM: The first agreement that came out was kind of a catch-all agreement that included purchasing. *It was not specific enough. CB moves to approve ordinance 2024-3, revising Okanogan County Code Chapter 2-88, Public Records. Ordinance approved. EM explains that she's been slow with the revision project and thinks it might be good to re-think the strategy on that and focus on sections that are priorities. She asks them to direct her which are most needed. They had gone through chapters one and two; things they needed to work on were cemetery awards, a "credit card thing" that should leave the ordinance and go onto internal policy– the treasurer's office is working on that. That's waiting on Cam (Cameron Burnette, current public records officer) and Cari (Hall, Auditor). AH says they could pick it up again in January. CB asks about the section on enforcement. EM: I*

probably need a better idea of what's going on with the flood plain issue because it sounds like that's a crucial one for us needing a better enforcement code.

CB: That enforcement code you shared from Douglas County would fly. It looks good to me. It's infractions, and it's progressive compliance. That's what I'd like to see, give them every opportunity. We've got something that guides the compliance for officer or planning director. Often times you go to one stage and it just sits there. They need a prompt to say "this is the next stage".

EM: The primary difference between Douglas County and others we've considered is that theirs goes to the district court instead of the hearings examiner, and the challenge with *(the latter)* is that *(inaudible)* a hundred dollars. It's a little difficult if you're doing enforcement on a land owner that's struggling to get by. Hopefully you don't get to that point and that's the whole idea with— You want something that's more— *civil, says AH. Currently you have a criminal enforcement.* There are probably times where we could rise to that level if it's egregious enough and causing enough damage to the community but for the most part, criminal seems over-kill, and that's currently what's available to us.

CB: Immediately you're in a misdemeanor. And having been around family members or city members when they've got a notice they have to pay, the person that usually took care of the yard left and whoever's there left hasn't got the wherewithall to keep up on everything and all of a sudden they get a notice on top of all their other grief. ...Most communities let it ride, and then you're dragging it out.

EM: The other aspect to think about, the criminal enforcement, ...we're running into some big issues that will expand our caseloads. That creates another challenge...

CB: During a lot of homelessness there's a lot of violations that the city of Omak's flat ignoring because if they do go to enforce, they push 'em out onto the street.

EM: I would use it mostly to focus on those that are really creating some major harms to the community.

CB: *(Douglas County's)* code gives them plenty of room, and also allows for them to withdraw. Because maybe they worked out something. There's flexibility.

EM: I could certainly keep digging into that one the steps, and maybe there's some steps that have to be taken to make sure it worked.

CB: Did you want to go through them and re-check that *(inaudible)*?

EM: I'm just looking at the code revision. It would probably be good for me to hear from the board what are your priorities and research the legal requirements and maybe get some direction on these policy changes you want, versus us trying to go through in order... I kind of feel like we've gotten stalled and we do know there are some areas that really need some updating and some are more important than others.

CB: Often times people will come up to you and go, "Look at what they told me." It's the discovery that you have a real problem with the ordinance. You'll go to the department responsible for the implementation and they're just shining certain things on because they're having to make their own decisions, whether they're going to continue to do something that doesn't make any sense, or they're doing it, and it doesn't make any sense. That's one for the mobile home ordinance where you have to learn how to be an installer to put in things we're not even clear as to whether or not they're allowed.

EM: That one is really out of date. I can run that one through. I think right now that one's a criminal. I don't have a civil one to refer it to.

CB: ...It doesn't say RVs are allowed as permanent residences, it says if you're going to use one as a permanent residence you'll do this. We allow in Okanogan County RVs as a permanent residence. So that's a difficult one for the building department because they're going to go, "this is a hardship for a whole bunch of people that are out there", and they see it and they're going to go, "I interpret it as saying that you can." But then, realistically, it says you'll install it using the same standard as a mobile home.

EM: They're just not as safe.

CB: A lot of them are in shops and garages that don't meet code either, and then the park models are a whole 'nother (*inaudible*). He says some counties say they're allowed but have to be in parks, which doesn't change anything, asks AH what he thinks of living in park models. AH says that's fine. CB: You can read some articles (*about*) the discussion in Chelan County...

1:58 - JN: You can look at both sides. After (*Hurricane*) Katrina, FEMA (*Federal Emergency Management Agency*) brought a whole bunch of them in and deemed them unhealthy because of the formaldehyde...

CB: So, exploring what that means and why L and I (*Labor and Industry*) doesn't consider them residences. But also, if you go to L& I's website it says it's up to the jurisdictions to decide whether (*inaudible*). The price on those things went astronomical. I know someone who bought one for \$100,000 that was used.

JN: Most of the mobile tiny homes are \$90,000 plus. *AH likes the home depot sheds. CB wonders if they could live in containers. AH says you lose too much space to insulation. They come back to the subject.*

CB: For now I can say I condone the park models for permanent residences. Should we go forward and make a code revision that provides for them? It doesn't say you have to be a professional installer to put on in. *Absolutely, says AH. Says since it's on the top of CB's list and he's retiring, they ought to do it. JN talks about a mobile home installer friend whose name gets used for mobile homes he didn't install. EM will continue to look at the ordinance. She says CB is going to get bored. CB shows her his fish shirt and says look at what I'm going to do. EM says call her when he gets bored and wants to work on codes. Ok, he says. Without enthusiasm, says JN. CB says the prosecutor's office would have to pay him. EM leaves.*

LN announces that the secretary from the fairgrounds is going to bring over the fair contracts to sign. AH asks if the other commissioners are ready to approve the minutes from the 19th and 20th. A sentence is changed to say AH asked how a certain department knew which properties to buy. CB had added a piece about people needing to learn the rules about mobile home installation. CB starts talking about water availability and AH mentions an email he forwarded from the property rights coalition.

AH: If I see “legally available water”, doesn’t that automatically mean that there are laws that you’re following to find available— I don’t understand how to define it any better because there’s RCW 9044, there’s 90117, surface water rule, ... that’s what we’re following. 541 has the closed basins. So, I don’t know.

CB: I’m looking to doing a site analysis and I want to know if I can sell my property as this. I might not have the well (*inaudible*). What if I do have a well?

AH: Two different worlds. When we went through the new plan, each sub-basin had some debits applied to it actually. Pete has those. They’re going through a data base that we’re actually launching, so we’re actually watching this. So over here, my assumption is that pretty much any piece of property, as long as you are zoned for that piece of property, you can drill a well, use it for under 5,000 gallons of residential or commercial or stock owner. Over here. (*Okanogan Valley*.) Over there it’s “are you in a closed basin?”

CB: It’s simple to figure out.

AH: ...You cannot do commercial.

CB: So I want it to be residential property. It’s not in a closed basin. Do I have water availability? ...We don’t have that answer.

AH: Yes we do. If we have a well, prior to 2018, that is in the court order.

CB: Let’s say I don’t have a well. I want to sell this property and I don’t want to be the one that drills a well...

AH: Those are the policy issues that we need to talk about.

CB: Let’s put it this way. (*The piece of property*) is not in a closed basin.

AH: You should be able to drill a well.

CB: Shouldn’t you be able to make the answer based on “these are the criteria we’re looking at today? If it all falls into play like that, you will be able to get water.

AH: That would be the answer.

CB: But the answer isn’t available until you apply for the building permit? I don’t think so. If I go and I have an RV and I’m not going to live year round, I’m preparing

to build the house on my property, so I'm going to stay in my RV but I've got a well because I've got water on my lot and I'm slowly (*preparing to build*). I don't have a building permit but I need the water.

AH: That's a (*inaudible*) use right there. You've grandfathered yourself in. That's why, you're talking about the situational stuff over there (*the Methow*). It would be good for us to do more of those to understand what the planning department is looking at to go, "how are you deeming this to be yea or nay? Because we have put out a policy that says, from what I've heard most of the time, if a person has bought property over there, and it was prior to that court order, or not even bought, but if there was existing (*inaudible*), my hope was that after that court case, that any existing residential parcels could have water. So that is our over-arching policy, right there. Unless it's like, there's some other stuff going on with it—

CB: If you use what the Dept. of Ecology published as guidance, and then that was referenced in a court case, then the question would be "how are you applying that?" If I go through it but then look at something and say that's not (*inaudible*)—

AH: The moment that court case went through, the county went through all the subdivisions prior and said, "Yes, you can do this. You have water." Pretty simple.

2:17- CB: I'm afraid of the application of the criteria used to determine whether I'm (*inaudible*) or not. That's published.

JN: There's a lot of parcels that would fit all those parameters but you'll never get water. *He mentions an individual who wants a guarantee of water availability.* We can't do that.

AH: There's "physically available" and then there's "legally available". Legally available we can totally sign but not physical water.

JN: Half the people that are going to be buying these lots will say it says they have water.

AH: You can build a residential structure.

JN: You need to make it clear that's all we're saying.

CB: My objective is to do the very best we can to provide predictability. And the state supreme court said that in another case way back, if we don't have vesting status, what have we got?

AH: Nothing. It's first come first serve. Claw scratch.

JN: A property a few years ago had a well on it, certified at 420 gallons a minute. (Now) it's maybe a gallon and a half.

2:20 - CB: The one where we did allow water outside the city, up in (*inaudible*), these guys... drilled a well and everybody said "you want to be careful with that because there's not that much water up there. And they passed the test. They

pumped enough water that they had water there. Until they went to dig the basement and they had (*inaudible*) probably water from irrigation, and they—

AH: Broke a seam and—

CB: (*inaudible*) in a lake. Then there was no water and the city finally went, okay, we'll give you water.

AH: The other thing I think we should do is push for a cistern deal.

CB: We should, because there's somebody up by the lake—

AH: Or people that have chemicals in it.

CB: And they need to have it delivered. There's a (*fellow?*) over in the Methow, up there pumping it— ...And that's the question for the people who are monitoring us all the time, how we're doing that: you've got an allocation from the Methow River, you're going to use it. You're going to use it up.

AH: You actually won't, because if you do the math, there's not enough parcels to actually use the allocation.

CB: But hypothetically, you're going to use it up.

AH: The southern part, yes.

CB: So the reality is I either want to slow down growth or I want to stop growth. So it's got to be clearly stated that if that's what you're doing, we don't have a mechanism to do that unless in our comprehensive plan we say, "this is our limitation to growth and it's not based on water."

AH: No, it would be based on parcel size.

CB: And on what we want to see in the future.

AH: You can't stop a person from, just willy nilly. Down there at that thing they just said, "why don't you just put more chlorine in it?" It's illegal to run a moratorium for more than, I think, 18 months... Do you really want that, when a commissioner could just say "let's have a moratorium". Not have any public hearings, any studies.

CB: You have to have a public hearing.

AH: Yes... but basically you throw it down and say "this is what we want."

CB: The reason you're doing that is so people won't (*inaudible*).

AH: I understand that. But then it was, why didn't you just keep the moratorium up? Because you can. Eventually you've got to do something. *They go back to the meeting minutes for the 12th, 13th and 19th. Approved. Vouchers are approved.*

LJ: We have a list of most of the fair contracts. *AH reads off a list of people providing services: judges, bands, horse racing... Contracts approved. CB says there's a certain amount of trust that goes into this.* Commissioner Hover, I have a couple of... *She says something about the architects, and a request that the board had approved that didn't include April; "she" came back with an amended request for the quarterly payments. AH wonders if it's better to repeal a motion and make a new one or if you can just make a motion to amend.* LJ: What goes through my mind is tying those two together. When someone goes through they don't look ahead to see if it's amended or repealed. And the other, they made it in the same day... But because this happened previous, it would be easier to repeal the motion and replace it with this one... *AH says she'll put project number. AH asks the board to sign the certificate of partial completion of the demolition and removal at the sheriff's storage and coroner facility site by Groat Bros. Inc. Motion approved.*

2:33 -*AH moves to repeal a previous motion which authorized a voucher distribution for Room One on August 20th.*

CB: The reason is?

AH: Because there was an error in it. They didn't put April's painting in there and didn't want to get it in there. *(Motion approved.) AH goes on to move to approve the amended request number one ARPA (American Rescue Plan) funds for Room One, project 2, 2024, to the amount of \$24,026. Motion carried.*

*CB recommends three upcoming events he thinks would be valuable to the other two: the local regional health meeting in Leavenworth; he found the last one very informative; the IACC (Infrastructure Assistance Coordinating Committee) which presents opportunities for funding and for getting a tech team together.... What they're there to do is say, "This is what we can fund on that project."...Most big infrastructure projects take more than one (source of funding). *They offer good rates on loans. He says they thought the interest they were getting was too low.* This infrastructure project, the city of Omak, they'll need some (*inaudible*) with, on the Ritchie property east of the highway up north. It's a great opportunity to get the state agencies to say, "What do we do here?" *AH is rustling papers, making CB inaudible. CB says If AH goes to a meeting, he'll get a good understanding of what it is... The third event he describes is the WA State Association of Counties (WSAC). It's "where the rubber hits the road" in terms of sharing information with other counties". JN says you often learn more after the sessions than before. CB adds clarification on Emergency Medical Services (EMS). JN mentions funding.**

AH: I think there's enough cities and municipal fire districts that do that that it just kind of goes by 'em. *He is curious if Ferry County has an EMS district. CB mentions tensions between Labor and Industry and counties which can over-rule their regulations. CB also brings up Aging and Adult Care, says their meetings often lead into other interesting subjects for the counties, and tells them to keep that on their radar.*

2:45 - AH: It sounds like he's checking out early! *(Laughter.) AH mentions the organization of eastern Washington counties, and the forest collaborative, says they have to fix their priorities.*

CB: That's true... *AH says other counties in eastern Washington have more money than Okanogan, and other differences. CB says they're more aligned with southern counties. AH asks if they're done for the day.*

LJ: I just heard back from Shelley (*Keitzman, HR director*) about the background check for the person who applied for the Fair Advisory Committee. Also this is the RCW regarding ex-title property, that I emailed the board. Essentially the county legislative authority determines that it's not practical to build on the property due to physical characteristics... or legal restrictions on construction activities on the property, and then when the property is assessed at less than \$500 and (*when*) the property is sold to an adjoining land owner. *AH has a problem with the "and" in this, instead of an "or".*

AH: That thing is valued at more than \$500... easily. It's only .63 acres but it's—

LJ: Is it practical to build on the property?

AH: Absolutely not. It's the legal restrictions because it's on a five-acre minimum. What I was asking Esther to look at was do you have to meet all those criteria or just one?

LJ: Any of the following cases. *They all talk at once. AH asks to put it on the following week's agenda. He wants to take pictures of the property which is above sewer ponds on a steep slope.* LJ: It says, "...for not less than the principle amount of the unpaid taxes in any of the following cases." *AH asks her to ask the assessor if there are unpaid taxes on this property. Tells CB that it falls into the unbuildable category. They want to get this out of the way, make a little bit of money on it. CB looks at a bigger piece on a map. It's up Twisp River, on a steep bank, on 5-acre minimum subdivisible land.*

AH: That creates an issue because there's someone who's right next to that property too, who could easily be interested in selling. *LJ tries to find this on a map. After awhile they find it, on the Twisp Eastside Road, not up Twisp River. AH says put it up for auction because there are just two adjacent landowners and it shouldn't be fair to drive up costs. CB asks what the green spots on the map are. AH says it must be where they're watering trees. JN adjourns the meeting, then LJ remembers they have to sign the minutes. AH asks LJ to find out from the treasurer what the process is for disposing of public property through public auction. CB says everybody and their dog 'll be over there. LJ gets the minutes prepared and the board signs them.*

3:09 - Meeting adjourned until Tuesday, Monday being a holiday.