

Board of Okanogan County Commissioners  
Monday, August 29, 2022 AM

JD—Jim DeTro, BOCC, District 3  
AH—Andy Hover, BOCC, Chair, District 1  
CB—Chris Branch, BOCC, Vice Chair, District 2  
CHa—Crystal Hawley, Deputy Clerk of the Board  
Lisa—Financial Management  
LM—Leah McCormick, County Treasurer  
Pam—Treasurer’s Office  
CH—Cari Hall, County Auditor  
MG—Maurice Goodall, Emergency Management  
NP—Naomi Peasley, Fairgrounds Manager  
EM—Ester Milner, Chief Civil Deputy Prosecutor  
PP—Pete Palmer, Director of Planning

These notes were taken by an Okanogan County Watch volunteer. Every attempt is made to be accurate. Notes are verbatim when possible, and otherwise summarized or paraphrased. Note takers comments or clarifications are in italics. These notes are published at <https://www.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/offices/commissioners/commissioners\\_proceedings.php](https://okanogancounty.org/offices/commissioners/commissioners_proceedings.php)

The time stamps refer to the times on the AV Capture archive of the meeting on this date at [https://www.okanogancounty.org/departments/boards/live\\_streaming\\_of\\_meetings.php](https://www.okanogancounty.org/departments/boards/live_streaming_of_meetings.php). To locate items in real time, the clock on the wall in the AV Capture screen can be helpful.

Summary of significant discussions:

*BOCC establishes a new fund to receive interest money for the bonds they recently sold to pay for construction of the new court complex buildings.*  
*Maurice Goodall, Emergency Management says Public Works helped to clear the road closure on Hart’s Pass. Wolf Creek Rd also was impacted by water from recent rain.*  
*Pete Palmer, Director of Planning, discusses the boundary change for Sub-Areas B and C in the Methow Valley. Few have completed applications to be on the advisory committees for those areas.*  
*Commissioners also discuss the Barnholt Loop informal advisory committee.*  
*Ester Milner and the commissioners discuss the state’s Opioid Settlement Agreement which the commissioners agree to sign. If enough counties and cities sign, Okanogan County will receive \$1,200,000 over 15 years--\$80,000 per year.*  
*Commissioner Branch will have hip replacement surgery on Tuesday, September 20. He expects to be at the commissioners’ meeting on September 19.*  
*Pete Palmer returns to the meeting to have the commissioners amend the county code with respect to Cannabis grows.*

**4:40**—Pledge of Allegiance.

LM—This is regarding the bond money. Contacted bond counsel and he sent us advise.  
Pam—Between the Treasurer’s Office and Auditor’s Office, we’d like to set up a separate account for the bond proceeds, so we can track them. We found out that any interest that can be associated with this

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bond, we'll need to track and show it created a certain amount of interest. Also need to watch it because there's a limit on how much interest it can earn and still be a tax-exempt bond.

AH—When did we get the proceeds?

Pat—April 7.

AH—We have benchmarks we have to meet for spending the money. Meeting the benchmarks was premised on building the building when we originally planned. But prices went up so much we decided not go out for bids. So I need to set up a meeting with Lee (Marchisio, an attorney dealing with public finance) to go back over the benchmarks. We'll go out again for bids for the three buildings—Sherriff's building if we can get the permits and the other two are ready to go. We'll talk to Josh (Thomson, Public Works) and make sure we hit the benchmarks.

Pat—Within the first 6 months, we need to have 10-15% spent.

AH—I thought it was 5%.

LM—In the paperwork you filled out in my office, it was 5%.

AH—And then 10-15% in the first 18 months.

Pat—Reads from document and it is 5% in 6 months.

AH—Soft expenses will get us up to 5%.

CH—We can help you with access to EDEN (accounting software).

CB—Binding obligations to spend? Not actually spent but contracted to spend?

Pat—We have to check with Lee to make sure.

AH—Public Works incurred about \$80,000 before we even sold the bonds. And I'll ask Michael to see if he's got expenses. Cross our fingers that if we go out to bid this fall that the bids that come back are in the realm of existence.

Pat—That's part of why we need a separate fund. If we can have it before the end of the year, we can move the money over to the new fund.

AH—So we need a resolution to create a new fund—171. And then there can be a budget supplemental to move the money over from fund 423.

CB—I move to direct the Clerk of the Board to prepare a resolution to establish a separate fund for the bond proceeds. Passes 3-0.

CH—If you look at the resolution that established fund 423, the wording should be the same.

AH—Our interest revenue is greater than we anticipated, we need to move that to the new fund.

CB—Is all the interest earned on this bond can be used only on these projects?

Pat—Yes.

LM—I'll call Lee and ask him about the timelines.

**20:05**—AH—It's 9:15 and time for public comments.

There are no public comments.

AH—We need an executive session to discuss the performance of a public employee. 10 minutes will be fine.

CB—Move to go to Executive Session RCW 42.30.110 (1)(g) until 9:30 inviting Shelley Keitzman of Human Resources. Motion passes 3-0.

**46:00**—AH—We need to make up a little bit of time. Maurice?

MG—A couple of things have happened. On Monday we had water come through Hart's Pass. Public Works went up there and cleared the road. Also water on Wolf Creek Rd at milepost 6.5 or 7. Photos are on the V-Drive. Public Works got right on the job.

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AH—For the record, I'll ask the Forest Service about emergency procedures for contracting. Some contractors called me, but the Forest Service has no mechanism for same-day contracting. Luckily, Public Works had equipment because they were doing the chip-sealing. They could go and get the people out right away.

CB—County response is reimbursable by the Forest Service?

MG—It all went well. There were a lot of people—not stranded but stuck. They could have walked out.

AH—Also, we didn't do any road work. All we did was bulldoze one lane.

MG—I went out to look at Wolf Creek on Thursday. It crosses at the 800 Road. I went all the way up to the loop. I moved boulders and a couple of trees. Marcy Stamper (reporter for the Methow Valley News) was walking out there and I gave her a lift.

MG—On Thursday we had some grass fires. Lightening. Lots of smoke checks being called in, but the smoke is coming from clear up by the border. North of Hart's Pass.

MG—Sent you an email asking when's the best time to have an Okanogan Emergency Services Organization meeting. Discussion of best time. Commissioners prefer daytime, but lots of mayors have day jobs and would prefer evenings.

MG—Lots of reports of smoke but really it's dust from well drilling or cattle.

MG—Discusses with AH the best way to report overtime worked by his assistant.

MG—If there aren't any questions, I'm done.

JD—I heard about an equipment operator who'd reached the limit of his experience and the supervisor stepped in because it was an emergency.

AH—That's fine if it's an emergency. I told Josh to make sure personally that those guys are safe. It's a steep slope.

JD—That's the issue.

**59:50**—AH—Naomi?

NP—I'll be short and sweet.

NP—I just received insurance for the Fair Youth Foundation. Is there a contract I should attach that to?

AH—No. I'll work on developing that contract this afternoon.

NP—RV park closes after Wednesday for the season to do upgrades and everything.

NP—Fencing is almost done. Barnes moving forward for the Fair.

NP—Dealing with well issues. Working with rodeo and horse barn to get us through this year. Hoping we can use county water fill station so the horses will be watered? Can I do that? Who should I talk to?

AH—Yes, you can. Talk to Josh.

NP—I have ideas about adding signature lines for the commercial and food vendors. When do you want them?

AH—Before the Fair. I'm going to go over them with Shelley (Keitzman, Risk Management) this afternoon, so if you could talk to her, too, today.

NP—Still 11 food vendors who haven't returned their contracts.

AH—Please call them today and tell them to get the contracts back.

NP—To be a vendor, we need the contract, payment, insurance and proof they have a license through Okanogan Public Health. Only 1 vendor has all 4 of those items.

AH—So you're going to contact them all today to tell them what they need?

NP—Yes.

NP—That's all I have.

**1:03:20**—AH—Pete, you're up to bat.

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PP—I've got two quick items of business this morning. First, last week we received a letter from Chris Johnson of the Methow Salmon Recovery Foundation. He's hoping the BOCC will support his project that's also supported by the WDFW, the Army Corps of Engineers, the Town of Twisp and the Colville Tribe. Deadline for the grants is tomorrow. I attached the project area. He's talked to us a little about FEMA maps and changes to it. Abuts to a project being worked on now by Yakama Nation in the same reach. Placing root wads and log jams into the river.

AH—Who are we writing the letter to? Salmon State Supplemental Large (*unintelligible*) And due by the 30<sup>th</sup>?

PP—Yes. Tomorrow.

AH—Before I sign, I have to make a few phone calls. I want to make sure there's no external process through the Salmon Recovery Board, and want more info from Chris.

PP—CHA has the letter to put on your letterhead if you decide to approve it.

AH—I just want to make sure this doesn't run amok of the regular salmon recovery process.

PP—Second thing I've got is the amended map of the sub-areas B and C in the Methow Valley. The subareas were established by Resolution 98-2022.

AH—I had that community meeting on Thursday, when they asked about the boundaries, I said we just divided it up equally, but it makes sense to move the boundary south from where it is now. The valley gets narrower.

PP—I've included the amended resolution. Added whereas clauses to the original resolution. After recommendations after a community meeting.

CB—Any issues with doing this without a public hearing?

AH—We didn't do the original map without a public hearing?

CB—Does this support what it says in the Comprehensive Plan?

PP—Yes. In section of More Completely Planned Areas (MCPA) it talks about how the BOCC is designated to set the boundaries.

CB—Move to approve Resolution 121-2022 to amend the sub-unit maps for the Methow Valley. Passes 3-0.

PP—For the advisory committees. So far I've got 8 people interested. Out of the 8, I've got 4 who turned in a resume, and only 2 submitted the application. Hoping we get more interest soon. Plan B might be have just one committee to represent Areas B&C.

AH—I'd rather have it languish out there. If there aren't enough people to be on the committees, then I don't want to force the issue.

CB—You're saying if we don't have interest for B&C groups, just don't have a committee.

AH—Just leave the application open.

CB—Can we look at it every quarter or so, but make sure we've got a cross section of people. That's an important thing to have in the record.

AH—We did this based on what we thought people were asking for.

CB—Also for the record, we want it to note that we talked about how it conforms to the Comp Plan.

PP—Last thing is Barnholt Loop. LJ & I looked at all the records. Last thing we could find was 2019 when they had a home owner's meeting and Planning helped by advertising it and taking notes. There were appointment letters done in late 1990 to early 2000s but nothing's been updated since then. All rezoned to ag-residential during the interim zoning was adopted. Maybe the intent of that was to move away from the advisory committees.

AH—They aren't worried about super-dense stuff.

PP—So how to you want me to move on this. I've got one person, Stan Carter, who was once named the Chair of the home owners association many years ago and he wants to meet with me.

AH—Is it an official Home Owners' Association?

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PP—Not officially. GIS did a map to show the area and a spreadsheet of people who live there. 40-50 people.

AH—I think that was a sub-area that was established way back then, and thought we should be consistent.

CB—I think we should have a meeting with the group.

AH—Or maybe just have a meeting with Stan. Do people want to be a sub-area planning group?

PP—They're got written procedures and Stan is the chair.

CB—There's another individual, Chuck Tameron (?) always very active. Don't know what he's doing today, so let's invite him.

PP—Prior to 2019 the annual meetings was inspection of the landfill. Prior to that the county provided some signs for the area concerning permit requirements.

CB—My recollection is that they started the group because of a nuisance property and then became sort of a neighborhood zoning/planning group.

PP—So do you want me to schedule time to have Stan come here to the BOCC?

AH & CB—Yes. Ask him to come here.

AH—Can we have just a short conversation of sub-area planning? My understanding of sub-area planning is that the Comprehensive Plan is the overarching document, with guidance for how we plan, etc. No regulatory documents in it. With the sub-areas, you can go beyond the Comp Plan and you can increase set-backs along the river, or something like that. Is that correct?

PP—Well, it could be that. Basically what these sub-areas create their own Comp Plans to guide zoning of the sub-unit.

CB—They can be whatever you want them to be. I look at sub-areas by water basins. Growth is relative to water and roadways.

AH—Let's make sure I'm clear. The initial thing the sub-area group would work on is sort of a Comp Plan within the county's Comp Plan. The one in Mazama is the only one I know of has an actual sub-area plan and has a committee established that reviews zoning and things that are going on.

CB—How did it get established.

AH—Through water. Pretty sure it was established when the Early Winters ski hill was going in and there were test wells being drilled, etc.

CB—If you see an interest in a sub-area, they can ask their neighbors about what they'd like to see. That's how the Tunk Basin got started.

PP—That's all I have.

**1:31:35**—Discussion of Participating in the Opioid Settlement.

AH—I was on the virtual assemble about the Opioid Settlement the other day. I was told that the counties and the incorporated cities need to sign off on it to get the maximum amount of money. The people being sued don't want other, individual suits. Everybody has to sign.

EM—There's a minimum number that has to sign.

AH—It's tiered, so if some don't sign, we'll get less money. Our share will be (lots of discussion of math) \$1,200,000 over 15 years. \$80,000 per year. I suggest we sign because we're never going to sue them ourselves.

EM—You have to set up an Opioid Council but you can use an organization that's already set up like Public Health.

AH—Or Behavioral Health.

EM—The list of acceptable uses is pretty broad.

EM—There are 3 different documents that need to be signed: the allocation agreement, a memorandum of understanding (MOU) and Exhibit F.

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CB—One condition is—each receiving government has to do 6 actions.

EM—There's some work involved to get the money—record keeping, etc. but it's probably no worse than most of the grants.

CB—We just have to be sure we do them.

EM—Exhibit F is an exhibit of the actual national settlement agreements.

CB makes 3 motions for AH to sign each document and to check the box in the allocation agreement. Motions all pass.

EM—You're supposed to send them to the Attorney General's email address.

**1:47:50**—AH—Are we doing the executive session with Jenna (Mandell-Rice, Seattle attorney)?

EM—Yes. Don't know if it's zoom or phone conference.

AH—Phone is easier.

**1:51:50**—CB—My (hip replacement) surgery is scheduled for Tuesday, September 20 in Seattle. I'll be here on Monday, the 19<sup>th</sup>. I get released from the hospital the same day. Rest of the week for recovery.

**2:03:55**—CB—Move to go in to Executive Session for 50 minutes RCW 42.30.110 (1)(i) to discuss ongoing litigation with EM, PP and Jenna Mandell-Rice, representing our land use law firm.

**2:16:15**—PP—I'm here with recommendations for the Cannabis ordinance amendment approved on August 22 through the Planning Commission public hearing. And so all we need now to adopt the amendment is this public meeting. Amending Okanogan County Code 17A.290—Cannabis operations and 17A.220—District Use chart. Also recommending is to implement the annual registration fee of \$500 due January 1. Third thing is non-significant amendments suggested by EM after the fact, so we treated it as a comment about changing will to shall, etc. Also recommending that those non-significant changes be added to this approval. Received one comment from a county department—from someone in the Auditor's Office and the comment was that they had no comment.

CB—No comments from the industry?

PP—No. And I'm hoping it's because we met with all of three of the operations in the county. During the meetings we talked about the updates we were proposing—requiring conditional use permits for all operations. Part of that would be a site plan that we'll treat as a binding site plan. So once they say—here's my property and the density and zoning code allows me to have 4 fenced areas on the site, that's what they'd be permitted for. This eliminates staff time trying to keep up with notices coming from the state. We won't have to worry about if it's monkey grass or whatever. We'll know they're permitted for 4 grows.

AH—People who are doing it right now are grandfathered in?

PP—Yes, until they propose a new use or an expansion. That would come under the new code requirements.

CB—Since you've gone this far, I assume you're comfortable with guidance given to the hearings examiners when they review the conditional use application. So they don't get too wild or miss the things you really want to have addressed.

PP—Yes. My thing is that even though they're site specific, there are some conditions that pertain to every site—fencing, lights, etc. I want to be sure we're being consistent with each one.

CB—So on the renewal fee—opportunity for changes at that time, or just pay the fee? Or will it be always the same as the conditional use permit?

PP—Yes. They'll be treated the same way as the nightly rental renewals—permit says here's what you're doing.

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CB—Another issue—density requirement is removed?

PP—Yes. It's removed and replaced by a 100' setback on all property lines. We tried to balance the people who've lived there a long time on their little farms, so they're not suffocated and they can look out their window and see something.

JD—Is 100' enough?

PP—Right now it's 25'. There's a lot of back-and-forth compromise with the Planning Commission and the department.

CB—If there's two farms next to each other, it's 200' between them?

PP—Yes.

CB—Can you use the part in-between for other things? Do other setbacks apply there? Some people want to put an RV park in the space.

PP—The other setbacks apply, but I can't remember the setback for an RV park right off the top of my head. It can be used for parking or maybe small containers they use to house their security equipment in. A lot of people are establishing fire breaks in the setback space.

CB—I move to approve Ordinance 2022-8 adopting amendments made to Okanogan County Code (OCC) 17A.290 and 17A.220. Passes 3-0.

CB—What was the vote of the Planning Commission on it?

PP—Unanimous.

**2:26:00**—JD—Are we coming back after lunch?

AH—Not today, but tomorrow we'll meet at 1:30 to finish up all of the contracts—vendor contract review.

Adjourn until Tuesday at 9:00 AM