

Board of Okanogan County Commissioners
Monday, Oct 9, 2023 AM & PM

JN—Jon Neal, BOCC, District 3
AH—Andy Hover, BOCC, Vice-Chair, District 1
CB—Chris Branch, BOCC, Chair, District 2
LJ—Lanie Johns, Clerk of the Board
PP—Pete Palmer, Director of Planning
RR—Rocky Robbins, Senior Planner
MG—Maurice Goodall, Emergency Management
CH—Cari Hall, County Auditor
PJ—Pam Johnson, County Treasurer
MW—Mike Worden, Okanogan County Dispatch Center
PB—Paul Budrow, County Sheriff
EM—Esther Milner, Chief Civil Deputy Prosecutor

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Summary of significant discussions:

- BOCC, Cari Hall (County Auditor), Pam Johnson (County Treasurer), Mike Worden (Dispatch Center) and Sheriff Paul Budrow review the Communications budgets for 2024.
- Pete Palmer (Planning Director) and Esther Milner (Chief Civil Deputy Prosecutor) discuss finalizing the zone code revision with the commissioners. They are hoping to have it all wrapped up by the end December. EM suggests using the enforcement section of Clallam County's zone code as a basis for enforcement in Okanogan County.
- The meeting adjourns for the day at 3:36 PM.

01:04—Pledge of Allegiance.

AH—I move to go to executive session under RCW42.30.110 (1)(i)—(to discuss litigation or potential litigation) with Shelley Keitzman (Human Resources and Risk Management) and Esther Milner (Chief Civil Deputy Prosecutor) for 15 minutes.
Off they go. (Later extended for another five minutes.)

16:28—No public comments.

AH—Tomorrow is the fall Interagency Grizzly Bear Meeting in Wenatchee. Goes from 9-4. I think I can do it remotely. A lot will be updates, etc. AH reviews the agenda for Tuesday.

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AH—There have been four incidents with Grizzly bears in Montana and Idaho and people have been killed. One guy shot one at close range.

AH—We need to discuss what we want our formal position to be. Maybe next week. We were granted coordinating status. Maybe get a meeting with them.

CB—That would require an agenda item to go through it.

AH—Maybe next week.

AH—Maybe we'll have to do some budget sessions on Wednesday.

CB—I was going to go to the infrastructure conference, but it's all full.

LJ—The IACC (Infrastructure Assistance Coordinating Council) I registered you for it.

CB—I got a note that said I was on the waiting list. I cancelled the rooms.

23:25—CB—It's staff meeting time. Planning Department was here first.

PP—I'm Pete Palmer, Planning Director. Last week I asked for a promotion for RR. She completed her 3-year training plan. She knows all about critical areas and can apply what she's learned to our regulations here. Plus she can do a lot of other jobs in the office, too.

LJ—The resolution for the promotion is on the Consent Agenda.

CB & AH both say they were very supportive of her promotion.

AH—She answers all our questions.

AH—With water issues in WRIA 48, the Methow watershed, it takes more time to get through a site analysis. Can we do anything to help? Another position? More information to the customers when they apply?

PP—The only ones taking a long time are the ones going through legal review. They can take up to nine months. The "normal" ones—about 90% of applications, we get them processed within the 28 day limit.

AH—Do you tell them it can take up to 28 days.

PP—Under law, we've got 28 days from when we get the site analysis to the time we deem it complete and vested. We're well under the 28 day limit on them. Doesn't matter if it's in WRIA 48 or not. If they don't trigger anything about the legal memorandum, they go very quickly.

RR—The ones that I see take a little longer, but there's a lot of back and forth.

PP—With elevation surveys, wetlands delineation, etc.

CB—Some take longer because the applicant doesn't provide the information that you ask for.

PP—I we've waited for something and we finally get it, the application goes back in the pile and works its way up to the top again.

CB—Does the applicant have a checklist? Sometimes whoever is doing the work for the client (a surveyor, for example) isn't doing the work. I won't name names, but I know this is happening.

PP—If it becomes a problem, I'll let you know.

32:40—PP—I heard you guys talking about grizzly bears and there are two upcoming opportunities on the draft EIS introduction. One on the 17th (virtual) and on the 31st at the Agriplex. Also there's a comment period about Pearrygin Lake State Park about extending their boundaries, if you want me to make a comment on that.

AH—We're going to talk about the grizzlies next week and it'd be nice if you were there. There's the thought that it's not that great to be putting the bears up there. Also the knowledge that the First Nations are going to be moving grizzlies in the NCE (North Cascades Ecosystem) right above Okanogan County. If they come down here, it would be an ESA (Endangered Species Act) listing, which is not great. Is that natural movement going to be better and slower than actually introducing the bears? If they're walking from Canada, they'll know where they are. Helicoptering them in, will they just want to go down hill into populated areas?

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PP—They captured one in Colville. They're here, just like the wolves. The wolves were here before they told people they were here.

PP—We had a good staff meeting last week. I told the staff the pressure is on. Time line for the code revision is strict. We're losing the secretary for a while due to maternity leave. Budgets are coming to a head. We've got \$29,000 for the rest of the year, but there are some contracts we didn't budget for last year.

Modus is working now. Documents stored in the cloud and we were trained about how to find them. That's a little over \$28,000 that we'll be short on, so working with the auditor for a budget supplemental.

Discussion of where the new Paths and Trails employee should be in the Planning Department's budget or Public Works.

PP—OK. I'll be back this afternoon.

43:25—MG—I'm Maurice Goodall, Emergency Management.

MG—We're probably going to drop the burn restriction on the 15th. We'll discuss it in one more meeting of the fire chiefs.

MG—We've had a few calls with search and rescue.

MG—Fairgrounds issues—Complaints about noise at a party at the Fairgrounds this weekend after 1:00 AM. Events are supposed to be shut down by 1:00 but this one wasn't.

Discussion of the event that got out of hand and proposed improvements in security arrangements. CB wants to be sure the commissioners are alerted when such a thing happens.

56:30—Budget Study Session—Infrastructure Fund Budget #117 with Cari Hall (County Auditor) and Pam Johnson (County Treasurer).

(Note: This budget was previously discussed on September 11, 2023. The commissioners and Roni Holder-Diefenbach discussed creating a three year savings plan to fund infrastructure projects ranked by the Economic Alliance's infrastructure committee. The fund would also include money to fund emerging opportunities.)

1:56:00—After much discussion, the commissioners decide there will be about \$1,200,000 built up in three years committed to a fund infrastructure projects ranked by the Economic Alliance committee. There's another \$300,000 set aside for emerging opportunities. The commissioners also decide that the money spent for the infrastructure projects and emerging opportunities will require a resolution by the commissioners to insure transparency. The budget will also include \$600,000 to be held in reserve to pay the interest on the bonds for two years. AH hopes to create a policy to put this into action. Budget is yellow-tabbed by CH.

2:10:50—CH—We'll be back for the Communications budgets at 1:30?

Discussion about which budgets will be discussed at which times.

AH says he saw a wolf track "as big as his hand" near Republic.

2:24:45—CB—Have we consumed the ARPA (American Rescue Plan Act) funds completely?

AH—We're down to where we may not want to allow any more spending. You want to know if it's all been allocated?

CB—Yes. The Community Action Council has a leaky roof. They haven't asked for money, but I'm asking about it.

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AH—What I have in the spread sheet is \$296,000 left to allocate. The money has to be allocated by the end of 2024 (I think) and we should have everything we allocated spent by the end of 2026. That’s my opinion. We need a cut-off rule.

CB—When we first started this thing, I read all the rules and we were supposed to look at social equity issues. We didn’t do that, but in the end, we did. Public Health, the Community Action Council.

Discussion of CAC’s food bank vs. other potential projects. The roof would be \$150,000.

2:26:55—Adjourn for lunch at 11:48.

2:44:55—Budget work session for budgets 161 and 120 in Communications. MW and PB are present along with CH and PJ.

Discussion of the budget 161.

3:12:35—CH—I’ll yellow tab it.

Discussion of budget 210.

3:24:55—CH—I’ll mark it red now and add the overtime numbers etc. Then it’ll be marked yellow.

CH describes the budget data entry process.

PB—Just as a point of order, why are you three here? I’m not accusing you...

CB—The process in Okanogan County has been that the Treasurer and Auditor are involved in the process. The Commissioners prefer that we’re here. We can translate what they’re saying into “money-ese”. It’s a team effort and not adversarial.

CB—What it does for the county is—there are always new commissioners. If we were making these decisions by ourselves and questions come up, we’d be deer in the headlights. When there were previous commissioners, I was sitting here listening. They eliminated a lot of items in the Sheriff’s budget. The Undersheriff asked “Why eliminate all the grant programs?” There was a lack of understanding. Everybody here has an interest in this stuff.

CH—By RCW, my office is responsible for putting out the budget call letters by a particular date. Department heads have to get me the data by an RCW date. It’s my responsibility to put together the preliminary budget for the commissioners by an RCW date. Then, by RCW, my responsibility is done. But the passed budget has to have the BARS (Budget, Accounting and Reporting System) codes and that’s my responsibility.

CB—I get used to the idea that we’ve got two elected officials here. I called them staff, and they’re elected.

CH—Pam is involved because that’s the way it’s been in the county. She knows the budget and BARS codes. We know budget rules and accounting, but you (MW and PB) know your budget.

CB—And they don’t act like we’re dummies.

PB—Perfect. Thank you.

CH—These are the meetings where they want department heads to bring up new stuff for next year. Then they won’t be surprised later.

JN—If you don’t ask a question, it may be something we all overlooked.

PB—Well, thank you. I’m glad we went through this easy one first.

3:49:00—CB—To PP and EM--Good afternoon and thanks for juggling your schedules.

CB—There’s a lot going on in October and November.

PP—And then we add to it.

CB—You’ve got a time line put together.

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PP—Yes. I've shared it with my staff, you and EM. It's supposed to get the zone code out for public comment early enough.

PP—The notice will go to the papers on the 12th, but it won't run until the 19th. That kicks the doors open. The project and SEPA will both be noticed and the comments will start. The project will go for 30 days and the SEPA for 14 days. So the project will end on the 20th, which is a couple of more days because it landed on a Sunday. The SEPA comments will end on Dec 2nd.

PP—It'll be a quick turn-around, with the Planning Commission having their special meeting on Dec. 11, to make their recommendation. The BOCC is scheduled tentatively the Dec.18th or 19th, Monday or Tuesday. The week before the holiday week. We hope we won't have to use the last week of the year, but we'll still have it in case something comes up. The end of the year is our actual deadline.

PP—I talked to Ferdouse (Oneza, a consultant contracted for the zone code). I gave her everything I sent to you this morning.

PP—I looked at the temporary use section and I've addressed the yard sales and roadside vendors. The noticing on the festival permits. They way they're permitted now, by the time we get the application processed and the adjacent property owners get notified, the festival is already over. We get complaints. We'll have to amend the festival code to make it match when this is all over.

PP—EM reviewed the special uses, the temporary uses. We've got two more sections of the code we're waiting on. We hope they include enforcement. We're looking at Clallam County's enforcement code. I looked at it and gave her some comments on what I thought would work. She's researched it a lot. We hope to get together tomorrow and lay out what it would look like, and what we'd like it to look like. We're not sure we'll get through the whole enforcement code to get it included in the whole thing, but we're trying to.

PP—The last thing pertains to the stipulation order, and we'll get into more detail tomorrow.

CB—Adoption projection is before the 18th of December? The appeal period of SEPA will have expired by then, right?

PP—Yes. It will have closed Nov. 2.

CB—If you appeal the SEPA, do you have to appeal the project?

PP—I think so.

CB—Can you check that. If we can project closure of the SEPA appeal period, would that make you feel better maybe. Our potential appeal would be tied more to the stipulation order.

PP—Right.

CB—Our appeal process in Okanogan County is just procedural. Two things to check if the answer isn't readily available.

PP—With the Comp Plan, the appeals went directly to the courts.

CB—But that wasn't a SEPA appeal, was it?

PP—No, they appealed the project. And didn't they decide it was a 60 day appeal?

EM—It hasn't been decided yet. Still with the Court of Appeals.

CB—Let's not get stuck on these questions. Look at what the potential is. Because of the case, I'm beginning to lose track of where we really are. There's the stipulation order, but there are other people out there, too. Just a thought.

PP—It's a good idea to keep it in the back of our heads.

3:58:30—PP—So that's where we are now. I'm thinking by the end of the week I should have a draft from Ferdouse of everything except these two changes. We'll have a red-line version and a clean copy. It'll be a quick turn-around. If there's anything heart-burning to you right now, this is the last opportunity we have to make changes,

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PP—Ferdouse took a lot of care everything is consistent. We took some time to go through the District Use Chart, use by use. Asking yourself—would you want that next door to you? I’m glad she’s taken the time to do that. I explained we’re not like the west side. We’re a rural area and lots of our development is in the rural areas.

CB—The enforcement section shouldn’t be taken lightly. What triggered you to go with Clallam County?

EM—I just like how it lays it down and breaks it out. It has a lot of guidance. It still needs some work. They’re set up to have everything to go to a hearing. I’d prefer a hearing only if the person wants to appeal it. One thing PP and I both like is that it starts with trying to encourage compliance without instantly going to a fine or a criminal citation. But it still leaves those tools in there. We’d want to make the change so it doesn’t go to a hearing first off. It mostly runs where we want it to run. Usually starts with a written warning. Then it goes to an order of violation. Give them time to get it resolved and there will be a fine if they don’t get it resolved. They can enter into a compliance agreement. That would be something to discuss. Right now, we think the Building and Planning Departments need this the most, but there may be room for other civil enforcement. Maybe the sheriff. There are other regulations we might want to bring over.

EM—Also, if they enter into a voluntary compliance agreement later in the game, there’s still a chart with time to compliance and penalties. If you get compliance within a certain time, there won’t be a penalty. Trying to give them a decent amount of opportunities to get it corrected, but still be able to move on to other options—criminal enforcement or abatement. Maybe we don’t have the resources to do abatement, but I’d like it to be an option.

CB—My thoughts include that there are so many violations out there now, there’s got to be some flexibility to be able to deal with it. If we did everything we were supposed to, it would stop somewhere because we don’t have the capacity. So does this include the option of an infraction in the beginning.

EM—There’s one code where they send an infraction directly to District Court. I prefer going the administrative route, but we could look at it if we want to. It’ll take more man-power to go to District Court.

CB—But we don’t want them to bury themselves in non-compliance. It doesn’t get sorted out until the property is sold. You hate to let them get that far. They have a choice, but it’s good to get it enforced someday before it gets too far.

PP—I think over the years, people realized that land use enforcement is a low priority. My goal is to get away from being complaint driven on enforcement, but to be able to get their attention right up front. Here’s the problem. Here’s what you have to do to fix it. If you don’t fix it, here’s what we can do. After this letter is sent, if they start complying but then they stop, we can add new violations. From past experience, if you send a letter threatening to bring them to court, they ignore it. If we threaten to fine them, that gets their attention. Gives us the opportunity to work with them. Save the threat of court to the end. If we do it three or four times, word will get out. People will be falling in line.

EM—The code we’re looking at has the ability to do liens. Our code has such a short section on enforcement.

CB—If you have steps the administrator has to follow, then if they accuse the planner of being opinionated, we can point to the code and say—no, here’s what she has to do.

4:10:40—PP—The other thing EM and I discussed was that the code is about 30 pages and would become its own title.

EM—Except that the code already has an enforcement title. If we were to adopt this as a new title, we’d have to repeal the old one. I recommend putting it in its own title. And some enforcement is buried in other parts of the code. Maybe Title 19.

CB—Can this be Title 17?

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Discussion of what to name a new title.

EM—We also like the Clallam code because it has a stop-work order and we don't have one.

CB—I wonder if it's recently adopted.

4:16:55—CB—did we come to a reasonable understanding about ADUs (Accessory Dwelling Units)?

PP—Outside of the context of the zone code, there was a big interpretation of ADUs we were going through. In the zone code, ADUs came up in the Methow Review District (MRD) AH was present and there was just one minor correction. There wasn't a lot changed in the MRD designation. That discussion was more for outside of the zone code.

CB—I'm not real satisfied about the way it works. It's convoluted. Hard to explain how it got that way.

PP—My explanation why it's that way—they start as an ADU but end up as a nightly rental but they don't register it. I'm not saying everybody does it that way, but right now, in the Methow because of all the water technicalities that are going on, the ADUs are attached only—like with a breezeway.

CB—The 100' thing is what I have a problem with. It doesn't make any sense to me. But I'm inclined to go forward with it and work on it over time.

PP—Maybe put on the top of the list for what to work on next revision.

CB—There are sections of the code that can be made better, both for the county and the people it's made for.

PP—Also, I made this handy little book of zoning designations. Each map shows where the zoning designation is in the county. I'm happy to share it.

CB—You've got the airport stuff, too.

PP—I got ahold of Curt and he said the towns with airports adopted the maps the county did. I think they were in the Comprehensive Plan but haven't been adopted into our zone code. I need to research the language each town used, but I don't have the time now, so it'll have to be in the next one.

CB—The next one doesn't have to be a comprehensive overhaul.

CB—Planned Unit Developments are interesting, too. They become a zoning district of their own when they're adopted. This map is from Mazama and there's a bunch of them.

PP—There are three different maps and I know there are more than that. It shows Veranda Beach, Wolf Creek and Alta Lake.

PP—I know I've worked on others that aren't included in those.

CB—And since we're on the topic, how are we with the Planned Development at Veranda Beach?

PP—He's just holding right at the line. We've been waiting two years for him to update his site plan to show how he's retaining the open space. He came in a few weeks ago to check what still needed to be done. We told him—here's the letter we sent you a year ago and you haven't done anything. So it's in a lull right now.

JN—They're still building.

PP—Are they?? All right (PP makes a note on her notepad.) I'll go look at that.

JN—Building on the upper level and there a few on the lake.

PP—There are some approved to move forward and two or three more on the hillside. But the area where he was out of compliance and where it hasn't been subdivided yet, but he's trying to sell them as individual lots.

PP—He's at a stand-still except for the ones we negotiated until he gets into compliance. The Home Owners Association wants us to enforce some of the things, but it's a civil thing that's between him and the HOA.

PP—We just had a pre-application from the Westlake Planned Development. Andrew is the guy who's handling our PD's. He's super.

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PP—Copperstone had a list of things they need to complete their application. They're working on that. There's a third one. No application yet, but we met with them. They're trying to get us to do their development for them. It's up by the pig slaughter place. They're the same group that's having controversy in Chelan County, punching in some roads on hillsides. That's it for PDs

CB—Anything else in zoning for us to do?

PP—I think we've got everything except for the two pieces I said. We'll know tomorrow after EM and I have talked if we can get it into the document for this time around.

CB—Mostly everything we have is stuff we wanted to do and compliance with the stipulation?

PP—Correct. With the exception of the ADUs and the airport overlays.

PP—I think we're on a roll. The staff has all been pulling together and helping each other. We're keeping all the daily stuff moving forward.

CB—Does EM want to be more involved with land use?

PP—Well, I'm not her only client and sometimes...

EM—I've helped with civil enforcement, and I've looked at a few others. I won't be doing all of this. It's a group effort.

PP—I feel the pressure in the office, so I've build in some comfort eating sessions. Works for team building, too.

Discussion of how to make the whole planning process better for the customers. Discussion evolves into planning in non-Growth Management Act counties. CB will give a presentation to the Washington Association of Counties (WSAC) on the topic. PP feels non-GMA counties are forgotten about.

EM—The Board of Adjustment is referenced in the zone code. Do we want to leave it in?

CB—We don't have that board anymore.

PP—We were thinking we could fall back on it if something happened to the Hearings Examiner.

Discussion of what to do about the Board of Adjustment section. JN does a word search and says it's referenced 38 times.

Adjourn at 3:36.