

Okanogan County Board of County Commissioners meeting

Monday, February 12th, 2024 AM session

CB – Chris Branch, BOCC Vice-chair District 1
AH – Andy Hover, BOCC member, District 2
JN – Jon Neal, BOCC Chair, District 3
LJ – Lanie Johns, Clerk of the Board
Cameron – assistant to Clerk of the Board
NK – Nicole Kuchenbuch, public
SS – Stacy Storm, public
SK – Sheilah Kennedy, public
MG – Maurice Goodall, Emergency Mgmt dept
DB – Dan Beardslee, Hearing Examiner
PP – Pete Palmer, Planning Director
EM – Esther Milner, County Civil Attorney

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/bocc-boh-notes> and are not the official county record of the meeting. For officially approved minutes, which are normally published at a later time, click [here](#).

Summary of Significant Discussion:

- *3 Public comments: regarding vacant seat on Planning Commission, and accusing BOCC of numerous “severe violations” of RCWs regarding the zoning update process. Request to cease process immediately*
- *Emergency Management update: MG concerned that he was not included in discussion about new building for Coroner and Sheriff dept storage; complaint about having to watch “offensive images” as part of required harassment training. The training program is pushing things that are not normal.*
- *Discussion on Hearing Examiner letter of termination. DB objects to way his termination was handled, does not want to stay in H.E. position any longer, resigns effective immediately.*
- *Further discussion on zoning code update procedure. Explanations of why it was done this way, legal requirements due to stipulation order agreed to by BOCC resulting from lawsuit by Yakima Nation.*
- *Discussion about applicant for planning commission vacancy. Concern about her strong opinions on property rights.*
- *CB reports on meeting with animal rescue organizations*
- *Short discussion about taxes*

The time notations refer to the time stamp on video that is published on the county's AV Capture site. To watch the video for this meeting, click [here](#).

00:00:00 - Short line railroad discussion. CB says bill will only affect Okanogan and Clark counties. Talking with WSAC about – that's how you adjust these bills. Sometimes you make sure there's no harm done, or add something that will help us.

JN- asked about a meeting on Saturday. (animal control?)

CB – Said he learned a lot. All the organizations are doing interesting things. Gives example of Donkey Rescue. It's the Sheriff's game so far. But they shared ideas and they proposed that they have a broader coalition of animal control groups so that they can coordinate. Some conversation about organizations that have not worked.

JN – said that years ago the one in Oroville got run off, the individual that owned it got tagged but they couldn't find her.

CB – they are talking about using chips, etc. They asked about how the BOCC would feel about licensing pets. We have two towns that license now. Overall the meeting was very positive, but it depends a lot on having the dog detail.

– BOCC works quietly on their computers and reviews paperwork.

00:14:00 – public comment, Stacy Storm from Riverside. I applied for open planning commission spot and didn't hear anything. I am following up to see if you are going to decide anything.

AH – the public notice was put out on Sept 21st, and we got your letter on Oct 29th. It may have been miscommunication. You are the only person who has submitted a letter of interest.

JN – I talked to Stacy on Friday and told her that I think it was just a complete breakdown on our end.

00:15:50– NK- that was one of my concerns -what happens next with getting that planning commission seat filled?

AH – A letter of Appointment

CB – we'll put it on the agenda for discussion.

NK – I have a list of concerns about zone code process. I believe OK county is currently in violation of multiple laws and processes as well as procedures with regard to land use planning. I'm urging the BOCC to stop moving on that item until things are fixed. And one of my primary concerns is that according to [RCW36.70A.035](#) adequate public notice should have been given. I do not believe that a small legal in the back of the Methow newspaper that is our paper of record is sufficient or adequate notification for the 9,729 parcels that are being rezoned. That constitutes 131,251 acres of private property as well as other broad strokes and land use decisions that are going to affect other parcels. In my opinion if you are making huge moves like that you should at least take paid ads in all of the county newspapers not just the one of record. I'm suggesting a well-organized social media notification system, or perhaps a postcard to every mailbox. When it comes to things like land use planning in Okanogan County, we should not find out through county whistle-blowers. That was horrible. We found out 3 days before the original comment period was closing so it didn't give us much time to do our homework. I've done little else during the past two weeks other than study this. I have pages and pages of notes. I have a huge list of concerns. One of the biggest is that your planning commission has

been operating for the past 6 months with only 6 members, which is clearly outside the law. The law states [RCW 36.70.070](#). Whenever a commission is created by a county it shall consist of 5, 7, or 9 members as provided by ordinance. The Okanogan County ordinance originally had 9, and I'm wondering if it has been updated to 7. If so, that 7th seat needs to be filled before you make a big move like a zoning code amendment. So, I'm urging you to seat the applicant right away so that we have a 7-member panel if that's what's in our ordinance. And I'm also concerned that the planning commission itself seems to be in violation of its own process and procedures. The current 6-member commission has apparently lost or failed to published meeting minutes, they are not setting their own agenda or scheduling their own meetings at this point. All of that is coming from the planning director. We have planning commission members that have been given incorrect meeting dates and driven long distances for meetings that have been cancelled without notification and now rescheduled without proper notification. They are not setting their own agendas so when they get here, they are being told what to do. They are being told that they cannot edit these documents. They have to pass them as they are. That fails the purpose of their duty. By cutting out the influence of the planning commission you are cutting out the influence of local citizens. Their job is to oversee the work of the county planning department, to hear the voices of the public and to reflect our concerns within the documents that they are changing. I also have concern that there are irregularities in the timeline of public comment. Historically here in Okanogan County we have allowed for written comments to be accepted all the way up to the date of the hearing. In this case the written comments close today Feb 12th and then there is a big gap in time to Feb 20th the date of the hearing. So, I would just consider opening those comments back up so that the night of the hearing people can hand in written comments. Or between now and then continue to hand in written comments. And again, I just want to ask who is guiding the process? Is it your planning director, or is it your planning commission? Is it the tail wagging the dog? That's my concern. AH – So there's two different ways that the planning commission can get things. They can either initiate on their own, or they can get information from the BOCC if you read through [36.70](#) it gives you... We had this same question come up from someone in the Methow about how the commission was formed and their duties and stuff like that. Again, there are two different paths – the planning commission can initiate a zone change, or they can be directed to look at a set of documents.

NK – historically, and I've been following for 20 years, the planning commission has literally gone through line item by line item and they have wordsmithed these regulatory or guidance type documents. This is the first time they have been handed basically a finished piece of work and told that they cannot edit it.

AH – Hmm. I don't know if that's actually true because there was a rezone down in the lower Methow from 2s to 5s and that was actually just handed to them, said here we want to look at this and they passed it out and it went through and the rezone happened.

NK – And it went through, meaning they voted for it?

AH – Um Hum. They voted to pass it onto us and we passed it.

NK – Why? Why is it being done this way?

AH – I think the rezoning that you are talking about is going from 1 to 2 acre parcels, correct?

NK – I'm talking about the whole thing.

AH- well, but the actual acreage that you are talking about –

NK – the acreage that I specified was the R1 to R2.

AH – So, if somebody were to come in right now and ask to subdivide to one acre, the dept of health has to say no. Because there is not enough linear room for both a well head and septic system on a one acre parcel.

NK- I understand that.

AH – So the intent was to match state law with what we actually can do. Because why have a zone that you actually can't let somebody zone it to. Now I will say that there's ways that something like that could happen in a city expansion area and you were a developer and you hooked to city water or city sewer it might be different. But just in general, if you can't get to city water or sewer you can't just subdivide down to one acre.

NK- I understand that particular issue. In broad strokes though there are other regulatory language in there including the addition of a compliance planner which to me reeks of a code enforcement officer, and those things should be contemplated by the planning board and they are being told that they cannot edit this document.

CB – I'm just trying to keep track of today's agenda and this is public comment period. I'm perfectly happy to take into consideration all of what you said. We are getting testimony of the comprehensive plan right now and-

NK- *(interrupts CB)* I'm actually trying to make you aware that I think that you've violated processes, procedures and laws.

CB – I heard what you have to say.

NK – Uh Huh. I have a whole separate set of comments that are about what's in that plan but I'm here because I believe there have been procedural violations.

CB – and I'm listening and taking serious consideration as to what you are saying. But it is public comment and we only have 15 minutes.

NK – Mmm-hmmm. I want other people to have turns. Thank you.

AH – thank you.

00:25:50 SK – So does that mean I have 3 minutes for public comment?

AH – well technically 4.

SK – Well I will try to hurry. I'm Sheilah Kennedy from Okanogan. I am here today to point out specific what I believe to be violations that the planning commission and possibly the planning director have violated through this planning zone proposed regulations. Since we were just talking about amendments to comprehensive plan [RCW 36.70.410](#) "When changed conditions or further studies by the planning agency indicate a need, the commission may amend, extend or add to all or part of the comprehensive plan in the manner provided herein for approval in the first instance." There have been no studies, no anything that has been provided to the public to allow us to see and understand the needs for the all of the changes that have been placed in that document that we are supposed to be commenting on. So there's a direct potential violation. When we look at the county planning dept [RCW 36.70.140](#) planning agencies rules and records, it requires the planning agency to adopt the rules for transactions of businesses and keep those records for public records. You look at the planning website and agenda are posted as far back as far back as 2019 for the current 2024 agenda is on there. Official minutes date back to April of 2023 with minutes. May of 2023 there's no minutes but there is a video available. We can't even look back to see what discussions have taken place for planning commission meetings to figure out what was discussed to even bring any kind of

suggested changes to these documents. But yet we as the public are supposed to now be commenting on this document. So I believe there are some severe violations. So that brings me to the main points of the potential severe litigation that the county is putting themselves into by not only those violations but violations of [RCW 36.70A.35](#) of the notice of property owners which has already been brought up. Another violation is [RCW 36.70A.370](#) “local governments to evaluate proposed regulatory or administrative actions to assure that such actions do not result in an unconstitutional taking of private property”. That is all through this document right now. I do not believe that if that document was passed by the County Prosecutor that it would even be put out right now at this point. “Local governments that are required or choose to plan under [RCW 36.70A.040](#) state agencies shall utilize the process established by subsection (1) of this section to assure that proposed regulatory or administrative actions do not result in an unconstitutional taking of private property.” The county is supposed to ensure that the proposed regulations do not result in a taking of private property. And you can’t tell me that you can look at that document- tell me that that document does not take away our unconstitutional (*sic*) rights. So there’s severe violations. Another regulatory violation is to – well I’m running out of time so I’m just going to skip to... my 14th amendment constitutional rights, where in order to regulate, the County has to make sure that they identify the harm that’s been done. There has been no harm that has been provided by planning that address- no studies that support the harm, and to result in the suggestive broad stroke that has been placed in this document. The harm has to be real and not perceived, by an individual or a group. And where in the record, which we can’t even look at because there’s no minutes posted, so where in the record has that harm been proven. There isn’t any! With all of that, there has not been the substantive due process which is allowed under our 14th amendment. So there’s so many violations here that I’m asking the BOCC to stop this process right now. Have the county prosecutor look at these proposed violations before you move forward to probably prevent any kind of maybe legal actions you are putting yourselves into. The other real important suggestion is – you know the planning commission under [RCW36.70.040](#) was created to assist the planning department. And in that, you know, they keep the official record. And then they make the decision and then they make that recommendation to – and then they can make changes, whatever it is and they make that recommendation to the BOCC changes, accept, whatever. You run your due process with public comment. But there’s a lot of confusion with some of the members of the planning board that after receiving some direction from the planning director, that you know they hold the public hearing, that they are to make no changes, and that they are to just adopt the planning code changes as proposed. So the BOCC needs to really look into this for any potential misunderstanding, misinformation potential direction potential misleading or misleading the planning commission members for the members to a potential predetermination decision action prior to a scheduled public hearing. If the board finds there is a violation that’s up to you guys to deal with. If nothing else the board needs to direct the planning director to contact each of those members and clearly outline to them what their process is. And that is to listen to the public comment. But right now I strongly encourage you to look at these RCWs and make sure before you proceed any further that there are not some severe violations. I am not an attorney but reading the law and looking at that document, I believe there could be some severe violations.

AH – Sheilah, just as another one, [RCW 36 70 750](#) which deals with zoning, “Any board, by ordinance, may establish classifications, within each of which, specific controls are identified, and which will regulate. So that is actually the portion of this that we are talking about zoning code, not the comp plan.

SK – right, right but everything falls under the comp plan. Bottom line- There has to be some kind of justification why we are modifying that and with that justification there has to be some supports submitted that justify why we’re doing this deep dive into that. And support each of those areas in which we’ve done that deep dive and they have to be provided to the public for their full review as provided by the public law. And if YOU can find that information, that’d be great!

CB – We do have the prosecutors office involved

SK- I’d like for them to read this

CB – OK thank you. Just so you know.

SK- I’m surprised this got submitted, then.

00:35:50 AH – makes a motion to prepare a letter of appointment for Stacy Storm to be appointed to the planning commission. Voted and passed. Discussion: CB wants to make sure they have a discussion about the appointment and don’t just do it in a hurry.

00:37:00 MG – EMS update. Across the tracks where old public works is (new coroners building). I’ve never been in the loop on this and just got notice that I have to move my emergency sandbags. I don’t agree with that.

AH – I guess that we didn’t know you had stuff stored there.

MG – I don’t agree with the process leaving my department out of the planning for this new building when I have had stuff there all along. Generators, hazmat supplies, flooding supplies.

CB – there is a whole process and you will definitely be included. Do you feel that there is not going to be an effort to include you?

MG – I have no idea.

AH – It was a building where the coroner was storing bodies. We did not know you had stuff there.

MG – we have sandbags, generators etc.

CB – We should have the discussion about where you want to store your stuff.

00:41:00 MG – another topic regarding harassment training. I just have to- I don’t even want to chuckle about it because it’s kind of an interesting topic to have to watch that stuff and subject myself to having to watch something like that when I don’t agree with topics that, uh- they can point this stuff out but for me to actually uh – but for me to actually, when I view something like this on video and everything I shut it off. I just leave. I think that company went a little too far.

CB – So you have an objection to the content?

MG – yes.

CB- I see.

MG – I don’t know if any of you have watched it

AH – is this the one that was put out by the risk pool?

MG – yes.

AH – let’s just make sure we’re aware of that.

MG – I'm aware of it – I understand that. But I'm just pointing out that I don't feel -and I've had several people comment to me about it- and I just – it's an interesting

CB – you've had the training before?

MG – I've had the training many times before, many times before, but to this extent, how they are making things the norm, and showing me uh, uh, a picture of things I don't agree with.

CB – what I was going to ask is that the previous training you received, was it all in words? It didn't have any graphics?

MG – No, it's been both ways, I've been in person- again, the topic that's pushed on you is just not right. I'm just saying.

AH – We live in a weird day and age. There are a lot of things that you would have probably thought was ok a while ago but now it's not any more in a workplace environment.

MG – I understand. I see the whole thing. I would just like ...

AH – It was a video put out by the risk pool

MG. Yes, that's correct. That's correct. That's correct.

00:43:20 MG – the other topic is roads. Public works has done a good job fixing them up.

AH – discusses 4 particular roads that were not able to have trucks. We have two airlift insurance programs. It's important that you put it on the Emergency Mgmt website which roads are not passable. If EMS vehicles can't get there it's expensive to have airlift if you don't have insurance.

MG – I have to be careful about pushing private insurance.

AH – you are right.

JN – Points out that Life Flight is weather dependent also.

CB – some roads are primitive roads. And there are also subdivisions with private roads that are not maintained.

MG – asks about a particular bill about hazmat clean up. Concerned about potential problems.

CB – asks if he knows where the bill is now?

MG – no.

JN – asks about water supply to a trailer court.

MG – says they have a temporary fix.

AH – asks his to get with mayor of Riverside to see if he needs some funds to fix waterline. We have some extra funds, and we did a similar thing for Winthrop.

MG – says he will do that.

00:50:50 – PP. She did work preparing documents and will have staff look over one more time. I will let you know my schedule for this week. Her father-in-law just passed away on Saturday. She will work from home preparing documents for the hearing on Feb 20th. Will be back at 10:30 for planning update.

CB regarding the issues that came up this morning, it might be helpful to create a timeline that shows all the things we did along the way, and the relevant statutes that were guiding us. Some of those give us authority to create our own code.

AH – and include information about who initiated the proposed changes (BOCC, planning, etc.)

1:28:30 – AH – on Jan 29th We directed you to send a letter of termination to the hearing examiner with 60 days notice. Reads part of agreement. Mr. Beardsley sent us an email saying that was an incorrect contract. He sent us the current one dated 8 Dec 2016 that had a 120 day

termination notice period. So, given that we were in error, I move to rescind the previous letter and write a new letter with the correct dates according to the current contract.

PP – when this was brought to my attention I anticipated this and prepared a new letter with the new dates.

AH – asks PP to make sure they follow the requirements. Now, there's not much difference between being a contracted employee and a public employee.

CB – do you have a copy of the contract?

PP – I do. It says in the contract that he acknowledges that he is a contracted employee.

AH – one of the issues I have is that there is no end date on the contract. I think that it is important for us to periodically go out to bid on contracts they have.

DB – what's troubling for me is that this letter arrived on my doorstep with no notice. Nobody has ever said anything to me about the quality of my services. Nobody has said anything about this bullshit.

JN – can you watch your language please.

DB – I am watching my language. I can't believe this is just because you don't like the contract.

AH – talks about how the contract was signed by Perry Huston, which is strange. Reviews the history.

DB –

AH – I have no issue with you re-applying.

DB – I guarantee that I won't reapply. In fact, if you want to accelerate this I will resign right now.

CB – you mentioned the reason for having a termination clause with a time period. It was so that there would be time for the transition.

DB – I am upset about this because I was not given any verbal notice.

CB – you asked for an increase in your compensation.

DB – that was 2 ½ years ago and I never heard anything. That is disrespectful. I don't appreciate being treated that way.

AH – did you know in the 8 years that I've sat on this board it's the first time I have ever seen you. You've never asked to be on our agenda to share your report.

DB – You never asked me to come here. You have never responded to that report.

DB – how would I know that?

AH – I'm not sure, actually.

CB – You asked for some honesty and I would like to do that. We looked at your billings over the last few years. There seems to be added activity to your decisions. After action visits to sites, etc. That you are charging for. That is new. After we did not accept your request for fee increase, your billings increased with these extra charges.

AH – you were charging us for things that happened after your decisions.

DB – no you weren't.

PP – reads some examples.

DB – so the real reason here is that you think that I've been over billing.

CB – that's one reason. How long have you been doing this?

DB – a long long time

CB – I understand that you were qualified when you started this, but when you have a contract that has no ending date, or review, we need to make sure that you continue to be qualified.

DB – I don't disagree. It's how they do it in other counties. Pretty common. But I understand that it's your duty as policy makers to update once in a while.

AH – It's not proper for us to tell you how to do your job.

DB – that's correct. But what you could do is look at the decisions that I've made and decide that I'm not implementing your policies the way you want. That would be acceptable.

AH – I have never thought that. My issue is that this contract has no end. The only end is a termination policy.

DB – I find it offensive and I don't use that term lightly. I sound like some liberal democrat and I'm not one of those. In fact, you could save a lot of money buy doing this remotely. I drive all the way up here from East Wenatchee for a 8 minute hearing.

AH -I hope that you can see that it is incumbent upon us to every once in a while to go out and find out what we can get certain services for. That is using tax dollars wisely.

DB – I'm not arguing with that. The way this has been handled, I am perfectly happy to waive the 120 days and submit my resignation today if you will agree.

AH – You will need to submit it in writing. You may want to consult your attorney.

DB – I don't have an attorney like you do. It says that both parties can waive the written requirement. I don't want to be your hearings examiner any more.

CB – That's not my concern. My concern is that we need a hearings examiner in the interim. I'm sorry that you are offended. I apologize for not having a conversation with you prior to sending the letter. But we need someone to do that job until we get a new one.

DB – You do what you're going to do but keep in mind that I don't want to be your hearings examiner any longer. \$10K is not going make a difference in my life. *(leaves table and moves to seating area)*

PP – Are you going to direct me to do anything at this point?

1:49:50 - CB – let's have a conversation. The issue with the letter that has been revised. To

Andy – are you saying that you don't want to send that letter?

AH – No, I'm saying that we should send the letter with the corrections. I was going to say that we should state that it is a 120 days termination. However, after today and hearing Mr. Beardsley's comments, we need to talk about this. I don't know if we are prepared to do that now.

PP – I am prepared.

AH – how long would it take to get a response to our RFQ?

PP – We have one applicant right now. We could do it and hire them pro tem until we can get someone permanent.

CB – if we would use that option, how would you proceed?

AH – I would propose sending a letter waiving the termination time periods.

PP – Do you want me to work with EM on that?

Short discussion about the details of the contracts to clarify exactly how to proceed.

1:58:30 – DB reappears. Says that they could craft a letter that says he waives the 120 day requirement and he will be happy with it.

AH – points out that there is a legal process they have to follow.

DB – Who is going to care – I'm not going to sue you.

AH – can we tell Mr Beardsley that we will have a letter to him by the end of this week.

JN – Did you get that?

DB – Yes. I will sign it, send it back to you and consider myself terminated.

2:00:40 CB – to PP - before you go I would like to ask you if you would create a timeline of the process we used in creating the proposed zoning code, noting the public notices that were issued. There are a lot of things that did not change from the old code, but a lot of folks don't know that.

Working on the hearing examiner's role, there is a lot of interplay between the hearings examiner and the staff. If there are issues that evolve that make it harder to comply with the comp plan, then that info can come to the BOCC.

PP – that's on the SEPA appeal. DB did not want to hear it because he thought he did not have that authority. EM went through code and found that there were ordinances adopted years ago that were not codified in the published code. We had to go through all the old ordinances to find out that the HE was actually given that authority to hear SEPA appeals. I've tried to be really good about keeping records.

CB – one more thing is 36.70A. State law has certain requirements. Can you check the applicability of those. For me the applicability is this. In state law, there are certain things that are required to be looked at. There have been accusations that we are not following the law, and I think it's important for EM to know what's been said.

PP – So are they saying we didn't include all the required elements in our comp plan?

CB – No, it's procedural, more or less. I can provide you with a document that cites the alleged violations. It's important for people to know that we are following up.

PP – I really hope those comments will be submitted through the public comment process.

CB – What's being said here is that the public didn't have time to prepare comments, so that's why I asked you to put the timeline together.

AH – when the planning commission looks at this, it's a draft, right? They are the ones getting the comments? Yes. When they go into their hearing on the 20th, they have to look at the draft, then look at the comments, then weigh those things.

PP – they already have the draft since December 11th. Written comments close today. I have a week to compile the comments, address anything that needs addressing, share with legal counsel and prepare them for the hearing. They (Planning Commission) then have to make a decision. The reason for the gap is so that the planning commission have time to read them all before the hearing.

AH – what are the possible outcomes? They could pass it without revision (adopt the proposed code as written), they could choose to not pass it out (keep old zone code), then could they pass it out with their own modifications?

PP – there are portions that they could modify, there are portion that were written by legal counsel to address the stipulation order which basically drove this update of the zone code that they would not be able to change.

CB – clarifies that the planning commission could make recommendations for changes.

PP – The stipulation order is what is making this a little bit different. Normally it starts with the planning commission - they through the document page by page, they make suggested changes based on what staff is recommending, then it goes to the BOCC for ultimate approval. But in this instance it started with the BOCC. You could have gone through the whole process without including the planning commission at all but it was decided to allow more time for public input and review and take it back through the planning commission and that process.

CB – there is one more complication. This was subject to legal review. Some changes were just to be compliant with state law, there are other changes to correct things that refer to obsolete references. But I would say that the PC can still make recommendations. The final thing still has to go through legal review to make sure we are in compliance with the stipulation order.

AH – I just want to make sure that the planning commission is not being directed to simply rubber stamp, and that they know they have the opportunity to suggest changes to proposal. They obviously need to know which parts are subject to legal review but they can still bring things to our attention.

CB – If there is something that is not doable, we have to say that.

PP – the only things they can't change is what you have agreed to under the stipulation order.

CB – we don't want to regress and go backward

2:15:30 SK (*off camera*) – says it's very confusing there was no notation in the published draft about the stipulation order. That's what is causing confusion. We don't know what we can change or not change. There is nothing on your website about this stipulation order.

AH – says she should still comment. The stipulation came out of the Yakima lawsuit in 2018.

CB – asks EM if she is willing to elaborate on the stipulation order.

EM – says she doesn't have it handy, but it is in a court file that you can look up.

SK – why can't the BOCC provide access to it?

PP- I want everyone to understand that the planning commission is only advisory. They have no final authority.

NK – I did not know that. I don't think the planning commission knows that.

AH – our Planning commission was created before the RCW was written. Things were different back then.

EM – points out that RCW 36.70A doesn't apply to this zoning change.

CB – Yes, it applies to growth management counties and we don't plan under that rule except for a couple of things like critical areas.

2:22:12 Discussion about the fact that the letter of application to fill vacant planning commission seat was not addressed in a timely manner.

CB – I would like to have a discussion about the appointment. The applicant (*Stacy Storm, who is present in the audience*) mentioned constitutional rights and takings. Sometimes people read things and don't agree with them or interpret them differently. I would like to make sure that all applicants are aware of the law and how planning works. It's not about your personal beliefs. I've seen situations where the planning commissioner had a personal agenda and thwarted all the attempts to get things done.

AH – Stacey has always been concerned about personal property rights to a high degree. When we talk about changing from 1 acre to 2 acre minimums, it is about what's legal to build on. We are not trying to take someone's property right, we are trying to make sure that people have a legal lot. Stacey, I think you are very committed to people's private property rights and I appreciate that. I would hope that if you are appointed, that you would get a continuing education on how this stuff works.

CB – people have to have an independent mind, but also how it impacts the county and how we can deliver services. The cost of that is something we would like the planning commission to think about. Gives examples of roads. The private property rights part of it, I don't think that

anyone here wants to take your property, but we have to think about how it impacts other people.

AH – When you look at how things were done in the past, you can see how they were cutting up the county. Tunk is an example. There are tons of 20 acre lots up there. There was no planning for how the interior lots are going to be accessed. There are no planned roads, no services. The county ends up on the hook.

CB – talks about problems with that situation and how even farmers have told him “there has to be some rules, doesn’t there?” That’s what the planning commission has to deal with.

AH – to Stacey – you would not believe the number of calls I get about cannabis grows, garbage vehicles, etc. We don’t want to overregulate, but there has to be some semblance of order.

JN – when it affects your neighbor, we have to do something.

AH – I apologize for taking so long to respond to your application. Sometimes things get lost.

2:34:39 CB – I went to the meeting hosted by the Sheriff’s meeting on animal rescue. The cities and towns were there, and we shared that with them. All of the organizations that do this work were talking. Discusses the need for donkey rescue as more people are having them as pets. There was a woman there who is a dog trainer who works with difficult dogs. There was a woman who introduced the concept of an umbrella organization that could apply for grants and direct people to the right place. The Sheriff was there as wants us to fund a position. There was an idea to have a licensing system to help pay for some of this.

AH – I’m really against licensing dogs. I have a hard time telling someone who lives out in the country to license their dog.

JN- It basically just covers the admin cost.

CB – there was good idea sharing – the county needs to be part of that in one way or another. Whether we fund a position or whatever. During fires having a well coordinated system to manage animal evacuation could be helpful. The Sheriff Dept has a fund.

AH – yes.

CB – there was some talk about using facilities in the towns. Liability issues. Asks JN if he has introduce the idea to OCOG

JN – briefly.

AH – That reminds me that we need to talk with the towns about paying for jail service.

JN – asks how that would work.

AH – talks about study he did looking at what towns have paid historically. You need to look at average.

JN – Sometime you get overpaid, sometimes you get hosed. Mentions a jailed cancer patient in Oroville that cost that town \$30K.

2:44:20 - BOCC reviews schedule.

AH – asks about wolf bills and if they made it out of committee.

Discussion about legislation. Bill that would allow counties to raise property tax 3% is stalled and not going to pass.

AH – there was a bill that would allow counties 3%?

JN – yes, but it had issues around certain housing projects.

CB – mentions the history of the property tax legislation.

Short discussion about how the property tax works.

AH – says the EMS levy in his district is going to really increase the property tax. Explains details.

CB – talks about WSAC and discussions about taxes. Says he prefers sales tax.

AH – yes, because it's not regressive. When a person buys food it's not taxed. And lots of tourists are paying that tax. I guarantee you that it's not local people who are falling off rocks.

JN – talks about Oregon and that they are tax exempt.

AH – says he would never want to pay a state income tax.

JN – no absolutely not.

CB – mentions border counties and how it's an issue with all states with different rules.

Talk about how people go to Oregon to buy things because there is not sales tax.

CB – changes subject and asks about the rules around using county letterhead for a letter he wants to write to another county. It's not addressing anything official, rather a commendation to LEO who performed over and above in an incident that he experienced on a personal trip.

Would he need the signatures of the other BOCC?

Discussion about how they like to handle such things.

BOCC adjourns at noon for the day.