

Board of Okanogan County Commissioners
Monday, Feb. 26, 2024 AM

JN—Jon Neal, BOCC, District 3
AH—Andy Hover, BOCC, Vice-Chair, District 1
CB—Chris Branch, BOCC, Chair, District 2
Cam—Cameron Burnette, Deputy Clerk of the Board
SK—Shelley Keitzman, Human Resources and Risk Management
EM—Esther Milner, Chief Civil Deputy Prosecutor
Emily—Member of the public.

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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.

Summary of significant discussions:

- At several times during today's session, the commissioners discussed the Planning Commission's public hearing on Tuesday, Feb. 20, and how to make future hearing run more smoothly.
- Commissioners held two 30 minute executive sessions, both under RCW 42.30.110(1)(iii) to discuss the legal risk of a proposed action. The first meeting included Esther Milner, Chief Civil Deputy Prosecutor and the second included Milner and Shelley Keitzman of Human Resources and Risk Management.

00:40 Commissioners discuss the Planning Commission's public hearing to discuss the re-zoning plan.

CB—Maybe we could arrange a meeting with people we collect. Let them have the discussion and report back.

JN—Sounds simple.

CB—The meeting would have to be facilitated.

01:50—JN—It's 9:00 AM. Commissioners pledge their allegiance.

AH to Cam—Do you send out the Board of Equalization packets? Can you send this person an Appeal Packet? Cam—yes.

AH—Could I get a closed session to discuss union negotiation matters until 9:15? CB & JN say yes. AH moves to hold the closed session which will end by 9:15. SK is invited.

17:00—JN—It's 9:15. Any comments? Emily?

Emily—(Uses the Zoom chat box because her mic doesn't work.) Asks about how the plan to move the clock is coming. The Commissioners still plan to move it to the opposite wall because they've received several requests to do so. They need an outlet nearby and decide to put it on the column just behind Cameron.

20:50—Discussion returns to the Planning Commission meeting on Feb.20.

AH—They had a packed house. They continued it to the Agriplex. So we can be sure we know what we're talking about, can we have a conversation with Esther on the official control section? We could

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have a public meeting on our agenda dedicated to an open dialog type conversation. Not a shouting match. We can then have a public hearing on some date out far enough so that whatever comes out of the Planning Commission, everybody will have a chance to read it for a while. Then we have the hearing down at the Agriplex at like 5:00 PM. Maybe expect to continue it if there are a lot of people who want to comment.

JN—I'm fine with that except that the internet isn't strong enough to zoom the hearing.

AH—Well, I think we'll just have to have it an in-person meeting. Too hard to manage as a Zoom meeting. If people are commenting prior then we'll get their comments anyway. If they want to testify, they'll have to come down because it's such a big to-do.

CB—My concern is about having an open dialog and then a public hearing. Who do you invite to the dialog?

AH—you don't invite anyone. You just put it on the agenda as a discussion on the zone code.

CB—My concern is that you'll get those who want to bring the entire force in and have a dialog. And we just did that in a public comment period. I don't know if it's fair to the rest of the public to do that.

AH—In a public meeting, you could have a little bit of back and forth and maybe answer questions.

When I read public comments, sometimes I'm not sure of the intent of the comment.

CB—I watched the meeting on AV Capture. I think a public meeting that explained various aspects of the code would be useful, but to have the dialog, I don't know how long you can do it. It's kind of an unpredictable thing.

AH—I'd shut it off...

CB—In the hearing part I heard a lot of comments that I heard 30 years ago. A repetitive comment that says "West side rules!" I don't get much benefit from that, but people have a right to make their comment. If you group all those comments together and put them in a pile that says "West side rules".

CB—We'd need to strategize some. If there are questions, who's going to answer them? Maybe we'd all have different answers.

AH—I have thoughts. We had a consultant that put this together and we looked at it before it went out. Then people say—if you do this, what about that. And we think yeah, that is... When you're looking at comments, we need to update zoning in some areas. But we also heard some good ideas that we need to talk about.

CB—What areas are you talking about? I'm just curious.

AH—The change from R-1 to R-2.

CB—I'm happy to change my mind if someone brings me new information.

AH—Out in the county, in the hinterlands, it's hard to make one acre zoning because of the health issue. It's hard not to infringe on another parcel with your well or your septic system. But then, do people know you can do a planned development? You can go down to ½ acre parcels and get clustered.

AH—Then I looked at one acre zones in the urban expansion areas. For us to take those to two acres isn't smart on our part. There should be variable zoning. If you've consulted with the city and county... Your plat meets the zoning requirements and the specs for the nearing in-city limits then you could do that.

CB—If you've got the infrastructure. The limitation of one acre lots is the infrastructure.

AH—If I want to develop 20 lots of 5,000 sq. ft. lots in the county, but I'll bring out the water and make sure all the roads are platted correctly and everything else, then I should be able to go down to the 5,000 sq. ft. lots.

JN—I look at Oroville. Both side of the lake to the border have city water services. East side has septic and maybe someday the west side will have septic. But to put them under a two acre rule makes no sense.

CB—Yes. I agree. It's simple.

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AH—It's simple in speech. But trying to figure out how to do it is hard.

CB—I've been talking about this for a long time, for seven years: what infrastructure means in comparison to growth management communities. It's a requirement that you're in the areas that the cities like to serve. We're doing growth management by default. Water and sewer is available. The only reason those developments occur is because they can get water. The Westlake development started out with its own water but the city had to take it over. That happens quite often.

AH—Kind of like—going slow to go fast.

CB—I agree with that but I'm concerned about an open dialog meeting to do that.

AH—Maybe we don't have to do that. But I want to make sure that when we get the finding back from the Planning Commission, maybe we use Everbridge to say "The draft that's going to the commissioners is out. Here it is." You blast that out to everybody.

CB—New releases to all the papers.

JN—There could be a way to get updates from our office and planning. Just sign up for the email updates. Maurice said it was available, so we just have to figure out how to do it.

33:40—SK—I have a resolution for you to consider. Last year at the Fair, the Okanogan High School girls' basketball team helped with parking. Inadvertently, there was no contract signed, but there was a verbal agreement. I'd like them to be paid \$3,600 which is what they were paid for the same work in 2022.

Commissioners pass Resolution 31-2024 to get the Okanogan School District paid.

AH—Thanks for doing that, Shelley.

36:00—CB—If it's an open dialog meeting, some thought should go into it.

AH—I agree.

CB—It puts us in a compromising position. If it's a well-planned public information meeting, that's one thing. But just to do it, it's unpredictable. Hearings are predictable because we're taking testimony. The concept about what we're taking about now—moving to R-2, maybe we should have kept some of them intact because of these urban growth areas. I'm going to call them that.

AH—I don't care if you call them that.

AH—People understand the cities are where the water service area is. It's where they might annex.

CB—We called it that before we had the Growth Management Act.

CB—It's allowed in the county to do development near the cities, you can bet that sooner or later, the cities will be on the hook for that.

AH—I know. When you go into Twisp near the airstrip, that's where you can see the hangers on Hwy. 20, and there's some residential stuff there. To have five acre zoning there is ridiculous. It's a good place for Twisp to annex out to the airstrip that's already annexed. It's an island of annexation.

CB—My question: when you do that conditional zoning—that...well, take Oroville. Not as much growth as you'd expect in East lake. Looking at annexation from the county's perspective. From the city's perspective it costs more to annex residential. You have to do water, sewer and roads.

AH—In the Methow, it's the only place you can do group wells. The rule has backed us so far into a corner, it promotes urban sprawl. You can't do any development unless you're in the city.

CB—If it's going to be in the city's water service area, zone it accordingly. They usually are, but someone has to pay for the infrastructure.

AH—One acre zones—If you do a planned development—you can do a Class B water system to serve 13 lots. You don't need a water right for a Class B system. Exempt well. Class B is just a health designation. You can get 5,000 gallons/day and divide it up over the 13 lots.

Discussion of the Methow Rule and group use.

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AH—Group B wells aren't subdivisions or planned developments, but you can get group use from one well.

CB—Let's verify we can still do this. Verify by whoever enforces the rules. There's a MOU (Memorandum of Understanding) between Health and Ecology.

AH—You can go back and look at this. Health signs off on the quantity of water.

Discussion about water rights, single family exempt wells, and group wells. CB will look into the rules concerning this.

CB—So anyway, one acre vs. two acre lots.

AH—I could do a Group B System on one parcel and pump it out to my one acre parcels.

CB—You can have a group sewer system.

AH—It's bound by Campbell and Gwynn. If I had 800 acres, and I wanted to subdivide, I can still only put 13 houses on the 800 acres because of Campbell and Gwynn.

Discussion of amount of water used by a home including recharge rates and consumptive use.

58:00—AH—If we don't have staff meetings, maybe we could move the 11:00 Executive Session up to right now (10:00). (EM isn't available so that plan doesn't work.)

AH—I appreciate all this conversation and I'm not trying to be argumentative.

CB—I know. There's a lot to consider with minimum lot size and where it is. In an urban growth area, timing is everything. Depending on the city's infrastructure intentions and needs, is it something you can expect to do to satisfy the zone codes. It took a long time to establish the strategies in policies. That was the Growth Management Act—the things you established.

CB—On Lake Osoyoos, on West lake, it's been two acres minimum for a long time. I think it should be that way. There's a lot of shoreline there.

AH—Look at Douglas County—right before the Beebe Bridge there are a lot of houses along the shoreline.

CB—It's a different kind of shoreline.

AH—So why is the two acre minimum important?

CB—That was because of the Health Dept. They're on septic there.

AH—Oh yeah, that's totally different.

CB—Go to Chelan. There are people with an 8 foot piece of shoreline.

AH—Let's set lakes aside.

CB—Our conversation is about city expansion areas. That's where you'll get the services.

AH—If we don't go to two acre parcels, you wouldn't be able to build on a one acre parcel because of the health issues. But if we have planned developments, they cost something to do, but you get density bonuses. That's in the zoning already.

CB—There are lots of exception to lot size already.

AH—What people don't like is that the exceptions will cost them money. Well, sorry. If you want to do something, you have to pay some money for it.

CB—Everybody did short plats instead of long plats.

AH—Because you don't have to do a lot of things with short plats—like putting in roads.

CB—People annex to the city because they want urban services. The city will also annex commercial property.

AH—The only carrot they can give a developer is smaller lot size if they hook up to the city's water system.

CB—To just zone it that way isn't so simple. Yes, we have the water but you have to build the water line.

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AH—Variable zoning district. If you put in water system, you get smaller lots. It's a chicken and egg thing.

CB—I'm hearing that the possibility of 7,000 to 9,000 (*lots? acres?*) will not be developable because of the zoning code changes. That's what they say on Facebook. This is very divisive.

AH—Right there is why I'd love an open dialog. I'd like to dispute it, but if it is in the zone code, I want to fix it.

CB—Take the one acre and two acre lots aside because we need to talk about what it means. But the issue of having a site analysis...

AH—Do you see anywhere in the changes that someone has to get a site analysis to build a doghouse or shed?

CB—Well, we need to see what's being required now, before the new code. One of the things that's come up is hiring a code compliance planner at the same time you adopt the new code. I hate using those terms. How does it look?

AH—My rebuttal is—right now, those are things you can go to jail for.

CB—You say that, the next thing you know, it'll be written in Facebook that Commissioner Hover wants to send people to jail for not getting a site analysis. And most people don't know what a site analysis is.

CB—There is information being fed out. The period of time we're taking now to extend the hearing, maybe some of the issues will be resolved or maybe be misrepresented even more.

AH—It'll be interesting with Stacy (Storm, newly appointed member of the Planning Commission) how she looks at the rezone and thinks that (*consequences based on misinformation*) isn't going to happen.

CB—I've read what she's written in the paper for years.

JN—I think AH means that now she's in a different group of people. If she can read through the new plan and not have a problem with it, that smooths the water.

CB—That will be something to be seen.

AH—I appreciate the translation.

1:13:10—Can we go to the discussion about the OCTC (Okanogan County Tourism Council)? Yesterday, I went to the LTAC (Lodging Tax Advisory Committee) meeting. Last year they awarded OCTC \$87,000 for e-kiosks in all the Visitor Information Centers. It would allow them to collect data about people who were using the kiosks—where they're from, what information they're accessing, etc. Then there wouldn't have to be volunteers in the kiosks all the time. The LTAC would like us to write a letter to the OCTC and ask them to come in and give us an update about the e-kiosks.

CB—I'm sorry to go back to the zoning code. One problem I recognized over the last few years, we've never finished a conversation about land use.

AH—I agree 100%. We have high hopes but never get to the finish line.

CB—It requires a lot of work. The Planning Commission needs a lot of training. We're doing seat-of-our pants training. I can't condone any of it, but we had to respond to a law suit that was set up for the very same reason. Mostly based on a philosophical standpoint, and that standpoint chose to ignore a lot of pieces of the law, and then any of the principles of planning that make sense. I find that a problem. I think that's what puts us where we are. Also, there's conflict in the Planning Commission and mob mentality when responding to it, just like it's always been in Okanogan County. It's a mob mentality. You can fill the room as much as you want with people that support one part and it's expected that that's a vote.

AH—Also, we've never gone through the control section of the RCW and made a flow-chart. If this, then that. The Planning Commission never had a hearing on this because we initiated it. Through just their regular meetings, they discussed it, voted on it and sent it to us. We voted on it.

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AH—With this one, we’ve put a heck of a lot of stress on Planning Commission members to vote no or whatever. If they get the thing to change R-1 to R-2, and they’ve got the mob, everybody else out there saying “this will take away all our rights”, they’ll more than likely you’ll vote not to do this because people don’t like it.

CB—Yes. Responding to your friends or whoever. I’ll repeat we need good Planning Commission training. If you’ve got members set on one concept—zoning and planning aren’t any good at all—I’ve got a problem. The commissioners should buy into the concept of planning.

AH—Looking into why you’d make a regulation. So yes, better training. If you can find someone to come and give a class, I’d vote to spend the money to get that done. Also, the Planning Commission is an advisor to the Planning agency. Again, we go through the steps. If the Planning Commission says “here’s an issue we’d like to take up”, that sets us on one path. If we say “here’s something we’d like to change” that sets us on a separate path.

CB—also, we’d need policies to get what we’re trying to achieve—the efficient delivery of services. If we continue to grow in ways that don’t consider that—I’ll use EMS as an example—we increase the cost of delivering services. Land use can help decrease the cost of delivering services. One of the policies is not to take people’s property right away from them. If we don’t do that, it continues to be a mob mentality.

1:26:00—AH—I move to go to executive session under RCW 42.30.110(1)(iii)—discussion of the legal risk of a proposed action. Inviting EM for 20 minutes. Later extended another 10 minutes. After they return they trade stories about car repairs and car accidents. Cam says he was once rear-ended by a car that hardly dented his bumper but left a perfect imprint of his license plate on Cam’s bumper.

1:38:25—AH—The safety grant for the Fairgrounds, do we want the staff to write an RFP (Request for proposal) to finish the water system?

CB—It’ll require engineering.

AH—What do we want to do? A new well? New main line? Design the work? An RFP to assess the current system and develop a plan?

CB—Make sure it says a domestic well.

CB—It’s a Class A system. Let’s do an RFQ (Request for Quotation).

AH—Cam, please put on the Agenda (for three weeks from now) time for a discussion about the water system at the Fairgrounds.

AH—I’d like to get it done by Fair time. The grant is \$236,000. And we have to spend \$123,000.

1:47:40—Discuss various bills being discussed in Olympia.

CB—Who started the discussion about the fire marshal?

JN—I think it just kind of popped up.

CB—Maybe because of the Wildfire Plan update. (Former) Commissioner DeTro was always very much against having a fire marshal.

JN—Typically, a fire marshal has little oversight over public lands. It’s mostly buildings.

AH—Cody (Acord, Fire Chief of Fire District 6) said it’d be good to have one to do investigations.

JN—Not all are qualified. And someone who is qualified would be expensive. You’d need someone the insurance companies would accept.

1:51:45—CB—Someone mentioned a fire marshal because of the occupancy of the building.

JN—Right. To say this room can have 240 people, they’d have to be pretty friendly. And it may have been established before the desks, etc. It’s just a sq. ft. formula.

JN—We probably all use an update on Robert’s Rules and how to conduct a meeting.

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CB—It's useful to put the ground rules somewhere. Edmonds put it on the back of the agenda. And you can also put it on a poster on the wall. And abide by them or we'll go home.

JN—The biggest thing I heard grief about was the statement about if you testified that evening, then you can't testify at the second meeting.

AH—It's true.

Discussion about what to do with a big crowd and a small room.

CB—Jim DeTro always did a good job of keeping control of a meeting. A lot of the people who didn't want to comply with the meeting rules would listen to him.

2:00:40—Short discussion about the resentencing bill in the state legislature. CB—That was going to cost us a lot.

Short discussion about zoning requirements for gravel pits.

2:10:00—Executive Session under RCW 42.30.110(1)(iii)—discussion of the legal risk of a proposed action. Inviting EM and SK for 30 minutes.

When they return at 12:00 they adjourn until Tuesday morning.