

Board of Okanogan County Commissioners
Monday, May 1, 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
CHa—Crystal Hawley, Deputy Clerk of the Board
BE—Bob Eubanks, Commenter
PP—Pete Palmer, Director of Planning
MG—Maurice Goodall, Emergency Management
NP—Naomie Peasley, Fairgrounds Manager

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

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Summary of significant discussions:

- Bob Eubanks makes a public comment about zoning issues in the county area between Omak and Okanogan. He and his neighbors prefer to remain in the county instead of being annexed into a town.
- Pete Palmer, Planning Director would like to hire someone to help the department work on proposed Planned Developments.
- Maurice Goodall, Emergency Management describes some areas of flooding from spring runoff.
- Commissioners and Lanie Johns, Clerk of the Board, hold a 10 minute executive session under RCW 42.30.110(1)(g) to evaluate an applicant for employment or to review the performance of a public employee.
- Commissioners and Pete Palmer finish discussing the proposed county rezone code, except for the District Use Chart, which will be discussed on Monday, May 8.
- Meeting adjourns for the day at 3:06.

01:00—Pledge of Allegiance.

CB—The American Rescue Plan Act (ARPA) Report was the bane of my weekend. It finally went through about Sunday at noon. I decided it was right enough. I said we budgeted \$8,200,000 because Congress may try to claw back unobligated money.

AH—(enters) I've been talking to the sheriff. Trying to facilitate multiple items at the same time. I'll be back at 10:00. (Leaves)

CB—We obligated \$5,000,000 over 2020. The reporting is March to March, so I included the retention bonus stuff. Curtis at WSAC (Washington State Association of Counties) said if they're uncertain about any reporting, especially if we're below \$10,000,000, they'd call us anyway. I took enough screen shots to show we struggled with the portal until Sunday afternoon.

CB—Also, Thursday or Friday, I certified it (?).

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JN--#15 on the Consent Agenda (Letter—Dispatch Advisory Board Authorization—Commissioner Jon Neal)

CB—I saw an email from (Mike) Worden (County Dispatch Center). So whatever we need to do.

JN—I’ve been doing the same with OCOG (Okanogan Council of Governments).

JN—Friday I did an online interview with Arianna Jones from the Triangle (?) Group about the Enloe Dam. I suggested she also talk to CB and AH. They’re supposedly an unbiased research group collecting information from all sides. Data collection can be skewed any way they want.

CB—I’ve talked with PUD some. We had a new PUD commissioner then and the concern was how it would affect the rates.

CB—The Dispatch Board is working out alright?

JN—Yes.

CHa—The tentative discussion on the agenda in the afternoon has been cancelled.

CB and JN discuss problems with recruiting law enforcement officers in the county.

15:25—JN—It’s 9:15. Public Comments.

BE describes a rezoning conflict concerning water issues and the Planning Department in the unincorporated area between Omak and Okanogan.

BE—PP told me that some wells are subject to termination based on the Health Department.

AH returns.

BE—Basically, PP and Chris Johnson are working in conjunction with the city to rezone our area. She said she’s going to shut down the wells in our local area on anything less than two acres. I asked how can she do that.

BE—We’ve got 250 signatures on a petition to stop it. They’ve been trying to loop us for over 20 years. People with two acres don’t have to comply. They want to put in water and sewer and we’d have to pay for it. Regardless of the RCW, we have to pay the cost. Our septic has always operated just fine, even with floods. They’re going to start the second stage of development.

BE—We don’t need a new water system because everything is still functioning normally. Prior to his demise, Chris Johnson told me that “we need the money”.

BE—There’re a few other concerns I want to bring up with PP when she gets here. It’s not me, it’s my neighbors. She said anyone who’s zoned R-1, we’re changing to R-2. Are you guys aware of this?

CB—Let’s see. We haven’t talked about the details of the water project with the city of Okanogan but we have provided funding. The other part is the zoning. Pete doesn’t do rezoning on her own. We’re the ones who make those decisions.

BE—Her statement was “I’m going to change the zoning.” She always said I, I, I.

AH—What I understand about health codes in Washington, the minimum acreage for a well and septic system is now two acres. But let’s just talk about rezoning. You don’t get to not use your property if it’s one acre. It’s grandfathered in. Moving forward, you can’t put a new well and septic on less than two acres.

BE—PP said they were going to. Plus lots of the land in this area is in the floodplain. Is the county going to rezone all the R-1s to R-2s?

AH—The county doesn’t do water delivery service. It’s only within the city limits. There are just a few places where there’s water and sewer, but mostly, if you’re in the county, we expect you to put in a water and septic system and you can’t do that on less than two acres.

BE—I agree with that and that you can’t have people drilling wells just anywhere. But I’m concerned with condemning the wells.

AH—The counties don’t condemn the wells. I don’t know about annexation.

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JN—Some stuff that's been annexed in Oroville, wells are good if they test good. The septic is good until it fails, and then you're obligated to connect to the city sewer.

BE—Nobody will report the septic is failing. But we stopped the annexation a couple of times. I understand growth is inevitable. I put in 800 units in Seattle. But I moved here for the quiet.

AH—You don't want the zoning to go to R-2?

BE—The city wants to annex us.

JN—The cities can't initiate annexation.

BE—They've tried and tried.

AH—The way I understand it, if somebody has four acres and cut it into 4 pieces, we can't allow them to put in septic systems. Even if you subdivide the land, the Public Health won't let you put the wells and septic systems on the one acre lots because they'd be too close together.

CB—It's staff meeting time now. We have comments tomorrow, too.

BE—Thanks for your time. Good to see you Chris.

CB—We can also meet outside of the meeting. Gives his phone number.

35:35—PP—We're working on his public information request right now.

CB—He was talking about zoning, but I think there's some misinformation. But if you're going to rezone the whole county, you can't do it without talking with us first.

PP—Oh.

CB—I'll come and talk to you about it later.

PP—Just a couple of quick things. We've got a Planning Commission vacancy. Can we get it advertised and get the old advertisement for George and John's positions on the website taken down?

CB—We're ready to have it advertised.

PP—You need to ask LJ to do it. Also ask her to change the links on the county website to get to the Planning Commission's site more easily. Find agendas, videos, minutes, etc. Also added a public comment period to the beginning of the agenda and avoid the situation that happened at the last meeting.

PP—The Planning Commission will have a special meeting May 7 to go over the Shoreline Management Plan revision. I hope they can talk about the zone code revision at the regular meeting at the end of the month. I don't really see that happening but my fingers are crossed.

PP—We're probably going to have to extend the contract with Oneza because we'll go past the June 1 deadline.

PP—Getting quotes to handle planned developments in the office. Questions about funding. We now have an application for Copperstone and rumors say we'll soon be getting another application for a big planned development. It would take a lot of pressure off the staff. Three of us are working on Copperstone right now and it's the first planned development the staff has worked on.

CB—On hiring a consultant to do some of the zoning work, do you think the fee schedule is adequate?

PP—No.

CB—So I think we need to discuss how that will work.

JN—I think that was the intent—to find out what it would cost for a secondary entity to deal with that to see if our fee schedule is adequate.

CB—Is the cost of doing a PD about \$10,000?

PP—Don't know the fee schedule. And the cost fluctuates depending on the number of lots.

CB—I'm inclined to say it'll cost what it costs. Hourly rate? Veranda Beach was a good example of that. I got a lot of calls about that, and I wasn't working for the county.

CB—Ask for quotes.

PP—Should I ask for RFQs advertised on the west side?

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JN—Maybe just reach out and see what response you get.

CB—Ask how they'd charge. I bet it'd be hourly. Also call up some other jurisdictions that do PDs and ask what they're doing. Also maybe ask APA (American Planning Association) and PAW (Planning Association of Washington). See how they're addressing similar work.

PP—OK. I'll be back in a little bit.

47:05—MG—Maurice Goodall, Emergency Management.

MG—Can you share my website?

MG—Got a call about Cecile Creek. Water coming from the Chickadee fire burn scar.

MG—Katasa Creek. Mud flow into Cecile Creek. DNR is aware of it. Also got a call about Redmond Creek. County Roads is working on it right now.

MG—Also Simiheken (?) Road. Water going across it. Usual for this time of year.

MG—Also Bonaparte Road has water on it. Public Works is advising me. All this is runoff from burn scars.

MG—At milepost 180 on SR 20, in Mazama, Aaron Burkhardt's place is flooding from runoff of Cedar Creek fire. Told DOT. They took pictures. Coming from runoff into an irrigation ditch and then it flows out.

CB shows photos from MG's website. We also get a tour of maps on the Emergency Management website.

MG—That's all I've got.

1:08:00—NP—(via zoom) I'm Naomie Peasley, Fairgrounds Manager.

NP—We'll interview three people to be my new assistant.

NP—this weekend we have a high school rodeo, a wedding and a quinceañera.

NP—That's all for me.

1:09:00—LJ—Good morning.

CB—You asked for the executive session. Do you want to wait until AH is here?

AH arrives.

LJ—Let's go over these few things before the executive session.

LJ—The county was awarded the \$600,000 DAHP (Department of Archeology and Historic Preservation) Grant for continued work on the court house. There's about a 5-7% administration fee. They'll need to have a site visit. The grant is for the potential replacement of the annex windows, the hall floors of the court house and the windows and casements of the court house tower. We'll need assessment and engineering for those projects.

LJ—Also been in contract with govdeals.com about the upcoming surplus auction. We'll catalog all the items for sale. Departments need to have their items over there by May 6.

LJ—Asked Twisp, Winthrop, Fire District 6 and Public Health for their quarterly ARPA funds report. Also close out reports due from FD6 for the hydrant and fire station projects.

LJ—Also updated the ARPA expenditure list with the spread sheet I was provided.

AH and CB talk about CB's reporting for ARPA and LATCF (Local Assistance and Tribal Consistency Funds) funds.

LJ—The amount spent remains the same as when I originally provided the data. I also have the amounts not yet spent.

CB—The report goes to the end of March.

LJ—Yes.

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AH—One minor thing. One project is listed twice—the Justice Building, \$2,000,000. Purchase price should be in amount spent--\$1,500,000. Superior Court we talked about it, but we didn't put in any money at all, so it needs to come out.

CB—The report went through and if anything was wrong, it'll have to be wrong. But we got guidance a few weeks ago from WSAC and NACO (National Association of Counties) that Congress is trying to claw back non-obligated funds.

AH and CB discuss how much has been obligated and how much of this was in the report CB just submitted.

1:26:45—CB—Before we talk about the rezoning, we have an executive session under RCW 42.30.110(1)(g) to evaluate an applicant for employment or to review the performance of a public employee. With LJ. For 10 minutes.

1:43:50—BE and Cheryl are back to listen to the zoning discussion. CB explains that it's a conversation between the commissioners and PP and so no comments from the audience are allowed. AH shares his screen, showing the proposed changes to the zoning code.

PP—We'd left off on page 95. We've received public information requests for this document, but because it's a preliminary draft, it's protected under the information act and won't be released to the public right now.

AH—We were in the Planned Development section. 17A.200

Discussion of adequate water for the development, including required fire flow.

PP—The language in the draft is the same as what Futurewise wanted in the Comprehensive Plan.

AH leaves to prepare for interviews.

2:07:55—PP—My next concern is 17A.200.100B Agency review. Futurewise suggests we remove (3), but I think we should keep it in there.

Discussion of sections 17A.200.130 –Final plan submittal

17A.200.140—Final Plan and program requirements

17A.200.150—Final Plan and Board Action

17A.200.170—Modification Rules

2:23:00—PP discusses shortcomings with how records for Planned Developments have been kept in the past, with records saved in the year they were created and not attached to the Planned Development or Conditional Use Permits (CUP) they pertain to.

17A.200.210—Planned Destination Resorts

2:25:20--17A.200.220 District Use Chart (DUC).

PP—Under E, it talks about providing for fire protection.

Discussion of Tribal zoning at Gamble Sands Resort in Brewster.

PP lists three new uses added to the chart—EV charging stations, Cryptocurrency facilities and Energy facilities—both wind and solar. There's also a new section for special uses for unspecified uses.

2:46:00--17A.230—Temporary Use Permits.

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PP—No revisions done in that section. Some of the festivals use temporary use permits and the C6 biochar project had one, too.

17A.240—PP—No revisions to Off Street Parking and Loading.

17A.250—Setback regulations. Added purpose and intent.

17A.255—Special Uses. PP—It’s a whole, brand new section. Involves EV charging stations, cryptocurrency facilities and energy facilities—wind and solar.

PP—The energy facilities are also required to be reviewed by the Washington State Energy Facility Site Evaluation Council.

CB—What about noise levels? If it’s not in our code, we’d rely on the state standards and that might not work too well. We can look at them later.

AH returns. Discusses section H which he says is already regulated by Labor and Industries.

PP—I’d have to ask Ferdouse (Oneza) but I know she called other counties to see how they handled things like this.

PP—We’ve had solar energy facilities proposed but they’re hard to get approved. It takes money away from the PUD.

CB—Once you go through the process for unclassified use, does that mean that the hearing examiner has established that use? Does that mean the use is established from then on? Would a similar use have to go through the Hearings Examiner again?

3:11:05—17A.260 Bed and Breakfasts.

PP—The changes in the DUC was mostly done to R-160, but that’s not shows in the chart right now. AH notices that lots of uses have been changed from “allowed” to “not allowed” and wants to look at it more closely.

Adjourn for lunch at 12:25. They’ll return at 1:30 and continue with the rezoning discussion.

3:28:30—AH—We were on Nightly Rentals. 17A.270.

AH—Let’s try to get through this and we’ll do the DUC later.

AH—Amortization period. Do you know where it came from?

PP—Don’t know, but there’s a note that there was a law suit.

AH—The commissioners back in about 2015 tried to end nightly rentals in the Methow Valley. That caused a suit. We did permits with some grandfathered in. But this added part makes no sense. PP should look at this part.

PP—So many are operating without a permit, it’s an enforcement tactic.

Much discussion about amortization.

3:50:40—Home occupations 17A.280. No changes.

17A.290 Cannabis and Hemp Operations.

3:54:25—17A.300 Airport Safety—no proposed changes

17A.301 Airport Safety Overlay—CB—Is this a duplicate? I’ll have to look at it closely. We can go ahead.

3:56:25—17A.310—Conditional Use Permits.

AH—The Standards and Criteria in 17A.310.070 give me heartburn. He’d like to come back to it later.

17A.320—Variances

17A.330—Pre-existing uses and lots.

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17A.330.010—BOCC find several parts in this section and another chapter and will ask Futurewise what they were trying to achieve.

4:12:40—Back to 17A.310.070—AH—Futurewise says the hearing examiner Board of Adjustments may allow a CUP if all the standards and criteria are met.

CB—This is the variance process, not conditional use. After much discussion, AH proposes they go back to what they had. CB agrees. If anything was a problem, they can fix it.

4:21:30—17A.310.120--Administrative Conditional Use Permits. BOCC wonders why this section is even in here. PP will research that.

4:26:45—AH—I propose the last thing we look at is the District Use Chart.

AH—I'll send you this zoning work product.

PP—I'll go through it to get answers or Ferdouse will make changes.

AH—Futurewise wants to meet with the BOCC to discuss this.

PP—Can we schedule time next Monday?

AH—For the Conditional Use Permit. I want to talk about Accessory Dwelling Units (ADUs).

CB—I'm concerned about abusive use of ADUs.

AH—Me, too, but it should be easy to fix.

AH and CB discuss how to fix the problem.

PP—I have a hard time saying nightly rentals are accessories to a dwelling. People say they're building a mother-in-law house, but we find out later it's a nightly rental. It's not allowed, but it's what's happening. I'll get a list. We have permits for 200, but according to Methow Valley Rentals, there are over 1,200 nightly rentals in the county.

AH—Then let's break it down to the issues at hand.

4:35:15—CB—I see two issues: ADUs and zoning. ADUs and water rights.

Discussion switched to enforcement.

PP—I think we move away from getting the Prosecutor involved, but we give them notice or give them a ticket to get them into compliance.

AH—What is the process to get this to happen.

CB—Let's get a draft on infractions and let people comment.

AH—I like your idea. Send your draft to the District Court and Sheriff.

4:45:55—PP—Before we're done, can we set the schedule for what we're going to do? I'll go through the notes I took, review it with Ferdouse and come back with a clean copy.

AH—After we look at the DUC on Monday. We're going to get the ADU done.

PP—Can we tell MVCC to show up for their comments.

AH—Two weeks from today.

PP—Monday, May 15 we discuss this with MVCC. And next Monday we discuss the DUC.

CB—I don't know why others wouldn't expect to come in here and have a whole day. We're getting challenged on this in Twisp with the Forest Collaborative.

AH—Generally, the general public doesn't sue us.

CB—You might want to create a little donut hole in between two towns.

AH—Let's talk about that. Let's call it the city growth area between Omak and Okanogan. Under Public Health law, I don't think you can put a well and a septic on less than two acres.

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PP—You can't. But what they've created down there so messed up. Lots smaller than one acre with two houses, each with its own well and septic system right on the river. One is trying to split the lot off. They did a boundary line adjustment to separate them four or five years ago, and now they want to adjust it back again. Keep the lots apart but keep the river access. They can't go back to how it was because they're creating more nonconforming lots. It's the neighbor of Dan from the Building Department.

PP—Back when the tribe was building the casino, there was talk about creating a big loop to hook them all up to water and sewer.

AH—Maybe we should have a discussion about what's going on down there.

PP—I'll get a map that shows where the city limits are down there.

AH—I need to leave.

PP—Next Monday—District Use, and the Monday the 15, the MVCC.

JN—One more thing—Since the state did nothing about the Blake Decision, we need to get the Prosecutor and the Sheriff in here and figure out what we want to do.

AH and CB—Yes, we do.

Adjourn at 3:06.