

Okanogan County Board of County Commissioners meeting
Monday, October 2nd, 2023, PM session

CB - Chris Branch, BOCC Chair, District 1
JN- Jon Neal, BOCC member, District 3
PP - Pete Palmer, Planning Director
Esther Milner, Civil Attorney
LJ - Lanie Johns, Clerk of the Board

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:

- *Discussion on changes to code regarding Special use districts*
- *Discussion on changes to code regarding Airport Overlay and Safety*
- *Discussion on changes to code regarding pre-existing non-conforming lots*

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

3:05:45 – BOCC reconvenes after lunch.

PP – We left off at the district use chart. I marked a couple of areas for you to look at. And talk about the special use district. We talked about keeping to the stipulation order, but I feel that if we include the special use section it would help our office a lot. Solar panels, EV charging, and so on. I want to give you a copy so you can go over it.

PP- Starting on page 7, adding in EV charging, wind and solar energy facilities, crypto currency, etc. I'd like to know how you feel about that.

CB – asks to clarify what 'special use' means.

PP – answers his question.

3:09:50

CB- asks if there is a section on business licenses.

EM – says that something is in Chapter 5, but the county doesn't have any specific rules about business licenses. Not many counties do a general business license. It's mostly done in the cities. You can go on the Dept of Revenue site and see.

JN – a lot of cities have gone away from business licenses because the state takes a portion.

CB – says it can be helpful to provide a list of businesses.

EM – it wouldn't cover itself. There is a reason not many people do it.

If a business is bringing in \$12K per year, they are supposed to be collecting sales tax paying DOR taxes. I don't know that we would want to add on to that regulatory requirement.

EM – It doesn't cost them anything, but it's more of an admin burden.

3:14:40

CB – I wouldn't want to. Asks PP, if she is going to hawkers and auctioneers?

PP – They are selling brand new goods like furniture, tires, clothes. They are more of a vendor. I've seen more of vendor type stands in parking lots, such as Bridgeport junction, etc. They have a variety of goods. It's different than a yard sale.

CB – so you are talking about vendors along roads?

EM – Do you know how Douglas County handled it?

CB – I'm looking at Douglas County code,

Chapter 18.78 zoning regs. They have exemptions for yard sales with rules about how many per year how long, etc.

CB – some towns have yard sale laws, too. How would that address vendors on the roads?

It would address the ones with a perpetual yard sale all summer long. I guess you could find the owner of the lot.

PP – the property owner should be responsible for what happens on their property. Maybe if it is state highways it's different.

PP – like Esther says, we don't want to create something that we are not able to enforce.

CB – talks about exemptions in general. These D.C rules require any kind of approval or review?

EM – Maybe it's a conditional use?

CB – looks like it's an administrative permit.

EM – It's part of their zoning code.

CB – In some of our towns, you had to get a permit and agree to the conditions, and you keep it on hand.

EM – Douglas County is probably broader than we would want to do.

CB – they allow mechanical shops and things like that.

PP – In our regs on page 132 it says that the "Administrator" can decide if a particular use is appropriate.

EM – suggests that they could include exemptions for yard sales in the code.

CB – asks how old that section of code is?

EM – it's Ordinance 2016-4

CB – mentions an establishment of a snowmobile training course on the Chewuch that was claimed as a home occupation that caused some concern.

EM and CB have a conversation about revising the code to put limits on yard sales.

CB mentions a perpetual yard sale in Omak.

EM – says that they do it 3 times a year for 4 days (meets Omak city rules)

CB – says that because of complaints, he is inclined to prohibit it. Discussion on sites where this is happening in the county.

PP – talks about a case that happened when she worked for the Tribe.

EM – the rural areas aren't the best places to do this in terms of amenities and traffic, but the cities prevent it so they have to go there.

CB – I don't want to regulate yard sales on private property such as orchards.

EM – the land owner isn't complaining.

CB – the problem is that these vendors are setting up outside of town on the right of way, which competes with legal businesses that pay all the taxes etc.

Discussion about places that this may be happening on county property. Mostly it is happening in the State highway right of way, but that wouldn't be zoning.

EM – the only thing that zoning would address is perpetual yard sales at a private home.
CB – why don't we put the exemption in like Douglas County? It spells out what you can do, and anything else isn't allowed.
EM – we'll see how it's worked for Douglas County.
CB – it says in home occupation where you are required to have a permit, there are things listed that are permitted.
EM – most people don't have a lot of yard sales in the winter.
PP – yard sales are a lot of work.
PP – I will work with EM.
PP – is there any problem with keeping special uses section?
CB – asks if hearing examiner can figure out item c? (*no mention of what item c is.*) There is reference to hearing examiner in this case and I would like to go into Exec Session to discuss that.
PP – he took all the duties of the planning commission out of the code.

3:39:00 -BOCC goes into Exec Session for 15 minutes.

3:41:10 - BOCC returns from Exec Session

Casual talk about something in Jefferson County

CB – Back to special uses. Do you have problem with classified use?

PP – Just some issues with interpretation and some typos. I think if we make sure it matches up we could make it work

CB – Public use is interesting. I responded to a similar situation in the past. The issue was with parking, and the county wanted to extend their parking lot so as to get the cars off the street.

PP – we could take that out and stick with government services that is already in the code.

Reads list of allowed uses from district use chart. Discussion about adding parking lots to the list.

Conversation about a proposal to add a parking lot in front of some expensive property. Talk about the different agencies that have to approve various projects.

3:50:30

JN – asks if some sections should reference PUD. Some discussion about Crypto businesses. Discussion about solar and EV charging stations. CB asks about wind power. The biggest complaint from other counties is that it takes a lot of land and there was no consultation with the counties.

CB – asks where did this come from?

PP – says Grant County and town of Stanwood.

CB – let call them up and ask how it's working for them.

EM – Have we had anyone want to put in commercial wind power in our county?

CB – I'm not aware of it. We don't have good geography for it.

PP – the Tribe looked at doing it but it would have required a lot of logging. They did a trial in Ferry County but it didn't generate much.

PP – I will work with EM and fine tune that section.

CB – It's really good to talk with other counties because they will share their experience.

4:00:20

PP – The next section is airport safety overlay. Pg 137. 17A-300. This airport safety and overlay were combined. There is nothing new added, just combined the two to streamline. Discussion about airport zoning.

4:05:40 PP - last section is pg 159: uses on pre-existing lots. This is a Futurewise update. Want to make sure you are comfortable with it.

CB – reads document. Says it makes sense. Says you can use a legal pre-existing lot.

EM – says it refers to an empty lot that is non-conforming.

PP- likes what they said about meeting health department requirements for water and sewer. That was a change we made to change R1 to R2 so that they could conform to those rules.

CB – doesn't like the term "legal pre-existing" lot. Prefers "pre-existing non-conforming". This ensures that the reader knows that the lot does not conform to current legal requirements.

Typically, the pre-existing structure has limitations about adding to its nonconformity.

Cites 17A. 320.070

Discussion about whether a person would be able to modify a non-conforming structure in a way that increases its nonconformity. Could a variance be used? Discussion about the variance process.

CB – mentions that the planning dept should make sure that when they tell people that they can apply for a variance that they should indicate if they are unlikely to be approved.

4:24:00 PP – the district use chart is important for you to look at. I looked at the whole thing and used common sense to make suggestions. We have been hearing complaints about things like automobile type facilities. There is a need for adjacent property owners to know what is going on around them. I would like to go over this the next time I'm on the agenda.

4:25:55 - PP I am having the Mazama committee go over special review commercial and neighborhood uses. They wanted some of the permitted uses changed to conditional uses. They met today and I will hear from them soon.

CB – it's worth a discussion about Rodeo Trail Road. It's mostly industrial uses. If it's rural residential, its inviting conflict.

PP – It is on the Colville Reservation so most of it goes through them.

CB – Is this a good time to ask them what they think about zoning industrial.

PP – we don't cover tribal land in our zoning code.

Next week we can go through a cleaner version. You will see some blue and some red changes. The blue is AH input from his first review.

PP – we are still waiting on the wording under the stipulation order for portions of this. Its starting to be a time issue if we want to adopt by the end of the year.

4:35:50 CB – I want to go into exec session to discuss the stipulation order.

BOCC goes into exec session for 10 minutes and then immediately adjourns.