

Board of Okanogan County Commissioners
Monday, August 23, 2021 PM

JD—Jim DeTro, BOCC, District 3
AH—Andy Hover, BOCC, vice-chair, District 1
CB—Chris Branch, BOCC, chair, District 2
LJ—Lalena Johns-clerk to the Commissioners
PP—Pete Palmer, Director of Planning and Development

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

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. To locate items in real time, the clock on the wall in the AV Capture screen can be helpful.

Summary of significant discussions:

PP discusses the formation of Methow Advisory Groups, complaints about nightly rentals that are out of compliance, complaints about bitcoin mining in Okanogan County, and cannabis growing operations out of compliance.

1:29:55—PP does the Planning Department update.

PP—Received email from Lorah Super about the Methow Advisory Groups. Some highlights:

- Subarea planning groups should be convened after the Comp Plan is adopted. The reason: they'd like the staff to be more focused on getting the Comp Plan done. Don't think the subarea plans are a good substitute for the Comp Plan.
- Want things like Dark Skies be optional goals as county wide, not just in subareas. (AH—I'd have a hard time figuring out how to opt in if there's not wide-spread buy-in.)
- Recognizing there are more important elements in Comp Plan in the subarea process that they want to see, starting with clear goals, ground rules and sideboards and a definite work plan.
- Suggesting we hire a professional facilitator so that staff can work on providing technical support. (AH—I don't see that happening. The Mazama Advisory Group doesn't do that. They give us ideas, recommendations. I don't see paying for a facilitator. And why would you set ground rules. Why wouldn't you just let them to explore different options and not limit yourself.)
- Suggesting we get good faith participation by selecting citizens who will submit to the process for the duration. Want us to define the type of expertise, experience and diversity. (AH—I agree.)

PP—The Mazama group is functioning right now. They're working on the update to their existing plan and have been active in listening and providing input for the PC.

CB—About facilitators and ground rules. Is the facilitator for any group outside of Mazama group?

PP—Yes. It's for Methow Valley Advisory Group. Reads from Lorah's email:

- Leadership and direction provided by a professional facilitator, working with technical support from Planning staff.

Board of Okanogan County Commissioners
Monday, August 23, 2021 PM

The county has limited training and capacity to simultaneously provide leadership, direction, facilitation and the technical resources needed to support a successful sub area advisory committee from start up to completion. Investing in outside facilitation will free up county staff to provide higher level direction and technical support while carrying out their other important work. Once the group is established and successful it will be easier to maintain without professional assistance.

CB—(to AH) Do you know the people who'd be involved in the Methow group?

AH—I don't understand your question.

CB—I'll rephrase. There's been a suggestion to have facilitation for a group. Do you have a feel for the different kinds of people who'd be involved? If there's going to be a problem with how it works, maybe it'd be easier to start with a facilitator.

AH—After I thought about it, I realized that if it's to try to establish the meetings and their ground rules, I don't necessarily disagree. I was thinking like someone to facilitate disagreements.

JD—Like a mediator.

AH—Yes.

CB—I see.

JD—*(too faint to hear)*...too woke.

AH—Depends on who you get.

CB—Some facilitators are better than others.

AH—We need someone to facilitate the process, not the outcome.

PP—Run the meeting.

AH—Yes.

CB—A good facilitator would say "What's your vision?"

AH—Yes.

CB—As to ground rules, facilitation involves in ground rules.

AH—Yes.

AH, CB & LJ solve the problem of no sound in the zoom meeting.

AH—You need a diverse group of people. Mazama has tried to diversify itself. They'll go out and look for someone in agriculture if they need one. And then we appoint the person. So we need to ask Mazama what they're looking for in diversity—business, farms, etc., or do they just look for people who are interested in doing it and don't seem to be leaning hard on one subject or another.

PP—OK. I can do that.

1:42:30—PP—Next item is about nightly rentals.

PP—Several reoccurring complaints about nightly rentals and several throughout the county that haven't complied with yearly permit requirement. A lot are in Veranda Beach development and we found we've got a lot in the area covered by Methow Reservations. We received an email from Kathleen Jardin at Methow Reservations. She talked about being tired that people who do comply with everything they have to do but there's lots of illegal ones that keep

Board of Okanogan County Commissioners
Monday, August 23, 2021 PM

popping up. Important to have them but we need to enforce our county regulations and have all of them permitted. Rather than not being able to enforce them as we should be.

AH—You said there are a lot of nightly rentals that aren't getting their permits, and then talked about illegal ones. Are you talking about ones that would be legal if they got the permits?

PP—Some in Methow that have pools and hot tubs that aren't approved by the Health Department or Planning Department to get their permits. And some haven't been through inspections.

AH—And you can't be a nightly rentals in the Methow unless you're in a Planned Development?

PP—Right.

CB—Or if they were previously existing? In the whole Methow?

PP—Yes.

AH—Maybe not the whole Methow.

PP—I'll check. So she listed a couple of suggestions. \$3,000 fine. In Hawaii, they do a \$30,000 fine for non-compliance. We'd have to amend the county code to do that. But I wanted you guys to be aware of the situation. We try to do enforcement, but it falls on deaf ears. I'll talk to Health Department and Prosecutor about this, but another option we're looking at is a mass mailing shut down notice to all the ones that had permits in previous years but no permit this year. Hoping they'll come into compliance.

AH—This is the same area as Dave (Hilton of Environmental Health) was talking to us at Public Health about doing civil penalties instead of getting the prosecutor involved. Can the Health Department fine these people for having OTAs and not being.....I don't know if this is a civil penalty or if it's criminal?

PP—Yes. Right now it goes straight to a misdemeanor. It'd be nice to be able to have a civil fine that could be appealed to the hearings examiner and then his/her decision would be appealed to the courts. That's the point the prosecutor would be involved. This is how we did it at the tribe. It gave our codes a lot more teeth for enforcement and you can mitigate the fines. But when you tack a dollar amount onto a letter, it gets people's attention and they're eager to come into compliance.

CB—I think Health Department can level fines with nuisances. So the civil infraction is good. Each step means progressive enforcement and eventually you get to a misdemeanor.

PP—I've had a solid waste infraction go clear to criminal.

CB—And it's good because there's no room for new administrator to change the process.

1:51:10—PP—Next item. We've received a complaint about a bitcoin mining operation in the 9 mile area. There are more and more bitcoin mining, but there's nothing in the code about it.

AH—What do they entail?

PP—Basically a big building full of servers. They're really hard on environment. There are climate issues because they're energy hogs. They say one bitcoin mine can use as much power in a year as Sweden does. Consequences of energy used and electronic waste that's generated. Big carbon footprint.

AH—But our electricity is from dams, so not necessarily producing a carbon footprint. The PUD generates revenue from them. Can you ask the PUD for large users? I'd be surprised if they used more electricity than some of the irrigation pumps.

Board of Okanogan County Commissioners
Monday, August 23, 2021 PM

PP—I read it's the thermal energy that's given off by one building. But I'll ask the PUD.

CB—Ask the PUD, but can you also contact Roni (Holder-Diefenbach, Executive Director of the Economic Alliance)? We had a lot of conversation about it when it emerged, especially in Wenatchee.

AH—I know what happened in Wenatchee, but it was the sale of the property and the company going under that was the problem. For this, if it's a business, then they need to be paying personal property tax on all the servers. Larry (Gilman, County Assessor) would need to know that. And fire hazard mitigation would be an issue. But we don't have much industry in Okanogan County, so we'd have to do a cost/benefit analysis on it to say what we should do with this business.

PP—Plus we need to look at writing the permitting into our codes. This research will give us a better idea.

AH—It's a big server farm. So we should look into what Douglas County dealt with it when Microsoft wanted to put in a big server farm. It's the same.

CB—I recall Roni talking with the PUD about this then.

1:57:25—PP—Next item is an enforcement action I took. I issued a stop work order against the Taylors on Pit Road out past Malott. Issues of compliance. In 2016 invested in a pretty big site. 2020 provided a site plan, submitting some permits for expansion. The site plan showed several (more than 10) unpermitted structures, and some farms that weren't permitted for the site. That's what triggered the shutdown notice for compliance. Plus a complaint about raw sewage on the ground. Wanted you to be aware of this.

PP—I've asked the Liquor and Cannabis Board if they'd like to come in and do an inspection on this site. This is coming up a lot. The farms are way out of compliance. I thought that when we got the Senior Planner on board (advertising for the position just went out again) that we'd get a hold on this. We're constantly getting permits for expansion and it's getting out of control. I'll probably ask that you guys place a moratorium on some portions of the marijuana farms until we get an opportunity to match the permit records we have with what the state has licensed and make sure we're all on the same page. Also figure out where exactly where we want the farms to be. You guys have seen them in more dense areas and coming in with their water rights and building huge green belts.

JD—I question the water rights. There's a loophole somewhere they're taking advantage of.

AH—They should be metered if they're using a permanent exempt well.

PP—We have them metered and we get a monthly report. But, technically, through the state, you can only have one license per farm.

JD—Don't call them farms. Call them a grow(?). The more that we use "farm" it makes them think they're agricultural. They're not agricultural. There was a referendum and they are a controlled substance. If they ever get that through (that they're agriculture) it'll be the biggest debacle we've ever seen in our lifetime. Farm ordinances will apply. They need to be cut down every time. They're a grow. They're NOT an agricultural commodity.

AH—At least they're not trying to do what Oregon is trying to do right now. So, there should be only one license on one piece of property. We were told that.

JD—And they're not supposed to be visible. You can look right down into it.

Board of Okanogan County Commissioners
Monday, August 23, 2021 PM

PP—You can see everything. And there are possible shoreline issues, too.

JD—I wouldn't doubt it.

PP—They're hired Perry to try to get them into compliance.

AH—We can ask them to remove unpermitted structures.

PP—Wanted you to be aware we've reached out to the state and we're studying it. Issued a stop work order on any expansion or future developments.

JD—I agree. They push the envelope all the time.

AH—In general, we tried to accommodate this...

JD—And they abused it.

CB—I'm inclined not to put everybody in the same boat, because I don't know.

JD—Chris, you're correct. There are some operators who are perfectly in compliance. And you get the outliers.

CB—Some have just one farm and I want to make sure...

AH—But I'm for a moratorium....

CB—A moratorium on....?

AH—New grows.

PP—I'll do research and we're coming up specific verbiage, but especially the sub-letting. And they said that a couple of their lessees said they don't care. Fine us. We'll pay the fine and go away.

AH—They'll care when we start.....

JD—We need to visit that operation. There's a loophole and we need to put a stop to it.

AH—We should put a stop to all new grows in the county. We've got enough.

JD—Another thing. We'll catch a lot of flak to stop all the new grows. They'll move them indoors.

AH—My neighbor has a grow and I like him. He's got a greenhouse and at night it's like a lightbulb.

JD—You can see them from space.

AH—And indoors, they can grow 365 days/year.

CB—You're saying you want to stop all grows until we get a handle on it?

AH—For now. And we should look into permanently doing it. Making grows a non-permitted use across the board.

JD—Then work on getting these guys into compliance. On Green Acres Rd there are grows you can look right into and that's not compliant. Maybe if we shut a few of those down.

CB—To PP—can you bring a map to see where the farms are and their size.

JD—I've had early growers complain to me about how they followed all the rules and the new growers don't have to follow the rules.

CB—It's like nightly rentals. Some go through the process and some don't.

AH—Pete, would a moratorium on any new or expansion or construction of marijuana grow operations cover what we want to cover.

PP—I'd like to discuss with my staff first.

AH—Can we do that tomorrow morning?

PP—Yes. I'll get a map and discuss it this afternoon.

Board of Okanogan County Commissioners
Monday, August 23, 2021 PM

2:10:05—Last item is something I've talked about before. DNR, Kate McMichaelson, found a FEMA grant. Includes Okanogan, Kittitas, Chelan and Douglas Counties. Want to do (alluvial) fan mapping to discuss fire and debris flows in those counties. We could experience a lot of this, especially in the Methow. They'd do modeling to show where the fans will probably be located. I tried to push this off on Mo (Maurice Goodall, Emergency Management), but he's been so busy with the fires. I thought this is really good information for the Critical Areas Ordinance updates. In the next couple of weeks the DNR will be out here. I really think this is a good project both for Emergency Management and Critical Areas Ordinance, to be able to identify these areas and do mitigation measures before we need emergency management.

PP—It's a 75% grant with a 25% match. Counties would pay 12.5%, so split 4 ways that about \$8,000 per county. DNR is willing to pay our money because they want to include us in their information. But they'd like to know if Okanogan County supports the grant application, which is due September 1. Verbal is fine for right now. A letter of support could come later.

PP—I fully support the project. It's a good management tool.

AH—Driving down the lower Methow Valley, you're either on a steep slope or on a fan. I support getting the information, but I keep thinking, then how would you develop. You've got alluvial fans, steep slopes and ridge tops. Each with problems. What mitigation do you see? Some fans are big.

CB—So this grant is just to help identify hazard areas?

PP—Correct. Data used in Multi-Area Mitigation Plan. And through FEMA it opens doors for funding for erosion control, etc.

JD—I went to a workshop for National Association of Counties in Sun Valley 4 years ago. Called Fire, Flood and Mud. NACo trying to get FEMA to tie it all together instead of breaking it apart. Toured headwaters above Sun Valley. You can't build on a fan anymore. If a house is destroyed by mudflow, you can't build back because it puts the county in jeopardy.

CB—Geologic Hazardous Areas are part of the Critical Areas Ordinance. Lots of times history is used in the best science and we've got a history of fans in the county. People still build on them. The study is one thing, and how you regulate it is another.

AH—I'm not against it.

PP—Another part is public outreach. Tell people about flood insurance in fire scarred areas.

AH—Everyone basically from my house up to Freestone should be looking to get flood insurance right now.

CB—When you have FEMA assistance, you can get insurance. On stream deltas. Uses a beach on Lake Osoyoos as an example.

AH—Does the DNR need a letter?

PP—Not a letter. Just a verbal commitment that you'll participate.

AH—I move we participate. Just in a study. Motion passes.

PP—I'll let them know.

2:22:10—I'm sure you saw the comment we provided on the Multi-Hazard Mitigation Plan Maurice drafted. It's about a ream of paper thick. Out to public comment and deadline was July 30. Concern about timing of the comments, plus it was in draft form, with lots of dates left out

Board of Okanogan County Commissioners
Monday, August 23, 2021 PM

and blank spaces. Plus it hadn't gone through SEPA yet. Knowing Mo is so busy, I drafted a SEPA checklist for Mo to look at. That will give the public more time to participate.

AH—We need to do it so there's concurrence with the Planning Department, our shorelines regulations, etc.

CB—It has to go through a federal and state agencies (can't remember their names). Guys from Idaho are doing the job. I encouraged them to check with Planning Department.

PP—They took information from the old website and it was outdated.

CB—They didn't think they didn't have to do SEPA.

AH—Everything that's not specifically exempted from SEPA, has to do SEPA.

PP—That's all I've got.

LJ—Tomorrow morning at 8:15, it's suggested a discussion with Dennis Rabidou (Superior Court Administrator) about Covid and court operations.

JD—Makes corrections to the minutes of the 17th.

Adjourn.