

Board of Okanogan County Commissioners
Monday, February 28, 2022 PM

JD—Jim DeTro, BOCC, District 3
AH—Andy Hover, BOCC, Chair, District 1
CB—Chris Branch, BOCC, Vice Chair, District 2
LJ—Lalena Johns-clerk to the Commissioners
PP—Pete Palmer, Director of Planning and Development
LG—Larry Gilman, County Assessor

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Summary of significant discussions:

BOCC holds a public hearing concerning extending the moratorium of approving new cannabis grows. They decide that the meetings Pete Palmer, Director of Planning, has been holding with cannabis growers are useful in deciding how to regulate the grows. They extend the moratorium for six months and in that time PP will have finished meeting with the remaining growers.

Larry Gilman, County Assessor, tells the BOCC that the county has been using two different rating systems to determine what the percentage of reduction will be for property tax on parcels classified as open space open space. There are 64 parcels with that classification and LG will review them all to make sure they all are using the new percentage of reduction. Snohomish County recently was audited because it was using two standards and LG's review will allow Okanogan County to avoid that.

2:57:00—Public Hearing on Ordinance 2022-2—Moratorium on Cannabis Grows.

PP—I sent the staff report to you last week. We recommend that the moratorium remain in place for another six month.

PP—We've met with 22 single operations, 32 sublet operations, been notified of five closed operations and we're still missing 32 operators complying with the mandated meeting. The meetings so far have been very positive. Well received by operators and property owners. We'll continue to implement reporting on the notices from the state using the letter BOCC approved last week. Also want to continue to discuss issues such as addresses and locations, using the approved letter. Want to get the code update started, to try to have it done within the six months timeline.

PP—I received three written comments and they're included in the packets I just gave you.

AH—If we extend the moratorium for six more months, what are possible outcomes?

PP—We have better working relationships with the operators and the state, which we've never had before. Since 2014, people have been coming in to get their permits and then we never see them again, meanwhile expanding their grows four or five fold.

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Also, give us a better idea of what's in the county—where the grows are and whether they're compliant. Get us aware of grows that we have in the county that have never had any permitting. Totally out of compliance. We can track those down and work with the operators. I believe it'll put us in a better position to regulate thing within the county.

AH—Any questions for PP?

CB—I have some questions for you (AH).

AH—Calls for comments from the public but there are no comments.

AH—Any discussion from the Board?

CB—My question to AH is what are the issues you'd like to see resolved? I'll share mine.

People talk about proliferations—farms getting bigger and there's more of them. Also, a lot of people can get into the business and we can't control that. What if there are too many? I get many comments about there being too many. Also people talk about the smell.

CB—Other things—if people are coming in and there's housing , like RVs, and then should be regulated like RVs.

CB—Also, if people stay there, there could be a lot of lighting.

CB—The size of the farms seems to be an issue. With the fencing (which we and the state require), the area looks different. There are aesthetic issue, but do we want to regulate that?

CB—And the living arrangement could cause a lot of traffic that people object to.

CB—But the biggest issue is growth. People with licenses are sub-letting, and that contributes to the problem. I'm asking you because it's real important what we're trying to accomplish in this process.

AH—For me, I felt that the state is just handing out licenses, and the address isn't the correct address. How do we know it's even in the right zone? We have zoning rules that the growers helped up put in place.

AH—Also, the state regulated the size of licenses. Tier 3 is 30,000 sq ft limit of canopy.

PP—But they didn't limit how many licenses can be on one property.

AH—I know. And if the state thought 30,000 sq ft was fine, but what they didn't expect that someone would have 100 acres and have 10 license holders rent part of the property. Then it's a major operation, especially if they're not separate.

CB—It's one big farm.

AH—With the meetings the Planning Director has had, we'll know what inventory we have. And with this continued dialog with the state, we can come up with an idea to take to the Planning Office that we think is appropriate for the county. And how you regulate it. Commissioner DeTro?

JD—I've always had the concerns you talked about. The state rubber stamped these..... All they care is getting the money and throwing the regulation portion of it on the county with no compensation. How do we know if the address is correct? I've had ranchers come to me and say there's a cannabis grower on my property and want us to do something about it. Subleasing and the suite business—I disagree with it.

CB—Before you arrived (*note: JD missed the first few minutes of the meeting*), I asked AH what are the issues we're trying to address. We've got to be real clear about that. If we extend the moratorium, first we need to see what work we've done. Have to show we're making progress, and the staff report shows we are. When we have fixes for it, then we can deal with them at the zoning level. That's my perspective. If we get challenged, we want to make sure we are dealing with the stuff we're getting challenged on. I think in the staff report you (PP) talked about extending the moratorium on the preventing of new cannabis grows. I had a letter about "blanket moratorium" and I don't think it's that. You made progress and plan on continue with the same path. Right?

AH—yes.

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CB—A question for PP—After you communicated with the counsel we secured, do you feel comfortable about where we are today and what we've done so far?

PP—I do. And he feels better about how we're going about it, establishing a work plan and envisioning what the end result is going to be.

AH—I don't know what number of the ordinance is going to be.

LJ—2022-3.

CB—I move to extend the temporary moratorium on permitting new cannabis grows and expanding existing grows for six months. There's also some issues we should consider when we adopt the new ordinance—how we determine appropriate new siting.

Ordinance 2022-3 passes 3-0.

AH—I will close the public hearing.

3:18:10—Commissioners discuss a person who has contacted Lael Duncan of Community Action. He's low income and disabled and will be evicted on April 1. CB will talk to him and Lael and see if anything can be done.

JD mentions that the Elks banquet is this weekend and the state liquor board hasn't got the application for the temporary liquor license yet. LJ will take care of it. LJ has another application for a temporary liquor license for the Methow Conservancy that needs to be approved by the BOCC.

3:25:55—PP has returned and LG has arrived. BOCC will discuss the Open Space/Open Space issue. This discussion refers to Okanogan County Code Chapter 14.08—OPEN SPACE OPEN SPACE PROGRAM AND PUBLIC BENEFIT RATING SYSTEM. *(As explained below, there are three types of open space: agriculture, timber and open space. The third type is called open space open space, or sometimes just open open.)*

LG—I brought up the audit in Snohomish County. They had two different rating systems and that caused a problem. We need to fix it here in Okanogan County. It got pushed aside by the Comp Plan.

LG—We have 64 parcels, not 64 open space plans (some plans have more than one parcel) but 64 parcels. I don't want to cause problems for tax-payers or another department. I propose not making the tax-payer go through the application process again, but use their existing application that has the points, and allocate the points to determine the percent of reduction on the chart. That brings them to the standard of 50% reduction in taxes. If you guys approve of this, I'll do the 64 parcels myself. If I do it now, 61 of the parcels are in our current assessment cycle. We're doing it for 2023.

LG—Look at the first application I just gave you. When I get to page 3 of the first parcel (he adds up the points), they've got 8 points. With the old scoring system, that gave them a 90% reduction. On the new scoring chart, it's a 35% reduction. So if you guys approve, I just want to take the old score and give them a new percent of deduction. I didn't see that they changed the scoring procedure; they only changed the percent of reduction. Now the maximum is 50%.

LG—So to move this forward, to be compliant with only one reduction schedule and not to cause burden on another department, I can do this myself. It won't take me too long.

AH—When did the maximum reduction of 50% begin?

LG—Ordinance 2002-4.

PP—What you're looking at is the staff report from 2001, correct?

LG—Yes.

AH—Have we talked to legal counsel about this. Our code changed and I assume these 64 parcels were prior to the change.

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LG—Most of them are. The 64 parcels are the total in the program, not just the ones that need to be reclassified. Don't know yet how many need to be reclassified.

AH—Under preexisting conditions, what does that do?

LG—The whole program is just a benefit rating percentage of reduction. Some properties now get larger reduction than a similar property. That's the only difference.

AH—And that's a county deal. County Commissioners decided this for open space?

LG—We call it Open/Open. There are three types of open space. One is called open space and the other two are called agriculture and timber. Ag and timber are regulated by the Assessor's Office.

AH—But open/open is a public benefit...

CB—It's a public benefit because it provides public access?

LG—Sometimes. Not always. Some is mule deer habitat, etc.

AH—So we have a collection amount from a levy. We get the levy rate that's applied to everybody's property. Does this reduction come before or after the levy rate?

LG—I take the assessed value (not market value) prior to doing the levy rates. This gives these people a reduction.

AH—So basically, everybody else is paying more?

LG—Yes.

AH—I'd be interested in seeing how many parcels it affects and the amounts.

LG—There's one parcel we'd have to talk about—a golf course. There's a special deal we did for golf courses. I don't think they were scored the same way.

Discussion of golf courses. Only two courses benefit from it. In Okanogan and the back nine at Alta Lake. (The front nine had a different rule.) Golf courses are a flat 50%. I have to research the question of whether that still applied.

LG—My goal is to make everything equal and not put the burden on someone else.

JD—He's trying to fix a problem.

AH—It might be better if we ask him to do it, based on making it fair. We don't know who owns the parcels.

CB—There's also an appeal process.

LG—Yes. Two things. There's the appeal process, and also there's an RCW about Open Space getting a new valuation, they can get out of the program without paying seven years of the back taxes. They'd have to file the recording fee but not the back taxes or interest on the lien. It only applies to the open/open.

CB—I move to approve the evaluation and authorization of open/open spaces that doesn't conform to current county code by the Assessor's Office. A one time adjustment.

Motion passes 3-0.

LG—It makes a lot of sense to do it because Snohomish and Thurston Counties got audited for having two different point systems.

AH—What about golf courses? Does that count as a different point system?

LG—I'll look into them.

3:46:40—AH—That concludes the agenda. Anything else?

CB—APRA money. We've got planning to do. I got a call from the clerk in Nespelem. Because of fires and then the weather, the base of their water tower is being compromised by erosion. She sent me some info that I'll forward to you. An assessment of the situation.

AH—She should talk to Carlene, the ex-mayor of Pateros, because they got a new water tower.

LJ—I've got a few things I need direction on before you go.

1. I've forwarded a more detailed request for ARPA funds from Community Action.

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2. I've also got a request for ARPA funds from Roni Holder-Diefenbach of the Economic Alliance.
3. Also, Fire District 6 is on the agenda tomorrow to talk about ARPA funds.
4. There's another email sent to the board about a support letter regarding Palmer Lake. Deadline is March 2. It's for a grant application for broad band for the PUD. AH—We wrote a letter for them before. You can use that for a template.
5. Curvilinear repair project for the court house. BOCC and LJ discuss budget numbers for different repairs needed by the court house.

JD and LJ discuss the liquor license for the Elks that was discussed previously. JD says they haven't received it yet and asks LJ to scan and email it. AH returns to the topic of curvilinear gable repair for the court house.

6. Cari (Hall, County Auditor) is concerned about the budget supplemental for Maurice Goodall purchasing a vehicle before the supplemental is approved. AH says that's OK.
7. I received a letter of interest from Cutter Rains to fill a vacancy on the Fair Advisory Board. Discussion of the proper procedure for his appointment letter.
8. Concerning the appointment of Jean Bodeau to the Methow Watershed Council. You need acknowledge it today or tomorrow. AH—Let's do it now. CB makes a motion and it's approved 3-0.
9. Finally, Shelly asked about a refund for the long term care. This concerns refunds of money that was deducted from county employees' pay checks.

AH—We can do vouchers tomorrow.

Adjourn until Tuesday at 9AM.