

Board of Okanogan County Commissioners
Monday July 15th, 2024, 1:30 p.m.

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Present:

John Neil (JN), BOCC District 3
Chris Branch (CB), BOCC District 1
Laney Johns (LJ), Clerk of the Board
Andy Hover (AH), County Commissioner District 3
Pete Palmer (PP), Planning Director
Tiffany Smiley, District 4 congressional candidate
Larry Hudson (LH), Noxious Weeds Department
Planning assistant
Campaign worker

Time stamps refer to Tuesday's AV Capture video. *An AV Capture archive of the meeting on this date is available at:*

https://okanogancounty.org/departments/boards/live_streaming_of_meetings.php

Summary of Important Discussions:

- Definition of airports and airstrips discussed; both will be allowed on R20 designations under conditional use permit instead of just airstrips, to allow for commercial spraying or freight hauling
- Congressional candidate Tiffany Smiley makes campaigning stop
- Commissioners recommend petroleum plants and propane/natural gas storage be allowed on R20s only as conditional use
- Density for multi-family dwellings determined on case-by-case basis by Public Health
- Conditional use recommended on R160s for cement, lime and gypsum plants, carbonate plants, nightly rentals
- Portable sawmills should be conditional, not permitted use, says Cmm'r Branch, farms added back into neighborhood commercial category, lot coverage discussed
- Noxious Weeds chief signals thistle on co. property: Grainger Building, Spring Coulee and fairgrounds, gets go-ahead to act fast; shortage of commercial applicators; last year's milfoil treatment cut Osoyoos levels by more than half, preparations started for this year's; Bonapart awaiting funding for treatment, Leader Lake more clogged up than ever;

discussion of R20s. On the screen is a map of all R20 in the county.

AH : Let's look at just those that changed. *JN asks if for aircraft hangers, they're made conditional if they connect to a major arterial.* In the R20s hangars went from permitted to conditional use.

JN: If you're going to have a hanger, gonna need air strip.

PP: hangars were permitted in R20s, sales were permitted, salvage permitted, airports were conditional and air strips were permitted use.

AH: What was the logic of removing them airports from R20s?

PP: most of them were in R5 or R1 designations, so to protect the rural character—

AH: but somebody could, on their own property, build an aircraft hangar and have an airstrip as long as it's conditioned?

PP: correct.

JN: If the opportunity arose I guess they'd address it.

CB: "airports" was removed altogether. *PP reads the definition of airports, listing commercial use as well agricultural use for pesticide treatments.*

AH: If (*airport use for agriculture*) isn't permitted in the R20—

CB: What is the definition of air strip?

PP: A runway without airport facilities except for storage and maintenance of aircraft ...for private or occasional use. *AH says that would exclude commercial sprayers. CB comments that none of the county airports operates commercially as in passengers buying tickets, says there needs to be a new definition of airstrip; just because someone uses an airstrip for commercial spraying doesn't mean the strip is an airport. But he agrees airstrips should fall under conditional use since they could affect neighbors...*

1:44 - PP: So what I'm hearing is you'd like the definition of air strip to include commercial use...

AH: Commercial use other than passenger. So if you wanted to start a freight-hauling business, is that an airport? (*Tiffany Smiley, congressional candidate for the 4th legislative district, enters; JN had invited her to stop by, so they take a break to talk with her.*)

TS: ...I wouldn't have gotten into this race if I didn't think I could win. I was born and raised here. This district deserves true leadership... (*inaudible*) issues that we're facing from our dams to our water projects that will require executive branch intervention... I think at this point it's clear that we need Donald Trump and his policies now more than ever in this country to get it back on the right track and make sure that

the 4th congressional district is relevant and has solutions and has a representative who also will be able to work hand in glove with local elects, representatives... Polling's good. We're beating Dan (Newhouse) by nine points. *Her campaign manager makes some comments. JN says he appreciates them swinging by. They leave.*

AH: Would you be opposed to going back to conditional uses until—

CB: All these things? Airports? I'm okay with it. The scope that's defined in the conditional use process, that's important. I just don't want a situation where the planning department's got an "either, or", and it's not well defined between the two...

AH: I'll be honest, the only two that I have a little bit of thought about is the petroleum plants and the propane/natural gas storage—

CB: It was removed from the district (*use chart*), and they want it to be an allowed use.

AH: It's really hard to tell where they're at. *The others go along with his proposal that these go back to conditional use.*

CB: There are plenty of conflicts with land use already. But there's some of that red (*ink?*) that I saw that is close to the valley and transportation systems. If it's not close to a transportation system, there's no need for it. *AH says that would just increase their cost. He has no other issues with the R20s.*

PP: "High intensity recreational sites means areas with built facilities or that result in a modification of the area. They include ball fields, parks, public access points and marinas. Low intensity recreational sites means areas that don't accommodate large concentrations of people and that do not develop facilities other than trails, interpretive signs or other amenities."

2:00 - *AH goes back to R20s, "auto parking lots and areas commercial", wants to know if a "park and ride" constitutes a commercial use. PP refers to "parking facilities", a new section they added. AH is thinking about Trango, sees that rural parking for these isn't at all allowed.*

CB: Do you think they'd make that investment? *AH says it depends on what the board wants; JN says it depends on "how far out there?"* PP reads the definition. "...An auto parking lot and area is usually accessory to another use and/or structure." CB: So if it's accessory to the use, does it still fall under that zoning provision for it? Most commercial activities have a parking lot... *PP bring up definition of parking facility. AH doesn't see the difference between the two. Says in R20s lots are removed in new zoning plan but facilities are permitted.*

AH: If the definitions are what I think they are, they should probably be reversed... one is "parking lots and areas commercial" is one, and "parking facilities".

PP: Parking facilities means parking lots or other off-street areas for the parking of vehicles including below or above the surface of streets." *The other is defined as "areas for parking including dedicated parking lots, garages, private driveways and designated areas of public streets..."*

CB thinks both should be included in the same category. He isn't worried about it. This would be conditional use.

PP: Under the areas use chart it just has auto parking lots and areas commercial. There's a definition for facilities but it's not in the plan. *AH agrees with CB's proposal to lump the two together and brand them conditional use. CB points out that it's often just called "off-premise parking". He sees this maybe happening with "park and ride". AH wonders if two permits needed for a grocery store and its parking lot. Is their definition odd because it says "usually added to a commercial site".*

JN: The way I interpret that is, it's an off-site parking lot.

AH: If we (*tore a house down*) and built a parking lot that you had to walk to...

PP: What I'm hearing, and the fact that we've added the parking facilities across the board, even with the definition of the auto parking lots left in there, that we're still okay with that because it calls out both commercial and public facilities.

AH:... Are we saying permitted uses across the board for that? (*Yes.*) *AH proposes at some point just removing the parking lot definition and keeping the two together.*

CB: So for commercial, you'd have to have a permit for the business and for the parking lot? (*Yes.*) *PP says a business would be permitted together with its parking. CB asks what county code says about parking. It has a dark sky requirement: "Outdoor lighting... shall be directed downward to minimize potential glare to motorists and (inaudible) properties." AH is okay with that, but not the residential part.*

AH: So, R160s? I know where this is, and no way you're going to put an asphalt (*inaudible*) out there, nowhere on God's green earth. Trucks going up and down there would be ridiculous. Remove it. And "cement, lime and gypsum manufactures"— They could mine the stuff, but we're talking about a manufacturing plant. Would you be okay with conditional use?

CB: One thing that would be a big deal would be carbonate. It goes to a place and it's processed into all kinds of things. ...It's a big facility. *He agrees with AH on conditional use.*

AH: I'm okay with nightly rentals (*for conditional use*) too.

They move on to agriculture. PP says there have been no changes.

CB: Jon, I hate to tell you this, but I'm looking at this portable sawmill thing. You know, the portable sawmills that they (*use*) for fencing, the definition would exclude a small sawmill because it says they're only taken to the site where the wood is. There are two definitions for sawmills. The other is "sawmill and pulp mill, commercial"... So my little sawmill is actually regulated under the same definition as Zoezel's. So when my neighbor doesn't like my little sawmill because, say, I'm cutting logs at midnight, they can say that's not an allowed use here. It's not a portable sawmill. So if that's the way you want it that means (*inaudible*) they only cut their own timber in the first place so

the definition has a problem.

PP: That's not the only problem, either. We're actually dealing with a situation like this in the Methow where this guy has a sawmill on his property, plus he has a grinder and some other equipment where he's using the resources on his property to make these different landscaping materials, so it's resulted in trucks coming in, loading up and hauling out. We've got heavy equipment traffic, noise and air pollution going on.

AH: He's got more going on than just a sawmill.

PP: But it started as a portable sawmill. *CB says this happens to a lot of small enterprises that grow.*

AH: ...I want my neighbor using a portable sawmill to cut trees that come out of the forest. I don't want him using it at 9:00 at night or 3 in the morning. If trucks are coming in and out you have to have some sort of dust mitigation.

CB: We just need a definition for small sawmills. If the district is residential you can not allow the use if it's 20 or five or (*acres*) but if it's a sawmill of a particular size, you're (*inaudible*) a home occupation in some ways but—

PP: Here's another one of those instances where you have definitions but when you go to the use chart, the use chart is for "sawmills portable and commercial" and sawmills/pulp mills-commercial. So we're not even regulating personal sawmills until they become commercial.

CB: So we have to know what they are.

AH: That's for another day. But I'm okay with whatever.

CB: If we identify a problem, then let's identify it, fix it.

PP: So would you like a definition for personal use?

CB: Look at Ferry Co. and Pend Oreille. Some of those counties have lots of little sawmills. They may not care. But I think we need to fix that. What about sawmills that were meant to be portable that just stay there? And that's not all bad.

PP: Can we look at the sawmills-portable in the R20s that were a permitted use, that was changed to a conditional use, and the planning commission wants it to go back to a permitted use. So we talked about portable sawmills needing to have conditions put on them to address the nuisances. I just want to point out that a permitted use will not address those nuisances, for a commercial sawmill.

CB: I would make that a conditional, and anything that doesn't look commercial is going to be out there operating anyway. So if a neighbor calls and says someone calls (*and complains about noise*), it's not regulated.

AH: If something's been in operation for awhile, and it's not even covered, and we change a rule, what's the vesting moment? What if it didn't even require a permit and all

of a sudden you change the definition?

PP: It would still be “pre-existing”, unless they started to change the aspects of the development.

CB: Expanding it is the thing that really gets you—but if there were no rules before—

PP: They’re invested into that regulation. Anything else in the R20s? No? We’re into ag then. The commission didn’t change anything that was in the ag designation.

AH: Can you bring up the suburban designation map? I am not in favor of putting up farm as suburban residential zoned area.

CB: What’s a farm?

AH: Anything that sells chickens are a farm.

PP: “Property used for all crops, feeding and caring for livestock, ranges and pastures. The definition of a farm does not include cannabis operations.

CB: It appeared to me that those subdivisions in that area were made to accommodate orchards, in fact. They were subdivided into blocks.

AH: Why do they call it suburban residential?

CB: It’s by Oroville and it has infrastructure.

JN: It’s got water, one side does. *(They’re looking at a map up on the screen.)*

AH: When the word “suburban residential” come up, something totally different comes to mind. ...So the conversion of agricultural ground to suburban is actually okay?

CB: It’s a planned development. *JN wonders why there’s a gap in the middle between where it says Eastlake and Veranda beach. AH says it’s PUD. He doesn’t like conversion of ag to residential but understands why in this case, given the location.*

2:35 - Commercial, Industrial, and Agricultural-Residential - PP: The Methow Review District didn’t have any changes to the District Use Chart by the time the commission—

CB: We settled it with what we’re doing with farms there?

AH: They should be permitted. If someone buys a place and it’s got a farm on it, they’re going to have to change—

CB: If they bought a farm, they bought a farm. It’s pre-existing.

AH: Why didn’t they put any energy facilities in the Methow Review District?

CB: Because those guys want to create their own energy. *(Laughter.)*

PP: It's across board as a utility. *AH reminds them they're being recorded. He asks to bring up the airport district. PP says there haven't been any changes. Zone changes would only affect new development. AH says they want to expand the runway. JN says it's municipally owned. CB says municipalities have their own zoning. JN mentions farms being permitted on airport land and CB says that's a problem. AH says that's conditional use. Garlic wouldn't be a problem. Pulp trees would be.*

PP: Urban residential and neighborhood use there were also no changes. *AH asks about neighborhood-commercial. So (inaudible) added back farms into neighborhood commercial as a permitted use. Commissioners are good with that.*

Red lined document - PP: Everything that was put into the density and height chart they asked that it be put back into the text part of the code. Lot coverage—they removed the statement that the lot coverage is not applicable and added a limitation that the maximum lot coverage is 35% of the lot.

2:43 - AH: Is that in the R1s? That should be taken out. Why did they propose a 35% lot coverage in R1? Is that a misunderstanding?

PP: Good words.

AH: If you're in an R1 you're in a dense spot.

PP: 35% isn't going to allow you to put your house on.

CB: And on maximum lot coverage, what's included on it. Just buildings?

AH: You're really putting a damper on it if you've got a paved driveway.

PP: Same thing in the rule 5. Height and density was put back into the text portion of it. The density... will be determined by the Health District standards. It's based on whether or not they're able to put their septic in well or if they have community connections or not.

AH: But then they put a lot coverage maximum on that.

PP: But then they added back to allow for multi-family dwellings with a maximum of five units.

AH: We've got to figure out. Are you going to allow one multi-family dwelling and – it doesn't make a lot of sense, and then you put the lot coverage deal on that. You can only cover 1 3/4 acre of that 5-acre lot. That's not so bad.

CB: Maximum building coverage in towns where lots can't be an acre are normally 35%.

JN: Typically you don't have much driveway coverage.

AH: "Density for multi-family dwellings will now be determined on a case-by-case basis based on safety and health standards"?

PP: Yes, determined by the Health District, is what was proposed. Their remark is they want it to return to basically say maximum of 5 multi-family dwelling units or mobile home park units located within a permitted mobile home park, per acre.

AH: Now it's whatever the Health Dept. says you can do. (Yes.) It's probably better this way. If you're out in the hinterlands and you don't have public water, you're only going to get group B system, and you're never going to get it (*WRIA/Water Resource Inventory Area*) 48, unless you had a water right, ...but over here, if you've got a group B (*single family system or farm with fewer than 5 connections*) on a 5-acre parcel you could do up to 11 well units.

PP: Basically it's allowing you to do more houses if you can meet standards.

AH: Which isn't bad. It's also taking away that you can put in 25... (*They need to wrap up the discussion because he has to take his truck into the shop.*) Can we just go back to this R5 discussion about the maximum—

PP: That's actually in the R1, the 35% coverage.

And in the R5 it's 1.75 acre of coverage— that's how many square feet? ...You're talking about 90,000 square feet. You can stay under that. *PP and her assistant prepare to leave. There was supposed to be a zoom meeting with someone from the Department of Ecology but CB won't be there so they talk about re-scheduling it. CB would prefer she come in person. PP feels she should have an hour and a half to speak. CB would like her to address "planning and development by the (inaudible). PP and the assistant leave, as does AH.*

2:56 - Consent Agenda - *LJ asks to remove confirmation of software contract for Prosecutor's office from consent agenda; Esther Milner says they need more time to assess the budget impact. There were some costs they weren't considering. There are two appointment letters to approve; one is for Fire District #2 which, says LJ, does not have a sufficient number of board members; Shanee Breeze has stepped up to fill a position so now they can appoint someone else. They approve all consent agenda items.*

In further business CB and JN approved a payment of \$12,000 for janitorial services, and a payment for barn repairs. A \$1,024 Community Development Block Grant was approved for Community Action, as well as an ARPA (American Rescue Plan) award of \$7,782. They renewed an HVAC contract. A "service contract" annual payment of \$47,270 is approved.

3:24 - Noxious Weeds administrator Larry Hudson arrives for a visit that didn't make it onto the agenda. He passes some forms to the two commissioners.

LH: Darla had called up about some Okanogan Co. properties that have some mandatory (*inaudible*) noxious weeds on them. And Laney had mentioned putting those out for bid. In the past, the weed office (*inaudible, LJ is talking with her assistant and guest microphone are turned around*) and I'd like to give you an idea of what we're looking at, of cost if we were to do that again. Spring Coulee Rd. You've got some

scotch thistle there. Fairgrounds, you've got scotch thistle, puncture vine and long spined sand bur, and those two have already been bid out by the fairgrounds. The four are all scotch thistle, and the last four are musk thistle and/or musk thistle and (*inaudible*). So even if we were to do all of those parcels for you we would be well under the \$5,000 threshold in your purchase police. My concern with getting that out to bid is the time frame to get things submitted and approved before things go to seed. Do we want to go back to what we were doing in the past?

JN: I'd be fine if you could get us a quote so we can know exactly what we're looking at and then do it in house. *LH says he has an applicator he works with on the small works roster.*

CB: I'm going to make an assumption but I would assume that because you've done it, you did quotes. Did you get many quotes when you picked that particular applicator?

LH: That's something I wanted to talk about. We have an extreme shortage of applicators in the county. We only have two in the county and one only works on weekends. For the most part we've been gong with the one county applicator. We don't necessarily put it out as a bid so much as they give us their hourly rate and what that labor's going to cost, and trying to put out hundreds of jobs individually bid would be very difficult for us so we just go off of the per hour plus the cost of chemicals. *CB asks who the fairgrounds hired. LH doesn't know. Someone out of Cle Ellum.*

CB: I think we'll probably do just as good a deal.

LH: Probably better, since they're used to working with us. *CB is looking at the areas on the map. Talks about a pit, and a stack of weeds. He doesn't have the acreage on the map. There are some weeds that don't figure on the map, some behind the commissioners' building. LJ says she signals weeds in the parking lot to the staff. LH hasn't looked at the weeds on-site but guesses that all of them will be under \$2,500 to treat. JN wants to wait to see what the price is. LH's applicator charges \$90 an hour. His team could do ten acres with a truck in probably an hour or an hour and a half. Most jobs will be "backpack work": eight jobs, four hours, 100 acres, \$300 to \$400 plus the cost of the chemicals.*

CB: Our decision would be better if we had the agreement. *LH estimates \$900 for labor and a few hundred for the chemicals. He wants to take care of the weeds in a timely fashion which would save money for the county.*

JN: How temperature-sensitive are these chemicals?

LH: It would have been better to do this a month ago when there was moisture in the soil.

CB: If you were to be here in an early stage that would help.

LH: I've got two new employees that I was training. This year we're running in all directions, training.

CB: Possibly we could propose a multi-year contract.

LH: That would be great for us, take care of things at the beginning of the season. *LJ proposes he write a draft contract with an "up to" amount, that he could start now. An open-ended term.* The one thing I could say on that, is if we find other parcels. We'd have to adjust that budget. I've got some other stuff I'd like to go over. Osoyoos Lake Management District - This year's treatments, we're looking at next week. Aquatechnics and Lake *(inaudible)* Restoration are coming up to do their treatments on Osoyoos Lake. We've also scheduled a community meeting for information for the public to discuss what gets done this year and next year. It will be at the Oroville Grange Hall. We put it out in the Oroville Gazette Tribune and the Omak Chronicle. We sent a newsletter to all the lake management land owners.

CB: A meeting during the day is problematic.

LH: That was when we had our applicators available. We've also put it out on our website and I'll see with Maurice about putting it on the emergency alert system. ...We will be advertising on the radio as well.

CB asked if the newsletter covers what will be gone over at the meeting. LH says not all; swimming restrictions will be talked about at the meeting. There will be a pre-treatment letter. But it won't include LH's talk about species of noxious weeds. There's some push back, he says, because landowners don't know all about the weeds. There's a whole lot of biomass out there but not all of that is milfoil.

JN: Have you had good results from Proselicor?

LH: Up in the north where we treated there's no milfoil. We won't be treating there. *The commissioners look at the map of milfoil locations, or areas targeted for treatment. CB notices that Boundary Point doesn't have milfoil, LH says that's because the treatment has been effective, as in shallow areas. He give total cost of this year's treatment: \$25,000, half or a quarter of previous costs. Last year was a big treatment. It should go up and down depending on the year. Some landowners are going to have their property treated for weeds so it's safe to swim.*

CB: That has to be permitted by the Dept. of Ecology? (Yes.)

LH: We're not doing that widely, not using our budget for that, but if they want to pay for it... I've had calls from people wanting to know if it's safe. ...There are some private irrigation pump up there. There are instructions not to use irrigation for a couple of days around treatment.

CB: You know what people are sensitive about. *LH has had people ask for his services to go spray, since there is a penury of applicators, and he doesn't want to go that route. He plans to educate land owners on the safe use of pesticide so they can do the work themselves in an efficient way.*

LH: I'm still working out the details. We'll probably need another person in the office... I also have notification from the tribes, who put out a request for bids. They only received one bid. It was pretty crazy what they wanted to charge: \$500/acre. It's ludicrous to me. They put it out to bid again. Nothing is getting done. We're hoping to get some fall treatment done. I want you to be aware of the situation there, in case you

get call. U.S. Forest Service, I've heard no progress... about getting treatment done around Bonaparte Lake. It sounds like BLM would want to fund it but haven't got a "Yes, go for it" yet. We requested \$150,000 over a 5 year period to assist land owners up in the Eagle Bluff Fire and any future fires that come up in that time frame. We've got the money in place to help right away.

JN asks about treatments in Whitestone and Spectacle lakes. There will be one this year but they don't know, says LH, whether they will get a survey done first. The Bureau of Reclamation plans to spend \$50,000 a year on Spectacle Lake, both Conconully lakes, and part of the mouth of the Okanogan River. They're looking at a 5-year, \$50,000 a year to do that survey and treatment, helping those land owners currently being billed to spray in front of their property.

CB: Leader Lake, is that Fish and Wildlife's responsibility? LH: I believe it's Irrigation District. CB: It's clogged up. It's one of the worst years I've ever seen it.

LH: Grant funding ran out.

CB: DNR doesn't really deal with anything more than just the campground and the land around it.

LH... Spectacle, the DNR gave them about \$15,000 a year for some chemicals so they've taken those chemical costs off the land owners. I talked to Fish and Wildlife this year. They're going to pay for the treatment in front of the boat launch. They're willing to help but they don't want to do whole lake...

CB: I'm just trying to find out who to encourage.

LH: The DNR would be a great one, Fish and Wildlife.

CB: Do you hear anything going on with inspection programs?

LH: I believe they have four or five semi-full-time inspection stations...

CB: We got something in our email. Okanogan residents were being charged for more. I've thought that about Lake Osoyoos before.

JN: You have different color tags according to if you live there, if you have a boat... You have a tag that lets you go anywhere.

CB: We got an email that pointed out that Okanogan has been getting the short end of the stick. We've been hearing about people from Shoreline who have to pay for weed control.

LH: Milfoil is not high on their priorities. The other one is flowered rush. We do have a bit on Lake Roosevelt. We've had to farm it out to Ferry Co., because they have a whole crew trained there. That's worked out pretty well for us. In Flathead Lake we found it as deep as 15 feet. ...The bit concern there is that it forms a good habitat for northern pike which feed on salmon. *LH says he'll have some figures for them by the*

end of this week. CB talks about wanting to go fishing.

LJ: To give you a heads up West East is setting a meeting with the Building and Planning departments on the 31st to go over some of the planning that West East is working on for the county.

4:09 - JN: I would adjourn.