

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

**RECORD OF THE PROCEEDINGS**

**OKANOGAN COUNTY**

**FEBRUARY 12, 2024**

---

**9:00 AM** Review Commissioners Agenda and Consent Agenda  
**9:15 AM** Public Comment Period  
**9:30 AM** Commissioners Staff Meeting  
**10:30 AM** Discussion-Hearings Examiner Services-Planning Director Pete Palmer  
**11:30 AM** Briefing Among Commissioner-Discuss Individual Weekly Meetings and Schedules

---

The Okanogan County Board of Commissioners met for a regular meeting at 123 5<sup>th</sup> Avenue North, Okanogan, Washington on January, 2024 with Chairman, Commissioner Jon Neal; Vice-Chairman, Commissioner Andy Hover; Member, Commissioner Chris Branch; and the Deputy Clerk of the Board, Cameron Burnette, present.

AV Capture and Zoom provided audio and video accessibility for public interaction.

**Review Commissioners Agenda and Consent Agenda**

Commissioners reviewed this week's agenda and consent agenda and discussed various legislative bills.

**Public Comment Period**

Katie Member of the Public VIA Zoom, Stacy Storm Member of Public, Nicole Kuchenbuch Member of the Public, Sheila Kennedy Member of the Public

Katie did not have any comment, just observing.

Ms. Storm had submitted a letter for the Planning Commission Vacancy, and hadn't heard anything, and was following up. Commissioner Hover stated they had received it, and she was the only person who had submitted a letter of interest. The Commissioners would consider a letter of appointment today.

Ms. Kuchenbuch had many concerns with the zone code revisions put forth by the planning department, and the public notice of it was not adequate notice, and she would like the Commissioners to stop moving forward on this, and would like a broader notice regarding something as big as the zone code revisions that will affect over 9,000 parcels. She also had concern with the number of members on the planning commission only having 6 members when it is supposed to have 7 or 9 members. The planning commission is not setting their agenda's they are set by the Planning Department, and she feels that is not right as it hinders the voice of the public. The timeline for public comment is not long enough and that the public comment period should be open to the date of the hearing on February 20<sup>th</sup>. Commissioner Hover noted the intent with some of the zone code revisions is to get in line with the State Health Laws. She also has great concern about the "Compliance Coordinator position" and she feels greatly concerned that position would be essentially a "code enforcement officer".

Ms. Kennedy also had various concerns regarding the zone code revisions put forth by the Planning Department, there has been no studies or anything provided to the public to

51 understand what the needs for the changes are. There are RCW requirements that require  
52 the planning commission to put forth adequate notice and information on something such as  
53 a zone code revision. She is concerned there are severe violations within the zone codes  
54 themselves and especially the notice to the public, and that there may be an “unconstitutional  
55 taking of public land” and she feels that there needs to be review by the County civil deputy  
56 prosecutor. Also, the 14<sup>th</sup> Amendment in order to regulate the county has to make sure they  
57 identify the harm, there has been no identification of harm and nothing given to the public,  
58 and the harm must be real and not perceived. There has not been the substance of due  
59 process which is allowed under the 14<sup>th</sup> Amendment. The planning commission was created  
60 to assist the planning department, and they are to keep the official record, and make the  
61 decision, and recommendation to the BOCC. There is a lot of confusion from people within  
62 the Planning Commission and the information they are receiving from the Planning Director.  
63 She feels the BOCC really needs to look into this before moving forward and halt the moving  
64 forward of these zone code revisions and review the RCW’s that are applicable to this  
65 situation. There needs to be reports provided to the public for review.

66  
67 **Motion-Create Letter of Appointment for Stacy Storm, Planning Commission**  
68 Commissioner Hover moved to have the Clerk of the Board prepare a letter of appointment  
69 for Stacy Storm for the At-Large Planning Commission position, Commissioner Branch  
70 wanted to verify the letter was being prepared for consideration. More deliberate in  
71 considering appointment and Commissioner Hover replied that is what he was doing. motion  
72 seconded, all in favor, motion carried.

73  
74 **Commissioners Staff Meeting**  
75 Maurice Goodall Emergency Manager, Pete Palmer Planning Director

76  
77 Mr. Goodall has concern about the buildings being destroyed for the new Coroner and  
78 Communications building. He has not been addressed or notified about this happening, and  
79 has an issue with that. He has hazmat supplies, a trailer, flooding supplies, stored down there  
80 and his concern is that he has not seen any of the plans for the new building and he’s  
81 concerned that he will not have adequate space to store his equipment. He just wants to be  
82 kept in the loop about this as it affects him, and he wants to make sure he will be considered.  
83 Mr. Goodall also has a huge issue with the “Sexual Harassment Training” and there was  
84 hugely inappropriate content within the training video, and he feels it is pushing an agenda,  
85 and they are pushing that agenda on him and showing content that he does not want to be  
86 subjected to. The training was put out by the Risk Pool and it is not appropriate for personnel  
87 to be subjected to this type of content. The roads are being managed well by the Public  
88 Works, they are working to manage the muddy conditions that are affecting many County  
89 roads. Commissioner Hover felt that emergency management should put on their website  
90 that there are two air lift agencies in Okanogan County, and people need to know about it  
91 because in times like this when many roads are non-passible for emergency vehicles that  
92 may be their only option. Mr. Goodall will have to look into it because those are private  
93 agencies and he is concerned he’s not allowed to endorse private agencies on the County  
94 website that way. He also noted that many members of the public are aware of the options,  
95 and the conditions of the roads and are taking necessary action to help themselves manage  
96 the travel on these roads. Commissioner Branch noted that the more a road is used the worse  
97 it tends to be, and many of them are primitive roads so they are more prone to being difficult  
98 to traverse. Mr. Goodall had sent an email to Commissioner Branch about a HB that will  
99 greatly affect Emergency Management. Commissioner Neal asked about the trailer court that

100 was having water issues on Highway 7. Mr. Goodall will look into it today and will follow up  
101 regarding how that issue is being handled. Commissioner Hover asked him to get into contact  
102 with the Mayor of Riverside to see if they would like help, as the County still has ARPA funds  
103 available and they could help cover the capital expenses involved with permanently fixing that  
104 water line.

105  
106 Ms. Palmer went next, she doesn't have much, she did work through the weekend on various  
107 agenda items she has been working on. She will email them her schedule for the week as a  
108 family member had passed this weekend. While she is out she will be working at home to  
109 prepare for the hearing on the 20<sup>th</sup>.

110  
111 The Deputy Clerk submitted reformatted meeting minutes to the Commissioner for resigning,  
112 from dates January 22<sup>nd</sup>, and 23<sup>rd</sup>, originally approved and signed on January 30<sup>th</sup>, 2024.

113  
114 At the BOCC's request, a discussion item was added to tomorrows agenda at 9:30 a.m.  
115 regarding Oroville EMS Budet & Contract and was sent to the Commissioners, and was  
116 added to the agenda on the Commissioners webpage.

117  
118 **Discussion-Hearings Examiner Services-Planning Director Pete Palmer**  
119 Present Planning Director Pete Palmer, Planner III Rocky Robins, Dan Beardslee Okanogan  
120 County Hearings Examiner. Chief Civil Deputy Esther Milner arrived in the middle of the  
121 discussion.

122  
123 Commissioner Hover opened the discussion by referring to the previous contracts with the  
124 Hearings Examiner, he noted that the previous contract had a 60-day notice, while the current  
125 contract actually contains a 120-day notice of termination.

126  
127 **Motion-Rescind Letter of Termination of Hearings Examiner**  
128 Commissioner Hover moved to rescind the letter of termination to the current Hearings  
129 Examiner, Dan Beardslee, that only had a 60-day notice of termination instead of the  
130 contractual obligation for a 120-day notice, motion seconded, all in favor, motion carried.

131  
132 Commissioner Hover stated the issue he has is that the current contract does not have a  
133 termination date, it just continues without a noted end date. Mr. Beardslee stated his issue is  
134 that he was never talked to about any issue, or quality of his work, and arrived on his doorstep  
135 without any notice. He had used curse words about the issue, and was given a warning that  
136 if the curse words cannot be controlled then the discussion will end here. Commissioner  
137 Hover stated that he has no issue with Mr. Beardslee's quality of work, he has an issue with  
138 how the contract was written and the fact that it was signed by former Planning Director. He  
139 is more than fine with Mr. Beardslee reapplying for the position. Mr. Beardslee stated that he  
140 would absolutely not reapply, and he was upset that there was no discussion with him from  
141 anyone about this, and it was out of the blue. He noted there had to be more to this.  
142 Commissioner Branch noted that two and a half years ago Mr. Beardslee asked for an  
143 increase for his services. Mr. Beardslee stated he did that because multiple of the surrounding  
144 Counties Hearings Examiner's made that amount, and feels disrespected that he was never  
145 talked to about the raise request either, he feels that he was just ignored. Commissioner  
146 Hover stated that this is the first time in his eight years on the BOCC that he has seen Mr.  
147 Beardslee, and he never requested to be on the Agenda. Mr. Beardslee stated likewise, the  
148 BOCC has never requested him to be on the agenda. Commissioner Branch feels that the

149 quality of the reports and site visits decreased after the Commissioners didn't respond to his  
150 request for a raise. Also, the County was being billed for site visits, and the bills were  
151 significantly higher than in the past but for the same or lower quality of work. Mr. Beardslee  
152 stated they could have looked at his decisions and then decided based on that, if they did not  
153 like his decisions or something along those lines. Commissioner Hover reiterated that he has  
154 no issue with his decisions, and that the only issue for him is the Contract wording. Mr.  
155 Beardslee has requested to do these online, instead of having him come in person to do the  
156 Hearings Examiner, because it could have saved the county a lot of money and saved him a  
157 lot of time. Mr. Beardslee wants to end the contract today, he doesn't want to be the hearings  
158 examiner anymore, and he would sign a letter or whatever to make that happen.  
159 Commissioner Branch is concerned with that because they need a Hearings Examiner  
160 interim, they can't not have one available, and understands that Mr. Beardslee does not want  
161 to be the hearings examiner because he is offended, but they need someone interim. Mr.  
162 Beardslee stated he does not want to be a Hearings Examiner any longer than he has to be.  
163 Commissioner Branch started a discussion about the issue, because they need to address  
164 the issue of Mr. Beardslee not wanting to be the examiner anymore. Commissioner Hover  
165 asked Ms. Palmer if they end the contract today how long would they be without an examiner.  
166 We have one response to the RFP, and it would essentially take an emergency contract,  
167 allowing for that person to be a hearings examiner as Pro Temp until they find a more  
168 permanent solution. Also, for this to work it would require Mr. Beardslee to waive the 120-day  
169 notice required in the contract by the County, and the County would have to agree to waive  
170 the 60-day notice from Mr. Beardslee. Commissioner Hover asked does the BOCC want to  
171 waive the 60-day notice required from Mr. Beardslee for his termination? Commissioners  
172 stated that by the end of the week they would have a letter to Mr. Beardslee with a line for his  
173 signature agreeing to immediately terminate him as Hearings Examiner for Okanogan  
174 County, and waiving both party's notices.

175  
176 Commissioner Branch requested Ms. Palmer to make a timeline of the zone code revisions  
177 going back prior to the current BOCC, and suggested a broader notice to the public for public  
178 hearings regarding zone code revisions especially, but just in general. Ms. Palmer noted that  
179 there were parts of the code that were not codified on the website version. She has been  
180 working with staff to keep good records so it is not such a huge deal to go back and find  
181 previous zone code changes and to keep them updated on the website. Commissioner  
182 Branch stated by state law (36.70) there are public process requirements that need to be  
183 followed, and he would submit to her the list of potential violations with how this process was  
184 handled. Commissioner Branch was referring to the comments submitted by Ms. Kennedy.  
185 Commissioner Hover asked, when the Planning Commission was given these zone code  
186 revisions, was it a draft? Yes. Also, do they look at the draft, as well as the public comments,  
187 to consider the revisions? The Planning Commission was given the draft at the last meeting,  
188 and she will compile all the written comments into her staff report and submit it to the Planning  
189 Commission prior to the hearing being held on February 20<sup>th</sup>, and then they will make their  
190 suggestion to the BOCC. They can choose to not recommend the revisions, there is also  
191 portions that they could modify and recommend, but other portions were written by legal  
192 counsel that could not be changed, but they can make suggestions to them. Commissioner  
193 Hover wanted to clarify that there is no direction to the PC to not make their suggestions, he  
194 wants to make sure they know that if they see something that may be untenable, they need  
195 to make a recommendation for the BOCC to review. If it's not doable then it will be noted that  
196 but they would like the suggestions. Ms. Palmer stated that the only things that would not be  
197 able to be changed is the code language that is already being followed by the County. Ms.

198 Kennedy had a question, so the stipulation order that does not allow suggestive changes to  
199 be made, for many people it is unfamiliar territory, and she could not find that stipulation order  
200 anywhere and there is no notation of it and she feels it should be posted on the website. Ms.  
201 Milner would look into how to handle Ms. Kennedy's request. Commissioner Hover stated any  
202 comment made to any decision-making body should be considered and looked at, and it will  
203 be, and he wants everyone to make any and all comments they have about the code  
204 revisions. Ms. Kennedy stated that the stipulation order should be available for the public to  
205 review as it's required by the RCW.

206  
207 Commissioner's discussed the potential appointment of Ms. Storm on the Planning  
208 Commission. Commissioner Branch just wanted to make the clarification that as a member  
209 on a board such as the Planning Commission that there is going to be laws that someone  
210 may not agree to, but they have to be followed, and the recommendations that are made must  
211 be in the guidelines of the law, regardless of personal opinions. Commissioner Hover stated  
212 that the reason for changing parcels from an R1 to an R2 is so that people are able to  
213 subdivide their property they can be approved because on a single acre it is not legal by state  
214 law, or possible, to put a well-head and a septic on a single acre parcel.

215  
216 **Motion-Approve Appointment Letter for At-Large Planning Commission Position**  
217 Commissioner Branch moved to approve the letter of appointment for Ms. Storm for the At-  
218 Large Planning Commission position, motion seconded, all in favor, motion carried.

219  
220 **Briefing Among Commissioner-Discuss Individual Weekly Meetings and Schedules**  
221 Commissioner Neal noted he will not be in tomorrow, February 13<sup>th</sup>.

222  
223 The board adjourned at 11:50 a.m.