

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

RECORD OF THE PROCEEDINGS

OKANOGAN COUNTY

AUGUST 27, 2018

9:00 AM Review Commissioners' Agenda and Consent Agenda
9:30 AM Briefing Among Commissioners' – Discuss Individual Weekly Meetings & Schedule
1:30 PM Public Hearing – OCC 17A.290 & 220 Cannabis Operations and District Use Chart
To Follow Update – Planning – Perry Huston
Planning Department Study Session
Planning Department Administrative Session
4:00 PM Discussion – Okanogan Behavioral Healthcare - Recovery Month 9/22 Event - Agriplex Waiver
Request – Jim Novelli
4:30 PM Review Meeting Minutes

19 The Okanogan County Board of Commissioners' met for its regular session on August 27,
20 2018, with Chairman Commissioner Jim DeTro, Commissioner Chris Branch
21 Commissioner Andy Hover, Member; and Laleña Johns, Clerk of the Board, present.

22
23 **Review Commissioners' Agenda and Consent Agenda**

24 Josh Thomson, Tanya Craig

25
26 Engineer Thomson was given this time to discuss a request for use of accrued annual
27 leave from a Public Works employee who has not yet worked the six month
28 probationary period. The commissioners' discussed the request and what authority they
29 have to grant it in accordance with union contracts and county personnel policies.

30
31 Ms. Craig explained that the Medical services officer resigned the position in the Jail.
32 The position doesn't require the same level of education or certification as other medical
33 service officers, but the position can be filled by either a Certified Nurse's Assistant
34 (CNA); Licensed Practical Nurse (LPN); or Registered Nurse (RN). She asked the board
35 if they would consider increasing the salary of the position in order to appeal to
36 applicants with LPN or RN certificates. Ms. Craig explained the work to be done is more
37 fitting for a CNA. Commissioners' replied it would depend on the experience of a
38 particular applicant as to the consideration of the starting salary.

39
40 **Motion Resolution 90-2018 Public Works**

41 Commissioner Hover moved to approve resolution 90-2018 which authorized Public
42 Works probationary employee, Matthew Stevie, to use accumulated annual leave for an
43 absence in August. Motion was seconded, all were in favor, motion carried.

44
45 **Discussion Fair Gates-Stella Columbia**

46 Pam Johnson, Deputy Treasurer and Pastor James, Faith Mission Baptist Church were
47 present.

48
49 Ms. Columbia was asked to explain the process used to secure a group to manage the
50 fair gates. She previously contacted several groups about manning the fair gates and

51 none were interested. (attached) Subsequently, the Faith Mission Baptist Church was
52 referred to the Fair office by Livestock chairman, Sam Buchert. Pastor James has
53 agreed to man the gates with the help of his congregation. Ms. Columbia invited him to
54 speak with the commissioners' about the proposal.

55
56 Pastor James provided a draft schedule utilizing 25 people from his congregation. Many
57 are long time members of the church and will be used as the core group handling the
58 gates. Additional members will provide fill in. (attached.)

59
60 The amount negotiated for the gate responsibility was \$6400. The agreement will be
61 drafted with the particulars.

62
63 Commissioner Hover stated the gate should be located where it has always been
64 located. The gate located north of the Agriplex allows better access to both the north
65 and south ends which will provide better controls. The smaller entrance directly south of
66 the Agriplex gets too congested especially when folks are loading and unloading.

67
68 The Pastor stated his church is interested in providing this function going forward. The
69 commissioners' feel this would be a good partnership. A contract will need to be created
70 for this year. Commissioner Hover stated Ms. Craig will draft it.

71
72 The Treasurer's office will provide the necessary training to the church group this week.
73 Commissioner Hover stated it is a huge responsibility and the group must practice good
74 cash handling and good internal controls. Pastor James said the group has cash
75 handling experience because they do the concessions at the Stampede and that is a big
76 responsibility. Ms. Johnson explained a system of checks and balances is already in
77 place, the group will need to attend the training and learn what the county expects. A
78 contract will be needed prior to the fair.

79
80 **Discussion Grant Management**
81 Auditor Thomas, Finance Cari Hall, Treasurer McCormack and Deputy Pam Johnson
82 were present.

83
84 Auditor Thomas explained in light of the county's finding she would like employees to
85 make sure they are following the county's grant management policy. She isn't sure
86 employees are following the county policy. She reminded the commissioners' the policy
87 calls for a grant administrator. Auditor Thomas thought the position could be paid for
88 with grant administration dollars. Commissioner Hover asked if that position would be
89 under the commissioners'. Yes, stated Ms. Hall but that position would benefit the whole
90 county. Commissioner Hover explained it is a position that requires a motivated person
91 to look for money that can offset the cost of having a grant manager. She explained
92 grants have a limit on what they can be used for and use of the funds for administration
93 is limited, not all grants have administration dollars to use. Ms. Hall explained a
94 spreadsheet could be used to track hours that could be used to offset grant funds. Right
95 now Ms. Hall goes through and corrects all of the accountability reports she receives
96 from the departments to ensure accuracy for the end report. The grant manager would

97 work closely with the departments that have grants to ensure all documents submitted
98 are accurate and timely. Commissioner DeTro would like to ensure that whoever is
99 selected is vetted and has the credentials and experience to do it all. Commissioner
100 Branch thought the consideration to the policy adopted in 2014 may need to be
101 reviewed and updated. Auditor Thomas remembers it being very comprehensive. She
102 stated one danger to mismanaging the grants is that it can affect the county's ability to
103 do business. The right person would be able to catch issues before they become an
104 issue.

105
106 Commissioner Branch thought a good review of the county's grant management policy
107 would benefit the board and those involved with grants. The commissioners' will
108 consider the Auditor's suggestion in order to avoid future findings where grants are
109 concerned.

110
111 **Briefing Among Commissioners'–Discuss Individual Weekly Meetings & Schedule**
112 Commissioners' discussed their individual meeting schedules.

113
114 **Public Hearing – OCC 17A.290 & 220 Cannabis Operations and District Use Chart**
115 Perry Huston and Angie Hubbard were present.

116
117 The Clerk of the Board turned on the audio recorder.

118
119 Member of the public Emily Sisson turned on her personal video and audio recorder.

120
121 Commissioner DeTro opened the hearing at 1:30 p.m. stating the public hearing was to
122 receive comments on the revisions of Okanogan County Code 17A.290 & 220 regarding
123 cannabis operations and the county's district use chart. He opened the hearing up for
124 staff report.

125
126 Director Huston provided his staff report and explained what the commissioners' were to
127 consider as the amendments to the county code regarding cannabis operations. He
128 provided a written copy of the draft ordinance and code revisions. (attached) The
129 recitals in the ordinance lay out the critical path. Resolutions were previously adopted
130 which created a moratorium while the subject matter was reviewed by an advisory
131 committee. He relayed those recitals in the draft. The advisory committee did go to two
132 cannabis operation sites. They did amend their proposal for interim controls afterward.
133 One subject still unresolved was impacts to neighbors due to odor because that was the
134 tricky one. Two approaches were considered. Distance was a big factor in odor control
135 and info gleaned from the advisory committee was to minimize the number of people
136 impacted. There were some setbacks that were created and the fence issue was to be
137 considered as structures for this purpose. It did not set a buffer around the high density
138 areas. The Planning Commission amended the district use chart to require a CUP in the
139 R1 and Methow Review district.

140
141 Director Huston discussed definition of high density from the view point of basic lot size.
142 He also discussed the enforcement section revision which are subject to OCC 17A.360.

143 Commissioners' discussed the WAC for odors essentially ties it back to an industry
144 standard then it is assumed that what we are doing is reasonably unobtrusive and in
145 compliance with the standard. There was reliance on setbacks that primarily addressed
146 odor. Commissioner Hover asked if production practices changed and multiple crops
147 are produced, would that be considered outside what the law allows. Director Huston
148 explained some types of plants have more odor than others, so it would depend on the
149 industry. It has been acknowledged throughout the process.

150
151 Commissioner Branch asked about the right to farm ordinance and whether there was
152 consistency. Director Huston stated what is on the books in the right to farm ordinance
153 protects the operator from nuisances but they must demonstrate what they are doing is
154 an acceptable practice. The WACs do protect within the industrial standards.

155
156 Jeremy Thiel Twisp. Mr. Thiel testified last time to the previous board of commissioners'
157 about Benson Creek. He assured the commissioners' that the marijuana operators on
158 Benson Creek have done nothing, since the day he testified, to address the concerns of
159 the residences that live there. In fact he believes it is even worse now since it has a
160 revolving door and many come and go. The property manager changes regularly. The
161 property owner wants to put as many tenants as possible on the property. He stated
162 Craig's list advertises the property for lease regularly. He isn't sure if the county knows
163 what is going on up there or not. Do the county commissioners' even understand the
164 magnitude of people accessing the property day in and day out. It is a commercial
165 corporation and it is being protected under the guise of farming and agriculture. He
166 doesn't see how it is farming because mature plants are put the ground without having
167 been grown there. The plants get imported from other places and there is no regular
168 agricultural grow season. It doesn't seem like the county has a good handle on
169 identifying the particular circumstances that are happening. He doesn't care about pot,
170 but he does care about the residents. There used to be neighbors who walked their kids
171 on the road to enjoy their neighborhood. Now they don't take walks along the road
172 anymore, they no longer push their baby strollers along the road, and the neighborhood
173 no longer feels safe or enjoyable. He believes it is because there is so much traffic now
174 many drive unsafely and on the wrong side of the road.

175
176 Also, the fences are not being looked at for what they are. The owner of the land is
177 never on site as he only interested in putting as many marijuana operators as possible
178 on the property. Does the county even know how many operators can utilize a particular
179 property?

180
181 Ms. Friedman Twisp. Ms. Friedman explained the work she had done to prepare her
182 comments regarding marijuana operations. She feels there is a big difference between
183 what is actually happening on the ground versus what the draft code is actually
184 addressing. She said she toured two operations that thought their facility was positive,
185 but both learned how to grow multiple crops and now have peak odor from June to
186 October, all of the summer months. People have a huge concern with that. The
187 regulations were being considered for a grow period less than June to October. Tier I
188 Tier II and Tier III grows and the regulations created for those tiers were for something

189 other than reality. From an outside perspective it could look like much more. She went
190 to the Wolf Creek grow operations and those were supposed to be exemplary. It
191 appears those were the ones that invested in the community first and then went to great
192 lengths to protect their neighbors. These regulations do not go far enough. The health of
193 the Methow economy and the well-being of people are tied to tourism. The stinky stuff
194 from these farms can affect where people go on vacations. What are the risks to the
195 economic well-being for those parts of the county that are tied to tourism? Geographies
196 where tight valleys exist seem to hold the smell in the valley whereas open areas on the
197 plains seem to dissipate the odor much better. The issue is that the odor is present for
198 six months out of the year and that kind of changes things for her. She read from her
199 previous comment submitted to the Planning Commission. During certain grow times
200 the green houses light up the whole hillside in the middle of the night. She has been
201 woken up by it thinking it was morning. Some greenhouses have shades some do not,
202 but it should be required when grow lights are used. That needs to be explicit. She isn't
203 sure what to do with existing grows, but new grows should consider the buffer and right
204 now that buffer it too little. The current amount for buffer is not adequate. The issue with
205 scale also needs to be addressed. There is already, in the rule, something that prevents
206 hemp growers from being too close to cannabis growers. There are also rules and
207 violation enforcements that pertain to new grows that should also pertain to the others.

208
209 Lorah Super refrained.

210
211 Commissioner DeTro closed public testimony and opened up to commissioners”
212 discussion.

213
214 Commissioner Branch asked about the issue of density with regards to the 30,000 sq. ft.
215 grow. Director Huston stated there is something that could restrict such as Gamble
216 Gwinn how much water a particular canopy is allowed. Legal water supply exempt well
217 can supply water up to 40,000 sq. ft. but if you have a water right it may allow whatever
218 the irrigation district allows. Licenses OCC has applied legal preexisting to the land not
219 the site. Who is in there doesn't matter, so many swap out, under the current existing
220 site. Licenses can be moved in or out of the legal preexisting sites, he said. He has not
221 seen the case where the land owner does not hold a marijuana license. He doesn't
222 know what he can do to develop an amortization schedule. Commissioner Branch is
223 less inclined to deal with it that way. Businesses are located where they are because
224 our code is lacking where residential can be and we will deal with that until converted.

225
226 Director Huston stated an amendment of that nature to expand language to be specific
227 to the intent with regards to lighting then it may be remanded back to the Planning
228 Commission. Commissioner Branch explained there is a use out there that affects the
229 viability of a subdivision and he doesn't have the predictability of what will be next door.
230 If there is a mixed use in the district and predictability should be addressed. Security
231 lighting are an issue in other areas.

232
233 Commissioner Hover doesn't have questions. Commissioner DeTro stated should we
234 be reminded that this would be a work in progress due to the problems that come up

235 that are not foreseeable. He reminded everyone that even though referred to as a “farm”
236 they are not recognized that way. It opens up too many cans of worms. The initiative
237 classified it as a controlled substance. He wished there were ways to apply a tiered
238 lease situation; the assessor has no way to tell either about the personal property. The
239 state with the money they are collecting could supply some for criminal justice. Some
240 sections can be remanded. Director Huston stated should the commissioners’ remand it
241 would be useful if the commissioners’ offered specific areas they are concerned with.

242
243 Commissioner Hover said the draft lighting rule provisions are not adequate.
244 Commissioner Branch and Commissioner DeTro agree. Commissioner Hover would
245 like a time period where the green house operation is to be covered. The language for
246 the noise needs to cover planning commission has read through the WACs and
247 understands where the noise threshold actually is to eliminate the ambiguity. The noise
248 ordinance on the books may not fully address the kind of noise.

249
250 Commissioner Branch has a concern about density of operations. The commissioners’
251 wish to remand this back to both the Planning Commission and Advisory Committee.

- 252
- 253 1) Lighting-cover greenhouses during a certain period.
 - 254 2) Noise-addressed in noise ordinance
 - 255 3) Reduce the ability to Daisy chain on a single lease.
 - 256 4) Odor duration
 - 257 5) Traffic flow for sites with processors because many people are coming and going
258 to process the plants.

259
260 Director Huston stated the site that was visited had only two deliveries one in the
261 morning and one at night and only four employees. Commissioner Hover stated the site
262 near him, which he doesn’t have an issue with but as an example there are many
263 coming and going well above four and deliveries happening more often. Director Huston
264 stated there is nothing in the code that addresses that. Hours of operation would need
265 to be set.

266
267 Commercial and industrial uses are competing with residential uses, explained
268 Commissioner Branch. Location, location, location must be part of the future
269 considerations of the regulations to be adopted. Commissioner Hover explained there
270 might be other uses compatible with the operation. There are exceptions to be
271 considered.

272
273 Director Huston explained his understanding of what the commissioners’ want as a
274 result of this hearing. Commissioner Branch would like the advisory committee to be
275 utilized. Commissioner DeTro stated remand it to the Planning Commission and if they
276 wish for the advisory committee to participate they can ask. The two sweeping changes
277 will be to the district use chart.

278
279 **Motion Remand OCC 17A.290 & 220**

280 Commissioner Hover moved to direct staff to contain all the recommendations in a
281 memo and remand the 17A.290 back to the Planning Commission for further
282 deliberation. Motion was seconded, all were in favor, motion carried.

283

284 **Motion Set Public Hearing**

285 Commissioner Hover moved to adopt new interim controls replacing the previous
286 interim controls and sets a public hearing on Monday, September 17, 2018 at 2:00 p.m.
287 Motion was seconded, all were in favor, motion carried.

288

289 **Update – Planning – Perry Huston**

290

291 *Planning Department. Study Session*

292 Commissioner Hover explained an email from Ecology that he got that talks
293 about grants that can help citizens upgrade their septic systems. Riverside is not
294 yet pursuing this, but the grant would need to come through the county. There is
295 a small community assistance coordinator from Colville. Also, Craft 3 provides
296 loan assistance for land owners but the application has to come through the
297 county somehow.

298

299 **Motion Executive Session RCW 42.30.110 (1)(b)**

300 Commissioner Hover moved to go into executive session at 3:55 p.m. for 10
301 minutes to discuss acquisition of real estate by purchase when public knowledge
302 regarding such consideration would cause a likelihood of increased cost. Motion
303 was seconded, all were in favor, motion carried.

304

305 Executive session ended at 4:05 p.m. no decisions were made.

306

307 1) Water Availability Study Areas

308 DOE OSS Grants

309 Director Huston explained he is getting responses back for a planning unit and
310 participation. He is beginning to build the planning unit list for the commissioners’
311 consideration. Commissioner Branch asked about the facilitation and revisiting the issue
312 Craig Nelson previously discussed the idea with the board. He is still grading the
313 situation and he feels there will be some challenges with others. He has not followed
314 that up.

315

316 Director Huston stated Vanessa was not confident the \$50,000 or \$150,000 would be
317 eligible for acquisition of water rights. DOE gave him another name of someone who
318 may be tied into the vetting process for the other grant.

319

320 2) Wolf Management

321 There are still some outstanding issues. There is a meeting scheduled for the 10th. The
322 commissioners’ are still looking at that.

323

324

325 *Planning Department. Administrative Session*

326 1) Lake Management District #1
327 Director Huston provided a draft proposal of an ordinance forming the Lake
328 Management District. The ballots are weighted depending on the number of parcels a
329 particular landowner owns. Where are the commissioners' at with their decision?
330 Director Huston provided the RCW 36.61.090 and 36.61.100 for reference regarding the
331 vote. The draft ordinance was previously provided to the civil deputy for comment, but
332 those have not been sent yet. A 40 day appeal period follows the vote. Director Huston
333 was not sure if the Treasurer or the Auditor would like to discuss prior to the board
334 adopting the ordinance.

335
336 **Discussion – Okanogan Behavioral Healthcare - Recovery Month 9/22 Event -**
337 **Agriplex Waiver Request – Jim Novelli**

338 Mr. Novelli explained the event is gearing up to be a large event. Originally the contract
339 allowed use of the Agriplex facility, but now he believes there will be a need to use the
340 Annex and kitchen. Commissioner Hover thought the group could use the parking lot. He
341 does not want this event to impact the county's budget or staff. Mr. Novelli stated the
342 group will be out by 6:00 p.m. they intend to provide the clean-up themselves. Stella
343 Columbia explained the commissioners' approved one thing but the contract stated
344 something entirely different and she wanted to ensure the use is in accordance with the
345 commissioners' previous approval.

346
347 Would it be a problem if OBHC came early to set things up? Ms. Columbia said there is
348 no conflict with other events for use of the Agriplex, Annex, and Kitchen on September
349 21 or 22. Commissioners' reviewed the written draft waiver which only says Agriplex.

350
351 **Motion Waiver Annex and Kitchen for OBHC Use for Recovery Month**
352 Commissioner Hover moved to additionally waive the fees associated with the kitchen
353 and annex for Okanogan Behavioral Healthcare to use the facility for the Recovery
354 Month Event set on Saturday, September 22, 2018 event. Motion was seconded, all
355 were in favor, motion carried.

356
357 A proclamation draft was submitted recognizing September as recovery month, and Mr.
358 Novelli asked if the board would consider signing it as Judge Rawson will read aloud.
359 The commissioners' said they would.

360
361 3) WRIA 49
362 Director Huston has returned providing overlays to the Ordinances and map (attached). The
363 lower Methow reach goes from Twisp River all the way down. Commissioner Hover is not
364 ready to adopt an ordinance with that overlay yet. The issues that we are dealing with in the
365 Methow are several according to Director Huston. The water supply in the lower Methow
366 may be bumped up against the two. Throughout WRIA 48. If someone wants to subdivide
367 land what do they do? Director Huston discussed several approaches we can take. Does
368 not say anything now for water adequacy. Specific for WRIA 48 it would be part of their
369 application packet is one approach, another is to identify all of 48 as a study. The third
370 approach is to deal with the lower Methow specifically.

371

372 Commissioner Hover would like to discuss Tunk area first. Director Huston says we are
373 dealing with the issue if there is physical and legal water and then senior water rights.
374 Consistently heard from senior water right holders that ability to get their water is impaired.
375 Director Huston read the proposed changes of the purpose of the water availability study
376 area designation as far as what the study is to determine. If adopted would take place as
377 interim control. Commissioners' think that Tamarack Spring should be included.
378 Commissioner Hover asked if someone bought a banked water right out of senior
379 adjudicated water rights and they punch a well and if it impaired someone's adjudicated
380 senior water rights that is okay? Director Huston said that is exactly the case based on
381 priority dates. Anyone buying water out of that bank assumes that priority date. Discussed
382 western water law and the local issues created. Commissioner Branch stated for the final
383 plat there isn't enough detail to know whether adequate water was demonstrated and steps
384 involved so they know what challenges they face before they encounter. Director Huston is
385 only talking about those where water is restricted and people will have additional issues with
386 water supply. Whether that should be upfront? We move ahead with it in accordance with
387 our code. Another question poised to Attorney Gecas was about preliminary approval and it
388 is not clear whether it is appealable. Ordinarily the appeal language is published with final
389 approval language. The local code allows appeals to be administrative. He will check with
390 Attorney Gecas as he has access to West Law.

391

392 **Motion Correspondence Susewind**

393 Commissioner Hover moved to approve the letter outlining the wolf issues that happened on
394 July 12 and invited Director Susewind to meet with the board about it Sept. 10, 2018. Motion
395 was seconded, all were in favor, motion carried.

396

397 The board adjourned at 5:00 p.m.

398