

1 **RECORD OF THE PROCEEDINGS**

2  
3 **OKANOGAN COUNTY**

4  
5 **FEBRUARY 26, 2018**

---

6

7 9:00 AM	Review Commissioners Agenda and Consent Agenda
8 9:30 AM	Legislative Update Call – Zack Kennedy
9 9:45 AM	Briefing Among Commissioners – Discuss Individual Meetings & Schedule
10 11:30 AM	Discussion – Introduction – WSU Extension Office Intern – Kayla Wells-Moses
11 1:30 PM	Public Hearing – Marijuana Moratorium – Perry Huston
12	To Follow – Update - Planning – Perry Huston
13 3:00 PM	Public Hearing – Considering Repeal & Amendment – Title 20 – Planning – Perry Huston
14 4:00 PM	Public Hearing – Supplemental Appropriation – Treasurer’s O & M - \$10,000
15 4:30 PM	Review Meeting Minutes

---

16

17 The Okanogan County Board of Commissioners met in regular session on February 26,  
18 2018, with Chairman Commissioner Jim DeTro, Commissioner Chris Branch, Commissioner  
19 Andy Hover, and Laleña Johns, Clerk of the Board, present.

20  
21 Commissioners convened the board at 9:00 a.m.

22  
23 Commissioner Hover was absent until 11:50 a.m. due to attending a meeting in Douglas  
24 County regarding veteran’s service provisions in Douglas County.

25  
26 **Review Commissioners Agenda and Consent Agenda**

27 Commissioners reviewed the consent agenda packet.

28  
29 Leah McCormack came to discuss the status of the property tax legislation SB 6614  
30 and how it might impact the county. She also discussed information that had indicated  
31 people should not pay their property tax. She was very concerned about the impacts  
32 that information would have. Additional information will be made available to the public  
33 regarding the situation.

34  
35 **Legislative Update Call – Zack Kennedy**

36 The commissioners heard a legislative update from Potts and Associates. (attached)

37  
38 **Briefing Among Commissioners – Discuss Individual Meetings & Schedule**

39 Commissioners discussed their weekly calendars and briefed each other on upcoming  
40 meetings.

41  
42  
43

44 **Discussion – Introduction – WSU Extension Office Intern**

45 Natasha Moffitt-Hemmer Kayla Wells-Moses

46

47 Ms. Wells-Moses explained Ms. Natasha Moffitt-Hemmer was brought into the  
48 extension office on an internship. She is conducting her animal science internship one  
49 day a week here through the end of June in order to provide answers to producers ag  
50 questions. She will be providing Ag education outreach, will work with state wide Ag  
51 specialist, and provide the beef 200 course here. There is no date set yet for the course.

52

53 Ms. Moffitt-Hemmer explained she is in her 2<sup>nd</sup> year at WSU and is hoping to achieve  
54 her master's degree in animal science. After graduation, she and her husband intend to  
55 move back to the area. She discussed her Ag experience and educational goals within  
56 Extension.

57

58 Ms. Wells-Moses explained Ms. Moffitt-Hemmer is looking for contacts to reach out to if  
59 the board has any names to offer her. Ms. Moffitt-Hemmer has been working with Monte  
60 Andrews with the Cattlemen Association. But she doesn't know of other groups she  
61 should be contacting, but would like to know if the commissioners have specific names  
62 she should be reaching out to. Commissioner DeTro stated she might contact the Farm  
63 Bureau. Nicole Kuchenbuch is the president. Commissioner Branch replied Albert  
64 Roberts would be a good contact for the slaughter unit project. Ms. Moffitt-Hemmer said  
65 she has been doing some outreach on her own through veterinary offices.

66

67 Ms. Wells-Moses will be introducing Ms. Moffitt-Hemmer to the tribal extension office as  
68 well. The commissioners thanked Ms. Wells-Moses and Ms. Moffitt-Hemmer.

69

70 **Public Hearing – Marijuana Moratorium – Perry Huston**

71 Perry Huston, Rocky King, Dan Higbee

72

73 Committee Industry: Jeremy Moberg, Kelsey Taylor, Don Gray, Paul Neir Matt Frigone

74 None Industry: Andi Ervin, Keith Kistler, George Zittell, Linda Pierce, Brad Skelton

75

76 The audio recorder was turned on. A sign in sheet was circulated.

77

78 Commissioner DeTro opened the hearing up to staff. He stated the public hearing is to  
79 hear testimony regarding the moratorium on marijuana operations. He provided the  
80 board with written copies of the proposed code.

81

82 Director Huston explained the subject of the public hearing and sited history of the  
83 moratorium on the siting of new and expanded cannabis operations. (memo attached) It

84 expires March 5, 2018. He relayed that the changes were proposed based on  
85 complaints from both neighboring land owners and people in the industry that were  
86 received because the current code did not provide sufficient protection for  
87 neighborhoods or certainty in the permitting process for the industry.

88

89 The options today are:

- 90 1) Repeal the moratorium, adopt amendments as interim controls as proposed or as  
91 further amended by BOCC and transmit to Planning Commission for review and  
92 recommendation.
- 93 2) Extend and transmit to Planning Commission
- 94 3) Extend and remand to cannabis committee
- 95 4) Repeal moratorium

96

97 Cannabis committee recommended #1.

98

99 Director Huston reviewed the code for Cannabis Operations including the district use  
100 chart and discussed the mosaic of permitted uses. The vested sites will have to come  
101 into compliance within a certain timeframe consistent with the requirements in 17A.  
102 Director Huston further discussed the recommended setbacks for various densities. He  
103 discussed buffers that were not recommended or agreed upon by the committee.

104

105 If the BOCC moves to authorize option #1 Director Huston explained, another Public  
106 Hearing would be needed. Between adopting interim controls, any application would be  
107 vested under the interim controls. If option #2 is chosen it would extend the moratorium  
108 and it would prevent vesting while the revised code goes through the Planning  
109 Commission and eventually back to the BOCC for adoption.

110

111 Commissioner Hover asked about higher density areas and thought, if allowed, a  
112 checkerboard of outdoor grows within higher density sites could happen. Director  
113 Huston said the site would be vested unless abandoned after three years under current  
114 code?

115

116 Commissioner Branch asked about the build out and thought more discussion would be  
117 helpful. Director Huston discussed how the predetermination of high density areas came  
118 about. Some of the definitions have already been set aside for higher levels of  
119 development. Commissioner Hover said the area is treated as physically and  
120 functionally connected/related and or contiguous of a county road network would be  
121 treated as the high density area. It is inclusive of the area itself no matter who owns the  
122 lots. Commissioner DeTro asked what would be the criteria and would it not have to go

123 through a conditional use permit? No, Director Huston explained but you would need to  
124 refer to footnotes to know specifically.

125  
126 Commissioner Hover asked if language regarding state highway setbacks was noted in  
127 the document, in addition to county roads. Director Huston stated he did not address  
128 state highway setbacks as requested, but it was discussed by the committee. He  
129 explained the language could be added but we cannot use the county's setback  
130 standard. We have a minimum 68 foot setback from centerline for county roads when  
131 property abuts it, but language does not address state highway setbacks as we do not  
132 have that authority regarding that situation. The group decided not to address it further.

133  
134 Industrial Hemp impacts were discussed by the committee as they are the same as  
135 cannabis but perhaps more impactful due to volume. The concern of cross pollination  
136 would render either crop unmarketable. The recommendation on the conditional use  
137 district and minimum requirement district was to leave it in CCT. His understanding was  
138 they are interested in exploring industrial hemp operations. The idea being it would give  
139 opportunity for those to participate in the process with the tribal council so he left it. A  
140 buffer of ten miles from the boundaries of the reservation was discussed, which they  
141 can agree to or not.

142  
143 Commissioner Hover asked about unincorporated towns and what zones they fall  
144 under. Director Huston replied that a neighborhood commercial use zone process was  
145 followed when town plats were processed. Some towns have definitive zones and some  
146 would need to be researched.

147  
148 Commissioner DeTro closed staff testimony and opened up to public testimony. He  
149 relayed the ground rules for testifying.

150  
151 Jeremy Moberg thanked the commissioners for putting folks together for the cannabis  
152 advisory committee. He thought it was a good process and it brought awareness to the  
153 operators about fencing, odor, and light protections. He is concerned about the 25 foot  
154 setbacks that would affect the use of the land. He believes the distance for county roads  
155 is fine, but he feels that fences should be able to be built on property lines. The density  
156 issues and odor control was addressed through new language. But the smell is not  
157 really addressed by the fencing. He spoke to LCB licensing and about licensing entities  
158 that are not zoned correctly, and her answer was not yet. He believes they will take it  
159 seriously and will not issue licenses if not zoned for it. He believes it will be an outcome  
160 even though it isn't addressed now. Commissioner Hover asked the process when  
161 someone changes the license on an existing location. Mr. Moberg said LCB

162

163 Keith Kistler reiterated some items discussed earlier by Director Huston. Mr. Kistler  
164 worked to create the best rules as possible. The advisory committee found the district  
165 use chart was difficult to work with and as a result created the high density area  
166 definitions. He said the Industry and non-industry ideas were incorporated. After all the  
167 work and time, he would like to see interim controls adopted. As it moves to Planning  
168 Commission it would be good for the advisory committee members to attend those  
169 meetings.

170

171 Building Official Dan Higbee, stated the building ordinance exempts fences from  
172 permitting requirements.

173

174 Commissioner DeTro closed public testimony and opened up to the board.

175

### 176 **Motion Cannabis Operations Moratorium**

177 Commissioner Branch moved to repeal the moratorium, adopt the amendment as  
178 interim controls as proposed and transmit the code amendment to the Okanogan  
179 County Planning Commission for public review and recommendation. Commissioner  
180 Hover discussed that he did not have a problem with established farms, but moving  
181 forward he doesn't want to see perpetual issues crop up. Commissioner Branch  
182 discussed respect for those vested. Director Huston said he assumes the abandonment  
183 period of three years should be looked at. Commissioner Branch suggested two years.  
184 Commissioner DeTro commended everyone who participated in the process as he  
185 believes the situation worked out and something good came out of it. Motion was  
186 seconded, all were in favor, motion carried.

187

188 Director Huston will draft an ordinance to adopt 17A amendments and the interim  
189 controls, and a resolution repealing the moratorium will be provided tomorrow.

190

191 Commissioner DeTro closed the public hearing.

192

193 2:30 p.m. Gina McCoy, member of the public arrived, to take notes on her computer.

194

### 195 **Update - Planning – Perry Huston**

196

197 Director Huston asked the board to adjourn as BOCC and reconvene as Tonasket EMS  
198 District as there items to be approved.

199

### 200 **Motion Tonasket Ems District**

201 Commissioner Hover moved to adjourn as the BOCC and reconvene as the Tonasket  
202 EMS District. Motion was seconded all were in favor, motion carried.

203  
204 Director Huston explained what needs to be approved. There are two claims that were  
205 previously submitted but need original ink. Also, the regular monthly vouchers must be  
206 approved.

207  
208 Commissioner Hover moved to authorize the chairman and the secretary of the Board  
209 of Volunteer Fire Fighters to sign the two claims. Motion was seconded all were in favor,  
210 motion carried.

211 Commissioner Branch moved to approve the Voucher certification and authorize the  
212 Tonasket EMS District vouchers to be paid in the amount of \$21,702.30. Motion was  
213 seconded, all were in favor, motion carried.

214  
215 Commissioner Hover moved to adjourn as the Tonasket EMS and Reconvene as the  
216 BOCC Motion was seconded all were in favor, motion carried.

217  
218 Commissioner Hover briefed the commissioners on his and Veteran's Service Officer  
219 Eric Fritts trip to Douglas County where they met with Douglas County commissioners.  
220 Douglas County is interested in bolstering their veteran's services program. Eric Fritts  
221 provided them with a PowerPoint presentation and ended with a list of options for them  
222 to consider. They were interested in contracting with Okanogan County for veteran's  
223 services and training. Mr. Fritts will put together a job description for an assistant who  
224 would help cover Okanogan County. An assistant should be hired who will provide  
225 coverage while Mr. Fritts attends to training the Douglas County VSO. Mr. Fritts will  
226 draw up an interlocal agreement between Douglas and Okanogan County for review.  
227 Douglas County would like to consider the interlocal agreement as soon as possible.

228  
229 Director Huston explained the large door on the Agriplex will need to be repaired as the  
230 wheel rollers fell off. It no longer opens or closes. Sunrise Chevrolet is apparently  
231 responsible for the issue and is working with Joe Poulin to get it repaired. The old signs  
232 should not be applied to the new door.

233  
234 The Rocky Mt Elk Foundation will need to be able to get in but there is a small operable  
235 door they can use.

236  
237 The latest draft of the Comp Plan was previously provided to the board. Director Huston  
238 discussed the draft. The water section that was previously discussed is in there.  
239 Scoping and environmental review will need to happen. Commissioner Hover would like  
240 to devote enough time to go through section by section, discuss how each feels about  
241 each section then get through it that way. Director Huston explained the group

242 regarding Watershed Council is scheduled on a Monday. It was suggested that March 6  
243 at 2:10 should be scheduled to go over the plan and water issues.

244  
245 Director Huston discussed the data based for WRIA 48 and what tracking information  
246 will be used to inform areas that have or don't have water. There was no reason to  
247 separate the WRIAs, but there isn't enough time to address it all. He suggested  
248 bringing in someone to do the work. He is looking for someone with computer skills and  
249 someone who is curious and interested in the material. Commissioner Hover discussed  
250 possible grant funds could be used to create the overlays, but there may be a module  
251 for Terrascan that would allow us to support that. Director Huston replied the tracking  
252 software would integrate the different aspects that touch across several departments  
253 which would allow each to check status. The well logs data base is being reviewed to  
254 integrate with another program.

255  
256 Status of the Shoreline Master Program is not known yet, but we do have some  
257 language to consider. There was discussion on urban residential going into  
258 conservation, so another conversation will be needed for that. Leonard will need to be  
259 contacted. The required change has been reviewed and everyone accepted, but what  
260 we are waiting for is the higher ups review and comments. And we have not seen that  
261 from DOE with their comments.

262  
263 Director Huston asked for direction on the BLM scoping on restoration project. The  
264 project does come into Okanagan County, did the commissioners wish to offer comment  
265 on that? The commissioners will look through it and perhaps initiate/request a  
266 coordination meeting

267  
268 **Public Hearing – Considering Repeal & Amendment – Title 20 –Perry Huston**

269 Angie Hubbard, Char Schumacher,

270  
271 The recorder was turned on and a sign in sheet was circulated.

272  
273 Commissioner DeTro opened the public hearing to staff. This hearing is to consider  
274 repeal and amendments to Title 20.

275  
276 Director Huston provided his staff report. The commissioners previously questioned  
277 Title 20 and the original document as a compliance matter for regulatory reform and we  
278 had an option to adopt similar rules regarding water availability. He further relayed the  
279 recent adoption history of the Comp plan. Then Whatcom/Hirst legislation came about  
280 (ESSB 6091). The objective now is to address development permit procedures and  
281 administration as an administrative or a non-administrative application. Director Huston

282 prepared the notifications section, and a good deal of housekeeping was performed to  
283 keep the document consistent.

284  
285 What the board is doing today is discussing what and if anything should be done  
286 differently in terms of our processes. In WRIA 49 there is a grace period for a watershed  
287 plan to be in place which would contain impacts and how to permit exempt wells and  
288 that sort of thing. There are many options available, one of which is keep what we have  
289 in place, repeal and adopt 20A, or leave it alone and morph water requirements in  
290 another section of code. Keep in mind in WRIA 48 our response will be to track wells in  
291 use and place any new wells against the 2sfs, and work out responsibilities for closed  
292 basins. A future process would be to line out who is doing what in terms of  
293 administration and implementation of WRIA 49. As lead agency, the county will be  
294 leading this conversation to implement the revision of the watershed plan.

295  
296 The draft legend showing the reaches was handed out and discussed. (attached)  
297 Commissioner Hover asked if the county has a way to track wells in the county. If the  
298 county repealed title 20 notifications would not happen, but we would still track the  
299 wells. We are bound by history; we cannot go back and retroactively subject them to the  
300 new rules.

301  
302 Commissioner Branch feels obligated when lots are created and water designated to  
303 then go back and look at it. We haven't been considering water that way until now. The  
304 subdivision may not have actually had the water at time of conditional approval. Director  
305 Huston stated the Planning Commission meets tonight and they will review the water  
306 availability study. It is more an issue in WRIA 49 than in 8. Commissioner Branch  
307 doesn't believe it serves us in a safe way. We have these obligations to address. He  
308 didn't see much reference to regulate things that deal with verifying water availability.

309  
310 Director Huston explained the inclusion of water language in title 20 was to try and an  
311 address the new water availability laws, is it the best place for it, maybe not, we are  
312 working on that. It would be used to inform. Title 20 was considered because we could  
313 operate with it most swiftly.

314  
315 Commissioner DeTro closed staff and opened up to public testimony.

316  
317 Jim Soriano explained he is here to discuss title 20. He stated it is helpful to have the  
318 notifications about the various processes and issues. When it got to the public hearing  
319 before the hearing examiner, and showing impairment evidence, he was able to verify  
320 impairment by the exempt wells that continued to be drilled in the valley, and there was  
321 no feedback from the examiner. He believes it would be nice to know there is problem



322 in order to prevent any more problems down the road. He understands the property  
323 right perspective, and the disappointment to build and not have water. He said whatever  
324 the board does to title 20, he believes it must be taken seriously and the whole thing  
325 was put into place to protect senior water right holders. Something must be done.  
326

327 Jim Perrow Wolf Creek wanted to know what the procedures are as they are cloudy. He  
328 has lots to be developed in closed basin, wells that are drilled, some that are not drilled  
329 yet, and he has a lot of development plans, what does he need to do, what are the  
330 standards for closed basins, what are the steps to follow. Commissioner Branch said  
331 this is what they are all here to figure out. Money is involved and he needs predictability.  
332

333 Phil Millam Methow Valley Citizens Council, the county is between a rock and a hard  
334 place. He thinks it would be a mistake to repeal title 20 without interim procedures being  
335 in place. He believes leaving the water  
336

337 Thompson, appreciated the comments he heard of the commissioners today. He also  
338 believes the 6091 and is in favor of title 20 being repealed. He represents landowners in  
339 the area and they are grid locked in terms of what they can or cannot do. He supports  
340 establishing the rules for procedures in another place especially if we are not doing  
341 water certifications.  
342

343 Chris Erlandsen, Brewster. He agrees this is a hard road to haul. While title 20 does  
344 provide some direction there are some applications where it doesn't fit. Sometimes  
345 subdivisions are done but no building is erected and water taken out of the problem.  
346 Sometimes a landowner may need to re drill a well, and we must track the wells that are  
347 in place and those to be drilled. Prior approved subdivisions may not be built upon but  
348 they did go through a process, but when the Hirst decision came about they were told it  
349 would have to go through title 20. He explained there may be some subdivisions where  
350 a well was done first, and then a house, but the rules impact that situation and another  
351 well might be required once a house is built.  
352

### 353 **Motion Recess the Hearing**

354 Commissioner Hover moved to recess the hearing until 4:05 p.m. Motion was  
355 seconded, all were in favor, motion carried.  
356

### 357 **Public Hearing – Supplemental Appropriation – Treasurer's O & M - \$10,000**

358 Commissioner DeTro opened up to staff, seeing no one, he opened up to public, seeing  
359 no public wished to testify, he closed the hearing to comments and opened up to  
360 commissioner discussion.  
361

362 **Motion Resolution 21-2018 Supplemental Appropriation**

363 Commissioner Hover moved to approve resolution 21-2018 a supplemental  
364 appropriation within the Treasurer O&M fund 110 in the amount of \$10,000. Motion was  
365 seconded, all were in favor, motion carried.

366

367 4:05 p.m. Continued title 20 hearing.

368

369 Commissioner Hover believes title 20 is onerous on people, but people do want to be  
370 notified. He feels like there should be some kind of notification system process should  
371 be in place. Commissioner DeTro wants to know what would be cleanest. It is cleaner to  
372 take 20.010.050 out and adopt 20A? Director Huston stated obviously we need a tidier  
373 notification process. When you get down to title 20 all it really does is create a  
374 notification process and it was our interpretation that if you proved the water was being  
375 used you were fine to build. He discussed what might be in conflict with 6091.  
376 Commissioner Hover thought the crux of the issue is that we don't track the wells.  
377 Commissioner Branch thought an amendment of title 20 would be needed, either way it  
378 will take some time. Director Huston is leaning towards a free standing water section.  
379 WRIA 48 will be different from WRIA 49, so the processes may be different. Whatever  
380 we are doing in 49 will be for the interim. Commissioner Branch said if title 20 isn't  
381 repealed we are still mailing notices. There is an appeal process we have to deal with  
382 too. He suggested repealing section 20.10.050 of Title 20 regarding the water and  
383 leaving everything else for another day. Commissioner Hover believes people just want  
384 information about what is going on and how it will impact them. Director Huston  
385 explained some rearrangements on the Planning Website that may help as the reports  
386 and data are put there and what will be fed to the website for people to review.  
387 Commissioner Hover doesn't want to delay.

388

389 **Motion Repeal Title 20.10.050 & Create a Stand Alone Water Section**

390 Commissioner Hover moved to repeal Okanogan County code Title 20.10.050 and  
391 direct staff to draft an ordinance which would create a free standing water section.  
392 Motion was seconded, all were in favor, motion carried.

393

394 Commissioner DeTro closed the public hearing.

395

396 **Motion Oroville Rural EMS District**

397 Commissioner Hover moved to adjourn as the BOCC and reconvene as the Oroville  
398 Rural EMS District. Motion was seconded all were in favor, motion carried.

399

400 Commissioner Hover moved to approve the Oroville Rural EMS District vouchers in the  
401 amount of \$11,359.02. Motion was seconded, all were in favor, motion carried.

402 Commissioner Hover moved to adjourn as the Oroville Rural EMS and Reconvene as  
403 the BOCC Motion was seconded all were in favor, motion carried.

404

405 **Motion - Voucher Approval - Commissioners**

406 Vouchers certified and audited by the Auditing Officer as required by RCW 42.24.080  
407 and those expense reimbursement claims certified as required by RCW 42.24.090 have  
408 been recorded on a list, and made available to the Board. As of this date, the Board did  
409 vote, by unanimous vote, to approve the regular vouchers in the amount of \$598,193.97  
410 and Payroll vouchers in the amount of \$867,810.71. Warrant numbers as cited on the  
411 attached blanket voucher list. Motion seconded and carried.

412 **Motion Public Health Voucher**

413 Commissioner Hover moved to approve the Public Health Vouchers in the amount of  
414 \$7,938.82 Warrant numbers as cited on the attached blanket voucher list. Motion was  
415 seconded, all were in favor, motion carried.

416

417 **Motion Certification of 2017 Capital Assets**

418 Commissioner Branch moved to approve the certification of the full and complete  
419 inventory of all capitalized assets that were added or disposed of in accordance with  
420 standards established by the state auditor for the twelve month period beginning  
421 January 1, 2017 and ending December 31, 2017 and as required by RCW 36.32.210.  
422 Motion was seconded, all were in favor, motion carried.

423

424 **Review Meeting Minutes**

425

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

427