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RECORD OF THE PROCEEDINGS

OKANOGAN COUNTY

SEPTEMBER 17, 2018

9:00 AM Review Commissioners' Agenda and Consent Agenda
9:30 AM Budget Work Session –Sheriff, Jail, Communications
1:30 PM Update Planning-Perry Huston
2:00 PM Public Hearing –OCC 17A.290 & 220- Planning Dept. Perry Huston
4:30 PM Review Meeting Minutes

The Okanogan County Board of Commissioners' met for its regular session on September 17, 2018, with Commissioner Jim DeTro, Chairman, Commissioner Chris Branch Vice-Chairman; Commissioner Andy Hover, Member and Laleña Johns, Clerk of the Board, present.

Review Commissioners' Agenda and Consent Agenda

Commissioners' reviewed their agenda and consent agenda items.

Budget Work Session –Sheriff, Jail, Communications

Cari Hall Leah McCormack, Tony Hawley, Laurie Thomas Mike Worden, Joe Somday, Steve Brown, Frank Rogers, and Noah Stewart arrived at 11:25 am.

The group went through the Sheriff's budget to identify the fund status within 001.017. Commissioner Hover reviewed the expected grant revenue because it really isn't part of the personal property tax coming in and it is good to know if there are expenses related to the revenue.

Joe Somday explained there were funds not used due to two unfilled positions. The grant is somewhat restricted and is used for equipment which is a reimbursable type expense and must be incurred first before funds are reimbursed.

Mr. Worden explained the 024 budget included fourth quarter payments which is revenue that can be used the following quarter. He believed his total operating budget was around \$760,000 and billing is based on annual quarterly revenue.

Ms. Hall explained some grant related bars lines within the sheriff's budget that were previously combined but tracking the funds has been much more difficult and it was requested that those be separate line items again for better tracking ability. The 2018 expenditure lines within 001.017 were reviewed. The repairs and maintenance lines were discussed in the administrative section.

Commissioner Hover explained the commissioners' wish to budget for the needs rather than the wishes of the department. Somday explained he does estimate as close as possible and goes with a middle number since some of the budget numbers are unknown at this point.

49 Search and Rescue is a different fund and different line items, explained McCormack.
50 Donations are solicited for year after year and the fund build up to fund larger
51 purchased from fund 124. There are different sections within SAR for the various needs.
52 Somday explained new radios are needed in the very near future. He is asking for six
53 new vehicles but knows he must wait until everyone else's requests are in and
54 considered. Commissioners' would like all supplementals to be entered by December 1.
55 A hard deadline will be provided to accomplish this request. Also, the Clerk of the Board
56 already emailed departments to request that budgets be reviewed for supplemental
57 purposes.

58
59 The county is currently in the red by \$2,678,296 but is usually worked through as
60 budgets are reviewed and adjusted.

61
62 Somday explained animal control complaints are handled by his department all the time
63 and expenses are associated with that. Deputy Dave Yarnell is assigned to animal
64 control duty. Commissioner DeTro stated in another county they contract with Mr. Jeff
65 Flood for animal control and Commissioner DeTro encouraged him to contact Deputy
66 Yarnell about his situation. There is only about \$35 expended from the animal control
67 line item as \$4,000 was budgeted. Somday was surprised there wasn't expenditures
68 coming out of there.

69
70 Somday explained the Sheriff's fleet accumulates an average 127,000 miles per year
71 per vehicle. Six additional Sheriff Vehicles were requested in 2019. It will cost extra to
72 outfit the vehicles as they do not come outfitted. Somday explained what the police
73 vehicles come with and what will need to be purchased.

74
75 For the empty deputy position, Somday suggested adjusting it to a step four on the pay
76 scale rather than a step one because it is likely a deputy with experience would be hired
77 in that position.

78
79 The new Sheriff may adjust the department as well once in office. Sheriff Rogers would
80 like to have a testing process already started so they can make a decision fairly soon
81 after taking office. When laterals are not available it makes it difficult to fill a position
82 quickly as there are many things such as training that must be accomplished first.

83
84 The group reviewed the Communications budget 001.024. Worden explained the
85 budget overages within the current 21018 budget. He will be seeking a supplemental
86 due to cost increases and equipment rentals. Worden explained the deer are rubbing on
87 the tower and the building because there is no fence to keep them away. They appear
88 to be undermining the building cement blocks. The microwave is in place but a local
89 phone line to Twisp is needed and would be a new fee for the line. Additional radios will
90 be needed to replace the obsolete ones. He thought replacement costs could be broken
91 up between 2019 and 2020. Commissioner DeTro asked if the tribe doesn't allow Omak
92 Mt., to be used then how would Tunk work. Worden explained what to be careful of and
93 thought interactions with other equipment might cause interference. He isn't sure if
94 Omak Mt is a broadcast site or not.

95 Commissioners' reviewed the status of the Jail budget fund 001.013 for both the
96 revenue and expenditure for 2018.

97
98 Medical revenues were discussed as to where those are to be receipted to whether fund
99 160 or 001.013. Jail maintenance costs were discussed in this regard too.
100 Commissioner Hover stated fund 160 is funded through sales tax and we are allowed to
101 use some of it for Jail. The revenue received for medical costs is based on actual
102 expenditures and then is reimbursed later. Both expense and revenue must come into
103 and out of the same fund as is appropriate, explained Ms. Hall. She recommended
104 those be in current expense as it could get us in trouble if elsewhere.

105
106 Treasurer McCormack explained that 100% of the 160 fund revenue is going into the
107 fund but costs are more than revenue received. She asked if it would help if the fund
108 was divided 70% juvenile and 30% jail. Commissioner Hover replied 7/12ths of the
109 money would be received but the sales tax revenue fluctuates. We are not getting
110 enough revenue to cover the costs of both Juvenile and Jail. Juvenile has over
111 \$352,000 budgeted for expenses in the 160 budget. Nothing was budgeted for jail
112 expenses. Commissioner Hover said when the situation was advertised we did not say
113 we were taking money from the fund to cover the jail. We were to cover medical costs
114 and revenue generated from that is going into current expense.

115
116 It would be nice to have a line in 160 for maintenance that can be billed to. Ms. Hall
117 stated it is a separate fund and rolls up in the report; she will get back to the
118 commissioners'. Juvenile has a section for maintenance and Jail has a section for
119 maintenance in fund 160 where the expense would be paid from directly.

120
121 Noah Stewart stated the dishwasher repairs and maintenance contract will be paid for
122 by Jail as the contract budget is in their budget to pay from. The repair costs are
123 included in the contract. He stated food costs are expected to go up with the current
124 budget going over before the end of the year. Juvenile and Jail food costs may be able
125 to be budgeted in fund 160 as Ms. Hall thought it would be a great use of the fund.

126
127 Commissioner Hover reminded the group fund 160 was to be used for major projects
128 and we need to be funding that prior to operation expenses. Mr. Worden stated if the
129 food costs were moved would it reduce the billable costs to the cities? Mr. Stewart
130 stated he believes costs can be pulled from different areas to build the invoice to the
131 cities. Commissioner Hover stated funds do come back to the county via grant for the
132 food and Ms. Hall doesn't see a problem with mixing grant money in fund 160. She will
133 add the revenue into 160 for that. Somday supports the laptop purchases planned by
134 Central Services in 2019. The department does need new laptops.

135
136 **Update Jim Potts and Associates**

137 Jim Potts and Zach Kennedy

138
139 Mr. Potts explained he would like to hear from the commissioners' what issues they
140 would like to bring forth to the legislators. There is a great deal of turn over and many

141 need to be filled in on current legislative requests. Commissioner Hover explained the
142 request of the Sheriff to purchase six new sheriff vehicles and the carbon fee may be a
143 surprise if testing doesn't go well. He has a hard time accepting the taxing of use and
144 then not providing an alternative. Mr. Kennedy explained Douglas County has a couple
145 big data processing centers and those don't really bring in any real jobs. It is hard to
146 plan for the reserve necessary.

147
148 Mr. Kennedy asked how the fire effort of DNR has been perceived. Commissioner
149 Hover and DeTro stated it has been excellent. Commissioner DeTro stated Hillary
150 Frantz listened to the wildland advisory group and it worked.

151
152 The commissioners' discussed the recent wolf issues. Colville Tribe lifted the cap on
153 number of wolves that can be killed. Commissioner DeTro explained what conversation
154 prompted this course of action.

155
156 **Update Planning-Perry Huston**
157 **Public Hearing –OCC 17A.290 & 220- Planning Dept. Perry Huston**
158 Planning Staff Angie Hubbard, Char Schumacher, and Rocky Robbins for Perry Huston.

159
160 Isabelle Spohn, member of the public arrived at 1:30 p.m. to take notes on her
161 computer.

162
163 The recorder was turned on.

164
165 Commissioner DeTro stated this time was set to take public testimony regarding the
166 ordinance 2018-12 approved on August 28, 2018 that repealed ordinance 2018-2 and
167 adopted new interim code revisions to OCC 17A.220 District Use Chart and OCC
168 17A.290 Cannabis Operations.

169
170 Commissioner DeTro asked for staff report.

171
172 Ms. Robbins provided the staff report that was previously drafted by Director Huston.
173 (attached) Three options

- 174
175 1. Leave interim controls in place
176 2. Leave interim controls in place but adopt additional findings supplementing those
177 identified in Ordinance 2018-12
178 3. Direct Staff to prepare an ordinance amending/repealing the interim controls

179
180 Right now the interim controls in place are the recommendations from the Planning
181 Commission not including the bullet points noted, until the board has reviewed the code
182 recommendations. The board provided clarification of what the hearing is about to make
183 sure everyone knows what the meeting is for, explained Commissioner Branch. When
184 rules are adopted without a public hearing, then one must be provided and this is the
185 time.

186

187 Commissioner Hover stated the interim controls that are in place and exactly what came
188 out of the planning commission last meeting. The board asked about five items they had
189 questions on and those point are now with the planning commission for consideration.
190 Today's hearing is put the new interim controls from the planning commission in place.
191 There is some confusion on the language being discussed. Ms. Hubbard stated the
192 changes of the pc were to the district use chart and CUP and enforcement language
193 was added to make it clear and tie back to zoning enforcement. Commissioner DeTro
194 stated the advisory committee recommendation is only to advise the commissioners'
195 and they have no requirement to follow the advisory committee recommendations.
196

197 The advisory committee recommendation appeared to be different than the planning
198 commission recommendations, said an audience member. Commissioner Hover stated
199 the planning commission changes were projected on the screen when the board
200 discussed this before. Commissioner Branch thought the hearing notice states what the
201 hearing is for. He read into the record the notice that was published. If there is confusion
202 over what the hearing is about, the information was published. When interim controls
203 are put into place the county must hold a public hearing. The interim controls were put
204 into place until the board had time to consider all the information and hear public
205 testimony on the rules. Commissioner Hover stated another public hearing may be
206 scheduled that would then provide for adoption of the code.
207

208 Mr. Zittel asked for the five points the board will be considering.
209

- 210 1. Lighting 2. Noise 3. Density/size of farms 4. Defining reasonable impacts from
211 odor and 5. Traffic.
212

213 Commissioner DeTro opened up the hearing asking for those who wished to testify to
214 please sign in. Commissioner Branch explained the issues were subject to a previous
215 hearing and the board made those interim controls based on that hearing. The five
216 points listed in the staff report have nothing to do with today's hearing, explained
217 Commissioner Hover.
218

219 Commissioner DeTro opened up the hearing asking for those who wished to testify to
220 please sign in.
221

222 Matthew Figoni part of the advisory committee. He explained the whole group agreed
223 on reasonable guidelines with only a few issues to be further addressed and wondered
224 if those would be something the advisory committee would further consider for
225 recommendation. Mr. Figoni thought it more mutually accepted to move forward with the
226 original work of the committee. He thought the group should convene again to consider
227 and provide that recommendation to the board.
228

229 John Willett Mazama Lazy Bee gardens investor. Mr. Willett thanked the board for
230 developing the advisory committee with diverse people to discuss the positives and
231 negatives to growing cannabis in their communities. The committee worked hard to
232 come up with their recommendation and was thankful the board is considering those.

233 There are some additional bullets to be considered and thought those should be
234 considered by the committee before the planning commission does. One thing he is
235 concerned about is agriculture and the smells from agriculture. One thing talked about is
236 the smell of something that smells a couple months out of the year. That could mean
237 chicken houses, dairy farms, and other annoying businesses that produce smells.
238 Cannabis has a common roll and Lazy Bee hires about 15 people year round and 30
239 during the busy season. These are dollars put back into the community here, not just
240 Seattle. He is barely making ends meet because of the taxes. There is the federal side
241 that wants the taxes and then there is the state. With the county putting more
242 regulations on this it will drive the business out of the county. He thanked the
243 commissioners' for their ears on this and appreciated their consideration of the five
244 bullets and asked those be considered by the advisory committee.
245

246 George Zittel was on the advisory committee and initially it was really good with back
247 and forth meaningful debate and at some point the growers realized if they attended the
248 meeting they would have the majority of the vote on the committee and at that point the
249 good debate quit. The idea of sending this back to the same committee will not serve in
250 an equal discussion between two groups. He said marijuana wants to be treated like
251 other agricultural products, but the state has said it is in another category.
252

253 Kelsie Taylor attorney for growers. She addressed some of the accusations of Mr. Zittel.
254 The advisory group was difficult because there were passionate people from both sides,
255 she said they were respectful. She said Mr. Zittel didn't even show up for the last
256 months of meetings. She said she valued his input. She encouraged the board to talk to
257 others on the advisory committee. The CUP process was discussed with interim
258 controls putting us backward. They wanted to have a good compromise for farms to
259 locate here, but she feels the county has gone backwards. She really wanted to focus
260 on the CUP process prior to the planning commission recommendations.
261

262 Dave Sorenson Winthrop. Mr. Sorenson's concern regarding the options being
263 considered today on option 2 with additional findings and wondered what those were.
264 He was confused on what he was actually supposed to comment on. He felt dismayed
265 at Mr. Zittel's comments about the advisory committee. He recommended remanding
266 the five issues the advisory committee main issues directed to work on. These are not
267 just a couple things to be concerned about. It says to him that all that work would be
268 thrown out and the board start all over again without the advisory committee input.
269

270 Jeremy Moberg Riverside. Mr. Moberg commented and agreed with Dave Sorenson's
271 comment. He thought the committee worked hard on the issues. It was a long
272 exhausting process but it did address all these issues. There was no way to zone for
273 this type of farming. He said it was clear the zone chart did not fit. They are looking at a
274 definition and don't know what qualifies and what doesn't. He recommended using
275 option number 1 leave the interim controls in place. He doesn't know what additional
276 findings the board would consider if option two were chosen. He believes the respect
277 should be giving to the committee to address the issues or discover why they were not

278 adequate. People deserve to know if property they intend to use for this purpose can be
279 and R1 is not the way to do it. He recommended option No. 1.
280

281 Bill Johnson Green Acres. He said on the five options he commented that he has lived
282 on Green Acres road before it was even Green Acres road. The lighting was so bright it
283 automatically dimmed her pick-up truck lights, he has no problem with the density, but
284 the odor is very strong, the traffic increased, more thefts, more problems arising due to
285 so much traffic.
286

287 Commissioner DeTro closed the hearing to testimony and opened up for commissioner
288 discussion.
289

290 Commissioner Hover sated these were very specific points these five bullets and
291 offered them again. He would like to know what the issue is with keeping the interim
292 controls in place. Commissioner Branch discussed the options and how he felt about
293 the options. Additional findings would be based on what the commissioners' heard
294 today, explained Ms. Hubbard. It is apparent there is displeasure on the way the
295 planning commission relayed their recommendations. He is hearing a mixed message
296 that we should have adopted those as the rules, but at the same time he is getting the
297 message no one like those rules. There were people who liked the rules and it was safe
298 to adopt the interim rules because there was no objection from the industry when the
299 rules were adopted. The board was comfortable based on that. But issues were brought
300 up today that says the industry is okay with the interim controls. He believes in keeping
301 the interim controls that were adopted August 28. The only other findings he would have
302 liked to see was what came to the board from the last public hearing.
303

304 Commissioner DeTro stated it always come up that this is agriculture. But it isn't related
305 to agriculture because of the initiative it is referred to as a controlled substance
306 therefore it is not agriculture. He appreciated that some realize the county is not making
307 a lot of money from this. Many confuse the Planning Department with the Planning
308 Commission, they are different. Whatever goes back would be going back to the
309 Planning Commission and they could ask the advisory board to review again, and he
310 wanted that to be clear. He is good with the interim controls. Commissioner Branch
311 stated because of the way the zoning code is made it doesn't consider the use as it is it
312 is more closely related to agriculture zoning. It is hard to apply the rules we are trying to
313 apply because of the way our zoning code works. There is not much for commercial
314 areas or industry areas because of the way the zone is. The county could change the
315 zoning code to fit what kinds of zoning is needed today. The R1 zoning may not fit well
316 and could be the problem. The board remanded it back because it did need to be
317 addressed. The advisory committee actually did provide them the input.
318

319 Ms. Robbins explained there was considerable input that was considered by the
320 Director in terms of the planning commission. Commissioner Hover stated if the board
321 remanded back to the Planning commission then the commissioners' would hold
322 another public hearing on additional findings.
323

324 **Motion Interim Controls**

325 Commissioner Branch moved to leave the interim controls in place. Motion was
326 seconded; all were in favor motion carried.

327
328 The recorder was turned off.

329
330 Commissioner Hover addressed concerns about the five bullets and why those were
331 important. An overlay would be the best way to show an area that does not allow this
332 type of activity. There are already overlays used by the county to show WRIA 49 water.
333 Mr. Moberg thought blocking out none permitted areas would be best rather than
334 showing areas it is allowed. It was felt this would take care of all the concerns. People
335 want to know if the property they are considering for purchase is going to be impacted
336 by some future marijuana operation. Commissioner Hover stated people must meet all
337 the criteria conditions and that thought process happens no matter what the project is.

338
339 Ms. Robbins recommended folks who are still interested in this topic attend the planning
340 commission meeting and send her comments about the issues.

341
342 Darrell Asmussen came in to discuss the auctioneer contract for the county auction to
343 be held on October 13, 2018. There is a need for someone to be in charge of the
344 auction. He does need someone from the county to attend the auction. Commissioner
345 DeTro stated he has gone to every one of the auctions. In the past no one was on site
346 to help that knows what things are or can help with starting vehicles. Commissioners'
347 thought Jerry Paul should be on site to help with the public works equipment questions.
348 They need a go to person to answer questions. The commercial building is too far from
349 the auction and auctioneers would prefer to auction the smaller items from the Agriplex.

350
351 Mr. Asmussen asked the board if there was a minimum bid amount required. The
352 commissioners' discussed the RCW regarding county surplus 36.34 and noted that they
353 may set the minimum bid on items but the resolution did not specifically call out
354 minimums.

355
356 **Motion Auctioneer Services D & D Auction Company**

357 Commissioner Hover moved to approve the auctioneer services contract between
358 Okanogan County and Darrell Asmussen and Dal Dagnon doing business as D&D
359 Auction Company for the sale of county surplus at auction on October 13, 2018 at 9:00
360 a.m. for 7.45%. Motion was seconded, all were in favor, motion carried. Darrell
361 Asmussen signed the contract while he was here.

362
363 **Motion Auctioneer Services Campbell Auctioneer Company**

364 Commissioner Hover moved to approve the auctioneer services contract between
365 Okanogan County and Larry Campbell, Campbell Auction Company for the sale of
366 county surplus at auction on October 13, 2018 at 9:00 a.m. for 7.45%. Motion was
367 seconded, all were in favor, motion carried.

368

369 Stella Columbia was suggested to be on site for the auction as well as someone from
370 Public Works to help with the vehicles.

371
372 Commissioners' discussed and relayed the topics previously discussed at the NEWC
373 meeting on Friday, September 14th. Mr. Asmussen who had inquired about the wolves
374 wanted to know what the NEWC commissioners' thought about the conflict resolve.

375
376 **Motion - Voucher Approval - Commissioners'**
377 Vouchers certified and audited by the Auditing Officer as required by RCW 42.24.080
378 and those expense reimbursement claims certified as required by RCW 42.24.090 have
379 been recorded on a list, and made available to the Board. As of this date, the Board did
380 vote, by unanimous vote, to approve the regular vouchers in the amount of
381 \$2,579,347.66 and Payroll vouchers in the amount of \$960,698.75. Warrant numbers as
382 cited on the attached blanket voucher list. Motion seconded and carried.

383 **Motion Public Health Voucher**
384 Commissioner Hover moved to approve the Public Health Vouchers in the amount of
385 \$33,720.78. Warrant numbers as cited on the attached blanket voucher list. Motion was
386 seconded, all were in favor, motion carried.

387
388 **Motion Oroville Rural EMS District**
389 Commissioner Hover moved to adjourn as the BOCC and reconvene as the Oroville
390 Rural EMS District. Motion was seconded all were in favor, motion carried.

391 Commissioner Hover moved to approve the Voucher certification and authorize the
392 Oroville Rural EMS District vouchers to be paid in the amount of \$9,680. Motion was
393 seconded, all were in favor, motion carried.

394
395 Commissioner Hover moved to adjourn as the Oroville Rural EMS and Reconvene as
396 the BOCC Motion was seconded all were in favor, motion carried.

397
398 **Review Meeting Minutes**

399
400 The board adjourned at 5:00 p.m.

401