

## Board of Okanogan County Commissioners

6/29/2020

Via Zoom

### Present:

Jim DeTro (JD) - BOCC, Chair District 3  
Chris Branch - (CB) BOCC, Vice-Chair District 1  
Andy Hover - (AH) BOCC, District 2  
Lanie Johns - (LJ) Clerk of the Board  
Citizens Attending Via Zoom

**Note:** These notes were taken by an Okanogan County Watch volunteer via ZOOM. Every attempt is made to be accurate. Notes are verbatim when possible, and otherwise summarized with note taker comments or clarifications in italics. The notes are published at [countywatch.org](http://countywatch.org) and are not the official minutes of the meeting. For official county minutes, usually published by the county at a later time, see <https://okanogancounty.org/Commissioners/Minutes%202020/2020%20Minutespage.html>.

### SUMMARY:

AM: Returning from personal business leave, Cmr. DeTro discusses pleasant atmosphere in Idaho contrasting it with Washington obsession with Covid-19 & comparing with Communist Russia. Discusses "truck driver's humor," and discontinuation of Facebook postings due to upcoming election; other Commissioners address his behavior and reasoning. Masks discussed; County Fair cancellation and alternatives; citizen call to Hover re BOCC's draft proclamation on peaceful demonstrations/armed citizens, etc stimulates lengthy discussion on Public Records Act; new proclamation on violence/peaceful solutions drafted; new gill netting season proposed by state.

PM: Planning update: Need for review of Critical Ares, Shorelines, Planned Development Ord. n regards to clustering. Marijuana farm ("grow") problems: Farms can do a significant amount of work before a permit is required. Farms use non-existent addresses or get licenses for properties they do not own. Many farms from coast moving here - apparently has to do with our lack of regulations. "Suites" with no distance between "grows," as required. Should a moratorium be considered? Is there need for a Clearing and Grading Ordinance? Farms are out there that we don't know about. Department of Defense grant application. Surprising recent economic figures among businesses.

**Jim DeTro's opinions on Covid-19; Comparison of Idaho's pleasant attitude with Washington's atmosphere like "Communist Russia"; Constitutionality, Masks.**

**9:00 AM: The meeting was already in progress at 9:00**, with Commissioner DeTro explaining his opinions.

JD ....The problem is that the Constitution was set up a certain way. If the legislative branch, or if the law is created,..... it has to be deemed unconstitutional by the courts.

Voice.. " But it's a proclamation from the governor. "

JD - I spent a week in Idaho, went to a lot of establishments. For one week, I didn't hear one word about corona virus - what a relief that was. On the way back, we purposely stopped in a restaurant so we wouldn't hear anything. I got the feeling on the way back that we were on the way back to communist Russia.

Branch -If we were in communist Russia, you would be dead! You couldn't say what you want.....

JD - Yesterday, an old rancher dying of cancer and wanted to visit with me. I stopped for some coffee at a restaurant and in the whole room, that's all they could talk about No one talked about cows and hay. Just to me, very very depressing. Everyone had such a negative attitude. Nothing positive at all about anything that was going on. What a sad situation.

*Sigh from someone. Long silence.*

## **MASKS**

JD - Continues: I had a restaurant owner call me and said Do I have to demand when the public comes through the door that they have a mask? I said I thought it was up to the business owner.

AH - Yes, that is correct. But if a person is in a public place without a mask, on them. ON flip side, if a business is privately owned, they can refuse service to anyone for any reason, so if you require a mask, patronize that business. Like in Winthrop , they provided masks on the table.

JD - Do you have to?

AH - Yes. Just a little mask, you put on on, they give it to you.

CB - It's good. At least they got them for you.

AH - Ace Hardware - had 30,000 of them. Not expensive . If a business wants to

CB - Why wouldn't a business put them for sale right at the door? You might have stepped into town.....and didn't have you

AH -- But if you are giving free masks, you can patronize them and use it elsewhere. I read on news that gov is not allowing phase 4 applications to go forward because of the spike in cases in WA state.

CB - I heard something similar.

## **COUNTY FAIR CANCELLATIONS AND ALTERNATIVES**

AH - Tonight is a fair advisory committee. Every other county in the state is canceling their fairs. But the fair committee advises on the fair itself, hw it's done. When I asked for a recommendation from them, it was for financial reasons. We should not put the onus on them to decide. It needs to be us that says we are looking at all these fairs shutting down. We know the phase 4 counties that could apply will not be allowed to. The time frame until September there is no way.....the parimutuel money, at this point in time, its' expected the fair fund will take a hit. The \$\$ can ...we Weill already be about \$35,000 short. If we cancel, they will have the same act of \$ next year.

CB - I was expecting by July 1 we would make decision. Looks like it's pretty much decided...

Larry Campbell provided Laurie the auctioneer with standards It will e....the plan for auctioning off animals could be moving forward.

JD - in other words, we should have decided by June 1.

AH - Yes, but most parents knew they were taking a risk by going ahead. Some had already put the cattle on the range. They want to be ale to auction animals off. I think their safety plan will work.

## **Citizen Call To Hover Regarding Draft Proclamation Addressing Peaceful Demonstrations/Armed Citizens, etc: Should Branch Have Read a Reporter over the phone the Draft Document He Read Aloud in the Public Meeting?**

AH - One other thing - a lady called me on Sat. Very unhappy about the proclamation on racism, etc. I think it's good thing to put out that we do not support ...racism. etc. But she wanted to know why the 2nd amendment was not included. There was a piece in the first one re the right to bear arms. She was blasting me up pretty good. I started the conversation over. Tell me what.....you are looking at and what you are thinking. She said why are you pitting the 2nd amendment against civil rights, etc. I thought - you are right. We don't need to. All we need to say is that we decry racism without saying also we agree with the right to bear arms. I don't think we should speak to any one thing. We should say, this is how the people should be.

CB - I guess we.....should say the pledge.

### **Pledge of Allegiance**

*(Note: this involves a proclamation in draft form that AH and CB had agreed upon while JD was absent. They had agreed to revisit the draft when JD returned, so it could hopefully include his signature.)*

CB - Reads from draft proclamation - "BOCC supports citizens rights to...."

AH - ((Interrupting) We should re-word the whole thing.

CB - I'm willing to eliminate anything that is controversial, and just proclaim what we proclaim. When we look at something, people can interpret any way they want. Just like the constitution. She did talk to me too. Let's avoid the minutia.

AH - she was not pro -2nd amendment. Just asked why juxtapose it with.....

CB - (interrupting) I don't see there being a settlement. I was putting out the point that they would not be in opposition at all..... but note that both of them exist - basically everyone on the street that looks at it, looks at it in a different way. My own perspective - I look at the 1st amendment that exists, we know what it means...2nd amendment exists, many different ways of looking at it. Those things were important in that there was an event that took place. Controversial. It troubles people every way... the people with guns, I can't put them in a category, same with protesters. It recognized everyone's rights, ...being able to make statements and talk about stuff...the most important thing for any of us. Recognizing that people have rights...we either do or do not.

AH - It's more than just your rights. Trying to get out there the recognition of ..... try to be nice to each other. Treat others as you want to be treated. The fact that I own guns doesn't preclude me from not liking violence. Not mutually exclusive. That's why I listened to her. She was right - nothing against what you wrote, since you wrote it for that event. But in reality, if you just said we do not believe in violence, nor racism.....

CB - I agree. Not worth it. Someone called me and told me I was the worst person in the world. A person I have known and .....I can just say this....

CB - I have no problem with eliminating anything but you might argue about the 4 statements at the end. Tries to read: "BOCC acknowledges violence has been escalating across the nation in response to excessive force in policing...."

AH - (Interrupting).... I think violence is escalating, period. Don't you feel like that violence is just .....

JD - Something in there is illogical because people have been locked down. They feel their rights are being trampled on...just like the coffee shop - no one being positive. I didn't know - it just struck me as, gee whiz ....yesterday was Sunday. Some of these folks probably just came from church. ....

AH - I know.

CB - The thing that brought it to everyone's attention is a lot of folks watch TV. I try not to watch too much on TV. People watch it and feed me the info. I screen to see what I want to consider. But what brought the peaceful demo about was a movement....Black Lives Matter...that was before this happened. A lot of things going on in big cities, but we are being made aware of that. The peaceful demonstration was about that. So I wonder why we are even writing this thing.

**DeTro's statement as to why he stopped posting on Facebook until the election is over; additional opinions:**

JD - So let me ask you guys this. Since my problem with my truck driver humor - I have elected...I am not posting on Facebook...the reason is that I've heard certain very influential people tell me, " Jim, I think that out of respect for your two seat mates (*apparently referring to other commissioners*) you should stay silent until after the election is over. So it can't be said you influenced the election ....

AH - No. The thing .....and again, I don't think you should have posted that..... it incites people and us as commissioners, we go down and pay our money.....we ask people go down and pay money to run for this job. The voters vote us in. I didn't forget that voters vote us in. But if I didn't pay, I wouldn't be a commissioner. So I know what I'm getting into. And this position is one that, no matter what, even if the people didn't vote for you, I still represent them. So by you posting that, that is why these people get upset. That might have been your view to share privately, but when it's a public thing and people see it....

JD - No different form when I first (?) ....I have said several different times...I have never come out publicly and said I hate wolves - just that wolves are a tool to get all livestock off public lands.

AH - But that is a totally different statement ...

JD - If I had posted that in 2011.....

AH - (Interrupting) .....But we live in a heightened sense of.....

JD - (Interrupts.) You would be surprised how many people have told me stick to your guns. One guy said I'm a demo. I've voted for you 3 times. I still support you.....

AH - I understand. All I'm telling you is what I think.

JD - Do you think it will inflame things if I sign a proclamation? (*Referring to the proclamation in question regarding peaceful protests, etc.*)

AH - NO. I advocated for waiting so you could sign. Ultimately we think the same way....not throwing rocks, etc, or being racist.

JD - I don't either.

AH - If people don't know you and call you a racist., that is poor on them.

JD - My wife and I have 6 Native Americans on our side of the family.

AH - My folks were just discussing this with me. (*Regarding family roots.*) It doesn't matter who is in your family, you can still be a racist. When you look at the person, should look at the individual and what that person does. There are a lot of minorities that I look at and respect for the things they do. Then others, they are breaking the law and probably should be in jail. It has nothing to do with race, but the individual. If people are nice to me, I will treat them with respect....I think that is what we are trying to get to, right?

**Wording for next draft proclamation on peaceful demonstrations, violence, etc., hashed out:**

CB - Reads rapidly suggested language: BOCC acknowledges violence escalation, force of police....demonstration in Omak without violence...understanding through conversations....racism, excessive force, there will be future peaceful demonstrations .... we support.....we hold office and have the obligation to keep the peace....

AH - Asks - I know this came about in response to that particular demonstration (*in Omak*) But what I'm hoping is that we can see it a broader perspective.

CB - Yes. But that demonstration was a big deal.

AH - So were all the others ones in Winthrop. Peaceful, nothing happened, no laws breaking

CB - What's new.... "Violence escalating across the nation.. Police force. Additional efforts will be there - future peaceful assemblies. Advocate for respectful. behavior.....we resolve:

*(Reads rapidly, cannot get exact wording):*

\*Renounce violent action and excessive force

\* denounce racism, racial injustice

\* Respectful Conversations.

\*Make every attempt to join in these conversations.

Withhold any reference to anything more than what caused people to escalate.

AH - I don't think we'd argue with any of this,

JD - Same.

CB - I will give this to Lanie to put in same format

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**Branch's release of information to reporter: Was it Public Information subject to the Public Records Act?**

AH - Question. Did the newspaper ask for this?

LJ - Probably.

AH - this was never signed by us. I didn't send it to anyone. The lady saw it in the MV News. Good for discussion, but if it was one we didn't sign..... we were thinking about adopting it. Not fair to us before we actually finished it.

LJ - I didn't send out because it was a work in progress.

CB - I said it was a work in progress when she asked for it, too. What if somebody is at this meeting, sitting right there, and we have a draft proclamation on the table and they ask for it, do you give it to them?

AH - NO. its not a pubic document . Until it gets signed.

JD - So its in an open public meeting and they ask, for it we say no?

AH - So is it even a relevant piece of info?

JD - I go to a lesson early on when Lampe signed a letter on letterhead and none of the others supported it. He lost the election.

CB - She says, I realize this is still a work in progress, but would it be possible to get a copy? I took notes at the meeting, but it was hard to type it. Would like a copy ....she is writing notes when I'm talking, and she asks if she can clarify it for her notes.

AH - So what do we think about this? And you sent it to her, right?

CB - Yes. She also had some comments that we changed in the resolution. It was in the newspaper as a draft resolution.

AH - This is a conversation, Chris. Do we give stuff that is a work in progress?

CB - She could have taken her notes and messed up the whole thing

LJ - Difficult to comply with records request when you are giving out the info. If I'm saying no, this is not discoverable.....

CB - We need to resolve this. If someone does a records request for something I write on my phone, they get that.

AH/LJ - not necessarily. If we say we sent it to the others to review, it's not a public record.

CB - If you send something to me in an e-mail and makes a public records request, they can't have it?

AH - Right.

CB - If you are sending something in the mail, it's a public record, as far as I can tell.

AH - Everything I've ever been taught about public records is if it's a work product, it's not a public record.

CB - I unbeat it can change significantly. But a communication between 3 commissioners - I suppose the e-mail is a public record but maybe not the content? So nothing that has been considered but not adopted is not a public record?

AH -Not necessarily.

LJ - We look at each situation individually.

CB - So let's just look at this situation. If we make a policy with the attorney, I'm all with you. But if we do not, everything is on the table.

AH - I am NOT pointing a finger that you are wrong. What it did is create a conversation. I am not trying to point a finger. What is our policy? If something is out there and one of us does it and everyone starts getting flack....and I say we were just discussing and need time to think ..... it becomes an issue.

CB - But it was an open discussion in the public meeting.

AH - If she had taken notes and said do and so said this. But the thing that you sent a draft of her....as you said, we just need to know what the policy said.....

CB - It was there because someone cheated a draft. That is a misconception by someone.

LJ - it's on our website, or I can put it on the screen.

CB - I called someone a reporter and said you wrote something that wasn't true. She said, It's right here in my notes.

She said it was a draft about racism...a conversation. .

AH - Did she print... sees article

CB - So that conversation could as easily have been based on the notes of the reporter. I will read this policy, but need to do it in light of the fact that the piece of work was revealed in a public meeting. I read it in the public meeting. Not something being created outside that meeting.

AH - So she did not....She said it was still a work in progress.

CB - But, um, I think that you will find, and I'd like to find it in the context of this policy where it identifies that that conversation was not a public record, because I read it to the public.

AH - If she had printed the proclamation, it would be different. But what the lady read was the very first paragraph. ...refers to firearms, etc. That's where she got it.

CB - But I wasn't to read that carefully, because there is something called disclosure there...and so if we disclose the information, there is no info not to release.

AH - there is, because we can talk about it.

CB - If I read in its entirety, she asked for what you read. So are you going to deny a public record because it was in a public meeting.

LJ - What I say is that it is a work produce, could change, and what would be better would be to have the final document and I give them a time frame for that.

CB - I made that point. I think it's an important point to make in a meeting when you review it with the public. We talked a little about that when we talked about meetings and where documents can be received if talked about.

AH - If we took actions and signed something, then it would be attached.

CB - When you have agenda and show a doc so people can see it, it's not signed yet. IN other cities/towns, when you walk into the meeting, the draft minutes are on the table and have not been signed. The council talks and says to change this and that. If they want to take something out of context, .....you can say?

My question: How much...if the Planning Dept is creating a document and the document is incomplete and they are working on it and there is a public documents request, that could be considered a work product. But we didn't read it in the meeting. Basically, I'm saying I read something in public and then the reporter says, I recognize it's a draft, but you read it...If I send to to you in an e-mail, I probably violated the open public meeting act because .....

AH - But you..... ?? We can ask David (*Gecas*) About this.

CB - I was reading about it in ...if I read it to you in an open public meeting.....

AH - But if you send something, could you please send a letter you wrote. And we have a conversation about it. You are right - every bit of what you read was a public....

CB - I'm wanting to clarify what exactly makes that info not available to the public yet. Where is the line that we crossed?

AH - Not a big deal to me either. I was just curious because she said, "The proclamation you just signed." I just said I don't know how the newspaper got something that I didn't sign. Sometimes in the newspaper, people take it as....

CB - Whether they have the document or not.

AH - It's a little bit of semantics. I just want to know where we are at. If I send something off to someone....

CB - That's not what I did.

AH - You are right.

CB - My judgment was a that I would like you to have that draft so you don't say I said something I didn't....

AH - It's changed now.

CB - And Marcy is probably listening and knows that. ....

AH - .....Yes, Commissioner Branch.

### **Discussion of new gill netting season - state decision**

This reminds me of.....I was at Upper Columbia meeting the other day, and apparently there is conversation of a new gill net situation...I said in the meeting, why are we up here doing all these project and farmers trying to put water in the creeks, etc. and the State is going to make a new gill net season? Problem was that Yakamas didn't want to sign because they are managers,.....they have to tell the state what they are going to do, so they abstained from the vote. It looked like it was pitting commercial fishermen against .. they didn't want to get into that. And ok for some to abstain, but the rest of us could sign. But I said we are a Board, and if we are going to do something we need too do it as a board....can't say it's from the Upper Columbia etc otherwise .....Why don't we as counties write the letter and say what we want.

CB - Reminds me of a meeting in Wahiakum County. A man, a fisherman on the legislative steering committee....so he wanted to re-create the commission. Was talking to him , but the more interesting thing is that we all need to recognize where we stand, we have all kinds of responsibility to the habitat, so we may have some differences of opinion....there are more players that just....I agree that there is a problem that is created that made you no longer a viable fisherman ....but there are problems for a lot of people in a lot of areas.....if you get all the fish, there will be a conflict. My friend had been on the commission for 7 years ...troubled situation....especially today, you have to talk about the ocean too.

AH - I said whatever they want to do with commercial fisherman is their problem. But up here we are trying to defend Spring Chinook, an endangered fish...and for us to to all this work for habitat, for the State to just say we are going to put on another season.....

CB - Yes, you have to reach a certain point in the fishery to make it come back.

AH - There are so many hatcheries on the Methow because they try to mitigate for downriver. So when non- native salmon come back, they can be predators on native fish...when you are talking about 2 miles of a river stretch, where you know the non-native fish, will be its a little different form putting on a whole new fishery.

AH - Would you two sign on to a letter that says this wouldn't be a good idea...

CB - If written in a way that questioned the rationale or the science behind it?

*(Lost track)*

AH - When were we talking about 300 fish coming up here, that's significant.....

### **Back to public records discussion**

LJ - public records?

AH - We should talk with Dave.

CB - Am I exonerated?

AH - I was not accusing you..

LJ - Staff should be the only ones to address public records.

CB - If we do it that way, and I had read it in a public meeting.....

AH - Let's consult Dave Gecas

LJ - There are a lot of policies we are not following. If we are doing that, we should address them all.

CB - What policies are we not following?

LJ - Reads from policy....."Any person requesting public records...."

CB: So let's make a question: Is the public record subject to this..... relevant to something that was read aloud during a meeting?

LJ - There is a process we follow in responding within 5 days and providing or laying out a timeline.

CB - So do you think in the (?) section of the Public Records Act, if something is read in its entirety, is it a public records document? I ask this because you have the opportunity to provide the right info....or.....

AH - Each public official is the public records officer in a department of....

LJ - But do those elected officials know the rules or not?

AH - Don't know, but I am reading the policy. The request may be made directly to the elected official. Each elected official is the officer.....

:LJ - So they are the ones who will.....

AH - So why does it make the Clerk the officer for non-elected officials? Going down, does it say anything about BOCC? NO. That needs to be revamped. That says any elected official is responsible.

:LJ - That is not how we handle these. Each office has a designee who is passing that on....the elected official is overseeing the person.

AH - So any time someone asks for a piece of paper, it needs to go through you? We should forward the message to you.

LJ - We are not required to interpret the details, etc. So the person can write it to clarify.

AH - But I agree with Chris that he read something for the record.

LJ - But it was something he alone had.

AH - But Marcy paraphrased what he said in the meeting.

CB - She reported it verbatim.

AH - It's now a moot point, because (???) The only thing that gets tricky is "send the draft" is probably a public records request. But we should talk to .....

CB - (Interrupts) This is a good conversation. Since it was a draft that I read, it is subject to the Public Records Act and what was given...

AH - Because you read it. (???)

CB - *reads in the law, under "exemptions. Record is not exempt from Public Records Act when publicly cited by an agency in connection with any agency action.*

AH - Isn't that just a technical document?

CB - I said it out loud. It..... " Except that a specific record is not exempt when publicly cited." So I read it.....

AH - I'm not objecting.

CB - to Lanie - if you had this document and someone requested it, you shouldn't say you can't have it because it is exempt.

LJ - I would respond with the proper 5-day response and tell them when it would be available. When the approved draft is available. I'd say it's currently in draft form and not final. Every department does it differently, totally inconsistent.

CB - This may be a problem.

LJ - By all means.

**Long Silence.**

**Change of Topic: Tomorrow's schedule.**

JD - tomorrow, public hearing at 2:00.

AH However long it takes, the chairman can move things up.

LJ - The burn ban on July 1: No one got back to me, so they are going to do it at 2:15.

**County Fair Cancellation/options**

10:31 -Voice: So one question (*On fairground*) how much are we going to charge for....my question.... Due to the fact that we are in a state of emergency and are not having a fair..... so it's under the normal rental rate for fairgrounds, is there any way we can sign a resolution to have them (???) And not charge them for that? What parts of fairground will they be using?

**Note-taking ends for the morning at 10:32.**

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**1:30 PM: Planning Update**

**Pete Palmer**

Received an e-mail from Aspect re the charges from last week. Lisa said it needed to come back to Board. \$16.89 was for dinner at 4PM before the scheduled planning meeting. Below the state rates. Other one; on several receipts vs billed amounts. Contained shared food and alcohol. Do not bill for these outside per diem rate.

Andy - Didn't we deal with this?

Lanie - Yes. Sent in last week.

Pete - requested a letter of support for Omak State Park.

AH - moves to sign letter of support for Omak State Park re RCO grant application.

JD - All will sign. Vote. Passes.

Also, Signed well- tracking document. Not ready for approval. We did share with Gene at GIS and IT dept to be sure everything is compatible with system.

### **Critical Areas, Shorelines, Cluster Ordinances, Planned Developments - Need for review**

**Critical Areas** - included one page showing major changes, presented in 2012. Reason I was told it was not brought forward - shared with previous BOCC, who decided not to act on it due to Comp Plan/litigation. Jan 2017 - Perry brought it back, but nothing done until Commerce contacted us last week regarding Action. Looking for direction from you. Bring it forward again, or wait until Comp Plan is complete?

AH - Know it's important, but consistency review - because Shorelines and this have an overlap and we had a current Shorelines management program - we need to look for a consistency review and legal review on CAO. Was looking at setbacks on CAO and shorelines, and they are different. They were done at 2 different times - CAO was based on prior Shorelines, which was revised. Need to make sure..... know there is the sensitivity. Would like a consistency review - and another thing - additional habitat program , cluster subdivisions rating system - but we don't even have a cluster ordinance.

CB - **Planned Development.** That's what it was intended to do. There is nothing called a cluster ordinance, but PD ordinances do that.

AH - But there is a difference bet PD ordinance - **Cluster ord.** can be simplified, but PD can be detailed.

CB - Moves that there be a review of consistency between CAO and Shorelines.

PP - Review in-house, or by contractor?

CB - Contract attorney - talked about having him do that. Assuming Mark, through risk pool. Suggest ....do we care about the cost or just go foward. Will be budget time for planing.

AH - What is the cost of not doing it?

JD - Further disc?'

CB - Have a legal review by land use attorney on CAO.

LJ - Can you give review on cost and timing?

AH - My personal opinion is that we do have funds set aside in our reserves account for important pieces of planning for this county. Even if it is high cost, should be done so we have all of our boxes checked as far as processes are concern.

### **Winthrop Park**

PP - You have asked for something from towns on acquisition in re (????) Rocklynn will get back with you. (On the new park acquisition, I assume.)

AH - Did anyone get ahold of John Sunderland?

PP - I did. Met with most of Methow Advisory Committee. Sunderland had technical difficulty. There was an appraisal that could be used for matching grant. Town wants to present officially before town council.

### **MARIJUANA FARM PROBLEMS**

**PP:** Phone calls about a week for Mr. Beck complaining about marijuana farm. Walked his whole property down to river, etc. There was a fenced area on south area that was not approved for permit yet, but they had not triggered anything illegal. Met with Andrist to talk about both of the farms.

#### **Farms can do significant work before a permit is required**

After Perry had met with committee to come up with permitting regs, after they had all agreed, they think that Perry might have added another layer to that in re SEPA. Now they can clear land, put in fence, construct little (?) that control the water. Not triggered for any permitting with county until they actually construct a shed or building, which triggers SEPA or site analysis. The only opportunity for citizens to comment would be on that SEPA process, and then only on the Environmental process. Normally light, odor, or (???) Mr. Beck pretty upset - we have talked with Ecology about these issues. Once I get there and do the walk-through, maybe we can get back with Mr. Beck, but I think he just doesn't like the farms on those sides of him. Legislations going on to make changes on ????? Ready to reach out to enforcement side. I tried to get Pam to go in, but because we have big concentrated areas in residential areas which are triggering a lot of complaints - told them we don't have ability to do that without pulling (*lots of documents.*) She (*Pam?*) Had some documents through GIS - she looks up with 3 different data bases and nothing matched up.

#### **Farms use non-existent addresses or get licenses for properties they do not own.**

They go through state only using a property address and they use one that has never been issued by the county, but just made up from neighbors on either side. 72, 73, 74 all on one side of the

road. Causing problems with 911 addressing - it will show an emergency in the wrong location. Trying to use a parcel number instead of address. Then we can pull it up, especially on the new database. It will show either before marijuana farm or permits, etc. We are going to tell them they area issuing to an address that doesn't exist.

Lanie - County wrote letters, but the state said it was our issue to resolve.

AH - Upsetting they can issue a license to an address that doesn't exist.

JD - Or to someone else's property. They'll pick a large ranch and get a license to that parcel.

CB - Do we have a record of everyone's addresses that have a license?

PP - (Doesn't think so.) I went to the 502 website but ladies in planning didn't know about it. Over 400 farms in OK county and 14 retail shops.

CB - But they have 400 addresses?

Yes.

AH Each license should have an address attached.

JD - Are the 400 farms all licensed?

PP - Through the state, but not for county. We get 4-5 notices a week to look at them. Zoning. Water availability, e tc. Becoming a huge issue.

CB - Some are changes within the actual site

**Many farms moving from the coast to here - has to do with our lack of regulations. "Suites" without distance between them. Should a moratorium be considered?**

PP - Mostly farms moving from the coast to here. We are learning it has to do with our lack of regulations.

CB - Our regs are 3-phased and terrible. Terrible in the way it applies to our joining district.

PP - We are learning there are areas that should be regulated more.

JD \_ ( Talking over PP about taxes - couldn't hear.)

CB - We should revisit the rules. They are largely inadequate.

AH - Maybe we should just stop them for now. Stop permitting new ones.

PP - a moratorium:

CB - We've done it before.

AH - Too many people screaming and yelling. With as many that we are getting in here...

CB - Like water rights rules. I'd hate to be the one to enforce them. Whether marijuana or subdivision. Last set of regs was pretty poor. The other part - coordination with the state getting really weird. Where they have partition areas - "suites" - those have a problem. We are not having license holder approve them.

AH - On our public hearing on those regs, how many farms can you fit on this? Got an answer - has to have so much spacing between each farm. You might want to look at regs re spacing between farms. They said no big deal, but it is a big deal.

JD - They are creating these suites. Names someone who has spent a million and a half, and leasing them to separate license holders.

AH - I want to know distance between farms.

JD - They are not farms, they are "grows." They want the same rights as farmers.

CB - This issue that they are doing a lot of work before they are building....

PP - a lot of them think since they are licensed by state, don't have to

**AH - What if we have a clearing and grading ordinance? Then they would be in contact with us already.**

PP - When Gebbers put in new orchard near Mallot, clearing and grading, they were moving whole mountains. Just a matter of time before these farms expanding in OK county and they start moving to higher ground and start using water rights, will move up and start leveling areas. It will cause a lot of disturbance to poverty owners when they see whole mountains being moved.

JD - The one out past the... on the .....he says he walk talking to some one who said they were going to plant some hemp in this circles....

CB - You are talking about general operations too, aren't you? Some one called about a huge hole in the hillside for farming. Lots of concerns about runoff, moving a certain amount of fill. SEPA kicks in , but hard to tack. The one thing I see as a problem, there have been many cut and fills in the Critical Areas that are already regulated, and by the time you get there they have already

done it and have to take it back out. Sort of a service to them, although they don't know it because they have to do everything all over again.

AH - a fine line between too much regulations, and.....but if no reg, we can't do anything.

JD \_ A person near River side did huge excavation and moved it toward state highway, and it's going to come in a rain storm and go right over the highway.

JT??? - asks for a different time tomorrow. Dental appt.

CB - You already visited the site? A marijuana operation in play now?

AH - Don't know. Heard about the size. Supposed to be spacing between each grow.

PP - When Pam and I were talking, it depends upon whether they want their plants to grow up or out. Depends upon how many plants they put into the ground.

AH - No. Unless Pam did some research. I recall definite space limitations.

JD - Agrees.

LJ -David (*Gecas*) responded. But I missed the e-mail

AH - Tier 1 - amount of dedicated plant canopy. No more than 3 marijuana licenses.

PP - that's what they meant by" growing up or out."

AH - If 40 feet tall.....

C - Is canopy 2-dimensional determination?

AH -thought it was.

CB - sounds like canopy vs. density. The question I have on that is that even though the state makes separation or canopy requirements, we can go beyond those in our own zones. Maybe we should get going on that. And should make sure that the ones that are seen and not licensed are actually licensed. Has been brought up to me that they are not licensed. Are there farms out there we do not even know about?

JD \_ Sure there are.

AH - Dave - when can he come up?

LJ \_ I just e-mailed him that he should come tomorrow.

JD - My fault.

CB - Does 400 include grows within....

PP - licensed.

CB - Want to emphasize that if someone is partitioning it out , not subdivision, let's look at binding site ordinance - this should be applied. If you partition it to others, it would fall under binding site plan rules. Are you familiar with that, Jim?

CB - Binding site plan to partition lots, not subdivided but partitioned. That should fall under binding site plans. We may have a missing element to this stuff. Seems to me if you are going to subdivide the farm for different licenses, it's a binding site plan. A whole layer of regulation that is not just an administrator authority thumping.

### **Department of Defense grant application**

PP - One other thing. Dept of Defense grant application. Doing a lot of studying on their civilian compatibility, a lot of the verbiage they are looking for in funding. One thing - polled all the airports in the county and there were only one or two that went through the process of a zoning ordinance. That would be one task under the grant, to get them into the zoning ordinance and look at some areas of lighting, and the communication into the public - **outreach so that property owners understand if they purchase within the fly zone that there will use low-flying areas and realtors need to disclose that if people are buying in other areas.**

Also joint land-use plan - between military and the county. If it comes to the point that we need to do land use planning.

Also, a part in here that when we draft our comp plan we should be talking with the military to be sure it's compatible with their training plans. Will be talking with staff. Hopefully will reach to to the military re their consultation on that, and share a cop of the Comp Plan draft for their comments.

CB - Is there relativity between our airport plans and the military? Do they make a connection?

PP - they want to be sure that when we do updates there is no interference re air space, etc. When we have planes taking off from our air ports = they need to know..

JD - They want to know flight plans, but a lot of people do not file flight plans.

AH - We should probably do this right now, because at 2:30 we have archeological folks.

PP - Possible appeal - Enloe update, and other possible litigation. Each under 5 minutes.

AH - Can we do Enloe tomorrow?

Executive Session - potential litigation.

2:35

JD - is our 2:30 on the phone? Not yet.

**Informal discussion - Economic info**

H - BUSINESS AND USE TAX UP BY 12,000. Almost all businesses are essential.

JD - everyone was buying like crazy for projects.

AH - Lodging taxes down 5,000 vs 21,000 last year, down 75%. Sales and use by 12,300.  
All of Ag

JD - extreme power sports place - wanted ATV fixed. Since this Covid thing, we have been selling "machines" like crazy. I want to get out and do something.

AH - all bicycle shops open that could work on bikes, same on ATV's all grocery stores, all big stores. People buying toilet paper at Hanks' from the coast. Had them do a revenue projection to see what main questions would be.

**Note-taking ends for the day.**