

## Okanogan County Commissioners' Meeting Notes, 3/7/16 PM

### Present:

**Jim Detro** (JD, Board of Commissioners)  
**Sheila Kennedy** (SK, BOCC)  
**Ray Campbell** (RC, BOCC)  
**Albert Lin** (AL, Deputy prosecutor)  
**Perry Huston** (PH, Director of Planning and Development)  
**Lanie Johns** (LJ, County Clerk)  
**Citizens**

### Contents:

**Zoning Ordinance and Zoning Environmental Impact Statement**  
**Critical Areas Ordinance/ Subdivision Ordinance**  
**Enforcement regulations**  
**Threatened/Endangered Species in Wahiakum/Thurston Counties**  
**Capital Facilities**  
**Oroville Emergency Management Services**  
**Horticultural Tax**  
**Marijuana - zoning**  
**Minutes: New Plan**

***Note:** These notes are verbatim inasmuch as possible, otherwise summarized. Recommend that you scroll down to the sections of interest to you and/or glance over the underlined sections.*

### Planning Update, Continued

(entered 2:35)

#### **ZONING ORDINANCE, ZONING ENVIRONMENTAL IMPACT STATEMENT - Perry Huston**

Zoning is now before the Planning Commission (PC).

Zones, maps, Methow Valley More Completely Planned Area (MVMCPA, meaning School District 350.)

PH — No real change. Except parcel boundaries potential change. We set up as blind exercise(?) Nightly rentals one key point. Discussion had emerged interestingly in terms of Ag and zoning - kind of a - whether zoning allows Ag everywhere, directly permits Ag activities, etc - it's just a discussion. Airport zoning - have included text in airport zone, doesn't fall on the group until maps adopted. Eventually, as airports come in, the idea is they would review it. All based

on individual airport. Fly zones, protection areas, etc. hearing is on 28th. Have not scheduled any add'l work sessions. PC seemed satisfied.

Key issues will come up in public comment. DEIS has been issued and is on website. Comment ends April 4, Public hearing will take comments on DEIS and Zone code, with one add'l week for written comment. Once recommendation from Planning Comm is received.- will transmit to you for review. On schedule in terms of your proposed schedule.

### **New projects:**

**Subdivision, Critical Areas** next, depending upon what legislature intends. If update for CAO is on 2010, we will be scheduled for new update in 2018. Consider adopting this CAO under banner of "2010 catch-up." Turn around and look at it again on 2018. Think about how you want to approach these 2 docs.

**Enforcement.** Two approaches - Code enforcement section or tear into individual codes from criminal violations to others - SK - prefers admin code that covers everything, to keep consistent. PH - that is another process. HE process, Admin process - Ball is in my court (PH) to buff out some drafts, then Albert will look at it.

One thing PC reminded me of is that membership of PC reduced from 9 to 7. I will draft an ordinance that the PC embraced this. If you followed that, no one on PC would need to lose their seat, still one opening. SK - they could also find it easier to have a quorum, from 5 to 4. They have brought it up a couple of times, and I will get busy and schedule a public hearing.

You wanted to to edge up subdivision code - we will begin to do that since first part of May. The zone code will be in front of you then. When we last talked, BOCC was looking for process similar to other codes - working groups to go through the codes first. PC is looking at changes now.

**Detro: Side issue - discussion that occurred in Olympia regarding Marbled Murrelet in Wahiakum County and Mazama Pocket Gopher in Thurston County (Threatened and Endangered Species)**

### **Marbled Murrelet**

JD — We had an interesting presentation (Bill Peach, Wahiakum County) at timber counties meeting in Olympia. Marbled Murrelet (*Note: a chunky seabird, relative of the puffin. Little known until the past few decades, now thought to be seriously threatened by logging.*) This issue does not affect us in E WA - Wahiakum County having to cut gov't services by 40% because everything is tied up with Marbled Murrelet. Marbled Murrelet nests in Alaska, flies down coast past CA. He said the effect on this 55 mile inland corridor - only 1,000 birds out of the 15 million of Marbled Murrelets stop along this corridor. When got down to the facts, said they have tied up 6 billion \$\$ worth of assets to protect 1,000 marbled Murrelets that move on anyway. (Is there a concept here of what migration entails?) Here is what it boils down to for mom and pop. To protect 3 Marbled Murrelet, you can build (he said a school and another large public building.) DEIS for Murrelet that DNR is promoting. (Note: this information has been questioned.)

## **Mazama Pocket Gopher**

Mazama pocket gopher in Thurston County - They are trying to figure out whether threatened or endangered, In Thurston county after you get all the permits, then you go and write a check for \$42,000 for mitigation for Mazama pocket gopher. The most interesting fact besides \$42,000 is that in their study, the 2 largest largest populations of pocket gophers were at Olympia airport and the firing range, where they have been bombing and strafing the past 240 years. If they can survive all this, do YOU think they are threatened and endangered? I don't know why it's called Mazama pocket gopher - but they are sure to be showing up there. Someone sent me this Thurston County article ...in ( he couldn't think of newspaper name. ) But \$42,000 gopher tax is true. (Comment - perhaps a tax is required if the habitat is actually destroyed?)

PH - What is the vehicle under which you get to the litigation? JD - I can facebook you. PH - I don't do Facebook. JD - People think it's a joke, but not a joke. I got a text from someone in Alaska that his aunt and uncle wanted to build a house there, but now ...PH - I'll have to check into it. I don't even know what vehicle would be used.... JD - (Laughing out Loud) Crazy! Beyond belief, this stuff!

## **Executive Session**

SK - Calls for executive session for 15 minutes regarding litigation or potential litigation.

## **Administrative Update**

**Capital Facilities** - Ben has left behind the files on fairground project. *(Ben Rough left to head up Public Works.)* Will try to get bid packets done. Still waiting for PS &E on Jones Hall. Once you get manager onboard for fairground, want to talk about budget - grant - keep it on the radar screen. Not sure where you are with facilities manager position.

SK - Will find out more tomorrow during staffing.

PH - Ben organized files. I'll be here tomorrow for staffing. You had discussion - jail ceilings - will chat with FEMA. Lanie was working on budget structure. Doug Cty comm next week, 14th, at 1:30. Ameresco coming to town. BOCC was going to contact well drillers. JD - Talked with Abe just a week ago, but I forgot the date. I will call him. Ameresco meeting March 15th , 3:00. JD - I thought it was March 15ht but could be wrong - I will call and verify.

PH - that does it under cap facilities.

## **Oroville Emergency Management Services (EMS)**

PH - You received letter from city of Oroville, which has declined to be annexed into district, want to continue as managing (partner?) Interlocal agreement - you have reversed roles. The way you were operating before was not supported by law. You would still be governing body for Oroville EMS. Cannot operate the way it did before. Oroville could be managing partner, they could do day-to-day interactions with Lifeline or whatever. I have recommended that you revisit the split in terms of expenses. Prelim info based on collections (not call volume ) In interim, the

split under Lifeline is about 50-50, trending toward 60-40. That said, there is an argument that in-city response is less expensive. Many of these are hospital transfers, falling under routine. Current split was 85-15 based on levy collected. I need direction as to how you wish me to proceed.

SK - This is DeTro's district. PH - Agreement now: contract with Lifeline, is now a 3-party agreement. BOCC, Lifeline, Oroville. There is a re-opener that if levies increase 5%, you can re-open. Suggest 2015 collections as base mark. Probably realistically the basement. RC - On the levying out there, we would still have a rural district representing the rural areas of county, we would still have obligation as to a percentage and Oroville would have their obligation? SK - Just like Tonasket? PH - No. You have your flat monthly pay't of \$12,100 or so. Goes to Lifeline. Contract says Oroville and county will work up their own split in a separate agreement. RC - Oroville wants county to pay part of their cost? PH - No. Existing interlocal has it split out with a percentage, something like 80-20 in terms of current. You would have the total expenses. They would bill and collect revenue. The formula - was approved by another board... city clerk did analysis so much collected rural, city - figured out % age. Rural EMS paid more \$\$, so collected more \$\$ . No controversy. If we just continue to operate, that ratio would stay in place. They would monitor contract, etc. SK - it did n't work out so well, right? PH - there have been challenges. Commissioners suggested annexing into district - like Tonasket - one levy, one entity. Would open the door, had everyone chosen that, they could have created a board to be a governing body. Oroville has declined to do that. They would retain their own autonomy and continue to be the managing partner.

PH - Ball is in our court. how do we proceed? We do need a new interlocal? Need to examine split- out of expenses - no reason for Cty to support the city to that extent. LJ - If we agreed with \$12,100 we are obligated. Then if Oroville doesn't like it...Sk - had another option (*note-taker did not understand.*) PH - number of options. One, drop the interlocal. You haven't signed anything. You are in interim agreement. Can make a counterproposal to Oroville. SK - I have concern with that because of status of the records, etc. and we don't know if it was corrected so that we do not have liability. If we kept under Lifeline, etc. they would submit bills directly to us like Methow EMS, right? PH - keep in mind that with MV EMS, the rural district is the contracting agency with Aero Methow. Twisp and Winthrop collect their own levy and submit. SK - other scenario - we stay rural, private industry bills us, City of Oroville would handle own employees. Would take \$\$ from cities and use this for whatever contract they have. PH - perfectly legal for you to pull out of interlocal. You could execute an agreement with Lifeline. They could do a separate agreement, and everyone is on their own. SK - I think we should ask, don't you? JD - They continue to make it more convoluted in my opinion. They are always suspicious that we have a better deal, but we are only trying to provide the service. Whatever we can do to make sure they have good service up there ...if they want to make it political, we back out of the agreement. RC - We should have this discussion with Lifeline. SK - If we have two separate contracts with Lifeline, does that affect people? RC - last time the boxes of papers, etc. was such a mess - do we want to go with an inter local agreement in their hands if this isn't straightened out? PH - Devil is in the details. In terms of inter local, you could pull out and everyone goes their own way..obviously the challenge from a business prospective, the more masters you serve, the more complex things get. RC - It would be in Lifeline's...they would charge accordingly. PH - Keep in mind, they will still rely heavily on that levy to help make ends meet. The city doesn't collect as much as we do. PH - Where it gets interesting, with the city ...(note taker didn't follow.) PH - I still can't figure out who owns how much. RC - If we are the ones that are

charged with a certain % of collars, we should be the ones who are looking out for the management of that. PH - makes sense. You are contributing more....have to figure out about ambulances, who owns what share of ambulances, only two are operational. It's not impossible. Those details take some level of working out.

PH - Where do I start? Push back against Oroville? See if Lifeline would stay in the deal? ... they may decide to move on. RC - make that call, and then we can move on . PH - If things don't go as smoothly as we would like, you might want to iron out all those things first. We would need to recalculate the monthly payment - point of negotiation. Let me start there and see what can of worms might open up. Based on this call, I will come back with some options as to how we might approach it with Oroville.

SK - Questions on government's letter:

PH - Dept of Health is citing section of the WAC that says if they have 2 qualified companies that want to process services in an area, they have to make a competitive process. Myself and Oroville read it. We have already done a coordinated process. Thru our ability to contract, we have selected the company we want to negotiate with. That is the competitive process. They have to show that they are a qualified provider, which Lifeline has done.

SK - At the point that we put ours out to bid, there was another local business that was licensed and everything PH - Nevertheless, you made your decision. Should you decide to go a different way, we will have to work with state Dept of Health as to how we would provide two providers in two different areas. Oroville and Rural EMS. SK - Lifeline already has this, right? PH - they are in Omak area. Goes back to regional plan. The state wants to make sure there isn't unnecessary competition in one particular area. Lifeline now is poised to be the provider in that area by contract. DOH - is mis-reading and mis-applying the WAC. BOCC needs to be aware. I concur with Oroville. DOH needs to analyze and recognize Lifeline. Oroville is having trouble with concept of relinquishing their license. Becoming more complicated than it needs to be. Now that we are talking about other options, we need to explore those in terms of what is required by DOH. I will have that discussion as well and keep you posted.

## **Update on FEMA**

PH - I signed 3 project works sheets for public Wrks expenses. Will hook up with Maurice and see what status of all that is. I am talking about money already spent on OT, supplies, etc. Maurice has not worked out what is going on with other bills that have not been paid. SK - He doesn't have that much \$\$ in his budget to pay out. We need to figure out process and then update the budget. PH Probably need to begin to "what if" this thing - figure out all these pilot programs that were supposed to smooth it out. Didn't work out well. Lots of confusion on the process. They came up with these processes, but no one had any \$\$ in their budget to actually do it. PH - will hook up with Maurice to see if he can come in and brief you.

## 2016 County Work Plan

You talked about how you wish to approach budget review process starting as early as March. March is here. Indistinct discussion, no conclusion seems to be reached.

## Horticultural Tax

I put down an update on Hort culture tax to support sanitation and inspection, the other for horticultural board. Counties I checked with didn't know what it was. I think we are required to do this.

JD - Hort meets next Wed. PH Dan already has it on his radar. Case in 1910 - back then, county had to collect and remit it to the state. Now seems to be changed to put into county's current expense. Hort board (is an option, but repercussions if you do not.) #1 Hort tax, #2 assessed against commercial lands, #3 current expense \$\$ (3 sections.) Some counties apparently haven't dealt with part of this. Tied to Mr. McCarthy's suggestion is that funding will be short in future years. PH - Dan is up to date on what I am doing. Repercussions of tree fruit are big, especially if cuts in upcoming years. Hort tax may be a solution. PH - block out time to put finer point on plans for 2016? SK - I'd like to do it. PH - Would you like to schedule some Wed time? SK - How about legislative steering committees? JD - fire advisory committee on 24th. RC - I want to be flexible so I can be over there. Laura Bird - they may try to call legislature back. JD - individuals I talked to said just because we are called back, doesn't mean we will come. General consensus - he is out to lunch anyway, why would we go back? PH - Will check with Lanie...JD - it's an election year and we have better things to do (at home.) P:H - We can try to squeeze in something on Monday afternoon. RC/SK - Wed better. PH - trues starting to plug up. SK - Wed better. PH - next week, public hearing at 4:00 re land exchange on Mazama parking lot. JD - Official final day of session is thursday this week. Cutpoff to go thru house blast firday. Al that is left is budget negotiations. ...etc. reads a lot out loud. So it is over on Thursday. There will be some clean-up on listed matters after that. PH - Let me check - maybe a WEd. after awhile. Tues night meetings on Martin Hall start next week. I'll try to schedule a Wed on the off-week of those. Use those days to decide how to approach budget. Maybe piggyback fair issues all under banner of budget. SB 6605 passed - JD - apple maggot control.

PH - Anything else?

SK - We have a few minutes. I would like to call exec. session on performance of a public employee for 10 min. JD - 2nd. Left for exec. session 3:44.

## 4:00 - Marijuana discussion:

Mr. Moberg (who requested this meeting) has not shown up. 10 individuals are here expecting a "discussion."

PH - I was under impression this was to be updated in the industry.

PH (*Proceeds to try to explain process.*) Zone Code/ Zoning Environmental Impact statement. Current proposal is to go to a Conditional Use Permit (CUP) for marijuana operations in any of zones - not decided yet. (AL enters.) (*PH continues with an explanation of the zoning process*

for the new zoning ordinance.) On March 28th there is a hearing before PC on zoning. It is a public hearing on zone code in its entirety or any sub issue. After PC is finished, sometime in April, it will go to BOCC and another public hearing. Opportunity is thru written comment thru my office or testimony before PC - or later, BOCC. DEIS has been issued along with zone code along with scoping comments; we didn't deal with marijuana in EIS. How do you think it should be regulated thru zone code - comment on this. I have received a lot of complaints, some thru liquor Control Board, some thru BOCC. These are criminal complaints so we cannot discuss here. Any violation of zone code is a criminal complaint. I would be reluctant to suggest to BOCC that you take too much comment about zone code because this is not an advertised meeting. Should be at BOCC meeting/hearing. (To BOCC): In the absence of the person who called the meeting, it strikes me that your business is done. All 3 nod heads.

JD - Does everyone understand ? Man in audience: has a criminal complaint been filed against this group? PH - Not so much complaining about zoning at this point, because decision awhile back was to consider them as an ag operation. Most complaints are odors, noise,....most outside my review. Will bring in other depts and agencies as needed. We had building permit violations and try to approach these through liquor control board ...it's a bread and butter complaint. Moral of the story - if anyone thought this meeting was an opportunity to bring up complaints - it needs to be done within the process.

Bob (person in audience) - Couldn't you put a moratorium on other expansion until you have a CUP in place? Just not let them expand until it's hashed out? It know it's a long process. Could you do something like Chelan Cty - until you get it figured out? JD - We have conversations whenever you say moratorium, the AFL/CIO and other organizations want to have their hands on all this. Will discuss, but only in deference to Open Public meetings Act, we suggest you go through the proper process. If you have a comment, send to Perry, come and testify, put it on the agenda. If we open it up now to discuss, they could come under Open Public Meetings Act and call foul because it's not listed on the agenda. Man in audience - it (agenda) said discussion, so we thought it was a discussion. SK - the person didn't say what he wanted to say. Man - problem I've been having is the size of (marijuana operations.) They are obviously expanding. Already 6-7 operations just on the 30 acres. It has gone beyond the RCW. All sorts of organizations/companies in one small area. JD - I think there has been a certain amount of gaming of the situation, because liquor control board has...we have gone on record chastising the Liquor Control Board . All they want is the fee. They are leaving all the enforcement to us. RC - I talked to vice- chairman of that board and voiced my concerns there then. JD - a lot of people on West side have no idea. They think this is an economic opportunity for OK Cty, but it isn't and it falls on deaf ears. Man - as BOCC, you can regulate.

PH - Not to be a party-pooper but ....

4:17 - SK - there's Jeremy! (Moberg - Meeting proceeds, now that he is here. He has 12 minutes left.)

PH - (going on ) County can regulate through zoning. Processes are thru one code - permitted, Conditional use, or neither. Idea is to dictate proper locations for various activiites. Man in audience - and yet, this is in a residential neighborhood. PH - that is the foundation of zoning of a county. Thru CUP (Conditional Use Permit), you can dictate if it's a good area, whether compatible, building types, etc. All thru Cty zoning. At this point, no zoning about lighting - or lighting can be on a conditional use permit. The question of a moratorium - moratoria are designed to

prevent vesting when anticipating a rule change. Counties that instituted a moratorium when they didn't know details were probably on a slippery slope. If done with more thought, probably on a firmer ground. Bob - if you get CUP's, are you going to be able to make it retroactive to those that are already in? PH - There is a mechanism not seen very often - mostly in cities - mostly as sign ordinances. You can create an amortization period. So much time, during which the person can continue to operate. You see it a reasonable amount where there are transitions in neighbor hood, phase out residential as it changes to commercial. Give them a certain amount of time until removed or getting new permits. String it all together. From now on, you'd issue permits in all zones. No bright line. It is in the record you create and how you defined. It's like an amortization schedule...during a certain period of time, you have had a certain amount of time to capitalize the investment.

Moberg speaks (Informed that he has 12 minutes left of the 30 minutes allotted in the agenda. )This relates to the (KREM?) discussion. Apologizes that his phone doesn't keep good time. Discussion on marijuana: I would like to say that the county is in a great position to start managing the process with zoning. We are the 2nd or 3rd county as far as processors. There was publicity that spread around state that this is a place where it's easier to get permit. It has presented great economic opportunities, but not a lot of thought as to where they were located. Large part of industry has policed themselves well. Need to address where they are placed. Liquor Control Board is putting pressure on to get licenses. You may know more about how many licenses are in flux than I do. Probably about 70 - close in numbers to Spokane, King Counties In my opinion, the best way to address is a zoning overlay where it is permitted, and have CUP outside that overlay. Now highly concentrated in a few areas - control of light pollution - would be a good thing to do.

I would like to know where we are in this process. where do Commissioners sit on moving forward and how it is regulated in the county?

PH - Recap of zoning process already stated before. Draft of zoning they are looking at is result of work sessions with staff and BOCC and advisory group. Current proposal is for CUP in all zones. amortization period included, do not recall what it is. This is the proposal going to PC, which will review and after comment and amendments, they will transmit to BOCC with recommendation.

Moberg - Is there an opportunity to present proposal for an overlay zone where permitted? PH confirms that PC is recommending a CUP. Moberg asks if the BOCC will reconsider. PH - restates the process (testify before PC, etc.) . RC - we are going with the process. PH - explains process again. encourages Moberg to comment per the process. Moberg - I do think there should be some areas where they are permitted. RC - Go to planning Commission on 28th and state your opinions. Moberg confirms he missed process - BOCC/PH say still opportunities to comment.

Man in audience - confirms that he can write in and then appear later. "Candy" - asks for definition. What is permitted as compared as to Conditional Use? JD - explains that permitted use is: you can walk in an buy a permit. JD - CUP is a level above - you can do this activity as long as you meet these criteria. Question - who regulates the condition? RC - comes before Hearings Examiner. He will hear the request He will then condition those permit. JD - jurisdictional authority to determine which way things go. Man - has he been designated? JD - yes, Dan Beardslee. SK - He also listened to the public comment to help him come up with the conditions that are

set. Candy - is it better to show up or to write? BOCC advises - do both. RC - now it is under Planning Commission. Candy - what is address? PH - enters , gives the e-mail address and address. Woman - will you post like the juvie discussion? PH - will be on planning website. Bob - gives advice to crowd to write letter and then come and read it. Ray - PC meeting is second to last level in the process.

4:30 - JD says time to move on.

### **Review of Minutes: New plan**

Re minutes - 1st thru the 29th. SK - We are going to try designating from 4:30 - 5:00 to go over current day minutes so they can be passed on the same day, in order to speed up the process. This is the first day we are trying it out. BOCC all sit reading the minutes Lanie has typed up.

4:43 - BOCC still reading hard copy minutes, marking with pens. Most look like it is crossing out segments.

4:57 - BOCC still reading, marking on hard copies. Lanie typing.

4:59 - Ray seems to be making the most revisions. Lanie, DeTro, and Sheilah come in and out.

### **Executive Session 5:04- 5:09**

5:04 -Sheilah asks for 5 min. for executive session. More info came in on performance of a public employee. Lanie returns 5:08, types.

5:09 - Detro says we are back. No decisions. BOCC continues reading hard copies of minutes.

### **Still reading minutes:**

5:13 - BOCC still reading hard copies, marking. Note taker left 5:15. BOCC still seated and reading.