

Board of Okanogan County Commissioners Mtg

7/18/2016

JD - Jim DeTro

RC - Ray Campbell

SK - Sheilah Kennedy

LJ - Lalena Johns

PH - Perry Huston

AL - Albert Lin

AH - Angela Hubbard, Planning Department

SR - Skip Rosenthal, OBHC Health Care Authority

L - Lisa, OBHC Health Care Authority

Summaries of subjects discussed in detail

OBHC Health Care Authority

Renegotiation of MOU's with hospitals to improve behavioral health services was under discussion. The state is offering incentives to counties to make changes earlier than the 2020 deadline. Commissioners and Skip Rosenthal agree that incentives are not equal to increased risks. SR will provide letter with recommendations to commissioners; commissioners will attach it to their own letter proposing an extension of existing contract with Spokane County. All agree to continue current efforts to integrate behavioral health services with primary care.

Public Works Administration Update

Road Log Update

BR described status of update to the road log. Inconsistencies exist between the current spreadsheet and the 1955 road map, due to the technology used to measure road lengths. These need to be reconciled before the current map can be finalized. The process for adding and removing roads from the log was to be addressed during the commissioners meeting on the 19th.

Planning Department Update

Zone Code Revisions Public Hearing (cont'd)

Cannabis operations regulation. The current Zone Code draft restricts new cannabis operations within a one mile radius of public schools. The commissioners decided to include private schools as part of this restriction. How to manage cannabis operations that will become legal, non-conforming under the new Zone Code was discussed at length. The commissioners decided allow such operations to continue, under a Conditional Use Permit (CUP).

Industrial Hemp. PH notifies commissioners that hemp (defined as having less than 0.3% THC content) is no longer a federally-controlled substance. After discussion, the commissioners decide to include industrial hemp production on the list of activities requiring a CUP.

Planned development/Cluster ordinance. Continued discussion of whether to restore new regulations to the Zone Code that will eliminate legal, non-conforming nightly rentals by January 1st, 2021. Disagreements exist within and between the Advisory Group and the Planning Commission. JD and SK defer to RC. RC needs more time to investigate the effects. The subject will be raised again on the 22nd.

Meeting Notes

Discussion - OBHC Health Care Authority

10:10 Notetaker arrives; conversation is underway

SR - ...renegotiate MOU's with hospitals to improve behavioral health services. Commissioners should solicit input. What are the risks of making the shift? BHO's have the risk now. BRSN - risk is in the hands to the Spokane County commissioners. Okanogan County has no vote but no risk. The move to make the change is driven by the desire to get out of the risk.

SK - Grant County commissioners are not happy with the situation. We've been discussing changes for two years. The move now is because Senator Parlette will be moving. The 'carrot' is \$200,000. That is nothing.

SR - I could spend that today.

SK - I think we should stay. We could be ready in 2020. I know we will be forced to (*make the change*).

RC - I don't know if we will be forced. When I need services, I go to Spokane. What you told us - stay with Spokane. We've been pushed and pushed.

JD - They have only shown failure.

SR - Spokane is best.

JD - Why are we being pushed?

SR - It will happen; it is the law. It will happen by 2020, but there is no reason to transition before then.

JD - Spokane County - whenever there is an incentive, they take it (*for example, the Voluntary Stewardship Program*). That is their M.O.

SR - I don't see the benefit of early adoption.

RC - You have done an excellent job of improving our services. Keep the services here.

SR - The state is moving to integrate primary care with mental health - better care. I agree. There is nothing to stop us from integrating care; share office space/find other ways to integrate. The RSN/VHO likes that (*for example, Room One*). The biggest concern is (*notetaker can't keep up*). Use the time now to leverage.

JD - Agree.

L - They make us work hard for the money they give us. Spokane is at the top of their game. If we make changes you will hear from the families of those affected - trapped in the emergency room, unable to get help.

SR - Contrast that with Spokane. VHO expires 7/17. If they know we are committed, it would make it easier to extend the contract.

RC - Letter from us to them?

SK - Have to let *(notetaker unable to keep up)*

JD - Write a letter?

SR - Would like to write you a letter, making recommendations.

SK - We would attach your letter to ours.

RC *(inaudible)*

SR - We are all on the same page, internally. Would like to put this to bed for a while. Wrote a letter in 2014 outlining what we need to make this do-able. *(Senator Parlette has accepted a position in this arena)* Will reach out to medical providers; host a meeting.

SK - Talk about nothing to prevent us from pooling our resources. It could become the model to push. Look forward to your letter by August 1st.

SR - Will have it by the end of the week.

10:35 Miscellaneous

SK - We have \$35,000 *(in Vehicle Reserve fund)* for Sheriff's vehicle. What they want is \$39,000. They will need another \$5,000.

(Discussion of where \$5,000 is coming from. County general fund will be the last resort. LJ describes bookkeeping details.)

LJ - Two letters of interest *(it is unclear to notetaker what the subject is)*: TwispWorks director. Board of Equalization - Thomas Rienan (?)

11:00 Public Work Administration Update

BR - Preliminary budget - in process. Kerry (?) has been great.

Noxious weed certification. Last week commissioners asked about this. I didn't understand the scope. We have very few people certified *(mentions two)*. It costs less than \$75 to become certified, then \$33 to renew.

Road log - confirm tomorrow's meeting. We will talk about the process - how to vacate, how to acquire, governmental notification.

RC - Include Verlene.

BR - She will be there. We are meeting this afternoon.

SK - First get AL's opinion.

BR - AL will be there, and PH. I've already had some discussions with PH. One way, it sounds like his opinion will make some changes, but it is the same as previous opinions.

SK- So, discuss how roads are added and taken off the log. Then, look at the map.

BR - The map is not finalized. It has to be reconciled with the spreadsheet. The 1955 map trumps the road log. That affects some road segments. The resolution last year: change of rescind that? Don't think that's necessary. Mapping is very important, but the spreadsheet has to be finalized first.

SK - Still need to look at map.

BR - Will bring map tomorrow - show you the inconsistencies.

SK - Will look at the easy ones first?

BR - Easy ones - inconsistent mileage, due to technology (*measurement techniques*). Could be decided administratively, but want to show you and get approval.

SK - Agree.

BR - I started playing catch-up. With AL's decision we can move forward.

Joe Pollan and Steve Rowe(?) reorganizing office space

(BR describes office space reorganization)

Mechanic step increases - on consent agenda.

SK - Same concern as you had. Rocky didn't email back.

BR - Need to go into executive session to discuss that.

11:20 SK - Request 10 minute Executive Session; invite BR. Discuss performance of a public employee.

(Seconded; passed)

11:32 Commissioners return

BR - Position transfer and backfill. A few weeks ago I requested to transfer (*an individual*) and described the ripple effect. I asked if the commissioners wanted oversight and the answer was 'no'. I want to ask about future cases - do the commissioners want oversight?

SK - Would like to be informed, in case of questions from the public.

BR - Okay. Easy to do.

SK - We don't have any surveyors?

BR - No one certified. John Priebus understands surveying.

RC - Can he put stakes in the ground; write a legal description?

BR - yes, he can install staking; not sure about legal description - have to check.

SK - For Fairgrounds? We have to check boundaries before we build fence.

RC - *(inaudible)*

BR - We can locate it. If you need it to be certified...

RC - No, we just want to move forward quickly, but not put it on the neighbors' property.

BR - Can I have JP contact the fairground maintenance manager?

RC - Check Auditor's office for photos and legal description. Should be fairly easy.

SK - If he has time.

BR - He's working on *(South Summit?)*

RC - Priority is establishing south line.

BR - We can do that. Or, could contract it out.

11:40 End of Public Works update. JD & RC leave.

1:00 EXECUTIVE SESSION

2:05 Planning Department Update

Zone Code Revisions Public Hearing (cont'd)

PH - I was asked to prepare additional information - maps with 1 mile radius circles around public schools. *(Produces the maps. These include the locations of cannabis operations. Tonasket and Oroville maps show cannabis operations slightly within the 1 mile radius.)*

SK - What is our recourse?

PH - Depends on your decision. For example, legal, non-conforming, grandfathered. One mile isn't necessarily equal. *(Shows regulations - disposal of waste, etc.)*

Discussion of public vs. private schools.

PH - To define 'school', could use CUP *(Conditional Use Permit)*.

SK - If we just say 'schools', would that include day care, church schools?

PH - It includes whatever you say. Whatever term you use, for example 'permitted' should be defined.

AL - Are private schools licensed?

PH - Don't know. Need to check.

(AH shows definition in the draft Zone Code)

RC - Want to include private schools.

(Discussion of soliciting public input. PH counsels against taking input from only one side)

PH - If you want to include private schools, we will get you a definition.

(AL finds RCW 28A.195.010 guiding private schools)

SK - Doesn't make sense to exclude private. Include anything from pre-schools to bible schools.

RC - I am thinking a set-up the same as a public school.

PH - Existing definition, plus the RCW, plus a CUP.

SK - Say we want to add 'public and private' and work on a definition. Of the two existing within 1 mile - go to legal, pre-existing?

(PH shows 17A.290.080, defining 'Legal, pre-existing')

SK - On legal, pre-existing, can we add 'except schools'?

PH - If you get into that you have to get into amortization to avoid a taking. Can be a reasonable time period. *(Describes examples - signs, adult entertainment, nightly rentals)* In this case, they would need a CUP or go out of business. 17A.330.010 Legal pre-existing.

SK - If legal, pre-existing, if they sold, would they need a license?

PH - Not currently. You can change that. My opinion is that you would still need amortization.

SK - Doesn't make sense.

PH - You could alter code specifying 'vested' cannabis operations go with ownership.

RC - I want to do that. What did Mackie say?

PH - Suggested CUP for new; create some standards for 'vested'.

AL - Some restrictions to maintain character of neighborhood (e.g., lighting).

(AH shows conditions for CUP in Zone Code)

PH - Didn't include any new conditions for existing operations. *(Discusses parallels with nightly rentals)* Commissioners want 1 mile radius around public and private schools. What do you want to do about vesting?

(Discussion of how to avoid 'taking'. Discussion of two specific locations within the 1 mile radius circles. Commissioners question significance, with Tonasket operation being an indoor grow and the Oroville operation being across the river from the school.)

AL - Keep in mind, you need defensible rationale.

PH - Worst case scenario - two operations would continue until abandoned.

RC - CUP goes with land?

PH - Yes. We require landowner consent for any CUP.

RC - When the landowner wants to sell, what then?

PH - CUP goes with the land.

RC - The CUP creates value? *(Yes)* I'd be cautious about reducing value of land.

PH - We are not permitting, *per se*. We are issuing a CUP.

RC - I understand that. To me it's hard to defend devaluing land. AL?

AL - People expect to continue use.

RC - It's a balancing act.

AL - Am concerned about exposure to the County.

(PH recaps legal, pre-existing vs. new)

SK - With us putting 1 mile radius, we are not infringing on cities?

PH - No effect within incorporated boundaries. Need better definition of 'schools'. Do not get into 'legal, pre-existing'. Okay? *(Yes)*

Marijuana vs. hemp. Don't have recommendation *(Goes to District Use chart)* Could make industrial hemp under its own separate CUP. Hemp has less than 0.3% THC level. Sort it out on a case-by-case basis. It is no longer a federally-controlled substance.

SK - State doesn't regulate hemp?

PH - THC level. Otherwise silent. No special conditions.

RC - Would like to see the state regulate.

PH - If you list industrial hemp you have a vehicle to regulate it. If not *(notetaker unable to keep up)*

RC - What is industrial hemp?

PH - Two strains. Long for fiber, short for seed/oil. It is an emerging industry. Difficult, in terms of buffer - cross-pollination raising THC level.

Comments from RC, AL and SK. Notetaker unable to keep up.)

PH - Suggest to create a line, require CUP.

AL - Regulate such that it doesn't have a negative effect.

SK - Be ahead of the game.

JD - Agree with that.

RC - Will go along.

PH - It doesn't fall under 290 *(in the Zone Code)*. Should be under 310.

SK - When they *(the state)* do regulate, we can amend.

PH - Yes. Only danger is over-regulating, when not needed. Wouldn't have hard-and-fast, like marijuana. Add a line - industrial hemp - CUP in all zones.

SK - Go back to Baby's Breath. Revegetation was needed when it failed. Need some kind of requirement to revegetate when they leave.

RC - *(Disagrees)*. Wheat, alfalfa. Should control that through the Weed Board.

PH - Fair amount of latitude for conditioning. *(Shows typical conditions)* For example, reclamation for gravel pits.

RC - If they go out of business, what does the ground look like? Volunteer plants, weeds. Revegetate the ground.

PH - As a general conditions - reclamation plan.

RC - Hard to enforce. When they are gone, they are gone.

PH - Landowner has CUP. Anything else? *(no)*

Go to enforcement. Mackie recommended civil enforcement. Existing code plus Mackie's additions will get us by for now. Includes administrative processes. Improve later. Want to work with District Court Administrator. Shouldn't take long, we are pretty close. Will this work for now? *(yes)*

Planned development/Cluster -

PH - what are my orders? *(Reviews history - Advisory Group recommendations, passed by a 3-2 vote; Planning Commission recommendations)*

RC - Want to let it hang for a while. Advisory Group needs to agree.

PH - Right now - existing code.

RC - Different input from different members. Bring it up later. Nightly rentals - time frame for planned development. I talked to businesses. It's not a level playing field. Unfair competition. The ones already in existence, don't want to make them come into compliance.

PH - *(Reviews recommendations from Advisory Group and Planning Commission - amortization schedule)* CUP throughout County; Planned Development within the Methow. *(Shows list of existing legal nightly rentals)*

RC - *(Goes through history of nightly rentals)* I am reluctant to say pre-existing uses can't continue.

PH - *(Reviews court case ruling on legal, non-conforming)* We would need to massage this. As it is in new code, as of 1/1/21, legal non-conforming would need to re-zone or go out of business. Planned developments need to be on lots at least two times the minimum size.

SK - This is what the committee and people in the Methow are supporting? *(yes)*

PH - Yes. Planning Commission talked about it for a long time; 3-2 vote. Amortization *(the time period before going out of business)*, and they still have the value of the house. There is a remote chance of rezoning to planned unit development (PUD).

RC - PUD - minimum 20 acre lots.

PH - Twice underlying minimum lot size. Currently more of a subdivision tool than planned development.

(RC describes an example where a friend couldn't get a planned development. Confusion about lot size.)

PH - What would the commissioners like to do?

(SK and JD defer to RC)

RC - Talk about it later. Haven't had time to study it.

PH - The 22nd?

RC - That will give me time.

PH - Need to start crafting finding and conclusions.

(Discussion of scheduling. Decide on the 20th at 11 am)

4:00 PH request Executive Session, inviting Risk Manager, AL and PH. Moved, seconded, passed. Notetaker leaves.

