

Okanogan County Board of Commissioners Notes
9/25/17

Present:

Andy Hover, BOCC (AH)
Chris Branch, BOCC (CB)
Jim DeTro, BOCC (JD)
Perry Huston - Admn. Officer, Director of Planning and Development (PH)
Dave Gecas - County attorney, prosecutor's office (DG)
Lanie Johns Clerk of the Board (LJ)

These notes have been taken by one of several volunteer citizen note takers and published on the website of Represent Okanogan County (ROC.) The notes have been taken as close to verbatim as possible, with any writer's comments or explanations in italics. For officially approved minutes of Board of Commissioner meetings, normally published at a later date, see www.okanogancounty.org.

Summary: Executive Session for Current, Pending, and Anticipated Litigation (40 min) called by Huston. Marijuana Advisory Committee will meet tonight, and Commissioners discussed framework for the coming meeting, fences and other issues that have been raised by public, and inappropriate nature of allowing Marijuana farming in 1- acre zoning areas. Voluntary Stewardship Program and Critical Areas issues were discussed prior to beginning of drafting, personalities involved, and funding. A resolution appears to have been signed regarding a Long Plat Alteration (Big Time Beach) and discussion of utilities. Brief Discussion on "Kimberly" or "Champerly" Shores development process. Discussion of new requirement that Nightly Rentals county-wide have a UBI and business license. A list of possibly illegally operating nightly rentals was turned in to the Commissioners by someone, and the BOCC briefly discusses some of them - both legal and probably illegal.

1: 39 - Meeting convenes (when JD enters)

(RCW 42.30 110 (i) Litigation - called by Perry Huston.

PH: expects 30 minutes, says he wants to invite himself and Prosecutor Gecas.

BOCC - asks for clarification as to whether this is just anticipated litigation.

PH - 3 Levels of litigations: Current, Pending, and Anticipated litigation

Meeting extended another 10 minutes. for total of 40 min.

1:42 - Lanie leaves, possibly for executive session.

2:17 - Hover, Branch, Gecas, Huston return. Gecas leaves.

Marijuana Advisory Committee

PH: All but one member will be here tomorrow night. Expectations, Mission, let them set up their own meeting schedule so we can come up with proposal for re-vamping code.

AH - You said we should give them a framework (to Branch.) What do we want to see with marijuana?

AH - 1 acre zoning with MJ growing - I have a hard time with this. If you can grow up to fence with no setback, 1 acre - that will be hard to see. Buffers, setbacks on 1 acre lots.

AH - If you have a 1-00 or 50 ft setback, you still will have the same...

Cb - Might put in terms of buffers or setbacks.

AH -(tries to catch Detro up, who just entered.)

AH - 1 acre and Marijuana zoning should not go together.

PH - One challenge we have now is our code has setback instruction. We do not consider a fence a structure. Can put it on property line. These fences have a different purpose than MJ fences. "502" fences - height is just.....

AH - State law. On my road, the road bed is higher than the property, but when you drive by you see right inside the fence.

DT - Explains about another example. The plants have grown high and are clearly visible.

AH - The state said 8 ft fence, thinking it would be on flat ground.

CB - No longer allowed on the line because it is a structure? Anything that exceeds 6 ft is a structure.

AH - Orchard deer fence can be 8 ft tall, but is see-through.

CB - Not necessarily see-throughs. That's why I threw in "buffer." We need to know the purpose for buffer and set-back. Is it so marijuana plants can't see seen? Smell?

AH - Or impact by the people working? Let those guys (*apparently advisory committee members*) work that out. But a framework is good.

CB - You may have seen another e-mail regarding this approach with another group. Clarifying what the purpose is.

(Note regarding the below...."they" and "them" apparently refer to the Marijuana Advisory committee.)

PH - The two bright inlines - in my humble opinion - we are not talking about the pros and cons of MJ. So the idea of Cannabis nowhere or somewhere is not on the table. (Rapidly quotes number of an RCW) - general requirements for Conditional Use Permit and the District Use chart. Went back over this stuff we have been getting, and it comes down for the most

part to (??? Unintelligible.) We have had in recent history discussion of fences. For the most part...when fences come up, they look nasty. Other than boxing them in and the sorts of things we will not talk about, I was going to kind of turn them lose. If that becomes nonproductive, we'd need to get them back on track.

AH - The things I've heard from various constituents: light pollution, basic hardening of attitude of workers at work...a lot of times loud music, different atmosphere from fruit pickers. Parking issues . Orchard - guys parked in orchard along the road. But you are talking about pretty large tracts there. In these grows, same amount of cars as a 50 acre orchard are crammed into the parking lot.

JD - And the garbage that certain ones of them..police the area and keep them clean . Others are garbage patches. Buy cheapest fences they can buy and they become garbage in the wind.

CB - Let them come up with some of these things.

AH - Just expressing what I feel,. Maybe cross-reference with what they come up with.

CB - when we put on moratorium, there were a lot if items....some were regulated by codes. The parameters should be keeping in minds the rules that we create for these production facilities address the other problems we have that are covered by code that we are not enforcing. Just so they keep that in mind...some of them already have that in mind. For example, you have rule that regulate campgrounds, lights that are a nuisance...we are subject to the rules because these others are not enforcing their own rules.

PH - My idea of how this would unfold. The advisory group, assuming they are successful in recommending Code, it is my suggestion that we adopt those as interim code and then route them through the Planning Commission. If you think it has some merit. The other option: standard moratorium. Interim controls are an easier sell than a moratorium. It eliminates vesting issues, etc. PC - obviously they might have some amendments. Less risk than throwing them out for review....The moratoriums are a little bit of a hard sell. Anyway, we can discuss in more detail once we come up with a work product.

CB - Asks if others are with this on moratoriums. Cites 3 instances he's been involved with no trouble. Others do not answer.

PH - Wanted to share with the committee regarding their work product.

CB - Would it be worthwhile to set a time frame and a number of meetings to come up with a product?

PH - We have 2 months of moratorium and would like to see something before then. Keep it rolling.

CB - If productive meetings, may not have to have too many. If you say we want an interim control..other wise they will make own decisions (*not clear.*)

Voluntary Stewardship Program/Critical Areas Ordinance - Pre-drafting discussion.

PH - Special meeting this evening. Last time, they had selected Conservation District for contracting with consultant. I was directed to create contract and budget. They will give recom-

mendation to BOCC, subject to your approval. Tonight - Review of a contract, finishing touches, then to you.

CB - Talked with Craig (*Nelson*) a bit about level of expectation level from state. There ends up being metric to it, but longer term metrics. As you know, conditions do not decline in Critical Areas. Kind of like the old "No net loss?"

PH - I have made a distinction. With CAO, have always viewed as a site-specific snapshot. We have had discussion with Mr. Ellers, etc. and they are kind of onboard with that.

The work group has talked a lot about the Grant County (?) list. The guy that worked with them came up with a matrix. We have the mapping down. They have until the end of June to create a draft that goes to the technical committee for review. We have not, in the budget I have worked out with Craig, extended all the grant money. There may be some opportunity as we go along...I will have a report out to you tonight or tomorrow.

It (*Voluntary Stewardship Program*) is a subset of the CAO. I talked with Commerce specifically. Ben Serve, who replaced Dee Caputo. He is our rep with Dept of Commerce. Dave Anderson is our supervisor.

CB - He is in Spokane. Runs the office.

PH - Specifically called about Com apple They received notice of the pre-scoping period. Some of the agencies asked about commenting at this early stage. WDFW especially called. If they have something they think we should look at - that is, find. Rolled into CAO and trying to get more traction on comp Plan before processing with CAO. They thought they might get \$\$ for the 018 effort on CAO. Some say the work on this grant could overlap with grants for CAO. When we last did the Critical Areas....the voice dwindles so it cannot be heard.

Now we are ready to go into drafting. You have looked at scope of work. There should not be too much to disagree with. Will put before commissioners for execution.

Big Time Beach Long Plat Alteration (*Unclear when this started what they were talking about. See below.*)

Char Beam came in for Plat review

CB - (*Starts to use mic after notetaker signals him that he cannot be heard.*) My comments on that had to do with the spaghetti lines. Apparently ___ has been installed. Eventually we need to get ahead of that game with the city. They already have meter installed. The deer system connection...

AH - One thing you were concerned about was water (spaghetti lines) - that has been done?

CB - Yes. We can verify. Meter is in.

AH - What do you mean when you say "Get ahead of that?"

CB - I was on the other end of it before. Ben's reply - we ...(*far too rapid to follow.*) We have to work with utilities on subdivisions. We need to do a responsible job of utilities. So I looked at the certification on there and it didn't say anything about the existing....(*strange noise form a*

cell phone intervenes.) It's going to look to the doers (?) system, new lot - only thing I can say about the system is that there it is....

PH - I did follow-up...one of the conditions of approval of further development is that everyone has to hook up with the sewer.

CB - so it is covered in rezone.

All agree.

PH - It went through as a condition. They have acknowledged all will come in when they do the new lot.

CB - That particular place, Smith point, will be developing over the years, it appears.

PH - So what would you like to do in terms of action?

CB - I am prepared now to...*(has quit using mic, too hard to hear)*

LJ - Asks what they are talking about.....

CB - Big Time Beach Long Plat Alteration.a motion is passed as they all walk toward the map on the front table. All sign a pice of paperwork.

Random comments as they go:

PH - BOCC was very adamant about ..decision that it be delayed until they developed the rest of the property.

CB - It is a long plat alteration. *(note _ appears on the agenda as "Long Plat Alteration.")*

CB - Otherwise, they could chip off a little at a time...called the Mondays and the Tuesdays. (??)

Champerty or Kimberly Shores (Spelled differently on agendas)

Item #6 - Kimberly Shores - The council had Kimberly Shores *(it is #4 on agenda on table for public)* I will begin the conversation as to how they want to go about capitalizing this thing, their expectations, etc. so we can move ahead with that requisition.

CB -*I cannot to hear him at all. Not using mic now.*

PH - Mumbles about water line. (Could not hear.)On Oct 3 I will try to answer questions.

Item #6 - Proposed amendments to (rattles off a number.) Will put it on the website tomorrow. (Appears not be on Nightly Rentals.) Issued a SEPA determination. Opted not to call it exempt because of the question of the vesting. Some could argue that 16 could move ahead...I went ahead and issued a DNS.. Once we get through with that, we will do final determination and go before planning Commission.

Nightly Rentals

AH - I don't think the other two Commissioners know - I was provided with a list of illegally operating nightly rentals - they thought they were illegal. A few are inside city limits, a few were

actually Planned Developments. "She" has issued 6 enforcement letters so far, and there will be about a dozen more or so. We uncovered other issues. At least one, as best we can figure out, they are renting out 3 buildings on the side. Outside of the required restrictions. Can't find any building permit. Some of these will take more time than others (*who is he talking about?*) We will need to include Dan (*Higbee.*) Will get letters out by the end of the week. SEPA checklist will be on website by Wed. Just a reminder, what we are doing with this proposed amendment is pulling the annual review and turning it into a business license. We will require an annual license rather than an annual permit. More appropriate. The removal of the amortization period goes back to March or Sept of 2005, when the previous batch of amendments came under litigation....since that time we have been using that vesting date for legal pre-existing. Those are among amendments going to PC under SEPA review.

AH - So going forward, any nightly rental would have a business license? It should be easy to cross-reference, right?

PH - Yes. Now that Public Health has coordinated - there will be 2 filters to run everyone through. It will be a 2 list side-by-side. If complaints come in, we can check

Lanie - is this MRD or county-wide?

PH - County-wide. Now the license and the drive behind the annual license is UBI numbers, lodging tax, etc. Now all nightly rentals are required to get business licenses. In the MRD (Methow Review District), there are additional requirements.

JD - Says UBI is a state license.

PH - Your business licenses will not require anyone to do anything they are not already doing. They need a UBI number. It morphs into Section 5 of County Code, dealing with business licenses.

PH - There are conditions in the zones that apply only in the MRD. Planned Development, external appearance, such things.

DT - 99% of the brouhaha comes from the Methow.

PH - Previous to adoption of zone code....Veranda Beach __ of MRD. We do have some bed and breakfasts outside the MRD. It will be interesting to see how manyoutside of the Methow as time goes by.

AH - Can Planning get a hard copy of your file? (To LJ) Maybe on the common drive you can get it.

Note taker left at 3:00 PM. Planning Study Session is still going, due to delay for 40-minute executive session. OCC 20 has not yet been discussed.