

# MINUTES

## GRANT COUNTY BOARD OF COMMISSIONERS

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### MONDAY, FEBRUARY 20, 2017

Presidents Day Holiday, Courthouse Closed

### TUESDAY, FEBRUARY 21, 2017

The Grant County Commissioners session began at 9:00 a.m. with all Commissioners in attendance.

9:00 a.m. – 9:50 a.m.                      K Eslinger, Human Resources Update

Discussion Items
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1. Labor Attorney Services for District Court
2. Step Increase – Clerk of the Board
3. GrIS

Labor Relations / Legal Action
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4. Association – *Courthouse, District Court, Public Works, Youth Svcs*  
*Grievance:* Grievance - District Court Snow Day: *Step 1*  
*PERC:* PERC 128207-C-16 - Unit Clarification: *Arbitration*  
*Arbitration – Assessor Grievances*  
*Other:* Labor Disclosure for Association: *HR Compiling*
5. Association – *Solid Waste*  
*Negotiation:* Tentative Agreement for 2017
6. Association – *Deputy Sheriff*  
*Grievance:* Holiday Pay Grievance
7. Teamsters-GCSO – *Corrections*  
*Negotiation:* Certifying for Arbitration  
*Grievance:* Holiday Pay Grievance  
*PERC:* PERCs-GCSO (C)(127886-M-16)  
*Other:* Labor Disclosure for Corrections Mediation:  
*w/Accounting*
8. Teamsters-GCSO – *Sheriff Support*  
*Negotiation:* Pending Union Signature  
*Grievance:* Holiday Pay Grievance  
*Other:* Past Step Audit
9. Teamsters-GrIS – *CSS, Initial Svcs, Therapy Svcs*  
*Negotiation:* Scheduling  
*Grievance:* GrIS Termination Grievance: *Step 2*  
GrIS Discipline Grievance: *Step 1*  
*Other:* Labor-Management

Policy & Procedure
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10. 1104.Fire/Emergency Procedures

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10:00 a.m. – 10:50 a.m. M Webb, Fairgrounds Update

1. Budget Review/Discussion
2. Usage & Fair Fees Review
3. Arena Seating: Direction on Scope of Project
4. Eventpro Software Discussion
5. Fair Opening Ceremony
6. Misc Updates

10:00 a.m. – 10:30 a.m. C Carter at Canvassing Board Precertification of Election (Sun Lakes Conference Room) **(Rescheduled to 1:00 p.m.)**

11:00 a.m. – 11:20 a.m. J Strickler, ASC Update and Misc BOCC Action (Items 1 through 5)

A motion was made by Commissioner Stevens, seconded by Commissioner Taylor, to approve items 2 through 5 on the agenda as presented. The motion passed unanimously.

1. Possible vouchers for insurance, legal services, grant administration, etc.
2. Settlement and Release Agreement, by and among: (1) Claimant, Grant County, Washington, by and through its Board of County Commissioners; and (2) Rimmer & Roeter Construction, Inc. (R&R) resulting from R&R's breach of contract and alleged construction defects in regard to the construction of the Grant Mental Healthcare Boarding Home, known as Cityview Assisted Living Facility, located at 840 East Plum in Moses Lake, Washington. R&R, in turn, has asserted notice of claims against its subcontractors Wray Enterprises, Inc. dba Wray Plumbing and Cascade Flooring Systems, LLC, whose respective work is implicated by the claimants' allegations. The Agreement is being entered into as the parties wish to avoid the expense and risk involved in future litigation. Settlement is for \$8,500 to be paid to Grant County. **(Approved)**
3. Grant County Request for Reimbursement No. 10 to the Department of Commerce on CDBG General Purpose Grant No. 15-62210-022, Royal Water District Rehabilitation Project, for Professional Services from Century West Engineering from December 31, 2016 through January 27, 2017 in the amount of \$1,002.46 and for Grant County's authorized Administration Fee on the grant in the amount of \$4,100.00. **(Approved)**
4. Reimbursement Request (A-19) for contract work performed by Grant County, by and through Grant Integrated Services, during January of 2017 on Washington State Department of Corrections contract in the amount of \$915.00. **(Approved)**
5. Grant County Request for Reimbursement No. 4 on CDBG Public Services Grant No. 16-62210-005 for the period January 1 through January 31, 2017, with the Department of Commerce and administered through the OIC of Washington, in the amount of \$16,319.42. **(Approved)**

11:30 a.m. – 11:50 a.m. D Nelson, Building Department and Fire Marshall's Office Update

Items discussed were: Current Activity and reports, Personnel Discussion.

1:00 p.m. – 1:30 p.m. C Carter at Canvassing Board Precertification of Election (Sun Lakes Conference Room)

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1:30 p.m. – 2:20 p.m. J Tincher, Public Works Update

1. Execution of Contracts: Miscellaneous Equipment-1 2017 to Rowand Machinery of Pasco, WA to furnish and deliver 3 Roller Packer Motor Grader Attachments with optional Pick-up Tow Hitch for the total bid amount of \$95,042.16 including sales tax. Unit price bid \$29,334.00. **(Item not ready for signature)**
2. Execution of Contracts: Herbicide Materials 2017 to Crop Production Services of Boise, ID to furnish and deliver Herbicide Materials for the total amount of \$16,812.78 not including sales tax **(Item not ready for signature)**
3. Memo/Authorization to Purchase: Vehicles off the Equipment Expense Program **(Item not ready for signature)**

1:30 p.m. – 1:40 p.m. Bid Opening, Asphalt Materials 2017

The following bids were received:

	Item 1A HFE-150	Item 1B HFE-90	Item 2A HMA ½" PG 64-28	Item 2B HMA 3/8" PG 64-28
Central Washington Asphalt	No Bid	No Bid	\$47.85/ton	\$48.85/ton
Granite Construct Company	No Bid	No Bid	\$46.00/ton	\$47.00/ton
Idaho Asphalt Supply	\$304.00/ton	\$304.00/ton	No Bid	No Bid
Western State Asphalt	\$337.00/ton	\$334.00/ton	No Bid	No Bid

A motion was made by Commissioner Stevens, seconded by Commissioner Taylor, to turn the bids over to Public Works for their review and recommendation. The motion passed unanimously.

2:30 p.m. – 2:50 p.m. G Dano, Prosecuting Attorney’s Office Update

3:00 p.m. – 3:15 p.m. Consent Agenda (Items 1 through 7)

A motion was made by Commissioner Stevens, seconded by Commissioner Taylor, to approve items 1 through 7 on the agenda as presented. The motion passed unanimously.

**COMMISSIONERS OFFICE**

1. Commissioners Office and Public Defense Vouchers for approval. **(Approved)**
2. Commissioners February 6, 2017 Minutes for approval. **(Approved)**
3. Multi-Agency Communications Center MACC Bond Claims Payment Request (Batch 01-01) in the amount of \$7,265.28. **(Approved)**

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**SUPERIOR COURT**

4. Request to declare surplus a Courtroom Sound System (Asset ID# 100370) and a Computerized Recording System \*Recor (Asset ID# 100398) so that they may be removed from their inventory system. These items cannot be located. **(Approved, Resolution No. 17-019-CC)**

**TREASURER'S OFFICE**

5. Request to transfer the Trial Court Improvement monies from the Law and Justice Fund per SSB 5454. The amount is \$17,446.00. **(Approved)**

**HUMAN RESOURCES**

6. Personnel Action Request (PAR) for the salary, wage and/or position changes for Melissa Noah, Sheriff's Office – Corrections.
7. Recommendation Memorandum regarding a request from the Sheriff's Office – Emergency Management Division, for an exception to the annual leave maximum policy and allow Sandi Duffey to carry over 76.05 hours of annual leave into 2017. The Director recommends approval. **(Approved)**

4:00 p.m. – 4:30 p.m.                      B Smith, District Court Update

4:05 p.m. – 4:10 p.m.                      RFP OPENING – GRANT COUNTY COMPREHENSIVE PLAN UPDATE (BOCC Front Office)

RFP's were received from:

- White Bluffs Consulting, in partnership with Oneza & Associates, Anchor QEA and EA Engineering; Science & Technology, Inc.
- Beckwith Consulting Group
- SCJ Alliance
- Crea Affiliates, Inc.

All RFP's were turned over to Damien Hooper, Director of the Planning Department, for review.

**MISCELLANEOUS ITEMS**

Commissioner Richard Stevens was authorized to sign the Health District Voucher listing in the amount of \$33,412.83.

The Chair of the Board was authorized to sign the Larry and Tanya Molitor (L. Molitor Short Plat) File #P 17-0004 (Preliminary P 16-0375; and the Frank and Elin Mianecki (Mianecki Short Plat) File #P 17-0018 (Preliminary P 16-0407) Final Plat Submission and Review.

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The Commissioners approved and signed the Grant County Public Works Payroll Salary Fund for the February 17, 2017 payroll.

As of this date, the Board, by a majority vote, does approve for payment those vouchers certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified by the auditing officer as required by RCW 42.24.090, in the amounts of \$981,436.30 and \$54,565.79, as recorded on a listing and made available to the Board.

**WEDNESDAY, FEBRUARY 22, 2017**

The session was continued at 10:00 a.m. with Commissioners Stevens and Taylor in attendance. Commissioner Carter was out and excused.

8:30 a.m. – 9:30 a.m.                      T Taylor at Central Safety Committee Meeting (**Cancelled**)

10:00 a.m. – 11:00 a.m.                Open Record Public Hearing, Code Amendments – Marijuana Regulations

The Commissioners held an Open Record Public Hearing to consider a Planning Commission recommendation of approval of code amendments affecting Chapters 23.04, 23.08, 25.02 (all relating to establishing land use regulations for marijuana uses) and 25.08 (relating to approved conditional uses) of the Grant County Code.

Damien Hooper, Planning Director, discussed File #P16-0427. In November 2016, the BOCC directed Planning Staff to put forward recommended regulations to the Planning Commissioner. PC held 2 workshops and 1 public hearing to consider the amendments and make a recommendation to the BOCC. Much public comment was received both in favor and against the proposed.

Ch. 25.02 Definitions: added definitions for marijuana production, processing and retail and specifically excluded marijuana from the definition of agriculture.

Ch. 23.04 Zoning: added specific line item uses for marijuana production and processing, and retail. Retail will be allowed in Urban Commercial 1 and 2, Rural Village Commercial, Rural General Commercial, and Rural Freeway Commercial. Production and Processing are covered in UDC tables allowed Urban Heavy Industrial, Urban Light Industrial, Rural Remote, Agriculture, and Rural Heavy and Rural Light Industrial.

Ch. 23.08 Performance and Use Standards: There are provisions for performance standards if they are not specifically amended in this chapter, it's the underlying zoning standards that will control what they have. Similar language from the WAC that prohibits these uses inside of a residence or structure attached to a residence. Trying to limit odor through these regulations.

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For outdoor production, the Planning Commission recommendation is to allow outdoor production in Rural Remote, Ag, and Urban Heavy Industrial. Outdoor production is open, outdoor production or non rigid green houses (from the WAC). Outdoor production in RR and Ag, would have a ½ mile buffer from the parcel from which the production is taking place, to the property line of any off premise residence with the exception of residences owned/operated or controlled by the producer / processor or the underlying property owner. Any residential zoning district, shoreline development district, rural community district, recreational development district as well as any park facilities as protected in the WAC but also taking into account any special district parks that aren't accounted for in the WAS, like the PUD recreational facilities, MLIRD park. Special taxing districts.

This section took most of the time at the Planning Commission, where discussion started with the 1 mile buffer. After public comment, the Planning Commission backed off and recommends a ½ mile buffer. The standards also provide for a 1000 ft protection for any marijuana uses from the special protected interests in the WAC that would apply to indoor grows as well. They need to have the 1000 ft separation, indoor grows would not be subject to the proposed ½ mile buffer.

There are considerations for lighting; an overriding permit requirement for a site plan review with the Planning Dept and have to provide evidence of factual legal water availability for their project. Also, tried to capture those existing indoor/outdoor operations and retail operations to exist as is. If they want to expand, they have to comply with the new standards.

25.08 Conditional uses and variances: Grants the Admin Official the authority to administratively approve expansions of approved conditional use permit by 25% of its approved footprint. If some use went to the Hearings Examiner, and after getting started on the project, if they want to expand the footprint they can apply to the Planning Department for a 25% increase in that footprint. They could do that administratively.

Commissioner Stevens asked about the ½ mile buffer. What was the criteria used to determine this? Mr. Hooper stated it was the Planning Commissions deliberations. This would give a significant buffer for odor that impacts surrounding neighbors.

Commissioner Taylor asked about data that shows how far the marijuana odor can travel? Mr. Hooper said no, not that he's been provided.

Commissioner Stevens noted the letters/emails received by the public, stating they will be added to the record for this hearing.

Tyler Pace discussed the odor that comes from marijuana stating there is nothing to worry about. It's the same as onions and other agricultural items.

Russ Torrison discussed the marijuana odor and Grant County that is primarily an agriculture county. Feels it is inappropriate to single out cannabis with all of the other smells within the county (cattle farms).

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Greg Haynes, discussed the odor issue.

Bob Carlson is in favor of the proposed regulations and buffers.

Michael Andersen, Adams County Planning Commission, is in favor of the proposed changes. Regulations are needed because there are a lot of "unknown... unknowns".

Ben Schuster, current marijuana business owner discussed the odor and cannabis regulation. He believes the Commissioners should discuss the proposed legislation with the cannabis businesses.

Commissioner Taylor gave input on the complaints received about odor and regulations.

Lindsey Weidenbach, Attorney in Wenatchee, recommends not over regulating this industry now when they will have to turn them back later. She believes that Ch. 23.08.245 (4) should be removed all together. It states: "No marijuana producer, processor, or retailer shall emit odors detectable at any lot line of the property of the marijuana producer, processor, or retailer. Production and processing facilities shall utilize any and all appropriate ventilation systems or air quality control systems to ensure that odors associated with the operation are not detectable at the property line."

Commissioner Stevens stated they are here today to build regulations. They stated the county is trying to avoid lawsuits.

Steve McCombs discussed the odor issues and should address ALL odors, not single out cannabis. Stated there is a bill in the legislature that may make cannabis "agriculture".

Darryl Pheasant, Treasurer, discussed the income related to cannabis and how much revenue the county is getting. The state is doing well... counties are not seeing the revenue.

Nick Wallace, attorney representing local land owners, discussed the buffer that was set. Asked if the BOCC received complaints on other odors (mint, cattle, etc) would the BOCC look to change those land use laws? Stated the BOCC has no data to make an informed decision about the buffer. He urges the BOCC to consider the economic impact on their decision. He doesn't believe there should be any buffer and that the BOCC needs data to make an informed decision.

Commissioner Taylor discussed the buffer and how they have to do their best due diligence and find the middle ground until the data can be gathered.

Commissioner Taylor asked about his term "Agri-business". Stated that it is not an agricultural business. Mr. Wallace stated there are bills in the legislature right now to try to protect cannabis as an agricultural product.

Zack Steinmack (?) asked if the BOCC could poll the residents of the county on their buffer suggestions.

Michael Anderson agreed that cannabis should not be singled out.

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Greg Haynes replied to the Treasurer's comments stating he would like to see the tax dollars stay in the counties. Cities and Counties are going to have to go after the state and get more money.

Marcus Jaspersen – has a RR1 farm. They are creating jobs and these laws will reduce their ability to provide more jobs and make revenue.

A motion was made by Commissioner Taylor, seconded by Commissioner Stevens, to close the public comment portion of the hearing. The motion passed with 2 Commissioners in attendance. Commissioner Taylor moved to continue this hearing until March 7, 2017 at 4:00 p.m. Commissioner Stevens seconded and the motion passed with 2 Commissioners in attendance. The hearing adjourned.

**THURSDAY, FEBRUARY 23, 2017**

No meetings scheduled

**FRIDAY, FEBRUARY 24, 2017**

C Carter, Out

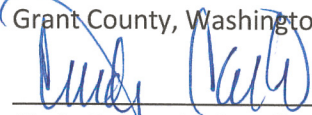
10:00 a.m. – 1:00 p.m.	R Stevens at Columbia River Commissioners Policy Advisory Group Meeting (Best Western, Moses Lake) <b>(Cancelled)</b>
10:00 a.m. – 10:30 a.m.	T Taylor, Canvassing Board Certification of Election
10:45 a.m. – 11:00 a.m.	T Taylor w/ J Antosz, Safety Committee Update (Superior Court)
1:30 p.m. – 3:30 p.m.	R Stevens, Legislative Steering Committee – Webinar



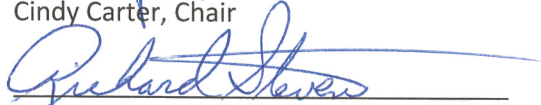
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Signed this 20<sup>th</sup> day of March, 2017.

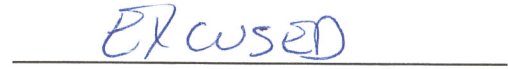
BOARD OF COUNTY COMMISSIONERS  
Grant County, Washington

  
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Cindy Carter, Chair

  
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Richard Stevens, Vice-Chair

  
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Tom Taylor, Member

Attest:

  
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Barbara J. Vasquez, CMC

Clerk of the Board

