

County adopts code language, skips bitcoin freeze

by Jefferson Robbins | April 10, 2018, 12:44 p.m.



WENATCHEE — Chelan County commissioners tweaked language in their code enforcement ordinances Tuesday to reserve the right to legal action against troublesome property violators.

In the same session, the three-commissioner panel opted not to place a moratorium on new bitcoin and other cryptocurrency mining in the county, saying the Chelan County PUD's own halt on providing electricity to such operations will suffice while the county explores its own rules.

Commissioners voted 3-0 to add language giving code enforcers "more flexibility" to deal with violations. Although the resolution as adopted was toned down from its proposed form, removing references to possible action by the prosecuting attorney, it still alarmed cannabis producers who are already in litigation with the county over its handling of their permits.

"It seems like this might be targeted toward an industry, and I think that industry might be marijuana," said Dave Wakefield, CEO of Double Delicious in Malaga, in the commissioners' hearing on the matter Tuesday morning. "It's just a big concern of mine, because there's a lot of us trying to take steps."

The cannabis industry moved into Chelan County with the passage of Initiative 502 in 2013, with assurances that their cultivation would be treated similarly to other agricultural crops. But commissioners first placed a moratorium in 2015 on any new cannabis startups, then last summer so tightly restricted cannabis zoning that all but a handful of the 38 licensed farms could face shutdown. The measure is the subject of multiple lawsuits and regulatory appeals, and for now most producers continue to raise and harvest the crop.

"We don't want to be in violation. We weren't before, and in a sense, now we are. And we want to cure ourselves, and with this in play, there would be no cure," Wakefield said, referring to the new code language.

The Prosecuting Attorney's Office is the lawyer of first resort for the county, and the draft language that came before the commissioners authorized that office "to institute any appropriate action or proceeding to prevent or remedy any violations." The Planning Commission had voted 3-4 against recommending passage as written, and commissioners acted Tuesday to strip reference to the prosecutor, saying code violation must still go through the standard administrative process.

"We've had numerous code enforcement issues that have languished, for whatever reason," Commission Chairman Keith Goehner said. "This does allow opportunities to rectify the situation, and yet gives a little more flexibility to get enforcement, especially on issues of life and safety."

Wenatchee cannabis grower Lee Duncan said the amendment amounts to overreach, and landowners who've sought to comply with code enforcement have already been hampered by resignations and absences in the county's Community Development office. Director Hank Lewis and code enforcement officer Craig Davidson recently resigned, and other departures are possible.

"So where does that leave me?" Duncan asked. "I'm in the middle of your administrative process, and your time has run up on a few things you were supposed to respond to."

Commissioners also chose not to impose a six-month moratorium on bitcoin or cryptocurrency mining in county residential zones. Community planners had sought the measure to allow time to study the issue and possibly recommend new code language on cryptocurrency mining, an electricity-intensive process that uses computers to unlock lucrative bitcoin caches.

The Chelan County PUD acted March 19 to stop taking new applications for high-density load operations, while it hashes out its bitcoin strategy. That moratorium will continue at least through mid-May; local municipalities including Chelan, Leavenworth and Wenatchee have adopted their own freezes on new bitcoin businesses.

“I would encourage going ahead and looking at that,” said Commissioner Doug England, “but I don’t know that we would really accomplish anything with a moratorium right now.”

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