

BOARD OF OKANOGAN COUNTY COMMISSIONERS
3/26/2018

In Attendance at Meeting:

Jim DeTro- JD (BOCC)

Andy Hover - AH (BOCC)

Chris Branch – CB (BOCC)

Lanie Johns – LJ (Clerk of the Board)

Perry Huston - PH (Administrator & Planning Director)

Angie Hubbard – AHu (Planning Department staff)

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 of significant discussions

Public Hearing – OCC 5.20 Dance Permits

The Commissioners unanimously approved modifications to OCC 5.20 to set Dance Permit fees by resolution. No public comment was offered prior to the approval of modifications. The current fee of \$5 does not cover the costs to the Sheriff's Office of administering the permits. Following changing the code the Commissioners unanimously approved a resolution setting the permit fee at \$50.

Shoreline Management Plan (SMP)

The Commissioners continued reviewing the changes to the draft SMP requested by the Washington Department of Ecology (ECY). The main topic involved providing public access when subdivision of parcels creates four or more lots. After lengthy discussion, the Commissioners agreed to requiring community access (i.e., access for the purchasers of the new lots), as compared to general public access. PH will draft the language and bring it back to the Commissioners. Also discussed was the possibility of identifying, within the Recreation Plan, areas where additional public access is needed.

Water Availability Study Areas

PH informs the Commissioners that the proposed language for OCC 17A.400 (Overlays -Water Availability Study Areas) has been sent to the Planning Commission for discussion at their meeting that evening.

Comprehensive (Comp) Plan

Discussion of the draft Comp Plan was lengthy and covered several topics, including: four alternatives that will be addressed in the Environmental Impact Statement; the appropriate way to handle various elements, such as Critical Aquifer Recharge, Fish and Wildlife habitat, Frequently Flooded Areas and Wildfire Protection. The meeting time ran out before all the issues were resolved. PH will continue to work on the language and bring it back to the Commissioners.

1:30 Public Hearing – OCC 5.20 Dance Permits

PH – You have in front of you documents for OCC 5.20, established in 1979. \$5 fee no longer pays for expenses to the Sheriff's Office. What you have in front of you is similar to how we have made amendments relating to businesses. Striking the set fee and establishing that fees will be set by resolution. Also in front of you is a resolution establishing the fee at \$50. Consistent with discussions with the Sheriff's office.

AH – What is a dance permit?

JD – Similar to a banquet permit.

PH – *(reads from ordinance)*

JD – It allows them *(Sheriff's Office)* to respond to complaints, e.g. noise.

AH – Anyone feel *(inaudible)* about this?

CB – *(describes his situation in Oroville get-together)*. You can see why they would want to have permitting back when there were dance halls. On the other hand, not sure we need that ordinance.

PH – Right now this is just about the fee.

CB – We need to come back to this *(the need for dance permit)*

AH – I can see the need, but is 5 people in your backyard a dance?

CB – *(too rapid to record)*

PH – Need to discuss this with the Sheriff's Office. I had no idea that they charged a fee.

JD opens to public comment – no comment. JD ends public comment.

AH – Move to approve. *(Seconded, passes unanimously)*.

JD closes public hearing.

PH – Do the commissioners wish to take action on the resolution today?

LJ – I have the resolution. *(Provides the paperwork)*

CB moves to approve the resolution; seconded; approved unanimously.

Shoreline Management Plan (SMP)

PH – Left off at the discussion of public access. ECY wanted to require; your preference was not to require. Split the baby – community access – if you have 4 or more lots you would require community access (i.e., for the owners of the lots). If every lot had access, then that is access. If there are lots that don't have waterfront, then you need to provide access.

AH – What constitutes 'access'? A trail?

PH – If there was a trail, that would be access. I read it a little differently than ECY does. A picnic area would be good.

AH – Is there anything specified so that a future Planning Director would come to the same decision?

PH – We could try to quantify it...

CB – There are so many types of development....

PH goes to definition and reads it.

PH – You could arguably put a tower in for a view and that would meet the requirement.

AH – So you don't have to put in something a mile long...

CB – Do you have?

AHu – I access it on-line.

CB – Would be good to look at it. Here you are calling out public access across-the-board and I am a little reluctant to handle it that way.

PH – In terms of bigger issues of public access.

CB – Handbook refers to a public access plan. People buying could look at it, know what they are getting.

PH – Not referenced in the SMP, but it is referenced in *(inaudible)*.

CB – *(gives example involving public right-of-way; gives predictability)*

PH – Some opportunity under SEPA. Gives a density bonus in exchange for providing access. Multiple developers can work together, sharing costs. What we did for public access *(reads from SMP language requiring public access)*.

AH – *(reads the language)* Where required....

PH – Required where they *(developments)* are eliminating an existing access or if they are creating a demand.

AH – Two things going on. *(Describes the situation on Osoyoos Lake, compared to river front boat launches)*.

CB – People are competing for shoreline access for fishing. Landowners are tightening up on that.

AH – People are littering, liability issues, after 7 years, adverse possession.

CB – That’s why I say is if you have a public access plan, people can look at it.

AH – That is part of the mitigation, right? If I had a development in a location with high demand for access...

PH – There are a number of options.

CB – I think it should be tied to an access plan. It is a Substantial Development Permit. The language leaves it up to the Administrator – it can go either way. One person deciding whether the development creates a demand. That is why an access plan is needed.

PH – The vehicle is the Recreation Plan, we could adopt an access plan. If we identified an area with high demand for access, developers could have various options. Provide access; contribute to creating access, etc. That opens another door.

AH – Reference that (*in the SMP*).

PH – Don’t have it in my head right now. Need to review it anyway. Could pick that up. Probably get by with what it has right now, then fine-tune it.

AH – I think there is a point to make sure you identify what you need; identify particular spots.

PH – Since I have been here there has been one (*development*) that this would apply to. (*Veranda Beach*). They satisfied it with open space, community access. Doesn’t happen very often.

PH – Veranda Beach environmental review was a little disjointed. It was started when I got here, then I finished it.

AH – Talking about 2 different things: community access and public access.

CB – Most community developments are designed to provide access; that is their selling point.

AH – I agree with a plan identifying where you want access.

CB – You are going to gain some (*example: First Bridge on Methow River*)

PH – We could add an additional section under ‘D’, stating participation in offsite improvements at locations identified in the Recreation Plan could satisfy requirement for access.

(*commissioners agree*)

PH – As I recall, we went through the other items required by ECY and the commissioners agreed.

AH – Those were just definitions, right? (*yes*)

CB – (*Asks about a public access plan*)

PH – Some counties have them (*Chelan*). Don’t see any reason that it can’t go into Recreation Plan.

CB – Just pertaining to big water bodies.

AH – What about maps?

PH – *(too rapid to record)* I have prepared a suggested resolution. Incorporated Resolution of Intent to Adopt. *(Goes through timeline of back and forth between County and ECY)*. Agreed to required changes. Got letter dated March 2nd with suggested changes. 30 day clock started. You accepted all except public access language. You have developed alternate language. That will go back to ECY to consider. *(Discusses designations and reasons that 'Riverine' is no longer used.)* Any suggestions?

PH – We will go ahead and put that *(public access)* language in the draft. Commissioner Branch?

CB – Looking at the language for public access in the Lake Osoyoos agreement. Rules are pre-set.

AH – You are trying to make sure our draft language is consistent with the Osoyoos SMP?

CB – Right. People are looking for predictability.

AH – You can do that tonight?

CB – Yes.

PH – *(too rapid to record)*

CB – Avoids the situation of developers choosing between different rules.

PH – Can do that in the Recreation Plan.

CB – *(gives examples where access trails were provided in areas unsuitable for development)* These people doing the developments can see that the plans do them good.

PH – Anything else? *(no)* We will review the language one more time and send it to you.

Water Availability Study Areas

PH – Planning commission meeting tonight. Will be discussing water availability study. Want to make sure the commissioners want to go forward.

AH – Seems like a good idea. Make sure senior water users are not impacted.

PH – Think it mostly applies to WRIA 49 *(AH agrees)*.

AH – Don't see that it...

CB – Doesn't kick in until you apply it.

(Commissioners agree to go forward)

Tonasket EMS & Miscellaneous

Commissioners reconvene as Tonasket EMS board; Perry provides vouchers, which are approved. PH provides claims that the commissioners previously approved but never signed; claims are signed

Commissioners reconvene as BOCC

PH – Another item, not on your agenda. Mazama parking lot. Resolution approves the conversion and replacement of (?). Land trade has been approved by the RCO. *(Provides paperwork required by RCO pertaining to land conveyance)*

CB – Trusting that this is a valid legal document.

JD describes how well documented the entire process has been. Commissioners unanimously approve and sign document.

Comprehensive (Comp) Plan

AH – In regards to Comp Plan. You said you would provide 3 alternatives. Now I understand why Planning Commission needs to see all 3, instead of the preferred alternative.

PH – I have incorporated the ‘No Action’ alternative as a 4th alternative. City expansion areas, unincorporated towns and *(Inaudible)* are most significant. *(too rapid to record)* I’ll take care of that this week. For the EIS *(Environmental Impact Statement)*, I will do analysis of the results of the 4 alternatives on critical issues *(e.g. water)*. Doesn’t mean you have to select the preferred alternative.

PH – Public health and safety...

AH – What about the Vision Statement?

PH – We are putting in what you develop.

(Asks AHu whether that has been added; not yet)

JD asks about a location on Dixon Hill. Has received many calls, asking whether there is a pot growing operation going in. PH says that there has been no permitting activity and notes that there would be a number of challenges to starting a grow operation in that location.

PH – Last time we met we talked about changing the language in various spots. Wanted to roll through that. Fish and wildlife habitat –reference the language from WDFW *(Washington Department of Fish and Wildlife)*. We have been using their language, we just didn’t say so.

JD – *(reading the language)* ‘and movement corridors’?

PH – Fencing, aligning development to allow movement.

AH – Aquifer Recharge Areas (points out that language hasn’t been changed. *Language designating those as highest priority*)

PH - Frequently Flooded Areas *(FFA)* – added language about areas known to have flooded in the past.

AH – What restrictions does that put on the land owner?

AHu - *(inaudible)*

CB –In Critical Areas Ordinance, put it in there.

AH – Language is important. To say something in a document... make sure that the next people...

PH – Doesn’t create any restrictions. This would be policy that leads to regulations.

CB – Should probably say: FFA includes FEMA *(Federal Emergency Management Agency)* flood maps and areas known to have flooded in the past.

(discussion of semantics)

CB – Are there definitions?

PH – Go to top of section. ‘Public Health and Safety’.

CB – ‘Critical Areas’ defined – not an objective.

PH – So, What-If? (*Goes back to General Critical Area Planning Objectives*)

(*discussion of organization of the document*)

CB – There is a lot that is covered under Public Health and Safety. (*describes experience in Tonasket, omitting a Critical Areas Ordinance and the resulting problems*).

(*more discussion of semantics – Public Health and Safety; Critical Areas Ordinance*)

PH – We could call it ‘Critical and Sensitive Areas’.

AH – Why don’t we just call it the ‘Natural Environment’ section?

PH – Sure. We don’t have a specific Wildfire Protection section. We have the general area ‘Hazard Mitigation’. Criticism that they didn’t see a direct line between zone code and hazard mitigation.

AH – I understand that.... (*discussion of lot size, density of development*)

PH – Different schools of thought. Clustered development is easier to defend.

AH – What do we want to try to get to?

PH – In the perfect planning world there would be a direct tie between your Wildfire Protection Plan and your other regulation. Discussion at that level doesn’t necessarily include what you are willing to regulate.

AH – Don’t want to restrict land use. Need coordination with state and federal land managers. We need to interface so we can develop plans on our side.

CB – (*brings up the Mission Restoration project*). They are moving in that direction.

AH – Comment to me: if we have this old – take Pine Forest, for instance, road system not up to today’s standards. If they want to build, do they have to bring roads up to today’s standard.

CB – Roads, materials for new homes. You are going to be adding things to your building codes that aren’t necessarily in state or federal rules. Subdivision is the critical thing.

PH – (*describes incentives – clustering, road standards, fuel reductions*) That was the approach previously taken, but it wasn’t adopted. We now have grants to do update Wildfire Protection Plan. The language you put in here for hazard mitigation policies will inform the rest of your documents.

CB – in expansion areas, if you have higher densities you may be able to provide a water system that will reduce fire hazard, lower insurance rates.

AH – Trying to keep same format, what are we trying to accomplish? You (*PH*) talk about providing incentives. Need some control. Two extremes – way too much regulation; not enough regulation.

CB – What are the communities that burned up doing? They are doing things differently. We have to decide, what is the way to address this? *(Gives example of Chumstick, where state and federal agencies are working on private land to reduce fire hazard)*

JD – *(Sun River example)*

PH – There is no road requirement in large lot subdivision code.

CB – We get all kind of calls from people living in exempt subdivisions, wanting us to come fix their *(undersigned, unimproved)* roads.

PH – Arguably, if it is important enough to put in the Comp Plan, it should ripple through the rest of your documents. If you don't want to require things, add incentives. There has always been a disconnect between Comp Plan and codes. Need to take a different approach to how those are developed.

CB – May be looking at a fire hazard analysis before subdivision. A lot of time we look at this like it is a personal decision, but then the government comes to the rescue.

PH – I'll go through and buff up this section; rearrange and bring back to you. Want to drill in on Critical Aquifer Recharge. There is some disagreement. Some of the community interest groups believe there is a lot of information; others think there is none. Approach we are taking is that we will add information as it is developed.

AH asserts the difference between an aquifer contained in a basin compared to a 'flowing' aquifer. Cites the Odessa aquifer. Multiple cross-conversations about different aquifers.

AH – Don't want to get to where someone has a well and decides that everything around their well becomes a CAR area.

CB – Wellhead protection plans and other ways of preventing contamination. If you don't have a good study you have to step back and ask what are we going to do? List of things: protect water bodies, those kinds of measures.

AH – *(questions note taker/hydrologist about the meaning of 'critical aquifer recharge area)*

(Lengthy discussion of aquifer recharge; AH wants to remove language, with the reasoning that no CAR'S are identified; CB wants to retain it and retain the potential for identifying CAR'S)

CB – We lack an understanding of CAR's. Until you know what that is...

AH – What about the density? That statement has no relevance. My concern with that statement is that it is arbitrary. Agree that there is relevance to getting information about aquifer recharge areas.

JD – 7 minutes left, where are we going with this?

PH – I will work on the language *(too rapid to record)*

AH – We are almost done...

PH – Getting reasonably close.

CB – Reached the stage where public input is limited. Our messaging is that there has been lots of public participation and that is what we are sorting through. Biggest thing about this effort is separating it from the Zone Code and CAO.

PH – Draft driven by 10 years of input, appeals, litigation.