

**BOARD OF OKANOGAN COUNTY COMMISSIONERS**  
**06/12/2017**

**In Attendance at Meeting:**

Jim DeTro- JD (BOCC) (*absent*)  
Andy Hover - AH (BOCC)  
Chris Branch - CB (BOCC)  
Lalena Johns - LJ (County Clerk)  
Perry Huston - PH (Admininstrator & Planning Director)  
Angie Hubbard - AHu (Planning Department)  
Albert Lin - AL (Deputy Assistant Prosecutor)  
Leah McCormick - LM (Treasurer)  
Carrie Hall - CH (Treasurer staff)  
Laurie Thompson - LT (Auditor)

*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.okanogan-county.org](http://www.okanogan-county.org).*

**Summary of significant discussions**

**Update - Planning**

**Discussion - Shoreline Master Program**

*PH continued showing the Commissioners a copy of the SMP with the changes required by the Washington Department of Ecology ('Ecology'), with the intention of then going through the changes suggested by Ecology. They proceeded through the document, discussing the changes and approving some of them. Most of the changes agreed to were not substantive. There was extensive discussion of the distinction between 'buffer' and 'setback'. The commissioners agreed that the terms would be separately defined and the SMP document would be revised for consistency. The commissioners also identified other inconsistencies in the document, which was described as 'messy'. The inconsistencies were attributed to multiple revisions of various parts of the SMP that were not then applied to the entire document. Another area of concern was the allowable uses table. The question of the issuing Conditional Use Permits for activities not identified in the table was discussed extensively. Uses 'similar' to those identified may be permitted. The mechanism for determining similarity was discussed but not resolved. Allowable activities in buffer zones was discussed. Staff was directed to review the document for additional inconsistencies. The SMP discussion will be continued at 9 am on Wednesday the 21<sup>st</sup>. A meeting with Ecology scheduled for the 14<sup>th</sup>*

will be rescheduled after the Commissioners have completed their review and approved the SMP.

### **Finance Committee Meeting**

LM and CH briefed the Commissioners on three financial reports: Cash on Hand and Investment Summary; Revenue Recap; and Expenditure Summary. LM also provided suggestions about the timing of bond payments due late in the year. Evidently the County's finances are in good order.

### **1:40 Update - Planning**

#### **Shoreline Master Program (Continued from 06/06 meeting)**

PH - Continued discussion. Angie prepared memo of remaining changes required by Ecy. Lennard scheduled to be here Wednesday 10 am.

AH - This coming Wednesday? (yes) I am already scheduled with (*inaudible*).

PH - Will contact to reschedule. May be better to push him off for awhile, make sure we are finished on this end. Finish changes they require, then go to changes they would like us to make (*not required by statute*). Then, if we get through it, look at changes Mr. Mackie suggested. Then we will get ahold of Lennard.

AH - Let's go through them.

AHu - Critical aquifer recharge areas, he added WAC designation criteria.

AH - Was reading a comment on it.

PH - Comments suggested that it was inaccurate that we didn't have enough information to map critical area.

CB - This part doesn't say what you are going to do to it (*change accepted*)

AHu - Fish and Wildlife Habitat Conservation Areas (p. 43) - added the definition for WAC 365-190-130.

AH - What was used to define them?

PH - This was a section that Mackie re-wrote giving more flexibility to the management approach. This is out of the WAC, including language that was not included previously.

AH - (*reads from text*) 'Areas in which endangered, threatened, and sensitive species have a primary association. (*correct*)

CB - This does say what you are going to do with it?

PH - (*too rapid to record*) Previous board tried to reduce the likelihood that (*excessive regulation?*) would occur.

CB - Before the definition applied to all the natural areas.

AH - Right. Now it applies to everything.

AHu - It would apply to your priority Habitat overlay.

AH - That would be everything (*in the Methow*).

PH - (*Reads examples*) Concern was that this essentially designates everything. Depends on what you do with it. If it comes out of the WAC, I don't know how much latitude you have.

CB - Suggest we look at the program to see how it treats the F & W conservation areas.

AH - Want to hold off, see what the impact will be.

CB - In Oroville we made assumption that the shoreline area is important F&W habitat. You end up with Biological Opinion for every project in shoreline. We ended up with a buffer, said that was the treatment throughout.

AHu - Will affect individual through getting an HPA.

CB - Still had to get a federal opinion.

AH - Curious if private property is not F&W habitat conservation designation, how will that be affected?

PH - Let's go to the next one and come back to this later.

AHu - Public access section (P. 85).

PH - (*too rapid*) Remove reference to RCW 82.02.020.

AH - Lennard had heartburn?

PH - right. The foundation was that if what you are doing adds demand for public access, or if you are reducing public access, then you should mitigate that.

AH - So, if I had 6 miles of riverfront property and I divided it - if they didn't have access before, I would still have to mitigate it?

(*too rapid*)

CB - If they didn't give public permission to access before subdivision, how does that increase public demand?

PH - Depends on your analysis.

CB - Look at existing public access and demand for access and make a plan.

AH - Right. I don't want to require it.

CB - We negotiated it on Lake Osoyoos.

AH - Don't want to make it mandatory.

CB - Right (*too rapid*).

AH - He is asking us to take out reference in its entirety (*correct*)

PH - Line we can't cross is to make it automatic. Incentive-based approach.

AH - (*reads from text*). I am pretty good with that.

## **2:00 Executive Session**

AH - Apologize, we have to have a phone conference. Move to go into executive session regarding litigation for 15 minutes with AL, TC, Eric Johnson or Tiffany Josh on the phone.

**2:28 Commissioners return and continue the SMP discussion.**

PH - Use and Activity Table. For Zoning, there is permitted, conditional and not allowed. If it is not listed, it is not allowed.

CB - Unless it is similar to an allowed use (*correct*)

PH - Suggest we make it consistent with our Zone Code standard (*an administrative decision*). That is not what Lennard was concerned about. (*more discussion, too rapid to record*).

CB - A little concern about administrative decision. Seen some administrators get pretty creative. Prefer planning board to determine 'similar' use. Could use an appeal, but what does it cost?

PH - It is up to you. Right now, appeal to the planning board is \$300.

(*Rapid discussion while looking at table*)

PH - If it is a permitted use, definition needs to be more specific. If it needs a CUP, then you automatically have review.

CB - Appeal to CUP comes from others? (*yes*)

(*rapid discussion*)

AH - (*Reads from the text*)

CB - He is trying to get a more rigorous review because of greater uncertainty.

PH - Correct, but what I am proposing is more restrictive (*describes how*).

AH - Starts taking the ambiguity out. When Perry retires, we are gone, what do we have left?

PH - I'd take it out of the Zone Code.

AH - Do you have the actual text? (*AHu starts looking it up*).

PH - Or we could make the chart more specific....

AH - Right. (*to CB*) What are you thinking?

PH - The easiest is to have your District Use Chart as comprehensive as you can make it.

CB - Interpretation side/similar uses (*reads from text*)

AH - That gives you a small amount of ambiguity...

PH - (*rapid response*)

AH - To have this go to Ecology, we need to make sure that it is extremely concise. How do we get there?

PH - Decide what you want to allow. Think of all the water-dependent and water-related uses. List them specifically.

(*many examples are brought up*)

AH - Are we going to put in... what Perry suggested?

CB - (*discusses marinas as an example*)

AH - Are you agreeing with Perry, or saying something else? Two trains of thought: provide a bit of ambiguity or go with a very detailed Use Chart.

PH - Go to definition: Water-dependent/Water-related. (*reads definitions*)

(*more examples*)

AH - Do we want to have him change it to match the Zone Code?

CB - No, because if people start messing with the Zone Code, then the connection gets messed up.

PH - When I am talking about the Zone Code, I think the administration should be consistent. (*too rapid*) They both should be as detailed as they can be. List those things that are allowed (*too rapid*). List specifically what you are talking about. Suggest the administration be the same.

AH - Agree with Perry.

CB - Agree they should be the same type of administration. Agree with consistency, not with what is in chart. This departs from traditional zoning.

PH - Take a look at chart. See if there is an opportunity for greater specificity. Nothing makes my life easier than to be able to look at chart.

CB - Bring forth some examples of where it was really difficult to make decisions.

PH - (*mentions a couple*) (*to AHu*) Pull that out. (*To commissioners*) Take your time and take a look at it.

(*more examples - 'Helo pad'*)

PH - What did you want to be a local decision/what did you want to let Ecology weigh in on? That is what drove the chart. 1) Make administration language consistent with Zone Code, 2) Commissioners will look at chart, think about other uses.

AH - Go to p. 104 (*animal feed lots*). No buffer zone?

AHu - Used to have 2 buffer zones: vegetative and use.

PH - Angie went through and pulled out definitions of 'buffer' and 'setback'. Buffer is an area of different regulation than the setback. (*shows graphic with setback beyond buffer*). Approach was to create a setback protecting the functionality of the shorelines - how far back it should be. Do have to consider public safety, too. Up to commissioners if you want different language.

AH - How do we manage setback as it applies to SMP? Many different conditions.

PH - Create what I call a 'safe harbor'. If you want to do something less than that, you have to prove that you are not compromising shoreline values. Where do we have that?

AHu - Administrative feedback.

AH - Anything that states how much is needed for ecological?

(*discussion, including comment from notetaker*)

*AH asks for maps.*

AH - Went through every comment. Want to know why you made a decision which to address.

CB - A setback is a distance; a buffer protects values. If I was going to turn something back ...  
(*too rapid - discussion of historic regulation of buffers*)

PH - Question is where to regulate CMZ. Old commission approach to SMP was to be minimalist.

CB - CAO has to regulate...

AH - Wanted to know difference between buffers and setbacks... used 104 times. Wetland buffers used correctly, but other than that, not.

AHu - It is a problem. Previous board wanted to do setback/buffer... morphing of the document.

PH - First step is to decide if you want to use differently.

AH - Yes I do.

PH - Okay. Need to figure out what buffer means for regulation, compared to setback. Buffer comes off Ordinary High Water line (*OHW*), and that is regulated. Setback comes off buffer. What could you do, vegetatively in buffer? Don't touch vs. strip it and plant turf. Lots of debate about management of veg within buffer. Some wanted to include 'damage'. If we deal with buffer, question is what you are going to allow, in terms of clearing that strip of real estate.

CB - Before big change, wasn't there provisions in there about how you can manage veg?

AHu - There still is (*finds it*).

CB - There was language in here that dealt with that. Some of it makes less sense than it used to. (*AHu finds it*). Mostly interested in when these provisions apply.

PH - (*Reads some of it*) All this sort of implies a buffer.

AH - 'Where impacts to buffers are permitted...' (*mitigation*)

CB - When do you have to have a vegetation conservation area?

PH - Everywhere - restricts how much vegetation can be removed?

CB - Yes, but where is it?

PH - Go to the definitions.. Can't find much guidance there, I guess.

(*Discussion of messiness of document, added changes created internal inconsistencies*)

CB - It is not clear. As you described it ... changes took place without considering the rest of the plan.

AH - Semi-regulation/semi-planning document. Will affect Zone code and (*another*). All have to jibe.

PH - (*referring to 'Clearing & Grading'*) This section implies the planning commission was having the same struggle we have.

(*too rapid*)

AH - I know this went through  $\frac{3}{4}$  million dollars, but I can't send this back without making it clear that when somebody wants to do something on the shoreline, they should be able to look through this document and get a pretty good idea of whether they can or can't.

CB - I would advocate for going back to (*inaudible*) for 'buffer' and 'setback'

PH - What we will hear from Ecology that the buffer or setback is not adequate. Suggest you consider establishing the 50 ft. setback as a 'buffer' and then add a setback as needed for public safety. Most people just want to know, want a number. The people who want to wrassle with you, give them a process to do that. Something to think about. It appears that we have something else to deal with...

AH - I think we got through everything we didn't have an asterisk on... Need to continue this.

(*discussion of scheduling - 9 am Wednesday the 21<sup>st</sup>*)

AH - Need to know every instance that buffer & setback get used and have an analytical discussion. Integration of SMP & Zoning - you (CB) want to stream line...

CB - Consistency in allowed uses with other regulations like the Clean Water Act.

AH - Anywhere staff sees inconsistencies/issues - bring it forward.

CB - Bring any violations, so we can look at what is going wrong.

PH - Who are we going to use as the final sign-off.

(*back to identifying OHW, need for expertise*)

CB - I've seen your staff at OHW mark training before... Move to next agenda item

### **Finance Committee Meeting**

LM - Short on time. You were emailed three reports. The only thing that may be significant is that after property tax revenues, current expense balance was over \$2 million. PILT payment coming in June. Timber excise tax, second quarter is to M&O funds; 3<sup>rd</sup> quarter is a split with everybody else. \$8,000 more than we got last year 3<sup>rd</sup> quarter. Bodes well. Reserved 20% as a carryover for next year. Even with that, we will be coming in with more than I estimated.

AH - What about problems with overtime in Sheriff's Department?

Staff - \$120K - \$130K needed.

LM - Said we would take a look at those after June.

AH - Earmark for expenses above & beyond.

LM - Fund balances - the only one to watch is Public Health.

AH - Are they running a little bit high?

LM - I think their cash on hand balance is (*low, relative to payroll*)

AH - (*to CB, asks to check at tomorrow's meeting to see if they are on top of it*)

PH - My budget - beginning to get a little bit sweaty. Advertising, professional services, as a result of past activities.

LM - Tomorrow's meeting about 2017 or 2018 budget? Need to be aware of some parts of 2017 about the revenue and expenditure side.

Staff - I'll bring both documents.

PH - (*inaudible*)

AH - We had an impromptu budget meeting. In 5 years we have found the actual use by the different departments. We are using that as a starting point.

LM - Quickly call attention to transfer sheet - Treasurer's Office transferred funds. Halfway down page - loan payment due June 1. All bond payments. Wouldn't pay normal payment due in December, unless we get a windfall.

AH - Bi-annual payment schedule?

LM - Yes, June & December. Would recommend another payment until at least November.

Staff - Talked about me coming up with a report showing actual expenditures. Have completed, but it is being reviewed before coming to you. No way to average over 5 years, too much extreme change (e.g. fires). Came up with multiple ways to look at it, have some recommendations.

LT - Operational budget for 2016 & 2017

CH - (too rapid)

LM - Revenue recap. Should be part of your email.

CH - Current expense revenue. Want to point out that historically, state auditor report wanted to know how we are balancing to Treasurer. Want to make sure you all knew that we are balancing to the Treasurer every single month. We have a cash book with our receipts (*too rapid*) Balance to the Cash on Hand (*your checkbook*).

LM - Balance in 3 different ways before we hand it to the Treasurer.

CH - Balancing both month-end and year-to-date. Makes annual report really easy.

4:35 End of Finance Committee Meeting; note taker leaves.









