

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

**In Attendance at Meeting:**

Jim DeTro- JD (BOCC)  
Andy Hover - AH (BOCC)  
Chris Branch - CB (BOCC)  
Lalena Johns - LJ (County Clerk)  
Tonya - T (Risk Manager?)  
Perry Huston - PH (Admininistrator & Planning Director)  
Angie Hubbard - AHu (Planning Department)  
Two unidentified members of the public - P and P2  
Gina McCoy - GM (Fluvial Engineer)

*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**

**Public Comment**

*The scheduled comment period was taken up by an extensive conversation between the Commissioners and two members of the public requesting access to the racetrack at the Fairgrounds for training horses. The two requested permission similar to that provided by Douglas County for access to the Waterville racetrack. Liability and repairs needed to the racetrack were discussed. No decision was made.*

*The Commissioners later extended the public comment period to allow GM to comment on the draft Shoreline Management Plan. GM had provided comments on the SMP and noted that the County's responses did not address the points that she had made. She informed the Commissioners of technical deficiencies in the Plan's supporting documents and in the finding that the Plan would result in 'no net loss' of ecological function.*

**Discussion - Shoreline Master Program**

*PH shows the Commissioners a copy of the SMP with the changes suggested by the Washington Department of Ecology ('Ecology'). They go through the document, discussing and approving the changes. They did not get through the entire document and will continue on Monday the 12<sup>th</sup>. The changes agreed to were not substantive. There was extensive discussion of the difference between 'setback' and 'buffer' and the Commissioners agreed that distinct definitions were needed and that the document would be reviewed for proper usage of these*

*terms. The advantages and disadvantages of delineating regulated shorelines as the legal minimum of 200 ft. were discussed at length. That subject will be further addressed later.*

### **1:30 Public Comment**

*(P and P2 are requesting the use of the racetrack at the Fairgrounds for training horses)*

AH - Form an association, come up with an agreement and you can use it. Not looking to make a profit. Need to maintain it. Not fair to put a lot of money into it when not very many people use it. Don't want to get rid of it.

JD - \$180,000 for new rail. Whole thing was done 60 years ago with volunteers.

Public - Should talk to Waterville. They just put in a new track.

AH - Douglas County is almost all private land. They don't have a jail like we do.

JD - Budget has been established for this year. If you guys want to work with the Fair Association, put on a fundraiser. We don't have a support base. I think our horse races are supported.

P - They want \$50 a month or \$20 a day.

Tonya - Douglas County does not allow people to use their track in that way. They are talking about opening that up. He sent me a draft of the contract, 3 weeks ago.

P2 - Approved since then.

CB - Relying on a waiver to hold harmless.

JD - We are open to ideas about the rail.

CB - The other thing is... the Commissioners need to approve this?

P - I sent it.

Tonya - More concerned about big rock than the rail.

P - Biggest problem is the compaction where staff drives across. Minimize traffic. It is like concrete.

Tonya. Would have to put in a gate so they could drive around.

AH - Can put something across track. (to Tonya) Can you review this?

T - Yes.

CB - Attorneys always telling us that hold harmless agreements are pretty useless. That is why insurance is important - an association.

AH - Should be easy to form a small association...

P - See if this works first. Presenting this to you.

Tonya - Difference is the condition of the track. We can openly see the issues we have. Would be more comfortable if we can mitigate the condition of the track. Can look at the Waterville agreement again.

Discussion of use of the racetrack; liability, repairs.

Brad - You are ok with the Fair Advisory Committee using the track.

CB - Point is, if somebody gets hurt, somebody takes the liability. You are a little riskier than most.

Etc.

### **2:00 Public Hearing Supplemental Appropriation Jail**

JD - Open it up to staff.

LJ - Recommend continuing hearing to later today. (Discussion deferring to 4:00, moved, seconded, approved)

### **2:05 Public Comment, Continued**

GM - My name is Gina McCoy. I am a fluvial engineer with more than 20 years of experience in central Washington. I provided comments on the Shoreline Management Plan (SMP), and the responses did not really address the issues I raised. The technical underpinnings of the SMP are flawed, and won't stand up to scrutiny. Specifically, the Shoreline Characterization is out of date and incomplete, and the Best Available Science has changed but not been updated. Data gaps skew the results, leading to the impression that our Shorelines are in better shape than they actually are. Plugging in more recent data would change the findings.

AH - What do you think it would change to? Can you show me?

GM - I can take more time and show you later, if you are interested. The County's assertion of No Net Loss is based on having all of the restoration projects that are happening on the river being treated as mitigation for the damage that will result from the Plan. I don't know what Ecology thinks of this approach, but I doubt that the entities currently funding the restoration intend to pay for future damages - they are trying to make it better.

### **2:15 Public Hearing Supplemental Appropriation Jail Commissary**

JD - Open it up to staff.

CB - Move to defer until 4:15 (seconded, moved, approved)

### **2:30 Discussion - Shoreline Master Program**

AHu - *(tries to set up a projector)*

JD - Proceed without visual aids?

PH - Looks like that is an option.

*2:40 - Presentation begins*

PH - Where we thought we would start is to go through last discussion with Lennard Jordan & Gary Graff & CB. Ecology's concerns, staff-level meeting of the minds. If that matches your thinking, we can go through comment sheet.

CB - Good. Involved in earliest drafts, fairly familiar with issues.

AHu - 'Applicability' language WAC requirements.

AH - Looks okay (*too rapid*)

### Minimum Jurisdiction in floodplain?

Ahu - Jurisdiction will not be increased to maximum (100 year floodplain). 200 ft is minimum. Anything outside will be regulated by CAO or floodplain management.

CB - Frequently flooded areas currently covered in SMP?

PH - Correct.

CB - No mention of floodplain in new language.

AHu - Correct.

CB - Does it cover the floodplain issue elsewhere? (yes) Why the change?

PH - Local control. Keep it to a minimum.

CB - Any discussion of the advantages of keeping it in the SMP?

PH - Eye of the beholder. Came out of previous BOCC's. Not about not regulating.

CB - Shoreline & Critical Areas permits for the same project. You can be dealing with 2 rules.

AHu - When we update Critical Areas, we will go with the same rules.

CB - (*too rapid*)

AH - Thought to increase it?

CB - Just a thought. Might lend itself... Conditional Use Permit (*too rapid*).

AH - Would have an issue going with `100 year floodplain. Encompasses a lot of area. If you go with 200 ft...

CB - Frequently flooded in CAO, but overseen by feds & Ecology. Local control... someone else is involved in the decision.

PH - (*too rapid*)

CB - Let that ride. One of the things to think about. Permitting process will still relate to these other entities.

PH - Flag for further discussion?

CB - I would do that.

AH - Not just local control. Trying to make a document that works, trying to take into account the odd things that happen. Well regulated, but less regulated.

CB - Policy thing to avoid several layers of bureaucracy. Are we doing that? Have some examples brought forward where that made a difference in Ok

PH - SMP standard is 'no net loss', with CAO the standard is to protect. Policy level decision - can expand, or stay with minimalist approach.

AH - Understand. Concerned about timeline.

PH - DOE is coming back on the 14<sup>th</sup>.

AH - Flag for near future discussion.

AHu - Effective date - 14 days after final. (*change accepted*). Definition of agricultural land (from WAC) “as of the date of adoption... After the effective date of the master program... subject to use...” (*change accepted*) Definition of Buffer...

### Setback/Buffer definitions

PH - Fascinating discussion for almost a decade. They pointed out that ‘setback’ and ‘buffer’ are used almost interchangeably throughout the document. All buffers are setbacks, not all setbacks are buffers.

AH - Buffer is more rigid... absolutely no activity? (*yes*) So, they said, just to make them the same?

PH - Said to make the definitions the same if they are going to be used interchangeably.

AH - Not a good idea.

CB - If you have a definition.

AH - (*discusses activities in the setback*)

AHu - P 32 of comment/response has a definition of ‘buffer’ from WDFW.

(*multiple conversations, including from public*)

CB - (*reads WDFW’s definition*). This was offered by our counsel (*reads response*).

AH - Don’t think we should use them interchangeably. Should strike that.

CB - (*agrees*) Then go through and make it consistent (*discussion*)

PH - What do you want us to do for definition?

AH - Look at definitions provided...

CB - Give full consideration provided by attorney.

(*rapid discussion*)

PH - Then go through document and see what intention was.

### Critical Aquifer Recharge Areas

AHu - Critical aquifer recharge areas changed to comply with WAC. (*change accepted*) Critical areas... WAC citation - criteria for designation.

PH - More precise language.

JD - Just trying to get consistency. Who cares? (*change accepted*)

**Definitions: Fish and Wildlife Conservation Areas,” Frequently Flooded areas, Mining, Priority Habitat, Setback/Buffer,**

AHu - Emergency construction formatting (*change accepted*). Definition of ‘fish and wildlife conservation areas’

AH - It incorporates everything. Is that the definition that we have to...?

CB - It says ‘may include, but not limited to’

JD - Doesn’t say ‘shall’

AH - Okay.

PH - List of examples that might meet definition.

AH - Alright (*change accepted*).

AHu - Frequently flooded areas definition (*adds areas of high groundwater*).

CB - Flooded, not matter how. (*change accepted*)

AHu - (*Various formatting corrections, accepted. Further formatting changes not included in notes*) ‘Mining’ definition taken out of Shoreline Management Act.

AH - Does that include dredging? (*no*) (*change accepted*) ‘Mitigation’ definition changed to be consistent with SMA. (*accepted*) ‘No net loss’ changed to comply with WAC.

CB - Previous version was more site-specific. (*accepted*)

AHu - ‘Priority Habitat’ version comes from section in the Shoreline WAC.

CB - Doesn’t make reference to F&W priority habitat. Has the same features. Where do you go for info? (*AHu answers - change accepted*)

AHu - ‘Setback’ definition.

AH - Setback and buffer need to be really well defined.

CB - In your chart, it gives setbacks for particular uses? (*yes*) Those are setbacks.

(more rapid discussion of setbacks & buffers)

CB - Include a landscaped area?

John A - Setbacks are regulated; buffers are not. This reads differently from other codes. Encourage commissioners to have a robust discussion and think about adopting more conventional language. Worth thinking really seriously - at the core of the code.

CB - Suggest as we move through document, see how it is used or not used.

PH - Just in definition section. Keep setback definition simple.

CB - What did you use for a buffer definition?

PH - Haven’t picked one.

(Tabled)

(Discussion of development of the document)

## Wrap-up

AHu - (*end of definitions*) Critical areas within shoreline jurisdiction. Just making sure all critical areas are listed in this section (*change accepted*) Frequently flooded area - changed to make sure it is covered in CA. Added FEMA mapping. (*change accepted*)

JD - Was the 1972 flood a 100-year flood? (discussion of historic floods & floodplain delineation)

AHu - (*permit exemption language regarding routine maintenance of flood control structures*) (*change accepted*)

AH - Obviously, we are not going to get through this whole document today.... Can we schedule to continue this on Monday? (*yes*)

CB - Important to go through these with Angie present.

AH - I'll go through it before then.

AHu - And we can look at buffer definition...

PH - (*discussion of cultural resource protection*)

AH - We are going to talk to the Yakamas about it. Do they have a map? Areas where there were a lot of camps.

PH - We talked to the Colvilles about it..

AHu - (*too rapid*)

PH - So commissioners want to come back Monday at 1:30, pick it up where we left off? (*agreed*)

**(4:00 Commissioners address Consent Agenda. Note taker leaves)**



