



Airport Technical Advisory Committee

Commissioners' Hearing Room

May 2, 2012

9:00 am

Those in attendance: Ed Jeffko, Albert Losvar, Harlan Warner, Roy Skelton, Leroy Orr, Dan Smith, Dan Higbee, Commissioner Jim DeTro, Paul Lewis, J. D. Smith, and Jerry Paul,.

Okanogan County Planning staff present: Director of Planning Perry Huston and Sharon McKenzie

The meeting was called to order by Perry Huston, Okanogan County Director of Planning and Development.

Director Huston opened the meeting with a quick review of the agenda.

He gave the Committee an update on the Moratorium explaining there had been a problem with the first hearing notice. He said the Moratorium will stay in place but there will be another public hearing open to testimony and comment on May 21st, 2012 at 10:00 am in the Commissioners' Hearing room.

Director Huston said the discussion on the "mythical map" and the recommendations for uses in the various zones would be discussed later in the meeting. He explained the Committee can adjust the zones if you want with the exception of zone 5 since that zone is set by the FAA. He noted zone 5 requires notice and height restrictions.

Director Huston explained the term legal non-conforming and how it applies to lots and land use. He said legal non-conforming lots and uses would be part of the on-going discussion in determining what will and will not be allowed in the various zones under consideration.

He gave the Committee a hand out of the existing Okanogan County Code regarding legal non-conforming lots and uses. He explained the Code applies to all zones throughout county. He explained:

- Reasonable use exception/Legal Non-Conforming Use. – referred to in Okanogan County Code 17.36.010. It says if you have a lot legally formed and it meets safety requirements, you can at least build a single family dwelling. Director Huston noted the reasonable use exception in zone 1 may become an issue in the final recommendation. What is to be done with the existing lots and uses in the approach and take off area will need to be discussed. He said commercial lots will have the most latitude but noted residential will be more problematic.

- Abandonment – referred to in Okanogan County Code 17.36.040. Director Huston said in Okanogan County, abandonment is defined as not continuing the use or abandoning a structure for one year. After one year of non-use, you can only use or rebuild if you can bring the use or structure into conformity. .
- Expansion (example: double size of a house) – He said the code deals with expansions. The Committee will need to determine if expansions will continue to be allowed in zone 1 and under what circumstances.
- Sunset clause – Director Huston said he has never seen it applied to residential structures but has seen it with businesses. He said he has seen a time period when you lose vesting.

Director Huston said instead of changing the current code. He suggested dealing within the airport protection zone and then cross tie that zone with Okanogan County Code 17.36.

Director Huston explained “taking” which is defined as depriving the owner of all value. He said if you can do something with the property to receive any value, then it is not a “taking”.

Director Huston said the Committee would start with the existing lots in zone 1 which would be the most restrictive and hardest to work with. He said the proposal now is for no additional subdivision of land. He noted the Committee must deal with what is there now.

He said to curtail an individual their rights, you must have a compelling statement of interest which is preservation of public health and safety. He said the Committee has an interest in protecting people in those areas. He noted the further away you get from zone 1, each zone will be less restrictive. He said in the perfect world, the lots would be purchased by the airports. The next thing is to say the landowner can't do anything, which will not work. The objective of the Committee is to protect the pilots and the people on the ground.

- In the discussion of zone 1, it was decided:
 - the approach and take off zones should be dealt with in the same way.
 - no new subdivisions
 - the proposed map has 5200 ft. as a protection zone at each end of the runway. This can be reduced to 2500 ft.
 - that the 2500 ft. should be kept clear of above ground structures.
 - the width of the 2500 ft. zone would be determined later.
 - this is an area where conditional uses could apply.
 - the parcels under discussion are those that do not have existing structures but are raw land.
 - the balance of the 2500 ft beyond the 2500 ft from the runway should be incorporated into zone 2.
 - the area past the 5200 ft zone on the map, zone 4, should be incorporated in zone 5

- In the discussion of zone 2 (turn out area – cones plus airport operation area) if was decided:
 - take zone 2 located within the runway out and make it zone 1.
 - for raw land existing in zone 2, residential development would require a Conditional Use Permit on a site specific basis.
 - No new subdivisions.
 - Zone will be reconciled by parcel boundaries.
 - The purpose of the zone is to protect people in the air and on the ground, thus Conditional Use Permits (CUP) would be very specific criteria.
 - Grazing – OK
 - Agriculture - OK
 - Commercial development with CUP
 - Any permitted development would be on a site specific basis

Director Huston said with the changes made on the configuration of the zones, he will have the map updated, change the dimensions and provide new lists of permitted uses per the discussion today.

- In the discussion of legal non-conforming uses, the following were determined:
 - If today there is an existing use on a parcel and it was done legally, then the non-conforming use is OK as long as it stays in place.
 - An expansion can be done so long as you do not change the envelop or use, and you stay with existing code. It was noted there will need to be a change to include the airport protection zone and tie it back to general prohibitions.
 - Abandonment – if the landowner does not use for one year, current code will apply.
 - Unsafe buildings – current code will apply.

With the changes made to zone 1 and 2, it was suggested zone 3 becomes the space immediately adjacent to the cone and airport proper.

Zone 4 has been changed to the area next to zone 3.

Recapping the discussion:

- Zone 1 - most sensitive
- Zone 2 - next most sensitive for safety.
- Zone 3 – nuisance area (noise consideration, etc.)
- Zone 4 – FAA requirements OK

Addressing the question of funding for intern Dalana Potter, Director Huston said Twisp and Winthrop have no funds available. He said WSDOT has not responded. The rest of the communities have committed funding along with the County. Director Huston said he would

check with the Board of County Commissioners to see how they wish to set up the temporary employment status. He said she should be able to start drafting the airport protection zone document.

The assignment for the next meeting, the Committee will:

- discuss legal non-conforming uses in zones 3, 4, and 5. He noted at this point it appears zone 5 will require notice and height restrictions only and the underlying zone will stay in place.
- think about dimensions for the width of zone 1 and the size of zone 3 and how zone 3 should be configured.
- go over list of uses and map for additional use recommendations.
- freshen up discussion on permitted and conditional uses.
- talk about lot line set backs.
- Begin to lay out the creation of maps for each airport.
- discuss future schedule.

He noted he will need to do a SEPA when the document is ready to go to the Planning Commission.

For informational purposes, the following handouts from Municipal Research and Services Center of Washington were given to the Committee.

- Vested Rights
- Regulatory Takings

He announced the next meeting will be on May 16, 2012 at 9:00 am in the Commissioners' Hearing Room.

The meeting was adjourned at 11:00 am.

Respectfully submitted
Sharon S. McKenzie
Administrative Secretary