



Planning Commission Meeting Minutes

1 A meeting of the Okanogan County Planning Commission was held May 2, 2016 at 7:00 PM. The
2 meeting was held in the Okanogan County Commissioners Hearing Room, 123 5th Ave. N.,
3 Okanogan, Washington.

4 **PLANNING COMMISSION MEMBERS** present included: Chair Albert Roberts, Vice Chair Phil
5 Dart, Commission Member Dave Schulz, Commission Member Marlene Rawley, and Commission
6 Member Tamara Porter.

7 **OKANOGAN COUNTY STAFF MEMBERS** present included: Director of Planning Perry Huston,
8 Natural Resources Planner Angie Hubbard, and Lauren Davidson Administrative Secretary.

9 **OTHERS IN ATTENDANCE:** Barb Warfield, Joyce Herzog, John Herzog, Jamie Curtis-Smith,
10 Jeremy Moberg

11 Old Business

- 12 • Discussion on Zone Code amendment process
- 13 ○ "Zoning OCC Title 17A" Code Amendment 2015-1

14 Perry Huston Director of Planning stated that there are places under development agreements that
15 aren't planned developments but that are locked into the term of the development agreements.
16 Director Huston stated that Staff would have to pull up the development agreements and make
17 sure the legal descriptions shown would be represented on the maps as well. Director Huston also
18 explained that the Memo that had been handed out outlined the order he believes issues should
19 be discussed.

20 Airport Zoning: Director Huston stated there are two zones in the zone code; the Airport Safety
21 Overlay is the existing zone that is applied to all airports in the county. The second zone is the
22 Airport Safety zone created specific zones that would apply to each airport with specific restrictions
23 and conditional uses. None of the airport proposals are before the commission at this time. Work
24 product out of the airport advisory committee, gives each airport the ability to tailor its own
25 proposal. Adopt the text will give them the tool to come in with a proposal with different
26 configuration of zones and will go through a hearing process and then eventually the BOCC.
27 Commission Member Porter asked for clarification on if the airports are owned by each city.
28 Director Huston stated that there are provisions in state law that city actually owns airport property,
29 they can incorporate that and it is regulated by the county. The smokejumper base however, is
30 owned by the state. Commission Member Porter asked if it applies to helicopter pads and heliports
31 as well. Director Huston stated that airports are regulated differently than helicopter pads and
32 heliports. Director Huston stated that the same language that is in the overly is already in use.
33 Commission Member Rawley moved to approve the airport safety overlay, Schulz seconded, the
34 motion carried.

35 Home Occupation: Director Huston stated that what the advisory group did was go through and
36 made them more user friendly but decided that not all occupations should be home occupations.
37 Director Huston explained that what you normally see are home offices, tax preparers, one people
38 office jobs. Commission Member Porter asked about regulations regarding fences and explained
39 that fences in the city of Oroville are six feet and any higher needs to be engineered and would like
40 to know what the fence regulation is the same in Okanogan County. Director Huston stated that he
41 was unsure of the exact verbiage but six feet sticks in his head. Vice Chair Dart read the regulation
42 that stated Home Occupations are required to have fences eight foot in height or more.
43 Commission Member Rawley moved to accept home occupations as is, Schulz seconded. Chair
44 Roberts stated that just for consistency he wants the fence to be six feet and not the eight feet.
45 Commission Member Rawley moved to modify her motion to move the fence height from eight feet
46 to six feet, seconded by Schulz the motion carried.

47 Legal Pre-existing: Director Huston explained the title is changing from Legal Non-Conforming to
48 Legal Pre-existing and that another proposed change was to change the abandonment period
49 from one to three years. Outlined and differentiated legal preexisting structure, legal preexisting
50 use, and legal preexisting lots. Legal non-conforming lot can only have a residence and an
51 accessory structure, which was proposed to be removed. Vice Chair Dart asked about the
52 abandonment period change from one to three years and wanted clarification on if a lot has a use
53 that's non-conforming and they were doing it before and then takes a break for a couple years do
54 they lose that use? Director Huston explained that in the current zone code they would lose their
55 grandfathering, in the proposed zone code they would be fine as long as they resumed within three
56 years. Director Huston explained that this doesn't create any new preexisting lots; it protects those
57 that are already preexisting. Director Huston explained that they changed the term because Non-
58 conforming has a negative impact, while preexisting does not. Schulz asked about paragraph B.
59 Director Huston explained that it was made when they tried to repair the error they made in '92
60 when they tried to apply the new regulations to all the existing nightly rentals and the judge said it
61 fell under legal non-conforming. Commission Member Schulz asked for it to be flagged and taken
62 out. Porter moved to approve the legal preexisting section, Dart seconded and the motion carried.

63 Conditional Use Permits and Variances: Director Huston stated that this has changed so these
64 applications are to be seen under the Hearings Examiner, and variances can be approved
65 administratively. Schulz asked about fees regarding Conditional Use Permits. Director Huston
66 stated that the fees are all adopted by separate departments. Commission Member Schulz asked
67 that the code reference that there is a fee that will be due before the county processes a
68 Conditional Use Permit. Porter stated that if read and taken technically, the fee would be applied to
69 other departments and not the planning department. Commission Member Rawley suggested up
70 the wording "As adopted by resolution available at Okanogan County Planning Department".
71 Porter asked for clarification if all CUPs would be approved administratively. Huston explained that
72 it is only variances that are being approved by administration. Commission Member Schulz stated
73 that he has concerns whether Variance or Conditional Use Permits if there is strict enforcement it
74 may take care of some of the issues that come up, however the lack of enforcement could cause
75 an issue. Commission Member Rawley asked if there has been a civil penalty worked out yet.
76 Director Huston explained that it is being worked on right now, but it is not ready for public review
77 yet. Director Huston stated that staff could take the administrative paragraphs and put them at the
78 end to avoid confusion. Vice Chair Dart moved to accept Conditional Use Permits and Variances
79 with the changes mentioned earlier, Commission Member Schulz seconded. Commission Member
80 Porter stated that lines 135-137 the transition seems bumpy and needs to be cleared up.
81 Commission Member Schulz recommended changing the word "may" to the word "shall" on line
82 134, Chair Roberts moved to make amendment, Vice Chair Dart seconded and the motion carried.

83 Accessory Dwellings: Director Huston stated that in the Methow the only changes are that the
84 accessory dwelling would be changed to 1500 square feet or less instead of 50% of the main
85 residence. Porter stated that proposed changes are wonderful and take into consideration what the
86 community is dealing with. There was discussion among commission members regarding the
87 possibility of how accessory housing could be clustered. Commission Member Rawley stated that
88 she thinks that an accessory dwelling is self-limiting because it is harder to sell a lot with two
89 homes, but that it might help address some of the issues the communities are having with
90 available rental homes. Vice Chair Dart explained that the purpose of large lot requirement was to
91 have fewer houses, but putting an accessory house on a lot takes away from that. Rawley moved
92 to accept the accessory dwellings for a second residence so long as adequate water and sewer is
93 accessible excluding the Methow Valley or completely planned area, existing provisions will be
94 retained in the Methow, Vice Chair Dart seconded the motion carried.

95 Planned Development: Director Huston stated that the review criteria will remain the same and it is
96 specifically reinforced in the Methow. Schulz stated that he is concerned because in the Methow
97 the goal is that you keep the visual integrity of the Methow Valley and if someone clusters right
98 next to Highway 20 it will ruin the rural character. Schulz also stated that he disagrees with the
99 Cluster Ordinance being included in the Methow Review District. Vice Chair Dart asked if the
100 Planned Development standards are the same in Planned Developments outside of the Methow.
101 He also wanted to know how it affects the ingress and egress out of the property for emergency
102 personnel if the gates are locked to a Planned Development. Vice Chair Dart also asked how do
103 you guarantee that the ingress and egress are within fire standards. Commission Member Schulz
104 and Vice Chair Dart discussed the ingress and egress in the Planned Developments in the
105 Methow. Director Huston stated that an option to consider, that since the commission doesn't have
106 the cluster ordinance in front of them at the moment they can recommend that the BOCC leaves
107 the PD as it stands and make changes with time. Vice Chair Dart stated that Planned
108 Development doesn't happen often in the county that isn't the Methow; however he believes the
109 cluster will happen more, is there a way to pass it contingent on the Cluster Ordinance. Director
110 Huston said that they can ask the BOCC to leave this section of the zone code alone. Schulz
111 made a motion that he wants to leave the PD section alone and propose to the BOCC that when
112 the subdivision code with the cluster is done they will made necessary changes. Vice Chair Dart
113 seconded.

114 Nightly Rentals: Huston stated that the proposal is that all nightly rentals in a current Planned
115 Development be grandfathered in, permitted use in most zones outside of the Methow Review
116 District with a Conditional Use Permit, except Commercial zones. Everywhere in the county
117 currently, nightly rentals have to be in a Planned Development. Director Huston explained the
118 difference between a bed and breakfast and a nightly rental, as well as the difference between a
119 rental house and a nightly rental. Director Huston also explained that currently a Nightly Rental will
120 have to provide proof that they were legal preexisting if they are not in a Planned Development.
121 Requires Conditional Use Permits in most zones, permitted everywhere else and by 2021 anyone
122 else operating will have to get a Conditional Use Permit regardless of if they are legal
123 nonconforming. Commission Member Rawley stated that she believes Nightly Rentals all need to
124 meet the same requirements and she thinks that a Conditional Use Permit helps with that. There
125 was brief discussion regarding Department of Ecology and their allowance of water for Planned
126 Developments and Nightly rentals. There was also brief discussion on nightly rentals and the
127 payment of Hotel Tax. Commission Member Rawley asked if there would be a yearly check on
128 Nightly Rentals to see if they are in compliance. Director Huston then explained that Nightly
129 Rentals will not have a permit issued from Public Health until they have a statement from Planning
130 and Building departments stating that they are in compliance with all the other code, which will

131 result in a decrease in compliance issues. Schulz asked where the paragraph was regarding
132 Nightly Rentals in Planned Developments. Director Huston provided him with the answer of
133 paragraph “D” and then read aloud the paragraph. Commission Member Rawley moved to
134 approve nightly rentals with the addition of “see district use chart”, Vice Chair Dart seconded. Chair
135 Roberts wanted to amend Rawley’s motion and add the sentence “Nightly Rental license will be
136 required for all nightly rentals outside of planned developments as of January 2021.” And scratch
137 the amortization period sentence. Director Huston advised that the removal of the amortization
138 period sentence could cause them to run into legal trouble. Director Huston explained the
139 reasoning for the amortization period sentence and also explained that all nightly rentals would
140 have to follow the new rules after January 1, 2021 except for those in Planned Developments. Dart
141 asked if he could get clarification on one dwelling could be rented by an owner, each property
142 owner can only rent one nightly rental regardless of how many properties are owned. Director
143 Huston suggested that they were trying to prevent speculation regarding one family buying up all
144 the nightly rentals, and also the wording is present to prevent a single person from making an
145 industry out of renting out nightly rentals. Vice Chair Dart offered up the suggestion that they
146 should change to one nightly rental per property and not one nightly rental per owner. Commission
147 Member Rawley reminded the Planning Commission that nightly rentals currently aren’t allowed
148 anywhere other than the Methow Valley and that they are working on making those permitted
149 elsewhere. Dart seconded the motion to accept the sentence that Roberts added and the sentence
150 “refer to the district use chart”, four for one opposed, motion carried.

151 Marijuana Operations: Director Huston handed out the alternative to the zone code revised by
152 WSIA to the commission members. It establishes an amortization period, and proposed to follow
153 the District Use Chart that would require a Conditional Use Permit. Schulz stated that if it is not
154 allowed in R1 it would solve a lot of the issues that have come up with the Marijuana Operations.
155 Commission Member Porter stated that she agreed with Commission Member Schulz.
156 Commission Member Rawley voiced her concerns regarding doing anything to the operations that
157 currently exist if operations are no longer allowed in the R1 zone. She also said that the operations
158 that have the 24 hour lighting should be regulated, and that they shouldn’t be treated any different
159 than an organic farmer or a baby’s breath grower. Commission Member Schulz stated that they
160 need to take into consideration the generator noise, dust, odor and light emission into
161 consideration. There was brief discussion of an amortization period. Director Huston stated that if
162 they are going to create an amortization period they would need to justify why the nightly rentals
163 have a 5 year period if marijuana will require a different amortization period. Schulz stated that he
164 originally said that marijuana operations should require a CUP. Dart explained that the operations
165 already have all the licenses that they are required to have and to tack on an extra license after the
166 fact makes them different than the nightly rentals because the amortization period for nightly
167 rentals is so long is to give them time to come into compliance. Dart stated that he thinks the
168 amortization period should be 10 years. Commission Member Rawley discussed the conditional
169 use permit application and the requirements that a marijuana operation would have to meet before
170 they get approved. Vice Chair Dart asked for information regarding how many growers or
171 operations are in an R1 zone? Director Huston stated that he would get that information for the
172 Planning Commission Members for the next meeting.

173 Planning Commission members agreed to meet again on the 16th at 7pm in the Commissions
174 Hearing Room. Director Huston asked if they wanted legal at the next meeting, Commission
175 Members Porter and Rawley stated yes, Chair Roberts stated it did not matter to him, the other
176 commission members did not comment.

177 **Adjourn:** Meeting Adjourned at 10:17pm.

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SUMMARY OF MOTIONS

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Commission Member Rawley moved to approve the airport safety overlay, Schulz seconded. Motion carried.

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Commission Member Rawley moved to accept home occupations as is, Schulz seconded. Chair Roberts stated that just for consistency he wants the fence to be six feet and not the eight feet. Commission Member Rawley moved to modify her motion to move the fence height from eight feet to six feet, seconded by Schulz. Motion carried

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Porter moved to approve the legal preexisting section, Dart seconded. Motion carried

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Vice Chair Dart moved to accept Conditional Use Permits and Variances with the changes mentioned earlier, Commission Member Schulz seconded. Commission Member Schulz recommended changing the word “may” to the word “shall” on line 134, Chair Roberts moved to make amendment, Vice Chair Dart seconded. Motion carried.

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Rawley moved to accept the accessory dwellings for a second residence so long as adequate water and sewer is accessible excluding the Methow Valley or completely planned area, existing provision will be retained in the Methow, Vice Chair Dart seconded. Motion carried

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Schulz made a motion that he wants to leave the PD section alone and propose to the BOCC that when the subdivision code with the cluster is done they will made necessary changes. Vice Chair Dart seconded. Motion carried

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Commission Member Rawley moved to approve nightly rentals with the addition of “see district use chart” and then sentence “Nightly Rental license will be required for all nightly rentals outside of planned developments as of January 2021.” , Vice Chair Dart seconded, four for, one opposed, motion carried

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Prepared by Lauren Davidson
Administrative Secretary