



Planning Commission Meeting Minutes

A meeting of the Okanogan County Regional Planning Commission was held on Monday, January 28, 2013 at 7:00 pm. The meeting was held in the Commissioners' Hearing Room 123 5th Ave N., Okanogan, WA.

PLANNING COMMISSION MEMBERS present included: Chair Albert Roberts, Vice Chair Phil Dart, Commission Member Mark Miller, Commission Member Marlene Rawley, Commission Member Tamara Porter, and Commission Member Dave Schulz.

OKANOGAN COUNTY STAFF MEMBERS present included: Director of Planning Perry Huston, Natural Resource Senior Planner II Angela Hubbard, and Administrative Secretary Sharon McKenzie.

APPLICANTS OR THEIR REPRESENTATIVES: Marvin Maddux

OTHERS IN ATTENDANCE: Dan Beardslee, Heidi Smith, Bob Monetta, Isabelle Spohn, Celeste Roberts, Sandy Mackie, Lucinda Mackie, Jim Hutton, Rocklynn Culp, Ruth Dight, Stan Porter, John Crandall, John Sunderland, Jason Pausen, Ken Bevis.

Chair Roberts called the meeting to order at 7:00 pm.

Approval of January 28, 2013 Agenda

Commission Member Schulz moved to approve the January 28, 2013 Planning Commission Meeting Agenda as amended. Vice Chair Dart seconded the motion. Motion passed.

Approval of December 3, 2012 Meeting Minutes

Commission Member Schulz moved to approve the December 3, 2012 Planning Commission Meeting Minutes as amended. Vice Chair Dart seconded the motion. Motion passed.

Public Hearing Item #1

- **Maddux OST 2012-11**

Chair Roberts requested the summary report on the **Maddux OST 2012-11**. Natural Resource Planner II Angela Hubbard requested the Staff Report be placed into the record. Natural Resource

Planner II Hubbard explained:

- The applicant is applying for a transfer from Designated Forest to Open Space Timber tax assessment on 19 timberland acres.
- The goal of the applicant is to maintain and improve the growth and health of timber stand.
- Clay Brown, professional forester, has prepared a FMP (Forest Management Plan) for the property.
- The FMP inventories the timber stand, soils, and has established a management schedule for the property.
- The property is surrounded by private property.
- The property is located off of Cow Camp Road, approximately 6.4 miles southeast of Chesaw.

Planner II Hubbard said the applicant is present to answer questions. She asked if there were any questions of Staff.

There being no questions of Staff, Chair Roberts requested the applicant come forward to address questions from the Commission Members.

Marvin Maddux residing in Oroville came forward to address questions. He said clearing for the cabin had been done and an old trailer removed. Mr. Maddux said clearing for the cabin met recommended spacing requirements. He said one acre was taken out of the tax classification for the cabin site.

Chair Roberts asked if there were any other questions from the Board. There being none, Chair Roberts opened the meeting to public testimony. There being no public testimony, he closed the meeting to public testimony.

There being no further questions for Staff, Chair Roberts said he would entertain a motion.

Vice Chair Dart moved to recommend approval of the **Maddux OST 2012-11** to the Board of County Commissioners subject to the attached Findings of Fact, Conclusions of Law and the Conditions of Approval. Commission Member Schulz seconded the motion. Motion passed.

Public Hearing Item #2

- **Deliberations on the Okanogan County Critical Area Ordinance – Continuance**

Chair Roberts asked for all participants to sign in and indicate if they wished to comment. He said he will review the sign-in sheets for those wishing to comment. He reminded the commenters there was a 10 minute limit for comment. Chair Roberts said the Planning Commission is here to listen to the concerns and will consider comments after all presentations.

Director of Planning Perry Huston stated that the Staff had no presentation for the Planning Commission. He said Staff had noticed the public hearing which is open to public comment as instructed by the Planning Commission.

Chair Roberts called the first commenter forward.

Bob Monetta residing in Winthrop discussed septic installations and the relationship to the Critical Areas Ordinance. He said

- Septic systems were not currently addressed in the CAO.
- There is a restriction in the planning ordinance.
- In 1985 the State of Washington changed from disposal of effluent to treatment and disposal regulations.
- The siting of the septic system is a factor to be considered for each installation.
- What should be considered is the science behind the septic installation such as where it is placed, how close to ground water and the treatment and disposal of effluent.
- In the 1980's a study was done by the R. G. Beck on the aquifers which determined sand filter systems should be used in gravelly soils.
- The Mazama aquifer studies show no degradation of ground water.
- Planning is a subjective document and there is more emotion.
- Septic design is scientific. He said there is data to support septic systems going into riparian areas.
- Science should be considered prior to restriction of development.
- The Critical Areas Ordinance (CAO) should be clear on the issue.

Isabella Spohn residing in Twisp said she is submitting comments on behalf of the Methow Valley Citizens Council (MVCC). She noted a packet was sent to the Planning Commission. She said there were great improvements in the current document addressing wildlife, wetland and channel migration zones. She said it was good to see the recommendations of the Comprehensive Flood Management committee had been considered.

She said the major concerns expressed by the MVCC are:

- The powers of the administrator and the movement away from the public process.
- The change of the word "shall" to "may" leaving the requirements optional to the discretion of the administrator or designee.
- The training of the administrator to determine if a critical area exists.
- Administrative rulings may not come up for public comment.

She said the MVCC have two suggestions to address these issues:

- Implement a clearing and grading ordinance to support the CAO.
- Get sample codes from the Center of Trade and Economic Development for the provisions for designating and protecting critical areas and rewrite the CAO accordingly.

Addressing the issue of aquifer recharge, Ms. Spohn said;

- Best available science needs to be used and receive more attention in the document.
- Preventing contamination is critical.
- Identify aquifers.
- Concern for facilities that have hazardous waste.
- Water storage should not be exempt from aquifer protection
- Single family homes should not be exempt.

Celeste Roberts residing in Winthrop said she is a supporter of the MVCC comments and research. She said she:

- Supports the wildlife section.
- Supports aquifer protection for future water quality and quantity.

- Acknowledges the maps should be updated and the County should use the best available science.
- Believes the Administrator needs to use on the ground science utilizing agencies, scientist, and history prior to development approval.

Jim Hutton residing in Okanogan commenting on behalf of the Cattlemen's Association stated the draft is a much improved document. He expressed the continued concern by the Cattlemen's Association on the issue of the appropriateness of re-establishing native plants. He said re-establishing native plants on sites that may have changed over time may not work such as when soils change. He said buffers should be used with caution so as to avoid issues of property rights and takings.

Rocklyn Culp speaking on behalf of the Town of Winthrop and residing in Winthrop said Winthrop had one concern which is addressing the channel migration zone. She said the town's concern is with the Methow River and the significant downstream effects. She stated if the CAO does not include the channel migration zone, it will cause significant problems for the Town of Winthrop. She said Winthrop is pleased the issue has been addressed.

Ruth Dight who owns property in the Methow Valley said she is concerned with the aquifer recharge areas. She had maps of the aquifers in Okanogan County distributed to the Planning Commission Members. She discussed the areas of the aquifers and said they are the most important source of public water. She discussed the following:

- The Comprehensive Plan and CAO don't do what needs to be done to protect the aquifers.
- There is not enough water in the Methow Valley for what is currently zoned for development.
- Contamination can occur very slowly and cause health problems.
- Septic systems are not capable of removing all contaminants.
- There is no active septic system monitoring program.
- The Comprehensive Plan allows dense development over the aquifers and the CAO does not address the issue.
- The document did not use best available science.
- Exempting single family homes on large lots makes sense.
- Limit lot size due to the aquifers noting the Environmental Protection Agency says anything under 20 acres is considered vulnerable.
- There should be protection for the well heads.
- Regulations should be more detailed and specific.

John Crandle residing in Winthrop commented on the mapping for the wildlife designations and said the maps produced by the Washington Department of Fish and Wildlife (WDFW) should be referenced and included since they are frequently updated. He said:

- The riparian conservation areas and the buffer widths determination should include information from the Department of Natural Resources (DNR).
- The current draft of the CAO made a solid change in the way the streams are typed.
- The maps do contain errors so one cannot rely on just the material provided by the DNR.
- Determination of the buffers should be a combination of sources and this information should be included in the CAO.
- Maps are a starting point to be used along with on the ground observation and consultation.

John Sunderland residing in Mazama expressed the following recommendations and concerns:

- Channel migration area proposal is identical to that supported by the committee and should be included.
- Section 1214.550 E(1) lacks clarity and should be simplified.
- Section 1214.550 E(3a) should not allow septic systems in the severe channel migration zones.
- Referring to the fish and wildlife habitat conservation areas (FWHCA), there is lack of clarity and organization. This section needs to be clarified for both those with environmental concerns and for developers.

Ken Bevis of WDFW and residing in Twisp commented he applauded the Planning Commission for significant improvements to the document particularly the CAO application on any land use activity, not just triggers by a permit application. He recommended:

- Include WDFW Priority Habitat and Species data in the CAO.
- Include "Best Available Science".
- In the definition of riparian zone, suggest not link with specific distance. Look at individual circumstance.
- In the small wetland exemption, refine with caveats such as proximity, critical habitat, special habitat feature, etc.
- Qualify the exemption.
- When reducing buffer width with administrator's approval, tighten the determination with specifics which were considered for the reduction.

Chair called for a recess at 8:03.

Chair Roberts reconvened the meeting at 8:10.

Sandy Mackie residing in Winthrop came forward with the following comments.

- The draft ordinance does not meet State requirements or meet minimum guidelines.
- Focus on FWHCA.
- Ordinance does not meet definitions.
- Use of universal buffers is not supported by science and is prohibited.
- Use of several exemptions is not mentioned.

Mr. Mackie said it is easier to bring the current ordinance into compliance with the State requirements.

Mr. Mackie continued:

- Protect what the State requires.
- Follow definition for fish and wildlife habitat conservation areas.
- Universal protection of fish and wildlife habitat is not required.
- Not all habitats are critical areas. He noted reference to all rivers and streams and said not all rivers and streams contain critical habitat.

Regarding buffers as proposed, he said the proposals are contrary to State law because:

- Not all shorelines are critical areas.
- Ordinance does not address exemptions.
- Science does not support buffers in the built environment.

- Area must have naturally functioning conditions.
- State law says to maintain existing conditions, not restoration them.

He noted not all riparian habitat areas meet the definition of FWHC because:

- The developed shoreline is covered by the Shoreline Management Act and not the CAO.
- Buffers are applicable to conditions.
- Mitigation applies, not restoration.
- It is the burden of government to prove the need whereas the draft CAO puts the burden on the applicant.

Mr. Mackie said to take the current ordinance, review it and bring it into line with the State requirements and guidelines.

Dan Beardsley now residing in Douglas County discussed his background. He said he is representing the Homebuilders Association. He said the Planning Commission had received a letter from the Association in April and November recommending changes. He noted Mr. Mackie's presentation pointed out many of the same problems expressed by the Homebuilders Association. He said there are items that do not apply or make sense. He suggested getting people involved to get a better product.

Chair Roberts called for anyone else who wished to speak. There was none.

Director Huston asked the Planning Commission for direction.

Chair Roberts said the Planning Commission Members needed time to go through the information presented tonight. He asked Staff to look at the interface of the draft CAO with State law and note any inconsistencies.

Director Huston said Staff will do a comment and response sheet on the information provided this evening and have it ready by the next meeting. He said before the Planning Commission considers building a new draft, he suggested waiting until the Planning Commission reviews all the information.

Vice Chair Dart made the motion for the continuance of the public hearing to consider the Draft of the Okanogan County Critical Areas Ordinance at the next regularly scheduled meeting on February 25, 2013 at 7:00 pm in the Commissioners Hearing Room. The meeting will not be open to public testimony. Commission Member Rawley seconded the motion. Motion passed.

Old Business

There was none

New Business

Director Huston provided an update:

- Shoreline Master Program is with the Department of Ecology (DOE) for review. Due to the DOE undergoing numerous staff changes, there is no time frame available. .

- The new draft of the Comprehensive Plan is underway and should be before the Planning Commission in April or May. There will be a 45 – 60 day comment period on the draft.
- Airport Protection Zone is on hold as there is no urgency to complete this at this time. He said the first step will be the zone code and then zoning around the airports. He said this will come to the Planning Commission after the other items completed.

Commission Member Rawley moved to adjourn the meeting. Vice Chair Dart seconded the motion. Motion passed.

Chair Roberts adjourned the meeting at 9:25 p.m.

SUMMARY OF MOTIONS

Commission Member Schulz moved to approve the January 28, 2013 Planning Commission Meeting Agenda as amended. Vice Chair Dart seconded the motion. Motion passed.

Commission Member Schulz moved to approve the December 3, 2011 Planning Commission Meeting Minutes as amended. Vice Chair Dart seconded the motion. Motion passed.

Vice Chair Dart moved to recommend approval of the Maddux OST 2012-11 to the Board of County Commissioners subject to the attached Findings of Fact, Conclusions of Law and the Conditions of Approval. Commission Member Schulz seconded the motion. Motion passed.

Vice Chair Dart made the motion for the continuance of the public hearing to consider the Draft of the Okanogan County Critical Areas Ordinance dated October 22, 2012 at the next regularly scheduled meeting on February 25, 2013 at 7:00 pm in the Commissioners Hearing Room. The meeting will not be open to public testimony. Commission Member Rawley seconded the motion. Motion passed.

Prepared by Sharon McKenzie
Administrative Secretary