



Planning Commission Meeting Minutes

A meeting of the Okanogan County Regional Planning Commission was held on Monday, October 24, 2011 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, Commission Member Mark Miller, Commission Member Phil Dart, Commission Member Tina Williams, Commission Member Tamara Porter, Commission Member Dave Schulz, and Commission Member Marlene Rawley.

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: Dale Mittge, Bob Anderson, Don Dimmitt, and Don Wallis.

OTHERS IN ATTENDANCE: None

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

Approval of October 24, 2011 Agenda

Commission Member Schulz moved to approve the October 24, 2011 Planning Commission Meeting Agenda. Commission Member Dart seconded the motion. Motion passed.

Approval of September 26, 2011 Meeting Minutes

Commission Member Schulz moved to approve the September 26, 2011 Planning Commission Meeting Minutes. Commission Member Dart seconded the motion. Motion passed.

Public Hearing Item #1

- Mittge OST 2011-8

Chair Roberts requested the summary report on the **Mittge OST 2011-8**. Natural Resource Planner II Angela Hubbard requested the Staff Report be placed into the record. Natural Resource Planner II Hubbard explained the applicant Dale Mittge is applying for a transfer from Designated Forest to Open Space Timber on 19.04 timberland acres. The goals of the applicant are to improve timber potential, enhance timber growth, reduce fire hazard, and keep the forest

healthy. Dianna Lingle, professional forester, prepared a Forest Management Plan (FMP) for this property in 2010. The property is located approximately 19 miles east of Tonasket.

Planner II Hubbard stated the applicant is present to address any questions.

Chair Roberts called the Proponent forward to speak to the issue.

Dale Mittge, residing in Tonasket, said he has owned the property for three years and wishes to change the designation to Open Space Timber. Mr. Mittge said the property was part of Omak Wood Products years ago and the property had been logged pretty hard just prior to his purchase.

Commission Member Schulz asked Mr. Mittge if he would have a problem with thinning in three years rather than the 15 as recommended in the FMP. Mr. Mittge showed no objections.

There was discussion amongst the Commission Members as to the appropriateness of the three year thinning program being required on every parcel brought to the Commission for Open Space Timber consideration. The discussion included consideration of the location, climate and prior logging practices. There was discussion regarding having consistency in all conditions for all applications.

Planner II Hubbard noted there were some guidelines in both the State RCW and the Okanogan County Code but neither called out specifics.

Director Huston said if there is a specific condition which the Planning Commission wants included, the Planning Commission may create the condition but it needs to have clear wording. The wording can then be forwarded to the foresters.

Commission Member Dart pointed out that in previous meetings this has been discussed and the appropriate wording for all conditions of approval had been agreed upon. He noted that most forest management plans had been written prior to this requirement of the Planning Commission. He said with the recommendations in the forest management plans along with the Conditions of Approval which now include the three year thinning requirement, he is not sure there is an issue.

Chair Roberts opened the meeting to public testimony. There being no public testimony, he closed the meeting to public testimony.

Chair Roberts said he would entertain a motion.

Commission Member Dart moved to recommend approval of the **Mittge OST 2011-8** to the Board of County Commissioners subject to the attached Findings of Fact, Conclusions of Law and the Conditions of Approval to include the clause requiring thinning to begin in three years, and the terms of the Forest Management Plan. Commission Member Porter seconded the motion. Motion failed

Commission Member Schulz moved to recommend approval of the **Mittge OST 2011-8** to the Board of County Commissioners subject to the attached Findings of Fact, Conclusions of Law and the Conditions of Approval. Commission Member Rawley seconded the motion. Motion passed.

Public Hearing Item #2

- **Jackson-Harvey OST 2011-9**

Chair Roberts requested the summary report on the **Jackson-Harvey OST 2011-9**. Natural Resource Planner II Angela Hubbard requested the Staff Report be placed into the record. Natural Resource Planner II Hubbard explained the applicant Marian Jackson owns 19.5 acres. The applicant is applying for a transfer from Current Use Agriculture to Open Space Timber on 19.50 timberland acres. The goal of the applicant is to manage the timber for optimum health and sustainable yield. James R. G. Vernon, professional forester, has prepared a FMP (Forest Management Plan) for this property in 2011. The property is located approximately 3.5 miles southwest of Chesaw, WA.

Addressing the question regarding the Power of Attorney, Planner II Hubbard stated the Planning Department only established that it exists. She said the applicant is not available at the hearing to answer questions.

Chair Roberts opened the meeting to public testimony. There being no public testimony, he closed the meeting to public testimony.

Chair Roberts said he would entertain a motion.

Commission Member Schulz moved to recommend approval of the **Jackson-Harvey OST 2011-9** to the Board of County Commissioners subject to the attached Findings of Fact, Conclusions of Law and the Conditions of Approval. Commission Member Dart seconded the motion. Motion passed.

Public Hearing Item #3

- **Serwas OST 2011-10**

Chair Roberts requested the summary report on the **Serwas OST 2011-10**. Natural Resource Planner II Angela Hubbard requested the Staff Report be placed into the record. Natural Resource Planner II Hubbard explained the applicant Jerry & Anna Serwas own 20 acres. The applicant is applying for a transfer from Designated Forest to Open Space Timber on 13 timberland acres. The goal of the applicant is to improve timber value through good timber management to increase potential dollar returns in the future. Robert J. Anderson, professional forester, has prepared a FMP (Forest Management Plan) for this property in 2011. The property is located approximately 6 miles southwest of Oroville, WA.

Planner II Hubbard asked if there were any questions from the Commission Members. There being none, she said the forester, Robert Anderson, was present to answer any questions.

Chair Roberts called the Proponent forward to speak to the issue.

Robert Anderson, professional forester, residing in Tonasket and representing Serwas confirmed the forest management plan had been done in January of 2011.

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.

Chair Roberts said he would entertain a motion.

Commission Member Schulz moved to recommend approval of the **Serwas OST 2011-10** to the Board of County Commissioners subject to the attached Findings of Fact, Conclusions of Law and the Conditions of Approval. Commission Member Dart seconded the motion. Motion passed.

Public Hearing Item #4

- **Burma Shores, LLC OSOS 2011-1**

Chair Roberts requested the summary report on the **Burma Shores, LLC OSOS 2011-1**. Natural Resource Planner II Angela Hubbard requested the Staff Report be placed into the record. Natural Resource Planner II Hubbard explained Burma Shores LLC submitted an application for Open Space Open Space tax classification on approximately 268.3 acres total with individual parcels consisting of 51.1 acres, 12.91 acres, 37.32, 8.5 acres, 18.69 acres, 19.03 acres, 20 acres, 30.65 acres, 20.01 acres, 20 acres, and 30 acres.

The applicant applied for 180 acres of open space leaving 88 acres of residential development. She said her review was on the parcels as they exist today because the subdivision Copperstone Long Plat 2008-5 applied for in 2008 and received preliminary approval in 2009. She said the Long Plat has not received final approval. Okanogan County Code 14.08.100 requires multiple parcels to be evaluated individually unless the applicant consolidates the parcels.

Four of the parcels (3022132001, 3022131002, 3023183004, 3023180014) are transferring from Current Use Agriculture to the Open Open current use tax classification. Parcel number 3023180014 does not meet the minimum size requirement of 10 acres. She explained the Proponent has removed the orchard that was in place giving them the Agriculture classification.

She explained public access is proposed for a hiking trail that starts on Burma Road and meanders through the open space taking advantage of scenic vistas and ends at a point adjoining federal land. An approved sign will be posted at the beginning of the trail.

The parcels are located approximately 2.5 miles south of Methow, Washington.

Planner II Hubbard asked the Planning Commission Members to turn to the map which is part of Attachment A. She explained the map and noted she just received a letter from the Proponent this evening indicating parcel consolidations would be done to meet the program needs both in size and meeting the high priority resource designation. She referred the Commission Members to the habitat map and explained the Level 1 habitat area and the type 45 water area. She said if the Proponents did consolidate the parcels as per the letter, the two riverfront parcels and parcel behind would meet the priority resource requirements. She clarified the consolidation would put the proposed project all into open space designation. She explained as part of the information packet, she included OCC 14.08 since it had been awhile since the Planning Commission had considered an application for Open Space Open Space.

Chair Roberts called the Proponent forward to speak to the issue.

Don Wallis residing in Twisp and Don Dimmitt residing in Wenatchee came forward to answer questions regarding the proposed project. Mr. Dimmitt said the focus is to build out Copperstone. Mr. Dimmitt clarified the location of the parking area for the trailhead and how the trail meandered through the area. He said when the plat receives final approval, the lots would be scattered throughout and the open space would go to the homeowners.

Chair Roberts opened the meeting to public testimony. There being no public testimony, he closed the meeting to public testimony.

Chair Roberts asked if there were any further questions for the Proponent or Staff.

Addressing the question if Planner II Hubbard had any difficulty in doing the public benefit rating system, Planner II Hubbard explained her process included contacting various agencies and using material available. She noted the Washington State Department of Fish and Wildlife did not make comment.

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

Board Member Rawley moved to recommend approval of the **Burma Shores, LLC OSOS 2011-1** to the Board of County Commissioners subject to the attached Findings of Fact, Conclusions of Law and the Conditions of Approval. Commission Member Dart seconded the motion. Motion passed.

Public Hearing Item #5

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

Natural Resource Planner II Angela Hubbard began by stating she needed clarification on the riparian assessment process. The two items she expressed concern over where the use of the professional biologist in the event the landowner did not agree with the Planning Department designation and clarification on the appeal process.

Director Huston explained there were guidelines for habitat management plans but there was no certification for this type of function that he was aware of.

Commission Member Dart said he recalled the discussion that if the landowner wanted to reduce the buffer zone, the alternative was the Staff said yes but make these changes. If the Staff said no and the landowner disagreed, the landowner could appeal to the Planning Commission. If the landowner chose to get a biologist, the Planning Commission would listen. He recalled the whole purpose was to make the process really simple.

Director Huston clarified the process would be if the landowner did not wish to adhere to the default position, the landowner would be responsible for preparing a habitat management plan. The landowner would propose the desired setbacks with the management plan including the mitigating issue.

Director Huston said the request for an appeal process in the event the landowner did not agree with the administrative position is still being researched. He said it is not clear if there is authority to refer the appeal to the Planning Commission. He explained appeals of this sort usually would go through the Board of Adjustment. He said he is still researching who can/cannot hear the appeal.

The Commission Members said they do not care if it goes to the Planning Commission or the Board of Adjustment, only that the process is simple and does not have a lot of criteria tied to it.

Director Huston said he is pursuing the idea that if the Planning Commission has a role in the project and has an open record hearing on the project, then the appeal comes to the Planning Commission. He further explained the decision on the appeal of the administrative decision would still need to be recommended for approval to the Board of County Commissioners.

The Planning Commission requested the term "habitat management plan" be changed to "critical area plan".

Answering the question of what was left to review on the Critical Areas Ordinance, Planner II Hubbard said the last big issue will be channel migration. She said she will have material ready to be discussed at the next meeting. It was noted the Planning Commission is looking to Staff for a revised draft after that meeting. They said it should be the draft ready to present to the public for a public hearing.

It was noted that the flood management regulation has been included in the CAO and since most of the regulations are by others, those regulations are not up for discussion. Planner II Hubbard said she would note the regulations the Planning Commission has no control over.

Commission Member Rawley made the motion to continue deliberations on the Critical Areas Ordinance which will not be open to public comment at a special meeting November 21, 2011 at 7:00 pm in the Commissioners Hearing Room. Planning Commission Member Porter seconded the motion. Motion passed.

Old Business

There was discussion on the Douglas County PUD condemnation and land actions. It was noted the decision on such issues lie with the Superior Court Judge.

Addressing the status of the Comprehensive Plan, Director Huston said the pieces are in place. He said Staff is working on the airport language and revisions on the Plan itself as requested by the County Commissions. He said the revised Plan will go back to County Commissioners for review. He said the County Commissioners will be sending the plan out for legal review and then as per State law, the Plan will be sent back to the Planning Commission for a public hearing for public comment. After the Planning Commission has had the public hearing, the Plan will go back to the County Commissioners and they will do what they want to do.

Regarding the Shoreline Master Program (SMP), Director Huston said there is a public hearing scheduled for November 8th after which the SMP will be sent to the Department of Ecology. He

said it appears the Comp Plan, Shoreline Master Program and Critical Areas Ordinance will come together at about the same time.

Director Huston said there will be a meeting on the Voluntary Stewardship Program on October 25th to discuss whether the County should opt in to the program. The meeting will be held in the Commissioners' Hearing Room at 7:00PM. He said until this issue is determined, the agricultural element in the CAO will not be discussed.

New Business

The announcement was made the Vice Chair Becki Andrist tendered her resignation from the Planning Commission to the Board of County Commissioners. This leaves the position of Vice President vacant. Chair Roberts appointed Commission Member Phil Dart to the position of Vice Chair until the next regularly scheduled election in March of 2012.

Commission Member Wood moved to adjourn the meeting. Commission Member Porter seconded the motion. Motion passed.

Chair Roberts adjourned the meeting at 9:05 PM.

Summary of Motions

Commission Member Schulz moved to approve the October 24, 2011 Planning Commission Meeting Agenda. Commission Member Dart seconded the motion. Motion passed.

Commission Member Schulz moved to approve the September 26, 2011 Planning Commission Meeting Minutes. Commission Member Dart seconded the motion. Motion passed.

Commission Member Dart moved to recommend approval of the **Mittge OST 2011-8** to the Board of County Commissioners subject to the attached Findings of Fact, Conclusions of Law and the Conditions of Approval to include the clause requiring thinning to begin in three years, and the terms of the Forest Management Plan. Commission Member Porter seconded the motion. Motion failed

Commission Member Schulz moved to recommend approval of the **Mittge OST 2011-8** to the Board of County Commissioners subject to the attached Findings of Fact, Conclusions of Law and the Conditions of Approval. Commission Member Rawley seconded the motion. Motion passed.

Commission Member Schulz moved to recommend approval of the **Jackson-Harvey OST 2011-9** to the Board of County Commissioners subject to the attached Findings of Fact, Conclusions of Law and the Conditions of Approval. Commission Member Dart seconded the motion. Motion passed.

Board Member Rawley moved to recommend approval of the **Burma Shores, LLC OSOS 2011-1** to the Board of County Commissioners subject to the attached Findings of Fact, Conclusions of Law and the Conditions of Approval. Commission Member Dart seconded the motion. Motion passed.

Commission Member Rawley made the motion to continue deliberations on the Critical Areas Ordinance which will not be open to public comment at a special meeting November 21, 2011 at 7:00 pm in the Commissioners Hearing Room. Planning Commission Member Porter seconded the motion. Motion passed.

Prepared by Sharon McKenzie
Administrative Secretary