



Planning Commission Special Meeting Minutes

A special meeting of the Okanogan County Regional Planning Commission was held on Monday, December 3, 2012 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: Jim Geer, Clay Brown, Wayne Egner, and Sue Egner.

OTHERS IN ATTENDANCE: None

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

Approval of December 3, 2012 Agenda

Commission Member Rawley moved to approve the December 3, 2012 Planning Commission Meeting Agenda. Commission Member Schulz seconded the motion. Motion passed.

Approval of November 5, 2012 Meeting Minutes

Commission Member Schulz moved to approve the November 5, 2011 Planning Commission Meeting Minutes as amended. Commission Member Rawley seconded the motion. Motion passed.

Public Hearing Item #1

- **Geer OST 2012-07**

Chair Roberts requested the summary report on the **Geer OST 2012-07**. Natural Resource Planner II Angela Hubbard requested the Staff Report be placed into the record. Natural Resource Planner II Hubbard explained:

- Geer Enterprises own 20 acres.
- The applicant is applying for a transfer from Designated Forest to Open Space Timber tax assessment on 18 timberland acres.
- The goal of the applicant is to maintain and improve the growth and health of the timber.
- 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 Knox Rd., approximately 12 miles east of Riverside.

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

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

Jim Geer, proponent, residing in Olympia WA and Clay Brown, forester, residing in Omak came forward to address questions. Addressing the question of the number of stems per acre, Mr. Brown said there were approximately 250 stems per acre and the property was stocking itself naturally. He noted seedlings are well established. Mr. Brown said the area rejected for the forest designation included old log landings. He explained why the log landings did not show reproduction at this time. He noted eventually it will reproduce trees. Mr. Brown said landings are part of the logging system and should be included in the forest designation. He and Mr. Geer had hoped to appeal the Assessor's decision but did not have time due to the deadline specified by the Assessor's office.

Director Huston noted if the Planning Commission recommended approval of the Open Space Timber application, they can put in the findings that the property should go back to 20 acres since the landings should be included.

Mr. Geer expressed the concern the two acres taken out of forest designation would increase his taxes.

After discussion amongst the Commission Members, the Commission Members recommended the 18 acres proposed for open space timber should be changed to 19.5 acres.

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 made the motion to amend the contract from 18 acres to 19.5 acres in order to include the log landings as part of the logging operation and include this change in the tax

agreement and Findings of Fact. Commission Member Schulz seconded the motion. Motion passed.

Commission Member Schulz moved to recommend approval of the **Geer OST 2012-07** as amended by the Planning Commission within the Finding of Fact to 19.5 acres to include the log landings as an integral part of forest management to the Board of County Commissioners subject to the amended **Findings of Fact**, Conclusions of Law, and the Conditions of Approval. Vice Chair Dart seconded the motion. Motion passed.

Public Hearing Item #2

- **Proctor OST 2012-09**

Chair Roberts requested the summary report on the **Proctor OST 2012-09**. Natural Resource Planner II Angela Hubbard requested the Staff Report be placed into the record. Natural Resource Planner II Hubbard explained:

- Dennis and Peggy Proctor own 20 acres.
- The applicant is applying for a transfer from Designated Forest to Open Space Timber tax assessment on 11 timberland acres.
- The goal of the applicant is to maintain and improve the growth and health of the timber.
- 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 public and private property.
- The property is located off Bannon Creek Road, approximately 9 miles southeast of Tonasket.

Planner II Hubbard said the applicant's forester, Clay Brown is present to answer questions. She asked if there were any questions of Staff.

There being no questions, Chair Roberts requested the applicant's representative come forward to address questions from the Commission Members.

Clay Brown, forester, residing in Omak, WA explained the soil conditions and lack of moisture are the reasons for the large open areas shown in the aerial map. He explained other areas had sufficient moisture and better soil conditions for adequate timber production to qualify for the open space timber designation.

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 **Proctor OST 2012-09** 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 #3

- **Egner OST 2012-10**

Chair Roberts requested the summary report on the **Egner OST 2012-10**. Natural Resource Planner II Angela Hubbard requested the Staff Report be placed into the record. Natural Resource Planner II Hubbard explained:

- Wayne and Susan Egner own 20 acres.
- 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 selectively thin the forest within the next 10 to 20 years to improve forest health and provide some fire protection by reducing fuel loads.
- Wayne and Susan Egner prepared their own 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 public and private property.
- The property is located off East Fork Cougar Creek Road, approximately 32 miles east of Tonasket.

Planner II Hubbard said the applicants are here to answer any questions. She asked if there were any questions of Staff.

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

Wayne Egner and Susan Egner residing in Republic WA noted the bud worm was not an issue, and there was new growth this year.

Commission Member Schulz requested the addition to the Conditions of Approval that pruning take place within three years to remove ladder fuels to prevent fires. It was noted by Director Huston this item is already in the management plan.

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.

Commission Member Schulz moved to recommend approval of the **Egner OST 2012-10** with the addition to the Conditions of Approval for pruning to take place within three years to remove ladder

fuels to prevent fires to the Board of County Commissioners subject to the attached Findings of Fact, Conclusions of Law and the amended Conditions of Approval. Commission Member Dart seconded the motion. Motion passed.

Public Hearing Item #4

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

Director Huston noted the last public hearing in which there was public testimony was April 23, 2012. He noted a response sheet was created out of that public hearing and presented to and discussed by the Planning Commission at the June 4, 2012 Planning Commission meeting. He said the Commission Members requested at the November 5, 2012 meeting another public hearing be scheduled for public testimony. He said the comments received at the last meeting were like the ones submitted in April.

Addressing the question of the whether the copy of the response sheet was the same as the one discussed by the Commission Members in June, Director Huston verified it was the same and no changes had been made.

Director Huston clarified the purpose of the Critical Areas Ordinance (CAO):

- The CAO is designed to protect, not enhance.
- If a structure already exists and no changes are proposed, nothing needs to be done.
- If activity is proposed on the property, the activity is reviewed and then the determination is made if the critical area is being affected.

Chair Roberts noted the comments received at the November 5th meeting were the same as those sent in April. He noted numerous changes had been made since the April meeting and those changes were included in the current Draft.

Addressing a question regarding a comment from the Department of Ecology (DOE), Director Huston noted that bio-solids septic application is not under planning purview but is addressed through the Public Health District and Ecology. He said the business activity would fall under the zoning and not the CAO. He said the CAO is not the place to regulate the activity

Director Huston asked the Commission Members what are the directions for Staff.

Commission Member Rawley stated she wants to hear public comment on the current draft from the Methow group, Sandy Mackie, and DOE. She said she is confused on what is required and what they are saying. She said until the Comprehensive Plan and Shoreline Master Program are passed, she sees no great impetus to move the CAO along. She said she wants the ability to ask questions of those testifying. She said she is not comfortable doing anything without more public testimony.

Vice Chair Dart said there should be no hearing with questions as it would be a disaster to ask questions during testimony.

Chair Roberts said asking questions would have the potential of bias and conflict of interest. He said the purpose of public testimony is for the Planning Commission to listen and evaluate.

Chair Roberts said the comments made by the three organizations were the same as those expressed in April even though Staff and the Planning Commission had re-drafted the CAO and had addressed many of the comments. He said it appears the organizations had not read the new draft. He said their latest comments should have been specific to the current draft.

Director Huston said the Planning Commission has two options – (1) take more verbal testimony or (2) not take more verbal testimony. He cautioned, if verbal testimony is taken and if questions are asked, avoid getting into a debate. He said it is best to ask questions for clarification and not to engage in discussion. He reminded the Planning Commission the decision to move the CAO to the BOCC would be theirs in the end. He said the Commission Members will need to decide how much time will be given for testimony. Staff will publish the time allotment, identify the current draft and put a notice in the newspapers.

Addressing the question of ex-parte communication, Director Huston said since this is a legislative process, the Commission Members may discuss the CAO with others. However, he reminded the Commission Members to be open minded.

Vice Chair Dart said the Planning Commission has worked on the CAO for a long time and tried to make it easier and less restrictive. He said after every public hearing, he has been disappointed. He said after listening to 115 testimonies, only 5 testifying had read the plan. He said the Planning Commission does not have the final say and no matter what the Planning Commission does, the BOCC will put their personal stamp on it after they go through their own public hearing process. He said the BOCC will put fresh eyes on the document. He noted after three years, it's time for BOCC to put their stamp on it. He stated 90% of the changes in the document was created by a unanimous decision.

Director Huston asked the Commission Members what are Staff's orders.

Commission Member Rawley made the motion for the continuance of the public hearing to consider the Final Draft of the Okanogan County Critical Areas Ordinance dated October 22, 2012 at the next regularly scheduled meeting on January 28, 2013 at 7:00 pm in the Commissioners Hearing Room. This meeting will be open to public testimony. Each public testimony will not exceed 10 minutes. Commission Member Porter seconded the motion. Motion passed.

Old Business

Commission Members requested Director Huston draft communications to the Assessor's office regarding the observations discussed on the Open Space Timber application whereby log operations including log landings should not be excluded in the timber acreage count. This will be brought back to the Planning Commission for review.

Director Huston said the Comprehensive Plan should be back to the Planning Commission at the February meeting with instructions from the BOCC. The BOCC will include an explanation of their expectations of the Planning Commission. He said Staff will highlight the significance changes.

Director Huston noted the zone code and subdivision ordinance will come in for review after the Comprehensive Plan.

New Business

Chair Roberts noted the Planning Commission calendar for 2013 had been mailed to each member.

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

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

Summary of Motions

Commission Member Rawley moved to approve the December 3, 2012 Planning Commission Meeting Agenda. Commission Member Schulz seconded the motion. Motion passed.

Commission Member Schulz moved to approve the November 5, 2011 Planning Commission Meeting Minutes as amended. Commission Member Rawley seconded the motion. Motion passed.

Vice Chair Dart made the motion to amend the contract from 18 acres to 19.5 acres in order to include the log landings as part of the logging operation and include this change in the tax agreement and Findings of Fact. Commission Member Schulz seconded the motion. Motion passed.

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Vice Chair Dart moved to recommend approval of the Proctor OST 2012-09 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 Egner OST 2012-10 with the addition to the Conditions of Approval for pruning to take place within three years to remove ladder fuels to prevent fires to the Board of County Commissioners subject to the attached Findings of Fact, Conclusions of Law and the amended Conditions of Approval. Commission Member Dart seconded the motion. Motion passed.

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Prepared by Sharon McKenzie
Administrative Secretary