



Planning Commission Meeting Minutes

A meeting of the Okanogan County Regional Planning Commission was held on Monday, February 25, 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, Commission Member Tim Woolsey, 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: None

OTHERS IN ATTENDANCE: Cindy Mackie, Sandy Mackie, Birens Pillow, James (unable to read last name), and two others (unable to read names).

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

Approval of February 25, 2013 Agenda

Commission Member Schulz moved to approve the February 25, 2013 Planning Commission Meeting Agenda. Vice Chair Dart seconded the motion. Motion passed.

Approval of January 28, 2013 Meeting Minutes

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

Public Hearing Item #1

❖ **Groefsema OST 2013-01**

Chair Roberts requested the summary report on the **Groefsema OST 2013-01**. Natural Resource Planner II Angela Hubbard requested the Staff Report be placed into the record. Natural Resource Planner II Hubbard explained:

- The applicant owns 18 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 grow trees for investment purposes.
- Dianna Lingle, 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 of FS 3010 RD, approximately 20 miles southeast of Tonasket.
- An exempt segregation on the parcel changed the designation.

Planner II Hubbard said neither the applicant nor the forester appeared to be present.

She asked if there were any questions of Staff.

There being no questions of Staff, Chair Roberts confirmed the applicant and forester were not present to address questions from the Commission Members.

Addressing the question regarding the qualifications of the forester, Planner II Hubbard said Dianna Lingle is on the list of foresters given out by the Assessor's Office.

The Commission Members discussed Condition of Approval Item #1 and stated it should be reworded to include thinning within the next three years and removal of dominate reprod trees. It was determined to rewrite Condition #1 as follows:

The landowner shall follow the harvest management guidelines as set forth in the attached Forest Management Plan adding the provisions that pre-commercial thinning shall start within three years with tree spacing at 16-19 feet. Trees larger than 6 inch DBH will not be counted in the 16 – 19 foot spacing. Determine dominate reprod trees and remove 6 foot radius of subordinate trees for continued enrollment in the Open Space Timber Program.

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 **Groefsema OST 2013-01** to the Board of County Commissioners subject to the attached Findings of Fact, Conclusions of Law and the Conditions of Approval including the amendment to Item #1. Commission Member Rawley seconded the motion. Motion passed.

1 **Public Hearing Item #2**

2 ❖ **Deliberations on the Okanogan County Critical Area Ordinance (CAO) – Continuance**

3 Director Huston stated Staff prepared the comment/response sheet as directed by the Planning
4 Commission. He reviewed the CAO revision process and how the Commission got to where they
5 currently are. He stated the Planning Commission did start with the existing CAO and made
6 changes through a variety of meetings.

7 Director Huston reviewed the difference between the Shoreline Master Program and the CAO.

8 Addressing the issue of burden of proof being placed on the landowner regarding buffers, he
9 explained the trigger for review is the landowner wants to take action on the property. He said
10 placing the burden of proof on to the County would increase cost and time for both the County and
11 the landowner.

12 The Planning Commission Members engaged in discussion on where the burden of proof should
13 lie.

14 Director Huston suggested before the Planning Commission goes further with their discussion,
15 they should have Planner II Hubbard go through the comment/response report as many of the
16 questions and concerns being expressed in their discussion may be addressed by the report.

17 A recess was requested. Chair Roberts called for a recess at 7:32 PM.

18 The meeting reconvened at 7:42 PM.

19 Planner II Hubbard presented the comment/response report prepared at the request of the
20 Planning Commission. She stated the Agency and Public comments expressing similar concerns
21 were consolidated into categories and Staff responds were made to each category accordingly.

22 Planner II Hubbard reviewed the report item by item for the Planning Commission Members.

23 The categories of concern were:

- 24 • Aquifer Recharge Areas
- 25 • Wildlife Habitat
- 26 • Geologically Hazardous Areas
- 27 • Erosion Hazard Areas
- 28 • Landslide Hazard Areas
- 29 • Mine Hazard Areas
- 30 • Seismic Hazard Areas
- 31 • Wetlands
- 32 • Clearing and Grading Ordinance
- 33 • Maps
- 34 • Administration
- 35 • Applicability
- 36 • Agricultural Land
- 37 • Riparian Habitat Areas

38 For each of these comment categories, Planner II Hubbard gave the Staff response which
39 included:
40 • Applicable RCWs.
41 • Applicable WACs .
42 • Agency requirements and guidelines.
43 • Adjustments made in the Draft to address certain concerns identified.
44 • Explanation of the different reference materials and how they are used in decision making.
45 • The actions of the Planning Commission for the conclusions drawn in the Draft.

46 Director Huston asked the Planning Commission how Staff should proceed.

47 It was suggested;
48 • the Prosecutor looks at the CAO for compliance and other issues.
49 • the CAO goes to the Commissioners for review and any changes first and then be sent for
50 review to the Prosecutor's Office.

51 Director Huston said he will submit the draft of the CAO to the Prosecuting Attorney's office for
52 review if the Planning Commission wished. There was no specific instruction from the Planning
53 Commission.

54 There was further discussion on the issue of whether the landowner has the burden of proof for
55 buffering or whether the County should have the burden of proof.

56 It was suggested by the Planning Commission:
57 • To leave the draft as it is for now having the burden of proof on the landowner
58 • To look closer at the criteria.
59 • To look more closely at the maps and see if they can be fine-tuned.

60 There was further discussion on the mapping and what the landowner can do and not do and what
61 provisions are or might be available for resolution.

62 The instructions for Staff for the next meeting are:
63 • Fix the obvious challenges
64 • Fix any discrepancies with the RCW
65 • Any areas where a clear call cannot be made will be referred to the Prosecuting Attorney's
66 Office. If the Prosecuting Attorney's Office cannot not make a clear call, the information will
67 be brought back to the Planning Commission.

68 Commission Member Woolsey made the motion to continue deliberations on the Critical Areas
69 Ordinance to consider the Draft of the Okanogan County Critical Areas Ordinance at the next
70 regularly scheduled meeting on March 25, 2013 at 7:00 pm in the Commissioners Hearing Room.
71 This meeting will not be open to public testimony. Planning Vice Chair Dart seconded the motion.
72 Motion passed.

73 **Old Business**

74 There was none.

75 **New Business**

76 There was none.

77 Commission Member Woolsey moved to adjourn the meeting. Commission Member Rawley
78 seconded the motion. Motion passed.

79 Chair Roberts adjourned the meeting at 9:10 p.m.

80 **SUMMARY OF MOTIONS**

81 *Commission Member Schulz moved to approve the February 25, 2013 Planning*
82 *Commission Meeting Agenda. Vice Chair Dart seconded the motion. Motion passed.*

83 *Commission Member Schulz moved to approve the January 28, 2013 Planning*
84 *Commission Meeting Minutes. Vice Chair Dart seconded the motion. Motion passed.*

85 *Commission Member Schulz moved to recommend approval of the Groefsema OST 2013-*
86 *01 to the Board of County Commissioners subject to the attached Findings of Fact,*
87 *Conclusions of Law and the Conditions of Approval including the amendment to Item #1.*
88 *Commission Member Rawley seconded the motion. Motion passed.*

89 *Commission Member Woolsey made the motion to continue deliberations on the Critical*
90 *Areas Ordinance to consider the Draft of the Okanogan County Critical Areas Ordinance at*
91 *the next regularly scheduled meeting on March 25, 2013 at 7:00 pm in the Commissioners*
92 *Hearing Room.*

93 Prepared by Sharon McKenzie
94 Administrative Secretary