



Planning Commission Meeting Minutes

1 A meeting of the Okanogan County Planning Commission will be held February 23, 2015 at 7:00
2 PM. The meeting will be held in the Okanogan County Commissioners Hearing Room, 123 5th
3 Ave. N., 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 Resource Planner II Angie Hubbard and Administrative Secretary Kellie Conn.

9 **OTHERS IN ATTENDANCE:** John Crandall, John Olson, Lennard Jordan, and Sandy Mackie.

10 **First Item is Approval of February 23, 2015 Agenda**

11 Planning Commissioner Chairman Albert Roberts opened the meeting and moved to approve the
12 February 23, 2015 agenda. Commission Member Dave Schulz asked Director Perry Huston if
13 they could hear an update on the Comprehensive plan, this was added to the agenda. The agenda
14 has been approved as modified. The motion was approved and carried.

15 **Second Item is Approval of April 28, 2014 Meeting Minutes**

16 Chair Albert Roberts moved to approve the April 28, 2014 meeting minutes, Commission Member
17 Dave Schultz approved the minutes except for page 8 line 273 which should read as 'decoded
18 from the previous meeting minutes regarding the review process and objectives'. Planning
19 Commission member Rawley seconded the motion which was approved and carried.

20 **New Business**

21 **Public Hearing: Revised Shoreline Master Program**

22 Perry Huston Director of Planning Okanogan County introduced NR Planner II Angie Hubbard and
23 special counsel Sandy Mackie retained by the commissioners to work on the Shoreline Master
24 Program.

25 Perry explained that through the review process for the Shoreline Master Program, our Board of
26 County Commissioners wanted changes to be made and then it will go back to the planning
27 commission for public review. Director Perry Huston updated everyone on the Comprehensive
28 Plan and that the upcoming Zone Code will be in a public hearing format in the not too distance
29 future.

30 Tonight is the opportunity to review the SMP changes, ask questions and Angie Hubbard will walk
31 us through these changes. We have issued a Threshold of Determination of Non-Significance, we
32 are in the comment period for SEPA which Perry has extended to March 18th, and we are also in
33 the public hearing process.

34 Perry stated that we have scheduled and noticed tonight's meeting and it is your time to review the
35 changes to the Shoreline Master program. We have set aside March 9th for a special meeting for
36 public testimony. Depending on what the planning commissioners decide we can also meet on our
37 regular date of March 23rd to continue the process. The SMP will then go to the Department of
38 Ecology.

39 In the audience tonight is Lennard Jordan our representative from the Dept. of Ecology who will be
40 working with us on the SMP should you have questions. Again, Angie Hubbard will lead you
41 through the presentation and special consultant Sandy Mackie is here if you have questions for
42 him.

43 By way of introduction the most significant change migrated away from the scoring system of 9-10
44 high intensity and designated to the 6 that is found in the guidelines. Originally the DOE did not
45 agree with our scientist regarding our designations. We did this to make it more legally defensible.

46 Dave Schulz asked if the conflict with the DOE has been resolvedPerry replied that they
47 are indeed more comfortable with our new guidelines.

48 Chair Roberts asked if we are using the same analysis and scoring system. Yes we are. Angie
49 Hubbard outlined the changes for the Shoreline Master Program to the board.

- 50 • Reduced the 10 designations to 6 designations
- 51
- 52 • Setbacks no longer have Zone 1 and 2 buffers. Reduced setbacks in Natural
- 53 Conservancy
- 54
- 55 • Legal non-Conforming-Changed nomenclature of legal non-conforming to legal pre-
- 56 existing. Updated the requirements to allow for placement after damage and
- 57 expansion as long as the increased area was not encroaching on the setback of
- 58 water.
- 59
- 60 • Updated definitions
- 61
- 62 • Streamlined Archeological Section
- 63
- 64 • Fish and Wildlife habitat section-Created classifications for the designation of Fish
- 65 and Wildlife Areas
- 66
- 67 • Removed blanket requirement for clearing and grading however, applicants will still
- 68 have to meet no net loss standard
- 69
- 70 • Public access language modified to include a proportionate nexus
- 71

- 72 • Uses and activities-Many uses still required a Shoreline Conditional Use Permit
73 when they are not required to by statute, and they were changed to require a
74 Shoreline Substantial Development Permit accordingly
75
 - 76 • Updated wetland tables to correspond with updated guidance documents
77
 - 78 • Referenced voluntary stewardship program under Agricultural uses
79
- 80 Chair Roberts had questions about the high water mark and if you can build in that direction. Perry
81 replied that if you have a legal pre-existing structure which became damaged that you can re-build
82 it in the same place.
- 83 Commissioner Schulz said that after reading this it means you can increase the footprint. Perry
84 said you can providing you do not move towards the water. They would have to comply with the lot
85 requirements, etc. There were greater restrictions in the first draft.
- 86 Chairman Porter asked what the difference was between Shoreline commercial and Shoreline
87 residential. Angie stated that those were the previous conditions, now it is all Shoreline residential
88 that has a 25 foot setback.
- 89 Chairman Porter wanted to know about the 'proportionate nexus' and what it means.
- 90 Counsel Mackie explained about the state law access requirements and nexus. When you create
91 a demand for public access you are required to meet that demand. When you interfere with an
92 existing public access you are required to replace it.
- 93 Commissioner Schulz asked if this is interpreted different between the various counties. Sandy
94 said yes that there are a number of counties who adopted a strait statutory if you build more than a
95 four-plex you are required to set aside land for public access. Whenever this happens the counties
96 usually lose in court and we are not interested in that so this why we made these changes. Sandy
97 offered examples of court cases that lost.
- 98 Commissioner Schulz asked about the wording, Sandy explained the wording is 'if you have more
99 than four'.
- 100 Chair Roberts had questions about public access to rivers, streams, etc. It depends if it is a
101 navigable or non-navigable stream at the time of state hood. The water itself is public however the
102 shorelines are private and you will need permission to use the shore.
- 103 Commissioner Schulz asked if you can build a fence down to the river. Sandy would have to read
104 more of the SMP before he could truly answer this. Some counties say yes and others say no. It
105 depends on location.
- 106 Chair Roberts asked if that differentiates between development and agriculture. For agriculture the
107 county has adopted the Voluntary Stewardship program, current use agriculture is fine and there
108 will be no new requirements until such time as we get a set of rules under the VSP. We have
109 zoning and critical areas of shorelines to deal with first.

110 Angie finished her report on the changes. Perry asked the commissioners to keep in mind that
111 there are differences between our last draft and the newest draft.

112 Vice chair Dart had a question about the direction of the SMP and where we wanted to be. Perry
113 said that the old draft is representative; the changes in designations simplify it. Public access
114 direction has been refined. Key components are the same for the two drafts. Vice Chair Dart likes
115 these changes they make perfect sense.

116 Sandy spoke on how he came up with this latest draft.

117 Vice chair Dart asked how we are keeping track of cumulative impacts. Sandy said that it is up to
118 the counties to keep track of the big picture through our Shoreline Master Program. No net loss is
119 a great system approach. Sandy offered examples.

120 Chair Roberts asked if there is a third party monitor. Sandy walked us through the process that Mt.
121 Vernon did with its third party monitor.

122 Perry reminded the commission that they have already had this discussion when they went
123 through and fine- tuned the designations. The commission recognized those areas that had the
124 potential for development and other areas that did not have that potential, and placed those
125 designations in accordingly.

126 Sandy spoke on why the counties Shoreline Master Plan is so important.

127 Perry asked if there were any questions.

128 Commissioner Schulz asked about the common shoreline setback line on the common residential,
129 and was wondering what the difference is between a common setback and a setback?

130 Sandy said that the common setback is if you have existing physical development within so many
131 feet of either side you can come up to that common setback line. You still have the no net loss
132 issue. Schulz replied that this is not the issue the issue is that Sandy does not have it in definitions
133 as a common setback and do we need a definition. Sandy said that it is worth looking at.
134 Commissioner Schulz is interested in how Sandy will define this.

135 Chair Roberts asked about shoreline residential development page 103 line 24a. Minimum Lot
136 size: 7,200 square feet with public sewer and 12,500 square feet without public sewer systems.
137 Will this fly with the health department having water and sewer both on a small lot? The
138 commissioner discussed amongst themselves. Director Perry Huston stated that it parallels the
139 public health requirements in our zone code.

140 Commissioner Porter asked Perry if all new drain fields shall be kept out of the shoreline, not all
141 lots maybe 200 feet. Sandy explained that if you cannot do this, you need a design system to
142 insure no impact in the water. And he believes it needs to be 100 feet and required to be in the
143 back of the house. Commissioner Porter wanted confirmation that it is indeed 50 feet for the septic
144 tank and 100 feet for the drain field. Yes, this is what we are trying to achieve.

145 Perry asked if there were any other questions. Commission member Schulz asked if on the 9th
146 public comments will be made, yes there will be. Sandy asked if the commissioners could go thru

147 the materials to be ready for the public hearing. Don't wait until the very end. Deal with issues
148 now.

149 Chair Roberts made a motion to continue the public hearing March 9th at 7 pm. Commission
150 member Schulz seconded the motion. The motion carried.

151 Director Perry Huston gave a Comprehensive Plan and Voluntary Master Program update. The
152 commissioners deliberated and are going to ratify a later adoption; we already have the appeal
153 and are in litigation.

154 In terms of the Voluntary Stewardship Program our planners listened to a telephone conference
155 call with the Dept. of Commerce and the budget is around 7.4 million for funding, \$300 thousand or
156 so per county. There are two counties in pilot projects now; Chelan and Thurston; there are 26
157 counties who have opted in. The Dept. of Commerce have started preliminary draft rule writing on
158 VSP, planning directors are asked to weigh in.

159 There is a memo and power point packet which Angie will hand out. It outlines the status of the
160 program and a memo from Neil Aaland a consultant for the WA Dept. of Commerce who works on
161 the rules. The deadline expires July 1, 2015, the deal with the counties is that if you opt in in three
162 years the state has to fund it or you can opt out. Or if they funded it and you did not believe it was
163 enough, you could opt out. Perry feels we should opt out because of the number of misnomers in
164 terms of the question of flexibility. The commissioners will make that decision.

165 Sandy spoke more on the VSP. Sandy feels that the county can put together a program that is
166 unique for Okanogan. Chair Roberts asked if \$300 thousand will be enough to do the work. Perry
167 doubts that it will be enough being we have spent \$350 thousand in the first run of the Shoreline
168 Master Program. Chair Albert's asked if the Legislature will be completed by July 1st. Perry replied
169 that there are a number of questions to be answered. Commerce is working very hard. Angie
170 handed out the packets which include a memo that outlines some issues, the preliminary draft and
171 then the power point presentation. Commerce would like to get something done by April.

172 Marlene spoke about having almost no agriculture left in Thurston County. Sandy said this is true
173 between the critical habitat designation and the nature of the dairy business which is declining.

174 Perry reminded the commissioners about the critical areas from way back and that the discussion
175 has already begun and then the time out happened. Chair Albert's asked what will happen when
176 this time out ends and if there is a process we need to go through at that time. Perry replied that
177 we and many other counties are already behind in the critical areas update. Sandy does not see
178 any deadline on us. Perry and Sandy will report back with more information.

179 Chair Roberts stated that doing nothing is not an option. If we do have to start regulating
180 agriculture in these critical areas we should involve all the stake holders effected by this ordinance
181 and get them to sit down and start figuring out what would be the best avenue. Perry said that
182 there is direction in terms of how we put this together. Discussion of agriculture followed.

183 Chair Roberts asked if Perry and Sandy can investigate and get back to us on the March 23rd
184 meeting.

185 Chair Roberts asked if there was any more business. There was not. Commission Schulz
186 adjourned the meeting, Commissioner Rawley seconded. Next time we meet is March 9th, special
187 meeting with public testimony. Following regular meeting will be March 23rd at 7:00 PM. Motion to
188 adjourn, the motion carried. The meeting was adjourned at 8:34 PM.

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SUMMARY OF MOTIONS

191 *Chair Roberts moved to approve the April 28, 2014 agenda as modified. The motion carried.*

192 *Chair Roberts moved to approve the April 28, 2014 meeting minutes, Commission Member*
193 *Dave Schultz approved the minutes except for page 8 line 273 which should read as*
194 *'decoded from the previous meeting minutes regarding the review process and objectives'.*
195 *Planning Commission member Rawley seconded the motion. The motion carried.*

196 *Chair Roberts made a motion to continue the public hearing March 9th at 7 pm.*
197 *Commission member Schulz seconded the motion. The motion carried.*

198 *Chair Roberts made a motion to adjourn. The motion carried.*

199 **Adjourn**

200 Prepared by Kellie Conn
201 Administrative Secretary