



**Okanogan County
OFFICE OF PLANNING AND DEVELOPMENT**

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**Planning Commission
Meeting Minutes**

A meeting of the Okanogan County Regional Planning Commission was held on Monday, March 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, and Commission Member Tim Woolsey

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: Terri Williams.

Chair Roberts called the meeting to order at 7:05 pm.

Approval of March 25, 2013 Agenda

Vice Chair Dart moved to approve the March 25, 2013 Planning Commission Meeting Agenda as amended. Commission Member Rawley seconded the motion. Motion passed.

Approval of February 25, 2013 Meeting Minutes

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

Public Hearing Item #1

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

Director of Planning Perry Huston opened by stating Natural Resource Planner II Angie Hubbard would be going over the specific changes requested by the Planning Commission. He noted the most significant change was the concept of the "built environment". He said the change in definition is for more accuracy. Director Huston noted that this change allows the Critical Areas Ordinance to be more in line with what is actually on the ground as requested by the Planning Commission.

Planner II Hubbard reviewed the Memorandum of Changes requested at the February 25, 2013 Planning Commission meeting:

- Section 14.12.020 – Administrative Implementation:
 - Section C was changed to include the comments of the public and the tribe and include SEPA and the noticing requirements.
- Section 14.12.030 - Applicability
 - The addition to Section A was to recognize land use activities outside of the shoreline jurisdiction under the Shoreline Management Act.

Addressing the question of the difference in the term land use activities and development, it was stated that the term land use activity is generic. It was noted that even though there may not be any activity, reference to the CAO is still required in order to let people know if they have an issue with the CAO or not.

There was concern expressed by Commission Members about the future of agricultural activities and the effect of the CAO.

It was explained by Director Huston that doing anything with agricultural activities in the CAO was mandated by the legislature to be on hold until the outcome of the Voluntary Stewardship Program (VSP) and its funding becomes known. He said if the VSP is funded, the Planning Commission can then address the issue since the County has opted into the program. Until that time, the Planning Commission cannot exempt or regulate agricultural activities in the CAO. He said this situation is supported by case law. The Planning Commission will have to address this issue at a later date. He said if the Planning Commission wants to propose something regarding agriculture, they should do so by motion and vote.

Commission Member Porter made the motion that land use activities with the jurisdiction of the properties covered by the Voluntary Stewardship Program are exempt from this provision. Commission Member Rawley seconded the motion.

Chair Roberts called for discussion.

Commission Member Woolsey stated he could not support the motion. He said he felt it would be a waste of tax payer dollars since pursuing the issue would be illegal. He said it would be a waste of time where Staff could otherwise be working on legal activities. He agreed with Director Huston that the decision of the Skagit County case said not to include discussion of agriculture activities in the CAO.

There was additional discussion and clarification on the issue. Planner II Hubbard pointed out there is language included in the CAO at this time addressing agriculture and the VSP. Planner II Hubbard read to the Planning Commission the section in the CAO which covered the VSP. She said it is in Section 14.12.090 under general exemptions in the January Draft. It is located on page 19, Subsection C, and authorized by RCW 36.70A 7.10. She read the content from the CAO.

At the request of Commission Member Miller, Director Huston briefly covered the history behind the agricultural issue and how the legislative decision for the VSP came about.

Commission Member Miller stated he could not support the motion.

Chair Roberts asked if there was any further discussion. There being none, he called for a vote.

The motion was denied.

Planner II Hubbard continued reviewing the changes requested by the Planning Commission:

- The definition of Built Environment was added. Director Huston said this was at the request of the Planning Commission members, and he felt this definition could be defended when considering options dealing with the CAO. After discussion, it was requested that “dikes” and “railroad beds” be included.
- The definition for Critical Aquifer Recharge Areas was updated to be in compliance with the Washington Administrative Code (WAC).
- The definition for Fish and Wildlife Habitat Conservation Areas was updated to meet the WAC.
- The definition of lek was in response to the concerns expressed in the comments brought to the open public hearing. The definition was changed according to the information provided and the definition refines what the critical area really is, tying it back to the mapping.
- The Planning Commission members requested changing “an assembly area...” to “those specific areas.....”
- The definition of unavoidable and necessary impacts was removed as it is not mentioned anywhere in the document.
- The definition of Wetland Categories, etc. was updated as it has nothing to do with taxonomic classification system.
- Lines 756 through 787 were deleted. This should have been done earlier.
- The changes to the buffer widths were per the request of the Planning Commission
- The changes to wetland buffers were changed to match riparian buffers.

Director Huston asked if the Planning Commission felt they had a document ready to go to the Board of County Commissioners (BOCC). If so, Staff will revisit the Findings of Fact and the Conclusions of Law, review for defensibility and prepare the adoption statement. He noted Planner II Hubbard will update the website with all the changes prior to the next meeting in time for the Planning Commission to review the final draft.

Chair Roberts requested Staff bring the Findings of Fact, Conclusions of Law and Resolution to the next meeting for review.

Vice Chair Dart made the motion to continue deliberations to consider the final Draft of the Okanogan County Critical Areas Ordinance, Findings of Fact and Conclusions of Law, and proposed Resolution at the next regularly scheduled meeting on April 22, 2013 at 7:00 p.m. in the Commissioners Hearing Room. This meeting will not be open to public testimony. Commission Member Woolsey seconded the motion. Motion passed.

Old Business

Director Huston said he anticipated bringing the Comprehensive Plan before the Planning Commission in June. He noted this would be an open record hearing as required by law. After the hearing, he said the Planning Commission can do what they choose with the Comprehensive Plan

which would include making any changes they felt appropriate and sending it back to the (BOCC) for adoption.

New Business

It was noted the May meeting falls on Memorial Day. The Planning Commission selected May 20, 2013 for the meeting date.

Vice Chair Dart made the motion to move the regularly scheduled May meeting from May 27, 2013 to May 20, 2013. Commission Member Woolsey seconded the motion. Motion passed.

It was noted March is the month for the election of officers.

Commission Member Woolsey made the motion to elect Albert Roberts as President and Phil Dart as Vice Chair. Commission Member Rawley seconded the motion. Motion passed.

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

Chair Roberts adjourned the meeting at 8.57 p.m.

SUMMARY OF MOTIONS

Vice Chair Dart moved to approve the March 25, 2013 Planning Commission Meeting Agenda as amended. Commission Member Rawley seconded the motion. Motion passed.

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

Commission Member Porter made the motion that land use activities with the jurisdiction of the properties covered by the Voluntary Stewardship Program are exempt from this provision. Commission Member Rawley seconded the motion. Motion was denied.

Vice Chair Dart made the motion to continue deliberations to consider the final Draft of the Okanogan County Critical Areas Ordinance, Findings of Fact and Conclusion, and proposed Resolution at the next regularly scheduled meeting on April 22, 2013 at 7:00 pm in the Commissioners Hearing Room. This meeting will not be open to public testimony. Commission Member Woolsey seconded the motion. Motion passed.

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Prepared by Sharon McKenzie
Administrative Secretary