



Planning Commission Meeting Minutes

1 A special meeting of the Okanogan County Planning Commission will be held March 9th, 2015 at
2 7:00 PM. The meeting will be held in the Okanogan County Commissioners Hearing Room, 123
3 5th 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, Commission
6 Member Mark Miller and Commission 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:** Sandy Mackie, Midge Cross, John Moran, Angela SanFilippo,
10 Lennard Jordan, Jerry Barnes, Heidi Dexter, Pete Palmer, Kristen Kirkby, John Crandall, Jason
11 Paulsen, Ford Waterstrat, Isabelle Spohn, Patricia Leigh, Nancy Soriano, Alan Fahnestock.

12 New Business

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

14 Chair Roberts called the meeting to order at 7:01 PM. This is a special meeting for verbal
15 testimony on the Shoreline Master Program. After tonight verbal testimony will be closed but
16 public comments will still be accepted until the deadline.

17 Perry Huston, Director of Planning for Okanogan County, was introduced. Perry stated that this is
18 a special public meeting for the continued public hearing set aside to take verbal testimony on our
19 SMP. Present with us tonight is Sandy Mackie legal counsel for the county and Lennard Jordan
20 from the Dept. of Ecology. The Planning Commissions job is to listen to verbal testimony, transmit
21 record and offer a recommendation to the BOCC. Once the plan is adopted by the BOCC it needs
22 to then be adopted by the Dept. of Ecology. The county is under a new grant agreement with the
23 DOE, this agreement is through June 30, in order to honor this grant the BOCC should have the
24 adopted document to the DOE by that time.

25 Perry spoke about 3 issues that need attention.

26 1. Shoreline Development Standards- (Page 48 table 1) in past discussions of minimum lot
27 the Planning Commission elected to rely on underlying zoning for the lot size. In this table it
28 has gone back to an earlier rendition where it actually has sizes in the SMP, some
29 consistent and some not. Perry suggested going back to earlier decision of relying on
30 underlining zoning to dedicate lot size.
31

32 2. Current draft has no designations that extend into the boundaries of the Colville
33 reservation. CCT would like out Shoreline Master Program to defer to theirs for their
34 permits that we process. The agreement that we now have with CCT is that if the applicant
35 is a Non-tribal member in fee simple land they have the option of permitting through the
36 county or permitting thru the CTT. At this point we have no designations for boundaries of
37 reservation in our SMP. We would have to defer to the tribal shoreline master program for
38 those permits we process or come up with something on our own.

39
40 3. Buffer zone, current program has a prohibition against subdivision to the shoreline
41 jurisdiction. The Planning Commission elected to remove that. It says that you cannot bring
42 lot lines into the shoreline jurisdiction area, but still can use acreage in calculation for lot
43 size. Under the current SMP you are not allowed to bring those lot lines down. However
44 this does not mean you cannot use that property for residential. Commercial does not
45 apply. In removing that from your SMP the difference on the ground is that you can pull the
46 lines down. The number of lots does not change.

47 Vice Chair Dart commented that there are quite a few of these that have the common land fee and
48 since we changed it he would to know if these properties are grand fathered in. Yes, you can bring
49 the lines down.

50 Commissioner Schulz asked if he could cross the common land and have a picnic or beer party.
51 He feels this is a real issue and wanted to know if by bringing the lot lines down would eliminate
52 this. There is still a buffer you have to build so far from the edge of the water, you can now pull the
53 lot lines down to the water. That prohibition has been removed.

54 Chair Roberts asked if this is specific to residential developments, if lots were each sold to an
55 individual, could they then go all the way to the water. Perry explained that under our current SMP
56 the answer is no. As proposed, yes. Roberts asked what happens between this neighbor's piece
57 and the next neighbor's piece. Perry replied that what you see in properties legal descriptions for
58 these lots will have that legal percentage plus a lot of the common area as what it is referred to.
59 The key point is that we are discussing whether to bring the lines down to the water. It is not a
60 publically owned common area, it never has been. It is up to the property owners to decide if they
61 cut individual easements, etc.

62 Commissioner Porter stated that on the Similkameen river there are a couple of areas called
63 conservancy and at the time of sub division a short plat is created, she asked if this was because
64 the area had that type of zoning. Perry explained that we still have to go with the zoning,
65 Commissioner Porter asked even if it is a conservancy? Perry said not to confuse all of this with
66 your individual building setbacks, and suggested that commissioners do not get into this
67 deliberation for many reasons. Perry wants everyone to understand that we are all talking about
68 the same thing.

69 Legal counsel Sandy Mackie said to keep it simple, under old shoreline rules, the shoreline was
70 divided into 4 pieces; natural, conservancy, rural and urban. These are referred to as Shoreline
71 designations but operate like a zoning ordinance. These 4 criteria's were overlaid over the
72 shorelines and the Shoreline Management Act assumed state wide jurisdiction over the first 200
73 feet from major rivers 20 cubic feet per second in annual average flow. What the Shoreline
74 management act does is to create uses so we can protect the environment. A company called
75 Entrix has done an inventory which allowed the county to decide on the various areas. The SMP is
76 a combination of allowed uses, bulk density, and standard land use criteria and then you apply this

77 to the map. What you are approving is both the map and plan. Angie has done an cumulative
78 impact study into the extent where you make changes offering the impacts that we anticipate could
79 occur. Tonight is your night to hear from the public.

80 Chair Roberts explained the process tonight for public testimony. Whoever signed in can speak for
81 five minutes, step up and say your name and the town in which you reside. For the record written
82 comments will continue to be accepted until Friday the 13th at 5:00PM. Commissioner Rawley
83 agrees that this is a good date. Commissioner Schulz asked if whoever wishes to speak could let
84 the Commissioners know if they also have written comments they can refer to.

85 Midge Cross with the Mazama Advisory Committee was the first to speak. Midge wanted to read
86 the letter from her committee. The Mazama Advisory Committee has concerns regarding changes
87 to the draft previously approved by the commission. MAC would like a usable final document that
88 is understandable by the ordinary citizen and to have hope of approval by the Department of
89 Ecology. There is a need for consistency for our critical areas ordinance. Other concerns of the
90 MAC are flooding and channel migration.

91 On behalf of the MVCC John Crandall from Winthrop,WA. The Shoreline Management Act says
92 no net loss resulting from changes to the Shoreline plan; one way this is accounted for is by the
93 Cumulative impact analysis. State law says that the best available science be utilized, John feels
94 that our science is not recent and therefore needs updated or the DOE will not pass it. We need a
95 good workable plan with consistency and that meets the law. The MVCC is also concerned about
96 critical habitat for our endangered species.

97 Isabelle Spohn from Twisp, WA. Ms. Spohn agrees with the comments made by the MVCC and
98 Mazama Advisory Committee. Ms. Spohn would like to go ahead with her comments tonight. She
99 would like to focus on the issue of common area changes and the prohibition being lifted. The
100 draft allows future residential development and subdivision within the shoreline area of the
101 conservancy of natural and rural designations. Although setbacks are required they are fairly
102 reduced. If you are extending the lines down to the water line this could include the building of
103 fences which restricts the movement of wild life along the shore. Ms. Spohn is also concerned
104 about building homes along the river because it is rare to find such beauty. She ended her
105 comment period by saying that this process has been very confusing and the comment period
106 should be extended.

107 Nancy Soriano left comments via paper. Not interested in offering a verbal testimony.

108 Chair Roberts reminded those attending that now is the time to verbalize your comments; John
109 Crandall asked if he could represent himself and speak again. Chair Roberts said he would think
110 about the legalities and let him know.

111 Jason Bush wished to share his verbal testimony. John was involved in the 2007 shoreline
112 advisory group. He would like the county to keep our Shoreline Master Program simple, if it
113 cannot be explained then it will not be administered and have no effect. Jason was a Shoreline
114 administrator for 16 years and knows how difficult it can be to take a code that is not simple and
115 guide a land owner or county commissioner through it and then send it off to ecology in hope that
116 they approve it. Jason agrees with the reduction and number of designations. There is one fairly
117 technical issue, the current draft looks like lands on the map where conservation easements are in
118 place, where they exist on the ground; those areas have been classified under the Conservancy

119 land use designation, but definitions should read 'natural'. Make sure we are giving the DOE the
120 right definitions.

121 John Crandall Winthrop WA wanted to comment some more, Sandy Mackie recommended giving
122 everyone 1 more minute for additional comments. John Crandall wished to bring our attention to a
123 restoration plan, would like to see goals and priorities of a restoration plan. Maps are unavailable
124 on website, would like to see that updated.

125 Isabelle Spohn asked if whether the lot lines can have fences to the ordinary high water mark.
126 She does not see anything in the ordinance to prevent the long skinny lots where you can pack
127 homes densely along the shoreline.

128 Chair Albert's closed verbal public testimony, will take comments up until 5 PM the 13th of March.
129 After that time period any written comments will be given to the BOCC for review.

130 Director Huston asked how the planning commission would like to proceed. Chair Roberts would
131 like to read the materials he has now to prepare for the regular meeting on March 23rd. Chair
132 Roberts asked if there were any questions.

133 Commission member Tamara asked about the regional master program goals and policies paper
134 who wrote it? Sandy Mackie said that both the legislature and state regulatory agencies have
135 been adopting laws and changing regulations as we go under 36.78.480 which is the statutory
136 merger of Growth Management Act and Shoreline Management Act. Goals and policies is the
137 amendment to the Okanogan County Comprehensive Plan dealing with the shorelines. The larger
138 document is the regulatory ordinance that guides development on the shoreline. Sandy asked
139 Commission member Porter if this is the 4 page document, she replied no it runs 30-40 pages.
140 Sandy will have Angie get her a current copy of goals and policies. Sandy explained that the PC is
141 actually the author.

142 Chair Albert's asked if there were any other questions. Sandy Mackie will be out of town for our
143 March 23rd meeting; however he is available via telephone.

144 Commission member Mark Miller spoke on the PUD license and that the opportunity for a license
145 process is now. PUD benefits, wants to know when and how to incorporate for the licensing.
146 Sandy Mackie thinks that Columbia Dam Federal Energy Regulatory Committee (FERC) licenses
147 have all been resolved. Our time to comment on those has past. Commission member Miller would
148 like our county to start preparing for the next license period.

149 Sandy Mackie offered to have a work session after the March 23rd meeting to answer questions.

150 Commission member Dave Schulz asked Sandy to address the geologic hazard area that the
151 Methow Advisory Committee spoke of and why the definition has been removed. Sandy will have
152 to take another look at that, there is a serious overlap between the channel migration zones and
153 the flood hazard rules which severely limits development. Sandy will make sure that it is clarified.

154 Another comment from the Methow Advisory Committee is the Vegetation Conservation which
155 needs to be reinserted into the current draft which was taken out. Sandy explained that it was not
156 taken out; it was in three different places. The no net loss issue which vegetation management is
157 a part of is addressed.

158 Sandy has not had time to read all the comments but will do so. Commission member Schulz
159 asked Sandy if he could give a brief answer into the 200 foot setback and the different areas.

160 People miss that the 200 feet is a jurisdictional line, the Dept. of Ecology is in control and has
161 guidelines. It was never the intent of the law to have a 200 foot buffer and it is not the
162 requirement. There are indeed sensitive areas that are being looked at. Angie has updated the
163 cumulative impact statement and is on the website and will be updated as need be.

164 Commission member Schulz wanted to know if Sandy is satisfied with the Dept. of Ecology
165 mapping of the 100 year floodplain and ordinary high water marks. Sandy says it is usually not
166 the DOE but the US Army Core of Engineers. Sandy is not particularly familiar with 100 year
167 floodplain mapping that they have done on the rivers here. It is important to have the maps out so
168 people can understand what the risks are when building in a floodplain. Commissioner Schulz
169 offered more comments on how the county has allowed this to happen.

170 Commission member Schulz asked how you measure water. The jurisdictional line is measured
171 horizontally from the line of ordinary high water which is a line on the bank which indicates water is
172 more present than not.

173 Commission member Dart asked about the critical area ordinance that does not match what the
174 BOCC has and if they have any plans to mesh the two together. Director Perry Huston said that
175 the BOCC has not taken any action. The Comprehensive Plan was going to be adopted followed
176 by the Shoreline Master Plan, the Interim Zone Code/Subdivision and then to the critical areas
177 ordinance. The next step is to pick up the critical areas when we get our SMP tidied up and review
178 that for consistency.

179 Chair Roberts asked to make a motion to continue deliberation to March 23rd at 7 pm. Motion has
180 been made and carried. The meeting was adjourned at 8:18 PM.

181

182 [SUMMARY OF MOTIONS](#)

183 *Chair Roberts made a motion to continue deliberation to March 23rd at 7 pm, the motion*
184 *carried.*

185 *Chair Roberts made a motion to adjourn, the motion carried.*

186 **Adjourn**

187 Prepared by Kellie Conn
188 Administrative Secretary