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Planning Commission
Meeting Minutes

A meeting of the Okanogan County Planning Commission will be held April 28, 2014 at 7:00 PM. The meeting will be held in the Okanogan County Commissioners Hearing Room, 123 5th Ave. N., Okanogan, Washington.

PLANNING COMMISSION MEMBERS present included: Chair Albert Roberts, Vice Chair Phil Dart, Commission Member Schulz, Commission Member Marlene Rawley, Commission Member Tamara Porter, Commission Member Tim Woolsey and Commission Member Mark Miller.

OKANOGAN COUNTY STAFF MEMBERS present included: Director of Planning Perry Huston, Senior Planner Ben Rough and Administrative Secretary Anna Randall.

APPLICANTS OR THEIR REPRESENTATIVES: None

OTHERS IN ATTENDANCE: Peter James, Tim Vallo, Howard Johnson and Liz Johnson

Approval of April 28, 2014 Agenda

Vice Chair Dart moved to approve the April 28, 2014 agenda, Commission Member Rawley seconded the motion. The motion carried.

Commission Member Schulz wished to include the Comprehensive Plan and the Shoreline Master Program to the agenda as it had been mentioned at the February 24, 2014 meeting that they might be brought before the commission in April. **Vice Chair Dart moved to add The Shoreline Master Program and The Comprehensive Plan updates to the agenda, Commission Member Schulz seconded the motion. The motion carried.**

Approval of November 25, 2013 Meeting Minutes

Vice Chair Dart moved to approve the November 25, 2013 meeting minutes, Commission Member Woolsey seconded the motion. The motion carried.

Approval of February 24, 2014 Meeting Minutes

Vice Chair Dart moved to approve the February 24, 2014 meeting minutes, Commission Member Schulz seconded the motion. The motion carried.

Public Hearing Item #1

Old Business

Code Amendment 2014-1 "Festival Permits"

Sr. Planner Ben Rough introduced himself. 10 days ago the commission members received a copy of the improved code amendment 2014-1 "Festival Permits". He also distributed to the members tonight an additional comment. Planner Rough explained that since the February meeting the planning department has had a workshop in March where we invited members of the public who have applied for festival permits and Temporary Use Permits. There was a good turnout. Planner Rough revised the proposed code amendment with that workshop in mind. He stated he felt that those who participated were satisfied with the outcome. He gave a list of what areas of the proposed code amendment were improved upon. One of those areas of revision was baseline of attendees, which was changed to 75 gatherers. This number reflects the requirement of other applications and seemed to be a happy medium amongst the workgroup. Other issues were access to premises and right of entry by government and law enforcement officials. This was revised to avoid abuse by such officials. Another area of improvement was insurance and bonding. The bond requirement was removed.

Commission Member Schulz asked if that was necessary.

Planner Rough pointed out that none of the bonds were ever used.

Commission Member Schulz stated there was an incentive of getting your money back for the festival permit applicants. If the applicants aren't required to get a bond then they won't need to be good.

Planner Rough responded that this is trial and error. If removing the bond doesn't work then the code amendment can be changed later.

Director of Planning Perry Huston introduced himself. He stated that he was not sure what we would do with the bond. A bond makes sense with publicly owned buildings where that money can be used to repair damage to the facility. In this instance, where the event takes place on private property, he couldn't see how we would use those funds to clean or repair. Ultimately the landowner is responsible, and that is between the landowner and the event organizers. Director Huston spoke with the Prosecutor's office and they replied that a punitive bond would be problematic. This is up to the commission but we felt it did not make sense in this instance.

Commission Member Schulz had an issue with the definition of festival. Would fire camps qualify as a festival and therefore need a permit. He then used examples that received road reimbursement one of which was the Beaver Creek repair. Should they be included or not.

Planner Rough responded that a TUP has never been required for a fire camp, and that he didn't think BOCC required festival permits for them either because of necessity. Fire camps are only ever created when there is an emergency and that is why they are exempt and should not need to go through red tape. Planner Rough didn't know if any permits had ever been issued before, the Planning Department hasn't ever required it.

Vice Chair Dart remarked that he is on a committee to designate possible fire camps sites. They have a plan for fire areas with contact names and compensation is already covered in agreements set up with consenting landowners. Roads are on that list for reimbursement.

Director Huston recommended that if the commission wants to codify responsibility they can go to the BOCC and recommend approaching fire camps from the zone code and making them a permitted use with restrictions and then getting specific in that area, but this proposed code amendment is not the place to do that. The Planning Department can do additional research for that time. He thought there was currently an emergency management plan adopted by BOCC. Director Huston said he will check for sure that there is an emergency management plan. If not, then it can be put into another amendment, this code amendment just isn't the place.

Vice Chair Dart, Commission Member Rawley and Commission Member Woolsey agreed that since fire camps are only used in times of emergency then they should be exempt.

Planner Rough pointed out that there are often personnel changes and therefore regulating can change. It is important that we are clear but at the same time when do we stop. We don't want to add every possible use or exemption, which would be overkill.

Commission Member Rawley pointed out that we can always amend later, for example with the bonding, we can change the requirement if it becomes an issue.

Vice Chair Dart brought up poker runs and drag races. These events draw large crowds and some stay multiple days, will these events require a permit in the future.

Planner Rough responded that there are several events such as those brought up by Vice Chair Dart as well as races in the right of way. If these events do not include overnight camping, and therefore do not trigger a TUP, then we do not require anything. That is not in the amendment, it can be added in the section listing types of events that are exempt if the commission feels that is needed.

Director Huston remarked that he councils against thinking of every situation. If a group is simply gathering and then leaving, then that is not really an issue. If they are gathering and taking off then we do not worry. If they are gathering and staying together for a few days, then we worry. If an event is accessory to a permitted facility, such as the camping in camping areas at the time of a poker run, then the permitted facility takes care of those activities.

Commission Member Woolsey pointed out that there seems to be overnight component but that is not in the proposed code amendment. Right of ways and such are not in here either. This gives uncertainties. All of these events happen, why not add them as exemptions.

Vice Chair Dart said he has an issue with 75 people, he thought that was too few. He also doesn't want list a lot of events, either as requiring a permit or as being exempt.

Commission Member Miller asked what the number of attendees was in the first draft.

Planner Rough explained that the overnight camping aspect was from the Temporary Use Permit, which was merged with the current festival permit regulation. 3000 attendees was the number with the original festival permit. We tried to gear this new code amendment toward all sizes, and the amount and type of impacts. In February the Planning Commission wanted a defined number of attendees to trigger this permit. The number 75 came from the workshop.

Commission Member Miller stated he read and liked the proposed code amendment overall. Mainly he was struck by how low the number of attendees was. He also had issues with church events not occurring on church grounds, that they should also be exempt.

Director Huston responded that he was confused by what the commission was going for.

Commission Member Rawley said she thought 75 people was too low and to raise it.

Vice Chair Dart said one of the components that should trigger whether an applicant needs a festival permit is that the event is preplanned.

Director Huston explained that we used to have 1 permit for festivals with 3000 or more attendees, but this applied to only a few events. Other events that came in under the 3000 attendees did not have an applicable permit so we conjured one up under the Temporary Use Permit, but there was no structure to it. We wanted structure for both size groups. We put this together and then we talked to the workgroup. 75 attendees was a number that they liked but we can change that. The key point is a person needs to be able to look at this document and say whether or not they need a festival permit.

Commission Member Woolsey suggested that the code amendment could list more exemptions or can clear up the section on multiple events.

Director Huston suggested the section on events that will require a permit could be bumped up.

Commission Member Woolsey stated if we are not trying to require more types of events to need a permit then we need to try and exempt those.

Director Huston reminded the commission this is a work in progress. Before, all overnight camping required a TUP. Now, with this code amendment, if there are fewer than 75 people involved, then they don't need one. We can move that number around or create a better list of things to regulate, or both.

Vice Chair Dart stated this draft is so much better but with the revisions he can think of several events that might trigger a permit that did not require one before. Perhaps the list on what triggers a permit could be tighter. Also increase the number of attendees

Commission Member Woolsey agreed with Vice Chair Dart. He also felt the language was too soft in the section stating "…activities often include…"

Director Huston recommended bumping the list up a bit and creating a new section. Remove the sentence "…activities often include…", and buff up the list under section A. Section B will become section C. Section B will now say "any event that includes camping for more than (a certain number of days), with food service, and other points we determine. This will make it more clear as to whether an applicant needs a permit of not. The section on exceptions can be improved.

Commission Member Miller wondered if charging admission was one of the triggers.

Director Huston cautioned against making admission one of the requirements. Events could get around this by requiring a donation.

Commission Member Porter asked for some background information on assemblies and festivals. She had not realized that was the same title used on the original code amendment. She felt there was a problem with the assemblies' part of the title.

Planner Rough explained that was almost the exact same title as the current permit.

Vice Chair Dart thought that on page one under Assemblies and festivals – defined under section B there should include a provision on whether an event is open to the public rather than a private gathering.

Director Huston responded that we need to be careful with that kind of stipulation because it could be circumvented. This code amendment focuses on impact and activity. The BOCC wants to make it easier but not to regulate more activities.

There was discussion amongst the commission regarding the number of attendees.

Chairman Roberts thought this was overall a good code amendment, the commission would like the number of attendees to be larger, otherwise it is good. If some decisions do not work out over time the commission could revisit and amend what isn't working.

Vice Chair Dart wants the amendment to be really good when it goes out. He agreed that the number of attendees needed to be improved.

Director Huston said this is more of an issue for public health. Our biggest problem is with the code, not festival permits. We need to circumvent the rest of the code so we don't have to have binding site plans and planned developments for every festival. We don't really want to regulate, but rather to allow events. Public health is involved anyway. Director Huston said he would rather clean up the rest of the code.

A consensus was reached that the number of attendees should be increased to 250.

Commission Member Rawley moved to bump the number of attendees on line 28 to 250, Commission Member Schulz seconded. The motion carried with Commission Member Porter opposed, she stated that the minimum number of attendees should be more.

Director Huston asked if with that change, is the commission happy with the rest.

Commission Member Woolsey said no, he felt that there needed to be stronger language either in the section that contained what events would need a permit or in the section excluding events. He wanted section B talked about more, and to make it clearer. The general criteria needs to be specified. Vice Chair Dart and Commission Member Rawley agreed with that.

Commission Member Porter asked if the run for boarder event has gotten a permit in the past.

Planner Rough said no, they are on the right of way and gather in town so therefore they are a permitted activity. If an event is affiliated with a park or event center then is part of that.

Director Huston added that if they start and gather in a city then they are fine. He asked the commission if they wanted to work on the sections in question now, or did they want to put that off

to the next meeting. If the commission wanted to clear that area up now, they can open the meeting to the public and come back to him.

Chairman Roberts opened the meeting to the public.

Tim Vallo of Oroville and part of Okanogan neighbors. He had a question about a festival that will take place on their property in June. Will they need to get the type of permit they usually applied for or will they not need to get a permit if this code amendment is not complete. He wanted to thank the commission and planning department for including the public in this process. Okanogan Neighbors likes the changes in draft and pointed out that the commission hadn't gotten very far in the document. He had also been asked by a member of Okanogan Neighbors to bring up that there is no allowance for music festivals not needing to adhere to noise ordinances. Thank you.

Howard Johnson of Methow Valley Music Festival. He thanked the commission for letting them participate in the process of creating this code amendment. His festival already complied with almost all of the requirements already so they were fine. Mr. Johnson also commented to Planner Rough on the section numbering on page 3 and 4, there was a sequence error.

Peter James of Tonasket with Okanogan Neighbors. He thanked everyone for letting them participate in this process. His organization has never cared about the baseline number of attendees because they have so many for the Family Faire but he agreed that 250 was probably a better number. Thank you.

Chairman Roberts asked if anyone else had any comments. There were none, public testimony was closed.

Director Huston went over the new section B. Activities that anticipate attendance exceeding 250 persons that include overnight camping, commercial food service, alcohol service that requires permitting from the Washington State Liquor Control Board or music provided by bands or DJ's under contract or hire will be considered festivals for purposes of this section.

Commission Member Porter said she could think of events that have all of the criteria that would trigger a permit under this code amendment, now they might need one in the future.

Director Huston said that the code amendment must be taken in its entirety, the events Commission Member Porter is referring to could be excluded elsewhere as say an event center and therefore accessory to that event. He also went over the exclusion list again. Director Huston asked should anything else be added.

Commission Member Woolsey asked if something should be added about right of ways.

Director Huston pointed out if a group simply gathers and takes off together then they are not considered an event. Unless you sell alcohol, have overnight camping, and other impacting events then you are not a festival.

Director Huston read the new section again.

Commission Member Woolsey moved to include the new section B defining festivals, Vice Chair Dart seconded the motion, the motion carried.

Planner Rough wished to clarify that the list of exclusions will now include funerals, church gatherings, family reunions and gatherings, organized races and rides.

Director Huston pointed out that if we exclude races and rides, even though they may fit all of the other requirements they will not have to have a permit.

Vice Chair Dart didn't want the exclusion section to mention races and rides, because these activities can have over 250 persons and be held for multiple days, and therefore would need infrastructure. Commission Member Rawley agreed.

Planner Rough said we could clear that up, we could include them in a section stating that permanent facilities and rights of ways do not need a festival permit. Where these events gather and stop, this is a different issue and might require a permit. On the road would be excluded.

Vice Chair Dart thought that would be redundant because activities in the right of way are through public works.

Director Huston was not sure if additional language was needed. He thought that section B as it is covers all of this.

Commission Member Rawley pointed out that these are public roadways; we can't stop the public from using them.

Vice Chair Dart thought it was better not to include rather than to put them in the exclusion section. We can always revise the amendment later if there is a problem.

Director Huston reminded the commission that he is administrator of the code and has a certain amount of latitude. The code amendment still has to go to the BOCC. Did the commission want to augment the list or not.

There was consensus to leave the list as it was.

Director Huston asked if there was anything else that needed work in the code amendment.

Commission Woolsey thought the planning department needed a time limit. How long does the department get to do to work on a permit?

Planner Rough said a timeline is not in there because processing language is in the contents section. If the commission wants more language we can put it in. The department gets 30 days to process a permit.

Commission Member Woolsey wanted more language on when an applicant will get an answer back regarding approval.

Commission Member Rawley asked how long it takes to process one of these applications.

Planner Rough reminded the commission that the original timeline was 14 days and it made more sense then.

Director Huston said that if the commission wants a timeline for review in the approval and denial section, we can put 14 days.

Commission Member Woolsey pointed out that an applicant can't appeal a decision if there is no decision. A Director cannot choose not to make a decision as a form of denial. Commission Member Woolsey wanted the code amendment to say that if there is no approval by a certain date, then the application is approved.

Director Huston said if we starting getting specific on dates, it needs to say two weeks from the date of complete application. There needs to be another timeline stating the department has 7 days to ask for more information. If we go that way we might want to bump the 30 days out further.

Commission Member Woolsey said he is most concerned about the Director needing to comply with a timeline.

Commission Member Rawley thought 5 working days to get back to the applicant if they need to provide more information and 21 days for decision. This removes the appeal time but that is a consequence of not doing what you should and turning it in at the last moment. We need a parameter for response time.

Vice Chair Dart said 5.25.050 in the proposed code amendment is cut and dry. We shouldn't need to make it any simpler.

Director Huston recommended that we let the applicant worry about the appeal period. Under section C, the director will notify the applicant of incomplete application within 5 days if the application is complete. Under section D, within 21 days a decision will be granted.

Commission Member Woolsey moved to adopt the new language regarding processing and response time for the Planning Department in sections C and D as suggested by the Planning Director, Commission Member Rawley seconded the motion. The motion carried.

Commission Member Schulz stated that the commissioners don't know anything about this new draft.

Director Huston responded that the commissioners haven't seen the new draft because the Planning Commission has not sent a final draft to them for approval. They are being updated on the progress of this code amendment.

Commission Member Schulz asked if this is the same commissioners that wanted this code amendment done. He quoted the previous meeting minutes regarding the

Directed Huston answered that yes these are the same commissioners that asked for the festival permit code to be amended. We showed them the first draft and they told us it was ok and to send it to you the Planning Commission. They won't see anything else until the Planning Commission is done with it.

Commission Member Schulz said the commissioners will be out of the festival permit process when this is amended and they didn't seem to want to be out of it when he spoke to them this morning.

Director Huston responded that he doesn't know what the commissioners said. They don't want to be in a public meeting to approve these permits; they want an administrative process in the future.

Commission Member Rawley pointed out that the BOCC has to see and adopt this code amendment after the Planning Commission is done. If they don't like it they won't adopt it.

Planner Rough commented that a festival can still be permitted through the current processes until the new amendment is done.

Director Huston addressed the issue of the noise ordinance. It is not well done in the code and we can either exempt festivals from that code section through this code amendment, or not. There is currently no exemption in the noise ordinance for much of anything. We can shield groups with the festival permit amendment, but it could still be dicey. Ultimately the noise ordinance needs to be amended.

Chairman Roberts asked if the commission could work on both ordinances.

Director Huston said yes, and the commission has the festival permit code amendment in front of them now. We could also argue that the noise ordinance is not a land use issue in order to get it amended under a SEPA exemption and therefore in front of the BOCC sooner.

Vice Chair Dart moved to put a provision exempting permitted festivals from the noise ordinance into this code amendment now and move forward with the actual noise ordinance as well. Commission Member Rawley seconded the motion. The motion carried.

Chairman Roberts asked if there was anything else to discuss on this code amendment.

Vice Chair Dart moved to approve the Code Amendment 2014-1 "Festival Permits" with the improvements made tonight, Commission Member Woolsey seconded the motion. The motion carried. Commission Member Schulz commented that he didn't like the unclear answer he got from the commissioners and wanted that.

Vice Chair Dart thanked the public for participating in the revision of this code amendment.

<u>New Business</u>

Shoreline Master Program and Comprehensive Plan update.

Director Huston explained that the Planning Commission won't need to see the Comprehensive Plan again because the only additions were the ones the commission directed the Director to make. The Shoreline Master Program might or might not be coming back to the commission. The changes are mostly legal in nature. There are two drafts. There is the one draft that the commission has already seen and has 9 designation and so forth, and a draft the attorney has been working on also. The Board of County Commissioners has not decided which to go with. The attorneys draft should be easier to defend. The mapping has been improved. If the Board of County Commissioners doesn't go with the attorney's draft then it will be essentially the same draft the commission saw and therefore will not need to be seen again. If the attorney's draft is the one the Commissioners go with then the commission will see the Shoreline Master Program again. If

we meet again in June, then we should have been given some direction by the Board of County Commissioners as to how to proceed by then.

May meeting date

Director Huston pointed out that fourth Monday in May falls on Memorial Day. He recommended holding that meeting on June 2 or June 9, 2014.

Vice Chair Dart asked if the commission should simply skip the May meeting and just meet on the normal June date. A consensus was met that June 23, 2014 will be the next meeting.

Reappointments/Board restructuring

Director Huston stated he needs a note from Commission Member Woolsey and Commission Member Schulz stating that they wish to stay on the panel, due to the fact that their appointments have expired. Also, the Board of County Commissioners would like to drop the Planning Commission from 9 to 7 members. 1 of the District 3 members of the commission would need to become an at large position. This would give each district 2 members and 1 at large position. The quorum would be 4 instead of 5.This is something to think about.

Commission Member Woolsey asked if an email would suffice for reappointment.

Director Huston said yes that would be sufficient. The commission's workload will now be different with the use of the Hearings Examiner. Things will shift around with the adoption of the Comprehensive Plan. There will now be interim zoning, which will involve zone code revisions and subdivision regulations and theses will come to the Planning Commission. These amendments will bring many changes and will hopefully simplify everything. There have been discussions regarding marijuana operations, the lack of communication with the Liquor Control Board and the process of evaluating the applications. There have been some complaints from neighbors.

Chairman Roberts asked if there was any more business. There was not.

Commission Member Woolsey made a motioned to adjourn; Commission Member Schulz seconded the motion. The motion carried.

SUMMARY OF MOTIONS

Vice Chair Dart moved to approve the April 28, 2014 agenda, Commission Member Rawley seconded the motion. The motion carried.

Vice Chair Dart moved to add The Shoreline Master Program and The Comprehensive Plan updates to the agenda, Commission Member Schulz seconded the motion. The motion carried.

Vice Chair Dart moved to approve the November 25, 2013 meeting minutes, Commission Member Woolsey seconded the motion. The motion carried.

Vice Chair Dart moved to approve the February 24, 2014 meeting minutes, Commission Member Woolsey seconded the motion. The motion carried.

Commission Member Rawley moved to bump the number of attendees on line 28 to 250, Commission Member Schulz seconded. The motion carried with Commission Member Porter opposed, she stated that the minimum number of attendees should be more.

Commission Member Woolsey moved to include the new section B defining festivals, Vice Chair Dart seconded the motion, the motion carried.

Commission Member Woolsey moved to adopt the new language regarding processing and response time for the Planning Department in sections C and D as suggested by the Planning Director, Commission Member Rawley seconded the motion. The motion carried.

Vice Chair Dart moved to put a provision exempting permitted festivals from the noise ordinance into this code amendment now and move forward with the actual noise ordinance as well. Commission Member Rawley seconded the motion. The motion carried.

Vice Chair Dart moved to move forward with the improvements made tonight, Commission Member Woolsey seconded the motion. The motion carried.

Commission Member Woolsey made a motioned to adjourn; Commission Member Schulz seconded the motion. The motion carried.

Adjourn

Prepared by Anna Randall
Administrative Secretary/Planner I