



## Planning Commission Meeting Minutes

A meeting of the Okanogan County Regional Planning Commission was held on Monday, August 26, 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 Tamara Porter, and Commission Member Rawley.

**OKANOGAN COUNTY STAFF MEMBERS** present included: Director of Planning Perry Huston, Natural Resource Senior Planner II Angela Hubbard, Senior Planner Ben Rough and Administrative Secretary Sharon McKenzie.

**APPLICANTS OR THEIR REPRESENTATIVES:** Clay Brown, Jim Cullis, and John Hayes

**OTHERS IN ATTENDANCE:** Mike Pruitt, Jason Paulsen, Marcy Stamper, Isabelle Spohn, Nora Sheridan, and Nancy Soriano.

Chair Roberts called the meeting to order at 7:04 pm.

### **Approval of August 26, 2013 Agenda**

Commission Member Schulz moved to approve the August 26, 2013 Planning Commission Meeting Agenda. Vice Chair Dart seconded the motion. Motion passed.

### **Approval of July 22, 2013 Meeting Minutes**

Commission Member Schulz moved to approve the July 22, 2013 Planning Commission Meeting Minutes as presented. Vice Chair Dart seconded the motion. Motion passed.

### **Public Hearing Item #1**

#### **❖ Case OST 2013-07**

Chair Roberts requested the summary report on the **Case OST 2013-07**. Natural Resource Planner II Angela Hubbard requested the Staff Report be placed into the record. Natural Resource Planner II Hubbard explained:

- Donald Case owns 20.21 acres.
- The applicant is applying for a transfer from Designated Forest to Open Space Timber tax assessment on 19.21 timberland acres.
- The goal of the applicant is to maintain and improve the growth and health of the existing timber stand.
- Clay Brown, professional forester has prepared a FMP (Forest Management Plan) for the property. The FMP inventories the timber stand and has established a management schedule for the property.
- The property is surrounded by public and private property.
- The property is located off of Wild Turkey Lane, approximately 18 miles east of Riverside.

She asked if there were any questions of Staff. Addressing the question of when the aerial was taken, she said 2011.

Chair Roberts called the Proponent or Representative forward to speak to the issue.

Clay Brown, professional forester residing in Omak, came forward to address questions. He said the area had been logged around 1987 or 1988. He noted there was heavy reprod and that it was a very beautiful stand. He said the schedule will help the stand. Addressing the question of how many trees there are per acres, he said there were about 30 trees per acres in the overstory. He said he recommends leaving the reprod alone until the first harvest.

Chair Roberts asked if there were any other questions from the Commission Members. 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 tax classification application as Open Space Timber for Case OST 2013-07 to the Board of County Commissioners subject to the attached Findings of Fact, Conclusions of Law and the Conditions of Approval. Commission Member Rawley seconded the motion. Motion passed.

## **Public Hearing Item #2**

### **❖ Code Amendment CA 2013-1**

Director Huston explained the legislature asked to have the State Environmental Policy Act (SEPA) policy reviewed and take out redundancies, overlap, contradictions, and clean up language to make it easier for the public to understand. He said the enabling legislation gives direction to the counties to provide for flexibility. He noted this Code Amendment is to make the local code consistent with State code. He explained the intent of SEPA was not to be a permit but to be a structured review process. He said SEPA does not trump local code.

Senior Planner Ben Rough requested the Staff Report be placed into the record including the amended page one. Senior Planner Rough explained:

- Okanogan County seeks amendments to amend Okanogan County's Environmental Policy Code (OCC 14.04). This is to make Okanogan Code consistent with State RCW and WAC.
- The purpose of the amendment is to increase categorical exemptions in order for County Code to be consistent with a recent amendments to Washington State SEPA Rules as they pertain to categorical exemptions (WAC 197-11-800).

Senior Planner Rough went over the changes being proposed for county wide consideration.

- Single family residential - 20 units
- Multifamily residential - 25 units
- Barn, loafing shed, farm equipment storage, produce storage or packing structure - 40,000 square feet
- Office, school, commercial, recreational, service, storage building, parking facilities - 12,000 square feet and 40 parking spaces
- Landfill or excavation - 1,000 cubic yards

Senior Planner Rough read the excerpt from the State steering committee on State Review and Legislation. He noted this had been included in the Staff report to the Planning Commission Members.

Addressing questions from the Planning Commission Members, it was noted that permits are now in place which require SEPA review, where originally when SEPA was legislated, those permits did not exist.

Director Huston pointed out an example in the case of multifamily projects which is covered by the zone code. He said a multifamily project would require a Planned Development (PD) or a re-zone which in both cases requires a SEPA review.

Senior Planner Rough went through the history of project review in Okanogan County and the evolution of the Methow plan. He noted this proposal is consistent with the processes which have taken place.

There was discussion amongst the Planning Commission Members regarding whether the code amendment would reduce protection for the Methow. It was noted due to the zoning in the Methow, SEPA review would be required where elsewhere in the County the SEPA review may not need to be necessary.

Chair Roberts asked if there were any other questions from the Commission Members. There being none, Chair Roberts opened the meeting to public testimony.

Isabelle Spohn residing in Twisp testifying on behalf of the Methow Valley Citizens Council (MVCC) noted on the written comment sent to the Planning Commission the WAC allows for no action. She noted the proposals have higher thresholds than those in the WAC. She said the MVCC recommends adopting different exemptions, recommends no action, and to keep the current thresholds in place.

Ms. Spohn expressed the concerns of the MVCC on road construction and the amount of fill that can be moved by the proposed change.

She noted the MVCC was uncertain as to how many projects in the Methow will be affected by the proposed changes. She said the MVCC wants to continue with more protective regulations.

There being no further public testimony, Chair Roberts closed the meeting to public testimony.

There was discussion amongst the Planning Commission Members about the section on cubic yards, road building requirements and ground disturbance with relationship to agriculture.

Director Huston pointed out SEPA in all cases has to be tied to a government action. He asked the Planning Commission Members to direct Staff on any changes they wish to make.

Senior Planner Rough requested the Planning Commission Members include in their changes the reason why they suggest the change.

There being no further questions for Staff, Chair Roberts said he would entertain a motion.

Commission Member Rawley moved to continue **Code Amendment CA 2013-1** to the next regularly scheduled meeting on September 23, 2013 at 7:30 PM in the Commissioners Hearing Room. Commission Member Schulz seconded the motion. Motion passed.

Staff was instructed to prepare a report showing one proposal with changes and one with no action.

Chair Roberts called a recess at 8:17 pm.

Chair Roberts reconvened the meeting at 8:22 pm.

### **Public Hearing Item #3**

#### **❖ Wolf Creek BC PD 2013-1 - Continuance**

Chair Roberts requested the an update report on the **Wolf Creek BC PD 2013-1**. Senior Planner Rough requested the Status Report be placed into the record and noted revised documents and comments received are to be included into the record. Senior Planner Rough noted the revised map and Covenants, Conditions and Restrictions (CC&RS) were submitted today along with an additional comment.

He explained the difference between the two proposals:

- On July 22, 2013, the Planning Commission was informed of an appeal of the final SEPA determination and continued the hearing to August 26, 2013. Since then, the SEPA appeal has been withdrawn.
- The applicant and appellants agreed to a formal settlement which recognizes that the applicant will modify the proposal and in return, the appellants will not interfere with the approval process. He noted Okanogan County is not a party to the settlement agreement.
- Proposed findings of fact, conclusions of law, and conditions of approval have been modified as a result of the modified application.
- Amendments are summarized below:
  - The number of lots is reduced from 5 to 4.
  - Two lots were consolidated and allowed two residences.

- Nightly rentals are not permitted.

Senior Planner Rough explained:

- Open Space – a Planned Development requires 75% open space. The amended proposal has 87% open space.
- Density – 4 lots with 5 residents on 27 acres.
- Shoreline – The proposed project is in a rural shoreline environment. Senior Planner Rough noted there are no lots in the shoreline nor do any of the lot lines go down to the shoreline. He said there was only open space along the shoreline.

There being no further questions of Staff, Chair Roberts called the Proponent forward to speak to the issue.

Jim Cullis residing in Palm Coast Florida and John Hayes, a land use planner residing in Winthrop, came forward to update the Planning Commission. Mr. Cullis said he met with the neighbors and worked out changes which reduced the number of lots and allowed one lot to have a residence and guest house. He noted the changes to the CC&Rs included no nightly rental and a maximum size for the guest house.

Chair Roberts opened the meeting to public testimony.

Mike Pruitt residing in Winthrop came forward and stated a settlement and agreement were signed by all parties. He presented a copy of the face of the agreement for the record. He noted the plat and the CC&Rs reflect the terms for the settlement/agreement.

Isabelle Spohn residing in Twisp said her testimony is based on the first proposal and that she was representing the MVCC. She said the MVCC:

- is concerned the project would exceed the 5,000 gallon per day withdrawal and the well must be monitored.
- says there must be education regarding the ½ acre limit for lawn watering.
- noted the fisheries/wildlife section shows no protection for the wildlife and consultation with WDFE is warranted.
- says even without division or short division in the shorelines, they feel this is still a matter of interpretation.

Chair Roberts asked if anyone else wished to testify. There being no further testimony, he called the proponent/representative forward to comment.

John Hayes came forward and stated:

- the water system is required to have analog meters to monitor water usage.
- the CC&Rs cover abuse of water usage.
- the CC&Rs address the use of zero scape.

He said regarding the issue of the misuse of the interpretation of shoreline environment, he noted the same interpretation has been used for 25 years.

There being no further public testimony, Chair Roberts closed the meeting to public testimony.

Chair Roberts asked if there were any other questions from the Commission Members. There

being none, he said he would entertain a motion.

Commission Member Rawley moved to recommend that the Board of Okanogan County Commissioners grant approval of the **Wolf Creek BC Planned Development 2013-1**, including preliminary approval of the plat of Wolf Creek BC, preliminary approval of the Wolf Creek BC Development Agreement, and approval of the rezone of this property to planned development, all subject to the attached findings of fact, conclusions of law, and conditions of approval. Chair Dart seconded the motion. Motion passed.

#### **Pulic Hearing Item #4**

❖ **Deliberations on the Final Draft of the Amended Okanogan County Comprehensive Plan, Final Draft of the Comprehensive Plan Land Use Designation Map and the Draft Environmental Impact Statement – Not open to public testimony - Continuance**

Director Huston said he sent out the materials and has no other information to present. Director Huston noted the changes made were according to the instructions from the Planning Commission at the last meeting and noted the Methow section is being revised to clarify potential areas of confusion.

There was discussion on the Lower Methow and if it should be extended. Director Huston reminded the Planning Commission of the vehicles in the Comprehensive Plan which could address changes in the future.

Chair Roberts said he would entertain a motion.

Commission Member Rawley made the motion to adopt **Okanogan County Regional Planning Commission Resolution 2013 -2** for the recommended approval of the **Final Draft of the Amended Okanogan County Comprehensive Plan, Final Draft of the Comprehensive Plan Land Use Designation Map**, Finding of Fact and Conclusions of Law to the Board of County Commissioners. Vice Chair Dart seconded the motion. Motion passed.

It was noted there were 4 Planning Commission Members in favor and 2 opposed to the motion.

#### **Old Business**

There was none

#### **New Business**

There was none

#### **Adjourn**

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

Chair Roberts adjourned the meeting at 9:30 p.m.

## SUMMARY OF MOTIONS

*Commission Member Schulz moved to approve the August 26, 2013 Planning Commission Meeting Agenda. Vice Chair Dart seconded the motion. Motion passed.*

*Commission Member Schulz moved to approve the July 22, 2013 Planning Commission Meeting Minutes as presented. Vice Chair Dart seconded the motion. Motion passed.*

*Commission Member Schulz moved to recommend approval of the tax classification application as Open Space Timber for Case OST 2013-07 to the Board of County Commissioners subject to the attached Findings of Fact, Conclusions of Law and the Conditions of Approval. Commission Member Rawley seconded the motion. Motion passed.*

*Commission Member Rawley moved to continue Code Amendment CA 2013-1 to the next regularly scheduled meeting on September 23, 2013 at 7:30 PM in the Commissioners Hearing room. Commission Member Schulz seconded the motion. Motion passed.*

*Commission Member Rawley moved to recommend that the Board of Okanogan County Commissioners grant approval of the Wolf Creek BC Planned Development 2013-1, including preliminary approval of the plat of Wolf Creek BC, preliminary approval of the Wolf Creek BC Development Agreement, and approval of the rezone of this property to planned development, all subject to the attached findings of fact, conclusions of law, and conditions of approval. Chair Dart seconded the motion. Motion passed.*

*Commission Member Rawley made the motion to adopt Okanogan County Regional Planning Commission Resolution 2013 -2 for the recommended approval of the Final Draft of the Amended Okanogan County Comprehensive Plan, Final Draft of the Comprehensive Plan Land Use Designation Map, Finding of Fact and Conclusions of Law to the Board of County Commissioners. Vice Chair Dart seconded the motion. Motion passed.*

Prepared by Sharon McKenzie  
Administrative Secretary