



Planning Commission Meeting Minutes

A meeting of the Okanogan County Regional Planning Commission was held on Monday, February 28, 2011 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 Becki Andrist, Commission Member Mark Miller, Commission Member Phil Dart, Commission Member Tamara Porter, Commission Member Marlene Rawley, and Commission Member Dave Schulz.

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

APPLICANTS OR THEIR REPRESENTATIVES: Jim Hammond, Barry Kemper, and Eddie Cupp.

OTHERS IN ATTENDANCE: DeeLoris Sylverster, Robert Henneman, Robert K. Peterson, Benjamin K. Peterson, Ken Bevis, Dan Beardslee, and Nancy Soriano.

Chair Roberts called the meeting to order at 7:01 pm.

Approval of February 28, 2011 Agenda

Commission Member Schulz moved to approve the February 28, 2011 Planning Commission Meeting Agenda. Vice Chair Andrist seconded the motion. Motion passed.

Approval of January 27, 2011 Meeting Minutes

Vice Chair Andrist moved to approve the January 24, 2011 Planning Commission Meeting Minutes as presented. Commission Member Dart seconded the motion. Motion passed.

Public Hearing Item #1

- **Veranda Beach Resort – PDM 2010-2**

Chair Roberts requested any persons which might have a conflict of interest or an appearance of fairness issue to please come forward. Commission Member Porter came forward and stated she may have an appearance of fairness issue as she is the owner of property adjacent to Veranda Beach. Commissioner Porter stated she did not have any feelings negative or positive, biased or prejudiced either way, and said she is open to arguments from all sides and can make a fair decision with Veranda Beach. Chair Roberts asked is anyone present, including members of the

audience, have any feelings about Commission Member Porter staying seated since she has disclosed she is an adjacent property owner.

Director Huston suggested Chair Roberts have the Proponent come forward and reply to his question regarding any objection to Commission Member Porter staying seated to hear the project presentation and testimony on the **Veranda Beach Resort – PDM 2010-2**. He noted it was unusual that Commission Member Porter does not excuse herself as an adjacent property owner. She is not required to, but it is a significant appearance of fairness issue. So he asked the Proponent to identify himself, his position with Veranda Beach and please explain to the Board that he has a complete understanding of the nature of the appearance of fairness issue. He stated this is a significant appearance of fairness issue and that you do or do not object.

Eddie Cupp came forward and stated he is a consultant for Veranda Beach and that he put together the SEPA checklist and helped develop a mitigation plan for the development. He stated Veranda Beach had no objections.

Chair Roberts asked if there was any objection from the audience to Commission Member Porter staying seated for the public hearing on the Veranda Beach Resort Planned Development Modification 2010-2. There were no objections expressed from the audience or any of the Commission Members regarding Commission Member Porter remaining seated to hear the project.

Chair Roberts continued the public hearing requesting a summary report on the **Veranda Beach - PDM 2010-2**. Senior Planner Rough requested the Staff Report along with additional comments, be placed into the record. Senior Planner Rough explained the proposed modification is an expansion of the current Planned Development. He presented a summary of the current Planned Development. He said Veranda Beach is currently working on phase three of four, that one third of the homes and half of the project have been completed. He said the request before the Planning Commission would bring the total number of phases to eight. The proposal would expand the range of uses within the development as well as add amenities. Senior Planner Rough said the current project and expansion have had two SEPA determinations, one for the original proposal and one for the expansion. He noted both SEPA determinations are binding in perpetuity. He said approval of project would include the adoption of a Development Agreement which would address development in the expansion area and new development in phase one, two, and three. He noted the original approval of phase one, two and three did not have a Development Agreement. Senior Planner Rough explained the Development Agreement would define what the process is throughout the remainder of project. He noted the proposal would be a zone map re-designation.

Senior Planner Rough addressed the concern for a spray buffer by giving a history of the past consideration for an agricultural buffer. He said the Planned Development ordinance requires a 100 ft. agricultural buffer. He said the Planning Commission can increase the buffer to 300 ft. but the Planning Commission must be specific at the time of their decision on the project if the 300' buffer will be required.

Addressing questions from the Planning Commission Members:

- The project is a planned development modification.
- Explained the purpose of the Development Agreement and how the requirements are to be handled.
- Explained once a Development Agreement is approved by the Board of County Commissioners, the project would be receiving administrative approvals and would not come back before the Planning Commission unless there is a modification.

- Development Agreements are required for all Planned Developments due to an ordinance change.
- Development Agreements work like a contract between the County and the Developer explaining how the property will be developed. The Developer has guaranteed requirements that may not be changed.
- If the scope of the project is changed, the Developer will have to come back to the Planning Commission.
- The affidavit has been completed by the Developer.

Chair Roberts asked the proponent to come forward to discuss the project.

Eddie Cupp, a biologist residing in Twisp, said he prepared the biological evaluation for the original Turtle Bay development, now Veranda Beach. He prepared an environmentally friendly and community friendly plan for Veranda Beach. He helped Veranda Beach develop a project which worked with its environmental qualities.

Chair Roberts opened the meeting to public testimony.

DeeLoris Sylvester residing in Oroville said she is an orchardist and is concerned about having a spray buffer zone. She explained she uses a crop duster. She has asked for a 500' zone. She said she considers the zone as an essential part of keeping the orchard. Ms. Sylvester noted there are two areas of proposed cottages next to her orchard and she has an orchard across from the tennis courts. She showed the locations on a map to Senior Planner Rough and the Planning Commission Members. Addressing the question of the use of cherry guns, she said she did use cherry guns.

Robert Peterson residing in Oroville said he is an adjacent landowner to Veranda Beach. He said he is not an opponent of Veranda Beach but is concerned about maintaining a spray buffer. Mr. Peterson said he uses a helicopter for drying and treating cherries. He said he has to use aerial application. He said he asked for a 500' buffer but realizes 300' is more realistic. Mr. Peterson said he wants to head off any future problems of farming vs. housing. He noted he uses cherry guns and noisy machines in the production of cherries and these machines are sometimes used at night. He said his property borders the Sylvester's and phase five of Veranda Beach.

Ken Bevis working for the Department of Fish and Wildlife (WDFW) said he has worked with Mr. Cupp. He said WDFW supports Veranda Beach in their development. Veranda Beach has protected areas and will be using native species for re-vegetation. Mr. Bevis said WDFW acquired the Eder Ranch adjacent to Veranda Beach. He noted Eder Ranch has a significant deer population and Veranda Beach would use fencing around specific features so as not to cut off the deer migration.

Addressing questions from the Planning Commission Members, Mr. Bevis and Senior Planner Rough responded:

- Mr. Bevis will investigate other alternatives to the current cattle guards.
- Mr. Bevis explained the fencing is to protect features.
- Senior Planner Rough said any additional fencing requirement would be determined by the Planning Commission or the Board of County Commissioners and usually would be paid for by the developer.
- Mr. Bevis said he did not see any hindrance to the deer migration.

Chair Roberts asked is anyone else wished to testify. There being no other testimony, Chair

Roberts closed the meeting to public comment.

Chair Roberts called the Proponent's representative and Senior Planner Rough back to address questions from the Commission Members.

Senior Planner Rough and Mr. Cupp responded:

- Senior Planner Rough said designated open space in a Planned Development generally does not have to be open to the public.
- Senior Planner Rough said if Veranda Beach applies for Open Space Open Space for tax consideration, the open space would have to be open to the public.
- Senior Planner Rough said the Assessor has stated certain areas of the project would have to be removed from the agricultural exemption.
- Mr. Cupp said the Developer has a transportation plan.
- Mr. Cupp said trails will be included in the development:
 - A walking trail will be on Cactus Hill.
 - The Village is pedestrian friendly
 - The development is designed to be pedestrian friendly.

Addressing additional questions from the Commission Members:

- Jim Hammond, managing partner of Veranda Beach and residing in Kelowna BC, said employee housing is not necessary in Veranda Beach at this time. He said as they go through the phases, he would not find employee housing detrimental, if it was necessary.
- Regarding the comment from Public Works, Mr. Cupp said there are no roads on adjacent land that could provide secondary access. He noted the roads shown on the proposed maps are conceptual in nature and are not formally designed at this stage.
- Director Huston stated the project before the Planning Commission is a re-zone and a Development Agreement. He said because it is a re-zone at this point, the Developer was not required to provide detailed information such as roads.
- Director Huston noted that any concerns/observations made by the Commission Members must be pertinent to the specific project. He stated conditions should be crafted that will suit the project.
- Senior Planner Rough described the Farm Ordinance and noted there are no buffer zones in the ordinance. He said the Farm Ordinance identifies what types of nuisances exist and the people living in a farming area must live with those nuisances.
- Mr. Hammond noted in the original phase, purchasers acknowledged they knew they were in an agricultural area. He said the 300' buffer would be onerous. He said he would be open to consider a plan to accommodate the Sylvester property
- Senior Planner Rough said the conditions of approval for the original application did not have a buffer. The Board of County Commissioners asked for a 300' buffer but it did not become a condition of approval.

There was additional discussion regarding the buffer zone.

Mr. Cupp asked for clarification from the Planning Commission Members that they were discussing a buffer zone specific to residential housing. The Planning Commission Members said "yes" and the zone would not be specific to roads, vineyards, garages, etc.

Director Huston clarified the discussion by stating there would not be a 300' buffer zone around the entire project but specific to certain areas such as residential, meeting halls, etc.

Noting the Commission Members were not comfortable with some parts of the Development Agreement, Director Huston said the Commission Members should provide a list of their concerns for Staff. Staff will present the list to the Proponent for consideration. The Proponent would come back with a response to those items.

Addressing the concerns of the Planning Commission Members of not having an opportunity to review the project in the future after the modification and Development Agreement were approved, Director Huston explained the administrative review process whereby administrative approval would only occur if items were within the bright lines. He said anything else would have to come back to the Planning Commission and the Board of County Commissioners for review.

Chair Roberts summarized the points of concern with the current proposal:

- need more information on the ability to have a 300' spray buffer
- definitive recognition of two points of ingress/egress and a pull out for fire equipment
- what should be the trigger for employee housing
- what is trigger for review for substantial deviation from the plan
- presentation of a map of proposed fencing plan.

Director Huston recapped:

- the Proponent come back with the spray buffer areas clearly identified.
- the Development Agreement will cover the Public Works requirements concerning the roads.
- the trigger for employee housing might be the number of employees.
- the Planning Commission should be cognoscente of the project proximity to urban centers and the availability of housing in those centers.
- suggested the Planning Commission evaluation of the need for employee housing should include the possible competition with the private sector.

Director Huston addressed the concern over the administrative review option asked for by Veranda Beach by explaining two options:

- In the code under the Intermediate Planned Development Modification there is a hybrid where Veranda Beach would go through a hearing in front of the Planning Commission and then the Planning Commission would make recommendations to the Planning Director instead of the Board of County Commissioners.
- The other option would be to stay with the regular platting process.

Chair Roberts called for a recess at 9:05 PM.

Chair Roberts reconvened the meeting at 9:13 PM.

Director Huston noted Commission Member Miller, during his discussion of the project, had just divulged an exparte contact with Rod Noel of the City of Oroville regarding the issues of water for the project. He asked that Commission Member Miller explain the nature of the discussion, why it took place, what was discussed, when it took place, etc. so it can be put into the record. He said anyone should be given the opportunity to object to Commission Member Miller continuing on the hearing.

Commission Member Miller stated he called Mr. Noel because so many times in the public hearings we have been attending as part of the Comprehensive Plan process, the Veranda Beach project is brought up consistently, and he wanted to ask Rod Noel because he knew he serves on

the Water Conservancy Board with him. He said he wanted to get to the bottom of the issues regarding discharge and whether a certificate of water right and how it is working with the City of Oroville so he understood the comments that applied to the Comprehensive Plan we hear about particularly out of the Methow. That was the reason he talked with him.

Chair Robert asked if there was any objection from the audience to Commission Member Miller staying seated. There was none. The Proponent stated he had no objection to Commission Member Miller staying seated.

Addressing additional questions from the Planning Commission:

Senior Planner Rough responded:

- Zone code counts density against residential uses.
- RV sites are commercial
- If maximum density bonuses were given, the project would be about 25% more than the maximum allowance
- Veranda Beach is filing a joint contract with the Washington State Department of Transportation to pay \$8,000 for the cost of new stop signs at the intersection of Central and Highway 97. Veranda Beach will not be required to do any further traffic study

Eddie Cupp responded;

- In the proposal, what is discussed regarding docks and marinas has already been approved.
- Veranda Beach has an agreement in place regarding sewer and water
- Plans for the initial phases are already approved

Director Huston responded:

- Applicant must amend the Planned Development
- Code says the applicant can apply for more but would have to come back and amend the application.
- Sewer facility is oversized. The system is set up for 1,200 hook-ups.
- All sewer plans meet State and County regulations.
- Part of the Eastlake sewer project includes the biosolids upgrade
- The sewer project contemplated development activity including Veranda Beach.

The Commission Members expressed concerns that all developers should be treated with consistency and that developers understand what they will be required to do.

Addressing the concerns on fencing and employee housing, the following motions were made:

Vice Chair Andrist made the motion not to impose a condition for fencing other than that which has been dealt with in SEPA. Commission Member Dart seconded the motion. Motion passed.

Commission Member Dart made the motion to waive an employee housing requirement. Vice Chair Andrist seconded the motion. Motion passed.

Remaining items for consideration:

- Agricultural buffers and locations
- Roads/circulation
- Administrative review

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Chair Roberts said he would entertain a motion.

Vice Chair Andrist moved to recommend continuation of the Veranda Beach PDM 2010-2 to the next regularly scheduled meeting on March 28, 2011. Commission Member Dart seconded the motion. Motion passed

Public Hearing Item #2

- **Deliberations on the Okanogan County Critical Area Ordinance – Continuance**

Vice Chair Andrist made the motion to continue deliberations on the Critical Areas Ordinance which will not be open to public comment, at the next regularly scheduled meeting on March 28, 2011. Planning Commission Member Rawley seconded the motion. Motion passed.

Vice Chair Andrist moved to adjourn the meeting. Commission Member Schulz seconded the motion. Motion passed.

Chair Roberts adjourned the meeting at 10:16 p.m.

Summary of Motions

Commission Member Schulz moved to approve the February 28, 2011 Planning Commission Meeting Agenda. Vice Chair Andrist seconded the motion. Motion passed.

Vice Chair Andrist moved to approve the January 27, 2011 Planning Commission Meeting Minutes as amended. Commission Member Dart seconded the motion. Motion passed.

Vice Chair Andrist made the motion not to impose a condition for fencing other that which has been dealt with in SEPA. Commission Member Dart seconded the motion. Motion passed.

Commission Member Dart made the motion to waive a employee housing requirement. Vice Chair Andrist seconded the motion. Motion passed.

Vice Chair Andrist moved to recommend continuation of the Veranda Beach PDM 2010-2 to the next regularly scheduled meeting on March 28, 2011. Commission Member Dart seconded the motion. Motion passed

Vice Chair Andrist made the motion to continue deliberations on the Critical Areas Ordinance which will not be open to public comment, at the next regularly scheduled meeting on March 28, 2011. Planning Commission Member Rawley seconded the motion. Motion passed.

Vice Chair Andrist moved to adjourn the meeting. Commission Member Schulz seconded the motion. Motion passed.

Prepared by Sharon McKenzie
Administrative Secretary