



Planning Commission Meeting Minutes

A meeting of the Okanogan County Regional Planning Commission was held on Monday, March 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, Commission Member Phil Dart, Commission Member Tamara Porter, Commission Member Marlene Rawley, Commission Member Tina Wood, 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, Eddie Cupp, Guy Fisher, Jim Prince and Gagandeep Bains.

OTHERS IN ATTENDANCE: Bill Fancher, Karen Fancher, Robert Peterson, Ben Peterson, Chuck Heinlen, Rita Heinlen, Tony Frey, Nancy Frey, David Goetz, Kellie Goetz, Doug Hamilton, Linda Hamilton, Nevada Harris, Bill Cooper, Luella A. Rehmke, James Rehmke, Echo Penley, Bill Penley, Gerrald Seaver, A. C. Morgan, Walter Foster, John Sylvester, Brett Morris, Buck Workman, Terry Crim, Cindy Mackie, Sandy Mackie, Molly Roberts, Barry Kemper, and Nancy Soriano.

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

Election of officers:

Chair Roberts called for a motion for the positions of Chair, Vice Chair and Secretary of the Okanogan County Regional Planning Commission.

Commission Member Dart made the motion to retain Albert Roberts as Chair, Becki Andrist as Vice Chair and Sharon McKenzie as Secretary of the Okanogan County Regional Planning Commission for one year. Commission Member Wood seconded the motion. Motion passed.

Approval of March 28, 2011 Agenda

Commission Member Schulz moved to approve the March 28, 2011 Planning Commission Meeting Agenda. Commission Member Dart seconded the motion. Motion passed.

Approval of February 28, 2011 Meeting Minutes

Commission Member Dart moved to approve the February 28, 2011 Planning Commission Meeting Minutes as presented. Commission Member Wood seconded the motion. Motion passed.

Public Hearing Item #1

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

Chair Roberts continued the public hearing on the **Veranda Beach Resort - PDM 2010-2**. Senior Planner Rough requested the Staff Report be placed into the record. Senior Planner Rough reviewed the project's original proposal and actions of the Board of County Commissioners on the original proposal. Senior Planner Rough said the managing partner for Veranda Beach, Jim Hammond, extended an invitation to the Planning Commission to visit the site. He noted the concern would be the appearance of fairness. He said if the Planning Commission so chose, they could request a continuance and publish the meeting to be held at Veranda Beach but noted it must be open to the public. The Planning Commission took no action.

Chair Roberts requested the Proponent to come forward.

Jim Hammond residing in Kelowna BC and managing partner for Veranda Beach came forward to address the three issues carried forward from the last meeting.

Agricultural buffer:

Mr. Hammond noted at the time of the original application the buffer zone was discussed extensively and the Board of County Commissioners gave approval of a 100 ft. buffer zone as per the County Ordinance. He stated it was not fair for one landowner to have one requirement and another not to have the same. He noted when this was originally discussed, the Farm Ordinance was to be acknowledged to all purchasers at the time of sale.

Senior Planner Rough explained the Farm Ordinance was amended to include a plat note identifying that the purchaser was aware the property was in a farming area and acknowledged the existence of farm activity. He said in a Planned Development Modification, it is up to the Planning Commission to determine if the notification should continue and if it should be added as part of the Development Agreement as a condition of approval.

Planning Director Huston said the Planning Commission is dealing with two different subjects. The first subject is the Farm Ordinance which remains as a requirement as a plat note. The other subject is the agricultural buffer zone of 100' as per the planned development code. He noted there must be a nexus in order to require the buffer zone as a condition of approval. The buffer and whether it should be increased is the item up for discussion.

Mr. Hammond presented the Planning Commission with a copy of the farm notification given to all purchasers. He noted the purchasers of the vineyard cottages know they are in a farming area and are advised of the noise, spraying, etc. associated with such farming activity. He said Veranda Beach does not wish to go beyond the 100' buffer.

Mr. Hammond said he met with the Petersons and the Sylvesters. He said the Petersons and Veranda Beach have agreed to a 200' agricultural buffer. He said Mr. Sylvester still wishes a 300' buffer which Veranda Beach finds onerous. He clarified, at this time, the 200' buffer is only pertinent to the Petersons property adjoining Veranda Beach.

Review process:

Mr. Hammond said the planned development has been through the planned development process for 1 ½ years during which time agencies have provided comment. He said now the process involves adhering to the Development Agreement. He said future development will be reviewed by the Director of Planning and other pertinent agencies. The next review will be the Board of County Commissioners. He does not understand why the phases need to go back to the Planning Commission.

Second point of access:

Mr. Hammond noted the mid-point of the property is Eastlake Road and the westerly portion of Veranda Beach is 200' below Eastlake Road and the east side of Veranda Beach is 200' above Eastlake Road. He said in the original proposal, Veranda Beach understood from Okanogan County Public Works the existing roadways were acceptable. He said in the proposed development, the road climbs 200' in a half mile. He noted due to the terrain, it is not possible to have a second road. He said Veranda Beach will meet with Public Works throughout the project for approval of the roads but said Veranda Beach is not to that stage yet.

Eddie Cupp, consultant for Veranda Beach, commented on the additional review pointing out that if Public Works issues certain requirements on future phases, Veranda Beach would adhere to those requirements. He said the Development Agreement establishes boundaries which the developer would work within so he is unclear on the necessity for additional review by the Planning Commission.

During discussion with the Planning Commission regarding the agricultural buffer, Mr. Hammond said Veranda Beach will incorporate the vineyard areas within the buffers but in any other areas, the 200' buffer will have a serious impact on density. He said Veranda Beach would reluctantly agree to a 200' buffer adjacent to the Sylvester's property.

For clarification Mr. Hammond reviewed the buffers on the adjoining Peterson property. He said a vineyard is on the west side and there will be a 200' buffer on the north and east side of the property. It was clarified the added buffers would be restricted to residential areas only and not yards, accessory buildings, commercial areas, vineyards, etc.

The Planning Commission members engaged in further discussion on the review process.

Director Huston explained the Development Agreement establishes the conditions for future phases. He said it is an excellent tool for a long term project. He noted the developer cannot change the Development Agreement unless it is amended. Director Huston said the review process being presented to the Planning Commission is to review for compliance with the Development Agreement. He said the Development Agreement has a term and the planned development does not.

Director Huston asked for confirmation on the direction of the Planning Commission as follows:

A recommendation for approval of the Development Agreement with the following changes:

- 200' buffer at adjacent property lines with Mr. Sylvester and Mr. Peterson.
- 100' buffer as required by County Code around the balance of the Planned Development
- Right to Farm acknowledgement continued as in current practice
- Administrative review of the preliminary plat by the Planning Commission in a public meeting for compliance with the Development Agreement and preliminary plat application. The public meeting would be advertised, the public welcome to attend but with no public testimony or interaction.
- Traffic review process would be incorporated in Item Two of the Conditions of Approval

Chair Roberts clarified for the audience that indicated they wished to testify tonight that public testimony was closed at the last meeting. He explained this meeting is a continuance to review the three open items.

Chair Roberts said he would entertain a motion.

Commission Member Rawley moved to recommend approval of the **Veranda Beach - PDM 2010-2** Development Agreement to the Board of County Commissioners with the following amendments:

- The Right to Farm notice will continue as currently required in the Veranda Beach Planned Development.
- A 200' agricultural buffer as depicted on the property lines with the Peterson and Sylvester properties with an attachment showing those areas mapped out.
- Preliminary plats will be reviewed administratively by the Planning Commission in public meeting (not hearing) for compliance with the Development Agreement.

Commission Member Schulz seconded the motion. Motion passed.

Public Hearing Item #2

- **Prince Family Estates No. 1 – LP 2010-2**

Chair Roberts requested a summary report on the **Prince Family Estates No. 1 – LP 2010-2**. Senior Planner Rough requested the Staff Report and Affidavit of Notice be placed into the record. Senior Planner Rough explained the proposed project is a long plat subdivision for approximately 18 acres to be divided into 14 residential lots fronting Lake Osoyoos. He explained the circulation pattern with ingress/egress on to Highway 97. He said water will be supplied to 6 lots from the City of Oroville and the other 8 from a Group B water system. He said the reason the developer chose to divide the water service was a well is already on site and the developer wanted to use that well. A common on-site septic system will be required with system drain fields located outside the shoreline environment. The water and septic systems will be designed to accommodate future connections to a municipal water and sewer utility line in the event connections come available. He said zoning is suburban residential.

Chair Roberts asked the Planning Commission Members if there may be any conflict of interest issues. Commission Member Dart said he has known the Proponent, Jim Prince, all his life. Chair Roberts asked if anyone objected to Commission Member Dart remaining seated. There were no

objections from the audience or the Planning Commission Members. Chair Roberts stated Commission Member Dart would remain seated to hear the proposal.

Chair Roberts requested the Proponent to come forward.

Jim Prince Proponent of the project residing in Oroville requested Guy Fisher his surveyor in Oroville to represent him.

Addressing the concerns regarding the Washington State Department of Transportation (WSDOT) comment on the ingress/egress whereby WSDOT is denying one access point on to Highway 97, Mr. Fisher said the Proponent is considering different options including designing a cul-de-sac within the project.

Chair Roberts opened the meeting to public testimony. There being none, Chair Roberts closed the meeting to public comment.

Addressing the question as to why no lead or arsenic test was done since this area has been an orchard and is now being proposed for residential, Mr. Prince said it would be fine to do the tests. Mr. Fisher said it would be an excellent idea.

Addressing the WSDOT recommendation to include a note on the face of the plat with the WSDOT permit number of the highway access, Senior Planner Rough said it is a condition of approval. He read the condition into the record. He said he had not seen this WSDOT requirement before on other similar applications.

After discussion regarding the conflicting requirements of the Okanogan County Public Works for two accesses and the WSDOT requirement of closing one access, Mr. Fisher said the proponent will still pursue a resolution with WSDOT.

Director Huston reminded the Planning Commission that Okanogan County Public Works has a variance process. He suggested the Planning Commission consider not tying conditions down too tight until the Proponent has time to work with the Public Works process.

Chair Roberts said he would entertain a motion.

Commission Member Rawley moved to recommend approval of the **Prince Family Estates No. 1 – LP 2010-2** to the Board of County Commissioners subject to the attached Findings of Fact, Conclusions of Law and the Conditions of Approval with the deletion of Section E of Item 18. Commission Member Porter seconded the motion. Motion passed.

Public Hearing Item #3

- **Bains LPA 2011-1**

Commission Member Rawley disclosed she had previous real estate transactions with the Proponent, Gagandeep Bains, but the transactions were not related to the proposed project.

Chair Roberts asked if anyone objected to Commission Member Rawley remaining seated. There were no objections from the audience or the Planning Commission Members. Chair Roberts stated Commission Member Rawley would remain seated.

Commission Member Wood disclosed she had title transactions with the Proponent, Gagandeep Bains, and stated the transactions were not related to the project

Chair Roberts asked if anyone objected to Commission Member Wood remaining seated. There were no objections from the audience or the Planning Commission Members. Chair Roberts stated Commission Member Wood would remain seated.

Chair Roberts requested a summary report on the **Bains LPA 2011-1**. Senior Planner Rough requested the Staff Report be placed into the record. He noted the proposed project had not been posted in accordance with the Okanogan County Code and no Affidavit of Public Notice had been turned in to date. He suggested that the Planning Commission take public testimony this evening but delay any decision until the next regularly scheduled meeting or until the posting requirement is fulfilled.

Chair Roberts agreed to open tonight's meeting to public testimony and agreed to the continuance of the public hearing to the April meeting.

Senior Planner Rough explained the proposed project is for an alteration to an existing long plat. The proposal is to divide approximately 25 acres into 11 residential lots. He said the project would include a Group B water system which will supply domestic water to each lot. He noted the SEPA determination prohibits outdoor watering by the Group B system. He said any outdoor watering will need to come from another legal source. He explained the access to the lots. He said each lot will have individual septic systems. The property is located in the Barnholt Loop area in the Barnholt District. Senior Planner Rough said the property is designated "Agricultural Use Only" and can be removed out of this designation through the plat alteration process. Addressing the comments received regarding the existing water right being relinquished, he said the true status of the water right is unknown. He said the Proponent is here to address any questions.

Chair Roberts requested the Proponent to come forward.

Gagandeep Bains residing in Omak said he had nothing to say at this time.

Chair Roberts opened the meeting to public testimony.

Bill Fancher residing at 6 Harris Road said he lives in the house at the north end of the long plat. He said there are 20 homes surrounding the proposed project. He said he has concerns that if the property is priced to sell and lots are filled over a few years, the project will change the structure of the neighborhood and the lifestyles will change due to noise, smells, and crime. He said the project would create a concentrated area. He said the last time the water right was used on the proposed property was in the fall of 2000. He pointed out the water right has been interrupted. Mr. Fancher noted the well is 25' from their house. He said with a big enough pump to serve all the proposed houses, the pump will be going all the time. He also said any repairs to the well would require access over his property.

Karen Fancher residing at 6 Harris Road explained the history of the subject property. She said they would like to see the property remain as agricultural only. She said at the time of the

auction, the property was to be sold for agricultural purposes only. She said the water rights on the well have not been used since 2000. She noted the Department of Ecology said after five years, the water rights are gone. She said there is low crime in the area and low traffic. Mrs. Fancher said to add a mobile home park with 11 sites would be a huge impact in the area. She noted the area is close to the Okanogan River. She said the activity in the area is farming, has lots of wildlife, and wildlife habitat. She said the environmental impact would be huge due to the animals and more people. She said she is concerned with the renting of the mobile homes, the quality of the mobile homes, and the additional septic systems. She said the Planning Commission should deny the project and keep the property as agricultural. She said there has been arsenic determined in the area from the old orchards.

Chuck Hienlen residing at 13 Barnholt Loop Road said if the Planning Commission allows the long plat, any people who buy the lots should be made fully aware of the Barnholt Loop Association. He expressed concern on the allocation of the 5,000 gallons per day from the exempt well and how it will service 11 lots. He said Mr. Bains is planning on putting domestic water to each lot and mentioned irrigation water. He asked if the purchasers will have to buy an irrigation easement in order to get the water. He noted in 1983, a petition was approved to make the area an agricultural zone and said the area is agricultural residential.

James Remke residing at 10 Penley Rd. questioned the Boundary Line Adjustment done recently on the property. He said he lives in the middle of the development. He said according to the map and the legal description, nothing matches.

Senior Planner Rough addressed the question of the Boundary Line Adjustment explaining there were two previous subdivisions, Rocky Point subdivision and the Farm Services Agency subdivision. He said Mr. Bains moved the boundary lines to consolidate the property into the proposed project leaving two acres outside of the proposed project.

Bill Penley residing in Okanogan said the property was sold as agricultural only, and he does not want people or the trouble. He said there are plenty of lots available and is totally against the project. He said if Mr. Bain wants to put houses in and raise grapes, then welcome to the neighborhood.

AC Morgan residing at 19 Harris Road said the issue is living in a remote quiet neighborhood. He said he as lived there a long time and with no trouble. He said a lot of people do not like change but it will happen. He said the issue of wells should be researched better. He said the septic systems have to go in by county standards. He said all will be done in accordance with the law. He said it is up to the Planning Commission to decide what can be done with the piece of ground. He said when someone buys land, they go through a lot of hurdles to get what they want. He said what the neighbors do is not his concern if it does not effect his family. He said in the US, we all have the right to build businesses and make a better life for ourselves.

Butch Workman residing on Hwy 20 said he is not an adjoining landowner to the proposed project but has known the other landowners adjacent to the property. He said he tried to buy the property and at the time of the sale, water rights were a big concern for him. He said he was told the water rights would have expired within four months of the sale of the property. He said the density is as much of an issue as anything and the potential of seeing eleven 14' x 70' mobile homes would affect the property.

Bill Harris residing in Okanogan said he has farmed the land until 1993 and said he is concerned since he is a “snowbird” and leaves his house for four months a year. He said the project will change his way of life. He said the nitric levels are high in the wells and the arsenic levels are high in the soils. He said he would hate to see the way of life change. He said if there were four or five modular homes, that would be better, but he could not imagine 11 homes out there.

Walt Foster said he owns seven acres at 5 Rocky Point Lane which he bought for his grandson. He said he bought there because he wanted a rural area for him. He said there will be a lot of trailers. He said there is big change coming, and he is against it.

Chair Roberts asked is anyone else wished to testify. There being no other testimony, Chair Roberts closed the meeting to public comment.

Director Huston suggested the Planning Commission leave the record open for public testimony at the next meeting. Chair Roberts agreed.

Chair Roberts asked Mr. Bains to come forward.

Mr. Bains residing in Okanogan said he did not know where the idea of the mobile homes came from. He said there will be stick built homes. He asked that if there are problems or concerns, please ask him. He said he has offered to sell the land to others. He said he respects those who have lived on the land for the long time. He said if he gets the irrigation rights back, he will drill his own well. He said it is not the houses they will have to worry about or a mobile home park. He said the land is for sale. He said do not oppose the project just to oppose it. He said it will not be a trash neighborhood.

Chair Roberts said he would entertain a motion.

Commission Member Rawley moved to continue the public hearing and public testimony of the **Bains LPA 2011-1** to the next regularly scheduled meeting on April 25, 2011. Commission Member Dart seconded the motion. Motion passed.

Public Hearing Item #4

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

Commission Member Dart made the motion to continue deliberations on the Critical Areas Ordinance which will not be open to public comment, to the next regularly scheduled meeting on April 25, 2011. Commission Member Wood seconded the motion. Motion passed.

Old Business:

There was none.

New Business:

There was none.

Commission Member Rawley moved to adjourn the meeting. Commission Member Dart seconded the motion. Motion passed.

Chair Roberts adjourned the meeting at 10:12 p.m.

Summary of Motions

Commission Member Dart made the motion to retain Albert Roberts as Chair, Becki Andrist as Vice Chair and Sharon McKenzie as Secretary of the Okanogan County Regional Planning Commission for one year. Commission Member Wood seconded the motion. Motion passed.

Commission Member Schulz moved to approve the March 28, 2011 Planning Commission Meeting Agenda. Commission Member Dart seconded the motion. Motion passed

Commission Member Dart moved to approve the February 28, 2011 Planning Commission Meeting Minutes as presented. Commission Member Wood seconded the motion. Motion passed.

Commission Member Rawley moved to recommend approval of the Veranda Beach - PDM 2010-2 Development Agreement to the Board of County Commissioners with the following amendments:

- The Right to Farm notice will continue as currently required in the Veranda Beach Planned Development.***
- A 200' agricultural buffer as depicted on the property lines with the Peterson and Sylvester properties with an attachment showing those areas mapped out.***
- Preliminary plats will be reviewed administratively by the Planning Commission in public meeting (not hearing) for compliance with the Development Agreement.***

Commission Member Schulz seconded the motion. Motion passed.

Commission Member Rawley moved to recommend approval of the Prince Family Estates No. 1 – LP 2010-2 to the Board of County Commissioners subject to the attached Findings of Fact, Conclusions of Law and the Conditions of Approval with the deletion of Section E of Item 18. Commission Member Porter seconded the motion. Motion passed.

Commission Member Rawley moved to continue the public hearing and public testimony of the Bain LPA 2011-1 to the next regularly scheduled meeting on April 25, 2011. Commission Member Dart seconded the motion. Motion passed.

Commission Member Dart 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 April 25, 2011. Commission Member Wood seconded the motion. Motion passed.

Prepared by Sharon McKenzie
Administrative Secretary