



Planning Commission Meeting Minutes

A meeting of the Okanogan County Regional Planning Commission was held on Monday, June 27, 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 Tina Williams, and Commission Member Tamara Porter.

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

APPLICANTS OR THEIR REPRESENTATIVES: None

OTHERS IN ATTENDANCE: None

Chair Roberts called the meeting to order at 7:03 pm.

Approval of June 27, 2011 Agenda

Vice Chair Andrist moved to approve the June 27, 2011 Planning Commission Meeting Agenda. Commission Member Dart seconded the motion. Motion passed.

Approval of May 23, 2011 Meeting Minutes

Commission Member Dart moved to approve the May 23, 2011 Planning Commission Meeting Minutes. Vice Chair Andrist seconded the motion. Motion passed.

Public Hearing Item #1

- **Thompson Open Space Timber 2011-3 - Continuation**

Chair Roberts requested the updated report on the **Thompson Open Space Timber 2011-3**. Natural Resource Planner II Angela Hubbard noted the amendment to the Forest Management Plan had received. She said the amendment was signed by the landowner and the amendment was sent to the Planning Commission Members in their meeting packet. Natural Resource Planner II Angela Hubbard requested the amendment be placed into the record.

Chair Roberts asked if there were any other questions from the Board. There being none, Chair Roberts said he would entertain a motion.

Vice Chair Andrist moved to recommend approval of the **Thompson Open Space Timber 2011-3** to the Board of County Commissioners subject to the attached Findings of Fact, Conclusions of Law and the Conditions of Approval including the signed addendum to the Forest Management Plan. Commission Member Porter seconded the motion. Motion passed.

Public Hearing Item #2

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

Natural Resource Planner II Angela Hubbard presented the Critical Areas Ordinance (CAO) definitions as modified per the Planning Commission instructions at the May 23rd meeting. She asked if there were any further changes. There being no further changes, Chair Roberts said he would entertain a motion.

Commission Member Dart made the motion to accept the definitions as presented. Commission Member Andrist seconded the motion. Motion passed.

Natural Resource Planner II Angela Hubbard continued on to the topic of wetland buffers. Planner II Hubbard reviewed what is in current the CAO vs. the Shoreline Master Program (SMP). She explained the different categories and the proposed alternatives. She explained the people who will determine which alternative is appropriate will be a trained Staff member. She said there is a standard process for the evaluation and a specific form which is to be used for consistency. She explained the scoring used to determine the buffer.

Natural Resource Planner II Hubbard said there is an appeal process outlined in the CAO and a fee for the wetland determination is charged by Planning Department.

Director Huston noted the primary concern of this topic is to provide consistency. He cautioned the Planning Commission Member to note the SMP and the CAO are covered by two distinctive differences in law. He said the SMP protects functionality where the CAO provides protection to the shoreline. He said in the case of the CAO, each application is dealt with as a specific case.

It was noted by Vice Chair Andrist that there was extensive discussion about protection of the shorelines during the deliberations of the SMP. She noted in most cases, the buffers were increased. She said if it is sufficient to do the job in the SMP, then the same should be applicable to the CAO.

Natural Resource Planner II Hubbard said all three proposed alternatives presented in the wetland buffers are in the SMP. She said it is possible to have the same alternatives outlined in the SMP applied to the CAO.

Director Huston clarified the proposed alternatives are ones you can choose from and there would be more flexibility by adopting all alternatives.

Commission Member Dart made the motion to accept the proposed wetland buffers as presented. Vice Chair Andrist seconded the motion. Motion passed.

Natural Resource Planner II Hubbard showed an example of a category III wetland and explained the depressional wetland delineation. She showed a riverine wetland and explained how the

buffer would be determined. She said in the case of roads located near wetlands, buffers could be mitigated by adding a wetland designation to other areas.

Director Huston noted the current CAO is a good document, but the CAO was never completed. He noted by law, the CAO must be reviewed whether there are changes or not. He said the multiple alternative approaches gives the landowner more flexibility.

Commission Member Dart said the setbacks in the SMP were discussed extensively and trying to set smaller buffers may be problematic. He said staying close to the SMP recommendations would make sense especially if something goes to court.

Vice Chair Andrist said consistency is easier to defend. She said looking at the proposed information, there would be potential for smaller buffers.

There was discussion amongst the Planning Commission Members that:

- developers should focus on not damaging the wetlands.
- developers can enhance the wetlands during development and thus get smaller buffers.
- most development is for single family dwelling.
- developers can work with the density bonus and cluster ordinance to help keep from degrading the wetlands.

Commission Member Dart made the motion to accept the wetland buffer chart with the setbacks noted and the proposed alternatives for the critical areas ordinance. Vice Chair Andrist seconded the motion. Motion passed.

Commission Member Porter requested a roll call. Chair Roberts called for the yea or nea.

- Commission Member Miller – abstained
- Commission Member Dart – Yes
- Chair Roberts – Yes
- Vice Chair Andrist – Yes
- Commission Member Wood – Yes
- Commission Member Porter – No

Chair Roberts declared the motion passed.

Director Huston said the zone code and subdivision regulations will be connected with the performance based density bonus system which will be done at a later date. Director Huston said much of what the Planning Commission has done is because of requirements set by law and the Planning Commission has worked hard to provide options so it is less onerous on the property owner. He again noted there is still room in the zone code and the subdivision ordinance to make changes. He noted the cluster ordinance is also a vehicle for changes.

Chair Roberts called for a recess at 8:15 pm.

Chair Roberts reconvened the meeting at 8:25 pm.

Natural Resource Planner II Hubbard said the next discussion would be on riparian buffers. She explained that the riparian chart she presented is divided according to water type. She explained the changes have been made by the State. She compared the State designation, the current

CAO, the WDFW recommendations and the comments submitted by WDFW and DOE. She noted the CAO will pick up the riparian zone where the SMP leaves off.

She explained the different the water types and that these are determined by statute. Planner II Hubbard reviewed the comparisons and comments of the various agencies. She said to be consistent with the SMP, the Planning Commission may want to consider buffers within the SMP ranges.

She clarified the riparian areas are determined by flowing waters.

Director Huston cautioned if the Planning Commission chooses to use water type as a consideration, they must be sure it can be regulated.

Planner II Hubbard suggested providing the Planning Commission with a sample showing the areas where the SMP ends and where CAO begins. She said she would have this at the next meeting.

There was discussion to keep options flexible for the landowner in the critical areas. Planner II Hubbard suggested tying in the inventory analysis because the scores on the streams related to function.

Director Huston noted there are more options for wetlands and not as much latitude for the riparian areas.

There was continued discussion on how to deal with wetland vs. riparian buffers. It was noted everything in the shoreline jurisdiction is regulated by the shorelines. The only issue is the distance back from the riparian area. There was discussion about using the zone as a tool for the CAO but it was emphasized the Planning Commission's recommendation must be consistent with the zone code.

Planner II Hubbard said she would provide a visual aide showing where the 20 cfs would stop and where the CAO would pick up.

There was further discussion:

- on using a habitat classification and/or grading system.
- on the use of an administrative appeal process in the CAO similar to the approach for a variance. It was noted this approach could be more defensible. It was noted the appeal process would provide consistency from plan to plan and director to director.

Director Huston said Staff will create a critical path, then review process, and then the review body if necessary for an appeal process. He said Staff will have the language ready for next meeting.

It was determined the items for discussion at the next meeting would be:

- Flood plain channel migration zones which were not discussed in the SMP.
- Address flood zone.
- Talk about the flood management program.

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 July 25, 2011

at 7:00 pm in the Commissioners Hearing Room. Planning Commission Member Dart seconded the motion. Motion passed.

Old Business

There was no old business.

New Business

There was no new business.

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

Chair Roberts adjourned the meeting at 9:00 p.m.

Summary of Motions

Vice Chair Andrist moved to approve the June 27, 2011 Planning Commission Meeting Agenda. Commission Member Dart seconded the motion. Motion passed.

Commission Member Dart moved to approve the May 23, 2011 Planning Commission Meeting Minutes. Vice Chair Andrist seconded the motion. Motion passed.

Vice Chair Andrist moved to recommend approval of the Thompson Open Space Timber 2011-3 to the Board of County Commissioners subject to the attached Findings of Fact, Conclusions of Law and the Conditions of Approval including the signed addendum to the Forest Management Plan. Commission Member Porter seconded the motion. Motion passed.

Commission Member Dart made the motion to accept the definitions as presented. Commission Member Andrist seconded the motion. Motion passed.

Commission Member Dart made the motion to accept the setbacks from the proposed Shoreline Master Program as presented. Vice Chair Andrist seconded the motion. Motion passed.

Commission Member Dart made the motion to accept the wetland buffer chart with the setbacks notes and the proposed alternatives for the critical areas ordinance. Vice Chair Andrist 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 July 25, 2011 at 7:00 pm in the Commissioners Hearing Room. Planning Commission Member Dart seconded the motion. Motion passed.

Prepared by Sharon McKenzie
Administrative Secretary