



Planning Commission

Meeting Minutes

A meeting of the Okanogan County Regional Planning Commission was held on Monday, July 25, 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 Mark Miller, Commission Member Phil Dart, Commission Member Tina Williams, Commission Member Tamara Porter, and Commission Member Marlene Rawley.

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: Jason Paulsen, Vicki Welsh, and Dan Beardslee.

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

Approval of July 25, 2011 Agenda

Commission Member Wood moved to approve the July 25, 2011 Planning Commission Meeting Agenda. Commission Member Dart seconded the motion. Motion passed.

Approval of June 27, 2011 Meeting Minutes

Commission Member Dart moved to approve the June 27, 2011 Planning Commission Meeting Minutes. Commission Member Wood seconded the motion. Motion passed.

Public Hearing Item #1

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

Natural Resource Planner II Angela Hubbard began the discussion with the Administration Section of the Critical Areas Ordinance (CAO) which she explained is the process for buffer reduction. She explained she used the same language as the Shoreline Master Program (SMP) with small modifications that made it specific to the CAO. She said one proposal is a 25% buffer width reduction by an administrative approval. She said the other proposal would allow for buffer averaging based on the circumstances of the terrain which create a hardship.

Director Huston noted the 25% reduction is consistent with other areas of the code. He stated any requests above the 25% would go to the Board of Adjustment.

Planner II Hubbard clarified the applicant cannot do both proposals but must choose between the two.

Chair Roberts asked if there were any questions from the Board.

Director Huston addressed the question regarding the Ruckelshaus study explaining the study covers agricultural activities in critical areas and it had nothing to do with the discussion of the Administrative Section. He said the agricultural areas are not being discussed at this time due to the lack of clarity and direction from the State.

Chair Roberts explained there are meetings scheduled on the Ruckelshaus study with the State and other parties and there will be updated information available for the next Planning Commission meeting.

Director Huston addressed the concerns expressed by some of the Planning Commission Members about too much regulation. He stated the existing CAO for Okanogan County is one of the most restrictive he has worked with. He stated creating alternatives for the landowner is a good way to go.

Director Huston said the criteria used for the variance request is for the landowner to demonstrate that because of the CAO requirements, the landowner would be deprived of the use of the property. He explained the reasonable use exception is applied only in the case of single family residence or accessory use.

Planner II Hubbard explained the reasonable use exception is the last resort. She noted there are two options, one from the current CAO and the other from the SMP. She asked which one the Planning Commission would prefer or if they had another suggestion.

Director Huston clarified a variance request in the SMP would go to the Department of Ecology. He said the variance request in the CAO can go to the Planning Director, the Board of County Commissioners, or the Board of Adjustment.

After discussion amongst the Planning Commission Members, Chair Roberts instructed Staff to craft wording for the Administration Section and bring back a proposal for review by the Planning Commission Members. He clarified the proposal should be for a process for an administrative variance and if the landowner found the decision was unacceptable, it would go to the Planning Commission in an appeal.

Director Huston said appeals to administrative decisions should go to the Planning Commission rather than split some going to the Board of Adjustment and some to the Planning Commission. He said he will check with legal counsel on the appropriate process. He explained the process of SEPA appeals and said if the decision is not acceptable, an appeal goes to the Superior Court as required by the Land Use Petition Act (LUPA). He said he will need to check to see if this applies to a reasonable use exception decision.

Planner II Hubbard continued with the discussion on riparian buffers. She reviewed the chart comparing what is in Shoreline Master Program, the current CAO and the Washington Department

of Fish and Wildlife (WDFW) recommendations. She said her instruction from the Planning Commission Members was to bring an example of where shorelines would end and the critical areas would pick up. She noted most areas in the County where this occurs are on public lands. She distributed an example located in the Bonaparte Creek area.

Director Huston said the Planning Commission can recommend giving the choice to the landowner:

- if the landowner does not want to do anything at all, these are the conditions required and the landowner needs to comply with those conditions
- or
- the landowner can do a riparian assessment

Planner II Hubbard presented a sample riparian assessment guide and explained how it could be used to develop a scoring system.

There was discussion amongst the Planning Commission Members:

- on the option of having a site assessment as an alternative and how the rating system would work.
- about where riparian zone begins and the wetland ends and how to make the determination.
- whether the site specific idea would be too burdensome.

The Planning Commission Members said the purpose of selecting from options is to retain the ease of getting a variance.

Director Huston said he concluded from the Planning Commission:

- they wanted the options to be that the landowner stays within a specified guidelines or the landowner has a site specific assessment done
- an appeal process would be available to the landowner.
- if the landowner does not agree, the landowner can hire a professional to counter the results of the Planning Department decision.

For the next meeting, Staff will:

- Create new wording in the Administration Section to include the administrative appeal process
- Identify default positions
- Draft the site specific assessment

Staff will prepare for the next two meetings:

- Geologic areas and how they are assessed
- Create draft of the Critical Areas Ordinance with the changes recommended by the Planning Commission

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 August 22, 2011 at 7:00 pm in the Commissioners Hearing Room. Planning Commission Member Wood seconded the motion. Motion passed.

Old Business

There was no old business.

New Business

There was no new business.

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

Chair Roberts adjourned the meeting at 8:45 p.m.

Summary of Motions

Commission Member Wood moved to approve the July 25, 2011 Planning Commission Meeting Agenda. Commission Member Dart seconded the motion. Motion passed.

Commission Member Dart moved to approve the June 27, 2011 Planning Commission Meeting Minutes. Commission Member Wood 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 August 22, 2011 at 7:00 pm in the Commissioners Hearing Room. Planning Commission Member Wood seconded the motion. Motion passed.

Prepared by Sharon McKenzie
Administrative Secretary