

**OKANOGAN COUNTY COMMISSIONERS'**  
**ORDINANCE NO.2014-8**

*AMENDING OKANOGAN COUNTY'S ZONE MAP FOR  
TRAILSIDE PLANNED DEVELOPMENT 2012-1*

**SECTION 1: FINDINGS AND RECITALS**

**WHEREAS**, the comprehensive plan designation is "Methow Valley Sub Unit A-1 Mazama".

**WHEREAS**, the current zone designation is "Rural Residential".

**WHEREAS**, the applicant proposes a planned development which rezones property in order to accommodate future development.

**WHEREAS**, this planned development application was processed in accordance with OCC 17.19 "Planned Developments" and OCC Title 18.05 "Development Agreements".

**WHEREAS**, the Okanogan County SEPA Responsible Official issued a final determination of non-significance in accordance with OCC 14.04 "Environmental Policy".

**WHEREAS**, the Okanogan County Hearing Examiner conducted an open record public hearing. The Hearing Examiner approved the planned development application but lacks authority to amend the County's zone map.

**WHEREAS**, the Board of County Commissioners conducted a closed record public hearing at which time they considered the decision of the Hearing Examiner.


**SECTION 2: ZONE MAP AMENDMENT**

**THEREFORE BE IT ORDAINED**, the Board of Okanogan County Commissioners do hereby approve amendments to the official Okanogan County Zoning Map as shown in Attachment A. This decision which is supported by findings of fact (Attachment B) and conclusions of law (Attachment C).

**DATED** at Okanogan, Washington this 28 day of July, 2014.





**ATTEST:**

  
\_\_\_\_\_  
Lalena Johns, Clerk of the Board

**BOARD OF COUNTY COMMISSIONERS  
OKANOGAN, WASHINGTON**

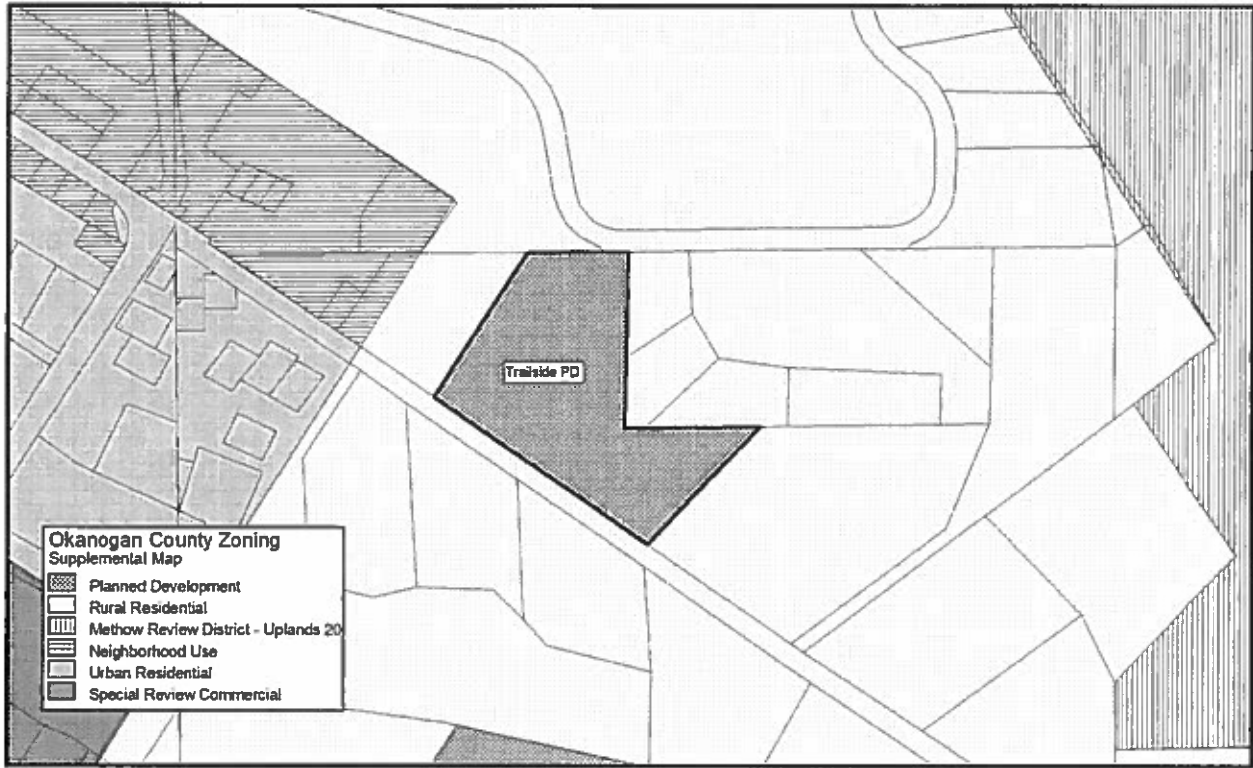
  
\_\_\_\_\_  
Ray Campbell, Chairman

  
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Sheilah Kennedy, Member

  
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Jim DeTro, Member

## Attachment A

### Zone Map



### Legal Description

PART OF GOVERNMENT LOT 5 AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 36 NORTH, RANGE 20 EAST, W.M., OKANOGAN COUNTY, WASHINGTON  
FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 30;  
THENCE NORTHEAST  $89^{\circ}56'32''$ , 507.93 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE FROM SAID POINT OF BEGINNING NORTHEAST  $89^{\circ}56'32''$ , 656.31 FEET TO THE NORTHEAST CORNER OF GOVERNMENT LOT 5, A BRASS CAPPED MONUMENT;  
THENCE SOUTHEAST  $00^{\circ}18'28''$ , 495.62 FEET;  
THENCE NORTHEAST  $89^{\circ}56'32''$ , 398.07 FEET;  
THENCE SOUTHWEST  $33^{\circ}50'45''$ , 433.25 FEET, MORE OR LESS, TO THE NORTHEASTERLY RIGHT OF WAY OF COUNTY ROAD NO. 1163;  
THENCE NORTHWEST  $55^{\circ}50'20''$ , 1153.38 FEET ALONG SAID RIGHT OF WAY LINE;  
THENCE NORTHEAST  $33^{\circ}50'45''$ , 248.91 FEET TO THE POINT OF BEGINNING.

EXCEPT THE NORTHWESTERLY 258.84 FEET AS MEASURED ALONG COUNTY ROAD, AS CONVEYED TO COUNTY OF OKANOGAN BY DEED RECORDED UNDER AUDITOR'S FILE NO. 868648.

## Attachment B

The following are findings of fact:

- 1) An application for a Planned Development has been submitted by Ken Madden.
- 2) The subject property is approximately 8.5 acres and is identified by tax parcel number 3620300020. The physical address is 508 Goat Creek Road.
- 3) The application proposes creating 2 lots and various open space areas. The application proposes a zone of influence covering 25% of the property. Permitted uses include 1 dwelling unit on each lot (2 total dwelling units). Residences could be permitted as nightly rentals. No other uses would be permitted.
- 4) The comprehensive plan designation is Methow Valley Sub Unit A-1 "Mazama". The current zone designation of the property is Rural Residential. The proposed zone designation of the property is Planned Development.
- 5) A development agreement was submitted that identifies zone controls including permitted uses.
- 6) Applications for Planned Developments are processed in accordance with OCC 17.19 "Planned Developments".
- 7) On September 7, 2012 an application for a planned development was received.
- 8) On September 18, 2012 notice of application and threshold SEPA determination was mailed to adjacent landowners and commenting agencies for their respective review and comment.
- 9) On September 19, 2012 notice of application and public hearing was published in the Omak Chronicle (Okanogan County's periodical of record) and Methow Valley Newspaper.
- 10) On October 3, 2012, the SEPA comment period ended.
- 11) On October 5, 2012, the applicant was informed that additional information is required in order to complete the application and complete the SEPA process. Those items include modifying the application in order to comply with OCC 17.19.060(d) "water availability" and OCC 17.19.037 "clustering requirements".
- 12) On December 27, 2012 and March 9, 2013 the applicant submitted information verifying an adequate water supply. On January 16, 2013 the Planning Department informed the applicant that the application could be processed as-is in order for the applicant to present the application to the Planning Commission and explain how the clustering requirements of OCC 17.19.037 may be met.
- 13) On September 19, 2013 the applicant submitted a revised preliminary plat map and requested the Planning Department to continue with the application review and SEPA process which would include pursuit of a discussion with the Planning Commission regarding compliance with clustering requirements OF OCC 19.19.037.
- 14) On September 26, 2013, the final SEPA determination was issued.
- 15) On September 30, 2013, notice of public hearing and final SEPA determination was forwarded to public agencies, adjoining landowners, and interested parties of record. On October 2, 2013, the notification was published in the Omak Chronicle (Okanogan County's periodical of record) and Methow Valley Newspaper. On or before October 18, 2013, notice of public hearing was posted on or near the property.
- 16) On October 17, 2013, the SEPA appeal period ended. On this day, an appeal of the final SEPA determination was submitted to the Board of Okanogan County Commissioners.
- 17) On October 18, 2013 a Staff Report was prepared by the Office of Planning and Development and forwarded to Okanogan County Regional Planning Commission.
- 18) On October 28, 2013, the Okanogan County Regional Planning Commission conducted a public hearing for this project. At this hearing, public was given opportunity to enter testimony and written comments into the record. Planning staff informed the Planning Commission of a pending SEPA appeal. The Planning Commission continued the hearing to November 22, 2013 in order resolve the SEPA appeal prior to closing the record and making a decision. The record remained open.

- 19) On November 18, 2013, the Board of Okanogan County Commissioners conducted a SEPA appeal hearing. The Board of Commissioners dismissed the appeal. The final SEPA determination was upheld.
- 20) On November 25, 2013, the Okanogan County Regional Planning Commission conducted the continued public hearing for this project. At this hearing, public was given opportunity to enter testimony and written comments into the record. Planning staff informed the Planning Commission of the dismissal of the SEPA appeal. The Planning Commission motioned to offer a recommendation to the Board of Okanogan County Commissioners. The Planning Commission recommended denial of this application.
- 21) On December 9, 2013, the applicant formally requested to place the application on hold in order to amend the application in response to concerns of the Planning Commission.
- 22) On March 5, 2014, the applicant submitted an amended application for further review and processing.
- 23) On March 6, 2014 the Okanogan County SEPA Responsible Official withdrew the Trailside PD SEPA determination and re-issued an amended threshold SEPA determination in order to reflect the amendments made to the application.
- 24) On March 11, 2014 notice of amended application and threshold SEPA determination was mailed to adjacent landowners and commenting agencies for their respective review and comment. On March 12, 2014 notice of application and public hearing was published in the Omak Chronicle (Okanogan County's periodical of record) and Methow Valley Newspaper.
- 25) On March 26, 2014, the SEPA comment period ended.
- 26) On March 31, 2014 representatives of the Mazama Advisory Committee met with the applicant and Ben Rough (Okanogan County Planning Department) in order to discuss the PD application and to satisfy requirements of OCC 17.14A.110(G).
- 27) On April 17, 2014, the final SEPA determination was issued.
- 28) On April 21, 2014, notice of public hearing and final SEPA determination was forwarded to public agencies, adjoining landowners, and interested parties of record. On April 23, 2014, the notification was published in the Omak Chronicle (Okanogan County's periodical of record) and Methow Valley Newspaper. On or before May 12, 2014, notice of public hearing was posted on or near the property.
- 29) On May 8, 2014, the SEPA appeal period ended. No appeals were submitted.
- 30) On May 9, 2014 a Staff Report was prepared by the Office of Planning and Development and forwarded to Okanogan County Hearings Examiner.
- 31) On May 22, 2014, the Okanogan County Hearings Examiner conducted an open record public hearing for this project. At this hearing, public was given opportunity to enter testimony and written comments into the record.
- 32) At the hearing, Ben Rough from Okanogan County presented the County staff report. Mr. Bob Dodge, attorney at law was present to represent the applicant, and the applicant was also present.
- 33) A letter from Mr. Dodge dated May 21, 2014 was admitted to the record.
- 34) No one from the public, other than the applicant and his representative attended the hearing.
- 35) All testimony was given under oath.
- 36) Mr. Dodge and Mr. Madden testified that the proposal was for only two dwelling units, and expect that they will be offered as nightly rentals from time to time.
- 37) All application materials and the entire Planning and Development file were admitted into the record.
- 38) Mr. Madden testified that the planned development open space would be available to the public and that the proximity to the trail network in the area along with other features as indicated in the application materials would be complementary to the "Mazama Experience."
- 39) Both the County and the applicant agreed that the protective covenants included in the draft development agreement should be stricken from the development agreement and filed separately so that Okanogan County does not find itself obligated to enforce those covenants.
- 40) The Hearing Examiner approved the application placing appropriate conditions of approval upon the

Subdivision, development agreement, and the rezone.

- 41) The Hearing Examiner lacks authority to approve amendments to the official Okanogan County zone map.
- 42) The record from the Hearing Examiner was forwarded to the Board of Okanogan County Commissioners.
- 43) On July 28, 2014 the Board of Okanogan County Commissioners conducted a closed record public hearing in order to determine whether a rezone to Planned Development is appropriate. During this hearing, the Commissioners reviewed the application along with the exhibits and decision of the Hearing Examiner.

## Attachment C

The following are conclusions of law:

- 1) A complete application was submitted by Ken Madden in order to create a planned development of property in the Mazama area. Ken Madden is the applicant. Ken Madden and Monica Moravec are the landowners.
- 2) The Trailside planned development will create 2 lots. Permitted uses include 1 dwelling unit on each lot (2 total dwelling units). Residences. Nightly rentals will be permitted. No other uses would be permitted.
- 3) Amendments made to this application have been reviewed for consistency with relevant regulations and environmental policy. Amendments have been available for review by the public and have been presented to the Okanogan County Hearings Examiner for consideration.
- 4) Development of this planned development will require construction of miscellaneous infrastructure such as roads, water system(s), sewer system(s), survey, and various other improvements.
- 5) The planned development is consistent with the Okanogan County Comprehensive Plan.
- 6) The planned development is consistent with the Okanogan County Zone Code.
- 7) The subdivision can be made compatible with the surrounding neighborhood by requiring appropriate conditions of approval.
- 8) A final SEPA Determination of Non-Significance (DNS) was issued by the Okanogan County SEPA responsible official on April 17, 2014. All comments received during the comment period were evaluated for consideration of the final SEPA determination. The SEPA determination is final and adequate for this project. All SEPA procedures for this proposal have been met.
- 9) While the application has only two lots, it has been processed as a "subdivision" rather than a "short subdivision," which has slightly different requirements, the hearing examiner finds that this procedural flaw is harmless and will not affect the outcome.
- 10) The conditions imposed are not unnecessarily onerous.
- 11) The conditions imposed will protect public health, safety, morals, and general welfare.
- 12) Comments from the public and state, federal, and local agencies were received, reviewed, and considered in analysis of this proposal.
- 13) All procedural requirements have been met in accordance with OCC 17.19 "Planned Developments", OCC Title 16 "Subdivisions", and OCC 18.05 "Development Agreements".