



RETURN NAME & ADDRESS

Lee Whittaker  
Po Box 662  
Winthrop, WA. 98862

Document Title(s)

Ordinance No. 2018-15

Reference Number(s) of related documents:

Leyland Whittaker<sup>2nd</sup>

Additional Reference #'s on page

Grantor(s) (Last, First, and Middle Initial)

Leyland Whittaker

managing member of

Grantee(s) (Last, First, and Middle Initial)

Whittaker Farm, LLC

Okanogan County Commissioners

Additional Grantees on page

Legal Description (abbreviated form: i.e. lot, block, plat or section, township, range, quarter/quarter)

McKinney Ridge Planned Development

Complete Legal on page

Assessor's Property Tax Parcel/Account Number

Additional parcel #'s on page

The Auditor/Recorder will rely on the information provided on this form. The responsibility for the accuracy of the indexing information is that of the document preparer.

**OKANOGAN COUNTY COMMISSIONERS'**

**ORDINANCE NO. 2018-15**

*AN ORDINANCE ADOPTING A DEVELOPMENT AGREEMENT FOR THE MC KINNEY RIDGE LLC PLANNED  
DEVELOPMENT MODIFICATION 2018-1*

**SECTION 1: FINDINGS AND RECITALS**

- 1.1. **WHEREAS**, the comprehensive plan designation of the property is "Rural Resource"; and
- 1.2. **WHEREAS**, the zoning designation of the property is "Planned Development"; and
- 1.3. **WHEREAS** the Liberty Court Planned Unit Development was approved by the Board of County Commissioners on May 4, 2000; and
- 1.4. **WHEREAS**, the applicant proposes a modification to a portion of the Liberty Court Planned Unit Development; and
- 1.5. **WHEREAS**, the development proposal must include zoning controls, regulating development of the project area in an appropriate manner; and
- 1.6. **WHEREAS**, a development agreement is proposed, defining zoning controls within the planned development; and
- 1.7. **WHEREAS**, the planned development process is authorized and outlined in the Okanogan County Zoning Code, Chapter 17A.200 (Planned Developments) and this planned development modification application was initiated under, and subject to, all applicable provisions of Okanogan County Code; and
- 1.8. **WHEREAS**, on March 23, 2018, an application for a Planned Development Minor Modification was submitted. The application was vested on April 18, 2018; and

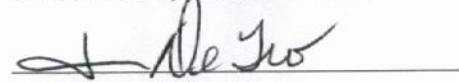
**SECTION 2: DEVELOPMENT AGREEMENT**

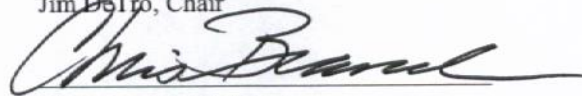
**NOW THEREFORE BE IT ORDAINED** by the Board of Okanogan County Commissioners that:

Based on the Findings and Recitals cited herein, the Board of Okanogan County Commissioner's adopt the McKinney Ridge development agreement in "Attachment A".

DATED at Okanogan, Washington this 15<sup>th</sup> day of October, 2018.

**BOARD OF COUNTY COMMISSIONERS  
OKANOGAN, WASHINGTON**

  
Jim DeTro, Chair

  
Chris Branch, Member

  
Andy Hover, Member

ATTEST:  
  
Lalena Johns, Clerk of the Board



**Attachment A**  
**(Intentionally left blank.)**



**DEVELOPMENT AGREEMENT  
BY AND BETWEEN THE COUNTY OF OKANOGAN  
AND WHITTAKER FARMS LLC REGARDING  
MC KINNEY RIDGE PLANNED DEVELOPMENT  
RENAMED FROM THE LIBERTY COURT PLANNED DEVELOPMENT**

**THIS DOCUMENT IS IN COMPLIANCE WITH  
RCW 36.70B.200; OCC 18.05 "Development Agreement"**

THIS DEVELOPMENT AGREEMENT is made and entered into this 15<sup>th</sup> day of October 2018, by and between the County of Okanogan, hereinafter the "County," and Whittaker Farms LLC, hereinafter the "Developer" of McKinney Ridge Planned Development.

**RECITALS**

WHEREAS, the Washington State Legislature has authorized the execution of a Development Agreement between a local government and a person having ownership or control of real property within its jurisdiction (RCW 36.70B.170(1)); and

WHEREAS, a Development Agreement must set forth the development standards and other provisions that shall apply to, govern and vest the development, use and mitigation of the development of the real property for the duration specified in the agreement (RCW 36.70B.170(1)); and

WHEREAS, a Development Agreement must be consistent with the applicable development regulations adopted by a local government planning under chapter 36.70A RCW (RCW 36.70B.170(1)); and

WHEREAS, the developer has elected to change the name of the planned development from "LIBERTY COURT P.U.D FIRST SUPPLEMENT" TO "MCKINNEY RIDGE PLANNED DEVELOPMENT MINOR MODIFICATION 2018-1."

WHEREAS, this Development Agreement by and between the County and the Developer (hereinafter the "Development Agreement"), relates to the development known as McKinney Ridge Planned Development, which is located at: One Liberty Lane, Mazama Washington. The property is located at the intersection of State Route 20 and Liberty Lane at 48.5594N, 120.3605W, Mazama, Washington (hereinafter the "Property"); and

WHEREAS, the following events have occurred in the processing of the Developer's application:

- a) Okanogan County Planning Commission recommended approval of Liberty Court Planned Unit Development, subject to various conditions. The Board of County Commissioners granted approval for the subdivision and subsequent development on the 4<sup>th</sup> day of May, 2000.
- b) The County approved the final supplemental plat of Liberty Court Planned Unit Development on the 4<sup>th</sup> day of May, 2000. The approved Plat is described as follows:  
All of Liberty Court P.U.D. as recorded in VOLUME H-3 of PLATS, PAGE 61, RECORDS OF THE AUDITOR OF OKANOGAN COUNTY, WASHINGTON, AND AS AMMENDED IN THE FIRST SUPPLEMENT RECORDED MAY 4, 2000, IN DRAWER 5, SECTION 1, PAGE 108.
- c) THE LIBERTY COURT P.U.D. FIRST SUPPLEMENT was subject to various conditions, a copy those conditions is attached hereto at **Exhibit B**. The original CC&R's for the Residential/Recreational property were filed as recorded: IN REEL 51, PAGE 228, UNDER AUDITOR'S FILE NO. 707629, RECORDS OF OKANOGAN COUNTY WASHINGTON. Amended Declaration of Covenants, Restriction and Conditions were recorded May 4, 2000, under AUDITOR'S FILE NO. 3021890.

Now, therefore, the parties hereto agree as follows:

**Section 1.** *Zoning and Permitted Uses.* The Project is the development and use of a residential/recreational/agricultural zoned real property legally described in **Exhibit A**, attached hereto and incorporated herein by this reference, said property consisting of 19 single family residents. Some of the units may be transferred to The Methow Housing Trust, and the designated uses of all 19 lots are: Residential single family; non-retail home business, agricultural. Ownership of the Lots not transferred to The Methow Housing Trust will be fee simple title, individual ownership, and the designated uses are: Residential single family; non-retail home business, Agricultural Development with attendant structures. A comprehensive list of the approved uses is described in **Exhibit B** attached.

**Section 1a.** Implementation of the Noxious Weed Plan will be initiated by the Declarant by hiring Lomis Ag. Company, a local licensed applicator, or another local licensed applicator. The Noxious Weed Control Plan may be found in **Exhibit C**.

**Section 2.** *Project is a Private Undertaking.* It is agreed among the parties that the Project is a private development and that the County has no interest therein except as authorized in the exercise of its governmental functions.



**Section 3. Infrastructure.** The electrical infrastructure has been partially installed, inspected and approved by Okanogan County Electrical Co-Operative and Century Link (communications provider) as of the date of this Development Agreement. The construction utilities drawings are attached hereto at **Exhibit D.**

**Section 4. Assignment and Assumption.** The Developer shall have the right to sell, assign or transfer this Agreement, with all attendant rights, title and interests therein, to any person, firm, housing trust, corporation or government.

**Section 5. Covenants Running with the Land.** This Agreement is a covenant running with the land and the benefits and burdens shall bind and inure to the benefit of the parties. The Developer and every purchaser, assignee or transferee of an interest in the Subject Property, or any portion thereof, shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto, but only with respect to the Property, or such portion thereof, sold, assigned or transferred to it. Any such purchaser, assignee or transferee shall observe and fully perform all of the duties and obligations of Developer contained in this Agreement, as such duties and obligations pertain to the portion of the Property sold, assigned or transferred to it.

**Section 6. Amendment to Agreement.** This Agreement may be amended by mutual consent of all of the parties, provided that any such amendment shall follow the process established by law for the adoption of a development agreement (*see*, RCW 36.70B.200; OCC 18.05 "Development Agreement").

IN WITNESS WHEREOF, the parties hereto have caused this Development Agreement to be executed as of the dates set forth below:

**OWNER/DEVELOPER:**

By 

Leyland Whittaker, Managing Member  
Whittaker Farms LLC, Owner

**COUNTY OF OKANOGAN**

By 

Andy Hoyer, Commissioner

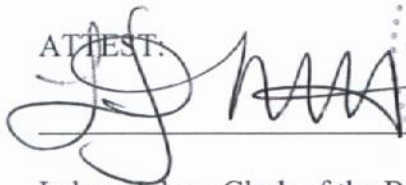
By 

Chris Branch, Commissioner Vice Chairman of the Board

By 

James DeTro, Commissioner Chairman of the Board

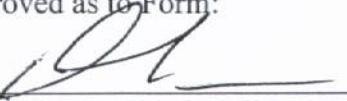
ATTEST:



Lalena Johns, Clerk of the Board



Approved as to Form:



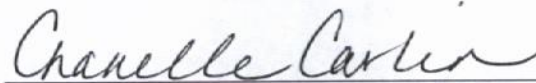
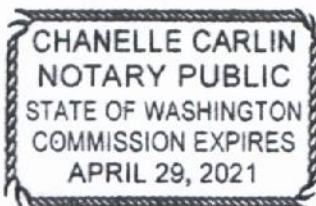
David Gecas, Chief Civil Deputy Prosecutor

STATE OF WASHINGTON )

County of Okanogan ) ss.

I certify that I know or have satisfactory evidence that **Leyland Whittaker** is the person who appeared before me, and said person acknowledged that he signed this instrument as managing member of Whittaker Farms LLC, on oath stated that he executed the instrument and acknowledged it to be his free and voluntary act for the uses stated therein.

DATED 10/2/2018



Printed name: CHANELLE CARLIN  
NOTARY PUBLIC in and for the State of Washington  
Residing at OKANOGAN  
My commission expires 4-29-2021



## Exhibit A

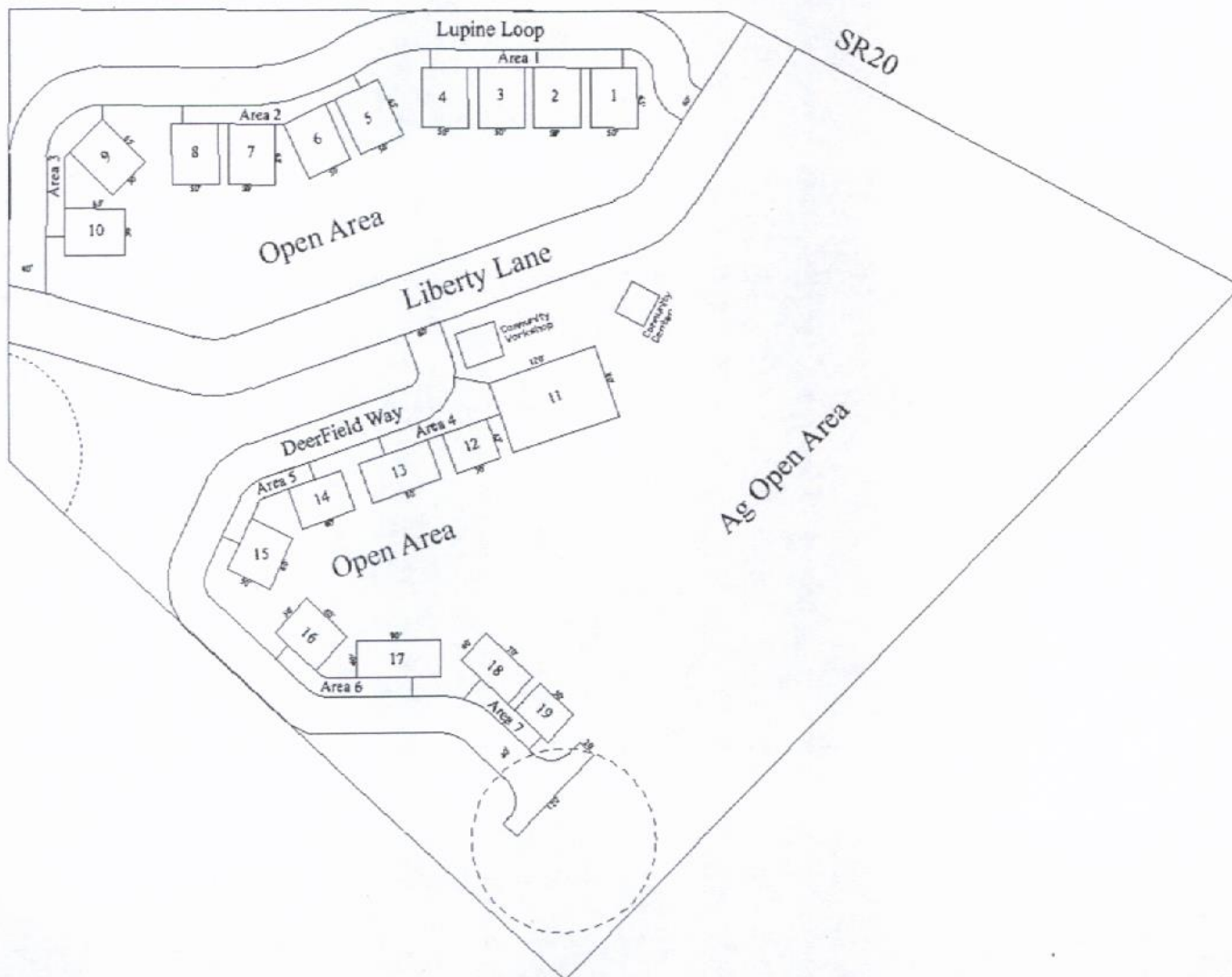
### Legal Descriptions of McKinney Ridge Planned Development

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF OKANOGAN, STATE OF WASHINGTON, AND IS DESCRIBED AS FOLLOWS:

ALL OF LIBERTY COURT P.U.D. AS RECORDED IN VOLUME H-3 OF PLATS, PAGE 61, RECORDS OF THE AUDITOR OF OKANOGAN COUNTY, WASHINGTON, AND AS AMENDED IN FIRST SUPPLEMENT RECORDED MAY 4, 2000, IN DRAWER S, SECTION 1, PAGE 108.

SITUATE in the County of OKANOGAN, STATE OF WASHINGTON.

### General Site Plan



McKinney Ridge PD Minor Mod  
Development Agreement  
A Preexisting Residential/Recreational/Agricultural zoned P.U.D.  
February 7<sup>th</sup>, 2018



## **Exhibit B**

### **USES:**

Residential – Single family homes and accessory structures within lot boundaries  
Existing community buildings and auxiliary structures and uses.  
Auxiliary agricultural structures permitted by code.

## **Exhibit C** **Weed Control Plan**

### **McKinney Ridge Planned Development**

### **NOXIOUS WEED CONTROL PROGRAM**

#### **Vegetation management:**

The Vegetation management program for this property is a function of the Owner's Association. There are existing water rights to irrigate this property. All of the open space is to be left in agriculture. Prior to 2018 the property received all the proper soil treatment for the eradication of noxious weeds and was farmed by Whittaker Farm LLC.

It is the intention of The McKinney Ridge Homeowners Association (HOA), owners of this land, to establish a Long Term Noxious Weed Control Plan for controlling Noxious Weeds. The owners agree to re-vegetate all disturbed soil with a suitable certified grass mixture to compete with noxious weeds. In addition, the owner/operators agree to practice and maintain effective and appropriate weed control measures on all property and right-of-way road systems, using an Integrated Weed Management plan (IWM) utilizing all methods of weed control. The owner/operators are aware that it is the responsibility of all landowners to control and prevent the spread of noxious weeds from their property according to our policy and RCW 17.10.

The owners of this land, Whittaker Farms, LLC are aware that infestations of Dalmatian Toadflax, Common Tansy, Diffuse Knapweed, and various other noxious weeds, which are a concern to Okanogan County, exist in their area. The Owners agree to control these noxious weeds on the land they are responsible for. The owners agree to become familiar with the identification of noxious weeds to prevent further spread and infesting of land adjoining their property.

## NOXIOUS WEED CONTROL

None of the open fields are presently used for grazing. The fields are planted annually grass and alfalfa mix. There is no evidence of an existing weed problem on this site.

After extensive review of the literature available, and discussions with the Lead Field Inspector for the Okanogan County Weed Control Office, the following measures have been formulated:

The first step in this program, if there is any significant infestation, the HOA agrees to treat any perennial noxious weeds before any ground disturbance to reduce the spread from root fragments.

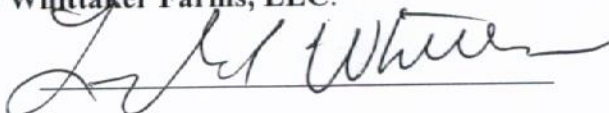
The HOA choose to use chemical control of the weeds. Because of concerns over water quality in the Methow River Basin, and the soil porosity of some of the property, only safe chemicals used by WDF&W will be used in those areas by Loomis Ag. Company, or another local licensed applicator. Those areas left in agriculture will be allowed to graze domestic livestock. Foot traffic will be kept on the established footpaths on the property. The use of ATV will be limited to the agricultural uses within the project.

The HOA agree to research the native grasses and shrub species for wildlife forage for compatibility in our County and to be aware of possible seed contaminated with noxious weeds that is planted for competition. The owners agree to adopt a strong prevention program in the long term to prevent re-infestation after control methods have been in place and to concentrate specifically on the paths, roads, paths, fence lines, parking areas and unused areas surrounding the sites, keeping these areas weed free, treated and vegetated.

The owners, their successors or assignees may seek specific recommendations, obtain information, on-site inspections, or have their questions concerning weeds answered by contacting The Noxious Weed Office at 509-422-7165.

The owners of The McKinney Ridge property near Mazama, Washington choose to use to use Tordon 22 K and 2-4-D and other chemicals approved by the weed Board. The home sites areas will be treated with Transline by Craig Thomlason of Loomis Ag. Company, or another local licensed applicator. There is no white top evident on the property. If the methods mentioned above fail to bring about the desired results, we will consider the other alternatives mentioned. When this happens, we agree to notify the Okanogan Noxious Weed Office.

By: Whittaker Farms, LLC.



Leyland Whittaker, Managing Member

& The McKinney Ridge Owner's Association



