



SPOKANE COUNTY PLANNING COMMISSION

PUBLIC HEARING

June 17, 2010

9:00 A.M.

PUBLIC WORKS BUILDING

1026 West Broadway Avenue

Commissioner's Hearing Room, Lower Level

PLANNING COMMISSION MEMBERS

Doug Kelley Peter Ice Joyce McNamee Mike Cummings
Jack Miller Anthony Carollo Edward Neunherz

AGENDA

1. **Public Comment**
2. **Public Hearing** – Amendments to Chapter 3.20 of the Spokane County Flood Damage Protection Code ~ Marianne Barrentine, P.E. Environmental Program Administrator
3. **Public Hearing** – Timber Land Current Use Taxation Reclassifications ~
TLN-01-10, Ronald and Darlene Zimmerer, Tax Parcel 29163.9032 and
TLN-16-09, Woodrow and Leaf Seibt, Tax Parcel 49246.9038
4. **Action on Minutes of:** May 13, 2010
5. **Staff Report**
6. **Planning Commission Issues**
7. **Set Agenda for Next Meeting**
8. **Public Comment**

Non-hearing items scheduled, and their order, are only *tentative* and are *subject to change*. The Planning Commission may *not* address all items as listed and/or may continue certain items to a later session. The Commission reserves the right to take action on all items listed on the agenda. The term *action* means to deliberate, discuss, review, consider, evaluate and make a collective positive or negative recommendation and/or decision. The Planning Commission *reserves the right* to adjust the timeframe allotted to speakers as well as hearing procedures and the order in which items are heard during the hearing. The Planning Commission provides up to 15 minutes for public comment at some meetings. The period normally begins at approximately 9:00 a.m. For more particular information, visit www.spokanecounty.org/bp or contact the Spokane County Department of Building and Planning at (509) 477-3675. The Planning Commission meetings and hearings are conducted in facilities which are accessible to all members of the public. Additional information with regard to accessibility or notification of an ADA accommodation should be made to Vickie Merriott, Planning Commission Clerk, at (509) 477-7224 or vmerriott@spokanecounty.org.

**MINUTES OF THE
SPOKANE COUNTY PLANNING COMMISSION**

June 17, 2010



The meeting of the Planning Commission was called to order by Chair Doug Kelley at 9:03 a.m. on June 17, 2010 in the Commissioner's Hearing Room, Lower Level, Spokane County Public Works Building, 1026 West Broadway, Spokane, WA. A quorum was present.

Present:

Planning Commission

Doug Kelley, Chair
Peter Ice, Vice Chair
Joyce McNamee
Anthony Carollo
Jack Miller
Edward Neunherz
Mike Cummings

Staff

John Pederson, Planning Director, Spokane County Dept. of Building & Planning
Robert Brock, Associate Planner, Spokane County Dept. of Building & Planning
Marianne Barrentine, Environmental Program Manager, Spokane County Engineering & Roads

Interested parties as shown on the attached copy of the Sign-in Sheet.

1. Public Comment

There was no public comment.

2. Public Hearing – Amendments to Chapter 3.20 of the Spokane County Flood Damage Protection Code

Marianne Barrentine, P.E. Environmental Program Administrator for Spokane County advised that the Board of County Commissioners had expressed concern that “wet flood proofed” agricultural buildings may become “residential” but no language changes were recommended. The Board also expressed concern that new floodplain property owners are impacted by improvement restrictions based on work by a previous homeowner and suggested this as a discussion topic for the Planning Commission.

Ms. Barrentine advised that comments were received from the Land Surveyors of Washington expressing concern that trying to certify elevation of floor to wall before the concrete is poured would be difficult and expressed concern that the contractor may not top forms off. Ms. Barrentine stated this concern was discussed with the Building Director who stated that requirements will be set at time of permit requiring that forms be topped off before walls are framed to give the surveyors a fixed elevation to certify.

Spokane County Civil Deputy Attorney Dave Hubert suggested revisions in Section 3.20.210 of the ordinance to clarify and more specifically communicate the intention of adopting future amendments to the FIRM map and his suggestion have been incorporated into Attachment B. Mr. Hubert gave his approval of the balance of the ordinance.

Ms. Barrentine then reviewed the changes submitted in Attachments A and B (see Ex 1). She advised that a FEMA guideline to prevent back to back permit applications to do substantial improvements without protecting from flood damage has been implemented in the definition of "Substantial Improvement" which includes any improvements made during a previous 10 year period which equal or exceed 50% of the assessed value of the structure. Mr. Carollo asked for clarification about the requirements if improvements exceed or meet the 50% assessed value. Ms. Barrentine advised that if this occurs, any future improvements must be elevated above the baseline floodplain and must have wet-flood proofing.

Mr. Carollo noted that item 5 on page 16 called states that a warning must be carried in every deed and he advised that this would be very difficult for an escrow office to accomplish. Mr. Carollo suggested that a title notice would be more appropriate. Ms. Barrentine agreed and made the change suggested. Ms. Barrentine then displayed new flood zone maps for the Argonne, Chester Creek, Forker and Minnie Creek areas.

Public Comment

Mr. Lee Heydt, Cheney expressed concern that the County installed several culverts near his property which allow the water to drain into and flood a large section of his property. Mr. Heydt stated that he feels this has caused his property to be classified as a floodplain and he feels it is unfair. He stated he is dealing with the State and the railroad in addition to the County in trying to solve this issue.

Ms. Barrentine explained that in 2006 County Engineering staff and the Department of Ecology, the Corps of Engineers and FEMA experts met with property owners in the area. She stated that the County did replace culverts on Jensen Road and sized them for the flow due to owner concerns that the water bottle necks in that area. Ms. Barrentine stated she will work with Mr. and Mrs. Heydt on this matter. Ms. Heydt asked that the three culverts be removed or made into one large one so that the water does not back up onto their property.

There being no further public testimony, **Mr. Ice moved** to close the public testimony portion of the hearing. Motion seconded by Mr. Carollo. **Motion carried unanimously.**

Moved by Mr. Carollo to recommend approval of the amendments to Chapter 3.20 of the Spokane County Flood Damage Protection Code subject to the change of language from "deed" to "title notice" and that the Planning Commission sign the Findings of Fact and Recommendation outside of the meeting. **Second by Mr. Ice. Motion carried unanimously.**

The Commission took a break at 9:50 a.m.
Meeting resumed at 10:00 a.m.

3. Public Hearing – Timberland Current Use Taxation Reclassifications

TLN-16-09

Robert Brock, Associate Planner with the Department of Building and Planning presented an application by Leaf and Woodrow Seibt to reclassify 7.72 acres from the tax classification of Designated Forest to a tax classification of Timber Land. Mr. Brock noted there is one home on the site with associated outbuildings. The plan calls for a 20-year schedule to include a timber harvest in approximately 8 to 20 year rotations. Mr. Brock advised that one acre will be held out of the Timber Land tax classification and will be taxed at the Residential rate. The application meets all County criteria for inclusion in the Timber Land tax classification.

TLN-01-10

Mr. Brock presented an application by Ronald and Darlene Zimmerer to reclassify 20 acres from the tax classification of Designated Forest to Timber Land. There is a stream on the property and approximately three acres of wetlands. The owner plans to plant a portion of this area and keep the balance as habitat and grazing

land. There is no residence on the property and the property is well forested. The application calls for a 20 year schedule with planting, thinning and fire protection activities. Mr. Brock stated that the application meets all County criteria for inclusion in the Timber Land tax classification.

Moved by Ms. McNamee to approve application TLN-16-09 and TLN-01-10 with the instruction that the critical area regulations be followed on application TLN-01-10. **Second by Mr. Neunherz. Motion carried unanimously.**

4. Action on Minutes of May 13, 2010

Moved by Ms. McNamee to approve the minutes of May 13, 2010 as submitted. **Second by Mr. Neunherz.** Noted by Mr. Pederson that the date in the header of the minutes was incorrect and should be changed to May 13, 2010. **Correction noted by maker of motion. Motion carried unanimously.**

5. Staff Report

Mr. Brock briefed the Commission on the 2010 Annual Comprehensive Plan Amendment applications which were initiated by the Board of County Commissioners for consideration advising that there are two (2) Rural amendments, two (2) Urban amendments and two (2) UGA expansion requests, which will also be considered by the Growth Management Steering Committee of Elected Officials.

Amendment 10-CPA-01 is a request to change from Rural Conservation to Mining. The site is located in the Four Mounds area in the northwest section of the county and consists of 95 acres. Mr. Pederson noted that there is a rural cluster development in the area that was approved previously. The applicant must demonstrate that there is a significant quantity of minerals on the site. Mr. Carollo asked what type of minerals are on the site. Mr. Pederson advised that it is primarily rock and basalt. Mr. Brock provided a photo of the site.

Amendment 10-CPA-02 is a request to change from Rural Traditional to Urban Reserve. The site is located near the City of Deer Park and consists of 14.25 acres. There are currently two dwellings on the property.

Amendment 10-CPA-03 consists of four parcels currently within the Urban Reserve and Rural Conservation designations consisting of 558 acres. The applicant is requesting re-designation to R-5 and Rural Traditional. Mr. Pederson advised that Saltese Creek runs through the property and that there is a rural cluster development to the north and the Urban Reserve portions of this application are the remainder parcels from that cluster development. Mr. Pederson advised that the County has entered into a purchase agreement with the applicant for the purpose of allowing this lake bed to reclaim water and recreate a wetland area. Mr. Carollo asked why it was necessary to re-designate this site to Rural-5. Mr. Pederson stated that the proposed R-5 and rural Traditional designations were requested by the applicant to facilitate transfer of development rights.

Amendment 10-CPA-04 is an Urban Growth Area boundary expansion request to re-designate approximately 45 acres from Urban Reserve to Low Density Residential. The site is located in the west plains area near Grove Road and is close to the current UGA boundary. Mr. Brock presented an aerial view of the site. Mr. Miller noted there is a strip of property not included in the proposal and Mr. Pederson explained that that property is under separate ownership and not included in the proposal.

Amendment 10-CPA-05 is also an Urban Growth Area boundary expansion request also proposed by the applicant of amendment 10-CPA-04. This proposal calls for re-designating 40 acres from Urban Reserve to Low Density Residential. The site is located on Thomas Mallen Road and is adjacent to a Low Density Residential development. Mr. Pederson explained that both applications were previously submitted during the 2005 update cycle and explained that at that time, the Urban Growth Area review process was done every five years and a 10 year review cycle is now in place. The Countywide Planning Policies outline triggers for amending the UGA boundary and this will be discussed further during the workshop session.

Amendment 10-CPA-06 is a request to re-designate approximately 8.17 acres from Low Density Residential to Medium Density Residential. The proposal includes multiple parcels located on Assembly Road in the West Plains area. Mr. Brock advised there is an apartment complex located near the site.

Mr. Pederson advised that a Zoning Code amendment to implement Transfer of Development Rights (TDRs) between rural properties will be coming before the Commission in a separate action as it relates to amendment 10-CPA-03. Mr. Pederson noted that TDRs are not inconsistent with the Growth Management Act and are used as a measure to protect unique parcels, historic sites, park properties and other sites.

Mr. Cummings expressed concern that the County initiated an agreement with a property owner for amendment 10-CPA-03 prior to any public hearing and feels this is contradictory to the process. Mr. Pederson stated that the Board of County Commissioners agreed only to initiate the amendment process.

Mr. Pederson advised that staff has scheduled August 12, 2010 as the date for the Comprehensive Plan Workshop and September 16, 2010 as the date for the public hearing on the 2010 Comprehensive Plan Amendments.

6. Planning Commission Issues

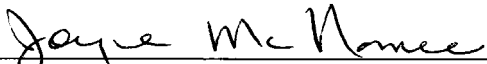
Mr. Ice's term on the Planning Commission ends on July 11, 2010. The Board of County Commissioners have been advised of this vacancy.

7. Public Comment

There was no public comment.

There being no further business before the Commission, the meeting adjourned at 10:56 a.m..

At this time there are no agenda items for the July 15, 2010 meeting date.


~~Doug Kelley, Chair~~
Joyce McNAMEE, V Chair

Date Approved: July 29, 2010

Vickie Merriott, Clerk of the Planning Commission