
**OMAK CITY COUNCIL
REGULAR MEETING MINUTES
March 18, 2019**

CALL TO ORDER:

Mayor Gagné called the regular meeting of the Omak City Council to order at 7:00 PM and everyone joined in the flag salute.

COUNCIL AND ADMINISTRATIVE PERSONNEL:

Michael Foth	Patrick Dalton, Building Official
Nattalie Cariker	Kevin Bowling, Fire Chief
Barry Freel - phone in	Jeff Koplin, Police Chief
Steve Clark	Ken Mears, Public Works Director
Walt Womack	Connie Thomas, City Clerk
Michelle Gaines	Todd McDaniel, City Administrator
Dave Womack	

CORRESPONDENCE AND MAYOR'S REPORT

Proclaiming April 26, 2019 as Arbor Day

Mayor Gagné read a proclamation declaring Friday, April 26th as Arbor Day in Omak.

Mayor Gagné told Council that on Wednesday, she will be attending the Okanogan River Airshed Partnership meeting at the 12 Tribes Casino from 8am to 2pm.

CONSENT AGENDA:

Member Foth moved, seconded by Member Dave Womack, to approve the consent agenda consisting of minutes from the March 4, 2019; 2019 claims checks numbered 20175, 20176, 21077-211129, and voided check number 20175, in the amount of \$187,364.48; February 2019 manual checks for ACH payments in the amount of \$297.05. As there was no discussion and no comments from the audience, Council voted and unanimously approved the motion.

NEW BUSINESS:

Letter of Transmittal from the Planning Commission-Meadow Point-Kurt Danison

Contract Planner, Kurt Danison explained to Council that he was in attendance to transmit the Planning Commission recommendation to City Council. He told Council that there is no action to take this evening. It will be on the April 1, 2019 agenda as an action item. There is only one open record hearing which was held by the Planning Commission March 6, 2019. Council will hold a close record hearing to preliminary approve the development and to finalize and record the annexation. Member Gaines ask when questions could be asked and answered. Mr. Danison said tonight or next meeting. She chose to hold her questions until the next meeting.

Jay Jay McCoy – Community Concerns

Jay Jay McCoy owner and operator of Main Street Market located at 1 N Main Street. introduced himself to Council. He explained to Council that he is concerned about all the public drinking that is happening around the City. He understands that when the Police issue a fine for drinking in public the ticket usually goes unpaid. He said the penalty for non-payment is suspension of license which, doesn't affect those who are receiving the ticket because they don't drive. He is proposing Council as the local authority designate an alcohol impact area which will prompt a six-month study of the effects of alcohol in the impact area. Mr. McCoy presented Mayor Gagné a petition with 200 signatures from concerned citizens, a letter from Carla and Frank Sautell and a copy of WAC 314-12-210 & WAC 314.12.215. Mr. McCoy understands that people have rights. He said that his focus is not directed toward homeless (which most are not), nor is it racial or political. He just wants to see the town back to the way it was when he was younger. He explained to Council that he has talked with a lot of people who do not feel comfortable using our parks or going downtown at night. There are aggressive panhandlers, public drinking/intoxication, smoking in business doorways, empty beer cans, meth pipes and needles. He told Council that all of this can be found around the building they are standing in tonight. He said a majority of the people here tonight, support WAC 314-12-210, chronic public inebriation and alcohol impact areas and WAC 314-12-215, alcohol impact areas – Definition – Guidelines. He said that tomorrow at 3:30pm, a local group of volunteers will be picking up trash and asked if he can put it in the city receptacles. He

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is not against alcohol but just people acting negatively. He has talked to the Police Department and admits that he gets angry. He understands the Police have are reactive rather than proactive because of the lack of resources. Mr. McCoy said he would spearhead the alcohol impact study and what affects it has on the city and is willing to put miles in and he has the support. There were several audience members that shared stories with Council about their experiences. The bartender from the Shorthorn supports the efforts and they have removed the 14% beers off the shelf. She is not afraid to ask people to move along if they are loitering in the front or back of the business. Mr. McCoy stated the Fitness Zone, 11 N Main is losing customers and Studio off Main, 23 N Main has had people on top of their building. An employee of Edward Jones, 32 N Main said they had to remove benches and today was the worst day. There was constant foot traffic back and forth from the Gazebo in Pioneer Park to the Peace Café parking lot, 27 N Main. She said that Edward Jones is an all women business and so is the neighboring shop. An employee from East Omak School said that students are scared to walk by the parks, they won't go to the library, the post office and Gene's Harvest Foods. Katie Davis told Council that she worked part-time at Gunn Law Office, 7 N Main and during her lunch break in the park, she witnessed drug deals, open drinking and a couple engaged in a sexual act. A member of the audience asked Police Chief Koplín what he needs help with. Chief Koplín said that since 2004 he has had the opportunity to watch the city and, these concerns have always been an issue and it's just starting to magnify. Chief Koplín said that case law also allows citizens to sleep in public places. He said prior to the meeting he pulled the statistics for citations issued for drinking in public. In 2014 there were five (5) citations issued. In 2016 and 2017 there was a push and forty (40) citations were written. The feedback from the Municipal Court is that many of those citations remain unpaid. Chief Koplín attempts to work with businesses and the main approach he has suggest is to criminal trespass individuals. He said the enforcement of criminal trespass has tripled in the last three years. He explained that it's not purely a law enforcement issue. It involves, mental health, substance abuse, and some homelessness. He asked that citizens make calls to the Police Department if they see open containers. He also explained that if there is not an arrest made and an Officer just asks that they dump the alcohol out, there are reasons behind that decision. Mr. McCoy asked if the calls to the Police Department are documented and if they can be used as part of the study. Chief Koplín said that all calls for service are documented and will be available upon request. Another audience member commented on the need for police presence in the parks. They appreciate and notice a difference when the Police Officers patrolled Main Street on foot and they liked seeing Sergeant Tallant on bike patrol. Valerie McCoy suggested the city seek out grants to fund patrol programs. A member of the audience asked Chief Koplín what citizens can do to help. Chief Koplín said just being interested in the problem is a start. Picking up trash is a great idea and if you call in about a crime, stay at the scene, be a victim and file charges. If there is no victim, the charges cannot be filed and, the case is dropped. He said the problem is annoying to the Police Department also and, they want it to go away as much as the citizens do. Jill Scott introduced herself and it a resident on Bartlett and Kenwood Street. She is not willing to pick up syringes that are left lying near her home. Chief Koplín asked that she call the Police Department and they will come get them. The Police Department can dispose of the sharps safely. He said that he is aware of the activity in that neighborhood but, knowing about a drug house and doing something, takes a lot of work. He encouraged any resident with information to come talk with him. He said that any license plate numbers of frequent cars, photos and names of under aged children would be helpful. The City of Omak does contract with the Narcotics Task Force and explained they are in Omak but, a lot of the information is confidential. Sharon Reddick, Omak Librarian said the Omak Library experienced these problems which impacted circulation and people felt unsafe coming to the library. The library decided to claim their space file charges for criminal trespassing and they hired a security guard. She feels the library has made a huge impact and staff is owning the space. An audience member reminded Council that he was in attendance a year ago and spoke regarding these concerns. He lives in the neighborhood of Kenwood and Bartlett and has talked with the Police Chief and the Officer's regarding the problem. He glanced around the gallery at the number of citizens in attendance and said, we have a problem. Mayor Gagné thanked everyone for coming this evening. She told Mr. McCoy that he has done his research and was very well organized. She thinks the alcohol impact study may be a start. Mayor Gagné said the study dose require an approved Ordinance by this body and then the six-month study can begin. She said the Police Department is offering a Citizen's Academy. She encouraged everyone to take the class. In regards to the group picking up garbage, she said they can use the city dumpsters. She also mentioned the Citywide Cleanup that will be held on May 11th. This is the time to cleanup your business, home and help your neighbor. She also shared that she recently watched a KOMO News three-part series called Seattle is Dying which she found interesting. Member Cariker moved, seconded

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by Member Foth to gather the Committee within the Council structure along with City Attorney and Jay Jay McCoy to consider the alcohol impact study. Motion carried.

Jim Miller – Presentation – Affordability of a New School Building

Mr. Jim Miller shared a power point presentation with the Council. He and the group he represents, Omak Citizens for Common Sense Schools are disturbed about the direction the Omak School Board is going in. They do not believe people can afford a new school. After two failed levies, the School District still purchased 100 acres of land with maintenance and operating funds. Mr. Miller shared information as to the trending labor forecast. He based his facts on the Washington State Labor and Industries Inflation. He said the school board is asking citizens to write a blank check as the costs of a new building and the maintenance of it are TBD (to be determined). He is concerned about what will happen with the remaining buildings. The members of the Omak Citizens for Common Sense Schools have been attending school board meetings and talking with the School Superintendent in private. The group took a tour of the Omak Middle School and in his opinion, the classrooms are not overcrowded and there is space that is underutilized. The group found the HVAC, plumbing, windows, electrical, kitchen and playground to be functional and adequate. Member Cariker told Mr. Miller that she has an 8th grader in the school and he complains about the hallway issues. She always attends functions and her opinion is the classrooms are put together and appropriate. She supports a new school and said that no one likes extra taxes. If she can make it better for her children and future children, she will pay it. And she stated the Performing Arts Center is a great asset for our community and the citizens. There was further discussion about the increase in students that are coming up and where to house them. Mr. Miller shared the groups mission statement and encourage all to attend a school board meeting. Mayor Gagné thanked him for his presentation.

Mayor Gagné would like to go off records for 5 minutes to allow the public time to challenge Mr. Miller. Mayor Gagné said Council will be back on the record at 8:40pm to continue Council business.

Resolution 28-2019 – Approve Pulsar Pool Chlorine-Sole Source-Aquatic Specialty Services

Member Cariker moved, seconded by Member Clark, to approve Resolution 28-2019. Purchase of brand specific pool chemicals from Aquatic Specialty Services. The purchase is over \$5,000 which requires Council approval. As there were no question or comments, Council voted and unanimously approved the motion.

Resolution 29-2019 – Approving Contract with Beckstead Electric, Inc. for RAS/VFD Replacements

Member Cariker moved, seconded by Member Foth, to approve Resolution 29-2019. The Public Works Department solicited three proposals to upgrade the variable frequency drives at the Wastewater Treatment Facility. The lowest proposal was from Beckstead Electric, Inc. in the amount of \$9,175. As there were no question or comments, Council voted and unanimously approved the motion.

Resolution 30-2019 - Approving the Sale of Surplus Property-2002 Chevrolet Pick-Up

Member Cariker moved, seconded by Member Gaines, to approve Resolution 29-2019. A 2002 Chevrolet pick-up was replaced in 2018 and determined to be surplus property. This Resolution will authorize the sale of this truck to Omak Stampede, Inc. in the amount of \$3,400. Member Gaines told Council that the Personnel/Finance Committee met and discussed this transaction and recommend approval. As there were no question or further comments, Council voted and unanimously approved the motion.

Resolution 31-2019 – Approve Professional Service-Municode-Website Redesign & Hosting

Member Dave Womack moved, seconded by Member Cariker, to approve Resolution 31-2019. This is an agreement with Municipal Code Corporation (Municode) to redesign, host and support the City website. Their proposal in the amount of \$5,500 is under the 2019 budget request. As there were no question or comments, Council voted and unanimously approved the motion.

Ordinance 1875 – Amend OMC, Section 2.24.035 Library Board Meeting Time

Member Gaines moved, seconded by Member Cariker, to approve Ordinance 1875. The Omak Library Board made a request to amend the Library Board meeting time from 9:30am to 1:30pm. This Ordinance amends the time change in the Omak Municipal Code. As there were no question or comments, Council voted and unanimously approved the motion.

OTHER BUSINESS:

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Committee/Staff Reports:

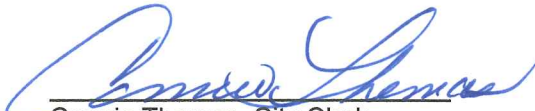
Police Chief Koplín informed Council that there was a resident of Omak who recently passed away and willed \$5,000 to the Omak Police Department. He told Council that when Sergeant Tallant was a Detective, he investigated a case and, this was a gift for his efforts.

Public Works Director Mears stated that it was a passionate meeting this evening and he is very proud to sit next to Chief Koplín.

Administrator McDaniel told Council that he met with the Personnel/Finance Committee regarding a copy machine for the Police Department. The Committee thought it was best to bring an appropriating Ordinance for the additional expenditure. Member Dave Womack asked if it was going to be a leased machine or if they were going to buy it. Administrator McDaniel said that it would be a lease.

Member Gaines congratulated Chief Koplín and his department on another significant arrest.

Council, Mayor Gagné adjourned the meeting at 8:46 PM.



Connie Thomas, City Clerk



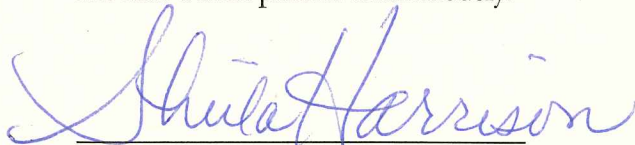
Cindy Gagné, Mayor

LETTER OF TRANSMITTAL

TO: COUNCIL MEMBERS, MAYOR CINDY GAGNE, CITY ADMINISTRATOR AND CITY CLERK
FROM: SHEILA HARRISON, CHAIR, OMAK PLANNING COMMISSION
SUBJECT: PLANNING COMMISSION RECOMMENDATION OF PRELIMINARY APPROVAL FOR MEADOW POINT PLANNED DEVELOPMENT
DATE: 3/7/2019
CC: PROJECT FILE

The City of Omak Planning Commission, in conformance with Title 19.05 OMC, held an open record public hearing on March 6, 2019 to consider the application for preliminary approval of the 46 dwelling unit Meadow Point Planned Development proposed by the Housing Authority of Okanogan County. After hearing the proponent's presentation, reviewing the staff report, attached hereto, and taking testimony from those present, the Planning Commission took the following action:

"A motion was made by Commissioner **Hansen** that the Commission recommend *preliminary*¹ approval of the Meadow Point Planned Development to the City Council subject to conditions and findings contained in the staff report. Commissioner Potter seconded the motion which passed unanimously."



Sheila Harrison, Chair

¹ - Staff added the clarification that only preliminary approval be granted in accordance with Title 19.05 OMC, with final approval contingent upon satisfying the conditions of approval.

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Call to Order:

Chairwoman Harrison called the meeting of the Omak Planning Commission to order at 7:00 PM and a quorum was established.

Commissioner & Administrative Personnel:

Pat Davison - absent

Barry Hansen

Sheila Harrison, Chair

Erin Munding

Stacey Okland, Vice Chair

Anne Potter

Cindy Gagné, Mayor

Todd McDaniel, City Administrator

Kurt Danison, Contract Planner

Connie Thomas, City Clerk

Public Hearing – Meadow Point Planned Development

Chairwoman Harrison opened the Public Hearing for the Meadow Point Planned Development at 7:01 p.m. She read the public hearing disclaimer for the record. None of the Members excused themselves from the hearing and none of the members have engaged in communication outside of the hearing. Chairwoman Harrison asked representatives of the Housing Authority to present their project. She asked that the Commissioners hold their questions until after the applicant, staff report, and public testimony have been heard. She introduced Nancy Nash-Mendez, Executive Director of the Housing Authority of Okanogan. Mrs. Nash-Mendez thanked the community members for coming out tonight. She explained the mission of the Housing Authority is to develop, serve and acquire affordable housing for community members. Tonight, they are presenting a project that is fulfilling that mission. Why Omak? Today, she called Omak School District to inquire about the number of homeless children in the district, she was given the number of sixty-six students. The large number of units for Meadow Point is to help house those students who are community members. Seventeen of the forty-seven units will be dedicated to seniors and some units will be set aside for veterans. Mrs. Nash-Mendez introduced Collin Thompson with the Office of Rural & Farmworker Housing (ORFH) to give an overview of the project. Mr. Thompson told the Commissioners that this is a forty-seven-unit multi-family apartment community. One hundred seventy-eight individuals will be served in the community. The target population will be veterans who do not have homes, families with children, families displaced by fires and citizens with special needs. All units will serve individuals that are at 50% of the area median income or below. He explained in detail, the unit layouts and amenities to the Commissioners. He said there will also be a common building with a manager's office, meeting room, kitchen, laundry area and a maintenance room. Mr. Thompson said there will be an onsite walking path, playground, landscaping and lighting. Mr. Thompson introduced Roger Tucker, Architect with Environmental Works which is a non-profit community design center. Mr. Tucker explained the key design concepts to the Commissioners. The site is located at Oak, Jonathan and Pine Street. It will be developed with paving, new sidewalk, street trees, water and sewer infrastructure. Mr. Tucker used visual boards to help explain the site location, unit structures and development layout.

Chairwoman Harrison introduced Kurt Danison, Contract Planner for the city, who will provide the staff report (attached). Mr. Danison read into the record the Revised Preliminary Staff Report dated 3/4/2019. The staff report included the project description and the chronology. He said that one of the conditions require the annexation not be filed and recorded until the preliminary approval of a Planned Development has been granted. The Housing Authority working with the

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Office of Rural and Farmworker Housing, initiated a series of pre-application conferences with City Staff to better understand the requirements and process for approval of a Planned Development by the City. As a side note, he said, had the property had already been in the city, the zoning of residential multi-family would not require a public hearing because it's allowed out right in that zone. The reason for the hearing this evening is that the property is being annexed into the city. One of the conditions placed on the annexation was the review and approval of the planned development. He reviewed the applicable codes and city standards, SEPA, critical Areas and Shorelines and stated that the Planning Commission Public Hearing is part of the report, which is taking place tonight. Mr. Danison said that materials were sent out to a list of agencies. That list is retained in the project file. Three comments were received. One from Ken Mears, Public Works Director, another from Gwen Clear of the Department of Ecology and William Gould of Washington State Department of Transportation. The city did receive a new comment yesterday from the Department of Social and Health Services in support of the project. All the comments are held in the project file and the Planning Commissioners have received copies. Mr. Danison went on to read the recommendations by Planning Staff which include conditions and findings. He concluded by saying that the City of Omak has no ability to discriminate against housing. The city by law cannot make a distinction of what is being built, who is building it and who will live in it. It would be against Federal Law for the city to discriminate. If citizens have concerns about the type of housing that is being built in Omak and the money that's paying for it, this is not the forum. It's not something the city or the Planning Commission have anything to do with. He said that Federal and State programs provide money for this type of housing and that would be the appropriate place to direct those type of questions and concerns. Chairwoman Harrison opened the floor for comments from the audience. She asked the audience to use the microphone and identify themselves.

Pat Huff – 715 Quince Street #2226

Ms. Huff introduced herself to the Planning Commission. Her concern is that she lives almost directly behind and center of the development. She wants to know what the Housing Authority is going to do regarding privacy. Will there be an onsite manager that can handle noise or other complaints? She asked how close the houses will be built to Horizon Estates.

Linda Harris – 715 Quince Street

Ms. Harris lives at Horizon Estates. She would like to know if there will be fencing between Horizon Estates and the new development. She is concerned about citizens walking through Horizon Estates. She asked about fencing or shrubs for privacy.

Nancy Nash-Mendez – Housing Authority of Okanogan

Mrs. Nash-Mendez thanked both Ms. Huff and Ms. Harris for their concerns. The Housing Authority provides safe and affordable housing. There will be a 24/7 manager onsite who will be highly qualified.

Roger Tucker, Architect with Environmental Works

Mr. Tucker used the visual aid to show the distance between the farthest east building and Horizon Estates. He said there will be approximately 140' between the Horizon Estates back fence and the most eastern group of houses. They have purposely pushed the development as far west as they could. In addition there will be a path along the perimeter of the development. They don't have a plan for privacy fencing but will have a landscaping buffer. He did point out that there is a grade change up to where the homes are. So, the homes will be higher and looking over Horizon Estates, so a fence would not help.

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Pat Huff – 715 Quince Street #2226

Ms. Huff asked where the designated senior housing would be in the development. Mr. Tucker said the senior housings will be down the center. Ms. Huff explained that Horizon Estates is a quiet community and asked about the increase in noise. Mr. Tucker said they are trying to create a sense of community. The core of the development, the playground and community center is set in the center. The units on the outside will then be a buffer. She asked when construction would begin, and Mr. Tucker said it would begin in June or July with a twelve-month construction period.

Chairwoman Harrison asked if the Planning Commission had any questions of the proponent, staff or public regarding any of the issues presented? Member Hansen asked about the right of ways in and out and North School and asked how that would be mitigated. Mr. Danison said that the development is not right across the street and it will help with Jonathan connecting to Pine Street for an alternate way out. He doesn't think it will be a tremendous impact. Commissioner Mundinger asked for clarification on the number of units. There are forty-six units with one community center. Commissioner Potter asked about how many onsite parking spaces there were. Mr. Danison said code requires one and a half parking spaces per unit and the development plans exceed the requirements.

Chairwoman Harrison closed the public testimony portion of the public hearing at 7:55 p.m.

Chairwoman Harrison opened the subject for discussion by the Planning Commission. She explained that if the Planning Commission agrees with the staff recommendation, they may adopt or (adopt with modifications) its conditions, finding and conclusions as a basis for their action. Member Hansen stated that it looks like everyone has done their job leading up to this point. He recognized the support given by different agencies and the County which is good thing. The members of the Planning Commission did not have anything further to add. A motion was made by Commissioner Hansen that the Commission recommend preliminary approval of the Meadow Point Planned Development to the City Council subject to conditions and findings contained in the staff report. Commissioner Potter seconded the motion which passed unanimously.

Contract Planner Kurt Danison explained that the next step in the process is the Planning Commission recommendation will be presented to the Omak City Council by a Letter of Transmittal. The recommendation will be an agenda item for the March 18, 2019 Council meeting. At that meeting Council will accept the recommendation of the Planning Commission and set an agenda item for the April 1, 2019. At that meeting, the agenda will include an action item to either approve or deny and or modify the preliminary planned development. If Council grants preliminary approval of the planned development, that same evening, Council will adopt an Ordinance finalizing the annexation bringing the property into the City. Staff will prepare a notice of the action that was taken and those that provided testimony this evening and entities that submitted written comments have standing. Those with standing have fourteen days to appeal the Council's decision if they choose to do so. Once the preliminary approval has been granted, it allows the Housing Authority to move forward with the project. Member Hansen wanted to add that, the Planning Commission holds public hearings and it's not often they see this kind of a turnout. It's important to the Planning Commission to receive feedback and he appreciates those that came out tonight.

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Approval of Minutes – January 2, 2019 Meeting

Commissioner Mundinger moved, seconded by Commissioner Hansen, to approve the January 2, 2019 meeting minutes. Motion carried.

Discussion of Meeting Date and Time Change

The Commissioners asked what date and time were settle on. City Clerk Thomas said it was the second Tuesday of the month at 5pm. Administrator McDaniel explained to the members that this change will be done by Ordinance which will continue for future Commissioners. After some discussion, the Commissioners wanted to see how the time change would work for them. They asked that a special meeting be published for Tuesday, April 2, 2019 at 5:30pm. They ask that this item be on the next meeting agenda.

Other Business:

Mr. Danison told the Commissioners that the Washington State Department of Transportation (WSDOT) commissioned Perteet, Inc. to conduct a transportation planning study to identify improvements along US 97 corridor near Omak. The study focuses on US 97 from the 12 Tribes Casino entrance to Sand Flat Road. He said that on April 25, 2019 they will be sharing that information at a Public Open House at Omak City Hall. He will ensure the Planning Commission receives information on the time.

As there was no further business, the meeting was adjourned at 8:14 p.m.

SIGNED:

Sheila Harrison, Chair

Connie Thomas, City Clerk

CITY OF OMAK
STAFF REPORT
MEADOW POINT PLANNED DEVELOPMENT

TO: PLANNING COMMISSION
FROM: KURT DANISON, CONTRACT PLANNER
SUBJECT: **REVISED PRELIMINARY** STAFF REPORT (REVISIONS MADE 3/7/19 AFTER PUBLIC HEARING IN RED)
DATE: 3/4/2019
CC: HOUSING AUTHORITY OF OKANOGAN COUNTY – PD19-01

Applicant: Housing Authority of Okanogan County

Parcel #: 8851700010

Project Description:

The Housing Authority of Okanogan County (HAOC), as required as a condition of annexation into the City, has submitted an application for approval of a Planned Development (Chapter 18.48 OMC), to develop a 4.50 acre site, located off the east side of Oak Street just north of the Mountain View Mobile Home Park, into a multi-family complex with 46 units housing up to 178 people. The applicant proposes dedication of up to 60’ of right-of-way, construction of the north ½ of Jonathon Avenue Street, extensions of existing water and sewer mains to serve the property, dedication of approximately 30% of the site as “open space”, developing on-site stormwater management improvements, installing underground power and improving the street frontages on Oak Street and Jonathon with pedestrian access, landscaping and street improvements.

Chronology:

Representatives of the HAOC contacted the City in the summer of 2017 with discussions centered on annexation and permitting requirements for the subject property. HAOC subsequently purchased the subject property and initiated annexation proceedings with letter of intent presented to the City Council on June 5, 2017.

The Council accepted the letter and the HAOC submitted a petition for annexation on July 3, 2017 and the City Council set a public hearing for the August 7, 2017 Council Meeting. At the conclusion of the hearing, the City Council approved the annexation subject to the following conditions:

1. That recording of the annexation ordinance with the Okanogan County Auditor is subject to submittal, review and preliminary approval of a planned Development permit for the property. **Upon council granting preliminary approval to Meadow Point, the ordinance completing the annexation may be adopted.**

2. That any new streets required for the development of the property be constructed within existing City rights-of-way whenever possible. **Provision contained in the conditions of approval.**
3. That the owners, heirs or assigns of the subject property shall be responsible for any extension of streets, sidewalks, or utilities associated with development of the annexed property. **Provision contained in the conditions of approval.**
4. That plans for streets, utilities, sewer, storm drainage fire suppression and any other proposed and/or required improvements shall be prepared by Washington State registered professional engineer and submitted and review and approval by the City Public Works Director and any other agency or department as appropriate (e.g.: electricity, cable, irrigation), in writing prior to construction. **Provision contained in the conditions of approval.**
5. All improvements shall be inspected by appropriate City Public Works staff with written results provided to the City in a timely manner and reproducible as-built drawings provided to the City upon completion of construction by the developer. **Provision contained in the conditions of approval.**
6. That if the property contains any existing wells and/or water/irrigation rights, the owners agree to negotiate in good faith, terms for transfer of any said wells and water rights to the City of Omak. **The HAOC has shares in the Okanogan Irrigation District which cannot be transferred to the City. The planned development will design, install and maintain an irrigation system for outdoor watering using OID water. Cross connection control measures are required to keep the OID irrigation and City domestic water systems separate.**
7. That any easements required for extension of city utilities shall be granted to the City in a manner acceptable to the City and petitioner. **Provision contained in the conditions of approval.**
8. That if any archaeological material or human remains are encountered during the course of this undertaking, all activity will cease immediately and the Tribal Historic Preservation Officer of the CCT will be contacted as soon as possible. Activity on the undertaking will not resume until satisfactory arrangements have been made between the applicant and the Tribal Historic Preservation Officer. **The state and federal funding sources for the planned development have specific requirements that must be met by the HAOC.**
9. That the owner will assume all or any portion of the existing city or town indebtedness in the area proposed to be annexed. **There are no City debts specific to the project site.**

Since one of the conditions required that the annexation not be filed and recorded until preliminary approval of a Planned Development has been granted, the HAOC, working with the Office of Rural and Farmworker Housing (ORF), initiated a series of pre-application conferences with City Staff to better understand the requirements and process for approval of a Planned Development by the City.

Concurrently, the City initiated discussions with Okanogan County on preparation of an Intergovernmental Agreement (IGA) which grants the City jurisdiction to review and grant preliminary approval to a development project prior to the annexation. The IGA was approved by the City and County on February 11, 2019. In addition, as a result of existing encroachments

into City right-of-way on property adjoining the HAOC property, another agreement, this one between the HAOC, the Shackett Credit Shelter Trust (owner of the property to the north and seller of the property to OHAC, and Mangat Properties 1, LLC (owner of the Mountain View Mobile Home Park, purchased from Shackett) and the City is being finalized. The purpose of this agreement is for the Shackett Credit Shelter Trust to deed an additional 30' of property along the HAOC's northern boundary via a plat amendment (under review by Okanogan County) to the HAOC resulting in the HAOC dedicating 60' of right-of-way to the City for the new segment of Jonathon Avenue (a proposed condition of approval for the Meadow Point Planned Development). The agreement also includes language related to the right-of-way being encroached upon by the Mountain View Mobile Home Park.

An application and related materials for the Planned Development was submitted on January 15, 2019 and determined to be complete on January 18, 2019.

A public hearing before the Planning Commission was set for March 6, 2019 with a Notice of Application (published in Omak Chronicle on January 30, 2019 and posted on the project site) and Notice of Public Hearing (published in Omak Chronicle on February 20 and February 27 2019). The formal comment period ends at the Public Hearing on March 6, 2019.

Applicable Codes and City Standards:

The application and public hearing for the proposed planned development is required by Chapter 18.48 of the Omak Municipal Code. The review process for the preliminary approval of a planned development permit is set forth in 19.05.020 OMC. Preliminary approval of a Planned Development Permit is a Type IV action.

SEPA, Critical Areas and Shorelines:

Preliminary approval of a Planned Development Permit is subject to review under the State Environmental Policy Act (SEPA) and review for potential impacts to designated critical areas (Chapter 18.20 OMC). The project does not lie within shoreline jurisdiction.

The applicant submitted a SEPA Checklist as part of the application materials accepted as complete on January 18, 2019. The SEPA Administrator issued a Determination of Non-Significance (DNS) on January 18, 2019 which was published in the Omak Chronicle on January 30, 2019 with the required appeal period ending on February 20, 2019. No comments or appeals were received.

A review of the City's critical areas designation maps finds that the subject property is within a designated Moderate and High Potential Aquifer Recharge areas. Compliance with the Aquifer Recharge standards in Chapter 18.20 OMC requires all stormwater runoff to be retained and treated on-site in compliance with the provisions of the Eastern Washington Stormwater Management Manual.

Planning Commission Public Hearing:

The City of Omak Planning Commission is holding an open record public hearing on March 6, 2019.

Comments Received:

The application and related materials were mailed or e-mailed to commenting agencies (see list in project file) and a notice provided to adjoining landowners on January 18, 2019. As of the date this staff report was prepared, comments had been received from the following: Ken Mears (Public Works Director), Gwen Clear (Department of Ecology) and William Gould (WSDOT). It is important to note that the written comments are not due until March 5, 2019 and the comment period is open until the March 6, 2019 Public Hearing.

Copies of all comments are contained in the project file.

Commenting Agent or Individual: Ken Mears, Omak Public Works Director

Nature of Comment: The comments from Public Works represent a review completed by Public Works, Building, Fire Department and Administrative Staff. A copy of the staff report prepared by Mr. Mears is attached hereto.

Response: *Conditions recommended by Public Works will be required as part of the preliminary approval of the PD.*

Commenting Agent or Individual: Gwen Clear, Department of Ecology

Nature of Comment: Ecology's comments pertain to fugitive dust, potential soil contamination from past agricultural activities and maintaining stormwater on-site. A copy of Ecology's comments is attached hereto.

Response: *Conditions based on Ecology's comments will be required as part of the preliminary approval of the PD, specifically on-site stormwater management is required in compliance with the Eastern Washington Stormwater Management Manual, best management practices will be required to mitigate potential impacts to air quality and testing for potential soil contamination will be required consistent with regulations required by the projects state and federal funding sources.*

Commenting Agent or Individual: William Gould, Washington Department of Transportation

Nature of Comment: WSDOT comments noted that traffic from the project will access SR 215 off of Oak Street. No problems are anticipated, however it was suggested if a traffic study was required, that intersection, due to its complex nature, should be included. A copy of the WSDOT's comments is attached hereto.

Response: *A requirement for traffic study has not been considered.*

Commenting Individuals: Pat Huff and Linda Harris, residents of Horizon Estates

Nature of Comments: Both women were concerned about noise and loss of privacy. They asked how far the development would be from their homes, whether there would be a privacy fence and would there be on-site management.

Response: The applicant noted that between the 60' of city R/W and the nearest buildings in the planned development would be another 50' to 60' further west meaning the distance between the women's homes and Meadow Point housing will be approximately 150'. The applicant also noted that the community areas, including playground, will be located at the center of the complex with two rows of buildings between that activity center and the open space and R/W separating Meadow Point from Horizon Estates. The applicant noted that there would be a perimeter trail, stormwater swales and landscape buffering along the project's eastern property line but at present, no fence was included in the plans. Finally the applicant stated that there would be a full-time on-site manager employed by the HAOC.

Recommendation by Planning Staff:

Planning staff recommends that the Planning Commission take the following action:

Move to recommend *preliminary*¹ approval of the Meadow Point Planned Development to the City Council subject to the following conditions and findings:

Conditions:

1. That an amendment to the Mountain View Mobile Home Park Short Plat-2nd Addition be approved which moves the southerly lot line of Lot 2 thirty (30) feet to the north thus moving the north lot line of Lot 1 thirty (30) feet to the north.
2. That prior to construction, all utilities and related improvements be engineered in accordance with specifications provided by the City and/or the Okanogan County PUD and/or the Okanogan Irrigation District, plans approved by appropriate entity, connection fees paid, improvements constructed and inspected in compliance with approved plans. Initial specific requirements based on preliminary plans submitted to the City of Omak include:

Water

- a. The existing 8" water main on Oak Street is shown on the plan sheet as being on the eastside of Oak Street when it is on the westside of the street. Plans need to be corrected to show actual location of water main.
- b. A new fire hydrant is required at the north edge of the trailer court during water main construction. The city will supply the additional hydrant and needed materials, and coordinate with the future contractor.
- c. Two additional mainline water valves on Oak Street and Jonathan Avenue East must be included in the water main project for additional isolation control.
- d. The water existing 8" water main in Oak Street be extended north to the end of the property and include additional fire hydrant with water main tee that is then blind-flanged for future development. In reference to Omak Municipal Code 17.32.040 (d)(2) Utilities, and per the Water System Plan pg. 1-14 Table 1-9. Omak Municipal Code 9.04 500-580 System Extensions should be followed.
- e. An 8" water valve and mainline cross to Pine Street intersection for future growth and extension to connect at Quince Street must be constructed.
- f. Requirements for cross-connection control must be followed to ensure separation of irrigation water from the City's water system.

Sanitary Sewer

- a. The city will accept PVC or HDPE sewer pipe on the development.
- b. Sewer mains and manholes shall be constructed per city construction standards.
- c. After construction, the city will maintain sewer lines and manholes within the Right of Way on Jonathan Avenue East and Pine Street. All others will be considered private and maintained by the property owner.

¹ - Staff added the clarification that only preliminary approval be granted in accordance with Chapter 19.05 OMC, with final approval contingent upon satisfying the conditions of approval.

Street Lighting

- a. An overhead "LED" street light must be installed on the corner of Oak Street and Jonathan Avenue East. Refer to Okanogan County PUD for type, size, and standards.

Traffic Control Signs

- a. Stop sign with street names affixed on top "Oak St. N." "Jonathan AVE E." "Pine St. N." white lettering on a green background, and per Manual on Uniform Traffic Control Devices-FHWA shall be acquired and installed.
- b. No Parking signs shall be acquired and installed on Jonathan Avenue East and signage as needed on Oak Street.

Streets

- a. Jonathon Street shall be extended to connect with the existing Pine Street in order to provide required access.
3. That provisions of the International Fire Code required by the City of Omak Fire Chief be integrated into final plans and specifications for water and access improvements.
4. That plans and specifications for street and pedestrian improvements be provided to the City for review and approval prior to construction and that any pavement on Oak Street (Robinson Canyon) disturbed during construction be repaired and approved by the City of Omak Public Works Director.
5. That all improvements to public infrastructure be built and/or bonded prior to final approval of the Meadow Point Planned Development.
6. That all mitigation measures in the SEPA checklist submitted with the application are implemented and maintained for the life of the project.
7. That best management practices to used to eliminate fugitive dust during construction.
8. That soil testing shall be required consistent with the regulations of the project's state and federal funders.
9. That improvements and other aspects of the project described in the Project Narrative submitted with the application be implemented.
10. That all requirements for final plat stated in 17.24 OMC be completed.
11. That any development/use of said parcel must comply with the regulations for the zoning district applied to the property.
12. That all construction be completed in compliance with applicable requirements of the International Building Code and proper permits obtained.
13. Any proposed bond for incomplete utility extensions must comply with 17.46 OMC, and be approved prior to final development plan approval;

Findings of Fact and Conclusions of Law:

The Planning Commission finds and concludes the following:

1. The City, Okanogan County and the HAOC have signed an Intergovernmental Agreement that allows the City to process the request for preliminary approval of the planned development prior to final action on the formal annexation.
2. The City, by Resolution 28-97, authorized the Okanogan County Housing Authority to “develop, own, and operate subsidized housing within the City of Omak and to function as a Housing Authority within the City of Omak for any other housing programs for which it may qualify.”
3. Preliminary approval of the planned development is a condition of annexation.
4. The Housing Authority of Okanogan County (HAOC) is the legal owner of the property.
5. The applicant has shown a public need for housing in the community; the proposal directly addresses that need.
6. The development proposal for a 46-unit multi-family development is consistent with the comprehensive plan designation and uses allowed by zoning for the subject property.
7. Development through the Planned Development Permit will create approximately 3.15 acres of developed property and approximately 1.35 acres of open space. The proposed density of 10.22 units per acre is consistent the comprehensive plan.
8. Approximately 30% of the project site will be dedicated permanent open space. Proposed open space uses include a community garden, a children’s playlot, stormwater swales and a walking trail.
9. Long-term maintenance of open space will be the responsibility of the HAOC.
10. Development of the property will not displace public recreation opportunities.
11. The proposal does not contemplate development of land identified in the comprehensive plan as unsuitable because of steep slopes, floodplain or wetlands.
12. The proposal will not adversely affect wildlife habitat identified in the comprehensive plan for special consideration.
13. The development site is essentially flat and will not pose risks of inappropriate stormwater runoff. Development of the property is subject to City and state requirements for stormwater management.
14. The development will create additional impervious surfaces. A plan for managing stormwater runoff, developed by a licensed civil engineer, is required.
15. The applicant submitted a conceptual landscaping plan addressing active and passive areas along with landscaping of dedicated open space.
16. The volume of additional vehicle travel is consistent and compatible with the transportation element of the comprehensive plan.
17. The proposal includes on-site and off-site improvements to pedestrian facilities. Such improvements will provide more transportation choices to City residents.
18. The applicant demonstrated through a preliminary utility plan that the development will be adequately served by water, sewer and electrical service.
19. The planning commission finds that the information provided by the applicant demonstrates that the proposal will not have an adverse effect on health, safety and

general welfare of the community and that an overwhelming public benefit will result from the project.

20. The property has access to City water and sewer.
21. The project is consistent with the goals, policies and intent of the Comprehensive Plan.
22. The project is consistent with the requirements of Chapter 18, Zoning Code.
23. All requirements for processing a Type IV Permit stated in Chapter 19.05 OMC were followed.
24. That a public notice of the application and determination of non-significance was published in the Omak Chronicle on January 30, 2019.
25. A notice of the public hearing was published in the Omak Chronicle on February 20 and 27, 2019.
26. That the applicant posted the property on January 30, 2019.
27. That an open record public hearing was held by the Omak Planning Commission on March 6, 2019.