
**OMAK CITY COUNCIL
REGULAR MEETING MINUTES
April 19, 2021**

CALL TO ORDER:

Mayor Gagné called the regular meeting of the Omak City Council to order at 7:00 PM, established a quorum and all joined in the flag salute.

COUNCIL AND ADMINISTRATIVE PERSONNEL:

Michael Foth	Tyler Wells, Building Official
Nattalie Cariker	Kevin Bowling, Fire Chief
Barry Freel	Dan Christensen, 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:

Mayor Gagné reminded everyone that Friday, April 30, 2020 the City will be celebrating Arbor Day.

CONSENT AGENDA:

Member Dave Womack moved, seconded by Member Cariker, to approve the consent agenda consisting of minutes from the April 5, 2021 meeting; 2021 claims checks numbered 104633-104738 in the amount of \$249,418.26; March manual checks numbered 104430, 104431, 104512 and 104514 in the amount of \$1,194.69; As there was no discussion and no comments from the audience, Council voted and unanimously approved the motion.

NEW BUSINESS:

City of Omak Draft Capital Facilities Plan – Kurt Danison, Highlands Associates

Mr. Danison explained to Council that all members that the March 2, 2021 draft Capital Facilities Plan (CFP) was made available to all. The document is a six-year plan of capital projects including revenue and expenditure projections. He still needs to complete the executive summary but, before he and Administrator McDaniel draft the executive summary, he would like to receive input from Council and staff. He said that last year, staff met to review and rate capital and rank projects planned for the next six years. He also said the document includes two spending alternatives that are based on assumptions about funding availability, slow population growth, maintaining existing level of service and project priorities. He anticipates Council holding a public hearing in June. Member Gaines said she has reviewed the document through to Library. This document is located on the City website under the April 19, 2021 Council meeting.

Greater Omak Area Comprehensive Plan – Transportation Element – Kurt Danison, Highlands

Mr. Danison reminded Council that about a year ago, the Washington State Department of Transportation contracted with Perteet, Inc. to conduct a traffic study of six intersections along Highway 97. The ultimate solution for each intersection was a roundabout. The Planning Commission has been working to update the Transportation Element of the Comprehensive Plan. They have reviewed the Perteet Study along with the Six Year Street Plan. They will hold a Public Hearing on the Draft Transportation Element on May 4, 2021 and provide Council with a recommendation to adopt. If Council has concerns or comments, he asked they reach out to him prior to the Commission taking action on May 4th. Once the Planning Commission has taken action and makes a recommendation, Council only has the option to send it back to the Planning Commission. Mr. Danison said the Commission was unanimous about a roundabout at the intersection of Quince and Riverside Drive. Member Gaines said that she has some comments and will forward those onto Mr. Danison.

Request for Preliminary Approval – Long Plat – Sagelands Phase III

Member Foth moved, seconded by Member Clark to approve the request for preliminary approval of the Sagelands Phase 3 Long Plat. Building Official Wells explained that a Letter of Transmittal from the Planning Commission, signed by Chairwoman Okland has been forwarded to Council. The Planning Commission made a motion to recommend approval with concurrency of staff recommendation and conditions laid out in the Staff Report, with considerations for CC&R's. Mr. Wells read the background information from the Staff Report wherein the applicant is seeking preliminary approval of the Sagelands Phase III Subdivision. This includes a

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request to deviate from street design standards as defined in OMC, Section 17.32. The deviation request includes no on street parking with signage. Member Gaines said that she read the information about the CC&R's and understands the City cannot enforce them but, it is the only way the citizens can ensure the same profile. Building Official Wells said the applicant would like to keep with the current neighborhood provide. He has not heard back from Mr. Kitchen about the CC&R's. Member Cariker has concerns about the no on street parking. She asked if the City is currently enforcing the no parking in the existing neighborhoods. She would like the developers to allow for parking on one side of the road. Her other concern is there are no sidewalks. She understands the need for more homes in the City but, she is not for the deviation. Member Clark agreed with Member Cariker. Member Dave Womack said that Council should look at the current City codes and change those to allow for hammer heads and wider streets. He asked if Fire Chief Bowling had any concerns about the deviation. Chief Bowling said that anytime we deviate from standards there are concerns. If there is a gathering, emergency access could be an issue but, it is no difference than other developments. There was a lot of discussion amongst Council about the street width, off-street parking, asphalt, curbing and sidewalks. There was also information from staff about future maintenance and funding challenges of asphalt and gravel areas. Mr. Danison explained that Council can modify conditions, eliminate, or add conditions. Member Gaines asked if the City could require the applicant to have CC&R's. Mr. Danison explained that CC&R's are beyond what the City can require. Administrator McDaniel said he spoke with Attorney Howe and Council cannot deny the application based on not having CC&R's. Member Cariker amended the original motion, seconded by Member Foth to and modify the conditions and require on-street parking with eight-foot gravel right of ways on each side of the asphalt street. Member Dave Womack would like to require the entire street be forty-foot wide and asphalt. There was further discussion of costs to the developer and to the City for future maintenance. Contract Planer Danison explained to Council the number one issue is affordable housing and not every developer has funding for non-subsidized housing. Developers are trying to construct affordable homes for working people that are in high demand. Dollars spent on infrastructure will increase the cost of the home to the buyer and to keep in mind that the City of Omak has control over these costs in the community. Member Freel said that Council may be getting ahead of themselves. The developer is just putting in infrastructure and the way the motion stands without Member Cariker's amendment is okay. Building Official Wells explained that the applicant will meet all other standards except for the road width. He read the conditions that will apply to the development into the record. After Council heard all the conditions, Member Gaines called for the vote on the amendment made by Member Cariker. Member's Foth and Cariker voted aye and Member's Dave Womack, Clark, Gaines, Freel and Walt Womack voted no. The no's have it, and the motion failed. Mayor Gagné stated the main motion is on the floor and called for the vote. Member Gaines and Member Freel voted aye and Member's Foth, Cariker, Clark, Dave Womack and Walt Womack voted no. The no's have it, and the motion failed. Member Dave Womack moved, seconded by Member Foth to modify the application requiring a thirty-two foot wide street for Petra Court within a forty foot right-of-way with parking allowed on one side. Fire Chief Bowling confirmed that there will still be no parking aloud in the cul-de-sac and Member Dave Womack said he was correct. As there was no further discussion or further comments from staff and audience, Council voted with Member's Freel and Gaines voting no. The motion was approved.

Resolution 21-2021 – Approve Public Works Contract with All NCW Seamless Gutters, LLC

Member Foth moved, seconded by Member Clark to approve Resolution 21-2021. Public Works Director Mears explained to Council that rain gutters and snow brakes are need at the Wastewater Treatment Plant. Three quotes were requested and two were received. One company was too far away and chose not to provide a quote. All NCW Seamless Gutters, LLC of Chelan provided the lowest quote in the amount of \$7,010.79. Member Dave Womack asked if the quote was within budget. Mr. Mears said that it was under budget. As there were no further questions or comments, Council voted and unanimously approved the motion.

Ordinance 1905 – 1st Read – Amend 2021 Budget – CDBG/Asotin Storm Drain Project

City Administrator McDaniel told Council that this budget amendment will sweep the Community Development Block Grant (CDBG) funds from the Block Grant Fund. The Asotin Storm Drain project is funded through the CDBG program and they require the City spend those funds first. He also explained that the Storm Drain project was delayed in 2020 so those expenditures will be realized in 2021.

OTHER BUSINESS:

Committee/Staff Reports:

Contract Planner Kurt Danison said, regarding the Sagelands Phase 3 Long Plat, Council made a motion and took action to modify the preliminary approval but, a motion is needed to grant preliminary approval

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as modified. Member Clark moved, seconded by Member Dave Womack. Council voted with fives ayes and Member's Freel and Gaines voting nay.

Police Chief Christensen shared information about several bills that are before the Governor. House Bill 1054, establishing requirements for tactics and equipment used by peace officers and, House Bill 1310, concerning permissible uses of force by law enforcement. If passed, they will roll out in 96 days. These changes are significant and, the Washington Association of Sheriffs & Police Chiefs (WASPC) are working to produce an explanation by the spring conference.

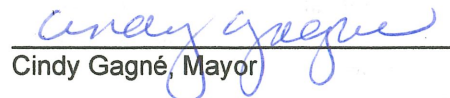
Public Works Director Mears told Council that City Engineers, Gray & Osborne sent amendment number one for the next phase of the sewer/water upgrades in the Dewberry Avenue area. He continues to work with Pool Manager Heidi Sam on a "Opening Plan" for the pool. They have received a lot of applicants and staff is excited. Heidi has been doing a lot of work and, the City has been working under the advisement of the Department of Health and the Center of Disease Control. He also explained to Council that staff is working to update the City Construction Standards. The standards as written are vague and makes it difficult for staff to interpret. Member Dave Womack told Council that the Infrastructure Committee met to discuss the water main project at the Mangat Trailer Park. If completed, each trailer will have their own connection with a separate utility bill.

City Administrator McDaniel told Council that Recreation and Conservation Office (RCO) reached out to the City asking for a letter to guarantee match for the skate park. Administrator McDaniel reminded Council that last year the \$17,000 match was removed from the budget as the project did not rate. Administrator McDaniel signed the guarantee match letter based on Council's authority in 2020. The City should know by the end of this legislative session if it will be funded or not. He has also been working on new flood plain maps with Mr. Danison and Public Works Director, Mears. The maps will be certified with the Army Corps of Engineers. He also attended a Water Resource Inventory Area (WRIA49) meeting this afternoon.

As there was no further business before Council, Mayor Gagné adjourned the meeting at 8:33 PM.



Connie Thomas, City Clerk



Cindy Gagné, Mayor



City of Omak
PO Box 72
Omak, WA 98841
Phone: 509-826-1170

LETTER OF TRANSMITTAL

DATE: April 7, 2021
TO: Omak City Council
FROM: Stacey Okland, Acting Chairman
Omak Planning Commission
RE: Planning Commission Recommendation – Request for Preliminary approval of 15 lot Long-Plat in the City of Omak (LP-1-2021).

Dear Councilmembers;

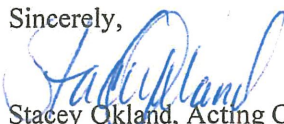
The Omak Planning Commission, in regular session April 6, 2021, Public Hearing, reviewed the proposed application for preliminary approval of LP-1-2021 (Sagelands Phase 3), submitted by Shane Kitchen. The attached staff report provides more detail and conditions.

The following motion was made:

“Commissioner Erin Mundinger, seconded by Commissioner Ann Potter that the Long Plat application be forwarded to City Council with the recommendation of approval with concurrency of staff recommendation and conditions laid out in the Staff Report, with considerations for CC&R’s. Motion carried.”

Thank you for your time and consideration.

Sincerely,


Stacey Okland, Acting Chairman
Omak Planning Commission

**MINUTES
OMAK PLANNING COMMISSION
ZOOM HYBRID MEETING
APRIL 6, 2021**

Call to Order:

Chairwoman Okland called the meeting of the Omak Planning Commission to order at 5:30PM and a quorum was established.

Commissioner & Administrative Personnel:

Sheila Harrison - absent	Kurt Danison, Contract Planner - absent
Stacey Okland, Chair	Tyler Wells, Building Official
Erin Mundinger	Connie Thomas, City Clerk
Barry Hansen	Amanda Dickinson, Deputy Clerk
Anne Potter	
Jack Schneider	

Approval of Minutes:

Commissioner Mundinger moved, seconded by Member Potter to approve the March 2, 2021 meeting minutes as written. The Commissioners voted and unanimously approved the motion.

Public Hearing:

Sagelands Phase 3 Subdivision – Preliminary Approval

Chairwoman Okland opened the public hearing at 5:31 pm. She read the disclaimer letting everyone in attendance know that they will have the opportunity to be heard and that the hearing was being recorded. There were no members of the Commission that recused themselves nor did they have any financial interest in the outcome of the hearing. She asked Building Official Wells to present the staff report. Mr. Wells read the staff report in its entirety. He ended by recommending the Planning Commission preliminarily approve the Sagelands Phase 3 Long Plat to the City Council subject to the conditions and to finding in the Staff Report. Chairwoman Okland thanked Mr. Wells for the report. She opened the hearing to comments from the audience.

Barbara Christensen – 410 Koala Avenue

Ms. Christensen told the Commission that she has safety concerns with the narrow streets that are currently on Paintbrush Lane. She didn't know if the width of the streets in the development had been mitigated or not. In the current development there is no parking with a couple of signs posted. She observes parking in the cul-de-sacs and in front of homes. She has safety concerns for emergency vehicles trying to enter and especially in the winter when the streets are narrower because of snow. She has also seen children in the road as there is no sidewalk for them to play on. She asked if the streets in the new development could be wider than twenty-four feet and if the lots could be reconfigured to accommodate the wider street. There was discussion about no parking signage in the current housing developments.

Chairwoman Okland asked if the Planning Commissioners had any questions of the public or staff. Commissioner Mundinger said that she would like to piggyback on Ms. Christensen comments stating there is not parking in the cul-de-sac on Petra Court but, there is parking on the current cul-de-sac on Paintbrush Lane. Building Official Wells explained that there is also no parking permitted in the cul-de-sac on Paintbrush Lane and there may need to be signage installed.

Commissioner Hansen referred to the comments provided by Ryan and Katherine Klett of 708 Paintbrush Lane. Their letter expressed concern that in phase 2, there were covenants, conditions, and restrictions (CC&R's) submitted with the development and in Sagelands Phase 3, CC&R's none are included. Member Hansen would like to know what CC&R's were included in phase two that are not included in phase 3. He would have concerns if manufactured homes were allowed in phase 3 but not in phases one and two. This could reduce property values in the area. Building Official Wells said there are no CC&R's proposed for Sagelands Phase 3. He did go back and pull the CC&R's from phase 2 and discussed similar concerns with City Attorney Howe. He said the City would not regulate the CC&R's and that would be an HOA. Regarding Member Hansen's concerns, manufactured homes are allowed in accordance with our Omak Municipal Code. The City would make someone aware of covenants and restrictions on the plat. Member Hansen asked why Sagelands Phase 3 not conform to the other phases.

Shane Kitchen – Applicant of Sagelands, Phase 3

Mr. Kitchen explained that he had not thought of CC&R's but were planning on homes similar to those in phase one and two. He would like to keep the development consistent to what is already there and construct stick-built homes. He is not planning on constructing the homes as, he will just be developing the lots and selling them. Member Hansen

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ZOOM HYBRID MEETING
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again expressed concern about this current application not containing the CC&R's. Ms. Christensen stated that when she purchased her home, she was provided a sheet of paper with covenants and some of those were stick built homes, setbacks for fencing and the type of roofing materials. She has owned the home since 2009 and there has never been a Homeowner's Association established.

Brian Power – 602 Jackson Street

Mr. Power asked if there are changes to the original platting and city requirements in the new plat, road widths, infrastructure and turn radius. Building Official Wells said that this phase conforms with the original plat.

There were no further questions or comments from public or staff so, the testimony of the public hearing was closed at 6:01 pm.

Chairwoman Okland said the subject is now open for discussion amongst the Planning Commission members. Member Okland asked again about the covenants. Building Official Wells said again, the City of Omak will not enforce covenants as it is the responsibility of the buyer of the land. Member Hansen said that he understands the City will not enforce CC&R's but for the continuity of Sagelands Phase 3, having the covenants in place will give the new owners something to work with. He is uncomfortable with just sending a recommendation to Council based on the staff report and wants to make sure City Council is aware there are no covenants with this development. Applicant, Shane Kitchen told the Commission that he will review the CC&R's for phase 2. He is going to assume they will keep them as he doesn't want to make phase 3 different than phase one and two. Without reviewing the CC&R's he is not going to say for sure they will add those in but, he wouldn't see a problem keeping the phases similar. He also mentioned the attraction to the property was to continue developing what is already there.

Councilmember Okland asked for a motion. Member Munding moved, seconded by Member Potter that the Long Plat application be forwarded to city Council with the recommendation of approval with concurrency of staff recommendation and conditions laid out in the Staff Report, with considerations for CC&R's. Motion carried.

New Business:

Set Public Hearing – Transportation Element of the Comprehensive Plan – May 4, 2021

Building Official Wells told the Commissioners that the Transportation Element packet has been sent out to agencies for comment. He will publicize the public hearing for May 4, 2021. He will ensure each member is emailed an electronic version of the packet and a hard copy can be picked up at Omak City Hall.

Other Business:

City Update – Tyler Wells

Member Potter asked Mr. Wells about the new housing. Mr. Wells explained that Meadowlark will be located off Jonathan directly behind Harbor Freight. They will be developing a portion of the street and sidewalk toward Quince Street.

Member Munding asked when the Sageland Phase 3 would begin construction. Building Official Wells explained that the letter of transmittal from the Planning Commission will go to Council on April 19th. If Council approves the application, then construction can start. Council will need to consider final approval of the development after everything is built out. Member Schneider asked about access from the North School playground through Sagelands Phase 3 as parents and students use that as access. Building Official Wells said the access is still available. The Commissioners spent some time looking at the parcel on mapsifter.

As there was no further business, the meeting was adjourned at 6:35 p.m.

SIGNED:

Stacey Okland, Chair

Connie Thomas, City Clerk

STAFF REPORT

DATE: March 30, 2021

TO: Staff / Planning Commission

FROM: Tyler Wells, Building Official/Permit Administrator

RE: Preliminary Plat Approval – Sagelands Phase 3 Subdivision

Background:

Shane Kitchen of Mount Vernon, Washington, has submitted an application for and is seeking preliminary approval of the Sagelands Phase III Subdivision. The proposed subdivision, which also includes a request to deviate from street design standards as defined in Omak Municipal Code Section 17.32, entails the platting of a 3.39 Acre lot into 15 individual lots for single family residences. Access is planned through the continuation of Koala Ave.

This subdivision was formally called Hillview Park when phase 1 was platted by United Builders in 1996. The previously approved preliminary plat proposed to subdivide 9.33 Acres into 39 residential lots. Phase 1 (lots 1-6) was granted final approval in 1996 and has been built out. During phase 2, new owner, DJ Building Consultants changed the official name of the plat to Sagelands. Phase 2 entailed 18 additional lots and was granted final approval in 2006 and has been built out. Phase 3 conforms to the original plan and is proposing that the 15 remaining lots be subdivided with access being provided by a continuation of Koala Ave., and a new cul-de-sac to be named Petra Court.

Location Information:

Parcel # 3426260375. There is currently no address for this location.

The project site is located in the northwest quarter of the southeast quarter of the northeast quarter of Section 26, Township 34 North, Range 26 E.W.M., Okanogan County, Washington.

Comprehensive Plan Designation:

The subject property is designated as "Low Density Residential" in the "Greater Omak Area Comprehensive Plan" last updated on June 3, 2019.

Current Zoning:

The subject property is zoned "Residential Single Family" by Title 18 of the Omak Municipal Code and as per the official City of Omak Zoning Map.

Floodplains, Shorelines, Critical Areas, SEPA and Other Environmental Constraints:

The subject property is not located within the mapped floodplain protected zone or jurisdiction, however portions of the property are within an area designated as having a moderate/high aquifer recharge potential as per the City of Omak Critical Areas Map.

A SEPA checklist was submitted as required, and was circulated for comments to city staff and appropriate agencies. A determination of Non-Significance was issued and published in the City's newspaper of record on February 24, 2021.

Reviewing Agencies:

The land use application, SEPA checklist and related information was circulated among appropriate agencies and City Staff beginning on February 18, 2021. Written comments from city staff, other agencies and the public will be included in the project file. A notice of application was published in the Omak/Okanogan Chronicle on February 24, 2021, a notice of public hearing was published in the Omak/Okanogan Chronicle on March 10, 2021, and these notices were also mailed to all landowners

within three hundred feet of the proposal. Also, the property was posted in accordance with Omak Municipal Code Title 19.

Comments Received:

All comments are contained in the project file. As of the date this staff report was prepared comments have been received from the following: City Staff, Okanogan County Public Works, Department of Archaeology & Historic Preservation, City engineers Gray & Osborne, and two citizens; Bethany Kirk, 712 Paintbrush Lane, and Ryan and Katherine Klett, 708 Paintbrush Lane.

Both citizens are glad to see that the proposed development includes an easement for a walking path to North Omak Elementary School.

On the topic of the deviation request, both the Omak Fire Chief and Public Works Director are not opposed to this proposal, as long as no on-street parking is permitted and signed accordingly on all portions of Petra Court and cul-de-sac, and all other road construction standards are followed.

Recommendation:

Staff recommends that the Planning Commission recommend preliminary approval of the proposed Sagelands Phase 3 Subdivision to the City Council with the following conditions required to be met prior to the granting of final approval.

1. That proposed mitigation measures or other proposed means to reduce, minimize or eliminate potential negative impacts to the environment identified in the SEPA Checklist be completed. The method, timing and responsibility for addressing the proposed and/or required mitigation measures will be subject to City review and approval. Compliance with the agreed upon measures will be required prior to final approval of the plat or issuance of any building permits. The City Building Official will be the city official responsible for ensuring compliance with this condition.
2. That plans for streets, utilities, sewer, storm drainage, and necessary fire suppression ect... and other proposed and/or required improvements be prepared by a Washington registered professional engineer then submitted for review and approval by the city, agency, or department as appropriate (eg. electricity, cable, irrigation), in writing, prior to construction. Required improvements are specified in the City's Subdivision Ordinance, Chapter 17.28.
3. All improvements, including but not limited to, roads, water and sewer lines, and storm drainage facilities shall be built or bonded in their entirety or some other means developed satisfactory to the City to ensure required improvements are completed in a manner acceptable to the City. Said improvements shall be located within proposed City rights-of-way and utility easements and as such will be owned, operated and maintained by the City.
4. All improvements shall be inspected by appropriate City Public Works staff during construction, all required tests witnessed 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. Failure to insure inspections or witness of tests and/or failure to provide required as-built drawings will result to withholding of final plat approval.
5. That the plat for the subdivision be prepared in accordance with the requirements of Title 17 of the Omak Municipal Code and be reviewed and approved, in writing, by the City prior to filing with the County Auditor.
6. That the required right-of-way and/or easements shall be dedicated by the developer and recorded with the County Auditor immediately following completion of construction and prior to acceptance by the City.
7. That a development agreement be reached between the applicant and the City that details the timing and responsibility for utility and road construction and other requirements of approval of this plat.

8. That there shall be no parking on all portions of Petra Court and within the cul-de-sac at the Southern end of Petra Court and all signs shall be posted and maintained.
9. That the applicant shall be responsible for the installation of electrical service as required by PUD #1 of Okanogan County.
10. An Inadvertent Discovery Plan must be in place and submitted to the City before any ground disturbing activities commence.
11. The E911 Address for each lot must be shown on the face of the Plat.

Findings of Fact:

1. That all the requirements of Chapter 17.20 of the Omak Municipal Code were followed in the processing of the Subdivision/Long-Plat request.
2. That a SEPA "DNS" was issued on February 24, 2021 and was not appealed.
3. That the proposed plat is consistent with the "Greater Omak Area Comprehensive Plan", specifically the section on the "Low Density Residential" designation.
4. That landowners within three hundred feet of the proposal were notified by mail on February 24, 2021 and March 10, 2021. Notices were published in the Omak/Okanogan Chronicle and notices were posted in accordance with Omak Municipal Code Title 19.
5. That adequate water for domestic as well as fire suppression purposes are available for the development.
6. That adequate sewer service is available to serve the development.
7. That stormwater runoff will be handled on site in compliance with the Eastern Washington Stormwater Management Manual, as it exists at the time of plat approval.
8. That the approval of the plat does not represent the granting of special privileges to the applicant.
9. That the public interest will be served by approval of the plat.
10. That all interested persons were given the opportunity to comment on the proposal.

Recommended Motion:

Move to recommend preliminary approval of the Sagelands Phase 3 Long Plat to the City Council subject to the conditions and findings in the Staff Report.

Tyler Wells
Building Official/Permit Administrator
March 30, 2021