



Board of Adjustment Meeting Minutes

A regular meeting of the Okanogan County Board of Adjustment was held on October 18, 2011 at 7:30 p.m. in the Commissioners' Hearing Room, 123 5th Avenue North, Okanogan, Washington.

BOARD OF ADJUSTMENT MEMBERS present included: Chair Steve Kunkel, Vice Chair Harlan Warner, Board Member George Hoksbergen, Board Member Dan DeWeert, and Board Member Dan Christensen.

OKANOGAN COUNTY STAFF in attendance included: Director of Planning Perry Huston, Planner II Randy Johnson, and Administrative Secretary Sharon McKenzie.

APPELLANT/APPLICANTS OR THEIR REPRESENTATIVES in attendance: Jack Goodell, Dan Young and Patrick Kavanaugh.

OTHERS in attendance: Jared Ramsey and Jeff Spurgeon.

The meeting was called to order Chair Kunkel at 7:30 p.m.

Approval of the Agenda

Board Member DeWeert moved to approve the October 18, 2011 agenda Vice Chair Warner seconded the motion. Motion passed.

Approval of August 16, 2011 Meeting Minutes

Vice Chair Warner moved to approve the August 16, 2011 meeting minutes as amended. Board Member DeWeert seconded the motion. Motion was passed.

Public Hearing: Item #1

❖ Resolution 2011-3 Beyer VAR 2011-4

Chair Kunkel opened the meeting with the Resolution 2011-3 Beyer VAR 2011-4. Planner II Randy Johnson presented a summary of the variance and noted the Resolution approving the variance was before the Board. He reviewed the Conditions of Approval. It was noted there should be a correction on Line 7 stating the property was located "outside" Twisp.

Board Member DeWeert moved to adopt Resolution 2011-3 for the Beyer VAR 2011-4 which includes Attachment A – Don Beyer Variance 2011-4, Attachment B - the Findings of Fact, and Attachment C - Conclusions of Law with the correction to Line 7. Vice Chair Warner seconded the motion. Motion passed.

Public Hearing: Item #2

❖ Shull's Warehouse VAR 2011-5

Chair Kunkel asked Planner II Randy Johnson to present the project summary of the **Shull's Warehouse VAR 2011-5**. Planner II Johnson explained the proposed location is in the Minimum Requirement District and zoned intensive agriculture. He said the applicant has applied for a variance from the setback regulations for a 70' x 70' x 30' addition to an existing warehouse. The request is for a 5' setback from the northwest property line and a 25' setback from the northeast property line. The property is located in the Minimum Requirement District which requires commercial setbacks of two horizontal feet for every one foot of vertical height. The height of the structure is 30' requiring setbacks of 60' from all property lines. He presented a parcel summary explaining the parcel has had existing Conditional Use Permits for the towing and wrecking yard operations (CUP 73 for an auto wrecking yard, CUP 84 for an auto wrecking hold area, CUP 97-5 to expand the existing auto wrecking yard, and AVAR 2004-3 for a 3' deviation from commercial setbacks of 28' for the 14' tall existing warehouse/office). He explained if this variance is approved, the proponent will do a parcel consolidation of the two parcels because the north end of the new warehouse extends into one of the parcels. He explained part of the requirements will be meeting the fire code which requires the south wall to meet fire wall regulation as determined by the Building Department as noted in Attachment E.

Chair Kunkel asked the Proponent to come forward to speak to the issue.

Jack Goodell residing in Brewster came forward noting that the proposed construction will be five feet from the Swezey property.

Board Member DeWeert said a neighbor of the project had told him he thought it is a good idea. It was noted by Chair Kunkel this comment to Board Member DeWeert appeared to be exparte communication. Chair Kunkel asked if any member of the audience had any objection to Board Member DeWeert remaining seated on the Board for this proposal. There being no objections, Board Member DeWeert remained seated and Chair Kunkel continued the hearing.

Chair Kunkel asked if there were any further questions for the Proponent from the Board Members. There being no further questions, Chair Kunkel opened the hearing to public testimony. There being no testimony, Chair Kunkel closed the hearing to public testimony.

There being no further questions, he said he would entertain a motion.

Board Member DeWeert moved to approve **Shull's Warehouse VAR 2011-5** subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval. Board Member Hoksbergen seconded the motion. Motion passed.

Director Huston explained the new process for approvals by the Board of Adjustment. The Board would decide if the proposal should be approved or denied. He said the Board can also decide if they wish to continue the hearing. He said Staff would prepare recommendations in the Staff report for these options.

Public Hearing: Item #3

❖ Ram/Z Excavating CUP 2011-5

Chair Kunkel asked Planner II Randy Johnson to present the project summary of the **Ram/Z Excavating CUP 2011-5**. Planner II Johnson explained the project is in the Minimum Requirement District and zoned intensive agricultural. Daniel Young of Ram/Z Excavating & Construction Gravel Source submitted an application for a Conditional Use Permit to mine gravel in the front two thirds of the property and blasting hard rock on the back third of the property to lower the parcel elevation slightly above the highway grade in the front and sloping to the back to contain water on the site. The property is located 1.3 miles north of Ellisforde on the East side of Highway 97. He said the Proponent will be selling rock products for local use with the intent of developing the site for future industrial use. He said no permanent structures are intended at this time. Planner II Johnson explained the necessary permits required by Washington State WAC and RCW and Okanogan County Code.

Planner II Johnson addressed the question regarding site containment of explosives explaining the Proponent was here to answer specific questions about the project.

Chair Kunkel asked the Proponent to come forward to speak to the issue.

Daniel Young residing in Snohomish & Tonasket, WA came forward and addressed the question of the explosives and explosive storage on site. He said the magazines and all explosives would be controlled by the contracted blaster. He said there would be no long term storage on site. It was noted compliance with all Federal, State and Local laws or requirements are addressed in the SEPA Checklist included with the application.

Senior Planner Ben Rough clarified if there is an issue addressed in the Staff Report and if the permit requested by the Proponent is approved, even though the issue may not be specifically mentioned in the Conditions of Approval, the proponent has to comply with all laws and conditions of the permit. He said the Board can add conditions addressing the issue even though it is already covered by the Federal, State, or Local law.

Planner II Johnson noted the State law requires a certified blaster.

Director Huston requested clarification from the Board that their concern is with on-site storage of explosives. After discussion, the Board requested to add the condition stating if explosives are stored on-site, the Proponent must be in compliance with Federal, State and Local laws and regulations.

Chair Kunkel asked if anyone wished to testify. There being no testimony, Chair Kunkel closed the hearing to public testimony

Chair Kunkel asked if there were any further questions. There being none, he said he would entertain a motion.

Board Member Christensen moved to give preliminary approval for **Ram/Z Excavating CUP 2011-5** directing Staff to prepare the enabling documents, Findings of Fact, Conclusions of Law, and Conditions of Approval which are to include “storage of explosives on-site being in compliance with Federal, State and Local laws and regulations”. Board Member DeWeert seconded the motion. Motion passed.

Board Member DeWeert moved to continue **Ram/Z Excavating CUP 2011-5** public hearing to consider the enabling documents including Findings of Fact, Conclusions of Law, and Conditions of Approval to the next regularly scheduled meeting on November 15, 2011 at 7:30 PM. Board Member Dan Christensen seconded the motion. Motion passed.

Public Hearing: Item #4

❖ Kavanaugh St. Anna Living Trust VAR 2011-6

Chair Kunkel asked Planner II Randy Johnson to present the project summary of the **Kavanaugh St. Anna Living Trust VAR 2011-6**. Planner II Johnson explained the property is zoned Rural Residential and the applicant has applied for a variance from the setback regulations for a 16' x 30' x 13' plus 2' overhang carport. The request is for an 8' setback from the northwest property line and a 3' setback from the northeast property line. The north property line is 27' south from the edge of Highland Road which includes a utility easement. The parcel has had a site analysis done for a 29' x 37' x 33' home which was approved on May 15, 2000. The carport site is located parallel to Highland Road and built at the end of an existing parking area on the property. The hardship is due to the terrain and the amount of modifications which would be needed to deal with the terrain issues. .

Chair Kunkel asked the Proponent to come forward to speak to the issue.

Patrick Kavanaugh residing in Seattle, WA came forward and answered questions regarding the 2' overhang of the structure and the overhang's relationship to the easement.

After discussion, it was clarified by both Director Huston and Senior Planner Rough that the eaves cannot encroach on the easement. Mr. Kavanaugh stated the whole structure will be within the property boundaries and there would be no encroachment.

Planner Johnson explained he discussed the variance request with the Maintenance Group of Edelweiss as well as the Okanogan County Building Department and none had objection to the proposal.

Chair Kunkel asked if there were any questions for the Proponent from the Members of the Board. There being no questions, Chair Kunkel opened the hearing to public testimony. There being no testimony, Chair Kunkel closed the hearing to public testimony.

Chair Kunkel asked if there were any further questions. There being none, he said he would entertain a motion.

1 Board Member DeWeert moved to approve **Kavanaugh St. Anna Living Trust VAR 2011-6**
2 subject to the Finding of Fact, Conclusions of Law, and Conditions of Approval which shall
3 include clarification of location of eaves of the proposed structure. Board Member Warner
4 seconded the motion. Motion passed.

5 **Old Business:**

6 Chair Kunkel asked if there was any old business. There was none.

7 **New business:**

8 Vice Chair Warner asked Director of Planning Perry Huston what can be done regarding the
9 quandary of getting a quorum. It was noted the lack of a quorum causes unnecessary travel as
10 well as delay of business applications.

11 Director Huston suggested there may be an opportunity to change the By Laws. He said he
12 was not aware in the case of the Board of Adjustment of a requirement there has to be a
13 quorum by law. He said he will research the question. He said if it can be done, a By Law
14 change would have to go to the Board of County Commissioners for ratification.

15 The Board Members asked Staff to research alternatives regarding quorums and present them
16 at the next meeting.

17 The Board Members requested Staff to provide clearer drawings in the future on variance
18 requests.

19 Chair Kunkel adjourned the meeting at 9:30 PM.

20 ***Summary of Motions***

21 ***Board Member DeWeert moved to approve the October 18, 2011 agenda Vice Chair***
22 ***Warner seconded the motion. Motion passed.***

23 ***Vice Chair Warner moved to approve the August 16, 2011 meeting minutes as amended.***
24 ***Board Member DeWeert seconded the motion. Motion was passed.***

25 ***Board Member DeWeert moved to adopt Resolution 2011-3 for the Beyer VAR 2011-4***
26 ***which includes Attachment A – Don Beyer Variance 2011-4, Attachment B - the Findings***
27 ***of Fact, and Attachment C - Conclusions of Law with the correction to Line 7. Vice Chair***
28 ***Warner seconded the motion. Motion passed.***

29 ***Board Member DeWeert moved to approve Shull's Warehouse VAR 2011-5 subject to***
30 ***Finding of Fact, Conclusions of Law, and Conditions of Approval. Board Member***
31 ***Hoksbergen seconded the motion. Motion passed.***

32 ***Board Member Christensen moved to give preliminary approval for Ram/Z Excavating***
33 ***CUP 2011-5 directing Staff to prepare the enabling documents, Findings of Fact,***
34 ***Conclusions of Law, and Conditions of Approval which are to include "storage of***

35 *explosives on-site being in compliance with Federal, State and Local laws and*
36 *regulations”. Board Member DeWeert seconded the motion. Motion passed.*

37 *Board Member DeWeert moved to continue Ram/Z Excavating CUP 2011-5 public hearing*
38 *to consider the enabling documents including Findings of Fact, Conclusions of Law, and*
39 *Conditions of Approval to the next regularly scheduled meeting on November 15, 2011 at*
40 *7:30 PM. Board Member Dan Christensen seconded the motion. Motion passed.*

41 *Board Member DeWeert moved to approve Kavanaugh St. Anna Living Trust VAR 2011-6*
42 *subject to the Finding of Fact, Conclusions of Law, and Conditions of Approval which*
43 *shall include clarification of location of eaves of the proposed structure. Board Member*
44 *Warner seconded the motion. Motion passed.*

45 Respectfully submitted,
46 Sharon S. McKenzie
47 Administrative Assistant
48 Okanogan County
49 Office of Planning & Development