



Board of Adjustment Meeting Minutes

A regular meeting of the Okanogan County Board of Adjustment was held on November 15, 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, Board Member Harlan Warner, Board Member Dan DeWeert, and Board Member Dave Hanna.

OKANOGAN COUNTY STAFF in attendance included: Director of Planning Perry Huston, Planner II Randy Johnson and Clerk of the Board Laleña Johns.

APPELLANT/APPLICANTS OR THEIR REPRESENTATIVES in attendance: Larry Darley and Dallas Darwood

OTHERS in attendance: Jared Ramsey, Jeff Sackman, and Jerry M. Darwood.

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

Approval of the Agenda

Perry Huston, Director of Planning, suggested moving the discussion item to a later time. He felt there was no reason to delay the Public Hearing items.

Board Member Hanna moved to approve the November 15, 2011 agenda as amended. Board Member DeWeert seconded the motion. Motion passed.

Approval of October 18, 2011 Meeting Minutes

Board Member Hanna moved to approve the October 18, 2011, meeting minutes as presented. Board Member DeWeert seconded the motion. Motion was passed.

Public Hearing: Item #1

❖ Resolution 2011-4 Ram/Z Excavating Cup 2011-5

Chair Kunkel requested Planner II Johnson to review Resolution 2011-6 Ram/Z Excavating Cup 2011-5. Randy Johnson explained the CUP was for construction of a gravel source. He said an adjustment was made to a Condition of Approval regarding the blasting portion which stated all federal state and county laws are to be followed in order to store the explosives on site.

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

Board Member Warner moved to approve **Resolution 2011- 6 Ram/Z Excavating Cup 2011-5** subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval. Board Member Hanna seconded the motion. Motion passed.

Public Hearing: Item #2

❖ Scheideman VAR 2011-7

Chair Kunkel asked Planner II Randy Johnson to present the project summary of the **Scheideman VAR 2011-7**. Planner II Johnson explained the application was submitted by Donald Scheideman. He stated the applicant has applied for a variance from setback regulations for a 992 sq. ft. Boathouse/Shop. The request is for a 5' setback from the north property line to build the boathouse. The north property line borders a private access easement to the lake, but the setback would not affect the use of the easement by other homeowners.

The property is located 2 1/2 miles north of Prince's off Highway 97 on South Lakeshore Drive. The parcel is a .57 acre lot zoned suburban residential with setbacks of 25 ft. front and rear and 5' from the sides. Planner Johnson said no comments were received from interested agencies other than the Okanogan County Building Department and no comments were received from adjacent residents. He said the Okanogan County Building Department did comment with a required fireproofing of the wall located 5' ft. from the property line to meet fire codes.

Board Member Warner asked who holds the easement on the road. Planner Johnson said it belongs to the track for use by the property owners. He noted Attachment C shows the layout of the track and Attachment D shows the 30 ft. easement to the lake.

Chair Kunkel requested the Staff Report be entered into the record.

Chair Kunkel asked if the Proponent's representative would like to come forward to speak to the issue.

Larry Darley residing in Okanogan, WA and representing the proponent Donald Scheideman spoke on behalf of his client. Larry Darley stated the easement is for the Guy Fisher development which presently owns access to the lake. It is not a through street and normally there would be a 25 ft. setback on both sides. He said zoning treats the areas like there is no through or high speed traffic. He noted the County would not be maintaining the road. He said there won't be impacts by the boathouse being placed five feet from the easement versus 25 feet from the easement. He said there are height restrictions which will not be affected by the use of the easement. He noted other property owners with similar shaped parcels would not have problems building five feet from the property line.

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 questions or discussion from the Board. There being none, he said he would entertain a motion.

Board Member DeWeert moved to approve **Scheideman VAR 2011-7** subject to the Finding of Fact, Conclusions of Law, and Conditions of Approval. Board Member Warner seconded the motion. Motion passed.

Public Hearing: Item #3

❖ Darwood Impound Yard CUP 2011-9

Chair Kunkel asked Planner II Randy Johnson to present the project summary of the **Darwood Impound Yard CUP 2011-9**. Planner II Johnson explained the applicant Dallas Darwood, dba Classic Towing, submitted an application for a Conditional Use Permit to temporarily store towed vehicles in his 50' X 50' storage yard. Planner Johnson said the area is fenced off and has a 8' X 20' mobile office with two parking stalls for his 2 tow trucks. He said the property is located approximately 2 miles south of Twisp, WA. on SR 20. He noted two comments were received from the adjacent landowners that requested the proponent provide down shielded lighting if the lot is to be lit, landscaping or site obscuring fencing, and commercial access to SR 20. He noted the fencing is already in place.

Chair Kunkel asked if there were questions for Planner II Johnson. There being none, Chair Kunkel asked the Proponent to come forward to speak to the issue.

Dallas Darwood residing in Twisp, WA. came forward and explained there has been a home based business at the proposed location for forty years. He said this request shouldn't be any different than what has currently been going on there. He said he currently has one employee but will likely hire a second. He said he owns two tow trucks and feels there is no need to have flashing lights or bright lights in the yard. Mr. Darwood said the business will not be operated any differently than it has been in the past. He noted there is some motion sensor lighting in place on the outside of the building and there would be lighting inside but he is not planning on installing additional big lighting fixtures.

Board Member Hanna asked why there is an employee handbook for one employee. The proponent answered it is for safety reasons. Board Member Hanna asked if the proponent intended on building anything along the current fence line or whether there is currently anything along the fence line. The proponent answered there are numerous pine trees and a small shed along the fence line. He stated he intends on planting more trees for a wind break. Board Member DeWeert asked if he understood the approach rules of the Department of Transportation (DOT). Mr. Darwood replied that he is familiar with DOT requirements.

Chair Kunkel asked if there were any other questions for the Proponent. There being none, 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 questions from the Board. There being none, he said he would entertain a motion.

Board Member Warner moved to give preliminary approval for **Darwood Impound Yard CUP 2011-9** directing Staff to prepare the enabling documents, Findings of Fact, Conclusions of Law, and Conditions of Approval, which will be considered at the next regularly scheduled meeting, December 20, 2011 at 7:30 PM in the Commissioners Hearing Room. Board Member DeWeert seconded the motion. Motion passed.

Director of Planning Perry Huston explained the process of adopting the Conditional Use Permits and appeals process. He said he is working on a public hearing process. Appearance of Fairness was also discussed as was ex parte communications.

Regarding the **Darwood Impound Yard CUP 2011-9**, Board Members discussed their desire to

not hold up the adoption process of the CUP for another month if they don't have to. Director Huston replied waiting a month to have enabling documents prepared gives the Board a chance to ensure all conditions are included and correct. In terms of the variances, a letter would go out to the applicant stating approval or not.

Board Member Warner asked if someone raised concerns about ex parte communications, when would or should it be voiced. Director Huston replied it is up to the Board Member to point out when things do not appear to be fair.

Director of Planning Perry Huston will create a process sheet that will walk the Board through the hearings.

Old Business:

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

New business:

Chair Kunkel asked if there was any new business. There was none.

Chair Kunkel adjourned the meeting 8:05 PM.

Summary of Motions

Board Member Hanna moved to approve the November 15, 2011 agenda as amended. Board Member DeWeert seconded the motion. Motion passed.

Board Member Hanna moved to approve the October 18, 2011, meeting minutes as presented. Board Member DeWeert seconded the motion. Motion was passed.

Board Member Warner moved to approve Resolution 2011- 6 Ram/Z Excavating Cup 2011-5 subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval. Board Member Hanna seconded the motion. Motion passed.

Board Member DeWeert moved to approve Scheideman VAR 2011-7 subject to the Finding of Fact, Conclusions of Law, and Conditions of Approval. Board Member Warner seconded the motion. Motion passed.

Board Member Warner moved to give preliminary approval for Darwood Impound Yard CUP 2011-9 directing Staff to prepare the enabling documents, Findings of Fact, Conclusions of Law, and Conditions of Approval, which will be considered at the next regularly scheduled meeting, December 20, 2011 at 7:30 PM in the Commissioners Hearing Room. Board Member DeWeert seconded the motion. Motion passed.

Respectfully submitted,
Laleña Johns
Clerk of the Board