



Okanogan County Board of Adjustment Meeting Minutes

1 A regular meeting of the Okanogan County Board of Adjustment was held on November 19
2 2013 at 7:30 p.m. in the Commissioners' Hearing Room, 123 5th Avenue North, Okanogan,
3 Washington.

4 **BOARD OF ADJUSTMENT MEMBERS** present included: Chair Steve Kunkel, Vice Chair
5 Harlan Warner, Board Member Loren Holthaus, Board Member Dave Hanna, Board Member
6 Dan Christensen, and Board member Dave DeWeert

7 **OKANOGAN COUNTY STAFF** in attendance included: Director of Planning Perry Huston,
8 Planner II Randy Johnson and Natural Resource Senior Planner Charlene Schumacher.

9 **APPELLANT/APPLICANTS OR THEIR REPRESENTATIVES** in attendance: George and
10 Candy Hoksbergen.

11 **OTHERS** in attendance: Dave Hopkins and Chris Hopkins.

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

13 Approval of the November 19, 2013 Agenda

14 The Board of Adjustment Members approved the November 19, 2013 Agenda by consensus.

15 Approval of September 17, 2013 Meeting Minutes

16 Board Member Warner moved to approve the September 17, 2013 meeting minutes. Board
17 Member Holthaus seconded the motion. Motion was passed.

18 Old Business

19 Public Hearing #1 - Continuance

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- Pipestone Canyon Ranch – VAR 2013-2
 - No questions of staff, Director Huston Commissioner DeWeert entered the room, has a potential conflict, Mr. DeWeert excused himself. Conclusion of last meeting closed public comment, now open to proponent to address testimony heard at the last meeting. Only issue is whether the application meets the criteria.
 - Mr. Hoksbergen, applicant for Pipestone Canyon Variance. Gave brief history of parcel. Parcel used for commercial purposes, variance only opportunity to bring into compliance with OCC. Want to make application for PD, not what PD could be in the future. Read 17.33.080. Gave brief history of adjacent properties. Quoted staff report, standards and
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- 29 criteria, uses of neighboring properties; 2 homes on 3.66 acres, an art studio, a boarding
30 facility and indoor riding arena. Boundary Line Adjustment reduced acreage to current.
31 All infrastructures in place for desired outcome of Planned Development. Topography
32 creates natural barrier. Read staff report, land use, para 3 granting of variance will not
33 affect public welfare. The issue is the property is thirty acres instead of the required 40.
34 Para 4, standards- economic benefit not grounds for granting or denying variance. Staff
35 analysis is the proposal does not propose economic benefit or deficit.
- 36 • Mr. Hoksbergen thanked the BOAs for time in consideration of variance in advance of
37 application for planned development.
 - 38 • Question in summary is property is in the Methow Review District uplands 20 which
39 requires 40 acres for application of planned development? Yes, property is 30 acres; the
40 approval will not change the look of property just gives opportunity to ask for planned
41 development. Step one of at least a 2 step process.
 - 42 • You are asking to get variance of 40 acre planned development (PD), so you are not
43 asking for PD? Correct, just a variance from 40 so can request PD. How do you see the
44 PD process working? Whoever makes decision on PD, just asking today for variance
45 from 40 acre requirement? Only avenue I have to come into compliance. Granting of
46 this variance does not necessarily guarantee approval of PD. Still have option of
47 pursuing PD, no, if request for variance denied, then must seek appeal through superior
48 court. Asking permission to ask permission for PD. Concern is whether this board
49 should take action to approve knowing you don't meet requirement for PD.
 - 50 • Huston – variance by definition difficult to explain – the question is not whether a good
51 idea for PD or whether a PD should be denied. The hurdle right now is what is unique
52 about this subject parcel that strict interpretation of code denies this parcel the rights
53 other would enjoy, the problem is only 30 acres not the 40 required. Unique is not being
54 too small, have you heard evidence in this record that makes it stand out. If being smaller
55 is unique, then anyone with less than minimum acreage could ask for variance. What
56 about his parcel makes it a unique characteristic to allow variance, tied vary tightly to
57 criteria. Good or bad is not the question. Lot line setback, topography could be unique,
58 but even then you can ask can structure be placed somewhere else. Has the requirement
59 deprived landowner of all reasonable uses. Frankly, the standard to be applied here is
60 what is unique about this property. That is the discussion I need to hear, one way or the
61 other, deny or approve so that I can move forward.
 - 62 • Question in back – testimony is not open, public comment closed at last meeting. Just
63 discussing info received at last meeting. No testimony is going to be taken, audience
64 member argued that questions had not been answered and he had information, Chairman
65 Kunkel denied the opportunity to come forward.
 - 66 • Record compiled to date does not support the request to approve variance. Acreage
67 requirements were adopted prior to current landowner purchase. Nothing has been
68 adopted since purchase.
 - 69 • Meets or doesn't meet if proponent met criteria, must state what evidence supports
70 decision.
 - 71 • Commissioner Hanna moved to deny the application, Commissioner Warner 2nd, motion
72 to deny variance request approved unanimously. Resolution will be prepared so
73 ordering.

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75 **New Business**

76 – Hearing examiner, BOCC trial period of 1 year utilizing hearing examiner, next meeting to tidy
77 up this issue. No other immediate meetings scheduled. Go hot December 2013, nothing new
78 scheduled in front of BOA for immediate future. None

79 There being no other business, Chair Kunkel adjourned the meeting 8.01 PM.

80 **Summary of Motions**

81 *Board Member Holthaus move to approve the Agenda as presented. Board Member Warner*
82 *seconded the motion. Motion was passed.*

83 *Board Member Warner moved to approve the September 17, 2013 meeting minutes as*
84 *presented. Board Member Holthaus seconded the motion. Motion was passed.*

85 *Board Member Hanna moved to deny the Pipestone Canyon Ranch Variance 2013-2, and direct*
86 *Staff t draft a resolution which will deny the variance. Board Member Warner seconded the*
87 *motion. Motion passed.*

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89 Respectfully submitted,
90 Charlene Schumacher
91 Natural Resource Senior Planner