



## Board of Adjustment Meeting Minutes

A regular meeting of the Okanogan County Board of Adjustment was held on May 17, 2011 at 7:30 p.m. in the Commissioners' Hearing Room, 123 5th Avenue North, Okanogan, Washington.

**BOARD OF ADJUSTMENT MEMBERS** present included Vice Chair Harlan Warner, Board Member Loren Holthaus, Board Member Dan Christensen, and Board Member Dave Hanna.

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

**APPELLANT/APPLICANTS OR THEIR REPRESENTATIVES** in attendance: Don Coleman, Raye Evans, and Joe Williams.

**OTHERS** in attendance: Thomas Willi, Sheila Horner, Gordon Horner, A. C. Morgan, Dean Hills, Mary Ann Bullock, William Bullock, and Dough Marsh

The meeting was called to order by Vice Chair Harlan Warner at 7:30 p.m.

### **Approval of the Agenda**

The Board of Adjustment approved the May 17, 2011 Agenda by consensus.

### **Approval of May 17, 2011 Meeting Minutes**

Board Member Holthaus moved to approve the May 17, 2011 meeting minutes as corrected. Board Member Christensen seconded the motion. Motion was passed.

### **Public Hearing: Item #1**

#### **❖ Omak Aggregate, Inc. CUP 2011-1 - Continuance**

Vice Chair Warner asked Planner II Randy Johnson to present the project update of the **Omak Aggregate, Inc. CUP 2011-1**. Planner II Johnson said this continuance was due to issues brought up at the April meeting regarding the view corridor. He explained the Memorandum sent to the Board Members. He said the map attached to the Memorandum was created by Staff to help identify for the Board the view corridors looking to the north from Airport Road. Planner II Johnson explained how the calculations were created. He said at the mid-point of the property, the stock piles would need to be 21.9' in order to be out of the view corridor. He noted the photo provided along with the map showed the current stockpiles.

Planner II Johnson said the Proponent had received the same information. He explained the stockpiles would have to come down further the closer to Airport Rd.

Vice Chair Warner asked if there were any other questions for Staff.

Board Member Dan Christensen disclosed that he is related to Sheila Horner, a member of the audience and a commenter to the project. He felt this was an appearance of fairness issue that needed to be disclosed. He further stated he could hear the project without bias.

Senior Planner Ben Rough explained the appropriate procedure in the event Board Member Christensen was recused. He said if Board Member Christensen is recused, since the meeting stated with a quorum, the quorum would still stand.

Vice Chair Warner called for any objections from the audience.

Proponent Raye Evans objected to Board Member. Christensen's participation and requested he be recused.

Vice Chair Warner poled the Board Members:

- Board Member Hanna stated he felt it would not be appropriate for Board Member Christensen to participate in the project hearing.
- Board Member Holthaus state he had no problem with Board Member Christensen staying seated
- Vice Chair Warner stated Board Member Christensen should recuse himself.

Board Member Dan Christensen recused himself from hearing the Omak Aggregate, Inc. CUP 2011-1.

Vice Chair Warner called on Proponent Raye Evans, agent of Omak Aggregate, Inc., to speak to the issue. Ms. Evans presented a packet of information to each Board Member. She suggested the Board begin reviewing the packet by looking at the map identified as item 12 which identified the stockpile height for the proposed view corridor on a site specific map.

Ms. Evans stated the focus of the Condition Use Permit (CUP) application was for project approval and making sure the project is in compliance with the Okanogan County Code as well as the requirements and permitting of other agencies. She stated the request is to receive an approval of the CUP which amends the original CUP 2003-8. She explained the process the company has been through from the date of purchase to secure permits and correct the problems of the past owner.

Ms. Evans presented a summary history of the project, responded to the Conclusion of Law, the Conditions of Approval, and the SEPA Final Determination. Her responses were documented in the packet presented to the Board of Adjustment Members which included:

- securing all state and federal agency permits and licenses as required;
- drainage and reclamation plans to meet state standards;
- payment of water permit from the Duck Lake Irrigation District;
- establishment of a sanitary control zone,
- approved spill prevention control and counter measures plan,
- approved noxious weed control plan,
- site specific dust control plan,
- noise control plan.

She said Omak Aggregate, Inc. has met all the conditions of the application at this time.

Ms. Evans said they will comply with the standards beyond the code regulation and are going to plant trees as a buffer for the neighbors. She noted page 4 of the packet and the reference to the mitigation for the view corridor.

Vice Chair asked if the Board had any other questions. There being none, Senior Planner Rough referred to Item 1 of the Conditions of Approval and stated any additional conditions proposed by the Proponent verbally or in writing should be acknowledged by the Board of Adjustment and if they feel these conditions are important, the Board should include these conditions as part of the conditional use permit. He also stated the Conclusions of Law and the Findings of Fact should also be approved by the Board if they see fit to approve the project.

Don Coleman representing Omak Aggregate, Inc., noted there will be large stockpiles from time to time job for specific projects.

Board Member Hanna said at the previous meeting, Ms. Evans mentioned there would be very little dust or oil/film leaving the site. Mrs. Evan confirmed the statement.

Vice Chair Warner asked if there were any further questions from the Board. There being none, he asked if the Board was prepared to make a motion.

Board Member Hanna made the motion to approve **Omak Aggregate, Inc. CUP 2011-1** subject to the Finding of Fact, Conclusions of Law and Conditions of Approval which shall include the elevation plan submitted by Proponent, and temporary stockpiles not to exceed 30' as described on page four of the Omak Aggregate report submitted to the Board of Adjustment on May 17, 2011. Board Member Holthaus seconded the motion. Motion passed.

## **Public Hearing: Item #2**

### **❖ WSDOT Early Winters Storage Shed CUP 2011-2**

Vice Chair Warner asked Planner II Randy Johnson to present a summary report of the **WSDOT Early Winters Storage Shed CUP 2011-2**. Planner II Johnson explained that WSDOT submitted the Conditional Use Permit application noting they would do their own SEPA. He said the Planning Staff received letters that said WSDOT did not properly complete the SEPA. He explained the Affidavit of Posting had been mailed to WSDOT with instructions. He said he was notified WSDOT failed to post the notice at the post office per Okanogan County Code. He said Staff received no comments until letters came in from those who did not feel they could respond to the SEPA. He received notification from WSDOT that they were requesting the hearing be continued until the notification error could be corrected.

Senior Planner Rough explained the SEPA process. He said with the notification error, WSDOT indicated they would like to continue the hearing until they could do proper notification. He said if the Board chooses to continue the hearing, the Board may find it appropriate to take testimony from those who came to this evening. He said taking testimony would not invalidate the process.

Joe Williams representing the WSDOT Wenatchee office clarified their SEPA process. He noted on May 16, 2011, WSDOT issued an addendum to the SEPA checklist. He said due to an e-mail from Ms. Willis, WSDOT decided to change the location of the building on the site

plan. He noted the building will be moved 50 – 60 feet away from flood plain. Mr. Williams noted the original location was in the flood plain according to the Okanogan County maps.

Mr. Williams said WSDOT became concerned with the timing of the notification in the newspapers. He said even though the change was minor and per the SEPA requirements in the WAC, they decided to request a continuance. He noted the March 24<sup>th</sup>, 2011 SEPA determination is still valid. Mr. Williams noted the main purpose of the continuance was due to the failure to post the notice at the post office.

Vice Chair Warner asked if the Board has the prerogative to hear the proposal tonight when they know a requirement had not been met.

Senior Planner Rough said yes but whether it brings an appealable issue is another question.

Mr. Williams explained he met with Mazama Advisory Board to address the concerns of the Advisory Board. He said they addressed the lighting issue explaining the lighting would be a sensor light only used when they were working on site. Mr. Williams said the other issue was the use of the parking area during ski and snowmobile season. Mr. Williams has referred the issue to their traffic office. He noted the primary reason for this facility is to eliminate a two hour delay in maintaining the pass.

Vice Chair Warner asked if there were any questions from the Board. There being none, he asked if there were any questions from the Staff. There being none, he opened the meeting to public testimony. There being none, he closed the meeting to public testimony.

Vice Chair Warner said he would entertain a motion.

Board Member Christensen moved to continue the **WSDOT Early Winters Storage Shed CUP 2011-2** to the next regularly scheduled meeting of the Board of Adjustment on June 21, 2011 at 7:30 PM. Board Member Hanna seconded the motion. Motion passed.

Senior Planner Rough noted Vice Chair Warner officially closed the hearing to public testimony. He suggested due to the continuation, the hearing on June 21, 2011 be reopened to public testimony. Vice Chair Warner concurred.

#### **Old Business:**

Vice Chair Warner asked if there was any old business. There was none.

#### **New business:**

Vice Chair Warner asked if there was any new business. There was none.

Vice Chair Warner adjourned the meeting at 8:45 PM.

#### **Summary of Motions**

***Board Member Holthaus moved to approve the May 17, 2011 meeting minutes as corrected. Board Member Christensen seconded the motion. Motion was passed.***

*Board Member Hanna made the motion to approve Omak Aggregate, Inc. CUP 2011-1 subject to the Finding of Fact, Conclusions of Law and Conditions of Approval which shall include the elevation plan submitted by Proponent, and temporary stockpiles not to exceed 30' as described on page four of the Omak Aggregate report submitted to the Board of Adjustment on May 17, 2011. Board Member Holthaus seconded the motion. Motion passed.*

*Board Member Christensen moved to continue the WSDOT Early Winters Storage Shed CUP 2011-2 to the next regularly scheduled meeting of the Board of Adjustment on June 21, 2011 at 7:30 PM. Board Member Hanna seconded the motion. Motion passed.*

Respectfully submitted,  
Sharon S. McKenzie  
Administrative Assistant  
Okanogan County  
Office of Planning & Development