



## Okanogan County Hearings Examiner Meeting Minutes

1 A regular session of the Okanogan County Hearings Examiner was held on January 23 2014 at  
2 10:00 a.m. in the Commissioners' Hearing Room, 123 5th Avenue North, Okanogan,  
3 Washington.

4 **OKANOGAN COUNTY STAFF:** Dan Beardslee Hearings Examiner, Anna Randall  
5 Administrative Secretary, Ben Rough Senior Planner, Randy Johnson Planner II, Angie  
6 Hubbard NR Planner II, Perry Huston Planning Director.

7 Hearings Examiner Dan Beardslee opened the session at 10:02 am 1/23/14. He introduced  
8 himself and made clear that on some instances his decision is final and on others he is an  
9 advisor to the Board of County Commissioners. He announced the procedure of the hearing,  
10 that staff will present the proposal, applicant will speak, the public will comment and the  
11 applicant will be allowed to comment on public comments last. The rules of the hearing are all  
12 cellphones are to be turned off, address comments to Mr. Beardslee only, speak at the  
13 microphone, everyone will testify under oath and to speak their name and address clearly for  
14 the record, all comments are to be kept to the subject at hand and try not to repeat points  
15 already made. Mr. Beardslee pointed out that the meeting is being recorded. The Hearings  
16 Examiner is impartial. A decision will be rendered within ten days.

17 Mr. Beardslee swore in all Okanogan County staff.

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19 **APPELLANT/APPLICANTS OR THEIR REPRESENTATIVES** Vance Durpos, Monte  
20 Drummond and Clyde Andrews

21 **OTHERS** Adriana Russell and Jim Prince

### 22 **New Business**

23 ***Durpos Long Plat & Rezone, LP 2013-3*** – Mr. Beardslee announced that the Durpos Long  
24 Plat & Rezone, LP 2013-3 is first on the Agenda.

25 Mr. Beardslee entered the Staff Report for the Durpos Long Plat and Rezone created by Senior  
26 Planner Ben Rough into the record. Sr. Planner Ben Rough introduced himself and the project  
27 and offered the public notice of the project for the record. Mr. Beardslee entered the public  
28 notice as exhibit 1. The projects goal is to create a subdivision and to rezone from minimum  
29 requirement to urban residential. It would create 15 lots on approximately 4.3 acres. It is located  
30 about half a mile from the intersection of highway 97, to the east in Plat of Omak N number 1  
31 from 1985, phase 1; this project is not to be phase 2, lot 16 block 2 of Omak north number 1  
32 plat. It is located on the Ength road and Lindell road intersection. The goal of this rezone would

33 be to lower lot size requirement, to go from 1 acre to 12,500 to 13000. This follows under the  
34 Comprehensive Plan. Affidavit of public notice went out 7 days ago rather than 10 days ago.  
35 Planner Rough takes the blame for this; he wishes to continue hearing to meet 10 day period.  
36 Applicant is present. Planner Rough wished to recommend the Hearings Examiner make a  
37 formal declaration as to whether that amount of time for the notice was sufficient and if not than  
38 Planner Rough recommended the hearing be continued to meet the 10 day period.  
39 Mr. Beardslee asked Planner Rough if the road that served the property had been dedicated to  
40 the county. The answer is yes, as part of the 1985 plat. He also asked if the rezone would be  
41 consistent with the comprehensive plan. The answer was yes.  
42 Mr. Beardslee also had a procedural question. In the staff report by Planner Rough stated that  
43 the Hearings Examiners conclusions would be advisory to the BOCC whereas the County code  
44 2.65 says decisions of Hearings Examiner will make the final decision unless appealed to  
45 BOCC. Planner Rough's response was to recommend speaking to Deputy Prosecuting  
46 Attorney, that the code and the Comprehensive Plan counter each other.  
47 Director Perry Huston was sworn in by the Hearings examiner. Director Huston commented that  
48 subdivision code did not speak specifically about Hearings Examiners. The Planning  
49 Department is in the process of reviewing the zone code and that will be reconciled with  
50 rezoning. Mr. Beardslee wishes the Prosecutor to be consulted.  
51 Mr. Beardslee was concerned about the number of soil samples. Mr. Beardslee feared that the  
52 number of lots in the plan would later have to be reduced because of soil quality. Planner Rough  
53 mentioned that soil testing requirements are part of other zones, but not in this zone. A condition  
54 could be added to approval for more testing to be done. Planner Rough said Public Health has  
55 not disputed the number of lots. That is stated under Exhibit E of the Staff Report.  
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57 The Hearings Examiner called upon the Applicant.  
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59 Vance Durpos 2250 Kettle River Road of Kettle Falls Washington was sworn in. He wishes for  
60 approval. Mr. Durpos questions the septic questions because the studies done meet the  
61 requirements for up to 3 bedroom homes. All of the soil tests and test holes came back fine. The  
62 Health District was satisfied. Mr. Beardslee asked whether the Health District informed him as to  
63 what the minimum lot size was for those soil tests. Mr. Durpos said that Mr. Hilton of the Health  
64 District did give him a number but Mr. Durpos could not definitively recall it, he thinks it was  
65 18000 sq. feet, which would include the road easement. That information was not in Staff  
66 Report. Mr. Beardslee wanted to make sure the Health District would have to sign off for final  
67 approval.  
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69 The Hearings Examiner opened the hearing to Public comment.  
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71 Adriana Russell 16 Bentham Road, Omak Washington came forward and was sworn in. She  
72 lives on the boarder of the proposed subdivision. Her question was would the development have  
73 restrictions on the types of homes that will be put in, whether they are mobile homes or stick  
74 built homes. She fears the quality of the neighborhood would go down if singlewide mobile  
75 homes were permitted in the new subdivision. Ms. Russell stated that she hoped the minimum  
76 size for mobile homes allowed in the subdivision would be doublewides.  
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78 No other member of the public wished to comment.

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Mr. Durpos was asked if he had any comments to add. He thought that by not allowing singlewide mobile homes are an unfair restriction. Aside from that statement, it is not his intention to put singlewides in this proposed subdivision.

Mr. Beardslee announced that the Public Record is closed. The Hearings Examiners decision is based on opinion of the Prosecutor. Director Huston thought this was wise. Project record is open until the prosecutor comes back with a decision. Mr. Beardslee asked Director Huston if a time frame should be given. Director Huston did not think so; a decision from Prosecutor will be quick.

Project record open until the Hearings Examiner hears from the Prosecutor, and then 10 days after that point a decision will be issued.

***Drummond CUP 2013-3***

The Next application on the agenda was called. Mr. Beardslee entered the Staff Report into the record. Planner II Randy Johnson was previously sworn in by the Hearings Examiner. Planner Johnson then entered an affidavit of Public Notice to the hearing, which Mr. Beardslee accepted as exhibit 1. Planner Johnson explained what the Drummond CUP is. It is on a 2 acre legally conforming lot and is zoned agriculture/residential. The lot has a mini storage facility, a residence and a garage already in place. The Drummonds wish to add, in the future, a storage building and/or another storage building or covered parking to serve as a storage facility.

WASDOT did send a comment about the commercial ingress/egress onto the property. This information and an application was passed on to the owners and their agent. Comments have come from adjacent land owners, and they are in the staff report. No comments have come from SEPA. All of this information is in the staff report. Because of the zoning the facility requires a Conditional Use Permit. Clyde Andrews has been acting as their agent.

Mr. Beardslee stated that his decision is final on CUP's.

Mr. Beardslee asked for clarification on the site plan. The site plan shows one building but notes potential future buildings. What is the intent of that? Planner Johnson said that the applicants were unclear if in the future, the structure would be a covering for RV parking or an actual storage type building, 50ft by 150ft by 17ft.

Mr. Beardslee asked what the lot coverage in that zone is. Planner Johnson said 20%, and this plan is consistent with that.

The Hearings Examiner called upon the applicant. Monte Drummond of 5340 Martin Road of Ephrata identified himself and Mr. Beardslee swore him in. Mr. Drummond has received the permit from the highway department and wished to enter that into the record. A copy of that was entered as exhibit 2.

Clyde Andrews came forward and was sworn by Mr. Beardslee. He is the agent in this application and wished to assist Mr. Drummond in answering questions. Mr. Andrews will run the storage business. The clarification Mr. Beardslee requested as regards the future building is that it would be either a covering or another building of same size, but not both. Applicant had nothing further to say.

Mr. Beardslee opened the hearing to Public Comments.

125 Jim Prince P.O. Box 2150 of Oroville came forward and was sworn in by the Hearings  
126 Examiner. He has an orchard to the south of the proposed Drummond property. He said at first  
127 the project was proposed as a storage yard, not a facility with buildings. His concern is that  
128 spray from Orchards would affect anything left outside. His other concern was that in the future  
129 the orchard properties surrounding the Drummond property may become residential lots and a  
130 storage yard would be unattractive.

131 Mr. Beardslee asked if there were any zoning restrictions on this proposed project. Mr. Prince  
132 responded that he did not know.

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134 No other members of the public came forward. The Public portion of this hearing was closed by  
135 Mr. Beardslee and a decision will be issued within 10 working days, and will be final. After that  
136 an appeal is optional by anyone on the record within 21 days as a LUPA, Mr. Beardslee  
137 recommended legal counsel if anyone wished to appeal his decision.

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139 ***Brummett Open Space Timber 2011-06***

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141 The Hearings Examiner called the next agenda item. NR Planner II Angela Hubbard was sworn  
142 in previously by Mr. Beardslee. The Staff report prepared by Planner Hubbard was entered into  
143 record. Planner Hubbard entered an email from the applicant to Planner Hubbard wishing to  
144 continue the hearing to February 27, 2014. Mr. Beardslee asked if this was acceptable and  
145 Planner Hubbard said yes. Mr. Beardslee asked if there was any reason not to postpone and  
146 the reason, Planner Hubbard said travel. The email correspondence was entered as Exhibit 1

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148 ***Gilles Open Space Timber 2013-11***

149 Planner Hubbard wished to go over the process of the Open Space Timber program. Most are  
150 transferring from Designated Forest to Open Space Timber. Designated Forest program has to  
151 be at least 20 acres or more designated to the commercial harvest of timber and Open Space  
152 Timber has to be at least 5 acres but less than 20 acres devoted to the commercial harvest of  
153 timber. Many are transferred from one program to another because a structure has been on  
154 the property or the Assessor's office has determined that fewer 20 acres is designated to  
155 commercial harvest. RCW 84:34 020 authorizes this transfer, and the application is required to  
156 be made to the legislative authority and a public hearing must be held; the Hearings Examiner's  
157 recommendation will go to the Board of County Commissioners. The BOCC has had some  
158 concerns about forest management plans and the fulfillment of them by property owners in the  
159 past include time frames of activities like harvesting, thinning, removal of diseased trees and  
160 noxious weed management, and who to contact for those issues. This should all be in the forest  
161 management plan. The FMP must be updated if a harvest occurs or after 10 years.

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163 The Staff Report for the application prepared by Planner Hubbard was entered into record by  
164 Mr. Beardslee.

165 The reason this application is moving from Designated Forest to Open Space Timber. The  
166 Assessor's office notified the land owner that the property is no longer 20 acres and that the  
167 applicant was no longer eligible for the Designated Forest Program. A FMP has been submitted  
168 by Forester Clay Brown. The plan discusses some thinning to be done, at which time the land  
169 owner would remove diseased trees in the next five to eight years. The property is located off of  
170 Main road roughly 23 miles east of Tonasket. The Comprehensive plan designation is

171 unclassified, zoning is min requirement district, and forest is in line with this zone. The forest  
172 plan does fit all requirements. Planner Hubbard asked for questions. Mr. Beardslee asked for  
173 Planner Hubbard's opinion of the forest management plan, if it met all of the requirements.  
174 Planner Hubbard responded that yes, the Okanogan County code offers forest management  
175 guidelines and asks for more detailed requirements but they are only guidelines. Planner  
176 Hubbard would prefer more planned removal of diseased trees. But, the plan does list the types  
177 of forest and the species of trees in those types. The plan does say they will watch for Noxious  
178 Weeds. Guidelines are codified but Planner Hubbard does not know the exact citation for the  
179 Forest Management Plan Guidelines.

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181 Neither the Applicant nor the Forester was present.

182 Mr. Beardslee asked if anyone wished to comment on this application. Nobody from the  
183 audience wished to comment on this application.

184 Mr. Beardslee closed the hearing.

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188 Respectfully submitted,  
189 Anna Randall  
190 Administrative Secretary