

Board of Okanogan County Commissioners
Monday, April 29, 2024 AM

JN—Jon Neal, BOCC, Chair, District 3-absent
AH—Andy Hover, BOCC, District 1
CB—Chris Branch, BOCC, District 2
LJ—Lanie Johns, Clerk of the Board
NB—Nick Bates, Fairgrounds Manager
PP—Pete Palmer, Director of Planning
TM—Tim Meadows, Maintenance Supervisor
LH—Larry Hudson, Noxious Weed Board
MW—Mike Warden, Okanogan County Dispatch Center
MG—Maurice Goodall, Emergency Management, but appearing as a private citizen
EM—Esther Milner, Chief Civil Deputy Prosecutor

These notes were taken by an Okanogan County Watch volunteer. Every attempt is made to be accurate. Notes are verbatim when possible, and otherwise summarized or paraphrased. Note takers comments or clarifications are in italics. These notes are published at <https://www.countywatch.org/> and are not the official county record of the meeting. For officially approved minutes, which are normally published at a later time, see https://okanogancounty.org/offices/commissioners/commissioners_proceedings.php

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Summary of significant discussions:

- Nick Bates, Fairgrounds Manager, updates the commissions on repairs to the little beef barn and the irrigation system near the arena. They discuss how to approach repairing the snow damage to the horse barn.
- Maurice Goodall, appearing as a private citizen, explains how a building on a parcel next to one he owns is egregiously violating the setbacks for the lot. The commissioners discuss how the problem happened and possible solutions. Commissioner Branch thinks the discuss of solutions should continue in executive session.
- Commissioners hold an executive session for 20 minutes, under RCW 42.30.110(1)(i)—existing litigation, inviting Pete Palmer, Planning Director and Esther Milner, Chief Civil Deputy Prosecutor.
- Commissioners adjourn for the day at 12:00.

-2:32:50—AH has received a phishing email saying it's from Commissioner Neal, asking him "to complete a task discretely". Everyone chuckles.

LJ—to CB—Did you get the information I sent?

CB—Yes. But it's taking a while because there are a lot of projects. *(They seem to be about reporting requirements for ARPA (American Recovery Plan Act.)*

-2:28:25—JN—Asks about charge for security guards at the Fairgrounds.

AH—I think it's on the fee schedule.

LJ—I think we require security if there's a certain number of attendants, and then it's an hourly charge.

Board of Okanogan County Commissioners
Monday, April 29, 2024 AM

It's \$60/hour for fewer than 200 guests. That's for two guards. If there are 201-300 guests, it's \$90/hour with a minimum of three guards. The fee schedule has a table for the security charges. Shall I send it to you?

CB—Could you send it to all of us?

-2:23:10—LJ—TD&H (*an engineering firm that may negotiate a contract for work on the water system at the fairgrounds*) requested any of the water rights certificates for the fairgrounds. They haven't set a date to meet with you.

-2:21:55—No public comments.

Commissioners trade stories about driving in late season snow.

CB—There are three additional board members for the Community Action Council. Simon (Windell, Chief Operating Officer) from the Methow Housing Trust has joined. That'll be great. So has Dale Schrock from the Colville Housing Authority joined and David McClay from OBHC (Okanogan Behavioral Health Care). They're all new members of the board. Very timely for the housing work. Simon is a great addition. He knows a lot about housing programs.

-2:08:10—AH—Did you see there're putting grizzlies up by (*inaudible*)?

JN—Yes, I did. With no set timeline. Some commissioner from Chelan County had a scathing acceptance of it, but he's not happy. Our governor doesn't help the matter.

AH—No, he does not.

JN—He's going to do all the damage he can before he's gone.

-2:06:50—JN—Nick?

NB—Good morning. I'm Nick Bates, Fairgrounds Manager.

NB—I've got seven braces to put up in the little beef barn and then that center section will be done.

NB—What have we figured about the horse barn? There was talk about an engineer looking at it.

AH—I think we need to use our on-call engineer.

LJ—TD&H is our on-call engineering.

AH—Send it to them and see what they say.

NB—I got an email about the well. About the Colville tribe and the archeological thing?

AH—It's basically because we're doing so much digging down there for the well, it's a plan about what to do.

CB—An anticipated discovery plan.

NB—The High School Rodeo is asking for a fee reduction, not a fee waiver. I told them I'd give it to you guys.

AH—We may be more expensive than other places, but it's a big event. I think they can sell concessions and keep the money.

NB—We fixed the leak of the west side of the irrigation at the arena, but then one popped up on the east side. It's schedule 40pvc. It's cracked at the coupling.

AH—It means we're building pressure, so that's good.

NB—The church people are gone now, so they're cleaning up. On Sunday, the neuter/spay clinic will happen, so we'll have to clean up for that.

NB—Still waiting to get a temp hired and a camp host. There's a group on the other side of Hwy 97 sneaking into the showers. Ten or fifteen RVs there.

Board of Okanogan County Commissioners
Monday, April 29, 2024 AM

AH—Can we get some kind of key code so people renting in the RV park could use it?

NB—Those doors won't do that.

Discussion of different types of locks. One solution would be to replace the locks already installed.

NB—Other than that, we're moving along. Fixing more irrigation lines. Starting to do weeding and mowing.

AH—On the Horse Barn—the insurance guy called. It's \$80,000—not a lot to do what needs to be done. I'd like to come to a conclusion about what type of repair we'll do. I think the southwest corner is where the damage was. It won't get us up to code, but just get an estimate, maybe from TD&H on things to replace/shore-up and get a bid for a repair package for that corner.

JN—An insurance estimate won't be anywhere near enough.

AH—Yes, but we need to use that money.

NB—I talked him into not cancelling the claim.

JN—There's no deadline for the claim. They can always reopen it.

NB—There are posts rotted off so they need to be dug up. Quite a few of them. And the open alleyway between the stalls—the 2X12 rafter has no real big support where it's put together.

AH—Try to get a contractor to give us an estimate for repair. Maybe on the small works roster would help. Tim could help you. Get a ball park rough estimate of what repairs are needed.

AH—There are guys around who'd be interested in that.

NB—I'll do that today.

AH—But let's just get the corner or the half done.

CB—I'd just like an opinion on that.

AH—A contractor would tell you how to repair.

Discussion of whether the repair would require a building permit.

AH—We need an estimate of the cost and submit it to the Building Department.

NB—OK. That's what I'll work on.

-1:49:00—JN—Tim?

TM—Tim Meadows, Maintenance Supervisor

TM—I've got quotes for resurfacing the outdoor recreation area at the jail. They can't send inmates out there now because they could pick up sharp chunks. They'd also like the bathroom out there removed. Pioneer included tearing out the blocks for the bathroom. The other bid didn't include it.

AH—This was budgeted about four years ago.

TM—The same guy that'll do the floor in here will do the dish pit wall in the kitchen. Something that will coat it but with less order than latex paint.

AH—Two bids. Pioneer Waterproofing bid \$64,289, including the tear-out of the blocks.

H&H Coating went in with Proline Concrete Cutting, LLC, and bid \$51,750. I'll add H&H to the small works roster.

AH—Did you make sure H&H is paying minimum wage?

TM—He's a one-man shop.

AH—I move to accept the quotes from H&H coating of \$46,750 for resurfacing the jail recreation area, and Proline, of \$5,000 for tear down and removal of the old blocks in the bathroom. Motion passes 3-0.

TM—We're also moving along pretty well for moving the Coroner's room to the warehouse at the Justice Center. That room gets really hot. Once the door is installed, it'll be OK until the new building gets put up.

Discussion of electrical connections.

AH—Everything else is hunky-dory?

TM—Sure. I'll check with the Auditor today about installing the new cabinets in that office.

Board of Okanogan County Commissioners
Monday, April 29, 2024 AM

TM—That's all.

-1:37:23—PP—Good morning, I'll Pete Palmer, Planning Director.

PP—I sat through a meeting about broadband. Roni (Holder-Defenbach, Executive Director of the Economic Alliance) had asked our GIS guy be included in our meetings. It's a state-led process by the Washington Department of Commerce to give counties the opportunity to dispute their internet levels that shows on the National Broadband map. I don't know that our GIS would be the best to do that.

PP—If you want Gene down there, I'll send him but I think IT staff would be better. I think Roni wants maps to be produced, but anybody can produce a map these days.

CB—Are there layers that GIS doesn't have.

PP—There are maps on the broadband web site that are pretty good.

AH—Are they including cell coverage in broadband?

PP—I don't know.

AH—The main providers are Methow Net along with OCEC (Okanogan County Electrical Co-op) in the Methow, and the PUD over here. I think it's important for someone to go to see what they're talking about. If they say we've got good coverage, we could say—no we don't.

JN—We could send Gene and he'd be able to tell them if he can or can't help.

CB—I'd hate to see him spending his time on something....

CB—This is for challenging the areas? I don't know that our GIS department has the info to challenge the data. What is the objective of the person there?

AH—Report back to us that Methow Net, OCEC and PUD are there. Whoever goes down there could tell us if we're getting the resources we need.

CB—Why don't you go?

AH—Let me know when the next meeting is.

JN—The next BAT (Broadband Action Team) meeting is May 23.

AH—Are BAT meetings looking at challenges?

CB—The last meeting was a BAT meeting.

AH—Can you ask Roni if there's more to be done about looking at challenges?

CB—I'll look at May 23, too. If we have a challenge, what would be base it on?

AH—All of the providers in the county need to look at the map.

CB—Why not just wait until the providers have seen the map and they say to challenge it?

AH—Maybe that's a better thought. Get Roni on our schedule to see what she needs from us.

LJ will get Roni on the schedule.

-1:24:50—PP—The last thing, and AH already knows about this, I've got is a heads-up about a disgruntled surveyor. We requested him to put a clause on a plat map about an exempt segregation, one we had outside council draft for us, indicating there was no water availability determinations required for the exempt segregation, but at the time of building permit, it would be a requirement.

AH—I talked to him and I think it can be fixed. On an exempt segregation application, he wanted for that information to be put on the application that in WRIA 48 (Water Resource Inventory Area 48—the Methow Valley), this may be put on the face of your plat. So basically, if one of his clients wants to apply for an exempt segregation, that in the application itself, they understand that this could be on the face of the plat. It's not just him doing this. So the applicants could make a decision whether to move forward with an exempt segregation.

PP—We can add that to the application.

AH—Great. He said that would fix the problem.

Board of Okanogan County Commissioners
Monday, April 29, 2024 AM

PP—I have the authority to add it to the application. We don't have any other clauses that have to go on the plat map.

AH—This is a pretty big one. Over there, if someone applies for a subdivision, you'd just say no right away unless you have a water right. But on an exempt seg, you'll take the application, but the applicant will know it's going to be on the plat map. The surveyor wants the applicant to know beforehand there may be this stipulation on it.

CB—It's just a CYA for his business?

AH—Yes, but since it's every single one, he wanted people to know up front, and he can explain what it means.

PP—That's all I have. I'll be back in a little while (for the executive session).

-1:06:20—JN—It's 10:30 and time for the public hearing about budget supplemental for Noxious Weeds.

JN—I'll open it up to staff.

LH—I don't have anything. I'm just here for any questions you have.

No public comments.

AH—I move to approve Resolution 64-2024, for a budget supplemental for Fund 903, Noxious Weeds, for \$121,997. Motion approved 3-0.

LH—Perfect. Thanks. (He leaves.)

-1:03:25—MW—Since we have a couple of minutes, I'll have the new mobile command trailer up in the parking lot for training with dispatch staff. I'll have it there the 20th and 21st if you'd like to look at it. We'll have it for EVOC (Emergency Vehicle Operator Course) for the Sheriff's Office the week before and we'll bring it down here.

CB—Maybe we could have an agenda item to go out and look at it. That'd be great.

MW—I'm free both those days. Just let me know the time.

LJ—How about 10:30?

JN—It's 10:35 and time for a public hearing about a budget supplemental for Communications.

I'll open it to staff.

MW—I'm Mike Worden, Dispatch Center. The request is driven by two things—a second radio tech position, and an increase for the consultant contract for the radio project. I guessed what we'd need but now I see I need to increase it by \$50,000.

AH—On the machinery and equipment, is that the new van? And you're putting it in the new ER&R (Equipment Rental and Revolving fund)?

MW—Yes. There's a new budget line being added.

No public comments.

AH—I move to approve Resolution 65-2024, for a budget supplemental of \$221,114. Motion passes 3-0.

MW—Thanks.

AH—We advertised it for \$297,165, but we came in less than that, so there's no need to re-advertise.

JN—How are we doing with our early adopters?

MW—This week the vendor will make a system change so we can get started. We're one of the first to join the DOT system, so every issue needs to be hashed out. They're open to the idea, but we don't want to spook the guy who's responsible for that system.

AH—Go slow to go fast?

MW—Yes. And since we're first, we want to get it right out front.

MW leaves.

Board of Okanogan County Commissioners
Monday, April 29, 2024 AM

-55:30—MG—I'm Maurice Goodall, citizen of Okanogan County. I'd like to talk about building set-backs off of property lines. If I understand the process, if I'm going to build a building, I go to Planning and do a site analysis, go to Building or Health Departments for permits, stating that the set-backs on the site plan is what it says in the RCW.

AH—Set backs from other people's property or the road?

MG—In this case, I'm talking about a property line. Can I build a building and not comply with the set-backs? What are the consequences?

AH—One guy in the Methow had to remove the building. Another guy built inside the set-back, and the Hearing Examiner said that the county didn't verify the footings, so it was the county's fault.

MG—What's the duty of the county to protect adjacent properties?

CB—With setbacks, it's difficult to address. Who knows where the property line is? If I'm a building official, the only safe thing is to require a survey, but that would mean a lot of surveys.

CB—With shoreline, you're responsible to know where the property is. They way I've looked at it, how critical (egregious) is it? With rural property, you need to know where the line is. Somebody, like a neighbor, says it violates the setback, it's a civil issue. How to hold the Building Department responsible without requiring lots of surveys?

MG—What about protection of adjacent owners and future buyers—like drain fields, etc.

AH—Setbacks are not for drain fields. They're for fire or privacy.

CB—But setbacks give us reasonable room to build infrastructure—pipes. There are a whole lot of reasons you have setbacks.

MG—Who would say I had to remove a building?

AH—The county would. But the precedent says if the Building Department didn't check, you don't have to remove it.

MG—Who enforces it?

CB—The people in the Building Department, but we don't have the personnel.

CB—We have other precedents. The Community Action Council had to move the foundation. But I asked—should the Building Department have caught that.

AH—How egregious is the violation you're talking about? 6"?

MG—I have photos. My fence line is 9" into my property. I had it surveyed in 1993. The building is 3.5' off my property.

AH—What road?

MG—Kernal Road. I've got the guy's application for a shop not a house.

CB—Would removal of the shed help?

MG—The building still wouldn't be far enough away. The fence line is a fair indication of the property line. Plus, it's an agricultural building.

AH—But it can't be an agricultural building. It's got equipment stored in it.

CB—You're raising an issue where there's no immediate answer.

MG—It doesn't matter to me if it's an agricultural building. But it's only 3.5' from the line.

CB—The history of code enforcement? I don't know. To have an inspector go to everyone would cost a lot of money.

MG—My main point is my property's been infringed on. Code enforcement is second.

CB—I don't know if a fence established a property line.

AH—It's an educated guess, though. A building inspector would think it's the line.

CB—Who's the code enforcement officer in this case?

MG—Who enforces process. The Building Department is supposed to go out there. If it's way out there, assume it's OK. In it's next to another building, then get suspicious.

AH—Have you talked to the neighbor?

Board of Okanogan County Commissioners
Monday, April 29, 2024 AM

MG—No. I'm trying to understand how the county allowed this to happen.

PP—MG is making a good point. We've brought this to the BOCC before. We're a complaint-driven county. So you have to come to our office to complain.

MG—Is there a form, or is this sufficient?

PP—This is sufficient.

AH—We need Dan (Higbee of the Building Department). I'll go get him. AH leaves.

CB—We can set rules. This one is difficult. I can easily say the owner of the building is responsible. I can also think the neighbor should be responsible. If I build on my property and I build and someone says I built it the wrong place...

MG—It's interesting to me that if a person gets a permit to do something, you notify the neighbors. Should adjacent property owners be notified?

0:27:35—Dan Higbee arrives.

AH—If it's an ag exempt building, can it have equipment in it?

DH—You can have farm equipment stored in it. DH reads the ordinance.

AH—If someone is building an ag exempt building, what do you inspect?

DH—Nothing because there's no permit for ag buildings.

AH—That's how this happened.

DH—Sounds like they fibbed.

MG—They fibbed. They said they were going to build an ag exempt building.

AH—On a permitted house, the inspector doesn't require a survey to make sure the setbacks are OK.

MG—I didn't care about the ag exception. But a setback's a setback.

DH—I wouldn't have signed it. He listed some machinery but it's not farm equipment.

MG—There's an air conditioner, so what happens when the county realizes it's not an ag building.

CB—If I have some evidence that I'm in agriculture, and then you start using it for non-agricultural uses, what can we do? Take away the ag exemption?

MG—I think the assessor is made aware of a building permit, and they start taxing according to the percentage of completion. With ag exempt, the assessor gets notified once a year and they go assess it. They don't care about enforcement, but just the taxes.

AH—On an ag building, do you worry about the trusses or anything?

DH—We require no plans whatsoever. The ordinance says the building permit is not required. A site analysis is required.

AH—But there's a requirement for setbacks, so how does they double-check that the building really is 25' off the property line. Somebody needs to inspect the actual footing.

DH—I can see them not calling us.

AH—Can you require an ag building placement permit?

DH—That'd be up to you.

CB—But, where's the line?

DH—That's always been the challenge, but this one's obvious.

CB—How about if we say that the property owner takes on the liability for where you place your building. If you don't know where your property line is, you may suffer the consequences.

AH—I'd rather tell them they're building in the wrong spot beforehand than tell them to tear it down after it's built.

CB—But what if the inspector doesn't know where the line is? There's no evidence on the ground.

AH—If it's an important question, you could call for a survey.

MG—Yes than can happen.

CB—It happens a lot, even on city streets.

Board of Okanogan County Commissioners
Monday, April 29, 2024 AM

MG—But in this instance, it's been surveyed in 1993 and had a fence since. What's the county's take on what my situation is?

AH—If the lean-to was 24' away from the fence, would you have ever thought of measuring?

MG—No. But this is egregious.

PP—I've got a comment and a question. The process that was spoken about earlier was about notification for adjacent property owners. My question is: would you object now if he applied for a variance?

MG—Yes.

PP—To the commissioners—we've talked about this before because we had ag exempt building in the Methow that we found out was on the market for \$500,000 as a destination cabin. This is a larger issue than encroaching on the property line. But people are using it to get around paying the permit fees and inspection fees. Then when it's all over—Boom! Here we are.

MG—The process is to protect the builder, adjacent owners and future owners. It comes down to safety, so it's build right, and to prevent squabbles.

AH—If you want to build a barn, I want you to be able to build a barn. I have to insure my truck, etc. If I've got 25lb. trusses and use them to build a barn in the Methow where there's a 75 lb snow load, it's OK. But I risk the collapse of that building. But if you're putting residents in there, you can't sell it as a house. It has to be an ag building or get the permits to make it into a house.

CB—There's a conversion of use going from barn to house?

DH—Yes. There's a permit required, but it doesn't happen.

CB—What if I said that I think you should drive around all day long and look for these.

DH—They aren't hard to find.

MG—I think there should be a code enforcement officer. I'm not asking you to go around and tattle-tale,

CB—So what is your particular point you want to get out of this?

MG—I want the encroachment fixed. That's what I'm after. The county didn't stop it before it occurred, but I don't care how it occurred.

AH—To fix it, you'll probably have to through the courts. The information he provided us said he would respect the setbacks, so we let him build it.

CB—So what do we do about it?

AH—Maybe have a footing permit?

MG—But what about this situation. The county allowed it to happen.

AH—We didn't allow it to happen.

CB—I'm going to move that we discuss this over executive session over the types of decisions that could result in litigation. I'm not going to say who's liable and who's not.

MG—That's understandable.

MG—To PP—is the letter I wrote acceptable as a complaint?

PP—Yes.

MG—I'd just like to get something back to me so I understand what the county's stance is.

CB—We haven't made a decision about what our stance is yet.

JN—looking at the plan—There's so many things that aren't accurate.

PP—to MG—Once we get a complaint, we don't correspond with the person who filed the complaint, just the property owner.

MG—OK. I'll do a FOIA request later on.

CB—Earlier I made a statement about who I think is liable, but maybe the county will feel differently.

MG—OK. Thank you for your time.

Board of Okanogan County Commissioners
Monday, April 29, 2024 AM

-3:00—AH—I move to go into executive session for 20 minutes, until 11:54, inviting PP and Esther Milner, Chief Civil Deputy Prosecutor, under RCW 42.30.110(1)(i)—existing litigation.

After the executive session, commissioners adjourn for the day at 12:00.