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**RECORD OF THE PROCEEDINGS**

**OKANOGAN COUNTY**

**APRIL 29, 2024**

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**9:00 AM Review Commissioners Agenda and Consent Agenda**  
**9:15 AM Public Comment Period**  
**9:30 AM Commissioners' Staff Meeting**  
**10:30 AM Public Hearing-Budget Supplemental Appropriation-Noxious Weed \$121,997**  
**10:35 AM Public Hearing-Budget Supplemental Appropriation-Communications \$227,565**  
**10:45 AM Discussion-Building Setback Regulations-Maurice Goodall**  
**11:15 AM Executive Session-RCW 42.30.110(1)(g)-Existing Litigation**  
**12:00 PM Briefing Among Commissioners-Discuss Individual Weekly Meetings & Schedule**

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The Okanogan County Board of Commissioners met for a regular meeting at 123 5<sup>th</sup> Avenue North, Okanogan, Washington on April 29, 2024 with Chairman, Commissioner Jon Neal; Vice-Chairman, Commissioner Andy Hover; Member, Commissioner Chris Branch; and the Clerk of the Board, Laleña Johns, present.

AV Capture and Zoom provided audio and video accessibility for public interaction.

**Review Commissioners Agenda and Consent Agenda**

**Public Comment Period**

Members of the public Emily Sisson and Mrs. Jackson, via zoom, had no comment.

**Commissioners' Staff Meeting**

Nick Bates, Fairgrounds Manager, Tim Meadows, Facility Maintenance Supervisor, Pete Palmer, Planning Director

Nick Bates updated the BOCC on Fairgrounds. Little Beef barn repairs will be complete soon and repairs done properly. Commissioners discussed the horse barn repairs and what a structural engineer would provide versus a contractor who can look at it and get a ball park figure then go from there. The commissioners thought a contractor estimate for design build would be most helpful.

The board wants to use the insurance money for what ever needs to repaired and if the claim closes we could just reopen it. Limit to that south or southwest corner.

The High School Rodeo waiver request was for a partial waiver. Commissioner Hover stated he was not in favor of a waiver. It is a full-blown rental for all of the north end.

Irrigation system leaks/breaks are being repaired. He explained the homeless people camping down the road are sneaking into the grounds and using the facilities and taking showers. Commissioner Hover asked if we could install a coded key lock for the showers. Mr. Bates thought the RV bathrooms could also be installed with a key pad lock. The gate also has a passcode.

Tim Meadows provided quotes for the Jail recreation floor resurfacing project. (attached) The costs are not budgeted in the Jail fund 160. The Sheriff requested the project be completed. The project included teardown of the bathroom as well as resurfacing the floor.

53  
54 Pioneer Waterproofing bid was \$64,289; H&H Coating bid was \$46,750 with Proline \$5,000 for  
55 teardown. Commissioner Hover asked about prevailing wage. H&H Coating is owner operated.  
56

57 **Motion Bid Recommendation Jail Recreation Floor Resurfacing Project**

58 Commissioner Hover moved to accept the Maintenance Supervisor's recommendation to award  
59 the project to two vendors H&H Coating resurfacing \$46,750 and Proline for teardown \$5,000 for  
60 a total cost of \$51,750. Motion was seconded, all were in favor, motion carried.  
61

62 Mr. Meadows stated the Coroner's temporary storage area has been prepared at the "justice  
63 building" until the new storage building is complete. He updated the board on facility projects.  
64

65 Pete Palmer provided her planning update. She sat through a Broadband Action Team meeting  
66 that she was asked to attend. It is a state led process. She thought IT staff would better  
67 understand the issues. Commissioners would like to invite Roni Holder Diefenbach to meet with  
68 them on this information. The next Broad Band Action Team meeting is May 23.  
69

70 Commissioner Hover discussed putting the water availability statement for exempt segregations  
71 on the application for that land use.  
72

73 **Public Hearing-Budget Supplemental Appropriation-Noxious Weed \$121,997**

74 Commissioner Neal opened up the public hearing stating it was for a budget supplemental  
75 appropriation within the Noxious Weed fund 103 and opened up to staff. Larry Hudson, Noxious  
76 Weed Manager attended to answer any questions. The hearing was opened to the public, no one  
77 on Zoom or in the room wished to comment.  
78

79 **Motion Resolution 64 2024 Budget Supplemental Appropriation-Noxious Weed \$121,997**

80 Commissioner Hover moved to approve resolution 64-2024 a budget supplemental appropriation  
81 within the Noxious Weed fund 103 in the amount of \$121,997. Motion was seconded, all were in  
82 favor, motion carried.  
83

84 Mike Worden explained the Mobile Command Unit would be onsite.  
85

86 **Public Hearing-Budget Supplemental Appropriation-Communications \$221.114**

87 Commissioner Neal opened up the public hearing stating it was for a budget supplemental  
88 appropriation within the Communications fund 161 in the amount of \$227,565. He opened up to  
89 staff. Mike Worden, Chief Communications Deputy explained the needed budget related to the  
90 second radio tech position and needed equipment. The hearing was opened to the public, no one  
91 on Zoom or in the room wished to comment.  
92

93 **Motion Resolution 65-2024 Budget Supplemental Appropriation-Communications \$221,114**

94 Commissioner Hover moved to approve resolution 65-2024 a budget supplemental appropriation  
95 within the Communications fund 161 in the amount of \$227,565. Motion was seconded, all were  
96 in favor, motion carried.  
97

98 Chief Worden explained DOT and non-State agency arrangements and how those new  
99 arrangements are resolved as new territory mind sets are worked through in the next couple  
100 weeks. Okanogan County is first and we don't want to cause DOT clean up later.  
101  
102  
103

104 **Discussion-Building Setback Regulations-Maurice Goodall**

105 Maurice Goodall, Citizen, explained concerns about the rules for building setbacks for new  
106 buildings.

107  
108 He asked what the consequences are when people do not follow the setback rules? Mr. Goodall  
109 asked what the duty is of the county to protect property owners from others placing buildings too  
110 close to another's property line. Property lines are determined by surveys. Commissioners asked  
111 how critical or egregious the issue was. On rural property the property line is very important Mr.  
112 Goodall stated the law and county code says a site analysis is needed to protect the building  
113 owner and the neighboring property from certain proximity for privacy and to provide reasonable  
114 room for utility installment on property lines. Who is going to mandate removal of the building that  
115 was built less than five feet from his surveyed property line? Commissioner Hover said there is  
116 county precedence for the fact that the building dept. didn't actually check. Commissioner Branch  
117 said even if you build somewhere besides where approved, the question is, should the building  
118 official have caught it.

119  
120 Mr. Goodall provided photos the new building which has a foundation and car port attached. His  
121 fence line is the official survey line due to a 1993 survey that shows the line there and is exactly  
122 where recorded stakes are at on his property. He showed pages from the code where the building  
123 would be allowed, he showed where the building is located and the show is too close to his  
124 property line and was not built in accordance with proper property setbacks. Mr. Goodall  
125 discussed the approval process as he thought it was supposed to happen, but the building  
126 documents show the building was supposed to be an agricultural building, but it is more like a  
127 garage. Commissioner Hover stated it cannot be an ag building as the photos shows it has  
128 equipment being stored under it like a lawn mower. The permit that was signed off on was for an  
129 ag building. Commissioner Branch doesn't know the exact code for ag buildings. Mr. Goodall  
130 stated he said the main point is that the building is three feet from his property line and is therefore  
131 infringing on his property. Commissioner Branch said we should require the person doing the  
132 inspections to actually check, but site visits will cost them more money. The fence line does  
133 provide an educated guess to the building inspector that there is a property line there for them to  
134 ask the question.

135  
136 Planning Director Pete Palmer stated Mr. Goodall has brought some really good points up, she  
137 said if there is a complaint he can come to the office to file in order for the department to move  
138 forward with addressing the situation because they are a complaint driven dept. then he can  
139 submit, which he submitted to Ms. Palmer and she said it was sufficient. Commissioner Hover  
140 asked if Building Official Dan Higbee could join the meeting. Building Official Dan Higbee joined  
141 the meeting. An ag exempt building can have farm equipment and implements and/or horticultural  
142 products stored under it. He read from the county code. Mr. Higbee said when an ag exempt  
143 building is built there are no plans, no inspections, no building permit required and we don't look  
144 at ag buildings. This one has a set back issue and the applicant fibbed on their application. Mr.  
145 Higbee has seen the building and he takes it as not being an ag building as it has an air conditioner  
146 in the window and a stored lawn tractor. The building was given an agricultural exemption. What  
147 happens when a building is determined not to be what it was permitted to be. Mr. Goodall  
148 explained what info the Assessor receives for assessing new buildings and looking at the building  
149 for what the building actually is.

150  
151 Mr. Goodall would like the encroachment fixed. Commissioner Hover said he may need to go  
152 through the court because the builder is violating the building code requirements. Commissioners  
153 discussed how this type of situation could be address in future where ag buildings are required to  
154 have a foundation permit.

155  
156 Commissioner Branch asked that this conversation be moved to executive session due to the  
157 potential litigation. This is not a simple matter. Who is liable and how liability works is another  
158 thing. Pete Palmer said when complaints are received by planning her staff corresponds with the  
159 property owner. The meeting ended.

160  
161 **Executive Session-RCW 42.30.110(1)(i)-Existing Litigation**  
162 Commissioner Hover moved to go into executive session at 11:33 a.m. until 11:53 a.m. inviting  
163 attorney Esther Milner and Planning Director Pete Palmer to discuss RCW 42.30.110 (1)(i)  
164 existing litigation. Motion was seconded, all were in favor, motion carried.

165  
166 Commissioners extended executive session at 11:53 a.m. for another 10 more minutes. Executive  
167 Session ended at 11:59 a.m. no decisions were made.

168  
169 **Briefing Among Commissioners-Discuss Individual Weekly Meetings & Schedule**

170  
171 The board adjourned at 12:00 p.m.

172  
173 Laleña Johns, CMC Clerk of the Board                      Chris Branch, Member