



Okanogan County Hearings Examiner Meeting Minutes

1 A regular session of the Okanogan County Hearings Examiner was held on February 27, 2014
2 at 10:00 a.m. in the Commissioners' Hearing Room, 123 5th Avenue North, Okanogan,
3 Washington.

4 **OKANOGAN COUNTY STAFF:** Dan Beardslee Hearings Examiner, Angie Hubbard NR
5 Planner II, Perry Huston Director of Planning, Anna Randall Administrative Secretary.

6 **APPELLANT/APPLICANTS OR THEIR REPRESENTATIVES:** Daniel Brummett and Clay
7 Brown.

8 **OTHERS:** None

9 Mr. Beardslee opened the hearing and explained the procedure for the hearing and his
10 authority. He went over the process of the hearing, the staff will explain the project, the
11 landowner will give testimony and the public will be allowed to make comments, and lastly the
12 applicant will be able to give a final statement and answer any further comments that arise. All
13 comments and questions need to be directed to the Hearings Examiner. Please turn off all cell
14 phones. At that time the hearing will be closed to public comment and recommendations are
15 then sent to the Board of County Commissioners. Make sure all persons testifying speak their
16 name and address for the record. Any documents need to be entered into the record now in
17 order to be part of the hearing. His decision will be given in ten days. Mr. Beardslee has no
18 interest in the matters before him.

19 Mr. Beardslee swore in the Planning Department staff.

20 **New Business**

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

22 Mr. Beardslee entered the staff report into the record. NR Planner II Angie Hubbard introduced
23 herself. The application has been submitted by Daniel and Deborah Brummett to transfer their
24 property for Designated Forest tax classification to the Open Spaced Timber tax classification.
25 The property is located off of west Cougar Creek approximately 30 miles east of Tonasket. She
26 explained that there is a residence, carport, two shops and a saw mill located on this property
27 and that there are no permits for any of the structures on file with the Okanogan County Building
28 Department. The applicant has not responded as to whether they are using the saw mill for
29 commercial use or to the age, use or legality of any of the other structures. OCC 17.21 requires
30 a CUP for commercial saw mills in the minimum requirement district, which is where this
31 property is located. Attachment B2-B4 of the staff report are aerial views taken of the property
32 and the structures in 1995, 2011 and 2013. They show that most of the structures were built
33 after 1995 although she does not know when the residence was built. The applicant created a

34 Forest Management Plan in 2004 with Forester Clay Brown. No information has been provided
35 regarding any activity with the timber. The Assessor's Office will require a new Forest
36 Management Plan after 10 years. NR Planner Hubbard asked the Hearings Examiner if he had
37 any questions. Mr. Beardslee did not. The hearing was then opened to the applicant.

38 Mr. Beardslee called the applicant forward. Daniel Brummett introduced himself and gave his
39 address as 14704 128th St Puyallup Washington. Mr. Beardslee swore the applicant in. Mr.
40 Brummett explained that he and his brother purchased property together 25-30 years ago. He
41 did not know the exact year. His brother took the 4 acres with the cabin on it and he took the 20
42 acres. The Omak Indians owned the timber rights on the property he purchased and logged it.
43 Afterwards Mr. Brummett purchased the timber rights from them. He has not run the saw mill in
44 7 years and has only cut trees down that are diseased, other than that he has done no logging.

45 Mr. Beardslee asked Mr. Brummett when the buildings were built.

46 Mr. Brummett did not know. The applicant made comments about having to get permits and
47 how he disagreed with this.

48 Mr. Beardslee asked if Mr. Brummett if he was a carpenter in Puyallup and if there was some
49 reason he thought he did not need to get a building permit.

50 Mr. Brummett responded that he thought he would not have to get a building permit if the
51 structure did not have facilities such as water and sewer.

52 Mr. Beardslee asked if the applicant had asked any staff from the County if he would need
53 permits.

54 Mr. Brummett said no he asked others, that he doesn't talk to County employees. He further
55 explained that he fought this issue in Puyallup also. He is a carpenter by trade and did not get
56 permits for any structures he built over there and now the Building Officials are coming back on
57 them. Mr. Brummett feels it costs too much to get permits. He went in to the cost outlay of
58 constructing with permits.

59 Mr. Beardslee asked Mr. Brummett if he intended to get building permits for the buildings this
60 property.

61 Mr. Brummett responded that he had the property up for sale.

62 Mr. Beardslee asked the applicant four times if he intended to get permits and the applicant
63 refused to answer the question.

64 Mr. Beardslee asked who Mr. Brummett had his property listed with.

65 Mr. Brummett responded that the agents name was Earl but he did not know what agency he
66 was with. He said people are interested in the property but don't care for the neighbors.

67 Mr. Beardslee asked if the applicant had anything else to add.

68 Mr. Brummett said he had nothing else to add, but did reiterate that the saw mill was not being
69 used and he wanted to sell the property.

70 Mr. Beardslee moved on to the 2004 Forest Management Plan created by Clay Brown. He
71 asked Mr. Brown if it has been implemented.

72 Clay Brown of 48 Hopfer Rd Omak he introduced himself as a professional Forester. Mr.
73 Beardslee swore him in. Mr. Brown answered that yes the plan has been implemented. The
74 diseased trees have been removed. Mr. Brown professed no knowledge as to whether the saw
75 mill was ever commercially used, he believed it was used for personal use. He added that there
76 have been other requirements that have been added to the plan so it is up to date.

77 Mr. Beardslee asked if there was anything else.

78 Mr. Brown said he had a question. The buildings have been on the property since 1995. Did the
79 County ever notify Mr. Brummett that he needed permits? It seems like all of the sudden Mr.
80 Brummett is applying for OST and is getting slammed but building permits. What is the use of a
81 permit if the structure is already built? He also asked if there is a time limit on when permits are
82 needed. Mr. Brown stated he felt the timing of enforcement for these building permits was not
83 convenient for the land owners.

84 Director of Planning Perry Huston came forward and introduced himself. He responded that
85 Okanogan County does not patrol for code violations; rather they work on them when violations
86 come to our attention such as when people sell property and enter reduced tax programs. Part
87 of the requirements to enter the Open Space Timber program is that the property complies with
88 the Okanogan County Code. If the saw mill is not being used for commercial purposes, then it
89 does not fall under the permitting prevue of the Planning Department, it is simply an accessory
90 structure, but it is still up to the Building Department as to whether it needs permit. It is a
91 permitted structure as far as the zoning is concerned but not as far as the OCC. Reduced
92 property tax programs are voluntary.

93 Mr. Beardslee asked for clarification as to whether the buildings could be considered a legal
94 nonconforming use due to the passage of time.

95 Director Huston said that these structures do not qualify for that because they were constructed
96 after 1974, which was when the code amendment requiring building permits was adopted.

97 Mr. Brummett responded that every time he has received his tax statement he has been
98 charged taxes on the buildings on his property, even though they do not conform to Building
99 Code regulations. Mr. Brummett was worried that someone would try to steel his stuff on his
100 property because the Assessor's Office had pictures of it. He stated that they knew he had
101 these structures without permits and didn't tell him he to get permits.

102 Mr. Beardslee asked the applicant if he had ever talked to anyone at the Assessor's Office.

103 Mr. Brummett said yes.

104 Mr. Beardslee asked when he had talked to that office and when the pictures were taken.

105 Mr. Brummett said 10 years ago. He doesn't live over here because his wife won't live over
106 here.

107 Mr. Beardslee asked if the applicant had anything else to add.

108 Mr. Brummett and Mr. Brown said no.

109 Mr. Beardslee asked if staff had anything else to add. No. Mr. Beardslee declared the record for
110 the Hearing closed. He will have his recommendation submitted within 10 days, NR Planner
111 Hubbard would then send notification to the applicant and then it would be sent to the Board of
112 County Commissioners. A meeting will be scheduled after that.

113 ***Cockle Open Space Timber 2014-01***

114 NR Planner Angie Hubbard introduced herself. The staff report and an email from the applicant
115 has been entered in the record. An extension has been requested by the applicant until 3/13/14.

116 Mr. Beardslee said extension granted and noted.

117 Mr. Beardslee asked if there was any other business. There was none. Mr. Beardslee adjourned
118 the hearing.

119 Respectfully submitted,

120 Anna Randall
121 Administrative Secretary