



Okanogan County Hearings Examiner Meeting Minutes

1 A regular session of the Okanogan County Hearings Examiner was held on March 13, 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, Angie Hubbard NR
5 Planner II, Anna Randall Administrative Secretary.

6 **APPELLANT/APPLICANTS OR THEIR REPRESENTATIVES:** Gordy Cockle

7 **OTHERS:** None

8 Mr. Beardslee opened the hearing and explained the procedure for the hearing and his
9 authority. He went over the process of the hearing, the staff will explain the project, the
10 landowner will give testimony and the public will be allowed to make comments, and lastly the
11 applicant will be able to give a final statement and answer any further comments that arise as
12 the burden of proof is on the applicant. All comments and questions need to be directed to the
13 Hearings Examiner. Please turn off all cell phones. At that time the hearing will be closed to
14 public comment and recommendations are then sent to the Board of County Commissioners.
15 Make sure all persons testifying speak their name and address for the record. Any documents
16 need to be entered into the record now in order to be part of the hearing. The appeal process
17 will be based on testimony given today. This hearing is being recorded. His decision will be
18 given in ten days. Mr. Beardslee has no interest in the matters before him and if any person has
19 objections to him hearing this application please speak up, as there were none the hearing will
20 begin.

21 Mr. Beardslee swore in the Planning Department staff.

22 **New Business**

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

24 NR Planner Angie Hubbard introduced herself. The staff report was entered into the record.
25 Gordon, James and Raymond Cockle own 20.15 acres. They are applying for Open Spaced
26 Timber on 19.15 acres. There is an existing cabin and two sheds on the property. The Building
27 Department submitted a comment that the cabin does not have a building permit. She did not
28 know the exact year the cabin was placed on the property. The sheds are under the required
29 square footage for a building permit. RCW 14.09.080 states that any properties that are not in
30 compliance with Okanogan County land use codes are ineligible for the Open Spaced Timber
31 program. Forester James R. G. Vernon created a Forest Management Plan for the property.
32 The owners intend to maintain the forest for optimal health and sustainable yield. The property

33 is located off Forest Service Road 3525 about 9 miles east of Oroville. One of the applicants is
34 present to give testimony. She asked Mr. Beardslee for questions.

35 Mr. Beardslee asked about the acreage because the Assessor's data said 20.15 acres and the
36 applicant's data differed with 20.5 acres. He asked Planner Hubbard where that data came from
37 and if she had been to the site.

38 She said her data came from the Assessor's office and no, she had not been to the site.

39 Mr. Beardslee responded that he will rely on the Assessors acreage. He asked about the square
40 footage of the cabin and shed and where that data came from.

41 Planner Hubbard replied that data was from the Assessor's office also.

42 Mr. Beardslee clarified that the cabin was 548 square feet and the sheds were 128 and 180
43 square feet. Mr. Beardslee wanted to know the details on the regulation for needing or not
44 needing a building permit for each structure.

45 Planner Hubbard explained that requirement came from the international building codes. The
46 sheds were exempt from needing a building permit because they were under 200 square feet
47 and used for storage. The cabin was over 500 square feet and not used only for storage and
48 also had a wood stove in it. Planner Hubbard said that the applicant was present and would be
49 able to answer any specific questions.

50 Gordy Cockle came forward to give testimony. He introduced himself and gave his address as
51 10 Nicholson Rd Tonasket. Mr. Beardslee swore him in. Mr. Cockle said an employee from the
52 Assessor's office came by the property in question a few years ago to inform one of Mr.
53 Cockle's brothers that they were no longer eligible for the Designated Forest tax program. The
54 acreage he listed on his application was an estimate; he has not had the property surveyed
55 although his neighbor has so two of the corners have been established. They bought the
56 property in 1995 or 1996. The cabin was going to be destroyed where it was built on Lake
57 Chelan and so he and his brothers moved it to their property in 2002. The main structure is 16
58 by 26 feet with a 6 or 8 by 8 foot attached porch. It was cut into two pieces and trailered to the
59 property where they put it back together. At the time Mr. Cockle talked to Bob Gorski, who was
60 head of Building Department before Dan Higbee, about building codes and that there were no
61 permits on the structure. Mr. Gorski said he did not want to hear about it. There are no
62 amenities such as power, water or sewer. It will not comply with building codes. They just sleep
63 in it when they are on the property. He is a builder and is familiar with current building codes.

64 Mr. Beardslee asked if Mr. Cockle had specifically asked Mr. Gorski about needing a building
65 permit and whether he had given him a definite answer about needing a building permit or not.

66 Mr. Cockle said that yes he asked but Mr. Gorski, but he didn't give him a definitive answer, and
67 he could not recall the exact response. The exact date that the main part of the cabin was
68 moved up to the property was 8/27/02. Mr. Cockle had pictures of the move and set up and
69 wanted them put them in the record. He feels that the structure is not worth the cost of bringing
70 it up to building code compliance.

71 For the record, pictures 1-6 were submitted by Mr. Cockle.

72 Mr. Beardslee asked when the Assessor's office notified Mr. Cockle that the property was no
73 longer eligible for Designated Forest.

74 Mr. Cockle said it was about a year or so ago; he received a letter and phone calls. He started
75 talking to Perry Huston, the Director of Planning to find out what the process was to enter Open
76 Space Timber.

77 Mr. Beardslee asked how much work it would take to bring the structure into compliance and be
78 able to get a Building Permit after the fact.

79 Mr. Cockle said extensive work would be needed; he then listed several items that would
80 require renovation. There was a great deal to be done. It is a 75 year old cabin with no
81 insulation and no insurance. There is also a noncompliant wood stove.

82 Mr. Beardslee asked Planner Hubbard if there is an exception in the Okanogan County Code
83 about not needing water and electricity on a recreational cabin.

84 Planner Hubbard replied that was true.

85 Mr. Cockle said he thought that was under the Health Code.

86 Mr. Beardslee asked for clarification from Mr. Cockle that he didn't get a definite answer from
87 Mr. Gorski regarding the need for a building permit.

88 Mr. Cockle said no, he did not receive a definite answer that he and his brothers knew the cabin
89 would not pass code. Mr. Cockle then asked what the minimum lot requirement was for a
90 structure.

91 Planner Hubbard answered that the property was in the minimum requirement district so the lot
92 size was 1 acre for the county zoning, but the Health District required 2 acres for well and
93 septic. This process we are currently going through is for tax classification, not zoning. The
94 Assessor takes 1 acre out of the total acreage for a structure and then assesses the 19.15
95 acres for Open Space Timber and then the 1 acre for recreational use.

96 Mr. Cockle said the tax value has increased significantly and he feels it is valued too high. He
97 doesn't have an issue with paying the taxes but the value is rather high especially for the
98 structure.

99 Mr. Beardslee pointed out that he can come out of the program but then he would have to pay
100 back taxes for 10 years.

101 Mr. Cockle said if he has to bring the cabin up to code or come out of the program then they will
102 have to tear it down, he doesn't want to but it is not worth what it would cost to bring it up to
103 code.

104 Mr. Beardslee asked Planner Hubbard if the cabin was gone can they stay in Designated
105 Forest.

106 Planner Hubbard said that personnel from the Assessor's office would have to answer that. She
107 did not want to answer for them because the sheds may still require the transfer.

108 Mr. Beardslee said he would like to hear from the Assessor's Office, and wished they were here.
109 He asked Planner Hubbard if they would be available to come to the hearing, but he also did not
110 wish extend the Hearing and require the applicant to come again and the cost to the county of
111 him coming again. Mr. Beardslee said he may leave the record open because he wants to hear

112 from the Assessor's office. Mr. Beardslee asked Planner Hubbard if she could talk to the
113 Assessor's office, he would give her a list of questions that he had and then he would close the
114 record after he had received answers to those.

115 Mr. Cockle said he wants to talk to Dan Higbee, the head of the Building Department and get
116 him to come up and let know what needs to be done in order for the structure to come up to
117 code. He talked to Debbie from that department as to the different requirements for a
118 recreational cabin and she said that it did not need power or water but still needed to comply
119 with the building code. He also asked if someone from the Assessor's office would be available
120 now to come up.

121 Planner Hubbard did not believe they would be available.

122 Mr. Beardslee stated he will leave the record open until 3/21/14 in order to get information from
123 the Assessor's office and the Building department. Then he will close the hearing and issue his
124 decision. The Hearing was closed but the record will remain open until 3/21/14.

125 Mr. Cockle asked if he should send any additional information to Planner Hubbard.

126 Mr. Beardslee responded yes.

127 Meeting Adjourned.

128 Respectfully submitted,

129 Anna Randall
130 Administrative Secretary

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Hearing Examiner Mr. Dan Beardslee
(signature)

Date