

**CHELAN COUNTY COMMISSIONERS
MINUTES OF FEBRUARY 4, 5, 2008**

MONDAY, FEBRUARY 4

8:46:07 AM OPENING

Chairman Hawkins opens session with Commissioner Walter and Commissioner Goehner in attendance. Also present for session are County Administrator Cathy Mulhall and Deputy Clerk of the Board, Sally Taylor.

8:47 AM EMPLOYEE RECOGNITION AWARDS

Chairman Hawkins shares that the Chelan County Commissioners, as representatives of the Citizens of Chelan County, are honored in presenting an exemplar of their appreciation for meritorious, exemplary, and dedicated service to the citizens of Chelan County and for upholding the ideals of public service through the years of serving the public, to the following employees:

| | | | |
|--------------------|--------------------------|----------|---------|
| Larry Tobiska | Prosecuting Attorney CSD | 20 Years | Present |
| Sheriff Mike Harum | Sheriff's Dept. | 30 Years | Present |

8:54:57 AM BOARD DISCUSSION:

- Roger Clute representing the Wenatchee Valley Convention and Visitors' Bureau present to discuss Lodging Tax Advisory Committee. Article regarding allocation of lodging tax printed in the Lake Chelan Chamber newsletter states some inaccuracies.
2008C8-19

9:01:08 AM APPROVAL OF MINUTES:

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously to approve the minutes of January 28, 29 -2008 with corrections.

9:14:13 AM CONSENT AGENDA:

Moved by Commissioner Walter, seconded by Commissioner Goehner, and carried that the Board approve the consent agenda.

- Vouchers as submitted and listed
- Payroll changes:
 - a) John Neely, Regional Justice Center, New Hire
 - b) Matt Fields, Sheriff's Dept, Retirement
 - c) Jeff Middleton, Sheriff's Dept, Clothing Allowance
 - d) Bradley Norton, Sheriff's Dept, New Hire
 - e) Peggy Roberts, Sheriff's Dept, Increase in Hours
 - f) Christopher Eakle, Sheriff's Dept, New Hire
 - g) Lori Van Lith, Extension, Resignation

- Approval of January Payroll

2008B4-12

9:16:05 AM BOARD DISCUSSION

- Peshastin Mill Property Update: Property may be eligible for a Surface Transportation Plan (STP) grant from the state. Funding would be dedicated for a new bridge to access Mill property. Multiple agencies would need to be involved to plan new access.
- Fire District #1 Meeting Update - Randy Johnson from Fire District #1 shares concerns from Fire District regarding annexation of property in Sunnyslope by the City and fire district coverage. Board recommendation is for Fire District #1 to work with the City of Wenatchee on this issue.
- Surcharge on Car Tabs - Meeting to be held February 21 at 10 AM in Columbia Station conference room.
- Mike Rickel of the Cascadia Conservation District present to request approval of Fire District #6 Wildfire Plan.

9:43:13 AM ADDED ACTION ITEM:

Moved by Commissioner Walter, seconded by Commissioner Goehner to designate County Commissioner from each District to sign Wildfire Plan on behalf of each Commissioner District, motion carried.

9:44:00 AM BOARD DISCUSSION CONTINUES:

- Change Order Request for Auditor Office Remodel - Commissioner Walter met with Blodgett Construction and Facilities Director Pat Du Lac to discuss \$12,500 change order for HVAC installation. **Consensus** of Board to accept change order.
- Regional Justice Center Work Plan for Facility Upgrades - Recommendations will be forwarded after study is complete.
- Wenatchee River Regulatory Strategy for Phosphorus Removal - More study needed before final conclusions. DOE grant funding is available for regular wastewater analysis.
- Chiwawa Loop Project Mitigation Meeting - Public Works and Natural Resource Departments need to partner to obtain best use of County resources. Possible purchase of a temporary bridge to use for future projects.
- Together for Drug Free Youth - Grant review audit has been concluded
- Eagle Creek Road Project Update - Property owners have been encouraged to contact the county with any concerns.

10:03:38 AM ADMINISTRATIVE AGENDA

County Administrator, Cathy Mulhall

DISCUSSION ITEMS:

Restroom Facility Project at Wenatchee River Park - Project Manager Robert Knowles present to discuss bid award for Restroom Facility Project at Wenatchee River Park. Recommendation by Project Manager to award bid to Halme Builders for \$682,500. Board

discusses bid amounts which came in higher than anticipated. Additional Funding from CTED for project may be an option but not certain. County may be responsible for the additional \$182,500 above the engineer's estimate. Commissioner

Goehner expresses concern regarding additional cost of project without funding. May be possible to delay project until next year. **Consensus** of the Board to pull Bid Award until 8:30 A.M. Tuesday, February 4th to obtain further information.

1. Prosecuting Attorney Gary Riesen present to discuss HR Answers Salary Survey and employee appeals process.
2. Chelan County Expo Center Manager Marsha Clute Present to Discuss Expo Center Issues
 - Suggested Changes to County Code to reflect Expo Center and Fair By-Laws update. Resolutions will be necessary to update County Code
 - Fair Board now has full membership. Possible letter to Fair Board Director regarding Fair Board positions and appreciation of Fair Board.
 - Newly Elected Fair Board Member Roster 2008C8-20
 - Fair Board Updated By-Laws to be approved after Code Updates
 - Water Issues at Fairgrounds
3. Allocation Process for Housing Funds - Create an application process and disburse twice yearly in April and October. Housing Fund currently spent out. Priority and criteria for application to be drafted by County Administrator for review.
4. Allocation Process for Historic Funds - Approximately \$86,000 currently available. County Departments are eligible for funding for historic preservation.

11:14:08 AM ACTION ITEMS:

Moved by Commissioner Walter, seconded by Commissioner Goehner, and carried that the Board approve the following action items, **pulling item (1b)** until Tuesday, February 5 at 8:30 AM:

1. Contracts/Agreements:

- a) 2008-2010 Contract between AFSCME Local 846-CD(S) and Chelan County
2008A5-16
- b) **(Pulled)** Notice of Intent to Award Bid, Restroom Facility Project
- c) Interlocal Cooperative Agreement with the Columbia River Task Force 2008A5-17

11:12:03 AM NATURAL RESOURCES DEPARTMENT

Mike Kaputa, Natural Resources Director

DISCUSSION ITEMS

1. Grant No. G0800335 with Department of Ecology for WRIA 45 (Wenatchee) Hydro geologic Monitoring
2. Grant No. G0800386 with Department of Ecology for Mission and Chumstick Creeks Cumulative Impact Analysis
3. Grant No. G0800399 with Department of Ecology for WRIA 45 (Wenatchee) Reservation Accounting System and Metering Plan
4. Stemilt Partnership Planning and Framework as follows:

1:32:01 AM ACTION ITEMS:

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously to approve the following action items:

1. Contracts/Agreements

- a) Grant No. G0800335 with Department of Ecology for WRIA 45 (Wenatchee) Hydro geologic Monitoring 2008A5-18
- b) Grant No. G0800386 with Department of Ecology for Mission and Chumstick Creeks Cumulative Impact Analysis 2008A5-18
- c) Grant No. G0800399 with Department of Ecology for WRIA 45 (Wenatchee) Reservation Accounting System and Metering Plan 2008A5-18

11:40:25 AM BOARD DISCUSSION:

CASA/GAL Program Administrator Sue Baker meets with the Board. This program served 247 abused and neglected children in 2007. Increase in cases may be due to increased population in Chelan and Douglas Counties. Request to use CASA office in basement of 316 Building to store items for CASA clients, approved by Board. September 11th scheduled for Charity Golf Tournament fund raiser for 2008.

12:08:30 PM EXECUTIVE SESSION:

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried that the Board move into fifteen minute Executive Session Pursuant to RCW 42.30.110(g) to evaluate the qualifications of a candidate for public employment.

12:20 P.M. REGULAR SESSION:

Board resumes regular session.

12:15:40 PM RECESS

1:31:51 PM CHELAN COUNTY REGIONAL JUSTICE CENTER

Interim Director Phil Stanley, Deputy Director Mark McCormick

DISCUSSION ITEMS:

- Replacement Copiers for Records and Booking Departments - Informal bids requested.
- Public Records Requests received by Regional Justice Center.

1:46:32 PM ACTION ITEMS:

Moved by Commissioner Walter, seconded by Commissioner Goehner, and carried that the Board approve the following action items.

1. Contracts/Agreements

- a) Approval of Bid for CCRJC Copier for Records Department 2008B1-6
- b) Approval of Lease for CCRJC Copier for Booking 2008B1-6

1:47:46 PM Continued Board Discussion:

- Boating Regulations - Prosecuting Attorney working on updated regulations.

1:48:22 PM Recess

2:13:28 PM ROAD STANDARDS WORKSHOP, TITLE 15 UPDATES

Staff report Presented by Public Works Development Coordinator Shirley Berg and County Engineer Jolene Gosselin. Draft changes to Title 15, Road Standards suggested by the sub committee include:

- Maximum grade for public and private roads will be 12%. Greater than 12% requires a deviation process with consideration by the fire district authority.
- No Average Daily Travel (ADT) maximum for private roads
- Number of lots served by driveway shall be four; a subcommittee will develop specific language.
- Secondary access and connectivity are deemed crucial issues requiring further evaluation.
- Local Areas of More Intense Rural Developments (LAMIRD). Pedestrian facilities shall be constructed when such improvements exist adjacent to subject site.
- Discussion Continues - Staff, the Board, and Sub Committee members. See sign in sheet for attendees. Further defined draft to be submitted to the Board on Feb. 25 at 2:15 PM.

(3:33 P.M. Commissioner Walter excused for RSN Governing Board Meeting)

4:00:48 PM RECESS

Moved by Commissioner Goehner, seconded by Commissioner Hawkins, and carried that the Board recess until Tuesday, February 5, 2008.

TUESDAY, FEBRUARY 5

8:32:29 AM OPENING:

Chairman Hawkins opens session with Commissioner Walter and Commissioner Goehner in attendance. Also present is the Clerk of the Board.

BOARD DISCUSSION:

- Farm Worker Housing Camp Restroom Project. Project Manager Robert Knowles, Farm Worker Housing Camp Director Edmundo Gonzalez, and Facilities Director Pat DuLac present for discussion. It is shared by the project manager that in order for the County to receive State assistance, construction on the project would need to take place this year. Due to the high bid figures for the project, as well as timelines and change order possibilities, it is the recommendation of Robert Knowles to postpone the bid

award for one week to gather further information. It is **consensus** to continue the matter until Monday, February 11 on the Administrative Agenda.

- Discussions with the City of Wenatchee regarding Comp Plan Amendments
- STP Funds

8:45:52 AM CONFERENCE CALL - LEGISLATIVE CONSULTANT JIM POTTS

- Request from Attorney General for Legislative Bill 3292 Requiring Taping of Executive Sessions
- Call to State Representative Kretz regarding Legislative House Bill 3292 Taping Bill
- Constituent Ray Reid Present for Session

8:59:02 AM FACILITIES MAINTENANCE

Pat DuLac, Director

DEPARTMENTAL ISSUES:

- Jail Project Priorities
- Possible In-House Project Management
- Auditor Remodel Update
- Courthouse Exterior Wall Remodel

9:32:08 AM PUBLIC WORKS DEPARTMENT

County Engineer Jolene Gosselin

DISCUSSION ITEMS:

1. Executive Session Request

9:32:33 AM EXECUTIVE SESSION:

Moved by Commissioner Walter, seconded by Commissioner Goehner and carried that the Board move into 15 minute executive session pursuant to RCW 42.30.110(i) regarding potential litigation with Counsel Lou Chernak present.

9:48:02 AM REGULAR SESSION:

Board resumes regular session.

DISCUSSION ITEMS:

- Commissioners contact State Representative Chandler via Telephone to Voice Opposition to Legislative House Bill 3292 Requiring Taping of Executive Sessions.

9:51:31 AM PUBLIC WORKS DISCUSSION CONTINUES:

2. Final Order of Vacation – Bridge Street
3. Final Order of Vacation Petition by Kevin Gates
4. Resolution for Emergency Winter Restrictions (to be pulled for further discussion with the Public Works Director
5. Letter to Federal Highway Administration regarding Temporary Bridge
6. Nason Creek Bridge Collapse

7. Parker Project Half Street Improvement – Jeff Kinzel speaks on the issue of road improvements for Diane Parker. Commissioner Goehner will work with the Public Works Department and the landowner for possible mitigation agreement.

10:19:56 AM ACTION ITEMS:

Moved by Commissioner Walter, seconded by Commissioner Goehner and carried that the Board approve the following action items (**pulling**) item **2(a)** for further discussion with the Public Works Director and (**adding**) item **3(a)** letter to Federal Highway Administration:

1. **Road Vacations**

- a) Final Order of Vacation for the Vacation of a Portion of County Road Right of Way Known as Bridge Street 2008V1-3
- b) Final Order of Vacation Petition by Kevin Gates for the Vacation of County Road Right of Way Known as a Portion of Boleslaw Jagla Road 2008V-1a

2. **Resolution**

- a) (**Pulled**) Adoption of Resolution for Emergency Winter Restrictions (Weight Restrictions)

3. **Miscellaneous**

- a) (**Added**) Letter to Sharon Love of the Federal Highway Administration regarding the Chiwawa Loop Road Improvement Project 2008C8-21

10:20:37 AM RECESS

10:22:48 AM COMMUNITY DEVELOPMENT

John Guenther, Director

CONTINUED PUBLIC HEARING FROM JANUARY 29, 2008

PROPOSED FEE CHANGES FOR LAND USE PLANNING AND BUILDING

Commissioner Hawkins opens the continued hearing. Community Development Director John Guenther outlines the proposed modifications to the fee structure as proposed at the previously held January 29, 2008 hearing:

- Planning Fees Unchanged; and
- Building Valuation Changes to Reflect 12% or 10% Impact
- No Changes to Fee Schedule
- Home Builders' Offer of Assistance in Completing a Cost Recovery Study

The proposal before the Board today is that a given structure or the amount of dollars collected from the Community Development Department as far as valuation would be increased either by 10% (percent deferred from last year) or, 12% (deferred from last year plus a CPI index of 2%). Along with the fee increases, the Commissioners and the Community Development process improvement is shared with the Homebuilders as well as

other entities in the land use business. The information from the cost recovery study needs to be to the Commissioners prior to the next budget session.

10:34:54 AM PUBLIC COMMENT:

Gary Isaacson speaks on behalf of the North Central Home Builders' Association on the fee increase. He shares the Homebuilders oppose an increase which may seem to be a small amount. In this scenario the increase could be about \$500 on a 2000 sq ft home which might sell for \$350,000. In the industry there are many things that affect affordability and most of them are uncontrollable such as commodities and regulations. On the local level three things that can be controlled to keep the costs down for affordable housing are a good supply of land, holding down excess regulation, and fees. When the industry reaches the tipping point of affordability it is not one big thing, it is death by a thousand blows. The Commissioners can control those costs and it is requested that anytime you vote an increase in fees it is asked that it is done with careful consideration and good data to support that decision.

Affordable housing incentives were discussed at the last hearing and Commissioner Walter feels these ideas need to be incorporated into further discussions on affordable housing.

Mr. Isaacson speaks about the availability of land and the continuing discussion on changing the growth management boundary as suggested in 1995 between the City of Wenatchee and Chelan County where it was agreed that 1100 acres, of which 380 acres was buildable. These numbers of acres are not enough. This is one reason for the spike in land prices. Commissioner Walter reminds the association of the work Chelan County has done in the changes in Malaga, the reformation of the Manson Community Council, and the Peshastin area. It is important for community involvement when those that do not want growth are challenging the designations of land for housing such as LAMIRDS.

10:41:17 AM HEARING CLOSED

10:41:32 AM ACTION:

Moved by Commissioner Walter, seconded by Commissioner Hawkins and carried that the Board approve the Community Development Agenda fee increases, adopting exhibit "a" with 12% valuation increase and noting that the Community Development Dept will work with the Homebuilders' Association in a cost recovery study with Commissioner Goehner voting in the negative:

5. **Resolution**

- a) Adoption of **Resolution No. 2008 - 12** Adopting Fee Changes for Community Development

10:41:49 AM COMMUNITY DEVELOPMENT DISCUSSION ITEMS:

1. Home Builders' Show
2. Green Building Program Model from Spokane

3. Notice of Hearing for Comprehensive Plan Amendments – February 19, 2008
4. Resolution Adopting Amendments to the County Code 11.92 for Signs (striking the sentence referencing design requirements of flag poles)
5. Short Plat Report and Update by Kristi DeLozier
6. Letter in Response to Wenatchee City Letter Dated January 28, 2008 regarding Comprehensive Plan Amendments Outside the UGA. Don Dimmitt attorney is present. He speaks on the hearing process.
7. Resolution Appointing Jim Blair as Planning Commission Member for District 1 Effective March 1, 2008
8. Manson All Agency Meeting on February 5
9. Sustainability White Paper Discussion
10. Home Builders Expo Participation Update
11. Update on Staff Recommendations for Planning Commission
12. Robert Stewart Trial regarding Contempt of Court

11:30:00 AM ACTION ITEMS:

Moved by Commissioner Goehner, seconded by Commissioner Walter and carried that the Board approve the following action items noting that item 2(a) was previously approved at 10:41a.m. and **(adding)** item **3(a)** for the Letter to the City of Wenatchee approval k/r adding letter to city of Wenatchee

1. Notice of Hearing

- a) Notice of Public Hearing for February 19, 2008 for Comp Plan Amendments
2008H6-4

2. Resolutions

- a) Adoption of **Resolution No. 2008 - 13** Adopting Amendments to the County Code 11.92 for Signs
- b) (Previously approved) Resolution Adopting Fee Changes for Community Development
- c) Adoption of **Resolution No. 2008 - 14** Appointing Jim Blair as Planning Commission Member District 1 – Effective March 1, 2008

3. Miscellaneous

- a) **(Added)** Letter of Response to the City of Wenatchee regarding Comprehensive Plan Amendments Outside the UGA
2008C8-31

11:33:21 AM RECESS

11:38:24 AM _ DEPT OF FISH & WILDLIFE PERSONNEL

Assistant Director of Habitat Program Greg Hueckle, Deputy Assistant Director Habitat Program Peter Birch, and Regional Director Dennis Beich

GENERAL DISCUSSION ITEMS:

- Chiwawa Loop Road Project on Beaver Creek and Culvert Replacement
- Beebe Springs Purchase Option Exercised by Chelan County with WDFW

11:47:30 AM EXECUTIVE SESSION:

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously that the Board move into Executive Session for one hour Pursuant to RCW 42.30.110(i) regarding Potential Litigation with Counsel Susan Hinkle present as well as RCW 42.30.110(g) regarding the Performance of a Public Employee.

12:47:33 PM EXECUTIVE SESSION:

Board extends executive session pursuant to RCW 42.30.110(i) and RCW 42.30.110(g) for an additional 20 minutes.

1:07:18 PM REGULAR SESSION:

Board resumes regular session.

1:11:30 PM RECESS

1:34:19 PM PUBLIC HEARING - Comp Plan Amendments

2007-006; 2007-020; 2007-027; 2007-030; 2007-033

Commissioner Hawkins opens public hearing on the proposed comp plan amendments. Commissioner Hawkins discloses a business association with the applicants being heard today. He does not feel that there will be any conflict but would recuse himself if requested. In CPA 2007-006 Commissioner Goehner also notes a friendship with the applicant. He also does not feel this would affect his ability to make a fair judgment on the issue. Commissioner Walter notes a family relationship with Morgan Picton, the representative in 2007-007 and 2007-003. No one from the public requests recusal.

On the hearing of CPA No 2007-027 Commissioner Goehner will recuse himself because he owns property adjoining the parcel being heard for action. Only Commissioner Hawkins and Commissioner Walter will be taking action on CPA 2007-027.

CPA 2007-006:

2007-006 Graham Simon of the Chelan County Planning Department presents staff report. Application was submitted by Craig Christensen on behalf of Remley Orchards. The proposal is to change the designation of 18.5 acres of land from Commercial Agricultural Lands (AC) to Rural Residential (RR 2.5). The subject property is located on US Highway 2, approximately 1.4 miles west of Cashmere. It is also identified under Tax Parcel No. 241836140020. The Planning Commission recommended approval.

Surrounding designations are discussed. No one from the public speaks on the application.

1:43:17 PM ACTION (CPA 2007-006):

Moved by Commissioner Walter, seconded by Commissioner Goehner and carried unanimously that the Board **approve** the following action items with discussion regarding that this is an isolated property and is on a plateau and feels that the property was not originally zoned appropriately. Existing use and soil types were noted as a possible indication of the original designation by Planner Matt Hansen. Action will be taken by way of resolution on CPA 2007-006 on Tuesday, February 12.

CPA 2007-020:

Planner Graham Simon presents the staff report. Application was made by land owners Herold and Marrian Peebles, for a comprehensive plan amendment on approximately 51.92 acres of land. The proposal is to change the designation from Commercial Agriculture Lands (CA) to Rural Residential Resource 5 (RR5). The property is located at the intersection of Boyd Road and Purteman Gulch Section 33 & 34, Township 28N, Range 22, in Manson, WA. The property is also identified by Assessor's Parcels #282233110050 and 282234230070. No owner or agent representation at any meetings. The Planning Commission recommended denial of the application.

Commissioner Goehner finds no documentation of profitability or productivity. There was not any information on soils. No one from the public speaks on the application. Staff did not feel the applicant met the intent of the WAC on de-designation of ag land criteria as well as the surrounding land use would be incompatible.

1:49:28 PM ACTION (CPA 2007-020):

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried that the Board **deny** the application CPA 2007-020 and based upon the recommendation of the Planning Commission for Comp Plan Amendment. Action will be taken by way of Record of Decision on CPA 2007-020 on Tuesday, February 12.

1:50:26 PM CPA 2007-027:

(Commissioner Goehner has recused himself from the hearing and leaves chambers.)

An application was submitted by Diane Parker, owner, for a Comprehensive Plan Land Use Map Amendment on approximately 21.87 acres of land. The proposal is to change the designation from Commercial Agricultural Lands (AC) to Rural Waterfront (RW). The subject property is located at 8361 Depot Road, Dryden, WA, within Section 26, Township 24N, Range 18. The property is also identified by Assessor's Parcels #241826330050 and 241826340100. Map identified as exhibit. After submittal this property went through certificates of exemptions and each are now individual tax lots totaling 7 lots. The adjoining property is the railroad. The Planning Commission recommended approval of this application.

Attorney Kirk Bromiley represents Ms. Parker and speaks to the application. Written materials were submitted to the Planning Commission. It was earlier thought the staff would

recommend denial, however, the historic lot lines were re-established into 7 parcels). The size of the parcels is smaller at this time. The land is currently in orchard land. Commissioner Goehner has parcels next to this property. Other orchards in the area have been removed. Once parcel is zoned rural industrial with the remaining parcels in commercial ag. PUD water and sewer are already in the vicinity. The changes in the area have moved from ag lands to now a character change and likely to be developed. He feels the Planning Commission recognized that a policy decision should be made to re-designate the property to rural waterfront when they recommended approval. He notes the Chelan County Assessor has recognized this as the property tax increase values tripled. The property is not going to remain in orchard and will be developed in some fashion. As it presently sits there are 7 parcels. Land use planning could be done to create parcels that she can develop and sell. A rural waterfront designation subjects the property to all of the planning and processes that are needed for a subdivision and provides the citizens and the County with all of those protections.

Neighbor Jeff Kinzel speaks as a neighbor to Ms. Parker. The property has logical boundaries with the river, Depot Road as well as the railroad. It also has the necessary services.

2:00:14 PM ACTION (CPA 2007-027):

Moved by Commissioner Walter, seconded by Commissioner Hawkins and carried that based upon findings of fact and the recommendation of the Planning Commission for approval, moves to **approve** the application for CPA 2007-027, noting Commissioner Goehner is excused from the vote. Action will be taken by way of resolution on CPA 2007-027 on Tuesday, February 12.

(Commissioner Goehner returns to Commission Chambers)

2:01:10 PM CPA 2007-030:

Graham Simon gives staff report. An application was submitted by Morgan Picton and Associates, on behalf of Dave Hellyer, owner, for a Comprehensive Plan Land Use Map Amendment on approximately 37.75 acres of land. The proposal is to change the designation from Commercial Agricultural Lands (AC) to Rural Residential/Resource 5 (RR5). The subject property is located at 780 Boyd Road, Chelan WA, within Section 33 & 34, Township 28N, Range 22. The property is also identified by Assessor's Parcels #282233524065, 282234524060 and 282234524050. The Planning Commission voted for approval of the application.

Morgan Picton speaks on the issue. He states the property is not suitable for commercial ag. The amount of property that is prime and unique soils is very limited; there are a lot of steep slopes, and also limitation of irrigation water. The Planning Department concurred that this is

not suitable for commercial ag. The Planning Commission recommended approval at their meeting.

2:05:52 PM ACTION (CPA 2007-030):

Based upon the Planning Commission recommendation and the finding of facts, Commissioner Walter moves to approve, Commissioner Goehner seconds the motion, and **approved**. Action will be taken by way of resolution on CPA 2007-030 on Tuesday, February 12.

2:06:27 PM CPA 2007-033:

Planner Simon offers the staff report on application CPA 2007-033 submitted by Morgan Picton and Associates, on behalf of Richard A Johnsen of Chelan Red, LLC, owner, for a Comprehensive Plan Amendment on approximately 144.68 acres of land. The proposal is to change the designation from Agricultural Commercial Lands to Rural Residential/Resource 5 (RR5). The subject property is located at 992 Winesap Ave, Manson, WA, within Section 32, Township 28N, Range 22. The property is also identified by Assessor's Parcels #282232606295.

The Planning Commission recommended denial of the application. The staff analysis feels this is mostly prime soils and the property is surrounded by ag. The staff felt this would be a spot zone. Commissioner Goehner notes that there are no production records or profitability records submitted on the matter. Mr. Morgan Picton speaks on the proposal. He hands out a 2006 Supreme Court decision on the Lewis County vs. Western Growth Management Hearings Board. He offers what he believes to be pertinent information on page 8 of GMA and ag lands and long term significance. He believes the Planning Department and the Planning Commission rule differently that what he reads in the text. It states that soil is an important issue in designation of commercial ag land and forest resource land but is not the only issue nor should it be the primary issue. The counties should be looking at all of the WAC to make that determination. The staff recommended denial. The owners request a change from ag commercial to RR5. The owners feel that this property is not suited for long term commercial operations and that is not their reason for buying it. The property was not priced as an orchard because the seller also did not feel it is not suited for long term commercial ag. The neighbors also feel this is not suited for long term commercial ag operations because the property around it has been converted to other uses as well. He sites WAC's 365.190.060 and WAC 365.190.050 indicating what other combined affects the County should be considering. He says the land is in a frost area with many wind machines. He does not believe the land is well suited for other crops due to the altitude and topography. He feels the surrounding land would be complimentary to the requested designation. He responds to the question of the current crop, as lands are currently planted in Top Reds.

Pack out records and production records are not available at this hearing as noted by Commissioner Walter.

Commissioner Goehner shares that the property is in the middle of existing commercial ag. There is the option of converting to more productive varieties.

Planner Matthew Hansen shows that there are large chunks of prime and unique soils of about 60 – 70%.

Commissioner Hawkins states that services are not available at this time. He also shares he has a hard time seeing a compelling case to change the designation. The Commissioners need to meet a high threshold to de-designate the land. It has good soil, it is surrounded by other comparable commercial ag lands, there is not urban encroachment, and there is not extension of urban services in the area. Commissioner Hawkins states it does not meet the threshold.

Commissioner Goehner states that the reference to the WAC decision for Lewis County shows a number of issues that are different than what we are addressing here. Commissioner Walter states this is not compatible with the pattern the Commissioners set for these decisions. The Commissioners have not seen pack outs, productivity information, etc.

Commissioner Hawkins feels that if the decision were made to change the designation, the possibility of bringing this land back into ag land after it is re-designated residential land is unlikely.

Commissioner Goehner shares a similar situation with his property in that the main agricultural enterprise may need to be changed to make a productive piece of ground continue to be a productive piece of ground.

2:33:50 PM ACTION (CPA 2007-033):

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried that based upon the Planning Commission recommendation and the testimony heard, the Commissioners **deny** the application of CPA 2007-033. Action will be taken by way of Record of Decision on CPA 2007-033 on Tuesday, February 12.

2:34 P.M. Hearing Closed.

2:35:04 PM BOARD DISCUSSION:

- Farm Worker Housing Camp Restroom Project – In response to the request by the County, the State has approved the increase of loan funding for the Farm Worker Housing Camp Restroom Project. A notice of intent to award the bid has been submitted by the project manager.

2:37:53 PM ACTION (Added):

Moved by Commissioner Walter, seconded by Commissioner Goehner and carried to approve the following:

1. Bid Award

- a) Notice of Intent to Award Bid, Restroom Facility Project letter of intent to award for bid for the Farm Worker Housing Camp Restroom Project to Halme Builders, (previously pulled from the agenda) 2008B1-7

2:40:34 PM BOARD DISCUSSION

- Comp Plan Amendment Hearings
- Forest Revitalization Project in Plain, Lake Wenatchee Area

2:44:38 PM ADJOURN

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried that the Board adjourn until Monday, February 11, 2008.

Filed Correspondence:

- Letter to Senator Patty Murray from Port District regarding Regional Water System for City of Rock Island 2008C8-23
- Indoor Air Quality Guide Supplied by NACo, (see library) 2008C8-24
- Humane Society 4th Quarter Report 2008C8-25
- Order on Motion to Continue FutureWise v Chelan County 2008C8-26
- Uncollectible Invoices Written Off from County Auditor 2008B4-13
- Charter Listing of Payments for Translator's Fees 2008F8-2
- City of Cashmere Letter regarding LOTTs Grant 2008C8-26
- Email Letter from Al Lorenz regarding Transportation Planning Funds 2008C8-27
- WeavTel v Chelan County Complaint 2008C8-28
- Inmate Grievance regarding Temperature in Cells 2008C8-29
- Defendant's Brief Supporting Dismissal Law Enforcement in Stehekin (Bohn) 2008C8-30
- Letter from Commissioners to Chelan County Fair Board 2008C8-22

Vouchers Approved for Payment

| | |
|-----------------|-------------------|
| Current Expense | \$373,806.50 |
| All Other Funds | <u>216,720.21</u> |
| Total All Funds | \$590,526.71 |

BOARD OF CHELAN COUNTY COMMISSIONERS
BUELL HAWKINS, CHAIRMAN

JANET K. MERZ, Clerk of the Board