

**CHELAN COUNTY COMMISSIONERS  
MINUTES OF TUESDAY, FEBRUARY 19, 2008**

**TUESDAY, FEBRUARY 19**

**8:47:45 AM OPENING:**

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

**8:48 AM Conference Call with Legislative Consultant Jim Potts**

- Executive Session Recording Bill
- Draft Information Posting Bill
- Prosecuting Attorney Salary Bill
- Fishing on the Entiat
- Domestic Partners' Bill

**8:56:41 AM APPROVAL OF MINUTES:**

**Moved** by Commissioner Walter, seconded by Commissioner Goehner, and carried that the Board approve the minutes of February 11, 12, 2008 with corrections.

**9:06:00 AM CONSENT AGENDA:**

**Moved** by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously to approve the consent agenda as follows:

- Vouchers as submitted and listed
- Payroll changes:
  - a) Cody Stitt, Forestry Ed Program, Promotion
  - b) Robert Scoville, Information Services, Length of Service Increase
  - c) Mary Drussell, Regional Justice Center, Length of Service Increase
  - d) Michael Smith, Regional Justice Center, Length of Service Increase
  - e) Joanne Schneider, Regional Justice Center, Discharge
  - f) Steve McCormick, Regional Justice Center, Length of Service Increase
  - g) Fernando Ponce, Regional Justice Center, Length of Service Increase
  - h) Kevin Webb, Regional Justice Center, Length of Service Increase

**9:08:07 AM BOARD DISCUSSION:**

- Upper Columbia Salmon Recovery Board Meeting – Discussion on local public processes..
- RiverCom Board Meeting Update - Regional Funding option for RiverCom, Emergency 911 system. RiverCom has requested a discussion with the Board regarding the option to increase sales tax by 1/10 of 1% for emergency services. Commissioner Walter will not support increase in taxes without support of the public.

2008C8-34

- Letter from the Board to Washington State Parks regarding Watson's Haverene Resort - Board does not support further acquisition of private property by the State. 2008C8-35
- Letter from the Board to Samara's Foundation regarding Funding for Audible Crosswalk Installations 2008C8-36
- Building Permit Fee for Cory Van Lith - Waiver of expedited fee.
- PILT Funding Formula by the Federal Government - New formula for distributing funds has been suggested by Montana commissioner.
- Meeting with Phil Dormier regarding Urban Growth Area near Horse Lake Road.
- License Tab Fee Increase - Commissioner Hawkins to attend meeting on Thursday, February 21, Commissioners request that increase be decided by a vote of the people, be project specific, and contain a sunset clause.
- Title 15 Road Standards Code - Standards still need further definition.

**9:44:37 AM ADMINISTRATIVE AGENDA:**

**County Administrator, Cathy Mulhall**

**DISCUSSION ITEMS:**

1. Project Manager Robert Knowles and Farmworker Camp Director Edmundo Gonzales present to discuss Wenatchee River Park Restroom Project at Farm Worker Camp – Project Manager presents Notice to proceed for Halme Builders, Inc as the accepted bidder. Discussion regarding laundry facilities and possible upgrade at a later date.
2. Dept of Ecology Meeting with Robert Knowles and Commissioner Goehner – Discussion regarding water rights and use of the RV park at the Fairgrounds.

**9:50:19 AM ACTION ITEMS:**

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

**1. Contracts for Signature**

- a) Agreement Between Chelan County PUD and Chelan County Extension for Horticultural Services 2008A5-25
- b) Notice to Proceed and Contract with Halme Builders to Construct Restroom Facility at Farm Worker Camp as low bidder 2008A5-24

**9:50:45 AM BOARD DISCUSSION CONTINUED:**

- Seattle Times News Article regarding Mining of Rock

**9:54:31 AM BOARD RECESS**

**10:00:30 AM REGULAR SESSION:**

Board resumes regular session.

**10:00 A.M. EXECUTIVE SESSION:**

**Moved** by Commissioner Goehner, seconded by Commissioner Walter, and carried that the Board move into twenty minute Executive Session Pursuant to RCW 42.30.140, issues related to employee grievance.

**10:20:46 AM REGULAR SESSION:**

Board resumes regular session. Board will return a grievance response within 10 days.

**10:24 AM EXECUTIVE SESSION:**

**Moved** by Commissioner Goehner, seconded by Commissioner Walter and carried that the Board move into Executive Session pursuant to RCW 42.30.110(g) regarding the performance of a public employee for 10 minutes.

**10:32:31 AM REGULAR SESSION:**

Board resumes regular session.

**10:35:12 AM RECESS**

**11:04:15 AM NATURAL RESOURCES DEPARTMENT**

**Mike Kaputa, Natural Resources Director**

**DISCUSSION ITEMS:**

1. Intergovernmental Contract 2007-08-600 with Bonneville Power Administration for Wenatchee
2. UCSRB Meeting on Thursday in Olympia - Commissioner Walter to attend.
3. Shoreline Update Advisory Committee Meeting at CTC on Feb 27, at 9 am
4. Lake Chelan Water Quality Meetings Feb 28<sup>th</sup>
5. Tri Commission Working Group Meeting on Feb 28<sup>th</sup>
6. City of Chelan Council Meeting Feb 28. Natural Resources to attend regarding watershed planning.

*(11:20 AM Commissioner Walter excused for meeting)*

**11:25:36 AM ACTION ITEMS:**

**Moved** by Commissioner Goehner, seconded by Commissioner Hawkins, and carried unanimously to approve the following action item:

**1. Contracts/Agreements**

- a) Intergovernmental Contract 2007-08-600 with Bonneville Power Administration for Wenatchee River Riparian Project, Contract #00036534 in Amount of \$99,931.00  
2008A5-26

**11:26:26 AM FACILITIES MAINTENANCE**

**Facilities Maintenance Director Pat DuLac**

**DISCUSSION ITEMS:**

- Courthouse Exterior Masonry Restoration - Preliminary cost figures from Beaman Architecture prior to bid solicitation.
- Exterior Window Replacement
- HVAC System
- Fire Alarm System
- Regional Justice Center Facility Upgrade - Director requests self contained wall Showers to alleviate leakage. **Consensus** of Board to add showers to alternate bid.
- Red Cross Blood Drawing from 10:00 AM to 3:00 PM on March 28th in Administration Building. Director to notify City of Wenatchee to waive parking restrictions for Bloodmobile.

**11:46:35 AM ADDED ACTION ITEM:**

**Moved** by Commissioner Goehner, seconded by Commissioner Hawkins, and carried unanimously that the Board approve the solicitation of Bids by Beaman Architecture for Exterior Masonry Restoration, Exterior Courthouse Window Replacement and Courtroom HVAC, Fire Alarm and Public Address System Upgrades. 2008B1-8

**11:48:19 AM RECESS**

(12:10 PM Recording Continues for Voucher Approval)

1:15:32 P.M. Board resumes session with all Commissioners present.

**1:15:32 PM PUBLIC WORKS DEPARTMENT**

**Public Works Solid Waste Co Coordinator Brenda Harn present.**

**BID OPENING: Chelan Transfer Station Tipping Slab**

Bid Opening Closed to Further Bids by Chairman Hawkins

Bid Opening Proceeds with two bids submitted as follows:

Ebenal General	\$466,549.20	
Franklin Pacific Const	\$446,970.83	
Engineers Estimate	\$269,866.00	2008B1-9

(1:17 PM Public Works Director Greg Pezoldt arrives)

**1:18:13 PM BID ACCEPTANCE**

**Moved** by Commissioner Walter, seconded by Commissioner Goehner, and carried that the Board accept the bids as submitted. Bid to be awarded on Feb. 26, 2008 after review by County Engineer to insure bids meet bid criteria.

**1:20 PM DISCUSSION ITEMS:**

1. Resolution for Equipment Rental and Replacement Fund
2. Call for Bids – Manson Boulevard, Phase II

3. Call for Bids – Small/Mid Size Pickups
4. Easement for Overhead Utility
5. W-Cams Engineering Module (pull until next week)

**1:50:18 PM ACTION ITEMS:**

**Moved** by Commissioner Walter, seconded by Commissioner Goehner, and carried that the Board approve the following (**pulling** items **3(a)** and **4(a)**):

1. **Resolution**
  - a) Adoption of **Resolution No. 2008 - 21** Equipment Rental Rates for 2008
2. **Call for Bids**
  - a) Manson Boulevard, Phase II 2007B1-10
  - b) Small/Mid Size Pickups 2007B1-10
3. **Easement**
  - a) (**Pulled**) Overhead Utility for the Chelan Transfer Station
4. **Miscellaneous**
  - a) (**Pulled**) Change Order #1 for W-Cams Engineering Module

**1:51:27 PM RECESS**

**2:00:07 PM COMMUNITY DEVELOPMENT**

**John Guenther, Director**

**ACTION ITEMS:**

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

1. **Notices of Hearing:**
  - a) March 4 at 1:30 p.m. Comprehensive Plan Amendments 2007-010, 011, 012, 015, 016, 017, 018, 019, 021, 023, 028, and 031 2008H6-7
2. **Resolutions**
  - a) **Resolution No. 2008 – 22** Adopting Comprehensive Plan Amendments CPA 2007-002 Brian Cullen for Kim Skaar
  - b) **Resolution No. 2008 – 23** Adopting Comprehensive Plan Amendments CPA 2007-013 Three Rivers and Jeff Burgess
  - c) **Resolution No. 2008 – 24** Adopting Comprehensive Plan Amendments CPA 2007-014 Jeff Burgess
  - d) **Resolution No. 2008 – 25** Adopting Comprehensive Plan Amendments CPA 2007-024 Megan and Scott Christie for Marvin and Annette Barrow
  - e) **Resolution No. 2008 – 26** Adopting Comprehensive Plan Amendments CPA 2007-032 Morgan Picton for Paul Saline and Jon Ugelstad
  - f) **Resolution No. 2008 – 27** Adopting Comprehensive Plan Amendments CPA 2007-034 – Munson Engineers for Virgil McClosky

**2:02:10 PM COMP PLAN AMENDMENT HEARINGS**

**I. CITIZEN REQUESTED COMPREHENSIVE PLAN LAND USE AND ZONING MAP AMENDMENT**

Commissioner Hawkins opens public hearing. Planning staff present are Planners Graham Simon and Matthew Hansen.

**PERSONAL DISCLOSURES:**

**CPA 2007-004:** Commissioner Goehner states that Robert Dodge, agent involved in the application, is a friend of Commissioner Goehner, but he does not feel this would cause him to be impartial in his decision but he would be willing to recuse himself if anyone has objection to his hearing the matter.

**CPA 2007-022:** Commissioner Goehner states that his friend Dave Pflugrath is involved in this application and he also would be willing to recuse himself in hearing this application.

**CPA 2007-007:** Greg Smith and Commissioner Goehner have a business relationship and if there is any perceived conflict he would also be willing to recuse himself from that decision.

No one from the public has objections to Commissioner Goehner hearing these matters.

**CPA 2007-022:** Commissioner Hawkins shares that Mr. Dave Pflugrath and his family has had a business association with Valley Tractor for many years. This relationship does not weigh in on his decision making capabilities in his opinion so he believes he can be fair and impartial with respect to those matters. However, if anyone objects to his involvement in these amendments he would be willing to recuse himself. No one from the public offers objections.

**CPA 2007-009:** Commissioner Hawkins has had business dealings with Mr. John Black with Valley Tractor for many years as well. This relationship does not weigh in on his decision making capabilities in his opinion so he believes he can be fair and impartial with respect to those matters. However, if anyone objects to his involvement in these amendments he would be willing to recuse himself. No one from the public offers objections.

Planner Matthew Hansen shares that the minutes of November 19, 2007 failed to show CPA 2007-003 in which the Planning Commission did recommend approval of the application. On January 7, 2008 overall recommendation from the November 19 meeting, the Planning Commission recommendation shows CPA 2007-005 was denied but it was actually approved by the Planning Commission and will be updated.

## **A. AGRICULTURE DE-DESIGNATION**

This item includes the proposed comprehensive plan land use designations map amendments as submitted by individual request. There are 289.13 acres out of 2,447.6 total acres that are being requested for de-designation out of Commercial Agriculture. There are a total of 1 proposal that makes up the 14.14 acres; CPA 2007-004.

### **2:02:10 PM CPA 2007-004**

Planner Matthew Hansen offers the staff report on CPA 2007-004. An application was submitted by Johnny Brenan, owner, with acting agent as Robert Dodge, on behalf of Peshastin, LLC, for a Comprehensive Plan Land Use Map Amendment on three parcels approximately 14.4 acres of land. The proposal is to change the designation from Commercial Agricultural Lands (AC) to Rural Residential (RR2.5). The subject property is located on North Road, adjacent to Nibbelink Road, in Peshastin, WA. The property is also identified by Assessor's Parcels #241808240-150, 241808240-200 and 241808240-250. The properties are noted on the overhead map. This application was heard on November 19, 2007 by the Planning Commission on which the Planning Commission recommended denial by a vote of the overall motion which was 8-0 with one commissioner absent. All the information was provided in the staff report of record and application.

Robert Dodge speaks on behalf of applicant. He clarifies that his notes indicate the Planning Commission voted five in favor and two opposed. However, Planner Hansen shares that were the results of the straw poll but the overall motion recommended denial by a vote of 8-0 with one planning commissioner absent.

Mr. Dodge notes the Staff recommended to the Planning Commission approval of the application. He also states this application is probably the most thorough and detailed he has been involved in working on. They have offered information from the Washington Grower's Clearinghouse as well as studies and independent material supporting the notion that the current ag designation for this property is no longer appropriate. This property is a stones throw from RR 2.5 designation area to the north and west of the property virtually just across from North Road. To the south that is designated RI is the area that is proposed for the Peshastin Urban Growth Area as to which the densities could be potentially smaller than the 2.5 acres they are proposing. The property is approximately 300 yards from the Peshastin UGA boundary on the northern boundary.

Commissioner Hawkins shares that there is intervening commercial ag between the parcels in the application and the proposed Peshastin Urban Growth Area. Mr. Dodge follows that a concern was raised at the Planning Commission Hearing regarding the RR 2.5 acreage and if it was appropriate for this property. There is a fairly large RR 2.5 zoning district that is virtually adjacent to this property which would indicate that this Board would have thought that RR 2.5 designation was appropriate for this area for some properties. The permitted uses for this ag zoning district are identical to the permitted uses for proposed RR 2.5 where single family dwellings and ag are permitted outright so it is not a change of use in the rezone

but a slight or marginal increase in intensity (two additional lots). This property fits more into the rural designation, as the land is not agricultural. Spot zoning is an issue raised at the Planning Commission Hearing and is addressed by changing a permitted use in within and creating an island of incompatible uses. The uses permitted again on this application for both the current zoning and the RR 2.5 are identical.

The materials submitted show that the classification of the soils is neither prime nor unique and Mr. Dodge is not sure why it was zoned ag initially other than it was probably in ag usage. The soils conservation mapping service, in classifying ag property, shows that the property is neither prime nor unique soils. That is supported by the historical production agricultural records submitted.

Commissioner Hawkins states that the historical ag records were not submitted but rather a cost of doing business study by WSU. Historical production numbers were thought to have been submitted. Mr. Dodge points out that this was integrated into the narrative. There is an attachment to the application in which he shares the figures being used as historical figures were taken from the applicant regarding historical production. He feels the current zoning does not fit this property. A letter from the Grower's Clearinghouse states that orchards this size (three individual parcels, two fives and a 4.4) are not commercially viable in their view.

Commissioner Goehner shares the return figures \$182 per bin noted in these figures has certainly changed now which changes the profitability figures. He is not sure what time frame those figures represent. Commissioner Goehner appreciates what the Grower's Clearinghouse is saying as to what is viable orchard, if you are looking at it being a supporting enterprise, you would certainly need more than the five acres or probably more than fourteen. But what is important is whether the ground is capable of producing because there other growers that would be willing to integrate this into their farming operation. If it is a profitable growing piece of ground that has the growing capacity than that is probably more of the driving consideration rather than the size of the parcel. Other farmers around there have been doing reasonably well. The profitability has been there in the returns the last few years. Not knowing the size of the trees and the varieties it is hard to know if the production is based upon fully matured trees or not.

Mr. Dodge states that under the Growth Management Act the mandate is for the County to designate agricultural land commercially significant according to the soils from the conservation study which here shows it is neither prime nor unique soils. One of the regulations promulgated by CTED in flushing out the policies under the Growth Management Act is that in designating or re-designating there are a number of designations, such as the values associated with alternative uses of the land. The owner that has been farming is saying that he wants to change the size of the parcels because there is value to him in changing the zoning.



Commissioner Hawkins states that soil is one of the factors that are weighed into the decision for retaining ag commercial zoning. The Commission has seen lands that contain prime and unique soils but due to other climatic factors, such as a frost pocket, the land has not been historically producing yields as you would see normally on that acreage. Commissioner Hawkins respects the rights of the applicants but the four corners around him are in commercial ag and this application would make an impact for their operations. The documents do not indicate whether other crops can be produced there. Once ag land has been de-designated, it is hard to bring it back. So this is weighed very carefully.

Mr. Johnny Brenan, of Peshastin speaks on the application. He shares that the neighbors had an opportunity to purchase the land as it was on the market for quite some time prior to his purchasing the property. They are planning on keeping the three lots and selling them off so they are asking for the designation of the two properties. More than likely the persons buying the property will not continue farming it.

Doug Clarke of Peshastin states as a former Peshastin Community Council Member, the Peshastin Community Council is opposed to the de-designation. If you turn those three parcels into white squares (the proposed designation) it would be a spot zone. As an adjacent land owner to the southeast, he has the same soils, some of the same problems, and he believes this property picked one of the largest crops he has produced in years. These are young pear trees coming up into production. The Clearinghouse figures are out of date. Mr. Clarke is probably getting a \$150 a bin more on his pears than he received two years ago. Red Bartletts are almost at \$400 a bin. The soils are not unique, they are pear soils. They are heavy. They are good for pears – he has some of the same soils and some of the same challenges. If you add houses you put another nail in the coffin of the farmers. More people mean more people on the roads, more possible law suits. The property south of the subject property is leased by Mr. Clark with the option to buy. When the subject property was purchased it increased the property values. His property values have increased 2.5 times. If the history in this county is ag lands remain ag lands, he probably would not have seen that change (in values). When ag lands sell for \$25,000-50,000 per acre, it takes away from (the farmers’) profit margin. Two and a quarter times increase in property taxes is a big hit. The property is surrounded by green and he cannot see a reason to take it out.

#### **2:37:31 PM ACTION ON CPA 2007-004**

**Moved** by Commissioner Walter, seconded by Commissioner Goehner and carried that the Board deny application CPA 2007-004 based upon the findings of fact and conclusions of law. Formal action by way of a Record of Decision will be before the Board on Tuesday, February 26, 2007. Commissioner Hawkins adds that it is a very high threshold to cross to de-designate ag lands and the testimony did not carry this application over that threshold.

## **B. LAMIRD Designations**

This item includes the proposed comprehensive plan land use designations map amendments as submitted by individual request. There are 52.22 acres out of 2,447.6 total acres that are being requested for designation into LAMIRD districts and boundaries. There are a total of 1 proposal that makes up the 39.22 acres; CPA 2007-022.

**2:37:31 PM CPA 2007-022:**

Planner Graham Simon gives the staff report. An application was submitted by Dave Pflugrath, owner of a Comprehensive Plan Land Use Map Amendment on approximately 16 acres of land. The proposal is to change the designation from Commercial Ag land (AC) and Rural Residential Resource 2.5 (RR2.5) to Rural Waterfront (RW). The subject property is located at 10455 Hiway 2, one mile west of Peshastin Bridge within Section 17, Township 24N, Range 18, Peshastin, Wa. The property is also identified by Assessor's Parcels #241817210000 and 241817130000. Planner Hansen clarifies that this application is for a RR 2.5 to be designated to a Rural Waterfront. Commissioner Hawkins questions if the Board is being asked to create an island of rural waterfront? Planner Hansen replies it is. Commissioner Hawkins also questions if this application is part of the poster child of several years ago to which the applicant states it is. The staff report and analysis was before the Planning Commission on November 19, 2007. The Planning Commission recommended denial.

Commissioner Goehner states that with a LAMIRD you are looking for a logical outer boundary. It appears that in this application you have the highway, the river, and there really are not any other properties that are impacted. How does that not fit into a rural waterfront setting. Typically in LAMIRDS you have the built out environment threshold but there is also provisions for undeveloped properties to be designated as LAMIRDS. Planner Simon shares that the staff looked at the definition of rural development consisting of existing and potential infill of commercial industrial, residential or mixed uses. These LAMIRDS must meet the general criteria listed above as noted in page 15 of the general staff report where it states rural waterfront designations are also describes as type 1 LAMIRD which states it has to meet the intent of the first paragraph on page 15.

Commissioners and staff study map and surrounding designations which includes the highway and a road.

Planner Simon states that the staff was looking at the information on the statement that such a boundary shall not permit or encourage a new pattern of low density urban development. Right now there is no residential on the property, it is all in ag, which is the reason the staff recommend to deny. If it already had some residential characteristics it could have been different.

Mr. Robert Dodge addresses the Commission on behalf of the applicant. There is a rock cut on the upper portion of the property which marks the northern logical outer boundary. When

you compare this property bounded on the east by the river, the west by the highway, the north by the land contour, the south by the river, and the highway pinching it off, it tracks the Growth Management language regulations precisely in type 1 LAMIRDS which states the logical outer boundaries such as river, highways and land contours. These boundaries are called out by the regulations. This is in some respects an ideal candidate for the RW designation being requested. This is rural land that is waterfront. So it is an appropriate candidate for Rural Waterfront provided the other requirements of type 1 LAMIRDS are met. Where the staff and Planning Commission stumbled was on the notion that it had to be identified by the built environment. However, that requirement is predominantly-but not exclusively-and also can include undeveloped land. The built environment is best described by a 2005 case Quadrant Corp vs The Growth Hearings Board. The Washington Supreme Court luminated what that phrase means in a slightly different context. In that case they were speaking of King County's expansion of the Urban Growth Area to include areas that have not been built out yet. The objection was that the statute restricts counties from including areas that have not been built. Built environment is also used in that context as well as in this context. In upholding King County's inclusion of this un-built property made this observation – "limiting the term growth to simply the built environment unnecessarily constrains the ability of local jurisdictions to plan and manage for imminent and inevitable growth, this is inconsistent with the legislative intent". What the Court says here is that you do not actually have to have stuff built on the ground in order for it to constitute or qualify for the built environment.

Commissioner Hawkins states that the analogy has two different contexts, one is an Urban Growth Area expansion, and one is designating a LAMIRD. Commissioner Hawkins disagrees with the analogy because they are different contexts. Mr. Dodge states they are different contexts but the statute uses the same terminology in this question specifically about the built environment meaning but it has not come up in the case law in the context of LAMIRDS. Mr. Dodge understands they are different contexts and asserts that if this question came to court the conclusion would be the same and he is suggesting that the County has the ability and a mandate to plan for imminent and inevitable growth.

Dave Pflugrath shares that there were two houses on the property but when the highway was put in one was taken out and one was taken out by the owner due to safety. So there was a built environment as far as structures also on the property.

Scott Christie speaks on behalf of the applicant. There has been a history of parcelization on the area. The previous owner as well as Mr. Pflugrath has gathered up this orchard of small lots over time of about 100 years. There is a pinch point on either end. This is not just one property. There are highways, power lines, water systems and this goes to some of the case law in this LAMIRD situation that they are not just out in the middle of a wheat field somewhere. There are five parcels there where it looks like two. All the infrastructure for the property is already in place.

Commissioner Goehner questions staff if their driving force in their determination was basically due to being no built structures. Graham Simon states that is the case from the information they had. He also shares that they made their determination based upon the statement that a logical outer boundary can be delineated and set by the built environment. They did not feel there was a built environment. Historically it might have been but they did not have that information or the information on all the lots that Mr. Christie spoke of.

Commissioner Walter speaks on the last sentence on 15 of the staff report states changes in use for vacant land or some previous use may be allowed provided the new use complies with these above requirements (meaning the type one and general criteria). Planners share that what they were noting was such a boundary may not permit or encourage new patterns for low intensity urban type development.

### **3:00:08 PM ACTION ON CPA 2007-022**

**Moved** by Commissioner Walter, seconded by Commissioner Goehner to approve 2007-022 recognizing it as a LAMIRD. Commissioner Hawkins shares he will vote in opposition to the motion even though he sympathizes for the need to create higher densities particularly along the river. He does not feel the case has been made that it is infill in an existing built environment. He also does not feel a case has been made to create a new LAMIRD. It is two parcels away from another RW parcel.

Commissioner Goehner states the key to him is the lay of the land and the surrounding environment – even though there is 2.5 here, there is no ability for further development of those parcels. It seems consistent with water related development and seems like a natural fit.

Commissioner Walter states he cannot find a place where the boundaries are more defined.

Commissioner Walter and Commissioner Goehner vote in the affirmative to approve the application. Commissioner Hawkins votes in opposition. Motion carries to approve CPA 2007-022 by a vote of 2-1. Formal action will take place on February 26, 2008 by way of resolution.

### **3:03:35 PM CPA 2007-001:**

Graham Simon gives staff report. An application was submitted by Jean Peterson, owner, for a Comprehensive Plan Land Use Map amendment on approximately 6.17 acres of land. The proposal is to change the designation from Rural Residential/Resource 5 (RR5) to Rural Residential/Resource 2.5 (RR2.5). The subject property is located on Stehekin Valley Road, adjacent to the National Park Facility. The property is also identified by Assessor's Parcel #331722130050. The staff did not recommend approval. The Planning Commission recommended approval. The land surrounding this property is owned by Forest Service Lands/Government lands. There was no Park Service testimony or documentation.

Commissioner Goehner questions staff on the rationale for recommending denial. The staff states this was mostly due to property around the area that is government lots not mandated by the County. The County would not be able to tell them how large or small they could have their parcels. There are only 4-5 individual owners in the area other than government lots.

Commissioner Goehner feels there is no opportunity for the lots to change given the government surrounding land. If you look across the road there is half acre and three quarters of one acre parcels. It would seem these would fit in.

Graham Simon shares that there really is not any compatible existing uses for park land.

Kevin Bromiley speaks for the applicant. He understands the staff concerns were visual compatibility as found in the GMA. There are no other parcels in the pocket of parcels that are able to be subdivided. This is a very long road for the applicant to take to short plat the property. As far as visual compatibility it would be more visually compatible with the existing pocket of parcels surrounded by the Forest Service Land and it is certainly contained within the packet. There is no potential for further development or sprawl type issues.

**3:10:23 PM ACTION ON CPA 2007-001:**

**Moved** by Commissioner Goehner, seconded by Commissioner Walter and carried to approve 2007-001. Commissioner Hawkins shares that this is one of the few avenues that are available to maintain a private sector critical mass in Stehekin. Formal action will take place on February 26, 2008 by way of resolution.

**3:10:23 PM CPA 2007-003:**

Planner Graham Simon gives staff report. An application was submitted by Michael Evans, owner, with acting agent as Joe Collins, for a comprehensive plan land use map amendment on approximately 39.03 acres of land. The proposal is to change the two current designations from RR10 and RR20 to RR10. The portion of land proposed to change is approximately 7.89 acres. The subject property is located on Antoine Creek Road within section 28, township 23, Range 10, Chelan, was. The property is also identified by Assessor's parcel #282310400050. This was taken before the Planning Commission on November 19, 2007. Staff reports were submitted. The Planning Commission recommended approval.

No one speaks on the application.

**3:14:08 PM ACTION CPA ON 2007-003**

**Moved** by Commissioner Walter, seconded by Commissioner Goehner and carried that the Board approve CPA 2007-003. Formal action will take place on February 26, 2008 by way of resolution.

**3:14:22 PM CPA 2007-005:**

Planner Graham Simon gives the report. An application was submitted by Arne Jorgensen, owner, for a Comprehensive Plan Land Use Map Amendment on approximately 11.85 acres of land.

(Commissioner Hawkins is excused from session.)

The proposal is to change the designation from Rural Residential/Resource 5 (RR5) to Rural Residential/Resource 2.5 (RR2.5). The subject property is located on Shugart Flats Road within the SW ¼ of the NW ¼ of Section 06, Township 36N, Range 18 Leavenworth, WA. The property is also identified by Assessor's Parcel #261806730-028. Staff reports were provided. The matter was before the Planning Commission on November 19 and forwarded a recommendation of approval.

Mr. Arne Jorgensen is present to answer any questions.

**3:15:51 PM ACTION ON CPA 2007-005**

**Moved** by Commissioner Goehner, seconded by Commissioner Walter, and carried that the Board approve the application CPA 2007-005. Formal action by way of resolution will be before the Board on Tuesday, February 26, 2008. (Commissioner Hawkins not present for the action).

**3:16:12 PM CPA 2007-007:**

Planner Graham Simon gives staff report. An application was submitted by Gregg and Jenny Smith, owner, on behalf of Glenn and Heidi Smith, owner, with contacting agent Shawn Fitzpatrick for a Comprehensive Plan Land Use Map Amendment on approximately 6.21 acres of land. The proposal is to change the designation from Rural Residential/Resource 5 (RR5) to Rural Residential/Resource 2.5 (RR2.5). The subject property is generally located near Hinman Road within NE ¼, SW ¼, SE ¼, Section 19, Township 23N, Range 06 out of Cashmere, WA. The property is also identified by Assessor's Parcel #231906430050. Staff provided the Planning Commission with staff reports. There were no exhibits. The Planning Commission recommends approval.

Commissioner Goehner asks if it is being accessed off a common drive and the owners respond it is.

Owner Glenn Smith states that the staff and Planning Commission recommended approval. The property has one residence.

**3:20:03 PM ACTION ON CPA 2007-007:**

Commissioner Hawkins returns to session. It is **moved** by Commissioner Walter, seconded by Commissioner Goehner and carried that the Board approve

CPA 2007-007. Formal action by way of resolution will be before the Board on Tuesday, February 26, 2008.

**3:20:28 PM CPA 2007-008:**

Planner Simon gives staff report. An application was submitted by Ron Eastman, owner for a Comprehensive Plan Land Use Map Amendment on approximately 80 acres of land. The proposal is to change the designation from Rural Residential/Resource 20 (RR20) to Rural Residential/Resource 5 (RR5). The subject property is located approximately ½ mile north of Kinsey Road on Upper Joe Creek Road within W ½, SE ¼, Section 14, Township 28N, Range 21, WA. The property is also identified by Assessor's Parcel #282114420050. Staff presented a staff report and analysis to the Planning Commission at the November 19, 2007 hearing. An aerial photograph was presented. The Planning Commission recommended approval. Staff did not approve due to the surrounding uses that are not residential and the land is pretty vacant. However, with current information and the Supreme Court ruling (Woods vs. Kittitas County) they would now recommend approval.

Deanna Walter speaks on the application as well as the upcoming application which lies to the east. Planning Commission member Phil Unterschuetz stated that with the pressure to retain our ag lands, and yet at the same time meeting the pressure to grow, when an opportunity like this presents itself in an area that is really attractive it is a great opportunity for the County to create additional inventory.

**3:26:22 PM ACTION ON CPA 2007-008:**

**Moved** by Commissioner Goehner, seconded by Commissioner Walter and carried that that based upon the recommendation of the Planning Commission and the staff the Board approves CPA 2007-008 with a formal action by way of resolution.

**3:26:42 PM CPA 2007 – 009:**

Planner Graham Simon offers the staff report. An application was submitted by John Black, agent for John Grundstrom, owner for a Comprehensive Plan Land Use Map Amendment on approximately 37 acres of land. The proposal is to change the designation from Rural Residential/Resource 10 (RR10) to Rural Residential/Resource 5 (RR5). The subject property is located approximately ½ mile north of Kinsey Road on Upper Joe Creek Road within W ½, SE ¼, Section 14, Township 28N, Range 21 Washington. The property is also identified by Assessor's Parcel #282114400050. Staff presented analysis report and exhibit in the packet for the Planning Commission. One exhibit was presented. The Planning Commission recommended approval. After further information the staff would amend the recommendation to approve.

Mr. Black concurs to the Planning Commission recommendation.

**3:28:38 PM ACTION ON 2007-009:**

Based upon Planning Commission approval and the amended staff recommendation, it is **moved** by Commissioner Walter, seconded by Commissioner Goehner, and carried that the Board approve the application of 2007-009. Formal action by way of resolution will be before the Board on Tuesday, February 26, 2008.

**3:29:13 PM ADJOURNMENT:**

**Moved** by Commissioner Walter, seconded by Commissioner Goehner and carried that the Board adjourn until Monday, February 25, 2008. **Board adjourned.**

**Filed Correspondence:**

- Letter from Ridge to River RSVP regarding Temporary Closure of Several County Roads During Ridge to River Relay 2008C8-37
- Realtors' Association Letter Recommending Jim Blair for Planning Commission Vacancy 2008C8-38
- Motion to Remove Cause, Etc Filed by Robert Stewart 2008C8-39
- Chelan Falls Irrigation District Letter to PUD regarding Chelan Falls Power house and Tail Race Projects 2008C8-40
- Chelan Douglas Land Trust Letter to Senator Brandland regarding Stemilt Basin Project 2008C8-41
- Letter from Grahame Watson regarding State Haul Road 2008C8-42
- Email from Todd Walker of WDFW regarding Beebe Springs Sale 2008C8-43

**Vouchers Approved for Payment (2008 Budget) 2008B4-16**

Current Expense	\$129,532.18
All Other Funds	<u>430,752.05</u>
Total All Funds	\$560,284.23

BOARD OF CHELAN COUNTY COMMISSIONERS  
 BUELL HAWKINS, CHAIRMAN

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JANET K. MERZ, Clerk of the Board