

**CHELAN COUNTY COMMISSIONERS
MINUTES OF MARCH 10, 11, 2008**

8:34:19 AM OPENING:

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

8:34:31 AM BOARD DISCUSSION:

- Judge TW Chip Small Meets with Board to Discuss the Following:
 - Juror Parking – Would like the Board to consider designated parking for juror parking. Parking has been addressed in the past but will have further delineation by placard and signage.
 - Walk to Justice – Community Foundation Funded \$20,000 for project. Judge Small would like to set up a dedicated fund for remainder of proceeds. Board will use a sub account under the Trial Court Improvement Fund.
 - Trial Court Improvement Fund – Upcoming conference on family law to be funded by Trial Court Improvement Fund on a one time basis
 - Senior Law Clerk Position – To be advertised soon
 - Court Interpreter – Funding from State for interpreter services and location for court interpreter employee. The need for courtroom and office space is growing.

9:01:01 AM APPROVAL OF MINUTES:

Moved by Commissioner Walter, seconded by Commissioner Goehner and carried unanimously that the Board approve the March 3, 4, 2008 minutes as corrected. Commissioner Walter abstains from the vote due to his absence from the meetings on March 3, 4.

9:14:03 AM CONSENT AGENDA:

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

- Vouchers as submitted and listed
- Payroll changes:
 - a) Wendy Endaya, Community Development, Length of Service Increase
 - b) Heidi Bonwell, Community Development, Length of Service Increase
 - c) Deniese Aultman, Community Development, Length of Service Increase
 - d) Phil Jans, Juvenile Court Administrator, Cell Phone Stipend
 - e) Araceli Bedolla, Prosecuting Attorney, Extra Help
 - f) Katie Smith, Pros Attorney/Support Enf, Temporary Help to Permanent
 - g) Lori Rayfield, Clerk, Length of Service Increase
 - h) Marisa Rivera, Clerk, Length of Service Increase
 - i) Mark Sele, Public Works, Length of Service Increase

- j) Margaret Turner, Public Works, Length of Service Increase
- k) Keith Newberry, Public Works, Length of Service Increase
- l) Gary McLeod, Sheriff, New Hire and Holiday Pay
- m) John Neely, Regional Justice Center, Change to Registered Nurse

9:15:13 AM BOARD DISCUSSION:

- DOE Proposal for Fairgrounds Water System – DOE has offered two options to resolve the water situation at the Chelan County Fair and Expo Center. One option would be to pursue an amendment process to what we have already applied for or registered our wells at. Or option two, the County could get two five thousand gallon exemptions for the two wells. Project Manager Robert Knowles has determined what we see for historic use indicating that 10,000 per day will get us what we need. Even with peak demands we have the reservoir tied in. All we need to do is turn the valve and we have water. Option two can happen in a two to three week period or we could pursue the amendment process to our claims and by doing historic use and go through another determination that we had more water right than what we use. But that process is pretty open ended. What we are looking at doing to look for water rights to transfer to the City of Cashmere where we do connect to the City system. Option two would be the fastest and most efficient. We do qualify for two exempt wells. It is **consensus** to pursue two 5,000 gallon exempt wells for fairgrounds.
- Mobile Home Park – Discussion with John Guenther regarding having mobile home parks in rural area of County. Can we get the fix within GMA? Affordable housing goes beyond mobile home parks. It is a broader issue. There are land lease options and there may be a possible Housing Authority oversight.
- Gerry Mueller and John Nebel present from Just Housing Coalition to Discuss Housing Issues in Reference to Wenatchee Mobile Home Park Relocation.

10:01:28 AM ADMINISTRATIVE AGENDA

County Administrator, Cathy Mulhall

DISCUSSION ITEMS:

1. Review of LOTS Grant Applications - \$300,000 in LOTS funds available and \$1.6 Million in requests. This is distressed counties money for infrastructure of public facilities. Suggestions for LOTS Funding:
 - a) Public Works Peter Street Sidewalk \$37,500
 - b) City of Leavenworth Icicle Station Project \$25,000
 - c) Monitor Comm. Council and PUD of Monitor Water System \$100,000
 - d) City of Wenatchee Regional Events Center \$150,000
2. Administrative Update

10:51:06 AM ACTION ITEMS:

Moved by Commissioner Walter, seconded by Commissioner Goehner and carried unanimously that the Board approve the following action items (**Adding**) item **2(b)** conflict legal services:

1. Notice of Hearing

a) Supplemental Budget Appropriations:

Boating Safety Fund, Master Plan Construction Fund 2008H6-8

b) Public Hearing on Boating Regulations on Wenatchee River 2008H6-8

2. Contracts/Agreements

a) Dolphin Capital – Copier Lease for Regional Justice Center 2008A5-35

b) **(Added)** Contract for Legal Services Contract for Justin Collier 2008A5-36

3. Resolution

a) Adoption of **Resolution No. 2008 - 43** Closing Debt Service Fund

b) Adoption of **Resolution No. 2008 - 44** Establishing Criminal Justice Tax Fund
190

4. Public Notice

a) Request for Qualifications to Contract for Mechanical Engineering Services
2008H6-9

10:52:10 AM BOARD DISCUSSION CONTINUES:

- Public Works Process Improvement Meeting Update

11:16:12 AM NATURAL RESOURCES DEPARTMENT

Mike Kaputa, Natural Resources Director

DISCUSSION ITEMS:

1. Project Grant Agreement 07-1885N with Washington Salmon Recovery Funding Board for BNSF Railroad and Wenatchee Basin Coordination
2. Project Grant Agreement 07-1771R with Washington Salmon Recovery Funding Board for Lower Wenatchee River Complexity Site 12/13
3. Project Grant Agreement 07-1761R with Washington Salmon Recovery Funding Board for Harrison Side Channel
4. Amendment #2 to Task #3 of Interlocal Agreement with Cascadia Conservation District for County Fire Plan Services
5. Amendment #1 to Task #6 of Interlocal Agreement with Cascadia Conservation District for Alder Creek Cost Increase
6. Authorization to Hire Entry-Level Professional Natural Resource Specialist

11:31:29 AM ACTION ITEMS:

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously that the Board approve the following action items **(Pulling)** Item **2(a)**:

1. Contracts/Agreements

a) Project Grant Agreement 07-1885N with Washington Salmon Recovery Funding Board for BNSF Railroad and Wenatchee Basin Coordination

2008A5-37

b) Project Grant Agreement 07-1771R with Washington Salmon Recovery Funding Board for Lower Wenatchee River Complexity Site 12/13

2008A5-37

- c) Project Grant Agreement 07-1761R with Washington Salmon Recovery Funding Board for Harrison Side Channel 2008A5-37
- d) Amendment #2 to Task #3 of Interlocal Agreement with Cascadia Conservation District for County Fire Plan Services 2008A5-38
- e) Amendment #1 to Task #6 of Interlocal Agreement with Cascadia Conservation District for Alder Creek Cost Increase 2008A5-38

2. **Budget Request/Personnel**

- a) **(PULLED)** Authorization to Hire Entry-Level Professional Natural Resource Specialist

11:31:59 AM EXECUTIVE SESSION:

Moved by Commissioner Walter, seconded by Commissioner Goehner and carried that the Board move into fifteen minute executive session pursuant to RCW 42.30.11(i) regarding Potential Litigation with Counsel Susan Hinkle present.

11:47:31 AM REGULAR SESSION:

Board resumes regular session.

11:48:56 AM BOARD DISCUSSION:

- Washington DC Forest Health Issue
- Public Lands Platform
- Sunnyslope City/County Fire Services Issue 2008C8-47

12:02:15 PM RECESS

1:29:15 PM (CONTINUED) PUBLIC HEARINGS:

Chairman Hawkins opens the hearing with all Commissioners present. Commissioner Hawkins shares the basis for the continued public hearing. Several items were continued from two prior hearings. Two matters were brought up by the City of Wenatchee two weeks ago:

1. A group of urban growth area expansions around the perimeter of Wenatchee in which we requested the City of Wenatchee go back and determine whether those requests were citizen initiated or staff initiated. The option was to remand that back to the City and having those proposed expansions all or part incorporated in the Chelan County, City of Wenatchee Collaborative Foothills Area Study.
2. Continuation of the Sunnyslope Sub Area Plan

The Board also has before them a series of Comp Plan Amendments that the Board will hear that were continued from March 4. Those will be taken in numerical order of CPA 2007-10, CPA 2007-11, CPA 2007-12, CPA 2007-17, CPA 2007-18, and CPA 2007-19. The hearing and testimony process is reviewed.

1:29 P.M. DISCLOSURES/CONFLICTS OF INTEREST:

Commissioner Hawkins discloses partnership with Brian Nelson, the applicant in three land use applications. Commissioner Hawkins will recuse himself on those applications even though he has no financial or personal interest in those three applications. Commissioner Walter will act as Chair Pro Tem during those proceedings.

No disclosures from Commissioner Goehner or Commissioner Walter.

1:33:28 PM CITY OF WENATCHEE'S REQUEST FOR URBAN GROWTH AREA EXPANSIONS (Continued from March 4, 2007)

1:33:34 PM TESTIMONY:

City of Wenatchee Planner Brian Frampton shares information on the expansions that were requested and whether those requests were citizen initiated or staff initiated. It is his determination that the areas on the map were individual applicants for expansion of the Urban Growth Area. The applicants were individuals (Area 2) Mrs. Martz, and (Area 3) Mr. Bart Clennon and Premium Developments representing Mr. Calvin White. (Area 1) the School District (Wenatchee) is the major property owner there and the UGA actually split the school district in half. Staff has moved the UGA line out to fully incorporate the school district properties. In the Squilchuck area the only comment letters that were received were from Lovett Mining, but most of the properties were not included. Those properties extended beyond where the City proposed for the UGA Expansion. The main reason the City UGA expansion in the Squilchuck area was to address the disparity of the cities ability to meet its population allocation and housing needs. No one was in opposition and in all of the areas where there was opposition; the city removed those properties from the Urban Growth Area proposals.

Mr. John Guenther believes that this property includes the PUD property. The Commissioners question the notification process. Planner Frampton replies that individual owners were not notified. They are not notified that their property is being proposed for inclusion in the Urban Growth Area. Those that are planning to do things with their property are aware that they have been included in the Urban Growth Area Expansion. In items number two and number three before the Commission today are citizen requested so they would be aware of the proposal. Process is detailed by Planner Frampton. Commissioner Walter shares that he has received phone calls from land owners in the Squilchuck area when they were incorporated into the City during this last year's annexation, (the Deide Orchard Property) and they were not aware they were even in the Urban Growth Area. Commissioner Walter states he is not happy with the idea of setting these folks up that are probably not aware that they are being included in the Urban Growth Area and then ten years from now when the City of Wenatchee expands and annexes that into the City and we get phone calls wondering how that ever happened. The were excluded from the process if they are not specifically being notified that they are included in the Urban Growth Area and they will be surprised years later when you annex them.

Planner Frampton says that the City is not actively annexing anywhere. If anyone comes in to annex they request that the applicant to get an area, but they are not accepting individual land annexation applications. They are trying to avoid islands such as happened in the past.

Commissioner Hawkins states there is one action that is a portion of number 1, the Squilchuck area where you do have an entity that wants their parcel included in the UGA for legitimate reasons. This does not include Lovett Mining property and yet it is being asked for inclusion. Lovett Mining initiated the action. Commissioner Goehner states these people would not be aware that they would be included.

Commissioner Hawkins states we have already said that we can send this back to the City to be included in the Foothills Study. But to accommodate the school district is it possible to break off that portion and just expand the UGA today for that portion and defer the others until the citizens have the ability to participate in the process.

Planner Frampton states he does not feel the City would have a problem with that because of the Foothills Planning. The one area of reasoning or justification for expansion by the City is there is a population allocation the City is supposed to plan for. In pages 6-9 of the Comp Plan you will see that analysis is laid out specifically. Part of that analysis is the amount of vacant land and what is available to be built on and the amount of housing units that we can build on to accommodate the population. Without the Squilchuck portion and without Sunnyslope and the other areas proposed it leaves 4,000 housing units below our required population allocation over the 20 year planning period. With those incorporated the analysis came out that the City is still 1500 units below and the way the City is proposing to get passed that or allocate for that 1500 is through higher densities or 6.2 units per acre density. The City is then allowing planned developments and other multifamily and multiuse zoning districts to increase the density to make up for what they are required to plan for. The City planned under the high (designation) as adopted by the County.

Commissioner Walter notes that an advertisement is in the Wenatchee World by the City which requests individuals notify the City if they are interested in being included in the Urban Growth Area. Planner Frampton states that is for planning the 2008 cycle. It is not known how those will affect the Foothills study. Commissioner Walter shares that is a similar process you went through last year but none of those people up the Squilchuck responded but yet they were included in the UGA. Planner Frampton states that would be a good assumption because the comments in the record do not include anyone in that area.

Commissioner Walter says that seems to be inconsistent that you would not give people the courtesy of telling them that the City intended to include them in the UGA yet you would solicit people to ask to be included in the UGA. Planner Frampton says the public process was very detailed in a number of workshops and open public meetings and notices that they did do that if a person wanted to know about it they would have known about it.

Commissioner Walter says it is still inconsistent to him. Planner Frampton answers that there is quite a large record in the comp plan of the public process that the City did over a three year period for development of the plan for the UGA. In addition to that the City did a second round of public process.

Commissioner Hawkins states the County Commissioners could adopt portions two and three and that portion of one that is specifically at the initiation of School District and remand the balance of Squilchuck to be included in your Foothills Study. Planning Director Smith states that is a good approach.

1:44:46 P.M. PUBLIC TESTIMONY:

Pat Tukey testifies on behalf of her father, Charles Gates. She speaks that last year they were placed in the UGA and never notified. The area between Squilchuck and Methow is now in Urban Growth and none of those people were notified. When they did find this out they went to the City and told them they are a working farm and do not want to be there. The City responded they do not have a choice and within two years you will be annexed in to the City whether you want to be or not. They have complained and her sister in law has been very vocal and has complained off and on. Half of their farm is now included half in and half out. The only way they will get it out is to try to do ask that the City amend it. Basically, the City told Mrs. Tukey she does not have an option. The piece of the land on the top section is Urban Growth and there is a section on the top that is not and that parcel goes down to the creek bottom. Mrs. Tukey is frustrated that they were never notified and never got any information that they are even being considered. They did not know and went to burn their orchard like they always do they got in trouble when someone called the environmental people. How do you get rid of your farming if you live in the City? She is on the end of the property and she has a Grade A Dairy. She will have 150 goats in the middle of the city. They do not know what to do. They do not want to be in urban growth and they never thought they would be. She is asking the County to keep the rural areas rural because they are a working farm. Lovett Mining has already sold all of that up from them. They would like to be removed from this list. There is some confusion on maps whether they are in the Urban Growth or not.

Commissioner Walter points out the property and other surrounding properties on the map. The proposed area today would take away their ability to farm. He shows the area that was put in the UGA ten years ago unbeknownst to the people that live there and now incorporated in the city limits and are wondering how that happened. The City is wanting to go out where Monitor Street and Squilchuck Road meet and down in the creek bottom and incorporate that. Yet the owners have not been notified they will be included in the UGA. The Compton place is just above this and they are seriously trying to continue to farm.

Rich Cole will speak later on the Sunnyslope area.

Josh Corning requests to see the map to know about the areas which is shown to him. He would support the action in three.

1:54:11 PM ACTION ON CITY OF WENATCHEE'S REQUEST FOR URBAN GROWTH AREA EXPANSIONS:

Moved by Commissioner Walter, seconded by Commissioner Goehner and carried that the Board approve the City of Wenatchee Comp Plan Amendment and Urban Growth Area Expansion with the exception of the areas that extend up the Squilchuck. The areas for approval are just the Wenatchee School District in area 1, and approving the entire map areas shown as 2 and 3, and remand back to the City of Wenatchee the areas in 1 that are up Squilchuck. Approved unanimously. Formal action by way of resolution will be before the Commissioners on Tuesday, March 18, 2007.

1:55:46 PM SUNNYSLOPE LONG RANGE PLAN AND MAPS AND ASSOCIATED URBAN GROWTH AREA EXPANSION

Commissioner Hawkins shares that he was very much involved in the sub area planning process as the Commissioners' representative. He negotiated the Interlocal Revenue Sharing Agreement between the City of Wenatchee and Chelan County. He was involved in the helping to facilitate all of the public meetings that were held for the Sunnyslope Sub Area Planning Process including those that were held at the CTC. He is not going to recuse himself because he was acting on behalf of the County in his official capacity as Commissioner.

Commissioner Goehner shares that when the Commissioners made a motion to table this issue there were a couple of items that we hopefully addressing between the two week period when we first heard this and today. One of the things that we wanted to be able to do was be a part of this discussion and adoption and secondly we were concerned about the relationship between the City of Wenatchee and Fire District 1. The City, Fire District 1 and possibly the County were involved in working an agreement. The County has received correspondence in that regard. He requests an update on that process.

Commissioner Hawkins shares with the public that there was concern by Fire District 1 for this expansion. At one time the City of Wenatchee and Fire District 1 were discussing consolidation. Those discussions ended and as a result Fire District 1 was left with the questions of what happens to their revenue that comes for providing fire service and what happens to fire response for that area if the City were to annex into Sunnyslope? Fire District 1 requested that the City and Fire District 1 engage in discussions to come up with a memorandum of understanding at least, or an Interlocal agreement that would deal with the "what if" if the City of Wenatchee would annex part of Sunnyslope. The County has received two letters, one from the City of Wenatchee from Mayor Dennis Johnson, and one from Fire District 1 Chief Randy Johnson. Commissioner Hawkins reads the letter from the City into the record.

Commissioner Hawkins reads the letter from Randy Johnson into record. Outlined are several options suggested by Fire 1. Option 1 is to continue the public hearing for a period of 120 days during that time the City and Fire District will continue to meet to complete the process outlined that the City and Fire will negotiate a mutually beneficial fire and emergency services master plan and annexation plan for the continuing provision of fire protection and emergency medical services which may be annexed into the City of Wenatchee. Or option 2, approval of the Sunnyslope Sub Area Plan with the effectiveness of the approval conditioned and contingent on completion and adoption of a Pre Annexation Interlocal Agreement between the City and Fire District which would include development and adoption of a joint master plan for capital facilities needs pertaining to the provision of fire protection and emergency medical services in the UGA.

Rick Smith, City of Wenatchee Community Development Director speaks to the Commission. After the first hearing which was continued until today, the City set up a meeting with Fire Chief Randy Johnson, Allison Williams, and other relevant City staff. Our understanding was that you were seeking some indication that the City was willing to enter into discussion with the Fire District about their concerns. Based upon that, Mr. Smith prepared a draft letter which was delivered to John Guenther and Randy Johnson for their review in which they indicated that was acceptable with revisions. Mr. Smith was under the impression that was the extent of the agreement. He was rather surprised by a letter from the Fire Chief addressed to the Board asking that this process be delayed or be made contingent upon the City and County reaching an agreement. That was not the Mayor's understanding - that we would have an obligation within six months to actually reach an agreement on this matter. The draft that Mr. Smith received was very similar to proposals that fire districts have been trying to get the legislature to act on for the past several years. Mr. Smith says he is not an expert in these matters but it leads him to believe that there are two points of view as to whether all of those items are appropriate otherwise it would have gone through the legislature very quickly and that has not been the case. The City's position is that we are certainly willing to negotiate but the City does not want a time line put on it nor do they think it is appropriate to delay the whole plan to resolve the one particular issue. The City is still willing to talk about it in good faith but do not delay the plan for six months. Mr. Smith has had contacts with the development interests in Sunnyslope that want to move forward as soon as possible. He does not believe they have been notified of a possible six month delay and he believes there may be some issues there. The City would like to move forward in good faith and don't want to have their hands tied.

Commissioner Goehner states that the intent of the motion two weeks ago was not only that would there be discussion but that the intent would be that there would be a resolution to issues that have been raised. We recognized that the time frame was short but the intent was to, at some point in the near future as opposed to the long term future, have a resolution where the City and the Fire District would have a concrete document that they could have relative assurance of the disposition of the assets, the delivery of the services to both the north and south ends. That was the intent of Commissioner Goehner two weeks ago.

Commissioner Hawkins has spoken to both Mayor Johnson and Chief Johnson and Mayor Johnson said he was committed as Mayor (City Council) to reach a resolution on this issue and to negotiate in good faith. The Mayor also shared with Commissioner Hawkins sat down many years ago to work out an Interlocal agreement with several points of discussion and it was a long process. But as long as you have two willing partners committing to reaching a resolution that is good for both parties or partners it can be done. Commissioner Hawkins has faith in Mayor Johnson to be good to his word. We may include some portion of that reliance in the motion.

Phil Dormaier, Fire Commissioner for Fire District 1 states that there is a concrete need for an agreement to be established between the City of Wenatchee and Fire District 1 before there is the ability for the City to annex areas into Sunnyslope and not have a plan in place for providing emergency services to that area. That is a crucial element to urbanizing that area. Unfortunately, if the County approves the sub area plan as it stands now there is no incentive for the City to get involved in this Interlocal agreement to provide that level of service to the area. That is the key thing that it is a very necessary issue to deal with for the citizens who are looking at locating in that area in the future whether they be located in the City or inside Fire District 1. As Mr. Dormaier has made clear before with annexation by the City of Wenatchee it becomes the City of Wenatchee's issue to deal with in the emergency services department but it does impact Fire District 1 ability to provide services to those individuals and those residences that are outside of the proposed annexation area. Fire District 1 still has to provide a level of service that is commensurate with the expectation level of the community. Without a concrete ability to have a concrete plan to move forward in providing emergency services to this area then they find themselves in a precarious position. Fire District 1 asks that you consider that now and the proposals that are provided in Chief Johnson's letter.

Commissioner Goehner wonders if one of the conditions of approval would be an agreement prior to annexation. Commissioner Goehner is not sure if that agreement can be set aside from the Interlocal because in the Interlocal we say we will not promote or oppose annexation. But basically what we would be doing would be to imposing a condition of approval prior to annexation.

Commissioner Hawkins states the difference between the annexation and the UGA expansion is that to be annexed a citizen would have to come forward and asked to be annexed into the City and the City cannot promote it. Essentially, the County would be putting a requirement on to the citizen to not be allowed to be annexed into the City until conditions outside of his or her control would be met. Commissioner Hawkins would prefer that the County recognize that there is a verbal commitment from both sides to bargain in good faith and reach a resolution of this issue. If the County is to go forward and approve the UGA it would be in anticipation that the agreement would be reached and the Commissioners would offer our assistance as may be desirable or practical to assist in that process.

Keith states it appears that Mayor Johnson's letter appears to be a good faith commitment. But Commissioner Goehner's angst today is what Mr. Smith says today is that it was just a discussion. Commissioner Goehner felt what we had as the opportunity to work out an agreement that had a real reason for that agreement to take place. Once we get beyond this point there is a hope that agreement will take place but there does not appear to be anything that would really provide the impetus to a mutual resolution to some of the concerns that have been addressed.

Commissioner Hawkins says that if we are to make this in anticipation of the agreement being reached we would not condition the annexation on that but conditioning the plan to that realization that the County is anticipating that this will take place. Commissioner Hawkins shares concern that there are a lot of projects out there and a lot of people that are ready to go forward. The annexation issue is a different one. You could condition it just for an annexation because we could allow the Urban Growth Area to go forward but then we could say an annexation must have agreement in place.

Commissioner Walter questions whether we have the legal ability to do that. We have a product here that we promised was going to be delivered awhile ago. We have already delayed over not only the Fire District Issue but also over transportation issues and some other things. Commissioner Walter is hesitant to delay this any further. The Mayor has made a commitment to negotiate in good faith and address issues that the Fire District has brought up in relation to what happens to deliver services and how you jointly plan for that as well as what happens if an annexation takes place to deliver services and to reimburse the Fire District for those financial obligations that the District would have incurred. Commissioner Walter says that it is the frustration with government's inability to do anything. Commissioner Walter is ready to approve this plan. We have to go on the Mayor's intent and good faith and the Fire District has to come to the table with reasonable requests. You are not going to be able to change State Law.

Commissioner Dormier states that the Fire District does not want to stand in the way of the progression of the Sub Area Plan for Sunnyslope. The Fire District wants to make sure that there is a good footing and ground work laid prior to this so that there is a comprehensive ability to provide this very service to these areas and have it cohesive for the whole area. What concerns him today is that the Fire District is in receipt of the Mayor's letter which he appreciates. But now he is hearing a different interpretation of what that means.

Commissioner Hawkins states that the Mayor conveyed to him that he is committed to seeing a resolution of this issue. Not to enter into the discussion but to resolve this discussion in the best interest of both parties. Commissioner Hawkins gives his personal assurance that conversation took place.

Fire Commissioner Dormier states that the Fire District does see that is what the Mayor's letter is saying. That is where the District is asking to create a circumstance where that is allowed to progress.

Commissioner Hawkins states his thoughts regarding earlier comments by Commissioner Goehner. The City cannot promote annexation and the County cannot oppose annexation so if we are to say annexation was conditioned upon a Fire Service Agreement being in place we would not have the ability to oppose it if it was not in place. Commissioner Dormier understands that we have set ourselves in that predetermined limit on ourselves already.

2:18:53 PM PUBLIC COMMENT ON THE SUNNYSLOPE SUB AREA PLAN:

Mr. Pat Weinstein speaks on the plan as proposed which allows them to take their property that they have purchased and move it from commercial to industrial which is consistent with the land around his property. The map will be corrected to reflect the proper designation and will be industrial while these parcels are actually commercial and with the plan as proposed will turn into industrial. There is no real change in land use since it is a mapping error. The property does not match the map designation.

Brian Stumpf speaks. The expansion proposal has been a long time in waiting - he believes five years. Mr. Stumpf was on the task force for a number of years and a lot of work has been put into this. The staff has done a wonderful job. Everyone has had the opportunity to look at the plan for many years. Mr. Stumpf feels it is a great plan. He feels the County should move forward with this. He has mixed feelings being a farmer out there all his life. He does realize that he can go somewhere else if he had to, but he will continue farming as long as he can. The plan is a good plan. He hopes that the Commissioners will approve the plan.

Herb Troxler, resident of Fire District 1, states he is not sure if he is opposed or in favor of the particular plan but he would like to address the concerns if you put pressure on the City to negotiate with the Fire District. The Commissioners have stated that you do not have the ability to oppose or promote annexation, as he understands it. Commissioner Hawkins shares the details of the previous Interlocal Agreement. Mr. Troxler states this is not an annexation but a change that might allow an annexation to proceed. Chelan County Fire District 1 has the consideration of providing for the public safety in this area. They are very knowledgeable in what they do, he believes. It is the County responsibility to assist them in getting a resolve of the potential problems that are being raised by the loss of taxation base and the change of part of this area to the City. He also believes it is well within the Commission's rights to require that step be taken before you get too far down the road. After awhile all the fish are fried and you cannot get them back.

Rich Cole speaks in reference to the Sunnyslope area. He states developers could care less on how steep the hillside is, how sandy the soil, water or no water, just as long as they can sell it and get out of town or on to the next victim. He states he will make the exception to that statement in KamKom has done it's very best to find solutions to the actual public. Any

of these huge development issues he urges the Commissioners to consider impact fees, less advertisement of areas and any other means to slow this degrading of the valley but developers into additional urban playgrounds of Westside liberals and others who most likely cause more increases of higher property taxes. This will only force out more of the ag orchard lands and limited income folks, who in some cases to the delight of the City of Wenatchee Heigherarchy who cannot seem to understand where all of the congestion is coming from yet have their tentacles out for more land grabs. Please keep more of this in opens spaces in your decision.

2:25:55 P.M. ACTION ON SUNNYSLOPE LONG RANGE PLAN AND MAPS AND ASSOCIATED URBAN GROWTH AREA EXPANSION

Moved by Commissioner Walter, seconded by Commissioner Goehner that the Board approve the Sunnyslope Urban Growth Area Expansion. Commissioner Goehner shares a foot note with Commissioner Hawkins that if they go forward with the approval it would be in reliance of the good faith of Mayor Johnson and Fire District 1 to pursue an agreement to the mutual best interest of the citizens of Chelan County and the City of Wenatchee.

Commissioner Hawkins states the County would use the ability of the public eye to help the County to hold both parties accountable to that end. Commissioner Goehner adds this is the culmination of a considerable amount of public involvement and the process has been very exhaustive even with the Interlocal that the County entered into with the City of Wenatchee relating to the Sunnyslope area which will allow for the sewer. All of things have been a hand and glove situation where people have really comitted countless hours, energy, and resources to this whole process. That should also be noted. Commissioner Hawkins also notes that Larry Angell and the PUD were all involved in the process. All of the sewer infrastructure was owned by the Chelan County PUD. One of the concerns of the City of Wenatchee was they were not able to control the effluent coming into the waste treatment plant. There was a four way negotiation starting 6 years ago and six meetings averaging 240-75 people at the public meetings.

Commissioner Hawkins reiterates the motion as: approval of the Sunnyslope sub area plan in reliance upon the good faith expressed by the City of Wenatchee through the office of Mayor Johnson and through Fire District 1 to reach a resolution on fire services for Sunnyslope. Vote shows a unanimous approval by the Board. Official action by way of resolution will be before the Board for signature on March 18, 2008.

2:29:30 PM COMPREHENSIVE PLAN AMENDMENT 2007-10:

Chelan County Planner Graham Simon offers the staff report on the continued public hearing items from the 2007 Comp Plan Amendment Cycle. This was heard at the December 10 Planning Commission Hearing. The application was submitted by Kevin Gates, landowner, requesting a comprehensive plan amendment on 400 acres to change the designations from Rural Residential 20, Rural Residential 10, and Rural Residential 5 (multi zoned piece of property) to RR10, RR5 and RR2.5. As you can see it is basically a request to step down

the zoning starting from 20 to 10, 10 to 5 and switch it from 5 to 2.5. The subject property is adjacent to Whispering Ridge and Squilchuck Road approximately 10 miles up the Squilchuck Road within Section 9, Township 21 North, and Range 20E. It is also identified under 8 Assessor parcel numbers included in the report and summary sheet. The Planning Commission did recommend approval unanimously.

Commissioner Goehner asks staff with regards to Woods vs Kittitas, where the Growth Hearings Board has indicated that if you have a rural designation, it allows for rural zoning to be applied throughout the rural area. It did not really give a restriction because in this particular case it was a 300 acre that was zone RR3. Given that Supreme Court Decision because it was carrying for the appeals process, would you change your analysis as to why there was opposition to the proposal. Planner Simon states that not knowing about the Woods vs. Kittitas, and not knowing how Kittitas's comprehensive land use designations are set up, ours are one to one, he does not know how there comprehensive land use designations are capered to their zoning designations. He does not know if that decision is consistent with how our comp plan vs zoning regulation zonings are set up. In this situation it had a lot to do with the fact that it was a large piece of land and they felt it was not compatible with the adjacent forest commercial and larger zonings out there. He however, knows that the Kittitas ruling will come to play a big key in the future stuff. It is hard to see if it would apply based upon our comp plan and land use designations compared to theirs. That decision allowed a full gamut from R3 in Kittitas, a full gamut of all their rural zonings. Commissioner Hawkins adds that what that ruling basically stated was that once an area had been designated rural the whole array of rural zones, irrespective of density, was allowable within the discretion of the local legislative authority. Planner Simon states that means they could have gone from a 20 acre to a 3 acre as long as their land use designations were consistent with their comp plan. That would be similar to our designations. Knowing what he knows now as staff, based upon the Supreme Court ruling the staff would have issued a staff report in support of this proposed zone change. They did not feel it was compatible with what was out there. It is hard to see if that would apply. Commissioner Goehner clarifies that even though this with Kittitas opens the door to that full gamut of designation that is not what is being requested. What is being requested is still fairly large lot sizes given the other development that is close to it. It is not inconsistent with the adjacent uses of the property.

Attorney Don Dimmit testifies on behalf of Mr. Gates. This matter was recommended for approval by the Planning Commission. There was no opposition. Mr. Dimmit was going to keep his comments short and sweet and now you have gotten the County Staff to say they like it too in light of the new decision. Their focus at the public hearing before the Planning Commission was the concerns they had about visual compatibility in sensitive areas. Mark Botello was here and testified that one of the primary reasons for allowing clustering was so that we could cut down on unregulated breaking up of land into 20 acre pieces. We provided mapping to them and to the Commission later showing that if these requests were not approved, Mr. Gates has already sharpened his pencil and has done the numbers. There would be enough lots to cluster under the current provisions. You can see a potential

scenario where you end up with a bunch of 20's, no regulations, you have roads all over the hill sides, and a bunch of exempt wells, and not something that we think is good for the County. A surveyor put together what might happen that these rolling three zones (one request) change in and of a position that it makes a lot more sense to cluster. That is what his plan was, you would also find that virtually any developer under these scenarios if these were approve and you go for clustering, you can see in the clustering for the roads throughout the hill sides are gone and you are serving the lots from the existing roads. You are able to get PUD infrastructure out there. You are not putting in a bunch of exempt wells. So you address the visual compatibility issues. You are able to better protect sensitive areas which was one of the staff concerns because now you applying for subdivisions and you are setting aside the 70 %. So basically our position was is that exempt 20's are the worst that you can ever have. Approving these rezones makes it more likely that end up in control of the process and save the sensitive areas and open space and cut down the roads, etc. That was our position when the Planning Commission approved this unanimously.

Commissioner Walter states that in reference to the drawing of the clustering and reading the application it was indicating that the zone change was necessary to do the clustering. The clustering is a tool that is available but what you have indicated is to get you the densities that make that work.

Commissioner Hawkins requests a topographical map. He has the same concern. This is all very much hilly ground. Mr. Gates shares that 30% is flat, the rest or 70% is very steep. Commissioner Hawkins confirms the applicant is talking about clustering on the flat portions keeping the balance in open space.

City of Wenatchee Development Director Rick Smith is not speaking on 2007-10.

Pat Tukey is not sure what clusters are. Commissioner Hawkins states that they are a concept at this point. There is a development regulation that allows clusters or the ability to take a large portion of property, concentrate the development in a smaller area and give what is known as bonus density – up to two times which would mean one house per ten acres. If you went through all of the requirements of a bonus density application and met those requirements you could conceivably get up to two times that or an average of two. Commissioner Goehner adds that the concept of clustering allows for smaller lot sizes with dedicated open space. In this case you would have a certain number of lots available, you could cluster them and have smaller lot sizes like in this case RR20 but you would have to dedicate 70% of the property into dedicated opens space which means that could not be developed and kept in open space in perpetuity. The basic cluster development does not allow for additional lots. But, if you do certain things such as connectivity, you put trails in, or a number of factors in, they allow you up to 5, 10, or 15% bonus for each of those components which could get up to 200% lot configuration.

Mrs. Tukey's concern is that, again, living there, some of those hillsides are straight up and down. Some of the flat spots, like where he has Alf alpha field, slough off into the creek bottom which is again on her land. It is a concern about the land eroding away and because it is so steep. Commissioner Hawkins shares that her concerns are a project specific action. If someone were to do a development regardless of what it is, they have to abide by development regulations to contain runoff on their own home property. That would not be part of the decision making process today. Mrs. Tukey is concerned about what the terrain is and it is not really conducive to a lot of housing.

Commissioner Walter questions if she is confused about the location of the property. This property is located clear up by the Wenatchee Heights Road turn off. This is a different piece than the property that she is thinking it is.

Commissioner Walter makes a correction. He believes that in Chelan County Cluster Regulations the land is not necessarily tied up for perpetuity. It is regulated until adjoining zoning changes so there is that ability for some of that land to change and then be used if zoning changes. Commissioner Goehner shares that a more appropriate description would be dedicated open space.

Patrick Walker of Chelan Douglas Land Trust questions if the applicant has presented any estimates as to the number of residences that they are planning to create with the new zoning and cluster development? The Commissioners cannot answer that question as that is a project specific action that would not be a part of the deliberations on this matter. They would have to go through a process to determine what number of units they would be eligible for based upon the mitigation that they offer. But that being said Mr. Gates or Mr. Dimmitt is welcome to answer how many housing units they anticipate being able to create or how many would you seek to create. Mr. Dimmitt responds that Commissioner Hawkins answered that better than the applicants could depend the project and the application later.

Mr. Walker also questions if this is an area that the Commissioners would like to see more growth? Mr. Walker states we have talked about a lot of different things and he wonders if this fits into an area that the County sees as an area that needs more growth. He states the Commissioners do not need to answer the question that it is more of a rhetorical question. Mr. Walker heard the applicant state that about 30% of these 300 acres of land is buildable land and if his math is correct that is about 30 acres. He would suspect that most of that is near or close to a ridge line which would have a significant visual impact.

2:49:16 PM ACTION ON COMP PLAN AMENDMENT 2007-010:

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried that the Board approve CPA 2007-010. Official action by way of resolution will be before the Board for signature on March 18, 2008.

2:49:37 PM COMPREHENSIVE PLAN AMENDMENT 2007-11:

Planner Graham Simon shares staff report. The application was submitted by Margaret Cochran acting on behalf of Virginia and Joseph Hedges. They were requesting a comp plan amendment on approximately 103 acres of land. The proposal was to change the designation from Rural Residential Resource 20 and Rural Residential Resource 5 to Rural Residential Resource 10 and Rural Residential Resource 2.5. This property is generally located west of the Malaga-Alcoa Highway off of Lower Hedges road. This is identified under the Assessor Parcel number noted in the planning staff reported summary. This application was heard at the December 10 Planning Commission Hearing and was voted on to approve. It is noted that an error is in the staff report indicating the property is in Chelan but in fact is outside of Wenatchee off of the Malaga Alcoa Highway.

Don Dimmitt has a question and comment. The Gates has been presenting on behalf of Mrs. Cochran. All of the exhibits have treated (CPA 2007) 11 and 12 together. It might be useful if they presented number 12 before they begin. It is adjacent property.

Commissioner Hawkins shares that we will do 11 and 12 together even though they are in fact two different actions and will require two different motions but are tied together in principle. With that, staff may proceed on number 12.

2:52:20 PM COMPREHENSIVE PLAN AMENDMENT 2007-12:

Graham Simon offers the Staff report on CPA 2007-012. The Planning Commission heard the matter on December 10. Before the Planning Commission was an application submitted by Kevin Gates, landowner, requesting a comp plan amendment on 348 acres land. The proposal was to change the designation similar to the one just heard to step down the zonings from Rural Residential Resource 20, Rural Residential Resource 10 and Rural Residential Resource 5 to Rural Residential Resource 2.5. The subject property is located just south of Wenatchee UGA adjacent to the Malaga Alcoa Highway within Section 23, Township 22N, and Range 20E. The Assessor parcel numbers of record are in the report provided in the Staff summary sheet to the Board of County Commissioners. There are 10 parcel numbers in the CPA 2007-12. The Planning Commission at the December 10 hearing recommended approval of the application.

A topographical map is requested by Commissioner Hawkins. It appears to him from the map that the only flat spots are down along the road.

Attorney Don Dimmitt speaks on behalf of Kevin Gates who is acting on behalf of Mrs. Cochran. They look at this property in two different ways. On the eastern end of the property they have parcels moving from RR5 to RR2.5. The primary argument there is that change is consistent with what is already there. It is consistent with the development in that area. It is only a half a mile from the UGA so it makes sense to gradually move this down in zoning to get a closer transition as you get out from the UGA. As you go to the west and you

get into the steep areas you are primarily moving from RR20 to RR10. That is a better transition because it is a very strange situation where you have RR20 adjoining an Urban Growth Boundary. It is explained because it essentially comes up against the cliffs there. Behind that, Mr. Gates property is zoned RR20 and he would like to move it to RR10. The reason there is basically the same as we discussed on 2007-010. He would like to develop this property. If you know where he lives you know that he is a road builder and has the ability to develop the property and the surveyor has shown that there is a bench through there above the cliffs. If Mr. Gates needed to develop the property in that fashion could put a road on that bench and develop exempt 20's as we have discussed. He would prefer to do as testified to earlier is to enhance the number of lots available through clustering so you could leave that area alone all together. As you can see in the second map that we sent to you, clustering lots would be available over on to the eastern end of it, some down near the road and some others on the bench somewhat above the road. They are doing several things here. They are transitioning better, protecting sensitive areas because it is making it more likely that there would be a cluster and thus the dedicated 70%. They are helping to insure visual compatibility because it is much less likely that we would end up with a road way bench up on top of the cliffs. The City has expressed concern in this area. You have seen their letter and there is a word in the letter that Mr. Dimmitt focuses on that explains it. Their concern that if we allow this type of zoning along the edges of the UGA on the City limits that the City is going to have to leap frog over developments to provide infrastructure. That is a real concern for cities. Mr. Dimmitt understands that. If you have a flat city and are surrounded and have to leap frog beyond it you are in big trouble. But here, purely from topography reasons the problem does not exist. The Planning Commissioners went out of their way to point out to Mr. Smith that basically we have a barrier here. You are not going to leap frog over those cliffs regardless so that concept, while valid, does not apply to this particular rezone. But by down zoning these properties we are not going to create a situation where the City is going to have to leap frog beyond Mr. Gates property to provide urban services.

Commissioner Hawkins invites Mr. Rick Smith of the City forward to testify on 2007-11 and 2007-12.

Mr. Rick Smith, Community Development Director, offers maps showing applications 11 and 12. He knows that you have heard the basic argument before and that is that the approval of large cluster developments like this in close proximity to the City, as this is right up against the existing Urban Growth Boundary, make it virtually impossible for the City to expand urban services to the south if approved in his opinion would make it impossible to extend urban services to the south. The only kind of development that would be able occur along the river to the south would be these rural cluster subdivisions on septic systems. For the record, there was some discussion about a court case that relates to the ability of the County to approve the full range of development options or rural development options within all areas of the county regardless of location. That is certainly not the City argument here. The City argument in this case is that it would be impossible to provide any other kind of development to the south of this because the City would not be able to extend beyond this. The effect, if you approve

these particular developments, would be the inability of the City to provide urban services beyond these boundaries from now until the end of time. You will have rural development on septic systems all the way down the river to accommodate what he believes will be a very large demand for housing within this area. The City's position is that it is more appropriate to allow the City to slowly expand and develop these areas and the area beyond it at higher densities than are available under the rural zoning designations that are available to the County. That would also apply to the other developments that will be heard this afternoon.

Commissioner Hawkins, as a lay person looking at the topography and knowing what kind of difficulty it is to extend domestic water and sewer through this type of topography, that a natural topographical limitation to being able to extend City services to the south unless you are talking specifically about the area running along the highway. If you are talking about that area which is flat, you still have the limitation of a lot of that being right up against the bluff. Commissioner Hawkins finds it hard to see from a practical standpoint with the technology that is available now or foreseeable technology that would be in the near term future that you could develop that area with City services.

Mr. Smith states that before the sewer system comes there may be some need for pumps for a short run if they decided to transport the effluent all away to the north. But he knows every time he leaves the community and drives down the highway and look over to the right he sees land that have magnificent development potential. It is in orchards and flat lands. In 20-30 years from now that will be ideal housing. Mr. Smith feels that should be developed to urban densities. If the City is blocked however, by developments like this, that simply cannot happen. You would have to think large quantities of land, in this case they estimate 500 acres, and he believes the most you would be able to get here was 166 lots, the maximum under the zoning. That is that not a lot. Commissioner Hawkins says that if you are going to extend a water line down along the edge to be able to promote urban development further south, you could still do that whether you had that area or not because you could run your UGA boundary right down the highway. Mr. Smith states it has to go through improved land. He does not see these people coming in petitioning to get into the urban growth boundary. You would have to somehow go around it and gerrymander it. The simplest thing is to not allow this to be approved and to allow them to come in and petition to expand the UGA. That is what GMA envisioned.

Commissioner Walter states that we are embarking on a process with the City of Wenatchee to look at the expansion of the Urban Growth area. Basically what we are doing is taking that existing boundary that is out there and looking at everything within a mile of that. That is the extent of that Foothills UGA study that we are going to do. Commissioner Walter would rather see that process happen to this area because this is within that study area. He feels that it makes a lot more sense to have the City and County look at this area together and do the joint planning of where we are going to expand more in the future. It is very similar to the processes that we are going through in Malaga, that we are going through in Peshastin and Dryden that we did in Monitor that we are doing in Manson and Chelan Falls and out by the

Chelan Airport. Those types of processes make more sense than doing individual land use applications. In this case that is where he is going to fall because it lies within that area that we have already agreed to in the next 15 months to do joint planning and figure out where the City is going to expand. Part of that is how we expand the infrastructure. It really is short sided if we go through that process and then decide this is going to be in that expansion of the UGA. Maybe it makes more sense to expand the UGA out here rather than up Squilchuck. Maybe it makes sense to expand in both areas. But both of those areas need to go through that process. On this one (11 and 12) is where Commissioner Walter is.

Commissioner Goehner is concerned about what is being asked for still is lot sizes that somewhat in excess of what is typically approached. If you are looking at RR5 is what they like to see around an urban growth area so it allows for better development. Most of this is going to be larger than that anyway. The concern that he has is when you have an individual application come before the Board and acting on that. Commissioner Goehner has been involved in a situation where we went at least three or four years and then we ended up saying we are not going to do anything. So those people sat and waited, had a desire to utilize the land. To Commissioner Goehner, this particular property with the location, with the topography, given the request it seems that the cluster sub division and cluster development is a good planning tool because they have the dedicated open space which can then be converted to the smaller lot sizes again which would play into the higher densities. If there is cluster development, that is a better use of the land and the resource which still allows for higher densities to migrate out this direction. Commissioner Goehner states if we are going from 20 to 10 that still is in excess of what is around an urban growth area, it still allows for appropriate planning. You may have to hook some septic systems up to sewer at some point.

Commissioner Walter states that he knows we made some promises and did not get to those actions for three years. The difference is the County already has the process started here. We are already engaging, we already have it in the budget, and we already have a grant from the State to do the Foothills study with the City of Wenatchee. We know there is a timeline and we are going to finish that work and progress basically by June of 2009. There is a difference.

Commissioner Goehner shares that if we were to go ahead and do this, it would not be inconsistent to that study because the size of the lot would still allow for that study to be appropriately planned for this area.

Commissioner Hawkins adds that if we do approve this it does not preclude this area from being part of the study and whether there is an economic incentive for the land owner to try to develop the property now with lesser density or engages in the process and has the opportunity to have it included in the Urban Growth area – defer the development now for potential greater returns in the future. At the same time, you do not preclude that property owner from developing a portion of it. Commissioner Hawkins is still hung up on the idea that you are going to do the study you have also got to plan for the provision of urban services for

those areas. Commissioner Hawkins gut level feeling is that if the City does it will not include those steep slopes in the UGA you are just going to do the fly area along the road. That is how he intuitively sees the outcome of that process.

Mr. Herb Gardner representing the Malaga Water District speaks in regard to the City of Wenatchee comments. He went to the City about eight years ago to the City's Urban Growth Management Planning and asked them why they were not including Three Lakes in their urban growth planning. He thinks this is a little late for them to start thinking about the Malaga area for the Wenatchee Urban Growth. He states he does not know anyone in Malaga that is interested in annexing into the City or being an urban growth part of Wenatchee. Peshastin has done an Urban Growth Area, they are not incorporated. Malaga might consider themselves an urban growth area. And with the recent LAMIRD program that they did that would make some sense. We were here not that long ago talking about an annexation of this portion of the property for the Malaga Water District. The PUD rather emphatically said that was in their water system planning area. That does not tell him that it is in the City of Wenatchee planning area although he understands the regional water system. Personally, he feels the City of Wenatchee's concerns are irrelevant.

Rich Cole speaks on the Gates property action. The Gates property in question here is outside the Urban Growth Boundary about half mile or so. According to GMA there would have to be infill first. Example could be it is not in this county but in Douglas County over by the airport where they wanted to fill in out towards Keane Grade and out past through there they would have to jump over, so that is the point he is trying to give as an example. Otherwise it is possible that this project could be considered urban sprawl and so not allowed. It is zoned for cluster development now. Why do we have to have the double cluster ability on this hill side? It would result in up to 200% increase in density. Unstable slopes are not conducive to this much development. Please deny.

Josh Coming is in favor of the application. He states that clustering generally dedicates a large part of the property into open space which later on the City can incorporate that into the City without a loss of density. If you develop this property, say into twenties, and fives, and you have a house here, a house here and it would be harder for the city to incorporate. He does not see the point of the City preserving a mountain for later annexation which is very unlikely the City would ever incorporate this mountain. Picture is submitted.

Attorney Don Dimmitt speaks to Commissioner Walter and notes he understands your position. Here is a situation where they have over 400 acres. The Planning Commission, when taking all this evidence, was able to take into account quite a large area. If the City ever did go out that way they are liable to cherry pick and leave Mr. Gates in the lurch with his 20 acre parcels at the top. It would be better to let the land owner plan with all of his properties together and get some use out of the acreage that is on top of the cliffs that the City is certainly not going to want. He is not going to wait. If this is not approved he is not going to sit around and wait for the City to go out. He is going to put in a road up there and we are going to see

another road that is completely allowed. You will see it from the City. He is going to put in exempt 20s up there which is absolutely the worst thing that could happen for the areas surrounding the City. He encourages the Board to vote in favor and the owner does some responsible cluster development.

3:17:04 PM ACTION ON COMP PLAN AMENDNEMTN 2007-011:

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried that the Board approve 2007-011 based upon the recommendation of the Planning Commission and the testimony heard today. Official action by way of resolution will be before the Board for signature on March 18, 2008.

Commissioner Hawkins shares that he does not believe that the action taken today is not preemptive to the ability of the City to go forward and negotiate as part of the Foothills Study with the owner and provide him with an economic incentive to preserve that land and future development opportunities. Commission Hawkins states he does not want to preclude him from the ability to do something today with his land in anticipation of an action from the City that may never come.

3:18:19 PM ACTION ON COMP PLAN AMENDMENT 2007-012:

Moved by Commissioner Walter, seconded by Commissioner Goehner, and carried that the Board approve CPA 2007-012 on the same basis as number 2007-011 with the testimony given today. Official action by way of resolution will be before the Board for signature on March 18, 2008.

3:19:06 A.M. COMP PLAN AMENDMENTS 2007-17, 2007-18, 2007-19.

Chairman Hawkins recuses himself from the proceedings and leaves Chambers.

3:19:06 PM COMP PLAN AMENDMENT 2007-017

Commissioner Walter acts as Chair Pro-Tem. Staff report is given by Graham Simon. This matter was heard at the January 7, 2008 Planning Commission meeting. The application was submitted by Brian Nelson, landowner. He requested a Comp Plan Amendment on approximately 130 acres of land. The proposal was to change the designation from RR10 to RR5. The subject property is located approximately at the intersection of April Road and Anna Lane, north of Sunnyslope area within the NE quarter of Section 8, Township 23 N, Range 20E. The property is identified under the Assessor Parcel number included in the staff report of record as well as the Planning Summary Sheet that was presented to the Board of County Commissioner. The Planning Commission did recommend approval of the application at the January 7 hearing. A letter submitted March 10, 2008 to the County Commissioners from Steven Hayes addressing CPA 2007-17, 2007-18, and 2007-19. The letter is read into the record. It will also be referenced in to the other two applications that will be heard later.

Attorney Don Dimmitt speaks on behalf of applicant. On CPA 2007-017 there are 135 acres that Mr. Nelson is trying to change from RR10 to RR5. It is adjacent to Eagle Rock and other RR5 that was recommended for approval by the Staff and Planning Commission. They found that it is consistent with the purpose and location guidelines throughout the area. It is that area that they call the zone of protection for the Sunnyslope Plan that you approved just a few minutes ago. When they argued a couple of months ago we argued that in this area that you might approve some day. Now it fits in. You have already approved it. It is the area where residents have agreed to use the area up here for large lot development. They have the water. They lack the sewer. It is consistent with what they think they want to do for the future. Mr. Nelson was the developer of Eagle Rock.

Commissioner Goehner states we have heard from the City previously that there was not a vision that the UGA could actually go up into the RR20 and beyond. It is Commissioner Goehner's understanding that the City have looked for an RR5 as a buffer between the UGA and other further development so even by going to a five acre lot size it would still allow for the expanded development. This would not be precluding further development.

Josh Corning reiterates that clustering preserves open space for later expansion by the City.

Brian Frampton, Wenatchee Planning Staff speaks for Mr. Smith who had to leave for another meeting. The City's position was previously stated. Should the City decide to expand, it would be precluded by this action. Should the City decide to go north, this would be a barrier to that.

Commissioner Goehner states that what CTED has indicated is that they are looking for RR5 and other cities have commented that is the minimum designation that they would like to see right outside of the UGA. This is what they are asking for here. If it should be clustered, Commissioner Goehner believes this would even enhance the ability for further development because the lots sizes where the homes would be placed would be smaller than five acres. It would allow for that dedicated opens space to then also be developed at a higher density if in fact the City should come and want to expand the UGA.

Planner Frampton responds that one of the problems with open space is that you are not going to have the individual land owners that you have now. You will have multiple people on one piece of property. Getting everyone to agree to the further break up of that property would be very difficult. He is not saying that is impossible. But it still does allow for that.

Commissioner Goehner shares that even with cities, having open space is necessarily a bad thing within urban areas. That is one of the things that are in real shortage. Planner Frampton says that the Cities argument is that it precludes the ability to provide services beyond and through the development. It is harder. This would preclude the City to develop further on. If in a grand scheme, population explosion, the City cannot plan for that all of the time, if the City foresees something like that happening, we would need to expand the UGA and move

out to the foothills and in doing so, cluster subdivisions would preclude the ability of the City to move father out. Commissioner Goehner jokingly asks what kind of relationship the City has with DNR. He clarifies that is the adjoining property owner.

Pat Walker of Chelan Douglas Land Trust wants to make a clarification for clustering. Clustering is an increase in density in a spot area. It is not an increase where the City or the County chooses that is a better place to do it. Generally, these densities are beneficial when they are close to infrastructure, closer to amenities, closed to urban areas. One thing that has been discussed with the Commissioners is the TDR (Transfer of Development Rights). They would allow for higher densities zoning within areas that make sense. TDR would allow for higher density zoning. He understands the RR5 buffer makes sense. But if an RR5 is going to hold 20 houses when as an RR5 buffer would hold 10, he questions if that is the right motivation to turn that into RR5.

Attorney Don Dimmitt states he did not address the City's issue because 2007-17 was not really on their list. He will address it now for purposes of all three of them 2007-17, 18, 19. They treat this as if the land is as flat as the map. There are ridges coming down here. If you ever did have an urban growth boundary it would not be expanding out across those ridges, you would not be going up the hill. The evidence shows we are at the end or the limit of development. As of an hour ago we now have a plan. The plan shows that in that area we are going to have bt development, not urban growth. Again it is the concept that makes sense in some areas.

3:30:17 PM ACTION ON COMP PLAN AMENDMENT 2007-017

Moved by Commissioner Goehner, seconded by Commissioner Walter and carried that the Board approve CPA 2007-017. Official action by way of resolution will be before the Board for signature on March 18, 2008.

3:30:30 PM COMP PLAN AMENDMENT 2007-018

Planner Graham Simon shares the staff report on Comp Plan Amendment 2007-018. It was heard at the January 7, 2008 Planning Commission Meeting. This is also an application submitted by Brian Nelson, landowner, requesting a Comp Plan Amendment on 70 acres of land. Out of the total parcel size of 140 acres the rezone request is for 70 acres of that. This proposal is to change the designation from RR10 to RR5. The subject property is located on West Eagle Rock Road north of the Sunnyslope area within the North ½ of the NE ¼ of Section 7, Township 23N, Range 20E. The property is also identified under the Assessor Parcel of record that is included in the staff report and the Planning Summary sheet. The Planning Commission did recommend approval of this application.

Commissioner Goehner questions if this has always been one parcel with a split in the parcel. Planner Simon believes it has.

Attorney Dimmitt states that now with the last vote this is adjacent to RR5 on the easterly boundary. Primarily it is making it consistent with the rest of the parcels consistently of RR5.

Brian Frampton, Wenatchee City Planner, reiterates the City's previous testimony regarding the City.

3:32:50 PM ACTION ON COMP PLAN AMENDMENT 2007-018:

Moved by Commissioner Goehner, seconded by Commissioner Walter and carried that the Board approve CPA 2007-018 based upon the Planning Commission recommendation and the testimony heard today. Official action by way of resolution will be before the Board for signature on March 18, 2008.

3:33:15 PM COMP PLAN AMENDMENT 2007-019

Planner Simon offers the Staff Report on CPA 2007-019 application submitted by owner, Brian Nelson. The application is for a Comprehensive Plan Amendment on approximately 505 acres of land. The proposal is to change the designation from RR20 to RR10. The subject property is located off of Warm Springs Canyon Road north of Sunnyslope area within Section 7, Township 23N, Range 20E and as stated earlier the Assessor Parcel of Record are in the Staff Report of record and the Planning Staff Summary sheet which was presented to the Board. It was heard by the Planning Commission meeting on January 7, and the Planning Commission recommended approval of this application.

Commissioner Goehner asks if there are any roads on this property. Planner Simon says not county roads just dirt roads. It is not a Forest Service Road and not a County Road. That is just a private road. It is stated by Mr. Dimmitt that Larry Angell will speak and he believes it is a County primitive road.

A topography map is shown. Mrs. Foster, neighboring resident states there is water in Warm Springs Canyon.

Attorney Dimmitt speaks on behalf of Mr. Nelson. These are submitted as a package. One of the reasons to do them one at a time is to see that now this piece zoned RR20 is adjacent to, on its entire easterly side property that is RR5. It is also adjacent to some RR10 on the south side. So what they are asking for is consistency in transition of the hill side. Again, it is in the zone of protection where they are looking for potential for future large lot development. One of the early concerns of staff was the protection of sensitive areas which is easier to protect with cluster areas. This is different from the ones that we talked about earlier where we had a developer who was in the process ready to go and testified that he will develop these large lot 20's if you don't do this for me. Mr. Nelson asked that we share that he does not have any development plans. He is looking toward the future. He thinks that the arguments for clustering make sense for any owner of that property at any time. Prior Chelan County Planning Director Larry Angell will address those issues. The reason for rezoning

down to RR10 is to make it more likely for clustering to occur to better protect the environment.

Larry Angell, consulting planner testifies. There has been a very good discussion on clustering before the Board this afternoon with Mr. Gates' project and with Mr. Nelson's project. He would state by reference all the affirmative comments and statements in support of the cluster development process as it would be applicable to properties of this nature. In this particular instance he started by going through some of the items that have been raised. At least a portion of the existing Warm Springs Canyon Road is listed as a primitive County Road. The road does extend almost the northern boundary of the property and there is a natural bench if you will that will allow to be proposed at some point in the future to be brought across to connect with the Eagle Rock area. This is a particular example of the natural constraints that apply to the property. The issues that have been raised by the City of Wenatchee are really not relevant within the context of the City's perception that it needs to provide for leap frogging through the development with sanitary sewer service. These are the last properties, from his perspective, that have any development potential on the hill side. And with these properties that you have before you right now, and the other two properties, lend themselves to developing in a limited manner by the availability of the existing edges and flat areas, natural roads that would benefit the area in terms of keeping a very low visual impact, clustering and nestling any potential residential development, bench areas that would be somewhat secluded and would not be on a ridge line. A ridge line would not be conducive to development. In this manner you are basically maintaining the visible viability of the area and in the planned development process you would be preserving the most majority of the area on opens space to protect the wildlife habitat of the mule deer and other animals. You would also be maintaining the integrity of the Warm Springs riparian area. So the whole concept of the clustering sub division does lend itself well to this particular piece of property. In the previous discussion with Mr. Gates and the other two properties there was extension discussion in regard to this being a desirable option in comparison to someone coming in and just doing 20 acre segregation. One of the primary reasons for changing from RR20 to RR10 is to make the clustering vision a viable economic alternative to the development of that hill side in which the County would virtually have no control. The RR20 does not give an economically feasible to residential base to do a quality cluster subdivision process. The higher density that would be approved with the RR10 minimum lot size provides more economic incentive in the nature of resources and would allow the development to proceed with the cluster development concept. When you measure all of the advantages in entirety I think that this is a good representation of an appropriate zoning RR20 to RR10. He would also point out that in your packet before you this afternoon you have voluminous documentation of the consistency of the RR10 zone request with the Chelan County Comprehensive Plan. This particular proposal is consistent with the designation criteria in the RR10 zone district.

Mr. Ron Fowler lives on Warm Springs Canyon Road. The pond that you see on the map is on my land. This property has been owned by his family for thirty years and we sold in the mid nineties. He was not able to hear all that was said but he does know that there were

questions about water. There is water in Warm Springs Canyon about half of the time. It comes to surface in four or five spots and goes back underground. This is an extremely steep canyon and very sandy on both sides. We ran cows in there and he now has horses and mules. That is a canyon that we generally stay out of that canyon because it is so sandy and loose. There was some discussion about the County Road. The land in this spot was sold contingent that they vacate this County Road that has been in there for years. They came to a Commission meeting, (date unknown) in 1993-95. The Commissioners said to vacate the road. Apparently that has not been done. The private road goes right over the east side of Boyd(?). Mr. Nelson has an easement to use that road. It is a narrow road. The canyon is narrow. The sides of the canyon all of the way up are steep. Mr. Fowler is concerned about safety. This is the area that burned several years ago. It was so steep they did not put firefighters in there fight it, due to steep terrain. Mr. Nelson is very experienced with development. He put in Eagle Rock. So Mr. Fowler knows how to put in roads. Right now the only way in there is on a one lane, narrow road that goes right up the canyon. If there was a fire again or any emergency, unless there is another road somehow put in there. Mr. Fowler would not want to be up that canyon. During the fire last summer they sat on their deck and watched the helicopters dip out of the pond. They used a lot of water up there and finally got it stopped. He would be concerned about having a house back in there and having a fire with one way in and one way out.

Commissioner Goehner was thinking about the standpoint of the development and whether it would be exempt 20's or more controlled with RR10. The County would have more say of the type of development that happens if it is segmented off in the 10 acre parcels as opposed to 20. If we were to leave it even as it is today that road that you are suggesting is not a good ingress egress alternative. It could be utilized by exempt 20's. That would be a concern if there is any kind of development that would take place.

Mr. Fowler did not really have much to say on it except that he heard you asking questions and thought he had answers on it. He is also concerned about getting fire trucks back there.

Commissioner Goehner was just trying to tie this in to what they have been talking about with road standards for appropriate development and what type of roads. Any development that would take place in there would have to meet County Road Standards.

Brian Frampton reiterates the comments made previously by the City.

Rich Cole reiterates what the fellow that lives up there says about the safety and fires and road issues. He is sure that the Commissioners are well aware of that.

Attorney Don Dimmitt has a final statement. Mr. Dimmitt thinks those last comments help point out the importance of getting us closer to a zoning where you are more likely to actually apply for a subdivision and go through the approvals that make sure you stay out of the

canyons and make sure that you develop your roads properly. There is no plan at any point to work in the canyon. The available areas are on the benches.

3:50:30 PM ACTION ON COMP PLAN AMENDMENT 2007-019

Moved by Commissioner Goehner, seconded by Commissioner Walter and approved that the Board approve CPA 2007-019, approved. Official action by way of resolution will be before the Board for signature on March 18, 2008.

3:51:16 PM HEARING CLOSED:

Commissioner Walter closes the public hearing. Commissioner Hawkins returns to session and acting Chairman.

3:53:37 PM TITLE 15 HEARING – ROAD STANDARDS (TO BE CONTINUED)

3:53:37 PM HEARING CONTINUED:

Moved by commissioner Goehner seconded by Commissioner Walter and carried that the Board continue the Title 15 Road Standards Public Hearing until April 1, 2008 at 1:30 p.m.

4:01:04 PM BOARD DISCUSISON:

Public Works Project Development Planner Shirley Berg updates the Board on Discussions for Title 15.

4:05:48 PM RECESS:

Moved by Commissioner Goehner, seconded by Commissioner Walter and carried that the Board recess until Tuesday, March 11, 2008. Board recessed.

TUESDAY, MARCH 11

8:00 A.M. DEPARTMENT HEAD MEETING

Meeting Room #1 Administration Building

- Financial Report
- Aptitude Solutions Document Imaging Presentation
- HR Answers Appeal Process Update
- Legislative Session Discussion
- Other Items

9:08:23 AM OPENING:

Chairman Hawkins opens session with Commissioner Walter and Commissioner Goehner in attendance. Also present for session are County Administrator Cathy Mulhall and Clerk of the Board. Student Sarah Eisert from Wenatchee High School present for session.

9:08:34 AM CHELAN COUNTY EXPO CENTER

Marsha Clute, Director

DEPARTMENTAL ISSUES

- Water Update
- Organizational Chart
- SportsPlex Damages and Maintenance
- Resolution to Appoint Board Members

9:25:51 AM (ADDED) ACTION ITEMS:

Moved by Commissioner Goehner, seconded by Commissioner Walter and carried that the Board approve the following (**added**) action item:

1. Resolution

- a) Adoption of **Resolution No. 2008 - 45** for Appointment of Fair Board Members for 2008

9:26:57 AM BOARD DISCUSSION:

- Letter from Don Fike regarding Boundary Line Adjustment
- Golf Course Drive Speed Limit Signage
- Meeting Follow Up to Working Group for Public Works and PUD Relationship

9:31:20 AM BID RECEIPT:

Commissioner Hawkins closes receipt of bids for all bid openings at 9:30 a.m..

9:31:42 AM A.M. PUBLIC WORKS DEPARTMENT

Public Works Director Greg Pezoldt

9:31:56 AM OPEN BIDS: MANSON BOULEVARD, PHASE II

Bid Opening for Manson Boulevard, Phase II Project by the Public Works Department.
Bid opening proceeds with two bids submitted as follows:

Strider Construction	\$2,097,983.00	
Selland Construction	\$2,400,903.00	2008B1-14

9:33:17 AM BID REFERRAL:

Moved by Commissioner Walter, seconded by Commissioner Goehner, and carried that the Board accept the bids as submitted. The bid will be awarded on March 18, 2008 at 9:30 a.m. after review by the Public Works Department to insure the bids meet bid criteria.

9:33:52 AM OPEN BIDS: ASPHALTIC ROAD OIL

Bid Opening for Asphaltic Road Oil Project by the Public Works Department.
Bid opening proceeds with three bids submitted as follows:

Idaho Asphalt Supply, Inc	\$708,629.00	
US Oil and Refining	\$ No bid	
SEM Materials	\$783,288.41	2008B1-14

9:35:29 AM BID REFERRAL:

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried that the Board accept the bids as submitted. The bid will be awarded on March 18, 2008 at 9:30 a.m. after review by the Public Works Department to insure the bids meet bid criteria.

9:36:39 AM OPEN BIDS: SNOW SALT

Bid opening proceeds with one bid submitted as follows:

C Sam Distributing	\$15,789.89	2008B1-14
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9:36 A.M. BID REFERRAL:

Moved by Commissioner Walter, seconded by Commissioner Goehner, and carried that the Board accept the bid as submitted. The bid will be awarded on March 18, 2008 at 9:30 a.m. after review by the Public Works Department to insure the bid meets bid criteria.

9:36:56 AM BID OPENING: ASPHALT CONCRETE CLASS “G”

Bid opening proceeds with three bids submitted as follows:

Mitchell Trucking and Paving	\$268,131.60	
Central Washington Asphalt (1)	\$227,977.20	(Highway 97(a) Location)
(2)	\$245,797.20	(Howard Flats Location) 2007B1-14

9:39:04 AM BID REFERRAL:

Moved by Commissioner Walter, seconded by Commissioner Goehner, and carried that the Board accept the bids as submitted. The bid will be awarded on March 18, 2008 at 9:30 a.m. after review by the Public Works Department to insure the bids meet bid criteria.

9:39:25 AM BID OPENING: COLD MIX ASPHALT

Bid opening proceeds with two bids submitted as follows:

Central Washington Asphalt	\$178,200.00	
Basin Asphalt (Granite)	\$202,500.00	2008B1-14

9:40:10 AM BID REFERRAL:

a) Open Record Public Hearing at 1:30 p.m. March 18, 2008 - To consider updating the Capital Facilities and Transportation Elements in the Chelan County Comprehensive Plan

2. Resolutions

- a) CPA 2007-015 – Paul Chase - Agent Norm Nelson
- b) CPA 2007- 016 – Department of Fish and Wildlife – Agent Don Benson
- c) CPA 2007- 021 – Dalton B.Thomas – Agent Gary Bates
- d) CPA 2007-023 – CRM Orchards – Agent Terri Miller
- e) CPA 2007- 028 – Davy Enterprises, LLC – Martin Davy
- f) CPA 2007-031 – Gerald Ross – Agent Morgan Picton

3. Updates

- a) Floor Plan Discussion – Consensus of Board to allow Community Development Director to go forward with his changes from the Community Development Budget not to exceed \$15,000.
- b) Department Recruitment – Org Chart
- c) Fire Marshal Position and Contract
- d) Tri-Commission Meeting – April 15 at 1:30 p.m. PUD Auditorium
- e) March 20 – Public Presentation

4. Contract Preparation

- a) Development Regulations Update
- b) Land Use Study and Changes County Wide
- c) Leavenworth Regional Plan
 - I. Engineering Analysis
- d) Chelan Regional Plan

5. Miscellaneous

- a. Lloyd Palm Trucking Complaint
- b. Trailer Park Regulations

11:49:11 AM ACTION ITEMS:

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

1. Notice of Hearing

- a) Open Record Public Hearing at 1:30 p.m. March 18, 2008 - To consider updating the Capital Facilities and Transportation Elements in the Chelan County Comprehensive Plan 2008H6-

2. Resolutions Adopting Comp Plan Amendments:

- a) Adoption of **Resolution No. 2008 – 47** CPA 2007-015 – Paul Chase - Agent Norm Nelson
- b) Adoption of **Resolution No. 2008 – 48** CPA 2007- 016 – Department of Fish and Wildlife – Agent Don Benson
- c) Adoption of **Resolution No. 2008 – 49** CPA 2007- 021 – Dalton B. Thomas – Agent Gary Bates

- d) Adoption of **Resolution No. 2008 – 50** CPA 2007-023 – CRM Orchards – Agent Terri Miller
- e) Adoption of **Resolution No. 2008 – 51** CPA 2007- 028 – Davy Enterprises, LLC – Martin Davy
- f) Adoption of **Resolution No. 2008 – 52** CPA 2007-031 – Gerald Ross – Agent Morgan Picton

11:50:40 AM RECESS/ADJOURNMENT

Board recess to Courtroom 2. Board Adjourns.

Vouchers Approved for Payment (2008 Budget)

2008B4-25

Current Expense	\$ 65,371.69
All Other Funds	<u>155,501.77</u>
Total All Funds	\$ 220,873.46

BOARD OF CHELAN COUNTY COMMISSIONERS
 BUELL HAWKINS, CHAIRMAN

JANET K. MERZ, Clerk of the Board