

**CHELAN COUNTY COMMISSIONERS
MINUTES OF JULY 7, 8, 2008**

MONDAY, JULY 7

9:06:44 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.

9:06:54 AM APPROVAL OF MINUTES:

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously that the Board approve the June 30, July 1, 2008 minutes as corrected.

9:12:44 AM CONSENT AGENDA:

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

- Vouchers as submitted and listed
- Payroll changes:
 - a) Alice Niebuhr, WRCP, Retirement
 - b) Hans Berger, Public Works, Length of Service Increase
 - c) Aaron Stanfield, Juvenile, Length of Service Increase
 - d) Murray Craig, Regional Justice Center, Retirement
 - e) Douglas J. Takasugi, Superior Court, Temporary Hire
 - f) Elizabeth Jernigan, Regional Justice Center, Resignation
 - g) Nathan Pate, Community Development, Resignation
 - h) Kyle D. Flick, Superior Court, Temporary Hire
- Approval of June Payroll

2008B4-70

9:13:44 AM BOARD DISCUSSION:

- West Monitor Bridge – Letter from WSDOT regarding West Monitor Bridge Repairs and Compliance. Installation in all locations needing eye clamps has been completed. Chelan County Public Works Director attended the Monitor Community Council Meeting. Chelan County Sheriff's Office has been informed of the weight restrictions and the need for monitoring. Board places call to Kathleen Davis of WSDOT, she is unavailable.

2008C8-168
- Ivan Morse Road Meeting – Right of way acquisition is needed to obtain curve improvement to hairpin turn.
- Weed Spraying Issue on Cedar Brae Road – Cedar Brae Road needs weed control measures. The need is weed specific. Commissioner Walter voices concern regarding additional paperwork assuring property owner has agreed to control weeds. We will honor the request of those people that have requested no spray on their area. Public Works

Director would like to see each community be responsible for their area weed control needs. Commissioner Goehner and Director Pezoldt will work with owners for a resolve.

- Juvenile Department Director Phil Jans Present to Discuss the City of East Wenatchee's Pre Court Juvenile Custody Issues – The City of East Wenatchee has verbally agreed to pay for youth that need to be placed in facility due to safety issues prior to court rather than transport to Martin Hall. 2008C8-169

10:04:51 AM ADMINISTRATIVE AGENDA

County Administrator, Cathy Mulhall

DISCUSSION ITEMS:

1. Weed Control Board Appointment (to be pulled)
2. Executive Session – Labor Negotiations
3. Administrative Update

10:06:57 AM ACTION ITEMS:

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously that the Board (**pull**) item **1(a)** and (**add**) item **2(a)** approving letter of non objection:

1. **Resolution**
 - a) (**Pulled**) Appointment of Fred Smith to the Chelan County Weed Control Board
2. **Correspondence**
 - a) (**Added**) Letter of Non Objection to Washington State Liquor Control Board regarding Special Occasion License on July 12 for Cascade Foothills Farmland Association

2008C8-170

10:07:38 AM EXECUTIVE SESSION:

Moved by Commissioner Walter, seconded by Commissioner Goehner and carried unanimously that the Board move into 20 minute executive session pursuant to RCW 42.30,1140 regarding contract negotiations.

10:24 A.M. REGULAR SESSION:

Board resumes regular session.

10:25:22 AM BOARD DISCUSSION CONTINUES:

- Malaga Community Council TransPo Meeting Update
- PUD/Public Works Collaboration Meeting
- Eagle Creek Meeting – At this time it appears as though a clear majority of residents support the need for the road projects. Commissioners support the decision to move forward with improvement projects.
- Request by City of Chelan Study on Aquatic Center
- Issue with Business in Cashmere Urban Growth Area

10:47:08 AM RECESS

10:59:45 AM BOARD DISCUSSION:

- West Monitor Bridge Discussion via Telephone with Kathleen Davis of the Washington State Department of Transportation. An additional public meeting will be held on Thursday, July 10 at 5 p.m. with an advertisement to be placed in Wenatchee World regarding enforcement of compliance to weight restrictions.

11:19:35 AM 11:00 A.M. NATURAL RESOURCES DEPARTMENT

Mike Kaputa, Natural Resources Director

DEPARTMENTAL ISSUES

- Lands Dialogue Scheduled for Friday, July 11 at 9:00 a.m.
- Discussions on Land Exchanges on Upper Wenatchee
- Entiat Planning Unit Meeting Update – Fishing and Public Access Plan
- Meeting Updates
- RC&D Dues Invoices
- Letters of Support for WDFW Land Purchase Longview Fiber. It is **consensus** of Board to authorize letter of support written by Natural Resources Department.

11:41:25 AM CASHMERE/DRYDEN AIRPORT – Manager Dan Stewart

DISCUSSION ITEMS:

1. Additional Services Authorization (Document to be pulled and reviewed by Prosecuting Attorney)

11:46:07 AM ACTION ITEM:

Moved by Commissioner Walter, seconded by Commissioner Goehner and carried unanimously that the Board pull the following item for prosecutor review):

1. **Contracts/Agreements**
 - a) **(Pulled)** Additional Services Authorization Agreement

11:49:20 AM BOARD DISCUSSION:

- West Monitor Bridge Public Notice Ad 2008H6-21

11:57:27 AM RECESS

NOON

1:31:13 PM CHELAN COUNTY REGIONAL JUSTICE CENTER

Interim Director Phil Stanley, Assistant Director Mark McCormick

DEPARTMENTAL ISSUES

- Female Inmate Escapes Drug Task Force Custody and Later Apprehended, Back in Custody
- Quiet Holiday Week-End
- Jail Working to Obtain the Spillman System (Version 6) for Case Tracking

- (Dissolution of Partnership) Agreement with Douglas County, City of Wenatchee to be Presented July 14
- Planning of Emergency Exercises
- Fire Safety Planning

2:00 P.M. OHME GARDENS

Manager Mike Short, Marketing Director Sally Brawley

GARDEN ISSUES

- Kiosk Update
- Part Time Maintenance Workers Hired
- Current Revenue Above 2007 and Current Expenditures Below 2007
- Friends of the Garden Private Non Profit Application Update

2:29:04 PM BOARD DISCUSSION CONTINUES:

- Title 15 Road Standards

2:38:50 PM RECESS:

Board recesses until Tuesday session.

TUESDAY, JULY 8

8:00 A.M. DEPARTMENT HEAD MEETING

1. Financial Report
2. Submission of Auction Items
3. Salary Survey
4. Other Items

9:10:17 AM OPENING:

Chairman Hawkins opens session with Commissioner Walter and Commissioner Goehner in attendance. Also present for session is County Administrator Cathy Mulhall, Clerk of the Board, Sally Taylor and Katie Small. Commissioners and staff wish Commissioner Goehner a happy birthday.

CHELAN COUNTY EXPO CENTER & FAIR

Marsha Clute, Director

EXPO CENTER AND FAIRGROUNDS ISSUES

Declaration of Chelan County Expo Center Well Covenant for Department of Health.

Declaration was previously signed by Commissioner Goehner on May 29, 2008 after consensus to approve the signature on May 27, 2008 at 4:45 p.m. upon the receipt of the document.

9:10:58 AM (ADDED) ACTION ITEM:

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously that Commissioner Hawkins approves the previously signed document and forward the declaration on to be recorded:

1. **Miscellaneous**

- a) (**Added**) Approval of Declaration of Covenant to Department of Health for Chelan County Fair and Expo Center Well 2008A5-160

9:11 A.M. FAIRGROUNDS DISCUSSION ITEMS CONTINUE:

- Well Test at Fairgrounds Today
- Tractor Purchase Through Private Party
- Security at Expo Center Through Starplex Security

9:34:15 AM BOARD DISCUSSION CONTINUES:

- Cliff Wavra (Previous County Employee) Asks Commission for Help in Due Process in Request for Public Records Through Planning Department.

9:40:20 AM PUBLIC WORKS DEPARTMENT

Public Works Director Greg Pezoldt

DISCUSSION ITEMS:

1. Administrative Guidelines - BST
2. Call for Bids for Quetilquasoon Road Improvement, CRP 616
3. Resolution to Establish County Road Project No. 638 (CRP 638)
4. Rate increase at Dryden Transfer Station (to be addressed next week)
5. South Wenatchee Property Litter Clean Up Completed by Public Works
6. Stormwater Credits – Those in the 75% exemption zone district will automatically be given the exemption and notified of such through Public Works and either a check will be sent or a credit issued.
7. PUD Collaborative Process – Chiwawa Loop Project 2008C8-171
8. PUD/County Franchise Agreement
9. Peters Street Sidewalk Project Update
10. Administrative Guidelines - Development

9:48:40 AM ACTION ITEMS:

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously that the Board approve the following action items (**adding**) item **2(b)** regarding the appointment of weed board member (*previously pulled Monday, July 7*):

1. **Miscellaneous**

- a) Administrative Guidelines for BST County Roads 2008R1-7
- b) Call for Bids for Quetilquasoon Road Improvement, County Road Project No. 616 (CRP 616) 2008B1-54

2. **Resolution**

- a) Adoption of **Resolution No. 2008 – 101** Establish CRP for County Wide Guardrail Project as County Road Project No. 638 (CRP 638)

- b) **(Added)** Adoption of **Resolution No. 2008 – 102** Apt of Fred Smith to the Chelan County Noxious Weed Board at Large Position District A

9:50:59 AM PUBLIC WORKS DISCUSSION ITEMS CONTINUE:

11. Stormwater Credits
12. West Monitor Bridge Update
13. Saunders Road Improvements
14. Administrative Guidelines – Development
15. Ivan Morse Road Update
16. Eagle Creek Road Update, **Consensus** to move forward with Road Project
17. Anderson Road Lake Ridge Project
18. Driveways on Eagle Creek Road with Access Concerns
19. Squilchuck Road Access Drainage concerns
20. Don Booth Addresses Board on Azwell Road Near Boat Ramp. Concerns on sanitation issues are voiced. Lack of sanitation facilities needs addressed. Eagle Creek is also a concern.
21. Cedar Brae Road Weed Control Update
22. Squilchuck/Mission Ridge Road and Culvert Redesign
23. Federal Site Visit at Manson Blvd
24. Dave Bremmer Present to Discuss Three Lakes Property Development. Smaller lot sizes with a planned park is discussed such as a planned development. Commissioner Walter will work with developer through process.

11:00 A.M. COMMUNITY DEVELOPMENT

John Guenther, Director

DISCUSSION ITEMS:

1. Public Records Request by Cliff Wavra. (11:39 a.m. Graham Simon explains previous public records request has been filled. Any new items will need to be listed and requested).
2. **Refunds** (*Amounts adjusted to reflect staff time invested*)
 - a) Chris and Sherry Baxter - Building Permit in the Amount of \$1778.79 (amount to be adjusted)
 - b) Chiwawa Communities Association - Building Permit in the Amount of \$255.50 (amount to be adjusted)
 - c) Larry and Jan Lensen - Variance in the Amount of \$795.00
3. **Updates and Discussion**
 - a) Suggested Meetings and Calendar Update
 - b) Regional Plan Meeting with Chelan City Council – August 14
 - c) Sunnyslope UGA Update
 - d) Process Improvement Flow and Front Loading with Public Works – Revised Subdivision process to begin August 1 by **consensus** of Board.

12:03:55 PM ACTION ITEMS:

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

1. Refunds

- a) Chris and Sherry Baxter - Building Permit in the Amount of \$1778.79 **reduced to \$711.52** 2008B4-71
- b) Chiwawa Communities Association for a Building Permit in the Amount of \$255.50 **reduced \$102.20.** 2008B4-71
- c) Larry and Jan Lenssen - Variance in the Amount of \$795.00 (with no change in amount) 2008B4-71

12:04 P.M. EXECUTIVE SESSION:

Moved by Commissioner Goehner, seconded by Commissioner Walter, and carried unanimously that the Board move into 10 minute executive session pursuant to RCW 42.30.110(i) with Counsel Susan Hinkle present regarding pending litigation.

12:23:37 PM RECESS

Board recesses until 1:30 p.m.

NOON

1:32:14 PM BOCC CONTINUED HEARING - Title 15 Road Standards

Commissioner Hawkins opens hearing. He thanks the staff and the Committee for their work. He also shares that this hearing will mostly likely be conducted as a workshop with continued input from the group and the community. The Planning Commission sent the document back for further work by the Committee. The Commissioners assure the community members that they are committed to resolution of the matter and a document that serves all the interests of Chelan County.

Public Works Director Greg Pezoldt shares the process thus far. The motions by the Planning Commission are noted.

Parts 1-8 will be addressed. The committee made suggested changes as a group as well suggested changes by individual members.

- Part 1 General Information. Deanna Walter has opposition to 15.30.160
- Part 2 County Road Classification and Design Criteria. Needs review
- Part 3 Access and Intersections. Needs comment review
- Part 4 Pedestrian Facilities Walkways and Trails. No comments
- Part 5 Bridges and Drainage Structures. No comment
- Part 6 Construction Plans. No changes
- Part 7 Construction Control and Inspection. No Changes
- Part 8 Roadside Features. Striping and public right of ways may need change 15.30.875
- Part 9 Traffic Mitigation and Impact Studies. A great deal of discussion is needed for possible changes

The committee will meet again to come up with suggestions and comments. For the committee opinion there may be majority view, minority view and the public works will give their opinion separately. It is suggested that a facilitator take care of the meeting. Shirley Berg of Public Works will act as facilitator. It would be helpful to have Public Works present to help with decisions as to criteria and regulations. One meeting will be held and those that have attended will be invited to come and add in this final input. Public Works Director and the County Engineer will attend with the Public Works Director responsible for writing up the documents.

Mr. Dennis Reynolds, representing the Homebuilders' Association shares his view with the Commissioners. Until recently he was a partner in a national law firm, prior to that he was a partner in a Seattle firm, he was an Assistant Attorney General representing major environmental cases, had state agency experience, and attended the U of W Law School. He has represented building industry and organizations, realtor organizations, and given Growth Management Act guidance at the county level. Clearly the building industry is obligated to provide project mitigation. How do we get there is the question. 2008C-8a

He respectfully submits that the Commissioners defer action now on section nine and look at the level of service standards in the Comprehensive Plan Update when it is completed which is scheduled December of this year. The levels of service standards are being reviewed. They should be established in the Comprehensive Plan. Commissioner Hawkins clarifies that The TransPo group is currently working on them.

Commissioner Hawkins questions if the balance of the document can be adopted prior to the adoption of Title 9 and questions what does that do to the projects that are in the cue or will be in the que between now and that time.

Mr. Reynolds states that as he sees it, Chelan County has on its books, a well thought out and well drafted State Environmental Policy Act Ordinance. In that ordinance Chelan County provides for the authority of SEPA including on and off site traffic mitigation. The ordinance is well drafted by the Office of the Prosecuting Attorney. It has been on the books for years. The industry knows how to deal with that ordinance as well as staff. He would also recommend we do not need to repeat in County Road Standards what is already on the books. The generic standards are already on the books. Implementing the standards on a project by project basis will work. So he also recommends that the County continue using the SEPA ordinance process to evaluate and impose project mitigation so new growth pays its fair share for impacts directly related to a project.

His third recommendation is that once the Comprehensive Plan Update comes back there may or may not be a reason to develop some new standards to implement level of service requirements. At that time you could look at section 9 and see if some of it is appropriately used as an implementation device to deal with level of service requirements. If you tighten up level of service

you may want to consider some standards changes in addition to the SEPA Ordinance to give guidance to the process.

Counsel Lou Chernak will review the document and make suggestions.

Commissioner Goehner states the issues we continue to struggle with are the on and off site mitigation. In the letter submitted by Mr. Reynolds, he feels we currently exceed accepted legal standards in the on and off site mitigations. The issue we deal with is what is significant and what is insignificant. At what point does it become significant? Mr. Reynolds shares that he does not have a better definition than does the County. He clarifies that his comments are out of the accepted legal standards is only in relation to the draft. What is on the books now has a "pass to go". Looking at the project and determining the impact is where you should determine project mitigation such as design standards, accident statistics, the volume of predicted traffic, and is this project really going to have impact. If you are going to drop the level of service you need more definition.

Commissioner Hawkins states that with our work on level of service with the TransPo Group we are giving direction to them in terms of level of service to look at the condition of the road for current use and what would be the additional impact on that road from the new development to determine the amount of share of upgrade that developer should pay instead just looking at linear capacity of the road. We need to look at the condition of the road in comparison with the standard of the road would be for developments of that type along the road. Mr. Reynolds has concern in our rural roads as to how much should the new development bear of costs of bringing a low grade road up to current standard. That is a tough question. Engineers would say new development is the only way to bring it up financially in the capital facilities plan.

Commissioner Hawkins states with the rural roads we have in the County and have proposed developments coming in, we have three options, either that the developer shares in the cost for upgrades for the road by voluntary mitigation, let the development go as is and add to an already bad situation, or we deny the project.

Mr. Reynolds likes the voluntary mitigation option. Mitigation requirements should not be part of a document that describes design standards. You already deal with mitigation in your SEPA ordinance, why duplicate it in the road standards which are design standards. The general principals in the letter are pretty well accepted, but the application is not without debate. If you try to change the generic standards to get rid of some of the debate in the system, it does not work.

Commissioner Goehner speaks on the nexus and the direct impacts of the project. The developer may have a 40 lot subdivision, developing off a road that has capacity, and it falls within the standards of the road. Then you have another developer that has 6 lots and he is off on a more rural road, and there can be a significant impact to that road and the one that has the 40 lots does not have the obligation because of the location of that property. Both developments are

impacting the overall system but it appears that there is no real mechanism to bring that level of proportionality for the total traffic picture responsibility.

Mr. Reynolds responds that there are two solutions provided in the law in the State Environmental Policy Act (SEPA) and you can do voluntary agreements which are allowed by RCW 82.02. You can also consider a traffic impact fee ordinance. That has not been the solution of Eastern Washington and he personally feels it is a wise policy decision not to do that. There is not a generic standard that is going to answer all of the questions on these issues. It is the climate we have in the county for asking the building industry to make some reasonable accommodations. It is also comes down to the general fund and road transportation money which is tight.

Commissioner Walter speaks on the example of the flawed curve. A developer wants to develop and they have identified the need for the developer to participate in fixing the curve. We know there will be more demand in this area that is accessed by the road and by going beyond what is needed to fix the problem to accommodate the current development and we want to go a bit further and open up the road to access potential future development. The future developer then has the ability to access that road that has been developed and improved without contributing. Our late comer's agreement actually allows development to become a beneficiary of what the county has done.

Commissioner Hawkins discusses Mr. Reynolds' letter questioning the legality of requiring a right of way dedication for a half street improvement project.

Mr. Reynolds shares that is only in the draft now and he believes that document goes too far. He believes it can be required in the right context. He believes it is a proportionality issue. His comments on that matter relate only to the draft language.

David Honsinger of the Department of Transportation asks about the timeliness under SEPA for pro rata mitigation. How long can the County hold on to mitigation dollars, for 10 years? 20 years? There is no answer to that. Under 82.020 it is six years but that is not playing under that standard. SEPA states it is reasonable mitigation. The courts would probably go by analogy to the 6 year period in 82.020 in Mr. Reynolds' opinion.

In summary Mr. Reynolds would recommend that the committee bring forth a set of alternatives so the Commissioners can adopt Title 15 1-8, operate with SEPA as a mitigation road map until such point in time as the County gets the TransPo study completed. If the County decided to do more work on implementation of the current requirements he would suggest they not do that in the road standards.

Commissioner Goehner shares that Mr. Reynolds has suggested in his letter the draft of section 15.30.620(a) illegally shifts to private citizens Chelan County's responsibility. Mr. Reynolds shares he just wanted to bring that to our attention and flag that item. Lou Chernak can take a look at that.

Commissioner Walter talks about the opinion not to adopt section 9 until after the Comp Plan has been updated. However, Mr. Reynolds states he does not feel that they need to wait but more to have an additional look at it after the Commissioners have done the Comp Plan Update. Commissioner Walter shares that some of the things we have included in section 9, and in Mr. Reynolds' letter he states that, except for generally stating that new development will pay its proportional share for mitigating impact on existing road system found in purpose of section 15.30.910 the specific language in this section violates each and every one of the legal standards that you have set out. Commissioner Walter shares that included in section 9 is all of the language about traffic impact studies. Under our current document if we did not include that portion of it we would be in error. Commissioner Hawkins shares that section 9 could become traffic impact studies as a separate chapter. Committee member Dan Beardslee states that could be a task for the committee and that it is close enough. There will have to be most of chapter 9 other than mitigation should come forward out of the meeting. The latecomers were done by resolution so that does not need any change. Basically, the mitigation portion of chapter 9.

Commissioner Goehner appreciates the willingness of the committee to continue working on this until completion.

Greg Pezoldt shares the Planning Commission comments on the Appeal of Decision by the Deviation Board. Composition of the Deviation Board is discussed. The committee felt that there were an unequal number of county participants for the vote to be equal. More discussion will follow.

3:13:14 PM CONTINUATION OF HEARING:

Moved by Commissioner Goehner, seconded by Commissioner Walter and carried that the Board continue the hearing until Tuesday, Aug 19 at 1:30 p.m.

3:14:28 PM RECESS/ADJOURN

Moved by Commissioner Walter, seconded by Commissioner Goehner and carried that the Board meet on Thursday, July 10, at 5:00 p.m. at Monitor Bridge for public information meeting.

FILED CORRESPONDENCE:

Vouchers Approved for Payment	2008B4-72
Current Expense	\$492,054.64
All Other Funds	<u>423,123.80</u>
Total All Funds	\$ 915,178.44

BOARD OF CHELAN COUNTY COMMISSIONERS
 BUELL HAWKINS, CHAIRMAN

JANET K. MERZ, Clerk of the Board