

CHELAN COUNTY BOARD OF COMMISSIONERS
NOVEMBER 12, 13, 2006 MINUTES

9:05:04 A.M. 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. **Moved** by Commissioner Walter, seconded by Commissioner Hawkins, and carried that the Board change the chairmanship to Commissioner Goehner. Commissioner Goehner abstains from the voting. Chairman Hawkins turns over Chairmanship to Commissioner Goehner.

9:07:20 A.M. **Moved** by Commissioner Hawkins, seconded by Commissioner Walter, and carried unanimously to approve the minutes of November 6, 7, 2006 with corrections.

9:18:26 A.M. **Moved** by Commissioner Walter, seconded by Commissioner Hawkins, and carried unanimously to approve the consent agenda as **follows (pulling)** item **(a)** for further discussion with Sheriff's Department:

- Payroll changes:
 - a) **(Pulled)** Eric Collier, Sheriff's Department, Resignation & Severance Agreement
 - b) Rachel Jones, District Court, New Hire
 - c) Gary Hedstrom, Public Works, New Hire
 - d) Jeremy Osborn, Public Works, New Hire
 - e) Patric Hautenne, Public Works, Temporary Help
 - f) Claudia Gonzalez, Farm Worker Housing, Lay Off
 - g) Guadalupe Carpio, Farm Worker Housing, Lay Off

(TIME: 9:25 A.M. Commissioner Hawkins to Canvassing Board)

9:27:26 AM **BOARD DISCUSSION:**

- Meeting Updates:
 - Fair Board
 - Upper Columbia Salmon Recovery Board
 - NOAA Fisheries
 - East Leavenworth
- Snow Mobile and ATV Use on County Roads
- Public Defender Board – The Public Defender Board of Directors Selection Committee met with a good diverse group of candidates and is making a recommendation to the Commissioners to appoint the following Board of Directors: Associate Pastor of First Presbyterian Church Paul Pankey, Doctor of Physical Therapy from Central Washington Hospital Joe Palmer, Principal of Columbia Elementary Fay Crawford, Attorney Paul Kube, and Interim Member Accountant Rick Linder (to serve until the

Retirement of Judge Tom Warren in January 2007 who will then serve in that position).

COUNTY ADMINISTRATOR

Cathy Mulhall, County Administrator

10:00:36 AM DISCUSSION ITEMS:

1. Project Update - Manager Robert Knowles
 - Change Order #6 for Auditorium Remodel
 - Commissioners Office Door
 - Satellite Support Modification
 - Modify Door Swing
 - Push Pulls on Auditorium Entrance
 - Campus Parking Project
 - East Parking Lot Demo
 - Pipe Sleeves for Parking
 - East Parking Lot Curb Modifications to Add Additional Parking

(10:04:58 AM Commissioner Hawkins returns from Canvassing Board)

- Fair Grounds Projects
 - Water Hook Up
 - Fair Grounds Sewer Hook Up/ Installation of Flow Meter
 - Lowering of Sewer Pedestal Intakes

10:17:52 AM ACTION ITEMS:

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

1. Budget Transfer

- a) District Court to Transfer \$11,968.76 from Carryout Incentive to Capital Outlay
2006B4-160
- b) Sheriff to Transfer \$21,567 from Salary to Extra Help 2006B4-160
- c) CCRJC to Transfer \$90,000 2006B4-160

2. Resolution

- a) Adoption of **Resolution No. 2006 - 148** Proclamation of Yahoo! Day
- b) Adoption of **Resolution No. 2006 - 149** Adoption Day Proclamation

3. Notice of Hearing

- a) Hearing to Consider Adoption of the Final 2007 Budget 2006H6-32
- b) Emergency Budget Appropriation 2006H6-32
 - Sheriff
 - District Court
 - Fairgrounds
 - Assessor
 - Non-Departmental

4. Contracts for Signature

- a) Change Order #6 with Blodgett Construction for Auditorium Remodel Project 2006A5-211
- 5. **Miscellaneous**
 - a) Request for Proposal for Incident Management Team Development Training 2006H6-33

10:19:25 AM Executive Session

Moved by Commissioner Walter, seconded by Commissioner Hawkins and carried unanimously that the Board move into Executive Session for 15 minutes Pursuant to RCW 42.30.110(g) to evaluate the performance of a public employee.

10:34:59 AM Board resumes regular session. Board Discussion Continues:

- Joint City of Chelan/Chelan County Planning Process
 - RTPO/WVT Meeting
 - Forest Service Meeting - Public Lands Exchange
- (10:52:04 AM Commissioner Hawkins excused for meeting)
- Washington State Capital Christmas Tree

10:54:37 AM Recess

NATURAL RESOURCE DIRECTOR

Mike Kaputa, Director

11:05:11 AM DISCUSSION ITEMS:

1. Regional Water Forum Memorandum of Understanding to Establish the Greater Wenatchee Area Water Resource Coordination Forum
2. Wenatchee Watershed Planning Update
3. Calendar Updates

11:40:05 AM ACTION ITEMS:

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

1. **Memorandum of Understanding**
 - a) Regional Water Forum Memorandum of Understanding to Establish the Greater Wenatchee Area Water Resource Coordination Forum 2006A5-212

11:40:21 AM Recess

CHELAN COUNTY SHERIFF'S OFFICE

Mike Harum, Sheriff

1:29:45 PM DISCUSSION ITEMS:

1. Hulk Vehicle/Code Enforcement Officer – Present for discussion are Mike Harum, Greg Meinzer, Mark Horaski, John Guenther, Angel Hallman, Skip Moore, Greg Pezoldt, and Brenda Harn.
2. Columbia River Drug Task Force Interlocal Cooperative Agreement
3. EBA Hearing
4. Severance Agreement – To be re-submitted for approval

(2:08:54 PM Commissioner Hawkins returns)

5. Snow Mobile Use/ATV Use on Mountain Home Road
6. Under-Budgeting of Medical Insurance Expenses in 2006 Budget 2006C-8a

2:22:27 PM ACTION ITEMS:

Moved by Commissioner Walter, seconded by Commissioner Hawkins and carried unanimously that the Board approve the following action items (**adding**) the previously pulled consent agenda item:

1. **Contracts/Agreements**
 - a) Columbia River Drug Task Force Interlocal Cooperative Agreement
2006A5-213
2. **Miscellaneous**
 - a) (**Added**) Eric Collier, Sheriff's Department, Resignation & Severance Agreement
2006B4-161

OHME GARDENS

Manager Mike Short. Also present are Kristina Stepper, David Evans and Judy Anderson of J Russell Management.

2:24:59 PM DISCUSSION ITEMS:

1. J Russell Management Team Presentation on Strategic Marketing Plan

3:02:48 P.M. ACTION ITEMS

Moved by Commissioner Hawkins, seconded by Commissioner Walter and carried unanimously that the Board (**pull**) the following action item with further discussion:

1. **Budget Request**
 - a) (**Pulled**) Approval of Marketing Plan by J Russell for Ohme Gardens to be Paid from Tourism and Convention Funds

3:03:19 P.M. Board recesses until Tuesday session.

Tuesday, Nov 14

8:00 A.M. DEPARTMENT HEAD MEETING

- Labor Negotiations Update
- Security on Fourth Floor/District Court
- Recycling
- Courthouse Parking
- United Way Campaign
- 2006 Budget Recap – 2007 Budget Update

FACILITIES MAINTENANCE

Pat DuLac, Director

9:10:20 AM DISCUSSION ITEMS:

- Fairgrounds Sewage Hook Up – Lowering Inlet for Sewer Hook Ups
- Superior Court Carpeting, Sound System
- Level Four Security Bid
- Courthouse Parking – Possible change of several public parking spaces to employee parking this spring
- Fairgrounds Water Issues

PUBLIC WORKS DEPARTMENT

Greg Pezoldt, Public Works Director

9:32:17 AM DISCUSSION ITEMS:

1. Resolution to Open Snowmobile Use on Certain County Roads - RCW allows the use of the all terrain vehicles as well as snowmobiles with special approval. Public Works Director has included a revised resolution also including the all terrain vehicles on Duncan Road as well as snowmobiles for use on certain County Roads.
2. Local Agency Agreement for Rural Safety Program-Malaga-Alcoa Hwy Intersection Illumination
3. Local Agency Federal Aid Project Prospectus for Rural Safety Program Malaga-Alcoa Hwy Intersection Illumination
4. Departmental Staffing Recommendations – Development Review Technician, Solid Waste Technician, Assistant County Engineer Position. Commissioner Walter suggests that the Board be given a list of public works employee functions to see how those functions fit in different scenarios. Board requests Director to evaluate alternative organizational structures and report back with a recommendation and explanations.

10:15:07 AM ACTION ITEMS:

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

1. **Resolution**
 - a) Adoption of **Resolution No. 2006 - 150** Open Snowmobile use of Certain Chelan County Roads for 2006-07
2. **Agreements**
 - a) Local Agency Agreement for Rural Safety Program-Malaga-Alcoa Hwy Intersection Illumination

2006A5-214

- b) Local Agency Federal Aid Project Prospectus for Rural Safety Program
Malaga-Alcoa Hwy Intersection Illumination
2006A5-214

10:15:37 AM Recess

COMMUNITY DEVELOPMENT

John Guenther, Community Development Director, Senior Planner David Grimes, Nathan Pate Senior Planner

10:21:03 AM **DISCUSSION ITEMS:**

1. Personnel Issue – Senior Planner David Grimes will be returning to military service
2. Forest Commercial Designation - To be added to Code Streamlining Projects
3. Update on Regional Planning Efforts – City of Chelan and Leavenworth
4. Contract for Cost Recovery Study – Upstream Northwest - \$5000.00
5. Discussion of Land Use Streamlining Amendments

10:59:37 AM **ACTION ITEMS:**

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

1. Contract/Agreements

- a) Approval of Contract for Cost Recovery Study 2006A5-215

11:00:11 AM **Community Development Discussion Items Continue:**

- Trailer Park Applications – Possible change in the density for zoning

11:07:17 AM **Howard and Associates – Public Defense Association**

- Agenda for New Board of Directors Discussed
- The Public Defender Board of Directors Selection made a recommendation to the Commissioners to appoint the following Board of Directors: Associate Pastor of First Presbyterian Church Paul Pankey, Doctor of Physical Therapy from Central Washington Hospital Joe Palmer, Principal of Columbia Elementary Fay Crawford, Attorney Paul Kube, and Interim Member Accountant Rick Linder (to serve until the Retirement of Judge Tom Warren in January 2007 who will then serve in that position).
- Organization of a chair and officers.
- Recommendation of Chelan County Commissioners recommend that Keith Howard be hired as director to begin the formation of the organization
- Interim Financing
- Draft Bylaws; Draft Articles of Incorporation; Draft Contract to be Adopted

11:16:20 A.M. ACTION ITEMS:

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

1. Resolution

- a) Adoption of **Resolution No. 2006 - 151** Appointment of Board of Directors for Chelan County Public Defender's Association

11:30:50 A.M. Board Discussion Continues

- RiverCom Update
- Crunch Fresh Pack Tour with Linda Evans Parlette
- Wenatchee River Flood Damage/Debris in Leavenworth
- Manual Warrant for Workers Compensation

11:43:58 A.M. ACTION ITEM:

Moved by Commissioner Hawkins, seconded by Commissioner Walter and carried unanimously that the Board approve the following:

1. Budget Request

- a) Manual warrant for \$13,654.88 to Novapro Risk Solutions 2006B4-162

11:45:05 AM recess

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

1:30:00 P.M. Commissioner Goehner opens public hearing for Comp Plan Amendments 2006-018 through 2006-022 and Zone Changes 2006-018 through 2006-022

1:32:10 PM CPA 2006-019 and ZC 2006-019

An application was submitted by Roland L. Chipman of Wenatchee Rock Products for a Comprehensive Plan Land Use Map and Zoning Map Amendment on approximately 98 acres of land. The proposal is to change the designation from Rural Residential/ Resource 5 (RR5) to Commercial Mineral Lands (MC). The subject property is located at 7600 Chelan Highway 97A, Wenatchee WA. The property is also identified by Assessor's Parcel # 242024330150 and 242024320050.

1:32:45 P.M. Commissioner Walter discloses that he has purchased product from Mr. Chipman but this would not affect his ability to judge in this matter in reference to Comp Plan Amendment and Zone Change 2006-019. No objections to his participation in the matter were voiced from the public.

1:33:27 P.M. Staff Report given by Brian Frampton. Exhibits are presented. The Planning Commission heard the matter at the October 30, 2006 hearing. At that time the Planning Commission took testimony and recommend approval to the Board of County Commissioners with a vote of 7-0.

The subject property is surrounded by other lot designations. The Community Development Staff did not make a recommendation in favor of or in opposition to the application but made recommendations that certain mitigation items need to be addressed by the applicant. The Planning Commission felt those mitigation issues were addressed.

1:47:00 P.M. Mike Murphy, attorney for the applicant, speaks on the comp plan amendment and the focus of the criteria is to protect and preserve the mineral resource of the county. This site is suited for the mitigation of the site for residences and impacts. It is undisputed that the impact on urban habitation is far greater from the highway than the activities on the site. The key to solving any problems in this property is mitigation, which has been done here, and all of the conditions of the permit have been done.

1:57:48 PM Lance Chipman offers letters written by the closest neighbors to the operational aspect. The letters neighbors show they are good neighbors.

1:59:36 PM Mark Fickes speaks representing Steve and Jean Hanson. Mr. Fickes is here on behalf of residents that do not believe that this is an appropriate designation of this plan. This would allow this to change from temporary to permanent use. The use needs to be balanced and used where appropriate. The three people that are in favor of this operation are close to him and one is an employee. The application is strongly opposed. A memorandum is presented. Northwest Air Quality has written a letter which was submitted earlier. He believes there are three procedural defects.

1. Why are we here again, you denied it three years ago. There is statute that states applicants cannot present identical applications unless that something has changed called res judicata. The only change is that this board just approved a development of up to 100 homes in the area which is a negative change in the application. Those homes are incompatible with industrial use.
2. A SEPA review was done as a non project action. This was a project action site. More environmental review should have been done.
3. He has not complied with the current criteria. Our rezone states that 14 criteria must be met and this violates 5 of them. He is in violation of the permits now. Chelan County criteria outlines we have criteria that says we are not to zone a project that is not compliant with the surrounding area. This violates 14 of the criteria on 1414060. He is in violation of compliance issues. Mr. Fickes

urges the Board not to change their mind and requests the Board deny the application.

2:06:45 P.M. Mr. Steve Hanson adds additional packets to the commissioners' information. The first tab is from DOT. It shows some inaccurate information. There is a 300% increase in mineral resource lands. The conditions of approval are not in compliance now such as trees, time of use during day, stock piling and pollution of local stream. Mr. Hanson feels that Mr. Chipman is not in compliance and continues to pollute with smoke from the site, not steam. Commissioner Hawkins had commented at the last hearing to be a good neighbor and Mr. Hanson states that has not happened

2:14:12 PM David Brown, Mining consultant from Vancouver, Washington that does nothing but mining work. This is the first time in 25 years to testify for anyone but mining firms. He has never in his entire career seen such bad work as that done by Mr. Hamilton with non supported work. He is filing complaint against Mr. Hamilton. This does not qualify as a high quality site. The impacts on the neighbors are evident. It is illegal in Oregon and in California to site an asphalt plant within two miles of a vineyard or orchard. This is within $\frac{3}{4}$ of a mile of a vineyard and nearby orchards and this will affect the quality of those productions. There is a significant amount of these aggregate sites in the area. It does not meet the quality of the GMA standards. No facts have been submitted because no testing has been done.

2:21:16 PM Brett Wolfe states he has been in construction in area since 1984 for two of the largest constructions firms in town. The minerals from Mr. Chipman and others are few and far between. The have to go further and further out for resources for rock.

2:23:09 PM Orin Rich is a member of Turtle Rock Home Owners Association and wants it known that they (Turtle Rock Home Owners' Association) do not speak for everyone. His opinion was not asked for and the secretary of association hung up on him when he asked questions. He says that the attorney for the association is also the attorney for Basin Asphalt, and he feels that it looks like they are funding this. He has not heard problems or seen problems with the site. The residents state that they have gotten sick over this, and there is no proof of it.

2:26:17 PM Attorney John Buehler is here to speak in favor of the application. There was not one agency that stated that the affects could not be mitigated properly. This is a war that has already been fought. The Chelan County Hearings Examiner did a full and lengthy investigation. The states that the crushings that are stored there are to be used in the roads in the pit. You have to put this somewhere and you go to where the resources are.

2:30:29 PM Mike Murphy, attorney for the applicant states that res judicata does not apply in legislative action such as this. The SEPA review was not appealed and the complaint is not timely at this point. This is not about rock formation but about alluvial rock based upon flooding. The suggestion that you cannot site these places where there are non compatible uses, but that is not the law but rather the mitigation. The impacts were minimal and this has been mitigated as found by the hearings examiner twice.

2:32:14 PM Lance Chipman offers operational pictures. That crusher is live running. The project has spent a lot of money for the dust control plan. He is fortunate that they have enough water to keep the mitigation going. Current mineral resources they have spoken to such as Tunnel Hill is sold and depleted as well as others on the diagram. Mr. Chipman contends that the mineral source report shows that it has been tested and that is how a DOT number. They have also had their rock tested through Hammond, Collier and Wade. There is steam coming from the asphalt plant, not pollution as he quotes. The pictures showing the smoke has two sources and he only has one plant.

2:41:15 PM Commissioner Hawkins **moves** to approve the proposed Comp Plan Amendment 2006-019 and Zone Change 2006-019, according to the Findings of Fact and Conclusions of Law and the testimony and exhibits given today. Commissioner Walter seconds the motion. The Board of Commissioners notes their personal trips to the site and they have not witnessed smell or impacts and do not see the problems that have been brought forth. Motion is approved unanimously to approve the application with the supporting resolution to be before the Board on Tuesday, November 21 for signature.

2:45:13 PM Board recesses.

2:50:19 PM Board resumes session to consider Comp Plan Amendment and Zone Change Number 2006-018.

A. CPA 2006-018 and ZC 2006-018

An application was submitted by Tim Hollingsworth, on behalf of Dell Shull, owner for a Comprehensive Plan Land Use Map and Zoning Map Amendment on approximately 23 acres of land. The proposal is to change the designation from Rural Residential/Resource 20 (RR20) to Rural Residential/Resource 10 (RR10). The subject properties are generally located at Purteman Gulch Road, Chelan, WA. The properties are also identified as parts of Assessor's Parcel #s 282234140050 and 282234100100.

2:50:36 P.M. Cliff Wavra of the planning staff gives report. Staff concurred with the applicant that this application does meet the criteria of the designation. The planning commission packet is detailed including comments from DOE and the

Gavin's concern for water issues. The Planning Commission voted 7-0 for approval with two Planning Commissioners absent.

2:54:23 PM Tim Hollingsworth is present on behalf of Del Shull. He has been working with the owner and the staff. No one from the public is present to speak on the matter.

2:55:03 PM **Moved** by Commissioner Hawkins to approve the application as recommended by the Planning Commission as well as the Findings of Fact and Conclusions of Law, seconded by Commissioner Walter, and unanimously carried. Application for Comp Plan Amendment and Zone Change 2006 – 018 is approved with the supporting resolution to be before the Board on Tuesday, November 21 for signature.

B. CPA 2006-020 and ZC 2006-020

An application was submitted by Paul Bondo on behalf of Glory Bee LLC, owner, for a Comprehensive Plan Land Use Map and Zoning Map Amendment on approximately 9.44 acres of land. The proposal is to change the designation from Rural Residential/ Resource 5 (RR5) to Rural Residential/ Resource 2.5 (RR2.5). The subject property is generally located at the terminus of Whispering Ridge Road, within the SE 1/4 of the SW ¼ of the SE ¼ of Section 4 TWP 21N, R20 EWM, Wenatchee, WA. The property is also identified by Assessor's Parcel # 212004945350.

2:57:02 PM Planner David Grimes gives a report for the planning staff, which includes the Planning Commission minutes. Staff agrees that this application does meet the criteria. The Planning Commission voted in favor of approval with a vote of 4 to 3 but a majority of the total members was not met. Therefore the vote was a vote for denial.

3:01:29 PM Mr. Paul Bondo speaks on the application. The existing road comes right up to the boundary and services come to the boundary for one home. It was there first and the zoning was changed later. It was zoned general at the time. The view is the only redeeming quality, there is no irrigation here. Voting for the Planning Commission is noted that if there is a vote of less than five it is a denial.

No public comment on the issue.

3:09:43 PM **Moved** by Commissioner Walter, seconded by Commissioner Hawkins, and unanimously carried, that based upon the Findings of Fact and the Conclusions of Law, the Board approves the application for Comp Plan Amendment and Zone Change 2006 – 020 with the supporting resolution to be before the Board on Tuesday, November 21 for signature.

C. CPA 2006-021 and ZC 2006-021

An application was submitted by Grover Collins Orchard, Inc. and Robison Orchards, Inc., owners for a Comprehensive Plan Land Use Map and Zoning Map Amendment on approximately 97.55 acres of land. The proposal is to change the designation from Commercial Agriculture Lands (AC) to Rural Residential/ Resource 5 (RR5). The subject property is located at 24415 Apple Acres Road, Chelan, Wa. The properties are also identified by Assessor's Parcel #s 272303310100, 272303310150, 272303300050, 272303340100 (part), and 272303330150.

3:10:22 PM Commissioner Hawkins discloses that both applicants have been customers in his business but this would have no bearing on the decision. No objections are voiced by the public.

3:11:35 PM Cliff Wavra gives the staff report for the Community Development Department with the reports submitted to the Planning Commission with production records. This application is for a reclassification of soils which does affect the designation. The three parcels south of the highway do not have prime or unique soils. The staff recommendation was a split recommendation not to approve the two northern portion lots and to approve the three southern portions due to the soils. The Planning Commission voted 5-1 in favor with one opposed and one abstention and two absent, recommending denial of the northern parcels and approval for the southern parcels. The applicant shows the four designations.

3:23:49 PM Mr. Reggie Collins and Mr. Dave Robison are present for the application. They share that they want to continue farming. This would allow them to do some cluster developments. Information for growing criteria is not in the packets. But applicant speaks on the losses. This property is no longer profitable for growing. Mr. Robison has grafted trees on the property. But if that does not work they need a way to generate money to keep farming. A certain triangle portion was not included in the application

3:42:51 PM Commissioner Hawkins **moves** to approve the entirety of the original application to be changed to RR5 for re-designation for the 95 acres based upon Findings of Fact and Conclusions of Law and the testimony reflecting a change in the Findings of Fact and Conclusions of Law with the soils predominate in the application. The motion is seconded by Commissioner Walter, and unanimously carried to approve the application for Comp Plan Amendment 2006-21 and Zone Change 2006-21 with the supporting resolution to be before the Board on Tuesday, November 21 for signature.

D. CPA 2006-022 and ZC 2006-022

An application was submitted by Dan Beardslee, agent on behalf of Stamp Orchard Inc., owner, for a Comprehensive Plan Land Use Map and Zoning Map

Amendment on approximately 26.4 acres of land. The proposal is to change the designation from Rural Residential/ Resource 5 (RR5) to Rural Waterfront (RW). The subject property is located at 3795 Highway 97A, Chelan, WA. The property is also identified by Assessor's Parcel #s 272216420100 and 272216410350.

3:46:48 PM Commissioner Hawkins shares that he is familiar with the property and the former owner was a customer but he feels that he can act on the matter fairly. No comments opposing his participation are shared.

3:47:54 PM Planner Cliff Wavra speaks on the matter and sharing the staff report and application and file reports. The Planning Staff recommended denial. This is referred to as a LAMIRD in our code of water front. This does not meet the criteria for a LAMIRD designation or Rural Waterfront criteria. The Planning Commission voted in favor of denial with a vote to deny of 7-0.

3:52:56 PM Attorney Mark Peterson speaks on the record on behalf of the applicant. A critical factor that did not show up in the staff report is that the property is adjacent to the sewer line and has the capacity to hook into the sewer line. Urban levels of service for density are encouraged by the Growth Management Act. An LLC has recently been formed to develop a water supply to over 300 acres in the area but the zoning does not support the density that they need.

3:58:53 PM Dan Beardslee is here to represent Dan Ross. What has been overlooked is the existence of these sewer services. This is a prime example of wanting to use the land to its potential. There is no water system in the property area now, and they are in the preliminary discussions with the City of Chelan to extend the Urban Growth Area out to the area. The City can use those water rights. This is very similar to a zoning that was approved several years ago in the Manson area.

4:06:38 PM Commissioner Hawkins states he agrees philosophically, but he sees it as an extension of a LAMIRD not a fill in. Mr. Dan Beardslee says that the logical outer boundary is the sewer pipe not the highway. Mark Peterson says the toe of the natural boundary would be the bottom of the hill. The basis of the argument is the sewer. Putting water in difficult areas has been his work for 10 years. Commissioner Hawkins feels there is a high probability that we would fail in front of the Growth Management Hearings Board.

4:15:23 PM Scott Christie states he does not feel that the GMA could find you erroneous in the decision to approve this application. Commissioner Walter states we usually are in a situation that we are limited by sewer but have water, but in this case we have sewer but no water.

4:22:02 PM **Moved** by Commissioner Walter to approve the application. Commissioner Hawkins seconds with discussion following. The motion is opposed by Commissioner Hawkins and Commissioner Goehner. Motion fails.

4:23:03 PM **Moved** by Commissioner Hawkins to approve the recommendation of the Planning Commission, based upon the Findings of Fact and Conclusions of Law and the testimony before the Commissioners, to deny the application. The motion is seconded by Commissioner Goehner, and carried with Commissioner Walter voting in the negative for the denial. Application denied with the notice of decision to be before the Board on Tuesday, November 21 for signature.

4:26:01 PM **Hearing is closed. Moved** by Commissioner Walter, seconded by Commissioner Goehner and carried that the Board adjourn until Monday, November 20, 2006. **Board adjourned.**

Filed Correspondence:

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Vouchers Approved for Payment

2006B4-163

Current Expense	\$417,139.63
All Other Funds	<u>172,527.33</u>
Total All Funds	\$589,666.96

BOARD OF CHELAN COUNTY COMMISSIONERS
BUELL HAWKINS, CHAIRMAN

JANET K. MERZ, Clerk of the Board