

**CHELAN COUNTY BOARD OF COMMISSIONERS**  
**MARCH 12, 13, 2007 MINUTES**

**Monday, March 12, 2007**

**9:02:16 AM** **OPENING:**

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

**9:02:16 AM** **MINUTES:**

**Moved** by Commissioner Walter, seconded by Commissioner Goehner, and unanimously carried to approve the minutes of March 5-6, 2007 with corrections.

**9:06:42 AM** **CONSENT AGENDA :**

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

- Vouchers as submitted and listed
- Payroll changes:
  - a) Clifford Shiflett, Public Works, Step Increase
  - b) Mark McLean, IT, Step Increase
  - c) Bruce Hanify, Prosecuting Attorney, Resignation
  - d) Suzanne Austin, Community Development, Promotion
  - e) Heidi Bonwell, Community Development, Promotion
  - f) Christine Maroney, Community Development, Resignation
  - g) Brian Frampton, Community Development, Out of Class Pay
  - h) Nathan Pate, Community Development, Temporary Assignment
  - i) Graham Simon, Community Development, Out of Class Pay

**9:09:17 AM** **BOARD DISCUSSION:**

- Natural Resource Director Mike Kaputa Present to Discuss Stehekin River Flooding Resolution. Permits from the State for the project may take up to 60 days. Senator Linda Evans-Parlette will assist with this process if needed.
- County Property of 20 Acres in Chelan Area, PUD is interested in purchasing.

**9:24:01 AM** Letter to the City of Wenatchee regarding Sunnyslope Sub Area Planning. **Moved** by Commissioner Hawkins, seconded by Commissioner Walter and carried to approve letter to Mayor Johnson at City of Wenatchee regarding Sunnyslope sub area planning.

2007C8-45

- Commissioner Walter Reports on Trip to Washington D.C., Secure Rural School Funding formula is in the process of change.
- Federal Immigration Legislation Update
- Acquisition and Sale of Public Lands Discussion in Washington D.C

- LINK Para Transit Route in Leavenworth, Taxis may still be necessary for some riders.

**9:48:11 AM CASHMERE DRYDEN AIRPORT:**

Scott Morrison and Dan Stewart Present Representing the Airport. Airport requests letter supporting funding from the FAA. This project would not change the Cashmere/Dryden Airport layout.

**9:54:07 AM Moved** by Commissioner Hawkins, seconded by Commissioner Walter, and carried unanimously to approve Letter of Support for Airport Improvement Plan to the FAA.

2007C8-46

**9:56:47 AM CONTINUED BOARD DISCUSSION:**

- Council on Aging, the State has reduced the amount of reimbursement for office space. Request for assistance from the Governor may be an option. Food Service and foot care is an important issue for senior services.

**10:02:07 AM ADMINISTRATIVE AGENDA:**

Risk Pool Presentation, County Administrator, Cathy Mulhall, David Goldsmith and Jill Lowe from Washington Counties Risk Pool meet with the Board to discuss the County's claim history and risk management audit.

**10:38:44 AM ADMINISTRATIVE AGENDA DISCUSSION**

- Added Payroll Change Notice
- Merchant Patrol Agreement, Minimum of six trained guards available.

**10:42:08 AM ACTION ITEMS:**

**Moved** by Commissioner Walter, seconded by Commissioner Hawkins, and carried to approve the actions items, **adding** a payroll change notice:

**1. Budget Issue – Out of State Travel**

- a) Inspector Jerry Moore to attend Death Investigation Training, Las Vegas, NV on April 9-11 2007B4-36

**2. Notice of Hearing**

- a) Supplemental Budget Appropriation 2007H6-10
- Carry Over
  - Master Plan Construction

**3. Contracts for Signature**

- a) Amendment to the Merchant Patrol Security Agreement 2007A5-56  
 b) Assessor's Copier Lease Agreement with Xerox 2007A5-56

**4. Payroll Change Notice**

- a) Edmundo Gonzalez, Farm Worker Camp Manager, New Hire

**10:44:27 AM CONTINUED BOARD DISCUSSION**

- George Sellar Bridge Reconstruction
- Odabashian Bridge Changes
- STP Service Transportation Dollars, funding now routed to the County from the State. Funding requirements for this allocation have changed. Projects will be funded by merit of project and awarded through the Wenatchee Transportation Council.
- Fair Board Meeting. Executive Board duties and organizational chart are in the process of approval..

## NATURAL RESOURCES DEPARTMENT

**Mike Kaputa, Natural Resources Director**

### 11:03:52 AM DISCUSSION ITEMS:

1. Fourth Extension Agreement for Bancroft Conservation Easement, pull document.
2. Declaration of Imminent Danger from Flooding for Stehekin River and Upper Lake Chelan. Community meeting this Friday in Stehekin to discuss flooding issue with citizens. Actions to be prioritized to expedite the necessary application process.
3. Stemilt Partnership Meeting, funding still needed to purchase property from DNR to remove property from proposed land swap.
4. Upper Columbia River Draft Comments Period will be over soon.
5. Harris Property Project, several agreements will be necessary for signature.
6. Lake Chelan Water Quality Committee, Consultant has been hired to perform the next phase of water testing.
7. WIRA 48 House Bill and Senate Bill are still in process.
8. Funding Request Pending with the Legislature for Stemilt Partnership and Peshastin Diversion Project.

### 11:21:05 AM ACTION ITEMS:

**Moved** by Commissioner Hawkins, seconded by Commissioner Walter, and carried to approve the action items, **pulling** item 1a.

#### **1. Contracts/Agreements**

- a) **(Pulled)** Fourth Extension Agreement for Bancroft Conservation Easement

#### **2. Resolution**

- a) Adopt **Resolution No. 2007- 42** Declaration of Imminent Danger from flooding for Stehekin River and Upper Lake Chelan

### 11:24:37 AM CONTINUED NATURAL RESOURCE DISCUSSION ITEMS:

- DOE Tour of Dryden with Commissioner Goehner. Long term monitoring of wells is proposed.
- State Requirements, contrasting requirements from the State make it difficult to plan water related projects.
- Grizzly Bear Outreach Project

### 11:34:57 AM CONTINUED BOARD DISCUSSION:

- Update on County Auction. Request to add non Governmental Entities to Auction. Disposal of unsold items has been an issue. Discuss further with Auctioneer.
- Skill Source Meeting Update, funding issues discussed
- East Leavenworth Planning Meeting

**11:46:08 AM Recess**

**1:44:50 PM PUBLIC HEARING – Malaga Water District Annexation**

Petition submitted by Kevin Gates, (Continued from March 5, 2007). Present are Herb Gardner representing the Water District, Mark Peterson Attorney, Susan Hinkle, Deputy Prosecuting Attorney, Community Development Staff and citizens, (see sign in sheet). Discussion regarding the annexation procedure and the original formation of the Malaga Water District. Attorney Mark Peterson states he believes the District has the ability to annex the property into the district with the current Water Plan which was adopted by the District. Ron Slabaugh representing the PUD states that the PUD wishes to keep these parcels within their water service district. Nate Pate of Community Development Department gives staff report. City of Wenatchee Urban growth area boundaries and recent Limited Area of more Intense Development, (LAMIRD) for Malaga area are adjacent to this property. Annexation appears to be inconsistent with the County's current Comp Plan. The Chelan County PUD service area contains the majority of the Malaga area. Deputy Prosecuting Attorney Susan Hinkle states that the County has not received adequate information from the State Department of Health to recommend approval. Water District formations and annexations are required by Growth Management to be part of a comprehensive water plan for the subject area. The State of Washington Department of Health requires notification and approval for any water map changes. Commissioner Walter expresses concern with the conflicting opinions as to the requirements for the annexation. Several Malaga residents speak in opposition to the annexation, citing concerns for costs that would be associated with extending the water system.

**2:38:16 PM Moved** by Commissioner Walter, seconded by Commissioner Hawkins and carried to continue the Water District Annexation to May 7, 2007, at 2 PM to receive additional information.. **Filed**, Malaga Water District Annexation Petition. 2007P8-1

**2:45:00 PM Recess** until March 13, 2007

**Tuesday, March 13, 2007**

**8:00 A.M. DEPARTMENT HEAD MEETING**

Meeting Room #1 Administration Building

- Pet Policy
- Carry Out Incentive Program
- Financial Update
- Legislative Updates

**9:10:09 AM** Chairman Goehner opens Tuesday session with all Commissioners attending.

**FACILITIES MAINTENANCE**

**Pat DuLac, Director**

**9:10:09 AM DEPARTMENTAL ISSUES:**

- Courthouse Renovation and Architectural Layouts, furnishings will require bid process.
- Carpeting in Superior Court Area in Progress.
- Fairgrounds Domestic Water Right and Irrigation Water rights are an issue in this area.

**9:25:19 AM Recess**

**PUBLIC WORKS DEPARTMENT**

**Public Works County Engineer Jolene Gosselin**

**9:30:35 AM A.M. BID OPENINGS:**

Bid openings closed to further bids by Chairman Goehner, (see sign in sheet for attendance).  
Bids opened by Administrative Assistant Penny Goehner.

**9:47:20 AM CRUSHED AGGREGATE**

Bid includes various options for hauling and dump sites. Bids supplied by Basin Asphalt, Central Washington Concrete, Tunnel Hill Granite, Two Rivers Sand and Gravel. **Moved** by Commissioner Hawkins, seconded by Commissioner Walter, and carried to accept the bids. Board requests a matrix showing bid options. Bid to be awarded next week on Public Works agenda after review to insure bids meet bid criteria.

2007B1-10

**9:47:45 AM LIQUID ASPHALT**

Bids received from:	Idaho Asphalt Supply	\$950,941.16
	SEM Materials	\$967,665.42

**Moved** by Commissioner Hawkins, seconded by Commissioner Walter, and carried to accept the bids. Bid to be awarded next week on Public Works agenda after review to insure bids meet bid criteria.

2007B1-10

**9:49:52 AM LOW PROFILE FLAT BED TRUCK**

One bid from Wenatchee Ford for \$37,793. **Moved** by Commissioner Hawkins, seconded by Commissioner Walter, and carried to accept the bid. Bid to be awarded next week on Public Works agenda after review to insure bids meet bid criteria.

2007B1-10

**9:51:29 AM DISCUSSION ITEMS:**

1. Woodland Resource Services Agreement for Chemical Spraying on County Roads, discussion of application procedures.
2. Crushed Aggregate Bid Procedure, streamline for better presentation to Board.

3. Call for Bids – Trommel Screen used by Solid Waste Department for composting.
4. Call for Bids – Dump Trucks
5. Call for Bids – Cab and Chassis Trucks
6. Call for Bids – Distributor Machine
7. Amendment #1 to Interlocal Agreement for Re-Vegetation Services with Chelan County Conservation District
8. Deed for Easement for Yaksum Creek with Lorman and Patricia Horner, held over from last week.

**10:10:10 AM ACTION ITEMS:**

**Moved** by Commissioner Hawkins, seconded by Commissioner Walter, and carried unanimously to approve the actions items **adding** Deed for Easement:

1. **Miscellaneous**
  - a) Letter Approving Woodland Resource Services and Agreement for Chemical Spraying on County Roads 2007R1-2
2. **Call for Bids**
  - a) Trommel Screen
  - b) Five or more Three Axle Diesel Powered Dump Trucks
  - c) Two or more Tandem Axle Cab and Chassis Trucks
  - d) Distributor Machine 2007B1-11
3. **Agreements for Signature**
  - a) Amendment #1 to Interlocal Agreement for Re-Vegetation Services between Chelan County and Chelan County Conservation District for Re-Vegetation Services 2007A5-57
4. **Deed for Easement**
  - a) (**Added**) Yaksum Creek Deed for Easement with Lorman and Patricia Horner. 2007E1-2

**10:12:11 AM PUBLIC HEARING – PROCEDURAL UPDATES**

Hearing Continued from February 27, 2007, Community Development Director John Guenther and Consultant Lisa Parks present. Procedural updates to County Code for Chapter 13.04 and Title 14. Chapter 13.04 governs the State Environmental Policy Act, (SEPA) requirements for property development. Title 14 governs development permit procedures. Commissioner Walter comments he would support the minimum amount of regulations needed to meet state law in order to simplify our processes for applicants and County staff. Public Hearing Notices to all involved parties are also an important part of the public process. Extensive discussion regarding details of changes which would affect Chelan County Code.

**11:57:15 AM Moved** by Commissioner Hawkins, seconded by Commissioner Walter, and carried unanimously to continue public hearing to March 20 at 1:30.

12:00:43 PM Further discussion between Commissioner Walter and Hawkins regarding procedural update, Commissioner Goehner leaves session.

**12:15 PM. Recess**

1:30:43 PM **PUBLIC HEARING - COMPREHENSIVE PLAN LAND USE  
AND ZONING MAP AMENDMENTS**

Public Hearing opened by Chair Keith Goehner.

1:32:49 PM **CPA 2006-036 & ZC 2006-036**: Application filed by David M. Evans on behalf of Evans Development LLC. Request for Comprehensive Plan Land Use Map and Zoning Map Amendment on approximately 59.8 acres of land. The proposal is to change the designation from Rural Residential/Resource 10 (RR10) to Rural Residential 2.5, (RR2.5). Property located at the end of Burch Mountain Road in Wenatchee, Parcel Number 232016210000 and 232016240050. Planning Commission Members voted five to approve and two to deny the application. Commissioner Hawkins discloses that he lives on property developed by the applicant, Daniel Evans, if any person feels this is a conflict, and he will recuse himself. No comment from the public. Staff report presented by Planner Matt Hansen. Staff recommendation is for denial as proposal is not consistent with the Growth Management Act. Jim Coldwell, Architect, speaks for applicant David Evans, states that the project would serve as a buffer space, and is consistent with the Growth Management Act.

1:44:01 PM Pamela Beaver, adjacent land owner, states concerns for flooding due to unstable soils and steep slopes. Property is also located in a mule deer winter range. Additional traffic on Burch Mountain Road would be detrimental to the neighborhood. A previous action for adjacent property was denied last year due to these same concerns.

1:47:32 PM Commissioner Hawkins requests information on how these developmental concerns would be mitigated. Staff and applicant reply that all the issues mentioned would be addressed at the time of development.

1:48:59 PM **Moved** by Commissioner Hawkins, seconded by Commissioner Walter, and carried unanimously to **approve CPA 2006-036 & ZC 2006-036**. Commissioner Hawkins reiterates that this development will be held to all County Code standards. Resolution to be submitted on March 20, 2007 for approval.

1:51:40 PM **CPA 2006-039 & ZC 2006-039**, Application filed by Adam and Cynthia Rasmussen and Dustin and Heather Smith. The proposal is to change the designation Request for Comprehensive Plan Land Use Map and Zoning Map Amendment on approximately 10.20 acres of land. Change from RR5 to RR2.5. Staff report by Planner Matt Hansen. Staff recommendation was for denial as proposal is not consistent with the Growth Management Act. Planning Commission recommendation is unanimous to approve application

**1:54:19 PM** Morgan Picton speaks on behalf of the applicant. He states this project is necessary to supply housing lots which are limited in this area.

**2:00:25 PM** **Moved** by Commissioner Walter, seconded by Commissioner Hawkins, and carried to approve **CPA 2006-039 & ZC 2006-039**. Resolution to be submitted on March 20, 2007 for approval.

**2:01:24 PM** **CPA 2006-040 & ZC 2006-040**, Application submitted by James and Ruth Youngman, for Comprehensive Plan Land Use Map and Zoning Map Amendment on approximately 5.05 acres of land. The proposal is to change the designation from RR5 to Rural Commercial, (RC). The subject property is located at SR2 and Coulter Creek Road in Leavenworth. Assessors Parcel Number 261612230100. Commissioner Goehner discloses that he is acquainted with Mr. Youngman. Attorney Tom O'Connell states that Commissioner Goehner may be biased, as he attended other public meetings where discussions occurred regarding this project. Commissioner Goehner recuses himself from the Public Hearing. Commissioner Walter appointed Chair pro tem.

**2:03:46 PM** Staff report by Planner Matt Hansen. Staff recommendation is for denial as proposal is not consistent with the Growth Management Act. Planning Commission recommendation was a unanimous decision to deny application. Several letters from citizens opposing the application are added to the record. Applicant is not present for the hearing. Attorney Tom O'Connell with the Davis Arneil Law Firm representing neighbors of the subject property speaks in opposition to rezone. Mr. O'Connell concludes that evidence does not exist to allow this type of density in this area.

**2:21:55 PM** Numerous adjacent property owners and their representatives speak in opposition to the rezone. Concerns cited are traffic hazards, salmon habitat, and spot zoning. Several citizens have traveled from the Seattle area to testify in opposition.

**2:42:38 PM** **Moved** by Commissioner Hawkins and seconded by Commissioner Walter to deny the rezone application. Commissioner Hawkins states that the application does not meet the criteria to change to Rural Commercial zoning. Board appreciates the input from the public whom have taken the time to give testimony. **Motion passed to deny CPA 2006-040 & ZC 2006-040**. Planning Decision to be submitted on March 20, 2007 for approval.

**2:48:06 PM** **CPA 2006-013 & ZC 2006-013**, (Commissioner Goehner rejoins hearing). Application filed by Herold Peebles, Linda Peterson and Lonnie McClellan. The proposal is to change the designation Request for Comprehensive Plan Land Use Map and Zoning Map Amendment on approximately 50.16 acres of property from Agricultural Commercial (AC) to Rural Residential/Resource 5 (RR5). Subject property is located at 850 Greens Landing Road in Manson. Identified as Assessors' parcel #282115612035, 282115612030, 282122612026, and 282122611085. Since the application was filed parcel



#282122611085 has been sold. Commissioner Hawkins discloses that he has had a business relationship with three of the applicants through Valley Tractor No objection from the public is heard.

**2:49:14 PM** Staff report by Planner Graham Simon. Staff recommendation is for denial as proposal is not consistent with the Growth Management Act. Planning Commission recommendation is for denial, due to lack of quorum, (four votes in favor and three opposed).

**2:51:47 PM** Applicant Marrian Peebles speaks for Herold Peebles. Similar adjacent land has been zoned as RR5.

**3:05:43 PM** Carl Peterson, applicant, states that much of the surrounding property is open range, and not agricultural.

**3:06:38 PM** **Moved** by Commissioner Hawkins, seconded by Commissioner Walter, and carried unanimously to approve **CPA 2006-013 & ZC 2006-013**. Resolution to be submitted on March 20, 2007 for approval.

**3:08:29 PM** **Recess**

**3:13:06 PM** Back to session.

### **3:13:25 PM** **CAPITAL FACILITIES & TRANSPORTATION ELEMENT**

Staff report by Planner Graham Simon. Proposed amendments the Comprehensive Plan would revise the capital facilities elements and transportation elements to define a new six year time period as required by the Growth Management Act. Planning Commission recommendation is for approval. County Administrator Cathy Mulhall requests that the Courthouse remodel project in the Capital Financing Plan should be increased from \$200,000 in 2007 to \$500,000. The funding source will be REET 1 fund, and which will also be increased to \$500,000.

**3:24:29 PM** **Moved** by Commissioner Hawkins and seconded by Commissioner Walter to approve the **Comprehensive Plan Capital Facilities and Transportation Elements** changing the Sources and Uses of funds for the Courthouse remodel project from \$200,000 to \$500,000. Resolution to be submitted on March 20, 2007 for approval.

**3:25:21 PM** **Moved** by Commissioner Hawkins and second by Commissioner Walter to move to executive session regarding personnel RCW 42.30.110(g) for 30 minutes.

**3:56:31 PM** **Moved** by Commissioner Walter and seconded by Commissioner Hawkins to extend executive session for 15 minutes.

**4:15:09 PM** Board resumes regular session.

**4:27:31 PM** Moved by Commissioner Hawkins, seconded by Commissioner Walter, and carried unanimously that the Board adjourn until March 19, 2007. Board adjourned.

**Filed Correspondence:**

- Notice of Hearing from Utilities and Transportation Commissioner regarding Chelan County's petition to relocate railroad crossing on Chumstick Highway.  
2007R1-3
- Letter to Board from Robert Larson stating concerns about the sale of DNR property in Wenatchee Heights area.  
2007C8-47

**Vouchers Approved for Payment**

2007B4-37

Current Expense	\$2,469.20
All Other Funds	<u>142,136.42</u>
Total All Funds	\$234,605.62

BOARD OF CHELAN COUNTY COMMISSIONERS  
KEITH GOEHNER, CHAIRMAN

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SALLY TAYLOR, Deputy Clerk of the Board