

**GRANDVIEW CITY COUNCIL  
REGULAR MEETING MINUTES  
JUNE 12, 2012**

**1. CALL TO ORDER**

Mayor Norm Childress called the regular meeting to order at 7:00 p.m. in the Council Chambers at City Hall.

Present were: Mayor Childress and Councilmembers Pam Horner, Bill Moore, Jesse Palacios, Javier Rodriguez and Joan Souders. Councilmembers Mike Bren and Diana Jennings were absent.

Staff present were: City Administrator/Public Works Director Cus Arteaga, City Attorney Quinn Plant, Fire Chief Pat Mason, Parks & Recreation Director Mike Carpenter, Assistant Public Works Director Santos Trevino and City Clerk Anita Palacios.

Also present were Senior Planner Shawn Conrad with the Yakima Valley Conference of Governments and Nancy Davidson, Chair of the Grandview Community Center Advisory Committee.

**2. PLEDGE OF ALLEGIANCE**

Councilmember Souders led the pledge of allegiance.

**3. PRESENTATIONS**

**A. 2012 Agency of the Year Award - Grandview Fire Department**

Candace Hamilton and Dr. Juan Acosta with the Yakima County Department of Emergency Medical Services presented the 2012 Agency of the Year Award to the Grandview Fire Department.

**B. Yakima Transit**

Ken Mehin, Transit Manager with the City of Yakima, outlined the partners, service, passengers and regulations of public transportation. He explained that the City of Yakima was gathering information and input on public transportation needs in the Lower Valley. Council concurred that a need existed and requested that a plan be developed and presented for consideration.

**4. PUBLIC COMMENT – None**

**5. CONSENT AGENDA**

**On motion by Councilmember Moore, second by Councilmember Rodriguez, Council unanimously approved the Consent Agenda consisting of the following:**

- A. Minutes of the May 22, 2012 regular meeting**
- B. Claim and Payroll Check Nos. 101415-101537 in the amount of \$443,686.95 and Payroll Check Nos. 6084-6134 in the amount of \$36,639.85**
- C. Electronic Payroll Fund Transfers (EFT) in the amount of \$74,670.48**
- D. Payroll Direct Deposit 5/16/12 - 5/31/12 in the amount of \$100,153.27**

- E. Resolution No. 2012-30 declaring certain property as surplus and authorizing its sale or disposition**
- F. Resolution No. 2012-31 authorizing the Mayor to sign a Settlement and Release Agreement with Falcon Video Communications, LP, d/b/a Charter Communications for the franchise fee audit**

**6. ACTIVE AGENDA**

**A. Public Hearing - Proposed Critical Areas Ordinance**

Mayor Childress opened the public hearing to receive comments on the proposed Critical Areas Ordinance by reading the public hearing procedure.

Senior Planner Conrad presented the following staff report:

**Background of Proposed Critical Areas Ordinance**

All cities that contain potential critical areas were required to adopt and periodically update development standards for critical areas under the Growth Management Act (GMA). The GMA defines critical areas as wetlands, areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. The GMA required identification and protection of critical areas to be based on Best Available Science (BAS). Development regulations, including critical areas ordinances (CAOs), as well as comprehensive plans must be updated on a periodic cycle mandated by the GMA. Maintaining GMA compliance allows jurisdictions to remain eligible for state water quality, public works, and other funds. In addition, maintaining an updated CAO lessens liability concerns.

Grandview approved Resolution No. 92-21 regarding "Designation, Conservation, and Protection of Agricultural Lands, Forest Lands, Mineral Resources Lands, and Critical Areas" in 1992. The resolution stated that designation and thus protection by ordinance of critical areas was not appropriate at that time. The 2006 Comprehensive Plan update also stated that there was insufficient information for the City to designate critical aquifer recharge areas. Yakima County currently had critical aquifer recharge areas mapped countywide based on BAS. The Comprehensive Plan also included mapped geologically hazardous areas within Grandview City limits.

The critical areas maps showed all the mapped potential critical areas within the City of Grandview based on the BAS at this time. These data show the following potential critical areas within Grandview city limits:

- Category 1 and 2 wetlands
- Geologically hazardous areas
- Critical aquifer recharge areas
- One flood hazard area
- Habitat conservation areas associated with stream corridors

The GMA also stipulated consistency between local and regional plans; in this region, that means local jurisdictions' CAOs should be consistent with Yakima County's, which was significantly updated in 2009. However, Yakima County's CAO had been in appeal since adoption based on numerous claims made by a variety of petitioners at different times. For the most part, petitioners' claims involved issues related to what they considered departures on the

part of the County from basing the CAO development standards and exemptions on BAS, as required by the GMA. The County had resolved many issues through negotiation or concession, while appealing rulings on other issues. Most recently, Yakima County won a Superior Court appeal. However, the Yakama Nation and Futurewise appealed that ruling to Appeals Court as it pertains to stream buffer widths.

Planning Commission reviewed the draft CAO and recommended the ordinance to City Council at their April 25, 2012 meeting. City Council reviewed the draft CAO at their May 22, 2012 meeting.

### **Purpose of Proposed Critical Areas Ordinance**

The purpose of the CAO was to provide a process to apply standards for the protection of critical areas in the event that a development project could impact a critical area. The CAO integrated consideration of the potential impacts of development into the development review process. Where impacts of development on critical areas were identified, the CAO provided development standards and mitigation requirements specific to the type of critical area being affected. In this way, critical areas were protected in a proactive manner and regional cumulative environmental impacts were avoided.

The proposed CAO was consistent with current BAS and protection standards, and achieves consistency with the Yakima County CAO while taking a conservative approach to stream buffer widths. The proposed CAO builds upon previous CAOs recently adopted by Yakima County cities.

Maps of potential Grandview critical areas were distributed and proposed for adoption with the CAO update. With the exception of the map titled "FEMA Flood Hazard Potential," these maps act as a guide only in administration of the CAO. The data for the maps were developed by Yakima County and were consistent with BAS.

### **Proposed Critical Areas Ordinance Organization and Provisions**

Article I included general provisions and definitions for the entire ordinance. Article II, Applicability, Exemptions, Exceptions, and General Standards, documented the types of projects that were not subject to the CAO and established standards that pertain to all critical areas.

Article II also outlined the process for administering the CAO (Sections 18.06.170-18.06.310). The steps in the process included:

1. Optional pre-application conference. This would be at the request of the development project applicant to discuss potential critical areas and submission requirements.
2. Critical Areas Identification Form. This form would be completed by the development project applicant for any non-exempt development project, and provided basic environmental information about the site and any potential critical areas, if known.
3. Optional site inspection to review and document critical area conditions.
4. Critical area information review process. The administrative official would review the critical area form; information gained from the site visit, if any; maps of potential critical areas included in the Grandview critical areas maps, as needed; and where needed and solicited, information or opinions from agencies such as the Department of Ecology or the Department of Natural Resources.
5. Threshold decision on critical area. The administrative official would issue one of the following threshold decisions:

- a. *No Critical Areas Present.* Indicates there were not critical areas present on the development site. In this case, the project may continue without further application of the CAO.
- b. *Critical Areas Present, But No Impact – Waiver.* Indicates that critical areas were present on the development site, but that the proposed activity was unlikely to result in degradation of the critical area. The project would be waived from further application of the CAO.
- c. *Critical Areas May Be Affected by the Proposal.* In this case, the applicant must complete and submit a Critical Areas Report documenting the critical areas on the site and outlining potential adverse impacts and how they would be avoided or mitigated, based upon the standards outlined in Articles II and Articles III-VII, as relevant. Upon acceptance of the Critical Areas Report by the administrative official, the project has received development authorization under the CAO.

Articles III through VII of the CAO outlined detailed standards for the different types of critical areas identified in Grandview and/or its urban growth area, including flood hazards areas, fish and wildlife habitat areas (streams), wetlands, critical aquifer recharge areas, and geologically hazardous areas. These standards apply to any development that was found could affect a critical area. For example, Article V, which outlined development standards for streams, includes distances from streams (buffers) inside which development may not occur without an approved variance.

#### **Critical Areas Review Fees**

The Planning Commission also discussed proposing a fee for critical areas review. A review of both SEPA and critical areas fees currently enacted in Yakima County jurisdictions found that Grandview's current SEPA fee of \$500 is significantly higher than the same fee in other cities in the region. Because of this, and also because any project that would need to complete a critical areas review would almost always need to also complete a SEPA review at the same time, Planning Commission recommended that the costs of critical areas review be incorporated into the existing SEPA fee.

#### **Revisions to the Proposed Critical Areas Ordinance**

Since the April 25, 2012 Planning Commission meeting, a few revisions were made to the CAO. These included:

- Pages I-4 and I-6: Explicitly excluded irrigation canals maintained by port districts from the definition of "fish and wildlife habitat conservation areas" and "critical areas." This change to the definition was made at the state level with the passage of E2SSB 5292 during the last legislative session.
- Page I-6: Corrected a WAC reference in the definition of fish and wildlife habitat conservation areas.
- Page V-1: Revised the definition of fish and wildlife habitat conservation areas to make it consistent with the definition in Article I and removed redundancy.

#### **Review Process**

The Planning Commission reviewed the proposed CAO during their February 29, 2012 and April 25, 2012 regular meetings. A 60-day state review by the Washington State Department of Commerce was initiated March 15, 2012 and was completed with no comments received.

State Environmental Policy Act (SEPA) review was initiated on March 15, 2012 and the comment period ended on April 4, 2012. Comments were received from the Sunnyside Valley

Irrigation District (SVID), the Washington State Department of Ecology (Ecology), and the Washington State Department of Transportation (WSDOT) during the comment period. SVID commented on requirements for SVID facilities when specific projects take place. Ecology recommended provisions regarding critical areas reports for wetlands and changes to an outdated reference to the wetland delineation manual. WSDOT requested that critical areas not be designated in the WSDOT I-82 right-of-way.

The Grandview City Council was now conducting a formal public hearing to receive comments on the proposal. Adoption of the CAO by City Council will conclude the City of Grandview's Growth Management Act compliance requirements.

### **Findings & Conclusions**

1. The Growth Management Act required the adoption of development regulations that protect critical areas designated in accordance with RCW 36.70A.170.
2. The unwise development of resource lands or areas susceptible to natural hazards may lead to inefficient use of limited public resources, jeopardize environmental resource functions and values, subject persons and property to unsafe conditions, and affect the perceived quality of life.
3. It was more costly to remedy the loss of critical area functions and values than to conserve and protect them from loss or degradation.
4. In determining what critical areas were to be afforded a particular degree of protection, the City of Grandview evaluated a wide range of the best science available with respect to the critical areas to make informed decisions that meet the intent of the Growth Management Act and that were also reflective of local needs.
5. The proposed Critical Areas Ordinance, comprising Chapter 18.06 of the Grandview Municipal Code, was consistent with the adopted 2008 City of Grandview Comprehensive Plan.
6. SEPA review as required by RCW 43.21C was completed in April 2012. The comment period ended with three comment letters received.
7. The proposed CAO was submitted to the Washington State Department of Commerce on March 15, 2012. The 60-day review period passed without comments received.
8. The public use and interest would be served by adopting the proposed CAO.

### **Recommendation**

The Yakima Valley Conference of Governments, acting as staff for the City of Grandview, recommended that the Grandview City Council adopt the proposed Critical Areas Ordinance as presented.

The following comments were received during the hearing:

- Dr. Ron Grow, President, Port of Grandview, read letter dated June 12, 2012 addressed to the Mayor and Council regarding the City of Grandview Critical Areas Ordinance, a copy of which was attached hereto and incorporated herein as part of these minutes.

No comments were received by mail

The hearing was closed.

City Administrator Arteaga advised that the City had a pending application with the Public Works Trust Fund for funding to construct improvements to the Wastewater Treatment Plant and

expressed the importance that the Council approve the proposed Critical Areas Ordinance in order to bring the City in compliance with the Growth Management Act to remain eligible for funding. If improvements were not completed, it could jeopardize promotion of additional industry.

Following discussion, City Administrator Arteaga recommended Council adopt the ordinance as presented. Once adopted, he would contact the City Engineers to review the information presented by the Port District regarding critical aquifer recharge areas on the Stover Road industrial site. A recommendation would be presented to Council regarding the cost of a site-specific assessment and options for potential amendment of the ordinance.

The Port Commissioners concurred.

**B. Ordinance No. 2012-11 adopting standards for the protection of critical areas by enacting a new Chapter 18.06 of the Grandview Municipal Code**

**On motion by Councilmember Palacios, second by Councilmember Souders, Council unanimously approved Ordinance No. 2012-11 adopting standards for the protection of critical areas by enacting a new Chapter 18.06 of the Grandview Municipal Code.**

**C. Ordinance No. 2012-12 amending Grandview Municipal Code Section 2.75.030 concerning rental/deposit fees for the City of Grandview Community Center**

On January 10, 2012, Council passed Ordinance No. 2012-2 repealing Grandview Municipal Code Section 2.75.030 Senior Center rental and deposit fees and adopting a new Section 2.75.030 concerning rental/deposit fees for the City of Grandview Community Center. The Council approved the Community Center rental/deposit fees with the understanding that there may need to be some adjustments based on the needs and usage of the facility. The Community Center Advisory Committee met on May 15<sup>th</sup>. One item of discussion was the need for an hourly rental rate for the small meeting room located in the Stevens-Young wing. The Community Center Advisory Committee unanimously recommended that a \$25.00 per hour fee be adopted for private groups and organizations to utilize the small meeting room. City sponsored programs would still have first scheduling priority. There would be no insurance or deposit requirements for this specific rental, although pre and post meeting inspections by staff would be conducted.

**On motion by Councilmember Moore, second by Councilmember Horner, Council unanimously approved Ordinance No. 2012-12 amending Grandview Municipal Code Section 2.75.030 concerning rental/deposit fees for the City of Grandview Community Center.**

**D. Euclid Road Improvements (Groom Lane to south City limits) and Bonnieview Road Improvements (N. Wilson Highway to N. Elm Street) RFQ for Municipal Engineering Services**

On March 19, 2012, the Yakima Valley MPO/RTPO Executive Committee approved \$98,073 in STP funds for the Bonnieview Road improvements from North Wilson Highway to Elm Street project and \$98,615 in STP funds for the Euclid Road improvements from Groom Lane south to City limits project which were submitted for the FFY 2010-2011 3<sup>rd</sup> STP Regional call for

projects. The Surface Transportation Program required that the City advertise for municipal engineering services in order to utilize federal funds for the design of the Euclid Road improvements and Bonnieview Road improvements. The City advertised and received one proposal from Huibregtse, Louman Associates, Inc., of Yakima, WA. Huibregtse, Louman Associates, Inc., have provided municipal engineering services to the City since 1989 and have always provided quality work.

**On motion by Councilmember Horner, second by Councilmember Souders, Council unanimously selected Huibregtse, Louman Associates, Inc., as the most qualified municipal engineering firm for the design of the Euclid Road improvements and Bonnieview Road improvements, and instructed staff to negotiate a professional service/consultant agreement with said engineering firm in accordance with the Surface Transportation Program requirements for presentation to Council at the next meeting.**

**E. Resolution No. 2012-32 authorizing the Mayor to sign an Interlocal Agreement with the City of Sunnyside for the Grandridge and West Fifth Street chip sealing project**

The Cities of Grandview, Sunnyside, Prosser and Mabton entered into a Quad-City Interlocal Agreement to assist each other with special projects by approving individual project agreements. For 2012, \$25,000 was budgeted for two seal coat projects, 100 Block of Grandridge and West Fifth Street from Division west to Grandridge, to be completed this season. The City of Sunnyside agreed to assist Grandview with their equipment as long as the City of Grandview provided the needed materials such as oil, rock, flagging, preparation and clean-up of the chip rock as was done in 2011.

**On motion by Councilmember Palacios, second by Councilmember Rodriguez, Council unanimously approved Resolution No. 2012-32 authorizing the Mayor to sign and Interlocal Agreement with the City of Sunnyside for the Grandridge and West Fifth Street chip sealing project.**

**F. Resolution No. 2012-33 declaring certain real property surplus and authorizing lease of same**

With the construction of the new Community Center, the former Parks & Recreation Office located at 303 West Wine Country Road was now vacant. Staff successfully negotiated a lease with the Grandview Chamber of Commerce for the former Parks & Recreation Office. The facility would be co-leased with the Grandview EDGE. The re-location of the Chamber and EDGE to the new facility would provide greater visibility for the public and visitors to the community.

**On motion by Councilmember Moore, second by Councilmember Palacios, Council unanimously approved Resolution No. 2012-33 declaring certain real property surplus and authorizing lease of same.**

**7. UNFINISHED AND NEW BUSINESS – None**

**8. CITY ADMINISTRATOR AND/OR STAFF REPORTS**

Fireworks – Fire Chief Mason outlined the action steps staff would be taking for the upcoming fireworks season.

YVCOG RTOP TAC Meeting – The Yakima Valley Conference of Governments RTOP Technical Advisory Committee would be meeting on June 14<sup>th</sup> at the Community Center. The Committee would be discussing additional funding opportunities for the Yakima Valley. There was approximately \$8 million in surplus STP funding available for shovel ready projects. Jurisdictions would be required to have the environmental process and design complete and all local agency agreements submitted to the Department of Transportation by the end of September. In 2009, Council authorized a task order with the City Engineers to proceed with the environmental process and design on Euclid Road from Groom Lane to south City limits. The City would be submitting the Euclid Road project for \$1 million construction funding. Eligible jurisdictions would be Grandview, Yakima and Yakima County.

Council concurred with the project submittal of Euclid Road for STP funding.

Cemetery Trees – An additional 12 trees were planted at the Grandview Cemetery.

North Birch Street Neighborhood Improvement Project – The North Birch Street Neighborhood Improvement project was moving forward and on schedule.

Employee Appreciation BBQ – The Employee Appreciation BBQ was held on June 7<sup>th</sup>.

Council Retreat – The Council Retreat was scheduled for July 24<sup>th</sup> from 1:00 to 4:00 p.m., in the program room at the Library.

East Wine Country Road Street Trees – Staff was working with A & B Asphalt to fund street trees along East Wine Country Road.

Pedestrian & Bicycle Safety Improvements – Staff was working with the City Engineer to prepare applications for funding of pedestrian and bicycle safety improvements to the Community Center. The improvements would include sidewalk on Forsell from Euclid to Wallace Way; pathway from West Second Street (Middle School) to Wallace Way; and pathway along SVID right-of-way which runs from YVCC Grandview Campus west to the Middle School.

Ex Parte Communications – At the last City Council meeting, members from the public commented on a development project in Grandview. As a general reminder, City Attorney Plant cautioned Councilmembers from engaging in individual discussions with the public about the pros and cons of a particular development.

## **9. MAYOR & COUNCILMEMBER MEETING REPORTS**

\$20 Tab Fee – Councilmember Moore reported that the Yakima Herald published a good article in the June 11<sup>th</sup> newspaper informing the public of the City's use of the \$20 tab fee for street improvements.

AWC Annual Conference – Councilmember Moore would be participating on a panel at the AWC Annual Conference regarding Transportation Benefit Districts.



Dog Park Meeting – Councilmember Souders reported that a dog park meeting would be held on June 20<sup>th</sup>, 7:00 p.m., at Eli & Kathy's Restaurant.

Downtown Landscaping – Councilmember Horner commended the Public Works Department on the downtown landscaping and hanging baskets.

Sunnyside Community Hospital Chief Executive Officer – The Board of Trustees of the Sunnyside Community Hospital & Clinics would be hosting a community meet and greet for their new Chief Executive Officer John Gallagher on June 13<sup>th</sup> at the Community Center.

American Legion Recognition – Mayor Childress read a letter dated May 28<sup>th</sup> from the American Legion recognizing Public Works employee Hector Mejia who went above and beyond to assist the American Legion with the observances at the Grandview Cemetery on Memorial Day.

Mayor Absence – Mayor Childress reported that he would be on vacation and absent for the June 26<sup>th</sup> Council meeting.

**10. EXECUTIVE SESSION – Property Matters**

Mayor Childress adjourned the meeting to an executive session at 8:35 p.m., for approximately 15 minutes to discuss property matters with the aforementioned Mayor, Councilmembers, City Attorney, City Administrator and City Clerk present. The meeting resumed at 8:55 p.m., with the aforementioned Mayor, Council and staff present.

**11. ADJOURNMENT**

On motion by Councilmember Moore, second by Councilmember Rodriguez, Council unanimously adjourned the regular meeting at 8:55 p.m.

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Mayor Norm Childress

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Anita Palacios, City Clerk