

**GRANDVIEW CITY COUNCIL
REGULAR MEETING MINUTES
MAY 22, 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 Mike Bren, Pam Horner, Diana Jennings, Bill Moore, Jesse Palacios and Javier Rodriguez. Councilmember Joan Souders was absent.

Staff present were: City Administrator/Public Works Director Cus Arteaga, City Attorney Quinn Plant, Assistant Public Works Director Santos Trevino and City Clerk Anita Palacios. Also present was Page Scott, Executive Director of the Yakima Valley Conference of Governments.

2. PLEDGE OF ALLEGIANCE

Councilmember Bren led the pledge of allegiance.

3. PRESENTATIONS – None

4. PUBLIC COMMENT

Dale Burgeson, Carriage Square, expressed concerns with the Genesis Housing Services multi-family housing development located on Euclid Road and Groom Court. He stated the residents main concern was the anticipated traffic volume in the Carriage Square neighborhood with the lack of street improvements and sidewalks.

Susie Rohde, Miller Lane, expressed concern with the volume of traffic from the development of the Genesis Housing Services apartment complex, traffic ingress and egress on Euclid Road, and privacy buffers between her residence and the apartment complex.

City Administrator Arteaga addressed the concerns and indicated that the developer would be required to meet the City's municipal code standards once building plans and specifications were received.

5. CONSENT AGENDA

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

- A. Minutes of the April 24, 2012 regular meeting**
- B. Minutes of the May 8, 2012 special meeting executive session**
- C. Claim and Payroll Check Nos. 101224-101414 in the amount of \$322,954.76 and Payroll Check Nos. 6048-6083 in the amount of \$106,553.92**
- D. Electronic Payroll Fund Transfers (EFT) in the amount of \$133,183.79**
- E. Payroll Direct Deposit 4/16/12 - 4/30/12 in the amount of \$93,880.50 and Payroll Direct Deposit 5/1/12 - 5/15/12 in the amount of \$94,657.43**
- F. Resolution No. 2012-29 declaring certain property as surplus and authorizing its sale or disposition**

6. ACTIVE AGENDA

A. Proposed Critical Areas Ordinance

Page Scott, Executive Director of the Yakima Valley Conference of Governments, presented the staff report on the proposed critical areas ordinance, as follows:

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 defined 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 allowed jurisdictions to remain eligible for state water quality, public works, and other funds. In addition, maintaining an updated CAO lessened 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 draft critical areas maps showed all the mapped potential critical areas within the City of Grandview based on the BAS at this time. The data showed 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

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 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 had appealed that ruling to Appeals Court as it pertains to stream buffer widths.

The Planning Commission reviewed the draft CAO and recommended the ordinance to City Council at their April 25, 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 achieved consistency with the Yakima County CAO while taking a conservative approach to stream buffer widths. The proposed CAO was built upon previous CAOs that had been recently adopted by Yakima County cities.

Maps of potential Grandview critical areas were distributed and were proposed for adoption with the CAO update. With the exception of the map titled "FEMA Flood Hazard Potential," the maps would 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. Indicated 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. Indicated 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 was 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 had 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 was 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 had been 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 remove 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 has been 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.

After introduction and discussion, the City Council would schedule and conduct a formal public hearing to receive comments on the proposal. Adoption of the CAO by City Council would 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, recommends that the Grandview City Council adopt the proposed Critical Areas Ordinance as presented after holding a formal public hearing to receive comments on the proposal.

Following discussion, the Council directed staff to schedule a public hearing to receive comments on the proposed critical areas ordinance.

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

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

Eastern Washington Phase II Municipal Stormwater Permit – The Washington State Department of Ecology completed an evaluation of the City for coverage under the Eastern Washington Phase II Municipal Stormwater Permit. The City was notified on April 20th that DOE made a determination that Grandview did not meet the criteria for permit coverage and Grandview would not be listed as a new permittee in the Phase II Permit to be reissued in July 2012. City Administrator Arteaga explained that when the City's population exceeded 10,000, the City was notified by DOE that Grandview had been added to the group of cities that would be required to comply with the Eastern Washington Storm Water Regulations. Upon review of the information, he requested a variance from the regulations because of the numerous street improvements the City had completed over the years. The improvements eliminated stormwater from entering into a state waterway, which reduced the population to approximately 8,500, and the City would not

be required to comply with this permit cycle and would be re-evaluated in 2018. Even though permit coverage was not required, the City intended to comply with some of the requirements.

Sage Rat Run – Mike Akins, co-organizer of the Sage Rat Run, expressed his appreciation for the support the Mayor, Council and City staff provided for this year's event. It was estimated that over 450 runners participated.

Legends Casino Grant – The Parks and Recreation Department applied for and received a \$7,000 grant from the Legends Casino Community Contribution Fund to be used for the ADA chairlift units at the swimming pool.

Pizza Hut Property Sale – The sale of the City-owned property located at 211 West Second Street, currently leased to Pizza Hut, closed on May 8th. The sale netted approximately \$120,000. City Administrator Arteaga recommended Council earmark the funds in the Capital Improvement Fund for building improvements, relocating the museum to Country Park and/or new land purchases.

On motion by Councilmember Palacios, second by Councilmember Moore, Council unanimously directed staff to earmark the funds from the sale of 211 West Second Street in the amount of approximately \$120,000 to the Capital Improvement Fund for building improvements, relocating the museum to Country Park and/or new land purchases.

North Birch Street Neighborhood Improvement Project – The North Birch Street Neighborhood Improvement project was underway and all of the old asphalt had been removed and the sewer main replacement would begin next week.

East Fourth/Birch Street CDBG Application – City Administrator Arteaga was notified last Friday that the East Fourth/Birch Street CDBG application was not funded. The application scored well and was considered a good project. Staff would be attending a debriefing meeting with the hopes of improving the application for next year's funding cycle.

Police Department Annual Report & Community Programs – A copy of the Police Department's 2011 Annual Report was distributed along with a copy of the Police Department's special programs for 2011.

Council Retreat – City Administrator Arteaga recommended Council hold a retreat prior to budget preparation on either July 24th or August 14th. The retreat would be held from 1:00 to 4:00 p.m., in the program room at the Library.

Employee Appreciation BBQ – The Employee Appreciation BBQ was scheduled for June 7th, 12:00 Noon at the Fire Department.

Rural Evergreen of Washington Training – The City hosted training conducted by Rural Evergreen of Washington on May 21st in the program room at the Library. Several employees from cities around the valley attended.

YCDA Meeting – The Yakima County Development Association's meeting would be held on July 12th in Grandview at the new Community Center.

9. MAYOR & COUNCILMEMBER MEETING REPORTS

YVCOG General Membership Meeting – On May 16th, Grandview hosted the YVCOG General Membership meeting at the new Community Center.

10. EXECUTIVE SESSION – Property Matters & Potential Litigation

Mayor Childress adjourned the meeting to an executive session at 7:50 p.m., for approximately 15 minutes to discuss property matters and an additional 10 minutes to discuss potential litigation with the aforementioned Mayor, Councilmembers, City Attorney, City Administrator and City Clerk present. The meeting resumed at 8:15 p.m., with the aforementioned Mayor, Council and staff present.

11. ADJOURNMENT

On motion by Councilmember Moore, second by Councilmember Bren, Council unanimously adjourned the regular meeting at 8:15 p.m.

Mayor Norm Childress

Anita Palacios, City Clerk