

**GRANDVIEW CITY COUNCIL
REGULAR MEETING AGENDA
TUESDAY, NOVEMBER 23, 2021**



PLEASE NOTE: The maximum occupancy of the Council Chambers is 49 individuals at one time. Access to exits must be kept clear to ensure everyone in the Chambers can safely exit in the event of an emergency.

This meeting will be held in person and will also be available via teleconference. For meeting information and instructions, please contact City Hall at (509) 882-9200.

REGULAR MEETING – 7:00 PM

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- 1. CALL TO ORDER & ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. PRESENTATIONS**
 - A. 2021 Proclamation – Grandview High School DECA 1-2
- 4. PUBLIC COMMENT** – At this time, the public may address the Council on any topic whether on the agenda or not, except those scheduled for public hearing. If you would like to address the Council, please step up to the microphone and give your name and address for the record. Your comments will be limited to three minutes.
- 5. CONSENT AGENDA** – Items on the Consent Agenda will be voted on together by the Council, unless a Councilmember requests that items be removed from the Consent Agenda and discussed and voted upon separately. An item removed from the Consent Agenda will be placed under Unfinished and New Business.
 - A. Minutes of the November 9, 2021 Committee-of-the-Whole meeting 3-8
 - B. Minutes of the November 9, 2021 Council meeting 9-27
 - C. Payroll Check Nos. 12474-12489 in the amount of \$95,867.73
 - D. Payroll Electronic Fund Transfers (EFT) Nos. 60674-60678 in the amount of \$85,813.89
 - E. Payroll Direct Deposit 11/1/21-11/15/21 in the amount of \$115,459.34
 - F. Claim Check Nos. 123099-123184 in the amount of \$361,800.76
- 6. ACTIVE AGENDA** – Notice: Items discussed at the 6:00 pm Committee-of-the-Whole meeting of an urgent or time sensitive nature may be added to the active agenda pursuant to City Council Procedures Manual Section 3.18(c).
 - A. Closed Record Public Hearing – Eldorado Estates Residential Subdivision – 92-Lot Preliminary Plat 28-31
 - Grandview Hearing Examiner Public Hearing Packet dated October 21, 2021 is included as part of the agenda packet per reference in the Hearing Examiner's Recommendation and Decision (1-129)
 - B. Resolution No. 2021-47 approving the Eldorado Estates Residential Subdivision 92-Lot Preliminary Plat 32-60

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C. Public Hearing – 2022 Preliminary Budget	61-62
D. Resolution No. 2021-48 authorizing the Mayor to sign an Interlocal Agreement between City of Union Gap, Yakima Valley Conference of Governments and the City of Grandview for the administration and development of a Housing Action Plan	63-66
E. Resolution No. 2021-49 authorizing the Mayor to sign the School Resource Officer Interlocal Agreement with the Grandview School District	67-72
F. Resolution No. 2021-50 authorizing the Mayor to sign an Agreement with the Yakima County District Court for Probation Services	73-79
G. Ordinance No. 2021-24 amending Grandview Municipal Code Sections 2.48.080 Floral, Other Decorations and Landscaping, 2.48.110 Prohibited Acts, 2.48.150 Rates-Advance Payments and 2.48.160 Miscellaneous regarding the City Cemetery	80-85
7. UNFINISHED AND NEW BUSINESS	
8. CITY ADMINISTRATOR AND/OR STAFF REPORTS	
9. MAYOR & COUNCILMEMBER REPORTS	
10. ADJOURNMENT	

The City of Grandview Committee-of-the-Whole and Regular Council Meetings scheduled for Tuesday, November 23, 2021 at 6:00 pm and 7:00 pm will be held in person and will also be available via teleconference.

Please join the meeting from your computer, tablet or smartphone.

Join Zoom Meeting

<https://us06web.zoom.us/j/87060185575?pwd=Nmh6NjNIRW90QUlDaHZZMTg2U2Ztdz09>

To join via phone: +1 253 215 8782

Meeting ID: 870 6018 5575

Passcode: 789881

Anita Palacios

From: Charvet, Mackenzie M. <mmcharvet@gsd200.org>
Sent: Wednesday, November 10, 2021 7:47 AM
To: Anita Palacios
Subject: DECA Month Proclamation

CAUTION: External Email

Hi Anita,

As the new DECA advisor, I am behind the ball on this request. I would like to see if we can have the City Counsel proclaim November as DECA month here in Grandview. I thought I would reach out and see if it is possible. I understand, with the late notice, this might not be possible. Thank you for your time and consideration.

Sincerely,

Mrs. Mackenzie Charvet

Grandview High School

Business Marketing Teacher

509.882.8770

GSD: 1676

mmcharvet@gsd200.org

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2021 PROCLAMATION GRANDVIEW HIGH SCHOOL DECA

WHEREAS, the Grandview City Council recognizes the hard work and services provided by the Grandview High School DECA Chapter; and,

WHEREAS, the GHS DECA Chapter performs and participates in many community service activities; and,

WHEREAS, the Grandview City Council supports the GHS DECA Chapter within the school and community,

NOW, THEREFORE, I, Mayor Gloria Mendoza of the City of Grandview, Washington, and on behalf of the City Council, do hereby proclaim November as DECA month in the City of Grandview and urge all citizens to support efforts and activities of the GHS DECA Chapter.

Dated this 23rd day of November, 2021

Mayor Gloria Mendoza

**GRANDVIEW CITY COUNCIL
COMMITTEE-OF-THE-WHOLE MEETING MINUTES
NOVEMBER 9, 2021**

1. CALL TO ORDER

Mayor Gloria Mendoza called the Committee-of-the-Whole meeting to order at 6:00 p.m., in the Council Chambers at City Hall.

The meeting was held in person and was also available via teleconference.

2. ROLL CALL

Present in person: Mayor Mendoza and Councilmembers David Diaz, Bill Moore (Mayor Pro Tem), Robert Ozuna, Javier Rodriguez and Joan Souders

Present via teleconference: Councilmembers Diana Jennings and Mike Everett

Absent: None

Staff present: City Administrator/Public Works Director Cus Arteaga, City Attorney Quinn Plant, City Treasurer Matt Cordray, Police Chief Kal Fuller, Assistant Public Works Director Todd Dorsett and City Clerk Anita Palacios

3. PUBLIC COMMENT

Curt Still, 1880 Alexander Extension, Grandview, WA, thanked the Council for tabling the COVID-19 vaccine mandate.

4. NEW BUSINESS

A. ARPA – YVCOG Infrastructure Revolving Loan Program – Vicki Baker, Regional Program Manager, YVCOG

Vicki Baker, Regional Program Manager with the Yakima Valley Conference of Governments, requested Council consider long term benefits to the City with an infrastructure revolving loan program by taking one time money from the City's ARPA allocation and convert to long term money. She requested Council consider whether 20% of the ARPA money being passed down was a long-term investment the City would want to make. She provided the following Q & A:

Q – Is a revolving loan program even allowable?

- Waiting on Final Rules

Q – Other cities are spending ARPA – why shouldn't we?

- Risk to pay back once final rules come out
- The State then aligns Federal rules with State rules
- Not a "ask for forgiveness" situation
- Entitlement cities/counties have different rules

Q – How will your city be guaranteed to get at least the 20% you invested in the Revolving Loan Fund?

- Rules – Cities who participate set these rules. If it isn't fair to every city, YVCOG will not do it

Q – If the new program was a competition application process, how would YVCOG assure each participant would be guaranteed an amount equal to and/or greater than what was appropriated.

- Rules – Cities who participate set these rules. If it isn't fair to every city, YVCOG will not do it

Q – What would be the interest rate for each participant?

- Let's look at CED money and the interest rate structure they use. Is it fair? Is it how we would want to structure this program or not?

Q – How much would YVCOG charge to administer this program?

- We charge the cost of an employee. We do not add a 'profit' margin to our cost.
- Best guess to get the program setup it will cost more than administering the program long term.
- If a revolving loan program is allowable, YVCOG will develop a cost sheet based on how many cities participate. Pooling the costs is a huge break in costs

Discussion took place. No action was taken.

B. Housing Action Plan Grant – Vicki Baker, Regional Program Manager, YVCOG

Vicki Baker, Regional Program Manager with the Yakima Valley Conference of Governments (YVCOG), explained that the Washington State Department of Commerce awarded a consortium of cities in the Yakima Valley region including Grandview, Toppenish, Union Gap, Wapato, Zillah and Tieton with \$450,000 in grant funds to assist with increasing urban residential building capacity and streamlining regulations. YVCOG would perform the housing study along with the City to develop a Housing Action Plan. The City of Union Gap would administer the majority of these funds on behalf of the participating cities.

Discussion took place.

On motion by Councilmember Moore, second by Councilmember Souders, the C.O.W. moved a resolution authorizing the Mayor to sign an Interlocal Agreement between the City of Union Gap, Yakima Valley Conference of Governments, and the City of Grandview for the administration and development of a Housing Action Plan to the November 23, 2021 regular Council meeting for consideration.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Jennings – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

C. Resolution approving the final plat of Grandridge Estates – Phase 8 located on Grandridge Road

City Administrator Arteaga explained that at the March 24, 2020 meeting, Council adopted Resolution No. 2020-13 approving the Grandridge Estates Subdivision 227-lot preliminary plat. Following approval of the preliminary plat, the developer proceeded with the infrastructure improvements for Grandridge Estates subject to the conditions as outlined in the Hearing Examiner's report and per Grandview Municipal Code Section 16.24 Design Standards and Section 16.28 Improvements. Phase 1 consisting of 25 lots was approved by the Council on September 8, 2020. Phase 2 consisting of 47 lots was approved by the Council on November 10, 2020. Phase 4 consisting of 22 lots was approved by the Council on April 13, 2021. The infrastructure improvements for Grandridge Estates Phase 8 consisting of 27 lots has been completed to the City's standards. The final plat map for Phase 8 was presented.

Discussion took place.

Councilmember Everett moved and Councilmember Diaz seconded a motion to move a resolution approving the final plat of Grandridge Estates – Phase 8 located on Grandridge Road to the November 23, 2021 regular Council meeting for consideration.

Roll Call Vote:

- Councilmember Diaz – No
- Councilmember Everett – Yes
- Councilmember Jennings – No
- Councilmember Moore – No
- Councilmember Ozuna – No
- Councilmember Rodriguez – No
- Councilmember Souders – No

Motion failed.

On motion by Councilmember Souders, second by Councilmember Moore, Council moved a resolution approving the final plat of Grandridge Estates – Phase 8 located on Grandridge Road to the November 9, 2021 regular Council meeting for consideration.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – No
- Councilmember Jennings – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

D. Resolution authorizing the Mayor to sign the School Resource Officer Interlocal Agreement with the Grandview School District

Police Chief Fuller explained that Grandview has had a School Resource Officer (SRO) for many years. SRO wages were paid half by the City and half by the Grandview School District. The SRO program has always been supported by the Council and benefits both the public, School District and Police Department. The current School Resource Officer Interlocal Agreement expires December 31, 2021. The School District would like to continue the program an additional three years.

Discussion took place.

On motion by Councilmember Diaz, second by Councilmember Rodriguez, the C.O.W. moved a Resolution authorizing the Mayor to sign the School Resource Officer Interlocal Agreement with the Grandview School District to the November 23, 2021 regular Council meeting for consideration.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Jennings – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

E. Resolution authorizing the Mayor to sign an Agreement with the Yakima County District Court for Probation Services

City Clerk Palacios explained that the Grandview Municipal Court contracts with Yakima County District Court for court services. In the past, probation services was included in the court contract. In 2018, Yakima County District Court separated probation services from the court contract. The City entered into a separate four-year agreement with Yakima County District Court for probation services. A renewed Grandview Probation Services Agreement with Yakima County District Court effective January 1, 2022 through December 31, 2025 was presented.

Discussion took place.

On motion by Councilmember Diaz, second by Councilmember Moore, the C.O.W. moved a Resolution authorizing the Mayor to sign an Agreement with the Yakima County District Court for Probation Services to the November 23, 2021 regular Council meeting for consideration.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Jennings – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes

- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

F. Ordinance amending cemetery regulations – Councilmember Diaz

Councilmember Diaz outlined the amendments being recommended to the cemetery regulations, as follows:

2.48.080 Floral, other decorations and landscaping.

Clear and precise signage shall be posted at the main entrance of the cemetery in English and Spanish showing the City's ordinance.

A. Floral and Other Decorations.

2. All funeral designs, or flowers of any kind, placed on a grave or niche will be removed as soon as they become unsightly or deteriorated. It shall be the right and duty of the Public Works Director or his designee to remove the items.

3. Artificial flowers are permitted on graves from November 1st until March 1st, subject to removal after a reasonable time, or when they become faded, soiled, unsightly, or deteriorated. It shall be the right and duty of the Public Works Director or his designee to remove the items.

2.48.110 Prohibited acts.

In addition to any prohibited acts set forth herein in prior sections, no person shall disturb the peace or be disorderly or any other criminal activity. No activities involving preparation or provision of food or beverage, including, but not limited to barbecues, meals, buffets or similar activities shall be permitted.

2.48.150 Rates-Advance Payments.

A. Rates to be charged at the Grandview Cemetery shall be as follows:

Headstone settings

Flat stone	12 x 24	\$ 265.00
	12 x 36	\$ 355.00
	12 x 48	\$ 400.00
Upright stone	12 x 24	\$ 400.00
	12 x 36	\$ 450.00
	12 x 48	\$ 535.00
Oversize stones (height/weight)		\$1,000.00
Bench setting (5 x 5 concrete slab)		\$ 400.00

2.48.160 Miscellaneous.

G. Memorial celebrations; e.g., personal holiday, deceased's birthday, annual anniversary, shall be coordinated with the City within 48-hours in order to prevent interference with a scheduled interment at the cemetery.

Discussion took place.

On motion by Councilmember Everett, second by Councilmember Rodriguez, the C.O.W. moved an ordinance amending Grandview Municipal Code Sections 2.48.080 Floral, Other Decorations and Landscaping, 2.48.110 Prohibited Acts, 2.48.150 Rates-Advance Payments and 2.48.160 Miscellaneous regarding the City Cemetery to the November 23, 2021 regular Council meeting for consideration.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Jennings – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

G. Responding to local small businesses impacted by COVID-19 – Councilmember Ozuna

Councilmember Ozuna explained that at the October 26, 2021 meeting, Council heard compelling testimony from two local small businesses owners asking for assistance as they were encountering operational and financial challenges as a result of COVID-19. The testimony reminded him and reinforced his belief that elected officials need to represent and help the community when in need. This was an opportunity to discuss if there were any ways the City might help the Grandview small businesses in these unprecedented times.

Discussion took place. No action was taken.

5. OTHER BUSINESS – None

6. ADJOURNMENT

On motion by Councilmember Moore, second by Councilmember Souders, the Committee-of-the-Whole meeting adjourned at 6:57 p.m.

Mayor Gloria Mendoza

Anita Palacios, City Clerk

**GRANDVIEW CITY COUNCIL
REGULAR MEETING MINUTES
NOVEMBER 9, 2021**

1. CALL TO ORDER

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

The meeting was held in person and was also available via teleconference.

Present in person: Mayor Mendoza and Councilmembers David Diaz, Bill Moore (Mayor Pro Tem), Robert Ozuna, Javier Rodriguez and Joan Souders

Present via teleconference: Councilmembers Diana Jennings and Mike Everett

Absent: None

Staff present: City Administrator/Public Works Director Cus Arteaga, City Attorney Quinn Plant, City Treasurer Matt Cordray, Assistant Public Works Director Todd Dorsett and City Clerk Anita Palacios

2. PLEDGE OF ALLEGIANCE

Mayor Mendoza led the pledge of allegiance.

3. PRESENTATIONS – None

4. PUBLIC COMMENT

Mo Paz, 220 Division, Grandview, WA, expressed his support for the City and the need to renovate the downtown buildings.

Ruby Orozco, 405 Westridge, Grandview, WA, and owner of the former Star Food Market, stated that building renovations to their store at 318 East Wine Country Road was impacted by COVID-19.

Yerania Espindola, 911 Crescent Drive, Grandview, WA, and owner of downtown building at 220 Division Street, read ARPA regulations regarding assisting businesses impacted by COVID-19.

Eustueberta Estrada, 405 Klock Road, Grandview, WA, questioned the short platting regulations that require the property owner to construct sidewalk and half a street.

5. CONSENT AGENDA

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

- A. Minutes of the October 25, 2021 Budget special meeting
- B. Minutes of the October 26, 2021 Committee-of-the-Whole meeting
- C. Minutes of the October 26, 2021 Council meeting

- D. Minutes of the November 1, 2021 Budget special meeting**
- E. Payroll Check Nos. 12447-12473 in the amount of \$25,191.43**
- F. Payroll Electronic Fund Transfers (EFT) Nos. 60664-60670 in the amount of \$92,959.03**
- G. Payroll Direct Deposit 10/16/21-10/31/21 in the amount of \$121,399.25**
- H. Claim Check Nos. 123024-123098 in the amount of \$499,367.59**

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Jennings – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Souders – Yes

6. ACTIVE AGENDA

- A. Closed Record Public Hearing – Euclid Meadows Planned Unit Development Rezone and 117-Lot Preliminary Plat**

Present on behalf of the City was Jeff Watson, Senior Planner with the Yakima Valley Conference of Governments.

Present on behalf of the applicant North 44 Homes LLC was Brad Beauchamp.

Mayor Mendoza opened the closed record public hearing to consider a planned unit development rezone and 117-lot preliminary plat submitted by North 44 Homes LLC, for Parcel Nos. 230914-32001 and 230914-32004 located north of Grant Court and east of North Euclid Road, Grandview, Washington, by reading the public hearing procedure.

There was no one in the audience who objected to her participation as Mayor or any of the Councilmembers' participation in these proceedings. None of the Councilmembers had an interest in this issue nor did any stand to gain or lose any financial benefit as a result of the outcome of this hearing and all indicated they could hear and consider the issue in a fair and objective manner.

The purpose of the hearing was for the Council to review the record and consider the pertinent facts relating to this issue. No new public testimony was allowed.

City Clerk Palacios provided the following review of the record:

- The City received a planned unit development (PUD) rezone application and preliminary plat application submitted by North 44 Homes LLC., for a PUD rezone and preliminary plat approval of a 117-lot residential subdivision to be known as Euclid Meadows. The proposed PUD and preliminary plat was located north of Grant Court and east of North Euclid Road, Grandview, Washington.
- On September 14, 2021, a public hearing was held before the Hearing Examiner to receive comments on the proposed PUD rezone and preliminary plat. A copy of the Hearing Examiner's Recommendation RZ#2021-03, PUD#2021-01 and SUB#2021-02 dated

September 28, 2021 was presented along with the Grandview Hearing Examiner Public Hearing Packet dated September 14, 2021.

- Following the closed record public hearing, recommend Council accept the Hearing Examiner's conclusions and recommendation that the City Council (i) rezone the Parcel Nos. 230914-32001 and 230914-32004 from the R-1 Low Density Residential District and the R-3 High Density Residential District to the Planned Development District; (ii) approve the final Planned Unit Development of "Euclid Meadows PUD"; and (iii) approve the Preliminary Plat of "Euclid Meadows PUD" which together depict 117 single-family residential lots with certain modifications to lot size, setback and lot width standards, subject to conditions similar to Planning Staff recommended conditions outlined in Recommendation RZ#2021-03, PUD#2021-01 and SUB#2021-02.
- Further recommend Council approve Ordinance No. 2021-18 changing the zoning classification of certain lands and amending the zoning map of the City of Grandview as requested by North 44 Homes LLC for Parcel Nos. 230914-32001 and 230914-32004 located north of Grant Court and east of North Euclid Road, Grandview, WA.
- Further recommend Council approve Ordinance No. 2021-19 approving the final Planned Unit Development of "Euclid Meadows PUD" and approving the Preliminary Plat of Euclid Meadows PUD.

Council requested clarification of the record as follows (transcribed verbatim):

Mendoza – So I'll open it up for Councilmembers to discuss. Is there any discussion? Councilmember Diaz.

Everett – I have a question Madam Mayor.

Mendoza – Okay.

Diaz – I had a question on the a, on some of the documents here it makes reference that there will be two parks in the development. I don't see, I didn't see it in the, in the layout.

Palacios – On the big map.

Arteaga – There is a big map behind you and a, the park is, Euclid, North Euclid is here, originally the, they had a park back up in here, but they've relocated it to here so this is for the park area would be here and there would be parking on the north side of it for.

Diaz – Just one park, not two.

Arteaga – Right, yeah one full. Cause originally there was going to be a small park here and a small park there, so they've combined both into one park.

Rodriguez – Where is Viall Road there? Is it by the park?

Arteaga – Viall Road is up here.

Rodriguez – Okay.

Arteaga – And the park is down here.

Mendoza – Any other. Oh, Councilmember Everett, I'm sorry.

Everett – Yes, I can't (inaudible) trying to do it, I can't find the page, however, in this document it said that there is going, there is the potential for significant noise traffic noise problem and it said that I believe the finding was that a something will be placed on the plat. What I, my question is, what is the legal meaning of placing it on the plat. Does that mean the property cannot be sold, it's subject, without being subject to that in the future? Is it like a covenant? Is it a matter of just notice to somebody? What is the meaning of it when you say that?

Plant – I think. Well perhaps, Mr. Watson could probably answer this as well, but something like that would be recorded on the plat. The reference to noise was that there could be road noise from I-82.

Everett – Right.

Plant – And so by putting that on the plat, you're putting the public or the whole world on notice that if you buy a parcel of land here, that will show up on the title, it will show up on the plat map so you just should be aware that this property could have some noise from the highway. So.

Everett – But it also said that the a, I guess it would be, Mr. Beauchamp and his company would be, have some responsibility for it?

Plant – No, no, no. The purpose is simply to provide information to the public so the public can be informed.

Everett – No, no, no. I thought it said that the noise issue would be something that the owner would deal with or could be required to deal with. I wasn't clear. Maybe Mr. Watson could (inaudible).

Plant – There was a traffic impact analysis that that that, a condition of a traffic impact analysis that could have some, I guess lingering requirements on the developer, but I don't believe that's the case with the notice that's to be recorded on the face of the plat.

Everett – The face of the plat doesn't do anything really except if somebody were to look at it, but so if the developer finds out a year from now that he might have to mitigate the traffic noise, he could sell it, somebody could buy it, that would be there problem?

Plant – No those are two completely different things. The mitigation has to do with the traffic impacts. So.

Everett – No, but what about the noise though.

Watson – I think I may be able to help a little.

Mendoza – Okay, Mr. Watson will answer that.

Watson – The reference comes from, I'm sorry, Jeff Watson, 903 East 8th Avenue and I'm an employee of the Yakima Valley Conference of Governments and we serve as contract planners for the City of Grandview. The response from the Department of Transportation was from the SEPA notification. I think their attempt there is to absolve themselves of any responsibility for providing traffic noise mitigation in the event that some future land owner buys that piece of property and tries to go after them because their highway is too loud. So if (inaudible) it puts them on notice number one and then they read the plat and number two it lets them know that it is up to the developer to provide that mitigation should it be deemed necessary.

Everett – Okay, thank you, it was helpful (inaudible). Who deems it necessary? Who has that authority, the developer, the City, the County, the DOT, who, who decides?

Watson – Perhaps the attorney can help on this, but I would assume it would be in response to some sort of civil action on the part of whoever purchases that property at some point in the future.

Everett – So the City could be on the hook for it?

Watson – I am not a legal expert. I don't know that that would. I, I don't think so.

Everett – Well if we have notice of the potential for noise and (inaudible), I didn't see it on anything else that we've seen that requires the developer to provide abatement possibly and if the City doesn't do anything about it, would the City be liable (inaudible), you can disagree with me, but I think that's where it is.

Watson – Well I think the note by its effect of being on the plat places the responsibility on the developer.

Everett – What, what responsibility? It says here it is. There's nothing I saw anywhere that says you must take action or the City can require you to take action or the County or the State or anybody. It just says put the notice on the plat. It doesn't say you're required protection to abate it if it's deemed necessary.

Mendoza – Okay any other comments or questions.

Everett – Excuse me Madam Mayor, he hasn't answered by question.

Mendoza – Okay, so do you have any further for Mr. Watson Councilmember Everett?

Watson – We did not as a matter of review feel that it would be necessary to put that condition on the plat for the developer to provide that mitigation. We, in response to the Department of Transportation's concerns added it as a plat note as requested by the Washington State Department of Transportation.

Everett – Could we, as a Council, add that as a condition?

Watson – Yes, you may.

Mendoza – Okay any other discussion or questions.

Rodriguez – I got.

Mendoza – Councilmember Rodriguez.

Rodriguez – This is for Public Works. On a, on a, is there a list of items that they have to do as for SVID and some of the other agencies?

Arteaga – I believe that the only, the only other recommendation was for them to complete the transportation analysis. The effects from the traffic to the Exit 73 and I know that when the engineer for the developer had sent the email that they were looking at doing that, we, we recommended that they include the intersection at Euclid and Wine Country Road and at Viall and Wine Country Road as far as their analysis report. Other than that, I didn't see any requirements from any of the other utilities.

Rodriguez – I've got another.

Mendoza – Okay, Councilmember Rodriguez.

Rodriguez – On the SVID, I guess, on SVID, you know there's a lot of, you know buildings not within their easements, are we going to have the same situation that that we're having with the Grandridge where SVID irrigation line is through their property that we have to wait or they have to wait to build on it.

Arteaga – I'll go point it over on that map, but that's where the park development is going to be on the north side of Grant.

Rodriguez – Okay.

Mendoza – Thank you.

Arteaga – Currently, SVID has a what they call a drainage irrigation district in this area here, it has a.

Palacios – Hey Cus, you're going to need to take the microphone.

Arteaga – Do what?

Palacios – Grab the microphone.

Arteaga – Currently, on the north, it would be the south side of the development, north of Grant Court, there's a SVID easements that are in here, but that is, that is suppose to be the park, the green space for that development, so there would not be any structures developed on top of that.

Rodriguez – Thank you.

Mendoza – Okay, wonderful, thank you. Any more discussion?

Diaz – I have a question.

Mendoza – Councilmember Diaz.

Diaz – Maybe this is, maybe this is a question for Cus on this City of Grandview where they, you give the total vehicle trips per day and you have two different dates 7/23/21 and you have 1,230 vehicles per day that's on page 46 and then on the other one you have.

Palacios – Under the public hearing packet, not on the agenda.

Diaz – And then there's a little discrepancy that I have here and there's the other one on a different date that has a different number.

Arteaga – Which page is that?

Diaz – Well I had it, but I lost it, but it was a different number and it's on 4/23 and then a different, same, I think it's September of this year.

Mendoza – So we have two packets. I think that's, we have the, the hearing examiner's and then we have the agenda. Are you looking at it on the agenda, Councilmember Diaz?

Diaz – So how do you figure the traffic or do you just count the cars or (inaudible)?

Arteaga – We had, we had a, what's the company's name?

Dorsett – Idax.

Arteaga – Idax, they brought the traffic counters down and we set them out for I think it was a five day count, they provided us with the numbers and we plugged those, those numbers that they provided into the information.

Diaz – I just, may be the developer, I had a question for the developer and it makes reference in the package that.

Palacios – You're going to need to get closer to the mic cause he's not going to be able to hear you.

Diaz – It makes reference in the package that these homes are going to be with new technology and new techniques and technology, I don't know, what does that mean? Is it? For the developer.

Swanson, Dan – Well, I'm muted.

Mendoza – I just, I just.

Arteaga – Dan, this is for Brad Beauchamp, not you Dan.

Diaz – On page 7, I'm curious.

Arteaga – Mr. Beauchamp, I think the question from Councilmember Diaz is a question on your new technology for your homes.

Mendoza – You might be muted, I don't know if you can hear us. Okay, so.

Diaz – It just in the package it just makes reference to, it is the intent to encourage the use of new techniques and technology resulting in a more creative approach to development of the land so I wasn't sure.

Mendoza – Okay, he might be having trouble. I just want to remind everyone that the request for clarification, you know, they have to be specific to the record and so I just want to. Is, are you able to hear us Mr. Beauchamp? Okay, anyone else can, maybe we can, Councilmember Rodriguez.

Rodriguez – As, as they, they're not going to build all 120 or 117 all at once, but if they get to that number and traffic counts go way up, you know, like my biggest concern is at the light there on North Euclid and Wine Country Road and then with that new commercial subdivision going in the traffic there. Let's say in five years all that's built and the, you know, the traffic counts way up there, that's the City's responsibility so is that money out of the City would have to take care of. The developer is out of it.

Arteaga – Once, once this is approved and there's any renovations to the signal equipment, the intersection on it's own, that would be the City's expense and the property tax that we would receive from the new homes would contribute as a revenue source to make those improvements. Right now the, on page 46 of the hearing examiner's, it, it'll identify single family homes and this is the engineering manual for traffic analysis and a single family home it's estimated at 10 trips per day and that's how we are arriving at the estimate number of trips for this development. So then we take the actual number of vehicles that are on that roadway which I had Todd contract with a third party to provide us that information so then we subtract that in to, in to what, what improvements need to be made and that's way the Department of Transportation had requested a traffic analysis for the intersection because they need to make sure that that there's still the movements can be handled correctly and that was the reason that I recommended to the developer to also include the two intersections of Viall and Euclid into that analysis cause I knew that we would be looking at the increased traffic and if there was any mitigations that that was the opportune time.

Mendoza – Okay.

Palacios – So I'm trying to respond back and forth.

Everett – Madam Mayor, I have a question of the City Attorney.

Mendoza – Okay, okay.

Everett – It's unfair to the developer to have this hearing going on, questions being asked, he cannot effectively respond, can, which makes, raises questions in my mind whether this is an actual open and fair public hearing and so the issue that I have, can this be continued to a another Council meeting so we can, so he has, we have, the dialogue can occur because several Councilman had questions.

Mendoza – I think he had muted.

Everett – So formally he can respond and and how do we proceed with the public hearing.

Mendoza – I think he has now unmuted. Are you able to hear us Mr. Beauchamp?

Everett – That's why I asked the question, I asked the question of the City Attorney for.

Plant – Yeah, it is possible.

Everett – I question whether this could be a fair public hearing when you have that problem.

Plant – Well certainly, certainly yes.

Everett – What, it can be if people can't hear what's going on.

Beauchamp – I can.

Palacios – He's trying to respond.

Mendoza – Okay, yeah, so Councilmember.

Beauchamp – Madam, Mayor, I'd like to respond.

Mendoza – Thank you Mr. Beauchamp. Okay, we can hear you. So, I just want to remind that if can, okay.

Beauchamp – Okay, I can answer the question earlier purposed about just the technology is, what that was referring to was utilizing the PUD as a different form of development and so, yeah, we're going in there and adding some adding the park and adding sidewalks and doing some different things in that community to make it better than what is required by standard City procedure so that's what that's in reference to. Building wise there is going to be single family, standard single family (inaudible).

Mendoza – Okay, any other discussion.

Everett – Yes, the developer said there, said there it was standard single family homes, but they're not really, they're not owned by the person, the land is not owned by the person building the home, is that not correct?

Beauchamp – That is not correct, Councilman Everett. They are a standard single family neighborhood lot and home built by the individual.

Everett – So the individual owns the house and the ground?

Beauchamp – Correct.

Everett – Is that different from what it was before?

Beauchamp – Yeah, what we came before was a plan for a manufactured home community and that has gone away and this is a standard plat of single family residential construction.

Everett – Okay, were clarified now.

Beauchamp – No problem.

Mendoza – Thank you, Councilmember Souders.

Souders – I have read the study on the traffic count, one of my concerns is is there adequate parking, off street parking in the development, you know, lots of families have kids that have cars as well as, you know, parents driving cars and I'm concerned about adequate parking.

Mendoza – Who are you directing your question to Councilmember Souders?

Souders – To Mr. Beauchamp.

Beauchamp – Yeah, we are complying with the City code, I believe on that, Cus could answer that better. Two parking per, we have that required in our plat and we are taking care of that along with City street, curb, gutter, sidewalk throughout the entire plat so no different than the City standards that is currently in the code for the City of Grandview.

Souders – Thank you.

Mendoza – Okay. Any other?

Diaz – Madam Mayor.

Mendoza – Yes, Councilmember Diaz.

Diaz – I found the other page I was making reference to on the, on the traffic total vehicle count growth 1,230 and there's one dated I think it's 9/2/21 it has 1,170 so it's two numbers.

Palacios – What page are you on?

Diaz – Page 66, 46 and 66.

Mendoza – Of, from the agenda or the public hearing, the hearing examiner's.

Diaz – It say's City of Grandview, so I'm assuming that the.

Mendoza – There's two packets in Grandview.

Diaz – So, so maybe one (inaudible).

Mendoza – So where are you at?

Souders – I think he's.

Palacios – What packet are you looking at?

Mendoza – Are you on the agenda packet, that's not the agenda packet?

Diaz – No, I'm looking at the.

Souders – The hearing examiner's.

Diaz – The public hearing examiner's.

Arteaga – If you take a look on page 46 is that the number that says 123. Do you see it up there on number on one where it says, you know, single family.

Diaz – Yes, yes.

Arteaga – 123. Now look on page 66.

Diaz – 117.

Arteaga – It's 117 so there's less so the numbers are going to be different because there's less.

Diaz – Cause why?

Arteaga – There's less, well because when they originally when they started they were going to do 123 lots and then they revised it to 117 lots.

Diaz – Thank you.

Mendoza – Okay, thank you. Any other comments? Okay so moving on to six, if clarification of the record is authorized, when you address the Council begin by stating your name and address for the record, speak slowly and clearly, you will be allowed to only provide clarification of the record as authorized. This is for the property owner?

Palacios – No.

Mendoza – No, okay. So let's move on to number seven. Now that we have reviewed the record concerning this issue, this subject is open for decision. Council may:

- a. Approve as recommended.
- b. Approve with conditions.
- c. Modify, with or without the applicant's concurrence, provided that the modifications do not: Enlarge the area or scope of the project; Increase the density or proposed building size; Significantly increase adverse environmental impacts as determined by the responsible official; Deny; Deny with prejudice; Remand for further proceedings and/or evidentiary hearing in accordance with Section 14.09.070.

So I will turn it back to Council.

Everett – Madam Mayor.

Mendoza – Yes, Councilmember Everett.

Everett – I would very much. I'm not making this motion yet, I would like to move approval, but subject to a requirement that the, that gives the City of Grandview the legal authority to require for the payment of the traffic abatement which the Department of Transportation, the traffic noise abatement which the Department of Transportation has has noted. Now, I lack the sophistication or knowledge as to how to put together an appropriate motion or finding and I'd ask the assistance of the City Attorney or Mr. Watson, whoever wants to jump in.

Plant – You mean traffic noise abatement?

Everett – Yes. What I'm concerned about is if in the future, it should not fall on the City. Traffic abatement could end up being really, really expensive and I would, it should fall on the developer (inaudible) and there's evidence that it's an issue, DOT thinks it might be.

Plant – You're referencing noise, is that right? Or traffic volumes?

Arteaga – Noise.

Everett – Traffic noise, but I mean they noted it in the record. There was some concern by somebody and I can see it, you know, down the road us being stuck with a bunch of costs that I don't want the City to be stuck with so I'd like to have that be a condition, but I'm not sure how to describe that condition.

Plant – Okay.

Everett – Can someone help me, either you or Mr. Watson? You two have great knowledge.

Watson – Again for the record, Jeff Watson. It would be a very difficult task to quantify and opinions about various mitigation measures sometimes people want trees and plants, but it's very difficult to quantify whether that's going to be adequate.

Everett – But, couldn't we have, I want it left so that if that comes up, the City has a leg to stand off and say, stand on and say, this is a three million dollar abatement because we're going to have to flip a fall between the freeway and this development, whatever, I don't know what it might be and at least have the City have a position where they would be able to enter into an agreement or disagreement with the developer as to what it could be. As it is now, we have nothing to protect us with (inaudible).

Arteaga – Madam Mayor.

Mendoza – Yes.

Beauchamp – (Inaudible) I'd toss it again to the attorney. The plat helps protect you because it's placed as one of the mitigation measures necessary on the developer so the recourse for the property owner would be to pursue a civil matter against the developer.

Everett – Well, but does that carry forward? It's not (inaudible).

Plant – Yeah, I just have, I had a couple comments. I think there's, there's no liability to the City cause it approves a plat that could be in a noisy neighborhood.

Everett – I'm sorry, but didn't hear, understood what you say, said.

Plant – There's not any probability of liability to the City because it approves a development in an area that could be subject to noise traffic. I mean, all areas are subject to noise traffic and that's the point of putting it on the plat.

Everett – Are you saying as an attorney on your liability that you don't think there's any likelihood that that would be a problem?

Plant – Yes, but I'll also say that if you look at the conditions that the hearing examiner recommends, one of the conditions that's already in here is that it is the developer's responsibility to dampen.

Diaz – Can you give the page number on that?

Plant – Yeah, on page 55.

Souders – In your regular packet?

Plant – Yeah. The hearing examiner has a decision and a recommendation and he recommends approving the development subject to several conditions a, this is on page 55, and one of them is that it is the developer's responsibility to dampen or deflect any traffic noise affecting this property.

Everett – How do you enforce that?

Mendoza – Did you still have some?

Arteaga – Yes.

Mendoza – Councilmember Everett, we have had other councilmembers and staff that have been wanting to speak.

Everett – I'm sorry, I didn't hear what you said. Say that again.

Mendoza – We have had people in the Council Chambers that have been wanting to speak so I'm going to have our City Administrator speak at this time.

Arteaga – I just wanted to share.

Everett – I'd like to finish my questions first. I have the floor (inaudible).

Mendoza – Okay, I'm going to give you one more question because you've been taking most of the time and we have other people that want to speak.

Everett – Respectfully Mayor, I don't think you can limit me to one more question.

Mendoza – Okay, one more question sir.

Everett – No.

Mendoza – Well for now and then we'll go back to you.

Everett – (Inaudible) for the answer.

Mendoza – Okay, so we'll have you ask this question and then we'll yield to others and then we'll come back to you, so, what's your question.

Everett – Okay, so how do you enforce that gentle statement which was just read by the City Attorney? How would it be enforced? They were suppose to do it, well they didn't, what do you do?

Arteaga – I wanted to, I wanted to give an example of a different project where is was exercised and this was at the wastewater treatment plant.

Everett – Who's speaking?

Mendoza – Our City Administrator answering to that.

Everett – Okay, I couldn't tell.

Arteaga – Okay, 20 years ago, we started doing spray fields out at the treatment plant that ran 24/7 and then we started to see some development next door and when the SEPA, just like we're doing here process went through, it was placed on the deed that we ran a 24/7 operation out at the treatment plant and then as soon as a house was developed and it's irrigation season, we started to get people complaining of the noise of the sprinklers running all night long and they wanted us to seize the operation, but because it was recorded to their deed, they didn't have anything that they could take us to court with because it was brought to their attention before they purchased the property so we were able to continue with the 24/7 operations so I see this the same as that, it's the future buyer is placed on notice that it's going to be noisy so a year into it if he doesn't like the noise, he needs to landscape his area to block the noise from the freeway.

Everett – So in the meantime, the City pays for it, the noise abatement while the other parties litigate for ten years.

Mendoza – Okay, so we are in the section where Council as to either approve, so I guess we need to decide that at this time. Okay, so the Council has to either approve as recommended, approve with conditions, modify with or without the applicants concurrence provided that the modifications do not enlarge the area of scope of the project, increase the density or proposed building site, significantly increase adverse environmental impacts as determined by the responsible official, deny or deny with prejudice, remand for further proceedings and/or evidentiary hearing in accordance with Section 14.09.070.

Ozuna – Madam Mayor could you read the first one again.

Mendoza – Approve as recommended.

The public hearing was declared closed.

On motion by Councilmember Ozuna, second by Councilmember Moore, Council accepted the Hearing Examiner's conclusions and recommendation to (i) rezone the Parcel Nos. 230914-32001 and 230914-32004 from the R-1 Low Density Residential District and the R-3 High Density Residential District to the Planned Development District; (ii) approve the final Planned Unit Development of "Euclid Meadows PUD"; and (iii) approve the Preliminary Plat of "Euclid Meadows PUD" which together depict 117 single-family residential lots with certain modifications to lot size, setback and lot width standards, subject to conditions similar to Planning Staff recommended conditions outlined in Recommendation RZ#2021-03, PUD#2021-01 and SUB#2021-02.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – No
- Councilmember Jennings – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – No
- Councilmember Souders – No

B. Ordinance No. 2021-18 changing the zoning classification of certain lands and amending the zoning map of the City of Grandview as requested by North 44 Homes LLC for Parcel Nos. 230914-32001 and 230914-32004 located north of Grant Court and east of North Euclid Road, Grandview, WA

On motion by Councilmember Moore, second by Councilmember Diaz, Council approved Ordinance No. 2021-18 changing the zoning classification of certain lands and amending the zoning map of the City of Grandview as requested by North 44 Homes LLC for Parcel Nos. 230914-32001 and 230914-32004 located north of Grant Court and east of North Euclid Road, Grandview, WA.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – No
- Councilmember Jennings – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

C. Ordinance No. 2021-19 approving the final Planned Unit Development of “Euclid Meadows PUD” and approving the Preliminary Plat of Euclid Meadows PUD

On motion by Councilmember Moore, second by Councilmember Diaz, Council approved Ordinance No. 2021-19 approving the final Planned Unit Development of “Euclid Meadows PUD” and approving the Preliminary Plat of Euclid Meadows PUD.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – No
- Councilmember Jennings – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

D. Ordinance No. 2021-20 levying the 2022 ad valorem property taxes and excess levy taxes

This item was previously discussed at the October 26, 2021 C.O.W. meeting.

On motion by Councilmember Everett, second by Councilmember Jennings, Council approved Ordinance No. 2021-20 levying the 2022 ad valorem property taxes and excess levy taxes.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Jennings – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

E. Ordinance No. 2021-21 increasing the 2022 property tax levy for the City of Grandview above the “limit factor” up to 101 percent

This item was previously discussed at the October 26, 2021 C.O.W. meeting.

On motion by Councilmember Everett, second by Councilmember Souders, Council approved Ordinance No. 2021-21 increasing the 2022 property tax levy for the City of Grandview above the “limit factor” up to 101 percent.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Jennings – Yes

- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

F. Resolution No. 2021-45 authorizing the Mayor to sign Change Order No. 3 with C & R Tractor and Landscaping, Inc., for the Sanitary Sewer Trunk Main Replacement

This item was previously discussed at the October 26, 2021 C.O.W. meeting.

On motion by Councilmember Rodriguez, second by Councilmember Moore, Council approved Resolution No. 2021-45 authorizing the Mayor to sign Change Order No. 3 with C & R Tractor and Landscaping, Inc., for the Sanitary Sewer Trunk Main Replacement.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Jennings – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

G. Ordinance No. 2021-22 establishing a custodial fund for the receipting and payment of funds the City is holding as a trustee

This item was previously discussed at the October 26, 2021 C.O.W. meeting.

On motion by Councilmember Rodriguez, second by Councilmember Jennings, Council approved Ordinance No. 2021-22 establishing a custodial fund for the receipting and payment of funds the City is holding as a trustee.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Jennings – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

H. Ordinance No. 2021-23 amending Grandview Municipal Code Section 13.28.060(B) setting irrigation water rates

This item was previously discussed at the October 25, 2021 special budget meeting.

On motion by Councilmember Moore, second by Councilmember Rodriguez, Council approved Ordinance No. 2021-23 amending Grandview Municipal Code Section 13.28.060(B) setting irrigation water rates.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Jennings – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

I. Resolution No. 2021-46 approving the final plat of Grandridge Estates – Phase 8 located on Grandridge Road

This item was previously discussed at the November 9, 2021 special budget meeting.

On motion by Councilmember Moore, second by Councilmember Souders, Council approved a Resolution No. 2021-46 approving the final plat of Grandridge Estates – Phase 8 located on Grandridge Road.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – No
- Councilmember Jennings – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

7. UNFINISHED AND NEW BUSINESS – None

8. CITY ADMINISTRATOR AND/OR STAFF REPORTS

Well Siting Project – City Administrator Arteaga reported that planning for the new well site continues. The Drinking Water State Revolving Fund was accepting loan applications which were due by November 30, 2021. The water rate analysis presented by HLA at the October 25, 2021, special budget meeting identified completion of \$9.68 million of water system improvements in the next two years using a combination of City reserves and low interest loans. The water system improvements identified included a new source well and well rehabilitation. He requested Council authorize submittal of an application for a construction loan for a new well based on the preliminary well siting.

On motion by Councilmember Jennings, second by Councilmember Souders, Council authorized the submittal of a loan application to the Drinking Water State Revolving Fund for construction of a new well and well rehabilitation.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – No
- Councilmember Jennings – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

Wine Country Road/McCreadie Road/Exit 75 Roundabout – City Administrator Arteaga reported that DRYVE agreed to fund \$2,000 towards the WCR/McCreadie/Exit 75 roundabout virtual video project. The total cost for the Department of Transportation to shoot the video was \$6,700.

9. **MAYOR & COUNCILMEMBER REPORTS** – None

10. **ADJOURNMENT**

On motion by Councilmember Moore, second by Councilmember Rodriguez the Council meeting adjourned at 8:20 p.m.

Mayor Gloria Mendoza

Anita Palacios, City Clerk



**CITY OF GRANDVIEW
NOTICE OF CLOSED RECORD PUBLIC HEARING
ELDORADO ESTATES RESIDENTIAL SUBDIVISION – 92-LOT PRELIMINARY PLAT**

NOTICE IS HEREBY GIVEN that the City Council of the City of Grandview will hold a closed record public hearing on **Tuesday, November 23, 2021 at 7:00 p.m.**, to consider the Hearing Examiner's recommendation that the City Council approve the requested 92-Lot Preliminary Plat for the following:

Applicant(s): Guillermo Olivera
Property Owner(s): Custodio & Maria Olivera
Proposed Project: Eldorado Estates Residential Subdivision – Preliminary Plat 92 Lots
Current Zoning: R-1 Low Density Residential
Current Use: Residential & Agriculture
Location of Project: 621 Wilson Hwy, Grandview, Washington
Parcel No(s): 230914-42005

The closed record public hearing will be held in person in the Council Chambers at City Hall, 207 West Second Street, Grandview, Washington and will also be available via teleconference as follows:

Please join the meeting from your computer, tablet or smartphone.

Join Zoom Meeting

<https://us06web.zoom.us/j/87060185575?pwd=Nmh6NjNIRW90QUlDaHZZMTg2U2Ztdz09>

To join via phone: +1 253 215 8782

Meeting ID: 870 6018 5575

Passcode: 789881

A copy of the Hearing Examiner's recommendation is available at no charge from the City Clerk's Office, 207 West Second Street, Grandview, WA 98930, PH: (509) 882-9200 or anitap@grandview.wa.us.

CITY OF GRANDVIEW

Anita G. Palacios, MMC, City Clerk

Publish: Grandview Herald – November 10, 2021

**CITY OF GRANDVIEW
CITY COUNCIL**

CLOSED RECORD PUBLIC HEARING PROCEDURE

THE FOLLOWING PROCEDURE IS USED BY THE GRANDVIEW CITY COUNCIL TO MEET APPEARANCE OF FAIRNESS REQUIREMENTS AND TO CREATE OR SUPPLEMENT THE HEARING RECORD:

MAYOR

Tonight's closed record public hearing will include the following land use proposal:

Applicant(s): Guillermo Olivera

Property Owner(s): Custodio & Maria Olivera

Proposed Project: Eldorado Estates Residential Subdivision – Preliminary Plat 92 Lots

Current Zoning: R-1 Low Density Residential

Current Use: Residential & Agriculture

Location of Project: 621 Wilson Hwy, Grandview, Washington

Parcel No(s): 230914-42005

The closed record public hearing will now begin:

1. This hearing must be fair in form and substance as well as appearance, therefore:
 - a. Is there anyone in the audience who objects to my participation as Mayor or any Councilmember's participation in these proceedings? (If objections, the objector must state his/her name, address, and the reason for the objection.)
 - b. Do any of the Councilmembers have an interest in this property or issue? Do any of you stand to gain or lose any financial benefit as a result of the outcome of this hearing? Can you hear and consider this in a fair and objective manner?
 - c. Has any member of the Council engaged in communication outside this hearing with opponents or proponents on these issues to be heard? If so, that member must place on the record the substance of any such communication so that other interested parties may have the right at this hearing to rebut the substance of the communication.
 - d. Thank you, the hearing will continue.
(or)
At this point, Councilmember ***** will be excusing him/herself from the meeting. [Ask Councilmember to state his/her reasons for being excused.]

2. The purpose of this hearing is for the Council to review the record and consider the pertinent facts relating to this issue.
3. No new testimony will be allowed. Any clarification of the record being requested by the Councilmembers will first be authorized by the Mayor after consulting with the City Attorney.
4. The record generated will be provided by staff. Staff will now provide a review of the record.
5. Councilmembers will now consider the record and discuss among themselves the facts and testimony from the open record hearing. (Discussion and any requests for clarification of the record are made).

(Requests for clarification are directed to the Mayor and must be specific to the record. The Mayor after consulting with the City Attorney will authorize the clarification or deny it based on the opinion of the City Attorney.

6. If clarification of the record is authorized:
 - a. When you address the Council, begin by stating your name and address for the record.
 - b. Speak slowly and clearly.
 - c. You will be allowed to only provide the clarification of the record as authorized. No new testimony will be allowed.
7. Now that we have reviewed the record concerning this issue, this subject is open for decision. Council may:
 - a. Approve as recommended.
 - b. Approve with conditions.
 - c. Modify, with or without the applicant's concurrence, provided that the modifications do not:
 - i. Enlarge the area or scope of the project.
 - ii. Increase the density or proposed building size.
 - iii. Significantly increase adverse environmental impacts as determined by the responsible official.
 - iv. Deny (re-application or re-submittal is permitted).
 - v. Deny with prejudice (re-application or re-submittal is not allowed for one year).
 - vi. Remand for further proceedings and/or evidentiary hearing in accordance with Section 14.09.070.

**CITY OF GRANDVIEW
AGENDA ITEM HISTORY/COMMENTARY
CITY COUNCIL MEETING**

ITEM TITLE:

Closed Record Public Hearing – Eldorado Estates
Residential Subdivision – 92-Lot Preliminary Plat

Resolution No. 2021-47 approving the Eldorado
Estates Residential Subdivision 92-Lot Preliminary
Plat

AGENDA NO. Active 6 (A) & (B)

AGENDA DATE: November 23, 2021

DEPARTMENT

Planning/Hearing Examiner

FUNDING CERTIFICATION (City Treasurer)
(If applicable)

DEPARTMENT DIRECTOR REVIEW

Anita Palacios, City Clerk (Planning)



CITY ADMINISTRATOR

MAYOR



ITEM HISTORY (Previous council reviews, action related to this item, and other pertinent history)

The City received a residential subdivision application submitted by Guillermo Olivera on behalf of property owners Custodio and Maria Olivera for preliminary plat approval of a 92-lot residential subdivision to be known as Eldorado Estates. The proposed preliminary plat is located at 621 Wilson Highway which is on the east side of Wilson Highway and is zoned R-1 Low Density Residential District.

ITEM COMMENTARY (Background, discussion, key points, recommendations, etc.) Please identify any or all impacts this proposed action would have on the City budget, personnel resources, and/or residents.

On October 21, 2021, an open record public hearing was held before the Hearing Examiner to receive public comments on the proposed preliminary plat. A copy of the Hearing Examiner's Recommendation SUB#2021-04 dated November 4, 2021 is attached along with the Grandview Hearing Examiner Public Hearing Packet dated October 21, 2021.

ACTION PROPOSED

Recommend Council accept the Hearing Examiner's conclusions and recommendation that the 92-lot Preliminary Plat of "Eldorado Estates" to be located on Assessor's Parcel Number 230914-42005 and to have its main access from Wilson Highway which is described in the application, this recommendation and other related documents in the record of this matter be approved, subject to compliance with conditions consistent with the recommended Planning Staff conditions outlined in Recommendation SUB#2021-04.

Further recommend that Council approve Resolution No. 2021-47 approving the Eldorado Estates Residential Subdivision 92-Lot Preliminary Plat.

RESOLUTION NO. 2021-47

**A RESOLUTION OF THE CITY OF GRANDVIEW, WASHINGTON,
APPROVING THE ELDORADO ESTATES RESIDENTIAL SUBDIVISION
92-LOT PRELIMINARY PLAT**

WHEREAS, the applicant, Guillermo Olivera, on behalf of property owners Custodio and Maria Olivera, applied for preliminary plat approval for a 92-lot residential subdivision designated as Eldorado Estates; and

WHEREAS, the Hearing Examiner held an open record public hearing on October 21, 2021 on the proposed preliminary plat and provided a recommendation for approval to the City Council subject to compliance with conditions; and

WHEREAS, the City Council held a closed record public hearing on November 23, 2021 on the proposed preliminary plat and approved the preliminary plat subject to the conditions outlined in the Hearing Examiner's Recommendation SUB#2021-04 dated November 4, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANDVIEW, AS FOLLOWS:

The City Council hereby adopts the Hearing Examiner's Recommendation in SUB#2021-04 and approves the 92-lot preliminary plat known as "Eldorado Estates" subject to conditions as outlined in the Hearing Examiner's Recommendation, a copy of which is attached hereto and incorporated herein by reference.

PASSED by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its regular meeting on November 23, 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

**CITY OF GRANDVIEW
HEARING EXAMINER'S RECOMMENDATION**

November 4, 2021

**In the Matter of Application for)
Preliminary Plat Approval)
Submitted by:)**

SUB#2021-04

**Applicant Guillermo Olivera)
On Behalf of Property Owners)
Custodio and Maria Olivera)**

**For the Approval of a 92-Lot)
Preliminary Plat at 621 Wilson)
Highway on the East Side of)
Wilson Highway in the R-1 Low)
Density Residential District to)
Be Named "Eldorado Estates")**

A. Introduction. The findings relative to the hearing process conducted for this proposed preliminary plat are as follows:

(1) The open record public hearing for this proposed Preliminary Plat of "Eldorado Estates" was held on October 21, 2021.

(2) Jeff Watson, Yakima Valley Conference of Governments Senior Planner who serves as the Planner for the City of Grandview, presented his staff report which recommended approval of the proposed preliminary plat subject to conditions. City Clerk Anita Palacios testified that she provided a county petition

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form to Tony and Sylvia Lopez of 1030 Wilson Highway who submitted a written comment requesting a reduction of the speed limit to 35 mph on Wilson Highway to East Stover and Olmstead Roads as well as on East Stover Road to Woodall Road. City Administrator/Public Works Director Cus Arteaga responded to a question regarding what procedure would be followed in order to reduce speed limits within the City by indicating that the City Police Chief would be asked to make a recommendation after evaluating such a request.

(3) Civil engineer Kaleb Mapstead testified in favor of the application. No members of the public or other individuals testified at the hearing. Following receipt of the testimony, the hearing was closed.

(4) This recommendation regarding the proposed Preliminary Plat of "Eldorado Estates" has been issued within 14 days of the open record public hearing held on October 21, 2021, as is required by Subsection 14.09.030(A)(4) of the Grandview Municipal Code.

B. Summary of Recommendation. The Hearing Examiner recommends that the Grandview City Council approve this proposed Preliminary Plat of "Eldorado Estates" subject to conditions.

C. Basis for Recommendation. Based on a view of the site with no one else present on October 21, 2021; consideration of the staff report, exhibits, written comments, testimony and other evidence presented at the open record public hearing on October 21, 2021, relative to the proposed preliminary plat shown on pages 7-11 of the record; and a consideration of the Grandview Subdivision Ordinance and the Grandview Zoning Ordinance which are set forth in the Grandview Municipal Code (GMC); the Hearing Examiner makes and issues the following:

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FINDINGS

I. Applicant/Property Owners. The applicant is Guillermo Olivera, 11013 West Court Street, Pasco, Washington 99301. The property owners are Custodio and Maria Olivera, 621 Wilson Highway, Grandview, Washington 98930 (*pages 3-4 and 77 of the record*).

II. Location. The proposed preliminary plat is located at 621 Wilson Highway south of Interstate 82 on the east side of Wilson Highway. The Yakima County Assessor's parcel number for the 24.34-acre parcel to be subdivided into 92 lots is 230914-42005 (*pages 6 and 77 of the record*).

III. Application. The main aspects of this application for preliminary plat approval may be described as follows:

(1) The proposed Preliminary Plat of "Eldorado Estates" would subdivide approximately 24.34 acres into 92 single-family lots in an R-1 Low Density Residential zone. The Comprehensive Plan future land use designation of the property within the Preliminary Plat is "Residential." The typical lot size would be 8,728 square feet (*pages 3-6, 77 and 81 of the record*).

(2) The main access to the plat will be off of Wilson Highway on the west with a secondary access off of Deangela Court on the southeast (*pages 6-7 of the record*). Water and sewer service and irrigation water will be provided by the City of Grandview (*pages 17, 74 and 77 of the record*). Stormwater will be collected and discharged in accordance with the Stormwater Management Manual for Eastern Washington and City of Grandview standards (*page 18 of the record*). Additional features of the proposed preliminary plat will be detailed in other

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sections of this Recommendation relative to the requisite criteria for the review and consideration of proposed preliminary plats.

IV. Environmental Review. The City distributed a Notice of Development Application, Environmental Determination and Notice of Public Hearing on September 20, 2021, using the optional DNS process authorized by WAC 197-11-355 with a comment period ending on October 7, 2021 (*pages 42-48 of the record*). The following written comments were submitted during the comment period:

(1) A letter dated September 20, 2021, received from the Sunnyside Valley Irrigation District stated:

This office has reviewed the proposed project. Sunnyside Valley Irrigation District (SVID) has the following comments:

There are SVID facilities within the project area that will impact the proposed project. Piped lateral 47.81, delivery structure 47.81 #4, DR 9 drainage pipelines, and DR 9 manholes are located as approximately shown on the Vicinity Map and are situated within SVID easements of varying width. To preserve the ability to operate and maintain our facilities, SVID plans to utilize our easements along the north and south parcel boundaries to construct roads for this purpose, therefore no construction of any kind will be allowed within these easements.

In addition, the following restrictions apply to all other SVID easements within the project area.

Buildings are not allowed within SVID easement.

Trees are not allowed within SVID easement.

Ponds, swales, septic tanks, drain fields, etc. are not allowed within SVID easement.

To maintain adequate cover over SVID's piped facilities, re-grading or removal of soil within SVID easement will only be allowed with prior approval and an SVID Crossing Permit.

Roadways, utilities, fencing, landscaping, etc. will only be allowed within SVID easement with prior approval and an SVID Crossing Permit.

Thank you for the opportunity to comment. For easement width information and additional SVID Short Plat requirements, please contact Rigo Diosdado at (509) 837-6980 or diosdador@svid.org. *(page 66 of the record)*.

(2) A letter dated September 16, 2021, received from the Yakima Regional Clean Air Agency stated:

A Notification of Demolition and Renovation (NODR) application must be filed with YRCAA and the appropriate fee should be paid;

Prior to demolishing the structures an asbestos survey must be done by a certified asbestos building inspector; and

Any asbestos found must be removed by a licensed asbestos abatement contractor prior to demolition; and

Contractors doing demolition, excavation, clearing, construction, or landscaping work must file a Dust Control Plan with YRCAA and get approval, prior to the start of any work;

Thank you for the opportunity to connect with the County's continued support in protecting the air quality in Yakima County *(page 62 of the record)*.

(3) An email dated September 16, 2021, was received from the Grandview Fire Chief which stated:

I have looked over the plans for the Eldorado Estates and see no issues in regards to meeting the Fire Code. They have sufficient hydrant coverage for the area and the dead end does not exceed 150' without a turn around *(page 63 of the record)*.

(4) A letter dated October 5, 2021, was received from the Washington State Department of Transportation which stated:

The subject property is adjacent to Interstate 82 (I-82), a fully controlled limited access facility with a posted speed limit of 70 miles per hour. WSDOT has acquired all access rights to the highway from the subject property. Direct access to I-82 is strictly prohibited.

WSDOT has reserved a 20' perpetual easement (for transfer to Sunnyside Valley Irrigation District) along the southern right-of-way boundary of I-82. According to our records, this easement is still valid.

Stormwater and surface runoff generated by this project must be retained and treated on site. Any discharge of water into WSDOT right-of-way will require an approved Utility Permit.

I-82 is an existing facility, and this proposal will create a more noise-sensitive land use. The proponent and future residents should be aware this is an area with existing traffic noise. They should also expect traffic noise to continue to grow into the future. It is the developer's responsibility to dampen or deflect any traffic noise for this development.

This residential subdivision adjacent to I-82 increases the likelihood of safety concerns with children and pets. The proponent is required to construct a minimum six-foot tall fence (no gates) on their property along I-82. The existing WSDOT right-of-way fence typically lies one foot inside our right-of-way and must not be altered or moved with[out] prior WSDOT approval.

Any proposed lighting must be directed down towards the site and away from I-82.

Thank you for the opportunity to review and comment on this proposal. If you have any questions regarding this letter, please contact Jacob Prilucik at (509) 225-0637 (*page 72 of the record*).

(5) An email dated October 7, 2021, received from Tony and Senaida Lopez of 1030 Wilson Highway north of the proposed preliminary plat which stated:

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Pursuant to the Eldorado Estates residential subdivision Application to construct 92 lots, we are providing public comment. While we realize there is a home shortage in Grandview and appreciate more future housing availability, we are concerned with the increased traffic this will impact Wilson Highway. As I am sure you know, Wilson Hwy. is already a main arterial to other county roads. How will the City of Grandview address the increased traffic to Wilson Hwy north of the overpass bridge to East Stover and Olmstead Roads?

With the installation of WalMart DC and addition of Deangela Court years ago, we have seen a major increase in traffic on Wilson Hwy. Furthermore, the current speed limit of 50 miles per hour in front of our home causes concern with the agriculture farming equipment and semi-trucks in this area, and speeding and racing vehicles. The housing development addition will only add to the increase in traffic.

We would like to request that the City and/or County reduce the speed to 35 miles per hour on Wilson Hwy. to East Stover and Olmstead Roads as well as East Stover Road to Woodall Road. Perhaps caution farming signs would also help mitigate the excessive speed. East Stover is also a high traffic road providing access to the distribution center and the interstate. Thank you *(page 73 of the record)*.

Following the expiration of the comment period, a Determination of Non-Significance was issued on October 8, 2021, which has not been appealed *(page 36 of the record)*.

V. Floodplain/Floodway/Critical Areas. There are no 100-year floodplain, floodway or critical areas within the proposed Preliminary Plat of "Eldorado Estates" *(pages 17 and 80 of the record)*.

VI. Zoning and Land Uses. The zoning classification and land uses of the property and of the surrounding properties are as follows:

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(1) The property is within the Comprehensive Plan Future Land Use Map designation of Residential and within the zoning classification of R-1 Low Density Residential District (*pages 3, 14, 22 and 81 of the record*). The property has been used for agriculture and has one structure located on the property that will be demolished (*pages 22-23 of the record*).

(2) Parcels adjacent to the proposed preliminary plat have the following zoning and land use characteristics:

<i>Direction</i>	<i>Zoning</i>	<i>Land Use</i>
North	Freeway Right-of-Way	Interstate 82 Right-of-Way
South	R-1 Low Density Residential	Residential
East	Agriculture	Agriculture
West	County Single-Family Residential (R-1)	Agriculture

(*page 80 of the record*).

VII. Concurrency. The preliminary plat shows the subdivision having a main access from Wilson Highway and secondary access from Deangela Court (*pages 6-11 of the record*). A Transportation Checklist for concurrency review was completed as part of the application (*page 29 of the record*). The concurrency test and the requirements of GMC Chapter 14.10 (Transportation Concurrency Management) were applied. The LOS level D for a two-lane street is 8,000 average daily trips (ADT). The existing count for Wilson Highway is 2,616 ADT. The available capacity pre-plat is 5,384 ADT. The projected number of trips for the plat is 920 ADT. The proposed development is not expected to result in traffic volumes on the primary access, Wilson Highway, falling below Level of Service (LOS) C because 4,464 ADT are available before the road drops to the LOS D level (*pages 29 and 81 of the record*).

VIII. Development Standards. As submitted, the proposal conforms to permitted use and density standards for the R-1 Low Density Residential District. GMC §16.24.020 (Subdivisions-Design Standards) specifies that each lot in a subdivision shall have direct access to and frontage upon a dedicated public street. GMC §16.24.030 states that the maximum block length shall be 1,000 feet. The Environmental Checklist states that stormwater drainage will be designed and managed in accordance with the Stormwater Manual for Eastern Washington and City of Grandview standards (*page 18 of the record*). The proposed preliminary plat is required to conform to all of the City development standards including, but not limited to, the development standards which are prescribed by GMC Title 12 (Streets, Sidewalks and Public Places), GMC Title 15 (Buildings and Construction), GMC Title 16 (Subdivisions) and GMC Title 17 (Zoning).

IX. Notice of the Public Hearing. Notice of the October 21, 2021, open record public hearing was provided by posting the notice at the City Hall, Library and Police Department and on the City's website at www.grandview.wa.us on September 20, 2021; by mailing the notice to property owners within 300 feet of the subject property on September 20, 2021; by posting the notice at three places on the property on September 22, 2021; and by publishing the notice in the City's official newspaper, the Grandview Herald, on September 22, 2021 (*pages 41-47, 50 and 56 of the record respectively*).

X. Jurisdiction. The Grandview Hearing Examiner is required to receive and to

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examine available information, conduct public hearings, prepare a record thereof and enter findings of fact and conclusions based upon those facts, together with a recommendation to the City Council, for enumerated types of land use applications which include preliminary plats set forth in GMC §2.50.080(C)(3) *(page 82 of the record)*.

XI. General Review Criteria for Preliminary Plats and for Other Types of Development Applications. GMC §14.03.035 provides that a Hearing Examiner may make land use decisions as determined by the City Council at the request of the Planning Commission or City Administrator. GMC §14.07.030(B) requires at least 10 days notice of public hearings by publication, mailing and posting. GMC §14.03.040(A)(6) and GMC §14.09.030(A)(4) provide that a recommendation is to be made to the Grandview City Council regarding applications for preliminary plats that must comply with the provisions of GMC §14.09.030(A)(3) and GMC §14.09.030(A)(4). GMC §14.01.040(H) defines a development as any land use permit or action regulated by GMC Titles 14 through 18 including but not limited to subdivisions and other types of land use permits. GMC §14.09.030(A)(3)(c) provides that the Hearing Examiner is not to recommend approval of a proposed development without first making the following findings and conclusions:

(1) The development is consistent with the Comprehensive Plan and meets the requirements and intent of the Grandview Municipal Code. The proposed preliminary plat will satisfy this requirement because the City's Comprehensive Plan Future Land Use Map designates the property under

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consideration as Residential and the preliminary plat is intended to create lots for 92 single-family residences (*pages 4 and 14 of the record*). In addition, the proposed preliminary plat would be consistent with Housing Element Goal 1, Policy 1.1, Objective 1 which is to encourage the construction of new units to increase the local housing supply; Policy 1.3 which is to support housing availability to meet the needs of all income groups; and Housing Element Goal 2 to the effect that residential areas that are safe, sanitary and attractive places to live will be established and maintained in Grandview (*pages 125-126 of the record*). The proposed preliminary plat will also meet the intent of the Grandview Municipal Code by providing lots for single-family residences which will be developed in compliance with Grandview Municipal Code requirements within the R-1 Low Density Residential District where single-family residences are a permitted use per GMC §17.30.020 (*page 112 of the record*).

(2) The development makes adequate provisions for drainage, streets and other public ways, irrigation water, domestic water supply and sanitary wastes. Since the proposed uses on the property will comply with all applicable City development standards and regulations, they will make adequate provisions for drainage, streets and other public ways. The Environmental Checklist states the following facts that satisfy this criterion: that all stormwater drainage will be discharged following treatment guidelines meeting the Stormwater Management Manual for Eastern Washington and City of Grandview standards (*page 18 of the record*); that the main access for the plat off of Wilson Highway will be improved to accommodate the traffic from the plat at Level of Service C (*pages 25 and 81 of the record*); and that irrigation and domestic potable water, as well as public sewer, will be provided by the City of Grandview (*pages 17 and 127 of the record*). Therefore, the proposed development will in fact make adequate provisions for drainage, streets and other public ways, irrigation water, domestic water supply and sanitary wastes and will do so in a manner that will comply with the City of Grandview development standards and requirements.

(3) The development adequately mitigates impacts identified under other GMC chapters and in particular GMC Title 18. This criterion is satisfied because the City's SEPA Responsible Official determined that the proposed preliminary plat would not result in any probable significant adverse environmental impacts under GMC Title 18. As a result a SEPA Determination of Non-

Significance was issued on October 8, 2021, which has not been appealed (*page 36 of the record*).

(4) The development is beneficial to the public health, safety and welfare and is in the public interest. A residential development on this property in accordance with the Comprehensive Plan Residential designation and the R-1 Low Density Residential District zoning classification would be beneficial to the public health, safety and welfare and would be in the public interest because it would provide needed additional single-family residential housing within the City of Grandview that would comply with all of the City's development standards.

(5) The development does not lower the level of service of transportation below the minimum standards as shown within the Comprehensive Plan. If the development results in a level of service lower than those shown in the Comprehensive Plan, the development may be approved if improvements or strategies to raise the level of service are made concurrent with the development. For the purpose of this section, "concurrent with the development" is defined as the required improvements or strategies in place at the time of occupancy, or a financial commitment is in place to complete the improvements or strategies within six years of approval of the development. Here the proposed subdivision would not lower the level of service of transportation below the minimum standards prescribed by the City's Comprehensive Plan. As already noted, the concurrency test and the requirements of Chapter 14.10 of the Grandview Municipal Code entitled Transportation Concurrency Management were applied. The proposed development is not expected to result in traffic volumes on the primary access, Wilson Highway, that would fall below the City's street Level of Service (LOS) C. The minimum acceptable LOS on City streets prescribed by the Comprehensive Plan Transportation Element is LOS D (*pages 29 and 81 of the record*).

(6) The area, location and features of any land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development, and are proportional to the impacts created by the development. The testimony presented at the hearing was to the effect that the dedication of additional right-of-way and improvements will be required for Wilson Highway to bring it up to the standard needed for the traffic

that will be created on that road by the subdivision (*pages 25 and 128 of the record*).

XII. Specific Review Criteria for Preliminary Plats. GMC §16.12.090 requires the Hearing Examiner to review a proposed subdivision during a public hearing to determine conformance with six enumerated standards (*pages 104-105 of the record*). The determinations relative to conformance with those standards are as follows:

(1) Conformance with the provisions of the zoning ordinance for the City. All of the lots in the plat will be developed in conformance with the provisions of the City's zoning ordinance (*pages 128 of the record*).

(2) Conformance with the general purposes of the Comprehensive Plan. As previously noted, the proposed preliminary plat for residential development would result in the construction of new dwelling units to increase the local single-family housing supply in conformance with the Comprehensive Plan Future Land Use Map designation for the property of Residential. As is noted above in Subsection XI(1) relative to the GMC §14.09.030(A)(3)(c)(i) general preliminary plat criterion, this proposed preliminary plat is in conformance with the Comprehensive Plan Housing Element Goal 1, Policy 1.1, Objective 1 which is to encourage the construction of new units to increase the local housing supply; Policy 1.3 which is to support housing availability to meet the needs of all income groups; and Housing Element Goal 2 to the effect that residential areas that are safe, sanitary and attractive places to live will be established and maintained in Grandview (*pages 125-126 of the record*).

(3) Conformance with the provisions of this title. The proposed preliminary plat and development of the lots in the plat will be required to be in conformance with all applicable provisions of Title 16 (Subdivisions), as well as all applicable provisions of the Grandview Municipal Code, including without

limitation Title 12 (Streets, Sidewalks and Public Places), Title 15 (Buildings and Construction) and Title 17 (Zoning) *(page 128 of the record)*.

(4) Conformance with the comprehensive water and sewer plans. The proposed preliminary plat would utilize City water and sewer services and would otherwise be in conformance with the comprehensive water and sewer plans as confirmed by an October 12, 2021 Memorandum from HLA Engineering and Land Surveying, Inc. *(page 74 of the record)*.

(5) Conformance with the ordinances governing streets, rights-of-way, and curbs and gutters. The streets, rights-of-way, and curbs and gutters within the proposed preliminary plat will be in conformance with all of the City ordinance provisions governing streets, rights-of-way, and curbs and gutters *(pages 23 and 127 of the record)*.

(6) Conformance with other standards necessary to serve the public good. GMC §16.12.110 states that the City Council shall approve a proposed preliminary plat if it makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainageways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and if the public use and interest will be served by the platting of such subdivision and dedication *(page 105 of the record)*. Each of these requirements for the City Council's approval will be addressed separately in the following section.

XIII. Criteria Required for City Council Approval of Preliminary Plats.

GMC §16.12.110 provides that the City Council must find that the proposed preliminary plat makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainageways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and

recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school, and if the public use and interest will be served by the platting of such subdivision and dedication in accordance with the requirements of RCW 58.17.110 before it may approve a preliminary plat (*page 105 of the record*). The findings relative to those criteria as they are applied to the proposed Preliminary Plat of "Eldorado Estates" are as follows:

(1) The Subdivision Will Make Appropriate Provisions for the Public Health, Safety and General Welfare (RCW 58.17.110(2)(a)). The proposed preliminary plat will make appropriate provisions for the public health, safety and general welfare by the very fact that it will comply with the subdivision and zoning development standards and land use requirements which have been adopted by the Grandview City Council specifically for the purpose of promoting the public health, safety and general welfare and because the proposed preliminary plat will create 92 new lots in a good location for construction of additional single-family residences to help serve the City's housing needs (*pages 127-128 of the record*).

(2) Appropriate Provisions for Streets or Roads or Other Public Ways (RCW 58.17.110(2)(a)). The proposed preliminary plat will make appropriate provisions for streets and roads in the following ways:

(a) GMC §16.24.020 provides that lots having frontage on two streets shall be avoided whenever possible. Corner lots are required to have at least 20-foot front yard setbacks. The majority of the lots in the proposed preliminary plat are not corner lots (*pages 31-35 of the record*).

(b) GMC §16.24.040 requires that the local streets providing access to and within this plat have a minimum 50-foot-wide right-of-way. GMC §16.24.040 also requires a 40-foot-wide roadway surface face of curb to

face of curb, hot mix asphalt (HMA) surfacing, curb and gutter, sidewalk on one side, illumination and storm drainage.

(c) The SEPA Environmental Checklist states that all development will be in conformance with the City of Grandview Municipal Code (*page 23 of the record*).

(d) As previously noted in Subsection XI(6) of this recommendation which is relative to the GMC §14.09.030(A)(3)(c)(vi) general preliminary plat criterion, dedication of additional right-of-way will be required for Wilson Highway (*page 128 of the record*).

(e) HLA Engineering and Surveying, Inc. by letter dated September 2, 2021, stated that: (i) the proposed roadway section and geometric design, right-of-way, and lot size appear to meet City of Grandview Design and Construction Standards, and Municipal Code; (ii) the proposed Road G is effectively a hammerhead fire turnaround and per Grandview Design Standards, the City Public Works Director needs to approve the use of a hammerhead turnaround instead of a cul-de-sac; (iii) the roadway section shown on sheet C003 indicates sidewalks on both sides of the roadway, but since the roadway section shows 0.5' of each sidewalk outside of right-of-way in the utility easement, the easement should be designated as Utility/Sidewalk; and (iv) all sheets show shoulder widening of Wilson Highway, but we recommend one-half street improvements for the entire length of the plat along the roadway.

(3) Appropriate Provisions for Open Spaces, Parks, Playgrounds and Recreation Areas (RCW 58.17.110(2)(a)). The single-family residential lots within the proposed preliminary plat will comply with the R-1 minimum lot size requirement of 7,500 square feet and maximum lot coverage limitation of 40% which will allow for open space on each lot for playground and recreational purposes (*page 23 of the record*). In addition, recreational activities also take place at the Westside Park which is located approximately 0.70 of a mile southwest of the proposed preliminary plat (*page 24 of the record*).

(4) Appropriate Provisions for Drainageways (RCW 58.17.110(2)(a)).
The Washington State Department of Ecology provided the following comments relative to stormwater drainage by letter dated October 12, 2021:

WATER QUALITY

Project with Potential to Discharge Off-Site

If your project anticipates disturbing ground with the potential for stormwater discharge off-site, the NPDES Construction Stormwater General Permit is recommended. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit may take 38-60 days.

The permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) shall be prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water and storm drains by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction.

In the event that an unpermitted Stormwater discharge does occur off-site, it is a violation of Chapter 90.48 RCW, Water Pollution Control, and is subject to enforcement action.

More information on the stormwater program may be found on Ecology's website at: <http://www.ccy.wa.gov/programs/wq/stormwater/construction/>. Please submit an application or contact Lloyd Stevens, Jr. at the Dept. of Ecology, (509) 574-3991 or email lloyd.stevensjr@ccy.wa.gov, with questions about this permit. *(page 76 of the record)*.

The SEPA Environmental Checklist states that stormwater runoff will be collected from impervious surfaces such as building, sidewalks, pavement, and gravel. It will be discharged following treatment guidelines meeting the Stormwater Management Manual for Eastern Washington and City of Grandview standards. *(page 18 of the record)*.

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(5) Appropriate Provisions for Transit Stops (RCW 58.17.110(2)(a)). Since the City of Grandview does not currently have a public transportation system, the preliminary plat is not required to make provisions for transit stops *(page 25 of the record)*.

(6) Appropriate Provisions for Potable Water Supplies (RCW 58.17.110 (2)(a)). Appropriate provisions will be made for potable water because it will be supplied by the City of Grandview public water system to be extended by the developer to serve the new homes. A letter dated September 2, 2021, from HLA Engineering and Land Surveying, Inc. stated that there are no issues involving the availability of City water and that the preliminary layout of water is acceptable *(page 59 of the record)*. A Memorandum dated October 12, 2021, from HLA Engineering and Land Surveying, Inc. indicates that the City has adequate source capacity and water rights to serve the Eldorado Estates plat with water, including a fire flow of at least 2,000 gpm and a system loop that will be completed through Deangela Court *(page 74 of the record)*.

(7) Appropriate Provisions for Sanitary Wastes (RCW 58.17.110(2)(a)). Appropriate provisions will be made for sanitary wastes because sewer services will be provided by the City of Grandview public sewer system and extended by the developer to serve the new homes. The letter dated September 2, 2021, from HLA Engineering and Land Surveying, Inc. stated that there are no issues involving the availability of City sewer service and that the preliminary layout of sewer is acceptable *(page 59 of the record)*. The letter from HLA Engineering and Land Surveying, Inc. dated October 12, 2021, states that wastewater in the subdivision will gravity flow to the existing gravity sewer in Wilson Highway which then flows into the Forrest Road lift station. Flow from the project is consistent with the 2009 General Sewer Plan as it relates to the direction of flow and expected volume. Pipeline, lift station and wastewater treatment plant capacity are available to serve the proposed subdivision *(page 74 of the record)*.

(8) Appropriate Provisions for Schools and Schoolgrounds (RCW 58.17.110(2)(a)). The residents of the proposed subdivision will have access to public schools and schoolgrounds. No testimony or written comments were

submitted indicating a need for any provisions to be made within the preliminary plat for schools or schoolgrounds.

(9) Appropriate Provisions for Sidewalks and other Planning Features that Assure Safe Walking Conditions for Students Who Only Walk to and from School (RCW 58.17.110(2)(a)). The proposed preliminary plat will make appropriate provisions for sidewalks for students and others by including sidewalks constructed in accordance with City of Grandview standards (*pages 23 and 128 of the record*).

(10) Adequate Facilities for Irrigation Water (RCW 58.17.310). There will be adequate facilities to obtain irrigation water for the plat. It is obtained from the City of Grandview which acquires the irrigation water from the Sunnyside Valley Irrigation District (*page 74 of the record*).

CONCLUSIONS

Based upon the foregoing Findings, the Hearing Examiner reaches Conclusions consistent with the Staff Findings (*page 125 of the record*) as follows:

(1) The Hearing Examiner has authority to recommend that the Grandview City Council approve the 92-lot Preliminary Plat of "Eldorado Estates" for the development of single-family residences in the Residential Comprehensive Plan designation and the R-1 Low Density Residential District zoning classification because it satisfies all of the subdivision ordinance, zoning ordinance and other applicable requirements and criteria for approval so long as the recommended conditions are satisfied.

(2) The Grandview Municipal Code public notice requirements for the October 21, 2021, open record public hearing relative to this proposed preliminary plat have been satisfied.

(3) SEPA environmental review for the proposed preliminary plat was conducted pursuant to RCW 43.21C and GMC Title 18 and resulted in the issuance of a final Determination of Non-Significance on October 8, 2021, which has not been appealed.

(4) The proposed preliminary plat, with the addition of improvements required to be constructed to City of Grandview standards and the other conditions to be imposed, would be consistent and compliant with the Comprehensive Plan, the subdivision ordinance, the zoning ordinance, the applicable development standards and the requisite criteria for approval.

(5) No testimony was submitted in opposition to the proposed preliminary plat at the hearing.

(6) The public use and interest will be served by the proposed preliminary plat because it will provide additional single-family residential housing within the City of Grandview.

(7) The Hearing Examiner's recommendation regarding this proposed Preliminary Plat of "Eldorado Estates" will be considered and decided by the Grandview City Council at a closed record public hearing with the result that it can either be approved, denied or conditioned by the City Council.

RECOMMENDATION

The Hearing Examiner recommends to the Grandview City Council that the 92-lot Preliminary Plat of "Eldorado Estates" to be located on Assessor's Parcel Number 230914-42005 and to have its main access from Wilson Highway which is described in the application, this recommendation and other related documents in the record of this matter be **APPROVED**, subject to compliance with conditions consistent with the recommended Planning Staff conditions (*pages 128-129 of the record*) as follows:

Guillermo Olivera for
Custodio & Maria Olivera
Plat of "Eldorado Estates"
At 621 Wilson Highway
92 Lots; SUB#2021-04

(1) Construction of the proposed subdivision shall conform to all requirements of the GMC, including, but not limited to, Title 12 (Streets, Sidewalks, and Public Places), Title 15 (Buildings and Construction), Title 16 (Subdivisions), and Title 17 (Zoning).

(2) The applicant/developer shall confirm with the Sunnyside Valley Irrigation District that the final plat conforms to all SVID requirements and conditions.

(3) The applicant/developer shall work with the Yakima Regional Clean Air Agency (YRCAA) to address potential air emission impacts, and contractors shall have an approved Dust Control Plan on file with YRCAA prior to any construction or clearing work.

(4) The applicant/developer shall work with the Department of Ecology to determine if an NPDES Construction Stormwater General Permit is required.

(5) A development contract or adequate arrangements completed prior to final project approval is required by GMC §16.12.030.

(6) Any future construction or renovation on the subject property is subject to use approval, plan review, and building permits.

(7) Right-of-way width shall be verified for Wilson Highway, and any additional right of way shall be dedicated to increase the right-of-way on the east half of Wilson Highway to 25 feet.

(8) All storm drainage improvements shall be planned, designed, permitted, constructed and maintained in accordance with the requirements of the latest edition of the Washington Department of Ecology Stormwater Management Manual for Eastern Washington, or as amended.

(9) The developer shall design the sewer system to distribute the lots to the various connection points. Detailed assessments can be done during plan review.

(10) The applicant shall work with the city and the county to ensure that adequate setbacks are established from agricultural uses.

(11) A plat note shall be placed on the face of the plat stating that "This subdivision is situated in an agricultural area and is therefore subject to noise,

dust, smoke, odors, and the application of chemicals resulting from usual and normal practices associated with nearby agricultural uses.”

(12) The subject property is adjacent to Interstate 82 (I-82), a fully controlled limited access facility with a posted speed limit of 70 miles per hour. The Washington State Department of Transportation (WSDOT) has acquired all access rights to the highway from the subject property. Direct access to I-82 is strictly prohibited.

(13) Stormwater and surface runoff generated by this project must be retained and treated on site. Any discharge of water into WSDOT right-of-way will require an approved Utility Permit.

(14) The roadway section shown on sheet C003 indicates sidewalks on both sides of the roadway, but since the roadway section shows 0.5' of each sidewalk outside of right-of-way in the utility easement, the easement shall be designated as Utility/Sidewalk.

(15) Wilson Highway one-half street improvements are required for the entire length of the plat along the roadway.

(16) Any proposed lighting must be directed down towards the site and away from I-82.

(17) A plat note shall be placed on the face of the plat stating that “This subdivision is an area with existing traffic noise. Future developers and landowners must expect traffic noise to continue and most likely to grow into the future. It is the developer’s or the homeowner’s responsibility to dampen or deflect any traffic noise for this development from Interstate 82.”

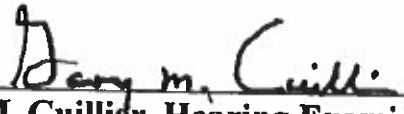
(18) A Notification of Demolition and Renovation (NODR) application must be filed with the Yakima Regional Clean Air Agency (YRCAA), and the appropriate fee should be paid prior to demolition work.

(19) An asbestos survey must be done by a certified asbestos building inspector prior to demolishing the structures.

(20) Any asbestos found must be removed by a licensed asbestos abatement contractor prior to demolition.

(21) Contractors doing demolition, excavation, clearing, construction, or landscaping work must file a Dust Control Plan with YRCAA and get approval of the Plan prior to the start of any work.

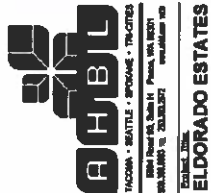
DATED this 4th day of November, 2021.



Gary M. Cuillier, Hearing Examiner

Guillermo Olivera for
Custodio & Maria Olivera
Plat of "Eldorado Estates"
At 621 Wilson Highway
92 Lots; SUB#2021-04

ELDORADO ESTATES
A PORTION OF THE NE 1/4 AND THE SE 1/4 OF SEC.14, TWN. 9 N., RGE. 23 E. W.M.
CITY OF GRANDVIEW, YAKIMA COUNTY, WASHINGTON.



**GUILLERMO
OLIVERA**

11012 WEST COURT STREET
PASCO, WA 99001

2018 10/10
2210300.10
LAWSON, S. & D. DUBOIS
PRELIMINARY PLAT

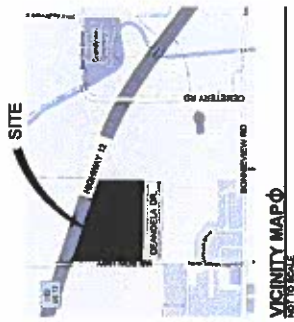
08/10/2021



COVER

Completed by:	Exam by:	Checked by:
NAME	NAME	NAME

COOL
of 5 seats



VICINITY MAP
NOT TO SCALE

UTILITIES

OWNER/APPLICANT

QUELLENMO OLIVERA
 11012 WEST COURT STREET
 WACO, WA 98001
 TEL 800.462.8880

Civil Engineer

CIVIL ENGINEER
 WBS, INC.
 1000 ROAD 90, SUITE 14
 WABCO, WA 98001
 PH 206.346.5403

SLIBVEYOB

SURVEYOR
K&L INC.
1504 NORD RD, SUITE 14
PALMDALE, CA 93550
TEL: 805.368.5800

DATE ADDED

SITE ADDRESS.....
121 WILSON WAY
SPRINGFIELD, VA 22150

PARCEL NO.

PARCEL NO. _____
 MAP NO. 230816-02000

BASIS OF BEARING

NO. 110371
 WASHINGTON STA. PLANE SOUTH PROJECTION, BASED
 ON OBSERVATIONS USING WGS84 AND GEOID 2013.
 ALL MEASUREMENT ARE IN SURVEY FEET.

VERTICAL DATUM

AND 1988 VERTICAL DATA ON OPTICALLY
CONNECTED OPS OBSERVATIONS USING WERN AND
1000 2012A.

LEGAL DESCRIPTION

PARCEL A
THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE
SOUTHEAST 1/4 AND THE NORTH 1/2 OF THE SOUTH 1/2
OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF
SECTION 14, TOWNSHIP 8 NORTH, RANGE 21, EWING
COUNTY, MISSOURI
ACROSS TWO TRACTS THAT PORTION COMBINED
FOR STATE HIGHWAY PURPOSES UNDER SUPERIOR
COURT CASE NO. 77-3-0186-8.

SITUATED IN YAKIMA COUNTY, STATE OF WASHINGTON.

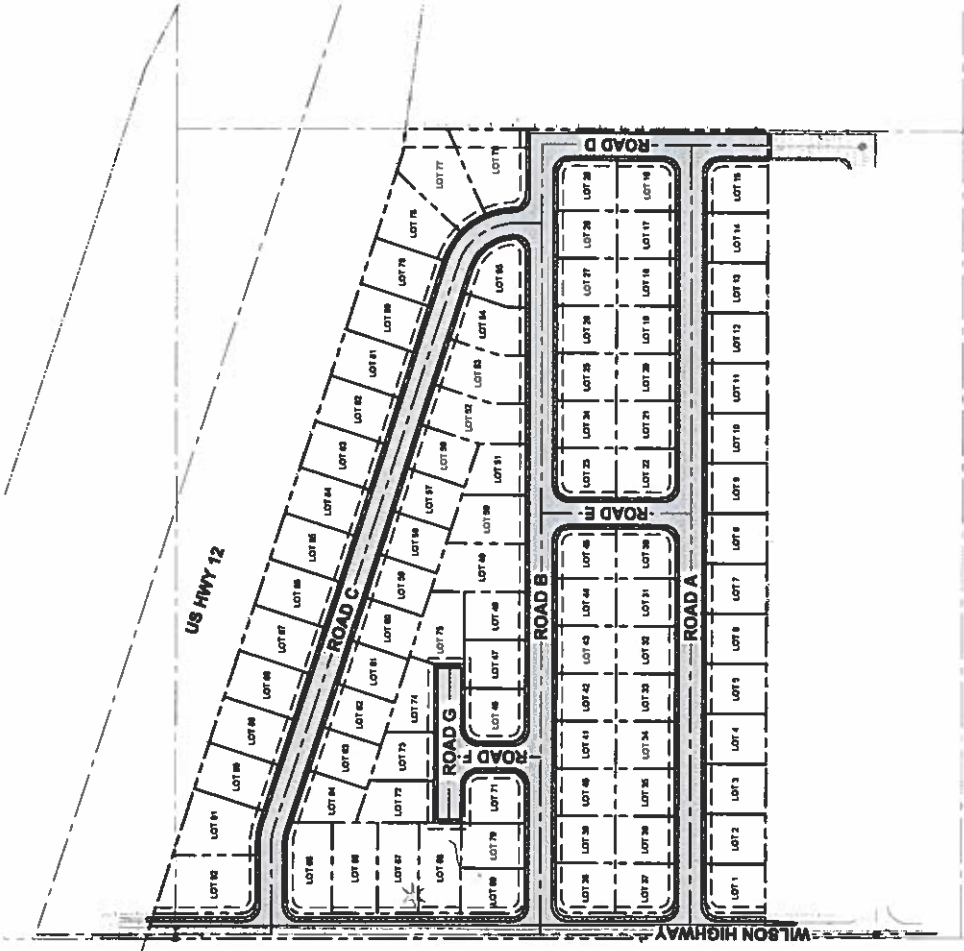
NORTH PORTION OF THE SOUTHWEST ¼ OF THE
CONVERSE NORTH RANCH, RANGE 20 E., TYPED SECTION 16,
TOWNSHIP 7 N., RANGE 20 E., T34N, R20E, S16W.
SOUTHERLY OF THAT RIGHT-OF-WAY LINE DRAWN
BY MARSHALL, WITH AND 175 FEET SOUTH OF A LINE
ASSEMBLED AT RIGHT ANGLES FROM THE § LINE
ADJACENCY OF STATE HIGHWAY ROUTE NO. 80, UNDIVIDED
HIGHWAY PUEBLO ROAD TO ARIZONA ROAD.

CORRECT RIGHT-OF-WAY FOR COUNTY ROAD ALONG THE
§ LINE.

SITUATED IN YAKIMA COUNTY, STATE OF WASHINGTON.

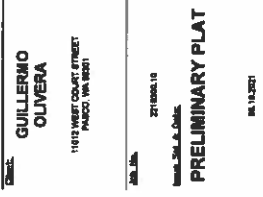
LAND USE TABLE	
SITE AREA	34.96 AC
TOTAL LOTTE	87
MIN. LOT AREA	1,520 SF
MAX. LOT AREA	14,787 SF
AVERAGE LOT AREA	5,738 SF
TOTAL ROW AREA	8.47 AC
ZONE	R-1
LAND USE	RESIDENTIAL SINGLE

SHEET INDEX	
Sheet Number	Sheet Title
C0001	COVER
C0002	LOT LAYOUT
C0003	ROAD DETAILS
C0004	GRADING PLAN
C0005	UTILITY PLAN



**Know what's below.
Call before you dig.**

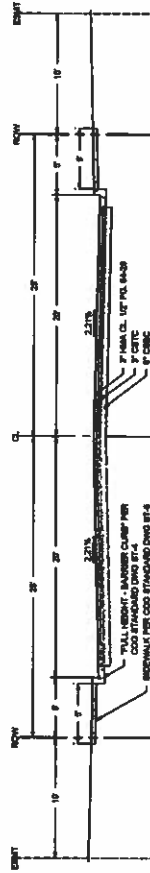
DATE: August 18, 2021 FILENAME: \\us01red001\pub\00002021\T21-1000019_CIVIL\GIZI\0000-20-CV-001.dwg

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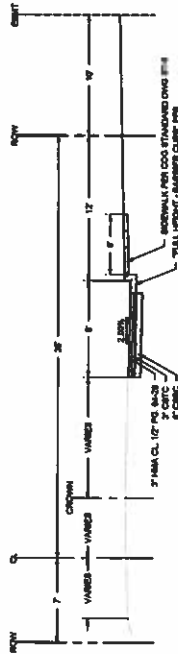
C002
2 of 3 Seeds

ELDORADO ESTATES

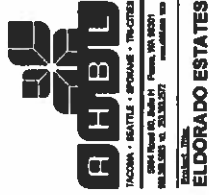
A PORTION OF THE NE 1/4 AND THE SE 1/4 OF SEC.14, TWN. 9 N., RGE. 23 E. W.M.
CITY OF GRANDVIEW, YAKIMA COUNTY, WASHINGTON.



1 NOT TO SCALE



2 NOT TO SCALE



OWNER
GUILLERMO
OLIVERA

1107 WEST COURT STREET
PASCO, WA 99011

21 DEC 19

ISSUED BY J. B. BICE

PRELIMINARY PLAT

04.13.2021



ROAD DETAILS

Drawn By: J. B. BICE
Checked By: J. B. BICE
Date: 04/13/2021

C003

3 of 3 Sheets



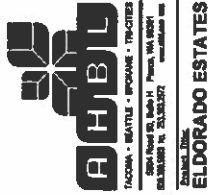
More info below.
Call before you dig.

DATE: August 11, 2021 BY: B. BICE, 10400 Grandview Ave, Grandview, WA 99030-84107

21 DEC 19 - 07 DWD DETAIL

ELDORADO ESTATES

A PORTION OF THE NE 1/4 AND THE SE 1/4 OF SEC.14, TWN. 9 N., RGE. 23 E. W.M.
CITY OF GRANDVIEW, YAKIMA COUNTY, WASHINGTON.



ELDORADO ESTATES

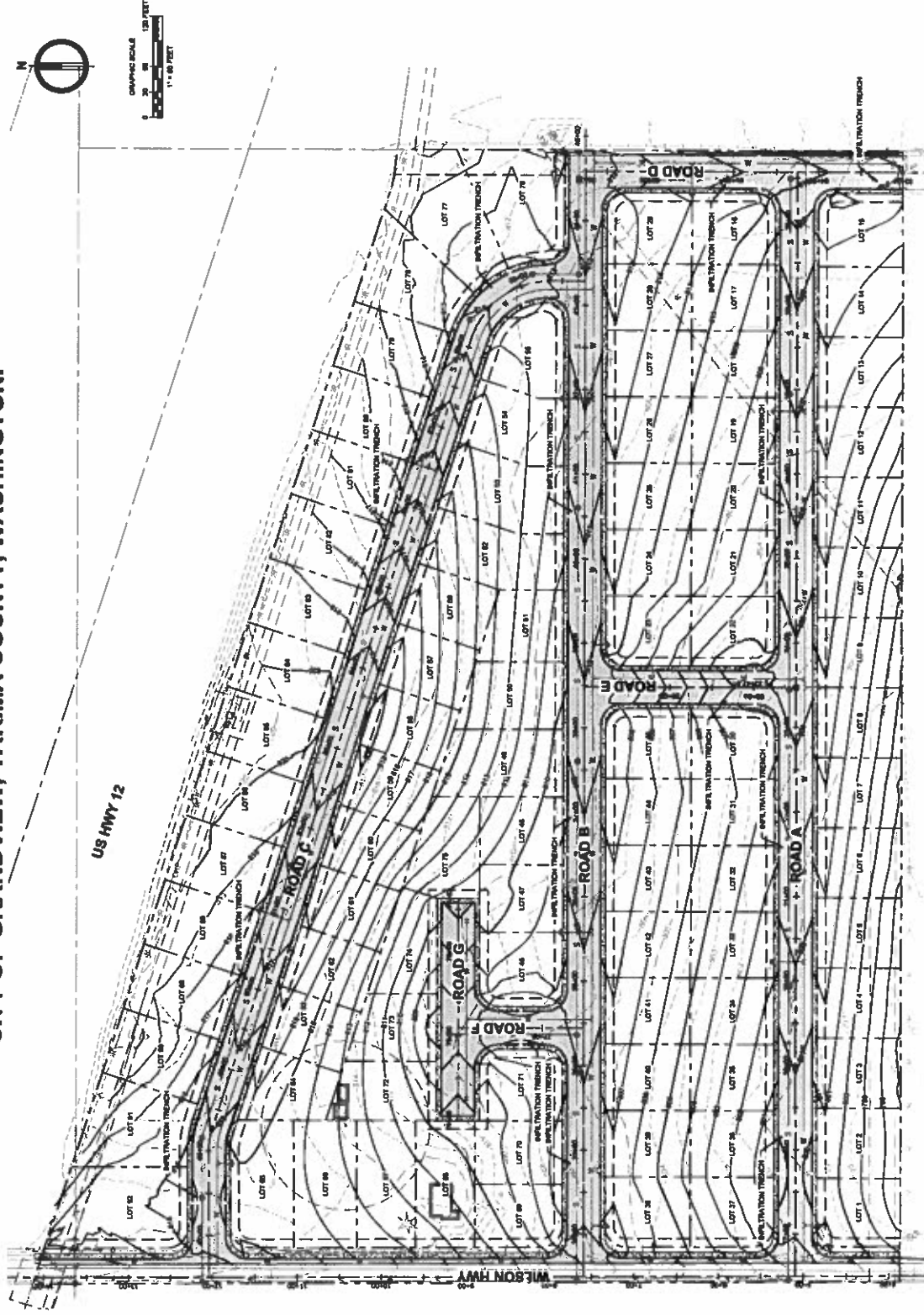
OWNER
GUILLERMO OLIVERA
1013 WEST COURT STREET
PACIFIC, WA 98041

DATE
27/02/2019
DESIGNER
PRELIMINARY PLAT
06/10/2021



GRADING PLAN

C004
1 of 1 Sheets



Know what's below.
Call before you dig.

DATE August 14, 2021 FILE NUMBER: 2021020712371000011_C:\VC\0027\0000-84-0000.dwg

21 0302-S-0000 DWG 000010

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COLUMBIA, MARYLAND

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 920.388.9883 or 253.783.2572 www.eldorado.net

GUILLERMO OLIVERA

11412 WEST COUNTY STREET
PACIFIC, WA 98044

27/03/2019

Index Set & Order

PRELIMINARY PLAT

09.10.2021



Section 101 **UTILITY PLAN**

Quest. No.	MCQ	MCQ	Correct Ans.
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5005

Exhibit A



**Know what's below.
Call before you dig.**

DATE August 18, 2021 FILENAME 202102270000192 CHMC002710000-84478-40



**CITY OF GRANDVIEW
NOTICE OF FILING AND PUBLIC HEARING
2022 PRELIMINARY BUDGET**

NOTICE IS HEREBY GIVEN that the Mayor of the City of Grandview has filed the 2022 Preliminary Budget with the City Clerk. Copies of the Preliminary Budget will be available to the public on Friday, November 12, 2021. To request a copy, please call City Hall at (509) 882-9200 or email anitap@grandview.wa.us. The Preliminary Budget is also available on the City's website at www.grandview.wa.us.

The City Council will conduct a Public Hearing on the 2022 Preliminary Budget on **Tuesday, November 23, 2021, 7:00 p.m.** The public is invited to attend this hearing and provide written and oral comments on the proposed Budget. The hearing will be held in person and via teleconference.

Please join the meeting from your computer, tablet or smartphone.

Join Zoom Meeting

<https://us06web.zoom.us/j/87060185575?pwd=Nmh6NjNIRW90QUlDaHZZMTg2U2Ztdz09>

To join via phone: +1 253 215 8782

Meeting ID: 870 6018 5575

Passcode: 789881

If you have a disability for which you will need reasonable accommodations, please contact the City Clerk, at the preceding address or telephone (509) 882-9200 one week prior to the meeting.

CITY OF GRANDVIEW

Anita G. Palacios, MMC
City Clerk

Publish: Grandview Herald – November 3 & 10, 2021

**CITY OF GRANDVIEW
CITY COUNCIL**

PUBLIC HEARING PROCEDURE

THE FOLLOWING PROCEDURE IS USED BY THE GRANDVIEW CITY COUNCIL TO MEET APPEARANCE OF FAIRNESS REQUIREMENTS:

MAYOR

1. The public hearing for the purpose of receiving comments on the **2022 Preliminary Budget** is now open.
2. Public comments will now be received. When you address the Council, begin by stating your name and address for the record.
3. Comments received by mail will now be entered in the record. The City Clerk will read any received.
4. The public testimony portion of this hearing is now closed. No further comments will be received.

RESOLUTION NO. 2021-48

**A RESOLUTION OF THE CITY OF GRANDVIEW, WASHINGTON,
AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT
BETWEEN CITY OF UNION GAP, YAKIMA VALLEY CONFERENCE OF
GOVERNMENTS, AND THE CITY OF GRANDVIEW FOR THE ADMINISTRATION
AND DEVELOPMENT OF A HOUSING ACTION PLAN**

WHEREAS, the Yakima Valley Conference of Governments (Conference) may be designated by all or some of the member jurisdictions as the legal and administrative entity described in RCW 39.34.030 to perform projects of mutual concern under the Interlocal Cooperation Act; and

WHEREAS, the Cities of Grandview, Wapato, Tieton, Toppenish, Union Gap, Wapato, and Zillah recognize the need for a Housing Action Plan in their respective jurisdictions; and,

WHEREAS, the Conference has the ability to perform a housing needs assessment and draft a Housing Action Plan for each city; and

WHEREAS, the legislation requires the grant funding offered through Department of Commerce to be assigned to a lead city for this grant for administrative purposes; and

WHEREAS, the City of Union Gap has agreed to be the administrative lead city with Commerce for the Housing Action Plan grant for the cities of Grandview, Tieton, Toppenish, Union Gap, Wapato, and Zillah; and,

WHEREAS, the City of Union Gap agrees to reimburse the Conference for expenses incurred, approved, and reimbursed to Union Gap by Commerce for the Housing Action Plan development for Grandview, Tieton, Toppenish, Union Gap, Wapato, and Zillah; and,

WHEREAS, Commerce will contract with each city individually for the final Housing Action Plan adoption within each city's jurisdictional boundary;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANDVIEW, WASHINGTON, as follows:

The Mayor is hereby authorized to sign the Interlocal Agreement Between City of Union Gap, Yakima Valley Conference of Governments and the City of Grandview for the administration and development of a Housing Action Plan in the form as is attached hereto and incorporated herein by reference.

PASSED by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its regular meeting on November 23, 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

**INTERLOCAL AGREEMENT BETWEEN CITY OF UNION GAP,
YAKIMA VALLEY CONFERENCE OF GOVERNMENTS, AND THE
CITY OF GRANDVIEW FOR THE ADMINISTRATION AND
DEVELOPMENT OF A HOUSING ACTION PLAN**

WHEREAS, the Yakima Valley Conference of Governments (Conference) may be designated by all or some of the member jurisdictions as the legal and administrative entity described in RCW 39.34.030 to perform projects of mutual concern under the Interlocal Cooperation Act; and

WHEREAS, the Cities of Grandview, Wapato, Tieton, Toppenish, Union Gap, Wapato, and Zillah recognize the need for a Housing Action Plan in their respective jurisdictions; and,

WHEREAS, the Conference has the ability to perform a housing needs assessment and draft a Housing Action Plan for each city; and

WHEREAS, the legislation requires the grant funding offered through Department of Commerce to be assigned to a lead city for this grant for administrative purposes; and

WHEREAS, the City of Union Gap has agreed to be the administrative lead city with Commerce for the Housing Action Plan grant for the cities of Grandview, Tieton, Toppenish, Union Gap, Wapato, and Zillah; and,

WHEREAS, the City of Union Gap agrees to reimburse the Conference for expenses incurred, approved, and reimbursed to Union Gap by Commerce for the Housing Action Plan development for Grandview, Tieton, Toppenish, Union Gap, Wapato, and Zillah; and,

WHEREAS, Commerce will contract with each city individually for the final Housing Action Plan adoption within each city's jurisdictional boundary; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANDVIEW, WASHINGTON AS FOLLOWS:

1. The Yakima Valley Conference of Governments will perform the duties and tasks outlined in the attached scope of work; and
2. City of Union Gap will contract with Commerce as the lead city and administer the funding contract for Grandview, Tieton, Toppenish, Union Gap, Wapato, and Zillah; and,
3. Department of Commerce will contract with our city for the final adoption of a Housing Action Plan

PASSED by the City Council and APPROVED by the Mayor this on November _____, 2021.

YAKIMA VALLEY
CONFERENCE OF
GOVERNMENTS

CITY OF UNION GAP
YAKIMA COUNTY

CITY OF GRANDVIEW
YAKIMA COUNTY

James A. Restucci,
Conference Chair

Mayor

Mayor Gloria Mendoza

ATTEST:

ATTEST:

YVCOG

Union Gap

City Clerk

Date:

Date:

Date: November 23, 2021

RESOLUTION NO. 2021-49

**A RESOLUTION OF THE CITY OF GRANDVIEW, WASHINGTON,
AUTHORIZING THE MAYOR TO SIGN THE SCHOOL RESOURCE OFFICER
INTERLOCAL AGREEMENT WITH THE GRANDVIEW SCHOOL DISTRICT**

WHEREAS, the City of Grandview and the Grandview School District have previously entered into Interlocal Agreements for the School Resource Officer, and

WHEREAS, the City and School District wish to continue said interlocal agreement,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANDVIEW, WASHINGTON, as follows:

The Mayor is hereby authorized to sign the School Resource Officer Interlocal Agreement with the Grandview School District in the form as is attached hereto and incorporated herein by reference.

PASSED by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its regular meeting on November 23, 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

SCHOOL RESOURCE OFFICER

This agreement is made effective on the 1st day of January 2022 by Grandview School District (referred to herein as "District") and the City of Grandview (referred to herein as "City"), for the purpose of establishing a school resource officer (referred to herein as "SRO") program in the public school system of the City of Grandview. In consideration of the terms and conditions set forth herein, the parties agree as follows:

ARTICLE I

PURPOSE: The purpose of this agreement is for the City of Grandview to provide services in the form of SROs to the District. The services provided include law enforcement and related services as described in this agreement.

ARTICLE II

A. **OBLIGATION OF THE CITY:** The City shall provide an SRO as follows:

Provision of an SRO: The City shall assign one (1) and/or more regularly employed officers as agreed by the City and District to the following areas of coverage:

The officer(s) will provide services to the following schools:

1. Grandview Senior High School
2. Grandview Middle School
3. HT Elementary
4. Smith Elementary
5. McClure Elementary
6. Contract Learning Center School

Although generally assigned to the aforementioned schools, the SRO will provide coverage to the other areas surrounding the principle campuses identified. The services provided by the SRO are in addition to normal police services already provided by the City.

B. **Selection of an SRO:** The Chief of Police or his designee and input from the Superintendent or designee shall choose the SRO to be assigned on the basis of the following minimum criteria:

1. The SRO must have an ability to deal effectively with a diverse student population.
2. The SRO must have the ability to present a positive image and symbols of the entire Police Department. A goal of the SRO program is to foster a positive image of police officers with young people. Therefore, the personality, grooming, and communications skills of the SRO should be of such nature so that a positive image of the Police Department is reflected. The SRO should sincerely want to work with staff and students of the particular school in which the SRO is assigned.
3. The SRO must have the ability to provide good quality educational services in the area of law enforcement. The education background, background experience, interest level and communication skills of the SRO must be of a high caliber so that the SRO can effectively and accurately provide resource teaching services.

4. The SRO must have the desire and ability to work cooperatively with the principal and all other building administrative staff and employees.
 5. The SRO must be a state certified law enforcement officer.
- C. Regular School Duty: The SRO must be available for regular school duty on a full time basis of eight (8) hours on those days and during those hours that school is in session. The eight (8) hour day start and stop times may be flexible to allow for evening coverage as needed. This assignment does not prohibit the SRO from participating in emergency response or to fulfill training requirements as determined to exist by the Chief of Police or designee.
- D. Duties of SRO: While on duty, the SRO shall perform the following duties:
1. Continue to implement the GREAT curriculum.
 2. Act as a resource person in the area of law enforcement education and conducting criminal investigations of violation of the law on school district property or property immediately surrounding the school district property as assigned by Grandview Police Department.
 3. Work in partnership with the principals or their designee to carry out emergency drills in the district to prepare for possible emergencies, i.e.: fire, intruder, chemical hazards, earthquake, bomb threat etc.
 4. Provide law enforcement input into school based security, including teaching of school District security personnel. Review fencing and security systems.
 5. Maintain the peace of school district property.
 6. Make arrests and referrals of criminal law violators.
 7. Provide law related counseling to students when requested by the principal or designee and mutually agreed to by all parties.
 8. Secure, handle, and preserve evidence.
 9. Recover school district property through working with other police agencies.
 10. Make referrals to social agencies as appropriate
 11. Wear official police uniform, which shall be provided at the expense of the City, however, approved civilian attire may be worn on such occasion as mutually agreed upon by the principal and police command.
 12. Perform such other duties as mutually agreed upon by the principal and Chief of Police or designee, so long as the performance of such duties are legitimately and reasonably related to the SRO program as described in this agreement, and so long as such duties are consistent with state and federal law and the policies and procedures of the Grandview Police Department and the Grandview School District.

13. Follow and confirm to all School District policies and procedures that do not conflict with policies and procedures of the Grandview Police Department.
 14. Follow all state and federal laws.
 15. Maintain a "monthly activities report" or such other report regarding SRO activities as may be required by the District and the City.
 16. Attend all Grandview Police Department mandated training as required to maintain law enforcement qualifications and certifications.
 17. Attend weekly Lower Valley SRO/Probation/school official meetings.
 18. Other duties as assigned and mutually agreed upon by school principals, Superintendent and the Chief of Police or designee.
- E. Support Services to be provided by Grandview Police Department: The police department and the SRO will supply the following services:
1. Provide information on all offense reports taken by the SRO to the school principal or designee, upon request, as the law may allow.
 2. To receive and dispatch via telephone, walk-in, radio, District radio frequency, and/or pager.
 3. Maintain and file uniform crime reports (UCR) records according to law.
 4. Process all police reports.
 5. Provide coordination, development, implementation and evaluation of security programs in the school assigned.
 6. Provide each SRO with a patrol automobile as required and all other necessary or appropriate police equipment. The cost of purchasing, maintaining and repairing police equipment provided under this agreement shall be borne by the City.
 7. Maintain copies of reports generated by officers in compliance with state and federal law. Coordinate with school administrators, staff, law enforcement agencies and the courts to promote order on the school campuses.
 8. Make Presentations to civic groups.
 9. Maintain criminal justice standards as required by law.
 10. Coordinate and participate with the school safety committee.

ARTICLE III

The parties agree the responsibility for an administration of student discipline shall be the duty of the District.

ARTICLE IV

The SRO shall be an employee of the City and not an employee of the District. The City shall be responsible for the hiring, training, discipline and dismissal of its personnel.

ARTICLE VI

The parties, their agents, and employees will cooperate in good faith in fulfilling the terms of this agreement. Unforeseen difficulties and questions will be resolved by negotiations between the Superintendent of the District and the Chief of Police or designee.

ARTICLE VII

Changes in the terms of this agreement may be accomplished only by formal amendment in writing approved by the City and the District.

ARTICLE VIII

To dismiss an SRO from the duties described in this agreement, the Superintendent or designee shall communicate in writing to the City a request to change the SRO. The District will outline reasons for the requested change. Absent agreement by the parties to resolve a change in the SRO, the SRO shall be changed within ten (10) days of the request.

ARTICLE IX

Notwithstanding this agreement, the District shall receive all normal police services and all neighborhood resource officer services in addition to the services described in this agreement.

ARTICLE XI

The District shall provide the SRO, in each school to which the SRO is assigned the following materials and facilities necessary to perform the duties by the SRO enumerated herein:

1. Access to an office which is properly lighted, with a dedicated telephone to be used for general business purposes.
2. Location for files and records which can be properly locked and secured.
3. A desk with drawers, a chair, working table, filing cabinet, and necessary office supplies.
4. Access to a computer with word processing capabilities.

ARTICLE XII

The City will bill the District fifty percent (50%) of the Officer(s) annual salary and benefits. The City will bill the District the following amounts per month, effective:

01/01/2022-12/31/2022	\$ 5,171.30	per month/each
01/01/2023-12/31/2023	\$ 5,326.44	per month/each
01/01/2024-12/31/2024	\$ 5,486.23	per month/each

Actual amounts will be negotiated and agreed upon by both parties annually.

The invoice will be received before the 5th of the month and it will be paid on the last day of the month. The City and District will collaborate in identifying and assessing funding sources for the SRO program that include, but are not limited to state and federal grants.

ARTICLE XIII

TERMINATION: This agreement may be terminated by either party upon 30 days written notice that the other party failed to substantially perform in accordance with the terms and conditions of this agreement through no fault of the party initiating termination. This agreement may also be terminated without cause by either party upon 60 days written notice.

Superintendent, Grandview School District

Mayor Gloria Mendoza

Attest:

Date

Anita Palacios, City Clerk

Approved as to form:

City Attorney

Date: November 23, 2021

RESOLUTION NO. 2021-50

**A RESOLUTION OF THE CITY OF GRANDVIEW, WASHINGTON,
AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH THE YAKIMA
COUNTY DISTRICT COURT FOR PROBATION SERVICES**

WHEREAS, the City of Grandview and Yakima County District Court desire to continue the existing arrangement whereby the County provides probation supervision services for cases/individuals referred to Probation Services by the Grandview Municipal Court; and,

WHEREAS, a Probation Services Agreement has been prepared for the provision of those services effective January 1, 2022 through December 31, 2025,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANDVIEW, WASHINGTON AS FOLLOWS:

The Mayor is hereby authorized to sign a Probation Services Agreement with the Yakima County District Court, in the form as is attached hereto and incorporated herein by reference.

PASSED by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its regular meeting on November 23, 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Probation Services Agreement

THIS PROBATION SERVICES AGREEMENT ("Agreement") is entered into by and between the City of Grandview ("City"), a Washington State municipal corporation and its Municipal Court ("Municipal Court"); and the County of Yakima ("County") a Washington State political subdivision and its District Court ("District Court") under the authority and in conformance with RCW 39.34, the Interlocal Cooperation Act.

WHEREAS the City and the County desire to continue the existing arrangement whereby the County provides probation supervision services for cases/individuals referred to Probation Services by the Grandview Municipal Court;

NOW, THEREFORE, in consideration of mutual promises and conditions contained herein, the parties hereto mutually agree as follows:

1. **PURPOSE:** The purpose of this Agreement is to set forth the terms and conditions upon which the parties agree to continue probation services and to enumerate other related provisions that contribute to their mutual benefit.
2. **DURATION:** This Agreement shall be effective from January 1, 2022, and shall remain in effect until midnight on December 31, 2025, unless terminated earlier by either party in accordance with Section 11 of this Agreement.
3. **COMPENSATION:**

a. **Cost Per Case:** The City agrees to pay the County a flat fee of \$70.00 per case for which probation supervision has been ordered for the duration of this Agreement subject to paragraph three of this Agreement. For 2022, the cost to the City for supervision services is \$3920. The calculation of that amount is detailed below and further explained in paragraphs 3(b) and 3(c).

Year	Average Active Caseload	Average BW Caseload	Total Average Caseload	Flat Fee Cost Per Case	Annual Cost	Quarterly Cost
2022	39	17	56	\$70	\$3920	\$980

b. **Calculation and Timing:** The County will project the total number of active and bench warrant cases that we expect to supervise for the upcoming year by the first of August of the preceding year for which services will be rendered. The County will provide the City with an accounting that includes the average active caseload

and average bench warrant caseload for the upcoming year as well as the calculation of cost based upon the accounting.

For 2022, the County will project the number of cases based on the daily average number of cases supervised (includes active and bench warrant cases) in 2018, 2019, 2020, and 2021. For 2023, the County will project the number of cases based on the daily average number of cases supervised (includes active and bench warrant Cases) in 2019, 2020, 2021, and 2022. For 2024, the County will project the number of cases based on the daily average number of cases supervised (includes active and bench warrant cases) in 2020, 2021, 2022, and 2023. For 2025, the County will project the number of cases based on the daily average number of cases supervised (includes active and bench warrant cases) in 2021, 2022, 2023 and 2024.

c. **Payment:** The County will invoice the City on a quarterly basis for costs and fees determined as set forth in paragraph 3, above, with the total amount owed for the previous quarter. The first invoice will be for County probation services provided from January 2022 through March 31, 2022. The City will remit payment within 30 days after receipt of the County's invoice.

4. **REVIEW:** If it is determined that the flat fee of \$70.00 per case is inadequate to cover costs associated with supervision, the parties agree that the cost per case can be reviewed by August 1 of each contract year and adjusted based on those discussions, to become effective on January 1 the following year. At the time of review, the County will provide the City with notice as well as supporting documentation detailing their findings as it relates to case numbers, operational costs and revenue shortfalls.

5. **PROBATION SERVICES:** The parties agree that the most effective way to continue consolidated probation services to reduce costs and provide better services is for District Court Probation Department to continue providing probation services to any and all individuals subject to probation supervision by order of the Municipal Court ("City Probationers").

- a. The City shall continue to refer applicable probationers to the Probation Department.
- b. The County shall provide all necessary personnel, equipment, and facilities to perform the foregoing services in the manner required by law and court rule. The County shall provide the City with notice of any changes that may impact the staffing and service levels applicable to City Probationers.

6. **NO THIRD-PARTY RIGHTS.** This Agreement is entered into for the sole benefit of the District Court and the Municipal Court. It shall confer no benefits or rights, direct or indirect, on any third persons or entities. No person or entity other than the parties themselves may rely upon or enforce any provision of this Agreement. The decision to assert or waive any provision of this Agreement is solely that of each party.
7. **IMPLEMENTATION.** The Presiding Judge of the Municipal Court and the Presiding Judge of the District Court shall be jointly responsible for implementation and proper administration of this Agreement.
8. **INDEPENDENT CONTRACTOR.** The District Court and the County understand and expressly agree that the County, the District Court and its employees, officials, and agents are not City or Municipal Court employees and shall make no claim of City or Municipal Court employment nor shall claim against the City or the Municipal Court any employment benefits, social security, and/or retirement benefits.
9. **COMPLIANCE WITH LAW.** All parties to this Agreement shall comply with all applicable federal, state and local laws, rules and regulations in carrying out the terms and conditions of this Agreement, including Administrative Rule for Courts of Limited Jurisdiction (ARLJ) 11 regarding Misdemeanant Probation Departments.
10. **LIABILITY.**
- a. The City agrees to hold harmless, indemnify, and defend the County, its officers, elected officials, employees, and agents from and against any and all suits, actions, claims, liability, damages, judgments, costs and expenses (including costs and reasonable attorney's fees) which result from or arise out of any intentional or negligent act or omission of the City, its officers, elected officials, employees, and agents in connection with or incidental to the performance of this Agreement.
 - b. The County agrees to hold harmless, indemnify, and defend the City, its officers, elected officials, employees, and agents from and against any and all suits, actions, claims, liability, damages, judgments, costs and expenses (including costs and reasonable attorney's fees) which result from or arise out of any intentional or negligent act and/or omission of the County, its officers, elected officials, employees, and agents in connection with or incidental to the performance of this Agreement.
 - c. In the event that both the County and the City are negligent in a matter arising out of the activities of the parties pursuant to this Agreement, each part shall be liable for its contributory share of negligence for any resulting suits, actions, claims,

liability, damages, judgments, costs and expenses including costs and reasonable attorney's fees.

d. Nothing contained in this section of this Agreement shall be construed to create a liability or a right of indemnification in any third party.

e. Notwithstanding any provision to the contract, the terms of this section shall survive any expiration or termination of this Agreement.

11. TERMINATION. Termination of this Agreement by either party may be accomplished upon one year's written notice of the intent to terminate to the other party. At the termination of the agreement, all pending probation cases, together with all relevant and necessary case files and records associated therewith, shall be transferred to the City.

12. INSURANCE. Yakima County is insured by the Washington Counties Risk Pool. The City of Grandview is insured by the Washington Cities Insurance Authority.

a. At all times during provision of the Probation Services for Grandview Municipal Court probationers, Yakima County shall secure and maintain in effect insurance to protect the City from and against all claims, damages, losses, and expenses arising out of or resulting from the negligent performance or non-performance of this Contract by Yakima County Officials or employees. Yakima County shall provide and maintain in force insurance in limits no less than that stated below, as applicable. The City reserves the right to require higher limits should it deem it necessary in the best interest of the public.

b. **Commercial General Liability Insurance.** Before this Contract is fully executed by the parties, Yakima County shall provide the City with a certificate of insurance as proof of commercial liability insurance and commercial umbrella liability insurance with a total minimum liability limit of Two Million Dollars (\$2,000,000.00) per occurrence combined single limit bodily injury and property damage, and Two Million Dollars (\$2,000,000.00) general aggregate (per project). The policy shall include employer's liability (Washington Stop Gap). The certificate shall clearly state who the provider is, the coverage amount, the policy number, and when the policy and provisions provided are in effect. Said policy shall be in effect for the duration of this Contract.

c. **Professional Liability Coverage.** Before this Contract is fully executed by the parties, Yakima County shall provide the City with a certificate of insurance as proof of professional liability coverage with a total minimum liability limit of Two Million Dollars (\$2,000,000.00) per claim combined single limit bodily injury and property damage, and Two Million Dollars (\$2,000,000.00) aggregate. The certificate shall clearly state who the provider is, the coverage amount, the policy number, and when the policy and

provisions provided are in effect. The insurance shall be with an insurance company or companies rated A-VII or higher in Best's Guide. If the policy is written on a claims made basis the coverage will continue in force for an additional two years after the completion of this contract.

13. INTEGRATION, SUPERSESSON AND MODIFICATION. This Agreement sets forth all of the terms, conditions and agreements, of the parties relative to the subject matter hereof and supersedes any and all prior negotiations, discussions, agreements and understandings between the parties as to the subject matter hereof. There are no terms, conditions, or agreements with respect thereto, except as herein provided and no amendment or modification of this Agreement shall be effective unless reduced to writing and executed by the parties.

14. SEPARATE LEGAL OR ADMINISTRATIVE AGENCY. No separate legal or administrative agency is created by this Agreement.

15. SEVERABILITY.

a. If a court of competent jurisdiction holds any part, term or provision of this Agreement to be illegal, or invalid in whole or in part, the validity of the remaining provisions shall not be affected, and the parties' rights and obligations shall be construed and enforced as if the Agreement did not contain the provision held to be invalid.

b. If any provision of this Agreement in direct conflict with any statutory provision of the State of Washington, that provision which may conflict shall be deemed inoperative and null and void insofar as it may conflict, and shall be deemed modified to conform to such statutory provision.

c. Due to changes to the law as enacted by SHB1294, which became law on July 25, 2021, this agreement may be modified to add language when AOC generates an updated model agreement for entities. The County will notify the City of Grandview in the event that any such changes become necessary to conform with AOC's forthcoming template.

16. NON-WAIVER. The waiver by the County or the City of the breach of any provision of this Agreement by the other party shall not operate or be construed as a waiver of any subsequent breach by either party or prevent either party from thereafter enforcing any such provision.

17. NOTICES. Unless stated otherwise herein, all notices and demands shall be in writing and sent to the parties to their addresses as follows:

TO CITY:

Cus Arteaga, City Administrator
City of Grandview
207 West Second Street
Grandview, Wa. 98930

TO COUNTY/DISTRICT COURT:

Alfred Schweppe, Presiding Judge
Yakima County District Court
128 N. 2nd Street Room 225
Yakima, Wa. 98901

or to such addresses as the parties may hereafter designate in writing. Notices and/or demands shall be sent by registered or certified mail, postage prepaid or hand delivered. Such notices shall be deemed effective when mailed or hand delivered at the addresses specified above.

17. **SURVIVAL**. Any provision of this Agreement that imposes an obligation after termination or expiration of this Agreement shall survive the term or expiration of this Agreement and shall be binding on the parties to this Agreement.

18. **GOVERNING LAW**. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

19. **BINDING AUTHORITY**. As presiding judges of the heretofore mentioned courts, the parties signing hereto have the power and authority to execute this agreement for consolidation of probation services and to bind the City of Grandview Municipal Court and the Yakima County District Court in performance thereof.

CITY OF GRANDVIEW

By: _____
Mayor

Date: _____

Attest:
By: _____
City Clerk

Approved as to form:
By: _____
City Attorney

YAKIMA COUNTY

By: Alfred D. Schweppe
Alfred Schweppe, Presiding Judge

Date: 10/21/2021

Approved as to Form:

Stefanie Weigand
Deputy Prosecuting Attorney

WSBA #: 32968
Date: October 18, 2021

ORDINANCE NO. 2021-24

**AN ORDINANCE OF THE CITY OF GRANDVIEW, WASHINGTON,
AMENDING GRANDVIEW MUNICIPAL CODE SECTIONS 2.48.080 FLORAL,
OTHER DECORATIONS AND LANDSCAPING, 2.48.110 PROHIBITED ACTS,
2.48.150 RATES-ADVANCE PAYMENTS AND 2.48.160 MISCELLANEOUS
REGARDING THE CITY CEMETERY**

WHEREAS, a cemetery is a place not only for the burial of the dead, but for the expression of love and respect by the living for the dead, it will always be the aim of the City to maintain the City of Grandview Cemetery as a quiet, beautiful memorial to those who have passed on, and,

WHEREAS, to attain and maintain a general good affect within the cemetery, it is essential that every part of it be well cared for, the City of Grandview Cemetery through its endowment trust agreement and, by retaining reasonable control of all activities within its grounds, intended to accomplish this end, and,

WHEREAS, the City has no desire to interfere with the privileges and tastes of the individual, but in all modern cemeteries, it has been found necessary to formulate Rules and Regulations in order to guard the rights of individuals and to maintain beauty; to insure a respectable manner of reposing of the deceased and a proper observance of the sacredness of the institution, and,

WHEREAS, uniformity is, in many respects, important, and one of the main purposes of these Rules and Regulations is to give the City of Grandview Cemetery the legal right to refuse permission of owners of property within the cemetery or niche wall to do things which in its judgment are inappropriate or conflicting with these Rules and Regulations, and,

WHEREAS, the rules contained herein have been formulated after careful study and after due consideration of the rules in force in other leading cemeteries of the county, and they have been adopted for the sole purpose of safeguarding the interests of the individual owners of the interment space,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANDVIEW, WASHINGTON DO ORDAIN AS FOLLOWS:

SECTION 1. Grandview Municipal Code Section 2.48.080 Floral, other decorations and landscaping which reads as follows:

2.48.080 Floral, other decorations and landscaping.

A. Floral and Other Decorations.

1. Potted plants will be permitted in the cemetery from November 1st until March 1st, subject to removal after a reasonable time. From March 1st until November 1st, they will be subject to immediate removal.

2. All funeral designs, or flowers of any kind, placed on a grave or niche will be

removed as soon as they become unsightly.

3. Artificial flowers are permitted on graves from November 1st until March 1st, subject to removal after a reasonable time, or when they become faded, soiled or unsightly

4. All flags, special holiday decorations and decorations of similar nature are allowed to be placed upon graves from November 1st until March 1st, subject to approval of the City. They will be subject to removal after a reasonable time. From March 1st until November 1st, they will be subject to immediate removal. Nothing may be attached or otherwise affixed to a niche front other than vase holders installed permanently by the City.

B. Landscaping.

1. The City has and will, at its own cost, landscape the entire Cemetery with such shrubs and trees that are adaptable to the seasons; thus, making it unnecessary for owners to plant flowers on individual graves or plots.

2. No trees, shrubs or flowers shall be planted, removed, cut down or destroyed within the boundaries of any plot or section, walk or lawn space without the express consent of the City.

3. If any trees or shrubs or flowers shall become detrimental to any adjacent property, or shall become unsightly or inconvenient, the City shall have the right to remove such trees, shrubs or flowers or such parts thereof at the discretion of the Public Works Department

4. No plants or flowers shall be picked or taken by any person.

Is hereby amended to read:

2.48.080 Floral, other decorations and landscaping.

Clear and precise signage shall be posted at the main entrance of the cemetery in English and Spanish showing the City's ordinance.

A. Floral and Other Decorations.

1. Potted plants will be permitted in the cemetery from November 1st until March 1st, subject to removal after a reasonable time. From March 1st until November 1st, they will be subject to immediate removal.

2. All funeral designs, or flowers of any kind, placed on a grave or niche will be removed as soon as they become unsightly or deteriorated. It shall be the right and duty of the Public Works Director or his designee to remove the items.

3. Artificial flowers are permitted on graves from November 1st until March 1st, subject to removal after a reasonable time, or when they become faded, soiled, unsightly, or deteriorated. It shall be the right and duty of the Public Works Director or his designee to remove the items.

4. All flags, special holiday decorations and decorations of similar nature are allowed to be placed upon graves from November 1st until March 1st, subject to approval of the City. They will be subject to removal after a reasonable time. From March 1st until November 1st, they will be subject to immediate removal. Nothing may be attached or otherwise affixed to a niche front other than vase holders installed permanently by the City.

B. Landscaping.

1. The City has and will, at its own cost, landscape the entire Cemetery with such shrubs and trees that are adaptable to the seasons; thus, making it unnecessary for owners to plant flowers on individual graves or plots.

2. No trees, shrubs or flowers shall be planted, removed, cut down or destroyed within the boundaries of any plot or section, walk or lawn space without the express consent of the City.

3. If any trees or shrubs or flowers shall become detrimental to any adjacent property, or shall become unsightly or inconvenient, the City shall have the right to remove such trees, shrubs or flowers or such parts thereof at the discretion of the Public Works Department

4. No plants or flowers shall be picked or taken by any person.

SECTION 2. Grandview Municipal Code Section 2.48.110 Prohibited acts which reads as follows:

2.48.110 Prohibited acts.

In addition to any prohibited acts set forth herein in prior sections, no person shall disturb the peace or be disorderly or any other criminal activity

Is hereby amended to read:

2.48.110 Prohibited acts.

In addition to any prohibited acts set forth herein in prior sections, no person shall disturb the peace or be disorderly or any other criminal activity. **No activities involving preparation or provision of food or beverage, including, but not limited to barbecues, meals, buffets or similar activities shall be permitted.**

SECTION 3. Grandview Municipal Code Section 2.48.150 Rates – Advance payments which reads as follows:

2.48.150 Rates – Advance payments.

A. Rates to be charged at the Grandview Cemetery shall be as follows:

Cemetery space – Adult	\$ 700.00
Cemetery space – Infant	\$ 355.00
Cremation space or second burial	\$ 355.00
Cremation niche space	\$ 300.00
Open and closing/disinterment – Adult	\$ 800.00
Open and closing/disinterment – Infant	\$ 445.00
Open and closing/cremation in-ground burial	\$ 360.00
Open and closing/cremation niche	\$ 305.00
Liner – Adult	\$ 555.00 +tax
Liner – Infant	\$ 300.00 +tax
Line – Cremation in-ground burial	\$ 70.00 +tax
Weekend/holiday service charge	\$ 530.00
Short notice surcharge (<24 hours)	\$ 175.00

Headstone settings		
	12 x 24	\$ 265.00
	12 x 36	\$ 355.00
	12 x 48	\$ 400.00
Upright stone		\$ 400.00
Addition of vase to existing stone		\$ 50.00
Cremation niche engraving fee		\$ 130.00

B. Advanced Payments Allowed. The City Treasurer and the Public Works Department are authorized to receive from the owners of lots in the City Cemetery, in advance of need, the opening and closing and liner costs, according to the current charges, which will be accepted by the City subject to current rates or fees at the time of need. Such additional payment shall be made at that time prior to interment.

Funds received pursuant to GMC 2.48.160 (2) shall be deposited in a separate fund in the City known as the "Advance Payments Fund of the Cemetery," and shall be credited by lot and space in a book maintained by the City Treasurer.

C. Repurchase of vacant lots and burial spaces. The City is authorized to negotiate for the repurchase of vacant lots and burial spaces in the City Cemetery at the cost to the original purchaser, and to pay for said lots as the sums are available in the City budget.

Is hereby amended to read:

2.48.150 Rates-Advance Payments.

A. Rates to be charged at the Grandview Cemetery shall be as follows:

Cemetery space – Adult		\$ 700.00
Cemetery space – Infant		\$ 355.00
Cremation space or second burial		\$ 355.00
Cremation niche space		\$ 300.00
Open and closing/disinterment – Adult		\$ 800.00
Open and closing/disinterment – Infant		\$ 445.00
Open and closing/cremation in-ground burial		\$ 360.00
Open and closing/cremation niche		\$ 305.00
Liner – Adult		\$ 555.00 +tax
Liner – Infant		\$ 300.00 +tax
Liner – Cremation in-ground burial		\$ 70.00 +tax
Weekend/holiday service charge		\$ 530.00
Short notice surcharge (<24 hours)		\$ 175.00
Headstone settings		
Flat stone	12 x 24	\$ 265.00
	12 x 36	\$ 355.00
	12 x 48	\$ 400.00
Upright stone	12 x 24	\$ 400.00
	12 x 36	\$ 450.00

12 x 48	\$ 535.00
Oversize stones (height/weight)	\$1,000.00
Addition of vase to existing stone	\$ 50.00
Cremation niche engraving fee	\$ 130.00
Bench setting (5 x 5 concrete slab)	\$ 400.00

B. Advanced Payments Allowed. The City Treasurer and the Public Works Department are authorized to receive from the owners of lots in the City Cemetery, in advance of need, the opening and closing and liner costs, according to the current charges, which will be accepted by the City subject to current rates or fees at the time of need. Such additional payment shall be made at that time prior to interment.

Funds received pursuant to GMC 2.48.160 (2) shall be deposited in a separate fund in the City known as the "Advance Payments Fund of the Cemetery," and shall be credited by lot and space in a book maintained by the City Treasurer.

C. Repurchase of vacant lots and burial spaces. The City is authorized to negotiate for the repurchase of vacant lots and burial spaces in the City Cemetery at the cost to the original purchaser, and to pay for said lots as the sums are available in the City budget.

SECTION 4. Grandview Municipal Code Section 2.48.160 Miscellaneous which reads as follows:

2.48.160 Miscellaneous.

A. No vehicle shall be driven within the park at a speed exceeding 15 miles per hour. Cars should be driven on the right side of all driveways and exceptional care should be exercised to avoid accidents.

B. Soliciting work of any description or placing of business cards or signs on any section or lots will not be permitted and persons doing such acts will be excluded from the grounds.

C. No money for any work done should be paid to any workman on the grounds. All payments shall be paid at the office of the Public Works Department.

D. Employees are forbidden to accept gratuities from anyone.

E. No firearms will be permitted within the grounds except at military funerals and commissioned police officers.

F. The City reserves the right to refuse admission to bicycles or motorcycles except such as may be in attendance at funerals or on business.

Is hereby amended to read:

2.48.160 Miscellaneous.

A. No vehicle shall be driven within the park at a speed exceeding 15 miles per hour. Cars should be driven on the right side of all driveways and exceptional care should be exercised to avoid accidents.

B. Soliciting work of any description or placing of business cards or signs on any

section or lots will not be permitted and persons doing such acts will be excluded from the grounds.

C. No money for any work done should be paid to any workman on the grounds. All payments shall be paid at the office of the Public Works Department.

D. Employees are forbidden to accept gratuities from anyone.

E. No firearms will be permitted within the grounds except at military funerals and commissioned police officers.

F. The City reserves the right to refuse admission to bicycles or motorcycles except such as may be in attendance at funerals or on business.

G. Memorial celebrations; e.g., personal holiday, deceased's birthday, annual anniversary, shall be coordinated with the City within 48-hours in order to prevent interference with a scheduled interment at the cemetery.

SECTION 5. This Ordinance shall be in full force and effect five (5) days after its passage and publication as required by law.

PASSED by the CITY COUNCIL and approved by the MAYOR at its regular meeting on November 23, 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLICATION: 11/24/21

EFFECTIVE: 11/29/21