



BOARD OF YAKIMA COUNTY COMMISSIONERS

Weekly Agenda Meeting

Tuesday, October 4, 2022, at 10:00 am

BOCC Basement Conference Room, Room 33B, 128 N 2nd Street, Yakima, WA 98901 or Zoom
IN PERSON OR VIRTUAL

10/4/2022 - Minutes

1. CALL TO ORDER

Meeting Called to Order at 10:00 a.m.

PRESENT: Chair Amanda McKinney, Commissioner LaDon Linde, Commissioner Ron Anderson, Legal Counsel Don Anderson, Clerk of the Board Julie Lawrence, Deputy Clerk of the Board Erin Franklin, and guests.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

Greg Shogren shared concerns about the BOCC's noticing process, as he and others he spoke with had not be informed about the public hearings on the Agenda. He asked that the Assessor send out letters to all potentially-affected residents in the future. Commissioner McKinney explained that the Board had properly followed all legal noticing requirements by utilizing both the local newspaper and the County's website, and that she would ask staff to reach out and explain the process more fully if he was interested. She added that the topics of the two public hearings would affect all of Yakima County, not just a specific group of residents.

4. CONSENT ITEMS

Commissioner Anderson MOTION: To Approve Consent Agenda

Commissioner Linde SECOND

Approved Unanimously

Commissioner Linde gave a reminder that all BOCC work sessions are open to the public and can be attended both in-person or virtually. All meetings are recorded and the meeting link and recordings can be found on the BOCC webpage.

5. AUDITOR

A. Payroll Warrant Certification

Issue Dates: 9.10.22 thru 9.23.22.

6. COMMISSIONER

- A. 9.23.22 Work Session Minutes
- B. 9.26.22 Work Session Minutes
- C. 9.27.22 Regular Agenda Minutes

7. CORPORATE COUNSEL

- A. Resolution 243-2022

Denying Claim No. 26-2022 Filed by Derrin Davis.

Fiscal Impact: \$0.

8. COUNTY ROADS

- A. Resolution 244-2022

Authorizing Advertisement for Bids for Purchase of Snow and Ice Control Products for ER&R Public Services-County Roads.

Fiscal Impact: See Attached.

- B. Agreement 284-2022

Personal Services Agreement between Yakima County Right of Way Department and Pacific Appraisal Associates, PLLC, to Provide Required Personal Professional Appraisal Services for Yakima County Roads Projects with Local, State, and Federal Funding.

Fiscal Impact: Not to Exceed \$200,000.

9. HUMAN RESOURCES

- A. Resolution 245-2022

Additions/Deletions to Budgeted Position in Department 440 (District Court).

Fiscal Impact: \$19,900 (Existing Department Budget).

10. HUMAN SERVICES

- A. Agreement 285-2022

Amendment #1 to the Emergency Solutions Grant Funded Extreme Winter Weather Shelter Agreement with Yakima Neighborhood Health Services to Extend the Contract End Date to September 30, 2023.

Fiscal Impact: \$0.

- B. Agreement 286-2022

Amendment #1 to the Emergency Solutions Grant Funded Landlord Incentives Agreement with Yakima Neighborhood Health Services to Extend the Contract End Date to September 30, 2023.

Fiscal Impact: \$0.

C. Agreement 287-2022

Amendment #1 to the Emergency Solutions Grant Funded Shelter Contract Agreement with Yakima Neighborhood Health Services to Extend the Contract End Date to September 30, 2023.

Fiscal Impact: \$0.

D. Agreement 288-2022

Amendment #1 to the Emergency Solutions Grant Funded Outreach Contract Agreement with Yakima Neighborhood Health Services to Extend the Contract End Date to September 30, 2023.

Fiscal Impact: \$0.

E. Agreement 289-2022

Contract Awarding Grant Funds to Triumph Treatment Services to Operate a Family Emergency Shelter.

Fiscal Impact: \$46,845 in Grant Funding.

F. Agreement 290-2022

Contract Awarding Grant Funds to Catholic Charities Diocese of Yakima to Operate a Youth and Young Adult Housing Program.

Fiscal Impact: \$97,146 in Grant Funding.

G. Agreement 291-2022

Contract Awarding Grant Funds to The Lighthouse to Operate a Domestic Violence Shelter in the Lower/South Valley.

Fiscal Impact: \$40,073

H. Agreement 292-2022

Agreement with the U.S. Department of the Treasury to Request Additional Emergency Rental Assistance Funding.

Fiscal Impact: See Attached.

11. SHERIFF

A. Agreement 295-2022

Contract with Law Enforcement Perspectives for Consultant Work on Personnel Background Investigations.

Fiscal Impact: See Attached.

12. TECHNOLOGY SERVICES

A. Agreement 293-2022

Contract with CJEN, Inc., to Purchase New IT Helpdesk Software Application.

Fiscal Impact: \$12,708.27.

B. Agreement 294-2022

Pilot Program Agreement with 911 Cellular, LLC, for Panic Button Pilot Project.

Fiscal Impact: \$0.

13. PUBLIC HEARING

A. Public Hearing #1

Public Hearing to Consider Findings of Fact Declaring a Zoning Moratorium on Moderate to Large-Scale Solar Facilities Within the Unincorporated Areas of Yakima County.

Presenting: Long Range Planning Manager Noelle Madera.

Felip Holbrook thanked the commissioners for addressing this matter. He shared concerns over the lack of local control over green energy projects, and encouraged the County to develop thorough zoning requirements as soon as possible.

Mark Herke further encouraged the Board to continue their efforts to develop an approval process so that common sense can prevail. He referred to the large number of solar projects being approved by EFSEC as the "Green Rush", adding that unfortunately, the push for green energy doesn't take whole environment into account. He shared concerns about local vegetation, wildlife, and the potential for fires.

Carl Hurlburt shared an opposing view that solar farms present an opportunity for Yakima County. He opined that some of the proposed land in question is not good quality grazing land, that a solar farm would actually help control the weeds in the area, and that landowners and businesses should be able to do what they want with their land. He did not feel that solar farms would contribute to existing fire risk.

A. Resolution 246-2022

Approving Findings of Fact Declaring a Zoning Moratorium on Moderate to Large-Scale Solar Facilities Within the Unincorporated Areas of Yakima County.

Fiscal Impact: \$0.

Commissioner Linde MOTION: To Approve Resolution 246-2022.

Commissioner Anderson SECOND

Approved Unanimously.

B. Public Hearing #2

Public Hearing to Consider Amending the Yakima County Code 12.08 Pertaining to County Water Systems.

Presenting: Environmental Services Director David Haws.

Felip Holbrook shared that although he and others had been invited to numerous meetings with County staff, they did not feel that their position was heard or that it made it into the Board's deliberative process. He also directed the Board to David Taylor's comments presented on behalf of the Farm Bureau and the Realtors' Association, as Mr. Taylor was a part of writing the Hirst Fix and is thus very knowledgeable about the topic. In Mr. Taylor's view, Yakima County's ordinance does not follow state law or case law.

Autumn Torres observed that this is a hot-button issue for residents because their livelihoods are on the line. She further encouraged the Board to review David Taylor's comments. She also shared a story about a couple that hired her construction company to remodel their garage into rec room for their special needs daughter; the couple was told by County staff that they would have to meter, despite there being no change in use.

Mark Herke opined that the commissioners did listen to the concerns put forth by the Farm Bureau and others in various meetings, but felt that County staff missed the message. He noted that many people have no idea what all is involved in the ordinance until they need a building permit, after which they tend to have strong negative reactions. Mark encouraged the Board not to approve the proposed changes today or any time in the near future without greater consideration of the public's concerns.

Jamie Carmody shared concerns that despite the County's best intentions to make the ordinance less onerous and more respectful of property rights, it's actually gone backwards in the process with the proposed changes and had the opposite effect. He further encouraged the Board not to rush a decision, but to examine David Taylor's summary, noting how some of the smaller issues are actually connected to much larger issues.

Eric Olsen felt that the water legislation is both illegal and immoral. In his view, water is not a utility, and landowners should have control over the water on their own property – particularly drinking water. He did not feel like the public was given adequate information, voice, and power in the legislative process. He shared that his daughter was told that if she wanted to build a house on his property to help with the farm, she would have to connect to the utility despite the fact that their well was grandfathered in.

Steve Saunders expressed frustration with government overreach at all levels, and stated that people want the government to stay out of their pockets and off their property. He added that he didn't feel it was appropriate to make a decision on this ordinance so close to election.

Greg Shogren affirmed previous comments about the public's concerns not being taken into consideration with the proposed updates to the ordinance. He again questioned why official notice was not sent out to individual residents about this hearing.

Matt Bauer asked for a copy of David Haws' PowerPoint presentation, along with a copy of the proposed ordinance changes. He stated that he had built his home in the urban growth area right before the utility deadline, but upon attempting to build another house on the property, he was informed that his well would have to become metered. He shared his frustrations about government control over land, building, air (e.g. burning regulations), and water, and stated that he believes the meters should be removed.

Dary Reed stated that he recognizes that the commissioners are in challenging positions. He shared his concerns and frustrations about the idea of someone coming onto his property and questioning his water usage. He asked that the Board "slow their roll" and take their time in deciding on this issue, because the public is not being heard. He encouraged the commissioners to take into account the "spirit of the law" and make an extra effort to notice these meetings to the public; he also asked how many public meetings each commissioner attended.

Jack Field also asked for a copy of David Haws' PowerPoint presentation, along with a copy of the

proposed ordinance changes. He shared concerns about how this ordinance affects stock water. He noted that just because the County has been engaging with the public doesn't mean the public has been heard. He suggested that future meetings should be held in the evening when more people are able to attend.

Virginia Obert shared her experiences with the County regarding her family home, ADU, and well. She noted that the proposed amendments might actually be helpful to her situation; however, she feels that the control being exerted over landowners is unfair.

Alice Villasenor voiced her concerns about how David Haws' PowerPoint presentation and a recent newspaper article both referenced meetings with the Realtors' Association and other entities, implying their support when the support was not there. She asserted that there is a difference between legal notice and adequate/sufficient notice. She detailed past meetings with commissioners and County staff that resulted in mistrust, and shared concerns that the commissioners rely too heavily on the advice of staff. She urged the Board to review how many changes have already been made to mitigate water concerns. She felt the proposed changes only serve to expand the ordinance, and requested that no further action be taken to alter the ordinance without further review. She further affirmed the financial toll this legislation has taken on residents' livelihoods.

Andi Hochleitner requested that the Board not make any changes to the ordinance without further review, stating that she would be happy to work with the Board on said changes and on ideas for noticing to the public based on her past experience with other counties.

George Nix expressed his belief that the Board of County Commissioners can only do so much – the larger problem is that the State has not enforced their own laws regarding irrigation. He noted that he passed on purchasing a number of properties because they were using their wells to irrigate their pastures, when the wells were permitted for domestic use only. He stated that because the water table is underground, it belongs to everyone and affects everyone. He believes meters are important because they ensure that people don't take more water than they're supposed to, protecting our water supply and preventing conflicts so that building can continue in our county.

Cheri Daniels asked about the Board's process that led to today's meeting and the proposed amendments. She urged the Board to, if possible, involve stakeholders from the very beginning, take their concerns to heart, and get them to fully buy in to any changes before proceeding.

In response to public comments, Commissioner McKinney assured the public that the Board had stated at Monday's work session that they intend to take their time on this issue and have additional public meetings for discussion – this public hearing was just an initial step. Commissioner Linde noted that in past meetings with stakeholders (such as the Farm Bureau, Realtors' Association, CWHBA, etc.), only one commissioner can be present at a time without it becoming a public meeting (involving many more requirements), so while he was certainly interested and concerned, he was not always able to be in attendance. He confirmed that he was very interested in reviewing David Taylor's notes, which Commissioner McKinney stated would be forwarded to the Board. Commissioner Anderson asserted that while the County has made progress, it isn't enough progress, and the issue needs to be explored further in order to address and satisfy both legislative requirements and residents' desires.

Commissioner Linde MOTION: To Continue the Hearing at an Undetermined Future Date

Commissioner Anderson SECOND

Approved Unanimously To Continue the Hearing at an Undetermined Future Date.

14. NEW BUSINESS

No New Business.

15. ADJOURN

Commissioner Anderson MOTION: To Adjourn

Commissioner Linde SECOND

Approved Unanimously. Meeting Adjourned at 11:35 a.m.

All regular agenda meetings are recorded and will be available to view on the BOCC website at <https://www.yakimacounty.us/AgendaCenter/Board-of-Commissioners-2>.

APPROVED DATE

DATE/Minutes

DRAFT