

AGENDA REQUEST FORM

**Return completed form and complete agenda item to the Clerk of the Board
Yakima County Commissioners' Office, Room 232**

Prepared by:
Joe Stump

Department: Public Services

Requested Agenda Date: 02/09/2021

Presenting: Lisa Freund

Document Title:

Water System Expansion Agreement with Brandon Bushbaum.

Board of County Commissioners Record Assigned
BOCC Agreement

025 - 2021
Yakima County, WA

APPROVED FOR AGENDA:
 Consent Regular
Board of County Commissioners Determined

Action Requested: *Check Applicable Box*

PASS RESOLUTION EXECUTE or AMEND **AGREEMENT** CONTRACT or GRANT
 ISSUE PROCLAMATION PASS ORDINANCE OTHER _____

Describe Fiscal Impact:

Estimated cost is \$8,000, 50% of which will be paid by Applicant and 50% by Yakima County. Yakima County's share will be paid by reserves from the Stein Lower Water System.

Background Information:

The Stein Lower Water System is approved to supply water to 8 homes including a home owned by the Applicant Brandon Bushbaum. Mr. Bushbaum is requesting water service to both his home and an Accessory Dwelling Unit on his property. Increasing the authorized number of connections from 8 to 9 will require a larger pump and motor to be installed in the well and approval from the Yakima Health District. Because the existing pump and motor have been in service 19 years, and the average service life is typically 10-15 years, it is advantageous for both the County and Mr. Bushbaum to share in the cost of installing a larger pump and motor.

Summary & Recommendation:

The agreement sets forth the terms and conditions upon which the County will request approval from the Yakima Health District to increase the authorized number of connections of the Stein Lower Water System, and the corresponding responsibilities of both the County and the Applicant. Public Services recommends approval of the Agreement.

Motion:

Department Head/ Elected Official

AGREEMENT Attached Is Approved as to Form
Corporate Counsel Initial _____


Signature

Late Agenda Requests Require BOCC Chairman Signature:

025 - 2021

YAKIMA COUNTY

Yakima County, WA

WATER SYSTEM EXPANSION AGREEMENT

APPLICANT: Brandon Bushbaum

BACKGROUND AND PURPOSE

Applicant is requesting water service from the County's Stein Lower Water System to serve an accessory dwelling unit (ADU) and a 3-bedroom home on parcel 171335-11407. The parcel is located within the service area of the County's Stein Lower Water System. Applicant currently has a 1-bedroom home on the parcel that was converted from a barn. Applicant wishes to build a 3-bedroom home on the parcel and convert the 1-bedroom home to an accessory dwelling unit (ADU).

The County's Stein Lower Water System was designed, constructed and approved to serve a total of 8 residential connections for Subdivisions 98-221 and 98-222. The subdivisions are located near the southwest corner of the intersection of Cottonwood Canyon Road and Stein Road, approximately 4 miles west of Yakima. Service to both the ADU and a 3-bedroom home will require the system to be approved by the Yakima County Health District for 9 connections. Approval for 9 connections will as a minimum require a larger pump and motor to be installed to increase the supply capacity to the system. Increasing the supply capacity is needed to meet State design guidelines.

The Stein Lower Water System was originally constructed by Flintstone Properties, Inc. and was transferred to Yakima County for ownership and operation as a satellite water system. The agreement for transferring the system to Yakima County allows for the expansion of the system provided any such expansion does not adversely affect the cost to the property owners within the system's service areas.

The existing pump and motor supplying water to the system are now 19 years old and nearing the end of their useful life. Because of their age and because the Applicant wishes to increase the authorized number of connections served by the system, it is advantageous for both the County and Applicant to share in the cost of constructing the improvements.

This agreement sets forth the terms and conditions upon which the County will increase the pumping capacity of the Stein Lower Water System and the corresponding responsibility of the Applicant to reimburse the County for their share of the costs.

AGREEMENT

The Applicant and Yakima County, herein after called the County, agree as follows:

1. County agrees to submit an application to the Yakima County Health District for review and approval to increase the authorized number of connections from 8 to 9.
2. Applicant agrees to pay the Yakima County Health District for the review fees.
3. County agrees to request bids from contractors on the County's small works roster in

accordance with State and County standards.

4. County agrees to forward a copy of the bid results to Applicant.
5. Applicant agrees to notify the County in writing if they wish to have the County proceed with construction of the improvements.
6. If Applicant wishes to have the County proceed with construction of the improvements, then the Applicant agrees to pay the County for 50% of the estimated construction costs (excluding County labor costs) prior to the County proceeding with construction of the improvements.
7. County agrees to enter into a contract to construct the improvements needed to increase the supply capacity once the Applicant has provided payment of the previously referenced costs.
8. If additional costs are incurred during construction, Applicant agrees to reimburse the County for 50% of the additional cost prior to receiving occupancy permits for both the residence and ADU.
9. Total costs are estimated at \$8,000. The County agrees to notify the Applicant if costs are expected to exceed this amount.
10. Applicant understands that water service to both the proposed home and ADU is not approved until the County receives approval from the Health District for the additional connection. Approval from the Health District will not occur until the supply capacity is increased and the well is shown to be capable of providing the increased flow. The Applicant understands there is some risk the well is not capable of providing the required flow. If this occurs, the Applicant understands water service will not be available to the ADU.
11. Applicant understands that a Yakima County Water Resource System (YCWRS) Well Permit will be needed to provide the legal availability of water for the ADU and that the Applicant will be responsible for both YCWRS water service charges and Stein Lower Water System charges for the ADU.
12. Applicant agrees to hold harmless, defend, and indemnify the County, its officers, employees, representatives, successors and assigns, against any and all damages resulting from any material breach of any representation or warranty set forth in this Agreement and against all debts, liabilities, or claims existing, arising or incurred by the Applicant, together with all expenses and reasonable attorney fees resulting directly from any such debt, liability or claim.
13. The County agrees to and shall hold harmless, defend and indemnify the Applicant, their successors and assigns, against any and all damages resulting from any material breach by the County of any obligation, representation or warranty set forth in this Agreement.
14. Either party may terminate this agreement upon thirty days' written notice sent by certified mail to the addresses set forth below:

YAKIMA COUNTY
Board of County Commissioners
County Courthouse, Room 232
128 North 2nd Street
Yakima, Washington 98901

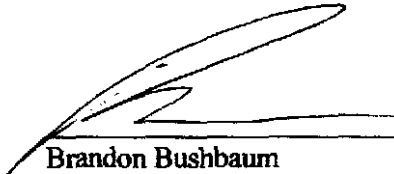
With copy to: Director of Public Services
County Courthouse, 4th Floor
128 North 2nd Street
Yakima, Washington 98901

Applicant: Brandon Bushbaum
11400 Cottonwood Canyon Road
Yakima, Washington 98908

15. If construction of the water system improvements is not completed within 2-years of the date of this agreement, then this agreement shall be void.

This agreement is entered into on the ___ day of FEB 09 2021, 2021.

APPLICANT



Brandon Bushbaum

BOARD OF YAKIMA
COUNTY COMMISSIONERS

Ron Anderson, Chairman

Date: 2-1-21

Amanda McKinney, Commissioner

LaDon Linde, Commissioner
*Constituting the Board of County Commissioners
For Yakima County, Washington*

Attest:

Julia Lawrence, Clerk of the Board or

Linda Kay O'Hara, Deputy Clerk of the Board

APPROVED AS TO FORM:



Deputy Prosecuting Attorney