



BOARD OF YAKIMA COUNTY COMMISSIONERS

Regular Meeting

Work Session

Monday, November 7, 2022, at 9:00 am

BOCC Conference Room, Room 232, 128 N 2nd Street, Yakima, WA 98901 or Zoom

11/7/2022 - Minutes

1. CALL TO ORDER

Meeting Called to Order at 9:00 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, Kathy Kramer (Central Washington State Fair President/CEO), Financial Services Director Craig Warner, Facilities Director Brian Griff, Senior Project Planner Tua Vang, Long Range Planning Manager Noelle Madera, Environmental Services Director David Haws, Water Resources Strategic Manager Joel Freudenthal, Water Resources Manager Troy Havens, and guests.

2. PUBLIC COMMENT

No Public Comment Received.

3. CENTRAL WASHINGTON FAIR ASSOCIATION (15 Minutes)

Central Washington State Fair Board President/CEO Kathy Kramer presented a request to the Commissioners to use reserve funds for unbudgeted emergency repairs that occurred during the fair this year. A propane water tank in the RV campground went out, resulting in two invoices from Rotor Rooter totaling just over \$17,000. In response to Commissioners McKinney and Linde's question, Kathy explained that they had initially budgeted \$75,600 in their leaseholder capital fund, hoping that the fair would actually be open this year. However, \$128,000 ended up being spent on numerous small-but-necessary repairs, such as a mandatory upgrade to the fire suppression system, HVAC repairs, kitchen items, etc. Kathy noted that some additional items have been deferred until next year so that the fair will be able to cover them. Somewhere between \$125,000-\$150,000 has been budgeted for emergency items next year, and Craig Warner noted that \$200,000 will get put back into the capital reserves, which currently stand at \$250,000. In addition, he shared that the same 2016 agreement requiring the Fair Board to put \$200,000 in the capital reserves each year also stated that the County would commit a certain amount of hotel/motel tax funds to the fairgrounds. There is \$190,000 of that money available that had originally been set aside for the SunDome roof replacement in Fund 309; however, the County sold a bond in 2020 that covered those costs. Craig recommended that the Commissioners utilize some of the \$190,000 to cover the fairground repairs.

Commissioner Linde MOTION: To Use a Portion of Fund 309 for Unbudgeted Emergency Fairground Repairs

Commissioner Anderson SECOND

Approved Unanimously.

Kathy confirmed that she would work with Craig to get reimbursement, as the Fair Board had already paid the two invoices. Craig stated that he would also prepare a resolution to this effect for final approval at an upcoming Agenda. Finally, Kathy informed the public that the 3rd Annual Holiday Light Fest would run from Friday, November 25th, through Sunday, December 18th, including new Thursday openings this year.

4. EXECUTIVE SESSION (20 Minutes)

The Board met in Executive Session at 9:17 a.m. to discuss potential litigation as allowed by RCW 42.30.110(1)(i). The Board returned at 9:40 a.m. as agreed upon, and no further action was taken.

5. FACILITIES SERVICES (15 Minutes)

Brian Griff asked for the Board's clarification on how to fund the roughly \$100,000 Main Jail Courtroom #2 upgrade: either through Real Estate Excise Tax (REET) or from the Facilities reserves. The upgrade was necessary due to the condition of the drainage pipes running under the kitchen and above the courtroom, which have deteriorated from heavy use and harsh chemicals. Taking court schedules into consideration, this project will begin right after Thanksgiving and should be completed by the first week of January. Craig Warner stated that Brian would need to update the capital project list/facilities plan to reflect this additional project in order to receive REET funding.

Commissioner Linde MOTION: To Fund the Main Jail Courtroom #2 Upgrade Using REET Funds and Add it to the Capital Project List

Commissioner Anderson SECOND

Approved Unanimously.

6. PUBLIC SERVICES UPDATE (90 Minutes)

1. Tua Vang presented two of the 2022 Biennial Map Amendments, informing the Board that two additional amendments will be ready for presentation soon. LRN22-003 and LRN22-004 are both represented by Bill Hordan. LRN22-003 is to rezone a property from two-family residential to professional business. The current land use designation is urban residential, and would change to urban commercial. Noelle Madera noted that the owners didn't say specifically how they wanted the property to be used – just lower level commercial – but that the Commissioners could ask for more detail at a public hearing. Two letters of public comment were received, noting general concerns. Overall, Yakima County staff and the Planning Commission (at a hearing on June 8, 2022) recommend approval. The Board directed the Planning Department to schedule a public hearing for the near future.

LRN22-003 is to rezone a property from multi-family to general commercial, in keeping with the adjacent gas station. The current land use designation is urban residential, and would change to urban commercial. This parcel would be absorbed by the larger parcel (the gas station), using a development agreement requiring the owner to do a boundary line adjustment with a survey that would be approved and recorded beforehand. No public comment was received. Yakima County staff and the Planning Commission (at a hearing on June 8, 2022) recommend approval. The Board directed the Planning Department to schedule a public hearing for the near future.

2. David Haws explained the reasons behind the proposed updates to Title 12.10 (Storm Water) Code. The Department of Ecology has reviewed our code against the new requirements for the NPDES Permit, which is reviewed every five years. The proposed updates would bring County code into alignment with these new requirements and provide better clarity and consistency in the verbiage.

One change would be to add definitions for current terms used in the code that didn't have definitions, such as "high potential for sediment transport", "low impact development", and "stormwater certificate of completion". Other changes were to adjust our code to better match state or federal standards and definitions: 12.10.110 "stormwater authority", 12.10.210 "when a stormwater plan is required", and 12.10.250 "stormwater plan design criteria". Certain changes added clarification that equivalent stormwater manuals can be used for design: "high use sites", "stormwater plan", and 12.10.200 "what is required on a site plan". Further changes added clarity to current requirements: 12.10.210 "when a stormwater plan is required", 12.10.220 "erosivity waiver", 12.10.220 "SWPPP criteria", 12.10.240 "plans must be approved before work begins", 12.10.240 "existing procedures", and 12.10.240 "project must be done in accordance with the approved plan". Some changes added consistency throughout the code: 12.10.240 "consistent use of Yakima County Public Services (instead of specific divisions)", and 12.10.240 "adding consistency with requirement pointed out in preceding section that 'a stormwater plan prepared in accordance with criteria identified in this chapter and stamped by an engineer registered in the state of Washington'".

David noted that two seemingly "new" requirements are proposed. 12.10.210 "when a stormwater plan is required" would be updated to match Ecology's requirement of projects "that disturb a land area greater than OR EQUAL TO one acre". In response to Commissioner McKinney's question, David noted that he was not able to find any records of this affecting anyone, as it is rare to have exactly one acre involved. 12.10.210 "when a

stormwater plan is required" and 12.10.240 "stormwater plan application procedures" would be updated to reflect the definition of "high potential for sediment transport" and erosivity waiver qualifications. This change is required in order for the County to continue to be able to issue NPDES Permits.

The Commissioners each asked clarifying questions to better understand the purpose and scope of each change. They also requested that David add examples in certain sections that seemed unclear. The Board directed David to schedule a public hearing in the near future to continue consideration these updates.

3. Joel Freudenthal and Troy Havens provided updates on the Gap to Gap Ecosystem Restoration Project, including secured funding sources and upcoming grant opportunities. Joel noted an issue finalizing an agreement with the Department of Transportation. The Board approved a modified agreement last year, but now DOT is voicing additional concerns and wanting the County to completely restart the process and get a general permit. The Board directed Joel to forward this communication to them, along with a draft response for their consideration.

In terms of YCWRS water storage and supply, Joel stated that he has submitted the water rights application for Ahtanum and is continuing to move the process forward – hopefully within two months. He is also looking into grants for water banking and developing a scope for the process. The Wenas and Ahtanum water rights are already in the grant, but Ecology doesn't think the Selah-Moxee water rights are eligible. They also don't think capital facilities are eligible. Joel disagrees on both points and is looking into each matter further. He added that the Wenas project should be able to move forward within two or two and a half months.

7. EFSEC LETTER DISCUSSION

The Board reviewed Commission Linde's updates to Commissioner McKinney's draft letter to EFSEC.

Commissioner Anderson MOTION: To Approve and Send the Letter to EFSEC

Commissioner Linde SECOND

Motion Passes to Adjourn.

Julie Lawrence was directed to send both a hard copy and an electronic copy. She was also instructed to check in with Planning Official Tommy Carroll to ensure that Public Services sent their letter to EFSEC in the same manner, and ask that he forward their letter to the Board as well.

8. ARPA DISCUSSION

Craig updated the Board that he is still waiting to hear back from Clifton Larson Allen with their proposal for reviewing infrastructure-related ARPA applications. He also stated that he is still working on the ARPA application priority lists from the various municipalities, and asked if the Board would like him to combine requests from entities of the same city (hypothetical example: the City of Toppenish and the Toppenish Police Department. The Board agreed to this for the sake of context, noting that each city also received their own ARPA funds.

Commissioner Linde also expressed an interest in discussing Application #38313 from Yakima County Superior Court, requesting funds for a renovation project that would serve to streamline and expedite cases and allow the building to meet the demands of modern technology (e.g. currently insufficient electricity and wiring, etc.).

Commissioner Linde asked that Superior Court Administrator Jessica Humphreys be invited to present at a future work session to further explain the need. Commissioner McKinney voiced concerns that other applicants would want to come present as well, and asked to wait until Craig hears back from CLA about the infrastructure projects.

Craig stated that he would likely hear today or tomorrow, and could have the proposal submitted for the November 15th Agenda. Commissioner Linde stated that he was comfortable waiting to revisit this discussion. He and Craig both noted that other departments were able to renovate their spaces due to money from the CARES Act, but Superior Court has not had this same opportunity.

9. COMMISSIONER UPDATES/ GENERAL DISCUSSION

The Commissioners gave updates on individual committee/board assignments for the week of October 31, 2022-November 4, 2022.

10. NEW BUSINESS

The Commissioners had no new business to discuss.

Julie Lawrence reminded the Board and the public that the work sessions on Friday, November 11, 2022, and Monday, November 14, 2022, have been cancelled due to Veteran's Day and Commissioner schedules.

11. ADJOURN

Commissioner Anderson MOTION: To Adjourn

Commissioner Linde SECOND

Motion Passes to Adjourn. Meeting Adjourned at 11:44 a.m.

All work sessions 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

NOV 15 2022

BOARD OF YAKIMA COUNTY COMMISSIONERS

Amanda McKinney, Chair

LaDon Linde, Commissioner

Ron Anderson, Commissioner
*Constituting the Board of County Commissioners
for Yakima County, Washington*