

BOARD OF YAKIMA COUNTY COMMISSIONERS

Weekly Agenda Meeting

Tuesday, April 2, 2019 at 10:00 AM

City Council Chambers, 129 North 2nd Street, Yakima, Washington

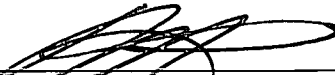
- **PRESENT:** Michael D. Leita, Norm Childress, Ron Anderson, Legal Counsel, Stefanie Weigand, Interim Clerk of the Board, Linda Kay O'Hara
- **PUBLIC COMMENT:** None
- **CONSENT ITEMS:** Approved as Presented

FUNDING LEVEL: A=No Impact B=Under \$100,000 C=\$100,000-\$500,000 D=Over \$500,000				
DEPARTMENT	ITEM	DESCRIPTION	FUNDING LEVEL	ACTION
Commissioners Michael D. Leita, Chairman	Voucher/Warrant	Certification of Salary Clearing Warrant No. 662627 through 663183 in the net amount of \$ 601,955.00:	A	APPROVED
	Voucher/Warrant	Certification of Claims Clearing Warrant No. 755848 through 756501 in the net amount of \$ 3,149,499.11:	A	APPROVED
	Minutes	Approve Agenda Minutes of 3/26/19:	A	APPROVED
County Roads Matt Pietrusiewicz, County Engineer	Reso 113-2019	Accepting as Complete Contract 1732 with Selland Construction, Inc. for the RC3630 Scoon Road Improvement Project:	A	APPROVED
	Reso 114-2019	Authorizing the Advertisement for Bids for the 2019 Summitview Crushing and Stockpiling Project; E2 280-3665:	C	APPROVED
Financial Services Craig Warner, Director	Reso 115-2019	Approving an Application for Community Block Grant Funding:	C	APPROVED
Human Resources Jacqui Lindsay, Director	Reso 116-2019	Addition/Deletions to Budgeted Positions; In Fund 115-410, Sales Tax Fund-Prosecuting Attorney; In Dept. 410 Prosecuting Attorney In Fund 450, Public Services, Building & Fire Safety; In Fund 520, Prosecuting Attorney-Liability Insurance:	B	APPROVED
Public Services Lisa Freund, Director	Reso 117-2019	Awarding Bid to Bestebreur Bros. Construction for the SP 3680 Cheyne Landfill Transfer Station Repair Project:	B	APPROVED
	Agreement BOCC78-2019	Agreement with Access Geographic, LLC to Provide Yakima County Geographic Information Services (GIS) with Aerial Photography:	B	APPROVED
Sheriff Robert Udell, Sheriff	Agreement BOCC79-2019	STOP Violence Against Women Subrecipient Agreement with the City of Sunnyside:	B	APPROVED

• **10:00 AM – PUBLIC HEARING:**

PUBLIC SERVICES: Closed Record Hearing Modification of Planned Development (ZON2018-00007); *Dinah Reed Presenting:*

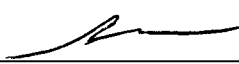
Approved this 9th day of April 2019



Michael D. Leita, Chairman



Norm Childress, Commissioner



Ron Anderson, Commissioner



Linda Kay O'Hara, Interim Clerk of the Board



**BOARD OF YAKIMA COUNTY COMMISSIONERS
PUBLIC HEARING**

Date: April 2, 2019
Re: Closed Record Hearing Modification of Planned Development (ZON2018-00007)
Time: 10:00 AM
Location: City Council Chambers, 129 North Second St, Yakima, Washington
Present: Chairman Michael D. Leita
Commissioner Norm Childress
Commissioner Ron Anderson
Legal Counsel Don Anderson
Interim Clerk of the Board Linda Kay O'Hara

Record of Proceedings

Mike Leita: This Public Hearing is a closed record hearing concerning a plan development and we will have Dinah Reed presenting for Yakima County. I will also say, because it is a closed record hearing, we will only be able to listen to those people that had previously made public comment during the Hearing Examiner proceedings and we have a list of those people, Dinah you could also coach us perhaps, to make sure we are compliant with the closed hearing, of people who may want to give public comment.

Dinah Reed, Senior Project Planner-Zoning and Subdivision: OK

Mike Leita: That they've done that so, (inaudible) Hearing Examiner

Dinah Reed: Oh sure, OK

Mike Leita: So, we will turn it over to staff, introduce yourself and please present:

Dinah Reed: OK. Good Morning I'm Dinah Reed I am with Yakima County Planning Division and today I am presenting for the Master Development Plan. It's a major modification to an approved plan development. The case number is: ZON2018-00007 in conjunction with a conditional use permit 2018-00094, there was a SEPA 2018-00035 is part of this project. It includes a development agreement that speaks to the master plan development that governs the future development of this project. On July 5, 2018 the Yakima County Public Services Planning Division received the application for the major modification to this approved planned development. Which was originally approved in 1998. An open record public hearing for the application was conducted on February 21, 2019. The Hearing Examiner submitted a recommendation on March 7, 2019 to the Board of County Commissioners granting this application for approval, subject to numerous conditions which are included in the Hearing Examiner's recommendation. I just want to give a very brief background of this project. It's referred to as the Vineyard project. It's currently vested with approved development rights for a plan development which consists of an 18 hole golf course, constructed within a 480 unit dwelling subdivision and it also includes a 100 unit resort hotel with some other commercial entities on this, for this proposal. The modification of this existing proposal focuses on a less intensive wine and wellness theme that has multi-generation family oriented focus. The modification eliminates the golf course and replaces it with recreational elements that include: Walking paths, wellness spa, amphitheater, sport courts, swimming pools, a gathering bar for special events for corporate retreats, plus some other commercial entities. The 100 unit hotel is being also being eliminated with this modification and a modest 14-15 unit inn is proposed instead. The majority of the acreage of the development will be planted in vineyards and the dwelling units will be comprised and within three unique mixed-use villages, proposing a variety of dwelling types. Significantly reducing the number of the lots for the dwellings and most of the three villages will be located at the northern end of the development area. The Type 3 conditional use permit that is in conjunction with this is located on the AG Zone portion of the property which is to the west of the plan development zone property and that includes a three acre park and a drain field associated with a large on-site septic, large on-site sewage system that will provide sanitary sewer for the central village. The master plan, the master development plan, includes a development agreement. Yakima County recommends a timeline for the development agreement to be 10 years with an opportunity for a 2 year extension. At the open record hearing the applicant asked for a fifteen year timeline of the development agreement. A draft agreement was submitted with, for thirteen years with the opportunity for a two year extension. I provided you with hard copies with both of those development agreements. The only difference between the two of them is that timeline and they are marked with the tabs that I showed you. Basically, the next steps in this process, after your decision. Would be, they'll do a BLA, they'll be rearranging the shape of the parcels, they won't be creating any new parcels, but they'll be changing the sizes and the shapes of them and then the preliminary Plat will be amended and submitted and that's all I have right now unless you have any questions for me.

Mike Leita: So, Yakima County Planning is recommending of the Hearing Examiners decision as expressed in the summary document as provided to the Board of Yakima Commissioner.

Dinah Reed: Yes, Yes, we are.

Mike Leita: And is, what is the position of Yakima County staff regarding the two development agreements: The ten plus two or the thirteen plus two? Have you...

Dinah Reed: Yakima County recommends the ten plus two, mostly because of the project, because of the age of the project. It should be noted though then and I think that the hearing examiner speaks to that in his hearing examiner recommendation that we use. Title 19 doesn't really express a timeline for a modification to a PD, we used the master plan development overlay which is a different section as guidance for that ten years. So, that's our recommendation.

Mike Leita: Ok, Thank you.

Ron Anderson: So, your recommending that ten plus two for both are ten plus two or thirteen plus two?

Dinah Reed: Yakima County administrative, the planning division, administrative official recommends ten plus two

Ron Anderson: For both?

Ron Anderson: For the development agreement.

Mike Leita: Thank you. This is a closed record public hearing. Anyone that has given previous comment in the hearing examiners proceedings, may address the Board of Commissioners at this time and introduce yourself please.

Brent Carson: Will do. Good Morning my name is Brent Carson. Chairman and other Commissioners it is a pleasure to be here representing the applicant: Vineyard Partners, Rodney Ryan is here today as well. I think what we'll do is, I'll make a presentation if you have any other questions he's here as well as the engineer Eric Herzog representing HLA who did the planning and the engineering work on the project. Again, we are here to ask for your support. As the hearing examiner has recommended approval of this plan development and the conditional use permit and I really, Dinah gave a good sort of summary so I'm not going to go into a lot of detail. There's a number of exhibits, power points, visuals welcomed if you want to go through any of that, but I think I will just keep it short, if there's questions we'll go from there. As Miss Reed indicated this is a significant reduction of intensity than what was previously approved. We've reduced the number of units from 480 to 330 we reduced the hotel, convention center which was previously proposed at 100 units down to a small (inaudible) 10-15 units. We significantly increased the amount of open space, significantly increased the amount of agricultural use, with vineyards through the project. We provided a number of amenities that the guests staying here would appreciate including: Swimming pools, hiking, biking equestrian trails an activity park and other types of uses. A winery is proposed to be located here. And this is again, a resort where there will be ownership of units but each of those owners would put their facility into a turn-key rental pool-operation so individuals would be able to rent those units as a resort. I point to the testimony of Jonathan Smith of the Yakima County Development Association who presented previously and I will just summarize some of his points which was: This is a project that will create 111 permanent jobs, 3 million in annual income, 3 million in local tax revenue a year, 12 million in annual output for the County and this is a project that fits well in supporting your tourism and particularly wine tourism and planning. There was some public concerns that the examiner heard and addressed in his conditions of approval. I'll just touch on some of those, so you can hear what the record presented. There was some concerns about water but the record clearly confirmed that there were adequate water rights and there would be no affect diminishing anyone else's water rights. There were some concerns about habitat and there were conditions imposed to ensure protection mitigation of habitat and again there were a few neighbors who testified before, concerned about the project. I don't think those neighbors necessarily understood that this was a previously approved project and that this was downsizing from the previous approval. So, all of that I think supports your approval of this project and we would appreciate that. So, let me turn to the development agreement. Again, we are in complete agreement with staff, about the substance of the development agreement. The only difference is how long does the project have essentially to gain all the entitlements for these 330 units. Again, this is, even though its downsized from its previous numbers, its still a significant undertaking in this location and we need some time to develop phases, generate income, use that to put back into the next phase, etc. And that's why we originally asked staff for a fifteen-year development agreement that would allow us to come in that fifteen-year period for all of our entitlements. Again, as you heard from Ms. Reed, staff had recommended a 10-year plus a 2 year extension available, we had asked for 15 years. And what we did was submitted into the record and you have in front of you our compromise proposal which is essentially a 13-year plus a 2 year extension and we would appreciate getting those extra three years. Again, this is a significant undertaking for this developer. There are a number of expenses for infrastructure to be built. As this project goes forward, it's just one of those, you know, even more than fifteen years would be beneficial but we understand that this is a project that has been around for a while and there's a need to move this along. And so, with that we would recommend you would approve the development agreement with the version that is a 13-year proposal with a 2-year extension. With that I'll conclude. If there's any questions of me or my client, happy to answer those.

Ron Anderson: What is the, your thoughts on you just expressed about time frame and getting it done but between the ten plus two and the thirteen plus two, what is the significant details or concerns I guess?

Brent Carson: So, there is a you know, so there is a phasing plan that is part of the master plan that was in front of you and basically there are three separate villages. Within each village there are a number of homes and lots to be developed, roads to be built. The water system will be put in incrementally, the sewage treatment will be put in incrementally. And so, as you invest into that infrastructure you want to be sure that you've captured enough income to move to the next phase. And so, the idea here would be there is a mandate in the development agreement that the first phase, the first final plat phrase has to be in place by March of 2021. So, that's, that, this can't sit around for twelve years, fifteen years. This has to move forward, so it will move forward. But, that goes in, the first phase goes in the roads to that phase goes in, the water the sewer etc. And then, you know you generate some income from that and then you move to the next phase and the next and the next until you've built out the 330 lots. And that's the concern is that in that if it was a 12 year period,

let's say the ten plus two, we'd just looked at how long it would likely take, in terms of absorption, the sale of lots and the conclusions we reached economically we needed more time than the twelve years. So, it's really an economic balancing of having to have enough time to be able to recoup some of the investments to move to the next phases.

Norm Childress: Ok

Mike Leita: Any questions?

Norm Childress: No, I don't have any questions of this gentleman.

Mike Leita: Mr. Carson on behalf of your client and the owner, Mr. Ryan. I understand you are speaking in favor of the hearing examiners recommendations and the 52 conditions contained there...

Brent Carson: Yes, and we accept all of those 52 conditions.

Board: Thank you.

Brent Carson: Thank you.

Mike Leita: Anyone else wishing to give comment? Anyone else wishing to give comment? If not, I will close the closed record hearing and solicit comments from the Commissioners to deliberate on our decision.

Ron Anderson: Well, given my experience in real estate I understand the process of the absorption rates and the timeframes and all of those economies that go with it, as far as Mr. Carson was saying about recapturing revenue so they can go to the next phase. I recommend we approve the thirteen plus two version.

Norm Childress: I also agree with that. I think these gentleman have spent a lot of time on their financial plan and we want this project when it goes forward to be successful and three years in the scope of a project of this magnitude I think is not unreasonable to ask for. So, I would support the thirteen-two on the agreement also.

Mike Leita: Well, I guess there's no reason I need to make further comment but I will. First of all, I want to thank the applicant. This is a very significant investment for our community, for our County and we appreciate your confidence in this community and this County. You are welcome here in this County. I had the opportunity to extensively read the documents that were presented, they were worked very thorough. I would also want to thank our Hearing Examiner, Gary Collier for a job well done and also and importantly I want to thank our Yakima County Planning Division for a job well done. It strikes me that this development here is on AG land in east Yakima County that this is a development that is quite complex, quite extensive and requires 52 conditions and yet we meet here today in concurrence with how to move this forward. Unlike a previous applicant that has come forward and placed all the blame at the feet of Yakima County and our Planning Division. These are the same people that took this very complex application of zoning and conditional use permits changes and complex these very similar to the previous applicant. And they were able to do this with you, in less than nine months. Where as the other application has taken over three years and we continue to be cast as the obstacle. I take exception to that obviously, but that is another application. I think this application exemplifies how we want to do business in Yakima County. This application exemplifies that we do want economic development and that we can do it within the conditions and provisions that Yakima County is charged to protect the interests of our overall community. So, this application I speak highly in favor of, because it is a true asset in the way it will be develop with you and we wish and hope to partner with you further in approving this application and I too, speak in favor of the thirteen plus two year development agreement to give you every opportunity to be successful. So, with that I will call for the question. Well, actually I believe we will now move it forward to final action. Is that correct Dinah? We don't take any action here today, other than to acknowledge our approval of the hearing examiner recommendations

Norm Childress: Does anyone else want to speak to that?

Mike Leita: No, we closed the....

Norm Childress: Ok.

Dinah Reed: That is correct. Then I will provide you with a resolution that will be signed in a week or so.

Mike Leita: That's my understanding, Ok. So, with that understanding that we are supportive of all parties and the hearing examiners recommendation, we will move it forward to resolution.

Dinah Reed: Yes

Mike Leita: Do I hear anything other than that?

Norm Childress: No, I just like to say good luck.

Ron Anderson: I want to thank you also, for the staff for all of their diligence on this, it's greatly appreciated.

Norm Childress: Thank you

Mike Leita: We are adjourned.

Approved this 9th day of April 2019



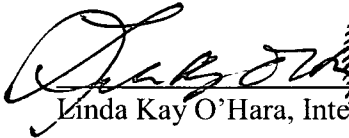
Michael D. Leita, Chairman



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