

**CITY OF PROSSER, WASHINGTON
RESOLUTION NO. 11-1344**

A RESOLUTION OF THE CITY OF PROSSER, WASHINGTON APPROVING THE PRELIMINARY PLAT FOR THE VINTNERS VILLAGE PHASE 2 SUBDIVISION IN ACCORDANCE WITH THE RECOMMENDATION FROM THE PLANNING COMMISSION, AND ADOPTING THE PLANNING COMMISSION FINDINGS AS THE FINDINGS OF THE CITY COUNCIL AND DIRECTING STAFF TO PROVIDE NOTICE OF THIS DECISION.

WHEREAS, on December 21, 2010, the Planning Commission held an open record public hearing considering whether to recommend approval of the Vintners Village Phase 2 Subdivision preliminary plat to the City Council; and

WHEREAS, on December 21, 2010, the Planning Commission recommended to the City Council that it approve the preliminary plat of the Vintners Village Phase 2 Subdivision as a planned area development; and

WHEREAS, the City Council has held a closed record decision hearing on the proposed preliminary plat of the Vintners Village Phase 2 Subdivision;

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

1. The Preliminary Plat of the Vintners Village Phase 2 Subdivision as a planned area development, a copy of which is attached to this Resolution and which is incorporated herein by reference, is hereby approved subject to the conditions of approval contained in the SEPA Determination and the Planning Commission's written findings. The final plat must be approved by the City Council within 7 years from the date of this approval unless extended in writing by the City Council after application by the proponent of the Preliminary Plat.
2. The written findings of the Planning Commission, a copy of which are attached hereto and incorporated herein by reference, are hereby adopted as the written findings of the City Council.
3. City staff is hereby directed to provide notice of this decision in accordance with Title 19 of the Prosser Municipal Code.

ADOPTED by the City Council of the City of Prosser and **APPROVED** by the Mayor of the City of Prosser this 8th day of February, 2011.


MAYOR

ATTEST:


RACHEL SHAW, CITY CLERK



APPROVED AS TO FORM:


HOWARD SAXTON, CITY ATTORNEY

BEFORE THE PLANNING COMMISSION
OF THE
CITY OF PROSSER, WASHINGTON

IN THE MATTER OF THE APPLICATION OF)
)
THE PORT OF BENTON, A MUNICIPAL) FINDINGS/CONCLUSIONS
CORPORATION.) APPROVAL OF THE PRELIMINARY
) PLAT FOR VINTNERS VILLAGE
) PHASE 2

Before the Planning Commission of the City of Prosser, Washington, in the matter of the application of the Port of Benton, a municipal corporation, (hereafter Proponent) for the approval of a preliminary plat (plat) of the Vintner's Village Phase 2 Subdivision in accordance with the plat filed by the Proponent and in accordance with Prosser Municipal Code Title 17.

FINDINGS

I.

DETERMINATION OF COMPLETE APPLICATION

The Proponent submitted an application for the plat for the Vintner's Village Phase 2 (a planned area development) on October 13, 2010, and the application was determined to be complete on November 24, 2010, by Administration.

II.

STATE ENVIRONMENTAL POLICY ACT

The approval of the re-plat is subject to review under the State Environmental Policy Act as adopted and regulated by Prosser Municipal Code Chapter 16.04 (SEPA). The City of Prosser, Washington was the lead agency for review under SEPA. The City of Prosser, Washington issued a determination of non-significance. The SEPA determination is hereby incorporated herein as if fully set forth.

III.

PRELIMINARY DETERMINATION OF CONSISTENCY

The request is in compliance with PMC Chapters 17.12 and 17.20. The City of Prosser has determined that the application is consistent with the Comprehensive Plan and other planning and zoning requirements. In order to make a determination of consistency the following approvals and permits would be needed:

- A. Compliance with the notes on the face of the subdivision plat.
- B. Compliance with SEPA.
- C. Compliance with requirements of these findings and the Prosser Municipal Code.
- D. Construction of public improvements to the water and sewer system and construction of private roads and pathways as shown on the subdivision plat, construction of Storm Water Retention Facilities, construction of an Irrigation System, and twenty-five percent (25%) of the property to be dedicated open space in the overall development.

IV.

NOTICES

The notice of the application and notice of the public hearing was published in the Prosser Record Bulletin on November 24, 2010. Notice was also provided by mailing notice to land owners within three hundred feet of the property described in section V. Notice of the hearing and application were provided in accordance with the Prosser Municipal Code.

V.

ADDITIONAL FINDINGS/CONCLUSIONS

1. Proponent's property is located adjacent to Wamba Road and is legally described as follows (hereinafter referred to as Proponent's Property):

Lot 2, Short Plat Number 3274 according to the Survey thereof recorded under Auditor's File Number 2010-023973.

Having Benton County Tax Parcel Number: 1-3594-400-0013-001.

The Proponent's Property is located within the City Limits of the City of Prosser, Washington.

2. The Proponent's Property is directly accessed from Wamba Road (Wamba) which provides direct access to Old Inland Empire Highway (OIE) and Merlot Drive (Merlot). OIE, Merlot, and Wamba all intersect Wine Country Road, which provides Freeway access both eastbound to the Tri-Cities and westbound to Yakima. OIE also provides access both to Grandview and the rural area outside of Prosser.
3. OIE is stop controlled at Wine Country Road westbound.
4. Wamba is stop controlled with OIE and with Wine Country Road.
5. Merlot is stop controlled at Wamba and at Wine Country Road.
6. The City of Prosser has designated that OIE, Wamba Road, Merlot Drive, and Wine Country Road and the intersection of those streets function at a level of service (LOS) of AC@.

7. The plat will not decrease the level of service of any of the intersections or streets described above. Upon further development of the lots, the cumulative impacts to those roadways and intersections may require off-site improvements, if that development would cause the intersections to fall below a LOS of C.
8. Since plat does not affect the function of any of the streets or intersections, no off-site intersection improvements are required.
9. The neighboring properties to the west and east are residential in nature. The neighboring property to the north is zoned industrial and the property to the south is residential.
10. The streets and pathways and sidewalks within the subdivision will be private.
11. Lot 1 within the subdivision is dedicated open space and contains an irrigation pond.
12. Additional open space is provided for pathways throughout the subdivision as shown on the plat.
13. The property is zoned Agri-tourism District (AT).
14. The restrictive covenants filed with the planning department (Covenants) are hereby incorporated herein as if fully set forth.
15. The Covenants are the overall development plan required by PMC 18.16.040.
16. All storm water will be retained on-site in accordance with City Standards.

17. The re-plat provides for infiltration trenches to retain stormwater.
18. At the time of construction, the Proponent shall provide detailed construction drawings and engineering specifications showing all construction-related storm water and all storm-water from the completed project, including storm water from paved surfaces, be retained on-site and not be allowed to flow on to adjacent properties, in accordance with City Standards and subject to the approval of the City Engineer.
19. The subdivision must be connected to public water and all wastewater generated by the project must be collected and conveyed to the Prosser wastewater facility for treatment and disposal in accordance with the City's wastewater discharge permit. Pretreatment of wastewater may be required for future development of the lots within the subdivision.
20. The lots, when developed shall result in an overall development where twenty-five percent (25%) of the land in the plat is dedicated open space as provided for in PMC 17.30.030(E).
21. The plat provides for connection to the City's public water system and sewage disposal system. Construction of the subdivision will not cause the City to violate its wastewater discharge permit.
22. At the time of construction the Proponent shall provide detailed construction drawings and detailed specifications showing construction of water and sewer lines in the subdivision connecting the subdivision to the City's water and sewer main lines, in accordance with City Standards and subject to the approval of the City Engineer.
23. Fire Hydrants will be provided for upon final plat approval in accordance with the requirements of the City's Fire Official.

24. No wetland areas are located on the Proponent's Property. The Proponent's Property is adjacent to a wetland which was delineated by Vincent Barthels, a biologist qualified to delineate the boundaries of the wetland for a piping project in late 2008. The technical memorandum prepared by Mr. Barthels is attached hereto and incorporated herein as if fully set forth. The lot adjacent to the wetland is dedicated open space with an irrigation pond.
25. The Proponent's property is generally flat with the steepest slope being at or below three percent. No steep slope critical areas are present on the Proponent's Property.
26. Construction activities for the Proponent's project will generate dust. The Proponent shall comply with all requirements of the Benton County Clean Air Authority. The Proponent shall provide the City with copies of permits from the Benton County Clean Air Authority prior to commencement of construction of Proponent's Project.
27. The Proponent's Property is contained within the City's Critical Aquifer Recharge Area but the agri-tourism development will not adversely affect the recharging of the aquifer since all storm water will be retained on-site and all wastewater will be discharged to the City's wastewater treatment plant. Future development on the lots may require additional mitigation.
28. There will be no alteration any critical area or buffer.
29. The development proposal will not impact the critical area in a manner contrary to the purpose, intent, and requirements of Title 16 of the Prosser Municipal Code.
30. The proposal is consistent with other applicable regulations and standards including, but not limited to, the City's construction standards.

31. The Planning Commission approves a no-impact waiver of the City's Critical Areas Ordinance, as recommended by staff.
32. The Proponent's Property has access to irrigation water through easements assuring it direct access to the Sunnyside Valley Irrigation District distribution system.
33. Irrigation facilities are extended to serve the Proponent's Property.
34. The Prosser School District did not provide any comments that this development would cause the need for additional school facilities.
35. The previous SEPA determination on the Proponent's pipeline project and the current SEPA determination provide adequate assurances to assure the project is not inconsistent with the City's Comprehensive Plan.
36. The current SEPA process provides adequate assurances that the critical area is protected and will not be affected by the Proponent's project.
37. All notices required by the Prosser Municipal Code were provided to the public and to interested parties

VI.

ADDITIONAL CONCLUSION

Based upon the foregoing, this subdivision plat makes adequate provisions for the public health, safety, and general welfare and for such open spaces, drainage ways, streets, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, sidewalks to assure students will have the safe access to schools and approval of the subdivision and the dedications contained therein are in the public interest.

VII.

TESTIMONY

Howard Saxton, Steve Zetz, John Haakensen, and Justin Baerlocher participated in the hearing. The following provided written materials or comments: the City of Prosser, Washington, the Washington State Department of Ecology, Benton County PUD, Benton REA, and Benton County.

VI.

DETERMINATION BY THE PLANNING COMMISSION

The Planning Commission recommends approval of the preliminary plat, with the notes and dedications on its face, and provided that, upon development, twenty-five percent (25%) of the area is dedicated to open space, to the City Council for approval as a planned area development and subdivision.

THE PLANNING COMMISSION SO FINDS.

ADOPTED BY THE PLANNING COMMISSION on December 21, 2010.



CHAIR OF THE BOARD OF THE PLANNING COMMISSION

Attested to by:



HOWARD SAXTON, SECRETARY

The City of Prosser, City Council will conduct a closed record decision hearing on the Proponent's Application on February 8, 2011. Only appellate testimony will be permitted at this hearing. The City Council's decision may be appealed within 21 days of its decision in accordance with the Washington State Land Use Petition Act.