CITY OF PROSSER, WASHINGTON
PLANNING COMMISSION
AGENDA
6:00 P.M.
July 16, 2015

1. **Call to Order by Chair.**

2. **Roll Call.**

3. **Minutes May 21, 2015**
   ACTION: Approve or deny or make changes to minutes as presented.

4. **Minutes June 18, 2015**
   ACTION: Approve or deny or make changes to minutes as presented.

5. **Public Hearing for Single Family Home Subdivision (27 units 28 lots) and Rezone from Residential High Density (RH) to Residential Manufactured Home Subdivision (RMS)……. CONTINUED**
   ACTION: Take Testimony, Approve, Deny, or Make Changes.

6. **Discussion about changes to sign code. SCOTUS DECISION**
   ACTION: Update Only

7. **Adjournment**

This is a Public Hearing. Please let staff know if you are unable to attend. The hearing requires a quorum of at least 4 members.

CITY OF PROSSER
PLANNING COMMISSION MEETING
THURSDAY, MAY 21, 2015
CITY HALL, PROSSER, WASHINGTON

CALL TO ORDER:

The meeting of the Prosser Planning Commission was called to order on May 21, 2015, at 6:00 p.m. by Chair Glenda Schmidt.

ROLL CALL:

Glenda Schmidt, Dorothy Evans, Trevor Day, and Rob Siemens were present. Devina Riojas, Jay Boyle, and Jeremy Lynn were absent. Also present were Steve Zetz, Planner, and Howard Saxton, City Attorney and Secretary.

APPROVAL OF MINUTES:

Trevor Day moved and Rob Siemens seconded that the minutes of the April 16, 2015, meeting be approved as drafted. All approved.

PUBLIC DISCUSSION ABOUT CHANGE TO MARIJUANA LAWS:

The Commissioners discussed the changes made by the State of Washington to the medical marijuana statutes. The Secretary and Planner reviewed the MRSC update on the issue. The Commissioners reviewed a summary of the changes from MRSC as follows:

Effective immediately:

1. Creation of the secure, confidential medical marijuana authorization database;
2. An exemption for disclosure of database information is added to the public records act; and
3. Controlled purchase programs to make sure minors are not purchasing marijuana at licensed stores.

Effective July 24, 2015:

1. More detailed standards for the LCB when evaluating applications for marijuana licenses;
2. Authorization for the LCB to determine increased production capacity for medical marijuana and increased retail stores; and
3. Requirement for recreational stores to obtain LCB endorsement if they intend to sell medical marijuana.

Effective July 1, 2016:

1. Detailed requirements for staff training at any retail store selling medical marijuana; training for entering information into confidential patient database;
2. Qualified medical marijuana patients who have a current recognition card cannot be arrested for possession or delivery of marijuana offenses if they are in compliance with the medical marijuana laws;
3. Qualified medical marijuana patients or designated caregivers who are not entered into the state database and who do not have a recognition card can raise their status as a medical marijuana patient as an affirmative defense at trial if prosecuted;
4. Details regarding cooperatives formed by up to four medical marijuana patients or designated caregivers; and
5.Repeals all provisions regarding what were known as "collective gardens."

DISCUSSION ABOUT THE CHANGES TO THE SIGN CODE (DRAFT):

Steve Zetz reviewed the proposed changes to the Sign Code with the Commissioners. The Commissioners reached a consensus that the changes should be brought back for a public hearing.

DISCUSSION ABOUT CHANGES TO COMMERCIAL THOROUGHFARE (CT) ZONE:

Steve Zetz discussed the proposed changes to the Commercial Thoroughfare Zoning District development regulations. Those changes are as follows: new setbacks, access, purpose, and use changes. The Commissioners asked that staff draft an ordinance showing the changes and bring it back at a future meeting for discussion.

ADJOURNMENT:

There being no other business to come before the Planning Commission, the meeting was ADJOURNED at 7:33 p.m.

Respectfully Submitted,

_____

HOWARD M. SAXTON, III, Secretary

S:\PC\PCMIN.52115.wpd

SUNNYSIDE VALLEY IRRIGATION DISTRICT

SERVING AGRICULTURE SINCE 1906

FILE COPY

June 4, 2015

RECEIVED
JUN 08 2015
CITY OF PROSSER

Prosser City Clerk
Prosser City Hall
601 7th Street
Prosser, WA 99350

Re: File No.: **SEPA / Variance / Zone Change / Site Review / Subdivision**
Parcel: **1-0284-201-3437-002**
Landowner: **Catholic Charities Housing Services**

Greetings:

This office has reviewed the proposed project. Sunnyside Valley Irrigation District (SVID) has the following comments:

1. SVID does have a piped facility, lateral PR 0.37CB, within the parcel for development. The location of this facility along the west parcel boundary may hinder the proposed development and the proposed public interior road, Petra Avenue. Contact the District for the location of, specific information about, and the requirements for crossing and/or encroaching upon this SVID facility.

2. SVID has no drains located within Section 2 which are south of the Prosser Airport and north of the Yakima River for landowner irrigation overflow.

3. Crossing or encroaching into or across lateral PR 0.37CB will not be allowed unless it is approved through the permitting process.

4. Buildings and trees will not be allowed within SVID easements or right-of-way.

5. Obstructions, asphalt, sidewalk, curb, and gutter will not be allowed within SVID easements or rights-of-way without permits.

6. SVID recommends the City of Prosser require irrigation facilities and easements be provided to the subdivision pursuant to RCW 58.17.310.

7. Show the signature block for SVID on the face of the short plat.

8. There may be private irrigation facilities that cross the proposed subdivision that are maintained by the neighboring landowners. These pipes may need to be relocated as necessary.

Thank you for the opportunity to comment on this proposed project. If you have any questions, please feel free to contact Tinker Kouyian at (509) 837-6980 or Kouyiant@SVID.org.

Sincerely,

Ron Cowin

Ron C. Cowin, P.E.
Assistant Manager – Engineering

120 S. 11th Street • P.O. Box 239 • Sunnyside •Washington • 98944
Phone: 509-837-6980 • Fax: 509-837-2088

RECEIVED
JUN 12 2015
CITY OF PROSSER

PUBLIC COMMENT
BY PROSSER SCHOOL DISTRICT NO. 116
Regarding
City of Prosser, Washington
Notice of Complete
Application and Environmental Review
"Catholic Charities Housing Service"

Catholic Charities Housing Services ("CCHS") has submitted an application ("the Application") to the City of Prosser ("the City") regarding the real property commonly known as 415 Petera Avenue, Prosser, Washington 99350, and identified by Benton County Tax Parcel No. 102842013437002 ("the Property"). Through the application, CCHS is seeking a preliminary subdivision plat of the Property, to rezone the Property, and for a variance for certain lots in the proposed subdivision pertaining to set back distances. The Application is the first step in CCHS's proposed development of a 27-lot subdivision of single family homes. CCHS has designated this project ("the Project") as "River Road Homes." The Project would be within the boundaries of Prosser School District No. 116 (the "School District"). Children residing in the Project would be enrolled in schools within the School District.

SEPA and the Washington Administrative Code implemented in accordance with SEPA (WAC 197-11) define elements of the environment to include: housing, transportation, vehicular traffic, and schools. (WAC 197-11-444(2) Built Environment (b)(ii) Housing (c) Transportation (ii) Vehicular Traffic (d) Public Services and Utilities (iii) Schools). Pursuant to these rules of law, the School District believes mitigation is appropriate and necessary for likely significant environmental impacts presented by the Application. There are two major issues the School District wishes to bring to the attention of the City based upon the Application. Those issues are:

1) School District facilities needed due to anticipated significant additional student enrollment resulting from the subdivision proposed in the Application; and

2) The anticipated significant impact the subdivision proposed in the Application would have on School District bus routes and capacities.

I. <u>Facilities</u>

The School District raised identical facilities concerns, through public comments, regarding a previous site review application CCHS and Genesis Housing Services submitted to the City for a proposed 51-unit apartment complex to be located on the real property located at 480 N. River Rd., Prosser, Washington (subsequently "Phase 1 Development"). On December 8, 2014, the City issued a Mitigated Determination of Non-Significance ("MDNS"), which found, among other things, that with mitigation it was not probable that Phase 1 Development would have a significant adverse impact on the School District's enrollment, particularly at the high school. The mitigation required under the MDNS is a monetary payment by CCHS to the School District in the amount of $21,959.83, if the School District purchases a new classroom portable for the high school within 5 years of the date of the MDNS. True and correct copies of the MDNS, the

City's findings in support of the MDNS, and the City's Mitigation Measures related to the MDNS, are attached to this comment as Exhibits A, B, and C, respectively.

The Property is part of the 12.54-acre parcel involved in the Phase 1 Development. (*See* "Project Description" section of CCHS's SEPA Checklist.) According to the Application, CCHS estimates there will be approximately 100 total people residing in homes envisioned by the Project. (SEPA Checklist Sec. (B)(8)(i).) The Application does not include a floor plan for the homes CCHS hopes to build. Nor does the Application indicate the number of bedrooms anticipated in any of the 27 homes. Presumably there will be at least 2 bedrooms per home. In the MDNS for Phase 1, the City calculated the number of children per apartment by allocating 2 children for each second and third bedroom in the apartment (*i.e.*, 2 children were attributed to each 2-bedroom apartment and 4 children were attributed to each 3-bedroom apartment). (Ex. B, p. 1.) If this same calculus is applied to the potential homes in the Project, the number of occupants, assuming each house has at least 2 bedrooms, there will be no fewer than 54 children living in the houses envisioned in the Project. The number of children would grow to 108 if the Project is comprised completely of 3-bedroom homes. The Application does not contain sufficient information for the City or the School District to calculate the approximate population of the Project with any certainty. CCHS should be required to provide the City and the School District with additional information regarding the size and nature of the housed proposed for the Project in order to determine the severity of its impact on the School District, as well as other aspects of the environment.

The City's findings in support of the MDNS accepted that the enrollment capacity of the School District's high school facility is 819 students. (Ex. B, p. 6.) The City also recognized that the high school's enrollment currently exceeds this capacity prior to any new students occupying the apartments in Phase 1. (Ex. B, pp. 6-8.) The City found that additional new students attributable to the Phase 1 apartments constituted an environmental impact in need of mitigation. (Ex. B, pp. 7, 8.)

The School District believes it is highly likely that the children who would live in the homes envisioned by the Project would be new to the School District. To the extent a home envisioned by the Project were to be occupied by a family currently residing within the School District's boundaries, it is highly likely that the residence that family vacates when it moves into the Project will be occupied/back-filled by a family currently residing outside the School District.[1] Regardless, the School District believes it is highly likely that the enrollment issues existing at the high school, which the City recognized when issuing the MDNS for Phase 1, will only be exacerbated by the Project. CCHS acknowledges that the Project will impact the School District. (*See* SEPA Checklist Sec. (B)(15)(a).) The School District is entitled to mitigation of those impacts just as it was for Phase 1. *See* WAC 197-11-444(2)(d)(iii).

[1] In the findings in support of the MDNS for Phase 1, mitigation was calculated with a back-fill rate of 100%. (Ex. B, p. 6.)

II. Transportation

The School District also believes it is likely that providing busing services to children residing in the homes envisioned by the Project constitutes a significant environmental impact that should be mitigated by CCHS. If the formula used by the City in issuing the MDNS is also used to calculate the number of school-age children that will live in the Project, the minimum number of school-age children is 39.[2] (*See* Ex. B, p. 7.) The School District would need to be capable of providing busing services to all of these children, which constitutes an environmental impact that should be mitigated by CCHS.

CONCLUSION

As set forth above, the Application, and the Project envisioned in it, present probably significant impacts to the School District, which CCHS should be required to mitigate. *See* WAC 197-11-444(2)(d)(iii).

Ray Tolcacher, Superintendent

June 12, 2015
Date

[2] This number is based upon a scenario where all homes in the Project have only 2 bedrooms. Under the formula previously used by the City, the number of school-age children living in the Project would be 78 if all 27 homes had 3 bedrooms.

EXHIBIT A

City of Prosser
Washington
Mitigated Determination of Non-significance (MDNS).

Description of proposal: 51 unit multi-family residential complex

Proponent: Catholic Charities Housing Service, Genesis Housing Service

Location of proposal: 480 North River Rd. Prosser, WA 99250

Lead Agency: The City of Prosser, Washington.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency.

X This DNS is issued under WAC 197-11-350(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by December 23, 2014.

Responsible Official: Steve Zetz
Position/Title: City Planner
Address: 601 7th Street, Prosser, WA
Date: December 8, 2014

The environmental review and related documents pertaining to this project are available to the public upon request at the City of Prosser Planning Department or may be available for review on the City of Prosser Website www.cityofprosser.com

The identified mitigation measures include mitigation for potential impacts to the following:

Earth, air, environmental health, land and shoreline uses, light and glare, transportation, utilities, and services.

The full text of the identified mitigation measures are set forth below and are available for review at the City of Prosser Planning Department and are also available on the City of Prosser Website www.cityofprosser.com

1. In order to mitigate the impacts to the High School the applicant will provide payment of $21,959.95 to the Prosser School District for their fair share of a portable classroom at the High School within 30 days from when the Prosser School District purchases and installs the portable at the High School. The Prosser School District must purchase and install the portable classroom within 5 years of this determination. In the event that the Prosser High School passes a bond for

the construction of a new High School within 5 years from this determination, the amount may be used for new construction to offset the fair share costs of the proposed CCHS development in lieu of purchasing a portable.

2. A Storm Water Drainage Retention Plan (Erosion Sediment Control Plan) is needed for all construction sites as required by the State Department of Ecology. A City approved storm drain plan should retain storm water on site. Erosion control measures must be in place prior to any clearing, grading or construction. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by storm water runoff. Said retention and disposal may require the installation and maintenance of oil/water separators. Storm water runoff calculations and drainage facilities sizing calculations must be prepared by a Washington Registered Professional Engineer and be submitted to the City for review and approval prior to construction. A National Pollutant Discharge Elimination System (NPDES) Construction Storm Water General Permit may be required if there is a potential for storm water discharges from a construction site larger than one acre. Obtaining a permit is at least a 38 day process. Please submit a permit application to the State Department of Ecology or contact Ray Latham, of the Washington State Department of Ecology at (509) 575-2807. Please provide the City with a copy of the State permit if required.

3. The property shall submit plans for lighting fixtures that will reduce glare and light onto neighboring properties. All lighting must be directed away from adjoining properties and be installed in such a manner as to minimize light scatter onto adjacent properties and roadways. Lighting plans must be approved by the City and meet Prosser Municipal Code.

4. Fire hydrants may be required to be installed as per the requirements of the City Fire Chief and or Prosser Municipal Code and or under Development Requirements.

5. Any and all signage on the property will need to comply with the State Scenic Vistas Act of 1971 and the Prosser Municipal Code.

6. All solid waste receptacles must be surrounded on at least three sides by a minimum five-foot high sight-obscuring fence or wall. Such enclosures and receptacles are not permitted within required street frontage areas and must be accessible by Basin Disposal Inc.

7. All permits required by Benton County Clean Air Authority and the Washington State Department of Ecology shall be acquired prior to issuance of the building permit.

8. A buffer whether it be a fence or vegetation must be installed between the project parcel and the Les Schwab facility to the east in order to mitigate the impact of noise from the commercial operation on the proposed residential units.

9. The City of Prosser is proposing Payment in Lieu of Taxes (PILT) in order to mitigate the impact of additional persons with disabilities. Payments must be used to improve or construct ADA ramps, sidewalks, or walking paths within 1 mile of the applicants proposed site in order to better serve residents with disabilities and encourage pedestrian and bicycle travel. The PILT will use a formula for payment based on the property tax rate prior to its tax exempt status on a declining scale over 5 years in order to slowly absorb the costs to services and improvements. The applicant may at its discretion pay the entire amount upfront.

2016	2017	2018	2019	2020
$5000	$4000	$3000	$2000	$1000

Final MDNS Issuance Date: December 8, 2014

Paul Warden
PROSSER CITY ADMINISTRATOR

EXHIBIT B

CITY OF PROSSER, WASHINGTON
FINDING AND CONCLUSIONS SUPPORTING THE ISSUANCE OF A MITIGATED DETERMINATION OF NON-SIGNIFICANCE

I. PROJECT INFORMATION

PROJECT NAME: CCHS Housing Project
PROJECT DESCRIPTION: Multi-Family Housing, 51 units.
Address: 480 North River Road
Parcel # 10284000020000 prior to short plat.
Current Parcel # 102842013437001
Applicant: Catholic Charities Housing Service (CCHS) and Genesis Housing Services.
Zoning: Residential High Density (RH)
Comprehensive Plan Designation: High Density Residential (HDR)
Application Date: June 30, 2014
Issued Date: December 8, 2014

The City of Prosser received a SEPA checklist and site Review Application on June 30, 2014. The City determined that the application was incomplete. A completed application was received and determined to be complete August 27, 2014. The application and SEPA checklist was routed to surrounding property owners and affected agencies and published in the Prosser Record Bulletin August 27, 2014.

Property posted and confirmation photo was emailed to Steve Zetz on October 27, 2014.

The application is for a project consisting of a 51 unit low income multi-family apartment complex. The project is sited on parcel 102842013437001 having the common address of 480 North River Road, Prosser, WA 99350 also known as lot 1 of Short Plat 2437. The project is designed to provide affordable housing and reduce substandard housing impacting low income residents. The project consists of 51-dwelling units of town home style apartment units located on North River Road, and dedication and construction of a new lateral road identified as Petra Avenue. The project has adequately dedicated open space. Parking will be limited to on-site parking and will not include on street parking.

The project removes an existing 3 bedroom single family home. For the purposes of determining impacts a 3 bedroom apartment unit is deducted from the proposed project. The City of Prosser has determined the maximum occupancy of the proposed apartment units based on the data provided by Catholic Charities Housing Services.

17 2-Bedroom units = 2 children per unit = 34 children
33 3-Bedroom units = 4 children per unit = 132 children
Total children under age 18 = 166

The Comprehensive Plan designation for the site is Residential High Density Residential (HDR). The zoning classification for the site is Residential High Density (RH) and is consistent with the Comprehensive Plan Land Use Designation and Land Use Map. The parcel site is 4.61 acres. Prosser Municipal Code 18.30.040(J) allows for a maximum density of 15 units per acre. The 4.61 Acre site could accommodate up to 69 units.

II. IDENTIFIED POTENTIAL IMPACTS

A. Staff Identified Impacts.

City Staff identified impacts to Police services and ADA compliant sidewalks and ramps within walking distance of the proposed project. Also identified were impacts to existing and future bonds relating to property tax assessments. The applicant and the city have agreed to enter into a voluntary mitigation agreement in order to specifically address pedestrian and ADA issues.

B. Impacts Identified from Comment Letters.

Four (4) comment letters were received from the public.

1. Bev Stone adjacent property owner. Dated September 9, 2014
   Requested a fence that would match an 8' gate. Ms. Stone has since stated that she and John Probst from CCHS have worked out an agreement on what portions of fencing will be removed. Steve Zetz City Planner had a conversation with Ms. Stone and she indicated that she was satisfied with the agreement that she has made with CCHS.

2. Basin Disposal Inc. BDI Dated September 4, 2014
   BDI is the business that the City of Prosser garbage utility contracts with for garbage services.
   BDI requested that dumpsters be located so that they can be accessed. Mitigated below in section IV (7).

3. Sunnyside Valley Irrigation District. Dated September 3, 2014.
   The property lies within SVID's jurisdiction. SVID has requested that all applicable permits for work in SVID easements and rights-of-ways be complied with.

4. Rocky Jackson (rep) Prosser School District Dated September 9, 2014

The Prosser Public School District raised issues it identified as project specific impacts on the School District:

1. School District facilities needed as a result of School District anticipated significant additional student enrollment; and

2. Transportation – Additional bus route and another bus to transport additional students identified by CCHS living in the project.

To mitigate these impacts, the School District has proposed that CCHS pay mitigation fees to the School District for the cost of a new bus, approximately $100,000 and the cost of five (5) portable classrooms at a cost of $500,000 or $1.5 million if five classrooms were constructed.

In making this request, the School District enrollment records show 2013/14 total enrollment of 2,808. The School District has not indicated how it accommodated previous enrollment levels that were in excess of the OPSI recommended capacity.

A search of the OPSI website shows the following enrollment data.

Enrollment - Enrollment

			October Enrollment	May Enrollment
Prosser High School	Prosser School District	2004-05	827	794
Prosser High School	Prosser School District	2005-06	873	872
Prosser High School	Prosser School District	2006-07	894	861
Prosser High School	Prosser School District	2007-08	922	882
Prosser High School	Prosser School District	2008-09	902	869
Prosser High School	Prosser School District	2009-10	920	864
Prosser High School	Prosser School District	2010-11	885	835
Prosser High School	Prosser School District	2011-12	841	804
Prosser High School	Prosser School District	2012-13	879	846

The City requested additional information from the Prosser School District as well as Catholic Charities Housing Service. Additional information was supplied by both the applicant and the Prosser School District.

1. Rocky Jackson (rep) Prosser School District — Dated November 21, 2014
2. Rocky Jackson (rep) Prosser School District — Dated November 26, 2014
3. Sunburst Engineering — Dated September 23, 2014
4. CCHS Email John Probst — Dated December 4, 2014

III. THRESHOLD DETERMINATION

197-11-444(2)(c) & (d)(iii). Elements of Environment includes transportation and schools.

197-11-712. Affecting.

"Affecting" means having, or may be having, an effect on. For purposes of deciding whether an EIS is required and what an EIS must cover, "affecting' refers to having probable, significant adverse environmental impacts.

197-11-794. Significant.

(1) means a reasonable likelihood of more than a moderate adverse impact on environmental quality.
(2) Significance involves context and intensity and does not lend itself to a formula or quantifiable test. The context may vary with the physical setting. Intensity depends on the magnitude and duration of the impact. The severity of the impact should be weighted along with the likelihood of its occurrence.

The City of Prosser is the lead agency based on the authority to issue building permits for the proposed project. The proposed project site is within the city limits of Prosser and is subject to the Prosser Municipal Code.

A. Determination: The lead agency for this proposal has determined that with mitigation the project will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2). This decision was made after review of the completed environmental checklist, comment letters, and other information on file with the lead agency. This information is available to the public on request.

B. Mitigation:

1. The Prosser School District has requested a bus turn-out on North River Road to accommodate the pick-up of students at the proposed location. Catholic Charities Housing Service has suggested that the school bus could use its internal parking and travel lane for this purpose. The School District responded that it does not travel on internal parking lots and requires the students to board on public roadways. The referenced letter from William Petersen states "....Prosser School District buses do not go off public roadways to pick up students."

   Public Works Director LJ DaCorsi has observed Prosser School District buses traveling off public right of way to include the use of unimproved private property near the Barn Restaurant. City staff is not aware of a mandate for the use of

private property so while the statements from the School District about its current bussing practices on private property appear to be in error, we recognize that the School District may in the future opt to uniformly adhere to a policy prohibiting its buses from traveling on private property.

The proposed turn-out on North River Road would have to be dedicated to the City of Prosser. This would require future maintenance as a public space. The City of Prosser has already begun planning for future roads and expansion near the proposed site. The traffic data submitted by CCHS shows that it is unlikely that there would be an adverse impact to traffic if the bus stop was located on North River Road. The School buses currently stop on North River Road as well as other county roads that have much higher speed limits.

Determination: Based on this information, the city finds that there is no probable impact to the city 's transportation system caused by a school bus stopping on North River Road to the South of the project. The City of Prosser has adequately planned for future transportation impacts in the area by requiring the applicant to construct and dedicate a new road (Petra Ave). Long term planning will connect this road via a system of extensions and internal looping. Any proposed bus turn-out on North river Road would be obsolete upon continued development along Petra Avenue. The School District may at its discretion enter into an agreement with Catholic Charities or Genesis Housing for a School owned, or Catholic Charities or Genesis Housing owned turn-out and provide all future maintenance.

2. The City of Prosser finds that with mitigation there is <u>not</u> a "probable significant adverse impact" on the School Districts student population, in particular the Prosser High School. The City does not find that the proposed methodology for determining the value of the impact submitted by the Prosser School District is the correct way to measure the impact caused by the project..

   The School District response letter dated November 21, 2014 initially uses a formula that omits the portable classrooms. The City finds that page 5 of 6 of the letter accurately notes the impacts as being limited to the High School when including portable classroom space. The letter states that the High School is currently over recommended student population by 79 students. It is also noted in the same response letter on page 3 that there are 24 out of district High School Students enrolled.

In the School District's letter dated November 21, 2014, the School District disclosed the following additional information:

- 42 out of district students
- 24 out of district students enrolled in the High School
- Recommended High School Capacity with portables 819

Supplemental information provided by CCHS shows that for five (5) CCHS projects in similar communities, initial occupation is comprised on average by 87.6% in-

district families. CCHS also suggests that by providing low income housing, their new tenants are vacating unpermitted or substandard housing and, in many instances, will not be back filled once vacated. CCHS has not submitted data that substantiates any percentage of back-fill.

The City of Prosser agrees that there are substandard housing conditions within the Prosser School District. The City has an active code enforcement program as well as rental licensing and inspections. It is unlikely that there will be any significant reduction in backfill within the city limits due to the reduction of substandard housing through the rental inspection program. The City believes that there is a significant substandard dwelling unit problem within the unincorporated County that may not backfill when vacated. This likelihood is based on the geographic size, rural nature, and lack of a rental inspection program within the County. While it is likely that a reduced number will be back filled in the unincorporated county there are no studies to show what the percentage is likely to be. Therefore, the City will use 100% back fill in its formula.

A capital facility plan or a capital improvement plan was not submitted by the Prosser School District that shows maximum capacity and capital improvement strategies. The School district has based its determination on recommendations from OPSI. During the 2007/2008 school year the October enrollment was 922. The previous 10 years October enrollment data shows that the Prosser High School student population was in excess of the OPSI recommended 819 students. The High School enrollment data also shows a random fluctuation of students from year to year. It can be established that the Prosser High School capacity is 922 students based on its previous 2007/2008 enrollment however this does not comply with the OPSI recommended number identified by the Prosser School District. Therefore the City accepts the capacity number of 819 as recommended but not definitive for the purpose of determining capacity and subsequent impacts.

It is unknown how many of the residents at the CCHS project will be of school age and exactly what grades those students will attend prior to construction and occupancy. The most reasonable approach to calculating the potential impact is to divide the maximum number of age 18 and under residents allowed by the project and dividing them equally among age 1-18 and subsequently dividing those age groups equally among all applicable grades K-12 (13).

The Prosser School District did not provide any evidence of the cost of a portable classroom, or justification for using a figure of $100,000. The City of Prosser contacted Pacific Mobile Structures (www.pacificmobile.com) to get a cost estimate for portable classrooms. This is the same manufacturer of other portable classrooms used at Prosser School District. The cost estimate for purchase and installation of a 28' x 32' standard size classroom is about $69,000.00. This estimate includes taxes, ramps, foundation, set-up, and delivery.

With the updated figures, mitigation will be based on the following:

1) Whistran Elementary serves an area outside the area of the CCHS project and will not be included in determining impacts
2) OPSI High School Recommended Capacity 819
3) Current High School Population 898
4) High School out of district students 24
5) Cost of portable $69,000.00 (based on estimate from Pacific Mobile)
6) The Portable has one classroom
7) 119 students at CCHS project (per CCHS email dated 12/4/2014)
8) 9.22 new students per grade (see formula below)

FORMULA

17 2-Bedroom units = 2 children per unit = 34 children
33 3-Bedroom units = 4 children per unit = 132 children

Total children age 18 and under = 166

166 children divided equally by age 1-18 (18) = 9.22 students per each age group 1-18.

School grades K-12 = 13

9.22 students x 13 = 119 maximum students.

High School grades 9-12 (4) 9.22 students x 4 grades = 36.88 students at High School.

OPSI recommended capacity for High School 819 students.

Current enrollment at High School 898

819-898 = 79 students over OPSI recommended capacity

79 students + 36.88 new CCHS students resulting from project = 115.88 students over OPSI recommended capacity (LESS STUDENTS FROM ELIMINATED RESIDENCE) Note: Because there is an existing deficiency the total number of students above capacity should be used in determining the per student cost of portable. This methodology ensures that the developer is not paying for existing deficiencies but rather is paying for their fair share of improvements.

Cost of portable = $69,000.00

$69,000 ÷ 115.88 students (total students over OPSI recommended capacity) = $595.44 per student cost.

595.44 x 36.88 CCHS students = $21,959.83

CCHS Impact to High School = $21,959.83

NOTE: Using the same per grade formula there are no impacts to the other identified Schools listed below.

Facility	Total Area	OSPI ideal # of students		10/1/14 Actual # students	CCHS Additional students	Total
Keene Riverview	**52,262**	**581**		**486**	**27.66**	**513.66**
Prosser Heights	**45,324**	**504**		**466**	**27.66**	**493.66**
Housel Middle School	**89,698**	**767**		**648**	**27.66**	**675.66**
Prosser High School	**106,537**	**820**		**898**	**36.88**	**934.88**
Totals		**2672**	**2750**	**2808**		

Determination: In order to mitigate the impacts to the High School the applicant will provide payment of $21,959.83 to the Prosser School District for their fair share of a portable classroom at the High School within 30 days from when the Prosser School District purchases and installs the portable at the High School. The Prosser School District must purchase and install the portable classroom within 5 years of this determination in order to be entitled to the mitigation payment. In the event that the Prosser High School passes a bond for the construction of a new High School within 5 years from this determination, the amount may be used for new construction to offset the fair share costs of the proposed CCHS development in lieu of purchasing a portable.

IV. OTHER CONDITIONS OF APPROVAL

3. A Storm Water Drainage Retention Plan (Erosion Sediment control Plan) is needed for all construction sites as required by the State Department of Ecology. A City approved storm drain plan should retain storm water on site. Erosion control measures must be in place prior to any clearing, grading or construction. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by storm water runoff. Said retention and disposal may require the installation and maintenance of oil/water separators. Storm water runoff calculations and drainage facilities sizing calculations must be prepared by a Washington Registered Professional Engineer and be submitted to the City for review and approval prior to construction. A National Pollutant Discharge Elimination System (NPDES) Construction Storm Water General Permit may be required if there is a potential for storm water discharges from a construction site larger than one acre. Obtaining a permit is at least a 38 day process. Please submit a permit application to the State Department of Ecology or contact Ray Latham, of the Washington State Department of Ecology at (509) 575-2807. Please provide the City with a copy of the State permit if required.

4. The property shall submit plans for lighting fixtures that will reduce glare and light onto neighboring properties. All lighting must be directed away from adjoining properties and be installed in such a manner as to minimize light scatter onto adjacent properties and roadways. Lighting plans must be approved by the City and meet Prosser Municipal Code.

5. Fire hydrants may be required to be installed as per the requirements of the City Fire Chief and or Prosser Municipal Code and or under Development Requirements.

6. Any and all signage on the property will need to comply with the State Scenic Vistas Act of 1971 and the Prosser Municipal Code.

7. All solid waste receptacles must be surrounded on at least three sides by a minimum five-foot high sight-obscuring fence or wall. Such enclosures and receptacles are not permitted within required street frontage areas and must be accessible by Basin Disposal Inc.

8. All permits required by Benton County Clean Air Authority and the Washington State Department of Ecology shall be acquired prior to issuance of the building permit.

9. A buffer whether it be a fence or vegetation must be installed between the project parcel and the Les Schwab facility to the east in order to mitigate the impact of noise from the commercial operation on the proposed residential units.

10. The City of Prosser and Applicant have agreed on a Payment in Lieu of Taxes (PILT) in order to mitigate the impact of additional persons with disabilities. Payments must be used to improve or construct ADA ramps, sidewalks, or walking paths within 1 mile of the applicants proposed site in order to better serve residents with disabilities and encourage pedestrian and bicycle travel. The PILT will use a formula for payment based on the property tax rate prior to its tax exempt status on a declining scale over 5 years in order to slowly absorb the costs to services and improvements. The applicant may at its discretion pay the entire amount upfront.

2016	2017	2018	2019	2020
$5000	$4000	$3000	$2000	$1000

V. COMPREHENSIVE PLAN

The proposed project is consistent with the Prosser Comprehensive Plan, Chapter VII. Page 63.

Goal HH 2 - To allow a variety of densities and housing types so that the City can provide housing opportunities to meet a variety of needs, including affordable housing and housing which meets the special needs of age or disability.

Policy HH 2.9. Promote a diversity of housing types to satisfy a variety of lifestyles and economic capabilities.

The proposed project provides low income housing and affordable housing options for residents. The low income housing market has not seen an increase in its capacity in Prosser for over 10 years. This project complies with goal HH2 by providing a higher density than more recent housing developments and serves the low income population. The project also complies with Policy HH2.9 by providing affordable options to low income residents and fixed income seniors.

This mitigation measure is necessary to ensure the safety of the traveling public and is necessary to meet the goals as stated in PMC 16.08.130(d)(1)(a)(b)(c)(d)(e) and (f). Specifically the mitigation protects the natural environment by providing open space, provides safe, healthy, affordable housing for low income residents. Promotes economic diversity within the City of Prosser. Mitigates the impact to existing levels of service at the Prosser High School and City of Prosser services. Improves ADA accessibility allowing better access to core public services for disabled residents of the proposed project, Ensures that light, and sound generated by the proposed project will not adversely affect surrounding properties. Ensures that the residents of the proposed project will not adversely be impacted by light and noise from surrounding commercial uses. Does not impact cultural and historic resources. Achieves a balance between existing resources and the need to provide safe living conditions for low income residents.

VI. FINDINGS OF FACT / CONCLUSIONS OF LAW

I. Any Finding of Fact determined to be a Conclusion of Law is hereby adopted as such. Any provision herein, not specifically identified as a Finding of Fact or Conclusion of Law, shall be labeled as applicable and is hereby adopted as such.

II. Prosser Municipal Code Chapter 16.08 is the correct SEPA procedure to evaluate the environmental impacts caused by the proposed development. Administration plans to issue a MDNS which may or may not be retained depending upon Council action.

EFFECTIVE DATE: December 8, 2014

Paul Warden, City Administrator
City of Prosser

12-8-2014
Date

CITY OF PROSSER, WASHINGTON
601 7th Street Prosser WA 99350
(509)786-2332

EXHIBIT C

CITY OF PROSSER, WASHINGTON
MITIGATION MEASURES
PROJECT NAME: CCHS Housing Project
Address: 480 North River Road
Parcel # 10284000020000
Applicant: Catholic Charities Housing Service (CCHS) and Genesis Housing Services.

Application Date: June 30, 2014
Issued Date: December 8, 2014

1. In order to mitigate the impacts to the High School the applicant will provide payment of $21,959.95 to the Prosser School District for their fair share of a portable classroom at the High School within 30 days from when the Prosser School District purchases and installs the portable at the High School. The Prosser School District must purchase and install the portable classroom within 5 years of this determination. In the event that the Prosser High School passes a bond for the construction of a new High School within 5 years from this determination, the amount may be used for new construction to offset the fair share costs of the proposed CCHS development in lieu of purchasing a portable.

2. A Storm Water Drainage Retention Plan (Erosion Sediment control Plan) is needed for all construction sites as required by the State Department of Ecology. A City approved storm drain plan should retain storm water on site. Erosion control measures must be in place prior to any clearing, grading or construction. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by storm water runoff. Said retention and disposal may require the installation and maintenance of oil/water separators. Storm water runoff calculations and drainage facilities sizing calculations must be prepared by a Washington Registered Professional Engineer and be submitted to the City for review and approval prior to construction. A National Pollutant Discharge Elimination System (NPDES) Construction Storm Water General Permit may be required if there is a potential for storm water discharges from a construction site larger than one acre. Obtaining a permit is at least a 38 day process. Please submit a permit application to the State Department of Ecology or contact Ray Latham, of the Washington State Department of Ecology at (509) 575-2807. Please provide the City with a copy of the State permit if required.

3. The property shall submit plans for lighting fixtures that will reduce glare and light onto neighboring properties. All lighting must be directed away from adjoining properties and be installed in such a manner as to minimize light scatter onto adjacent properties and roadways. Lighting plans must be approved by the City and meet Prosser Municipal Code.

4. Fire hydrants may be required to be installed as per the requirements of the City Fire Chief and or Prosser Municipal Code and or under Development Requirements.

5. Any and all signage on the property will need to comply with the State Scenic Vistas Act of 1971 and the Prosser Municipal Code.

6. All solid waste receptacles must be surrounded on at least three sides by a minimum five-foot high sight-obscuring fence or wall. Such enclosures and receptacles are not permitted within required street frontage areas and must be accessible by Basin Disposal Inc.

7. All permits required by Benton County Clean Air Authority and the Washington State Department of Ecology shall be acquired prior to issuance of the building permit.

8. A buffer whether it be a fence or vegetation must be installed between the project parcel and the Les Schwab facility to the east in order to mitigate the impact of noise from the commercial operation on the proposed residential units.

9. The City of Prosser is proposing Payment in Lieu of Taxes (PILT) in order to mitigate the impact of additional persons with disabilities. Payments must be used to improve or construct ADA ramps, sidewalks, or walking paths within 1 mile of the applicants proposed site in order to better serve residents with disabilities and encourage pedestrian and bicycle travel. The PILT will use a formula for payment based on the property tax rate prior to its tax exempt status on a declining scale over 5 years in order to slowly absorb the costs to services and improvements. The applicant may at its discretion pay the entire amount upfront.

2016	2017	2018	2019	2020
$5000	$4000	$3000	$2000	$1000

This mitigation measure is necessary to ensure the safety of the traveling public and is necessary to meet the goals as stated in PMC 16.08.130(d)(1)(a)(b)(c)(d) and (f).

EFFECTIVE DATE: December 8, 2014

Paul Warden, City Administrator
City of Prosser

12-8-2014
Date

CITY OF PROSSER, WASHINGTON
601 7th Street Prosser WA 99350
(509)786-2332

via email 6-26-15

CATHOLIC CHARITIES HOUSING SERVICES

Motivated by Christ's love
We bring hope to life
Especially for those most in need

FILE COPY

Motivados por el amor de Cristo
Llevamos esperanza a la vida
Especialmente a los más necesitados

Steve Zetz
City Planner
601 Seventh Street
Prosser, WA 99350

RE: Prosser School District Impact Fee Request Responses

Dear Mr. Zetz:

Please accept this response on behalf of Catholic Charities Housing Services (CCHS) to comments submitted to the City of Prosser on June 12, 2015, by Prosser School District No. 116 (District), regarding the environmental impacts of our proposed 27 lot single family housing development at 415 Petra Avenue (Project).The District references WAC 197-11-444-(2)(b)(ii), -(2)(c)(ii), and –(2)(d)(iii) in claiming the City should impose mitigation in the form of impact fees on the Project because of two alleged significant impacts:

1. School District facilities needed due to anticipated significant additional student enrollment resulting from the subdivision proposed in the Application; and
2. The anticipated significant impact the subdivision proposed in the Application would have on School District bus routes and capacities.

Impact Fees

As a preliminary matter, we note that RCW ch. 82.02 authorizes the City to impose impact fees. However, that authorization requires the City to enact an ordinance in accordance with the process prescribed in RCW 82.02.060. The City of Prosser has chosen not to adopt an impact fee strategy; it does not have an ordinance in place authorizing and/or imposing impact fees.

Impact on School District

The School District has provided no analysis of the potential or probable impact on the schools; rather allegations of impact are based on the follow erroneous assumptions:

"The School District believes it is highly likely that the children who would live in the homes envisioned by the Project would be new to the School District"; and,

"To the extent a home envisioned by the Project were to be occupied by a family currently residing within the School District's boundaries, it is highly likely that the residence that the family vacates when it moves into the Project, will be occupied/back-filled by a family currently residing outside the School District."

The School District provides no evidence or historical data to support this assumption. In fact, in our previous exchange on this subject, CCHS provided evidence to the contrary. Based on our own lease up experience of 19 developments, consisting of over 600 units of multi-family housing, we proved that nearly 90% of all multi-family rental housing units are leased to residents residing in the local community.

Likewise, in the analysis of our recent homeowners in the Village Park Subdivision (8 homes), as well as the applicant list for the proposed Project, we know that 80% of homebuyers and applicants live in the City of Prosser and already are within the Prosser School District. Twenty-five percent (25%) reported living in overcrowded housing (living with relatives). This data refutes the erroneous assumption by the School District that it is "highly likely" the homes would be sold to people new to the School District.

The result of our analysis of Village Park homeowners and the current applicant list for River Road Homes results in a "Net School District Impact" of 0.77 children per grade level (14 children between ages 0-18) from outside Prosser. The impact hardly constitutes a significant impact and, therefore, Catholic Charities Housing Services should be under no obligation to pay impact or mitigation fees to the School District for the Project. The additional revenue from Real Estate Excise Taxes and annual property taxes will provide additional revenue for both capital improvements and annual operations.

Further, WAC 197-11-550(1) calls for comments to be as specific as possible, and under 197-11-550(5) Mitigation Measures, the contesting agency "shall specify the mitigation measures ... it considers necessary". The District's comments are general in nature and do not meet the "specificity" requirements. The District has not quantified the impact nor the cost associated with the impact in its comments. The District is basing its mitigation request on an agreement reached for a low income multifamily rental housing development that is eligible for a property tax exemption. However, the proposed Project contemplates construction of 27 new single family homes for first time homebuyers, earning 80% or less of Benton County Area Median Income –thereby meeting the legal definition of low income. These homes will be subject to property taxes at market rates. The District will receive its prorated share of these property taxes each and every year – just as the District receives from all other taxable parcels.

In Summary, the District has failed to meet the specificity requirements of the WAC, the City has no impact fee ordinance and the completed homes are subject to property taxes.

Health and Education Benefits of Affordable Housing

The educational benefits of safe, quality affordable housing (whether rental or homeownership) improves children's school performance and would help the school district achieve some of the strategic goals identified in "Prosser School District Strategic Plan 2011-2015", specifically:

- Goal Three: Supportive Environment
    - Increased student engagement evidenced through:
        - Reduction in student absenteeism
        - Reduction in dropouts
        - Increase in students extracurricular activities
        - Increase in student advocacy/support

An Enterprise and Center for Housing Policy 2007 Study[1] revealed:

"Children that live in...

> ... good housing conditions – in particular, housing free from pesticides, mold and cockroach infestations – are less likely to develop asthma and, as a result, miss less school.
>
> ...stable housing where they move less frequently are more likely to do better on reading and math tests and less likely to drop out of school than children who move regularly.
>
> And

Children of homeowners...

> ...**scored up to 9 percent higher on math and up to 7 percent on reading tests** than their peers in families that rented their homes.
>
> ...and their **families achieve better physical and mental health outcomes** compared to renters, including fewer long-term illnesses, as well as lower blood pressure and depression levels.[2]"

Transportation

The above analysis of impact also refutes the School District's claim that additional busing services will be required of the new subdivision. Given the minimal net impact to the School District of the proposed development, the only likely impact to the School District would be to review the busing needs of existing bus routes and re-calibrate school bus routes if needed (an assessment that the School District must perform periodically in any case).

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[1] "Framing the Issues – the Positive Impacts of Affordable Housing on Education", July 2007, Jeffrey Lubell and Maya Brennen, Enterprise Community Partners and Center for Housing Policy.

[2] Framing the Issues – the Positive Impacts of Affordable Housing on Health", July 2007, Jeffrey Lubbell, Rosalyn Crain, and Rebecca Cohen, Enterprise Community Partners and Center for Housing Policy.

No history of mitigation for single family homes.

Finally, we cannot ignore the District's attempt to single out CCHS' affordable housing projects. Without a defined process for assessing mitigation or impact fees, the City (through the School District's request) may be at risk of arbitrarily requiring mitigation fees of certain types of development; specifically, in this instance, housing to serve low-income households. The District has never sought mitigation fees from any previous single family housing development in the City of Prosser. In 2014/2015 CCHS completed eight (8) new single family homes in Prosser; no comments were received from the District.

Other than CCHS' previous multi-family project, we are not aware the District has ever suggested imposition of impact or mitigation fees on any other residential project.

Assuming this to be the case, the District's current position raises issues under the Fair Housing Act, which prohibits discrimination against low income populations. The City should be wary of proceeding down this path.

Conclusion

Given the lack of specificity in their comments and failure to meet the basic requirements for mitigation, the arbitrary and inconsistent nature of mitigation request and CCHS' own analysis of no probable significant impact to the School District, we maintain no mitigation of impacts to the School District is required.

Yours truly,

Bryan Ketcham
Director

Analysis of current homeowners and applicants in Prosser

(8 Village Park/27 River Road)

Overall impact on Prosser

- 35 total owner/applicants
- 80% (28 owner/applicants) live in Prosser and are within the Prosser School District
- 25% report living in overcrowded housing (living with relatives)
- Total number of individuals (adults/children) = 121
- Average family size 3.45
- 65 children < 18 yrs. old (1.86 kids/household aged 0-18)

Owner/applicants outside Prosser

- 7 owners/applicants (2 in Village Park and 5 in River Road Homes)
- 14% report living in overcrowded housing (living with relatives)
- Total number of individuals (adults/children) = 28 (6 Village Park/22 River Road)
- Average Family Size 4
- 17 children < 18 yrs. old (.94 kids/household aged 0-18) (3 Village Park/14 River Road)

River Road Net School District Impact = 0 .77 children per grade level (14 children/18 years)

Planning Commission Staff Report

☐ Variance ☐ Sign Deviation ☐ Conditional Use ☐ Temporary Use ☒ Other

Meeting Date: July 16, 2015	**Prepared by:** Steve Zetz
Applicant: CCHS	**Location:** 415 Petra Avenue

Hearing Type: Quasi-Judicial

This is a quasi-judicial hearing. This means that the hearing must not only be fair but appear to be fair. If you have had any ex parte contact with the applicant or anyone, other than City Staff, then you must disclose that contact and the nature of that contact. In the event that you have already made up your mind regarding the subject of this hearing and cannot rely on the evidence presented to make that decision, then you must disclose that fact. In the event that conflicts would prevent a quorum from making a decision in this matter, then, under the doctrine of necessity, you would be able to hear this matter notwithstanding any conflicts. Do you have any conflicts? Does any member of the public believe that any member has a conflict?

Application Filed: March 17, 2015

Application Determined Complete: May 5, 2015

Publication Date Complete Application: May 13, 2015

Notice of Public Hearing Published: May 13, 2015

SEPA Determination: July 9, 2015 Threshold Determination

Posting Date: May 6, 2015

Description: SECTION 2, TOWNSHIP 8 NORTH, RANGE 24 EAST, QUARTER NW: SHORT PLAT #3437, LOT 2: RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 3437, RECORDS OF BENTON COUNTY, WASHINGTON. AF#2014-019571, 8/08/2014.

Neighborhood Description: Surrounding properties include High Density, Residential Medium Density, and Commercial. Surrounding uses include storage units, tire sales and service, multi-family housing, single family housing, church, airport, and light industrial.

Storm Water: All storm water must be maintained on site.

Utilities: The preliminary plat proposes connection to the city's existing potable water system, sanitary sewer system, and irrigation system. The proposed project will not cause the City to violate its waste water discharge permit. The City has adequate capacity to provide potable water to the proposed subdivision. Fire hydrants will be installed in accordance with requirements of the Cities Fire Official. Irrigation facilities will be constructed at the time of final plat approval and may include a pressurized system.

Parks: CCHS is currently in the process of making improvements to open space located within one half mile of the proposed project. The improvements sufficiently meet the requirements of Chapter 18 of the Prosser Municipal Code.

Airport: The proposed project is located near land owned by the Port of Benton and used for a public airport and industrial uses (within 1000 feet).

Critical Areas: The proposed project is located within the aquifer recharge area. No other critical areas have been identified on the proposed site. The proposed infiltration trenches will capture storm water and prevent any pollutants from entering the aquifer. Staff recommends that the Planning Commission approve a no-impact waiver pursuant to PMC 16.10.130(B):

B. Critical Areas Present, But No Impact—Waiver. If the planning director determines that there are critical areas within or adjacent to the project area, but that the proposed activity is unlikely to degrade the functions or values of the critical area, the planning director may waive the requirement for a report or other applicable information. A waiver may be granted if there is substantial evidence that all of the following requirements will be met:

1. There will be no alteration of the critical area or buffer;

2. The development proposal will not impact the critical area in a manner contrary to the purpose, intent, and requirements of this title; and

3. The proposal is consistent with other applicable regulations and standards.

The infiltration trenches will be constructed in accordance with city's standards and specification. These standards provide adequate protection of the environment to prevent polluted storm water from entering the aquifer. In addition all sanitary waste will be sent to the city's Wastewater Treatment Plant and treated in accordance with the city's NPDES Permit. This permit provides adequate protection of the environment to prevent pollutants from entering the Yakima River which recharges the aquifer.

Purpose of the Hearing: Subdivision and Rezone from Residential, High Density District (RH) to Residential, Manufactured Home Subdivision District (RMS).

Topography: Generally flat but slopes approximately 2% towards the Yakima River which is over 200 feet from the project (Southeast)

Attachments: Threshold SEPA Determination, Proposed Preliminary Plat, and comment letters.

Petra Ave, to be constructed.

Potential Future Road extension / construction

Determination of Consistency: With the approved variance, the City of Prosser believes that the proposed site plan is consistent with Prosser Municipal Code and the Comprehensive Plan.

SEPA: The City of Prosser has received comments from the Prosser School District and Sunnyside Valley Irrigation District and Catholic Charities Housing Service (See attached comment letters). The City of Prosser has issued its SEPA Threshold Determination (See attached).

Frequently Flooded Areas: This property does not appear on any of the Army Core of Engineer Flood Maps for Benton County.

17.12.070 Criteria for recommendation.
If the planning commission finds the items set forth in this subsection are met, then the preliminary plat shall be given a recommendation for approval. If the planning commission finds that the criteria set forth herein are not met, it may recommend conditioning or denial of the proposed preliminary plat.

A. The planning commission shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine if appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to or from school, and determine whether the public interest will be served by the subdivision and dedication;

B. The planning commission may carefully inspect the site and shall determine if the proposed subdivision conforms to the comprehensive plan and the shoreline master program;

C. The planning commission shall consider the physical characteristics of a proposed subdivision site and may recommend disapproval of a proposed plat because of potential flood, inundation or swamp conditions;

D. All identified direct impacts must be mitigated as set forth in Chapter 16.08 of the Prosser Municipal Code.

Traffic Data: Applicant estimates 216 trips per day using WSDOT standards for residential traffic.

Assessed Value: $297,510 (Unimproved land)

LOS Designations: The Comprehensive Plan requires all intersections and roads to function at a minimum of level C or better. Following roads and intersections will continue to function at a LOS (Level of Service) of C or better after the full build out of this project: Petra Avenue, North River Road North East of Petra Avenue, Wine Country Road, and North River Road.

NEPA: Determination was issued and completed June 12, 2015. No impacts were identified in that determination.

Criteria for approval Zoning Change: A substantial change in circumstances since the last zoning determination. The proponent has received HUD Self Help Opportunity Funds that are specific for single family homes.

City of Prosser Recommendation: Staff recommends approval of the change of zone to RMS due to the funding changes available to the applicant and the fact that affordable housing will be provided. With the approved variance, the City of Prosser believes that the proposed preliminary plat is adequate and complies with the Prosser Municipal Code. Staff recommends approving the preliminary plat subject to all existing code provisions regarding the construction of improvements therein. Staff recommends approval of a no-impact waiver of the one critical area present (aquifer).

Variance: The Board of Adjustment approved a variance for street frontage on two lots in the proposed preliminary Plat. (See attached findings).

CITY OF PROSSER, WASHINGTON
FINDING AND CONCLUSIONS SUPPORTING THE ISSUANCE OF A DETERMINATION OF NON-SIGNIFICANCE

I. PROJECT INFORMATION

PROJECT NAME: CCHS River Road Homes
PROJECT DESCRIPTION: Rezone from RH to RMS, and 28 Parcel Subdivision for single family homes (27 units proposed)
Address: 415 Petra Avenue (Under construction)
Parcel # 102842013437002
Applicant: Catholic Charities Housing Service (CCHS)
Zoning: Residential High Density (RH) proposed to be changed to Residential, Manufactured Home Subdivision District (RMS).
Comprehensive Plan Designation: High Density Residential (HDR)
Application Date: March 17, 2015
Application Determined Complete: May 5, 2015
Issued Date: July 2, 2015

The City of Prosser received a Subdivision Application and Change of Zone Application (proposed change from Residential, High Density District (RH) to Residential, Manufactured Home Subdivision District (RMS) and SEPA checklist for a 28 parcel subdivision and 27 unit single family home development. A completed application was received and determined to be complete May 5, 2015. The application and SEPA checklist was routed to surrounding property owners and affected agencies and published in the Prosser Record Bulletin May 13, 2015.

The Property was also posted May 6, 2015. (Photo on file)

The application is for a rezone and project consisting of 27 single family homes and the creation of 28 lots via a subdivision. The project is sited on parcel 102842013437002 having the common address of 415 Petra Avenue, Prosser, WA 99350 also known as lot 2 of Short Plat 2437. The project is designed to provide affordable housing and reduce substandard housing impacting low income residents. The project consists of single family homes.

The Comprehensive Plan designation for the site is Residential High Density Residential (HDR). The zoning classification for the site is Residential High Density (RH) and is consistent with the Comprehensive Plan Land Use Designation and Land Use Map. The parcel site is 7.58 acres. Prosser Municipal Code 18.30.040(J) allows for a maximum density of 15 units per acre. The 7.58 Acre site will accommodate up to 113 Units.

II. IDENTIFIED POTENTIAL IMPACTS

A. Staff Identified Impacts.

City Staff did not identify any impacts.

B. Comment Letters.

Two comment letters were received from the public.

1. Sunnyside Valley Irrigation District
   Dated June 8, 2015
   SVID has requested that all applicable permits for work in SVID easements and rights-of-ways be complied with.

2. Ray Tolcacher, Prosser School District Dated June 12, 2015

The Prosser Public School District raised issues it identified as potential impacts on the School District:

1. School District facilities needed as a result of School District anticipated significant additional student enrollment; and

2. Transportation – Additional bus route and another bus to transport additional students identified by CCHS living in the project.

No specific mitigation measures were proposed by the Prosser School District.

In making this request, the School District enrollment records show 2013/14 total enrollment of 2,760. The School District has not indicated how it accommodated previous enrollment levels that were in excess of the OPSI recommended capacity.

Catholic Charities Housing Services responded to the comment letter with specific details regarding increases to the school population.

III. THRESHOLD DETERMINATION

197-11-444(2)(c) & (d)(iii). Elements of Environment includes transportation and schools.

197-11-712. Affecting.

"Affecting" means having, or may be having, an effect on. For purposes of deciding whether an EIS is required and what an EIS must cover, "affecting' refers to having probable, significant adverse environmental impacts.

197-11-794. Significant.

(1) means a reasonable likelihood of more than a moderate adverse impact on environmental quality.
(2) Significance involves context and intensity and does not lend itself to a formula or quantifiable test. The context may vary with the physical setting. Intensity depends on the magnitude and duration of the impact. The severity of the impact should be weighted along with the likelihood of its occurrence.

The City of Prosser is the lead agency based on the authority to issue building permits for the proposed project. The proposed project site is within the city limits of Prosser and is subject to the Prosser Municipal Code.

A. Determination: The lead agency for this proposal has determined that the project will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2). This decision was made after review of the completed environmental checklist, comment letters, and other information on file with the lead agency. This information is available to the public on request.

B. Analysis:

1. CCHS submitted a response letter June 26, 2015 responding to the Prosser School Districts comment letter dated June 12, 2015. CCHS provided data showing a combined impact from 8 Village Park homes and 27 River Road homes at a rate of .77 students per grade level. A previous determination and subsequent mitigation agreement between CCHS and the Prosser School District showed that the High School was the only facility currently operating at a higher capacity than was recommended by OSPI.

   The OSPI optimal capacity level for the Prosser High School is 819 students (previously submitted by the Prosser School District). Enrollment numbers from OSPI for the 2014/2015 year show the High School enrollment has dropped from 898 in 2013/2014 school year to 869. This is a 29 student decrease. This project will add to the student population as follows:

.77 x 4 (High School Grades) = 3.08 students. This does not constitute a "significant impact" and can be accommodated due to the reduction of student enrollment at the High School.

2. No enrollment data or capital improvement plans have been submitted by the Prosser School District. Based on previous data submitted by the Prosser School District the District as a whole is operating under student capacity. The Prosser School District should have adequate bussing to serve the OSPI recommended capacity. The overall OSPI enrollment for 2014/2015 is 2734 students. The OSPI recommended student population for the Prosser School District is 2750 students. The City of Prosser finds that .77 students per grade X 13 grades = 10 new students and does not exceed the OSPI recommended student levels as a District and therefore does not constitute a "significant impact".

3. CCHS is currently in the process of making improvements to open space located within one half mile of the proposed project. The improvements sufficiently mitigate any impact to City Park Facilities.

IV. COMPREHENSIVE PLAN

The proposed project is consistent with the Prosser Comprehensive Plan, Chapter VII.

Page 63.

Goal HH 2 - To allow a variety of densities and housing types so that the City can provide housing opportunities to meet a variety of needs, including affordable housing and housing which meets the special needs of age or disability.

Policy HH 2.9. Promote a diversity of housing types to satisfy a variety of lifestyles and economic capabilities.

V. FINDINGS OF FACT / CONCLUSIONS OF LAW

I. Any Finding of Fact determined to be a Conclusion of Law is hereby adopted as such. Any provision herein, not specifically identified as a Finding of Fact or Conclusion of Law, shall be labeled as applicable and is hereby adopted as such.

II. Prosser Municipal Code Chapter 16.08 is the correct SEPA procedure to evaluate the environmental impacts caused by the proposed development. Administration plans to issue a MDNS which may or may not be retained depending upon Council action.

EFFECTIVE DATE: July 9, 2015

Steve Zetz, City Planner
City of Prosser

July 9, 2015
Date

CITY OF PROSSER, WASHINGTON
601 7th Street Prosser WA 99350
(509)786-2332

REPORT 1251

STATE OF WASHINGTON
SUPERINTENDENT OF PUBLIC INSTRUCTION

FILE COPY

SUN JUN 17, 2015 @ 08:38

SUMMARY OF FULL-TIME EQUIVALENT ENROLLMENT AS REPORTED ON FORM P223 FOR SCHOOL YEAR ENDING 2015

Prosser S.D. No. 116 | Benton County No. 03 | E.S.D. 123

Total K-12 Basic Education Enrollment

GRADES	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	AVERAGE
FULL-DY.	207.00	209.00	209.00	207.00	208.00	205.00	203.00	200.00	199.00	200.00	204.70
FIRST	199.00	202.00	202.00	206.00	206.00	205.00	202.00	201.00	203.00	203.00	202.90
SECOND	225.00	222.00	224.00	226.00	227.00	227.00	227.00	223.00	225.00	224.00	225.00
THIRD	187.00	188.00	189.53	190.53	192.53	191.53	193.53	193.53	193.53	194.53	191.42
FOURTH	199.76	199.76	198.76	201.76	203.76	203.76	199.76	198.33	197.33	197.79	200.08
FIFTH	198.74	201.74	200.45	202.45	200.79	203.83	199.83	198.12	201.12	200.12	200.72
SIXTH	213.57	214.57	213.57	212.57	213.57	210.57	212.00	212.00	210.00	209.00	212.14
SEVENTH	220.00	222.00	221.00	220.00	220.00	222.00	220.00	217.00	221.04	220.04	220.31
EIGHTH	208.12	208.12	205.76	206.91	206.51	206.02	206.02	207.02	209.02	210.02	207.35
NINTH	225.00	223.00	225.00	221.04	220.08	219.04	217.87	218.87	219.87	218.87	220.86
TENTH	228.64	228.75	227.75	225.79	227.75	222.75	220.31	222.19	223.94	222.54	225.04
ELEVENTH	224.51	227.13	224.97	227.97	226.55	228.69	226.74	221.90	221.36	220.36	225.02
TWELFTH	208.03	206.33	203.02	204.19	203.23	200.54	196.48	191.55	188.56	183.15	198.51
KINDERGARTEN	207.00	209.00	209.00	207.00	208.00	205.00	203.00	200.00	199.00	200.00	204.70
GRADES 1-3	611.00	612.00	615.53	622.53	625.53	623.53	622.53	617.53	621.53	621.53	619.32
GRADE 4	199.76	199.76	198.76	201.76	203.76	203.76	199.76	198.33	197.33	197.79	200.08
GRADES 5-6	412.31	416.31	414.02	415.02	414.36	414.40	411.83	410.12	411.12	409.12	412.86
GRADES 7-8	428.12	430.12	426.76	426.91	426.51	428.02	426.02	424.02	430.06	430.06	427.66
GRADES 9-12	886.18	885.21	880.74	878.99	877.61	871.02	861.40	854.51	853.73	844.92	869.43
*** TOTALS	2,744.37	2,752.40	2,744.81	2,752.21	2,755.77	2,745.73	2,724.54	2,704.51	2,712.77	2,703.42	2,734.05

Eligible High Poverty School Enrollment

GRADES	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	AVERAGE
FULL-DY.	207.00	209.00	209.00	207.00	208.00	205.00	203.00	200.00	199.00	200.00	204.70
FIRST	199.00	202.00	202.00	206.00	206.00	205.00	202.00	201.00	203.00	203.00	202.90
SECOND	225.00	222.00	224.00	226.00	227.00	227.00	227.00	223.00	225.00	224.00	225.00
THIRD	187.00	188.00	189.53	190.53	192.53	191.53	193.53	193.53	193.53	194.53	191.42
*** TOTALS	818.00	821.00	824.53	829.53	833.53	828.53	825.53	817.53	820.53	821.53	824.02

Total ALE Enrollment

GRADES	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	AVERAGE
*** TOTALS											

REPORT 1251

STATE OF WASHINGTON
SUPERINTENDENT OF PUBLIC INSTRUCTION

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SUMMARY OF FULL-TIME EQUIVALENT ENROLLMENT AS REPORTED ON FORM P223 FOR SCHOOL YEAR ENDING 2015

VOCATIONAL/SECONDARY AND SKILL CENTER ENROLLMENT BELOW IS INCLUDED IN K-12 ENROLLMENT:

VOC 9-12	198.66	200.62	200.36	202.03	199.81	200.62	198.76	196.95	195.39	192.25	198.55
SKILL CNTR	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
VOC 7-8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
ALE VOC 9-12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
ALE SK CNTR	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
ALE VOC 7-8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Running Start, UW, and Open Door [1418] Enrollment below is NOT included in K-12 Enrollment

Running Start at COL	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	AVERAGE
NONVOC.	25.01	25.01	24.21	27.93	26.93	26.26	23.46	23.12	22.79	24.97
VOCATIONAL	1.93	1.93	1.93	1.00	1.00	1.00	1.86	1.53	1.53	1.52

Running Start in HS	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	AVERAGE
NONVOC.		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
VOCATIONAL		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Open Doors [1418] - 10-month average of the school year's 12 months

GRADES	SEPT	OCT	NOV	DEC	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUG	AVERAGE

Prosser S.D. No. 116 Benton County No. 03 E.S.D. 123

P-240 Ancillary Services

GRADES	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL
Kindergarten											
Grades 1-3											
Grade 4											
Grades 5-6											
Grades 7-8											
Grades 9-12											
SUBTOTAL											

REPORT 1251

STATE OF WASHINGTON
SUPERINTENDENT OF PUBLIC INSTRUCTION

RUN JUN 17, 2015 @ 08:38

SUMMARY OF FULL-TIME EQUIVALENT ENROLLMENT AS REPORTED ON FORM P223 FOR SCHOOL YEAR ENDING 2015

P-223S SUMMER ENROLLMENT	K-12 P-223S	* ALE P-223S	* Eligible High Poverty P-223S	TOTAL P-240	TOTAL P-223	GRAND TOTAL
Kindergarten					204.70	204.70
Grades 1-3					619.32	619.32
Grade 4					200.08	200.08
Grades 5-6					412.86	412.86
Grades 7-8					427.66	427.66
Grades 9-12					869.43	869.43
TOTAL					2,734.05	2,734.05
				RUNNING START TOTAL		26.49
				OD [1418] TOTAL		
				GRAND TOTAL		2,760.55

* NOT INCLUDED IN GRAND TOTAL

VOCATIONAL PROGRAM TOTALS

	P-223	P-223S	Total Voc Enrollment	ALE P-223	ALE P-223S	Total ALE Voc Enrollment
Voc 7-8	0.00		0.00	0.00		0.00
Voc 9-12	198.55		198.55	0.00		0.00
Skill Cntr	0.00		0.00	0.00		0.00

I hereby certify that all students are reported in accordance with enrollment reporting rules and instructions, and that supporting student records are available for audit.

_____
District Superintendent or Authorized Official

BEFORE THE BOARD OF ADJUSTMENT
OF THE
CITY OF PROSSER, WASHINGTON

IN THE MATTER OF THE APPLICATION OF **CATHOLIC CHARITIES HOUSING SERVICES, (CCHS)** FOR A FORTY FOOT VARIANCE IN THE REQUIRED FRONT LOT WIDTH ABUTTING A CURVED STREET IN THE RMS ZONING DISTRICT.	) FINDINGS/CONCLUSIONS

Before the Board of Adjustment of the City of Prosser, Washington, in the matter of the application of Catholic Charities Housing Services (CCHS) (hereafter Proponent) for a forty foot variance from the requirement of a sixty foot front lot line width in the Residential Manufactured Home High Density Zoning District (RH), Prosser, Washington.

FINDINGS

I.

DETERMINATION OF COMPLETE APPLICATION

The Proponent submitted an application for a preliminary plat, zoning change, and variance on April 22, 2015, and the application was determined to be complete on May 5, 2015, by Administration. The variance application is categorically exempt from review under the State Environmental Policy Act (SEPA) as codified in Prosser Municipal Code Chapter 16.08.

II.

PRELIMINARY DETERMINATION OF CONSISTENCY

The City of Prosser has determined that the application is consistent with the

Comprehensive Plan and other planning and zoning requirements upon the approval of a variance from PMC 18.24.040 to decrease the required lot width for lots seven and eleven to twenty feet from sixty feet.

III.

NOTICES

The notice of the application and notice of public hearing was published on June 3, 2015, in the Prosser Record Bulletin. Notice of the hearing and application was provided in accordance with the Prosser Municipal Code (PMC) by publication in the City's official newspaper. The property was posted in accordance with PMC Title 19. All notices required by the PMC were provided.

IV.

ADDITIONAL FINDINGS

1. Proponent's property is located off of North River Road along a street currently under construction to be known as Petra Avenue, Prosser Washington 99350.

2. Proponent's property is identified by Benton County as having parcel number 1-0284-1-0284-201-3437-002:

   Lot 2, Short Plat 3437, According to the Plat Thereof, Records of Benton County, Washington.

3. According to the Benton County Assessor's records the legal owner of the property is the Proponent.

4. The property is accessed by North River Road.

5. The property subject to this application is a legal lot of record in the City of Prosser.

6. The Proponent's Preliminary Plat Application proposes to create two lots with 20 foot front lot line widths.

7. The existing parcel is 7.58 acres.

8. Lots 7 and 11 of the proposed plat will only have a lot width of 20 feet.

9. The Property is currently zoned Residential High Density District (RH) but the plat application proposes a change to RMS and the minimum lot width in that zone is sixty feet.

10. Lots on curved streets may have a lot frontage of 45 feet.

11. Recently approved subdivisions, Empire Subdivision and Montecito Estates, have lot widths that are less than what the Prosser Municipal Code requires.

12. Policy LU 5.1 from the city's Comprehensive Plan (CP) provides the city should "Focus Growth into areas that currently have adequate capital facilities to absorb new development."

13. Policy LU 5.7 of the CP states the city should "Encourage the use of previously passed over parcels within areas characterized by urban growth where they can help maintain LOS standards."

14. Policy HH 2.8 of the CP provides the city should "Encourage development of residential lots in order to keep a large supply, thus helping to maintain availability and affordability."

15. Capital facilities including roads, public water, and public sewer, are being constructed to serve the Proponent's property.

16. All lots in the proposed plat meet the minimum size requirement of Chapter 18.24 PMC.

17. The variance would not be detrimental to the public welfare or to surrounding properties, if granted, because it would not decrease the property values of surrounding properties in the surrounding zones.

18. The granting of a variance to the Proponent would not be a grant of a special privilege because lots in previously approved subdivisions are narrower than the PMC requires.

19. Proponent's plat is for low-income families.

20. The provision of low-income housing is a special circumstance relating to the property's size which supports the need for a variance in the lot width. The Variance will provide the proponent's property with the rights permitted to other properties in the city because many other properties, in the city, have lot widths which do not meet the requirements of the development regulations.

21. The granting of the variance would not be detrimental to the public welfare, since there is no adverse effect on the value of neighboring properties.

22. The property is identified as Residential in the City's Comprehensive Plan.

V.

PUBLIC PARTICIPATION

The following persons testified before the Board: Steve Zetz.

Written materials were submitted by: the Proponent and the city of Prosser.

VI.

DETERMINATION BY THE BOARD OF ADJUSTMENT

The Board of Adjustment approved the variance as requested by Proponent conditioned on the Proponent having obtained approval of its Preliminary Plat pursuant to its subdivision application within two years from the date of this approval.

THE BOARD OF ADJUSTMENT SO FINDS.

ADOPTED BY THE BOARD OF ADJUSTMENT on this 8th day of June, 2015.

Date of Notice of Decision to affected parties: _____, 2015.

CHAIR OF THE BOARD OF ADJUSTMENT

Attested to by:

HOWARD M. SAXTON, III, SECRETARY OF THE BOARD OF ADJUSTMENT

NOTICE OF APPEAL

AN APPEAL OF THE HEARING BODY'S DECISION MUST BE FILED WITH IN FOURTEEN CALENDAR DAYS FOLLOWING ISSUANCE OF THE HEARING BODY'S WRITTEN DECISION IN ACCORDANCE WITH PMC 19.06.040. APPEALS MAY BE DELIVERED TO THE PLANNING DEPARTMENT BY MAIL, PERSONAL DELIVERY OR FAX BEFORE FIVE P.M. ON THE LAST BUSINESS DAY OF THE APPEAL PERIOD.

S:\BD\CCHS.VARIANCE.doc

LAND USE ZONING & PERMIT APPLICATION
CITY OF PROSSER, WASHINGTON

APPLICANT'S NAME CATHOLIC CHARITIES HOUSING SERVICES – DIOCESE OF YAKIMA
PROJECT NAME RIVER ROAD HOMES

PARCEL INFORMATION (Include all parcel(s) information. Attach additional sheets, if necessary.)

Project Address: 415 Petra Avenue, Prosser WA 99350
(Leave blank if not assigned)

Parcel Number (Property Tax Account Number): 102842013437002

Legal Description: SECTION 2, TOWNSHIP 8 NORTH, RANGE 24 EAST, QUARTER NW: SHORT PLAT #3437, LOT 2: RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 3437, RECORDS OF BENTON COUNTY, WASHINGTON. AF#2014-019571, 8/08/2014.

PROPERTY OWNER INFORMATION

Name: Catholic Charities Housing Services – Diocese of Yakima (CCHS)

Address: 5301 Tieton Dr Ste G City: Yakima State: WA Zip: 98908

Phone: 509-853-2800 Cell Phone: 509-969-7411
Email: igarcia@ccyakima.org (email will not be used for transmittal of official findings)

OWNERS AUTHORIZED AGENT: Bryan Ketcham, Director

Address: 5301 Tieton Dr Ste G City: Yakima State: WA Zip: 98908

Phone: 509-853-2800 Cell Phone:

Email: bketcham@ccyakima.org (email will not be used for transmittal of official findings)

PROJECT INFORMATION

- ☐ Site Review
- ☐ Annexation
- ☑ Change of Zone
- ☐ Accessory Dwelling Unit
- ☐ Overlay Zone
- ☐ Right-of-Way Use Permit
- ☐ Other
- ☐ Conditional Use 9Requires Conditional Use form LUA-S1)
- ☑ Variance (Requires Variance request form LUA-S2)
- ☐ Similar Use
- ☐ Encroachment
- ☐ Adult Family Home
- ☐ Continuation and/or Minor Alteration of Non-Conforming Use
- ☑ SEPA

☒ SEPA

PROJECT DESCRIPTION: CCHS acquired a 12.54 acre parcel for the purposes of developing affordable housing of various types. Genesis Housing Services is acquiring the east 4.61 acres, exclusive of roads, and is near starting construction of a 51 unit multi-family housing project that will serve low income agricultural worker and low income workforce families. The remaining portion, consisting of about 7.57 acres, including future roads, will be developed by CCHS, a 501 (c) (3) nonprofit Washington corporation, and consist of 27 single family homes for first time homebuyers with incomes at or below 80% of Area Median Income (AMI), through its New Life Homes Program . The remaining 2.76 acres, including future road(s) is currently envisioned to be multi-family housing to serve independent low income seniors. CCHS is the likely developer for this land.

City of Prosser
601 7th Street
Prosser WA 99350
(509) 786-2332

PMC-18

Revised 12-29-07

PLEASE ATTACH THE REQUIRED VICINITY MAP

ESTIMATED PROJECT VALUATION: $ 4,981,502

CONTRACTOR INFORMATION

Company Name: Catholic Charities Housing Services – Diocese of Yakima Email: lkraft@ccyakima.org
Contact Person: Linn Kraft Contact Phone: 509-945-5215

Address: 5301 Tieton Dr Ste G City: Yakima State: WA Zip: 98908
Contractor's Registration No.: CC DIOCEYH931L5 Expiration Date: 09/11/2015

I, the undersigned, do hereby certify that, to the best of my knowledge, the information on this application and other submitted information is true and correct. In addition, I understand that acceptance of this application and fees do not constitute submittal of a valid application until so informed by the City. I have attached, enclosed, or submitted the applicable fees for this application.

Gregor Hetel 3/17/15
Applicant Signature Date

Gregor Hetel 3/17/15
Owner Signature Date

If the property owner is other than an individual such as a corporation, partnership or agency, please provide proof of signatory authorization. (ATTACHED)

SITE REVIEW

Application must include the following.

1. Critical Areas Worksheet
2. Proof of Legal Lot
3. Proof of ownership or authority
4. 25 year Storm Water Calculations stamped by an engineer
5. Site Plan Drawing which shows....
   - ☐ All existing and proposed lot lines.
   - ☐ The location of all existing structures to remain and the location of all proposed structures.
   - ☐ The location of all utilities proposed to be used.
   - ☐ The proposed number and location of water meters.
   - ☐ The location of all solid waste receptacle areas.
   - ☐ The method of handling storm water removal.
   - ☐ All easements and right-of-ways.
   - ☐ All off-street parking and loading areas.
   - ☐ All driveway locations.
   - ☐ All landscaping, outdoor lighting and fencing..
   - ☐ A north arrow.
   - ☐ Scale of drawing

Deposits are required at the time an application is submitted. You will still get a monthly bill for actual costs incurred. Your deposit will not be refunded until the project has closed.

SITE REVIEW	$500.00 Deposit
VARIANCE	$500.00 Deposit
SITE REVIEW	$500.00 Deposit
SEPA	$500.00 Deposit
ANNEXATION	$500.00 Deposit
ZONE CHANGE	$1000.00 Deposit
CONDITIONAL USE	$500.00 Deposit

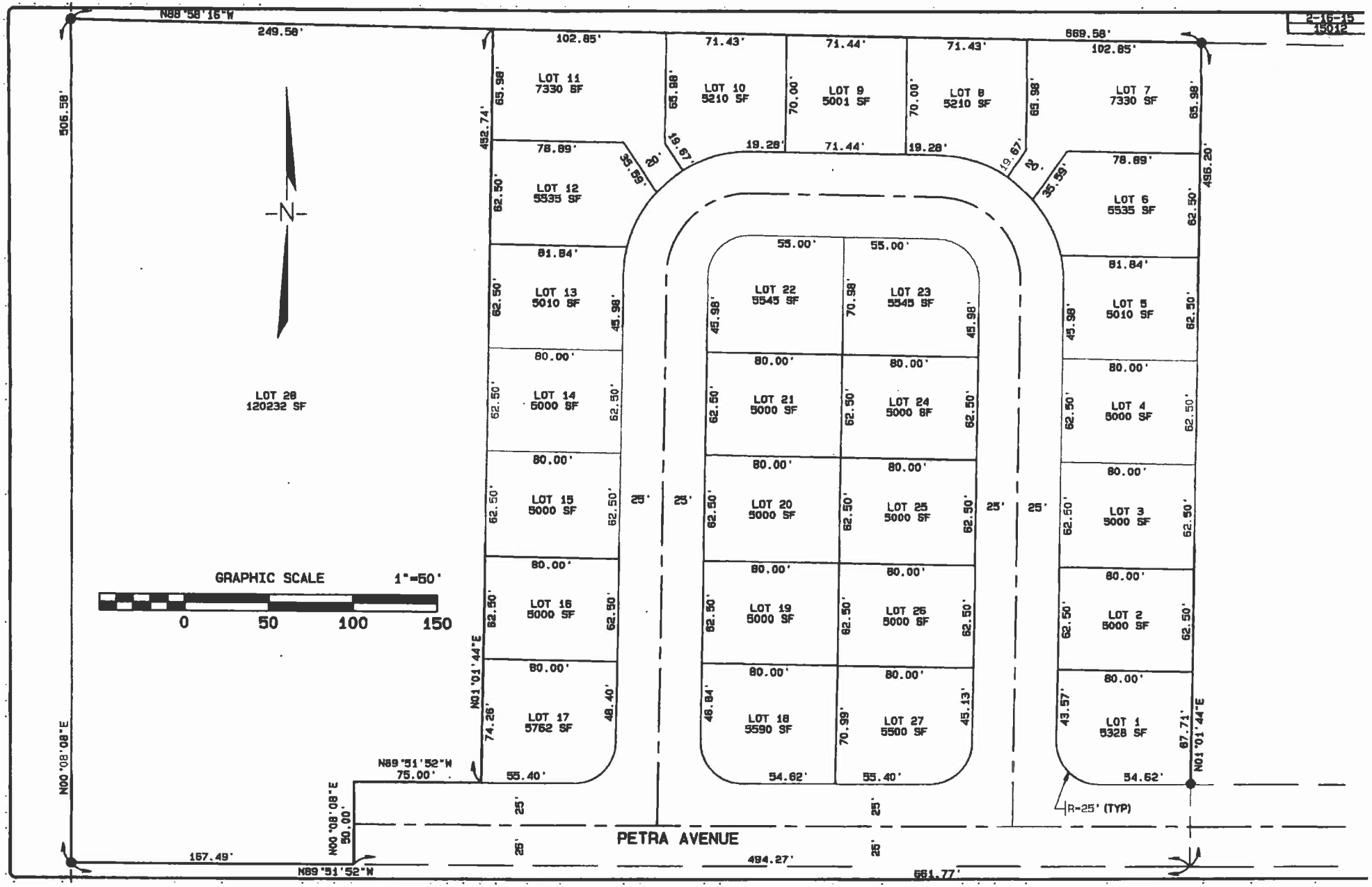
CITY USE ONLY

RECEIVED BY_____ DATE_____

APPROVED BY_____ DATE_____

RETURNED BY_____ DATE_____

REASON FOR APPLICATION RETURN_____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N00°08'08"E
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452.74'
N01°01'44"E
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50
100
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5210 SF
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5545 SF
LOT 23
5545 SF
LOT 21
5000 SF
LOT 24
5000 SF
LOT 20
5000 SF
LOT 25
5000 SF
LOT 19
5000 SF
LOT 26
5000 SF
LOT 18
5590 SF
LOT 27
5500 SF
R=25' (TYP)
PETRA AVENUE

CATHOLIC CHARITIES HOUSING SERVICES OF YAKIMA
BOARD OF DIRECTORS

RESOLUTION **# 14-06**

AUTHORIZATION TO CONDUCT BUSINESS ON BEHALF OF CATHOLIC CHARITIES HOUSING SERVICES

WHEREAS, the purpose of Catholic Charities Housing Services is to provide and promote services of a social and charitable nature within the Catholic Diocese of Yakima; and

WHEREAS, the purpose of Catholic Charities Housing Services (CCHS) is to establish social and community service programs in the spirit of the mission of the Catholic Diocese of Yakima, in response to the social welfare needs of the community; and

WHEREAS, the purpose of Catholic Charities Housing Services is to develop, own, finance and manage low-income, affordable and special needs housing facilities and to provide and promote housing services to the citizens within the Catholic Diocese of Yakima, and to partner with other groups and individuals in promoting an enhanced community response of people united in concerns for the basic human needs of all citizens and to recommend and support public and private programs of all types and kinds in response to the housing related needs of the community;

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

RESOLVED, that John L. Young, President or Bryan Ketcham, Director are authorized to execute and deliver all applications, agreements, documents, contracts and instruments on behalf of Catholic Charities Housing Services in connection with the day-to-day business functions or other activities that further the purposes of Catholic Charities Housing Services as they relate to its mission of service.

To this end,

Staff authorized to make changes to the following accounts; pursuant to the Financial Policies of Catholic Charities Housing Services are:

Banner Bank - CCHS Operating Account
Banner Bank - CCHS Savings Account
Banner Bank - Fundraising
Banner Bank - Savings – Restricted
Banner Bank - Reserve
Banner Bank - SHOP RLF
Banner Bank - HTF RLF
Banner Bank - 523 TA Program
Banner Bank - Rose of Mary CD
Banner Bank - Genesis Housing Service
Banner Bank - Quincy Family Housing
Banner Bank - Carriage Court
Banner Bank - New Life Homes - White Swan
Banner Bank - New Life Homes - Tieton
Banner Bank - New Life Homes - Grandview
Banner Bank - New Life Homes - Wapato
Banner Bank - New Life Homes – Prosser
Banner Bank - New Life Homes – Granger
Banner Bank - New Life Homes - Sunnyside

Staff authorized as signers are:

Banner Bank - CCHS Operating Account
Banner Bank - CCHS Savings Account
Banner Bank - Fundraising
Banner Bank - Savings – Restricted
Banner Bank - Reserve
Banner Bank - SHOP RLF
Banner Bank - HTF RLF
Banner Bank - 523 TA Program
Banner Bank - Rose of Mary CD
Banner Bank - Genesis Housing Service
Banner Bank - Quincy Family Housing
Banner Bank - Carriage Court
Banner Bank - New Life Homes - White Swan
Banner Bank - New Life Homes - Tieton
Banner Bank - New Life Homes - Grandview
Banner Bank - New Life Homes - Wapato
Banner Bank - New Life Homes – Prosser
Banner Bank - New Life Homes – Granger
Banner Bank - New Life Homes - Sunnyside
Banner Bank - 523 Granger Project
Banner Bank - 523 Prosser Project
Banner Bank - Chelan Development
Banner Bank - GP Housing (Prosser/Granger Development)
Key Bank - George Family Housing

-- John L. Young; Bryan Ketcham; Lonnie Montiel; Karen Barnsley; Mike Sliman

Key Bank – Operating Accounts and Reserve Accounts for (Coast):
Buena Migrant Housing
Buena Housing Associates/Buena Nueva Apartments
Cristo Rey Apartments (Sunnyside)
Desert Rose Terrace
Grandview Family Housing LP/Juan Pablo II Apartments (Grandview)
La Amistad Apartments (Warden)
Mabton Migrant Housing/Mabton Housing
New Life Villa (Mabton)
Reino Del Cielo/Royal City Housing
San Isidoro Plaza (Granger)
Villa Santa Maria (Mattawa)
Wapato Family Housing LLC

Bank of America – Operating Account and Reserve Accounts for (Coast):
Gonzaga Townhomes

I further certify that the persons named above are either duly employed or serve on the Board of Directors for Catholic Charities Housing Services, and occupy the positions set by their names; that the foregoing Resolution now stands of record on the books of the Corporation and that the Resolution is in full force.

John L. Young
President

Date 8/6/2014

I, as the Chairman of the Catholic Charities Housing Services Board of Directors, hereby approve the foregoing actions approved in Board Resolution #12-05 of the Catholic Charities Housing Services Board of Directors.

Mike Sliman
Chairman of the Board

Date 6-25-14

LAND USE APPLICATION
SUBDIVISION
CITY OF PROSSER, WASHINGTON

APPLICANT'S NAME: CATHOLIC CHARITIES HOUSING SERVICES - DIOCESE OF YAKIMA (CCHS)

PROJECT NAME: RIVER ROAD HOMES

PARCEL INFORMATION (Include all parcel(s) information. Attach additional sheets, if necessary.)

Project Address: 415 Petra Avenue, Prosser WA 99350
(Leave blank if not assigned)

Parcel Number (Property Tax Account Number): 102842013437002

Legal Description: SECTION 2, TOWNSHIP 8 NORTH, RANGE 24 EAST, QUARTER NW: SHORT PLAT #3437, LOT 2: RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 3437, RECORDS OF BENTON COUNTY, WASHINGTON. AF#2014-019571, 8/08/2014.

PROPERTY OWNER INFORMATION

Name: Catholic Charities Housing Services – Diocese of Yakima
Address: 5301 Tieton Dr Ste G City: Yakima State: WA Zip: 98908

Phone: 509-853-2800 Cell Phone: 509-969-7411
Email: igarcia@ccyakima.org (email will not be used for transmittal of official findings)

OWNERS AUTHORIZED AGENT: Bryan Ketcham, Director

Address: 5301 Tieton Dr Ste G City: Yakima State: WA Zip: 98908

Phone: 509-853-2800 Cell Phone:

Email: bketcham@ccyakima.org (email will not be used for transmittal of official findings)

PROJECT INFORMATION

- ☒ Preliminary Subdivision Plat
- ☐ Alterations to Preliminary Plat
- ☐ Vacation of Street
- ☐ Short Plat with Dedication of Right of Way
- ☐ Short Plat w/o Dedication of Right Away
- ☐ Binding Site Plan
- ☐ Vacation of Subdivision
- ☐ Final Subdivision Plat
- ☐ Alteration of Subdivision
- ☐ Planned Area Development (PAD)

PROJECT DESCRIPTION: CCHS acquired a 12.54 acre parcel for the purposes of developing affordable housing of various types. Genesis Housing Services is acquiring the east 4.61 acres, exclusive of roads, and is near starting construction of a 51 unit multi-family housing project that will serve low income agricultural worker and low income workforce families. The remaining portion, consisting of about 7.57 acres, including future roads, will be developed by CCHS, a 501 (c) (3) nonprofit Washington corporation, and consist of 27 single family homes for first time homebuyers with incomes at or below 80% of Area Median Income (AMI), through its New Life Homes Program . The remaining 2.76 acres, including future road(s) is currently envisioned to be multi-family housing to serve independent low income seniors. CCHS is the likely developer for this land.

PMC-18

City of Prosser
601 7th Street
Prosser WA 9935(
(509) 786-2332

Revised 12-29-07

PLEASE ATTACH THE REQUIRED VICINITY MAP

ESTIMATED PROJECT VALUATION: $ 4,981,502

CONTRACTOR INFORMATION

Company Name: Catholic Charities Housing Services – Diocese of Yakima Email: lkraft@ccyakima.org

Contact Person: Linn Kraft Contact Phone: 509-945-5215

Address: 5301 Tieton Dr Ste G City: Yakima State: WA Zip: 98908

Contractor's Registration No.: CC DIOCEYH931L5 Expiration Date: 09/11/2015

I, the undersigned, do hereby certify that, to the best of my knowledge, the information on this application and other submitted information is true and correct. In addition, I understand that acceptance of this application and fees do not constitute submittal of a valid application until so informed by the City. I have attached, enclosed, or submitted the applicable fees for this application.

[signature]	3/17/15	[signature]	3/17/15
Applicant Signature	Date	Owner Signature	Date

If the property owner is other than an individual such as a corporation, partnership or agency, please provide proof of signatory authorization.

ADDITIONAL INFORMATION: PURSUANT TO THE CITY OF PROSSER'S 18.24.040 (H) DEVELOPMENT STANDARDS CCHS IS PLANNING TO DEDICATE AN OPEN SPACE IN OUR ADJANCENT MULTI-FAMILY DEVELOPMENT TO NATIVE PLANTS AND GREEN AREAS.

CITY USE ONLY

RECEIVED BY _____ DATE _____

APPROVED BY _____ DATE _____

RETURNED BY _____ DATE _____

REASON FOR APPLICATION RETURN _____

Project #_____
Deposit $500

VARIANCE REQUEST

CITY OF PROSSER, WASHINGTON

Supplemental to Land Use application LUA-1

Applicant Name: Catholic Charities Housing Services – Diocese of Yakima (CCHS) Date:_____

Project Name: River Road Homes

Project Location: 415 Petra Ave. Prosser WA 99350

Description of variance: According to the current City of Prosser's code single family housing requires a minimum of 45' of road frontage. CCHS is requesting the granting of a variance to allow lots 7 and 11 to have a road frontage of 20'. This proposal maintains relatively regular shapes to all affected lots in the planned subdivision.

INSTRUCTIONS

A variance may be approved when all of the following are found and explained in PMC 18.75.080 (see reverse). **Please write your responses to the following conditions on a separate piece of paper and include with the application.** Be as clear and accurate as possible to avoid misinterpretation of your request.

A. Special privilege is not being granted, and why.

B. The variance is necessary because of special circumstances, and why.

C. The granting of the variance will not be materially detrimental to the public welfare, and why.

3. State Environmental Policy Act (SEPA) checklist is required if there is a change in density.

Prosser Municipal Code 18.

Variances are heard and decided by the board of adjustment, in accordance with Title 19. Variances will be approved only when all of the following are found:

A. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property, on behalf of which the application was filed, is located; and
B. That such variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
C. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is located. (Ord. 1917 § 1 (part), 1997).

Yes and no answers will not be accepted.

All applications must be legible.

A SEPA checklist must be submitted.

No red ink.

Electronic submissions will not be accepted.
Applications must be delivered or mailed to the City Clerk

Prosser City Clerk
601 S 7th St.
Prosser WA 99350

Catholic Charities Housing Services – Diocese of Yakima
Variance Request

A. Special privilege is not being granted, and why.

Catholic Charities Housing Services (CCHS) does not have any special privilege inconsistent with the uses of other properties in the area and zone in which the property location of which the application is being filed. CCHS is an experience single family housing developer and general contractor and abides by the City of Prosser's municipal code 18.75.80

B. The variance is necessary because of special circumstances, and why.

This variance request will enable CCHS to maintain regular lot shapes within the planned subdivision and maximize the parcel's lot development capacity.

C. The granting of the variance will not be materially detrimental to the public welfare, and why.

The granting of the variance will not be materially detrimental to the public's welfare or injurious to the property or land improvement in the vicinity and zone in which the subject property is located. The planned single family subdivision is parallel to the surrounding neighborhood and it will provide much needed affordable housing in the area. It is also consistent with the City of Prosser's Consolidated Comprehensive Plan.

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants: [help]

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:
Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for non-project proposals: [help]

For non-project proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. BACKGROUND [help]

1. Name of proposed project, if applicable: [help]
   River Road Homes Subdivision

2. Name of applicant: [help]
   Catholic Charities Housing Services

3. Address and phone number of applicant and contact person: [help]
   Contact Person: Isabel Garcia
   Catholic Charities Housing Services
   5301 Tieton Drive, Suite G
   Yakima, WA 98908-3478
   509.853.2800; 509-969-7411 (cell)

4. Date checklist prepared: [help]
   March 9, 2015

5. Agency requesting checklist: [help]

City of Prosser, Planning Department

6. Proposed timing or schedule (including phasing, if applicable): [help]

For the Single Family Housing Subdivision, consisting of 27 single family building lots and one 2.76 acre remainder parcel: for 27 single family home lots: Construction Start – July 2015; Completion – December 2017. Timing to develop the remaining 2.76 acre parcel: to be determined.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [help]

The remaining 2.76 acre parcel is envisioned for development as a multifamily senior project. The timing is likely to be 2019 or later.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [help]

A Phase I Environmental Site Assessment was completed on January 26, 2015 in conjunction with the planned subdivision. CCHS has owned the property since 2011. No on-site recognized environmental conditions were cited on the property. Up-gradient of the site are three known sources of petroleum, pesticide and herbicide groundwater contamination associated with the Port of Benton/ Prosser Airport, Waltz South Hangar and Anderson South Hangar. These sources are presently under remediation and do not impact the site. No additional recommendations for remediation were given. A Phase II Environmental Site Assessment was not recommended.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [help]

No

10. List any government approvals or permits that will be needed for your proposal, if known. [help]

The property will be platted and the portion to contain the 27 single family building lots will be re-zoned to RMS to accommodate the single family housing planned. The remainder – 2.76 acres – will remain High Density Multifamily. The City of Prosser will be asked to approve new roads and other public infrastructure; building permits will be obtained; similar miscellaneous permits needed for construction may also be required.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [help]

Catholic Charities Housing Services acquired a 12.54 acre parcel for the purposes of developing affordable housing of various types. Genesis Housing Services is acquiring the east 4.61 acres, exclusive of roads, and is near starting construction of a 51 unit multi-family housing project that will serve low income agricultural worker and low income workforce families. The remaining portion, consisting of about 7.57 acres, including future roads, will be developed by Catholic Charities Housing Services, a 501 (c) (3) nonprofit Washington corporation, and consist of 27 single family homes for first time homebuyers with incomes at or below 80% of Area Median Income (AMI), through its New Life Homes Program . The remaining 2.76 acres, including future road(s) is currently envisioned to be multi-family housing to serve independent low income seniors. Catholic Charities Housing Services is the likely developer for this land.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [help]

The proposed property is located at 415 Petra Avenue, Prosser, WA 99350. Parcel No.: 102842013437002. Please see attached legal description, vicinity map and topographic map. The property generally slopes gently from north to south and west to east.

B. ENVIRONMENTAL ELEMENTS [help]

1. Earth

a. General description of the site [help]
(circle one): **Flat**

b. What is the steepest slope on the site (approximate percent slope)? [help]
The site is relatively flat with a slight slope from the west to the east and south to north of approximately 1%. There may be places where the slope is 2%.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [help]
According to a Geotechnical Investigation, subsurface soils consist of dense gravel and cobbles with silty sand. Per the Natural Resource Conservation Service soil survey, soil on the site is Scooteney and is a deep to moderately deep silt loam soil with moderate infiltration rates, well drained soils and moderately course textures.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [help]
There are no surface indications or history of unstable soils associated with this site.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [help]
At present, the site is projected to be relatively neutral in terms of soil removal or addition, other than materials needed for road construction and building site compaction. Imported materials will be derived from approved sources.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [help]
The site is quite flat. Water erosion is improbable. During construction an approved dust abatement plan will be in place to control dust.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [help]
Approximately 50% of the site will be impervious upon complete development, including buildings, roads, driveways and sidewalks.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [help]
During construction, water truck(s) will control dust; silt fences will be installed as appropriate and per approved abatement plan(s).

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [help]
During construction, internal combustion engine exhaust, limited dust and other emissions typical of residential construction. All adhesives and paints used will be low VOC. Upon completion, emissions will be limited to what is typical for residential neighborhoods: automobile exhaust, household odors, etc.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [help]

None are known.

c. Proposed measures to reduce or control emissions or other impacts to air, if any: [help]

Dust abatement measures. Many construction products are delivered to the site(s) pre-cut or installation ready to minimize on-site fabrication.

3. **Water**

a. Surface Water: [help]

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [help]

Yes, the Yakima River is located approximately 600 feet east of the property. There are no wetlands associated with the property. The property does not lie within the 100 year flood zone. There is also a small irrigation water delivery point north of the property that will be piped for subdivision irrigation use.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [help]

The project does not fall within 200 feet of the Yakima River.
The irrigation delivery point will be re-configured from an open pipe to include a reservoir, pump and overflow pipe which will be directed to an existing Sunnyside Valley irrigation drainage ditch per District requirements.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [help]

None. Not applicable.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [help]

No. This proposal will not require any surface water withdrawal or diversion.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [help]

No.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [help]

No.

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [help]

No ground water will be withdrawn. No water will be discharged to groundwater. During construction, water will be used for dust abatement and incidental clean-up.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [help]
Not Applicable.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [help]
All runoff water will be retained on-site in stormwater basins or in infiltration galleries.

2) Could waste materials enter ground or surface waters? If so, generally describe. [help]
No.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.
No.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:
Stormwater/runoff water retention capacity will be designed and constructed to handle projected flows on-site.

4. **Plants** [help]

a. Check the types of vegetation found on the site: [help]

____deciduous tree: alder, maple, aspen, other
____evergreen tree: fir, cedar, pine, other
____shrubs
____grass
__X_pasture
____crop or grain
____ Orchards, vineyards or other permanent crops.
____ wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other
____water plants: water lily, eelgrass, milfoil, other
____other types of vegetation

b. What kind and amount of vegetation will be removed or altered? [help]
Construction sites will be grubbed of vegetative duff.

c. List threatened and endangered species known to be on or near the site. [help]
None known.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [help]
Upon construction completion, limited areas of grass/sod will be installed, an emphasis to use native/adaptive species, particularly xeriscape tolerant grasses, perennials and trees.

e. List all noxious weeds and invasive species known to be on or near the site.
None known

5. **Animals**

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include: [help]

birds: **hawk, songbirds**
mammals: **stray dogs/cats**
fish: **None**

b. List any threatened and endangered species known to be on or near the site. [help]
None known

c. Is the site part of a migration route? If so, explain. [help]
No

d. Proposed measures to preserve or enhance wildlife, if any: [help]
None indicated

e. List any invasive animal species known to be on or near the site.
None known

6. **Energy and natural resources**

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [help]
Planned residential units will utilize electrical energy for heating, cooling, cooking, etc. Landscape maintenance will likely include the use of gasoline power equipment.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [help]
Planned residential units will utilize electrical energy for heating, cooling, cooking, etc. Landscape maintenance will likely include the use of gasoline power equipment.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: [help]
All residential units will comply with IBC, WSEC, and Energy Star energy efficiency standards.

7. **Environmental health**

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe. [help]
No

1) Describe any known or possible contamination at the site from present or past uses.
None known and based on the Phase 1 Environmental Report

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
Per the Phase 1 Environmental Report, there is contamination at the airport, north of the site. The issues are being remediated at this time and pose no danger or impact on the project property.

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
None

4) Describe special emergency services that might be required.
None indicated. Nonetheless, first aid kits will be on-site during construction and the Prosser Medical Center is within 1.5 miles of the site. Other public safety support is readily available.

5) Proposed measures to reduce or control environmental health hazards, if any:
None indicated

b. **Noise**

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [help]
At present there is minimal traffic noise in the area and some noise associated with the Prosser Airport. During construction, noise typical of a residential construction site, including vehicles, generators, power tools and the like will be present. Thereafter, noise typical of a residential neighborhood will be present.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [help]
See b.1) above. During construction, working hours will generally be restricted to Tuesday through Saturday, 7 AM to 6 PM.

3) Proposed measures to reduce or control noise impacts, if any: [help]
Restricted hours of construction.

8. **Land and shoreline use**

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [help]
The site currently contains vacant pasture.

- **Adjoining property to the north include existing single family homes and Port of Benton commercial/industrial facilities.**
- **Adjoining property to the south is a commercial mini storage facility and vacant pasture land.**
- **Property located directly to the east will be a new multifamily housing project (construction to start spring 2015).**
- **Adjoining property to the west include a newer residential development and vacant land.**

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or non-forest use? [help]
Yes, the site has been used for raising cattle and pasture land. However, the land has lain fallow for the past 5 years.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:
No

c. Describe any structures on the site. [help]
None

d. Will any structures be demolished? If so, what? [help]
No

e. What is the current zoning classification of the site? [help]
The site is currently zoned Residential High Density in the City of Prosser.

f. What is the current comprehensive plan designation of the site? [help]
The site is designated as Residential High Density in the City of Prosser Comprehensive Plan

g. If applicable, what is the current shoreline master program designation of the site? [help]
Not applicable.

h. Has any part of the site been classified as a critical area by the city or county? [help]
No

i. Approximately how many people would reside or work in the completed project? [help]
At full build-out of the 27 new homes approximately 100 people would reside on the property. The eventual population for 2.76 acres that will remain undeveloped in the short term is unknown and dependent on the size of the future development. If this land is developed as senior housing, it is estimated that the average household size will be 1.5 people per dwelling unit.

j. Approximately how many people would the completed project displace? [help]
None

k. Proposed measures to avoid or reduce displacement impacts, if any: [help]
None indicated

L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [help]
The Applicant has worked extensively with the community and the City to address the development concerns voiced. The current development plans require re-zoning the single family housing portion of the site to RMS, which will remain compatible with existing and projected land uses and plans.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:
None indicated

9. **Housing**

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [help]
27 new single family homes for first time homebuyers, serving families at or below 80% of Area Median Income will serve low income families. We do not anticipate serving middle income families. The 2.76 acres will remain Residential High Density zoning. According to the Prosser Municipal Code this land would allow

up to 56 units on the site.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [help]

None

c. Proposed measures to reduce or control housing impacts, if any: [help]

General Impacts:
CCHS will work closely with the City of Prosser staff to directly address the impacts of the additional number of units associated with development as required by the City of Prosser. Several methods to control housing impacts are addressed in the City of Prosser development standards, including the potential use of setbacks, buffers, fencing, screening and landscaping.

Traffic:
When the site is fully developed, it is estimated that traffic volume would generate about 216 vehicle trips per day. The new subdivision roads, as well as existing Petra Avenue and North River Road, have the capacity to handle this increase.

Energy Use:
CCHS housing is built to exceed the IBC, WSEC, and Energy Star energy efficiency standards, as well as reducing water usage and improving air quality. The energy use and water use per dwelling unit are generally about half that of a typical single family home.

Property Tax Revenue:
Impacts to local property taxes are not completely known at this time, due to not knowing the house sizes that will be built. Sales prices will generally average about $165,000. Fully developed, the total property value will be about $4.5 million for assessment purposes. The property tax status of the remaining unimproved 2.76 acres should be assessed as open land.

Property Values:
There have been multiple studies of the impact of affordable housing on neighboring property values which demonstrate that affordable housing has very little impact on neighboring property values. The high quality of the Applicant's housing may, in fact, help raise the value of properties in the neighborhood, and will certainly increase the value of undeveloped land that will be served by the new roads and public infrastructure.

Schools:
CCHS has had previous discussions with the Prosser School District. As a result the subdivision road layout has been designed to accommodate the needs of school bus traffic.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [help]

30 feet. Painted cementatious lap and t-111 siding. Architectural asphaltic roofing.

b. What views in the immediate vicinity would be altered or obstructed? [help]

Territorial views.

c. Proposed measures to reduce or control aesthetic impacts, if any: [help]

The Applicant will comply with all City Codes and will work with City staff to ensure that development meets the aesthetic requirements of the community, including landscaping.

11. Light and glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [help]

Typical of residential neighborhoods. Glare should be minimal; outdoor lighting will occur during dark conditions. Prosser has a Dark Skies Ordinance; exterior lighting will comply with the Ordinance.

b. Could light or glare from the finished project be a safety hazard or interfere with views? [help]

Buildings will obstruct certain views. Proper viewing lanes for traffic will be incorporated into street plans.

c. What existing off-site sources of light or glare may affect your proposal? [help]

None known

c. Proposed measures to reduce or control light and glare impacts, if any: [help]

Street lighting and exterior residential lighting will conform to Prosser Municipal Code requirements, including its Dark Skies Ordinance.

12. **Recreation**

a. What designated and informal recreational opportunities are in the immediate vicinity? [help]

The City of Prosser has a walking path to downtown located at the intersection of North River Road and Wine Country Road. New sidewalk will connect the subdivision to North River Road. In addition, a planned multifamily housing project, adjacent to the subject property is planning a native area/park, of about 1/3 acre (15,000 square feet) that will connect to the single family housing by pathways and sidewalk. This area would serve the new multifamily housing project, the proposed new single family project and the planned senior housing project (2.76 acre undeveloped land).

b. Would the proposed project displace any existing recreational uses? If so, describe. [help]

No

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [help]

None indicated

13. **Historic and cultural preservation**

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. [help]

None known

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [help]

No

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [help]

The SEPA process will notify potentially affected Native American Tribes. Also, the project financing requires a NEPA. Again, tribes, archaeology, historic preservation, etc. will be informed of the development plan

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None indicated at this time.

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [help]

The site is served by Petra Avenue and North River Road, which leads north to Wine Country Road, which leads easterly to downtown Prosser and westerly to I-82.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [help]

The City of Prosser is served by one public transportation route provided by Ben Franklin Transit. This line operates 6 days per week on a route between Richland and Prosser. The transit stop for this route is located approximately 1 mile east of the site at the corner of 7th Street and Stacey Avenue in downtown Prosser.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [help]

No parking would be eliminated. The Applicant will provide 2-car garages and 2 off-street parking spots per home, plus on-street parking. Parking for the undeveloped 2.76 acres is N/A at this time.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [help]

Yes. An existing, adjacent public interior road, Petra Avenue, will be extended along the south boundary of the subdivision to 75' beyond the single family subdivision (to fully serve the undeveloped 2.76 acre lot). A new public interior loop road (proposed to be called Basalt Loop) will serve individual homes. The extension of Petra Avenue and new interior road will have curb and gutter on both sides and sidewalk on one side. When the 2.76 acre lot is developed, Petra Avenue will be extended to west property boundary. The final road design will be approved by the City.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [help]

No

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates? [help]

At full build-out of the 27 homes it is estimated that the property could generate 216 vehicle trips per day (8 trips per day per residence, per WADOT standards for residential traffic generation). Peak traffic volumes would likely occur between 6:30AM – 9:00 AM and 3:30PM and 6:00PM.

d. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No

h. Proposed measures to reduce or control transportation impacts, if any: [help]

The road improvements planned will accommodate the increased traffic. Planned sidewalks will connect to native area and the City sidewalk on Wine Country Road and should encourage walking or biking to locations off-site and relatively nearby.

15. Public services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [help]

Yes, the proposed subdivision would have impacts typically associated with the development of single family homes: fire protection, police protection, health care, schools, water and sewer, etc.

b. Proposed measures to reduce or control direct impacts on public services, if any. [help]

Low flow water fixtures, including toilets, and xeriscape landscaping will reduce water usage and sewer treatment impact. Street and residential night lighting, along with security-sensitive plantings will improve security conditions.
The 2.76 undeveloped acres: No project description at this time

16. **Utilities**

a. Utilities currently available at the site: [help]

electricity, water refuse service, telephone sanitary sewer

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [help]

Municipal water is available near the site and will be the source of domestic water use. This is also the case for sanitary sewer and refuse service; both provided by the City of Prosser. The property has a water right for irrigation purposes with Sunnyside Valley Irrigation District. This will be the primary source of irrigation water. Telephone by CenturyLink; electric power by Benton PUD

C. SIGNATURE [HELP]

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of signee: **John Probst**

Position and Agency/Organization:
Development Manager; Catholic Charities Housing Services

Date Submitted: **March 17, 2015**

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

Catholic Charities Housing Services – Diocese of Yakima
5301 Tieton Dr Ste G
Yakima WA 98908

Grantor	:	Catholic Charities Housing Services – Diocese of Yakima
Grantee	:	The Public
County Plat Number	:	
Abbreviated Legal	:	**RIVER ROAD HOMES, PROSSER WASHINGTON**

DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR RIVER ROAD HOMES, PROSSER

THIS DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS is made this ___ day of _____, 2015, by CATHOLIC CHARITIES HOUSING SERVICES – Diocese of Yakima, a Washington nonprofit corporation ("Declarant").

RECITALS:

A. Declarant owns all of that certain real property located in Yakima County, Washington, the perimeter of which is legally described in Exhibit "A," and platted as River Road Homes, Prosser subdivision in the plat records of Yakima County, Washington under Auditor's file number _____ .

B. River Road Homes, Prosser is a development consisting of residential lots, located in Benton County, Washington.

ARTICLE 1
DEFINITIONS

As used in this Declaration, the terms set forth below shall have the following meanings:

1.1 "**CC&R's**" means this Declaration of Covenants, Conditions, and Restrictions for River Road Homes, Prosser and any amendments thereto.

1.2 "**Declarant**" means Catholic Charities Housing Services – Diocese of Yakima, a Washington Corporation, and its successors and assigns.

1.3 "**Declaration**" means this Declaration of Covenants, Conditions, and Restrictions for_____, and any amendments thereto.

1.4 "**Lot**" means a numerically designated and platted lot within the Property (including the Improvements located on such Lot).

1.5 "**Mortgage**" means a mortgage or deed of trust; "**Mortgagee**" means a mortgagee or a beneficiary of a deed of trust; "**Mortgagor**" means a mortgagor or a grantor of a deed of trust.

1.6 "**Owner**" means the person or persons, including Declarant, owning any Lot in the Property. An Owner also includes a Mortgagee of a Mortgage where said Mortgagee shall have the enforcement rights of an Owner who is a Mortgagor to the extent necessary to protect said Mortgagee's interest in the property as security for a Mortgage, including the right of a Mortgagee-Owner to enforce this Declaration against the Mortgagor-Owner. A Mortgagee shall be recognized as the sole Owner of a Lot if and when said Mortgagee takes title to any Lot. An Owner does not include a tenant or holder of a leasehold interest or a contract vendor or other person holding only a security interest in a Lot. The rights, obligations, and other status of being an Owner commences upon acquisition of the ownership of a Lot and terminates upon disposition of such ownership, but termination of ownership shall not discharge an Owner from obligations incurred prior to termination. Termination of Declarant's ownership interest in any, or all, lots does not terminate those rights specifically reserved and intended for Declarant as set forth herein.

1.7 "**Property**" means the Property described in Section 2.1 below.

1.8 "**Rules and Regulations**" means those policies, procedures, rules, and regulations adopted or amended by the Owners and Declarant pursuant to the authority granted in this Declaration.

1.9 "**Sold**" means that legal title has been conveyed or that a contract of sale has been executed under which the purchaser has obtained the right to possession.

1.10 "**Declaration**" means all of the rights, easements, covenants, restrictions, and charges set forth herein, together with any rules or regulations promulgated hereunder, as the same may be amended or supplemented from time to time in accordance with the provisions hereof.

1.11 "**Improvement**" means a building or a portion of a building located upon a Lot within the Property and designated for separate occupancy as a dwelling, together with any garage, deck, patio, or other improvement.

ARTICLE 2
PROPERTY SUBJECT TO THESE COVENANTS

2.1 Property. Declarant hereby declares that all the real property described below is owned and shall be owned, conveyed, hypothecated, encumbered, used, occupied, and improved subject to this Declaration:

All certain real property located in the unincorporated area of Yakima County, Washington, contained in that certain plat entitled River Road Homes, Prosser filed in the records of Yakima County, Washington, under Auditor's file number:_____,

The perimeter of the property is legally described in Exhibit "A." The Plat is attached as Exhibit "B."

ARTICLE 3
PROPERTY RIGHTS IN LOTS

3.1 Use and Occupancy. The Owner of a Lot in the Property shall be entitled to the exclusive use a benefit o Lot, except as otherwise expressly provided in this Declaration, but the Lot s and each Owner and the Declarant shall comply with the Restrictions or Article 4 below and all other provisions of this Declaration for the mutual benefit of all Owners.

3.2 Easements Reserved. In addition to any utility and drainage easements shown on the recorded p at, Declarant hereby reserves the following easements for the benefit of Declarant and Owners, as applicable:

(a) Right of Entry. Declarant and any person authorized by the Declarant may, but shall not be required to do so, at any reasonable time, and from time to time at reasonable intervals, enter upon any Lot for the purpose of performing the maintenance and determining whether or not the Lot is then in compliance with this Declaration. No such entry shall be deemed

to constitute a trespass or otherwise create any right of action in the Owner of such Lot.

(b) Utilities. Each Lot shall be subject to an easement under and across that portion of the Lot not occupied by Improvements for installation, maintenance and use of power, gas, electric, water and other utility, and communication lines and services and for meters measuring such services.

ARTICLE 4
RESTRICTIONS ON USE

4.1 Residential Use. Not more than one dwelling unit may be located on any Lot. Except with the consent of seventy-five percent of the Owners and the advance, written consent of the Declarant, no trade, craft, business, profession, commercial or similar activity of any kind shall be conducted on any Lot, nor shall any goods, equipment, vehicles, materials, or supplies used in connection with any trade, service, or business be kept or stored on any Lot. The mere parking on a Lot for a vehicle bearing the name for a business shall not, in itself, constitute a violation of this provision. Nothing in this section shall be deemed to prohibit (a) activities relating to the rental or sale of Lots, (b) the right of Declarant to construct Improvements on any Lot, to store construction materials and equipment on any Lot in the normal course of construction, and to use any Lot for sales or rental office or model home for purposes of sales or rental office or model home for purposes of sales or rental within the Property, and (c) the right of the Owner of a Lot to maintain Owner's professional personal library, keep Owner's personal business or professional records or accounts, handle Owner's personal business or professional telephone calls or confer with business or professional associates, clients or customers, on Owner's Lot by appointment only provided that only normal residential activities would be observable outside of the Lot and that the activities would not be in violation of applicable law. The Owner of a Lot should seek the approval of their neighboring Owners for any other uses not mentioned above, i.e., yard sales, garage sales, craft sales, or other items not so designated in this Section.

4.2 Mineral Exploration. No Lot should be used to explore for or to remove any water, oil, hydrocarbons, or minerals of any kind without the approval of seventy-five percent of the Owners and the advance, written consent of the Declarant and only if permitted by local ordinances.

4.3 Offensive or Unlawful Activities. No noxious or offensive activities shall be carried on any Lot nor shall anything be done or placed upon any Lot which interferes with or jeopardizes the enjoyment of other Lots, or which is a source of annoyance to residents. Lot occupants shall exercise extreme care not to make noises that may disturb other Lot occupants. Except for snow removal equipment, no lawn mower, chain saw, or other loud noise generating device shall be operated between the hours of 8:00PM to 8:00AM. No unlawful use shall be

made of the Lot or any part thereof, and all valid laws, zoning ordinances and regulations of all governmental bodies having jurisdiction thereof shall be observed.

4.4 Commercial Vehicles. Commercial vehicles with a gross vehicle weight in excess of 9,000 pounds shall not be parked on roads, in driveways or any other portion of the Property, except for in a garage, behind a site obscuring fence, or for the purposes of temporary loading or unloading.

4.5 Vehicles in Disrepair. No Owner shall permit any vehicle which is in an extreme state of disrepair to be abandoned or to remain parked upon any Lot for a period in excess of 48 hours, unless kept within a garage. A vehicle shall be deemed to be in an "extreme state of disrepair" when due to its appearance or continued inoperability its presence reasonably offends the occupants of the neighborhood. Should any offending Owner fail to remove such vehicle within five days following the date on which a notice is mailed to said offending Owner by any other Owner or the Declarant informing the offending Owner of this section, then any Owner or the Declarant may enforce this provision by having said vehicle towed and impounded. The offending Owner shall be liable for all towing, storage, and recovery costs and fees and shall hold harmless and indemnify any Owner, or the Declarant, enforcing this section for any and all claims against the enforcing Owner or Declarant that could arise from enforcement of this section.

4.6 Maintenance of Lots. All exterior building surfaces, landscaping, fences, and walls shall be maintained in a good condition and repair and yard shall be free of weeds, trash, and other debris. No property shall be used or maintained as a dumping ground for rubbish, trash, appliances, garbage, interior furniture or other waste except in sanitary containers. Each lot homeowner will provide and keep appropriate trash container(s) with secure lid(s) in their garage and/or secure area within their lot and provide for disposal of said garbage on a weekly basis.

4.7 Signs. No signs shall be erected or maintained on any Lot except that not more than one "For Sale" or "For Rent" sign placed by the Owner, Declarant or by a licensed real estate agent, not exceeding 24 inches high and 36 inches long, may be temporarily displayed on any Lot, except that two such signs may be placed on a Lot during the course of initial construction of Improvements on such Lot. The restrictions contained in this section shall not prohibit the temporary placement of "political" signs on any Lot by the Owner, subject to reasonable Rules and Regulations that the may be adopted through this Declaration.

4.8 Animals. No domestic or exotic animals, livestock, or poultry of any kind shall be raised, kept, or permitted within the Property or any part thereof. Not more than 2 domestic dogs, cats, or other household pets kept within a Lot and which are reasonably controlled so as not to be a nuisance. No such dogs, cats, or household pets shall be permitted to run at large nor shall be kept, bred, or raised for commercial purposes. Any inconvenience, damage, or unpleasantness caused by such pets shall be the responsibility of the respective Owners thereof. An Owner or occupant may be required to remove a pet upon receipt of the third written notice

from any Owner of violations of any rule, regulation, or restriction governing pets within the Property.

4.9 Appearance. No part of any Lot or any part of the Common Areas shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. Trash, garbage, or other wastes shall be kept in individual, sanitary containers or receptacles.

4.10 Antennas and Service Facilities. Exterior antennas and satellite receivers and transmission dishes are prohibited, except to the extent expressly mandated by rules adopted by the Federal Communication Commission. Specifically, ham radio antennas, satellite dishes one meter or larger, television antennas on masts 12 feet or higher, and multi-point distribution antennas more than one meter or on masts 12 feet or higher are prohibited. To the extent permitted by Federal Communication Commission rules, the Board of Directors may require all other antennas and dishes to be hidden from view from streets and adjoining dwellings. No outside clotheslines or similar service facilities may be installed without the approval of seventy-five percent of the Owners and the advance, written consent of the Declarant.

4.11 Exterior Lighting or Noisemaking Devices. Except with the approval of seventy-five percent of the Owners and the approval of the Declarant, and except for exterior lighting originally installed by the Declarant, no exterior lighting or noise-making devices shall be installed or maintained on any Lot. Owners shall not tamper with exterior lighting installed by the Declarant except to replace expended bulbs with similar new bulbs. Seasonal holiday lighting and decorations are permissible if consistent with any applicable Rules and Regulations as may be promulgated through the Owners and the Declarant consistent with this Declaration and if said lighting and decorations are removed within 30 days after the celebrated holiday.

4.12 Alterations. No structure, including without limitations, fences, and exterior house painting may be installed/altered on the Lots except structures installed or approved by Declarant and seventy-five percent of the Owners. Any structural additions and/or outbuildings must conform to local ordinances and building permits must be obtained as required by the local permitting agency. Specifically any major repairs, additions or structural alterations shall be authorized by a construction permit from the local permitting agency and shall pass inspection of the permitting agency. All such structures shall conform to any Rules and Regulations adopted pursuant to this Declaration and as may be amended from time to time, and such Rules and Regulations shall be incorporated herein by this reference and be fully enforceable as a covenant running with the land.

4.13 Fencing, Set Backs and Yard Area. Minimum yard area shall be defined as all areas within legal description of property. All residences and outbuildings shall conform to legal setback requirements of the City of _____. Only specific fencing materials shall be used to erect fencing i.e., vinyl, wood or chain link. Fences or shrubbery shall not be used as a clothes line for the purpose of drying clothes. Yard maintenance, fertilizing, mowing, watering and snow removal will be done by each Owner and/or the residents of the Lot.

4.14 Landscaping and Yard Maintenance. An Owner shall have six (6) months from time of occupancy to complete landscaping of lot. Landscaping shall be defined as, but not limited to, the planting of the lawn. All lawn areas shall be watered appropriately and kept free of weeds and lawn in excess of 10 inches in height. Weeds shall be defined as grasses and vegetation other than trees, flowers, shrubs, gardens and lawns. All cut weeds and grasses shall be kept in a compost or yard waste container. Wood piles shall be kept in a stacked and orderly manner on the Owner's property in what would commonly be considered the back yard.

4.15 Maintenance of Utilities. Each Owner shall have an equal and joint obligation to perform or contract to perform maintenance of any private utilities, such as sanitary sewer service lines, domestic water service lines and storm drainage easements, piping, structures, bios Wales, and water quality ponds located outside the public easements but within the Property provide that each Owner shall maintain at such Owner's own expense utility lines to the extent located within the Owner's Lot.

4.16 Insurance. Nothing shall be done or kept in any Lot that will increase the cost of insurance for any other Lot Owner. No Owner shall permit anything to be done or kept on the Owner's Lot which will result in cancellation of insurance on any Lot.

4.17 Hazardous material. Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the Uniform Building Code.

4.18 Fire Suppression. All systems, devices and equipment to detect a fire, actuate an alarm or suppress or control a fire or any combination thereof, including smoke alarm detectors, shall be maintained in an operable condition at all times.

4.19 Appearance and Graffiti Elimination. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building or any private or public property by placing thereon marking, carving or graffiti. It shall be the responsibility of the Lot Owner to restore said surface to an approved state of maintenance and repair within 24 hours of notice and comply with any and all applicable state or local laws or regulations governing the same.

4.20 Occupancy and use by homeowner. The Owner agrees to occupy the property and use the property as a single family residence.

4.21 Rules and Regulations. The Owners and Declarant may from time to time adopt, modify, or revoke Rules and Regulations governing the conduct of persons and the operation and use of the Lots as they may deem necessary or appropriate in order to assure the peaceful and orderly use and enjoyment of the Property. A copy of the Rules and Regulations, upon adoption, and a copy of each amendment, modification, or revocation thereof, shall be furnished to each

Owner. The Rules and Regulations may be adopted, modified, or revoked through the approval of seventy-five percent of the Owners and the approval of the Declarant.

ARTICLE 5
ENFORCEMENT AND AMENDMENT

5.1 Enforcement of Protective Covenants. In the event any Owner shall violate any provision of this Declaration or any Rules and Regulation, then the offending Owner must first be notified in writing of the specific violation(s) by another Owner or the Declarant, and said notice must give specific timelines and directives for remedy and abatement. If the Owner is unable, unwilling, or refuses to comply with specific directives for remedy or abatement, or the offending Owner and the party seeking enforcement cannot agree to a mutually acceptable solution within the framework and intent of this Declaration, then Declarant or any Owner, on behalf of itself and the other Owners, shall have the right to bring suit or action against the offending Owner(s) to enforce this Declaration, the Rules and Regulations, or any other governing document enacted subsequent and pursuant to this Declaration. Nothing in this section should be interpreted to completely negate any Owner's ability to enforce this Declaration, Rules and Regulations and/or any other governing documents. Failure to enforce any covenant or restriction contained in this Declaration, the Rules and Regulations, or any other governing document shall not be deemed a waiver of the right to do so thereafter.

5.2 Reservation of Enforcement Rights to Declarant. By this Declaration, Declarant reserves the right to enforce this Declaration and any Rules and Regulations or other governing documents enacted hereto. Said right does not create an affirmative obligation for the Declarant to take action to enforcement action. This right is further reserved and specifically intended for the Declarant at such time when Declarant no longer owns any Lot. The Declarant, through its mission, charitable works, and undertaking in developing the Property has established a reputation, good-will and community association with the Property beyond Declarant's ownership interest in the Property. Additionally, the right to enforce any of the Governing Documents by Declarant as a third-party beneficiary is not merely an altruistic motive or benefit to Declarant, but one that the Owners recognize and agree is necessary and benefits both Declarant and Owners. Nothing in this section shall be interpreted as negating any other Owner's rights and abilities to enforce this Declaration, Rules and Regulations or any other governing document enacted subsequent hereto. The provisions in this section cannot be amended or repealed without an affirmative vote of seventy-five percent of all Owners and with the advance, written consent of the Declarant.

5.3 Costs and Attorney's Fees. In the event any Owner or the Declarant shall require any action to enforce these covenants, with or without bringing suit, the Owner-defendant shall pay to enforcing party, or parties, all costs and expenses incurred by it or them in connection with such suit or action, including a litigation guaranty report issues by a title company doing business in Yakima County, Washington, and the prevailing party in such suit or action shall

recover such amount as the court may determine to be reasonable as attorney's fees at trial and upon any appeal or petition for review thereof.

5.4 Non-exclusiveness and Accumulation of Remedies. An election by an Owner or the Declarant to pursue any remedy provided for violation of this Declaration shall not prevent concurrent or subsequent exercise of another remedy permitted hereunder. The remedies provided in this Declaration or any other governing document are not exclusive but shall be in addition to all other remedies, including actions for damages and suits for injunctions and specific performance, available under applicable law.

ARTICLE 6
MISCELLANEOUS PROVISIONS

6.1 Amendment and Repeal. This Declaration, or any provision thereof except for those specifically mentioned, as from time to time in effect with respect to all or any part of the Property, may be amended or repealed by the vote of Owners representing not less than seventy-five percent of the Lots, based upon one vote for each such Lot, and the advance, written consent of the Declarant to any such amendment or repeal. Any amendments or repeal shall become effective only upon recordation in the deed records of Yakima County, Washington, a certificate of all the approving Owners attesting thereto and the Declarant setting forth in full the amendments or repeal so approved and certifying that said amendments or repeal have been approved in the manner required by this Declaration. In no event shall an amendment under this section create, limit, or diminish special Declarant rights without Declarant's consent, or change the boundaries of any Lot or any uses to which any Lot is restricted. Declarant may not unilaterally amend this Declaration to increase the scope of special Declarant rights reserved in this Declaration after the sale of the first Lot unless Owners representing seventy-five percent of the total vote, other than Declarant, agree to the amendment. Such amendment or repeal shall not have the effect of denying any Owner access to Owner's Lot unless such Owner has consented thereto.

6.2 Joint Owners. In any case in which two or more persons share the ownership of any Lot, regardless of the form of ownership, the responsibility of such persons to comply with this Declaration, any Rules and Regulations and/or any other governing document shall be a joint and several responsibility, and the act or consent of any one or more of such persons shall constitute the act or consent of the entire ownership interest; provided, however, that in the event such persons disagree among themselves as to the manner in which any vote or right of consent held by them shall be exercised with respect to a pending matter, any such person may deliver written notice of such disagreement to the Declarant, and the vote or right of consent involved shall then be disregarded completely in determining the proportion of votes or consents given with respect to such matters.

6.3 Lessees and other Invitees. Lessees, invitees, contractors, family members, and other persons entering the Property under rights derived from an Owner shall comply with all of

the provisions of this Declaration, the Rules and Regulations and any other governing documents restricting or regulating the Owner's use, improvement, or enjoyment of Owner's Lot and other areas within the Property. The Owner shall be responsible for obtaining such compliance and shall be liable for any failure of compliance by such persons in the same manner and to the same extent as if the failure had been committed by the Owner.

6.4 Construction; Severability; Number; Caption. This Declaration shall be liberally construed as an entire document to accomplish the purposes thereof as stated in the introductory paragraphs hereof. Nevertheless, each provision of this Declaration shall be deemed independent and severable, and the invalidity or partial invalidity of any provision shall not affect the validity or enforceability of the remaining part of that or any other provision. As used herein, the singular shall include the plural and the plural the singular, and the masculine and neuter shall each include the masculine, feminine, and neuter, as the context requires. All captions used in this Declaration are intended solely for convenience of reference and shall not limit any provision of this Declaration. If at any time the Property shall fall within the limits of any incorporated, any reference to the Yakima County shall be construed to include any other unit of local government having jurisdiction over the Property.

6.5 Notices and Other Documents. Any notice or other document permitted or required by this Declaration or any other Governing Document may be delivered either personally or by mail. Delivery by mail shall be deemed made 24 hours after having been deposited in the United States mail. With postage prepaid, addressed as follows: If to Declarant, to Declarant's address stated below; if to an Owner, at the address given by the Owner at the time of the Owner's purchase of a Lot.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the date set forth above.

DECLARANT:

Catholic Charities Housing Services – Diocese of Yakima
A Washington non-profit corporation

By:_____

Printed Name: Bryan Ketcham
Title: Director
Address: 5301 Tieton Dr Ste G
Yakima WA 98908

City of Prosser
NOTICE OF PUBLIC HEARING

Type of Application: Land Use- SEPA checklist, Variance, Zone Change, Site Review, Subdivision

Date Filed: March 17, 2015 (Incomplete) Complete April 22, 2015

Notice of Complete Application Issued: May 5, 2015

Applicant: Catholic Charities Housing Services (CCHS)

Location: Parcel # 102842013437002.

Filed Pursuant to: Prosser Municipal Codes; 16.08, 18.75.020, 18.75.030 and Title 19 of the Prosser Municipal Code.

Project Description:

Applicant is proposing a 27 unit single family home subdivision to be located west of 480 North River Road. The project will consist of an extension to Petra Avenue (Not yet constructed) and a new street named Basalt Loop. The Applicant has applied for a preliminary subdivision plat. The Applicant has applied for a rezone for the parcel from Residential High Density (RH) to Residential Manufactured Home Subdivision (RMS).

It is important to note that under Chapter 18 of the Prosser Municipal Code RMS zoning is no longer limited to manufactured homes and the applicant is proposing stick built homes within the subdivision. This is not a mobile home park (RMHP).

Applicant has requested a Variance to Prosser Municipal Code Chapter 18.24.040 for lot 7 and lot 11 for street frontage. The applicant is asking for a 40 foot variance for both lots.

NOTICE IS HEREBY GIVEN by the undersigned City Clerk of the City of Prosser, Washington, that the Planning Commission will hold a Public Hearing on June 18, 2015 at 6:00 p.m., or as soon thereafter as possible, in the City Council Chambers, City Hall, 601 7th Street, Prosser, Washington, for the purpose of receiving public comment for a subdivision (long plat) of 27 parcels plus 1 large remaining parcel. The City Hall Council Chambers is wheelchair accessible. American with Disabilities Act (ADA) accommodations are available upon request to the City Clerk at least 2 days in advance by calling (509) 786-2332.

The public is encouraged to comment and or attend the hearing. All available information and related documents for the application may be viewed at the City Clerk's Office, located at Prosser City Hall, 601 7th Street, Prosser, Washington, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays or may be viewed at www.cityofprosser.com. All interested persons may appear and provide testimony or provide written testimony at the public hearing or prior to the public hearing. Comments must be received by **June 18, 2015, 5:00 p.m.**

The person(s) receiving this notice may request a copy of the final decision in this matter.

The final decisions may be appealed in accordance with the Land Use Petition Act (RCW 36.70C).

A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and copies will be provided at the city's cost or may be viewed online at www.cityofprosser.com

Contact:

Steve Zetz
Prosser City Planner
601 7th Street, Prosser, WA 99350
Phone: 786-2332
szetz@cityofprosser.com

Rachel M. Shaw

City Clerk
City of Prosser

Published: Prosser Record Bulletin
Publish Date: June 3, 2015

CITY OF PROSSER, WASHINGTON
NOTICE OF COMPLETE APPLICATION
River Road Homes
364 Petra Ave

Notice of Application posted May 13, 2015

Please take notice that the following land use application has been filed with the City of Prosser Washington and is available for public review:

Type of Application: Land Use- SEPA checklist, Variance, Zone Change, Site Review, Subdivision

Date Filed: March 17, 2015 (Incomplete) Complete April 22, 2015

Notice of Complete Application Issued: May 5, 2015

Applicant: Catholic Charities Housing Services (CCHS)

Location: Parcel 102842013437002.

Filed Pursuant to: Prosser Municipal Codes; 16.08, 18.75.020, 18.75.030 and Title 19 of the Prosser Municipal Code.

Project Description

Applicant is proposing a 27 unit single family home subdivision to be located west of 480 North River Road. The project will consist of an extension to Petra Avenue (not yet constructed) and a new street named Basalt Loop. The Applicant has applied for a preliminary subdivision plat. The Applicant has applied for a rezone for the parcel from Residential High Density (RH) to Residential Manufactured Home Subdivision (RMS).

It is important to note that under Chapter 18 of the Prosser Municipal Code RMS zoning is no longer limited to manufactured homes and the applicant is proposing stick built homes within the subdivision. This is not a mobile home park (RMHP).

Applicant has requested a Variance to Prosser Municipal Code Chapter 18.24.040 for lot 7 and lot 11 for street frontage. The applicant is asking for a 40 foot variance for both lots.

Other permits:

The following additional permits are associated with this application: Preliminary Play, Building Permit, Variance approval.

The following studies have been required pursuant to RCW 36.70B.070: SEPA Checklist.

Preliminary determination of consistency:

The City has determined that this application is consistent with the City's Development Regulations and Comprehensive Plan.

Environmental Review: The City is using the optional process contained in Washington Administrative Code (WAC) Section 197-11-355 to make its threshold determination. The City expects to issue a **Mitigated Determination of Non-significance (MDNS)** for this project. This may be your only opportunity to comment on the environmental impacts of the proposed project. A copy of the subsequent Threshold Determination for the project may be obtained upon request. The lead agency, the City of Prosser, will not act on this proposal for 14 days from the published date below.

City of Prosser Contact: Prosser City Planner.

Comments: The public is invited to comment on the application and environmental review. The public comment period shall be **15-days and will begin May 13, 2015**. All public comments received on the Notice of Application must be received by the City of Prosser **no later than 5:00 pm, May 28, 2015.** Comments may be mailed or personally delivered to the following;

Attn: Prosser City Clerk
601 7th Street,
Prosser, Washington, 99350

All available information and related documents for the application may be viewed at the City Clerk's Office, located at Prosser City Hall, 601 7th St, Prosser, Washington, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays, or may be viewed at www.cityofprosser.com.

The person(s) receiving this notice may request a copy of the final decision in this matter.

The final decisions may be appealed in accordance with the Land Use Petition Act (RCW 36.70C).

Dated: **May 5, 2015**

Rachel Shaw, CMC
City Clerk
City of Prosser

Published: Prosser Record Bulletin
Publish Date: **May 13, 2015**

City of Prosser
NOTICE OF PUBLIC HEARING

Type of Application: Land Use- SEPA checklist, Variance, Zone Change, Site Review, Subdivision

Date Filed: March 17, 2015 (Incomplete) Complete April 22, 2015

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Applicant: Catholic Charities Housing Services (CCHS)

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Applicant has requested a Variance to Prosser Municipal Code Chapter 18.24.040 for lot 7 and lot 11 for street frontage. The applicant is asking for a 40 foot variance for both lots.

NOTICE IS HEREBY GIVEN by the undersigned City Clerk of the City of Prosser, Washington, that the Board of Adjustment will hold a Public Hearing on June 4, 2015 at 6:00 p.m., or as soon thereafter as possible, in the City Council Chambers, City Hall, 601 7th Street, Prosser, Washington, for the purpose of receiving public comment on variance request for street frontage widths. The City Hall Council Chambers is wheelchair accessible. American with Disabilities Act (ADA) accommodations are available upon request to the City Clerk at least 2 days in advance by calling (509) 786-2332.

The public is encouraged to comment and or attend the hearing. All available information and related documents for the application may be viewed at the City Clerk's Office, located at Prosser City Hall, 601 7th Street, Prosser, Washington, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays or may be viewed at www.cityofprosser.com. All interested persons may appear and provide testimony or provide written testimony at the public hearing or prior to the public hearing. Comments must be received by June 4, 2015, 5:00 p.m.

The person(s) receiving this notice may request a copy of the final decision in this matter.

The final decisions may be appealed in accordance with the Land Use Petition Act (RCW 36.70C).

A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and copies will be provided at the city's cost or may be viewed online at www.cityofprosser.com

Contact:

Steve Zetz
Prosser City Planner
601 7th Street, Prosser, WA 99350
Phone: 786-2332
szetz@cityofprosser.com

Rachel Shaw, CMC
City Clerk
City of Prosser

Published: Prosser Record Bulletin
Publish Date: May 13, 2015

FILE COPY

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON } ss.
County of Benton

Tim Miser, being first duly sworn on oath, deposes and says that he is the Production of the PROSSER RECORD-BULLETIN, weekly newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the Superior Court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continually as a weekly newspaper in Prosser, Benton County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That annexed is a true copy of

City of Prosser
Notice of Public Hearing
Catholic Charities Housing Services

as it was published in regular issues (and not in supplement form) of said newspaper once a week for a period of 1 consecutive weeks commencing May 13, 20 15 ending May 13, 20 15 both dates inclusive and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of $ 72.00, which amount has been paid in full.

Tim Miser

Subscribed and sworn to before me this 14th day of May, 20 15

Rebecca D. Fink

Notary Public in and for the State of Washington, residing at Prosser, Washington

REBECCA D. FINK
MY COMMISSION EXPIRES
NOTARY PUBLIC
MARCH 26, 2018
STATE OF WASHINGTON

Notice

City of Prosser
NOTICE OF PUBLIC HEARING

Type of Application: Land Use- SEPA checklist, Variance, Zone Change, Site Review, Subdivision
Date Filed: March 17, 2015 (Incomplete) Complete April 22, 2015
Notice of Complete Application Issued: May 5, 2015
Applicant: Catholic Charities Housing Services (CCHS)
Location: Parcel # 102842013437002.
Filed Pursuant to: Prosser Municipal Codes; 16.08, 18.75.020, 18.75.030 and Title 19 of the Prosser Municipal Code.
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The public is encouraged to comment and or attend the hearing. All available information and related documents for the application may be viewed at the City Clerk's Office, located at Prosser City Hall, 601 7th Street, Prosser, Washington, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays or may be viewed at www.cityofprosser.com. All interested persons may appear and provide testimony or provide written testimony at the public hearing or prior to the public hearing. Comments must be received by June 4, 2015, 5:00 p.m.
The person(s) receiving this notice may request a copy of the final decision in this matter.
The final decisions may be appealed in accordance with the Land Use Petition Act (RCW 36.70C).
A copy of the staff report will be available for inspection at no cost at least se[illegible]ior to the hearing and copies will be provided at the [illegible] online at www.cityofprosser.com

WA 99350

City of Prosser
Published May 13, 2015

FILE COPY

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON }
County of Benton } ss.

Tim Miser, being first duly sworn on oath, deposes and says that he is the Production of the PROSSER RECORD-BULLETIN, weekly newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the Superior Court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continually as a weekly newspaper in Prosser, Benton County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That annexed is a true copy of

City of Prosser
Notice of Complete Application
Catholic Charities Housing Services

as it was published in regular issues (and not in supplement form) of said newspaper once a week for a period of 1 consecutive weeks commencing May 13, 20 15 ending May 13, 20 15 both dates inclusive and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of $ 34.00, which amount has been paid in full.

Tim Miser

Subscribed and sworn to before me this 19th day of May, 20 15

Rebecca D. Fink

Notary Public in and for the State of Washington, residing at Prosser, Washington

REBECCA D. FINK
COMMISSION EXPIRES
NOTARY PUBLIC
MARCH 26, 2019
STATE OF WASHINGTON

Notice

CITY OF PROSSER, WASHINGTON
NOTICE OF COMPLETE APPLICATION
River Road Homes
364 Petra Ave

Notice of Application posted May 13, 2015

Please take notice that the following land use application has been filed with the City of Prosser Washington and is available for public review:

Type of Application: Land Use- SEPA checklist, Variance, Zone Change, Site Review, Subdivision

Date Filed: March 17, 2015 (Incomplete) Complete April 22, 2015

Notice of Complete Application Issued: May 5, 2015

Applicant: Catholic Charities Housing Services (CCHS)

Location: Parcel 102842013437002.

Filed Pursuant to: Prosser Municipal Codes; 16.08, 18.75.020, 18.75.030 and Title 19 of the Prosser Municipal Code.

Project Description

Applicant is proposing a 27 unit single family home subdivision to be located west of 480 North River Road. The project will consist of an extension to Petra Avenue (not yet constructed) and a new street named Basalt Loop. The Applicant has applied for a preliminary subdivision plat. The Applicant has applied for a rezone for the parcel from Residential High Density (RH) to Residential Manufactured Home Subdivision (RMS).

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no longer limited to manufactured
posing stick built homes within the
e home park (RMHP).
iance to Prosser Municipal Code
id lot 11 for street frontage. The
variance for both lots.

are associated with this application:
t, Variance approval.
been required pursuant to RCW

Preliminary determination of consistency:
The City has determined that this application is consistent with the City's Development Regulations and Comprehensive Plan.

Environmental Review: The City is using the optional process contained in Washington Administrative Code (WAC) Section 197-
make its threshold determination. The City expects to issue a Mitigated Determination of Non-significance (MDNS) for this project. This may be your only opportunity to comment on environmental impacts of the proposed project. A copy of the Threshold Determination for the project may be obtained upon request. The lead agency, the City of Prosser, will not act on this proposal for 14 days from the published date below.

City of Prosser Contact: Prosser City Planner.

Comments: The public is invited to comment on the application environmental review. The public comment period shall be 15-days and will begin May 13, 2015. All public comments received on the Notice of Application must be received by the City of Prosser
an 5:00 pm, May 28, 2015. Comments may be mailed or delivered to the following:

Attn: Prosser City Clerk
601 7th Street,
Prosser, Washington, 99350

All available information and related documents for the application may be viewed at the City Clerk's Office, located at Prosser City Hall, 601 7th St, Prosser, Washington, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays, or may be viewed at www.cityofprosser.com.

The person(s) receiving this notice may request a copy of the final decision in this matter.

The final decisions may be appealed in accordance with the Land Use Petition Act (RCW 36.70C).

Dated: May 5, 2015
/s/ Rachel Shaw CMC
City Clerk
City of Prosser
Published May 13, 2015

FILE COPY

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON } ss.
County of Benton

Tim Miser, being first duly sworn on oath, deposes and says that he is the Production of the PROSSER RECORD-BULLETIN, weekly newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the Superior Court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continually as a weekly newspaper in Prosser, Benton County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That annexed is a true copy of

Notice of Findings
Catholic Charities Housing

as it was published in regular issues (and not in supplement form) of said newspaper once a week for a period of 1 consecutive weeks commencing May 6, 20 15 ending May 6, 20 15 both dates inclusive and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee

Subscribed and sworn to before me this 6th day of May, 20 15

Rebecca D. Fink

Notary Public in and for the State of Washington, residing at Prosser, Washington

REBECCA D. FINK
COMMISSION EXPIRES
NOTARY PUBLIC
MARCH 26, 2019
STATE OF WASHINGTON

Notice

CITY OF PROSSER
NOTICE OF FINDINGS OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUND

These notices shall satisfy two separate, but related, procedural requirements for activities to be undertaken by Catholic Charities Housing Services – Diocese of Yakima.

REQUEST FOR RELEASE OF FUNDS

On (15 days from date of publication start), the City of Prosser will "Authorize Catholic Charities Housing Services" to submit a request to the HUD Self Help Opportunity Program funds to undertake the River Road Homes Self-Help Housing project which will consist of 27 new construction units of three and four bedroom single family homes on a 27 lot subdivision located on Basalt Loop and off of Petra Avenue (both roads to be completed) in Prosser, Washington.

FINDING OF NO SIGNIFICANT IMPACT

The City of Prosser has determined that the project will not have a significant impact on the environment. Therefore, an Environmental Impact Statement, under the National Environmental Policy Act of 1969 (NEPA), is not required. Additional project information is contained in the Environmental Review Records (ERR), on file at the City of Prosser, 601 7th Street Prosser, WA, 99350, and may be examined Monday through Friday during business hours.

PUBLIC COMMENTS

Any individual, group or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the following;

Rachel Shaw
Prosser City Clerk
601 7th Street
Prosser, WA 99350

by (15 days from publication start date) the City of Prosser prior authorizing for release of funds. Co ents should they are addressing.

RELEASE OF FUNDS

rden, in his capacity of City accept jurisdiction of the Federal ight to responsibilities and that these r

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will ccept objections release of the Prosser's certification fo of days following anticipated date of receipt of the request (whichever is later) only if they are on one of the following bas (a) the certification was not exec by Certifying Officer the City of Prosser; (b) The City of has omitted a step or failed to make a decision or finding required by HUD Regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD/State; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to the United States of Housing and Urban Development, 909 First Avenue Ste 200, Seattle, WA 98104-1000. Potential objectors should contact HUD/State to verify the actual last day of the objection period.

Steve Zetz; Prosser City Planner
Published: May 6, 2015