

**CITY OF PROSSER, WASHINGTON
RESOLUTION NO. 11-1366**

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

WHEREAS, on November 10, 2011, the Planning Commission held an open record public hearing considering whether to recommend approval of the Bierlink Meadows Subdivision preliminary plat to the City Council; and

WHEREAS, on November 10, 2011, the Planning Commission recommended to the City Council that it approve the preliminary plat of the Bierlink Meadows Subdivision; and

WHEREAS, the City Council has held a closed record decision hearing on the proposed preliminary plat of the Bierlink Meadows Subdivision;

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

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

ADOPTED by the City Council of the City of Prosser and **APPROVED** by the Mayor of the City of Prosser this 22nd day of November, 2011.



PAUL WARDEN, MAYOR

ATTEST:



RACHEL SHAW, CITY CLERK



APPROVED AS TO FORM:



HOWARD SAXTON, CITY ATTORNEY

ATTACH PRELIMINARY PLAT MAP

INSERT PLANNING COMMISSION FINDINGS

BEFORE THE PLANNING COMMISSION

OF THE

CITY OF PROSSER, WASHINGTON

IN THE MATTER OF THE APPLICATION OF)
)
ALLEN BIERLINK AND RONALD AND) FINDINGS/CONCLUSIONS
BARBARA BORG,)
FOR APPROVAL OF A PRELIMINARY PLAT)
FOR THE BIERLINK MEADOWS SUBDIVISION))
_____)

Before the Planning Commission of the City of Prosser, Washington, in the matter of the application of Allen Bierlink and Ronald and Barbara Borg (hereafter Proponent) for the approval of a preliminary plat for the Bierlink Meadows Subdivision in accordance with the Plat filed by the Proponent and in accordance with Prosser Municipal Code Title 17.

FINDINGS

I.

DETERMINATION OF COMPLETE APPLICATION

The Proponent submitted an application for the approval of a preliminary plat for the Bierlink Meadows Subdivision on October 7, 2011, and the application was determined to be complete on October 13, 2011, by Administration.

II.

STATE ENVIRONMENTAL POLICY ACT

The approval of the preliminary plat is subject to review under the State Environmental

Policy Act as adopted and regulated by Prosser Municipal Code Chapter 16.04 (SEPA). The City of Prosser, Washington was the lead agency for review under SEPA. The City of Prosser, Washington issued a mitigated determination of non-significance on November 4, 2011. The SEPA determination is hereby incorporated herein as if fully set forth.

III.

PRELIMINARY DETERMINATION OF CONSISTENCY

The request is in compliance with PMC Chapter 17.12. The City of Prosser has determined that the application is consistent with the Comprehensive Plan and other planning and zoning requirements provided that the Proponent complies with all the mitigation measures contained in the Mitigated Determination of Non-significance issued by the City and all conditions contained in these findings.

In order to make a determination of consistency the following approvals and permits would be needed:

- A. Compliance with the notes on the face of the subdivision preliminary plat.
- B. Compliance with the SEPA mitigation measures.
- C. Compliance with requirements of these findings and the Prosser Municipal Code.
- D. Construction of public improvements within the subdivision including but not limited to Streets, Sidewalks, Storm Water Retention Facilities, and Irrigation System.
- E. No direct access to Nunn Road shall be permitted from any lot in the subdivision

except through public streets depicted on the face of the preliminary plat.

- F. A note shall be added on the face of the plat alerting persons, who may be sensitive to noise, that a public airport is adjacent to the subdivision.

IV.

NOTICES

The notice of the application and notice of the Hearing was published in the Prosser Record Bulletin on October 19, 2011. Notice was also mailed to land owners within three hundred feet of the property described in section V. Notice of the hearing and application were provided in accordance with the Prosser Municipal Code.

V.

ADDITIONAL FINDINGS/CONCLUSIONS

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

Lot 7, Short Plat Number 1744, according to the survey thereof recorded under Auditor's Recording Number 91-11554, records of Benton County, Washington.
2. The project is not phased and the entire plat will be constructed at one time.
3. The Proponent's Property is located within the City Limits of the City of Prosser, Washington.
4. The Proponent's Property is directly accessed from Nunn Road (Nunn). Nunn intersects Wine Country Road which provides Freeway access both eastbound to the Tri-Cities and

westbound to Yakima.

5. The Proponent did not conduct a traffic study.
6. Proponent's subdivision is of sufficient size to allow the construction of 10 dwelling units.
7. Using the 7th Edition ITE Trip Generation Manual, 58.6 daily automobile trips will be generated by full build out of the subdivision.
8. Nunn is stop controlled at Wine Country Road eastbound.
9. The City of Prosser has designated that Nunn and Wine Country Roads, and the intersection of those streets function at a level of service (LOS) of "C".
10. Wine Country Road at Nunn Road currently functions at a LOS of A. Nunn Road currently functions at a LOS of A. The Wine Country Road and Nunn Road intersection currently functions at a LOS of A.
11. The cumulative impact of this development and other uses in the area to 2017 will not cause any of the affected roads or the intersection of the affected roads to fall below a LOS of "C".
12. Since all roads and the intersection of them will continue to function at a level C or better even with the cumulative impact of this and other uses to 2017, no off-site intersection improvements are required.
13. Nunn will be improved where the subdivided property has frontage on that street.
14. The neighboring properties to the west and east of the Proponent's Property consist of single or multi-family residential uses. The properties to the north are industrial and to the south are large lot residential with some agricultural or commercial uses.

15. The City's Comprehensive Plan (LU 1.2) provides in part that the "type of land use and design of new development should be compatible with the existing developments, and land uses, and shall continue the rural community image." The Plan further provides (LU 3.4) that in ensuring a well-designed city, the city should "ensure adequate buffering between land use types".
16. All storm water must be retained on-site in accordance with City Standards.
17. The subdivision must be connected to public water and all wastewater generated by the project must be collected and conveyed to the Prosser wastewater facility for treatment and disposal in accordance with the City's wastewater discharge permit.
18. The preliminary plat provides for connection to the City's public water system and sewage disposal system. Construction of the subdivision will not cause the City to violate its wastewater discharge permit. At the time of final plat approval the Proponent shall provide detailed construction drawings and detailed specifications showing construction of water and sewer lines in the subdivision connecting the subdivision to the City's water and sewer main lines as extended by the Proponent to the western boundary of their property on Numm Road, in accordance with City Standards and subject to the approval of the City Engineer.
19. Fire Hydrants will be provided for upon final plat approval in accordance with the requirements of the City's Fire Official.
20. The Proponent has not identified any wetland on Proponent's property.
21. No wetland areas are located on the Proponent's Property. The Proponent's Property is not

within two-hundred feet of the Yakima River.

22. The Proponent's property is generally flat with the steepest slope being at or below three percent. No steep slope critical areas are present on the Proponent's Property.
23. Construction activities for the Proponent's project will generate dust. The Proponent shall comply with all requirements of the Benton County Clean Air Authority. The proponent shall provide the City with copies of permits from the Benton County Clean Air Authority prior to commencement of construction of Proponent's Project.
24. The Proponent's Property is contained within the City's Critical Aquifer Recharge Area but the residential development will not adversely affect the recharging of the aquifer since all storm water will be retained on-site and all wastewater will be discharged to the City's wastewater treatment plant.
25. The Proponent's Property has access to irrigation water through easements assuring it direct access to the Sunnyside Valley Irrigation District distribution system.
26. Irrigation facilities shall be extended to serve the Proponent's Property.
27. Proponent's preliminary plat provides for extension of irrigation lines and construction of a private irrigation system within the subdivision which will provide irrigation water to each lot within the subdivision.
28. The Proponent's Property is adjacent to land owned by the Port of Benton and used for public airport and supporting industrial uses. Although the lots within the proposed subdivision are at a medium density they are approximately 750 feet from the taxi-way and

approximately 880 feet from the airport runway.

29. The close proximity to the airport may cause some lot owners to be inconvenienced by noise.
30. The noise caused by the airport is not sufficient to deny Proponent's application, but Proponent shall warn prospective buyers of the noise nuisance by placing a note on the face of the final plat that the lots are adjacent to a public airport.
31. The Prosser School District did not provide any comments that this development would cause the need for additional school facilities.
32. PMC 18.27.040(G) requires the Proponent to either dedicate a park to the City or pay the City the equivalent of 7% of the value of the subdivided property to be used for capital improvements to other city parks.
33. The value of the Proponent's property is \$36,300 based upon the records of the Benton County Assessor.
34. The Proponent in lieu of the construction of a public park will pay \$2,541 to the City of Prosser to be used for capital improvements to other city parks.
35. Utility easements on the face of the previous plat, easements in favor of the Sunnyside Valley Irrigation District, and the document recorded under Benton County Auditor's File Number 92-390 shall be released or altered with the permission of the owner of that easement to conform to the approved preliminary plat.

VI.

ADDITIONAL CONCLUSION

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

VII.

TESTIMONY

Steve Zetz and Allen Bierlink participated in the hearing. The following provided written materials or comments: the City of Prosser, Washington, Proponent, Sunnyside Valley Irrigation District, and Benton County Public Utility District Number 1.

VI.

DETERMINATION BY THE PLANNING COMMISSION

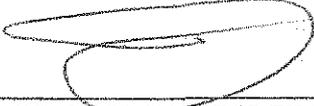
The Planning Commission recommends approval of the preliminary plat with the conditions of approval as above indicated.

THE PLANNING COMMISSION SO FINDS.

ADOPTED BY THE PLANNING COMMISSION on November 10, 2011.


CHAIR OF THE BOARD OF THE PLANNING
COMMISSION

Attested to by:



HOWARD SAXTON, SECRETARY

The City of Prosser, City Council will conduct a closed record decision hearing on the Proponent's Application on November 22, 2011. Only appellate testimony will be permitted at this hearing. The City Council's decision may be appealed within 21 days of its decision in accordance with the Washington State Land Use Petition Act.

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