City of Prosser, WA
601 7th Street
Prosser, WA 99350

CITY OF PROSSER, WASHINGTON
BOARD OF ADJUSTMENT MEETING
AGENDA
6:00 P.M.
THURSDAY, June 4, 2015

1. **Call to Order by Chair**

2. **Roll Call**

3. **Minutes for May 7, 2015**
   ACTION: Approve or deny or make changes

4. **Public Hearing for Variance request at River Road Homes on North River Road (Petra Avenue)**

   SEE HEARING TYPE BELOW

   ACTION: Take public testimony. Approve, deny, or make changes.
   ATTACHMENTS: Site Plan, Application

5. **Approval of findings for Moo Sung Kang**

6. **Adjournment**

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?

CITY OF PROSSER
BOARD OF ADJUSTMENT MEETING
THURSDAY, MAY 7, 2015
COUNCIL CHAMBERS, CITY HALL
PROSSER, WASHINGTON

CALL TO ORDER:

The Board of Adjustment meeting was called to order by Chairperson Dan Baldwin at 6:00 p.m., on May 7, 2015.

ROLL CALL:

Members present were Dan Baldwin, Reuel Paradis, Mike Kelley, and Bill Riley. Tammy McKeirnan and Idalia Aguilar were absent. One position on the Board is currently vacant. City Staff present were Planner Steve Zetz and City Attorney/Secretary Howard Saxton.

PUBLIC HEARING FOR A VARIANCE FOR 335 WINE COUNTRY ROAD:

The Chair re-opened a public hearing for a five-foot variance to the ten-foot side and rear set back requirement in the Commercial Thoroughfare Zoning District (CT). The Chair asked if the Board had any conflict in this quasi-judicial matter. The Chair also asked members of the public present whether they believed any member had a conflict. No conflicts were identified. All witnesses were place under oath before they testified. Mike Storms testified as follows:

- He is the designer for the project.
- The owner, Moo Sung Kang, has been in the small retail business for many years and has owned mini-marts in Prosser before.
- The owner wants the variance to facilitate parking and to be consistent with the other commercial zoning districts in the city.
- The owner's lot is 214 feet in width in the front and 216 feet in width in the back.

Steve Zetz indicated that most uses in CT had complied with the ten-foot set back requirement.

The Chair closed the public hearing. Bill Riley moved and Mike Kelley seconded that the variance be approved as requested provided that construction commence within two years from today's date. All approved.

ADJOURNMENT: There being no further business to come before the Board, the meeting was adjourned at 6:35 p.m.

Respectfully submitted:

_____

DAN BALDWIN, Chair

_____

HOWARD SAXTON, Secretary

S:\BD\BD-MIN5715.wpd

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

RENOTICE FOR AFFIDAVIT OF MAILING

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 29, 2015**. All public comments received on the Notice of Application must be received by the City of Prosser **no later than 5:00 pm, June 15, 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 28, 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

Notice of Complete Application Issued: May 5, 2015

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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 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 Shaw, CMC
City Clerk
City of Prosser

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

City of Prosser

Washington

AFFIDAVIT OF MAILING

The undersigned, being first duly sworn on oath deposes and says: That he is now and at all times herein mentioned is and was a citizen of the United States and resident of the State of Washington, over the age of eighteen years; and

That on May 19th, 2015 I mailed a true copy of the attached notice to all interested parties as listed announcing See attatched.

Number of pages	39	X .15 =	5.85	X number of packets	36	= **Total**	210.60
Packets	36	X Postage	1.61	= 57.96	+ Total above =	**Final Total**	268.56

Veronica Rodriguez
(Signature)

Veronica Rodriguez
(Print)

SUBSCRIBED TO AND SWORN BEFORE ME THIS 19th DAY OF May, 2015

KENDALL JEAN MURPHEY
COMMISSION EXPIRES
NOTARY PUBLIC
JULY 27, 2017
STATE OF WASHINGTON

Kendall Jean Murphey
NOTARY PUBLIC in and for the State of Washington residing at Prosser.
My Commission Expires: July 27, 2017

Use Avery® Template 5160®
Feed Paper — Bend along line to expose Pop-up Edge™
AVERY® 5160®

STONE IRVIN E & BEVERLY J
450 NORTH RIVER RD
PROSSER, WA 99350-9512

CHURCH OF THE FIRSTBORN
19204 W YAKITAT PL NW
BENTON CITY, WA 99320-9555

JEHOVAHS WITNESSES
1044 MARGARET ST
PROSSER, WA 99350-1070

BROWN MAXINE MARIE
490 NUNN RD
PROSSER, WA 99350

LAURICH BETH E
348 NUNN RD
PROSSER, WA 99350

RISK EDDIE JOE
423 7TH ST
PROSSER, WA 99350-1156

AMEZCUA ELENA
360 NUNN RD
PROSSER, WA 99350

COSINA MANUEL & ANA ROSA
376 NUNN RD
PROSSER, WA 99350

SHEPPARD ANDREW L & EILEEN B
380 B NUNN RD
PROSSER, WA 99350

CERVANTES REYNALDO & LINDA D
420 NUNN RD
PROSSER, WA 99350

SANDOVAL MIGUEL A
450 NUNN RD
PROSSER, WA 99350

CATHOLIC CHARITIES HOUSING SERVICES
5301 TIETON DR STE C
YAKIMA, WA 98908

STONE ROBERT VINCENT
420 NORTH RIVER RD
PROSSER, WA 99350

SERRANO ROBERT C & PAMELA R
137904 W NORTH RIVER RD
PROSSER, WA 99350-6591

RIPPLINGER RANDY J & KATHLEEN J
138308 W NORTH RIVER RD
PROSSER, WA 99350-6591

CATHOLIC CHARITIES HOUSING SERVICES
5301 TIETON DR STE C
YAKIMA, WA 98908

JAIME KARLA
309 CASI CT
PROSSER, WA 99350

GUERRERO ALDO & JUDITH
PO BOX 1413
PROSSER, WA 99350

OROPEZA ROLANDO
PO BOX 722
GRANDVIEW, WA 98930

GUTIERREZ GEORGE A
40601 N CROSBY RD
PROSSER, WA 99350

PINEDA LAURA
3 GOLDENDALE AVE
TOPPENISH, WA 98948

ANTUNEZ MARTIN DEGANTE
23202 N CROSBY RD
PROSSER, WA 99350

NORBY JUSTIN E
333 CASI CT
PROSSER, WA 99350-7272

GRAFF CONNIE JO
337 CASI CT
PROSSER, WA 99350

TRINIDAD HIPOLITO & FLOR
338 CASI CT
PROSSER, WA 99350

GONZALEZ EDWIN & MARIA LOURDES
334 CASI CT
PROSSER, WA 99350

CHAVEZ PABLO V
330 CASI CT
PROSSER, WA 99350

GRIFFIN JAY R & LINDA L
326 CASI CT
PROSSER, WA 99350

ALVAREZ ALEJANDRO & JOSEPHINA
PO BOX 1443
PROSSER, WA 99350

PEREZ ARTURO
116916 W 155 PR NW
PROSSER, WA 99350-4619

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expose Pop-up Edge™

AVERY® 5160®

FAJARDO FELIPE & IRMA
314 CASI CT
PROSSER, WA 99350

PUZYCKI NICHOLAS B
310 CASI CT
PROSSER, WA 99350

SALGADO MARCIAL & FELICITAS
320 NUNN RD
PROSSER, WA 99350

HINTZ RAYMOND L & BRENDA L
305 CASI CT
PROSSER, WA 99350

MACIAS DAVID & MARIA DE JESUS
306 CASI CT
PROSSER, WA 99350

GUTIERREZ AMALIA
PO BOX 721
MABTON, WA 98935

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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

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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

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

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.

Applicant Signature 3/17/15 Date

Owner Signature 3/17/15 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_____

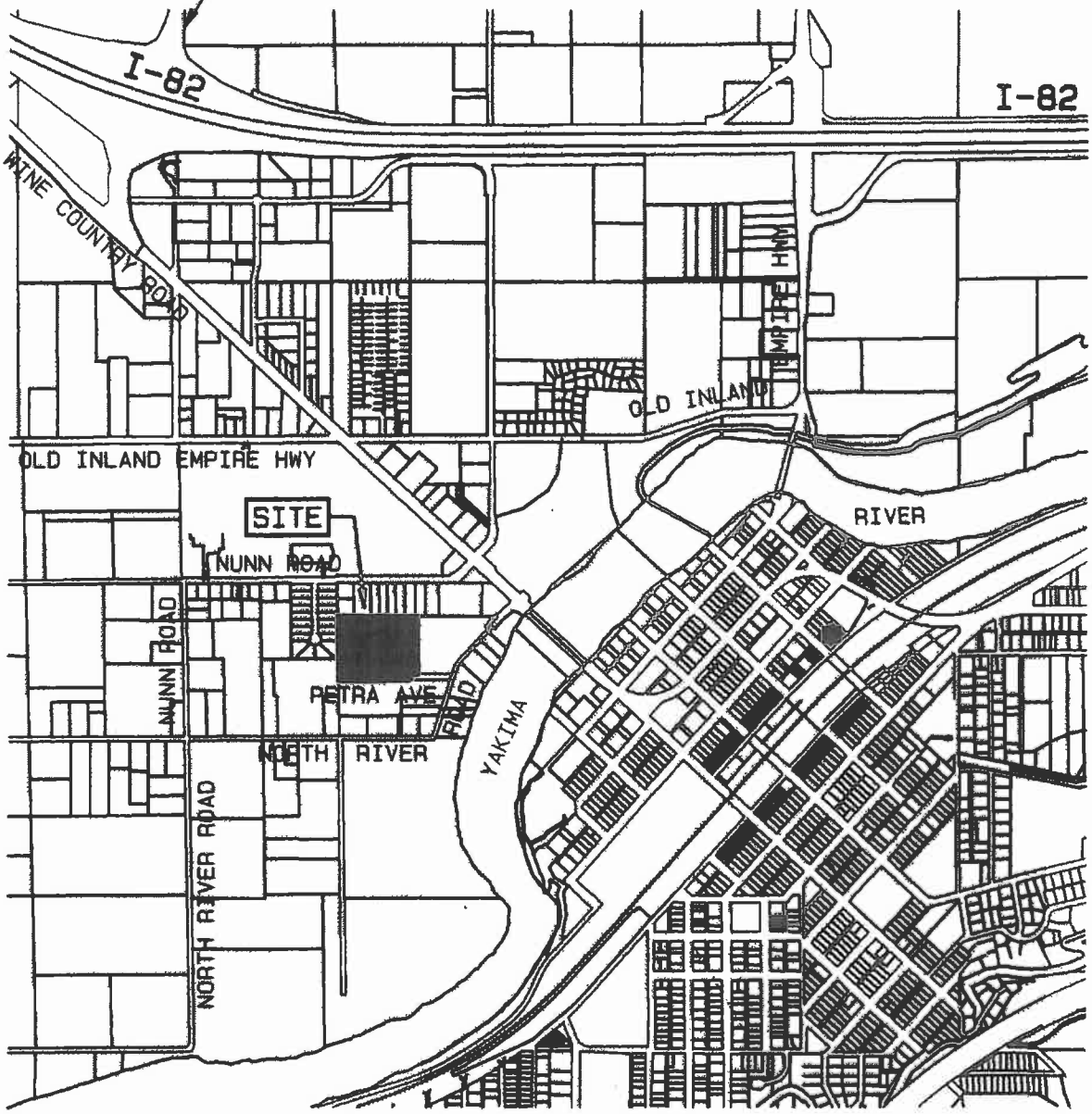
RETURNED BY_____ DATE_____

REASON FOR APPLICATION RETURN_____

PMC-18

Revised 12-29-07

VICINITY MAP
(PROSSER, WA)



PARENT PARCEL NUMBER 1-0284-201-3437-002

DON WILTON SURVEYING

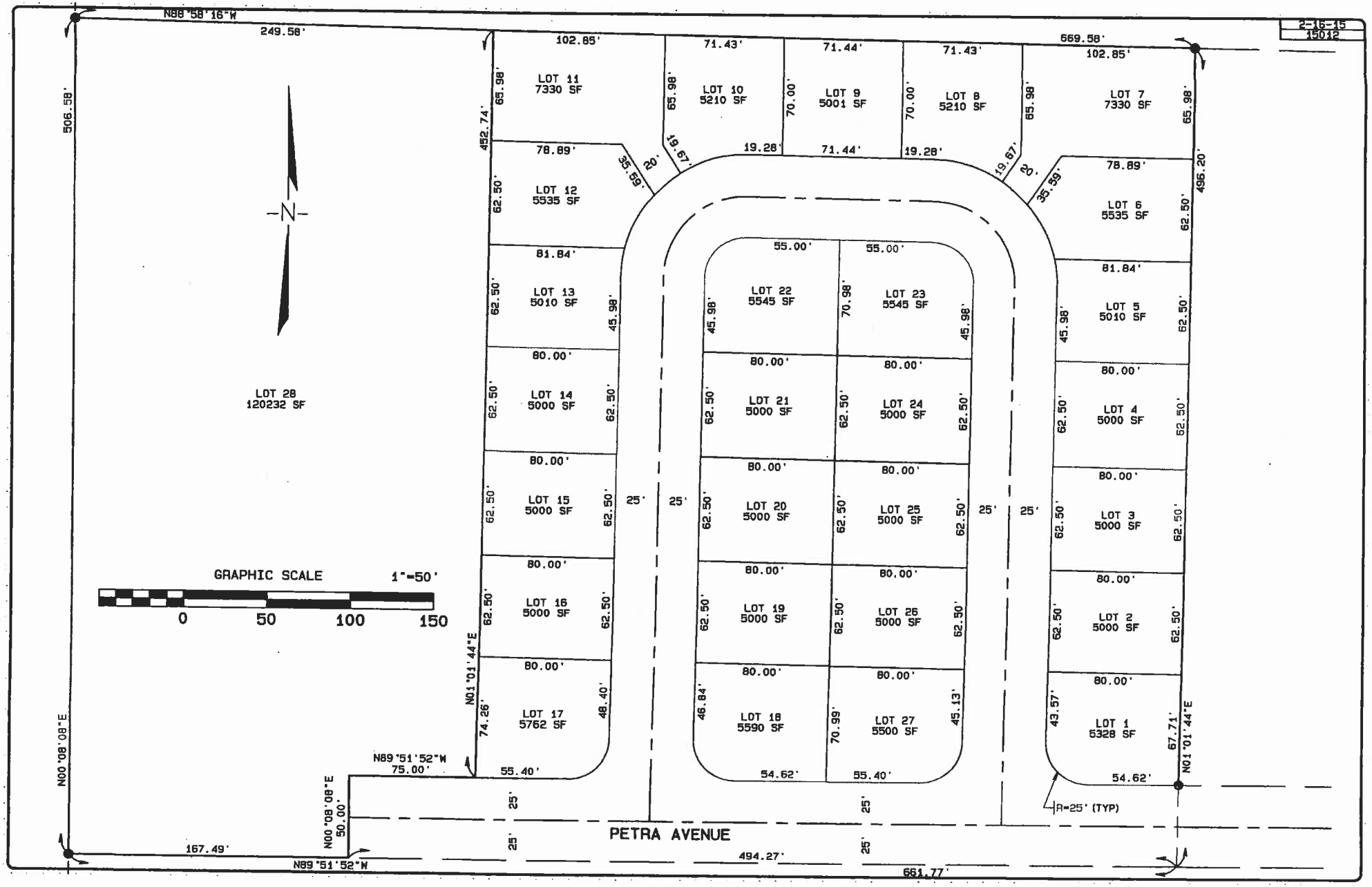
PO BOX 2275 YAKIMA, WA 98907 509-454-8195

BDW DRAWN	PRELIMINARY PLAT
FEB 16, 2015 DATE DRAWN	
FEB 16, 2015 SURVEY DATE	

JOB NO. 15012

DONALD H. WILTON
STATE OF WASHINGTON
21507
REGISTERED
PROFESSIONAL LAND SURVEYOR

3-30-15



2-16-15
15012
N88°58'16"W
249.58'
506.58'
102.85'
71.43'
71.44'
71.43'
669.58'
102.85'
LOT 11
7330 SF
LOT 10
5210 SF
LOT 9
5001 SF
LOT 8
5210 SF
LOT 7
7330 SF
452.74'
65.98'
70.00'
19.67'
19.28'
71.44'
19.28'
19.67'
20'
35.59'
78.89'
LOT 12
5535 SF
LOT 6
5535 SF
496.20'
62.50'
81.84'
LOT 13
5010 SF
LOT 5
5010 SF
45.98'
55.00'
LOT 22
5545 SF
LOT 23
5545 SF
70.98'
80.00'
LOT 14
5000 SF
LOT 21
5000 SF
LOT 24
5000 SF
LOT 4
5000 SF
LOT 28
120232 SF
LOT 15
5000 SF
LOT 20
5000 SF
LOT 25
5000 SF
LOT 3
5000 SF
25'
GRAPHIC SCALE
1"=50'
0
50
100
150
LOT 16
5000 SF
LOT 19
5000 SF
LOT 26
5000 SF
LOT 2
5000 SF
N01°01'44"E
74.26'
48.40'
LOT 17
5762 SF
46.84'
LOT 18
5590 SF
70.99'
LOT 27
5500 SF
45.13'
43.57'
LOT 1
5328 SF
67.71'
N00°08'08"E
N89°51'52"W
75.00'
55.40'
54.62'
55.40'
54.62'
R=25' (TYP)
50.00'
PETRA AVENUE
167.49'
494.27'
661.77'

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 99350
(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 18.75.80

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

FILE COPY

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 and benefit of such Lot, except as otherwise expressly provided in this Declaration, but the Lot shall be bound by and each Owner and the Declarant shall comply with the Restrictions on Use contained in 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 plat, 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:

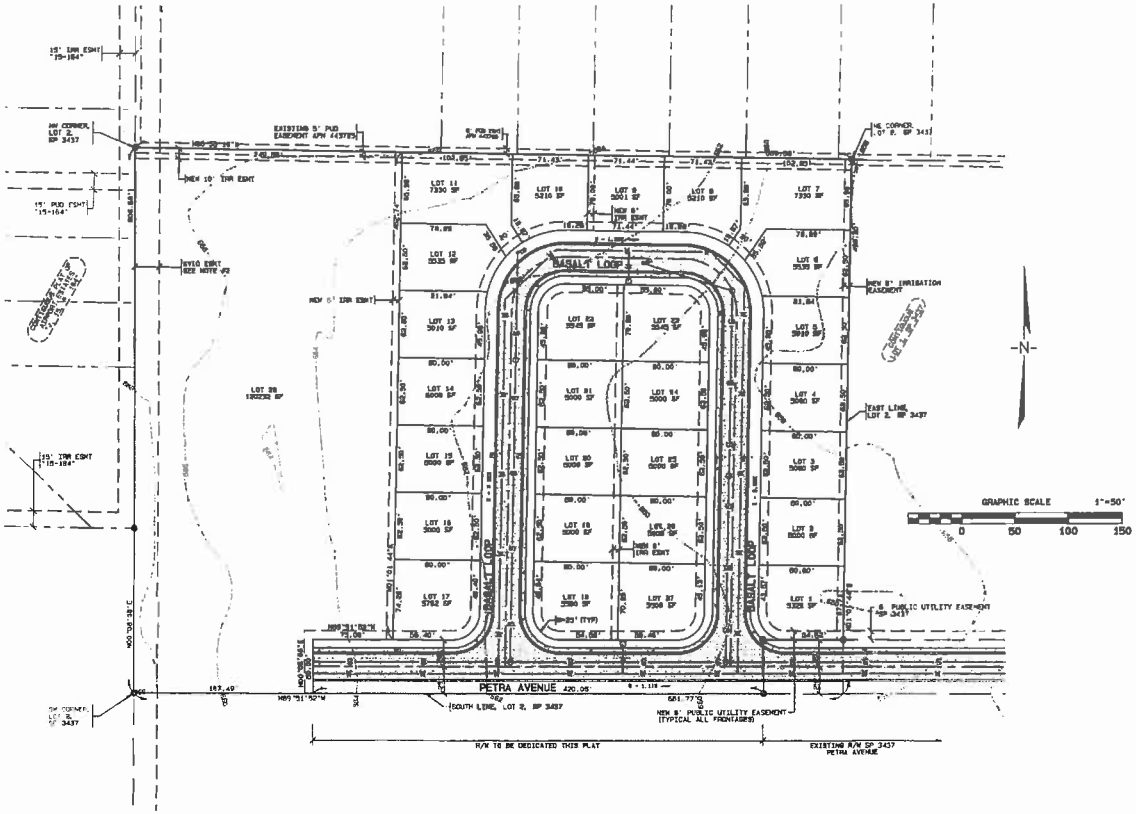
Catholic Charities Housing Services – Diocese of Yakima
A Washington non-profit corporation

By:_____

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

PRELIMINARY PLAT OF NORTH RIVER ROAD HOMES

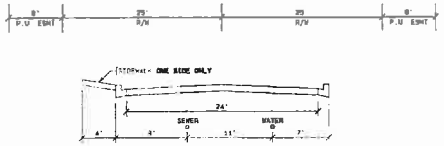
IN THE SOUTHEAST 1/4, OF THE NORTHWEST 1/4
SECTION 2, TOWNSHIP 8 NORTH, RANGE 24 EAST, W.M.



LEGAL DESCRIPTION

LOT 2 OF SHORT PLAT 3437, RECORDED UNDER AUDITOR'S FILE NUMBER 2014-019571, RECORDS OF BENTON COUNTY, WASHINGTON.

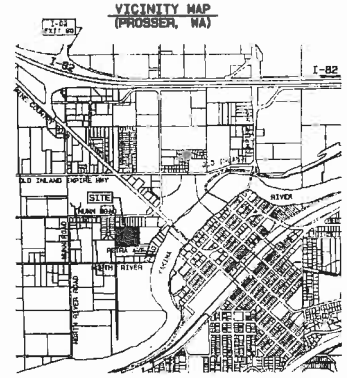
PROPOSED BASALT LOOP
ROAD SECTION
(NOT TO SCALE)



NOTES

1. WHERE IS UTILITY IMPROVEMENT FOR THIS SUBDIVISION MUST BE DESIGNED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF WASHINGTON.
2. EXISTING 30 FOOT WIDE IRRIGATION EASEMENT FOR SUNNYSIDE VALLEY IRRIGATION DISTRICT - LATERAL 03703. THE CENTERLINE OF THE EASEMENT FOLLOWS THE CENTERLINE OF THE PIPE, WIDTH OF THE EASEMENT FROM PROPERTY LINE MAY VARY.

VICINITY MAP
(PROSSER, WA)



PROPOSED STREET DEDICATIONS

PETRA AVENUE	21,003 SQ FT
BASALT LOOP	44,338 SQ FT

LEGEND

- DENOTES FENCE
- DENOTES SANITARY SEWER
- DENOTES WATER
- DENOTES CLEAR OUT
- DENOTES SANITARY SEWER MANHOLE
- DENOTES FIRE HYDRANT
- DENOTES ASPHALT
- DENOTES CONCRETE

PARENT PARCEL NUMBER 1-0284-201-3437-002

OWNER
CATHOLIC CHARITIES
HOUSING SERVICES
5301 TIETON DR STE C
YAKIMA, WA 98908
(509) 853-3800

DONALD H. WILTON
PROFESSIONAL LAND SURVEYOR
3-30-15

DON WILTON SURVEYING
PO BOX 2275 YAKIMA, WA 98907 509-454-8195

DRAWN BDM	PRELIMINARY PLAT
DATE DRAWN FEB 16, 2015	
SURVEY DATE FEB 16, 2015	
	PROSSER, WA

JOB NO. 15012

BEFORE THE BOARD OF ADJUSTMENT

OF THE

CITY OF PROSSER, WASHINGTON

IN THE MATTER OF THE APPLICATION OF	)
	)
MOO SUNG KANG,	) FINDINGS/CONCLUSIONS/DECISION
	)
FOR A FIVE-FOOT VARIANCE IN THE SIDE	)
AND REAR SETBACK REQUIREMENT IN THE	)
COMMERCIAL THOROUGHFARE ZONING	)
DISTRICT (CT)	)
_____	)

Before the Board of Adjustment of the City of Prosser, Washington, in the matter of the application of Moo Sung Kang (hereafter Proponent) for a five-foot variance from the requirement of ten-foot rear and side setbacks in the Commercial Thoroughfare Zoning District (CT) at 335 Wine Country Road, Prosser, Washington.

FINDINGS

I.

DETERMINATION OF COMPLETE APPLICATION

The Proponent submitted an application for a variance on April 16, 2015, and the application was determined to be complete on April 22, 2015, by Administration.

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 18.46.040(A) to decrease the required side and rear setbacks from ten feet to 5 feet.

III.

NOTICES

The notice of the application was published on April 22, 2015, in the Prosser Record Bulletin. The notice of the public hearing was published by separate notice on April 22, 2015, in the Prosser Record Bulletin. Notice of the hearing and application were provided in accordance with the Prosser Municipal Code (PMC) by publishing it in the City's official newspaper and by mailing it to all property owners, according to the records of the Benton County Assessor, within 300 feet of the boundaries of the property. The property was also posted in accordance with PMC 19.03.010.

IV.

ADDITIONAL FINDINGS

1. Proponent's property is located at 335 Wine Country Road, Prosser, Washington 99350.

2. Proponent's property is identified by Benton County as having parcel number 1-0284-200-0006-000 and is legally described as follows:

   That portion of Government Lot 3, Section 2, Township 8 North, Range 24 East, W.M., Benton County, Washington, lying Northeasterly of State Highway, described as follows:

Beginning at a point of intersection of a line 20 feet west of the East line of said Government Lot 3, with the Northeasterly right of way line of State Highway No.3; Thence North 47°00' West along said Northeasterly right of way line 471.65 feet to the True Point of Beginning; Thence North 43°00' East at right angles thereto 200 feet; Thence North 47°00' West 200 feet; Thence South 43°00' West 200 feet to a point on said Northeasterly right of way line; Thence South 47°00' East 200 feet along said Northeasterly right of way line to the True Point of Beginning.

TOGETHER WITH that portion of Lot 2, Short Plat No. 2595, according to the Survey thereof recorded under Auditor's File No. 2001-030772, records of Benton County, Washington, lying Northeasterly of State Highway SR 12, described as follows:

Beginning a point marked by ½' rebar and plastic cap "Worley 13352" set as the corner between tax parcels 1-0284-200-0006-000 and 1-0284-201-2595-002, at a point on the Northeasterly right of way line of Wine Country Road (SR 12) a distance of 671.65 feet from the point of intersection of the Northeasterly line of said highway right of way, and a line drawn parallel with and 20 feet Westerly of the East line of said subdivision; Thence the following four courses:

1) North 47°00'00" West 14.34 feet;
2) North 42°21'15" East 200.01 feet;
3) South 47°00'00" East 16.60 feet;
4) South 43°00'00" West 200.00 feet to the point of beginning.

(Also known as Survey No. 3456, recorded March 23, 2005, under Recording No. 2005008898)

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

4. The property is accessed by Wine Country Road.

5. The variance will allow the construction of parking stalls to meet the requirements of the Prosser Municipal Code.

6. Proponent plans on commercial buildings within 5 feet of the east and north and south property lines.

7. The property subject to this application is a legal lot of record in the City of Prosser and is approximately .989 acres.

8. The Property is currently zoned Commercial Thoroughfare Zoning District (CT) and the minimum side and rear setbacks are ten feet.

9. Other properties in the vicinity meet the required setback requirements.

10. Capital facilities including roads, public water, irrigation, and public sewer, are available to serve the Proponent's property.

11. Other commercial zones in the city have either no setback requirements or a five-foot setback requirement for the rear and side setbacks.

12. The property is identified as Commercial in the City's Comprehensive Plan.

13. Property values of adjacent structures will not be affected by the granting of the variance.

14. The city issued a mitigated determination of nonsignificance for to allow the construction of the structures on the premises contingent upon the Board's approval of the variance described above.

CONCLUSIONS:

1. 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 CT zone.

2. The granting of a variance to the Proponent would not be a grant of a special privilege.

3. The variance will provide the proponent's property with the rights permitted to other

properties in the area.

4. The granting of the variance would not be detrimental to the public welfare or injurious to the property and improvements in the vicinity in the CT zone, because there are no adverse effects on the value of neighboring properties.

5. All notices required by the Prosser Municipal Code have been provided.

6. The variance is categorically exempt from review under the State Environmental Policy Act as codified in Prosser Municipal Code Chapter 16.08.

7. Because of the square footage of the improvements, the project was subject to SEPA.

8. The city's mitigated determination of nonsignificance is incorporated herein as if fully set forth.

V.

PUBLIC PARTICIPATION

The following persons testified before the Board: the Mike Storms and Steve Zetz.

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

VI.

DETERMINATION BY THE BOARD OF ADJUSTMENT

The Board of Adjustment approved the five-foot rear and side setback variance conditioned upon the applicant completing construction of the addition to their structure within 24 months of the date of this approval.

THE BOARD OF ADJUSTMENT SO FINDS.

ADOPTED BY THE BOARD OF ADJUSTMENT on this ____ day of _____, 2015.

_____
DAN BALDWIN
CHAIR OF THE BOARD OF ADJUSTMENT

Attested to by:

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

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

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.