



CITY OF PROSSER, WASHINGTON

STAFF REPORT

PEREZCHICA HEIGHTS

Amended June 22, 2023

Notice of Application and Optional Determination of Non-significance posted: May 17, 2023

Public Hearing: Preliminary Plat for a Subdivision and Rezone request from Steep Slope Residential (SSR) to Residential Low Density (RL)

Date of Application: April 24, 2023

Name of Applicant: AP One Development LLC

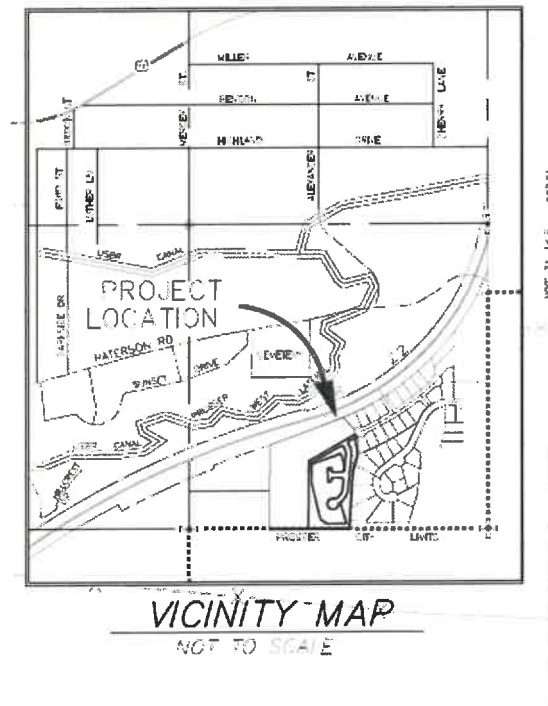
Address of Applicant: 1841 Gap road, Granger WA 98932

Date of Notice of Completion: September 9, 2022

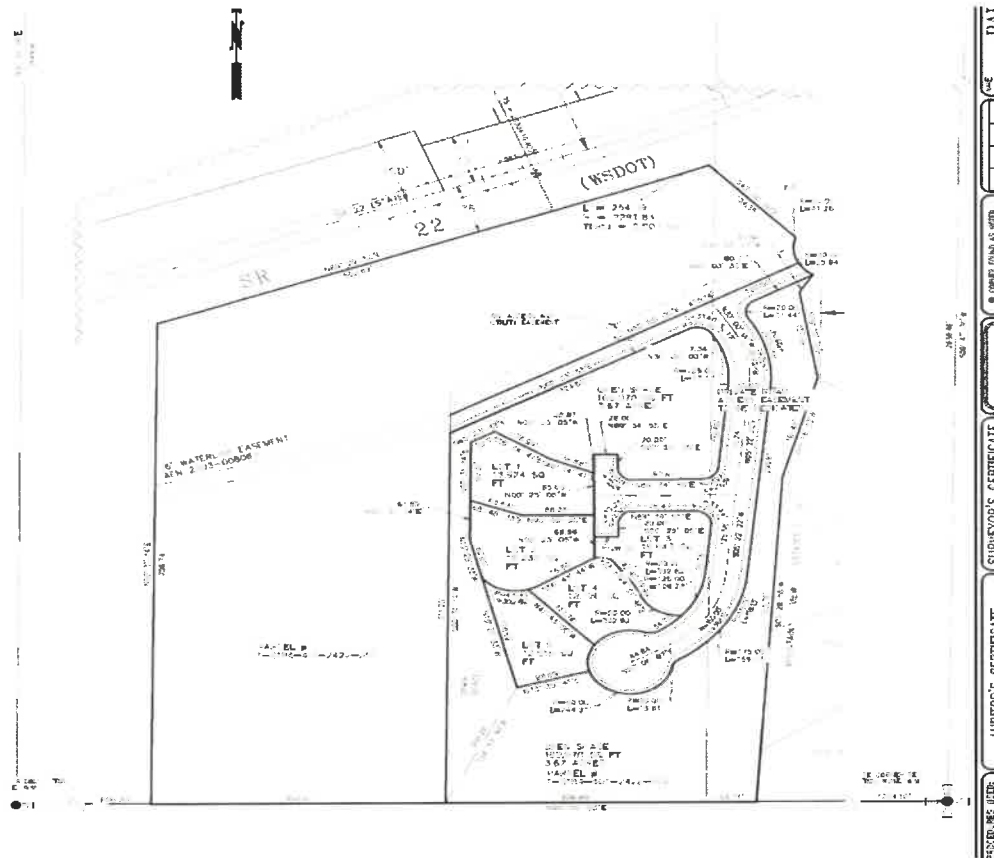
Code Sections Applicable to Application: Chapter 18, 17.12.

Code Sections pertinent to the hearing procedure: 19.05, and 19.06

Location of Project: Benton County Parcel Numbers: Parcel # 101844012422002 located west of Mountain View Estates and south of State Route 22.



Description of proposed project: Applicant is proposing a 5 lot subdivision and is requesting a rezone of the parcel from Steep Slope Residential (SSR) to Residential Low Density (RL).



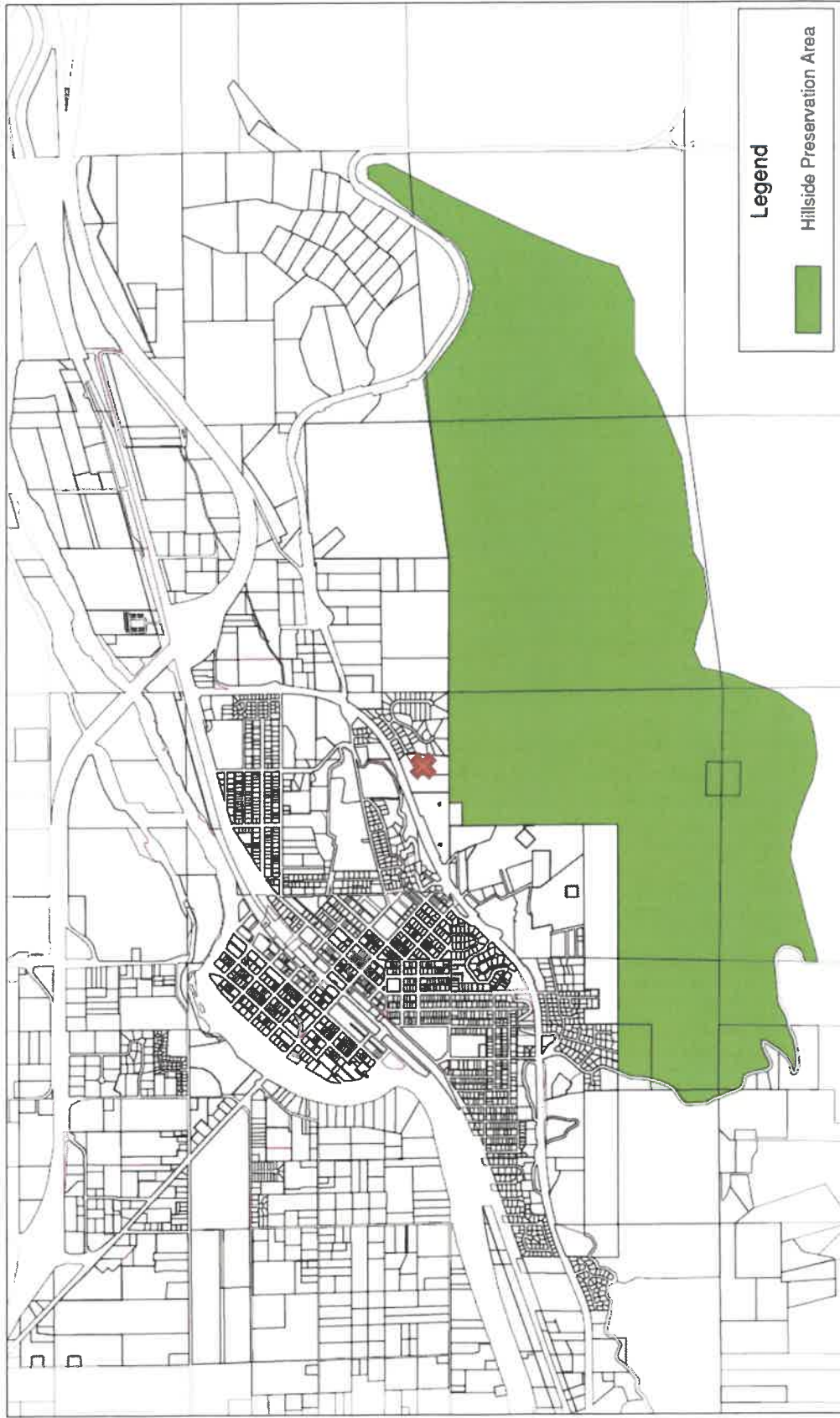
Preliminary determination of consistency: The City has determined that this application is consistent with the City's Development Regulations and Comprehensive Plan provided the requested rezone is approved.

Steep Slope Residential

The SSR designation is applied to a large undeveloped area along the southern boundary of the City. These lands were previously classified as Urban Reserve lands, however in an effort to more clearly define allowed uses in the zone, and protecting critical areas, the SSR designation was created. The goal of this designation is to protect steep slope critical areas from development that would degrade its physical character and require costly infrastructure investments. In cases where the natural features of a parcel would reasonably accommodate an increase in density, rezoning to allow for a higher concentration of dwelling units may be allowed. In cases where the natural features may limit the ability to reasonably accommodate development on a portion of the parcel, clustering development within the unconstrained portions of the parcel may be allowed. Clustering must provide protections for that portion of the parcel which was constrained

The proposed development does not fall within hillside preservation zone as identified in Figure E.-1 of the Comprehensive plan

FIGURE E-1. HILLSIDE PRESERVATION AREA.



Consistency with Comprehensive Plan

Staff determined that the application was consistent with the Development Regulations and Comprehensive Plan for the following reasons:

Policy H-4.5. Encourage residential uses that support increased densities, while maintaining the single-family character of existing neighborhoods, such as duplexes, multi-generational housing, and cottage housing.

The proposed location is near SR 22, SR 221, Wine Country Road, and I-82. The Residential Low Density designation only allows Single Family Homes

PMC 18.21.020 Permitted uses.

The following are the only uses permitted in an RL district:

- A. One single-family dwelling building per lot;*
- B. Accessory uses and structures related to a permitted use;*
- C. Family day care homes (Section 18.60.190); and*
- D. Accessory apartments (Section 18.60.140). (Ord. 2768 § 2, 2012; Ord. 1917 § 1 (part), 1997).*

The Geotechnical Study forms the basis to allow the Property to be rezoned Residential Low Density (RL) and to be platted in accordance with the proposed preliminary plat because it concluded as follows;

“Based on our understanding of the proposed development along with knowledge of the existing surface and subsurface conditions, from a geotechnical and geologic perspective, it is our professional opinion that the site is suitable for the proposed development, provided the recommendations in this report and any subsequent geotechnical evaluation(s) are followed in the design and construction of this project.”

“In our professional opinion, the proposed development at the site will not pose a threat to the health or safety of the public, or increase hazards to surrounding properties, provided the recommendations in this report and any subsequent geotechnical engineering evaluations are followed in the final site layout design and construction of the project.”

[See page 16 of GN Northern Geotechnical report GNN Project No: 222-1515 dated December 2022]

Density is Consistent with the Neighboring Mountain View Estates for the following reasons:

Perez Chica Heights is 6.58 acres and is proposing 5 home sites = an average density of 1.31 acres per unit.

Mt. View Estates is approximately 37.9 acres and consists of 52 home sites and one open space lot of .52 acres = average density of .72 acres per unit

The Mt. View Estates Subdivision has a higher density than the proposed Perez Chica Heights Development therefore the density is consistent with the adjacent development.

Notification

All agencies with jurisdiction were notified of the proposed development and application with the Notice of Complete Application uploaded to the Department of Ecology Portal which is the current platform with which other agencies such as WSDOT, and Clean Air Authority are notified of SEPA submissions. The City of Prosser has received comments from Benton County Clean Air, WSDOT, and citizens. The property was properly posted, an affidavit of posting was completed. Notification was mailed to affected parties within 300 feet and an affidavit of mailing was completed.

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.

Staff will issue its environmental determination 14 days in advance of the Planning Commission final recommendation. Staff will review any comments made at the Public Hearing on June 15, 2023, prior to issuing its anticipated MDNS.

There are steep slopes present within the proposed subdivision. The City's Critical Areas Ordinance requires that development proposals within 250 feet of a critical area require review under PMC 16.10.080 to determine whether mitigation is required.

PMC 16.10.090 requires mitigation measures be determined using best available science.

Under PMC 16.10.130 the Community Development Director determined that steep slopes were located within the development and required the applicant to submit a Geotech study (Report) as its critical area report to address the impacts of both zoning and development. The Applicant submitted the Report in December 2022. That report concluded that provided all recommended mitigation measures are followed the preliminary plat could be constructed without adversely impacting the Steep Slopes present on the site.

Provided all the recommended mitigation measures in the studies are followed, per PMC 16.10.130C-6B The Report was prepared in accordance with best available science and lists all mitigation measures necessary to avoid adverse impacts to the adjacent critical areas. Staff recommends that the Planning Commission find that the applicant has complied with the provisions of the Critical Area Ordinance.

The City may require a performance bond to ensure compliance with the recommended mitigation measures as per PMC 16.10.160C-2

Design and Construction

The applicant is requesting a 5 lot subdivision. The engineered designs for road, construction, and utilities are not part of this application process. If the applicant is granted Preliminary Plat Approval, then the applicant would be required to submit detailed drawings by a licensed engineer covering the design, and construction of roads and utilities. Any additional critical area mitigation requirements will be identified and required at that time.

Traffic

Staff does not recommend any traffic revisions due to this application for the following reasons:

The Public Road, Mountain View Drive, can handle the additional traffic of 5 lots. Mountain View Drive was constructed to City standards. Additional trips are calculated in the ITE manual and WSDOT provided no comments regarding impacts to SR-22 and its control over the intersection.

Criteria for review

17.12.070 Criteria for recommendation.

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

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

The Prosser School District did not comment on this proposal.

The proposal addresses all concerns in the same manner as the Mt. View Estates Subdivision adjacent to the proposed site.

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

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

D. All identified direct impacts must be mitigated as set forth in Chapter 16.08 of the Prosser Municipal Code. (Ord. 1910 § 2 (part), 1997).

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City of Prosser
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