


Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-5612 or (509) 736-3086, Fax (509) 786-5629

DATE: June 14, 2017
TO: BENTON COUNTY PLANNING COMMISSION
FROM: BENTON COUNTY PLANNING DEPARTMENT 
RE: PRELIMINARY PLAT SUB 01-7 - Beierle Addition

SPECIFIC REQUEST:

The Benton County Planning Department is requesting that the Planning Commission review the preliminary plat approval for Beierle Addition to determine whether such approval should be granted another year's extension.

On March 25, 2002, the Board of County Commissioners approved the Final Plat of Phase I of Beierle Addition. Per Benton County Code, Section 9.08.036(d), preliminary plats approved prior to April 19, 2004 shall be effective for twelve (12) months from the date of approval by the Board of County Commissioners and that such plats shall be null and void after the twelve-month period unless: (1) a final plat has been submitted reviewed and signed by the Planning Commission Chairman and County Engineer or (2) unless a time extension has been applied for and granted by the Planning Commission.

Our office sent out a letter on March 17, 2017 regarding the expiration of the time extension on the preliminary plat of Beierle Addition SUB 01-7. Since that time Ms. Pat Beierle and Mr. Steve Beierle have met with Planning Staff several times and are now actively working on turning in a final plat for Phase 2. During those meetings it was noted that since the time of preliminary plat approval both the Comprehensive Plan and Zoning Classification for this property has changed. Staff indicated that they would agree to one more year's time extension but after that would not recommend to the Planning Commission any more time extension requests on this action.

STAFF'S FINDINGS OF FACT:

1. On March 25, 2002, the Benton County Board of Commissioners approved the preliminary Plat for Beierle Addition (SUB 01-7). The approval was granted subject to 20 conditions. The plat was approved to create 15 lots from 40.95 acres, with an average lot size of 2.60 acres.
2. On March 17, 2017, the Benton County Planning Department sent a letter to the applicant stating the extension granted for Beierle Addition SUB 01-7 would expire on March 25, 2017.
3. In 1998 the current version of the Benton County Comprehensive Plan was adopted. Under the 1998 Benton County Comprehensive Plan the area where SUB 01-7

is located is designed as Rural Lands 2.5. This designation requires a density of one dwelling unit per 2.5 acres. The preliminary plat approval for Beierle Addition Phase II provides for a density of one dwelling unit per 2.60 acres. In the time since this plat was approved the Comprehensive Plan was updated (2006) and the densities have changed to a Minimum 5 acre lot size for this area. The Zoning has also changed from Unclassified to Rural Lands 5. Any newly created lots must now meet the Five (5) acre minimum.

4. The applicants have met with Planning Staff regarding the requirements for final plat submittal and are actively working towards submittal of a final plat for Phase 2 of Beierle Addition.

PLANNING STAFF CONCLUSION:

Based on the findings above the Benton County Planning Department concludes the following:

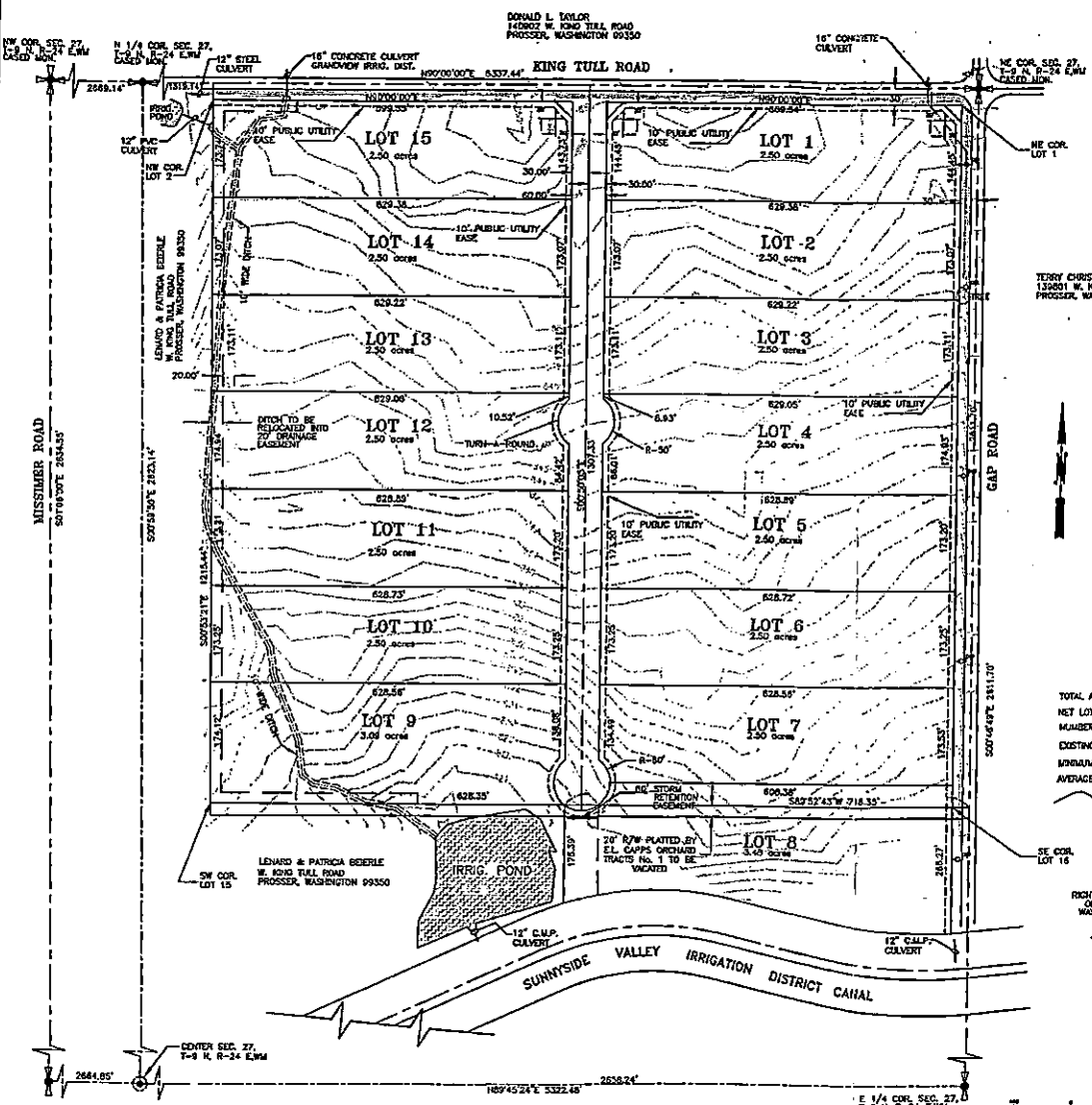
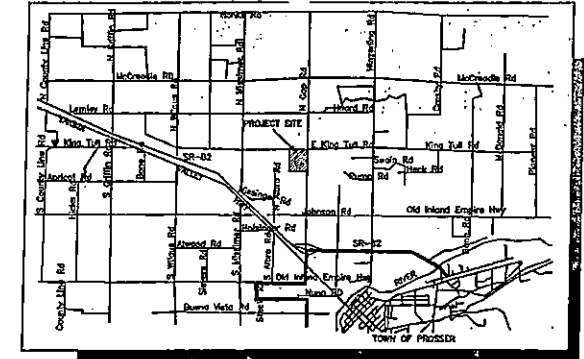
1. That the applicants are actively pursuing submittal of a final plat for Beierle Additional Phase II since March 25, 2002.
2. That the current Benton County Comprehensive Plan and Zoning Ordinance designate the site as Rural Lands 5 acre. That designation requires a minimum 5 acre lot size and Beierle Addition Phase II provides an average density of one dwelling unit per 2.5 acres.
3. That the Benton County Planning Department contacted the applicant on March 17, 2017 about the expiration of the preliminary plat approval for Beierle Addition Phase II to determine whether such approval should be invalidated or whether the applicant wished to seek another time extension,
4. Several meetings have been held with Planning Staff to determine what requirements need to be satisfied to get a final plat on Phase 2 recorded.

PLANNING STAFF RECOMMENDATION:

The Benton County Planning Department recommends that the Planning Commission review the preliminary plat approval for Beierle Addition Phase II- File No. SUB 01-7 to determine whether such approval should be granted a one year extension. Based on the information presented in this staff memo, Planning Staff recommends that the Planning Commission grant a one year extension to March 25, 2018 to the preliminary plat approval for Beierle Addition Phase II - File No. SUB 01-7 with a stipulation that the final plat of Beierle Addition Phase II File No. SUB 01-7 be recorded by March 25, 2018 and that no more extensions be granted on this proposal.

BEIERLE ADDITION

A PRELIMINARY PLAT WITHIN THE
NE 1/4 of SEC. 27, T. 9N., R. 24E., W.M.

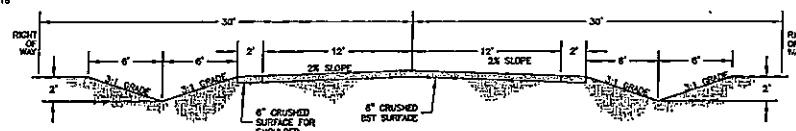


TERRY CHRISTENSEN
13401 W. KING TULL ROAD
PROSSER, WASHINGTON 99350

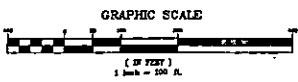
LEGAL DESCRIPTION

Lots 1, 2, 15 and 18 of E.L. CAPS ORCHARD TRACTS, thereof as presented in Vol. 1 of Plats, page 81, and the East 718.33 feet, or measured along the North line, of the Southeast Quarter of the Northwest Quarter of Section 27, T. 9N., R. 24E., W.M., lying north of the S.W.D. Canal, except the East 30 feet thereof for county road.

TOTAL ACREAGE:	40.95 ACRES
NET LOT AREA:	39.07 ACRES
NUMBER OF LOTS:	15
EXISTING ZONING:	UNCLASSIFIED (1 UNIT/2.5 acres)
MINIMUM LOT SIZE:	2.50 acres
AVERAGE LOT SIZE:	2.60 acres
CONTOUR INTERVAL - 1.0'	



ROADWAY CROSS SECTION
N.T.S.



VICINITY MAP		
METS		
OWNER:	LEONARD BEIERLE AND PATRICIA BEIERLE W. KING TULL RD. PROSSER, WA. 99350 (509) 785-2350	
DEVELOPERS:	J & S PERKINS CONSTRUCTION P.O. BOX 227 PROSSER, WA. 99350 (509) 785-3004	
SURVEYOR:	GRAY SURVEYING P.O. BOX 510 YAKIMA, WA. 99207 (509) 373-4434	
PURVIDORS:	INDIVIDUAL WELLS	
1. WATER	INDIVIDUAL SEPTIC SYSTEMS	
2. SEWER	3. POWER	DEBON COUNTY PEA P.O. BOX 1150/407 7th ST. PROSSER, WA. 99350
4. TELEPHONE	SPRINT 408 S. 5th AVE. SUNNYSIDE WA. 98944 (509) 830-8660	
5. FIRE DISTRICT	FIRE DISTRICT No. 3 601 7th Street PROSSER, WA. 99350 (509) 785-3332	
6. GARDEN	EASH DISPOSAL 2021 COMMERCIAL AVE. PASADENA WA. 99350 (509) 547-2474	
7. STORM DRAINAGE	DEBON COUNTY	
8. ROAD	DEBON COUNTY	
9. RECREATION		
SCHOOL:	PROSSER SCHOOL DISTRICT 623 PARK AVE. PROSSER, WA. 99350	

<p>Gray Surveying P.O. Box 510 • 206 Hwy 904 Yakima, WA 99207 • (509) 373-4434</p>	<p>THOMAS S. GRAY SURVEYOR REG. NO. 1234</p>	<p>J & S PERKINS CONST. P.O. BOX 227, PROSSER, WA. 99350</p>
		<p>PROJECT: NE 1/4 SEC. 27, T. 9N., R. 24E. W.M.</p> <p>DATE: 9-1-01</p> <p>SCALE: 1"=100'</p> <p>PROJECT NO.: 27013</p> <p>DATE: 08-18-01</p> <p>PROJECT NO.: 27013</p> <p>DATE: 08-18-01</p>

W. 1/4 COR. SEC. 27, T. 9 N. R. 24 E. W.M. CASED MON.

E. 1/4 COR. SEC. 27, T. 9 N. R. 24 E. W.M. CASED MON.

BEIERLE ADDITION PHASE 1

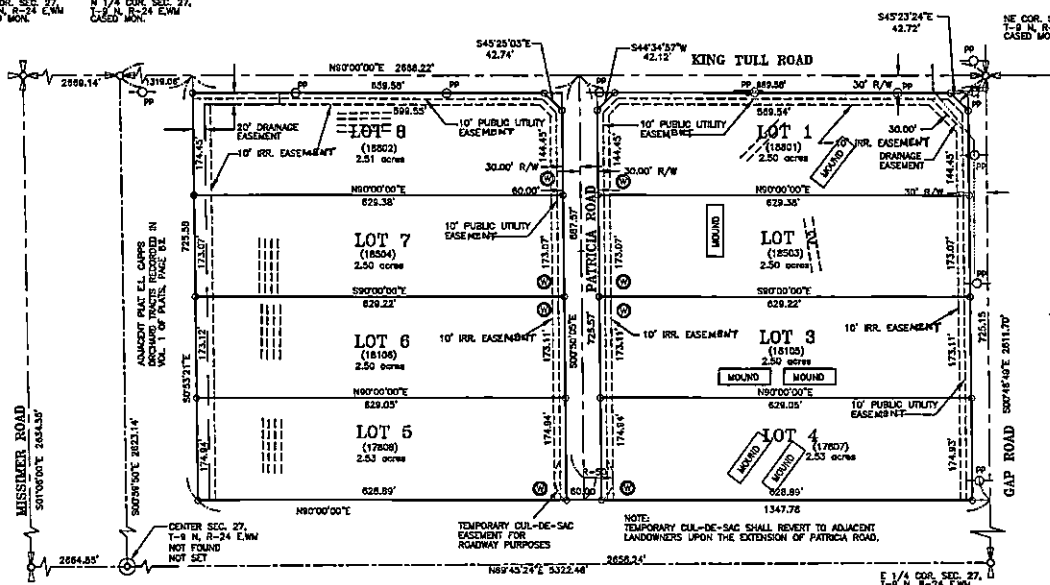
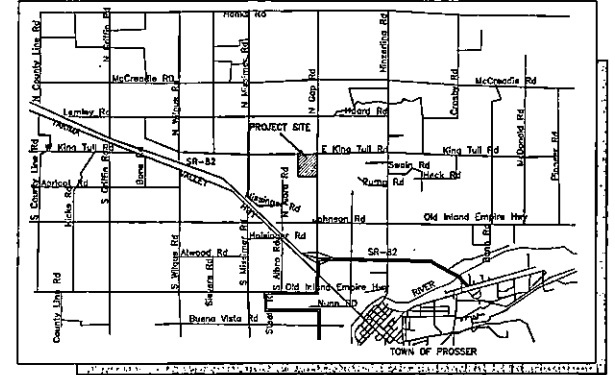
A PLAT WITHIN THE
NE 1/4 of SEC. 27, T. 9N., R. 24E., W.M.

V15 P166

NW COR. SEC. 27,
T-9 N., R-24 E.W.M.
CASED MON.

N 1/4 COR. SEC. 27,
T-9 N., R-24 E.W.M.
CASED MON.

NE COR. SEC. 27,
T-9 N., R-24 E.W.M.
CASED MON.

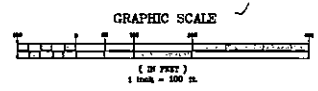


LEGEND

- MOUND
- APPROX. WELL LOCATION
- APPROX. DRAIN FIELD LOCATION

LEGAL DESCRIPTION

That portion of Lots 1, 2, 3, 4, 5 and 16 of E.L. CAPPS ORCHARD TRACTS, as recorded in Volume 1 of Plats, Page 66, records of Benton County, Washington, more particularly described as follows: Beginning at the Northwest corner of Section 27, T.9N., R.24E., W.M. thence N0°00'00"W along the north line of said Section 1346.16 feet thence S 0°43'21"E 725.59 feet thence N 80°00'00"E 1347.78 feet to the East line of said Section 27; thence N0°48'49"W 725.15 feet to the point of beginning, EXCEPT right of way for the County road-ways along the North and East thereon.



WARRANTY

We, the undersigned, hereby certify that we are of parties having general interest in the tract of land described hereon have given our free consent and in accordance with our desires caused said land to be surveyed and plotted into lots and roads as shown hereon under the name of Beierle Addition Phase 1. Do hereby grant all easements shown hereon for the use shown thereon; do hereby dedicate all road right of ways to the public; and do hereby waive on behalf of ourselves and our successors in interest, all claims for damage against Benton County or any other governmental authority which may occasioned to the land adjacent to such dedicated road right of ways by the established construction, drainage and maintenance of said dedicated road right of ways.

Carol Beierle
Leland Beierle

Patricia Beierle
Patricia Beierle



ACKNOWLEDGMENT

STATE OF WASHINGTON }
COUNTY OF BENTON }
Before me this 9th day of March, 2002, personally appeared Leland Beierle and Patricia Beierle, husband and wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged to me that they signed the same as their free and voluntary act for the purposes and uses therein mentioned. In witness whereof I have hereunto set my hand and affixed my official seal.

David J. Prosser
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
Residing in Prosser
My Commission Expires 3-1-03

IRIGATION CERTIFICATE

The property described hereon is located wholly or in part within the boundaries of the GRANDVIEW IRRIGATION DISTRICT. I hereby certify that the irrigation easements and rights of way shown on this Plat, are adequate to serve all lots located within this Plat which are otherwise entitled to irrigation water under the operating rules and regulations of the district. I also certify that the irrigation easements and rights of way, are adequate to transmit irrigation water through this Short Plat to other adjacent land entitled to irrigation water under the operating rules and regulations of the district. I further certify that:

- _____ This Plat contains complete irrigation distribution facilities in accordance with this district's standards, or
- _____ Provisions acceptable to this district have been made for completed irrigation distribution facilities, or
- _____ The existing irrigation distribution facility is adequate to meet this requirement.

Lots _____ are not classified as "irrigable land" by this district and/or are not entitled to irrigation water under the operating rules and regulations of this district.

BY: _____
SECRETARY (OR DESIGNEE)
GRANDVIEW Irrigation District

The Grandview Irrigation District has no duty, obligation or responsibility for the installation, upkeep, maintenance, repair replacement or regulation of irrigation water dividers, distribution facilities or conduits from the Grandview Irrigation District point of delivery to the pictured parcels.

Any structure erected upon Grandview Irrigation District right of way or easement may be removed at the cost of the landowner.

NOTES

- a. All roads must be constructed or bonded prior to the final plat hearing and if bonded the following statement must appear on the final plat:
"No building permit shall be issued until the roads are constructed to at least subgrade standards."
- b. There is to be no direct access from any lots onto Gap Road or King Tull Road for any of the lots located within the plat.
- c. Address numbers (Noted in brackets) are subject to change until the exact location of access onto the lot is determined.
- d. No building permits or placement permits for structures requiring potable water will be issued until evidence of a potable water supply is provided. The applicant for building permit or placement permit must comply with RCW 90.44.050 regarding public ground water.
- e. This property lies in the vicinity of parcels used for commercial agriculture purposes. At various times of the day or night, a variety of commercial farming activities including hay baling and hay stacking, have traditionally occurred in the area. Noise, odors, insects, swarms etc. attendant with such activities may not be compatible with residential development. Please contact the Benton County Planning Department for further information.

The utility easements shown hereon are approved by:

Allen M. Spay Enc 03/08/02
Bentley Telephone Co. Title Date
Spay

Steve P. O'Connell Greg Wain 3-8-02
Benton Rural Electric Association Title Date

Dorinda W. Paekueby Yvonne Mason 3/6/02
Benton County Treasurer Title Date

Paula Wagner by Paula Wagner 3/20/2002
Benton County Assessor Title Date
1-2794-102-0001-000 (PIN)

APPROVAL

The plat of "Beierle Addition Phase 1" is hereby approved by and for Benton County, State of Washington.

Ray B. Duff 2/19/02
Benton County Engineer Title Date

Mr. Ross 3/19/02
Chairman, Benton County Planning Commission Title Date

Charles R. Olson 3/25/02
Chairman, Benton County Commissioners Title Date

Karen Carter 3-1-02
Sheriff, Prosser Planning Commission Title Date

AUDITOR'S CERTIFICATE
FILED FOR RECORD THIS 25th DAY OF MARCH 2002 AT 12:32 P.M. UNDER AUDITOR'S FILE NUMBER 1642-02-0101 VOL. 116 OF PLATS PAGE 166
RECORDS OF BENTON COUNTY, WASHINGTON AT THE REQUEST OF Patricia Beierle

Beirle Carole COUNTY AUDITOR
St. James BY DEPUTY

SURVEYOR'S CERTIFICATE
THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF Beierle Carole

David J. Prosser SURVEYOR
DATE 3-20-02

CORNER FOUND
 CORNER W/ADP SET
 ALL W/WASHER SET

Gray Surveying
PROPERTY CONSTRUCTION CONSULTANTS
P.O. Box 550-2700 West
Tulsa, OK 74107-2700

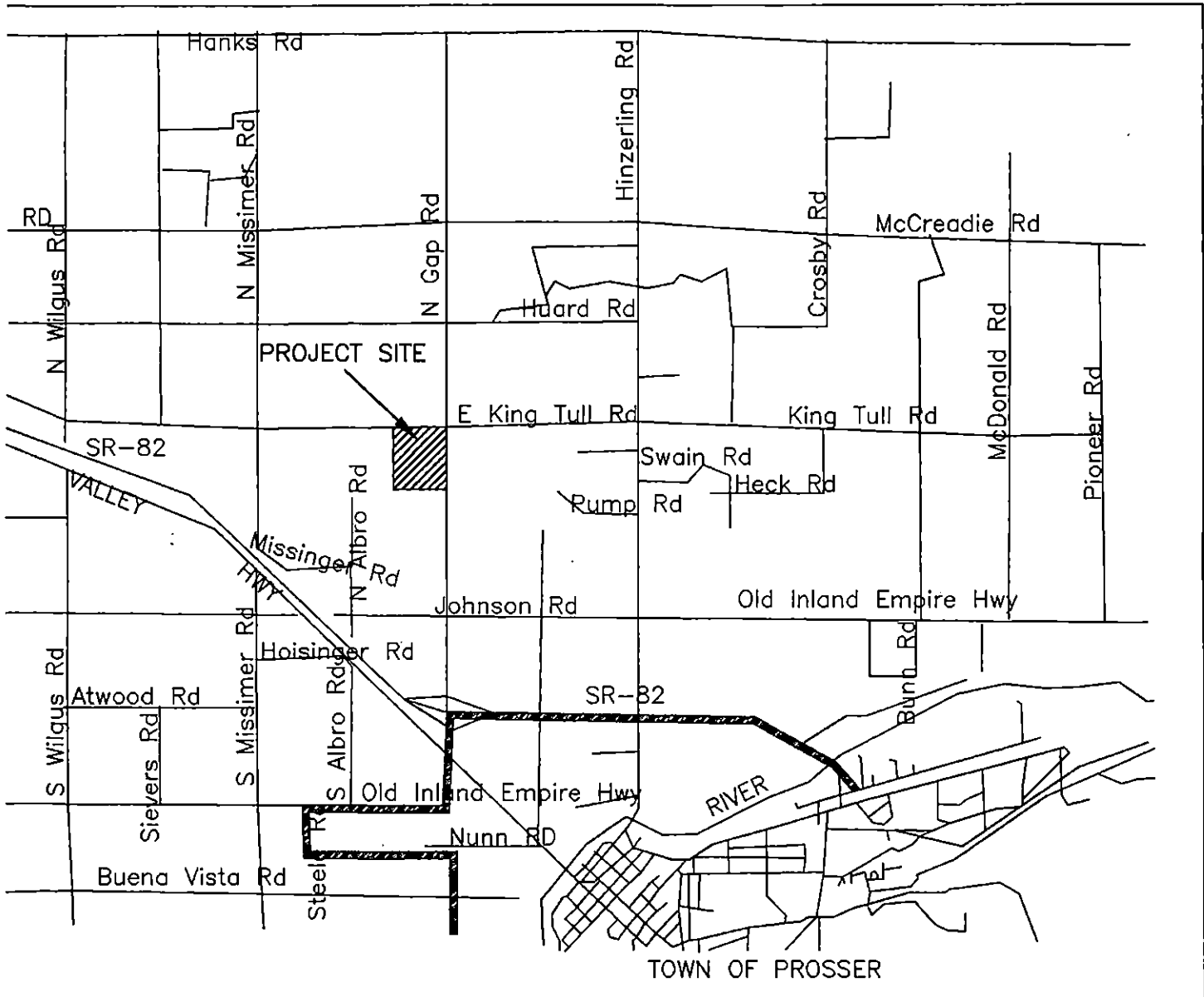


J & S PERKINS CONST.
PLAT NO. 27, PROSSER VA, OKCSD

TRACT: PT. NE 1/4 SEC. 27, T. 9N., R. 24E., W.M.

SCALE: 1"=100'
DATE: 01-23-02
SHEET: 1 OF 1

INVEST: 1-2794-102-0001-000



VICINITY MAP
NTS

OWNER:

LENARD BEIERLE AND PATRICIA BEIERLE
W. KING TULL RD.
PROSSER, WA. 99350
(509) 786-2350

DEVELOPERS:

J & S PERKINS CONSTRUCTION
P.O. BOX 527
PROSSER, WA. 99350
(509) 786-3004

SURVEYOR:

GRAY SURVEYING
P.O. BOX 510
YAKIMA, WA. 98907