



**CITY OF PROSSER, WASHINGTON
PLANNING COMMISSION
AGENDA
6:00 P.M.
March 19, 2015**

- 1. Call to Order by Chair.**
- 2. Roll Call.**
- 3. Minutes August 21, 2014 (revised)**
ACTION: Approve or deny or make changes to minutes as presented.
- 4. Minutes February 19, 2015**
ACTION: Approve or deny or make changes to minutes as presented.
- 5. Public Hearing for Substantial Development Permit (Shorelines) 999 Grande Road**
ACTION: Approve, deny, or make changes.
- 6. Changes to Prosser Municipal Code (PMC) regarding process for site review and notification. Chapter 18, Chapter 19. Public hearing was previously conducted February 19, 2015**
ACTION: Approve, deny, or make changes. Accept findings
- 7. Discussion about Solicitor License Ordinance-Draft**
- 8. Adjournment**

**CITY OF PROSSER
PLANNING COMMISSION MEETING
THURSDAY, AUGUST 21, 2014
CITY HALL, PROSSER, WASHINGTON**

CALL TO ORDER:

The meeting of the Prosser Planning Commission was called to order on August 21, 2014, at 6:00 p.m. by Chair Glenda Schmidt.

ROLL CALL:

Members present: Dorothy Evans, Glenda Schmidt, Sam Fitch, Trevor Day, and Rob Siemens. Devina Riojas and Jeremy Lynn were absent. City Staff present: Howard Saxton, City Attorney and Secretary, and Steve Zetz, Planner.

APPROVAL OF MINUTES:

Upon motion made by Trevor Day and seconded by Rob Siemens, the minutes of the July 17, 2014, meeting were approved with the following corrections: in the third paragraph from the bottom on page 4 “by to order back” should be “back to order by;” “believe” should be “believes” in the last sentence of Randy Williams’ testimony; and on page 5 “recreation” should be “recreational” in Jedidiah Haney’s testimony.

CONTINUED PUBLIC HEARING MEDICAL CANNABIS AND MARIJUANA ZONING REGULATIONS:

The Chair re-opened the public hearing on the ordinance to establish zoning regulations for medical Cannabis and recreational Marijuana. A video submitted by Dale Brown was played for the Commission. The Secretary read into the record a portion of the Attorney General Brief filed in the Fife lawsuit. The entire brief was made part of the official record.

The following public was present and testified as follows:

Tom Denlea. He urged the Commission to make its decision upon Christian spiritual beliefs.

Randy Williams. He indicated that he has been a member of the community for over twenty years and believes it is important to follow the law. He stated that we live in a democracy and the majority has spoken. He indicated that he was at the meeting to support Tim Thompson. He indicated that he is a processor and a grower and he has to keep a log of all marijuana that is produced or processed by his business. He indicated that he is almost ready to harvest his current crop and will hire an additional 15 employees during that time. He said that he expects to make

three million dollars off the harvest and expects to donate a substantial portion of this to the community.

The Secretary informed the public that the ordinance before the Commission did not restrict the hours a retail store could be open beyond what State law already provides.

Tim Thompson. He stated he is glad the City did not decide to regulate hours. He said that none of the horror stories about the sale of retail marijuana came true. In the entire state, there have only been three break-ins and the criminals have been caught in each instance. He expects that eventually there will be eighty growers in Benton County. The industry is providing jobs and bringing tourists into the region. All of this will bring in a lot of money to the City. In response to questions from Commissioner Fitch, he said: that he had been open every day and has been able to sell marijuana every day since he opened; that eventually there will be three hundred retail outlets in the state; and the black market is still cheaper than his prices but as the quantity of legal Marijuana produced increases, prices will fall.

Jay Spurlock. He responded to Tom Denlea's comments by suggesting that Tom visit Altitude. Most of the customers are educated people and the Altitude has an internal drug policy. He also said that customers have come in that are staying at the Best Western or at the RV park. Many of Altitude's customers are also shopping in town. Mr. Thompson has set the bar high at the store and he is following all of the laws applicable to the industry. He further stated that the Bible says the people should follow the laws of the land and Marijuana is legal.

Jedidiah Haney. He stated that he has previously addressed the Commission. His organization, Cause M, functions as a bridge between the industry and government. In response to a question from Dorothy Evans, he agreed that preventing youth from using Marijuana must start with their parents. He also stated that the taxes derived from Marijuana will provide a lot of money to work on preventing young people from using Marijuana. Cause M has printed and distributed a number of brochures aimed at educating people about Marijuana. He is concerned that the moratorium creates a monopoly here in Prosser. He stated that approximately 7,600 applications were filed with the state for Marijuana licenses. Regarding youth, he stated that the black market sells to young people regardless of their age. Cause M does not actively regulate its industry members, but it does have a standard of ethics and peer reporting of ethics violations. In Colorado youth use of Marijuana has fallen to nineteen percent from twenty-three percent. He stated that prohibition is not going to work. He informed the Commission that it is illegal to "gift" Marijuana, therefore it must be used by the person who purchases it. He also discussed the pesticide regulations which only apply to recreational Marijuana, not medical Cannabis. Before the Marijuana may be sold, it must be tested for pesticides as well as for its THC content. Regarding banking, he indicated that ten banks are currently working with the industry. He stated that the Marijuana tax has a small portion allocated for "other uses" and may come back to cities and counties to address Marijuana issues as they affect those localities. He said that Colorado produces thirty metric tons of Marijuana each year and that Washington, given its larger population, will need three times that amount. He said that President Obama has given

substantial leeway to the District of Columbia in its implementation of Marijuana rules. He estimates that the industry will generate at least ten point four million dollars in sales tax revenue in Washington State.

Sam Pfiefer. He stated that he is the operations manager for a Marijuana grow in the Benton City area. He should have product ready to sell in a few months. He stated that studies show that there is no evidence of brain damage being caused by Marijuana use by those over the age of twenty-one years.

Francesca Prosis. She lives in Mountain View Estates and had a drug addict break into her house. She stated that Marijuana is a gateway drug and leads to more serious drug use down the road. She stated that the THC levels in Marijuana being sold today is much higher than it was in the sixties. She also told the Commission that Marijuana, like liquor, can cause brain damage to people of all ages.

Kerry Warden. She stated that she wrote a letter to the editor in support of I-502 after she researched the issue in depth. She stated that studies have not shown that Marijuana itself is a gateway drug, but rather drug dealers entice Marijuana users to use more expensive drugs in order to get them hooked on them. By making Marijuana legal and removing the black market drug dealers from the supply chain, this peer pressure will be removed. She agrees that Marijuana is stronger now than it was in the past which makes it even more important to make it less economically feasible for black market drug dealers to sell Marijuana.

Wendy Weld. He indicated that he taught in the Prosser School District for many years. He does not like the idea that people are coming from all over to Prosser to purchase Marijuana. He stated that if the City can prohibit Marijuana, then it should prohibit it.

There being no further public testimony. The Chair closed the public hearing. Dorothy Evans moved and Trevor Day seconded, that the Prosser Planning Commission recommend approval of the Ordinance establishing medical Cannabis or recreational Marijuana development regulations to the City Council. All approved.

The Commissioners took a break to review proposed findings supporting the recommendation to Council. Trevor Day moved and Dorothy Evans seconded that the written findings supporting the recommendation of the Ordinance establishing medical Cannabis or recreational Marijuana development regulations to the City Council be approved as drafted. All approved.

PUBLIC HEARING FOR REZONE AT 1401 KINNEY WAY:

Sam Fitch left the meeting due to a previous commitment. The Chair opened a public hearing on the site-specific rezone application filed by Paul and Kerry Warden. The Secretary reviewed the conflict rules for a quasi-judicial matter. Since one of the applicants is the Mayor of the City of Prosser, all of the Commissioners indicated that there was at least an appearance of a conflict.

None of the members had actually discussed the application with the applicant, however. Given that only four Commissioners were present, the doctrine of necessity applies to let them hear and decide whether to recommend the rezone to the City Council. Kerry Warden testified on behalf of the applicant. She indicated that their engineer has provided documentation that the area being rezoned is capable of being developed in accordance with the density allowed by Residential Medium Density (RM)—seventy-five hundred square foot lots. She indicated that the area is currently zoned partially Steep Slope Residential District (SSR) and partially Residential Low Density District (RL). The City's Comprehensive Plan designates the property as Residential Low/Medium. She stated that the impacts caused by the development will be addressed at the time she applies for a preliminary plat for the property. She anticipates that most of the lots in her development will be larger than seventy-five hundred square feet, but she wants the option to have small lots in portions of the development. There was no testimony in opposition. The following provided written materials, the City of Prosser, the Washington State Department of Transportation, the Sunnyside Valley Irrigation District, and Alan Korvola. The Chair closed the public hearing and the Commissioners deliberated. Trevor Day moved and Dorothy Evans seconded that the Commissioners recommend that the City Council rezone the applicant's property to RM. All approved. The Commissioners took a break to review the proposed findings in this matter. Dorothy Evans moved and Trevor Day seconded that the findings supporting the Planning Commission's recommendation in this matter be approved as drafted. All approved.

ADJOURNMENT:

There being no other business to come before the Planning Commission, the meeting was ADJOURNED at 8:47 p.m.

Respectfully Submitted,

HOWARD M. SAXTON, III, Secretary

**CITY OF PROSSER
PLANNING COMMISSION MEETING
THURSDAY, FEBRUARY 19, 2015
CITY HALL, PROSSER, WASHINGTON**

CALL TO ORDER:

The meeting of the Prosser Planning Commission was called to order on February 19, 2015, at 6:00 p.m. by Chair Glenda Schmidt.

ROLL CALL:

Members present: Dorothy Evans, Glenda Schmidt, Devina Riojas, Jarrod Boyle, Jeremy Lynn, Trevor Day, and Rob Siemens. City Staff present: Howard Saxton, City Attorney and Secretary, and Steve Zetz, Planner.

APPROVAL OF MINUTES:

Upon motion made by Devina Riojas and seconded by Rob Siemens, the minutes of the August 21, 2014, meeting were approved with the following corrections: page two, second paragraph, third line "grows" should be "growers;" page three, first full paragraph, third line should read "in order to get" rather than "in order get;" page three, first full paragraph, fourth line "that" should be "than."

ELECTION OF OFFICERS:

The Chair opened nomination for officers for 2015. Upon motion made by Rob Siemens and seconded by Trevor Day the Commission approved the election of the current slate of officers: Glenda Schmidt, Chair, Dorothy Evans, Vice-Chair, and Howard Saxton, Secretary.

PUBLIC HEARING FOR SUBSTANTIAL DEVELOPMENT PERMIT:

This hearing will be re-noticed and held at the March Planning Commission meeting.

PUBLIC HEARING FOR CHANGES TO PROSSER MUNICIPAL CODE REGARDING THE AMENDMENT TO THE CITY'S DEVELOPMENT REGULATIONS REGARDING PROJECT PERMIT APPLICATION FRAMEWORK, POSTING REQUIREMENTS, BOARD OF ADJUSTMENT DUTIES, PROVIDING FOR TEMPORARY USES AND ENACTING SEVERABILITY PROVISIONS PROCESS FOR SITE REVIEW AND OTHER MINOR CHANGES:

The Chair recessed the public meeting into a public hearing on the amendment to the City's development regulations regarding project permit application framework, posting requirements, Board of Adjustment duties, providing for temporary uses, and enacting severability provisions. There was no public testimony. Steve Zetz briefed the Commissioners on the nature of the

changes to the City's development regulations and noted that they were all procedural and were therefore exempt from SEPA and also were exempt from Department of Commerce review. The Chair closed the public hearing.

DISCUSSION—RV PARKING ON STREETS AND PARKING IN FRONT SETBACKS IN RESIDENTIAL NEIGHBORHOODS:

Steve Zetz informed the Commissioners that the City Council would like the Planning Commission to review and recommend any needed changes to them regarding the parking of Recreational Vehicles (RV) in the front setback area in R zones. A number of citizens have complained to the Council that they would like the ordinance altered to allow them to park their RV in their driveways. The Chair opened up the meeting to public comment and the following comments were received by the Commission:

Karen Rumsey. She lives at 705 Main Street and owns a trailer that she parks in her driveway in the front setback area. She commented that Main Street's right of way is very wide making it difficult to park her trailer on her property in compliance with the Prosser Code. She believes that as long as an RV is parked in a driveway, it should be allowed.

Richard Harris. He lives at 1422 Prosser Avenue and he would also like the Prosser Code changes. He owns an RV and could not park it on his property in compliance with the Code.

Randall D. Cobble. He lives at 960 Campbell Drive, he would also like the Code changed. He indicated that he placed his RV in the Front Setback in conformance with what someone in the City required. He indicated that he owns a larger trailer now than he did when he believes a City officials authorized the placement of his RV.

Derek Howell. He lives at 1015 Concord Way and would like the Code changed. He did not know that he could not park his RV in his driveway when he purchased his house and he will move to the County if the Code is not changed.

Phillip Whitney, Jr. He agreed with what the other comments at the meeting.

ADJOURNMENT:

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

Respectfully Submitted,

HOWARD M. SAXTON, III, Secretary

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BEFORE THE PLANNING COMMISSION
OF THE
CITY OF PROSSER, WASHINGTON

IN THE MATTER OF)
)
AMENDING ZONING REGULATIONS FOR)
PROJECT PERMIT APPLICATION FRAMEWORK,)
POSTING REQUIREMENTS, BOARD OF)
ADJUSTMENT'S DUTIES, AND TEMPORARY USES)
PUBLIC HEARING)

Before the Planning Commission of the City of Prosser, Washington in the matter of the consideration of the amendment of City development regulations for the Project Permit Application Framework, Posting requirements, Board of Adjustment duties, temporary uses, and adding severability sections in accordance with the application filed by the City of Prosser, Washington.

I.

FINDINGS/PROCEDURE

1. The Planning Commission considered and held a public hearing on the above amendments on February 19, 2015.
2. The notice of the public hearing was published on February 11, 2015, in the Prosser Record Bulletin.
3. The Planning Commission considered the amendments in accordance with the City's Public Participation requirements in Title 19 of the Prosser Municipal Code.
4. The Planning Commission followed the process for amendments to its development regulations provided for in Prosser Municipal Code (PMC) Chapter 19.01. The City Council

will hold an additional public hearing in accordance with PMC 19.01.040.

5. The following provided oral testimony at one or more of the hearings: Steve Zetz
6. The following submitted written materials at one or more of the hearings: the City of Prosser.
7. Prosser Municipal Code (PMC) Section 19.01.040, Project Permit Application Framework, is being amended to clarify that site review and site plan review are Type II land use procedures, and is being amended to add all land use permits issued by the City, and is being amended to classify all permits as Types I through V land use procedures.
8. PMC Section 19.03.010, Required Public Notice of Application, is being amended to change the required size of signs used to post notice of a pending land use application on a specific site.
9. PMC Section 18.81.030. Board of Adjustment, is being amended to remove deciding temporary uses from the Board's duties and to clarify that appeals of Board decisions are made in accordance with Title 19 (Appeal to Council and then by LUPA to Superior Court).
10. PMC Section 18.75.090 is established to move the authority over temporary uses from the Board of Adjustment to Administration.
11. PMC 18.75.990 is added to provide for severability.
12. PMC 19.01.990 is added to provide for severability.
13. All notices required by RCW 36.70A.020 and the Prosser Municipal Code have been provided to interested parties.
14. RCW 36.70A.120 provides that the City's development regulations must comply with its

Comprehensive Plan and must be consistent with its Comprehensive Plan.

15. All development regulation amendments or enactments are legislative actions pursuant to Prosser Municipal Code Sections 19.01.040 and .060.
16. Goal LU 5 of the City's Comprehensive Plan provides as follows: To provide for the orderly development of the city.
17. The amendments and enactments are consistent with the goals and requirements of the GMA and the City's Comprehensive Plan.
18. The changes above-described amendments simplify and clarify the procedures to process land use permits in the City.
19. Washington Administrative Code Section 197-11-800(19) provides that the following is exempt from SEPA: The proposal or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment shall be exempt. Agency SEPA procedures shall be exempt.
20. RCW 36.70A.030(7) provides as follows: "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the

legislative body of the county or city.

II.

CONCLUSIONS OF LAW

1. The amendments are consistent with and comply with the City's Comprehensive Plan. The development regulations are consistent with RCW 36.70A.120, the Washington State Growth Management Act (GMA).
2. The above-described amendments make only procedural changes and are exempt from SEPA review pursuant to WAC 197-11-800(19).
3. The above-described amendments are not development regulations in accordance with RCW 36.70A.030 and are exempt from review by the Department of Commerce.
4. Adoption of the Ordinance is a legislative action as set forth in Prosser Municipal Code Section 19.01.060.
5. The applicable procedural and notice requirements for legislative actions contained within the Prosser Municipal Code, including having conducted a public hearing for the Ordinance, have been adhered to.
6. All persons desiring to comment on the ordinance were given a full and complete opportunity to be heard and submit written materials.
7. Adoption of the Ordinance promotes the general health, safety and welfare of the public and is a proper use of the City's police power under the Washington State Constitution, the Ordinances of the City of Prosser, and the Revised Code of Washington.

8. The Ordinance is consistent with the City's Comprehensive Plan, the Washington State Constitution, and the Constitution of the United States of America.

III.

FINDINGS OF FACT/CONCLUSIONS OF LAW

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

IV.

RECOMMENDATION TO THE CITY COUNCIL/DECISION

It is for these reasons that the Prosser Planning Commission recommends approval of above-described amendments to the Prosser Municipal Code on February 19, 2015.

THE PLANNING COMMISSION SO FINDS.

GLENDA SCHMIDT CHAIRMAN OF THE PROSSER
PLANNING COMMISSION

HOWARD SAXTON, SECRETARY OF THE PROSSER
PLANNING COMMISSION

S:\PC\SITEREVIEW\FINDINGS.DOC



LAND USE APPLICATION SHORELINE MANAGEMENT CITY OF PROSSER, WASHINGTON

APPLICANT'S NAME City of Prosser

PROJECT NAME Wastewater Treatment Plant Improvements

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

Project Address: 999 Grande Road, Prosser, WA 99350

(Leave blank if not assigned)

Parcel Number (Property Tax Account Number): 101842000012000

Legal Description: See Additional Information

PROPERTY OWNER INFORMATION

Name: City of Prosser, Attn. L.J. DaCorsi, Public Works Director

Address: 601 Seventh Street City: Prosser State: WA Zip: 99350

Phone: 509-786-2332 Cell Phone: _____

Email: publicworks@cityofprosser.com (email will not be used for transmittal of official findings)

OWNERS AUTHORIZED AGENT: Huibregtse, Louman Associates, Inc., Attn. Theodore Pooler, PE

Address: 2803 River Road City: Yakima State: WA Zip: 98902

Phone: 509-966-7000 Cell Phone: 509-952-1992

Email: tpooler@hlacivil.com (email will not be used for transmittal of official findings)

PROJECT INFORMATION

Substantial Development Permit Variance Conditional Use Permit

PROJECT DESCRIPTION This project consists of the following improvements to the Prosser wastewater treatment plant: 1) construction of a third 610,000 gallon sequencing batch reactor concrete tank (the subject of this application); 2) construction of a new 258,500 gallon primary anaerobic sludge digester; 3) conversion of the existing 198,000 gallon primary sludge digester to a secondary anaerobic sludge digester; 4) construction of a new 1,152 square foot building to house a sludge thickener and anaerobic digester heating equipment; 5) replacement of the existing trickling filter mechanism; and 6) miscellaneous minor improvements around the existing treatment plant site. Only the new sequencing batch reactor tank is located outside the footprint of the existing treatment plant operations.

PLEASE ATTACH THE REQUIRED VICINITY MAP

ESTIMATED PROJECT VALUATION: \$ 5,000,000

CONTRACTOR INFORMATION

Company Name: To be determined during public bidding process Email: _____

Contact Person: _____ Contact Phone: _____

Address: _____ City: _____ State: _____ Zip: _____

Contractor's Registration No.: _____ Expiration Date: _____

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 does 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 | 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: Only the new sequencing batch reactor (SBR) tank will be constructed outside the limits of the existing wastewater treatment plant operations area. The tank will be located toward the Yakima River from the existing SBR tanks. Material excavated to construct the new SBR tank will be place to the east and west of the new tank. The new bank adjacent to the SBR will be protected with rip rap to prevent damage during future flood events. Treatment process hydraulics, existing pipe locations, and utility conflicts limit the location of the new tank. Parcel Legal Description: The West 400 feet of that portion of Government Lot 4, lying East of the Northerly Extension of the East Line of Government Lot 5, Section 1, Township 8 North, Range 24 East, WM

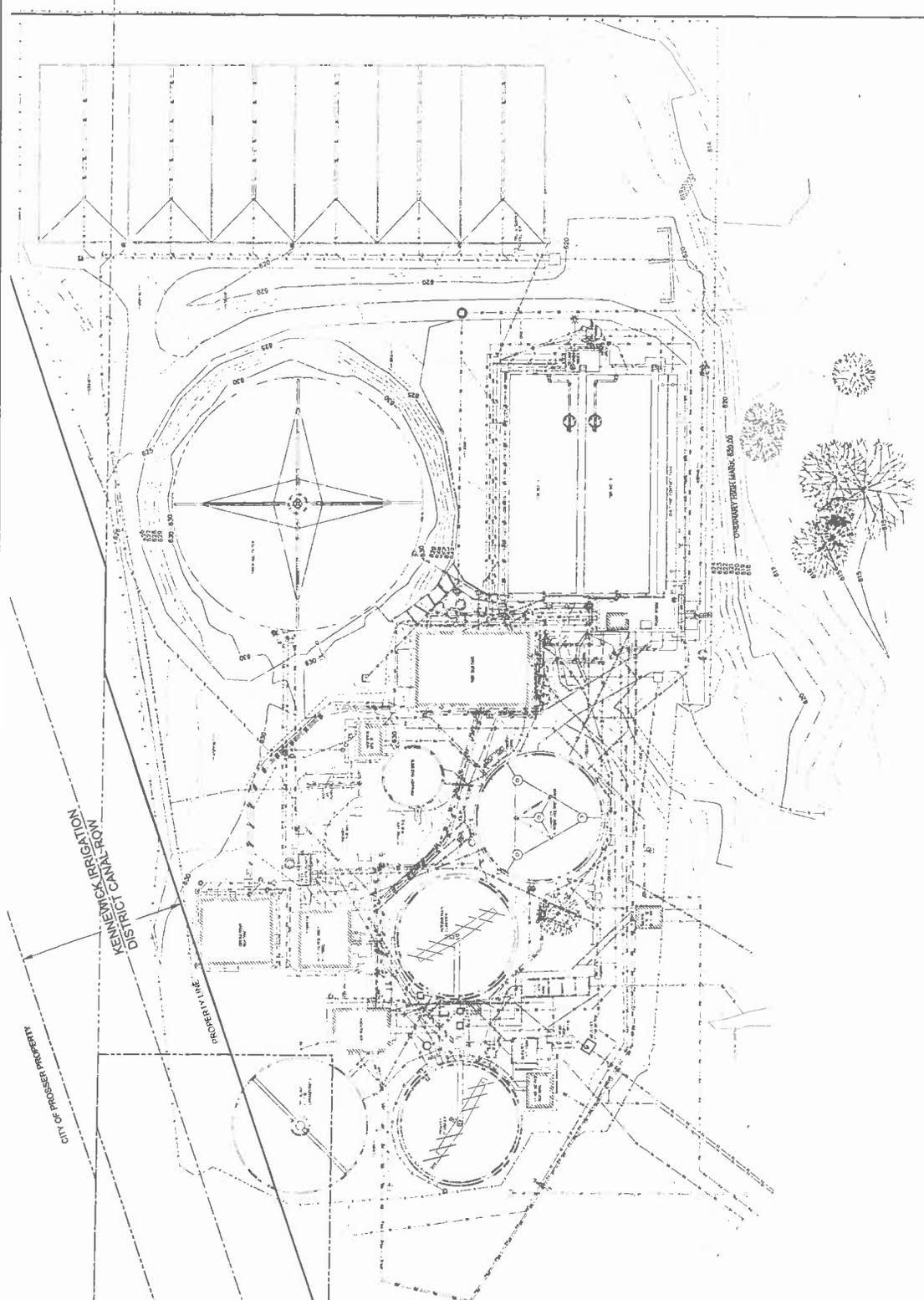
CITY USE ONLY

RECEIVED BY _____ DATE _____

APPROVED BY _____ DATE _____

RETURNED BY _____ DATE _____

REASON FOR APPLICATION RETURN _____



ALLEGAN RESERVATION
 CITY OF PROSSER
 KENNEDY TRAIL
 NOTATION
 DISTRICT

CITY OF PROSSER
2015 WASTEWATER TREATMENT
PLANT IMPROVEMENTS

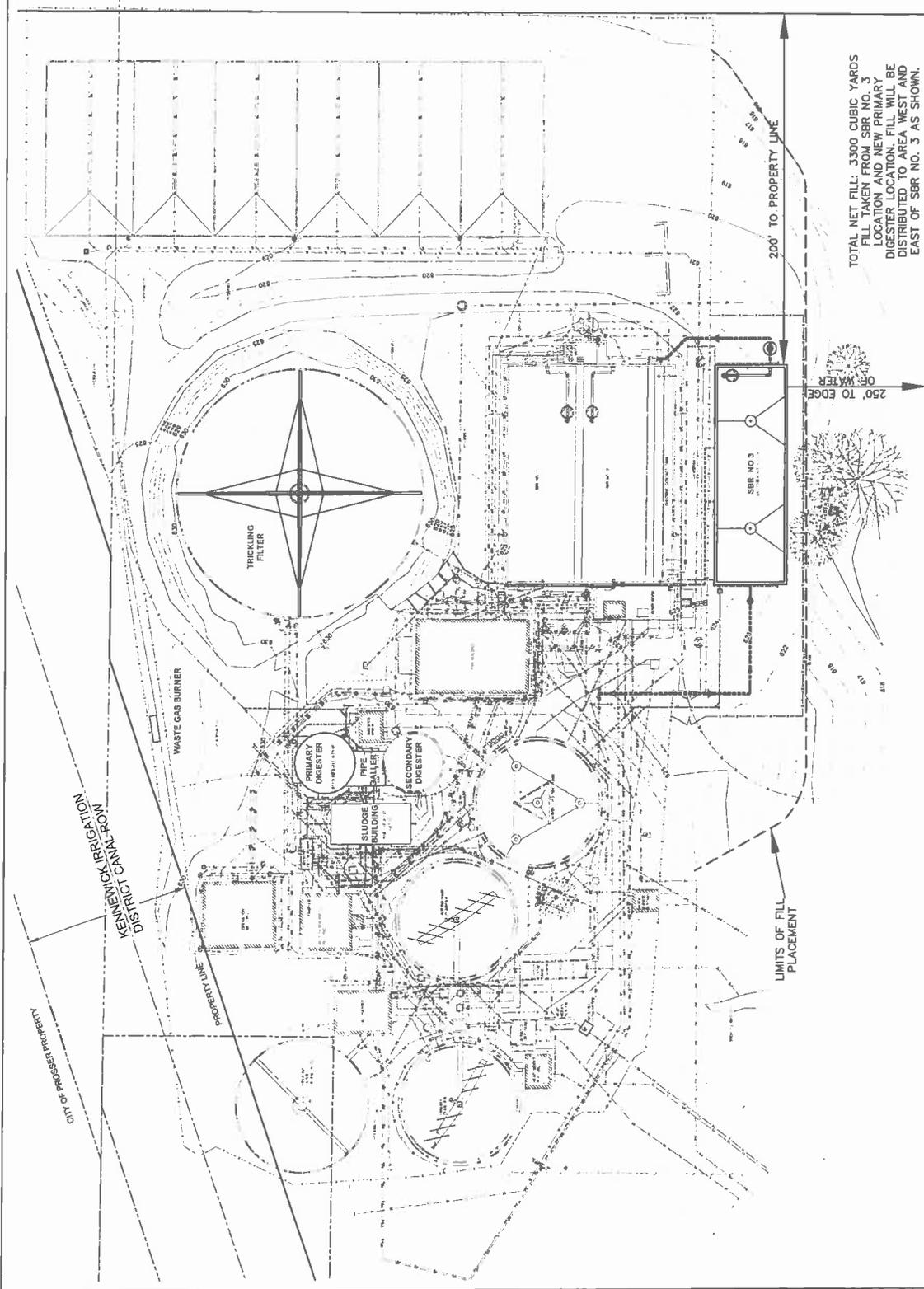
JOB NUMBER: 14084
 DATE: 01-30-15
 FILE NAME: Sharpe.dwg
 DRAWING: 14084.dwg
 PLAN: 14084.dwg
 DESIGNED BY: J.B.
 ENTERED BY: JRS

| REVISION | DATE |
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3823 River Road
 Yelm, WA 98592
 509.965.7000
 Fax 509.965.3800
 www.hlaenr.com

HILA
 Hudregbe, Loman Associates, Inc.
 Civil Engineering • Land Surveying • Planning

EXISTING SITE PLAN



TOTAL NET FILL: 3300 CUBIC YARDS
 FILL TAKEN FROM SBR NO. 3
 LOCATION AND NEW PRIMARY
 DIGESTER LOCATION. FILL WILL BE
 DISTRIBUTED TO AREA WEST AND
 EAST OF SBR NO. 3 AS SHOWN.

CITY OF PROSSER
2015 WASTEWATER TREATMENT
PLANT IMPROVEMENTS

PROPOSED SITE PLAN

| | | | |
|-------------|------------|--------------|----------|
| JOB NUMBER: | 14084 | DATE: | 01-30-15 |
| FILE NAMES: | Shrine.dwg | DESIGNED BY: | JLB |
| PLANS: | 14084.dwg | ENTERED BY: | JRS |

| REVISION | DATE |
|----------|------|
| | |
| | |
| | |
| | |

6809 Silver Road
 Yakima, WA 98902
 509.666.7000
 Fax: 509.666.3800
 www.dlavis.com

HLA
 Hubbrecht, Loman Associates, Inc.
 Civil Engineering • Land Surveying • Planning



LAND USE ZONING & PERMIT APPLICATION

CITY OF PROSSER, WASHINGTON

APPLICANT'S NAME CITY OF PROSSER

PROJECT NAME WASTEWATER TREATMENT PLANT IMPROVEMENTS

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

Project Address: 999 GRANDE ROAD, PROSSER, WA 99350
(Leave blank if not assigned)

Parcel Number (Property Tax Account Number): 101842000012000

Legal Description: SECTION 1, TOWNSHIP 8, RANGE 24: THE WEST 400 FEET OF THAT PORTION OF GOVERNMENT LOT 4, LYING EAST OF NORTHERLY EXTENSION OF THE EAST LINE OF GOVERNMENT LOT 5, SECTION 1, TOWNSHIP 8 NORTH, RANGE 24 EAST

PROPERTY OWNER INFORMATION

Name: CITY OF PROSSER

Address: 601 7TH STREET City: PROSSER State: WA Zip: 99350

Phone: (509) 786-2332 Cell Phone: N/A

Email: publicworks@cityofprosser.com (email will not be used for transmittal of official findings)

OWNERS AUTHORIZED AGENT: Paul Warden, Mayor

Address: 601 7TH STREET City: PROSSER State: WA Zip: 99350

Phone: (509) 786-2332 Cell Phone: N/A

Email: PWarden@ci.prosser.wa.us (email will not be used for transmittal of official findings)

PROJECT INFORMATION

- | | |
|--|---|
| <input type="checkbox"/> Site Review | <input type="checkbox"/> Conditional Use (requires Conditional Use form LUA-S1) |
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Variance (requires Variance request form LUA-S2) |
| <input type="checkbox"/> Change of Zone | <input type="checkbox"/> Similar Use |
| <input type="checkbox"/> Accessory Dwelling Unit | <input type="checkbox"/> Encroachment |
| <input type="checkbox"/> Overlay Zone | <input type="checkbox"/> Adult Family Home |
| <input type="checkbox"/> Right-of-Way Use Permit | <input type="checkbox"/> Continuation and/or Minor Alteration of Non-Conforming Use |

SEPA

PROJECT DESCRIPTION Repair/replace/improve outdated components, mechanisms, equipment, and construct new storage tank facilities. Improvements include: replacing the 150-foot trickling filter drive mechanism; construct a third sequencing batch reactor tank; convert the existing primary digester to a secondary digester; demolish the existing secondary digesters; construct a new fixed roof primary digester; install a rotary drum thickener in a new building and add supply and discharge pumps; replace existing door in the headworks building; replace plug valves in the SBR pump

room; replace existing trickling filter supply pumps. These improvements are to correct specific deficiencies in the treatment process and to increase hydraulic capacity and BOD capacity. Treatment plant hydraulic capacity will be increased from 1.8 MGD to 2.7 MGD. _____

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

PMC-18

Revised 12-29-07

PLEASE ATTACH THE REQUIRED VICINITY MAP

ESTIMATED PROJECT VALUATION: \$ _____ Approximately \$7,000,000 _____

CONTRACTOR INFORMATION

Company Name N/A at this time. Email: _____
 Contact Person: _____ Contact Phone: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Contractor's Registration No.: _____ Expiration Date: _____

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 does 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] 9/10/14 [Signature] 9-10-14
 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.

| | | | | | | | | | | | | | | | |
|--|--|-------------|------------------|----------|------------------|-------------|------------------|------|------------------|------------|------------------|-------------|-------------------|-----------------|------------------|
| <p>SITE REVIEW <u>Application must include the following.</u></p> <ol style="list-style-type: none"> 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.... <ul style="list-style-type: none"> <input type="checkbox"/> All existing and proposed lot lines. <input type="checkbox"/> The location of all existing structures to remain and the location of all proposed structures. <input type="checkbox"/> The location of all utilities proposed to be used. <input type="checkbox"/> The proposed number and location of water meters. <input type="checkbox"/> The location of all solid waste receptacle areas. <input type="checkbox"/> The method of handling storm water removal. <input type="checkbox"/> All easements and right-of-ways. <input type="checkbox"/> All off-street parking and loading areas. <input type="checkbox"/> All driveway locations. <input type="checkbox"/> All landscaping, outdoor lighting and fencing.. <input type="checkbox"/> A north arrow. <input type="checkbox"/> Scale of drawing | <p>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.</p> <table style="width: 100%;"> <tr> <td>SITE REVIEW</td> <td>\$500.00 Deposit</td> </tr> <tr> <td>VARIANCE</td> <td>\$500.00 Deposit</td> </tr> <tr> <td>SITE REVIEW</td> <td>\$500.00 Deposit</td> </tr> <tr> <td>SEPA</td> <td>\$500.00 Deposit</td> </tr> <tr> <td>ANNEXATION</td> <td>\$500.00 Deposit</td> </tr> <tr> <td>ZONE CHANGE</td> <td>\$1000.00 Deposit</td> </tr> <tr> <td>CONDITIONAL USE</td> <td>\$500.00 Deposit</td> </tr> </table> | 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 |
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| ANNEXATION | \$500.00 Deposit | | | | | | | | | | | | | | |
| ZONE CHANGE | \$1000.00 Deposit | | | | | | | | | | | | | | |
| CONDITIONAL USE | \$500.00 Deposit | | | | | | | | | | | | | | |

CITY USE ONLY

RECIEVED BY _____ DATE _____

APPROVED BY _____ DATE _____

RETURNED BY _____ DATE _____

REASON FOR APPLICATION RETURN _____



Tour Guide

1996

Imagery Date: 7/4/2013

46°13'20.77" N 119°46'43.64" W elev 710 ft eye alt 17311 ft

Google earth

**CITY OF PROSSER
Benton County, Washington**

**CITY OF PROSSER
WASTEWATER TREATMENT PLANT
IMPROVEMENTS**

STATE ENVIRONMENTAL POLICY ACT

ENVIRONMENTAL CHECKLIST

Prepared by:



HLA Project No. 14084E

September 2014

ENVIRONMENTAL CHECKLIST

A. BACKGROUND

1. *Name of Proposal, if Applicable:* Wastewater Treatment Plant Improvements

2. *Name of Proponent:* City of Prosser
Phone Number: (509) 786-2332
Address of Proponent: 601 Seventh Street
Prosser, WA 99350

3. *Person Completing Form:* Justin Bellamy, PE
Phone Number: (509) 966-7000
Address: Huibregtse, Louman Associates, Inc.
2803 River Road
Yakima, WA 98902

4. *Date Checklist Prepared:* September 2014

5. *Agency Requesting Checklist:* City of Prosser

6. *Proposed timing or schedule (including phasing, if applicable):*
Construction will begin approximately in May 2015.

7. *Do you have any plans for future additions, expansions, or further activity related to or connected with this proposal? If yes, explain.*
No.

8. *List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.*
After review of the EZ-1 and EZ-2 forms, DAHP has requested an archaeological Survey be performed for the area. Therefore, a professional archaeological survey will be performed for the area proposed for ground disturbance.

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.*
No.

10. *List any governmental approvals or permits that will be needed for your proposal, if known.*
 - Prosser City Council - approval of the project design, authorization to advertise for bids, and award of construction contract.

- Department of Commerce: Public works Board– plan, environmental and cultural resource approval and authorization to advertise for bids.
- Department of Ecology – plan, environmental and cultural resource approval and authorization to advertise for bids.
- Washington State Department of Archaeology & Historic Preservation – concurrence on cultural resources survey, if required.
- Yakama Nation – concurrence on cultural resources survey, if 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.*

To the extent that project funding is available, the following treatment plant improvements will be made to correct these deficiencies and to meet current and future industrial and municipal demands:

- Replace the existing 150-foot trickling filter drive mechanism with a new rotary flow distributor with upper bearing drive. This improvement will replace an old, outdated, and unreliable piece of equipment, increase BOD treatment capacity through better flow distribution to the rock media, and improve process performance and flexibility with the ability to vary wastewater flow rates to the filter. BOD treatment capacity will be increased from 6,750 lbs/day to approximately 9,300 lbs/day.
- Construct a third tank to the sequencing batch reactor (SBR) treatment system, including a new blower building for the third tank, and all piping, valves, and other modifications to operate a three-tank SBR system. This improvement will increase BOD capacity through addition of tank volume and aeration. Process redundancy will be improved by adding the third tank and process flexibility will be increased by allowing for adjustable treatment times. Treatment plant hydraulic capacity will be increased from 1.8 MGD to 2.7 MGD.
- Convert the existing primary digester to a secondary digester and demolish the existing secondary digesters, which will eliminate the old, cracked, and deteriorated structures.
- Construct a new fixed roof primary digester to provide anaerobic digestion of all treatment process solids, eliminating the need for drying bed treatment.
- Install a rotary drum thickener in a new building, including supply and discharge sludge pumps, and associated piping, to improve the solids concentrations delivered to the primary digester from the existing aerobic holding tank.

Other improvements will include:

- Replace the existing door to the headworks building with a larger door to allow for maneuvering a standard sized grit receptacle.
- Replace the plug valves within the SBR pump room with new plug valves.
- Replace the existing trickling filter supply pumps.

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 application related to this checklist.*

The project elements are all located within the Section 1, Township 8 North, Range 24 East, within the City of Prosser, and are shown on Figure 1.

B. ENVIRONMENTAL ELEMENTS

1. EARTH

- a. *General description of the site (underline one): Flat, rolling, hilly, steep slopes, mountainous, other.*
- b. *What is the steepest slope on the site (approximate percent slope)?*
25% slope.
- 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.*

Two primarily soil types are found within the project boundary: Burbank loamy fine sand and Riverwash.

The Burbank series consists of very deep, excessively drained soils formed in basaltic glacial outwash or alluvium. Burbank soils are on terraces and terrace escarpments. Slopes are 0 to 60 percent. The mean annual precipitation is about 7 inches and the mean annual temperature is about 53 degrees F. Burbank loamy fine sand is at a depth of 20 to 36 inches. Permeability is very rapid and water holding capacity is low. Runoff is slow. The hazard of water erosion is slight, and the hazard of wind erosion is sever.

Riverwash consists mainly of alluvial sand and gravel along rivers and streams. These areas are flooded when the streams overflow and area exposed when the water is low. Most areas are bare of vegetation, but willows and cottonwoods are becoming established in places.

This soil type is not classified by the U.S. Department of Agriculture Natural Resource Conservation Service (USDA-NRCS) as prime farmland. Additionally, this project is located within a developed area and will not affect any agricultural land.

- d. *Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.*

There are no surface indications of unstable soils.

- 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.*
Backfilling for utilities will consist of crushed aggregate for pipe zone bedding and native material for trench and process tank backfill. Approximately 4,000 cubic yards of material will be disturbed during this project. Excavation of existing material will be kept on site and used for backfill. Any additional fill (gravel and soil) will be supplied by the contractor at the time of construction.
- f. *Could erosion occur as a result of clearing, construction, or use? If so, generally describe.*
Yes, during clearing for new structure. Erosion control BMP's will be used to protect cleared areas.
- g. *About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or building)?*
84%.
- h. *Proposed measures to reduce or control erosion, or other impacts to the earth, if any:*
Potential erosion due to construction activities will be controlled through the implementation of sedimentation and erosion control best management practices.

2. AIR

- a. *What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.*
During construction, minor amounts of dust and exhaust from equipment activity. The completed project will not affect air quality. The new digester will generate methane gas which will be used for heating the digestion process. Any excess gas will be flared by a waste gas burner. Burner will be permitted and designed to meet the local air emissions authority requirements.
- b. *Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.*
No.
- c. *Proposed measures to reduce or control emissions or other impacts to air, if any:*
The construction contractor will be required to control dust during construction by watering the project site. The contractor will also be required to clean mud and dust from public roadways as necessary.

3. WATER

a. *Surface Water:*

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.*

The project is located adjacent to the Yakima River. The site is approximately 300 LF from the river bank. Work will be performed in the 100 year floodplain. The existing dike and armoring for the existing wastewater treatment plant will be relocated as part of the project which will protect the site from high water events.

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.*

No.

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.*

None.

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

No.

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

Yes.

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.*

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.*

No.

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.
None.

c. *Water Runoff (including storm water):*

1. *Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will the water flow? Will this water flow into other waters? If so, describe.*

One portion of the existing site has catch basins. All other areas use surface infiltration or are directed to the treatment plant process. All new stormwater features from the completed project will be directed into surface infiltration or conveyed into the treatment plant process.

2. *Could waste materials enter ground or surface waters? If so, generally describe.*
No.

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

4. *Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:*
Not applicable.

4. PLANTS

a. *Check or underline type of vegetation found on the site:*

- deciduous tree: alder, maple, aspen, other
 evergreen tree: fir, cedar, pine, other
 shrubs
 grass
 pasture
 crop or grain
 Orchards, vineyards or other permanent crops
 wet soil plants; cattail, buttercup, bullrush, 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?*

Trees and bushes will be removed to allow construction of an in-ground process tank.

c. *List threatened or endangered species known to be on or near the site.*

There are no listed endangered or threatened plants that occur within the general project vicinity. A portion of the project will be constructed within a Paulstrine Aquatic Habitat listed by the State as a Priority Habitat.

- d. *Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:*
Plant restoration and permanent erosion control measures will be implemented around the new structures as part of this project.
- e. *List all noxious weeds and invasive species known to be on or near the site.*
None.

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:*
Bird: hawk, heron, eagle, songbird, other
Mammals: deer, bear, elk, beaver, other
Fish: bass, salmon, trout, herring, shellfish, other
- b. *List any threatened or endangered species known to be on or near the site.*
There are no listed endangered or threatened animals that occur within the general project vicinity. All improvements will occur in a mostly developed area. The known state candidates for endangered or threatened species nearest the project site include the Chinook Salmon, Mid Columbia River Steelhead, Rainbow Trout, Umatilla Dace, and Leopard Dace. All of these species are associated with the Yakima River, approximately 300 LF south of the project. The Townsend Ground Squirrel is also on the State Candidate list and is associated with the area to the North of the project site.
- c. *Is this site part of a migration route? If so, explain.*
Most of Washington State is part of the Pacific Flyway migratory route for birds.
- d. *Proposed measures to preserve or enhance wildlife, if any:*
None.
- e. *List any invasive animal species known to be on or near the site.*
None.

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.*
Digester gas from the treatment process, natural gas, and electric energy will be used to power the process equipment for the facility.

- b. *Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.*
No.
- 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:*
Beneficial use of methane gas generated from the anaerobic digesters that treat the biosolids collected from the treatment processes. High efficiency motors for process equipment.

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.*
None anticipated.
1. *Describe any known or possible contamination at the site from present or past uses.*
None known.
 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.*
There are natural gas lines within the project area.
 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.*
Currently the site uses chlorine gas to disinfect the treated wastewater prior to discharge to the river. This system will remain unchanged and is not part of this project.
 4. *Describe special emergency services that might be required.*
Emergency medical aid may be required should an injury occur during construction.
 5. *Proposed measures to reduce or control environmental health hazards, if any:*
None.
- b. *Noise*
1. *What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?*
None.

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.*

Construction noise is anticipated to be from 7:00 a.m. to 7:00 p.m.

3. *Proposed measures to reduce or control noise impacts, if any:*

Restrict construction to 7:00 a.m. to 7:00 p.m.

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.*

The current use of the site is a City Wastewater Treatment Plant. Current use of adjacent properties are undeveloped, agricultural business, or High Density and Medium Density Residential.

- b. *Has the project site been used as working farmlands or working forest land? 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 nonforest use?*

No.

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.*

Wastewater treatment plant process tanks, associated process buildings and administration office.

- d. *Will any structures be demolished? If so, what?*

Yes. Two of the existing digesters and associated equipment room will be demolished to make room for a new equipment building.

- e. *What is the current zoning classification of the site?*

The current zoning of the site is classified as Public Facilities.

- f. *What is the current comprehensive plan designation of the site?*

The current comprehensive plan designation of the site is City.

- g. *If applicable, what is the current shoreline master program designation of the site?*
Not applicable.
- h. *Has any part of the site been classified as a critical area by the city or county? If so, specify.*
No.
- i. *Approximately how many people would reside or work in the completed project?*
Five.
- j. *Approximately how many people would the completed project displace?*
None.
- k. *Proposed measures to avoid or reduce displacement impacts, if any:*
Not applicable.
- l. *Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:*
None.
- m. *Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:*
Not applicable.

9. HOUSING

- a. *Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.*
None.
- b. *Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.*
None.
- c. *Proposed measures to reduce or control housing impacts, if any:*
Not applicable.

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?*
30 feet.

b. *What views in the immediate vicinity would be altered or obstructed?*
None.

c. *Proposed measures to reduce or control aesthetic impacts, if any:*
None.

11. LIGHT AND GLARE

a. *What type of light or glare will the proposal produce? What time of day would it mainly occur?*
Security site lighting will be installed consistent with the existing use of lighting in the facility.

b. *Could light or glare from the finished project be a safety hazard or interfere with views?*
No.

c. *What existing off-site sources of light or glare may affect your proposal?*
None.

d. *Proposed measures to reduce or control light and glare impacts, if any:*
None.

12. RECREATION

a. *What designated and informal recreational opportunities are in the immediate vicinity?*
The City of Prosser contains numerous municipal parks and school playgrounds.

b. *Would the proposed project displace any existing recreational uses? If so, describe.*
No.

c. *Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:*
None.

13. HISTORIC AND CULTURAL PRESERVATION

a. *Area 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.*
According to the Department of Archaeology & Historic Preservation's (DAHP) Washington Information System for Architectural and Archeological Records Data (WISAARD), there are no registered properties within or adjacent to the project limits.

- b. *Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Is 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.*

None.

- 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.*

Archaeological survey, EZ-1 Form, EZ-2 Form

- 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.*

The proposed project is not anticipated to affect any cultural or historical resources.

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.*

None.

- 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?*

No public transit service is provided within the project limits.

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

Not applicable.

- 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).*

No.

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

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 nonpassenger vehicles). What data or transportation models were used to make these estimates?*

None.

g. 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:
None.

15. PUBLIC SERVICES

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other?) If so, generally describe.
No.

b. Proposed measures to reduce or control direct impacts on public services, if any.
None.

16. UTILITIES

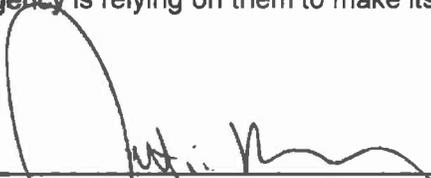
a. Underline the utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, irrigation, cable TV, drains, other.

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.

The project will increase the treatment capabilities of the existing wastewater treatment plant. Electricity upgrade will be a part of the project.

C. SIGNATURE

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.


Justin Bellamy, PE
Project Consulting Engineer
Huibregtse, Louman Associates, Inc.

9/10/14
Date

DETERMINATION OF NONSIGNIFICANCE (DNS)

Description of Proposal:

City of Prosser Wastewater Treatment Plant Upgrade

Proponent:

City of Prosser

Location of proposal, including street address, if any:

City of Prosser
999 Grande Road
Prosser, WA 99350

Lead Agency:

City of Prosser

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

 There is no comment period for this DNS.

 X *This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by*

_____.

Responsible Official:

L.J. DaCorsi

Position/title:

Public Works Director/SEPA Responsible Official

Address:

601 Seventh Street
Prosser, WA 99350

Phone:

(509) 786-2332

Date: _____

9/10/14

Signature: _____





CITY OF PROSSER, WASHINGTON
NOTICE OF COMPLETE APPLICATION
Substantial Development Permit Application
City of Prosser
Waste Water Treatment System Upgrade

SHORELINE APPLICATION

NOTICE OF APPLICATION FOR SHORELINE MANAGEMENT SUBSTANTIAL
DEVELOPMENT PERMIT

Notice is hereby given that the City of Prosser has filed an application for a substantial development permit for the construction or development of the Waste Water Treatment Plant located at: 999 Grande Road, in the city of Prosser, Benton County, Washington. Said development is proposed to be within the Yakima River and/or its associated wetlands.

Any person desiring to express his views or to be notified of the action taken on this application should notify the Planning Department, Prosser City Hall, Prosser, Washington, 99350, in writing of his or her interest within thirty (30) days of the last publication of this notice. Publication dates of this notice are February 4, 2015 and February 11, 2015

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

Comments may also be sent by facsimile to **(509) 786-3717**. Comments should be in writing and be as specific as possible. If you have questions about the process you may call City Hall at (509) 786-2332 however, comments on the proposal must be submitted in writing.

All available information, including but not limited to, the complete application and environmental documents for the proposed project may be viewed at the City Clerk's Office, located at Prosser City Hall 601 7th St. Prosser, WA 99350, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays.

Dated: January 30, 2015

Rachel Shaw, City Clerk
City of Prosser

Published: Prosser Record Bulletin
Publish Date: February 4, 2015



**City of Prosser
Washington
Determination of Non-significance (DNS).**

Description of proposal: Waste Water Treatment Upgrades 2015

Proponent: City of Prosser

Location of proposal: 999 Grande Road, Prosser, WA

Lead Agency: City of Prosser

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

There is no comment period for this DNS.

This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by _____.

Responsible Official: Steve Zetz
Position/Title: City Planner
Address: 601 7th Street, Prosser, WA
Date: December 3, 2014

X 

You may appeal this determination to _____ by sending your written comments

Prosser City Hall, 601 7th Street, Prosser, WA. 99350 (509) 786-2332 no later than _____ . You should be prepared to make specific factual objections. Contact Prosser City Hall to read or ask questions about the procedures for SEPA appeals.

There is no agency appeal

Notice

CITY OF PROSSER, WASHINGTON
NOTICE OF COMPLETE APPLICATION
Substantial Development Permit Application
City of Prosser

Waste Water Treatment System Upgrade
SHORELINE APPLICATION
NOTICE OF APPLICATION FOR SHORELINE
MANAGEMENT SUBSTANTIAL DEVELOPMENT
PERMIT

Notice is hereby given that the City of Prosser has filed an application for a substantial development permit for the construction or development of the Waste Water Treatment Plant located at: 999 Grande Road, in the city of Prosser, Benton County, Washington. Said development is proposed to be within the Yakima River and/or its associated wetlands.

Any person desiring to express his views or to be notified of the action taken on this application should notify the Planning Department, Prosser City Hall, Prosser, Washington, 99350, in writing of his or her interest within thirty (30) days of the last publication of this notice. Publication dates of this notice are February 4, 2015 and February 11, 2015

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

Comments may also be sent by facsimile to (509) 786-3717. Comments should be in writing and be as specific as possible. If you have questions about the process you may call City Hall at (509) 786-2332 however, comments on the proposal must be submitted in writing.

All available information, including but not limited to, the complete application and environmental documents for the proposed project may be viewed at the City Clerk's Office, located at Prosser City Hall 601 7th St. Prosser, WA 99350, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays.

Dated: January 30, 2015
Rachel Shaw, CMC, City Clerk -City of Prosser
Published: Prosser Record Bulletin
Publish Date: February 4, 2015
Published: February 4 and 11, 2015

AFFIDAVIT OF PUBLICATION
STATE OF WASHINGTON } ss.
County of Benton

Tim Miser, being
first duly sworn on oath, deposes and says that he is the

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

annexed is a true copy of _____

City of Prosser

Notice of Complete Application

Waste Water Treatment System Upgrade

as it was published in regular issues (and not in supplement form) of said newspaper once a week for a period of 2 consecutive weeks

commencing February 4, 20 15

ending February 11, 20 15

both dates inclusive and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee

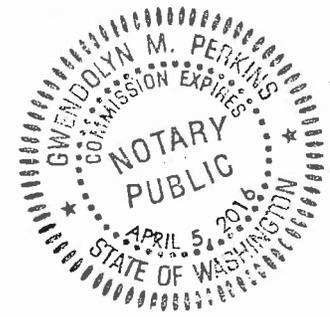
charged for the foregoing publication is the sum of \$ 102.00, which amount has been paid in full

Tim Miser
Subscribed and sworn to before me this 11

day of February, 20 15

Gwendolyn M. Perkins

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





City of Prosser

Washington

AFFIDAVIT OF POSTING

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

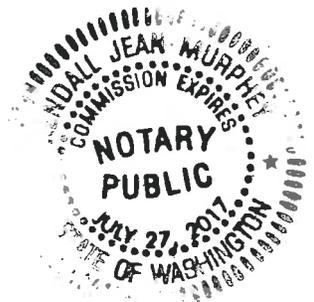
That on Feb 9th, 2015 at 1000 (a.m.) p.m. at "Land use Action pending Over Grant St + OZE", Prosser, Benton County, Washington

I posted a City of Prosser see attached sign.

[Handwritten Signature]

Signature

SUBSCRIBED TO AND SWORN BEFORE ME THIS 13th DAY OF February, 2015



Kendall Jean Murphey

NOTARY PUBLIC in and for the State of Washington residing at Prosser

My Commission Expires: July 27, 2017



**CITY OF PROSSER, WASHINGTON
ORDINANCE NO. 15-_____**

AN ORDINANCE ESTABLISHING PROSSER MUNICIPAL CODE CHAPTER 5.06 PROVIDING THE REGISTRATION OF BUSINESSES COMMONLY KNOWN AS SOLICITORS, PEDDLERS, OR CANVASSERS WITHIN THE CITY OF PROSSER. THE ORDINANCE ALSO SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDES THAT ITS PROVISIONS ARE SEVERABLE FROM ONE ANOTHER AND PROVIDES FOR PUBLICATION BY SUMMARY.

WHEREAS, the city council finds that public health, safety, and welfare requires that the citizens of the city be provided with information relating to persons and organizations who solicit, peddle, and/or canvass within the city, that such activities be regulated, and that the citizens of the city be protected from deceptive and dishonest practices.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PROSSER, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. There is hereby established a new Chapter 5.06 of the Prosser Municipal Code entitled "Solicitors, Peddlers, and Canvassers" which shall read as follows:

5.06.010 Registration and fee payment. Hereafter it shall be unlawful for any solicitor, peddler, or canvasser to, transact, exercise, engage in or carry on, either directly or indirectly, within the limits of the City of Prosser, any trade, business, occupation, or activity for which a registration is hereafter required or a registration fee provided without first procuring such registration and paying such fee.

5.06.020 Definitions. In construing the provisions of this Ordinance, except when otherwise declared, apparent or clearly appearing from the context of the passage or section, the following definitions shall be applied:

- (A) "Solicitor," "peddler," or "canvasser" is defined as any person, either a principal or agent, who goes from place to place within the city, and who:
- (1) Sells, take orders for, or offers to sell, any goods, wares, or merchandise whether or not collecting in advance for such goods, wares or merchandise; and/or
 - (2) Sells, take orders for, or offers to sell services, whether or not collecting in advance for such services; and/or
 - (3) Seeks contributions or donations to private causes, as opposed to tax-exempt charities; and/or
 - (4) Seeks opinions, preferences or other information for commercial purposes.

5.06.030 Exemptions. The provisions of this Ordinance shall not apply to the following person, persons, company or association:

- (A) Any fraternal or social corporation or organization, the purpose of which is charitable or nonprofit.
- (B) Any religious organization or church, or other religious assemblage.
- (C) Any person who is exempt from paying the registration fee by the laws of the United States of America or the State of Washington.
- (D) Any municipal corporation or political subdivision of the United States of America or the State of Washington.
- (E) Any charitable or fund raising organization; provided, however, the fundraising organization has a charitable or nonprofit purpose.
- (F) Suppliers who do not have a place of business in the City of Prosser and who are engaged solely in wholesale selling to registered retailers.

5.06.040 Applicability of other ordinances. The provisions of Section 5.06.030, dealing with exemptions from the provisions of this Ordinance, shall not allow any of the exempt organizations, or persons, from conducting business or activities which would subject it to the requirements of any other Ordinance of the City of Prosser relating to taxes, fees, or licenses, particularly, although not so limited thereto, gambling, amusement devices, or any other tax or license fee required to be purchased or paid for carrying on that particular activity.

5.06.050 Registration fee. Unless it is otherwise provided by provision in a chapter of the Prosser Municipal Code for the registering of a special, named, enumerated or specific business activity, the registration fee for solicitors, peddlers, or canvassers shall be as follows:

- (A) The registration fee shall be in the amount as provided for in the city's fee schedule adopted by resolution of the city council. This registration fee is a fee for the privilege of doing and conducting business within the city limits of the city. Any other section of this chapter or any other ordinance of the city requiring a license or tax for conducting a specific and named activity shall be in addition to this solicitor, peddler, or canvasser registration fee (i.e. general business registration fee). There shall be no set off or credit given for this registration fee unless such ordinance or section of an ordinance so allows.
- (B) In addition to the fees specified in subsection (A), each solicitor, peddler or canvasser shall pay a fee as provided for in the city's fee schedule to cover the costs of obtaining a criminal history conviction record from Washington State Patrol's (WSP) Washington Access to Criminal History (WATCH) program.

5.06.060 Application procedures. The procedures for obtaining a solicitor, peddler, or canvasser registration shall be as follows.

- (A) Any person, persons, company, or association who wishes to transact, exercise, engage in or carry on, either directly or indirectly, within the city limits of the city, any trade, business, occupation, or activity for which a solicitor, peddler, or canvasser registration is heretofore required, unless otherwise exempt under Section 5.06.030, must make application in writing on a form to be provided by the City Clerk. The application shall include an authorization allowing release of all Washington State criminal history record information to the City Clerk.
- (B) Any person, persons, company, or association who wish to obtain a solicitor, peddler, or canvasser registration shall also make application for a general business registration as provided for in Chapter 5.04.
- (C) The City Clerk shall refer the application and the WATCH report to the chief of police or designee, who shall review the criminal history conviction report of the applicant if applicable. Upon completion, the chief of police or designee shall forward the results of the review to the City Clerk within five working days.
 - (1) If as a result of the investigation, the applicant is not found to have committed any of the acts requiring denial the City Clerk shall issue the license to the applicant. The City Clerk shall deny the applicant the license if the applicant has:
 - a) Committed any act consisting of fraud or misrepresentation;
 - b) Committed any act which, if committed by a licensee, would be grounds for suspension or revocation of a license;
 - c) Within the previous ten years, been convicted of a felony directly relating to his or her fitness to engage in the occupation of peddler, and including, but not limited to, those felonies involving moral turpitude, fraud or misrepresentation;
 - d) Been charged with a felony of the type defined in subdivision 3 of this subsection, and disposition of that charge is still pending;
 - e) Been refused a license under the provisions of this chapter; provided, however, that any applicant denied a license under the provisions of this chapter may reapply if and when the reasons for denial no longer exist; and
 - f) Made any false or misleading statements in the application.

(D) Every solicitor, peddler, or canvasser shall be required to carry the issued registration card from the City and display it along with photo identification upon request by a prospective customer or law enforcement officer.

(1) Replacement cards will be issued upon payment of replacement fee as provided for in the city's fee schedule.

(E) The finance director is authorized to promulgate rules regarding the manner and method of payment, including a prohibition or regulation of payment by check.

(1) Any person who submits payment for a solicitor, peddler, or canvasser registration to the city pursuant to the provisions of this chapter shall be assessed a NSF fee set by the finance director if the payment is returned unpaid by a bank or other financial institution for insufficient funds in the account or for any other reason.

5.06.080 Issuing official. The city clerk shall be the official of the city charged with the duty of issuing the registrations required.

5.06.090 Registration nontransferable. No solicitor, peddler, or canvasser registration issued within the city limits shall be transferable. Only the individual(s) to whom the registration is issued shall be eligible to operate on that registration.

5.06.100 Right to refuse registration. The issuing official may, if it is deemed in the best interest of the City of Prosser, refuse to issue a registration to any person, and the person so refused shall not engage in any business for which a registration as herein required has been refused.

Upon refusal to grant a registration the aggrieved party shall have the right to appeal the decision to the City Council. Said appeal shall be received, in written form, by the City Clerk within ten (10) days of the date of refusal to register said business. The City Council must then review the application and the reasons for the refusal to register within thirty (30) days from the date of the receipt of the notice of appeal.

Upon a hearing of the facts, the City Council shall then have the right to either uphold the refusal or accept the application for registration upon payment of the registration fee and any other tax or license imposed upon said business. The Council must make its decision within thirty (30) days of the date of their review at a City Council meeting.

The parties shall be bound by the decision of the Council, subject to the right of appeal to the Superior Court of the State of Washington, County of Benton; said court having jurisdiction over these matters.

5.06.110 Additional regulations. The following regulations shall apply to all solicitors, peddlers, or canvassers:

- (A) No solicitor, peddler, or canvasser shall engage or attempt to engage in business at any home, residence, apartment complex or business that prominently displays a “No Peddlers” or “No Solicitors” sign or any other similar sign that communicates the occupants’ desire to not be contacted by such individuals.
- (B) No solicitor, peddler, or canvasser shall engage in business outside of the following hours:
 - (1) October 1 to April 30 eight a.m. until six p.m.
 - (2) May 1 to September 30, eight a.m. until eight p.m.
- (C) No solicitor, peddler, or canvasser shall use any excessive noisy device to attract attention to his wares or shall shout or call his wares in a loud, boisterous manner.
- (D) All conveyances and receptacles used by solicitors, peddlers, or canvassers to carry foodstuffs or other edibles shall be kept in clean and sanitary condition, and all foodstuffs and other edibles shall be protected from dirt, dust, insects, and other contaminations.
- (E) No solicitor, peddler, or canvasser shall stand or allow his vehicle to stand upon any public right-of-way, sidewalk or any city owned property, unless permission is so granted by the city council.

5.06.120 Excise tax returns – State of Washington Department of Revenue. All persons, firms, and corporations who perform labor, services and construction, or who sell goods or any other items deemed taxable by the State of Washington Department of Revenue, within the city (as provided in Rule II, WAC 458-20-145), shall report the city “Location Code Number 0303” on their excise tax returns to the State of Washington Department of Revenue.

5.06.130 Compliance with other laws. The issuance of a solicitors, peddlers, or canvassers registration shall not relieve the applicant from the requirement to comply with all other applicable laws of the State of Washington, laws of the United States, and laws and regulations of the city, including, but not limited to, zoning, building code, fire code, IRS regulations and other tax and license regulations.

5.06.140 Registration revocation and cancellation. A violation of any of the provisions of this chapter shall be grounds for revoking and cancelling any permit under this chapter without notice.

5.06.150 Acts declared as nuisance. Any and all acts intended for the purpose of evading the intent of this chapter shall be considered as declared a nuisance, and is a violation of this chapter.

5.06.160 Penalties. Any person convicted of any violation of this chapter shall be

punished as set forth in Prosser Municipal Code Section 1.28.010.

Section 2. SEVERABILITY. The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall not as a result of said section, sentence, clause, or phrase be held unconstitutional or invalid.

Section 3. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council and **APPROVED** by the Mayor, this ____ day of _____, 2015.

MAYOR PAUL WARDEN

ATTEST:

CITY CLERK, RACHEL SHAW

Approved as to form:

CITY ATTORNEY, HOWARD SAXTON

Date of Publication: _____

SUMMARY OF ORDINANCE NO. 15-_____

of the City of Prosser, Washington

On the ____ day of _____, 2015, the City of Prosser, Washington, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE ESTABLISHING PROSSER MUNICIPAL CODE CHAPTER 5.06 PROVIDING THE REGISTRATION OF BUSINESSES COMMONLY KNOWN AS SOLICITORS, PEDDLERS, OR CANVASSERS WITHIN THE CITY OF PROSSER. THE ORDINANCE ALSO SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDES THAT ITS PROVISIONS ARE SEVERABLE FROM ONE ANOTHER AND PROVIDES FOR PUBLICATION BY SUMMARY.

The full text of this Ordinance will be mailed upon request.

DATED this ____ day of _____, 2015

CITY CLERK, RACHEL SHAW