

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

CITY COUNCIL
REGULAR MEETING AGENDA
7:00 P.M.
TUESDAY, OCTOBER 14, 2014

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. CITIZEN PARTICIPATION

5. MAYOR AND CITY COUNCIL REPORTS AND COMMENTS

6. CLOSED RECORD DECISION HEARING

a.) 1401 Kinney Way Rezone

~ Open Public Hearing

~Close Public Hearing

7. COUNCIL ACTION

a.) Consideration of ORDINANCE Rezoning Property Located at 1401 Kinney Way from Steep Slope Residential (SSR) and Residential Low Density (RL) to Residential Medium Density (RM) Page 4

RECOMMENDATION: Adopt Ordinance No. 14-_____ Rezoning Property Located at 1401 Kinney Way from Steep Slope Residential (SSR) and Residential Low Density (RL) to Residential Medium Density (RM).

8. PUBLIC HEARING

a.) Recreational and Medical Cannabis Facility Regulations

~ Open Public Hearing

~Receive Citizen Comments

~Close Public Hearing

*The first Ordinance passed will be Ordinance 14-2908
The first Resolution passed will be Resolution 14-1466*

9. COUNCIL ACTION

- a.) **Consideration of ORDINANCE Establishing Zoning Regulations for Recreational Marijuana and for Medical Cannabis Uses..... Page 42**

RECOMMENDATION: Adopt Ordinance No. 14-_____ establishing Zoning regulations for recreational marijuana and for medical cannabis uses.

10. CONSENT AGENDA

- a. Approve Payment of Payroll Checks Nos. 600211 through 600244 in the Amount of \$23,986.04 and Direct Deposits in the Amount of \$103,208.02, for the Period Ending September 30, 2014..... **Page 194**
- b. Approve Payment of Claim Checks Nos. 11297 through 11307 and 11309 through 11406, in the Amount of \$384,162.51 and Electronic Payments in the Amount of \$75,963.83, for the Period Ending October 14, 2014 **Page 197**
- c. Accept Monthly Report by Prosser Economic Development Association for the Month of September 2014 and Authorize Payment for Those Services in the Amount of \$2,166.66 and Authorize Payment for those Services in the Amount of \$1,416.67 for Grant Writer Services..... **Page 210**
- d. Approve Amendment No. “A” to the Public Works Trust Fund Loan Agreement Modifying the Annual Repayment Date from July 1st to June 1st and Authorize the Mayor to Sign the Agreement..... **Page 215**
- e. Adopt Resolution 14-_____ Approving Amendment No. 2 to Shoreline Master Program Grant G1200039 between the City of Prosser and the Department of Ecology and Authorize the Mayor to Sign the Agreement..... **Page 218**
- f. Adopt Resolution 14-_____ Accepting the Water System Telemetry Upgrades Project as Complete and Approve Retainage Release of \$6,960.08 upon Satisfactorily Fulfilling Specific Conditions **Page 223**
- g. Acceptance of Historic Downtown Prosser Association (HDPa) Financial Statements and Accountant’s Review of 2012 – 2013 and Authorize Payment in the Amount of \$15,000 **Page 235**
- h. Approve August 5, 2014 Meeting Minutes..... **Page 247**
- i. Approve August 12, 2014 Meeting Minutes..... **Page 252**
- j. Approve August 26, 2014 Meeting Minutes..... **Page 258**

***The first Ordinance passed will be Ordinance 14-2908
The first Resolution passed will be Resolution 14-1466***

11. COUNCIL ACTION

- a.) **Approve Payment of Claim Check No. 11308 and 11407 in the Amount of \$62,476.70, for the Period Ending October 14, 2014 Page 262**

RECOMMENDATION: Approve Payment of Claim Check No. 11308 and 11407 in the Amount of \$62,476.70, for the Period Ending October 14, 2014.

- b.) **Approve the Perpetual Waterline and Fire Hydrant Easement Deed between the City of Prosser and Bethel Church of Richland, Washington, and Authorize the Mayor and City Clerk to Sign the Document Page 265**

RECOMMENDATION: Approve the Perpetual Waterline and Fire Hydrant Easement Deed between the City of Prosser and Bethel Church of Richland, Washington, and Authorize the Mayor and City Clerk to Sign the Document.

- c.) **Consideration of ORDINANCE Amending the City’s Municipal Court Ordinance Codified in Chapter 2.68 PMC Page 271**

RECOMMENDATION: Adopt Ordinance No. 14-____ amending the City’s Municipal Court Ordinance Codified in Chapter 2.68 PMC.

12. COUNCIL DISCUSSION

- a.) **2015 General Fund Budget Page 276**

13. ADD ON ITEMS

14. ADJOURNMENT

*The first Ordinance passed will be Ordinance 14-2908
The first Resolution passed will be Resolution 14-1466*

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Consideration of Ordinance Rezoning property located at 1401 Kinney Way from Steep Slope Residential (SSR) and Residential Low Density (RL) to Residential Medium Density (RM).

Meeting Date:
October 14, 2014
Regular Meeting

Department:

Planning

Director:

Steve Zetz

Contact Person:

Steve Zetz

Phone Number:

(509) 786-2332

Cost of Proposal: NA

Amount Budgeted: NA

Account Number:

Name and Fund#

Reviewed by Finance Department:

N/A

Attachments to Agenda Packet Item:

1. Public Hearing Notice
2. Application
3. SEPA Checklist
4. Letter from Engineer
5. MDNS
6. Comment Letters
7. Planning Commission Findings
8. Maps
9. Ordinance 14-_____

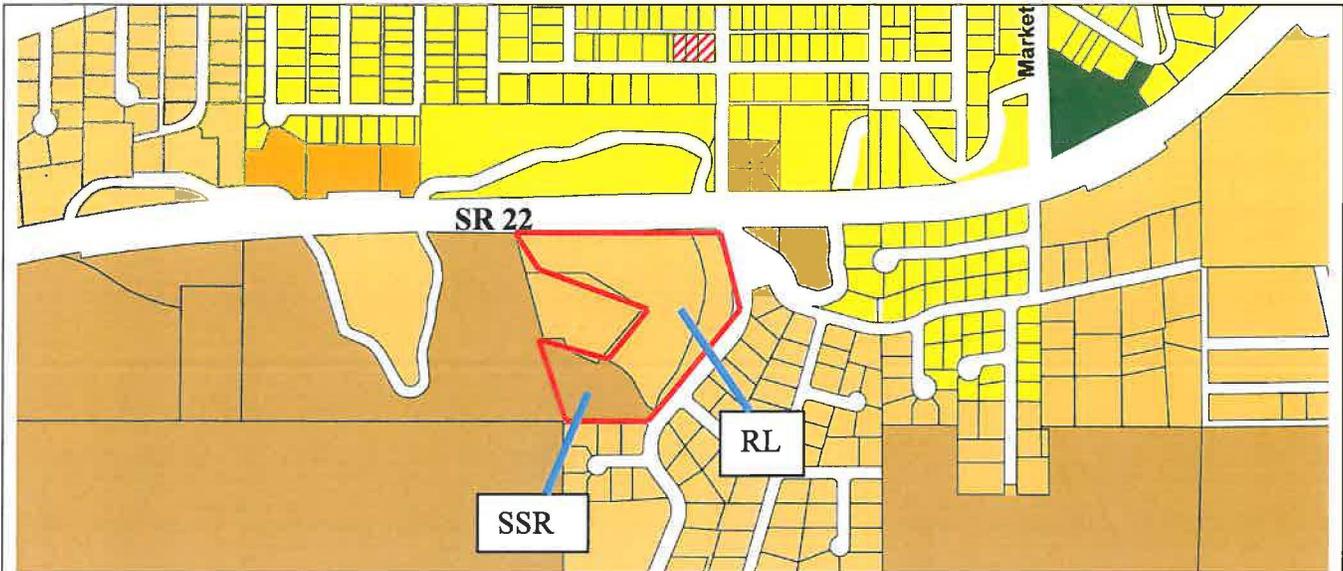
This is a **CLOSED RECORD HEARING**.

Hearing Type: Quasi-Judicial

This is a quasi-judicial hearing. This means that the hearing must not only be fair but appear to be fair. If you have had any ex parte contact with the applicant or anyone, other than City Staff, then you must disclose that contact and the nature of that contact. In the event that you have already made up your mind regarding the subject of this hearing and cannot rely on the evidence presented to make that decision, then you must disclose that fact. In the event that conflicts would prevent a quorum from making a decision in this matter, then, under the doctrine of necessity, you would be able to hear this matter notwithstanding any conflicts. **Do you have any conflicts? Does any member of the public believe that any member has a conflict?**

Summary Statement:

Applicant has requested a rezone of property having the common address of 1401 Kinney Way. Currently the parcel has two zoning designations, Residential Low Density (RL) and Steep Slope Residential (SSR). Applicant has requested that the entire parcel be zoned Residential Medium Density (RM).



The proposed rezone is consistent with the Comprehensive Plan. A letter from an engineer has been submitted verifying that the portion zoned SSR is adequate for the rezone and potential development under Residential Medium.

Comment letters were submitted to the City. Comments were reviewed and a Mitigated Determination of Non-Significance was issued. The mitigation measure requires appropriate studies based on a development application to address environmental and safety concerns.

Consistent with or Comparison to:

EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL

Recommended City Council Action/Suggested Motion:

Approve Ordinance 14-_____ Rezoning property located at 1401 Kinney Way from Steep Slope Residential (SSR) and Residential Low Density (RL) to Residential Medium Density (RM).

Reviewed by Department Director:

Date: 10/9/2014

Today's Date:

September 12, 2014

Reviewed by City Attorney:

Date: 9/15/14

Revision Number/Date:

Approved by Mayor:

Date: 10/10/14

File Name and Path:



City of Prosser NOTICE OF CLOSED RECORD DECISION HEARING

NOTICE IS HEREBY GIVEN by the undersigned City Clerk of the City of Prosser, Washington, that the City Council will hold a Closed Record Decision Hearing on October 14, 2014 at 7:00 p.m., or as soon thereafter as possible, in the City Council Chambers, City Hall, 601 7th Street, Prosser, Washington, for the purpose of receiving public comment on a proposed rezone of property located at 1401 Kinney Way from Steep Slope Residential (SSR) and Residential Low Density (RL) to Residential Medium Density (RM). The Council Chambers is wheelchair accessible. American with Disabilities Act (ADA) accommodations are available upon request to the City Clerk at least 2 days in advance by calling (509) 786-2332.

Pursuant to Title 19 of the Prosser Municipal Code, the Closed Record Decision Hearing shall be on the record before the City Council, and no new evidence or information may be presented, rather only appeal argument based on the existing Public Hearing record will be allowed. Any appeal argument based on the existing Public Hearing record as noted above may be submitted to the City Clerk's Office located in Prosser City Hall, 601 7th Street between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays.

Any appeal argument may also be submitted at the hearing scheduled for October 14, 2014 at 6:00 p.m. in the City of Prosser City Council Chambers, 601 7th Street, and prior to the close of the hearing. The City Council may accept the Planning Commission recommendation or it may modify the recommendation. The City Council may also remand the matter to the Planning Commission for further proceedings.

All available information and related documents for the hearing may be viewed at the City Clerk's Office, located at Prosser City Hall, 601 7th Street, Prosser, Washington, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays, or may be viewed at www.cityofprosser.com.

The person(s) receiving this notice may request a copy of the final decision in this matter. The final decisions may be appealed in accordance with the Land Use Petition Act (RCW 36.70C).

Dated: September 11, 2014

A handwritten signature in blue ink that reads "Rachel M. Shaw". The signature is written over a horizontal line.

Rachel Shaw, CMC
City Clerk
City of Prosser

Published: Prosser Record Bulletin
Publish Date: September 17, 2014



\$1000 = Deposit

LAND USE ZONING & PERMIT APPLICATION

CITY OF PROSSER, WASHINGTON

APPLICANT'S NAME Warden, Kerry

PROJECT NAME Sunset Hills

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

Project Address: 1401 S. Kinney, Prosser, WA 99350
(Leave blank if not assigned)

Parcel Number (Property Tax Account Number) ~~11841000025003~~ 11841000025003

Legal Description: Section 11, Township 8 North, Range 24 East

PROPERTY OWNER INFORMATION

Name: Paul + Kerry Warden

Address: 1401 S. Kinney Way City: Prosser State: WA Zip: 99350

Phone: 509-303-0355, 786-0071 Cell Phone: same

Email: pwarden53@gmail.com (email will not be used for transmittal of official findings)

OWNERS AUTHORIZED AGENT:

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

Phone: _____ Cell Phone: _____

Email: _____ (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 checked="" 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 |
| <input type="checkbox"/> Other | <input checked="" type="checkbox"/> SEPA |

PROJECT DESCRIPTION _____

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

PLEASE ATTACH THE REQUIRED VICINITY MAP

ESTIMATED PROJECT VALUATION: \$ _____

CONTRACTOR INFORMATION

Company Name: Paul + Kerry Warden Email: kerrywarden@gmail.com
Contact Person: Kerry Warden Contact Phone: 504 303-0355
Address: 1401 S. Kinney Way City: Prosser State: VA Zip: 99310
Contractor's Registration No.: None 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.

Kerry Warden _____ Date _____ Paul Warden _____ Date _____
Applicant Signature Owner Signature

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">Critical Areas WorksheetProof of Legal LotProof of ownership or authority25 year Storm Water Calculations stamped by an engineerSite 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><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
SITE REVIEW	\$500.00 Deposit														
VARIANCE	\$500.00 Deposit														
SITE REVIEW	\$500.00 Deposit														
SEPA	\$500.00 Deposit														
ANNEXATION	\$500.00 Deposit														
ZONE CHANGE	\$1000.00 Deposit														
CONDITIONAL USE	\$500.00 Deposit														

CITY USE ONLY

RECEIVED BY _____ DATE _____

APPROVED BY _____ DATE _____

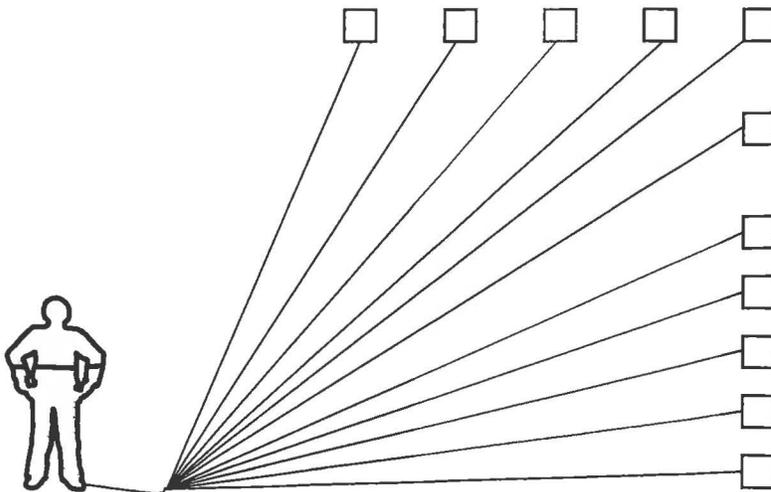
RETURNED BY _____ DATE _____

REASON FOR APPLICATION RETURN _____

CRITICAL AREAS WORKSHEET			
Is there any standing or running water on the surface of the property or on any adjacent property at any time during the year?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Does the site have steep slopes with little to no vegetation?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has any portion of the property or any adjacent property ever been identified as a wetland or swamp?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Does the site contain high percentages of silt and/or very fine sand?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are any willows, skunk cabbage, alders, cottonwoods, or cattails present on your property or adjacent properties?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Does the site contain ground water seepage or springs near the surface of the ground?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there any indications of any portion of the property or on any adjacent property of rockslides, earthflows, mudflows, landslides, or other slope failure?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Please indicate which line best represents the steepest slope found on your property. (Check appropriate slope percentage box and mark correct box on diagram). <input checked="" type="checkbox"/> 0%-5% <input type="checkbox"/> 5%-10% <input type="checkbox"/> 10%-15% <input type="checkbox"/> 15%-20% <input type="checkbox"/> 20%-25% <input type="checkbox"/> 25%+	
Are there any fish and wildlife habitat conservation areas on or adjacent to the property?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is the land development within an Aquifer Recharge Area?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please describe the site conditions for any "yes" answers:			
Who prepared this information? <input checked="" type="checkbox"/> <u>Key Ward</u>			

How to Determine the Slope of a Hillside

The slope is considered the vertical ↑ measure as it relates to the horizontal → measure. For example, if a slope has a rise of one foot over a four foot horizontal distance, the slope would be 1:4 or a 25% slope (1÷4).



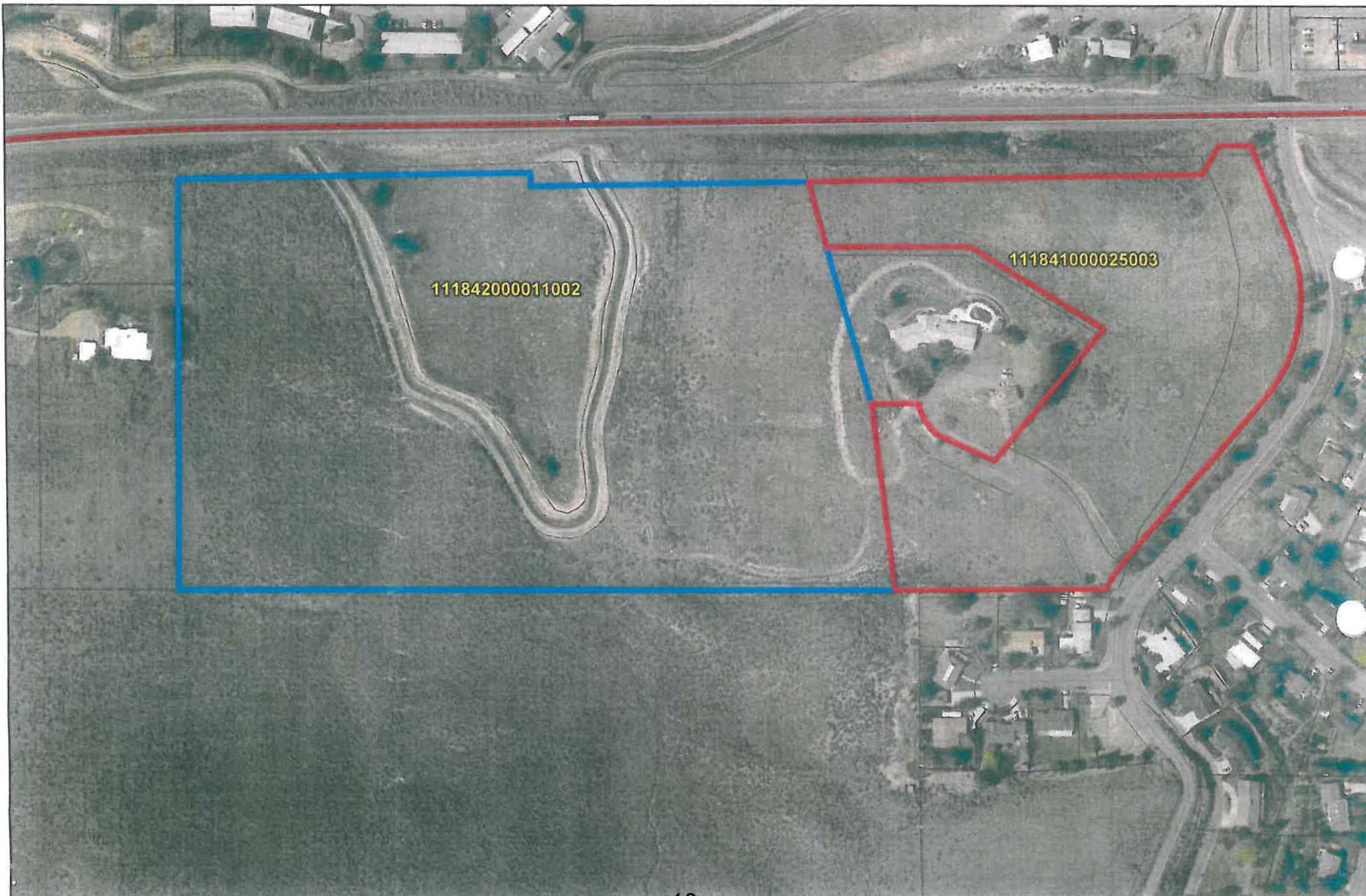


New Parcels
1-1184-100-0025-003
1-1184-200-0011-002
Original parcels not drawn correctly, this is how the finished
parcels should look.

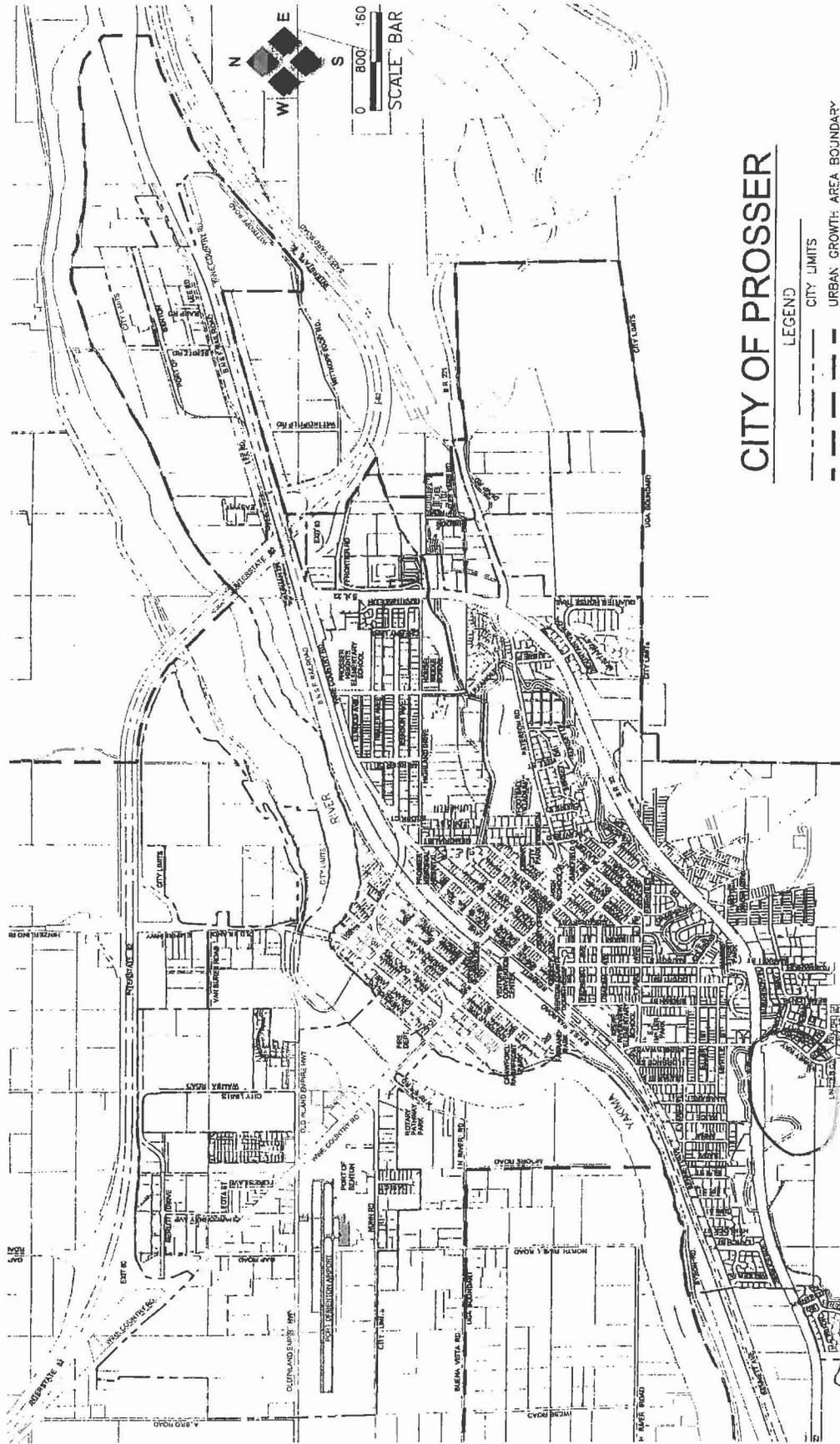
No Scale

Printed on 3/27/2014
Ortho Flown: 2012

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City of Prosser Vicinity Map



Please circle the area of your proposed project

WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable: *Sunset Hills - Warden Property*

2. Name of applicant: *Kerry Warden*

3. Address and phone number of applicant and contact person:
1401 S. Kinney Way, Prosser, WA 99350
509.303.0355 or 509.786.0071

4. Date checklist prepared: *4-29-2014*

5. Agency requesting checklist: *City of Prosser*

6. Proposed timing or schedule (including phasing, if applicable):
May-June 2014

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. *Yes. Plans to subdivide subject parcel and develop infrastructure + residential lots.*

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

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 government approvals or permits that will be needed for your proposal, if known.

Application for zoning change to City of Prosser-Submitted

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

To change subject parcel from RL-Residential Low Density to RM-Residential Medium Density

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

1401 S. Kinney Way, Prosser, WA Parcel #111841000025003

TO BE COMPLETED BY APPLICANT

EVALUATION FOR
AGENCY USE ONLY

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other

b. What is the steepest slope on the site (approximate percent 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 prime farmland.

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

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
 - a. **Air**
 - a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

 - b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

 - c. Proposed measures to reduce or control emissions or other impacts to air, if any:

3. **Water**

a. Surface:

- 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.

- 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.

- 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.

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

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

- 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.

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

- 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.

c. Water runoff (including stormwater):

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

2) Could waste materials enter ground or surface waters? If so, generally describe.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

4. Plants

a. Check or circle types of vegetation found on the site:

_____ deciduous tree: alder, maple, aspen, other

_____ evergreen tree: fir, cedar, pine, other

_____ shrubs

_____ grass

_____ pasture

_____ crop or grain

_____ 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?

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

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, 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.

c. Is the site part of a migration route? If so, explain.

d. Proposed measures to preserve or enhance wildlife, if any:

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.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

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:

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.

1) Describe special emergency services that might be required.

2) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

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.

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

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties?

- b. Has the site been used for agriculture? If so, describe.

- c. Describe any structures on the site.

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

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

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

- g. If applicable, what is the current shoreline master program designation of the site?

- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

- i. Approximately how many people would reside or work in the completed project?

- j. Approximately how many people would the completed project displace?

- k. Proposed measures to avoid or reduce displacement impacts, if any:

1. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
- c. Proposed measures to reduce or control housing impacts, if any:

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?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
- c. Proposed measures to reduce or control impacts, if any:

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
- c. How many parking spaces would the completed project have? How many would the project eliminate?
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

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

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

- g. Proposed measures to reduce or control transportation impacts, if any:

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.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, 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.

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.

Signature: Ken Warden, Paul Warden

Date Submitted: 4-29-14

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

At the time development, impacts will be identified and mitigated.

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

This proposal is a rezone, there is an increase in potential density which may or may not occur. At time of development impacts would be identified.

Proposed measures to protect or conserve plants, animals, fish, or marine life are: *would be identified.*

3. How would the proposal be likely to deplete energy or natural resources?

Would not deplete energy or natural resources

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The rezone does not impact sensitive areas. At time of development impacts would be identified through the SEPA process.

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

No affect on shorelines or land use policies

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Because there is a potential increase in density the impacts would likely be reduced by decreasing sprawl + trip distance

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

This proposal is consistent with the Proser Comprehensive Plan and Land Use designations.

City of Prosser Planning Department,

A segregation was done on Parcel #11184200001002 removing a flat portion of the property from that parcel. The main property remaining in the parcel became #11184200001003. Parcel #11184000025001 had a consolidation done to take in the flat portion of the property removed from parcel #11184200001002. The new parcel number is now 11184000025003.

The zoning of the parcel segregated is steep slope. The portion of property was added to a parcel zoned for Res Low. The section of property removed from the steep slope property needs to be rezoned to Residential Medium.

The topography of the area proposed is adequate to accommodate parcels of 7,500 square feet or more for the purpose of constructing single family dwelling units. There are no critical areas or slopes that are greater than 15%.

The proposed area is adequate to construct infrastructure necessary to accommodate the densities and uses of Residential Medium Density (RM) to include storm water retention, street lights, streets, curbing, sidewalk and utilities.

Kelby Johnson P.E.



Exp 2/10/12



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

Description of proposal: Rezone

Proponent: Kerry Warden

Location of proposal: 1401 Kinney Way

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 MDNS 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: August 21, 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



FILE COPY

**CITY OF PROSSER, WASHINGTON
MITIGATION MEASURES
PROJECT NAME: Rezone 1401 Kinney Way
Address: 1401 Kinney Way
Issued Date: August 21, 2014**

1. Any critical area issues present on or near the site would have to be evaluated and mitigated at the time of development.

This mitigation measure is necessary to ensure the safety of the traveling public and is necessary to meet the goals as stated in PMC 16.08.130(d)(1)(a)(b)(c)(d) and (f).

EFFECTIVE DATE: August 21, 2014

Steve Zetz, City Planner
City of Prosser

Date

**CITY OF PROSSER, WASHINGTON
601 7th Street Prosser WA 99350
(509)786-2332**



**Washington State
Department of Transportation**

Lynn Peterson
Secretary of Transportation

South Central Region
2809 Rudkin Road
Union Gap, WA 98903-1648
509-577-1600 / FAX: 509-577-1603
TTY: 1-800-833-6388
www.wsdot.wa.gov

July 29, 2014

RECEIVED
AUG 04 2014
CITY OF PROSSER

City of Prosser
601 7th Street
Prosser, WA 99350

Attention: Rachel Shaw, City Clerk

Subject: Kerry Warden Rezone
SR 22 milepost 34.1 right

We have reviewed the proposed rezone and have the following comments.

- The proposed rezone is adjacent to State Route 22 (SR 22), a partially-controlled limited access facility with a posted speed limit of 55 miles per hour. WSDOT has acquired all access rights to the highway. Private direct access is restricted solely to deeded approach and public at-grade intersections. No access to SR 22 via the subject property is allowed.
- Stormwater and surface runoff generated by the project must be retained and treated on site and not allowed to flow onto WSDOT right-of-way.

Thank you for the opportunity to review and comment on this proposal. If you have any questions regarding our comments, please contact Rick Holmstrom at (509) 577-1633.

Sincerely,

Paul Gonseth, P.E.
Planning Engineer

PG: rh/jjp

cc: File #2, SR 22
Tom Lenberg, Area 3 Maintenance Superintendent

July 29, 2014

Prosser City Clerk
Prosser City Hall
601 7th Street
Prosser, WA 99350

AUG 07 2014
CITY OF PROSSER

Re: File No.: **REZONE**
Parcel: **1-1184-100-0025-003**
Landowners: **Paul Warden and Kerry Warden**

Greetings:

This office has reviewed the proposed project. Sunnyside Valley Irrigation District (SVID) has the following comment:

1. SVID does not have facilities within the parcel for development.

Thank you for the opportunity to comment on this proposed project. If you have any questions, please feel free to contact Tinker Kouyian at (509) 837-6980 or Kouyiant@SVID.org.

Sincerely,



Ron C. Cowin, P.E.
Assistant Manager – Engineering

Allan Korvola
PO Box 906
Prosser, WA 99350-0906
August 5, 2014

RECEIVED
AUG 06 2014
CITY OF PROSSER

Prosser City Clerk
601 7th Street
Prosser, WA 99350

Re: Rezone Application of Kerry and Paul Warden, 1401 Kinney Way, Prosser, Parcel No.
111841000025003

I am taking this opportunity to express some comments on the proposed rezone. Hopefully some serious thought and consideration will be given to my comments, especially those concerning the northern boundary of the parcel encompassing the vertical land cut bordering SR 22.

If one is traveling west on SR 22, from the Market Street intersection until one passes the noted Parcel, the lay of the land is steep. If one is traveling east on SR 22, from where the SVID canal crosses SR 22 until one passes most of the noted Parcel, the lay of the land is steep.

I am aware that an engineer has stated that the designations of low and high can be averaged into medium. However, changing the designations to an average of the two cannot change the physical topography of the land. In fact, changing any designation of land does not alter the actual physical topography. A case in point is a statement made by Nikki Morgan, a Benton County Assessor, under oath in a legal hearing that our parcel "was totally flat". Her statement was accepted as legal fact when made; however, when we decided to place a combination carport/storage shed on this "flat land" we had to separate the two and change locations because her statement did not change the topography of our land and the location was not acceptable to Mr. Barry Morrow, Prosser Building Inspector, per required setbacks from the toe of a slope.

Our main concern is the northern boundary and attributes thereof. The northern boundary is almost entirely a vertical cut of land bordering SR 22. It ranges from a few feet in height at its boundary with Old Road 11 to approximately 55 feet at maximum height, with an average height of approximately 35 feet. In the 40 years that we have lived across from this boundary we have witnessed water sewage and dirt erosion on this vertical cut. Indications this sewage and erosion is evident to the naked eye.

It is possible that this boundary could be basically stable, if undisturbed, for another 40 years with only a minimum of water sewage and/or earth erosion. However, it is also possible that this could be the site of Prosser's mini-Oso Slide. The land between the northern boundary and the applicant's residential property is currently sagebrush and weeds. A few years back it was barren due to a fire. When the Taggares resided on the property, it was a watered pasture.

However, it is very possible that with installation of water, sewer and electrical services along with road construction, and other dozing, followed by building construction that the vertical slope could be weakened triggering a landslide. Should a slide occur it could cause property damage to others and would require expensive cleanup and repair of the hillside, SR 22 and more.

At the very least, any zoning change should require an agreement by present, and future owners, as well as present and future surveyors and engineers, contractors doing site preparation and finalization, contractors installing water, sewer and electrical services, dwelling contractors, and anyone else providing any services that they accept financial responsibility for any future landslides that may occur from subject property unto SR 22, or vicinity, for the northern boundary area of subject parcel.

In addition, due to the conditions involved it is recommended that the northern boundary portion remain a Steep Slope designation. This would include a strip approximately 150 feet in width starting with the west boundary and hence proceeding east approximately 750 feet to the original westerly boundary of Old Road 11 with the north boundary line being the existing boundary with SR 22, the south boundary and east boundary lines would be closure to these two lines in an approximate rectangular configuration.

There is no concern with the remainder of the parcel under consideration.

It is highly recommended that each member of the Planning Commission do a physical inspection of the northern boundary traveling west on SR 22 from Market Street to a point where the SVID canal goes under SR 22.

Respectfully submitted,


Allan Korvola, Ed.D.

BEFORE THE PLANNING COMMISSION
OF THE
CITY OF PROSSER, WASHINGTON

IN THE MATTER OF)
)
APPLICATION OF THE CITY OF PROSSER)
PLANNING COMMISSION:)
)
FOR THE RE-ZONING PUBLIC HEARING)
FOR PARCEL NUMBER 1-1184-100-0025-)
003 FROM STEEP SLOPE RESIDENTIAL)
(SSR)AND RESIDENTIAL LOW DENSITY)
(RL)TO RESIDENTIAL MEDIUM (RM))
DISTRICT (RM) TO COMMERCIAL GENERAL)
DISTRICT (CG) .)
.)

Before the Planning Commission of the City of Prosser, Washington, in the matter of the request of Paul Warden and Kerry Warden, husband and wife, Applicant@ for the re-zoning of property, partially zoned Residential Low Density District (RM) and partially zoned Steep Slope Residential District (SSR) to Residential Medium Density District (RM).

FINDINGS OF FACT

1. The Applicant applied to amend the zoning map by application filed on April 2, 2014, with the City of Prosser, Washington, to have the following described real property having parcel number 1-1184-100-0025-003 situated in the City of Prosser, Benton County, Washington, zoned Residential Medium Density District (RM):

THAT PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 8 NORTH, RANGE 24 EAST, W.M. COUNTY OF BENTON, CITY OF PROSSER, WASHINGTON STATE, DESCRIBED AS FOLLOWS:
BEGINNING AT THE REBAR AND CAP "29279" MARKING THE CENTER OF SAID SECTION; THENCE 89° 17' 51" WEST 27.50 FEET; THENCE NORTH 5° 47' 16" WEST 336.38 FEET; THENCE

SOUTH 89° 39' 13" EAST 83.99 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 85.00 FEET A CENTRAL ANGLE OF 56° 11' 48" AND A CHORD OF 80.07 FEET BEARING SOUTH 37° 06' 21" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE, A DISTANCE OF 83.37 FEET; THENCE SOUTH 65° 12' 15" EAST 93.91 FEET; THENCE NORTH 40° 28' 32" EAST 308.00 FEET; THENCE NORTH 57° 18' 48" WEST 279.08 FEET; THENCE NORTH 89° 24' 00" WEST 256.61 FEET; THENCE NORTH 14° 36' 28" WEST 120.71 FEET TO THE SOUTHERLY RIGHT OF WAY OF SR 22; THENCE NORTH 89° 34' 34" EAST 703.07 FEET; THENCE NORTH 30° 44' 25" EAST 19.46 FEET; THENCE NORTH 30° 44' 25" EAST 38.85 FEET; THENCE NORTH 89° 34' 20" EAST 57.40 FEET TO THE WESTERLY RIGHT OF WAY OF KINNEY WAY; THENCE SOUTH 21° 25' 20" EAST 93.00 FEET; THENCE SOUTH 21° 25' 20" EAST 82.80 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 288.30 FEET AND A CENTRAL ANGLE OF 63° 25' 53" AND A CHORD OF 303.12 FEET BEARING SOUTH 10° 17' 29" WEST; THENCE SOUTH ALONG SAID CURVE, A DISTANCE OF 319.17 FEET; THENCE SOUTH 42° 00' 32" WEST 340.24 FEET; THENCE SOUTH 35° 50' 07" WEST 36.73 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 215.00 FEET A CENTRAL ANGLE OF 16° 28' 33", AND A CHORD OF 61.61 FEET BEARING SOUTH 33° 38' 28" WEST; THENCE SOUTHWEST ALONG SAID CURVE, A DISTANCE OF 61.83 FEET; THENCE NORTH 89° 18' 00" WEST 351.12 FEET TO THE POINT OF BEGINNING; SUBJECT TO AND TOGETHER WITH EASEMENT A OF AF#2005-040521, 040525, & 040526, TOGETHER WITH AND SUBJECT TO AN EASEMENT FOR ACCESS AND UTILITY PURPOSES ALONG THE SOUTH FORTY FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11, FROM THE SOUTHEAST CORNER OF ABOVE DESCRIBED PARCEL TO KINNEY WAY A DISTANCE OF 380 FEET MORE OR LESS.

HAVING BENTON COUNTY TAX PARCEL NUMBER 1-1184-100-0025-003

2. The Benton County Assessor's records indicate that Applicant's Property is vested in Applicant's name.
3. The Applicant's Property is situated on Kinney Way and

consists of vacant land.

4. A portion of the Applicant's Property is zoned Residential Medium Density District (RM) and a portion of the Applicant's property is zoned Steep Slope Residential District (SSR).
5. The surrounding properties are zoned Residential Medium Density District (RM), Steep Slope Residential District (SSR), and Residential High Density District (RH).
6. The Comprehensive Plan designates the applicant's property as Low/Medium Residential which is defined by the Plan as follows:

Low/Medium Residential (LMR) - The LMR category includes lands for site constructed single-family residential uses with an average unit density of 4 dwelling units per acre. Actual densities may range up to 6 units per acre depending on the configuration of lots relative to existing rights of way. Clustering may be allowed in this designation in steep slope critical areas pursuant to Policy LD 1.5.

7. The portion of the property zoned Steep Slope Residential (SSR) is inconsistent with the Comprehensive Plan Designation.
8. Applicant has provided a letter from Kelby Johnson P.E. certifying that the parcel proposed to be rezoned Residential Medium Density District (RM) is adequate in shape and topography to permit the development of lots of 7,500 square feet.
9. Notice of the Application was published in the Prosser Record Bulletin on July 23, 2014, and posted in accordance with the

Prosser Municipal Code.

10. Notice of the public hearing was published in the Prosser Record Bulletin on July 23, 2014.
11. Prosser Municipal Code Section 18.09.030(A) provides as follows:

Unless otherwise specified, zone boundaries will follow section lines, subdivision lines, lot lines, centerlines of streets, alleys or railroad rights-of-way, or such lines as extended. Boundaries indicated as following shorelines will be construed as following such shoreline and, in the event of a change in the shoreline, will be construed as moving with the shoreline.

12. Defendant's application is a non-project site-specific rezone.
13. The following provided written material for the hearing: the City of Prosser, Kerry Warden, Paul Warden, the Washington State Department of Transportation, the Sunnyside Valley Irrigation District, and Alan Korvola.
14. The following provided oral testimony at the hearing: Kerry Warden.
15. The City issued its SEPA determination on August 21, 2014, containing a mitigation measure that the critical area issues present on or near the site would have to be evaluated and mitigated at the time of development.

CONCLUSIONS

1. This zone request is in keeping with the Comprehensive Plan of

the City of Prosser and corrects a prior inconsistency with the Comprehensive Plan for that portion currently designated Steep Slope Residential District (SSR).

2. The request for a zoning map amendment is consistent with the Comprehensive Plan and the development regulations of the City of Prosser.
3. Notice of this hearing was posted on the property, published in the City's Official Newspaper, and mailed to affected parties in accordance with the Prosser Municipal Code.
4. The change of zone from Residential Low Density District (RL) to Residential Medium Density District promotes the public necessity, convenience and general welfare.
5. The re-zoning of the Applicant's Property is consistent with the surrounding properties.
6. Since there is an inconsistency with the Comprehensive Plan Designation and the parcel should be zoned consistently as one zoning district, there has been a substantial change in conditions since the previous zoning decision.
7. All notices were provided in accordance with the Prosser Municipal Code.
8. Because Applicant's parcel has two zoning designations it is inconsistent with the intent of PMC 18.09.030(A).

RECOMMENDATION TO THE CITY COUNCIL

The Planning Commission recommends to the City Council that it amend the zoning map to change the zone for the property described above to Residential Medium Density District (RM).

THE PLANNING COMMISSION SO FINDS.

ADOPTED BY THE PLANNING COMMISSION on this 21st day of August, 2014.



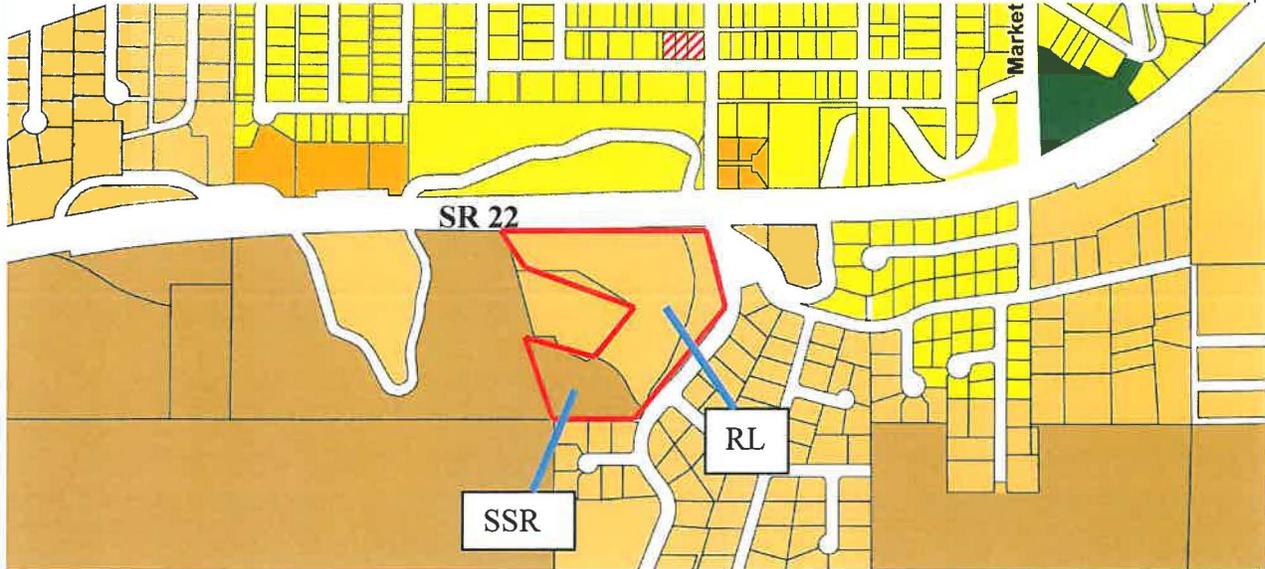
GLENDA SCHMIDT CHAIR OF THE
PROSSER PLANNING COMMISSION



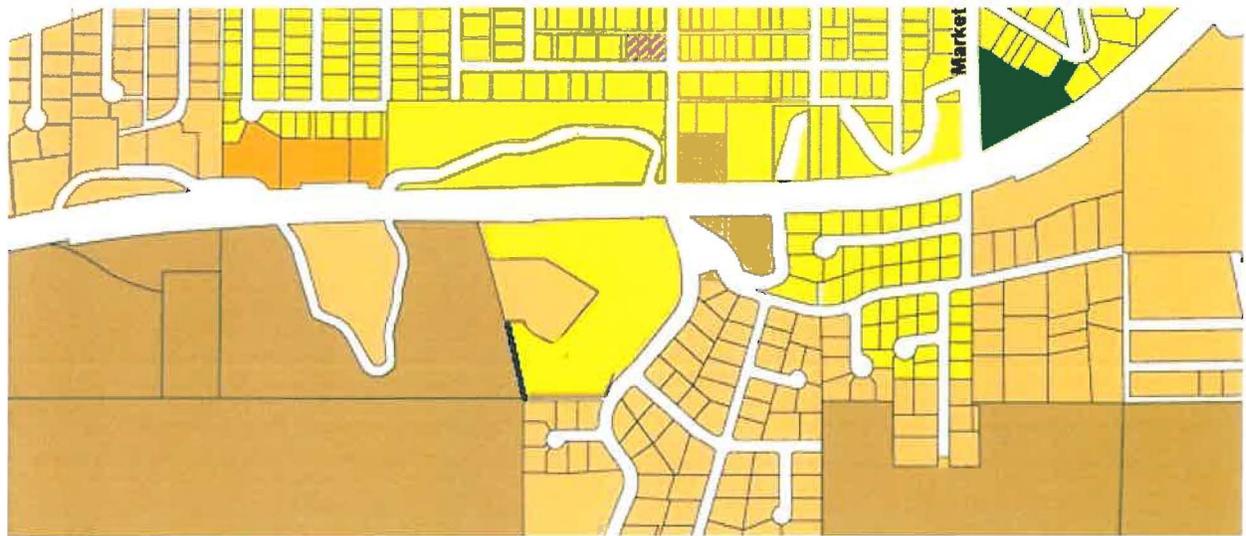
HOWARD SAXTON SECRETARY OF THE
PROSSER PLANNING COMMISSION

S:\PC\ZONE.WARDENRM.doc

Before



After



Property is currently undeveloped. Mitigation measure requires applicant to provide necessary studies based on the proposed development at the time of application.

**CITY OF PROSSER, WASHINGTON
ORDINANCE NO. 14-_____**

AN ORDINANCE AMENDING THE ZONING MAP FOR THE CITY OF PROSSER, WASHINGTON, BY ZONING CERTAIN PROPERTY DESCRIBED IN THIS ORDINANCE LOCATED WESTERLY OF KINNEY WAY AND SOUTHERLY OF SR 22 HAVING BENTON COUNTY TAX PARCEL NUMBER 1-1184-100-0025-003 TO RESIDENTIAL MEDIUM DENSITY DISTRICT (RM). THE ORDINANCE ALSO DECLARES THAT THIS ORDINANCE IS A MINOR ACTION AND HAS A NON-SIGNIFICANT EFFECT ON THE ENVIRONMENT. 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 CITY COUNCIL OF THE CITY OF PROSSER, WASHINGTON, DO ORDAIN
AS FOLLOWS:**

Section 1. The Planning Commission has recommended to the City Council a classification change on the City of Prosser's zoning map to Residential Medium Density District (RM) the property hereinafter described in Section 3 hereof, pursuant to Title 18 of the Prosser Municipal Code.

Section 2. The findings adopted by the Planning Commission on August 21, 2014, on file with the City Clerk, are hereby adopted as the findings of the City Council.

The public will generally benefit from the zoning of the property to Residential Medium Density District (RM) and it is in the interest of the public health, safety, and general welfare of the residents of the City and is not for the benefit of private speculators.

Section 3. The real property described below and situated in the City of Prosser, County of Benton, State of Washington, is hereby zoned Residential Medium Density District (RM)

**THAT PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER
AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF
SECTION 11, TOWNSHIP 8 NORTH, RANGE 24 EAST, W.M. COUNTY OF**

BENTON, CITY OF PROSSER, WASHINGTON STATE, DESCRIBED AS FOLLOWS:

BEGINNING AT THE REBAR AND CAP "29279" MARKING THE CENTER OF SAID SECTION; THENCE 89° 17' 51" WEST 27.50 FEET; THENCE NORTH 5° 47' 16" WEST 336.38 FEET; THENCE SOUTH 89° 39' 13" EAST 83.99 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 85.00 FEET A CENTRAL ANGLE OF 56° 11' 48" AND A CHORD OF 80.07 FEET BEARING SOUTH 37° 06' 21" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE, A DISTANCE OF 83.37 FEET; THENCE SOUTH 65° 12' 15" EAST 93.91 FEET; THENCE NORTH 40° 28' 32" EAST 308.00 FEET; THENCE NORTH 57° 18' 48" WEST 279.08 FEET; THENCE NORTH 89° 24' 00" WEST 256.61 FEET; THENCE NORTH 14° 36' 28" WEST 120.71 FEET TO THE SOUTHERLY RIGHT OF WAY OF SR 22; THENCE NORTH 89° 34' 34" EAST 703.07 FEET; THENCE NORTH 30° 44' 25" EAST 19.46 FEET; THENCE NORTH 30° 44' 25" EAST 38.85 FEET; THENCE NORTH 89° 34' 20" EAST 57.40 FEET TO THE WESTERLY RIGHT OF WAY OF KINNEY WAY; THENCE SOUTH 21° 25' 20" EAST 93.00 FEET; THENCE SOUTH 21° 25' 20" EAST 82.80 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 288.30 FEET AND A CENTRAL ANGLE OF 63° 25' 53" AND A CHORD OF 303.12 FEET BEARING SOUTH 10° 17' 29" WEST; THENCE SOUTH ALONG SAID CURVE, A DISTANCE OF 319.17 FEET; THENCE SOUTH 42° 00' 32" WEST 340.24 FEET; THENCE SOUTH 35° 50' 07" WEST 36.73 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 215.00 FEET A CENTRAL ANGLE OF 16° 28' 33", AND A CHORD OF 61.61 FEET BEARING SOUTH 33° 38' 28" WEST; THENCE SOUTHWEST ALONG SAID CURVE, A DISTANCE OF 61.83 FEET; THENCE NORTH 89° 18' 00" WEST 351.12 FEET TO THE POINT OF BEGINNING; SUBJECT TO AND TOGETHER WITH EASEMENT A OF AF#2005-040521, 040525, & 040526, TOGETHER WITH AND SUBJECT TO AN EASEMENT FOR ACCESS AND UTILITY PURPOSES ALONG THE SOUTH FORTY FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11, FROM THE SOUTHEAST CORNER OF ABOVE DESCRIBED PARCEL TO KINNEY WAY A DISTANCE OF 380 FEET MORE OR LESS.

HAVING BENTON COUNTY TAX PARCEL NUMBER: 1-0184-100-0025-003.

Section 4. This ordinance has been determined to be a minor action and to have a non-significant, adverse effect on the environment. An Environmental Impact Statement is not required

under RCW 43.21C.030.

This ordinance is not an action requiring an environmental statement under WAC 197-11.

This decision is made upon a determination into the guidelines of WAC 197-11 and City Ordinances. This re-zone is in compliance with the Comprehensive Plan of the City.

Section 5. The zoning map of the City of Prosser is hereby amended to show the property described in Section 3 above as Residential Medium Density District (RM).

Section 6. 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.

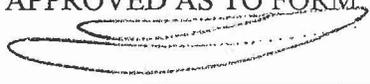
Section 7. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

ADOPTED by the City Council and **APPROVED** by the Mayor, this _____ day of _____, 2014.

Randy Taylor, Mayor Pro-Tem

ATTEST:

Rachel Shaw, City Clerk

APPROVED AS TO FORM:


Howard Saxton, City Attorney

Date of Publication: _____

SUMMARY OF ORDINANCE NO. 14-_____

of the City of Prosser, Washington

On the ____ day of _____, 2014, 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 AMENDING THE ZONING MAP FOR THE CITY OF PROSSER, WASHINGTON, BY ZONING CERTAIN PROPERTY DESCRIBED IN THIS ORDINANCE LOCATED WESTERLY OF KINNEY WAY AND SOUTHERLY OF SR 22 HAVING BENTON COUNTY TAX PARCEL NUMBER 1-1184-100-0025-003 TO RESIDENTIAL MEDIUM DENSITY DISTRICT (RM). THE ORDINANCE ALSO DECLARES THAT THIS ORDINANCE IS A MINOR ACTION AND HAS A NON-SIGNIFICANT EFFECT ON THE ENVIRONMENT. 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 _____, 2014

RACHEL SHAW, CITY CLERK

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Conduct Public Hearing and Consideration of Ordinance Establishing Zoning Regulations for Recreational Marijuana and for Medical Cannabis Uses.		Meeting Date: October 14, 2014 Regular Meeting	
Department: Administration/Planning	Director: Mayor Paul Warden/Steve Zetz	Contact Person: Mayor Paul Warden/ Steve Zetz	Phone Number: (509) 786-2332
Cost of Proposal: n/a		Account Number: N/A	
Amount Budgeted: \$0		Name and Fund# N/A	
Reviewed by Finance Department: N/A			
Attachments to Agenda Packet Item: <ol style="list-style-type: none"> 1. Public Hearing Notice 2. Proposed Ordinance No. 14-_____ 3. All written materials provided to the City or Planning Commission 4. Planning Commission packets from June 19th, July 17th, and August 21, 2014. 5. The City's environmental determination. 6. All public notices. 7. Planning Commission Minutes from, June 19th, July 17th, and August 21, 2014. 			
Summary Statement: <p>The attached ordinance establishes zoning regulations for both Recreational Marijuana and Medical Cannabis uses.</p> <p>To summarize the Ordinance provides as follows:</p> <ol style="list-style-type: none"> 1. Medical Cannabis patients can continue to grow their own Cannabis inside of their homes. 2. Medical Cannabis growers may also act as a provider for a Medical Cannabis patient but only once the State establishes a registry for such providers. 3. Commercial uses may not occur in any Residential Zone. 4. Retail Commercial Uses may only occur in the Agri-Tourism Zone and in Commercial Zones excluding Commercial Downtown, Commercial Professional and Commercial Neighborhood Zones. 5. Commercial Grow operations may only occur in the Agri-Business Zone. 6. Commercial Processing operations may occur in Agri-business and Industrial Zones. 7. All Commercial uses must occur within a building. 8. No part of the actual business occurring in the building can be visible from a public location. 			

9. All uses must strictly comply with State Law.
10. All uses must obey any lawful order from any State or Federal Agency with authority over the use.
11. No Commercial use may operate unless it has a State-issued license under either Chapter 69.50 RCW or 69.51A RCW.

Although it currently appears to be legal to ban Recreational Marijuana uses, any such ban is likely to result in costly litigation. The city of Fife recently had its ban of recreational Marijuana upheld by the Pierce County Superior Court; however, the city spent nearly \$100,000 defending its ordinance. That litigation was not covered by insurance.

There is one "at large" Recreational Marijuana retail license outstanding for Benton County. Therefore, with passage of this ordinance, the City could have one additional Recreational Marijuana outlet. Benton County has not banned Recreational Marijuana. Therefore, even if uses do not locate in Prosser or if Prosser banned Recreational Marijuana uses, those uses could locate in the City's Urban Growth Boundary and be just outside of the city limits.

The Court of Appeals decision in Kent, allows the City to ban Medical Cannabis Collective Gardens and Medical Dispensaries. The attached ordinance bans those uses until they receive a license issued under Chapter 69.51A RCW. To date, the Washington Legislature has not amended Chapter 69.51A to provide for the issuance of licenses for Medical Cannabis uses.

The Prosser Planning Commission held lengthy public hearings on the Ordinance. The attached minutes from the Commission hearings summarize the testimony from the public on the Ordinance. Most of that testimony opposed a ban on Recreational Marijuana arguing that such a ban would only allow the "black market" to prosper. They also argued that as additional grow operations come into production, the price of legal Marijuana will decrease and that will further diminish the "black market." Those favoring a ban argued that allowing legal Recreational Marijuana uses in the City will allow youth more access to Marijuana than they currently have.

The Planning Commission discussed at length the request by some members of the public for unequal application of law as it applies to alcohol establishments and access or messaging. If the potential for an additional marijuana shop would promote more youth access and send a message of acceptance according to some that testified, then additional wineries or alcohol related business should be assumed to do the same thing. There was no interest in banning additional wineries or places that sell or manufacture alcohol despite the CDC studies showing it to be 20 times more likely to cause fatalities in youth than all other substances combined. One Planning Commissioner noted that there are a lot of hazards in the world and it used to be the parents responsibility to raise their kids and teach them right from wrong, not the government.

The Planning Commission recommends that the City Council pass the attached ordinance. You should review the Planning Commission hearing recorded record that is available by clicking on departments, then Planning Commission on the City's website.

The recording for June 14, 2014, failed. In addition the Planning Commission minutes and written materials are attached for your review. In addition, Council will hold its own public hearing before considering the ordinance.

Consistent with or Comparison to:

EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL

Recommended City Council Action/Suggested Motion:

Adopt Ordinance 14 - _____ Establishing Zoning Regulations for Recreational Marijuana and for Medical Cannabis Uses.

Reviewed by Department

Director:



Date:

Reviewed by City Attorney:



Date:

10/9/14

Approved by Mayor:



Date:

10-9-14



**City of Prosser
NOTICE OF
PUBLIC HEARING**

Applicant: City of Prosser

Address: 601 7th Street, Prosser WA

Location of Project: City Wide

Applicable PMC: Chapter 19, Chapter 18

Summary of Proposal: Planning Commission has held several Public Hearings and drafted regulations for medical and recreational cannabis uses in the city. Planning Commission has sent the proposed regulations to the City Council with a recommendation to approve the regulations as drafted.

Contact Person: Steve Zetz
Prosser City Planner
(509) 786-2332

NOTICE IS HEREBY GIVEN by the undersigned City Clerk of the City of Prosser, Washington, that the Prosser City Council will hold a Public Hearing on October 14, 2014, at 7:00 p.m. or as soon thereafter as possible, in the City Council Chambers, City Hall, 601 7th Street, Prosser, Washington, for the purpose of taking action on proposed regulations governing the operation and location of Recreational and Medical cannabis facilities as recommended by the Prosser Planning Commission. The City Hall Council Chambers is wheelchair accessible. American with Disabilities Act (ADA) accommodations is available upon request to the City Clerk at least 2 days in advance by calling (509) 786-2332.

All available information and related documents for the application may be viewed at the City Clerk's Office, located at Prosser City Hall, 601 7th Street, Prosser, Washington, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays, or may be viewed at www.cityofprosser.com.

The person(s) receiving this notice may request a copy of the final decision in this matter.

The final decisions may be appealed in accordance with the Land Use Petition Act (RCW 36.70C).

Dated: September 11, 2014

Rachel Shaw, CMC
City Clerk
City of Prosser

Published: Prosser Record Bulletin
Publish Date: September 17, 2014

CITY OF PROSSER, WASHINGTON
ORDINANCE NO. 14-_____

THE ORDINANCE ESTABLISHES ZONING REGULATIONS FOR RECREATIONAL MARIJUANA AND FOR MEDICAL CANNABIS. THE ORDINANCE ALSO SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE, PROVIDES THAT ITS PROVISIONS ARE SEVERABLE FROM ONE ANOTHER, REPEALS THE PRIOR MORATORIA ORDINANCES RELATING TO MEDICAL CANNABIS AND RECREATIONAL MARIJUANA (ORDINANCE 14-2902 AND ORDINANCE NUMBER 14-2886), AND PROVIDES FOR PUBLICATION BY SUMMARY.

WHEREAS, Ordinance Number 14-2887 established a work/public participation plan to develop zoning regulations for Medical Cannabis uses; and

WHEREAS, Ordinance Number 14-2886 continued a moratorium on Medical Cannabis collective gardens and dispensaries; and

WHEREAS, Ordinance Number 14-2902 established a moratorium on Recreational Marijuana uses; and

WHEREAS, the Planning Commission recommended to the City Council that it approve this Ordinance on the 21st day of August, 2014; and

WHEREAS, the Planning Commission adopted findings in support of its recommendation on August 21, 2014;

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

Section 1. Prosser Municipal Code Chapter 18.90.010 is hereby established to read as follows:

18.90.010 Definitions.

Unless the context otherwise requires, the definitions in this section apply throughout this chapter.

“Chapter 69.50 RCW” means Chapter 69.50 of the Revised Code of Washington as now enacted or as hereafter amended or re-codified including any administrative regulations established under the authority of such Chapter.

“Chapter 69.51A RCW” means Chapter 69.51A of the Revised Code of Washington as now

enacted or as hereafter amended or re-codified including any administrative regulations established under the authority of such Chapter.

“Chapter 69.50 RCW Licensed Retail Facility” means a person licensed by the state liquor control board to sell marijuana and marijuana-infused products in a retail outlet.

“Chapter 69.50 RCW Licensed Producer” means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to Chapter 69.50 RCW Licensed Processors and other Chapter 69.50 RCW Licensed Producers.

“Chapter 69.50 RCW Licensed Processor” means a person licensed by the state liquor control board to process marijuana into marijuana and marijuana-infused products, package and label marijuana and marijuana-infused products for sale in retail outlets, and sell marijuana and marijuana-infused products at wholesale to Chapter 69.50 RCW Licensed Retail Facilities.

“Chapter 69.51A RCW Licensed Medical Cannabis Collective Gardens” means qualifying patients as defined by Chapter 69.51A RCW sharing responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use such as, for example, a location for a collective garden; equipment, supplies, and labor necessary to plant, grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of cannabis plants.

“Chapter 69.51A RCW Licensed Medical Cannabis Retail Facility or Dispensary” means a person licensed by the state of Washington to sell Medical Cannabis and Medical Cannabis-infused products in a retail outlet.

“Chapter 69.51A RCW Licensed Medical Cannabis Producer” means a person licensed by the state of Washington to produce and sell Medical Cannabis at wholesale to Chapter 69.51A RCW Licensed Medical Cannabis Processors and other Chapter 69.51A RCW Licensed Medical Cannabis Producers.

“Chapter 69.51A RCW Licensed Medical Cannabis Processor” means a person licensed by the state of Washington to process marijuana into Medical Cannabis and Medical Cannabis-infused products, package and label Medical Cannabis and Medical Cannabis-infused products for sale in Chapter 69.51A RCW Licensed Medical Cannabis Retail Facilities or Dispensaries, and sell

Medical Cannabis and Medical Cannabis-infused products at wholesale to Chapter 69.51A RCW Licensed Medical Cannabis Retail Facility or Dispensary.

“Person” means any individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

“Public location” means a public street, sidewalk or other public way.

“Marijuana” means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

“Marijuana or Medical Cannabis infused products” means products that contain marijuana or marijuana extracts and are intended for human use

“Medical Cannabis” means Marijuana.

Section 2. Prosser Municipal Code Chapter 18.90.020 is hereby established to read as follows:

18.90.020 Prohibited uses.

Marijuana and Medical Cannabis uses, businesses, facilities and operations that do not have a state license pursuant to either Chapter 69.50 RCW or Chapter 69.51A RCW are prohibited in all zoning districts. This prohibition includes, but is not limited to, medical cannabis collective gardens, medical cannabis dispensaries, and any marijuana production, processing, or retail business, facility or operation. In addition to the enforcement procedures in Chapter 18.81 of the Prosser Municipal Code, violations may also be abated as nuisances pursuant to Chapter 8.26 of the Prosser Municipal Code.

Section 3. Prosser Municipal Code Chapter 18.90.030 is hereby established to read as follows:

18.90.030 State Licensed Marijuana used licensed Chapter 69.50 RCW or Chapter 69.51A RCW.

The following matrix summarizes where Marijuana and Medical Cannabis uses, businesses, facilities and operations that have a state-issued license pursuant to 69.50 RCW or Chapter 69.51A RCW may locate with “P” signifying that the use is permitted and “NP” signifying that the use is not permitted and is prohibited in that zoning district:

The abbreviations used in this table mean:								
“A” means the Agri-business zoning district.								
“AT” means the Agri-tourism zoning district.								
“CT” means the Commercial, Thoroughfare zoning district.								
“CG” means the Commercial, General zoning district.								
“CN” means the Commercial, Neighborhood zoning district.								
“CP” means the Commercial, Professional zoning district.								
“CD” means the Commercial, Downtown zoning district.								
“IL” means the Industrial, Light zoning district.								
“IH” means the Industrial, Heavy zoning district.								
“PF” means the Public Facility zoning district.								
“RR” means the Residential, Rural Density zoning district.								
“RL” means the Residential, Low Density zoning district.								
“RMS” means the Residential, Manufactured Home Subdivision zoning district								
“RH” means the Residential, High Density zoning district.								
“RMP” means the Residential, Manufactured Home Park zoning district								
“UR” means the Urban Residential zoning district.								
USE	“A”	“AT”	“CT” “CG”	“CN” “CP”	“CD”	“IL” “IH”	“PF”	“RR” “RL” “RMS” “RM” “RH” “RMP” “UR”
Chapter 69.50 RCW Licensed	N/P	P	P	N/P	N/P	N/P	N/P	N/P

Retail Facility								
Chapter 69.50 RCW Licensed Producer	P	P	N/P	N/P	N/P	N/P	N/P	N/P
Chapter 69.50 RCW Licensed Processor	P	P	N/P	N/P	N/P	P	N/PA	N/P
Chapter 69.51A RCW Licensed Medical Cannabis Collective Gardens	P	N/P	N/P	N/P	N/P	P	N/P	N/P
Chapter 69.51A RCW Licensed Medical Cannabis Retail Facility or Dispensary	N/P	P	P	N/P	N/P	N/P	N/P	N/P
Chapter 69.51A RCW Licensed Medical Cannabis Producer	P	P	N/P	N/P	N/P	N/P	N/P	N/P
Chapter 69.51A RCW Licensed Medical Cannabis Processor	P	P	N/P	N/P	N/P	P	N/P	N/P

Section 4. Prosser Municipal Code Chapter 18.90.040 is hereby established to read as follows:

18.90.040 Permitted use regulations.

Uses permitted by PMC 18.90.030 are subject to the regulations contained in this section.

USE	Regulations and additional restrictions.
Chapter 69.50 RCW Licensed Retail Facility	<p>No portion of the area used to sell marijuana or marijuana infused products may be visible from a public location.</p> <p>All areas use to sell marijuana or marijuana infused products shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.50 RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter 69.50 RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.50 RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
Chapter 69.50 RCW Licensed Producer	<p>No portion of the area used to grow marijuana may be visible from a public location.</p> <p>All areas use to grow marijuana shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.50 RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provision of Chapter 69.50 RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.50 RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
Chapter 69.50 RCW Licensed Processor	<p>No portion of the area used to process marijuana may be visible from a public location.</p> <p>All areas use to process marijuana shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by Chapter 69.50 RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter</p>

	<p>69.50 RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.50 RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
<p>Chapter 69.51A RCW Licensed Medical Cannabis Collective Garden</p>	<p>No portion of the collective garden used to grow medical cannabis may be visible from a public location.</p> <p>All collective gardens shall be fully contained in a building.</p> <p>No collective garden may locate within 1000 feet of any residential structure, school, or public park. The distance between a collective garden shall be measured from the exterior walls of the building containing the collective garden to nearest boundary line of the residential structure, park, or school, as applicable.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.51A RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter 69.51A RCW.</p> <p>The license issued pursuant to Chapter 69.51A RCW must be located within the building containing the collective garden and must be produced for inspection upon demand of City Officials or Law Enforcement.</p> <p>The owners of the collective garden must comply with all lawful orders and demands issued by any state or federal agency.</p>
<p>Chapter 69.51A RCW Licensed Medical Cannabis Retail Facility or Dispensary</p>	<p>No portion of the area used to sell medical cannabis or medical cannabis infused products may be visible from a public location.</p> <p>All areas use to sell medical cannabis or medical cannabis infused products shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.51A RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter 69.51A RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.51A RCW upon demand of City Officials or</p>

	<p>Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
<p>Chapter 69.51A RCW Licensed Medical Cannabis Producer</p>	<p>No portion of the area used to grow medical cannabis may be visible from a public location.</p> <p>All areas use to grow medical cannabis shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.51A RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter 69.51A RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.51A RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
<p>Chapter 69.51A RCW Licensed Medical Cannabis Processor</p>	<p>No portion of the area used to process medical cannabis may be visible from a public location.</p> <p>All areas used to process medical cannabis shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by Chapter 69.51A RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provision of Chapter 69.51A RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.51A RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>

Section 5. Prosser Municipal Code Chapter 18.90.050 is hereby established to read as follows:

18.90.050 Exception.

Except as provided in this section, nothing in this chapter precludes a qualifying patient

as defined in Chapter 69.51A RCW or designated provider as defined in Chapter 69.51A RCW from engaging in the private, noncommercial production, possession, transportation, delivery, or administration of Medical Cannabis for medical use as authorized under RCW 69.51A.040 as now enacted or as hereafter amended or re-codified. In order to be exempt under this section all persons shall comply with the following:

- A. All areas used to grow, produce, or process Medical Cannabis shall take place inside of a building.
- B. All areas used to grow, produce, or process Medical Cannabis shall not be visible from a public place.
- C. Any signs indicating that Medical Cannabis is present, used, grown, produced, or processed in the building are prohibited.
- D. The use must strictly comply with all provisions of Chapter 69.51A RCW.
- E. All persons engaging in the exempt activity shall comply with all lawful orders and demands issued by any state or federal agency.

Section 6. Prosser Municipal Code Section 18.90.900 is hereby established to read as follows:

18.90.900 Severability.

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

Section 7. The city having adopted zoning regulations on Medical Cannabis and Recreational Marijuana, the following two moratoria ordinances are repealed effective on the effective date of this ordinance: Ordinance Number 14-2902 and Ordinance Number 14-2886.

Section 8. 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 9. 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 _____, 2014.

MAYOR PAUL WARDEN

ATTEST:

CITY CLERK, RACHEL SHAW

Approved as to form:



CITY ATTORNEY, HOWARD SAXTON

Date of Publication: _____

SUMMARY OF ORDINANCE NO. 13-_____

of the City of Prosser, Washington

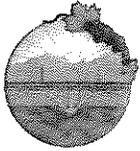
On the ____ day of _____, 2014, the City of Prosser, Washington, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

THE ORDINANCE ESTABLISHES ZONING REGULATIONS FOR RECREATIONAL MARIJUANA AND FOR MEDICAL CANNABIS. THE ORDINANCE ALSO SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE, PROVIDES THAT ITS PROVISIONS ARE SEVERABLE FROM ONE ANOTHER, REPEALS THE PRIOR MORATORIA ORDINANCES RELATING TO MEDICAL CANNABIS AND RECREATIONAL MARIJUANA (ORDINANCE 14-2902 AND ORDINANCE NUMBER 14-2886), AND PROVIDES FOR PUBLICATION BY SUMMARY.

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

DATED this ____ day of _____, 2014

CITY CLERK, RACHEL SHAW



**CITY OF PROSSER, WASHINGTON
PLANNING COMMISSION
AGENDA
6:00 P.M.
June 19, 2014**

1. **Call to Order by Chair.**
2. **Roll Call.**
3. **Minutes May 15, 2014**
ACTION: Approve or deny or make changes to minutes as presented.
4. **Public Hearing for Medical Cannabis and Marijuana Zoning Regulation.**
ACTION: Approve, deny, or make changes.
5. Discussion about proposed sign code changes.
6. **Adjournment**

**CITY OF PROSSER
PLANNING COMMISSION MEETING
THURSDAY, MAY 15, 2014
CITY HALL, PROSSER, WASHINGTON**

CALL TO ORDER:

The meeting of the Prosser Planning Commission was called to order on May 15, 2014, at 6:00 p.m. by Vice-Chair Dorothy Evans. Chair, Glenda Schmidt, arrived before the roll call.

ROLL CALL:

Members present: Dorothy Evans, Sam Fitch, Trevor Day, Glenda Schmidt, Devina Riojas, and Rob Siemens. Jeremy Lynn was absent. City Staff present: Howard Saxton, City Attorney and Secretary, and Steve Zetz, Planner. The Chair welcomed new board member Rob Siemens to the Planning Commission.

APPROVAL OF MINUTES:

Upon motion made by Sam Fitch and seconded by Dorothy Evans, the minutes of the April 17, 2014, meeting were approved as drafted.

DISCUSSION OF MEDICAL CANNABIS ORDINANCE:

The Commissioners had a general discussion regarding the proposed ordinance that would regulate state-licensed marijuana and state-licensed medical cannabis uses in the city. All agreed that the zoning abbreviations should be defined in the regulation table.

APPROVAL OF SMP/COMPREHENSIVE PLAN FINDINGS:

The secretary went over the SMP/Comprehensive Plan findings. The Commissioners made the following changes to the following Paragraphs:

- Paragraph 7 should reference the filing of the Comprehensive Plan in the future tense.
- Paragraph 8 should reference the Public Hearing to be held by the City Council in the future tense.
- Paragraph 19 should be deleted.
- Paragraph 21 needs “to the Comprehensive Plan” added after “amendment.” There should also be a statement that says the SMP/Comprehensive Plan are consistent with the goals and policies of the SMA. It should also say the “Comprehensive Plan amendments are” consistent instead of the “Comprehensive Plan amendment is.”
- Paragraph three needs to reference the Department of Commerce.
- Paragraph 36 needs to have Chapters 16.20 and 16.60 added to it.

Upon motion duly made by Dorothy Evans and seconded by Trevor Day, the Planning Commission approved the findings as amended.

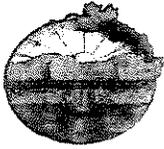
ADJOURNMENT:

There being no other business to come before the Planning Commission, the meeting was ADJOURNED at 7:10 p.m.

Respectfully Submitted,

HOWARD M. SAXTON, III, Secretary

S:\PCPCMIN.51514.wpd



**CITY OF PROSSER, WASHINGTON
NOTICE OF COMPLETE APPLICATION AND
OPTIONAL DETERMINATION OF NONSIGNIFICANCE [DNS]**

**Notice of Application and Optional Determination of Non-significance posted
June 4, 2014**

Type of Application: SEPA Checklist
Date of Application: May 29, 2014
Name of Applicant: City of Prosser
Location of Project: City wide

Description of proposed project: Regulations governing the location and development standards for recreational and medical cannabis facilities.

Other permits:

The following additional permits are associated with this application: SEPA Checklist

The following studies have been required pursuant to RCW 36.70B.070: NA

Preliminary determination of consistency:

The City has determined that this application is consistent with the City's Development Regulations and Comprehensive Plan.

Environmental Review: The City is using the optional process contained in Washington Administrative Code (WAC) Section 197-11-355 to make its threshold determination. The City expects to issue a **Determination of Non-significance (DNS)** for this project. This may be your only opportunity to comment on the environmental impacts of the proposed project. A copy of the subsequent Threshold Determination for the project may be obtained upon request. The lead agency, the City of Prosser, will not act on this proposal for 14 days from the published date below.

City of Prosser Contact: Prosser City Clerk.

Comments: The public is invited to comment on the application and environmental review. The public comment period shall be **15-days and will begin June 4, 2014**. All public comments received on the Notice of Application must be received by the City of Prosser **no later than 5:00 pm, June 20, 2014**. Comments may be mailed or personally delivered to the;

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

All available information and related documents for the application may be viewed at the City Clerk's Office, located at Prosser City Hall, 601 7th St, Prosser, Washington, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays and lunch hours between 11:00 a.m. and 12:00 p.m., or may be viewed at www.cityofprosser.com.

The person(s) receiving this notice may request a copy of the final decision in this matter.

The final decisions may be appealed in accordance with the Land Use Petition Act (RCW 36.70C).

Dated: May 29, 2014



Steve Zetz
City Planner
City of Prosser

Published: Prosser Record Bulletin
Publish Date: June 4, 2014

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants: [\[help\]](#)

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals: [\[help\]](#)

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. BACKGROUND [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#)

Prosser Medical Cannabis Zoning Regulations and Prosser Recreational Marijuana Zoning Regulations.

2. Name of applicant: [\[help\]](#)

City of Prosser

3. Address and phone number of applicant and contact person: [\[help\]](#)

601 7th Street Prosser, WA 99350

4. Date checklist prepared: [\[help\]](#)

May 29, 2014

5. Agency requesting checklist: [\[help\]](#)
City of Prosser

6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)

Approximately 60 days. The public participation plan adopted by the Prosser City Council provides that the regulations will be in final form for the Council to adopt in August 2014.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)

No

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)

SEPA Checklist

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [\[help\]](#)

No

10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)

The Prosser Planning Commission will make a recommendation on the proposed regulations and City Council will make the final decision whether to adopt the regulations or alter them.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [\[help\]](#)

These regulations will regulate both medical cannabis facilities and recreational facilities covered under I-502. They will establish prohibitions in certain zones specifically Residential Districts and Commercial Districts where there are many established residential uses...

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [\[help\]](#)

City wide.

B. ENVIRONMENTAL ELEMENTS [\[help\]](#)

1. Earth

a. General description of the site [\[help\]](#)

(circle one): Flat, rolling, hilly, steep slopes, mountainous,
other _____

- b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [\[help\]](#)
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [\[help\]](#)
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#)

3. Water

- a. Surface Water: [\[help\]](#)
 - 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [\[help\]](#)

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [\[help\]](#)

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [\[help\]](#)

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#)

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [\[help\]](#)

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#)

c. Water runoff (including stormwater):

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

- 2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

4. **Plants** [\[help\]](#)

a. Check the types of vegetation found on the site: [\[help\]](#)

____deciduous tree: alder, maple, aspen, other

- _____ evergreen tree: fir, cedar, pine, other
- _____ shrubs
- _____ grass
- _____ 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? [\[help\]](#)
- c. List threatened and endangered species known to be on or near the site. [\[help\]](#)
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)
- e. List all noxious weeds and invasive species known to be on or near the site.

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include: [\[help\]](#)
 - birds: hawk, heron, eagle, songbirds, other:
 - mammals: deer, bear, elk, beaver, other:
 - fish: bass, salmon, trout, herring, shellfish, other _____

- b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)
- c. Is the site part of a migration route? If so, explain. [\[help\]](#)
- d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)
- e. List any invasive animal species known to be on or near the site.

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [\[help\]](#)
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#)

- c. What kinds of energy conservation features are included in the plans of this proposal?
List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#)

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [\[help\]](#)
- 1) Describe any known or possible contamination at the site from present or past uses.
 - 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.
 - 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.
 - 4) Describe special emergency services that might be required.
 - 5) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#)
- 3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#)
- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#)
- 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:

- c. Describe any structures on the site. [\[help\]](#)
- d. Will any structures be demolished? If so, what? [\[help\]](#)
- e. What is the current zoning classification of the site? [\[help\]](#)
- f. What is the current comprehensive plan designation of the site? [\[help\]](#)
- g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#)
- i. Approximately how many people would reside or work in the completed project? [\[help\]](#)
- j. Approximately how many people would the completed project displace? [\[help\]](#)
- k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)
- c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)
- b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)
- c. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)

- b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)
- c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)
- d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)
- b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. [\[help\]](#)
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)
- 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.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [\[help\]](#)
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [\[help\]](#)

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#)
- 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? [\[help\]](#)
- 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.
- h. Proposed measures to reduce or control transportation impacts, if any: [\[help\]](#)

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [\[help\]](#)
- b. Proposed measures to reduce or control direct impacts on public services, if any. [\[help\]](#)

16. Utilities

- a. Circle utilities currently available at the site: [\[help\]](#)
 electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
 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. [\[help\]](#)

C. SIGNATURE [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Name of signee Steve Zetz

Position and Agency/Organization Planner City of Prosser

Date Submitted: 5-29-2014

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS [\[help\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal is unlikely to create impacts. Impacts will be identified and mitigated on a project by project basis at the time of application. The proposed regulations are more restrictive than State Law, and any use that locates in the city would be no different than any other retail or industrial use that could already locate in the city.

Proposed measures to avoid or reduce such increases are:

Mitigation measures will be identified at the time of application and will be specific to the impacts generated by the proposal.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal is unlikely to create impacts. Impacts will be identified and mitigated on a project by project basis at the time of application.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Mitigation measures will be identified at the time of application and will be specific to the impacts generated by the proposal. The proposed regulations are more restrictive than State Law, and any use that locates in the city would be no different than any other retail or industrial use that could already locate in the city.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal is unlikely to impact natural resources,

Proposed measures to protect or conserve energy and natural resources are:

The proposed regulations are more restrictive than State Law, and any use that locates in the city would be no different than any other retail or industrial use that could already locate in the city.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Sensitive areas such as steep slopes or shorelines will require additional permits as required under Prosser Municipal Code. It is unlikely that developments involving cannabis facilities will develop in critical areas due to restrictions of available water and infrastructure. Any proposed projects will be evaluated at the time of application.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Mitigation measures will be identified at the time of application and will be specific to the impacts generated by the proposal. The proposed regulations are more restrictive than State Law, and any use that locates in the city would be no different than any other retail or industrial use that could already locate in the city.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Sensitive areas such as steep slopes or shorelines will require additional permits as required under Prosser Municipal Code. It is unlikely that developments involving cannabis facilities will develop in critical areas due to restrictions of available water and infrastructure. Any proposed projects will be evaluated at the time of application. After adoption of the City's new SMP, it would be unlikely that any cannabis/marijuana uses could locate along the shoreline.

Proposed measures to avoid or reduce shoreline and land use impacts are:

NA

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

The proposal is unlikely to create impacts. Impacts will be identified and mitigated on a project by project basis at the time of application

The proposed regulations are more restrictive than State Law, and any use that locates in the city would be no different than any other retail or industrial use that could already locate in the city.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The City of Prosser believes that this complies with local and state law, however it is unclear if the cannabis facilities conflict with any Federal laws when it comes to environmental protection. I have attached a copy of the U.S. Department of Justice Memorandum sent to the state of Washington.

18.90.010 Definitions.

Unless the context otherwise requires, the definitions in this section apply throughout this chapter.

“Chapter 69.50 RCW” means Chapter 69.50 of the Revised Code of Washington as now enacted or as hereafter amended or re-codified including any administrative regulations established under the authority of such Chapter.

“Chapter 69.51A” means Chapter 69.51A of the Revised Code of Washington as now enacted or as hereafter amended or re-codified including any administrative regulations established under the authority of such Chapter.

“Chapter 69.50 RCW Licensed Retail Facility” means a person licensed by the state liquor control board to sell marijuana and marijuana-infused products in a retail outlet.

“Chapter 69.50 RCW Licensed Producer” means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to Chapter 69.50 RCW Licensed Processors and other Chapter 69.50 RCW Licensed Producers.

“Chapter 69.50 RCW Licensed Processor” means a person licensed by the state liquor control board to process marijuana into marijuana and marijuana-infused products, package and label marijuana and marijuana-infused products for sale in retail outlets, and sell marijuana and marijuana-infused products at wholesale to Chapter 69.50 RCW Licensed Retail Facilities.

“Chapter 69.51A RCW Licensed Medical Cannabis Collective Gardens” means qualifying patients as defined by Chapter 69.51A RCW sharing responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use such as, for example, a location for a collective garden; equipment, supplies, and labor necessary to plant, grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of cannabis plants.

“Chapter 69.51A RCW Licensed Medical Cannabis Retail Facility or Dispensary” means a person licensed by the state of Washington to sell Medical Cannabis and Medical Cannabis-infused products in a retail outlet.

“Chapter 69.51A RCW Licensed Medical Cannabis Producer” means a person licensed by the state of Washington to produce and sell Medical Cannabis at wholesale to Chapter 69.51A RCW Licensed Medical Cannabis Processors and other Chapter 69.51A RCW Licensed Medical Cannabis Producers.

“Chapter 69.51A RCW Licensed Medical Cannabis Processor” means a person licensed by the state of Washington to process marijuana into Medical Cannabis and Medical Cannabis-infused products, package and label Medical Cannabis and Medical Cannabis-infused products for sale in Chapter 69.51A RCW Licensed Medical Cannabis Retail Facilities or Dispensaries, and sell Medical Cannabis and Medical Cannabis -infused products at wholesale to Chapter 69.51A RCW Licensed Medical Cannabis Retail Facility or Dispensary Chapter 69.51A RCW Licensed Medical Cannabis Retail Facilities or Dispensaries.

“Person” means any individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

“Public location” means a public street, sidewalk or other public way.

“Marijuana” means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

“Marijuana or Medical Cannabis infused products” means products that contain marijuana or marijuana extracts and are intended for human use

“Medical Cannabis” means Marijuana.

18.90.020 Prohibited uses.

Marijuana and Medical Cannabis uses, businesses, facilities and operations that do not have a state license pursuant to either Chapter 69.50 RCW or Chapter 69.51A are prohibited in all zoning districts. This prohibition includes, but is not limited to, medical cannabis collective gardens, medical cannabis dispensaries, and any marijuana production, processing, or retail business, facility or operation. In addition to the enforcement procedures in Chapter 18.81 of the Prosser Municipal Code, violations may also be abated as nuisances pursuant to Chapter 8.26 of the Prosser Municipal Code.

18.90.030 State Licensed Marijuana used licensed Chapter 69.50 RCW or Chapter 69.51A RCW.

The following matrix summarizes where Marijuana and Medical Cannabis uses, businesses, facilities and operations that have a state-issued license pursuant to 69.50 RCW or Chapter 69.51A may locate with “P” signifying that the use is permitted and “NP” signifying that the use is not permitted and is prohibited in that zoning district:

<p>The abbreviations used in this table mean:</p> <p>“A” means the Agri-business zoning district. “AT” means the Agri-tourism zoning district. “CT” means the Commercial, Thoroughfare zoning district. “CG” means the Commercial, General zoning district. “CN” means the Commercial, Neighborhood zoning district. “CP” means the Commercial, Professional zoning district. “CD” means the Commercial, Downtown zoning district. “IL” means the Industrial, Light zoning district. “IH” means the Industrial, Heavy zoning district. “PF” means the Public Facility zoning district. “RR” means the Residential, Rural Density zoning district. “RL” means the Residential, Low Density zoning district. “RMS” means the Residential, Manufactured Home Subdivision zoning district “RH” means the Residential, High Density zoning district. “RMP” means the Residential, Manufactured Home Park zoning district “UR” means the Urban Residential zoning district.</p>								
USE	“A”	“AT”	“CT” “CG”	“CN” “CP”	“CD”	“IL” “IH”	“PF”	“RR” “RL” “RMS”

								“RM” “RH” “RMP” “UR”
Chapter 69.50 RCW Licensed Retail Facility	N/P	N/P	P	N/P	N/P	N/P	N/P	N/P
Chapter 69.50 RCW Licensed Producer	P	P	N/P	N/P	N/P	P	N/P	N/P
Chapter 69.50 RCW Licensed Processor	P	P	N/P	N/P	N/P	P	N/A	N/P
Chapter 69.51A RCW Licensed Medical Cannabis Collective Gardens	P	N/P	N/P	N/P	N/P	P	N/P	N/P
Chapter 69.51A RCW Licensed Medical Cannabis Retail Facility or Dispensary	N/P	P	P	P	N/P	N/P	N/P	N/P
Chapter 69.51A RCW Licensed Medical Cannabis Producer	P	P	N/P	N/P	N/P	P	N/P	N/P
Chapter 69.51A RCW Licensed Medical Cannabis Processor	P	P	N/P	N/P	N/P	P	N/P	N/P

18.90.040 Permitted use regulations.

Uses permitted by PMC 18.90.030 are subject to the regulation contained in this section.

USE	Regulations and additional restrictions.
Chapter 69.50 RCW Licensed Retail Facility	<p>No portion of the area used to sell marijuana or marijuana infused products may be visible from a public location.</p> <p>All areas use to sell marijuana or marijuana infused products shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.50 RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter 69.50 RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.50 RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
Chapter 69.50 RCW Licensed Producer	<p>No portion of the area used to grow marijuana may be visible from a public location.</p> <p>All areas use to grow marijuana shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.50 RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provision of Chapter 69.50 RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.50 RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
Chapter 69.50 RCW Licensed Processor	<p>No portion of the area used to process marijuana may be visible from a public location.</p> <p>All areas use to process marijuana shall be fully contained in a</p>

	<p>building.</p> <p>No signs shall be permitted except as allowed by Chapter 69.50 RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter 69.50 RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.50 RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
<p>Chapter 69.51A RCW Licensed Medical Cannabis Collective Garden</p>	<p>No portion of the collective garden used to grow medical cannabis may be visible from a public location.</p> <p>All collective gardens shall be fully contained in a building.</p> <p>No collective garden may locate within 1000 feet of any residential structure, school, or public park. The distance between a collective garden shall be measured from the exterior walls of the building containing the collective garden to nearest boundary line of the residential structure, park, or school, as applicable.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.51A RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter 69.51A RCW.</p> <p>The license issued pursuant to Chapter 69.50 RCW must be located within the building containing the collective garden and must be produced for inspection upon demand of City Officials or Law Enforcement.</p> <p>The owners of the collective garden must comply with all lawful orders and demands issued by any state or federal agency.</p>
<p>Chapter 69.51A RCW Licensed Medical Cannabis Retail Facility or Dispensary</p>	<p>No portion of the area used to sell medical cannabis or medical cannabis infused products may be visible from a public location.</p> <p>All areas use to sell medical cannabis or medical cannabis infused products shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.51A RCW and Chapter 18.72.</p>

	<p>The use must strictly comply with all provisions of Chapter 69.51A RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.51A RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
<p>Chapter 69.51A RCW Licensed Medical Cannabis Producer</p>	<p>No portion of the area used to grow medical cannabis may be visible from a public location.</p> <p>All areas use to grow medical cannabis shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.51A RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter 69.51A RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.51A RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
<p>Chapter 69.51A RCW Licensed Medical Cannabis Processor</p>	<p>No portion of the area used to process medical cannabis may be visible from a public location.</p> <p>All areas used to process medical cannabis shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by Chapter 69.51A RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provision of Chapter 69.51A RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.51A RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>

18.90.050 Exception.

Except as provided in this section, nothing in this chapter precludes a qualifying patient as defined in Chapter 69.51A RCW or designated provider as defined in Chapter 69.51A RCW from engaging in the private, unlicensed, noncommercial production, possession, transportation, delivery, or administration of Medical Cannabis for medical use as authorized under RCW 69.51A.040 as now enacted or as hereafter amended or re-codified. In order to be exempt under this section all persons shall comply with the following:

- A. All areas used to grow, produce, or process Medical Cannabis shall take place inside of a building.
- B. All areas used to grow, produce, or process Medical Cannabis shall not be visible from a public place.
- C. Any signs indicating that Medical Cannabis is present, used, grown, produced, or processed in the building are prohibited.
- D. The use must strictly comply with all provisions of Chapter 69.51A RCW.
- E. All persons engaging in the exempt activity shall comply with all lawful orders and demands issued by any state or federal agency.



FILE COPY

STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

June 2, 2014

Stephen Zetz
City Planner
City of Prosser
601 7th Street
Prosser, Washington 99350

Dear Mr. Zetz:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

City of Prosser - Proposed regulations governing recreational and medical cannabis facilities. Includes zoning restrictions and additional development regulations. These materials were received on May 30, 2014 and processed with the Material ID # 20302.

We have forwarded a copy of this notice to other state agencies.

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment, then final adoption may occur no earlier than sixty days following the date of receipt by Commerce. Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Dave Andersen (509) 434-4491 or Paul Johnson (360) 725-3048.

Sincerely,

Review Team
Growth Management Services



Washington State
Liquor Control Board

Liquor Control Board Interim Policy BIP-09-2014

Subject: Recreational Marijuana
Effective Date: June 12, 2014
Ending Date: Upon adoption of rules to implement this policy.

Approved: *Sharon Foster*
Sharon Foster, Chairman
Ruthann Kurose
Ruthann Kurose, Board Member
Chris Marr
Chris Marr, Board Member

Purpose:

ESHB 2304 passed in the 2014 legislative session creating changes in the Marijuana Processor and Retail Licenses. An interim policy is required until permanent rules are adopted by the board.

Policy Statement:

(1) **Marijuana Producer:** On a monthly basis, marijuana producers must maintain records and report purchases from other licensed marijuana producers, current production and inventory on hand, sales by product type, and lost and destroyed product in a manner prescribed by the board.

A marijuana producer licensee must pay to the board a marijuana excise tax of twenty-five percent of the selling price on each wholesale sale to a licensed marijuana producer or marijuana processor.

(2) **Marijuana Processor:** A marijuana processor license allows the licensee to process, package, and label usable marijuana, marijuana concentrates, and marijuana-infused products for sale at wholesale to other marijuana processors and marijuana retailers.

On a monthly basis, marijuana processors must maintain records and report purchases from licensed marijuana producers and processors, production of marijuana concentrates and marijuana-infused products, sales by product type to

marijuana processors and marijuana retailers, and lost and/or destroyed product in a manner prescribed by the board.

A marijuana processor licensee must pay to the board a marijuana excise tax of twenty-five percent of the selling price on each wholesale sale of usable marijuana, marijuana concentrates, and marijuana-infused product to a licensed marijuana retailer and/or processor.

(3) Marijuana Retailer: A marijuana retailer license allows the licensee to sell only usable marijuana, marijuana concentrates, marijuana-infused products, and marijuana paraphernalia at retail in retail outlets to persons twenty-one years of age and older.

On a monthly basis, marijuana retailers must maintain records and report purchases from licensed marijuana processors, sales by product type to consumers, and lost and/or destroyed product in a manner prescribed by the board.

A marijuana retailer licensee must pay to the board a marijuana excise tax of twenty-five percent of the selling price on each retail sale of usable marijuana, marijuana concentrates, or marijuana-infused products.

(4) Transaction limitation. A single transaction is limited to one ounce of usable marijuana, sixteen ounces of marijuana-infused product in solid form, seven grams of marijuana concentrates, and seventy-two ounces of marijuana-infused product in liquid form for persons twenty-one years of age and older.

(5) Packaging: Marijuana-infused products and marijuana concentrates meant to be eaten, swallowed, or inhaled, must be packaged in child resistant packaging in accordance with Title 16 C.F.R. 1700 of the Poison Prevention Packaging Act or use standards specified in this subsection. Marijuana-infused products and marijuana concentrates in solid or liquid form may be packaged in plastic four mil or greater in thickness and be heat sealed with no easy-open tab, dimple, corner, or flap as to make it difficult for a child to open and as a tamperproof measure. Marijuana-infused product in liquid form may also be sealed using a metal crown cork style bottle cap.

(6) Accompanying Material: Marijuana concentrates sold at retail must contain accompanying material that contains the following warnings that state:

- (a) "There may be health risks associated with consumption of this product";
- (b) "This product is infused with marijuana or active compounds of marijuana";
- (c) "Should not be used by women that are pregnant or breast feeding";
- (d) "For use only by adults twenty-one and older. Keep out of reach of children";

(e) "Products containing marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under the influence of this drug";

(f) "Caution: When eaten or swallowed, the intoxicating effects of this drug may be delayed by two or more hours";

(g) Statement that discloses all pesticides applied to the marijuana plants and growing medium during production of the base marijuana used to create the extract; and

(h) Statement that discloses the type of extraction method, including any solvents, gases, or other chemicals or compounds used to produce or is added to the extract.

(7) Labels: Labels affixed to the container or package containing marijuana-infused products or marijuana concentrates sold at retail must include:

(a) The business or trade name and Washington state unified business identifier number of the licensees that produced, processed, and sold the usable marijuana;

(b) Lot numbers of all base marijuana used to create the extract;

(c) Batch number;

(d) Date manufactured;

(e) Best by date;

(f) Recommended serving size and the number of servings contained within the unit, including total milligrams of active tetrahydrocannabinol (THC), or Delta 9;

(g) Net weight in ounces and grams, or volume as appropriate;

(h) List of all ingredients and any allergens;

(i) "Caution: When eaten or swallowed, the intoxicating effects of this drug may be delayed by two or more hours."

(j) If a marijuana extract was added to the product, disclosure of the type of extraction process and any solvent, gas, or other chemical used in the extraction process, or any other compound added to the extract;

(k) Warnings that state: "This product has intoxicating effects and may be habit forming";

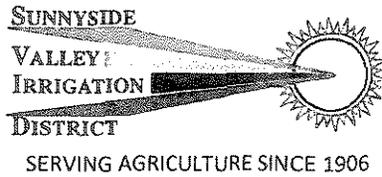
(l) Statement that "This product may be unlawful outside of Washington state";

(m) The board may create a logo that must be placed on all usable marijuana and marijuana-infused products.

(8) Public Records Exemptions: The following information is exempt from public record requests:

(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a marijuana producer, processor, or retailer license, or liquor license. (See RCW 42.56.270)

FILE COPY



June 10, 2014

RECEIVED
JUN 13 2014
CITY OF PROSSER

Prosser City Clerk
Prosser City Hall
601 7th Street
Prosser, WA 99350

Re: **File No.:** DNS - City of Prosser Marijuana Ordinance
Parcels: Within City of Prosser
Proponent: City of Prosser
Contact: Steve Zetz, Planner

Greetings:

This office has reviewed the proposed project. Sunnyside Valley Irrigation District (SVID) has the following comments:

1. SVID does have numerous facilities within City of Prosser. The proposed project will not affect our facilities.

Thank you for the opportunity to comment on this proposed project. If you have any questions, please feel free to contact Tinker Kouyian at (509) 837-6980 or Kouyant@SVID.org.

Sincerely,

A handwritten signature in cursive script that reads "Ron Cowin".

Ron C. Cowin, P.E.
Assistant Manager – Engineering

Prosser City Clerk
601 7th Street
Prosser, WA 99350

FILE COPY

RECEIVED
JUN 12 2014
CITY OF PROSSER

Determination of Nonsignificance?

6/11/2014

Regarding the city posting of the question of “determination of nonsignificance” in reference to retail and medical cannabis in our area I am amazed that this is even being considered.

Growing up in the 60s I have had plenty of experience from both sides of this issue. At 61 years old I look back at family and friends who used marijuana as their easy to get first drug of choice. Most grew out of the fad, while other went on to bigger and better things thus destroying their life. Some are no longer in the land of the living. Many of my years were in Alaska where cannabis was decriminalized.

As a Christian minister for over thirty years I have dealt with numerous people who have used various forms of cannabis for social entertainment and often as a means of escape from the pressures of everyday life as do others with alcohol etc. When this mechanism becomes a habit, for some, it becomes an addiction which carries the spillover effect to family and job like any other addition.

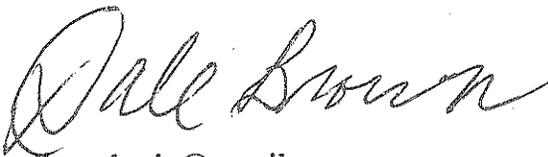
The signs entering Prosser claim it to be the “best place for young people”. Realities for young people are based on their relative view and their experience from adult guidance and supervision. If cannabis is presented as nothing more than something you can get at the grocery store they will view it with little caution or critical thinking. Just because something is legal does not change how it will effect our society and our town. Prostitution is legal in some places, and it was once legal to send certain people to the gas chambers in Germany but that does not make it right. The majority can often be misguided.

As a school bus driver and a guitar teacher I have dealt with children of all ages and have seen how various parenting styles play out as these kids grow up. Those who down play critical thinking often become easy targets for others who can take advantage of them. The naïve idea that cannabis use is harmless is a foolish one, especially if it is smoked, due to the potential respiratory side effects. Concentrated cannabis/THC is an even more dangerous product and but because of its higher value there would be more of a risk as a criminal element. Here is where liabilities and legal issues could tie our town up in court indefinitely.

For these and other “significant” reasons I vote no on marketing cannabis in any form in Prosser.

Dale Brown
Prosser

(206)920-4837 dbapologia@gmail.com



RECEIVED
JUN 12 2014
CITY OF PROSSER

JUNE 12, 2014

City Clerk
Prosser, WA. 99350

I am writing this in response to the posting in the Prosser Record-Bulletin regarding the Determination of Non Significance regarding the proposed marijuana retail store in Prosser. I will format this letter in bullet points.

Point #1- Prosser has for the last 2 years been designated as one of 100 best cities for youth in America. That is a fact that city officials have waved the banner of for a few years now. Raising a child is a long process, it doesn't happen overnight. They don't have the critical thinking and experience adults do. Selling marijuana and the new accessibility of that doesn't square with this standing for our community

Point #2- We require a new business in town to have posted on their property a notification of intent to do business on their property. Shouldn't this store have to post they intend to sell pot in various forms also. I have talked to owners of various businesses in the area of the retail pot store and none of them were notified about a pot store opening. We have talked to a lot of people in Prosser and it's frightening how many people don't know the plans the city council has in regards to pot businesses. There are already neighborhoods in our area dealing with the fallout of a drug business in their immediate neighborhood and have been told by realtors that the price of their property had just tanked because of a pot business close by. So all of the businesses in this immediate area should be poised to take a hit on the value of their business. This itself determines that this IS a business of significance not non significance.

Point #3- We can keep these businesses out of our town and county. The attorney General for the state of Washington has said even though it was voted on statewide cities and counties can keep it out of their towns. Our town has not voted on this issue. I can only hope our city officials don't have a conflict of interest in regards to marijuana operations in our town or county. Prosser has not received any of the expected windfall from the issue of legalizing selling alcohol throughout our state. I'm sure it will be even longer for Prosser to receive any money on this issue also. Those monies will go to the state and the states will pass it down to us when/ if they see fit. As long as Prosser jumps through their hoops. So it's not likely that this is going to be financing our city any time soon. The Initiative 502 does state that marijuana businesses will be taxed 25% and out of that 40% will go to the state general fund and local communities. We have been told by city officials there will not be any tax money Prosser gets from these businesses. Which is it?

Point #4- We have to realize the full scope of legalizing this here. In a nearby town 2 days ago 2 young adults were burned severely trying to reduce marijuana down to hashish oil. That's one of the things they do with pot. They don't just sit in a private home somewhere and smoke they will try to amp up the THC levels to make a bigger, badder pot, they reduce it for concentrated effects. Drug dealers will always find something to market. To say that by legalizing it it will stop the illegal activities is ridiculous, it will increase the potential for criminals in our town. The increase in dubious characters flooding our town is not a plus for us. Just the system itself that was set up by the state to do business in marijuana will be intimidating and hard pressed for many to afford to do it. Hence there will still be plenty of marijuana on the streets illegally. The initial set-up costs and rate of taxes to pay. Well that

leaves out the drug gangs, lowlifes and drug cartels. This is a cash business. Books get "cooked" all the time dealing with any illegal substances, whether if be marijuana, prescription drugs or heroin.

Point #5- The address given for this business is in a area that has a high traffic count. Fast food restaurants in the area will draw a lot of under age there. We have 8-10 businesses in this immediate area that hire young people under the age of 21. During the school year this immediate area is flooded with high school kids using Merlot and Chardonnay going to and from school on their daily lunch breaks. We are putting it right in their face as they drive, walk or ride bicycles to their jobs at these fast food and retail businesses. It is really too close to a trailer park that has a lot of children. Many of these children are either left alone at home or are cared for in that trailer park. Just because they don't go to a licensed daycare doesn't mean they aren't in daycare. The city officials are suppose to be looking out for the lowest common denominator in our town. That is the children in this scenario. We aren't doing that, we are parading it right in their own neighborhood. It will change this area of our town forever. I'm sure these proposed businesses are not in the immediate neighborhood of any of Prosser city officials, hence out of sight out of mind. Too bad they happen to live in a less desirable neighborhood of Prosser. Deal with it. Really? That can't be our response.

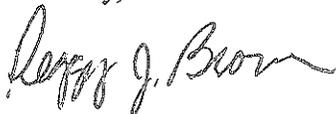
Point #6- Initiative 502 states a marijuana business is to be 1000 feet away from certain businesses. Like daycare's, transit centers. We have a transit center where commercial trucks go in and out of all day. Right down the road is a truck stop-that IS a transit center. We are not obeying the 502 qualifications for marijuana businesses in our town. Just recently Walla Walla ran into this same quagmire and has diligently been trying to enforce reasonable area away from children for these businesses.

Point #7- We have not done any research on the fact that when this was put on the ballot it was stated so much money would go to increase in addiction/ rehab centers. Why, because that's what will happen. But have we gotten any of those things promised? No. We want to start selling it then when things get out of hand we will deal with it? I think not.

Point #8- Initiative 502 states we should have in effect a governing system of handling driving under the influence offenses and we have none. Yet again we put the cart before the horse. As I see it Prosser officials are in such a rush to get these promised businesses they will put the health, safety and well-being of our community at risk.

You get the picture. I have many, many more bullet points. I will save those for another day. I want to close by stating letting these marijuana businesses in our town doesn't have to happen. Your letting it happen, why? Because it won't affect you. I will close by stating these businesses ARE a significant detriment to our town.

Sincerely,



Peggy J. Brown
1323 Grant Ave.
Prosser, WA. 99350
(206) 920-9535

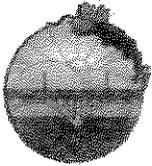
Steve Zetz

From: Steve Zetz
Sent: Thursday, June 12, 2014 2:40 PM
To: 'dbapologia@gmail.com'
Cc: Paul Warden; Rachel Shaw
Subject: Prosser Cannabis Regulation Comment Letter

Mr. Brown
dbapologia@gmail.com

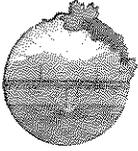
Thank you for your comment on the proposed regulations for medical and recreational cannabis uses in Prosser. I believe that there is some confusion as to what a Determination Of Nonsignificance (DNS) is. The City of Prosser is proposing additional regulations that are more restrictive than what the state law currently requires. When any regulation is proposed a State Environmental Policy Act (SEPA) checklist must be submitted. The City of Prosser has submitted such a checklist and is allowing the public to comment on the environmental impacts of the proposal. The City is noticing the public and other agencies that it believes that these additional regulations do not pose any impacts to the environment as detailed in the SEPA checklist. Your comment letter will be submitted into the record however aside from opinions on personal, political, and social impacts it does not appear to identify any environmental impacts. If I have incorrectly interpreted your comment submission please contact me so that I can clarify the environmental impacts and accurately note them at the public hearing.

Respectfully



Steve Zetz
Prosser City Planner
(509) 786-8212
szetz@cityofprosser.com

CC: Mayor, City Clerk



**CITY OF PROSSER, WASHINGTON
PLANNING COMMISSION
AGENDA
6:00 P.M.
July 17, 2014**

1. **Call to Order by Chair.**
2. **Roll Call.**
3. **Minutes June 19, 2014**
ACTION: Approve or deny or make changes to minutes as presented.
4. **Public Hearing for Medical Cannabis and Marijuana Zoning Regulation.**
ACTION: Approve, deny, or make changes.

Public Hearing Continued....

Re-discuss comment letters.

Watch Video submitted into record.

Discuss proposed changes to regulations;

- Hours of Operation
- Days of Week
- Parking Requirements
- Additional Security
- Set-Backs

5. Discussion about proposed sign code changes.
6. Discussion about Commercial Design Requirements
7. **Adjournment**

CITY OF PROSSER, WASHINGTON
 PLANNING COMMISSION MEETING

July 17, 2014

6:00 P.M.

CITIZEN PARTICIPATION SIGN-IN SHEET

PRINTED NAME	ADDRESS & PHONE #	TOPIC
Virginia Brabury	1928 Miller 786-2978	Margarita
Key Tolcack	1126 Meade Ave	✓
Rene T Rojas	1120 Meade Ave	Cannabis
Tim Mockson	11624 N. Missine Rd.	Cannabis
John Moore	1209 Meade Ave	cannabis
Lisa Homier	11624 N. Missimer Rd.	Cannabis
Hope Nastro	42 S. Waverly St.	Cannabis
Zach Farly	11624 N MISSINA	Cannabis
John Proster	207 Davenport St	Cannabis
Randy McMurrin	158901 West OIE Auk Prosser	Cannabis

CITY OF PROSSER, WASHINGTON
 PLANNING COMMISSION MEETING

July 17, 2014

6:00 P.M.

CITIZEN PARTICIPATION SIGN-IN SHEET

PRINTED NAME	ADDRESS & PHONE #	TOPIC
JAY SPURLOCK	509 952 7104 P.O. Box 1566 Zillah, WA	Business hours
JEDIDIAH HANEY	509-607-5638 105 S 34TH AVE YAKIMA, WA	BUSINESS HOURS
Randy Williams	123302 W JOHNSON	HOURS
Jennifer Dorsett	CIA Community Coalition	housing / social advertising
Carson Woody	825 Alexander Ct Apt A3	Business Hour limitations

**CITY OF PROSSER
PLANNING COMMISSION MEETING
THURSDAY, JUNE 19, 2014
CITY HALL, PROSSER, WASHINGTON**

CALL TO ORDER:

The meeting of the Prosser Planning Commission was called to order on June 19, 2014, at 6:00 p.m. by Chair Glenda Schmidt.

ROLL CALL:

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

APPROVAL OF MINUTES:

Upon motion made by Sam Fitch and seconded by Devina Riojas, the minutes of the May 15, 2014, meeting were approved as drafted.

APPROVAL OF REVISED FINDINGS FOR THE COMPREHENSIVE PLAN/SHORELINE MANAGEMENT PROGRAM(SMP):

The Commissioners had a general discussion regarding the changes to the SMP findings. The Commissioners suggested a number of additional changes. The Chair took a five minute recess so that the Planner could make the changes to the findings. The Chair called the meeting back to order and the Commissioners reviewed the revised findings. Sam Fitch moved and Devina Riojas seconded that the revised SMP findings be approved by the Commissioners. All approved.

PUBLIC HEARING MEDICAL CANNABIS AND MARIJUANA ZONING REGULATIONS:

The Chair opened a public hearing on the ordinance to establish zoning regulations for medical cannabis and recreational marijuana. No public was present. The Commissioners reviewed public comment letters received from the following: Sunnyside Valley Irrigation District, Dale Brown (also submitted a DVD), and Peggy J. Brown. Upon motion made by Sam Fitch and seconded by Devina Riojas, the public hearing was continued to the July 17, 2014, Planning Commission meeting.

DISCUSSION ON SIGN CODE CHANGES:

Steve Zetz informed the Commissioners that he is working on minor changes to the sign code. These changes are based upon staff's experience implementing the code and are also based upon public comments.

ADJOURNMENT:

There being no other business to come before the Planning Commission, the meeting was ADJOURNED at 6:37 p.m.

Respectfully Submitted,

HOWARD M. SAXTON, III, Secretary

S:\PC\PCMIN.61914.wpd

Steve Zetz

From: Rachel Shaw
Sent: Thursday, July 03, 2014 8:58 AM
To: Steve Zetz
Subject: Fwd: Better I 502 information

~Rachel

----- Original message -----

From: Ben S
Date: 07/02/2014 9:01 PM (GMT-08:00)
To: City_Council
Subject: Better I 502 information

Recently I noticed a couple of sign holders protesting Dr. Thompson's office because he is involved in opening an I 502 store. The reality of the situation is the same amount of pot will get sold if there is or is not a store to purchase it at. Seems there is some bad information going around. First I will walk through some of the requirements needed to open this type of store. The first part of the process begins at the Department of Revenue office. There the investors and stakeholders must apply for a special business license that requires a background check to insure no money is owed to the I.R.S. Next stakeholders and investors must have a F.B.I. background check making sure they have no ties to cartels. Once those steps have been approved they must purchase high risk insurance that is about 10 K a year. I 502 stores and operations must have a camera system that records at least 45 days of footage which the Liquor control board can access at any time. There will be cameras at all entries filming persons faces as they walk through the door. Owners must be Washington residents. In retail outlets there will be a divider to keep employees safe and to prevent robbery. These outlets are not allowed to advertise and must be in a zoning location that prohibits these types of businesses. No one under 21 years of age is allowed on the premises. Violations of this will result in a revoked 502 license. The way it is right now 5 to 10 billion dollars a year is made from the black market pot industry which has no regulations. If you went to Prosser or any other public or private school in the country pot is readily available. In the years past most of the money has been exported out of the country by criminal organizations such as the Mexican Mafia. D.U.I. laws are much stricter for cannabis than any alcohol. This industry is by far the most regulated. Consider how available alcohol is you can buy it at any grocery or convenience store as well as every restaurant and winery in the area. Statistically speaking alcohol will result in more deaths next month than pot has caused in an average lifetime. Just so the sign holders know the Constitution, Bill of Rights, and the Declaration of Independence were all written on hemp paper. For Mr. Brown's purposes the Hebrew word for Cannabis is Qaneh which is mentioned 62 times in the old Testament. Now that more information is available maybe certain people can go back to making their own shirts instead of uniformed protest signs. The city guys are just following the laws. There are 6000 people in the Prosser area only a couple are protesting. Thanks for the time.

June 13, 2014

Response to SEPA comment letter from Peggy Brown dated June 12, 2014

Ref: Regulations for medical and recreational cannabis uses in Prosser

Point # 1.

It is unclear if the comment is implying that a recreational store will sell to minors. Under the law sales will not be permitted to those under 21 years of age. There is no evidence that a retail state licensed store will increase interest in marijuana. It should also be noted that currently there are no licensed stores and no regulation and oversight, yet marijuana is consistently found on students in the middle school and high school.

Point # 2

No requirement exists for notification of a commercial use located in a commercial zone. The author may be confusing their notification requirements for home occupation to locate a commercial use (music lessons) in a residential neighborhood. The proposed restrictions prohibit any marijuana establishment from locating in a residential zone. Mrs. Brown's concern about neighborhoods is clearly addressed in the proposed ordinance.

Point # 3

The Attorney General gave an opinion. Only a judge may actually make a ruling and determination. The opinion of the attorney general does not protect cities and counties from legal challenges. This is evidenced by the recent lawsuit filed against Wenatchee. The City of Prosser will continue to look out for the best interests of the tax payers by not engaging in costly legal battles, especially if those battles are meant to challenge the will of voters and majority rule. If any citizen or group of citizens would like to make a donation to the City to cover the full cost of litigation they should approach the Council. As far as voting on the issue the author is incorrect, voters were allowed to vote on the issue on the state ballot. The ultimate result of which approved Initiative 502.

That City would collect sales tax only. There has been some discussion for the state to relinquish some of the 75% tax that it will collect back to the jurisdictions that these facilities occupy.

Position # 4

The Voters legalized it, not the City. In regards to an increase in crime or negative impacts there is not one study that shows what will happen, the reason for this is because it has never been done before. All statements that speculate about a rise or decrease in crime, criminal activity, drug use, etc are assumptions not based on facts.

Point # 5

The address is a commercial district. The law prohibits selling to persons under age 21. The age of the persons traveling in the area is irrelevant since marijuana can't be sold to persons under 21. It should also be noted that the same high school students traveling to the area drive past a half dozen locations that sell alcohol. It appears that the author is not applying the same standard of concern to other habit forming mind and mood altering substances that can legally be sold to persons over the age of 21.

The RV park is not allowed to host any RV longer than 2 weeks time. It is not a permanent residential neighborhood. The RV park is located in a commercial district. The developers applied for a special exemption to the code to allow it to be located there. As such it is the RV park which under zoning code is not allowed. The Conditional Use permit allows them to locate there but does not allow them to challenge the legal uses which are allowed in the code.

City Officials are not supposed to look out "for the lowest common denominator in our town" they are supposed to treat everyone equally and fairly to include residents and business's. In addition they are supposed to adhere to the laws and not pick and chose which laws to uphold and which ones to ignore regardless of a citizens personal dislike for one or more of them.

Point # 6

A truck stop is not defined as a transit center under the law nor is the rest stop. This is the authors personal opinion.

Point # 7

No money has been collected because no sales have occurred yet. Any challenges to the allocation of funds by the state under the law needs to be taken up with state legislators.

Point # 8

Driving under the influence is illegal and is enforced, nothing has changed.

No impacts to environmental concerns were raised.

Steve Zetz

From: David Giles
Sent: Tuesday, July 08, 2014 3:19 PM
To: Steve Zetz
Cc: Ed Blackburn; John Markus; Lupe Montelongo
Subject: Altitude Store Hour Recommendation

Steve,

As you are aware, the police department has limited resources in which to deal with issues that may arise involving the new marijuana store "Altitude". With limited resources and the safety of the residents and business community in mind, I recommend that the store hours for Altitude be limited to **9:00am to 5:00pm Monday through Friday with no opening of the business allowed on weekends.**

By recommending these operating hours it is hoped that it would limit the amount of police resources needed to respond to calls for service at the store's location, and reduce the amount of undesirable individuals who will be attracted to the store. These undesirable individuals who will be attracted to the store can not only cause issues at the store, but in all likelihood cause issues with other business owners in the area. This would especially be true for nighttime and weekend operation of the business.

Chief Dave Giles
Prosser Police Department
601 7th Street
Prosser, WA. 99350
(509) 786-1500 ex 8220

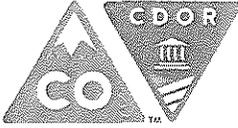
CONFIDENTIALITY STATEMENT

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Tested By Confidence Analytics 20140711

Sample Name	1070067
Strain Name	Bubble Gum
Date Tested	7/11/2014
Producer Processor	Fireweed Farms
UBI	603203629
Lot/Batch	98
Moisture Content (%) 24h	1.98
Cannabinoid Total (%)	3.23
THC Total (%)	0.16
THC-D9A (%)	<.01
THC-D9 (%)	0.16
CBD Total (%)	3.07
CBD-A (%)	2.96
CBD (%)	0.11
CBG Total (%)	<.01
CBG-A (%)	<.01
CBG (%)	<.01
CBN (%)	<.01
CBC (%)	<.01
THC-D8 (%)	<.01
County	Benton
Date of Harvest or Process	N/A
Product Type	Flower
Environment or extraction	Indoor
Growing Medium or solvent	Soil
Sativa %	N/A

FILE COPY



News Release

For Immediate Release

Contact: Natriece Bryant
Communications Specialist
Phone Number: 303-866-5536

Daria Serna
Communications Director
Phone Number: 303-866-5303

Colorado's Marijuana Enforcement Division Announces Successful Underage Compliance Checks

Marijuana Enforcement Division Announces Success in Underage Compliance

June 26, 2014 – Denver, CO. The Colorado Department of Revenue, Marijuana Enforcement Division announces a successful operation in underage compliance checks for marijuana businesses in Colorado. In partnership with the Denver Police Department, the Marijuana Enforcement Division is able to report 100% compliance within the regulated marijuana businesses in recent underage compliance checks.

The Marijuana Enforcement Division Investigators and the Denver Police Department conducted 16 underage operations to prevent minors from obtaining marijuana or marijuana products. Underage compliance checks are operations in which underage operatives, under the direct supervision of police officers, attempt to purchase marijuana from retail and medical facilities. Those who sell to a minor can face a license suspension, a fine per individual violation, a fine in lieu of suspension up to \$100,000, and/or license revocation depending on the mitigating or aggravating circumstances. Sanctions may also include restrictions on the license.

“It is imperative that we keep marijuana out of the hands of kids. These results show that strong efforts are being made by the MED and the marijuana business licensees to do just that,” said Barbara Brohl, the Executive Director of the Colorado Department of Revenue.

Over the past few months, the Marijuana Enforcement Division has conducted 20 underage compliance checks on businesses located in Denver and Pueblo, all of which were found to be in 100% compliance when it relates to sales to those under 21 years of age.

“The Division prides itself on ensuring public safety; we are pleased with the results and will continue to monitor the businesses to ensure that the compliance efforts are maintained,” said Lewis Koski, Director of the Marijuana Enforcement Division.

The Marijuana Enforcement Division works with local law enforcement agencies across the State of Colorado to ensure public safety within the community. The underage compliance checks are just one measure utilized to ensure that the youth in Colorado are safe and protected.

###

Status Report: Marijuana Regulation in Colorado After Six Months of Retail Sales and 18 Months of Decriminalization



With the passage of Amendment 64 in November 2012, Colorado became the first state to regulate the cultivation, manufacture and sale of marijuana for adults 21 and over. It is far too early to make any definitive declarations about social trends. There are, however, some encouraging signs that have been documented in Colorado since the first retail stores officially opened on Jan. 1, 2014. Some of these trends are outlined below.

Decrease in Crime Rates

Crime rates are down in Denver, according to the FBI's Uniform Crime Reporting data. There has been a 10.1% decrease in overall crime from 2013 and a 5.2% drop in violent crime.ⁱ Additionally, the burglary and robbery rates at marijuana dispensaries have also dropped since legal sales began on January 1.^{ii iii} This early crime data stands in contrast to concerns of a potential increase in crime after legalization.

Tax Revenue

According to the state's department of revenue, the first four months of legal marijuana sales have resulted in \$10.8 million in taxes.^{iv} Governor Hickenlooper estimated sales in all marijuana stores will approach \$1 billion for the 2014 fiscal year. Retail store sales are estimated to account for more than \$600 million of that, more than 50 percent higher than initially projected.^v Though many industry advocates believe this estimate to be exaggerated, there will undoubtedly be increased tax revenues from retail marijuana sales. \$40 million of the tax revenue raised through marijuana sales will be allocated to improving Colorado schools. The Colorado Department of Revenue estimates that approximately \$1.9 million of this \$40 million has been raised so far. Other tax revenue is proposed for youth and public education campaigns about marijuana.^{vi}

Reduced Incarceration = Reduction of Collateral Consequences = Increased Savings

Amendment 64 removed criminal penalties for certain marijuana-related offenses. According to the Colorado Center on Law and Policy, the state could save an estimated \$12-40 million over the span of a year by reducing criminal penalties^{vii}. (Others have estimated the state spends over \$60 million enforcing marijuana prohibition at the levels now legal, so the CCLP estimate is probably on the conservative side.) Over the last decade, the state averaged more than 10,000 arrests and citations every year for minor marijuana possession at the levels now legal in the state.^{viii}

New Focus on Research

Gov. Hickenlooper signed a bill that will provide \$10 million for research into the medical efficacy of marijuana. Such research will help the state determine which medical conditions should be eligible for medical marijuana and help physicians better understand its biochemical effects. Additionally this research will add to the growing base of knowledge about proper dosing and potency and allow the state to conduct clinical trials.^{ix}

Economic Benefits

Gov. Hickenlooper compared Colorado's economy since legalization to that of other states by noting, "While the rest of the country's economy is slowly picking back up, we're thriving here in Colorado."^x For example, the demand for commercial real estate has increased drastically, with houses in the state appreciating 8.7 percent in this timeframe.^{xi}

The marijuana industry has developed quickly, generating hundreds of new jobs. The Marijuana

Industry Group (MIG) estimates there are currently about 10,000 people directly involved with this industry, with 1,000 to 2,000 gaining employment in the past few months alone.^{xii} There is a growing need for everything from greenhouses and fertilizer to pipes and vaporizers, compounding the economic benefits.^{xiii}

Continued Support for Regulation

After nearly six full months of regulated marijuana sales in Colorado, a majority of the state remains in favor of legalization and regulation. Initially, only two state legislators endorsed the constitutional amendment. Denver’s mayor opposed it, as did Gov. Hickenlooper. However, Hickenlooper recently noted, after talking to an array of Colorado CEOs and companies looking to move to Colorado, that “they don’t see it (marijuana legalization) as a workforce problem or an image problem” and that he is less concerned with legalization negatively impacting Colorado’s economy^{xiv}. The voters of Colorado have an overall positive view of the experiment, with 54% of Colorado voters still supporting marijuana legalization and regulation.^{xv}

The state Department of Marijuana Enforcement has been actively engaged in a rulemaking process for retail marijuana sales that has included diverse representation from multiple stakeholders including elected state officials, parents, members of the marijuana industry, and consumers. Currently, there are extensive rules concerning packaging, labeling and safety warnings for all retail marijuana products – including edible marijuana products – sold in the state. Efforts to refine these regulations are ongoing.^{xvi}

http://www.denvergov.org/Portals/720/documents/statistics/2014/UCR_Citywide_Reported%20Offenses_2014.pdf
ⁱ http://www.huffingtonpost.com/2014/06/16/marijuana-crime-denver_n_5500611.html
ⁱⁱ http://www.denverpost.com/marijuana/ci_25969469/burelaries-at-denver-marijuana-shops-slow-but-industry
ⁱⁱⁱ <http://www.colorado.gov/cs/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1251994768665&ssbinary=true>
^{iv} <http://www.policymic.com/articles/89165/colorado-s-marijuana-sales-keep-seeing-green>
^v <http://www.vox.com/2014/6/10/5796422/colorado-made-a-lot-of-money-off-4-20>
^{vi} http://www.huffingtonpost.com/2012/08/16/legalized-marijuana-could_n_1791448.html#slide=889422
^{vii} http://www.huffingtonpost.com/art-way/colorado-marijuana-legalization_b_4421617.html
^{viii} http://www.leg.state.co.us/Clitics/CLICS2014A/csl.nsf/fsbillcont3/D9A3D581C1128B5D87257C620055A505?Open&file=155_rev.pdf
^{ix} <http://www.buzzfeed.com/bensmith/colorado-governor-no-economic-damage-from-pot-legalization>
^x <http://insidereaalestatenews.com/2014/04/01/colorado-homes-hit-highs/>
^{xi} <http://mmig.org/>
^{xii} <http://www.vox.com/2014/5/20/5734394/legal-marijuana-created-thousands-of-jobs-in-colorado>
^{xiii} <http://www.cpr.org/news/story/marijuana-not-keeping-companies-away-colo-hickenlooper-says>
^{xiv} <http://www.quinnipiac.edu/news-and-events/quinnipiac-university-poli/colorado/release-detail?ReleaseID=2035>
^{xv} <http://www.colorado.gov/cs/Satellite/Rev-MMJ/CBON/1251592984795>

Steve Zetz

From: Steve Zetz
Sent: Wednesday, July 02, 2014 9:38 AM
To: 'Tolcacher, Ray'
Cc: Andy Howe; Bruce Matsumura; Dr. Warren Barmore; Wheeler, Gayle; William "Bill" Jenkin (Bill.Jenkin@Edwardjones.com); Paul Warden
Subject: RE: Suggestions

Ray,

Thank you for the letter. Rachel passed on the information you provided to Council via email on 6-25-2014. I will be including your email in the Planning Commissions packet and advising them of your suggestions as they move forward with crafting of regulations. As you know they are working on regulations for all cannabis uses whether it be recreational or medical (should the state issue licenses for those). Some of the restrictions that we are looking at are as follows;

- Ban on all uses to include medical collective gardens in any Residential District.
- All processing or grow operations must be located in a building in Industrial Zones only. They will not be allowed to simply have a fence.
- Limiting hours of operation. Perhaps this can include prohibiting the store to open during school season until after lunch.
- Additional set-backs from specific uses
- Landscape buffering
- Additional Security

I should point out that the City had no legal authority to prohibit the location on Merlot. The location complies with all restrictions established by the voters of Washington under I-502 to include 1000 foot buffers from prohibited locations. The City has not issued a business license, the store's license was issued by the Liquor Control Board. The City does issue Business Registrations which are different than a license. In short the decision to allow the store was made by the Voters of Washington in 2012 with the passage of I-502.

In regards to your comment about the conference you attended, I can't speak to messaging or what people may perceive, however I have not heard any complaints about the locations of alcohol related business, stores, and restaurants despite it being the most widely abused substance among teenagers. (links below)

<http://www.healthychildren.org/English/ages-stages/teen/substance-abuse/Pages/Alcohol-The-Most-Popular-Choice.aspx>

Link to CDC Data <http://www.cdc.gov/alcohol/fact-sheets/underage-drinking.htm>

"Alcohol is by far the most widely used psychoactive drug in the United States. Four in five men and women over the age of twelve have tried it, two and a half times the number to have experimented with marijuana. There are approximately 18.3 million alcohol abusers and alcoholics in the United States; every year 3.4 million Americans aged twelve and older undergo treatment for alcoholism and alcohol-related problems."

As always the City of Prosser looks forward to continuing its partnership with the School District and looking at ways to ensure the safety and security of our citizens. If you have any more suggestions or comments please feel free to submit them or you may testify and provide direct feedback to the Planning Commission at their next scheduled meeting July



**CITY OF PROSSER, WASHINGTON
PLANNING COMMISSION
AGENDA
6:00 P.M.
August 21, 2014**

1. **Call to Order by Chair.**
2. **Roll Call.**
3. **Minutes July 17, 2014**
ACTION: Approve or deny or make changes to minutes as presented.
4. **Public Hearing for Medical Cannabis and Marijuana Zoning Regulation.**
ACTION: Approve, deny, or make changes.

Public Hearing Continued....

Watch Video submitted into record.
Discuss proposed changes to regulations;
 - o Additional Security
Make Recommendation and send to Council
5. **Public Hearing for Rezone at 1401 Kinney Way**
ACTION: Approve, deny, or make changes.
6. **Adjournment**

BEFORE THE PLANNING COMMISSION
OF THE
CITY OF PROSSER, WASHINGTON

IN THE MATTER OF)
)
ESTABLISHING ZONING REGULATIONS FOR)
MEDICAL CANNABIS AND RECREATIONAL)
MARIJUANA USES PUBLIC HEARING)

Before the Planning Commission of the City of Prosser, Washington in the matter of the consideration of the establishment of City development regulations for Medical Cannabis and Recreational uses upon the application filed by the City of Prosser, Washington.

I.

FINDINGS/PROCEDURE

1. The Planning Commission considered and held public hearings on the above amendment on June 19, 2014, July 17, 2014 (continued from June), and August 21, 2014 (continued from July).
2. The notice of the public hearings was published on June 4, 2014, 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 City Administration plans to issue a Determination of non-significance for establishment of City development regulations for Medical Cannabis and Recreational uses; however, environmental review is ongoing with the City Council making the final determination in the Ordinance. Establishment of City development regulations for Medical Cannabis and Recreational uses, will be by an integrated SEPA/GMA Document issued in accordance with WAC 197-11-210 through WAC 197-11-235 and Prosser Municipal Code Chapter 16.08. This is a non-project action and comments will be taken on the SEPA determination through the City Council Hearing.
6. The following provided oral testimony at one or more of the hearings: Steve Zetz, Virginia Bradbury, Ray Tolcacher, Rene Riojas, Tim Thompson, John Moore, Lisa Homier, Hope Nastri, Zach Farley, John Presler, Randy McMurrin, Jay Spurlock, Jedidiah Haney, CIA Community Coalition by Jennifer Dorsett, Randy Williams, and Carson Woody.
7. The following submitted written materials at one or more of the hearings: Sunnyside Valley Irrigation District, Dale Brown (also submitted a DVD), Peggy J. Brown, Prosser School District by Superintendent Ray Tolcacher, Randy Williams, Jedidiah Haney, Ben S, WSLCB by Mikhail Carpenter, SVID by Ron C. Cowin, Peggy J. Brown, The Federal Government, the Office of Presidential Correspondence, and the City of Prosser.
8. All notices required by RCW 36.70A.020 and the Prosser Municipal Code have been provided to interested parties.
9. 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.

10. All development regulation amendments or enactments are legislative actions pursuant to Prosser Municipal Code Sections 19.01.040 and .060.
11. Goal LU-1 of the City's Comprehensive Plan provides as follows: To support and improve a rural, residential community comprised largely of single-family neighborhoods together with an urban center and a broad range of other support services and businesses which occur in identified commercial areas, surrounded by preserved open spaces and agricultural uses. Prohibiting Recreational Marijuana uses and commercial Medical Cannabis uses from R districts and Commercial Neighborhood (CN) and Commercial Professional (CP) zones promotes this goal.
12. Goal LU 3 of the City's Comprehensive Plan provides as follows: To create a well-designed and aesthetically pleasing city. Prohibiting any visual access to Medical Cannabis or Recreational Marijuana uses promotes this goal.
13. Goal LU 4 of the City's Comprehensive Plan provides as follows: To maintain the unique character of the city. Limiting the zones in which Medical Cannabis and Recreational Marijuana uses can locate promotes this goal.
14. Goal LU 5 of the City's Comprehensive Plan provides as follows: To provide for the orderly development of the city. Goal LD 1 of the City's Comprehensive Plan provides as follows: To establish land use patterns that balance development and provide for diverse uses. Limiting the zones in which Medical Cannabis and Recreational Marijuana uses can locate promotes these goals.
15. Goal CM 1 of the City's Comprehensive Plan provides as follows: To plan for and protect

appropriate sites to meet the diverse commercial needs of the community while maximizing the opportunity of the community to serve as a regional commercial center and to accommodate tourism-related commercial uses. Allowing licensed retail Recreation Marijuana and licensed retail Medical Cannabis uses to locate in Commercial General (CG), Commercial Thoroughfare (CT) and Agri-Tourism (AT) zones promotes this goal.

16. Goal IH 1 of the City's Comprehensive Plan provides as follows: To provide a basis for employment in the community without jeopardizing the natural environment. Allowing licensed retail Recreation Marijuana and licensed retail Medical Cannabis uses to locate in Commercial General (CG), Commercial Thoroughfare (CT) and Agri-Tourism (AT) zones promotes this goal. Allowing licensed Medical Cannabis and licensed Recreational Marijuana processors to locate in I zones, also promotes this goal. Allowing licensed Medical Cannabis and licensed Recreational Marijuana producers to locate in Agri-business (A) promotes this goal.
17. The amendments and enactments are consistent with the goals and requirements of the GMA and the City's Comprehensive Plan.
18. Initiative Measure No. 692, approved November 3, 1998, created an affirmative defense for "qualifying patients" to the charge of possession of cannabis.
19. The initiative and current Chapter 69.51A RCW are clear that nothing in its provisions are to be "construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of marijuana for non-medical purposes."
20. The Washington State Department of Health opines that it is "not legal to buy or sell"

medical cannabis and further opines that “the law [Chapter 69.51A RCW] does not allow dispensaries,” leaving enforcement to local officials.

21. The Washington State Attorney General has opined that Cities have the power to enact zoning regulations for both Recreation Marijuana and Medical Cannabis uses.
22. The Planning Commission acknowledges the right of qualified health care professionals to recommend the medical use of cannabis, acknowledges the affirmative defense available to qualifying patients from the possession of cannabis as well the right of patients to designate a “designated provider” who can “provide” rather than sell cannabis to “only one patient at any one time.”
23. The 2011 State Legislature passed E2SSB 5073 (“the Act”) and the Governor signed the bill but vetoed several sections of the bill.
24. E2SSB 5073 was effective on July 22, 2011, and has since been incorporated in the codification of Chapter 69.51A RCW, Medical Cannabis.
25. The act authorizes “collective gardens” which would authorize certain qualifying patients the ability to produce, grow and deliver cannabis for medical use.
26. Without this ordinance, unlicensed medical cannabis dispensaries and unlicensed collective gardens development could allow development that is incompatible with nearby existing land uses and lead to erosion of community character and harmony.
27. The voters of the State of Washington approved Initiative 502 amending Chapter 69.50 RCW to allow for the recreational use of marijuana, effective November 16, 2012.
28. Initiative 502 has since been incorporated into the codification of Chapter 69.50 RCW.

29. On November 16, 2013, the Liquor Control Board rules adopting a strict regulatory scheme for recreational marijuana became effective and those regulations have been since amended several times.
30. On August 29, 2013, the United States Department of Justice acting through the Attorney General's Office issued a memorandum (Memorandum) to all United State's Attorneys providing guidance regarding marijuana enforcement.
31. The Memorandum is generally understood to mean that in order for the State, Political Subdivisions, and Municipalities to avoid prosecution, marijuana regulations that allowed the use of marijuana would have to address the following bullet points:
 - Preventing the distribution of marijuana to minors;
 - Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
 - Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
 - Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
 - Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
 - Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;

- Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
 - Preventing marijuana possession or use on federal property;
32. The regulations implementing Initiative 502 are generally believed to comply with and address the federal concerns enumerated above.
33. The criminal portions of RCW Chapter 69.51A, as currently enacted, may not in its entirety fully address the federal concerns enumerated above.
34. Pursuant to Budget Proviso Language in Third ESSB 5034 Sec. 141(2) Washington Liquor Control Board, the Department of Health, and the Department of Revenue were directed to provide recommendations to the Washington State Legislature regarding medical cannabis regulation.
35. The recommendations to the Washington State Legislature included:
- Age limits;
 - Authorizing requirements for medical marijuana;
 - Regulations regarding health care professionals;
 - Collective gardens;
 - Possession amounts;
 - Location requirements;
 - Requirements for medical marijuana producing, processing and retail licensing; and

- Taxation of medical marijuana in relation to recreational marijuana.
36. The Washington State Legislature did not take any action to create regulations requiring Medical Cannabis dispensaries or collective gardens to be licensed in a manner acceptable to the Federal Government.
 37. The Planning Commission finds that it is in the public interest that any zoning and development regulations are consistent with both federal (as provided for in the U. S. Justice Department Memo) and state law.
 38. The Washington State Court of Appeals in the Cannabis Action Coalition v. City of Kent, 180 Wn. App. 455, 478, 322 P.3d 1246 (2014) case determined that unlicensed Medical Cannabis collective gardens and by implication unlicensed Medical Cannabis dispensaries remain illegal under Washington State law.
 39. The Washington State Liquor Control Board (WSLCB) rules provide that the Board will not issue a Marijuana license if the proposed business is within one thousand feet of the perimeter of the grounds of any of the following entities: Elementary or Secondary School; Playground; Recreation Center or Facility; Childcare Center; Public Park; Public Transit Center; Library or Any Game Arcade.
 40. The Planning Commission has reviewed a draft map showing the amount of property within the City, which, despite the 1000-foot restriction remains eligible for Marijuana-licensed businesses to locate, thus demonstrating the significant impact these uses will have upon neighboring property owners without zoning regulations to delineate where such uses may

locate.

41. WSLCB rules allow for production businesses to grow Marijuana in outdoor open-air facilities pursuant to certain security criteria, but still posing a health and safety risk to neighboring properties.
42. Providing that all producers must locate in a building will mitigate the adverse impact of growing licensed Medical Cannabis and licensed Recreational Marijuana in the city.
43. Without the enactment of the development regulations for Medical Cannabis and Recreational Marijuana retail Marijuana stores could locate in retail zones and Marijuana growers/producers and processors could locate in Agri-business or Industrial zones.
44. Limiting where these uses may locate will mitigate the impact of allowing these uses in the city.
45. Providing that all Medical Cannabis or Recreational Marijuana uses must locate in a building will mitigate the impact of allowing these uses to locate in the city.
46. Requiring all Medical Cannabis or Recreational Marijuana uses to comply with all lawful orders from the State or Federal Governments will ensure that Prosser's development regulations comply with both State and Federal law.

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. Adoption of the Ordinance is a legislative action as set forth in Prosser Municipal Code Section 19.01.060.
3. The applicable procedural and notice requirements for legislative actions contained within the Prosser Municipal Code, including having conducted public hearings for the Ordinance, have been adhered to.
4. All persons desiring to comment on the ordinance were given a full and complete opportunity to be heard and submit written materials.
5. 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.
6. The Ordinance is consistent with the City's Comprehensive Plan, the Washington State Constitution, and the Constitution of the United States of America.
7. Issuance of an integrated SEPA/GMA Document in accordance with WAC 197-11-210 through WAC 197-11-235 and Prosser Municipal Code Chapter 16.08 is the correct SEPA procedure to evaluate the environmental impacts caused by adoption of amendments or enactments to the City's development regulations. Administration plans to issue a DNS which may or may not be retained depending upon Council action.

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

ESTABLISHING ZONING REGULATIONS FOR MEDICAL CANNABIS AND
RECREATIONAL MARIJUANA USES PUBLIC HEARING - PAGE 10

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 decided to recommend approval of the Ordinance establishing Medical Cannabis or Recreational Marijuana development regulations to the City Council.

THE PLANNING COMMISSION SO FINDS.



GLENDA SCHMIDT CHAIRMAN OF THE PROSSER
PLANNING COMMISSION



HOWARD SAXTON, SECRETARY OF THE PROSSER
PLANNING COMMISSION

S:\PC\CANNABIS MARIJUANA DEV REGULATIONS ORD FINDINGS.DOC

CITY OF PROSSER, WASHINGTON
 PLANNING COMMISSION MEETING

August 21, 2014

6:00 P.M.

CITIZEN PARTICIPATION SIGN-IN SHEET

PRINTED NAME	ADDRESS & PHONE #	TOPIC
TOM DENLEA	145 W SR 22 Prosser ⁷⁸⁸⁻¹⁶⁶³	Marijuana zoning
Randy Williams	133302 W. Johnson	Marijuana / Hours
Tim Thompson	11624 N. Missiner Rd	Marijuana zoning / hours.
CASSIN WOOLY	425 Alexander Ct	HOURS
JAY SPURLOCK	1501 CUTLER WAY	HOURS
JEDIDIAH HANEY	405 S 34TH AVE YAKIMA	MARIJUANA
Sam Pfeifer	47504 N 108 PR NW ^{Benton} CITY	Business hours
Zach Fairley	260 Market Dr.	Business hours
Kwena Harris	260 Market Dr	Business hours
Francesca Prosser	1305 Quarter Horse Trail Prosser	
Kery Ward	1401 Kinner Way	Marijuana
Wendy Wald	16190 3 RICHARDS	"

**CITY OF PROSSER
 PLANNING COMMISSION MEETING
 THURSDAY, JULY 17, 2014
 CITY HALL, PROSSER, WASHINGTON**

CALL TO ORDER:

The meeting of the Prosser Planning Commission was called to order on July 17, 2014, at 6:00 p.m. by Chair Glenda Schmidt.

ROLL CALL:

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

APPROVAL OF MINUTES:

Upon motion made by Jeremy Lynn and seconded by Rob Siemens, the minutes of the June 19, 2014, meeting were approved as drafted.

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. Steve Zetz asked the Commissioners if they would like to restrict grow operations in the Industrial Zones. The Commissioners suggested changing the ordinance to prohibit "Licensed Producers" from being able to locate in all Industrial Zones.

Steve Zetz next reviewed the written comments received regarding the hearing consisting of the following:

Prosser School District, by Ray Tolcacher, Superintendent	Email dated July 1, 2014, to Steve Zetz, including Steve Zetz's response to the email.
Randy Williams	Test results for Fireweed Farms sample name 1070067.
Jedidiah Haney	News release entitled "Colorado's Marijuana Enforcement Division Announces Successful Underage Compliance Checks."

Jedidiah Haney	Document entitled "Status Report: Marijuana Regulation in Colorado After Six Months of Retail Sales and 18 Months of Decriminalization."
Ben S	Email forwarded by City Clerk Rachel Shaw dated July 2, 2014.
WSLCB by Mikhail Carpenter	Email dated June 26, 2014.
SVID by Ron C. Cowin	Email dated June 10, 2014.
Peggy J. Brown	Letter dated June 12, 2014.
Dale Brown	Letter dated June 11, 2014.
The Federal Government, the Office of Presidential Correspondence	Reply

Steve Zetz reviewed the public notice requirements for legislative actions and indicated that individual citizens do not receive mailed notice of legislative hearings. Rather, notice is published in the city's official newspaper, the Prosser Record Bulletin.

Steve Zetz related Prosser Police Chief Dave Giles' comment that he would like the hours of retail stores limited to Monday through Friday from 9:00 a.m. to 5:00 p.m.

Steve Zetz next discussed increasing the parking requirements for the store from 1 space per 400 square feet to a higher figure. The Commissioners indicated that the existing parking regulations are adequate.

Steve Zetz asked the Commissioners if additional setbacks should be added for Licensed Producers. The Commissioners indicated that exiting regulations were adequate.

Steve Zetz next asked the Commissioners if additional security measures should be required. The Commissioners asked the Mr. Zetz provide them the security required by state law before deciding whether those measures were adequate.

The following public was present and testified as follows:

Virginia Bradbury. Ms. Bradbury said that she just wanted to sit back and listen.

Ray Tolcacher. Dr. Tolcacher spoke for the Prosser School District as its Superintendent. He indicated that the recreational Marijuana industry the nearly 3,000 students in the Prosser School District. He indicated that he had spoken with Tim Thompson and is satisfied that he has adequate security, but he is worried that future owners or new outlets might not be as careful as Dr. Thompson. He is concerned that students tend to congregate near the truck stop area close to Altitude. He would like security around the perimeter increased to make sure others are not purchasing and then distributing Marijuana to underage persons. He is concerned that cameras are not adequate to discover all legal violations because kids wear hoodies. He discussed the health risks for youth that use Marijuana. He would like increased penalties for a person who buys and then distributes Marijuana to underage youth. He said that a charter bus driver commented to the kids on a bus about the fact that there is a marijuana store in town and that other districts may not send their kids to Prosser if that continues.

Rene Riojas. He is concerned that over regulation might smother this new industry. Prosser could be a leader on this front rather than throwing roadblocks in its path. He is also concerned that if stores don't open, the millions of dollars in taxation that would have come in to treat drug issues will not be available. He said that restricting hours is not fair to people who work and cannot go and buy Marijuana during the day.

Tim Thompson. He indicated that he is the principal investor in Altitude. He applauds the city for following state law and the will of the voters. His business has created nearly 40 jobs and will pay nearly two million dollars in salaries this year. His business will bring in thousands of dollars in revenue because customers will shop elsewhere in town. These shoppers are mostly people who would not have come to Prosser except for the presence of Altitude. He is currently open only four hours a day but will be open eight hours a day in the near future. He may also hire another ten to fifteen employees. Regarding the bad influence on children, he indicated that many nearby stores sell alcohol. His store has twenty-five cameras with twelve of those being outside. Store employees check each customer's identification three times before they can purchase Marijuana. He stated that crime in Colorado is already down after Marijuana legalization there. He indicated that there are currently sixty growers in Benton County and the industry will create 3,000 jobs county wide. He thinks if the City is going to restrict hours, there should be some rational basis on those restrictions. As far as security, he has employees to prevent loitering and he has someone in the building twenty-four hours every day. Most of his customers have been forty to sixty years in age.

John Moore. He indicated that he is a business owner here in Prosser. He believes the owner of each business should be able to set its own hours. He pointed out that stores can sell alcohol into the night and early morning hours.

Lisa Homier. She believes the city should only restrict the hours for retail Marijuana stores if it has a reasonable basis for those hours. She does not see why the city does not restrict the hours at McDonald's which has much more of a traffic impact than Altitude has.

Hope Nastri. She said that she works at Altitude, but that she used to be a teacher and has three children of her own. She said that store employees are carefully watching the area outside the store to make sure there are no problems. Most of the customers, so far, have been professionals. She believes that this could be a huge financial asset in town and that most of the drug problems in the school are due to prescription drug abuse.

Zach Farley. He said that he was Dr. Thompson's first employee. He is an army veteran having spent six years in service to his country. He was also a sergeant for the Pasco Police Department working at Pasco High as an undercover narcotics officer. He said in that capacity, he could get pretty much any drug he asked for in five minutes. He once bought Marijuana from a fourteen-year old student that purchased it from an eighty-year old woman. He also had many drug buys in the Pasco High School while working undercover. He indicated that he also worked with an explorer program and worked for the Liquor Control Board where many places sold to underage kids.

Devina Riojas left at 7:00 p.m. due to previous commitments.

Zach Farley. In his work with Dr. Thompson there is a culture of compliance. The store has had only one alarm go off and that alarm was false. In the first week of operation the store generated thirteen thousand dollars in taxes. He and Dr. Thompson went through an exhaustive hiring process and approximately seventy-five percent of the employees come from outside of the city of Prosser. So far, ninety-percent of customers are return customers. He stated that they cannot sell to a customer if that customer is under the influence of drugs or alcohol. Altitude employees range from twenty-one years of age to employees in their fifties. He wants his employees to be able to earn a family wage. He said that if the city is concerned about robberies, in his experience most of them happen during the day. In his opinion it would not be reasonable to limit hours to deter crime. He also stated there are ways around the banking issues. He believes the "black market" should be the focus of any increased penalties. He would like to have an armed guard present, but federal regulations prohibit firearms in the store.

Tim Thompson. In response to a Commissioner question, he stated that the longest he envisions having Altitude open for business is from 9:00 a.m. to 9:00 p.m.

The Chair indicated that the Commission would take a ten-minute break at 7:15 p.m. The meeting was called by to order back the Chair at 7:25 p.m.

John Presler. He stated that he works at Altitude and that is a great place to work. He said that Altitude's staff is very well trained and he looks forward to going into work each day.

Randy McMurrin. He is a Marijuana producer and his industry will bring jobs to the area. He knows that the industry is controversial, but believes people are better off working within the industry to make it better than working against it. He does not like any limit on hours. The majority of voters in Washington approved the legalization of Marijuana.

Jay Spurlock. He is the Chair of the Zillah Planning Commission and a business owner there. He indicated that Altitude has followed all state laws applicable to the industry which is already heavily regulated. He said the RCWs already require security and that all camera tapes are kept for forty-five days. Altitude also uses Moon Security. They also had Prosser Police Officers present on their opening day which went without incident. He indicated that the tax revenue raised by the industry will be used to target and counsel underage users of Marijuana. He also stated that Marijuana purchased at a retail location cannot be used there. He indicated that he owns a winery and school busses pass by his winery every day. He believes that allowing stores to sell Marijuana legally will shrink the black market. Just like Alcohol, he thinks that Marijuana will have to be policed by parents. Regarding hours he indicated that the market will dictate the hours that the store is open and that if the city is going to regulate the hours of this industry, what industry will be next?

Jedidiah Haney. He stated that he has lived in Yakima for the last six and one-half years and is the executive director of Cause M, an organization dedicated to supporting the adult use of recreational Marijuana. He stated that I-502 created an adequate number of retail possibilities with the idea of dislodging the black market. He indicated that eighty-percent of the taxes go to social welfare programs. Restrictions on the black market only help the black market to flourish. He stated that the city of Denver has over 400 Marijuana retail stores and those stores can grow Marijuana on site. He went over the written materials that he submitted. He summarized the status report that covered the first 18 months of deregulation in Colorado where revenue was high and crime rates decreased. He next summarized the press release. It discusses the one-hundred percent compliance check with stores to make sure they were not selling to underage kids. He stated that Cause M is dedicated to education, including all of the alternate means of using Marihuana. Cause M. has distributed forty-thousand brochures to date.

CIA Community Coalition by Jennifer Dorsett. She would like to see the ordinance modified to contain a prohibition on smoking Marijuana inside of multi-family dwellings. She does not like the fact that the businesses are using social media. She believes this is accessible to youth and is a bad idea. She liked the idea of restricting hours to 9:00 a.m. to 9:00 p.m.

Randy Williams. He is with Fireweed Farms. He is one of the guys with the tall fences out in the county. He indicated he had an issue with people wearing hoodies at his operation, but law enforcement still caught them. He believes the industry is good for Prosser and will help other local businesses profit. He has lived here twenty years and his wife was born here. In order to grow Marijuana he had to meet numerous state regulations. He indicated that most Marijuana smokers are in bed by 8:00 p.m. He is growing a new strain that is high in cannaboids but has one-third less THC than other strains of Marijuana. He believe this might help epileptics avoid seizures.

Carson Woody. He lives here in Prosser and has three jobs, one of them being at Altitude. He does not like the limitation on hours as it might inhibit tourism. He stated that Altitude will bring many people to town. If the city limits the hours at Altitude, that would affect his income.

Jedidiah Haney. He indicated that medical Marijuana has been around for sixteen years and is only self-regulated, whereas recreation Marijuana is heavily regulated. Even when Marijuana was illegal, it did not stop the "potheads" from obtaining it.

Tim Thompson. He indicated that he had been in Colorado and visited dozens of stores and he believes legalization will decrease crime. He is currently selling Marijuana for four times the amount that a person can buy in on the street from the black market. He believes that increasing recreational sales will decrease the price of Marijuana and thwart the black market. He stated that he has spoken with Chief Giles who was worried about the clientele Altitude would attract, but most of his clients are middle class.

The Commissioners discussed the contents of the proposed ordinance. They reached a consensus that no alterations were needed to address store hours or security, but that they would like to see what the state requires for security so they can discuss it at their next meeting.

Dorothy Evans moved and Trevor Day seconded that the public hearing be continued to the Commissioner's August meeting to be held on August 21, 2014, at 6:00 p.m. in the Council Chamber in City Hall. All approved.

The Commissioners due to the length of the meeting agreed to defer discussion of the remaining agenda items to a future meeting.

ADJOURNMENT:

There being no other business to come before the Planning Commission, the meeting was ADJOURNED at 8:22 p.m.

Respectfully Submitted,

HOWARD M. SAXTON, III, Secretary

PROPOSED

18.90.010 Definitions.

Unless the context otherwise requires, the definitions in this section apply throughout this chapter.

“Chapter 69.50 RCW” means Chapter 69.50 of the Revised Code of Washington as now enacted or as hereafter amended or re-codified including any administrative regulations established under the authority of such Chapter.

“Chapter 69.51A” means Chapter 69.51A of the Revised Code of Washington as now enacted or as hereafter amended or re-codified including any administrative regulations established under the authority of such Chapter.

“Chapter 69.50 RCW Licensed Retail Facility” means a person licensed by the state liquor control board to sell marijuana and marijuana-infused products in a retail outlet.

“Chapter 69.50 RCW Licensed Producer” means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to Chapter 69.50 RCW Licensed Processors and other Chapter 69.50 RCW Licensed Producers.

“Chapter 69.50 RCW Licensed Processor” means a person licensed by the state liquor control board to process marijuana into marijuana and marijuana-infused products, package and label marijuana and marijuana-infused products for sale in retail outlets, and sell marijuana and marijuana-infused products at wholesale to Chapter 69.50 RCW Licensed Retail Facilities.

“Chapter 69.51A RCW Licensed Medical Cannabis Collective Gardens” means qualifying patients as defined by Chapter 69.51A RCW sharing responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use such as, for example, a location for a collective garden; equipment, supplies, and labor necessary to plant, grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of cannabis plants.

“Chapter 69.51A RCW Licensed Medical Cannabis Retail Facility or Dispensary” means a person licensed by the state of Washington to sell Medical Cannabis and Medical Cannabis-infused products in a retail outlet.

“Chapter 69.51A RCW Licensed Medical Cannabis Producer” means a person licensed by the state of Washington to produce and sell Medical Cannabis at wholesale to Chapter 69.51A RCW Licensed Medical Cannabis Processors and other Chapter 69.51A RCW Licensed Medical Cannabis Producers.

“Chapter 69.51A RCW Licensed Medical Cannabis Processor” means a person licensed by the state of Washington to process marijuana into Medical Cannabis and Medical Cannabis-infused products, package and label Medical Cannabis and Medical Cannabis-infused products for sale in Chapter 69.51A RCW Licensed Medical Cannabis Retail Facilities or Dispensaries, and sell Medical Cannabis and Medical Cannabis -infused products at wholesale to Chapter 69.51A RCW Licensed Medical Cannabis Retail Facility or Dispensary Chapter 69.51A RCW Licensed Medical Cannabis Retail Facilities or Dispensaries.

“Person” means any individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

~~“Ordinary person” means a person with an average human sense of smell.~~

“Public location” means a public street, sidewalk or other public way.

“Marijuana” means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

“Marijuana or Medical Cannabis infused products” means products that contain marijuana or marijuana extracts and are intended for human use

“Medical Cannabis” means Marijuana.

18.90.020 Prohibited uses.

Marijuana and Medical Cannabis uses, businesses, facilities and operations that do not have a state license pursuant to either Chapter 69.50 RCW or Chapter 69.51A are prohibited in all zoning districts. This prohibition includes, but is not limited to, medical cannabis collective gardens, medical cannabis dispensaries, and any marijuana production, processing, or retail business, facility or operation. In addition to the enforcement procedures in Chapter 18.81 of the Prosser Municipal Code, violations may also be abated as nuisances pursuant to Chapter 8.26 of the Prosser Municipal Code.

18.90.030 State Licensed Marijuana used licensed Chapter 69.50 RCW or Chapter 69.51A RCW.

The following matrix summarizes where Marijuana and Medical Cannabis uses, businesses, facilities and operations that have a state-issued license pursuant to 69.50 RCW or Chapter 69.51A may locate with “P” signifying that the use is permitted and “NP” signifying that the use is not permitted and is prohibited in that zoning district:

The abbreviations used in this table mean:

- “A” means the Agri-business zoning district.
- “AT” means the Agri-tourism zoning district.
- “CT” means the Commercial, Thoroughfare zoning district.
- “CG” means the Commercial, General zoning district.
- “CN” means the Commercial, Neighborhood zoning district.
- “CP” means the Commercial, Professional zoning district.
- “CD” means the Commercial, Downtown zoning district.
- “IL” means the Industrial, Light zoning district.
- “IH” means the Industrial, Heavy zoning district.
- “PF” means the Public Facility zoning district.
- “RR” means the Residential, Rural Density zoning district.
- “RL” means the Residential, Low Density zoning district.
- “RMS” means the Residential, Manufactured Home Subdivision zoning district.
- “RH” means the Residential, High Density zoning district.
- “RMP” means the Residential, Manufactured Home Park zoning district.
- “UR” means the Urban Residential zoning district.

USE	"A"	"AT"	"CT" "CG"	"CN" "CP"	"CD"	"IL" "IH"	"PF"	"RR" "RL" "RMS" "RM" "RH" "RMP" "UR"
Chapter 69.50 RCW Licensed Retail Facility	N/P	N/P	P	N/P	N/P	N/P	N/P	N/P
Chapter 69.50 RCW Licensed Producer	P	P	N/P	N/P	N/P	P	N/P	N/P
Chapter 69.50 RCW Licensed Processor	P	P	N/P	N/P	N/P	P	N/A	N/P
Chapter 69.51A RCW Licensed Medical Cannabis Collective Gardens	P	N/P	N/P	N/P	N/P	P	N/P	N/P
Chapter 69.51A RCW Licensed Medical Cannabis Retail Facility or Dispensary	N/P	P	P	P	N/P	N/P	N/P	N/P
Chapter 69.51A RCW Licensed Medical Cannabis Producer	P	P	N/P	N/P	N/P	P	N/P	N/P
Chapter 69.51A RCW Licensed	P	P	N/P	N/P	N/P	P	N/P	N/P

Medical Cannabis Processor								
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18.90.040 Permitted use regulations.

Uses permitted by PMC 18.90.030 are subject to the regulation contained in this section.

USE	Regulations and additional restrictions.
Chapter 69.50 RCW Licensed Retail Facility	<p>No portion of the area used to sell marijuana or marijuana infused products may be visible from a public location.</p> <p>All areas use to sell marijuana or marijuana infused products shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.50 RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter 69.50 RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.50 RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
Chapter 69.50 RCW Licensed Producer	<p>No portion of the area used to grow marijuana may be visible from a public location.</p> <p>All areas use to grow marijuana shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.50 RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provision of Chapter 69.50 RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.50 RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>

<p>Chapter 69.50 RCW Licensed Processor</p>	<p>No portion of the area used to process marijuana may be visible from a public location.</p> <p>All areas use to process marijuana shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by Chapter 69.50 RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter 69.50 RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.50 RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
<p>Chapter 69.51A RCW Licensed Medical Cannabis Collective Garden</p>	<p>No portion of the collective garden used to grow medical cannabis may be visible from a public location.</p> <p>All collective gardens shall be fully contained in a building.</p> <p>No collective garden may locate within 1000 feet of any residential structure, school, or public park. The distance between a collective garden shall be measured from the exterior walls of the building containing the collective garden to nearest boundary line of the residential structure, park, or school, as applicable.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.51A RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter 69.51A RCW.</p> <p>The license issued pursuant to Chapter 69.50 RCW must be located within the building containing the collective garden and must be produced for inspection upon demand of City Officials or Law Enforcement.</p> <p>The owners of the collective garden must comply with all lawful orders and demands issued by any state or federal agency.</p>
<p>Chapter 69.51A RCW Licensed Medical Cannabis Retail Facility or Dispensary</p>	<p>No portion of the area used to sell medical cannabis or medical cannabis infused products may be visible from a public location.</p> <p>All areas use to sell medical cannabis or medical cannabis</p>

	<p>infused products shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.51A RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter 69.51A RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.51A RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
<p>Chapter 69.51A RCW Licensed Medical Cannabis Producer</p>	<p>No portion of the area used to grow medical cannabis may be visible from a public location.</p> <p>All areas use to grow medical cannabis shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.51A RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter 69.51A RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.51A RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
<p>Chapter 69.51A RCW Licensed Medical Cannabis Processor</p>	<p>No portion of the area used to process medical cannabis may be visible from a public location.</p> <p>All areas used to process medical cannabis shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by Chapter 69.51A RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provision of Chapter 69.51A RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.51A RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders</p>

	and demands issued by any state or federal agency.
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18.90.050 Exception.

Except as provided in this section, nothing in this chapter precludes a qualifying patient as defined in Chapter 69.51A RCW or designated provider as defined in Chapter 69.51A RCW from engaging in the private, unlicensed, noncommercial production, possession, transportation, delivery, or administration of Medical Cannabis for medical use as authorized under RCW 69.51A.040 as now enacted or as hereafter amended or re-codified. In order to be exempt under this section all persons shall comply with the following:

- A. All areas used to grow, produce, or process Medical Cannabis shall take place inside of a building.
- B. All areas used to grow, produce, or process Medical Cannabis shall not be visible from a public place.
- C. Any signs indicating that Medical Cannabis is present, used, grown, produced, or processed in the building are prohibited.
- D. The use must strictly comply with all provisions of Chapter 69.51A RCW.
- E. All persons engaging in the exempt activity shall comply with all lawful orders and demands issued by any state or federal agency.

314-55-083

What are the security requirements for a marijuana licensee?

The security requirements for a marijuana licensee are as follows:

(1) **Display of identification badge.** All employees on the licensed premises shall be required to hold and properly display an identification badge issued by the licensed employer at all times while on the licensed premises.

(2) **Alarm systems.** At a minimum, each licensed premises must have a security alarm system on all perimeter entry points and perimeter windows. Motion detectors, pressure switches, duress, panic, and hold-up alarms may also be utilized.

(3) **Surveillance system.** At a minimum, a complete video surveillance with minimum camera resolution of 640x470 pixel and must be internet protocol (IP) compatible and recording system for controlled areas within the licensed premises and entire perimeter fencing and gates enclosing an outdoor grow operation, to ensure control of the area. The requirements include image acquisition, video recording, management and monitoring hardware and support systems. All recorded images must clearly and accurately display the time and date. Time is to be measured in accordance with the U.S. National Institute Standards and Technology standards.

(a) All controlled access areas, security rooms/areas and all points of ingress/egress to limited access areas, all points of ingress/egress to the exterior of the licensed premises, and all point-of-sale (POS) areas must have fixed camera coverage capable of identifying activity occurring within a minimum of twenty feet of all entry and exit points.

(b) Camera placement shall allow for the clear and certain identification of any individual on the licensed premises.

(c) All entrances and exits to the facility shall be recorded from both indoor and outdoor vantage points, and capable of clearly identifying any activities occurring within the facility or within the grow rooms in low light conditions. The surveillance system storage device must be secured on-site in a lock box, cabinet, closet, or secured in another manner to protect from employee tampering or criminal theft.

(d) All perimeter fencing and gates enclosing an outdoor grow operation must have full video surveillance capable of clearly identifying any activities occurring within twenty feet of the exterior of the perimeter. Any gate or other entry point that is part of the enclosure for an outdoor growing operation must have fixed camera coverage capable of identifying activity occurring within a minimum of twenty feet of the exterior, twenty-four hours a day. A motion detection lighting system may be employed to illuminate the gate area in low light conditions.

(e) Areas where marijuana is grown, cured or manufactured including destroying waste, shall have a camera placement in the room facing the primary entry door, and in adequate fixed positions, at a height which will provide a clear, unobstructed view of the regular activity without a sight blockage from lighting hoods, fixtures, or other equipment, allowing for the clear and certain identification of persons and activities at all times.

(f) All marijuana or marijuana-infused products that are intended to be removed or transported from marijuana producer to marijuana processor and/or marijuana processor to marijuana retailer shall be staged in an area known as the "quarantine" location for a minimum of twenty-four hours. Transport manifest with product information and weights must be affixed to the product. At no time during the quarantine period can the product be handled or moved under any circumstances and is subject to auditing by the liquor control board or designees.

(g) All camera recordings must be continuously recorded twenty-four hours a day. All surveillance recordings must be kept for a minimum of forty-five days on the licensee's recording device. All videos are subject to inspection by any liquor control board employee or law enforcement officer, and must be copied and provided to the board or law enforcement officer upon request.

(4) **Traceability:** To prevent diversion and to promote public safety, marijuana licensees must track marijuana from seed to sale. Licensees must provide the required information on a system specified by the board. All costs related to the reporting requirements are borne by the licensee. Marijuana seedlings, clones, plants, lots of usable marijuana or trim, leaves, and other plant matter, batches of extracts, marijuana-infused products, samples, and marijuana waste must be traceable from production through processing, and finally into the retail environment including being able to identify which lot was used as base material to create each batch of extracts or infused products. The following information is required and must be kept completely up-to-date in a system specified by the board:

(a) Key notification of "events," such as when a plant enters the system (moved from the seedling or clone area to the vegetation production area at a young age);

(b) When plants are to be partially or fully harvested or destroyed;

(c) When a lot or batch of marijuana, marijuana extract, marijuana-infused product, or marijuana waste is to be destroyed;

(d) When usable marijuana or marijuana-infused products are transported;

(e) Any theft of usable marijuana, marijuana seedlings, clones, plants, trim or other plant material, extract, infused product, seed, plant tissue or other item containing marijuana;

(f) There is a seventy-two hour mandatory waiting period after the notification described in this subsection is given before any plant may be destroyed, a lot or batch of marijuana, marijuana extract, marijuana-infused product, or marijuana waste may be destroyed;

(g) There is a twenty-four hour mandatory waiting period after the notification described in this subsection to allow for inspection before a lot of marijuana is transported from a producer to a processor;

(h) There is a twenty-four hour mandatory waiting period after the notification described in this subsection to allow for inspection before usable marijuana, or marijuana-infused products are transported from a processor to a retailer;

(i) Prior to reaching eight inches in height or width, each marijuana plant must be tagged and tracked individually, which typically should happen when a plant is moved from the seed germination or clone area to the vegetation production area;

(j) A complete inventory of all marijuana, seeds, plant tissue, seedlings, clones, all plants, lots of usable marijuana or trim, leaves, and other plant matter, batches of extract, marijuana-infused products, and marijuana waste;

(k) All point of sale records;

(l) Marijuana excise tax records;

(m) All samples sent to an independent testing lab, any sample of unused portion of a sample returned to a licensee, and the quality assurance test results;

(n) All free samples provided to another licensee for purposes of negotiating a sale;

(o) All samples used for testing for quality by the producer or processor;

(p) Samples containing usable marijuana provided to retailers;

(q) Samples provided to the board or their designee for quality assurance compliance checks; and

(r) Other information specified by the board.

(5) **Start-up inventory for marijuana producers.** Within fifteen days of starting production operations a producer must have all nonflowering marijuana plants physically on

the licensed premises. The producer must, within twenty-four hours, record each marijuana plant that enters the facility in the traceability system during this fifteen day time frame. No flowering marijuana plants may be brought into the facility during this fifteen day time frame. After this fifteen day time frame expires, a producer may only start plants from seed or create clones from a marijuana plant located physically on their licensed premises, or purchase marijuana seeds, clones, or plants from another licensed producer.

(6) **Samples.** Free samples of usable marijuana may be provided by producers or processors, or used for product quality testing, as set forth in this section.

(a) Samples are limited to two grams and a producer may not provide any one licensed processor more than four grams of usable marijuana per month free of charge for the purpose of negotiating a sale. The producer must record the amount of each sample and the processor receiving the sample in the traceability system.

(b) Samples are limited to two grams and a processor may not provide any one licensed retailer more than four grams of usable marijuana per month free of charge for the purpose of negotiating a sale. The processor must record the amount of each sample and the retailer receiving the sample in the traceability system.

(c) Samples are limited to two units and a processor may not provide any one licensed retailer more than six ounces of marijuana infused in solid form per month free of charge for the purpose of negotiating a sale. The processor must record the amount of each sample and the retailer receiving the sample in the traceability system.

(d) Samples are limited to two units and a processor may not provide any one licensed retailer more than twenty-four ounces of marijuana-infused liquid per month free of charge for the purpose of negotiating a sale. The processor must record the amount of each sample and the retailer receiving the sample in the traceability system.

(e) Samples are limited to one-half gram and a processor may not provide any one licensed retailer more than one gram of marijuana-infused extract meant for inhalation per month free of charge for the purpose of negotiating a sale. The processor must record the amount of each sample and the retailer receiving the sample in the traceability system.

(f) Producers may sample one gram of usable marijuana per strain, per month for quality sampling. Sampling for quality may not take place at a licensed premises. Only the producer or employees of the licensee may sample the usable marijuana for quality. The producer must record the amount of each sample and the employee(s) conducting the sampling in the traceability system.

(g) Processors may sample one unit, per batch of a new edible marijuana-infused product to be offered for sale on the market. Sampling for quality may not take place at a licensed premises. Only the processor or employees of the licensee may sample the edible marijuana-infused product. The processor must record the amount of each sample and the employee(s) conducting the sampling in the traceability system.

(h) Processors may sample up to one quarter gram, per batch of a new marijuana-infused extract for inhalation to be offered for sale on the market. Sampling for quality may not take place at a licensed premises. Only the processor or employee(s) of the licensee may sample the marijuana-infused extract for inhalation. The processor must record the amount of each sample and the employee(s) conducting the sampling in the traceability system.

(i) The limits described in subsection (3) of this section do not apply to the usable marijuana in sample jars that may be provided to retailers described in WAC 314-55-105(8).

(j) Retailers may not provide free samples to customers.

[Statutory Authority: RCW 69.50.342, 69.50.345. WSR 14-07-116, § 314-55-083, filed 3/19/14, effective 4/19/14. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-083, filed 10/21/13, effective 11/21/13.]

314-55-084

Production of marijuana.

Only the following specified soil amendments, fertilizers, other crop production aids, and pesticides may be used in the production of marijuana:

(1) Pesticides registered by WSDA under chapter 15.58 RCW as allowed for use in the production, processing, and handling of marijuana. Pesticides must be used consistent with the label requirements.

(2) Commercial fertilizers registered by WSDA under chapter 15.54 RCW.

(3) Potting soil and other growing media available commercially in the state of Washington may be used in marijuana production. Producers growing outdoors are not required to meet land eligibility requirements outlined in 7 C.F.R. Part 205.202.

[Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 14-10-044, § 314-55-084, filed 4/30/14, effective 5/31/14. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-

NEW

Washington State Attorney General to defend marijuana initiative

Aug 7, 2014 at 2:41 PM

The Washington State Attorney General's Office will vigorously defend I-502, the initiative legalizing marijuana, against an argument raised by the city of Fife. The city claims that the state law is invalid because it conflicts with federal law. If a court accepts that argument and it is upheld on appeal, it would mean the end of the state system for legal marijuana sales in Washington.

Last week the AGO moved to intervene in cases in Fife and Wenatchee challenging those cities' bans on marijuana businesses. The AGO intervened to ensure a proper interpretation of I-502 and to defend against any argument that federal law preempts I-502. On July 31, Fife filed a motion for summary judgment arguing, among other things, that federal law preempts I-502.

Pierce County Superior Court Judge Vicki Hogan is expected to hear arguments in the case on August 29. Emphasizing his commitment to make every effort to defend the will of the voters in enacting I-502, Attorney General Bob Ferguson directed Solicitor General, Noah Purcell, to present oral arguments for the state.

The first question for the court will be whether I-502 overrides local zoning rules and requires local governments to allow marijuana businesses. If the court agrees with the formal opinion issued by the AGO in January 2014 concluding that I-502 does not override local zoning requirements, the case will be resolved and Fife's federal preemption argument will become irrelevant. (The AGO issued the formal opinion in response to a request from the Liquor Control Board. Read more about that opinion and the opinion process, [here](#).)

If the court disagrees with the AGO's opinion and decides I-502 requires local governments to allow marijuana businesses, then the court must decide whether I-502 is preempted by federal law. If the court finds I-502 is preempted by federal law, and it is upheld on appeal, the marijuana legalization effort would be destroyed.

"As Attorney General, my job is to make sure the will of the people is upheld," said Ferguson. "This case and others like it threaten the heart of initiative 502. We want to participate in all cases like this to defend the will of the voters."

"Attorney General Ferguson is the lawyer for the people of Washington," said Washington State Senator Jamie Pedersen, a lawyer who supported I-502. "The voters passed I-502 and it is his job to defend it. I am grateful that Ferguson is getting involved in the Fife case to protect our voters' decisions."

Approved by voters in 2012, I-502 legalized the possession and sale of recreational marijuana in Washington and created a system of state licensing and regulation.

The cities of Wenatchee and Fife passed local ordinances that prohibit operating marijuana businesses within their cities. The plaintiffs in *SMP Retail, LLC v. Wenatchee*, *Graybeard Holdings, LLC v. Fife* and *MMH, LLC v. Fife* seek to invalidate these local ordinances so they can sell recreational marijuana.

Find this article at:
<http://www.courierherald.com/news/270392831.html>

Check the box to include the list of links referenced in the article.

CITY OF PROSSER, WASHINGTON
ORDINANCE NO. 14-_____

THE ORDINANCE ESTABLISHES ZONING REGULATIONS FOR RECREATIONAL MARIJUANA AND FOR MEDICAL CANNABIS. THE ORDINANCE ALSO SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE, PROVIDES THAT ITS PROVISIONS ARE SEVERABLE FROM ONE ANOTHER, REPEALS THE PRIOR MORATORIA ORDINANCES RELATING TO MEDICAL CANNABIS AND RECREATIONAL MARIJUANA (ORDINANCE 14-2902 AND ORDINANCE NUMBER 14-2886), AND PROVIDES FOR PUBLICATION BY SUMMARY.

WHEREAS, Ordinance Number 14-2887 established a work/public participation plan to develop zoning regulations for Medical Cannabis uses; and

WHEREAS, Ordinance Number 14-2886 continued a moratorium on Medical Cannabis collective gardens and dispensaries; and

WHEREAS, Ordinance Number 14-2902 established a moratorium on Recreational Marijuana uses; and

WHEREAS, the Planning Commission recommended to the City Council that it approve this Ordinance on the ____ day of _____, 2014; and

WHEREAS, the Planning Commission adopted findings in support of its recommendation on _____ 2014;

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

Section 1. Prosser Municipal Code Chapter 18.90.010 is hereby established to read as follows:

18.90.010 Definitions.

Unless the context otherwise requires, the definitions in this section apply throughout this chapter.

“Chapter 69.50 RCW” means Chapter 69.50 of the Revised Code of Washington as now enacted or as hereafter amended or re-codified including any administrative regulations established under the authority of such Chapter.

“Chapter 69.51A RCW” means Chapter 69.51A of the Revised Code of Washington as now

enacted or as hereafter amended or re-codified including any administrative regulations established under the authority of such Chapter.

“Chapter 69.50 RCW Licensed Retail Facility” means a person licensed by the state liquor control board to sell marijuana and marijuana-infused products in a retail outlet.

“Chapter 69.50 RCW Licensed Producer” means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to Chapter 69.50 RCW Licensed Processors and other Chapter 69.50 RCW Licensed Producers.

“Chapter 69.50 RCW Licensed Processor” means a person licensed by the state liquor control board to process marijuana into marijuana and marijuana-infused products, package and label marijuana and marijuana-infused products for sale in retail outlets, and sell marijuana and marijuana-infused products at wholesale to Chapter 69.50 RCW Licensed Retail Facilities.

“Chapter 69.51A RCW Licensed Medical Cannabis Collective Gardens” means qualifying patients as defined by Chapter 69.51A RCW sharing responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use such as, for example, a location for a collective garden; equipment, supplies, and labor necessary to plant, grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of cannabis plants.

“Chapter 69.51A RCW Licensed Medical Cannabis Retail Facility or Dispensary” means a person licensed by the state of Washington to sell Medical Cannabis and Medical Cannabis-infused products in a retail outlet.

“Chapter 69.51A RCW Licensed Medical Cannabis Producer” means a person licensed by the state of Washington to produce and sell Medical Cannabis at wholesale to Chapter 69.51A RCW Licensed Medical Cannabis Processors and other Chapter 69.51A RCW Licensed Medical Cannabis Producers.

“Chapter 69.51A RCW Licensed Medical Cannabis Processor” means a person licensed by the state of Washington to process marijuana into Medical Cannabis and Medical Cannabis-infused products, package and label Medical Cannabis and Medical Cannabis-infused products for sale in Chapter 69.51A RCW Licensed Medical Cannabis Retail Facilities or Dispensaries, and sell

Medical Cannabis and Medical Cannabis-infused products at wholesale to Chapter 69.51A RCW Licensed Medical Cannabis Retail Facility or Dispensary.

“Person” means any individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

“Public location” means a public street, sidewalk or other public way.

“Marijuana” means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

“Marijuana or Medical Cannabis infused products” means products that contain marijuana or marijuana extracts and are intended for human use

“Medical Cannabis” means Marijuana.

Section 2. Prosser Municipal Code Chapter 18.90.020 is hereby established to read as follows:

18.90.020 Prohibited uses.

Marijuana and Medical Cannabis uses, businesses, facilities and operations that do not have a state license pursuant to either Chapter 69.50 RCW or Chapter 69.51A RCW are prohibited in all zoning districts. This prohibition includes, but is not limited to, medical cannabis collective gardens, medical cannabis dispensaries, and any marijuana production, processing, or retail business, facility or operation. In addition to the enforcement procedures in Chapter 18.81 of the Prosser Municipal Code, violations may also be abated as nuisances pursuant to Chapter 8.26 of the Prosser Municipal Code.

Section 3. Prosser Municipal Code Chapter 18.90.030 is hereby established to read as follows:

18.90.030 State Licensed Marijuana used licensed Chapter 69.50 RCW or Chapter 69.51A RCW.

The following matrix summarizes where Marijuana and Medical Cannabis uses, businesses, facilities and operations that have a state-issued license pursuant to 69.50 RCW or Chapter 69.51A RCW may locate with “P” signifying that the use is permitted and “NP” signifying that the use is not permitted and is prohibited in that zoning district:

The abbreviations used in this table mean:								
“A” means the Agri-business zoning district.								
“AT” means the Agri-tourism zoning district.								
“CT” means the Commercial, Thoroughfare zoning district.								
“CG” means the Commercial, General zoning district.								
“CN” means the Commercial, Neighborhood zoning district.								
“CP” means the Commercial, Professional zoning district.								
“CD” means the Commercial, Downtown zoning district.								
“IL” means the Industrial, Light zoning district.								
“IH” means the Industrial, Heavy zoning district.								
“PF” means the Public Facility zoning district.								
“RR” means the Residential, Rural Density zoning district.								
“RL” means the Residential, Low Density zoning district.								
“RMS” means the Residential, Manufactured Home Subdivision zoning district								
“RH” means the Residential, High Density zoning district.								
“RMP” means the Residential, Manufactured Home Park zoning district								
“UR” means the Urban Residential zoning district.								
USE	“A”	“AT”	“CT” “CG”	“CN” “CP”	“CD”	“IL” “IH”	“PF”	“RR” “RL” “RMS” “RM” “RH” “RMP” “UR”
Chapter 69.50 RCW Licensed	N/P	P	P	N/P	N/P	N/P	N/P	N/P

Retail Facility								
Chapter 69.50 RCW Licensed Producer	P	P	N/P	N/P	N/P	N/P	N/P	N/P
Chapter 69.50 RCW Licensed Processor	P	P	N/P	N/P	N/P	P	N/PA	N/P
Chapter 69.51A RCW Licensed Medical Cannabis Collective Gardens	P	N/P	N/P	N/P	N/P	P	N/P	N/P
Chapter 69.51A RCW Licensed Medical Cannabis Retail Facility or Dispensary	N/P	P	P	N/P	N/P	N/P	N/P	N/P
Chapter 69.51A RCW Licensed Medical Cannabis Producer	P	P	N/P	N/P	N/P	N/P	N/P	N/P
Chapter 69.51A RCW Licensed Medical Cannabis Processor	P	P	N/P	N/P	N/P	P	N/P	N/P

Section 4. Prosser Municipal Code Chapter 18.90.040 is hereby established to read as follows:

18.90.040 Permitted use regulations.

Uses permitted by PMC 18.90.030 are subject to the regulations contained in this section.

USE	Regulations and additional restrictions.
Chapter 69.50 RCW Licensed Retail Facility	<p>No portion of the area used to sell marijuana or marijuana infused products may be visible from a public location.</p> <p>All areas use to sell marijuana or marijuana infused products shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.50 RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter 69.50 RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.50 RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
Chapter 69.50 RCW Licensed Producer	<p>No portion of the area used to grow marijuana may be visible from a public location.</p> <p>All areas use to grow marijuana shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.50 RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provision of Chapter 69.50 RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.50 RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
Chapter 69.50 RCW Licensed Processor	<p>No portion of the area used to process marijuana may be visible from a public location.</p> <p>All areas use to process marijuana shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by Chapter 69.50 RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter</p>

	<p>69.50 RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.50 RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
<p>Chapter 69.51A RCW Licensed Medical Cannabis Collective Garden</p>	<p>No portion of the collective garden used to grow medical cannabis may be visible from a public location.</p> <p>All collective gardens shall be fully contained in a building.</p> <p>No collective garden may locate within 1000 feet of any residential structure, school, or public park. The distance between a collective garden shall be measured from the exterior walls of the building containing the collective garden to nearest boundary line of the residential structure, park, or school, as applicable.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.51A RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter 69.51A RCW.</p> <p>The license issued pursuant to Chapter 69.51A RCW must be located within the building containing the collective garden and must be produced for inspection upon demand of City Officials or Law Enforcement.</p> <p>The owners of the collective garden must comply with all lawful orders and demands issued by any state or federal agency.</p>
<p>Chapter 69.51A RCW Licensed Medical Cannabis Retail Facility or Dispensary</p>	<p>No portion of the area used to sell medical cannabis or medical cannabis infused products may be visible from a public location.</p> <p>All areas use to sell medical cannabis or medical cannabis infused products shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.51A RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter 69.51A RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.51A RCW upon demand of City Officials or</p>

	<p>Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
<p>Chapter 69.51A RCW Licensed Medical Cannabis Producer</p>	<p>No portion of the area used to grow medical cannabis may be visible from a public location.</p> <p>All areas use to grow medical cannabis shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.51A RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter 69.51A RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.51A RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
<p>Chapter 69.51A RCW Licensed Medical Cannabis Processor</p>	<p>No portion of the area used to process medical cannabis may be visible from a public location.</p> <p>All areas used to process medical cannabis shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by Chapter 69.51A RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provision of Chapter 69.51A RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.51A RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>

Section 5. Prosser Municipal Code Chapter 18.90.050 is hereby established to read as follows:

18.90.050 Exception.

Except as provided in this section, nothing in this chapter precludes a qualifying patient

as defined in Chapter 69.51A RCW or designated provider as defined in Chapter 69.51A RCW from engaging in the private, noncommercial production, possession, transportation, delivery, or administration of Medical Cannabis for medical use as authorized under RCW 69.51A.040 as now enacted or as hereafter amended or re-codified. In order to be exempt under this section all persons shall comply with the following:

- A. All areas used to grow, produce, or process Medical Cannabis shall take place inside of a building.
- B. All areas used to grow, produce, or process Medical Cannabis shall not be visible from a public place.
- C. Any signs indicating that Medical Cannabis is present, used, grown, produced, or processed in the building are prohibited.
- D. The use must strictly comply with all provisions of Chapter 69.51A RCW.
- E. All persons engaging in the exempt activity shall comply with all lawful orders and demands issued by any state or federal agency.

Section 6. Prosser Municipal Code Section 18.90.900 is hereby established to read as follows:

18.90.900 Severability.

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

Section 7. The city having adopted zoning regulations on Medical Cannabis and Recreational Marijuana, the following two moratoria ordinances are repealed effective on the effective date of this ordinance: Ordinance Number 14-2902 and Ordinance Number 14-2886.

Section 8. **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 9. 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 _____, 2014.

MAYOR PAUL WARDEN

ATTEST:

CITY CLERK, RACHEL SHAW

Approved as to form:

CITY ATTORNEY, HOWARD SAXTON

Date of Publication: _____

CITY OF PROSSER, WASHINGTON
ORDINANCE NO. 14-_____

AN ORDINANCE AMENDING THE ZONING MAP FOR THE CITY OF PROSSER, WASHINGTON, BY ZONING CERTAIN PROPERTY DESCRIBED IN THIS ORDINANCE LOCATED WESTERLY OF KINNEY WAY AND SOUTHERLY OF SR 22 HAVING BENTON COUNTY TAX PARCEL NUMBER 1-1184-100-0025-003 TO RESIDENTIAL MEDIUM DENSITY DISTRICT (RM). THE ORDINANCE ALSO DECLARES THAT THIS ORDINANCE IS A MINOR ACTION AND HAS A NON-SIGNIFICANT EFFECT ON THE ENVIRONMENT. 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 CITY COUNCIL OF THE CITY OF PROSSER, WASHINGTON, DO ORDAIN
AS FOLLOWS:

Section 1. The Planning Commission has recommended to the City Council a classification change on the City of Prosser's zoning map to Residential Medium Density District (RM) the property hereinafter described in Section 3 hereof, pursuant to Title 18 of the Prosser Municipal Code.

Section 2. The findings adopted by the Planning Commission on August 21, 2014, on file with the City Clerk, are hereby adopted as the findings of the City Council.

The public will generally benefit from the zoning of the property to Residential Medium Density District (RM) and it is in the interest of the public health, safety, and general welfare of the residents of the City and is not for the benefit of private speculators.

Section 3. The real property described below and situated in the City of Prosser, County of Benton, State of Washington, is hereby zoned Residential Medium Density District (RM)

THAT PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER
AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF
SECTION 11, TOWNSHIP 8 NORTH, RANGE 24 EAST, W.M. COUNTY OF

BENTON, CITY OF PROSSER, WASHINGTON STATE, DESCRIBED AS FOLLOWS:

BEGINNING AT THE REBAR AND CAP "29279" MARKING THE CENTER OF SAID SECTION; THENCE 89° 17' 51" WEST 27.50 FEET; THENCE NORTH 5° 47' 16" WEST 336.38 FEET; THENCE SOUTH 89° 39' 13" EAST 83.99 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 85.00 FEET A CENTRAL ANGLE OF 56° 11' 48" AND A CHORD OF 80.07 FEET BEARING SOUTH 37° 06' 21" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE, A DISTANCE OF 83.37 FEET; THENCE SOUTH 65° 12' 15" EAST 93.91 FEET; THENCE NORTH 40° 28' 32" EAST 308.00 FEET; THENCE NORTH 57° 18' 48" WEST 279.08 FEET; THENCE NORTH 89° 24' 00" WEST 256.61 FEET; THENCE NORTH 14° 36' 28" WEST 120.71 FEET TO THE SOUTHERLY RIGHT OF WAY OF SR 22; THENCE NORTH 89° 34' 34" EAST 703.07 FEET; THENCE NORTH 30° 44' 25" EAST 19.46 FEET; THENCE NORTH 30° 44' 25" EAST 38.85 FEET; THENCE NORTH 89° 34' 20" EAST 57.40 FEET TO THE WESTERLY RIGHT OF WAY OF KINNEY WAY; THENCE SOUTH 21° 25' 20" EAST 93.00 FEET; THENCE SOUTH 21° 25' 20" EAST 82.80 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 288.30 FEET AND A CENTRAL ANGLE OF 63° 25' 53" AND A CHORD OF 303.12 FEET BEARING SOUTH 10° 17' 29" WEST; THENCE SOUTH ALONG SAID CURVE, A DISTANCE OF 319.17 FEET; THENCE SOUTH 42° 00' 32" WEST 340.24 FEET; THENCE SOUTH 35° 50' 07" WEST 36.73 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 215.00 FEET A CENTRAL ANGLE OF 16° 28' 33", AND A CHORD OF 61.61 FEET BEARING SOUTH 33° 38' 28" WEST; THENCE SOUTHWEST ALONG SAID CURVE, A DISTANCE OF 61.83 FEET; THENCE NORTH 89° 18' 00" WEST 351.12 FEET TO THE POINT OF BEGINNING; SUBJECT TO AND TOGETHER WITH EASEMENT A OF AF#2005-040521, 040525, & 040526, TOGETHER WITH AND SUBJECT TO AN EASEMENT FOR ACCESS AND UTILITY PURPOSES ALONG THE SOUTH FORTY FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11, FROM THE SOUTHEAST CORNER OF ABOVE DESCRIBED PARCEL TO KINNEY WAY A DISTANCE OF 380 FEET MORE OR LESS.

HAVING BENTON COUNTY TAX PARCEL NUMBER: 1-0184-100-0025-003.

Section 4. This ordinance has been determined to be a minor action and to have a non-significant, adverse effect on the environment. An Environmental Impact Statement is not required under RCW 43.21C.030.

This ordinance is not an action requiring an environmental statement under WAC 197-11.

This decision is made upon a determination into the guidelines of WAC 197-11 and City Ordinances. This re-zone is in compliance with the Comprehensive Plan of the City.

Section 5. The zoning map of the City of Prosser is hereby amended to show the property described in Section 3 above as Residential Medium Density District (RM).

Section 6. 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 7. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

ADOPTED by the City Council and **APPROVED** by the Mayor, this _____ day of _____, 2014.

Randy Taylor, Mayor Pro-Tem

ATTEST:

Rachel Shaw, City Clerk

APPROVED AS TO FORM:

Howard Saxton, City Attorney

Date of Publication: _____

SUMMARY OF ORDINANCE NO. 14-

of the City of Prosser, Washington

On the ____ day of _____, 2014, 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 AMENDING THE ZONING MAP FOR THE CITY OF PROSSER, WASHINGTON, BY ZONING CERTAIN PROPERTY DESCRIBED IN THIS ORDINANCE LOCATED WESTERLY OF KINNEY WAY AND SOUTHERLY OF SR 22 HAVING BENTON COUNTY TAX PARCEL NUMBER 1-1184-100-0025-003 TO RESIDENTIAL MEDIUM DENSITY DISTRICT (RM). THE ORDINANCE ALSO DECLARES THAT THIS ORDINANCE IS A MINOR ACTION AND HAS A NON-SIGNIFICANT EFFECT ON THE ENVIRONMENT. 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 _____, 2014

RACHEL SHAW, CITY CLERK

Sunnyside again holds off on decision whether to allow or outlaw pot businesses

Email Print Comments

POSTED ON JULY 29, 2014

Phone: 509-930-8798

By Ross Courtney / Yakima Herald-Republic
rcourtney@yakimaherald.com

SUNNYSIDE, Wash. — City officials here have once again postponed a decision on marijuana businesses, while the owner of a proposed store is in the middle of construction.

Fearing legal ramifications either way, the City Council decided Monday to renew a six-month moratorium on all businesses related to the state's new recreational marijuana industry.

"Right now we're not in the position to go forward without being in some legal quandary no matter what we do," said Councilman Jason Raines.

Dean Broersma, Craig Hicks, Francisco Guerrero and Mayor Jim Restucci favored the moratorium. Deputy Mayor Theresa Hancock opposed it. Spencer Martin was absent.

It won't be official until after a hearing at the City Council's next meeting, Aug. 11, the day the current year-long moratorium expires.

Like cities and counties throughout the state, Sunnyside is wrestling with whether to allow businesses that produce, package and sell marijuana under Initiative 502, passed by state voters in November 2012.

Many local governments, including the city of Yakima and Yakima County, have banned businesses related to pot. Moxee allows only growing and packing facilities, not retail stores.

Prosser and Union Gap allow marijuana businesses and saw stores open to long lines in early July.

In Sunnyside, the City Council members are roughly evenly split on whether to ban or allow marijuana businesses.

Sunnyside's appointed planning commission has proposed changes to city law that would relegate stores to a few commercial and light industrial areas.

State law prohibits pot stores with 1,000 feet schools, playgrounds, recreation facilities, child care centers, parks, public transit centers, libraries or under-age arcades. Sunnyside's proposed ordinance adds churches and all residential areas to the list.

Meanwhile, David and Diane Rand, both 49, of Sunnyside have started construction on their proposed store, Dave's Place, and are in the final review stages with the state Liquor Control Board, charged with implementing Initiative 502.

David Rand, the owner of a construction firm, has built the wooden frame at 10 Maple Grove Road, located at the corner of Yakima Valley Highway and Maple Grove on the west end of town about a mile from the Sunnyside Law and Justice Center.

He plans to have the building ready by Aug. 7 for a final inspection by the Liquor Control Board, he told the council Monday.

"I'm going to make that whole corner look nice," he said.

Rand declined to comment after Monday's meeting.

Alex Newhouse of Sunnyside, an attorney who specializes in marijuana laws, said Rand had to start construction before the city's decision because state authorities won't grant him a license without a store to inspect.

"He can't wait any longer," Newhouse said.

Letters To The Editor

Full support to community leaders

Dear Editor,

It has been my good fortune to live in our close knit community, for the vast majority of my life. I attended Prosser High School, as did my dad before me and my son following. Through the years we have made many good friends. Sometimes we agree, sometimes we disagree but in the end, we remain friends.

I have known Alys Means since she was a small girl, trying to not be trampled by her boisterous big brothers, in the Freepons clan. Good people all. Alys is a true treasure! What she has done for our museum is amazing. She has breathed new life back into it. Stop by to see for yourself. It's well worth the trip if you've not been there for a while and a not miss, if you have never been there. I've never had a disagreement with her, but of course I'm not married to her. (It's okay to smile now.)

I went to school with Bill Goble; he is a friend of mine. Wendy Weld is also a friend of mine. They also both fall under the heading of good people. We will remain good friends even after we disagree on any issue. Case in point are the letters written by each of them regarding the marijuana legalization issue.

Our country is a democracy. We vote and the majority rules. Pretty simple. When marijuana was first legalized for medical use, I predicted that it was just the first step toward full legalization. Washington and Colorado have gotten a jump on the rest of the states but there is a move afoot toward legalization by the nation as a whole. Read the papers and listen to the news. I believe it will happen, sooner rather than later. The polling studies have indicated that there is acceptance of this issue, just as there was acceptance of the issue of legalization of gay marriage. It's going to happen.

It's pretty clear that there have been more people impacted by the harsh anti-marijuana laws than by the drug itself. That impact is also felt by those who do not use the drug but pay taxes, to fund the penal institutions, to house those caught up in the web of anti-drug paranoia. Marijuana is not heroin, nor is it cocaine; it should not be treated as such. In my opinion, it should be legalized, taxed and controlled just as is alcohol. Tax it and use the money to the betterment of our society, just as we do with liquor.

As much as you might find the use of marijuana distasteful, you are not going to stop the use of it. There are many people who find the use of alcohol distasteful; they are not going to stop the consumption of it either. No one advocates having our children use marijuana any more than they say that it's okay for them to consume liquor. They are both harmful, if used improperly. That's why the laws prohibit the sale of each, to those under the age of 21. They also prohibit the use of it prior to driving or sitting on a park bench. Those laws were tailored after our liquor control laws.

I give full support to our community leaders, who had the courage to allow sales, in State sanctioned and controlled stores, here in our community. They will not need to be sheepishly standing at the door, asking for their fair share of the tax revenue generated by its sale. Watch to see if other communities refuse to take any of that money, when it comes time to hand it out. Just watch.

Richard Olsen
Prosser

The Rest of t

For decades, radio newsman Paul Harvey gave us a side of the news that we either hadn't heard or hadn't considered. His "Rest of the Story" commentaries provided an in-depth look at the news behind the headlines.

Today, all the headlines are about the negative impacts of fossil fuels. But when you dig deeper, as Paul Harvey did, you get the rest of the story.

For thousands of years, food, water, clothing and shelter were the basic necessities of life. Today, we need to include electricity.

In China and India, home to more than a third of the world's 7.25 billion people, 85,000 people move into cities each day. They are moving from areas without modern conveniences into urban housing where refrigerators, freezers, washers and dryers, computers and internet are part of everyday life.

Electricity is also essential for clean water, as governments around the world invest in water sanitation and waste water treatment plants. The need is to build new treatment plants for the 2.5 billion people who still lack safe drinking water.

While some complain about fossil fuels, almost three billion people still use primitive stoves to burn wood or dried animal dung for cooking. The resulting indoor air pollution kills 3.5 million people a year - mainly women and children - from respiratory illnesses. In fact, each year people burning wood and charcoal in Africa contribute to the destruction of forests equal to the size of Switzerland.

Meanwhile, the next generation a

**1st Family friendly Farmers Market
and fun on 1st Friday**

**CITY OF PROSSER
 PLANNING COMMISSION MEETING
 THURSDAY, JULY 17, 2014
 CITY HALL, PROSSER, WASHINGTON**

CALL TO ORDER:

The meeting of the Prosser Planning Commission was called to order on July 17, 2014, at 6:00 p.m. by Chair Glenda Schmidt.

ROLL CALL:

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

APPROVAL OF MINUTES:

Upon motion made by Jeremy Lynn and seconded by Rob Siemens, the minutes of the June 19, 2014, meeting were approved as drafted.

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. Steve Zetz asked the Commissioners if they would like to restrict grow operations in the Industrial Zones. The Commissioners suggested changing the ordinance to prohibit "Licensed Producers" from being able to locate in all Industrial Zones.

Steve Zetz next reviewed the written comments received regarding the hearing consisting of the following:

Prosser School District, by Ray Tolcacher, Superintendent	Email dated July 1, 2014, to Steve Zetz, including Steve Zetz's response to the email.
Randy Williams	Test results for Fireweed Farms sample name 1070067.
Jedidiah Haney	News release entitled "Colorado's Marijuana Enforcement Division Announces Successful Underage Compliance Checks."

Jedidiah Haney	Document entitled "Status Report: Marijuana Regulation in Colorado After Six Months of Retail Sales and 18 Months of Decriminalization."
Ben S	Email forwarded by City Clerk Rachel Shaw dated July 2, 2014.
WSLCB by Mikhail Carpenter	Email dated June 26, 2014.
SVID by Ron C. Cowin	Email dated June 10, 2014.
Peggy J. Brown	Letter dated June 12, 2014.
Dale Brown	Letter dated June 11, 2014.
The Federal Government, the Office of Presidential Correspondence	Reply

Steve Zetz reviewed the public notice requirements for legislative actions and indicated that individual citizens do not receive mailed notice of legislative hearings. Rather, notice is published in the city's official newspaper, the Prosser Record Bulletin.

Steve Zetz related Prosser Police Chief Dave Giles' comment that he would like the hours of retail stores limited to Monday through Friday from 9:00 a.m. to 5:00 p.m.

Steve Zetz next discussed increasing the parking requirements for the store from 1 space per 400 square feet to a higher figure. The Commissioners indicated that the existing parking regulations are adequate.

Steve Zetz asked the Commissioners if additional setbacks should be added for Licensed Producers. The Commissioners indicated that exiting regulations were adequate.

Steve Zetz next asked the Commissioners if additional security measures should be required. The Commissioners asked the Mr. Zetz provide them the security required by state law before deciding whether those measures were adequate.

The following public was present and testified as follows:

Virginia Bradbury. Ms. Bradbury said that she just wanted to sit back and listen.

Ray Tolcacher. Dr. Tolcacher spoke for the Prosser School District as its Superintendent. He indicated that the recreational Marijuana industry the nearly 3,000 students in the Prosser School District. He indicated that he had spoken with Tim Thompson and is satisfied that he has adequate security, but he is worried that future owners or new outlets might not be as careful as Dr. Thompson. He is concerned that students tend to congregate near the truck stop area close to Altitude. He would like security around the perimeter increased to make sure others are not purchasing and then distributing Marijuana to underage persons. He is concerned that cameras are not adequate to discover all legal violations because kids wear hoodies. He discussed the health risks for youth that use Marijuana. He would like increased penalties for a person who buys and then distributes Marijuana to underage youth. He said that a charter bus driver commented to the kids on a bus about the fact that there is a marijuana store in town and that other districts may not send their kids to Prosser if that continues.

Rene Riojas. He is concerned that over regulation might smother this new industry. Prosser could be a leader on this front rather than throwing roadblocks in its path. He is also concerned that if stores don't open, the millions of dollars in taxation that would have come in to treat drug issues will not be available. He said that restricting hours is not fair to people who work and cannot go and buy Marijuana during the day.

Tim Thompson. He indicated that he is the principal investor in Altitude. He applauds the city for following state law and the will of the voters. His business has created nearly 40 jobs and will pay nearly two million dollars in salaries this year. His business will bring in thousands of dollars in revenue because customers will shop elsewhere in town. These shoppers are mostly people who would not have come to Prosser except for the presence of Altitude. He is currently open only four hours a day but will be open eight hours a day in the near future. He may also hire another ten to fifteen employees. Regarding the bad influence on children, he indicated that many nearby stores sell alcohol. His store has twenty-five cameras with twelve of those being outside. Store employees check each customer's identification three times before they can purchase Marijuana. He stated that crime in Colorado is already down after Marijuana legalization there. He indicated that there are currently sixty growers in Benton County and the industry will create 3,000 jobs county wide. He thinks if the City is going to restrict hours, there should be some rational basis on those restrictions. As far as security, he has employees to prevent loitering and he has someone in the building twenty-four hours every day. Most of his customers have been forty to sixty years in age.

John Moore. He indicated that he is a business owner here in Prosser. He believes the owner of each business should be able to set its own hours. He pointed out that stores can sell alcohol into the night and early morning hours.

Lisa Homier. She believes the city should only restrict the hours for retail Marijuana stores if it has a reasonable basis for those hours. She does not see why the city does not restrict the hours at McDonald's which has much more of a traffic impact than Altitude has.

Hope Nastri. She said that she works at Altitude, but that she used to be a teacher and has three children of her own. She said that store employees are carefully watching the area outside the store to make sure there are no problems. Most of the customers, so far, have been professionals. She believes that this could be a huge financial asset in town and that most of the drug problems in the school are due to prescription drug abuse.

Zach Farley. He said that he was Dr. Thompson's first employee. He is an army veteran having spent six years in service to his country. He was also a sergeant for the Pasco Police Department working at Pasco High as an undercover narcotics officer. He said in that capacity, he could get pretty much any drug he asked for in five minutes. He once bought Marijuana from a fourteen-year old student that purchased it from an eighty-year old woman. He also had many drug buys in the Pasco High School while working undercover. He indicated that he also worked with an explorer program and worked for the Liquor Control Board where many places sold to underage kids.

Devina Riojas left at 7:00 p.m. due to previous commitments.

Zach Farley. In his work with Dr. Thompson there is a culture of compliance. The store has had only one alarm go off and that alarm was false. In the first week of operation the store generated thirteen thousand dollars in taxes. He and Dr. Thompson went through an exhaustive hiring process and approximately seventy-five percent of the employees come from outside of the city of Prosser. So far, ninety-percent of customers are return customers. He stated that they cannot sell to a customer if that customer is under the influence of drugs or alcohol. Altitude employees range from twenty-one years of age to employees in their fifties. He wants his employees to be able to earn a family wage. He said that if the city is concerned about robberies, in his experience most of them happen during the day. In his opinion it would not be reasonable to limit hours to deter crime. He also stated there are ways around the banking issues. He believes the "black market" should be the focus of any increased penalties. He would like to have an armed guard present, but federal regulations prohibit firearms in the store.

Tim Thompson. In response to a Commissioner question, he stated that the longest he envisions having Altitude open for business is from 9:00 a.m. to 9:00 p.m.

The Chair indicated that the Commission would take a ten-minute break at 7:15 p.m. The meeting was called by to order back the Chair at 7:25 p.m.

John Presler. He stated that he works at Altitude and that is a great place to work. He said that Altitude's staff is very well trained and he looks forward to going into work each day.

Randy McMurrin. He is a Marijuana producer and his industry will bring jobs to the area. He knows that the industry is controversial, but believes people are better off working within the industry to make it better than working against it. He does not like any limit on hours. The majority of voters in Washington approved the legalization of Marijuana.

Jay Spurlock. He is the Chair of the Zillah Planning Commission and a business owner there. He indicated that Altitude has followed all state laws applicable to the industry which is already heavily regulated. He said the RCWs already require security and that all camera tapes are kept for forty-five days. Altitude also uses Moon Security. They also had Prosser Police Officers present on their opening day which went without incident. He indicated that the tax revenue raised by the industry will be used to target and counsel underage users of Marijuana. He also stated that Marijuana purchased at a retail location cannot be used there. He indicated that he owns a winery and school busses pass by his winery every day. He believes that allowing stores to sell Marijuana legally will shrink the black market. Just like Alcohol, he thinks that Marijuana will have to be policed by parents. Regarding hours he indicated that the market will dictate the hours that the store is open and that if the city is going to regulate the hours of this industry, what industry will be next?

Jedidiah Haney. He stated that he has lived in Yakima for the last six and one-half years and is the executive director of Cause M, an organization dedicated to supporting the adult use of recreational Marijuana. He stated that I-502 created an adequate number of retail possibilities with the idea of dislodging the black market. He indicated that eighty-percent of the taxes go to social welfare programs. Restrictions on the black market only help the black market to flourish. He stated that the city of Denver has over 400 Marijuana retail stores and those stores can grow Marijuana on site. He went over the written materials that he submitted. He summarized the status report that covered the first 18 months of deregulation in Colorado where revenue was high and crime rates decreased. He next summarized the press release. It discusses the one-hundred percent compliance check with stores to make sure they were not selling to underage kids. He stated that Cause M is dedicated to education, including all of the alternate means of using Marihuana. Cause M. has distributed forty-thousand brochures to date.

CIA Community Coalition by Jennifer Dorsett. She would like to see the ordinance modified to contain a prohibition on smoking Marijuana inside of multi-family dwellings. She does not like the fact that the businesses are using social media. She believes this is accessible to youth and is a bad idea. She liked the idea of restricting hours to 9:00 a.m. to 9:00 p.m.

Randy Williams. He is with Fireweed Farms. He is one of the guys with the tall fences out in the county. He indicated he had an issue with people wearing hoodies at his operation, but law enforcement still caught them. He believes the industry is good for Prosser and will help other local businesses profit. He has lived here twenty years and his wife was born here. In order to grow Marijuana he had to meet numerous state regulations. He indicated that most Marijuana smokers are in bed by 8:00 p.m. He is growing a new strain that is high in cannaboids but has one-third less THC than other strains of Marijuana. He believe this might help epileptics avoid seizures.

Carson Woody. He lives here in Prosser and has three jobs, one of them being at Altitude. He does not like the limitation on hours as it might inhibit tourism. He stated that Altitude will bring many people to town. If the city limits the hours at Altitude, that would affect his income.

Jedidiah Haney. He indicated that medical Marijuana has been around for sixteen years and is only self-regulated, whereas recreation Marijuana is heavily regulated. Even when Marijuana was illegal, it did not stop the "potheads" from obtaining it.

Tim Thompson. He indicated that he had been in Colorado and visited dozens of stores and he believes legalization will decrease crime. He is currently selling Marijuana for four times the amount that a person can buy in on the street from the black market. He believes that increasing recreational sales will decrease the price of Marijuana and thwart the black market. He stated that he has spoken with Chief Giles who was worried about the clientele Altitude would attract, but most of his clients are middle class.

The Commissioners discussed the contents of the proposed ordinance. They reached a consensus that no alterations were needed to address store hours or security, but that they would like to see what the state requires for security so they can discuss it at their next meeting.

Dorothy Evans moved and Trevor Day seconded that the public hearing be continued to the Commissioner's August meeting to be held on August 21, 2014, at 6:00 p.m. in the Council Chamber in City Hall. All approved.

The Commissioners due to the length of the meeting agreed to defer discussion of the remaining agenda items to a future meeting.

ADJOURNMENT:

There being no other business to come before the Planning Commission, the meeting was ADJOURNED at 8:22 p.m.

Respectfully Submitted,

HOWARD M. SAXTON, III, Secretary

PROPOSED

18.90.010 Definitions.

Unless the context otherwise requires, the definitions in this section apply throughout this chapter.

“Chapter 69.50 RCW” means Chapter 69.50 of the Revised Code of Washington as now enacted or as hereafter amended or re-codified including any administrative regulations established under the authority of such Chapter.

“Chapter 69.51A” means Chapter 69.51A of the Revised Code of Washington as now enacted or as hereafter amended or re-codified including any administrative regulations established under the authority of such Chapter.

“Chapter 69.50 RCW Licensed Retail Facility” means a person licensed by the state liquor control board to sell marijuana and marijuana-infused products in a retail outlet.

“Chapter 69.50 RCW Licensed Producer” means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to Chapter 69.50 RCW Licensed Processors and other Chapter 69.50 RCW Licensed Producers.

“Chapter 69.50 RCW Licensed Processor” means a person licensed by the state liquor control board to process marijuana into marijuana and marijuana-infused products, package and label marijuana and marijuana-infused products for sale in retail outlets, and sell marijuana and marijuana-infused products at wholesale to Chapter 69.50 RCW Licensed Retail Facilities.

“Chapter 69.51A RCW Licensed Medical Cannabis Collective Gardens” means qualifying patients as defined by Chapter 69.51A RCW sharing responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use such as, for example, a location for a collective garden; equipment, supplies, and labor necessary to plant, grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of cannabis plants.

“Chapter 69.51A RCW Licensed Medical Cannabis Retail Facility or Dispensary” means a person licensed by the state of Washington to sell Medical Cannabis and Medical Cannabis-infused products in a retail outlet.

“Chapter 69.51A RCW Licensed Medical Cannabis Producer” means a person licensed by the state of Washington to produce and sell Medical Cannabis at wholesale to Chapter 69.51A RCW Licensed Medical Cannabis Processors and other Chapter 69.51A RCW Licensed Medical Cannabis Producers.

“Chapter 69.51A RCW Licensed Medical Cannabis Processor” means a person licensed by the state of Washington to process marijuana into Medical Cannabis and Medical Cannabis-infused products, package and label Medical Cannabis and Medical Cannabis-infused products for sale in Chapter 69.51A RCW Licensed Medical Cannabis Retail Facilities or Dispensaries, and sell Medical Cannabis and Medical Cannabis -infused products at wholesale to Chapter 69.51A RCW Licensed Medical Cannabis Retail Facility or Dispensary Chapter 69.51A RCW Licensed Medical Cannabis Retail Facilities or Dispensaries.

“Person” means any individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

~~“Ordinary person” means a person with an average human sense of smell.~~

“Public location” means a public street, sidewalk or other public way.

“Marijuana” means all parts of the plant: Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

“Marijuana or Medical Cannabis infused products” means products that contain marijuana or marijuana extracts and are intended for human use

“Medical Cannabis” means Marijuana.

18.90.020 Prohibited uses.

Marijuana and Medical Cannabis uses, businesses, facilities and operations that do not have a state license pursuant to either Chapter 69.50 RCW or Chapter 69.51A are prohibited in all zoning districts. This prohibition includes, but is not limited to, medical cannabis collective gardens, medical cannabis dispensaries, and any marijuana production, processing, or retail business, facility or operation. In addition to the enforcement procedures in Chapter 18.81 of the Prosser Municipal Code, violations may also be abated as nuisances pursuant to Chapter 8.26 of the Prosser Municipal Code.

18.90.030 State Licensed Marijuana used licensed Chapter 69.50 RCW or Chapter 69.51A RCW.

The following matrix summarizes where Marijuana and Medical Cannabis uses, businesses, facilities and operations that have a state-issued license pursuant to 69.50 RCW or Chapter 69.51A may locate with “P” signifying that the use is permitted and “NP” signifying that the use is not permitted and is prohibited in that zoning district:

The abbreviations used in this table mean:

- “A” means the Agri-business zoning district.
- “AT” means the Agri-tourism zoning district.
- “CT” means the Commercial, Thoroughfare zoning district.
- “CG” means the Commercial, General zoning district.
- “CN” means the Commercial, Neighborhood zoning district.
- “CP” means the Commercial, Professional zoning district.
- “CD” means the Commercial, Downtown zoning district.
- “IL” means the Industrial, Light zoning district.
- “IH” means the Industrial, Heavy zoning district.
- “PF” means the Public Facility zoning district.
- “RR” means the Residential, Rural Density zoning district.
- “RL” means the Residential, Low Density zoning district.
- “RMS” means the Residential, Manufactured Home Subdivision zoning district
- “RH” means the Residential, High Density zoning district.
- “RMP” means the Residential, Manufactured Home Park zoning district
- “UR” means the Urban Residential zoning district.

USE	"A"	"AT"	"CT" "CG"	"CN" "CP"	"CD"	"IL" "IH"	"PF"	"RR" "RL" "RMS" "RM" "RH" "RMP" "UR"
Chapter 69.50 RCW Licensed Retail Facility	N/P	N/P	P	N/P	N/P	N/P	N/P	N/P
Chapter 69.50 RCW Licensed Producer	P	P	N/P	N/P	N/P	P	N/P	N/P
Chapter 69.50 RCW Licensed Processor	P	P	N/P	N/P	N/P	P	N/A	N/P
Chapter 69.51A RCW Licensed Medical Cannabis Collective Gardens	P	N/P	N/P	N/P	N/P	P	N/P	N/P
Chapter 69.51A RCW Licensed Medical Cannabis Retail Facility or Dispensary	N/P	P	P	P	N/P	N/P	N/P	N/P
Chapter 69.51A RCW Licensed Medical Cannabis Producer	P	P	N/P	N/P	N/P	P	N/P	N/P
Chapter 69.51A RCW Licensed	P	P	N/P	N/P	N/P	P	N/P	N/P

Medical Cannabis Processor									
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18.90.040 Permitted use regulations.

Uses permitted by PMC 18.90.030 are subject to the regulation contained in this section.

USE	Regulations and additional restrictions.
Chapter 69.50 RCW Licensed Retail Facility	<p>No portion of the area used to sell marijuana or marijuana infused products may be visible from a public location.</p> <p>All areas use to sell marijuana or marijuana infused products shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.50 RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter 69.50 RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.50 RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
Chapter 69.50 RCW Licensed Producer	<p>No portion of the area used to grow marijuana may be visible from a public location.</p> <p>All areas use to grow marijuana shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.50 RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provision of Chapter 69.50 RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.50 RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>

<p>Chapter 69.50 RCW Licensed Processor</p>	<p>No portion of the area used to process marijuana may be visible from a public location.</p> <p>All areas use to process marijuana shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by Chapter 69.50 RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter 69.50 RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.50 RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
<p>Chapter 69.51A RCW Licensed Medical Cannabis Collective Garden</p>	<p>No portion of the collective garden used to grow medical cannabis may be visible from a public location.</p> <p>All collective gardens shall be fully contained in a building.</p> <p>No collective garden may locate within 1000 feet of any residential structure, school, or public park. The distance between a collective garden shall be measured from the exterior walls of the building containing the collective garden to nearest boundary line of the residential structure, park, or school, as applicable.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.51A RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter 69.51A RCW.</p> <p>The license issued pursuant to Chapter 69.50 RCW must be located within the building containing the collective garden and must be produced for inspection upon demand of City Officials or Law Enforcement.</p> <p>The owners of the collective garden must comply with all lawful orders and demands issued by any state or federal agency.</p>
<p>Chapter 69.51A RCW Licensed Medical Cannabis Retail Facility or Dispensary</p>	<p>No portion of the area used to sell medical cannabis or medical cannabis infused products may be visible from a public location.</p> <p>All areas use to sell medical cannabis or medical cannabis</p>

	<p>infused products shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.51A RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter 69.51A RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.51A RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
<p>Chapter 69.51A RCW Licensed Medical Cannabis Producer</p>	<p>No portion of the area used to grow medical cannabis may be visible from a public location.</p> <p>All areas use to grow medical cannabis shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by both Chapter 69.51A RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provisions of Chapter 69.51A RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.51A RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders and demands issued by any state or federal agency.</p>
<p>Chapter 69.51A RCW Licensed Medical Cannabis Processor</p>	<p>No portion of the area used to process medical cannabis may be visible from a public location.</p> <p>All areas used to process medical cannabis shall be fully contained in a building.</p> <p>No signs shall be permitted except as allowed by Chapter 69.51A RCW and Chapter 18.72.</p> <p>The use must strictly comply with all provision of Chapter 69.51A RCW.</p> <p>All businesses must produce for inspection the license issued pursuant to Chapter 69.51A RCW upon demand of City Officials or Law Enforcement.</p> <p>The owners of the business must comply with all lawful orders</p>

	and demands issued by any state or federal agency.
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18.90.050 Exception.

Except as provided in this section, nothing in this chapter precludes a qualifying patient as defined in Chapter 69.51A RCW or designated provider as defined in Chapter 69.51A RCW from engaging in the private, unlicensed, noncommercial production, possession, transportation, delivery, or administration of Medical Cannabis for medical use as authorized under RCW 69.51A.040 as now enacted or as hereafter amended or re-codified. In order to be exempt under this section all persons shall comply with the following:

- A. All areas used to grow, produce, or process Medical Cannabis shall take place inside of a building.
- B. All areas used to grow, produce, or process Medical Cannabis shall not be visible from a public place.
- C. Any signs indicating that Medical Cannabis is present, used, grown, produced, or processed in the building are prohibited.
- D. The use must strictly comply with all provisions of Chapter 69.51A RCW.
- E. All persons engaging in the exempt activity shall comply with all lawful orders and demands issued by any state or federal agency.

314-55-083

What are the security requirements for a marijuana licensee?

The security requirements for a marijuana licensee are as follows:

(1) **Display of identification badge.** All employees on the licensed premises shall be required to hold and properly display an identification badge issued by the licensed employer at all times while on the licensed premises.

(2) **Alarm systems.** At a minimum, each licensed premises must have a security alarm system on all perimeter entry points and perimeter windows. Motion detectors, pressure switches, duress, panic, and hold-up alarms may also be utilized.

(3) **Surveillance system.** At a minimum, a complete video surveillance with minimum camera resolution of 640x470 pixel and must be internet protocol (IP) compatible and recording system for controlled areas within the licensed premises and entire perimeter fencing and gates enclosing an outdoor grow operation, to ensure control of the area. The requirements include image acquisition, video recording, management and monitoring hardware and support systems. All recorded images must clearly and accurately display the time and date. Time is to be measured in accordance with the U.S. National Institute Standards and Technology standards.

(a) All controlled access areas, security rooms/areas and all points of ingress/egress to limited access areas, all points of ingress/egress to the exterior of the licensed premises, and all point-of-sale (POS) areas must have fixed camera coverage capable of identifying activity occurring within a minimum of twenty feet of all entry and exit points.

(b) Camera placement shall allow for the clear and certain identification of any individual on the licensed premises.

(c) All entrances and exits to the facility shall be recorded from both indoor and outdoor vantage points, and capable of clearly identifying any activities occurring within the facility or within the grow rooms in low light conditions. The surveillance system storage device must be secured on-site in a lock box, cabinet, closet, or secured in another manner to protect from employee tampering or criminal theft.

(d) All perimeter fencing and gates enclosing an outdoor grow operation must have full video surveillance capable of clearly identifying any activities occurring within twenty feet of the exterior of the perimeter. Any gate or other entry point that is part of the enclosure for an outdoor growing operation must have fixed camera coverage capable of identifying activity occurring within a minimum of twenty feet of the exterior, twenty-four hours a day. A motion detection lighting system may be employed to illuminate the gate area in low light conditions.

(e) Areas where marijuana is grown, cured or manufactured including destroying waste, shall have a camera placement in the room facing the primary entry door, and in adequate fixed positions, at a height which will provide a clear, unobstructed view of the regular activity without a sight blockage from lighting hoods, fixtures, or other equipment, allowing for the clear and certain identification of persons and activities at all times.

(f) All marijuana or marijuana-infused products that are intended to be removed or transported from marijuana producer to marijuana processor and/or marijuana processor to marijuana retailer shall be staged in an area known as the "quarantine" location for a minimum of twenty-four hours. Transport manifest with product information and weights must be affixed to the product. At no time during the quarantine period can the product be handled or moved under any circumstances and is subject to auditing by the liquor control board or designees.

(g) All camera recordings must be continuously recorded twenty-four hours a day. All surveillance recordings must be kept for a minimum of forty-five days on the licensee's recording device. All videos are subject to inspection by any liquor control board employee or law enforcement officer, and must be copied and provided to the board or law enforcement officer upon request.

(4) **Traceability:** To prevent diversion and to promote public safety, marijuana licensees must track marijuana from seed to sale. Licensees must provide the required information on a system specified by the board. All costs related to the reporting requirements are borne by the licensee. Marijuana seedlings, clones, plants, lots of usable marijuana or trim, leaves, and other plant matter, batches of extracts, marijuana-infused products, samples, and marijuana waste must be traceable from production through processing, and finally into the retail environment including being able to identify which lot was used as base material to create each batch of extracts or infused products. The following information is required and must be kept completely up-to-date in a system specified by the board:

(a) Key notification of "events," such as when a plant enters the system (moved from the seedling or clone area to the vegetation production area at a young age);

(b) When plants are to be partially or fully harvested or destroyed;

(c) When a lot or batch of marijuana, marijuana extract, marijuana-infused product, or marijuana waste is to be destroyed;

(d) When usable marijuana or marijuana-infused products are transported;

(e) Any theft of usable marijuana, marijuana seedlings, clones, plants, trim or other plant material, extract, infused product, seed, plant tissue or other item containing marijuana;

(f) There is a seventy-two hour mandatory waiting period after the notification described in this subsection is given before any plant may be destroyed, a lot or batch of marijuana, marijuana extract, marijuana-infused product, or marijuana waste may be destroyed;

(g) There is a twenty-four hour mandatory waiting period after the notification described in this subsection to allow for inspection before a lot of marijuana is transported from a producer to a processor;

(h) There is a twenty-four hour mandatory waiting period after the notification described in this subsection to allow for inspection before usable marijuana, or marijuana-infused products are transported from a processor to a retailer;

(i) Prior to reaching eight inches in height or width, each marijuana plant must be tagged and tracked individually, which typically should happen when a plant is moved from the seed germination or clone area to the vegetation production area;

(j) A complete inventory of all marijuana, seeds, plant tissue, seedlings, clones, all plants, lots of usable marijuana or trim, leaves, and other plant matter, batches of extract, marijuana-infused products, and marijuana waste;

(k) All point of sale records;

(l) Marijuana excise tax records;

(m) All samples sent to an independent testing lab, any sample of unused portion of a sample returned to a licensee, and the quality assurance test results;

(n) All free samples provided to another licensee for purposes of negotiating a sale;

(o) All samples used for testing for quality by the producer or processor;

(p) Samples containing usable marijuana provided to retailers;

(q) Samples provided to the board or their designee for quality assurance compliance checks; and

(r) Other information specified by the board.

(5) **Start-up inventory for marijuana producers.** Within fifteen days of starting production operations a producer must have all nonflowering marijuana plants physically on

the licensed premises. The producer must, within twenty-four hours, record each marijuana plant that enters the facility in the traceability system during this fifteen day time frame. No flowering marijuana plants may be brought into the facility during this fifteen day time frame. After this fifteen day time frame expires, a producer may only start plants from seed or create clones from a marijuana plant located physically on their licensed premises, or purchase marijuana seeds, clones, or plants from another licensed producer.

(6) **Samples.** Free samples of usable marijuana may be provided by producers or processors, or used for product quality testing, as set forth in this section.

(a) Samples are limited to two grams and a producer may not provide any one licensed processor more than four grams of usable marijuana per month free of charge for the purpose of negotiating a sale. The producer must record the amount of each sample and the processor receiving the sample in the traceability system.

(b) Samples are limited to two grams and a processor may not provide any one licensed retailer more than four grams of usable marijuana per month free of charge for the purpose of negotiating a sale. The processor must record the amount of each sample and the retailer receiving the sample in the traceability system.

(c) Samples are limited to two units and a processor may not provide any one licensed retailer more than six ounces of marijuana infused in solid form per month free of charge for the purpose of negotiating a sale. The processor must record the amount of each sample and the retailer receiving the sample in the traceability system.

(d) Samples are limited to two units and a processor may not provide any one licensed retailer more than twenty-four ounces of marijuana-infused liquid per month free of charge for the purpose of negotiating a sale. The processor must record the amount of each sample and the retailer receiving the sample in the traceability system.

(e) Samples are limited to one-half gram and a processor may not provide any one licensed retailer more than one gram of marijuana-infused extract meant for inhalation per month free of charge for the purpose of negotiating a sale. The processor must record the amount of each sample and the retailer receiving the sample in the traceability system.

(f) Producers may sample one gram of usable marijuana per strain, per month for quality sampling. Sampling for quality may not take place at a licensed premises. Only the producer or employees of the licensee may sample the usable marijuana for quality. The producer must record the amount of each sample and the employee(s) conducting the sampling in the traceability system.

(g) Processors may sample one unit, per batch of a new edible marijuana-infused product to be offered for sale on the market. Sampling for quality may not take place at a licensed premises. Only the processor or employees of the licensee may sample the edible marijuana-infused product. The processor must record the amount of each sample and the employee(s) conducting the sampling in the traceability system.

(h) Processors may sample up to one quarter gram, per batch of a new marijuana-infused extract for inhalation to be offered for sale on the market. Sampling for quality may not take place at a licensed premises. Only the processor or employee(s) of the licensee may sample the marijuana-infused extract for inhalation. The processor must record the amount of each sample and the employee(s) conducting the sampling in the traceability system.

(i) The limits described in subsection (3) of this section do not apply to the usable marijuana in sample jars that may be provided to retailers described in WAC 314-55-105(8).

(j) Retailers may not provide free samples to customers.

[Statutory Authority: RCW 69.50.342, 69.50.345. WSR 14-07-116, § 314-55-083, filed 3/19/14, effective 4/19/14. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-083, filed 10/21/13, effective 11/21/13.]

314-55-084

Production of marijuana.

Only the following specified soil amendments, fertilizers, other crop production aids, and pesticides may be used in the production of marijuana:

(1) Pesticides registered by WSDA under chapter 15.58 RCW as allowed for use in the production, processing, and handling of marijuana. Pesticides must be used consistent with the label requirements.

(2) Commercial fertilizers registered by WSDA under chapter 15.54 RCW.

(3) Potting soil and other growing media available commercially in the state of Washington may be used in marijuana production. Producers growing outdoors are not required to meet land eligibility requirements outlined in 7 C.F.R. Part 205.202.

[Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 14-10-044, § 314-55-084, filed 4/30/14, effective 5/31/14. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-

NEW

Washington State Attorney General to defend marijuana initiative

Aug 7, 2014 at 2:41 PM

The Washington State Attorney General's Office will vigorously defend I-502, the initiative legalizing marijuana, against an argument raised by the city of Fife. The city claims that the state law is invalid because it conflicts with federal law. If a court accepts that argument and it is upheld on appeal, it would mean the end of the state system for legal marijuana sales in Washington.

Last week the AGO moved to intervene in cases in Fife and Wenatchee challenging those cities' bans on marijuana businesses. The AGO intervened to ensure a proper interpretation of I-502 and to defend against any argument that federal law preempts I-502. On July 31, Fife filed a motion for summary judgment arguing, among other things, that federal law preempts I-502.

Pierce County Superior Court Judge Vicki Hogan is expected to hear arguments in the case on August 29. Emphasizing his commitment to make every effort to defend the will of the voters in enacting I-502, Attorney General Bob Ferguson directed Solicitor General, Noah Purcell, to present oral arguments for the state.

The first question for the court will be whether I-502 overrides local zoning rules and requires local governments to allow marijuana businesses. If the court agrees with the formal opinion issued by the AGO in January 2014 concluding that I-502 does not override local zoning requirements, the case will be resolved and Fife's federal preemption argument will become irrelevant. (The AGO issued the formal opinion in response to a request from the Liquor Control Board. Read more about that opinion and the opinion process, [here](#).)

If the court disagrees with the AGO's opinion and decides I-502 requires local governments to allow marijuana businesses, then the court must decide whether I-502 is preempted by federal law. If the court finds I-502 is preempted by federal law, and it is upheld on appeal, the marijuana legalization effort would be destroyed.

"As Attorney General, my job is to make sure the will of the people is upheld," said Ferguson. "This case and others like it threaten the heart of Initiative 502. We want to participate in all cases like this to defend the will of the voters."

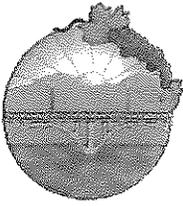
"Attorney General Ferguson is the lawyer for the people of Washington," said Washington State Senator Jamie Pedersen, a lawyer who supported I-502. "The voters passed I-502 and it is his job to defend it. I am grateful that Ferguson is getting involved in the Fife case to protect our voters' decisions."

Approved by voters in 2012, I-502 legalized the possession and sale of recreational marijuana in Washington and created a system of state licensing and regulation.

The cities of Wenatchee and Fife passed local ordinances that prohibit operating marijuana businesses within their cities. The plaintiffs in *SMP Retail, LLC v. Wenatchee, Graybeard Holdings, LLC v. Fife* and *MMH, LLC v. Fife* seek to invalidate these local ordinances so they can sell recreational marijuana.

Find this article at:
<http://www.courierherald.com/news/270392831.html>

Check the box to include the list of links referenced in the article.



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

Description of proposal: Regulations governing medical and recreational marijuana uses.

Proponent: City of Prosser

Location of proposal: City Wide

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: August 28, 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

FILE COPY

Notice

CITY OF PROSSER, WASHINGTON
NOTICE OF COMPLETE APPLICATION
AND OPTIONAL DETERMINATION OF
NONSIGNIFICANCE [DNS]

Notice of Application and Optional Determination of Non-significance posted August 27, 2014

Type of Application: SEPA Checklist
Date of Application: August 2014
Name of Applicant: City of Prosser
Location of Project: City wide
Description of proposed project: Moratorium for all marijuana uses to include medical and recreational uses. The moratorium prohibits all permits from being issued for marijuana uses until such time that the moratorium is repealed, expires, or replaced with approved regulations.

Other permits:
The following additional permits are associated with this application: SEPA Checklist
The following studies have been required pursuant to RCW 36.70B.070: NA

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

Environmental Review: The City is using the optional process contained in Washington Administrative Code (WAC) Section 197-11-355 to make its threshold determination. The City expects to issue a Determination of Non-significance (DNS) for this project. This may be your only opportunity to comment on the environmental impacts of the proposed project. A copy of the subsequent Threshold Determination for the project may be obtained upon request. The lead agency, the City of Prosser, will not act on this proposal for 14 days from the published date below.

City of Prosser Contact: Prosser City Clerk.
Comments: The public is invited to comment on the application and environmental review. The public comment period shall be 15-days and will begin August 27, 2014. All public comments received on the Notice of Application must be received by the City of Prosser no later than 5:00 pm, September 12, 2014. Comments may be mailed or personally delivered to the:

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

All available information and related documents for the application may be viewed at the City Clerk's Office, located at Prosser City Hall, 601 7th St, Prosser, Washington, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays and lunch hours between 11:00 a.m. and 12:00 p.m., or may be viewed at www.cityofprosser.com.

The person(s) receiving this notice may request a copy of the final decision in this matter.

The final decisions may be appealed in accordance with the Land Use Petition Act (RCW 36.70C).

Dated: August 22, 2014

/s/ Rachel Shaw, CMC

City Clerk

Published: Prosser Record Bulletin

City of Prosser

Publish Date: August 27, 2014

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 and

Optional Determination of Nonsignificance

as it was published in regular issues (and not in supplement form) of said newspaper once a week for a period of 1 consecutive weeks

commencing August 27, 20 14

ending August 27, 20 14

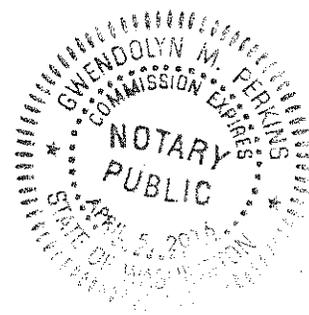
both dates inclusive and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee

charged for the foregoing publication is the sum of \$ 72.00, which amount has been paid in full.

Tim Miser
Subscribed and sworn to before me this 27

day of August, 20 14

Gwendolyn M. Perkins
Notary Public in and for the State of Washington, residing at Prosser, Washington



FILE COPY

Notice

City of Prosser
NOTICE OF
PUBLIC HEARING

NOTICE IS HEREBY GIVEN by the undersigned City Clerk of the City of Prosser, Washington, that the Prosser City Council will hold a Public Hearing on September 23, 2014, at 7:00 p.m. or as soon thereafter as possible, in the City Council Chambers, City Hall, 601 7th Street, Prosser, Washington, for the purpose of receiving public comment on a moratorium prohibiting the licensing or permitting of any marijuana uses to include Recreational and Medical. The City Hall Council Chambers is wheelchair accessible. American with Disabilities Act (ADA) accommodations are available upon request to the City Clerk at least 2 days in advance by calling (509) 786-2332. All available information and related documents for the application may be viewed at the City Clerk's Office, located at Prosser City Hall, 601 7th Street, Prosser, Washington, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays, or may be viewed at www.cityofprosser.com.

The person(s) receiving this notice may request a copy of the final decision in this matter. The final decisions may be appealed in accordance with the Land Use Petition Act (RCW 36.70C).

Dated: August 22, 2014

/s/ Rachel Shaw, CMC

City Clerk

Published: Prosser Record Bulletin

City of Prosser

Publish Date: August 27, 2014

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 Public Hearing

Marijuana

as it was published in regular issues (and not in supplement form) of said newspaper once a week for a period of 1 consecutive weeks

commencing August 27, 20 14

ending August 27, 20 14

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

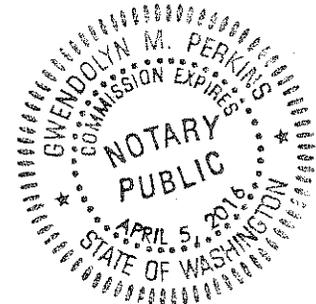
charged for the foregoing publication is the sum of \$ 33.00, which amount has been paid in full.

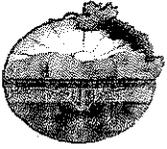
Tim Miser

Subscribed and sworn to before me this 27

day of August, 20 14

Gwendolyn M. Perkins
Notary Public in and for the State of Washington, residing at Prosser, Washington





**CITY OF PROSSER, WASHINGTON
NOTICE OF COMPLETE APPLICATION AND
OPTIONAL DETERMINATION OF NONSIGNIFICANCE [DNS]**

**Notice of Application and Optional Determination of Non-significance posted
June 4, 2014**

Type of Application: SEPA Checklist
Date of Application: May 29, 2014
Name of Applicant: City of Prosser
Location of Project: City wide

Description of proposed project: Regulations governing the location and development standards for recreational and medical cannabis facilities.

Other permits:

The following additional permits are associated with this application: SEPA Checklist

The following studies have been required pursuant to RCW 36.70B.070: NA

Preliminary determination of consistency:

The City has determined that this application is consistent with the City's Development Regulations and Comprehensive Plan.

Environmental Review: The City is using the optional process contained in Washington Administrative Code (WAC) Section 197-11-355 to make its threshold determination. The City expects to issue a **Determination of Non-significance (DNS)** for this project. This may be your only opportunity to comment on the environmental impacts of the proposed project. A copy of the subsequent Threshold Determination for the project may be obtained upon request. The lead agency, the City of Prosser, will not act on this proposal for 14 days from the published date below.

City of Prosser Contact: Prosser City Clerk.

Comments: The public is invited to comment on the application and environmental review. The public comment period shall be **15-days and will begin June 4, 2014**. All public comments received on the Notice of Application must be received by the City of Prosser **no later than 5:00 pm, June 20, 2014**. Comments may be mailed or personally delivered to the;

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

All available information and related documents for the application may be viewed at the City Clerk's Office, located at Prosser City Hall, 601 7th St, Prosser, Washington, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays and lunch hours between 11:00 a.m. and 12:00 p.m., or may be viewed at www.cityofprosser.com.

The person(s) receiving this notice may request a copy of the final decision in this matter.

The final decisions may be appealed in accordance with the Land Use Petition Act (RCW 36.70C).

Dated: May 29, 2014



Steve Zetz
City Planner
City of Prosser

Published: Prosser Record Bulletin
Publish Date: June 4, 2014



FILE COPY

City of Prosser NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN by the undersigned City Clerk of the City of Prosser, Washington, that the Prosser Planning Commission will hold a Public Hearing on June 19, 2014, at 6:00 p.m. or as soon thereafter as possible, in the City Council Chambers, City Hall, 601 7th Street, Prosser, Washington, for the purpose of receiving public comment on proposed regulations for Medical Cannabis Dispensaries and restrictions on Retail Marijuana facilities under I-502. The City Hall Council Chambers is wheelchair accessible. American with Disabilities Act (ADA) accommodations are available upon request to the City Clerk at least 2 days in advance by calling (509) 786-2332.

All available information and related documents for the application may be viewed at the City Clerk's Office, located at Prosser City Hall, 601 7th Street, Prosser, Washington, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays and lunch hours between 11:00 a.m. and 12:00 p.m., or may be viewed at www.cityofprosser.com.

The person(s) receiving this notice may request a copy of the final decision in this matter.

The final decisions may be appealed in accordance with the Land Use Petition Act (RCW 36.70C).

Dated: May 27, 2014

Rachel Shaw, CMC
City Clerk
City of Prosser

Published: Prosser Record Bulletin
Publish Date: June 4, 2014

**CITY OF PROSSER
PLANNING COMMISSION MEETING
THURSDAY, JUNE 19, 2014
CITY HALL, PROSSER, WASHINGTON**

CALL TO ORDER:

The meeting of the Prosser Planning Commission was called to order on June 19, 2014, at 6:00 p.m. by Chair Glenda Schmidt.

ROLL CALL:

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

APPROVAL OF MINUTES:

Upon motion made by Sam Fitch and seconded by Devina Riojas, the minutes of the May 15, 2014, meeting were approved as drafted.

APPROVAL OF REVISED FINDINGS FOR THE COMPREHENSIVE PLAN/SHORELINE MANAGEMENT PROGRAM(SMP):

The Commissioners had a general discussion regarding the changes to the SMP findings. The Commissioners suggested a number of additional changes. The Chair took a five minute recess so that the Planner could make the changes to the findings. The Chair called the meeting back to order and the Commissioners reviewed the revised findings. Sam Fitch moved and Devina Riojas seconded that the revised SMP findings be approved by the Commissioners. All approved.

PUBLIC HEARING MEDICAL CANNABIS AND MARIJUANA ZONING REGULATIONS:

The Chair opened a public hearing on the ordinance to establish zoning regulations for medical cannabis and recreational marijuana. No public was present. The Commissioners reviewed public comment letters received from the following: Sunnyside Valley Irrigation District, Dale Brown (also submitted a DVD), and Peggy J. Brown. Upon motion made by Sam Fitch and seconded by Devina Riojas, the public hearing was continued to the July 17, 2014, Planning Commission meeting.

DISCUSSION ON SIGN CODE CHANGES:

Steve Zetz informed the Commissioners that he is working on minor changes to the sign code. These changes are based upon staff's experience implementing the code and are also based upon public comments.

ADJOURNMENT:

There being no other business to come before the Planning Commission, the meeting was ADJOURNED at 6:37 p.m.

Respectfully Submitted,



HOWARD M. SAXTON, III, Secretary

S:\PCPCMIN.61914.wpd

**CITY OF PROSSER
PLANNING COMMISSION MEETING
THURSDAY, JULY 17, 2014
CITY HALL, PROSSER, WASHINGTON**

CALL TO ORDER:

The meeting of the Prosser Planning Commission was called to order on July 17, 2014, at 6:00 p.m. by Chair Glenda Schmidt.

ROLL CALL:

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

APPROVAL OF MINUTES:

Upon motion made by Jeremy Lynn and seconded by Rob Siemens, the minutes of the June 19, 2014, meeting were approved as drafted.

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. Steve Zetz asked the Commissioners if they would like to restrict grow operations in the Industrial Zones. The Commissioners suggested changing the ordinance to prohibit "Licensed Producers" from being able to locate in all Industrial Zones.

Steve Zetz next reviewed the written comments received regarding the hearing consisting of the following:

Prosser School District, by Ray Tolcacher, Superintendent	Email dated July 1, 2014, to Steve Zetz, including Steve Zetz's response to the email.
Randy Williams	Test results for Fireweed Farms sample name 1070067
Jedidiah Haney	News release entitled "Colorado's Marihuana Enforcement Division Announces Successful Underage Compliance Checks."

Jedidiah Haney	Document entitled "Status Report: Marijuana Regulation in Colorado After Six Months of Retail Sales and 18 Months of Decriminalization."
Ben S	Email forwarded by City Clerk Rachel Shaw dated July 2, 2014.
WSLCB by Mikhail Carpenter	Email dated June 26, 2014.
SVID by Ron C. Cowin	Email dated June 10, 2014.
Peggy J. Brown	Letter dated June 12, 2014.
Dale Brown	Letter dated June 11, 2014.
The Federal Government, the Office of Presidential Correspondence	Reply

Steve Zetz reviewed the public notice requirements for legislative actions and indicated that individual citizens do not receive mailed notice of legislative hearings. Rather, notice is published in the city's official newspaper, the Prosser Record Bulletin.

Steve Zetz related Prosser Police Chief Dave Giles' comment that he would like the hours of retail stores limited to Monday through Friday from 9:00 a.m. to 5:00 p.m.

Steve Zetz next discussed increasing the parking requirements for the store from 1 space per 400 square feet to a higher figure. The Commissioners indicated that the existing parking regulations are adequate.

Steve Zetz asked the Commissioners if additional setbacks should be added for Licensed Producers. The Commissioners indicated that exiting regulations were adequate.

Steve Zetz next asked the Commissioners if additional security measures should be required. The Commissioners asked the Mr. Zetz provide them the security required by state law before deciding whether those measures were adequate.

The following public was present and testified as follows:

Virginia Bradbury. Ms. Bradbury said that she just wanted to sit back and listen.

Ray Tolcacher. Dr. Tolcacher spoke for the Prosser School District as its Superintendent. He indicated that the recreational Marijuana industry the nearly 3,000 students in the Prosser School District. He indicated that he had spoken with Tim Thompson and is satisfied that he has adequate security, but he is worried that future owners or new outlets might not be as careful as Dr. Thompson. He is concerned that students tend to congregate near the truck stop area close to Altitude. He would like security around the perimeter increased to make sure others are not purchasing and then distributing Marijuana to underage persons. He is concerned that cameras are not adequate to discover all legal violations because kids wear hoodies. He discussed the health risks for youth that use Marijuana. He would like increased penalties for a person who buys and then distributes Marijuana to underage youth. He said that a charter bus driver commented to the kids on a bus about the fact that there is a marijuana store in town and that other districts may not send their kids to Prosser if that continues.

Rene Riojas. He is concerned that over regulation might smother this new industry. Prosser could be a leader on this front rather than throwing roadblocks in its path. He is also concerned that if stores don't open, the millions of dollars in taxation that would have come in to treat drug issues will not be available. He said that restricting hours is not fair to people who work and cannot go and buy Marijuana during the day.

Tim Thompson. He indicated that he is the principal investor in Altitude. He applauds the city for following state law and the will of the voters. His business has created nearly 40 jobs and will pay nearly two million dollars in salaries this year. His business will bring in thousands of dollars in revenue because customers will shop elsewhere in town. These shoppers are mostly people who would not have come to Prosser except for the presence of Altitude. He is currently open only four hours a day but will be open eight hours a day in the near future. He may also hire another ten to fifteen employees. Regarding the bad influence on children, he indicated that many nearby stores sell alcohol. His store has twenty-five cameras with twelve of those being outside. Store employees check each customer's identification three times before they can purchase Marijuana. He stated that crime in Colorado is already down after Marijuana legalization there. He indicated that there are currently sixty growers in Benton County and the industry will create 3,000 jobs county wide. He thinks if the City is going to restrict hours, there should be some rational basis on those restrictions. As far as security, he has employees to prevent loitering and he has someone in the building twenty-four hours every day. Most of his customers have been forty to sixty years in age.

John Moore. He indicated that he is a business owner here in Prosser. He believes the owner of each business should be able to set its own hours. He pointed out that stores can sell alcohol into the night and early morning hours.

Lisa Homier. She believes the city should only restrict the hours for retail Marijuana stores if it has a reasonable basis for those hours. She does not see why the city does not restrict the hours at McDonald's which has much more of a traffic impact than Altitude has.

Hope Nastri. She said that she works at Altitude, but that she used to be a teacher and has three children of her own. She said that store employees are carefully watching the area outside the store to make sure there are no problems. Most of the customers, so far, have been professionals. She believes that this could be a huge financial asset in town and that most of the drug problems in the school are due to prescription drug abuse.

Zach Farley. He said that he was Dr. Thompson's first employee. He is an army veteran having spent six years in service to his country. He was also a sergeant for the Pasco Police Department working at Pasco High as an undercover narcotics officer. He said in that capacity, he could get pretty much any drug he asked for in five minutes. He once bought Marijuana from a fourteen-year old student that purchased it from an eighty-year old woman. He also had many drug buys in the Pasco High School while working undercover. He indicated that he also worked with an explorer program and worked for the Liquor Control Board where many places sold to underage kids.

Devina Riojas left at 7:00 p.m. due to previous commitments.

Zach Farley. In his work with Dr. Thompson there is a culture of compliance. The store has had only one alarm go off and that alarm was false. In the first week of operation the store generated thirteen thousand dollars in taxes. He and Dr. Thompson went through an exhaustive hiring process and approximately seventy-five percent of the employees come from outside of the city of Prosser. So far, ninety-percent of customers are return customers. He stated that they cannot sell to a customer if that customer is under the influence of drugs or alcohol. Altitude employees range from twenty-one years of age to employees in their fifties. He wants his employees to be able to earn a family wage. He said that if the city is concerned about robberies, in his experience most of them happen during the day. In his opinion it would not be reasonable to limit hours to deter crime. He also stated there are ways around the banking issues. He believes the "black market" should be the focus of any increased penalties. He would like to have an armed guard present, but federal regulations prohibit firearms in the store.

Tim Thompson. In response to a Commissioner question, he stated that the longest he envisions having Altitude open for business is from 9:00 a.m. to 9:00 p.m.

The Chair indicated that the Commission would take a ten-minute break at 7:15 p.m. The meeting was called back to order by the Chair at 7:25 p.m.

John Presler. He stated that he works at Altitude and that is a great place to work. He said that Altitude's staff is very well trained and he looks forward to going into work each day.

Randy McMurrin. He is a Marijuana producer and his industry will bring jobs to the area. He knows that the industry is controversial, but believes people are better off working within the industry to make it better than working against it. He does not like any limit on hours. The majority of voters in Washington approved the legalization of Marijuana.

Jay Spurlock. He is the Chair of the Zillah Planning Commission and a business owner there. He indicated that Altitude has followed all state laws applicable to the industry which is already heavily regulated. He said the RCWs already require security and that all camera tapes are kept for forty-five days. Altitude also uses Moon Security. They also had Prosser Police Officers present on their opening day which went without incident. He indicated that the tax revenue raised by the industry will be used to target and counsel underage users of Marijuana. He also stated that Marijuana purchased at a retail location cannot be used there. He indicated that he owns a winery and school busses pass by his winery every day. He believes that allowing stores to sell Marijuana legally will shrink the black market. Just like Alcohol, he thinks that Marijuana will have to be policed by parents. Regarding hours he indicated that the market will dictate the hours that the store is open and that if the city is going to regulate the hours of this industry, what industry will be next?

Jedidiah Haney. He stated that he has lived in Yakima for the last six and one-half years and is the executive director of Cause M, an organization dedicated to supporting the adult use of recreational Marijuana. He stated that I-502 created an adequate number of retail possibilities with the idea of dislodging the black market. He indicated that eighty-percent of the taxes go to social welfare programs. Restrictions on the black market only help the black market to flourish. He stated that the city of Denver has over 400 Marijuana retail stores and those stores can grow Marijuana on site. He went over the written materials that he submitted. He summarized the status report that covered the first 18 months of deregulation in Colorado where revenue was high and crime rates decreased. He next summarized the press release. It discusses the one-hundred percent compliance check with stores to make sure they were not selling to underage kids. He stated that Cause M is dedicated to education, including all of the alternate means of using Marihuana. Cause M. has distributed forty-thousand brochures to date.

CIA Community Coalition by Jennifer Dorsett. She would like to see the ordinance modified to contain a prohibition on smoking Marijuana inside of multi-family dwellings. She does not like the fact that the businesses are using social media. She believes this is accessible to youth and is a bad idea. She liked the idea of restricting hours to 9:00 a.m. to 9:00 p.m.

Randy Williams. He is with Fireweed Farms. He is one of the guys with the tall fences out in the county. He indicated he had an issue with people wearing hoodies at his operation, but law enforcement still caught them. He believes the industry is good for Prosser and will help other local businesses profit. He has lived here twenty years and his wife was born here. In order to grow Marijuana he had to meet numerous state regulations. He indicated that most Marijuana smokers are in bed by 8:00 p.m. He is growing a new strain that is high in cannaboids but has one-third less THC than other strains of Marijuana. He believes this might help epileptics avoid seizures.

Carson Woody. He lives here in Prosser and has three jobs, one of them being at Altitude. He does not like the limitation on hours as it might inhibit tourism. He stated that Altitude will bring many people to town. If the city limits the hours at Altitude, that would affect his income.

Jedidiah Haney. He indicated that medical Marijuana has been around for sixteen years and is only self-regulated, whereas recreational Marijuana is heavily regulated. Even when Marijuana was illegal, it did not stop the "potheads" from obtaining it.

Tim Thompson. He indicated that he had been in Colorado and visited dozens of stores and he believes legalization will decrease crime. He is currently selling Marijuana for four times the amount that a person can buy in on the street from the black market. He believes that increasing recreational sales will decrease the price of Marijuana and thwart the black market. He stated that he has spoken with Chief Giles who was worried about the clientele Altitude would attract, but most of his clients are middle class.

The Commissioners discussed the contents of the proposed ordinance. They reached a consensus that no alterations were needed to address store hours or security, but that they would like to see what the state requires for security so they can discuss it at their next meeting.

Dorothy Evans moved and Trevor Day seconded that the public hearing be continued to the Commissioner's August meeting to be held on August 21, 2014, at 6:00 p.m. in the Council Chamber in City Hall. All approved.

The Commissioners due to the length of the meeting agreed to defer discussion of the remaining agenda items to a future meeting.

ADJOURNMENT:

There being no other business to come before the Planning Commission, the meeting was ADJOURNED at 8:22 p.m.

Respectfully Submitted,



HOWARD M. SAXTON, III, Secretary

**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 grows 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 Pfeifer. 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 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 that 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

SAPCPCMIN.82114.wpd

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Approve payment of payroll check nos. 600211 through 600244 in the amount of \$23,986.04 and direct deposits in the amount of \$103,208.02 for the period ending September 30, 2014

Meeting Date:
October 14, 2014
Regular Meeting

Department:
Finance

Director:
Regina Mauras

Contact Person:
Toni Yost

Phone Number:
(509) 786-2332

Cost of Proposal:
\$127,194.06

Account Number:
Various

Amount Budgeted:
Various amounts in salaries, wages, and benefits.

Name and Fund#
Various

Reviewed by Finance Department:

RM

Attachments to Agenda Packet Item:

1. Payroll Check Register

Summary Statement:

Payroll check nos. . 600211 through 600244 in the amount of \$23,986.04 and direct deposits in the amount of \$103,208.02 for the period ending September 30, 2014.

Consistent with or Comparison to:

EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL

Recommended City Council Action/Suggested Motion:

Approve payment payroll check nos. 600211 through 600244 in the amount of \$23,986.04 and direct deposits in the amount of \$103,208.02 for the period ending September 30, 2014

Reviewed by Department Director:

Regina Mauras

Date: 10-8-2014

Reviewed by City Attorney:

N/A

Date:

Approved by Mayor:

Paul Warden

Date: 10-9-14

Today's Date:

October 8, 2014

Revision Number/Date:

File Name and Path:

CHECK REGISTER

City Of Prosser
MCAG #: 0205

09/30/2014 To: 09/30/2014

Time: 09:33:48 Date: 09/29/2014

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5191	09/30/2014	Payroll	1	EFT		2,456.28	September Payroll
5193	09/30/2014	Payroll	1	EFT		1,388.81	September Payroll
5197	09/30/2014	Payroll	1	EFT		1,775.33	September Payroll
5198	09/30/2014	Payroll	1	EFT		3,579.95	September Payroll
5199	09/30/2014	Payroll	1	EFT		190.06	September Payroll
5200	09/30/2014	Payroll	1	EFT		2,658.71	September Payroll
5201	09/30/2014	Payroll	1	EFT		2,221.83	September Payroll
5203	09/30/2014	Payroll	1	EFT		38.53	September Payroll
5204	09/30/2014	Payroll	1	EFT		3,888.72	September Payroll
5205	09/30/2014	Payroll	1	EFT		3,379.89	September Payroll
5207	09/30/2014	Payroll	1	EFT		43.53	September Payroll
5211	09/30/2014	Payroll	1	EFT		4,030.78	September Payroll
5212	09/30/2014	Payroll	1	EFT		4,595.89	September Payroll
5213	09/30/2014	Payroll	1	EFT		3,366.07	September Payroll
5214	09/30/2014	Payroll	1	EFT		257.91	September Payroll
5217	09/30/2014	Payroll	1	EFT		203.39	September Payroll
5218	09/30/2014	Payroll	1	EFT		4,966.20	September Payroll
5222	09/30/2014	Payroll	1	EFT		248.85	September Payroll
5224	09/30/2014	Payroll	1	EFT		3,632.99	September Payroll
5225	09/30/2014	Payroll	1	EFT		3,192.67	September Payroll
5227	09/30/2014	Payroll	1	EFT		95.77	September Payroll
5229	09/30/2014	Payroll	1	EFT		2,652.77	September Payroll
5230	09/30/2014	Payroll	1	EFT		3,720.83	September Payroll
5231	09/30/2014	Payroll	1	EFT		1,943.26	September Payroll
5232	09/30/2014	Payroll	1	EFT		5,330.50	September Payroll
5234	09/30/2014	Payroll	1	EFT		2,728.04	September Payroll
5236	09/30/2014	Payroll	1	EFT		3,392.68	September Payroll
5239	09/30/2014	Payroll	1	EFT		1,610.99	September Payroll
5241	09/30/2014	Payroll	1	EFT		2,706.21	September Payroll
5242	09/30/2014	Payroll	1	EFT		2,559.61	September Payroll
5244	09/30/2014	Payroll	1	EFT		2,689.88	September Payroll
5246	09/30/2014	Payroll	1	EFT		3,163.11	September Payroll
5248	09/30/2014	Payroll	1	EFT		89.90	September Payroll
5249	09/30/2014	Payroll	1	EFT		2,768.11	September Payroll
5251	09/30/2014	Payroll	1	EFT		2,797.60	September Payroll
5252	09/30/2014	Payroll	1	EFT		1,925.53	September Payroll
5254	09/30/2014	Payroll	1	EFT		903.01	September Payroll
5256	09/30/2014	Payroll	1	EFT		1,897.11	September Payroll
5258	09/30/2014	Payroll	1	EFT		3,522.34	September Payroll
5260	09/30/2014	Payroll	1	EFT		230.34	September Payroll
5261	09/30/2014	Payroll	1	EFT		4,051.03	September Payroll
5264	09/30/2014	Payroll	1	EFT		3,549.56	September Payroll
5265	09/30/2014	Payroll	1	EFT		2,763.45	September Payroll
5189	09/30/2014	Payroll	1	600211		63.75	September Payroll
5190	09/30/2014	Payroll	1	600212		124.14	September Payroll
5192	09/30/2014	Payroll	1	600213		230.34	September Payroll
5194	09/30/2014	Payroll	1	600214		292.67	September Payroll
5195	09/30/2014	Payroll	1	600215		3,874.50	September Payroll
5196	09/30/2014	Payroll	1	600216		232.44	September Payroll
5202	09/30/2014	Payroll	1	600217		201.67	September Payroll
5206	09/30/2014	Payroll	1	600218		107.03	September Payroll
5208	09/30/2014	Payroll	1	600219		1,272.12	September Payroll
5209	09/30/2014	Payroll	1	600220		59.94	September Payroll
5210	09/30/2014	Payroll	1	600221		55.65	September Payroll
5215	09/30/2014	Payroll	1	600222		224.14	September Payroll
5216	09/30/2014	Payroll	1	600223		151.97	September Payroll
5219	09/30/2014	Payroll	1	600224		59.94	September Payroll

CHECK REGISTER

City Of Prosser
MCAG #: 0205

09/30/2014 To: 09/30/2014

Time: 09:33:48 Date: 09/29/2014

Page: 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5220	09/30/2014	Payroll	1	600225		21.99	September Payroll
5221	09/30/2014	Payroll	1	600226		3,675.04	September Payroll
5223	09/30/2014	Payroll	1	600227		62.08	September Payroll
5226	09/30/2014	Payroll	1	600228		158.27	September Payroll
5228	09/30/2014	Payroll	1	600229		1,083.27	September Payroll
5233	09/30/2014	Payroll	1	600230		2,761.04	September Payroll
5235	09/30/2014	Payroll	1	600231		2,593.48	September Payroll
5237	09/30/2014	Payroll	1	600232		190.06	September Payroll
5238	09/30/2014	Payroll	1	600233		96.32	September Payroll
5240	09/30/2014	Payroll	1	600234		167.61	September Payroll
5243	09/30/2014	Payroll	1	600235		68.50	September Payroll
5245	09/30/2014	Payroll	1	600236		160.55	September Payroll
5247	09/30/2014	Payroll	1	600237		773.28	September Payroll
5250	09/30/2014	Payroll	1	600238		3,657.63	September Payroll
5253	09/30/2014	Payroll	1	600239		63.75	September Payroll
5255	09/30/2014	Payroll	1	600240		29.97	September Payroll
5257	09/30/2014	Payroll	1	600241		1,085.77	September Payroll
5259	09/30/2014	Payroll	1	600242		213.24	September Payroll
5262	09/30/2014	Payroll	1	600243		154.11	September Payroll
5263	09/30/2014	Payroll	1	600244		19.78	September Payroll

001 General Fund	54,066.60
102 Street Fund	13,833.24
403 Water Fund	29,498.35
407 Sewer Fund	29,418.10
448 Garbage Fund	377.77

127,194.06 Payroll: 127,194.06

[Handwritten Signature]

Signature

9/29/14

Date

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Approve payment of claim check nos. 11297 through 11307 and 11309 through 11406, in the amount of \$384,162.51 and Electronic Payments in the amount of \$75,963.83 for the period ending October 14, 2014.

Meeting Date:
October 14, 2014
Regular Meeting

Department:
Finance

Director:
Regina Mauras

Contact Person:
Toni Yost

Phone Number:
(509) 786-2332

Cost of Proposal:
\$460,126.34

Account Number:
See Attached

Amount Budgeted:
See 2014 budget for each item listed.

Name and Fund#
See Attached

Reviewed by Finance Department:

R. Mauras

Attachments to Agenda Packet Item:

Check Register # 11297 through 11307 and 11309 through 11406

Summary Statement:

Check Payments	Amount		
11297 through 11307	\$64,337.25		
11309 through 11406	\$319,825.26		
Electronic Payments	Amount		
Dept of Revenue	\$767.56	US Bank	\$808.25
IRS Federal Taxes	\$48,643.92	WA Dept of Licensing	\$54.00
Chase	\$611.04	Xpress Bill Pay	\$270.20
City of Prosser	\$24,808.86		

Consistent with or Comparison to:

City's policy to pay bills in a timely manner.

Recommended City Council Action/Suggested Motion:

Approve payment of 11297 through 11307 and 11309 through 11406, in the amount of \$384,162.51 and Electronic Payments in the amount of \$75,963.83 for the period ending October 14, 2014.

Reviewed by Department

Director: *Regina Mauras*

Date: *10-8-2014*

Today's Date:
October 8, 2014

Reviewed by City Attorney:

N/A

Date:

Revision Number/Date:

Approved by Mayor:

Paul Wank

Date: *10-9-14*

File Name and Path:

CHECK REGISTER

City Of Prosser
MCAG #: 0205

09/30/2014 To: 09/30/2014

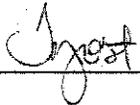
Time: 15:06:22 Date: 09/29/2014

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5266	09/30/2014	Payroll	1	EFT	Irs Federal Taxes	48,643.92	941 Deposit For 09/30/2014 - 09/30/2014
5267	09/30/2014	Payroll	1	11297	AFLAC	1,514.85	09/01/2014 To 09/30/2014 - AFLAC Pre-Tax; 09/01/2014 To 09/30/2014 - AFLAC Post-Tax
5268	09/30/2014	Payroll	1	11298	AWC Employment Ben Trust	850.75	09/01/2014 To 09/30/2014 - Vision
5269	09/30/2014	Payroll	1	11299	Employment Security Department	6,074.80	3RD Quarter 07/01/2014 - 09/30/2014
5270	09/30/2014	Payroll	1	11300	Icma Retirement Trust	762.97	09/01/2014 To 09/30/2014 - 401(R)
5271	09/30/2014	Payroll	1	11301	Kansas Payment Center	1,122.00	09/01/2014 To 09/30/2014 - Support Withholding
5272	09/30/2014	Payroll	1	11302	Opeiu	620.00	09/01/2014 To 09/30/2014 - Union Dues - OPEIU
5273	09/30/2014	Payroll	1	11303	Teamsters Legal Defense Fund	79.64	09/01/2014 To 09/30/2014 - Legal Defense Fund
5274	09/30/2014	Payroll	1	11304	Teamsters Local Union No 839	1,191.00	09/01/2014 To 09/30/2014 - Union Dues - Teamsters
5275	09/30/2014	Payroll	1	11305	WA Dept L & I	22,092.39	3RD Quarter 07/01/2014 - 09/30/2014
5276	09/30/2014	Payroll	1	11306	WA Dept Retirement	29,800.25	09/01/2014 To 09/30/2014 - PERS; 09/01/2014 To 09/30/2014 - PERS 3; 09/01/2014 To 09/30/2014 - LEOFF 2; 09/01/2014 To 09/30/2014 - DRS - DCP
5277	09/30/2014	Payroll	1	11307	WA Dept Social & Health Serv	228.60	09/01/2014 To 09/30/2014 - DSHS

001 General Fund	93,111.73
102 Street Fund	3,534.47
403 Water Fund	8,403.15
407 Sewer Fund	7,846.28
448 Garbage Fund	85.54

112,981.17 Payroll: 112,981.17



Signature

9/29/14

Date

CHECK REGISTER

City Of Prosser
MCAG #: 0205

09/30/2014 To: 09/30/2014

Time: 15:07:01 Date: 09/29/2014

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5279	09/30/2014	Payroll	1	11309	Western Conf Of Teamsters Pension Trust	2,862.55	09/01/2014 To 09/30/2014 - TPT

001 General Fund

2,862.55

2,862.55 Payroll: 2,862.55

J. West

Signature

9/29/14

Date

CHECK REGISTER

City Of Prosser
MCAG #: 0205

10/14/2014 To: 10/14/2014

Time: 12:52:12 Date: 10/08/2014
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5460	10/14/2014	Claims	1	EFT	Chase	611.04	UB Credit Card Charges; Non-UB Credit Card Charges
					001 - 514 30 49 000 - Miscellaneous	71.38	Non-UB Credit Card Charges
					403 - 534 80 49 000 - Miscellaneous	134.83	UB Credit Card Charges
					407 - 535 80 49 000 - Miscellaneous	134.83	UB Credit Card Charges
					448 - 537 80 49 000 - Miscellaneous	134.83	UB Credit Card Charges
					403 - 539 20 49 000 - Miscellaneous	134.83	UB Credit Card Charges
					001 - 576 20 49 001 - Miscellaneous	0.34	Non-UB Credit Card Charges
5461	10/14/2014	Claims	1	EFT	Prosser, City Of	24,808.86	Water Bill
					001 - 518 31 47 000 - Public Utility Services	499.04	Water Bill
					403 - 534 80 47 000 - Public Utility Services	1,275.22	Water Bill
					407 - 535 80 47 000 - Public Utility Services	10,347.47	Water Bill
					102 - 542 90 47 000 - Public Utility Services	1,601.98	Water Bill
					001 - 569 21 47 000 - Public Utility Services	597.06	Water Bill
					001 - 572 50 47 000 - Public Utility Services	567.38	Water Bill
					001 - 576 20 47 000 - Public Utility Services	1,988.65	Water Bill
					001 - 576 80 47 000 - Public Utility Services	7,932.06	Water Bill
5462	10/14/2014	Claims	1	EFT	US Bank Na	808.25	ACFE Training, Portable Power Bank
					001 - 514 23 49 000 - Miscellaneous	700.00	ACFE Training
					001 - 518 88 31 000 - Office & Operating Supplies	108.25	Portable Power Bank
5463	10/14/2014	Claims	1	EFT	WA Dept Licensing-Cpl	54.00	Concealed Pistol License; Concealed Pistol License
					001 - 586 00 01 000 - Concealed Pistol Lic Disburse	36.00	Concealed Pistol License
					001 - 586 00 01 000 - Concealed Pistol Lic Disburse	18.00	Concealed Pistol License
5464	10/14/2014	Claims	1	EFT	WA Dept Revenue (tax)	767.56	Leasehold Taxes -3rd Qtr
					001 - 518 31 44 000 - External Taxes	738.67	Leasehold Taxes - 3rd Qtr
					407 - 535 80 44 000 - External Taxes	28.89	Leasehold Taxes - 3rd Qtr
5465	10/14/2014	Claims	1	EFT	Xpress Billpay	270.20	Online Bill Pay
					001 - 514 30 49 000 - Miscellaneous	4.05	Online Bill Pay
					403 - 534 80 49 000 - Miscellaneous	66.19	Online Bill Pay
					407 - 535 80 49 000 - Miscellaneous	66.19	Online Bill Pay
					448 - 537 80 49 000 - Miscellaneous	67.55	Online Bill Pay
					403 - 539 20 49 000 - Miscellaneous	66.19	Online Bill Pay
					001 - 576 20 49 001 - Miscellaneous	0.03	Online Bill Pay
5466	10/14/2014	Claims	1	11310	ABC Fire Control	188.44	Fire Extinguishers- Annual Service
					001 - 576 80 31 000 - Office & Operating Supplies	188.44	Fire Extinguishers- Annual Service
5467	10/14/2014	Claims	1	11311	Abadan Inc	287.66	Water Plant Copy Machine; Annex Copy Machine Maintenance; PD Copy Machine Maintenance
					001 - 514 23 48 000 - Repairs & Maintenance	216.48	Annex Copy Machine Maintenance
					001 - 514 23 48 000 - Repairs & Maintenance	22.07	PD Copy Machine Maintenance
					403 - 534 80 48 000 - Repairs & Maintenance	33.63	Water Plant Copy Machine
					403 - 534 80 48 000 - Repairs & Maintenance	3.20	Annex Copy Machine Maintenance
					407 - 535 80 48 000 - Repairs & Maintenance	3.20	Annex Copy Machine Maintenance
					448 - 537 80 48 000 - Repairs & Maintenance	3.20	Annex Copy Machine Maintenance
					403 - 539 20 48 000 - Repairs & Maintenance	3.20	Annex Copy Machine Maintenance
					001 - 571 22 48 001 - Repairs & Maintenance	2.68	Annex Copy Machine Maintenance
5468	10/14/2014	Claims	1	11312	Armscor Cartridge Inc.	2,645.00	40-180GR-FMJ, 223Rem 55GR FMJ
					001 - 521 20 31 000 - Office & Operating Supplies	2,645.00	40-180GR-FMJ, 223Rem 55GR FMJ
5469	10/14/2014	Claims	1	11313	Assoc Of Cert Fraud Examiner	175.00	Annual Memebership
					001 - 514 23 49 000 - Miscellaneous	175.00	Annual Memebership

CHECK REGISTER

City Of Prosser
MCAG #: 0205

10/14/2014 To: 10/14/2014

Time: 12:52:12 Date: 10/08/2014
Page: 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5470	10/14/2014	Claims	1	11314	Autozone	45.55	Great Neck Cold Chisel And Punch Set; Hopkins End 7 Way Vehicle Side Connector
					407 - 535 80 31 000 - Office & Operating Supplies	30.45	Great Neck Cold Chisel And Punch Set
					407 - 535 80 31 000 - Office & Operating Supplies	15.10	Hopkins End 7 Way Vehicle Side Connector
5471	10/14/2014	Claims	1	11315	Avenet LLC	100.00	Shortcut URL's
					001 - 518 88 31 000 - Office & Operating Supplies	100.00	Shortcut URL's
5472	10/14/2014	Claims	1	11316	BDI	62,957.28	Overpaid Previous Month's Billing; Garbage Billing
					448 - 537 80 47 000 - Public Utility Services	-2,538.96	Overpaid Previous Month's Billing
					448 - 537 80 47 000 - Public Utility Services	65,496.24	Garbage Billing
5473	10/14/2014	Claims	1	11317	Steven W Becken	211.01	Council Travel
					001 - 511 60 43 000 - Travel	211.01	Council Travel
5474	10/14/2014	Claims	1	11318	Elia N Belmares	42.00	WFOA Conference-PerDiem
					001 - 514 23 43 000 - Travel	42.00	WFOA Conference-PerDiem
5475	10/14/2014	Claims	1	11319	Benton Co Prosecutor's Off	267.07	Kids Haven 3rd Qtr
					001 - 521 20 51 000 - Intergov't Professional Servic	267.07	Kids Haven 3rd Qtr
5476	10/14/2014	Claims	1	11320	Benton Co Sheriff	8,100.58	Custody Billing- August 14
					001 - 523 60 51 000 - Intergov't Professional Servic	8,100.58	Custody Billing- August 14
5477	10/14/2014	Claims	1	11321	Benton Co Treas Office	204.73	Crime Victim Comp
					001 - 586 00 03 000 - PSEA and CVC Disbursemen	204.73	Crime Victim Comp
5478	10/14/2014	Claims	1	11322	Benton Co Treas Office	4,637.39	Benton Co. Dist. Court And Office Of Public Defense
					001 - 512 50 51 000 - Intergov't Professional Servic	4,637.39	Benton Co. Dist. Court And Office Of Public Defense
5479	10/14/2014	Claims	1	11323	Benton Franklin Dist Health	300.59	HEP B Vaccine, BFHD Vaccine; Drinking Water Bacteria
					001 - 521 20 51 000 - Intergov't Professional Servic	108.59	HEP B Vaccine, BFHD Vaccine
					403 - 534 80 41 000 - Professional Services	192.00	Drinking Water Bacteria
5480	10/14/2014	Claims	1	11324	Benton PUD	207.62	Electric Bill-6th Street
					102 - 542 63 47 000 - Public Utility Services	207.62	Electric Bill-6th Street
5481	10/14/2014	Claims	1	11325	Benton REA	1,454.20	Virtual Domain; Meter Reading-Water Tower; Meter Reading-WCR; IT Services
					001 - 518 88 41 000 - Professional Services	9.95	Virtual Domain
					001 - 518 88 41 000 - Professional Services	662.45	IT Services
					403 - 534 80 47 000 - Public Utility Services	114.00	Meter Reading-Water Tower
					102 - 542 63 47 000 - Public Utility Services	667.80	Meter Reading-WCR
5482	10/14/2014	Claims	1	11326	Bleyhl Farm Service Gas	6,808.10	PW Fuel Charges; Fuel Charges- Waste Water/Building Dept; PD Fuel Charges
					001 - 521 20 32 000 - Fuel Consumed	3,343.13	PD Fuel Charges
					001 - 524 20 32 000 - Fuel Consumed	87.45	Fuel Charges- Waste Water/Building Dept
					403 - 534 80 32 000 - Fuel Consumed	597.11	PW Fuel Charges
					407 - 535 80 32 000 - Fuel Consumed	989.06	Fuel Charges- Waste Water/Building Dept
					403 - 539 20 32 000 - Fuel Consumed	597.11	PW Fuel Charges
					102 - 542 90 32 000 - Fuel Consumed	597.12	PW Fuel Charges
					001 - 576 80 32 000 - Fuel Consumed	597.12	PW Fuel Charges
5483	10/14/2014	Claims	1	11327	Bleyhl Farm Service Inc	149.97	Screen Poly; Knife Utility
					403 - 534 80 31 000 - Office & Operating Supplies	37.23	Screen Poly
					403 - 534 80 31 000 - Office & Operating Supplies	112.74	Knife Utility

CHECK REGISTER

City Of Prosser
MCAG #: 0205

10/14/2014 To: 10/14/2014

Time: 12:52:12 Date: 10/08/2014
Page: 3

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5484	10/14/2014	Claims	1	11328	BlueLine Equipment Co	54.51	Wheels For Kubota Mower
					102 - 542 70 31 000 - Office & Operating Supplies	27.25	Wheels For Kubota Mower
					001 - 576 80 31 000 - Office & Operating Supplies	27.26	Wheels For Kubota Mower
5485	10/14/2014	Claims	1	11329	Boys Tree Service	11,127.84	Tree Removal
					102 - 542 70 41 102 - Professional Services	11,127.84	Tree Maintenance
5486	10/14/2014	Claims	1	11330	Boys & Girls Clubs	6,250.00	Boys And Girls Club
					001 - 571 22 41 001 - Professional Services	6,250.00	Boys And Girls Club
5487	10/14/2014	Claims	1	11331	Brown's Tire Co Inc	15.16	Flat Repair
					102 - 542 90 48 000 - Repairs & Maintenance	7.58	Flat Repair
					001 - 576 80 48 000 - Repairs & Maintenance	7.58	Flat Repair
5488	10/14/2014	Claims	1	11332	Cascade Analytical	179.01	Total Percent Solids, Fecal Coliform MPN Solid; Kjeldahl Total Nitrogen; Fecal MPN A-1 Conversion
					407 - 535 80 41 000 - Professional Services	82.62	Total Percent Solids, Fecal Coliform MPN Solid
					407 - 535 80 41 000 - Professional Services	44.06	Kjeldahl Total Nitrogen
					407 - 535 80 41 000 - Professional Services	52.33	Fecal MPN A-1 Conversion
5489	10/14/2014	Claims	1	11333	Cascade Fire Equipment Corp	167.05	Annual Extinguisher Service
					001 - 569 21 48 000 - Repairs & Maintenance	167.05	Annual Extinguisher Service
5490	10/14/2014	Claims	1	11334	Cascade Natural Gas Corp	2,166.13	Natural Gas; Natural Gas; Natural Gas; Natural Gas; Natural Gas; Natural Gas
					001 - 518 31 47 000 - Public Utility Services	15.35	Natural Gas
					407 - 535 80 47 000 - Public Utility Services	11.55	Natural Gas
					407 - 535 80 47 000 - Public Utility Services	514.18	Natural Gas
					102 - 542 90 47 000 - Public Utility Services	19.13	Natural Gas
					001 - 572 50 47 000 - Public Utility Services	13.45	Natural Gas
					001 - 576 20 47 000 - Public Utility Services	1,592.47	Natural Gas
5491	10/14/2014	Claims	1	11335	Centurylink Communications Inc	148.14	Longdistance Telephone Bill
					001 - 518 31 42 000 - Communications	88.16	
					403 - 534 80 42 000 - Communications	16.05	
					407 - 535 80 42 000 - Communications	9.17	
					448 - 537 80 42 000 - Communications	8.58	
					403 - 539 20 42 000 - Communications	8.58	
					102 - 542 90 42 000 - Communications	9.02	
					102 - 543 30 42 102 - Communication	8.58	
5492	10/14/2014	Claims	1	11336	Charter Communications	137.64	PD Basic Cable; Internet-City Hall
					001 - 518 88 42 000 - Communications	130.00	Internet-City Hall
					001 - 521 20 42 000 - Communications	7.64	PD Basic Cable
5493	10/14/2014	Claims	1	11337	Cities Insurance Assoc	1,000.00	Deductible Reimbursement-Felicijan-32968
					001 - 576 20 46 000 - Insurance	1,000.00	Deductible Reimbursement-Felicijan-32968
5494	10/14/2014	Claims	1	11338	Clyde Elliott	100.00	Refund Home Occupation Fee
					001 - 345 89 02 000 - Variance/Conditional Use Fee	-100.00	Refund Home Occupation Fee
5495	10/14/2014	Claims	1	11339	Cook's True Value	639.92	Fasteners. Short Bat TOG Switch; Wind/DR FoamSealant; Wide Tough Gorilla; Insert Elbow; MIP Adapter. Poly Tee. Tubing; UPS Shipping; 710" Coupler; Connector; Fasteners; Weld Rod; C-Clamp; Credit Balan

CHECK REGISTER

City Of Prosser
MCAG #: 0205

10/14/2014 To: 10/14/2014

Time: 12:52:12 Date: 10/08/2014

Page: 4

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
					001 - 521 20 42 000 - Communications	14.67	UPS Shipping
					403 - 534 80 31 000 - Office & Operating Supplies	4.40	Fasteners, Short Bat TOG Switch
					403 - 534 80 31 000 - Office & Operating Supplies	34.61	Wind/DR FoamSealant
					403 - 534 80 31 000 - Office & Operating Supplies	11.09	Fasteners
					403 - 534 80 31 000 - Office & Operating Supplies	17.31	Common Board, FastSet Concrete Mix
					403 - 534 80 31 000 - Office & Operating Supplies	32.47	6" Mini Bar Clamp
					403 - 534 80 31 000 - Office & Operating Supplies	8.65	Fast Set Concret Mix
					403 - 534 80 31 000 - Office & Operating Supplies	18.39	Foam Tape
					407 - 535 80 31 000 - Office & Operating Supplies	4.40	Fasteners, Short Bat TOG Switch
					407 - 535 80 31 000 - Office & Operating Supplies	81.17	Wide Tough Gorilla
					407 - 535 80 31 000 - Office & Operating Supplies	23.82	Weld Rod
					407 - 535 80 31 000 - Office & Operating Supplies	46.53	C-Clamp
					407 - 535 80 31 000 - Office & Operating Supplies	57.73	Fasteners, Drill Bit
					407 - 535 80 31 000 - Office & Operating Supplies	76.86	Anti-Seized Compound, Wrench Set, Pliers Set
					407 - 535 80 31 000 - Office & Operating Supplies	62.22	Hitch Pin, Dust Respirator, ScrPin Shackle
					407 - 535 80 31 000 - Office & Operating Supplies	85.80	Fasteners, Channel
					407 - 535 80 31 000 - Office & Operating Supplies	-56.32	Fasteners
					407 - 535 80 31 000 - Office & Operating Supplies	23.82	Garage Inflator Gauge
					407 - 535 80 31 000 - Office & Operating Supplies	47.62	Perc MAS Bit, Masonry Bit, Drift Punch
					403 - 539 20 31 000 - Office & Operating Supplies	4.40	Fasteners, Short Bat TOG Switch
					403 - 539 20 31 000 - Office & Operating Supplies	-55.20	Credit Balance
					102 - 542 90 31 000 - Office & Operating Supplies	4.40	Fasteners, Short Bat TOG Switch
					102 - 542 90 31 000 - Office & Operating Supplies	30.44	Insert Elbow, MIP Adapter, Poly Tee, Tubing
					102 - 542 90 31 000 - Office & Operating Supplies	3.23	710" Coupler
					102 - 542 90 31 000 - Office & Operating Supplies	9.68	Vinyl Tool Hook
					102 - 542 90 31 000 - Office & Operating Supplies	3.14	Fasteners
					102 - 542 90 31 000 - Office & Operating Supplies	4.59	Fasteners
					001 - 576 80 31 000 - Office & Operating Supplies	4.41	Fasteners, Short Bat TOG Switch
					001 - 576 80 31 000 - Office & Operating Supplies	10.81	Connector
					001 - 576 80 31 000 - Office & Operating Supplies	17.11	AL Strip
					001 - 576 80 31 000 - Office & Operating Supplies	4.65	Aero Gray Primer
					001 - 576 80 31 000 - Office & Operating Supplies	3.02	PVC Lock Coupling
5496	10/14/2014	Claims	1	11340	DB Secure Shred	70.14	Records Destruction; Record Destruction Services
					001 - 514 30 41 000 - Professional Services	23.38	Records Destruction
					001 - 521 20 41 000 - Professional Services	23.38	Records Destruction
					001 - 521 20 41 000 - Professional Services	23.38	Record Destruction Services
5497	10/14/2014	Claims	1	11341	Denchel's Ford Country	3,031.83	Repair Heater; Airbag Repair; Works Fuel Saver Package; Fuel Saver Package, Repair Brakes; Replace Surpentine Belt, Transmission Flush, Fuel Filter, Check Brakes; Fuel Saver Package; Replace Belt, Oil
					001 - 521 20 48 000 - Repairs & Maintenance	685.67	Repair Heater
					001 - 521 20 48 000 - Repairs & Maintenance	473.30	Airbag Repair
					001 - 521 20 48 000 - Repairs & Maintenance	34.80	Works Fuel Saver Package
					001 - 521 20 48 000 - Repairs & Maintenance	825.47	Fuel Saver Package, Repair Brakes
					001 - 521 20 48 000 - Repairs & Maintenance	677.32	Replace Surpentine Belt, Transmission Flush, Fuel Filter, Check Brakes
					001 - 521 20 48 000 - Repairs & Maintenance	35.99	Fuel Saver Package
					001 - 521 20 48 000 - Repairs & Maintenance	127.43	Replace Belt, Oil Change
					001 - 521 20 48 000 - Repairs & Maintenance	35.99	Fuel Saver Package
					001 - 521 20 48 000 - Repairs & Maintenance	135.86	Replace Battery
5498	10/14/2014	Claims	1	11342	Desert Valley Powersports	259.87	DUX T/S Kit UNIV ATV/UTV

CHECK REGISTER

City Of Prosser
MCAG #: 0205

10/14/2014 To: 10/14/2014

Time: 12:52:12 Date: 10/08/2014
Page: 5

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
			001 - 521 20 35 000		Small Tools & Minor Equipm	259.87	DUX T/S Kit UNIV ATV/UTV
5499	10/14/2014	Claims	1	11343	Evergreen Rural Water Of Wa	275.00	Class Registration: Wastewater Exam Review
			407 - 535 80 43 000		Travel	275.00	Class Registration: Wastewater Exam Review
5500	10/14/2014	Claims	1	11344	Fastenal Company	64.44	5/8 Med Split, 5/8 Nylock, S/S HCS 5/8
			407 - 535 80 31 000		Office & Operating Supplies	64.44	5/8 Med Split, 5/8 Nylock, S/S HCS 5/8
5501	10/14/2014	Claims	1	11345	Galls, An Aramark Co LLC	32.45	Side Opening Posse Box
			001 - 521 20 31 000		Office & Operating Supplies	32.45	Side Opening Posse Box
5502	10/14/2014	Claims	1	11346	Grainger Inc	299.44	Complete Pump Assembly; High Pressure Sodium Lamp
			407 - 535 80 31 000		Office & Operating Supplies	200.91	Complete Pump Assembly
			102 - 542 90 31 000		Office & Operating Supplies	98.53	High Pressure Sodium Lamp
5503	10/14/2014	Claims	1	11347	HD Fowler, Co	1,729.78	Meter X Quick Joint, Meter Adapter, Pipe Brooks Lids
			403 - 534 80 31 000		Office & Operating Supplies	565.72	Meter X Quick Joint,
			403 - 534 80 31 000		Office & Operating Supplies	150.59	Meter Adapter
			403 - 534 80 31 000		Office & Operating Supplies	127.79	Pipe, 100' Coil
			403 - 534 80 31 000		Office & Operating Supplies	469.94	Tope Section Brooks Lids
			403 - 534 80 31 000		Office & Operating Supplies	388.67	Bottom Section Brooks Lids
			403 - 534 80 31 000		Office & Operating Supplies	27.07	Freight
5504	10/14/2014	Claims	1	11348	Hach Inc	201.21	DPD Free Chlorine
			403 - 534 80 31 000		Office & Operating Supplies	201.21	DPD Free Chlorine
5505	10/14/2014	Claims	1	11349	Hall Chevrolet - Buick Inc	114.00	Repair To PD Vehicle #121
			001 - 521 20 48 000		Repairs & Maintenance	114.00	Repair To PD Vehicle #121
5506	10/14/2014	Claims	1	11350	Shane Hellyer	287.92	K9 Meds; K9 Food
			001 - 521 20 31 000		Office & Operating Supplies	157.98	
			001 - 521 20 31 000		Office & Operating Supplies	129.94	K9 Food
5507	10/14/2014	Claims	1	11351	Brenda Herrington	250.00	Refund Utility Deposit
			409 - 586 00 00 000		Utility Deposits Refunded	250.00	Refund Utility Deposit
5508	10/14/2014	Claims	1	11352	Huibregtse, Louman & Assoc	85,719.54	2014 General Services; Zone 2.5 Water Supply Improvements; O.I.E Highway Improvments; Wastewater Treatment Plant Improvements
			403 - 534 80 41 000		Professional Services	448.50	2014 General Services
			407 - 535 80 41 000		Professional Services	59.50	2014 General Services
			102 - 542 90 41 000		Professional Services	72.50	2014 General Services
			102 - 542 90 41 000		Professional Services	1,232.50	2014 General Services
			001 - 558 60 41 000		Professional Services	72.50	2014 General Services
			001 - 576 20 41 001		Professional Services	763.50	2014 General Services
			420 - 594 34 41 420		Professional Services	1,095.79	2014 General Services
			420 - 594 34 41 420		Professional Services	15,616.75	Zone 2.5 Water Supply Improvements
			470 - 594 35 41 000		Engineering	26,500.00	Wastewater Treatment Plant Improvements
			302 - 595 10 60 000		Engineering	39,858.00	O.I.E Highway Improvments
5509	10/14/2014	Claims	1	11353	JAND Industries	148.04	Refund inactive customer credit balance
			409 - 586 00 00 000		Utility Deposits Refunded	148.04	
5510	10/14/2014	Claims	1	11354	The Janitor's Closet	693.74	White Blend Loop, Paper Towel; Paper Towels, Toilet Paper, Can Liners
			102 - 542 90 31 000		Office & Operating Supplies	268.26	Paper Towels, Toilet Paper, Can Liners

CHECK REGISTER

City Of Prosser
MCAG #: 0205

10/14/2014 To: 10/14/2014

Time: 12:52:12 Date: 10/08/2014
Page: 6

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
						157.21	White Blend Loop, Paper Towel
						268.27	Paper Towels, Toilet Paper, Can Liners
5511	10/14/2014	Claims	1	11355	City of Kennewick	2,274.00	BiPin Comp Support, Law Enforcement
						2,274.00	BiPin Comp Support, Law Enforcement
5512	10/14/2014	Claims	1	11356	Leaf	123.46	PD Copy Machine Lease
						123.46	PD Copy Machine Lease
5513	10/14/2014	Claims	1	11357	LexisNexis Risk Solutions	205.78	Monthly Subscription- August; Subscription Renewal-Sept
						102.89	Monthly Subscription- August
						102.89	
5514	10/14/2014	Claims	1	11358	Liquid Engineering Corp	1,995.00	Water Tank Inspection
						1,995.00	Tank Inspection
5515	10/14/2014	Claims	1	11359	Lockshop, The	353.92	PadLocks; Keys For Senior Center
						47.48	PadLocks
						306.44	Keys For Senior Center
5516	10/14/2014	Claims	1	11360	Brandon E Lum	150.00	CDL Physical; CDL
						95.00	CDL
						55.00	CDL Physical
5517	10/14/2014	Claims	1	11361	The Markets LLC	50.04	Super Chill Water; Super Chill Water; Super Chill Water
						16.68	Super Chill Water
						16.68	Super Chill Water
						16.68	Super Chill Water
5518	10/14/2014	Claims	1	11362	Regina Mauras	91.28	WFOA Conference-PerDiem
						91.28	WFOA Conference-PerDiem
5519	10/14/2014	Claims	1	11363	Michael & Alys Means	500.00	Refund Planning Project Deposit
						-500.00	Refund Planning Project Deposit
5520	10/14/2014	Claims	1	11364	Mid-Columbia Library	14,869.91	Mid-Columbia Library
						14,869.91	Mid-Columbia Library
5521	10/14/2014	Claims	1	11365	Jack Milton	137.02	Refund inactive customer credit balance
						-132.60	
						-4.42	
5522	10/14/2014	Claims	1	11366	Moon Security	54.95	Basic Commercial Monitoring
						54.95	Basic Commercial Monitoring
5523	10/14/2014	Claims	1	11367	Nautilus Environmental LLC	150.00	DMR QA Study
						150.00	DMR QA Study
5524	10/14/2014	Claims	1	11368	North Central Laboratories	283.47	Glass Funnel
						283.47	Glass Funnel
5525	10/14/2014	Claims	1	11369	Office Depot	165.44	Dictionary/Thesaurus; Laminating Sheets; Blue Ink Stamp; Tab Divider, Enevelopes, Book Memo
						7.57	Dictionary/Thesaurus
						21.70	Laminating Sheets
						5.08	Blue ink Stamp
						39.04	Tab Divider, Enevelopes, Book Memo
						92.05	Tab Divider, Enevelopes, Book Memo
5526	10/14/2014	Claims	1	11370	Outwest Pet Rescue	520.00	Animal Control Services
						520.00	Animal Control Services

CHECK REGISTER

City Of Prosser
MCAG #: 0205

10/14/2014 To: 10/14/2014

Time: 12:52:12 Date: 10/08/2014
Page: 7

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5527	10/14/2014	Claims	1	11371	Benkomatic / Owen Equipment	788.67	Strip Brush 12x
					102 - 542 67 31 000 - Office & Operating Supplies	788.67	Strip Brush 12x
5528	10/14/2014	Claims	1	11372	Oxarc	1,866.01	Sodium Hypochlorite: High Pressure Acetylene, Low Pressure Oxygen
					403 - 534 80 31 000 - Office & Operating Supplies	1,824.86	Sodium Hypochlorite
					407 - 535 80 45 000 - Operating Rentals & Leases	41.15	High Pressure Acetylene, Low Pressure Oxygen
5529	10/14/2014	Claims	1	11373	PMH Medical Center	90.00	Drug Screening-Lifeguards
					001 - 576 20 41 001 - Professional Services	90.00	Drug Screening-Lifeguards
5530	10/14/2014	Claims	1	11374	Pocketinet Communications	398.00	Wide Area Network, Dedicated 3 Mbps
					001 - 518 88 42 000 - Communications	398.00	Wide Area Network, Dedicated 3 Mbps
5531	10/14/2014	Claims	1	11375	Prosser Chamber of Commerce	142.16	Refund inactive customer credit balance
					409 - 586 00 00 000 - Utility Deposits Refunded	142.16	
5532	10/14/2014	Claims	1	11376	Prosser Economic Development A	3,583.33	Contract For Services, Grant Writer Agreement
					001 - 558 70 41 000 - Professional Services	1,416.67	Grant Writer Services
					001 - 558 70 41 000 - Professional Services	2,166.66	PEDA: Contract For Services
5533	10/14/2014	Claims	1	11377	Prosser Fire Dist No 3	26,600.00	IPS: September 2014
					001 - 522 10 51 000 - Intergov't Professional Srvc-F	26,600.00	Intergovernmental Professional Services
5534	10/14/2014	Claims	1	11378	Prosser Napa	11.11	Loom-Split Poly, Snap Terminal
					001 - 521 20 31 000 - Office & Operating Supplies	11.11	Loom-Split Poly, Snap Terminal
5535	10/14/2014	Claims	1	11379	Prosser Properties & Rentals, LLC	157.58	Refund Planning Project Deposit
					001 - 589 00 07 000 - Planning Deposit Disburseme	157.58	Refund Planning Project Deposit
5536	10/14/2014	Claims	1	11380	Prosser Rentals	39.26	Propane; Propane
					102 - 542 30 31 000 - Office & Operating Supplies	19.16	Propane
					102 - 542 30 31 000 - Office & Operating Supplies	20.10	Propane
5537	10/14/2014	Claims	1	11381	Prosser, City Of	163.60	Refund Planning Project Deposit
					001 - 589 00 07 000 - Planning Deposit Disburseme	163.60	Refund Planning Project Deposit
5538	10/14/2014	Claims	1	11382	Pumptech Inc	1,414.94	ABS Elbow/Guide Rail
					407 - 535 80 31 000 - Office & Operating Supplies	1,284.44	Pump Elbows
					407 - 535 80 31 000 - Office & Operating Supplies	130.50	Freight
5539	10/14/2014	Claims	1	11383	Q-Tech Auto Service Ctr	467.44	Repair Intake Manifold Gasket-Truck #124
					407 - 535 80 31 000 - Office & Operating Supplies	467.44	Repair Intake Manifold Gasket-Truck #124
5540	10/14/2014	Claims	1	11384	Rainwater Water Co	12.00	Water; Water
					407 - 535 80 31 000 - Office & Operating Supplies	6.00	Water
					407 - 535 80 31 000 - Office & Operating Supplies	6.00	Water
5541	10/14/2014	Claims	1	11385	City Of Richland	27,992.75	Quarterly Dispatch Services; Quarterly 800 MHZ Usage Fee
					001 - 521 20 51 000 - Intergov't Professional Serv	4,677.75	Quarterly 800 MHZ Usage Fee
					001 - 522 21 51 000 - Intergovmnt Professional Serv	23,315.00	Quarterly Dispatch Services
5542	10/14/2014	Claims	1	11386	Safety Kleen Co	202.60	Washer Solvent, Drum Drop, Oil Filters
					403 - 534 80 48 000 - Repairs & Maintenance	50.65	Washer Solvent, Drum Drop, Oil Filters
					403 - 539 20 48 000 - Repairs & Maintenance	50.65	Washer Solvent, Drum Drop, Oil Filters

CHECK REGISTER

City Of Prosser
MCAG #: 0205

10/14/2014 To: 10/14/2014

Time: 12:52:12 Date: 10/08/2014
Page: 8

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
			102 - 542 90 48 000		- Repairs & Maintenance	50.65	Washer Solvent, Drum Drop, Oil Filters
			001 - 576 80 48 000		- Repairs & Maintenance	50.65	Washer Solvent, Drum Drop, Oil Filters
5543	10/14/2014	Claims	1	11387	Rachel M Shaw	40.21	Records Training-Travel
			001 - 514 30 43 000		- Travel	40.21	Records Training-Travel
5544	10/14/2014	Claims	1	11388	James & Carisa Stallcop	19.83	Refund inactive customer credit balance
			403 - 343 41 00 000		- Water Revenues	-95.50	
			407 - 343 60 00 000		- Sewer Revenues	45.87	
			448 - 343 71 00 000		- Garbage Service Charges	13.78	
			448 - 343 72 00 000		- Refuse Tax Collection	0.84	
			448 - 343 74 00 000		- Administrative Fee	1.72	
			403 - 343 90 00 000		- Irrigation Fees & Charges	12.46	
			448 - 359 90 00 000		- Miscellaneous Penalties	1.00	
5545	10/14/2014	Claims	1	11389	Star Transport Trailers Inc	97.11	Sand Blasting
			403 - 534 80 48 000		- Repairs & Maintenance	19.42	Sand Blasting
			407 - 535 80 48 000		- Repairs & Maintenance	19.42	Sand Blasting
			403 - 539 20 48 000		- Repairs & Maintenance	19.42	Sand Blasting
			102 - 542 90 48 000		- Repairs & Maintenance	19.42	Sand Blasting
			001 - 576 80 48 000		- Repairs & Maintenance	19.43	Sand Blasting
5546	10/14/2014	Claims	1	11390	Randall D Taylor	159.72	Council Travel
			001 - 511 60 43 000		- Travel	159.72	Council Travel
5547	10/14/2014	Claims	1	11391	Tolman Electric	194.94	Service Call-Waste Water Station
			407 - 535 80 41 000		- Professional Services	194.94	Service Call-Waste Water Station
5548	10/14/2014	Claims	1	11392	Traffic Safety Supply Inc	6,963.21	Traffic Tape
			102 - 542 64 31 000		- Office & Operating Supplies	280.19	Traffic Tape
			102 - 542 64 31 000		- Office & Operating Supplies	6,683.02	Traffic Tape
5549	10/14/2014	Claims	1	11393	US Bank	28.00	Monthly Maintenance-Investments
			001 - 514 23 49 000		- Miscellaneous	28.00	Monthly Maintenance-Investments
5550	10/14/2014	Claims	1	11394	USA Blue Book	892.34	Filter Element Poly Felt
			407 - 535 80 31 000		- Office & Operating Supplies	892.34	Filter Element Poly Felt
5551	10/14/2014	Claims	1	11395	Valley Pipe Co	322.99	6 Slotion , 1 1/2 RB SxT, 90 Deg Txt
			001 - 576 80 31 000		- Office & Operating Supplies	322.99	6 Slotion , 1 1/2 RB SxT, 90 Deg Txt
5552	10/14/2014	Claims	1	11396	Valley Publishing Co Inc	450.00	Notice Of Closed Record Decision Hearing; Notice Cancelled Special Meeting And Public Hearing; Notice Of Public Hearing; Notice Of Public Hearing 2015 Revenue Service; TBD 2015 Budget Public Hearing;;
			001 - 514 30 41 000		- Professional Services	45.00	Notice Of Public Hearing
			001 - 514 30 41 000		- Professional Services	48.00	Notice Of Public Hearing 2015 Revenue Service
			001 - 514 30 41 000		- Professional Services	120.00	Notice Ordinance Summary 14-2904-14-2907
			001 - 514 30 41 000		- Professional Services	48.00	Public Hearing Notice -2015 Budget Hearing
			001 - 514 30 41 000		- Professional Services	36.00	Notice Of Filing 2015 Proposed Budget
			103 - 543 30 41 103		- Professional Service	27.00	TBD 2015 Budget Public Hearing
			103 - 543 30 41 103		- Professional Service	54.00	Notice TBD 2015 Budget Hearing
			001 - 558 60 41 000		- Professional Services	48.00	Notice Of Closed Record Decision Hearing
			001 - 558 60 41 000		- Professional Services	24.00	Notice Cancelled Special Meeting And Public Hearing

CHECK REGISTER

City Of Prosser
MCAG #: 0205

10/14/2014 To: 10/14/2014

Time: 12:52:12 Date: 10/08/2014
Page: 9

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5553	10/14/2014	Claims	1	11397	Verizon Wireless	862.53	Police MDT's; Police Cell Phones
					001 - 518 31 42 000 - Communications	231.47	Police Cell Phones
					001 - 521 20 42 000 - Communications	250.20	Police MDT's
					001 - 521 20 42 000 - Communications	380.86	Police Cell Phones
5554	10/14/2014	Claims	1	11398	WA Patrol Budget & Fiscal Srvc	567.00	Access User Fee; Background Check
					001 - 521 20 51 000 - Intergov't Professional Serv	534.00	Access User Fee
					001 - 586 00 01 000 - Concealed Pistol Lic Disburse	33.00	Background Check
5555	10/14/2014	Claims	1	11399	WA State Treasurer	9,693.34	PSEA
					001 - 586 00 03 000 - PSEA and CVC Disbursemen	9,693.34	PSEA
5556	10/14/2014	Claims	1	11400	Walker Construction	58.83	Refund inactive customer credit balance
					403 - 343 41 00 000 - Water Revenues	-58.83	
5557	10/14/2014	Claims	1	11401	Watertech	4,290.00	55lb Plymer Bag
					407 - 535 80 31 000 - Office & Operating Supplies	4,290.00	Polymer
5558	10/14/2014	Claims	1	11402	The Wesley Group	1,640.00	Labor Relations Consultation
					001 - 518 10 41 000 - Professional Services	1,640.00	Labor Relations Consultation
5559	10/14/2014	Claims	1	11403	Tonelle M Yost	93.83	WFOA Conference-travel
					001 - 514 23 43 000 - Travel	93.83	WFOA Conference-PerDiem
5560	10/14/2014	Claims	1	11404	Zee Medical Inc	224.12	First Aid Medical Supplies
					102 - 542 90 31 000 - Office & Operating Supplies	224.12	First Aid Medical Supplies
5561	10/14/2014	Claims	1	11405	Stephen M Zetz	259.24	SEPA Rule Changes-Training
					001 - 558 60 43 000 - Travel	259.24	SEPA Rule Changes-Training
5562	10/14/2014	Claims	1	11406	Zirkle Fruit Co	306.76	Refund Planning Project Deposit
					001 - 589 00 07 000 - Planning Deposit Disburseme	306.76	Refund Planning Project Deposit
					340 Charges For Goods & Services	100.00	
					380 Non Revenues	500.00	
					511 Legislative	370.73	
					512 Judicial	4,637.39	
					514 Financial, Recording & Elections	2,001.53	
					518 Centralized Services	4,713.39	
					521 Law Enforcement	18,547.58	
					522 Contracted Services	49,915.00	
					523 Detention/Correction	8,100.58	
					524 Protective Inspections	607.45	
					558 Planning & Community Devel	3,987.07	
					569 Senior Center	1,070.55	
					571 Education & Recreation	6,252.68	
					572 Libraries	15,607.95	
					576 Park Facilities	14,888.79	
					580 Non Expeditures	10,613.01	
					001 General Fund	141,913.70	
					542 Streets - Maintenance	24,077.94	
					543 Streets Admin & Overhead	8.58	
					102 Street Fund	24,086.52	
					543 Streets Admin & Overhead	81.00	
					103 Transportation Benefit Distric	81.00	
					594 Capital Expenditures	39,858.00	

CHECK REGISTER

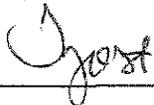
City Of Prosser
MCAG #: 0205

10/14/2014 To: 10/14/2014

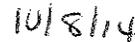
Time: 12:52:12 Date: 10/08/2014
Page: 10

Trans Date	Type	Acct #	Chk #	Claimant	Amount	Memo
					<u>39,858.00</u>	
					278.89	
					9,121.02	
					829.18	
					<u>10,229.09</u>	
					-45.87	
					21,253.34	
					<u>21,207.47</u>	
					540.20	
					540.20	
					16,712.54	
					<u>16,712.54</u>	
					-16.34	
					-1.00	
					63,171.44	
					<u>63,154.10</u>	
					26,500.00	
					<u>26,500.00</u>	
					<u>344,282.62</u>	Claims: 344,282.62
					344,282.62	

* Transaction Has Mixed Revenue And Expense Accounts



Signature



Date

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Accept Monthly Report by Prosser Economic Development Association for the month of September 2014 and authorize payment for those services in the amount of \$2,166.66 and authorize payment in the amount of \$1,416.67 for Grant Writer Services.

Meeting Date:
October 14, 2014
Regular Meeting

Department:
Finance

Director:
Regina Mauras

Contact Person:
Toni Yost

Phone Number:
(509) 786-2332

Cost of Proposal:
\$3,583.33

Account Number:
001-558-519-70-41

Amount Budgeted:
\$42,000.00

Name and Fund#
General Fund -
Professional
Services

Reviewed by Finance Department:

R Mauras

Attachments to Agenda Packet Item:

1. Invoice Number 2187 for September 2014 contracted service
2. PEDDA Monthly Report for July 2014

Summary Statement:

Check has been reviewed and approved by department heads, the Finance Director, and Mayor as necessary. Check no. 11376 has been generated for Council approval.

Consistent with or Comparison to:

City's policy to pay bills in a timely manner.

Recommended City Council Action/Suggested Motion:

Accept Monthly Report by Prosser Economic Development Association for the month of September 2014 and authorize payment for those services in the amount of \$2,166.66 and authorize payment in the amount of \$1,416.67 for Grant Writer Services

Reviewed by Department Director:

Regina Mauras

Date: 10-8-2014

Today's Date:
October 8, 2014

Reviewed by City Attorney:

N/A

Date:

Revision Number/Date:

Approved by Mayor:

Paul Wank

Date: 10-9-14

File Name and Path:

Invoice

DATE	INVOICE #
10/1/2014	2187

BILL TO
CITY OF PROSSER 601 7th Street PROSSER WA 99350

001-558-70-41

DESCRIPTION	AMOUNT
CONTRACT FOR SERVICES - September 2014	2,166.66
GRANT WRITER AGREEMENT - September 2014	1,416.67
<p>SIGNATURE NOT REQUIRED Per City of Prosser Purchasing Policy Sec. 6.1.6.2</p>	
Thank you!	Total \$3,583.33

**Prosser Economic Development Association
Board of Directors Meeting Minutes
July 10, 2014**

Attendees: Shon Small, Scott Pontin, Troy Berglund, Michelle Moyer, Jennifer Ely, Josh Mott, Jeff Andrews, Bob Stevens; Jenny Sparks, Deb Heintz, Dyann Horton, Amber Burnett, Paul Warden and Dianne Torres.

Guests: Gary Grove (WSU), Sharon Taff (WSU) and Al Wehner.

Absent: Bill Jenkin, Jane Hagarty, Dick Poteet, Julie Petersen, Brian Newhouse, Tyson Jones, Scott Wingert.

Approval of Minutes: Moved to approve by Shon Small seconded by Jennifer Ely. Motion carried.

Financial Report: Moved to approve by Shon Small, seconded by Dianne Torres. Motion carried.

Business:

**Director Report
RECRUITMENT**

Project Fruit Cocktail – A firm commitment was never received in order to advance this recruitment effort. Properties in Prosser may have been used as leverage to negotiate a new property lease in the company's current location. The economic developers in this company's area indicated a new lease has been signed.

Project Army – Client would like to purchase downtown property and submitted a bid. Another interested buyer outbid the client for this property. Waiting for transfer of ownership to be filed in order to talk with new owner to discuss intentions for building.

Project Hsima- Interested party would like to relocate a 20 yr. old business from their upper valley location. The Port of Benton property was contacted regarding a parcel in Vintner's Village II. The client, POB and Prosser EDA have met on the property to answer questions. Client is in the process of obtaining construction quotes for a total of 5,000 sq. ft. retail space which includes 1,500 sq. ft. storage and upstairs for living space.

Project Summer – Received a call from an interested party in purchasing an existing winery. Working to gather demographic data specific to this parcel location. Discussed workforce and provided contact information of a particular individual with winery experience.

Project Ship – Young entrepreneur interested in starting a business. Offered a variety of storefront locations and assistance with business plan. One of the locations would require a conditional use permit and some creative signage to lead traffic to the location. Currently looking for employment to build reserves to start business while working on start-up requirements.

Clore Center.

Capital campaign visits continue as the team focuses on contributions for exhibits. A commitment from an upper valley company was secured. It was decided to make a visit to central eastern Washington area; team members are anxious to meet with several potential donors there. Working on the Legends event to be held August 8th. Sponsorship letters have gone out and auction items are being procured. Meeting with Heritage Conservation District and their willingness to help design and create a heritage garden area on the grounds. Elevate is under contract through the Clore Center to help with IT. The Port has assisted to guide them through the variety of IT choices and has helped to fund necessary equipment through the EDA grant. It has been decided to purchase a new computer, Elevate will install Prosser EDA and Clore data and coordinate software systems. Each entity will have a secured separate network to work independently of each other. There is still the need for additional bandwidth to accomplish programming goals.

WSU-IAREC

USDA has recently proposed to reduce and/or eliminate eight (8) researchers, technicians, maintenance, IT and on-site administrative support at the WSU-IAREC Center. USDA officials submitted their proposal to the U.S. House of Representatives on June 17th. The House has 30 days to reject this plan. These deep cuts will be painfully felt, not only at the WSU-IAREC Center, but will have a lasting impact on the following:

- Cropping systems project termination
- Paterson research for potato, peas and bean termination
- Weed control recommendations & problem solving on potatoes, sweet corn, carrots, hops and mint
- Improving soil quality & health of sandy soils under intensive management
- Economical and environmentally sustainable use of agricultural and animal wastes
- Feasibility of biofuel feedstock production

A letter of support (pending board approval) to our U.S. representatives is ready to be sent once Prosser EDA hears back from Doc Hastings office and what their research suggests for next steps.

Tridec has also indicated a letter would be sent from their office.

Miscellaneous

- Participated in the WA State Main Street conference in Wenatchee with 3 others from the Historic Downtown organization. Dan Smith, HDP Executive Director and I were invited to help answer questions to a public hearing for revitalization in Sunnyside.
- Attended the WA Economic Development Association State conference held in Richland. Part of the conference was a B Reactor tour, with educational sessions throughout the two-day event.
- Invited to the Community Prevention and Wellness Initiative Luncheon where Jennifer Dorsett, coordinator updated the audience on past accomplishments and current progress of the initiative.

The membership invoices will be going out in October. Deb Heintz would like help reaching out to Ben Franklin Transit, Chukar Cherries, Kenyon Cold Storage and Milne Fruit.

Clore Center website is being utilized, many events already scheduled including the Legends Event for August 8, 2014 which is the major fund raiser for the Clore Center. Get your Tickets now.

Board Reports:

Water Sub Committee received a large stack of information from the City to review.

Housing committee members met with Steve Zetz regarding utilities and also looking for a builder who would be interested in providing information on housing.

Chamber is preparing for their Art Walk and Wine Gala event on Saturday, July 19th.

August 15, WA State Viticulture Field Day sponsored by WA State Grape Society and WSU.

Hotel business in Prosser is at its busy peak.

City is asking for a State RCO Grant to help fund a new City Park Restroom and two(2) new patrol cars.

SVID Irrigation may set restrictions on water usage, like even waters one day, odd on the next.

Badger Mountain Conservation Group would like to inquire on the support it will receive by having an information vote on the ballot.

Future Prosser EDA meetings consist of:

August 7th, Tour of Prosser City Hall and Police Station

September 4th, Department of Labor and Industries Worker's Safety

October 2nd, Kadlec's presence in Prosser.

Meeting Adjourned

Program:

Gary Grove led the tour of the WSU-IAREC Station and its building additions.

Guest Speaker

Al Wehner presented information regarding the Public Safety Sales Tax that will be on the August 5, 2014 ballot. In 2012 a study completed by the Citizens Advisory Board from September 2012 through August 2013 and an analysis completed from August 2013 through March 2014 both agreed a .03% measure should be presented by ballot to the public. This would be a sales use tax, not a property tax, with a 10 year expiration known as a 10 year Sunset Clause. Funds would only be used for Public Safety which would include:

- Thirty two (32) additional officers throughout the county, (Prosser would receive one (1), a School Reserve Officer).
- One (1) additional Superior Judge Position.
- Two (2) District Prosecutors
- Drug Task Force Funding
- Adult and Juvenile Drug Court Funding
- Create a Mental Health Court
- Introduce a Gang Prevention & Intervention Program

This measure will represent .03 for every \$10 purchase, 60% will go to the County and the remaining 40% to the cities. It will need a 50% plus one vote to pass.

CITY OF PROSSER, WASHINGTON

AGENDA BILL

<u>Agenda Title:</u> Approve Amendment No. "A" to the Public Works Trust Fund Loan Agreement modifying the annual repayment date from July 1 st to June 1 st .		<u>Meeting Date:</u> October 14, 2014 Regular Meeting	
<u>Department:</u> Finance	<u>Director:</u> Regina Mauras	<u>Contact Person:</u> Toni Yost	<u>Phone Number:</u> (509) 786-2332
<u>Cost of Proposal:</u>		<u>Account Number:</u>	
<u>Amount Budgeted:</u> \$0		<u>Name and Fund#</u>	
<u>Reviewed by Finance Department:</u> R Mauras			
<u>Attachments to Agenda Packet Item:</u> 1. Proposed Amendment No. A			
<u>Summary Statement:</u> In 2006, the City of Prosser acquired a loan with the Public Works Trust Fund to make improvements to the Waste Water Treatment Plant (Loan Number PW 01-691-052). Per the terms of the loan agreement, annual loan payments were due July 1 st . The attached amendment proposes that the payment date be changed to June 1 st . This amendment comes at the direction of the legislature and Office of Financial Management to better align the budget and billing cycles.			
<u>Consistent with or Comparison to:</u> EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			
<u>Recommended City Council Action/Suggested Motion:</u> Approve Amendment No. "A" to the Public Works Trust Fund Loan Agreement modifying the annual repayment date from July 1 st to June 1 st and authorize the Mayor to sign the Agreement			
<u>Reviewed by Department Director:</u> Regina Mauras	<u>Reviewed by City Attorney:</u> 	<u>Approved by Mayor:</u> 	
Date: 10-9-2014	Date: 10/8/14	Date: 10-9-14	
<u>Today's Date:</u> September 23, 2014	<u>Revision Number/Date:</u>	<u>File Name and Path:</u>	

AMENDMENT FACE SHEET

Loan Number: PW-01-691-052
Amendment Number: A
Washington State Department of Commerce
PUBLIC WORKS BOARD
Loan Contract

1. Contractor Prosser, City of 601 7th Street Prosser, WA 99350		2. Contractor Doing Business As (optional) N/A		
3. Contractor Representative (only if updated) N/A		4. Public Works Board Representative (only if updated) N/A		
5. Original Contract Amount \$ 322,825.00	6. Amendment Amount N/A	7. New Contract Amount N/A		
8. Amendment Funding Source Federal: <input type="checkbox"/> State: <input checked="" type="checkbox"/> Other: <input type="checkbox"/> N/A: <input type="checkbox"/>		9. Amendment Start Date October 15 th , 2014	10. Contract End Date June 1, 2021	
11. Federal Funds (as applicable): N/A		Federal Agency: N/A	CFDA Number: N/A	
12. Amendment Purpose: The purpose of this amendment is to formally alter the day and month in which loan payments are due from July 1 to June 1. The Board, defined as the Washington State Public Works Board, and Borrower/Contractor acknowledge and accept the terms of this Agreement/Contract As Amended and attachments and have executed this Contract on the date below to start as of the date shown above. The rights and obligations of both parties to this Agreement/Contract As Amended are governed by this Agreement/Contract Amendment and the following other documents incorporated by reference: Amendment Terms and Conditions including all attachments. A copy of this Agreement/Contract Amendment shall be attached to and made a part of the original Agreement/Contract between the Board and the Borrower/Contractor. Any reference in the original Contract to "Agreement" or "Contract" shall mean the "Agreement As Amended" or "Contract As Amended," respectively.				
FOR THE BORROWER/CONTRACTOR		FOR PUBLIC WORKS BOARD		
Signature _____		Stan Finkelstein, Public Works Board Chair		
Print Name _____		Date _____		
Title _____		APPROVED AS TO FORM ONLY		
Date _____		This 15 th Day of July, 2013 Bob Ferguson Attorney General		
		Signature on File Kathryn Wyatt Assistant Attorney General		

AMENDMENT TERMS AND CONDITIONS

Washington State Department of Commerce
PUBLIC WORKS BOARD
Loan Contract

Contractor/Borrower: Prosser, City of
Contract Number: PW-01-691-052
Amendment Number: A

The Public Works Board (or its successors), a department of the State of Washington, (hereafter referred to as the "Board") and the Contractor, listed on the Face Sheet, agree to amend the above listed contract by revising all clauses contained therein that reference (in whole or in part) the annual Loan Repayment month and Loan End Date month.

The Loan Repayment and Loan End Date months shall be revised to read "June 1" instead of "July 1" as the month and day in which all loan repayments are to be made. The final payment shall be on or before June 1, 2021, of an amount sufficient to bring the loan balance to zero.

CITY OF PROSSER, WASHINGTON

AGENDA BILL

<u>Agenda Title:</u> Consideration of Resolution approving Amendment No. 2 to Shoreline Master Program Grant G1200039 between the City of Prosser and the Department of Ecology.		<u>Meeting Date:</u> October 14, 2014 Regular Meeting	
<u>Department:</u> Planning	<u>Director:</u> Steve Zetz	<u>Contact Person:</u> Steve Zetz	<u>Phone Number:</u> (509) 786-2332
<u>Cost of Proposal:</u> NA		<u>Account Number:</u>	
<u>Amount Budgeted:</u> NA		<u>Name and Fund#</u>	
<u>Reviewed by Finance Department:</u> N/A			
<u>Attachments to Agenda Packet Item:</u> 1. Resolution 14-_____ 2. Amendment 2 to SMA Grant G1200039			
<u>Summary Statement:</u> The City of Prosser and the Department of Ecology entered into Grant Agreement Number G1200039 with a start date of July 1, 2011 and an original end date of June 30, 2014. The attached Resolution approves Amendment No. 2 which extends the end date of the grant from December 31, 2014 to March 31, 2015. The purpose of the extension is to allow the Department of Ecology time to review the Shoreline Master Program Update and provide additional time to the City for review and updates to the SMP upon receiving comments from the Department of Ecology. Currently the Department of Ecology is preparing to review the City's SMP submission to include updates to the Critical Areas Ordinance (CAO)			
<u>Consistent with or Comparison to:</u> Previous amendments to the SMP contract with Department of Ecology.			
<u>Recommended City Council Action/Suggested Motion:</u> Adopt Resolution 14-_____ approving Amendment No. 2 to SMP Grant G1200039 between the City of Prosser and the Department of Ecology and authorize the Mayor to sign the amendment.			

<u>Reviewed by Department Director:</u>  Date: 10/9/2014	<u>Reviewed by City Attorney:</u>  Date: 10/8/14	<u>Approved by Mayor:</u>  Date: 10-9-14
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CITY OF PROSSER, WASHINGTON
RESOLUTION NO. 14- _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PROSSER,
APPROVING AMENDMENT 2 TO SMA GRANT G1200039 AND
AUTHORIZING THE MAYOR TO SIGN THE AMENDMENT.**

WHEREAS, the City of Prosser and the Washington State Department of Ecology entered into Grant Agreement Number G121200039 (Grant) with a start date of July 1, 2011, and

WHEREAS, the Grant was for a total amount of \$125,000, and

WHEREAS, the Grant provided funding in the amount of \$25,000 for the third year of the Grant which, without this amendment, would have expired on June 30, 2014; and

WHEREAS, the amendment extends the termination date of the grant agreement to March 31, 2015;

NOW THEREFORE, BE IT RESOLVED, that the Amendment 2 to SMA Grant G1200039, a copy of which is attached hereto and incorporated herein as if fully set forth, is hereby approved by the City, and the Mayor is authorized to sign Amendment 2 to SMA Grant G1200039.

ADOPTED by the City Council of the City of Prosser and **APPROVED** by the Mayor of the City of Prosser this ____ day of _____, 2014.

MAYOR PAUL WARDEN

ATTEST:

RACHEL SHAW, CITY CLERK

APPROVED AS TO FORM



HOWARD SAXTON, CITY ATTORNEY

Budget Redistribution and Revised Deliverable for Task 5

Task	Amd 1 Budget Years 1 & 2 11-13 Bien	Amd 1 Budget Year 3 13-15 Bien	Amd 2 Budget Shift Year 3 13-15 Bien	Amd 2 Revised Budget Year 3 13-15 Bien	Amd 2 Revised Years 1-3 Total Project	Amd 1 Revised Deliverable Due Date
A. Project Coordination	\$ 4,876.49	\$ 2,500.00	\$ 2,200.00	\$ 4,700.00	\$ 9,576.49	
B. Contracted Services	\$ -	\$ -	\$ -	\$ -	\$ -	
C. Implement Public Participation Plan	\$ -	\$ 2,000.00	\$ (2,000.00)	\$ -	\$ -	
Phased Work:			\$ -		\$ -	
1. Preliminary Assmt./Pub. Participation	\$ 6,850.57	\$ -	\$ 3,787.39	\$ 3,787.39	\$ 10,637.96	
2. Shorelines Inv., Analysis & Character	\$ 41,795.29	\$ -	\$ 127.50	\$ 127.50	\$ 41,922.79	
3. Complete Draft SMP and Cum. Imp. /	\$ 35,301.25	\$ 10,000.00	\$ (8,465.91)	\$ 1,534.09	\$ 36,835.34	
4. Restoration Planning / Revisit Ph 3	\$ 4,450.00	\$ 7,000.00	\$ (6,808.75)	\$ 191.25	\$ 4,641.25	
5. Local Adoption Process	\$ -	\$ 3,500.00	\$ 11,159.77	\$ 14,659.77	\$ 14,659.77	3/01/2015
	\$ 93,273.60	\$ 25,000.00	\$ -	\$ 25,000.00	\$ 118,273.60	

CITY OF PROSSER, WASHINGTON

AGENDA BILL

<u>Agenda Title:</u> Consideration of Resolution Accepting the Water System Telemetry Upgrades Project as Complete, and Approve Retainage Release of \$6,960.08 Upon Satisfactorily Fulfilling Specific Conditions.		<u>Meeting Date:</u> October 14, 2014 Regular Meeting	
<u>Department:</u> Public Works	<u>Director:</u> L.J. Da Corsi	<u>Contact Person:</u> L.J. Da Corsi	<u>Phone Number:</u> (509) 786-2332
<u>Cost of Proposal:</u> \$150,755.38		<u>Account Number:</u>	
<u>Amount Budgeted:</u> Funding conditioned upon approval from DWSRF		<u>Name and Fund#</u>	
<u>Reviewed by Finance Department:</u> R Murray			
<u>Attachments to Agenda Packet Item:</u> <ol style="list-style-type: none"> 1. Resolution No. 14-_____ accepting the Water System Telemetry Upgrades Project as complete. 2. Final Progress Estimate and Project Acceptance Letter, dated September 19, 2014 3. NOTICE OF COMPLETION OF PUBLIC WORKS CONTRACT form. 			
<u>Summary Statement:</u> <p>The Water System Telemetry Upgrades Project has been satisfactorily completed and is now ready for the Prosser City Council to officially accept the project in order to move forward toward closeout. The City's engineering consultant for the project, HLA, Inc., recommends acceptance of the telemetry project and the release of the retainage (\$6,960.08) only upon satisfactorily fulfilling the special conditions, as related to retainage. Additionally, a Notice of Completion of Public Works Contract must now be completed and submitted to the appropriate agencies for review and approval.</p> <p>The Telemetry Upgrades project was part of the USDA funded Northwest Prosser Water System Improvements Project (NWPWSIP). The Telemetry Upgrades replaced and improved the existing mismatched and antiquated telemetry system that included 17-year-old Zetron remote telemetry units (RTU), two PLCs at the water treatment plant that ran separate functions within the facility, and an old generation HMI computer that had an outdated and unsupported operating</p>			

system and incompatible software. Work was completed at each of the well and reservoir remote sites, and at the water treatment plant, consolidating and updating control system hardware and radio communications to provide a fully compatible system and improved reliability. The original contract price for this work was \$80,053.89.

During installation of the new telemetry system components, the variable frequency drive (VFD) at Well No. 6 failed. Replacement of the Well No. 6 VFD was completed by the contractor as a contract change order to the Telemetry Upgrades project. Hence, the additional cost of \$59,147.75 bringing the project cost total to \$139,201.64, plus tax of \$11,553.74 for a grand total of \$150,755.38.

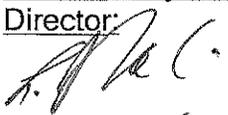
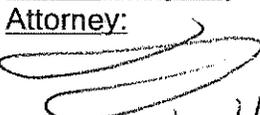
NOTE: This Notice of Completion only covers the Telemetry Upgrades portion of the project. The only work left on the USDA Northwest Prosser Water System Improvements project is completion of the water treatment plant O&M manual. This work is anticipated to be completed in approximately sixty days.

Consistent with or Comparison to:

Protocol and procedures necessary for the completion and closeout of public works projects funded through federal and state agencies and programs for municipal infrastructure improvements.

Recommended City Council Action/Suggested Motion:

Adopt Resolution No. 14-_____ Accepting the Water System Telemetry Upgrades Project as Complete, and Approve Retainage Release of \$6,960.08 Upon Satisfactorily Fulfilling Specific Conditions.

<u>Reviewed by Department Director:</u>  Date: 10/10/14	<u>Reviewed by City Attorney:</u>  Date: 10/8/14	<u>Approved by Mayor:</u>  Date: 10-9-14
<u>Today's Date:</u> September 23, 2014	<u>Revision Number/Date:</u>	<u>File Name and Path:</u>

CITY OF PROSSER, WASHINGTON
RESOLUTION NO. 14-_____

**A RESOLUTION ACCEPTING THE WATER SYSTEM
TELEMETRY UPGRADES PROJECT AS COMPLETE AND,
PURSUANT TO RCW 39.12 AND RCW 60.28, SUBSEQUENT
RELEASE OF RETAINAGE UPON SATISFACTORY
FULFILLMENT AND COMPLETION OF THE SPECIFIC
REQUIREMENTS AND CONDITIONS**

WHEREAS, the City of Prosser's project engineer, Huibregtse Louman Associates, Inc., (HLA) has inspected and reviewed the project and believe it is satisfactory and complete in accordance with City of Prosser Construction Standards and WSDOT Standard Specifications for Road, Bridge, and Municipal Construction 2010 M-41-10; and,

WHEREAS, the City's project engineer, HLA, recommends acceptance of the project as complete;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the City Council of the City of Prosser hereby accepts the Water System Telemetry Upgrades project as complete; and
2. That administration is authorized to release retainage in the amount of \$6,960.08 relative to this project, pursuant to RCW 39.12 and RCW 60.28, only upon satisfactory fulfillment and completion of the specific requirements and conditions as follows:
 1. The Contractor, Total Energy Management, Inc., (Contractor) has met the requirements for providing necessary documentation assuring there are no liens or claims for labor and materials furnished on this project filed against the retainage.
 2. A full sixty (60) days have elapsed since the official acceptance of this project by the City of Prosser.
 3. The City has received Notice of Completion clearance from the Department of Revenue, the Employment Security Department, and the Department of Labor and Industry relative to this project.
 4. The City has received from HLA the following:
 - Confirmation that all punch list items identified during the final walk-through inspection have been completed
 - Confirmation that the Contractor has delivered a neatly marked full-size set of record drawings to HLA
 - A notarized certificate from the Contractor which states all labor and materials furnished on this project have been paid for

- Statement of Intent to pay prevailing wages approved by the State Department of Labor and Industries
- Certified payroll(s) of the Contractor and Subcontractors
- Affidavits of Wages Paid completed by the Contractor and Subcontractors and approved by the State Department of Labor and Industries
- Verification that the Contractor and Subcontractors are current in payment of all industrial insurance premiums; and,

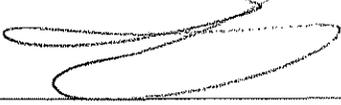
ADOPTED by the City Council of the City of Prosser and **APPROVED** by the Mayor of the City of Prosser this _____ day of _____, 2014.

Mayor Paul Warden

ATTEST:

Rachel Shaw, City Clerk

APPROVED AS TO FORM:



Howard Saxton, City Attorney



Jeffrey T. Lounan, PE ry D. Alapeteri, PE Stephanie J. Ray, PE
Theodore W. Pooler, PE Gene W. Soules, PE Dustin L. Posten, PE
Michael T. Battle, PE Timothy D. Fries, PLS Stephen S. Hazzard, PE
Eric T. Herzog, PLS Justin L. Bellamy, PE Michael R. Heir, PE

Civil Engineering ♦ Land Surveying ♦ Planning

September 19, 2012

City of Prosser
601 Seventh Street
Prosser, WA 99350

Attn: Mayor Paul Warden

Re: City of Prosser
TELEMETRY UPGRADES
HLA Project No.: 10024T
Final Progress Estimate and Project Acceptance

Dear Mayor Warden:

Enclosed is Progress Estimate No. 5 designated as the Final for work performed by Total Energy Management, Inc., through August 31, 2014, in connection with their contract on the above referenced project. The amount due the Contractor of \$0.00 is net after retainage, as per the contract documents. We recommend this Final Progress Estimate be considered and accepted by the Prosser City Council.

This letter also serves as our recommendation for acceptance of this project by the City of Prosser. We have reviewed the work performed by Total Energy Management, Inc. on this project and believe it has been completed satisfactorily. Please provide us a copy of the Council resolution authorizing project acceptance.

Enclosed for your action is the "Notice of Completion of Public Works Contract" to be completed and sent to the Department of Revenue, Department of Labor and Industries, and Employment Security Department in Olympia. Forward one (1) copy each of the Notice of Completion to the Department of Revenue, Department of Labor and Industries, and the Employment Security Department as soon as the Prosser City Council has accepted the project.

The retainage on this project in the amount of \$6,960.08 should be released to Total Energy Management, Inc., after acceptance of the project and when the following conditions have been satisfied:

1. There are no liens or claims for labor and materials furnished on this project filed against the retainage.
2. A full sixty (60) days have elapsed since the official acceptance of this project by the City of Prosser.
3. The City has received Notice of Completion clearance from the Department of Revenue, Department of Labor and Industries, and the Employment Security Department relative to this contract. Please provide a copy of each to our office.

G:\PROJECTS\2010\10024T-C PR TELEMETRY UPGRADES - Total Energy Mngmt\PROGRESS ESTIMATES\PROG EST NO. 5 AND FINAL\2014-09-19 PROG EST NO 5 FINAL LTR.rtf

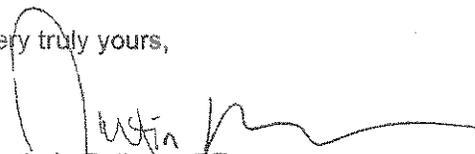
City of Prosser
September 19, 2014
Page 2.

4. The City has received the following from Huiibregtse, Louman Associates, Inc. (HLA):
 - a. HLA delivered two neatly marked 11" X 17" sets and one CD of record drawings to the City of Prosser on August 13, 2014.
 - b. A notarized certificate from the Contractor which states that all labor and materials furnished on this project have been paid for is attached.
 - c. The required project labor and equal employment opportunity documents were mailed to the City of Prosser on September 17, 2014.

We would appreciate receiving a copy of your Council Resolution authorizing release of retainage.

Please contact this office if you have questions or if we may furnish additional information.

Very truly yours,



Justin L. Bellamy, PE

JLB/crf

Enclosures

Copy: Total Energy Management, Inc.
Steven Sziebert, HLA
Correspondence File

City of Prosser
 601 Seventh Street
 Prosser, WA 99350

TELEMETRY UPGRADES

HLA Project No.: 10024T

TO: Total Energy Management
 1975 Butler Loop
 Richland, WA 99354

Progress Estimate No.: 5 AND FINAL

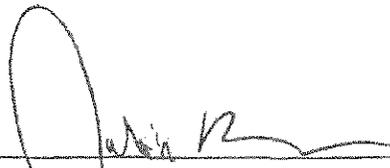
Date: August 31, 2014

Item No.	Description	Unit	Contract Quantity	Unit Price	Estimate 5 Quantity	Quantity to Date	Amount	Contract Quantity
1	Telemetry Upgrades, Complete	LS	1	\$52,808.82	0%	100%	\$52,808.82	100%
SUBTOTAL							\$52,808.82	
ADDITIVE ALTERNATE BID ITEMS								
2	Additive Alternate No. 1, Add Operator Interface to Remote Well Site Control	LS	1	\$22,602.06	0%	100%	\$22,602.06	100%
3	Additive Alternate No. 2, Add Panel Meters to Remote Well Site Control Panels	LS	1	\$4,643.01	0%	100%	\$4,643.01	100%
SUBTOTAL							\$27,245.07	
CHANGE ORDER NO. 1								
1-1	New Radios at Water Plant and Well No. 2/3, 4B, 5, 6 and one spare	LS	1	\$7,403.76	0%	100%	\$7,403.76	100%
1-2	Delete Well No. 4 Labor	LS	1	(\$2,153.00)	0%	100%	(\$2,153.00)	100%
1-3	Delete Well No. 4 Operator Interface	LS	1	(\$3,460.00)	0%	100%	(\$3,460.00)	100%
1-4	Delete Additive Alternate No. 2	LS	1	(\$4,643.01)	0%	100%	(\$4,643.01)	100%
CHANGE ORDER NO. 1, SUBTOTAL							(\$2,852.25)	
CHANGE ORDER NO. 2								
2-1	Purchase and installation of new 300 HP VFD at Well No. 6.	LS	1	\$61,500.00	0%	100%	\$61,500.00	100%
2-2	Freight	LS	1	\$500.00	0%	100%	\$500.00	100%
CHANGE ORDER NO. 2, SUBTOTAL							\$62,000.00	

Item No.	Description	Unit	Contract Quantity	Unit Price	Estimate 5 Quantity	Quantity to Date	Amount	Contract Quantity
	SUBTOTAL, WORK TO DATE						\$139,201.64	
	PLUS MATERIALS ON HAND						\$0.00	
	SUBTOTAL AMOUNTS						\$139,201.64	
	8.3% STATE SALES TAX						\$11,553.74	
	TOTAL						\$150,755.38	
	LESS TOTAL RETAINAGE						\$6,960.08	
	LESS AMOUNTS PREVIOUSLY PAID						\$143,795.30	
	AMOUNT NOW DUE						\$0.00	

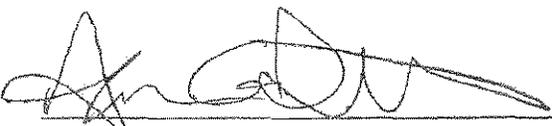
Progress Estimate No. 1 \$ 28,526.11
 Progress Estimate No. 2 \$ 42,442.94
 Progress Estimate No. 3 \$ 8,780.25
 Progress Estimate No. 4 \$ 64,046.00
 Progress Estimate No. 5 AND FINAL \$ 0.00

I hereby certify that the foregoing is a true and correct statement of the work performed under this Contract.


 Justin L. Bellamy, PE

ACCEPTED:

I hereby accept the Final Progress Estimate and Final Contract Voucher Certification, in accordance with Section 1-09.9 of the WSDOT Standard Specifications.


 Total Energy Management, Inc.

9/15/2014
 Date:



Original
 Revised # _____

NOTICE OF COMPLETION OF PUBLIC WORKS CONTRACT

Date: September 19, 2014

Contractor's UBI Number: 600 535 041

Name & Mailing Address of Public Agency
City of Prosser 601 Seventh Street Prosser, WA 99350 UBI Number: 035 000 400

Department Use Only
Assigned to: _____
Date Assigned: _____

Notice is hereby given relative to the completion of contract or project described below

Project Name TELEMETRY UPGRADES	Contract Number 10024T	Job Order Contracting <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Description of Work Done/Include Jobsite Address(es) Upgrades to the City of Prosser's water telemetry system. 601 Seventh St. Prosser, WA 99350		
Federally funded transportation project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if yes, provide Contract Bond Statement below)		
Contractor's Name Total Energy Management, Inc.	E-mail Address adewitt@teminc.com	Affidavit ID* 530065
Contractor Address 1975 Butler Loop Richland, WA 99354		Telephone # (509)946-4500
If Retainage is not withheld, please select one of the following and List Surety's Name & Bond Number. <input type="checkbox"/> Retainage Bond <input type="checkbox"/> Contract/Payment bond (valid for federally funded transportation projects)		
Name: Travelers Casualty and Surety Company of America		Bond Number:
Date Contract Awarded 08/27/13	Date Work Commenced 10/07/13	Date Work Completed 07/24/14
Date Work Accepted		
Were Subcontracters used on this project? If so, please complete Addendum A. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Affidavit ID* - No L&I release will be granted until all affidavits are listed.		

Contract Amount	\$	80,053.89			
Additions (+)	\$	59,147.75		Liquidated Damages \$	
Reductions (-)	\$			Amount Disbursed \$	143,795.30
Sub-Total	\$	139,201.64		Amount Retained \$	6,960.08
Amount of Sales Tax <u>8.3</u>					
(If various rates apply, please send a breakdown)	\$	11553.74			
TOTAL	\$	150,755.38		TOTAL \$	150,755.38

NOTE: These two totals must be equal

Comments:

Note: The Disbursing Officer must submit this completed notice immediately after acceptance of the work done under this contract.

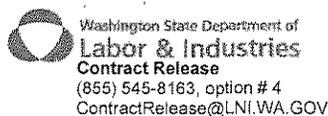
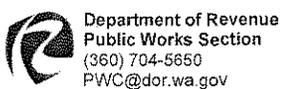
NO PAYMENT SHALL BE MADE FROM RETAINED FUNDS until receipt of all release certificates.

Submitting Form: Please submit the completed form by email to all three agencies below.

Contact Name: Ms. Rachel Shaw
 Email Address: rshaw@ci.prosser.wa.us

Title: City Clerk/Public Records Officer

Phone Number: (509)786-8218



North Prosser Water System Improvements
Water System Telemetry Upgrades

HLA Project No. 10024T

Interim Financing Extension Request

July 2, 2014

The project is partially funded through a loan from USDA Rural Development. The last phase of the improvements consisted of telemetry upgrades to the water system. The contractor is Total Energy Management, and professional engineering services are being provided by Huijbregtse, Louman Associates, Inc., and their electrical engineering subconsultant, Conley Engineering, Inc.

Reason for Extension

Following installation of the Well No. 6 telemetry control panel upgrades, coincidentally, the existing variable frequency drive (VFD) failed at Well No. 6. Due to its age, the presence of several damaged internal components, and the limited availability and unknown condition of parts, immediate replacement of the existing VFD was recommended. The Well No. 6 VFD is an integral component of the well source control system. Without the VFD in operation, the well pump will not run and telemetry controls for monitoring, adjusting and controlling well performance will not be useable. Since the control system contractor, Total Energy Management (TEM), was performing upgrades to the Well No. 6 control panel at the time of VFD failure, they were contacted to obtain a proposal to replace the existing VFD. The price was acceptable, Change Order No. 2 was prepared, and USDA approved adding the work to the current construction contract with TEM.

TEM worked diligently to have the VFD delivered in a timely manner. Unfortunately, delays in manufacture and delivery of the new VFD extended the delivery date, and impacted project closeout. As a result, a 6-month extension of the interim financing period is necessary.

Scope of Work During the Extension Period

The contractor, Total Energy Management, will be installing, programming control features, and testing the functions of the VFD, which will complete the construction contract for the Water System Telemetry Upgrades. Huijbregtse, Louman Associates, Inc., and the City of Prosser will then be able to proceed with formal project closeout according to contractual and statutory timelines. Additional specific items of work to be completed during the extension period are identified in the schedule presented below.

Project Closeout Schedule

Following is a list of items needed and approximate dates to complete the North Prosser Water System Improvements project.

- July 25, 2014: Substantial completion of the telemetry upgrades by Total Energy Management.
- July 31, 2014: Construction contract completion date.
- August 22, 2014: Completion of the final pay estimate and construction closeout documents for submittal to and review by the City of Prosser. Include engineer's recommendation of acceptance and engineer's certification that construction was completed in accordance with plans and specifications.
- September 9, 2014: Final project acceptance by the City of Prosser. City will provide to the engineer a copy of City resolution accepting the project.

- September 15, 2014: City begins working with bond counsel to develop resolution/ordinance for revenue bond(s) to secure USDA loan.
- October 31, 2014: HLA submits "As-Built" drawings and O&M manual(s) to City.
- November 7, 2014: Completion of USDA project closeout documents and submittal to USDA Rural Development. The closeout documents will include:
 - Final Outlay Report
 - Evidence of City receipt of "As-Built" drawings and O&M manual(s)
 - Engineer's recommendation of acceptance, final inspection report, and engineer's certification that construction was completed according to the plans and specs
 - Certificate of Substantial Completion
 - Resolution by City accepting the project
- November 8, 2014: End of 60-day period for release of retainage. Department of Revenue, Department of Labor, and Employment Security releases should be received by this date.
- December 9, 2014: City passes revenue bond resolution/ordinance.
- January 9, 2015: City and USDA complete work with bond counsel and the revenue bond securing the loan is in place.
- January 23, 2015: USDA completes project closeout.

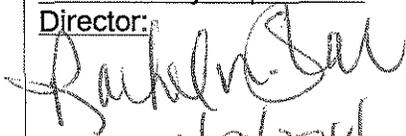
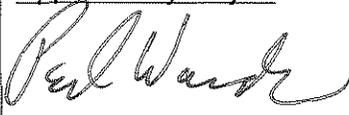
CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Acceptance of Historic Downtown Prosser Association (HDPa) Financial Statements and Accountant's Review of 2012 - 2013 and Authorize Payment in the Amount of \$15,000.		Meeting Date: October 14, 2014 Regular Meeting	
Department: City Clerk	Director: Rachel Shaw	Contact Person: Rachel Shaw	Phone Number: 509-786-8218
Cost of Proposal: \$15,000		Account Number: 558-70-41	
Amount Budgeted: \$10,000		Name and Fund#: General Fund (001)	
Reviewed by Finance Department: RM			
Attachments to Agenda Packet Item: 1. HDPa Financial Statements and Accountant's Review Report dated December 31, 2013 and 2012 2. 2014 HDPa Annual Invoice			
Summary Statement: At the August 27, 2013 City Council meeting, Council adopted the 2013 Tourist Promotion Services Agreement between the City of Prosser and HDPa. Per Section 6 of the Agreement, HDPa shall provide the City with a copy of a review from a Certified Public Accountant during the term of the agreement annually. The agreement also provides that the City shall then pay HDPa the sum of \$15,000. During the 2014 budget discussions, Council reduced the annual funding contribution for HDPa to \$10,000. Following the adoption of the 2014 Budget, Council opted to restore the funding contribution to the full \$15,000 however official action was not taken to implement this change. The 2014 Budget contains \$10,000 for the Historic Downtown Prosser Association it is proposed that the remaining \$5,000 be paid for out of the available General Fund budget. The attached Annual Report and invoice authorizes a City contribution of \$15,000 for 2014.			
Consistent with or Comparison to: EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			

Recommended City Council Action/Suggested Motion:

Accept the Historic Downtown Prosser Association (HDPa) Financial Statements and Accountant's Review of 2012 - 2013 and Authorize Payment in the Amount of \$15,000.

<u>Reviewed by Department Director:</u>  Date: 10/9/2014	<u>Reviewed by City Attorney:</u> N/A Date:	<u>Approved by Mayor:</u>  Date: 10-9-14
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**Historic Downtown Prosser Association
Financial Statements
and
Independent Accountant's Review Report
December 31, 2013 and 2012**

Table of Contents

Accountant's Review Report	.....	i
Statements of Financial Position	.....	1
Statements of Activities and Changes in Net Assets	.....	2
Statements of Cash Flows	.....	3
Notes to the Financial Statements	.....	4 - 6



Newhouse & Associates | PLLC

Independent Accountant's Review Report

To the Board of Directors
Historic Downtown Prosser Association
Prosser, WA

We have reviewed the accompanying statements of financial position of Historic Downtown Prosser Association (a nonprofit organization) as of December 31, 2013 and 2012, and the related statements of activities and changes in net assets and cash flows for the years then ended. A review includes primarily applying analytical procedures to management's financial data and making inquiries of Company management. A review is substantially less in scope than an audit, the objective of which is the expression of an opinion regarding the financial statements as a whole. Accordingly, we do not express such an opinion.

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.

Our responsibility is to conduct the reviews in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. Those standards require us to perform procedures to obtain limited assurance that there are no material modifications that should be made to the financial statements. We believe that the results of our procedures provide a reasonable basis for our report.

Based on our reviews, we are not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in conformity with accounting principles generally accepted in the United States of America.

Newhouse & Associates, PLLC

Firm's Signature

September 26, 2014

Report Date

HISTORIC DOWNTOWN PROSSER ASSOCIATION

STATEMENTS OF FINANCIAL POSITION

December 31, 2013 and 2012

Assets	2013	2012
Current Assets		
Cash and cash equivalents	\$ 90,875	\$ 66,030
Restricted cash for future programs - current portion	56,500	80,000
Accounts receivable	181	302
Marketable securities, at fair market value	58,850	55,748
Total current assets	<u>206,406</u>	<u>202,080</u>
 Furniture, Fixtures and Equipment, less accumulated depreciation	 <u>560</u>	 <u>697</u>
 Other assets		
Restricted cash for future programs - long-term portion	-	55,000
Total other assets	<u>-</u>	<u>55,000</u>
 Total assets	 <u><u>206,966</u></u>	 <u><u>257,777</u></u>
 Liabilities and Net Assets		
Liabilities		
Accounts payable	<u>538</u>	<u>1,877</u>
Total Liabilities	<u>538</u>	<u>1,877</u>
 Net Assets		
Unrestricted		
Undesignated and accumulated other comprehensive income	149,927	125,899
Board Designated	56,500	119,532
Total unrestricted	<u>206,427</u>	<u>245,430</u>
 Temporarily restricted	 <u>0</u>	 <u>10,468</u>
 Total net assets	 <u>206,427</u>	 <u>255,899</u>
 Total liabilities and net assets	 <u><u>\$ 206,966</u></u>	 <u><u>\$ 257,777</u></u>

See accompanying notes and independent accountant's review report

1

HISTORIC DOWNTOWN PROSSER ASSOCIATION

STATEMENTS OF ACTIVITIES AND CHANGES IN NET ASSETS
For the Years Ended December 31, 2013 and 2012

	2013				2012			
	Unrestricted	Board Designated Unrestricted	Temporarily Restricted	Total	Unrestricted	Board Designated Unrestricted	Temporarily Restricted	Total
Support and Revenue								
Contributions	\$ 66,626	\$ 22	\$ -	\$ 66,648	\$ 91,749	\$ 9,362	\$ 7,853	\$ 108,964
Fundraising events	4,052	-	-	4,052	118	-	10,468	10,586
Grants	15,000	-	-	15,000	15,000	-	500	15,500
Special event income	981	-	-	981	2,135	-	-	2,135
Interest income	3,058	-	-	3,058	2,062	-	-	2,062
Other income	50	-	-	50	-	-	-	-
Net assets released from restrictions	73,522	(63,054)	(10,468)	-	13,353	(5,000)	(8,353)	-
Total support and revenue	<u>163,289</u>	<u>(63,032)</u>	<u>(10,468)</u>	<u>89,789</u>	<u>124,417</u>	<u>4,362</u>	<u>10,468</u>	<u>139,247</u>
Expenses								
Program	100,947	-	-	100,947	54,554	-	-	54,554
Fundraising	8,578	-	-	8,578	5,261	-	-	5,261
Administration	30,348	-	-	30,348	25,450	-	-	25,450
Total expenses	<u>139,874</u>	<u>-</u>	<u>-</u>	<u>139,874</u>	<u>85,266</u>	<u>-</u>	<u>-</u>	<u>85,266</u>
Other comprehensive income								
Unrealized gain / (loss) on marketable securities	1,709	-	-	-	(576)	-	-	-
Change in net assets	25,124	(63,032)	(10,468)	(48,376)	38,575	4,362	10,468	53,405
Prior period adjustment	(1,096)	-	-	(1,096)	-	-	-	-
Net assets at beginning of year	<u>125,899</u>	<u>119,532</u>	<u>10,468</u>	<u>255,899</u>	<u>87,323</u>	<u>115,170</u>	<u>-</u>	<u>202,493</u>
Net assets at end of year	<u>\$ 149,927</u>	<u>\$ 56,500</u>	<u>\$ 0</u>	<u>\$ 206,427</u>	<u>\$ 125,899</u>	<u>\$ 119,532</u>	<u>\$ 10,468</u>	<u>\$ 255,899</u>

HISTORIC DOWNTOWN PROSSER ASSOCIATION

STATEMENTS OF CASH FLOWS

For the Years Ended December 31, 2013 and 2012

Cash Flows From Operating Activities:	<u>2013</u>	<u>2012</u>
Change in net assets	\$ (49,472)	\$ 53,406
Adjustments to reconcile change in net assets to net cash provided by (used in) operating activities:		
Depreciation	137	137
Changes in operating assets and liabilities:		
Accounts receivable	121	(302)
Accounts payable	<u>(1,339)</u>	<u>1,636</u>
Net cash provided by (used in) operating activities	<u>(50,554)</u>	<u>54,876</u>
 Cash Flows From Investing Activities:		
Purchase of office furniture and equipment	-	(211)
Increase in marketable securities	(3,102)	(55,748)
Net change in restricted cash	<u>78,500</u>	<u>(19,830)</u>
Net cash used in investing activities	<u>75,399</u>	<u>(75,789)</u>
 Net increase (decrease) in cash and cash equivalents	24,845	(20,913)
 Cash and Cash Equivalents, Beginning of Year	<u>66,030</u>	<u>86,943</u>
 Cash and Cash Equivalents, End of Year	<u>\$ 90,875</u>	<u>\$ 66,030</u>

HISTORIC DOWNTOWN PROSSER ASSOCIATION

NOTES TO FINANCIAL STATEMENTS
For the Years Ended December 31, 2013 and 2012

NOTE 1—ORGANIZATION AND NATURE OF ACTIVITIES

HISTORIC DOWNTOWN PROSSER ASSOCIATION (the "Organization") is a not-for-profit organization formed to promote the economic development and revitalization as well as the preservation of historic buildings in the downtown area of the community of Prosser, Washington.

NOTE 2—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of Accounting

The financial statements have been prepared on the accrual basis of accounting which recognizes income when earned and expenses when incurred.

Basis of Presentation

The Organization presents its net assets and its revenue based upon the existence of donor imposed restrictions into these classes: unrestricted, temporarily restricted, and permanently restricted. Unrestricted net assets include both undesignated and board designated funds. Undesignated net assets may be used at the discretion of management to support the mission of the Organization and consist of net assets accumulated from the results of operations. Board designated funds have been designated by the Board of Directors from donor contributions with no restrictions for specific future program expenditures identified by the Board of Directors.

Grants and expenses are reported as decreases in unrestricted net assets. Expirations of temporary restrictions on net assets (i.e., the stipulated time period has elapsed or purpose was satisfied) are reported as net assets released from restrictions.

Cash and Cash Equivalents

For the purposes of the financial statements, the Organization considers all liquid investments having initial maturities of three months or less to be cash equivalents.

Cash Restricted for Future Programs

For the purposes of the statement of cash flows, the Organization considers cash that has been designated by the board to be restricted for future programs to be an increase/decrease in investing activities.

For the purposes of the statement of financial position, the Organization has identified separately restricted cash that is to be used within one year for future programs as a current asset and cash restricted for future programs expected to be used more than one year from the date of the financial statements as a long term asset.

Support and Revenue Recognition

Contributions, donations, and grants are reported when received at their fair market value as either unrestricted support, or temporarily restricted support if they are received with donor stipulations that limit their use. When a donor restriction expires, temporarily restricted assets are reclassified as unrestricted net assets and reported as net assets released from restrictions.

HISTORIC DOWNTOWN PROSSER ASSOCIATION

NOTES TO FINANCIAL STATEMENTS
For the Years Ended December 31, 2013 and 2012

Functional Allocation of Expenses

The costs of providing programs and other activities are summarized in the statement of functional expenses. Costs have been allocated among program, fundraising and promotion, and administration based on direct costs, estimated time and other rational means.

Income Taxes

The Organization is exempt from federal income taxes under section 501(c)(3) of the Internal Revenue Code. In addition, the organization has been determined by the Internal Revenue Service not to be a "private foundation" within the meaning of Section 509(a) of the Internal Revenue Code.

The Organization's forms 990, Return of Organization Exempt from Income Tax, for 2013, 2012, and 2011 are subject to examination by the IRS, generally for three years after they were filed.

HISTORIC DOWNTOWN PROSSER ASSOCIATION

NOTES TO FINANCIAL STATEMENTS
For the Years Ended December 31, 2013 and 2012

NOTE 3—NET ASSETS RELEASED FROM RESTRICTIONS

Net assets were released from temporary donor and board restrictions by incurring expenses to satisfy the restricted purposes or by occurrence of other events specified by donors. Net assets were released from restrictions during the years ended December 31, 2013 and 2012 for the following purposes:

	<u>2013</u>	<u>2012</u>
Downtown Beautification Grant - Benches, Wastebaskets and Bike Racks	\$ -	\$ 8,353
Signage Phase I	-	5,000
Façade Improvement Grants	21,343	
Street Tree Project	10,490	
Board Designated Funds released from restrictions	<u>41,689</u>	<u>-</u>
Total temporarily restricted net assets released from restrictions	\$ 73,522	\$ 13,353

NOTE 4—TEMPORARILY RESTRICTED ASSETS AND BOARD DESIGNATED NET ASSETS

Temporarily restricted and board designated net assets consist of the following at December 31, 2012 and 2011

	<u>2013</u>	<u>2012</u>
<u>2013 Programs</u>		
Façade Improvement Grant Money		40,000
Signage Phase II		15,000
Street Tree Project		10,000
Watering System		<u>15,000</u>
	-	<u>80,000</u>
<u>2014 Programs</u>		
Façade Improvement Grant Program	40,000	40,000
Signage Phase II Commitment	15,000	15,000
City Planning	<u>1,500</u>	<u>-</u>
	<u>56,500</u>	<u>55,000</u>
Total temporarily restricted and board designated net assets	\$ <u>56,500</u>	\$ <u>135,000</u>

NOTE 5—SUBSEQUENT EVENTS

Subsequent events have been evaluated through September 26, 2014, which is the date the financial statements were available to be issued.

Historic Downtown Prosser Assn

1230 Bennett Ave
Prosser, WA 99350

Invoice

Date	Invoice #
10/8/2014	2-2044

Bill To
City of Prosser 601 7th Street Prosser, WA 99350 Attn: Rachel Shaw

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
	Annual Allocation to HDP	15,000.00	15,000.00
Total			\$15,000.00

**CITY OF PROSSER, WASHINGTON
601 7TH STREET
CITY COUNCIL CHAMBERS
CITY COUNCIL SPECIAL MEETING
TUESDAY, AUGUST 5, 2014**

CALL TO ORDER

Mayor Warden called the Special Meeting of the Prosser City Council to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Council Members Aubrey, Taylor, Hamilton, Everett, Ward, Becken, and Elder were present.

Others in attendance were City Clerk Shaw, Finance Director Mauras, Finance Manager Yost, Police Chief Giles, and City Attorney Saxton.

CITIZEN PARTICIPATION

Louis Garcia, 1226 Hillcrest Drive, Grandview, Washington, expressed his concern with the City's personnel policy manual and stated he wanted to defend his daughter Alexis Garcia's honor, whose employment at the City Aquatic Center was terminated on August 4, 2014. Mr. Garcia provided a handout to Council from the City's personnel manual and asked that Council review the accusations made against his daughter.

Mayor Warden explained to the Council that he, Mr. Garcia and Alexis Garcia met earlier in the day, at Mr. Garcia's request and discussed the details of the termination and the fact that Council does not administer the day-to-day proceedings of the City, that task belongs to the Mayor.

Alexis Garcia, 1226 Hillcrest Drive, Grandview, Washington, provided an explanation of the circumstances surrounding her termination from her perspective.

Karin Garcia, 1226 Hillcrest Drive, Grandview, Washington, stated she was the mother of Alexis Garcia and said this matter is very important to her family.

Marijuana Moratorium

Tom Denlea, 145 W SR 22, asked Council to consider banning all marijuana activity in city limits and further stated that if the City found itself in a situation of litigation, that he and several other residents would be willing to pay legal fees to defend the City.

Council Member Hamilton asked Mr. Denlea if he was asking the Council to consider banning all marijuana store activity including the existing licensed business or future businesses.

Mr. Denlea clarified that he meant all potential future businesses.

Mayor Warden stated the item on the agenda for Council's review was an ordinance declaring a moratorium prohibiting marijuana production, processing and retail sales; the current store would not be impacted if Council decided to adopt the ordinance at a future City Council meeting.

MAYOR AND COUNCIL REPORTS AND COMMENTS

Council Member Hamilton said he was at the Farmer's Market over the weekend and congratulated Council Member Everett for his daughter's performance.

Council Member Elder reported Junebug's bakery is now open and they are offering free coffee until 9:00 a.m. The grand opening is scheduled for this Friday.

Chamber of Commerce Quarterly Report

Mayor Warden stated Agenda Item 5b Chamber of Commerce Quarterly Report would be removed from the night's agenda and rescheduled for August 12, 2014 Regular City Council meeting.

Historic Downtown Prosser Association Quarterly Report

Dan Smith, Executive Director, echoed Council Member Elder's report of the grand opening of Junebug's bakery. Mr. Smith provided a handout regarding upcoming important dates for downtown activities and discussed the HDPa quarterly highlights including the opening of Jeremy's 1896 Public House restaurant and the installation of two new benches.

Council Member Taylor commended HDPa for a great job with the flower baskets downtown.

Training Monies for City Attorney

Mayor Warden stated according to the conditions of City Attorney Saxton's contract with the City, staff is required to request training monies. Mayor briefed Council about an upcoming training that he'd like the City Planner and the City Attorney to attend. Council authorized the expenditure.

CONSENT AGENDA

Finance Manager Yost provided Council an updated Wage Schedule related to the Labor Agreement, item "B" of the Consent Agenda and explained a discrepancy was noted in the Agreement in the Council's packet for consideration. The OPEIU representative has agreed to the changes.

A motion was made by Council Member Everett, seconded by Council Member Becken to approve Consent Agenda Items "A – C." Motion passed 7 YES, 0 NO, 0 ABSENT.

- a. Approve the USDA Outlay Report and Draw Request No. 33 in an Amount of \$4,775.76, for Costs Associated with the Northwest Improvements Project (Contract Addendum No. 2) and Authorize the Mayor to Sign the Documents
- b. Approve Labor Agreement, between the City of Prosser and Office of Professional Employees International Union (OPEIU) Local No. 11, and

Subscription Agreement between the City of Prosser and Washington Teamsters Welfare Trust, for Clerical and Wastewater employees, for the term of January 1, 2014 through December 31, 2016, and Authorize the Mayor to Sign the Documents (as amended)

- c. Approve an Investment Grade Audit (IGA) with Apollo Solutions, as approved by the Washington State Department of Enterprise Services

COUNCIL ACTION

APPROVE NOTE MODIFICATION AGREEMENT WITH WASHINGTON TRUST BANK, ADDRESSING THE MATURITY DATE OF INTERIM FINANCING LOAN FOR THE NORTH PROSSER WATER SYSTEM IMPROVEMENT PROJECT

Mayor Warden provided Council with an explanation of the amendment and noted the Agreement in the Council's packet inaccurately had former Deputy City Administrator Cathleen Koch's name listed as the signatory. A revised Agreement has since been provided to the City with the correct authorized signer listed.

A motion was made by Council Member Everett, seconded by Council Member Taylor to adopt a Note Modification Agreement with Washington Trust Bank addressing the maturity date of interim financing loan for the North Prosser Water System Improvement Project. Motion passed 7 YES, 0 NO, 0 ABSENT.

CONSIDERATION OF ORDINANCE NO. 14-2899 RELATING TO THE BOND ANTICIPATION NOTE AND AMENDING ORDINANCES 11-2730, 12-2800 AND 13-2849

A motion was made by Council Member Everett, seconded by Council Member Taylor to adopt Ordinance No. 14-2899 relating to the Bond Anticipation Note and Amending Ordinances 11-2730, 12-2800 and 13-2849. Motion passed 7 YES, 0 NO, 0 ABSENT.

CONSIDERATION OF ORDINANCE NO. 14-2900 ESTABLISHING PROSSER MUNICIPAL CODE CHAPTER 9.220.010 TO MAKE HAVING TWO OR MORE FALSE ALARMS IN A NINETY DAY PERIOD UNLAWFUL

Mayor Warden provided Council with an explanation of the two ordinances brought forward for consideration.

Council Member Becken inquired about the appeal process.

Mayor Warden stated there is a waiver process that authorizes the Police Chief to approve appeals.

Council Member Hamilton expressed his displeasure with the proposed ordinance.

A motion was made by Council Member Taylor, seconded by Council Member Everett to adopt Ordinance No. 14-2900 establishing Prosser Municipal Code Chapter 9.220.010 to make having

two or more false alarms in a ninety day period unlawful. Motion passed 5 YES, 2 NO (Hamilton, Becken), 0 ABSENT.

CONSIDERATION OF ORDINANCE 14-2901 REPEALING ORDINANCE 1485, AMENDING ORDINANCES 1471 AND 1462 REGARDING ANNEXATION OF PROPERTY COMMONLY KNOWN AS THE SPRAYFIELD

A motion was made by Council Member Everett, seconded by Council Member Elder to adopt Ordinance No. 14-2901 repealing Ordinance 1485, amending Ordinances 1471 and 1462 regarding annexation of property commonly known as the Sprayfield. Motion passed 7 YES, 0 NO, 0 ABSENT.

DISCUSSION ITEMS

MARIJUANA MORATORIUM

Jen Dorsett, CIA Representative, reviewed marijuana growing and processing issues related to pesticides in waterways that were reported by State of Colorado since grow operations have been legalized. Mrs. Dorsett expressed her continued concern with youth access and her role as the Community Coordinator for drug and alcohol prevention.

Jim White, 2111 Miller Court, echoed Mr. Denlea's comments previously stated regarding the request to ban all future marijuana activity within city limits. Mr. White expressed his concern with making marijuana appear "normal" and acceptable to society rather than "abnormal" and further stated the need for City representatives to improve the quality of life for citizens, not to take from it. Mr. White thanked the Mayor and Council for the ability to voice his opinion on the matter.

Peggy Brown, 1323 Grant Avenue, said she was in favor of the moratorium and further expressed her desire for the City to enact a full ban on marijuana. Mrs. Brown stated she had recently been in touch with Mr. Martinez, the Washington State Liquor Control Board representative who previously spoke at a City Council meeting on the matter of social media advertisement requirements for marijuana stores and advised he told her he misspoke at the Council meeting. Mrs. Brown said Mr. Martinez later learned that the requirements he quoted were incorrect and the stores do have the ability to advertise on social media. Mrs. Brown expressed her displeasure with the City's marijuana store being able to advertise on social media to youths and said she does not feel that the State has the community's best interest in mind. She added that cities will not reap any financial benefit from allowing pot stores within their communities as I-502 is written.

Mayor Warden provided an explanation of I-502 as the City understands it and clarified the fact that the City never was under the impression it would gain any financial benefit.

City Clerk Shaw read aloud an email the City received from Ray Tolcacher, Prosser School District Superintendent, related to the marijuana moratorium. The email stated the School District's concerns related to additional permitting of marijuana growing operations, processing and retail sales within city limits.

Bill Gobbel, Route 2 Box 7149, McDonald Road, asked the Council and Mayor if there was ever a vote on allowing the marijuana store in town and said the schools and businesses should have been contacted.

City Attorney Saxton explained how the Land Use Code applies to the issue of allowing or not allowing the marijuana store in city limits. He further explained the proposed moratorium would enact a temporary ban on new grow and processing operations as well as any future stores, however would not impact the current establishment.

Council Member Hamilton said he wanted staff to place the marijuana moratorium ordinance on the August 12, 2014 City Council meeting.

After Council concurred, Mayor Warden said staff will bring forward a moratorium ordinance for Council's consideration at the next Regular Business meeting.

EXECUTIVE SESSION

At 8:11 p.m., Mayor Warden recessed the Special Meeting of the Prosser City Council to conduct an Executive Session pursuant to RCW 42.30.110(1)(i) to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. The Executive Session was expected to last for 5 minutes and was to include Mayor and Council Members, City Clerk, Finance Director, and City Attorney.

At 8:16 p.m., Mayor Warden reconvened the Regular Meeting of the Prosser City Council and stated no action occurred.

ADJOURNMENT

There being no further business before the City Council at this time, the Special Meeting of the Prosser City Council was adjourned at 8:16 p.m.

Mayor Paul Warden

Attest:

City Clerk Rachel Shaw

**CITY OF PROSSER, WASHINGTON
601 7TH STREET
CITY COUNCIL CHAMBERS
CITY COUNCIL REGULAR MEETING
TUESDAY, AUGUST 12, 2014**

CALL TO ORDER

Mayor Warden called the Regular Meeting of the Prosser City Council to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Prosser Heights Elementary “Kids that Care” Award Recipient Ezekiel Akinbade.

ROLL CALL

Council Members Aubrey, Taylor, Hamilton, Becken, and Elder were present. Council Members Everett and Ward requested an excused absence.

Others in attendance were City Clerk Shaw, Finance Director Mauras, Police Chief Giles, Public Works Director DaCorsi and City Attorney Saxton.

[Clerk’s Note: Mayor Warden, with Council’s consent, amended the order of agenda items to accommodate presenters and citizens in attendance.]

MAYOR AND COUNCIL REPORTS AND COMMENTS

Presentation of Senior Project from PHS Student

Mayor Warden explained Prosser High School student Jenna Essary approached the City with a request related to her senior project “Turn It Teal.”

Jenna Essary said as part of her senior project she would like to incorporate the partial use of the Wine Country Road Bridge for the purpose of recognizing Ovarian Cancer Awareness Month during the month of September, 2014. She explained she will be selling large, teal colored ribbons at the Farmer’s Market to tie on the Bridge, with Council’s approval, and will be donating all the funds raised to the American Cancer Society. Additionally with the help of her father, Blake Essary, a licensed electrician, she would like to temporarily string teal colored LED lights on the West side of the Bridge, attached to the railing and around the light poles. There will be no cost to the City as her father has offered to donate all electrical work, permits, and materials. No equipment will be mounted to the bridge and all electrical modifications will remain in place and become the property of the City unless otherwise specified. She would like to install the lights and ribbons by September 1, 2014 and remove them by September 30, 2014.

Council commended Ms. Essary for her project.

A motion was made by Council Member Taylor, seconded by Council Member Aubrey to grant permission to Jenna Essary to install LED lights and ribbons on the Wine Country Road Bridge in honor of Ovarian Cancer Awareness Month for the month of September 2014. Motion passed 5 YES, 0 NO, 2 ABSENT (Everett, Ward).

Chamber of Commerce Quarterly Report

Humberto Rodriguez, Executive Director, provided an overview of the quarter's highlights and a comparison of year-to-date Hotel/Motel revenue received. Mr. Rodriguez explained the numbers are a little lower than last year's; consistent with similar reports from other tourist regions. On Saturday, October 11, 2014 from 4:00 p.m. – 10:00 p.m., the Chamber will be hosting its first ever "Beer and Whiskey Festival" and tickets will be made available in the Chamber Office. Mr. Rodriguez also provided a reminder for other upcoming community events including the State's Day Parade and Carnival on September 1st and the 25th Annual Great Prosser Balloon Rally the last weekend in September.

Council thanked Mr. Rodriguez for the report and his efforts.

CITIZEN PARTICIPATION

[Clerk's Note: citizen participation was in regards to Agenda Item 7d.]

Tim Thompson, 11624 N. Missimer Road, stated he is the principal investor of Altitude and provided Council a handout related to marijuana use among Colorado high school students published by the Colorado Department of Public Health and Environment. Mr. Thompson stated his opinion regarding the results from the study and encouraged Council to review the facts.

Johnny Rodriguez, 129 Spruce Avenue, echoed Mr. Thompson's sentiments and spoke in opposition of the moratorium. He said he felt that people who were against Mr. Thompson's store were complaining at the wrong venue; the voters voted to legalize marijuana and those who are against it should go to Olympia.

Jedidiah Haney, 405 S 34th Avenue, Yakima, Executive Director of Cause M, provided a folder of handouts related the marijuana moratorium discussion. Mr. Haney stated he is opposed to the moratorium and expressed his thoughts on decriminalization of marijuana and his concern with the black market.

Mayor Warden provided an explanation regarding the intent of the moratorium and what it means to the City if Council adopted the proposed ordinance which would enact a moratorium.

Randy Williams, 133302 W Johnson Road, Owner of Fire Weed Farms, a local marijuana grow operation, spoke in opposition of the moratorium and stated he is a business man that pays over \$1 million dollars in taxes, employs fifteen workers and generally supports the community.

Caleb Wolkenhauer, 141302 W North River Road, stated he is a medical marijuana patient with a long history of debilitating epileptic episodes that hindered his ability to participate in sports or stay employed. Mr. Wolkenhauer explained how over the course of his medical disorder he has tried fourteen different medications, none of which worked to help him until he tried medical

marijuana. He further expressed his gratitude for the convenience and accessibility of his medication at the local marijuana store.

Montana Dutton, 633 N 3rd, Omak, said she is currently working with the City of Omak officials to obtain a business registration to open a marijuana store. Ms. Dutton explained she has both her Master's and Bachelor's degrees and is a healthcare provider, mother, and a philanthropist who cares deeply about the health and well being of people. She wants to be able to provide low-cost health care to her community and is working closely with her local State Representatives to legalize sun-grown marijuana and to get excise sales tax back into the hands of the cities from the State.

Nathan Brugnone, 325 Canyon Road #14, stated he feels safer now that the local marijuana store has opened due to the reduction in illegal drug deals and drug related crimes and spoke in favor of the medical benefits of marijuana. Mr. Brugnone asked Council Member Becken if he heard him correctly on the news saying "we are fighting a losing battle?" Council Member Becken confirmed his statement. Mr. Brugnone then asked why the City is wasting tax payers' money and time on this topic and said that marijuana was legalized by the voters.

ADD ON ITEMS

USDA Equipment Grant – Police Vehicles

Mayor Warden introduced the add-on item and provided a Letter of Conditions – Community Facility Program, the City received from USDA, related to the purchase of two police cars and purchase and installation of equipment.

Council Member Taylor stated he was in favor of the item and said he'd prefer the project be paid for out of Criminal Justice Funds in 2014 and transfer the money back into the Criminal Justice Fund from the General Fund in 2015.

A motion was made by Council Member Taylor, seconded by Council Member Elder to accept the Letter of Conditions from the USDA and to pay for the purchase out of the Criminal Justice Fund and transfer the money back from the General Fund in 2015 and authorize Mayor to sign form RD 1940-1 Request for Obligation of Fund. Motion passed 4 YES, 1 NO (Becken), 2 ABSENT (Everett, Ward).

CONSENT AGENDA

A motion was made by Council Member Taylor, seconded by Council Member Becken to approve Consent Agenda Items "A – K." Motion passed 5 YES, 0 NO, 2 ABSENT (Everett, Ward).

- a. Approve Payment of Washington Trust Bank Claim Check No. 1054 in the Amount of \$14,905.16, for the Period Ending August 12, 2014
- b. Approve Payment of Payroll Checks Nos. 600122 through 600163 in the Amount of \$48,012.06 and Direct Deposits in the Amount of \$104,840.23, for the Period Ending July 31, 2014

- c. Approve Payment of Claim Checks Nos. 10993 through 11002 and 11004 through 11093, in the Amount of \$379,063.68 and Electronic Payments in the Amount of \$86,669.04, for the Period Ending August 12, 2014
- d. Approve Second Quarter Financial Statement
- e. Approve Progress Estimate No. 4, in an Amount of \$64,046.00, for Total Energy Management for the Telemetry Upgrades Project (Contract Addendum No. 2)
- f. Adopt Resolution 14-1462 Accepting the Disinfection, Filtration and Source Improvements Project as Complete, Approve Final Progress Estimate No. 8 in the Amount of \$7,127.70, and Approve Retainage Release of \$81,329.69 Upon Satisfactorily Fulfilling Specific Conditions
- g. Adopt Resolution 14-1463 Approving Changes to the By-Laws and Interlocal Agreement with Cities Insurance Association of Washington (CIAW)
- h. Approve Contract with The Wesley Group to Provide Professional Labor Negotiation Services and Human Resource Support for the Period of November 1, 2014 through October 31, 2015, and Authorize the Mayor to Sign the Documents
- i. Approve the Fire and Irrigation Reroute Easement between the City of Prosser and Ste. Michelle Wine Estates, ltd., and Authorize the Mayor to Sign the Document
- j. Approve the Transportation Improvement Board (TIB) Application for funding of the 7th Street Roadway Improvements Project and Authorize the Mayor to Sign the Document
- k. Approve the June 24, 2014 Meeting Minutes

COUNCIL ACTION

APPROVE PAYMENT OF CLAIM CHECK NO. 11003 IN THE AMOUNT OF \$61,375.30, FOR THE PERIOD ENDING JULY 31, 2014

Council Member Hamilton recused himself due to a conflict of interest. A motion was made by Council Member Taylor, seconded by Council Member Becken to approve payment of claim check no. 11003 in the amount of \$61,375.30, for the period ending July 31, 2014. Motion passed 4 YES, 0 NO, 2 ABSENT (Everett, Ward), 1 ABSENTION (Hamilton).

ADOPT RESOLUTION 14-1464 APPROVING THE SELECTION OF HUNGERFORD & TERRY INC., AS A SOLE SOURCE VENDOR AND APPROVE THE PURCHASE OF APPROXIMATELY \$81,900.00, PLUS TAX AND SHIPPING OF GREENSAND PLUS AND ANTHRACITE FILTER MEDIA, A BUDGETED EXPENSE

City Attorney Saxton provided Council with an explanation of sole source exception. Public Works Director DaCorsi stated they were the only manufacturer of the product. A motion was made by Council Member Becken, seconded by Council Member Taylor to adopt Resolution No. 14-1464 approving the selection of Hungerford & Terry Inc., as a Sole Source Vendor and approve the purchase of approximately \$81,900.00, plus tax and shipping of Greens and Plus and Anthracite Filter Media, a budgeted expense. Motion passed 5 YES, 0 NO, 2 ABSENT (Everett, Ward).

CONSIDERATION OF AN ORDINANCE APPROVING POSITION DESCRIPTIONS FOR CERTAIN APPOINTED AND NON-APPOINTED POSITIONS

Mayor Warden stated this item would be removed from the agenda until a full Council was present to discuss.

CONSIDERATION OF AN ORDINANCE ENACTING A MORATORIUM

Mayor Warden read into the record a statement from Council Member Ward, dated August 11, 2014, stating his position in favor of a moratorium on marijuana, halting production, processing, and retail. Mayor Warden stated Council Member Everett provided a verbal confirmation of his position in favor of the moratorium. City Attorney Saxton clarified that documents provided to Council from citizens are not part of the official record until the September 23, 2014 City Council meeting during the Public Hearing.

A motion was made by Council Member Hamilton, seconded by Council Member Becken to adopt Ordinance No. 14-2902 enacting a moratorium. Motion passed 5 YES, 0 NO, 2 ABSENT (Everett, Ward).

COUNCIL DISCUSSION

Non-Union Salary Pay

Mayor Warden stated this item would be removed from the agenda until a full Council was present to discuss.

MAYOR AND COUNCIL REPORTS AND COMMENTS CONTINUED

Council Member Taylor said he would like to add to a future Work Session agenda an item to discuss cost recovery of proposals and recommendations in order to provide staff clear direction. Mayor Warden confirmed this item would be added to the next regularly scheduled Work Session agenda.

Mayor Warden expressed his gratitude to the Public Works, Police and City Hall staff involved in the emergency power and water outage that occurred earlier in the day and stated that services were restored rather quickly due to the expertise and support of all the employees.

Mayor Warden reported that he along with Public Works Director DaCorsi presented the City Park Restroom Remodel Project grant application to the Recreation Conservation Office (RCO)

Committee in Olympia and said the presentation went very well. The City should have a response on the on ranking of project in approximately a month.

ADJOURNMENT

There being no further business before the City Council at this time, the Regular Meeting of the Prosser City Council was adjourned at 8:11 p.m.

Mayor Paul Warden

Attest:

City Clerk Rachel Shaw

**CITY OF PROSSER, WASHINGTON
601 7TH STREET
CITY COUNCIL CHAMBERS
CITY COUNCIL REGULAR MEETING
TUESDAY, AUGUST 26, 2014**

CALL TO ORDER

Mayor Warden called the Regular Meeting of the Prosser City Council to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Council Members Taylor, Hamilton, Everett, Ward, Becken, and Elder were present. Council Member Aubrey requested an excused absence.

Others in attendance were City Clerk Shaw, Finance Director Mauras, Police Chief Giles, Public Works Director DaCorsi, and City Attorney Saxton.

CITIZEN PARTICIPATION (None)

MAYOR AND COUNCIL REPORTS AND COMMENTS

A motion was made by Council Member Taylor, seconded by Council Member Ward to consider add-on item regarding the purchase of two Police patrol vehicles.

Council Member Everett reminded Council of the upcoming States Day Parade and Carnival.

Council Member Ward reported approximately one hundred twenty five members of the military will be in the States Day Parade carrying banners.

Council Member Taylor mentioned former Council Member Ernie Troemel had passed away.

Wastewater Treatment Plant Outstanding Performance Award

Ian Laseke, Department of Ecology, presented the 2013 "Wastewater Treatment Plant Outstanding Performance" Award to the Public Works Department. Perry Harris, Danny Cavazos and Raul Sanchez from the Wastewater Treatment Plant were present to receive the award. Mr. Laseke stated this is the sixth consecutive year Prosser has won the award.

CONSENT AGENDA

A motion was made by Council Member Taylor, seconded by Council Member Becken to approve Consent Agenda Items "A – K." Motion passed 6 YES, 0 NO, 1 ABSENT (Aubrey).

- a. Approve Payment of Payroll Checks Nos. 600164 through 600166 in the Amount of \$2,173.87 and Direct Deposits in the Amount of \$12,137.98, for the Period Ending August 15, 2014
- b. Approve Payment of Claim Checks Nos. 11094 through 11153 and 111555, in the Amount of \$239,748.01 and Electronic Payments in the Amount of \$30,854.64, for the Period Ending August 26, 2014
- c. Approve Payment of Washington Trust Bank Claim Checks No. 1055, in the Amount of \$4,775.76 and Electronic Payments in the Amount of \$250.00, for the Period Ending August 26, 2014
- d. Accept Monthly Report by Prosser Economic Development Association for the Month of July 2014 and Authorize Payment for those Services in the Amount of \$2,166.66 and Authorize Payment in the Amount of \$1,416.67 for Grant Writer Services
- e. Accept Invoice for Operation of the Visitor Information Center and Reimbursable Tourism and Promotional Expenses for the Month of June, July and August and Authorize Payment for those Services in the Amount of \$19,500.00
- f. Approve July 2014 Financial Statement
- g. Approve Drinking Water State Revolving Fund (DWSRF) Invoice Voucher Request No. 6 in the Amount of \$10,462.00 for the Zone 2.5 Water Supply Improvements Project and Authorize the Mayor to Sign the Documents
- h. Approve the USDA Outlay Report and Draw Request No. 34 in an Amount of \$70,280.85 for Costs Associated with the Northwest Prosser Water and Sewer System Improvements (Contract Addendum No. 2) and Authorize the Mayor to Sign the Documents
- i. Approve Amendment to Interagency Contract between the City of Prosser and Washington State Department of Revenue Regarding Changes Made by Business Licensing Services and Authorize the Mayor to Sign the Contract
- j. Appoint Robin Siemens to the Hotel/Motel Local Tax Advisory and Tourist Promotion (TPA) Committees
- k. Approve the amended April 22, 2014 Meeting Minutes

COUNCIL ACTION

APPROVE PAYMENT OF CLAIM CHECK NO. 11154 IN THE AMOUNT OF \$123.23, FOR THE PERIOD ENDING AUGUST 26, 2014

Council Member Hamilton recused himself due to a conflict of interest. A motion was made by Council Member Taylor, seconded by Council Member Everett to approve payment of claim check no. 11154 in the amount of \$123.23, for the period ending August 26, 2014. Motion passed 5 YES, 0 NO, 1 ABSENT (Aubrey), 1 ABSENTION (Hamilton).

CONSIDERATION OF AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF PROSSER AND HLA, INC., FOR THE PURPOSE OF PROVIDING PROFESSIONAL ENGINEERING SERVICES FOR THE WASTEWATER TREATMENT PLANT UPGRADE PROJECT

A motion was made by Council Member Taylor, seconded by Council Member Everett to approve an agreement for professional services between the City of Prosser and HLA, Inc., for the purpose of providing professional engineering services for the Wastewater Treatment Plant Upgrade Project and authorize the Mayor to sign the agreement. Motion passed 6 YES, 0 NO, 1 ABSENT (Aubrey).

ADD ON ITEM

A motion was made by Council Member Taylor, seconded by Council Member Hamilton to adopt Ordinance No.14- 2903 approving a grant agreement between the City of Prosser and USDA for the purchase of two Police patrol vehicles and authorize the Mayor to sign the agreement. Motion passed 5 YES, 1 NO (Becken), 1 ABSENT (Aubrey).

COUNCIL DISCUSSION

Non-Union Salary Pay

Mayor Warden provided Council a memo summarizing the non-union salary study of comparison cities and explained the three options for Council's consideration. Discussion ensued regarding how future budgets could support an on-going salary increase and the details of the recommendation.

Mayor Warden said the proposal is a recommendation to bring four positions the City Clerk, City Planner, Finance Manager and Assistant Finance Manager to an "average" pay-range. Currently all four of those positions fall below the statewide average pay.

Council Member Ward said he would support the increase for the 2015 budget, however could not confirm with any certainty that he would support an increase for future budgets.

Finance Director Mauras stated staff is requesting permission to include the proposal in the 2015 preliminary budget numbers and further explained that by including the proposal that did not commit Council to authorize the increase.

Both Council Members Everett and Elder agreed that increases to pay should be merit or performance based.

Council Member Everett further stated he is not against an increase, but rather how those increases are applied.

Mayor Warden stated the City needs to invest in staff similar to how it would in software or other systems that would create efficiencies. The four individuals are dedicated to the City and the community, they take pride in their work and it is important to recognize them.

Council Member Hamilton inquired if there would need to be a utility rate increase in order to support the pay increase. Finance Director Mauras responded, no.

Council Member Everett agreed and echoed Mayor Warden's comments and added that although the employees are worthy of a pay raise, the Council owes it to every employee to have a sound financial future. He said he'd support a smaller increase and the annual COLA increase but could support the recommended increase.

Council Member Ward stated he was comfortable with the ten-percent increase option.

By a nod of heads Council agreed to allow the staff proposed option of a ten-percent increase equally to each of four positions move forward in the proposed 2015 budget.

ADJOURNMENT

There being no further business before the City Council at this time, the Regular Meeting of the Prosser City Council was adjourned at 7:51 p.m.

Mayor Paul Warden

Attest:

City Clerk Rachel Shaw

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Approve payment of claim Check no. 11308 and 11407 in the amount of \$62,476.70 for the period ending October 14, 2014.

Meeting Date:
October 14, 2014
Regular Meeting

Department:
Finance

Director:
Regina Mauras

Contact Person:
Toni Yost

Phone Number:
(509) 786-2332

Cost of Proposal:
\$62,476.70

Account Number:
See Attached

Amount Budgeted:
See 2014 budget for each item listed.

Name and Fund#
See Attached

Reviewed by Finance Department:

R Mauras

Attachments to Agenda Packet Item:

1. Check Register # 11308 and 11407

Summary Statement:

Approve payment of claim check no. 11308 and 11407 in the amount of \$62,476.70 for the period ending October 14, 2014.

Consistent with or Comparison to:

City's policy to pay bills in a timely manner.

Recommended City Council Action/Suggested Motion:

Approve payment of claim Approve payment of claim check no. 11308 and 11407 in the amount of \$62,476.70 for the period ending October 14, 2014.

Reviewed by Department Director:

Regina Mauras

Date: 10-8-2014

Today's Date:

Reviewed by City Attorney:

N/A

Date:

Revision Number/Date:

Approved by Mayor:

Paul Wank

Date: 10-9-14

File Name and Path:

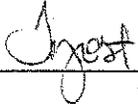
CHECK REGISTER

City Of Prosser
MCAG #: 0205

09/30/2014 To: 09/30/2014

Time: 15:06:50 Date: 09/29/2014
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5278	09/30/2014	Payroll	1	11308	Washington Teamsters Welfare	61,375.30	09/01/2014 To 09/30/2014 - WTWT
		001 General Fund				42,241.44	
		102 Street Fund				3,006.94	
		117 Employee Benefits Security				1,921.20	
		403 Water Fund				7,649.58	
		407 Sewer Fund				6,463.57	
		448 Garbage Fund				92.57	
						<u>61,375.30</u>	Payroll: 61,375.30



Signature



Date

CHECK REGISTER

City Of Prosser
MCAG #: 0205

10/14/2014 To: 10/14/2014

Time: 12:54:22 Date: 10/08/2014
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5563	10/14/2014	Claims	1	11407	Senior Health Insurance	1,101.40	LongTerm Care Insurance
					117 - 517 91 20 001 - Personnel Benefits	1,101.40	LongTerm Care Insurance
					517 Employee Benefit Programs	1,101.40	
					117 Employee Benefits Security	1,101.40	
						1,101.40	Claims: 1,101.40



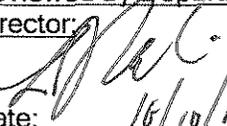
Signature

10/8/14

Date

CITY OF PROSSER, WASHINGTON

AGENDA BILL

<u>Agenda Title:</u> Approve the Perpetual Waterline and Fire Hydrant Easement Deed between the City of Prosser and Bethel Church of Richland, Washington, and authorize the Mayor and City Clerk to sign the document.		<u>Meeting Date:</u> October 14, 2014 Regular Meeting	
<u>Department:</u> Public Works	<u>Director:</u> L.J. Da Corsi	<u>Contact Person:</u> L.J. Da Corsi	<u>Phone Number:</u> (509) 786-2332
<u>Cost of Proposal:</u> N/A		<u>Account Number:</u>	
<u>Amount Budgeted:</u> N/A		<u>Name and Fund#</u>	
<u>Reviewed by Finance Department:</u> N/A			
<u>Attachments to Agenda Packet Item:</u> 1. Easement Deed document 2. Exhibit A - Legal description and plan			
<u>Summary Statement:</u> This easement is given for the purpose of constructing, reconstructing, repairing, and maintaining City owned and operated domestic water pipes and fire hydrants located on the Bethel Church's property on Gap Road. In addition, Bethel Church agrees to not construct structures or other improvements, as defined in the deed, on this easement that would prevent the City from accessing the area. In the event the Bethel Church constructs improvements within the City's easement and in the event that the City damages those improvements while replacing or maintaining its water lines or hydrant, then Bethel Church would be responsible to replace the improvements at its cost.			
<u>Consistent with or Comparison to:</u> EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			
<u>Recommended City Council Action/Suggested Motion:</u> Approve the Perpetual Waterline and Fire Hydrant Easement Deed between the City of Prosser and Bethel Church of Richland, Washington, and authorize the Mayor and City Clerk to sign the document.			
<u>Reviewed by Department Director:</u>  Date: 10/10/14	<u>Reviewed by City Attorney:</u>  Date: 10/8/14	<u>Approved by Mayor:</u>  Date: 10-9-14	

After recording return to:

Saxton Riley, PLLC
Attorneys at Law
1112 Meade Avenue
Prosser, Washington 99350

1. Document Title: Easement Deed
2. Reference Numbers of Documents Assigned or Released: n/a
3. Grantors: BETHEL CHURCH OF RICHLAND, WASHINGTON
4. Grantees: CITY OF PROSSER
5. Legal Description: PTN S34 T9N R24E
 [X] Additional legal is on page 1-2 of the document.
6. Parcel Number: PTN 1-3494-400-0002-003

EASEMENT DEED

THE GRANTOR, **BETHEL CHURCH OF RICHLAND, WASHINGTON, A Washington Non-Profit Corporation**, for and in consideration of ten dollars (\$10.00) and other good and valuable consideration, gives and grants unto to GRANTEE, the **CITY OF PROSSER, A Washington State Municipal Corporation**, and Grantee's heirs, successors and assigns, a perpetual easement upon, over, and under the following described property situated in the County of Benton, Washington:

AN EASEMENT 16.00 FEET IN WIDTH AFFECTING THAT PORTION OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 24 EAST, W.M., BENTON COUNTY, WASHINGTON, THE CENTERLINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF ABOVE SAID SECTION 34 THENCE NORTH 01°21'00" EAST ALONG THE EASTERLY LINE OF SAID SECTION 689.08 FEET; THENCE NORTH 87°43'46" WEST 39.40 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF GAP ROAD AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 87°43'46" WEST 444.83 FEET;
THENCE NORTH 02°16'14" EAST 48.00 FEET TO THE POINT OF TERMINUS;

EXCEPT ANY PORTION LYING WITHIN LOT 3 OF THE SHORT PLAT RECORDED IN VOLUME 1 OF SHORT PLATS AT PAGE 720, RECORDS OF SAID COUNTY.

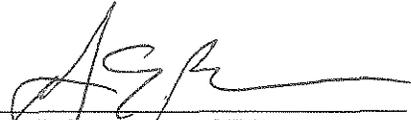
SEE EXHIBIT A

Said Easement shall be appurtenant to the City of Prosser's public water utility system.

This easement is given for the purpose of constructing, reconstructing, repairing, and maintaining domestic water pipes and fire hydrants constructed by, through, or under the above-described real property, together with ingress thereto and egress therefrom, for the purpose of enjoying said easement, and also granting to Grantee or those acting under said Grantee, the use of such additional area immediately adjacent to said easement as shall be required for the construction of said pipe lines and fire hydrants in the above-described easement, such additional area to be held to a minimum and returned to its original unimproved state by the Grantee or its agents. The Grantor shall not construct structures (or other improvements such as retaining walls, parking lots, sidewalks, and the like) on the above-described easement that would deny the Grantee access to maintain or reconstruct said water pipe lines. In the event that Grantor constructs improvements within the Grantee's easement, then Grantor shall pay all cost to repair or replace any damage to such improvements caused by Grantee's reasonably necessary excavation to install, maintain, or repair hydrants and all underground pipes or other appurtenances thereto.

Dated: 10-02-2014

GRANTORS:
BETHEL CHURCH OF RICHLAND, WASHINGTON


BY: GEORGE BACHE
Its: PRESIDENT


By: JOY HANSEN
Its: SECRETARY

GRANTEES:
CITY OF PROSSER

BY: PAUL WARDEN
Its: Mayor

BY: RACHEL SHAW
Its: CITY CLERK

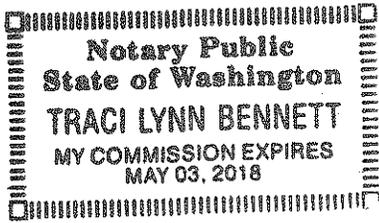
[NOTARY PAGE FOLLOWS]

STATE OF WASHINGTON

County of Benton

I certify that I know or have satisfactory evidence that GEORGE BACHE, is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the PRESIDENT of BETHEL CHURCH OF RICHLAND, WASHINGTON to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 10/02/14



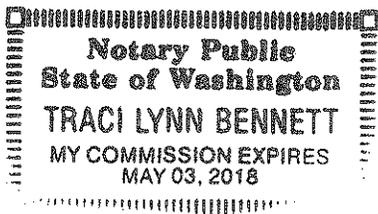
Traci Lynn Bennett
NOTARY PUBLIC IN AND FOR THE STATE OF WA
WASHINGTON RESIDING AT Richland
MY COMMISSION EXPIRES: May 3, 2018

STATE OF WASHINGTON

County of Benton

I certify that I know or have satisfactory evidence that JOY HANSEN, is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the CHURCH SECRETARY of BETHEL CHURCH OF RICHLAND, WASHINGTON to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 10/02/14



Traci Lynn Bennett
NOTARY PUBLIC IN AND FOR THE STATE OF WA
WASHINGTON RESIDING AT Richland
MY COMMISSION EXPIRES: May 3, 2018

STATE OF WASHINGTON

County of Benton

I certify that I know or have satisfactory evidence that PAUL WARDEN, is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the MAYOR of the CITY OF PROSSER to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

NOTARY PUBLIC IN AND FOR THE STATE OF
WASHINGTON RESIDING AT _____

MY COMMISSION EXPIRES:

STATE OF WASHINGTON

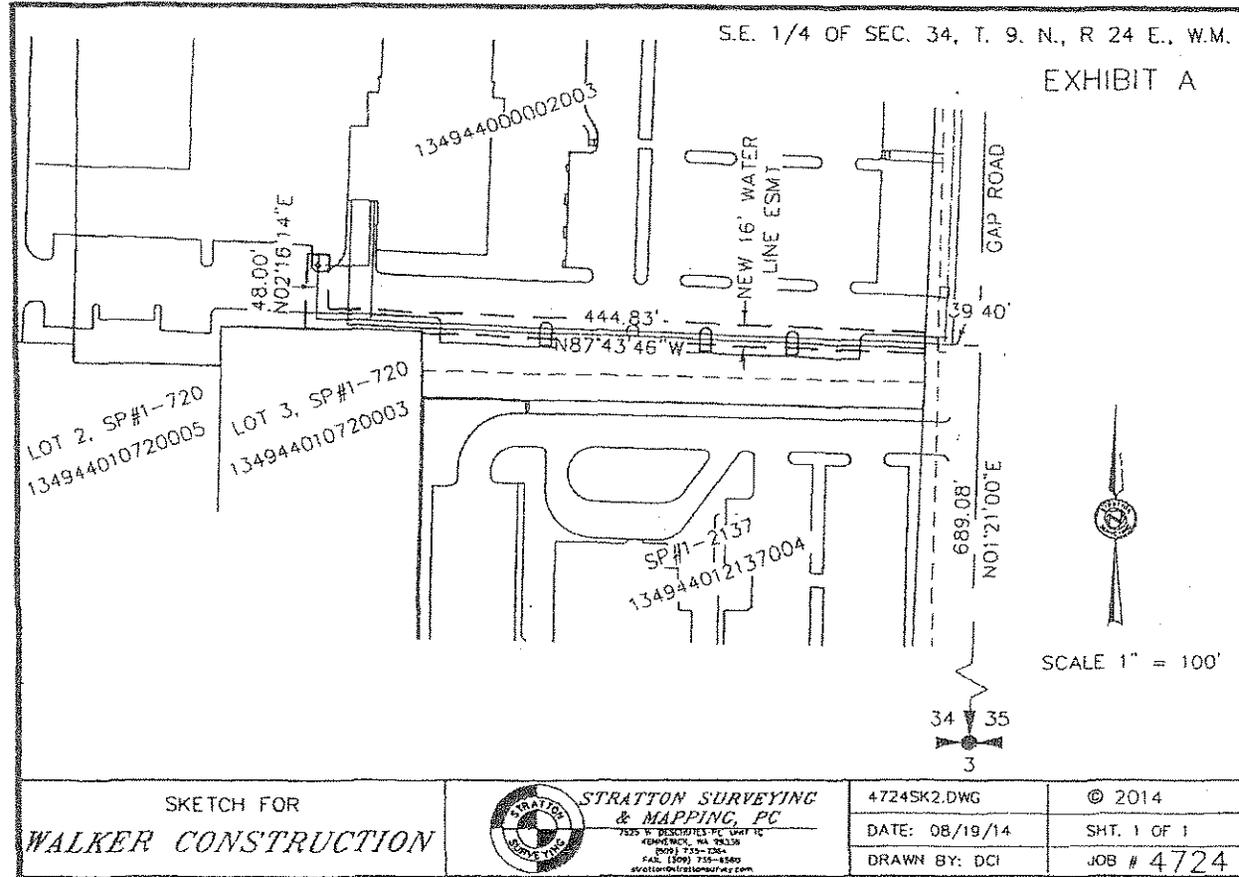
County of Benton

I certify that I know or have satisfactory evidence that RACHEL SHAW, is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the CITY CLERK of the CITY OF PROSSER to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

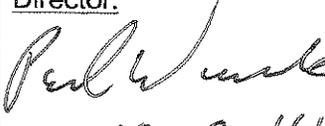
NOTARY PUBLIC IN AND FOR THE STATE OF
WASHINGTON RESIDING AT _____

MY COMMISSION EXPIRES:



CITY OF PROSSER, WASHINGTON

AGENDA BILL

<u>Agenda Title:</u> Consideration of Ordinance Amending the City's Municipal Court Ordinance Codified in Chapter 2.68 PMC.		<u>Meeting Date:</u> October 14, 2014 Regular Meeting	
<u>Department:</u> Administration	<u>Director:</u> Mayor Paul Warden	<u>Contact Person:</u> Mayor Paul Warden	<u>Phone Number:</u> (509) 786-2332
<u>Cost of Proposal:</u> n/a		<u>Account Number:</u> N/A	
<u>Amount Budgeted:</u> \$0		<u>Name and Fund#</u> N/A	
<u>Reviewed by Finance Department:</u> N/A			
<u>Attachments to Agenda Packet Item:</u> 1. Proposed Ordinance No. 14-_____ 2. Redline Version of Chapter 2.68 PMC.			
<u>Summary Statement:</u> The attached ordinance simplifies the City's Municipal Court Ordinance so that it is clear that the City operates its Municipal Court by and through the City's Interlocal Agreement with Benton County.			
<u>Consistent with or Comparison to:</u> EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			
<u>Recommended City Council Action/Suggested Motion:</u> Adopt Ordinance 14 - _____ Amending the City's Municipal Court Ordinance Codified in Chapter 2.68 PMC.			
<u>Reviewed by Department Director:</u> 	<u>Reviewed by City Attorney:</u> 	<u>Approved by Mayor:</u> 	
Date: 10-9-14	Date: 10/8/14	Date: 10-9-14	
<u>Today's Date:</u> October 8, 2014	<u>Revision Number/Date:</u>	<u>File Name and Path:</u>	

CITY OF PROSSER, WASHINGTON
ORDINANCE NO. 14-_____

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NUMBER 09-2670 AND THE FIRST SECTION 3 OF ORDINANCE 07-2579 AND PROSSER MUNICIPAL CODE SECTION 2.68.010 AND REPEALING SECTION 3 OF ORDINANCE NUMBER 09-2670 AND THE SECOND SECTION 3 OF ORDINANCE NUMBER 07-2579 AND PROSSER MUNICIPAL CODE SECTION 2.68.020. 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.

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

Section 1. Section 2 of Ordinance Number 09-2670 and the first Section 3 of Ordinance 07-2579 and Prosser Municipal Code Section 2.68.010 are hereby amended to read as follows:

2.68.010 Municipal Court.

The city of Prosser hereby creates a municipal court to be administered in accordance with the terms of the interlocal agreement with Benton County, Washington.

Section 2. Section 3 of Ordinance Number 09-2670 and the second Section 3 of Ordinance Number 07-2579 and Prosser Municipal Code Section 2.68.020 are hereby repealed.

Section 3. **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 4. 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 _____, 2014.

MAYOR PAUL WARDEN

ATTEST:

CITY CLERK, RACHEL SHAW

Approved as to form:



CITY ATTORNEY, HOWARD SAXTON

Date of Publication: _____

SUMMARY OF ORDINANCE NO. 14-_____

of the City of Prosser, Washington

On the ____ day of _____, 2014, 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 AMENDING SECTION 2 OF ORDINANCE NUMBER 09-2670 AND THE FIRST SECTION 3 OF ORDINANCE 07-2579 AND PROSSER MUNICIPAL CODE SECTION 2.68.010 AND REPEALING SECTION 3 OF ORDINANCE NUMBER 09-2670 AND THE SECOND SECTION 3 OF ORDINANCE NUMBER 07-2579 AND PROSSER MUNICIPAL CODE SECTION 2.68.020. 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 _____, 2014

CITY CLERK, RACHEL SHAW

2.68.010 Municipal Court Appointment of judge and authority — Salary.

The city of Prosser hereby creates a municipal court to be administered in accordance with the terms of the interlocal agreement with Benton County, Washington. ~~The municipal court shall have all authority vested in municipal courts by the laws of the state of Washington and all of the authority established by the adopted Rules of the Court. The mayor shall appoint a part time judge or part time judges, all of whom must be district court judges of the Benton County District Court. Such appointment shall continue for the full term of the judge or judges so appointed. The mayor may appoint all of the district court judges as part time judges. In the event that any appointed part time judge retires, resigns, or begins a new term, the mayor may reappoint the part-time judge, if re-elected by the voters of Benton County, or appoint another part time judge or judges, who must be a district court judge of Benton County, Washington. The judge, or judges, so appointed shall have full authority to hear violations of city ordinances and appoint commissioners as provided for in RCW Title 3, or as otherwise provided by law. The judge, or judges, so appointed shall have full authority to appoint judges pro tem to the fullest extent allowed by the laws of the state of Washington. The salary and benefits of the district court judges appointed by the mayor shall be set in accordance with RCW Title 3, and the personnel policy of Benton County.~~ (Ord. 2670 § 2, 2009; Ord. 2579 § 3, 2007).

2.68.020 Statutes and rules adopted and additional authority of the municipal department in the district court.

~~In addition to, and not in way of limitation of, the authority of the municipal court judges, pursuant to authority contained in RCW 35A.12.140, the sections enumerated below of the Revised Code of Washington (RCW) and Rules of the Court, as now codified or hereafter amended, are hereby adopted by reference: RCW Titles 3, 10, and 12, and Limited Jurisdiction Court Criminal Rules (CrRLJ), and Limited Jurisdiction Court Infractions (IRLJ). The district court judges so appointed by the city shall have full authority to adopt any additional court rules, or rules of procedure, including the rules of evidence as the court deems appropriate or necessary to the administration of justice.~~ (Ord. 2670 § 3, 2009; Ord. 2579 § 3, 2007).

2.68.900 Severability.

The provisions of this chapter are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this chapter or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this chapter shall not as a result of said section, subsection, sentence, clause, or phrase be held unconstitutional or invalid. (Ord. 2579 § 4, 2007).



City of Prosser

2015 Budget Summary of Council Discussion

This memo summarizes information discussed and decisions made by the City Council at previous budget workshops and lays out remaining decision points still needed for the 2015 Budget.

October 7th

General Fund

The 2015 Proposed Budget was presented to Council. There was no public comments on October 7th in regards to the 2015 Proposed Budget.

- **Legislative:**
 - Proposed 2015 includes the hiring of a new City Administrator with a start date of November 1st.
 - Several Council members voiced that a start date should be in January of 2016 in order for the City Administrator's start date to coincide with the election of a new mayor.
 - The City Administrator Position needs to be moved to "Executive".
 - **Decision points:**
 - Fund this position with a start date in 2015 or 2016?
- **Non-Union Staff:**
 - A comprehensive Salary Study was completed earlier in the year which indicated that four (4) positions salary structure is under-funded.
 - A 10% increase was considered for the 2015 Proposed Budget, which would put these positions approximately in the mid-range of this study.
 - Several Council members voiced that they are not interested in considering an increase for these positions.
 - **Decision points:**
 - Council decides to fund these positions at the recommended increase of 10%, OR
 - At a different rate increase, structure?, OR
 - Amend the 2015 Proposed Budget, reducing this expenditure?



City of Prosser

2015 Budget Summary of Council Discussion

- **Transfer to Street Funds:**
 - Question was raised on the dire condition of the Street Fund.
 - In the Department Manager Budget a request was made for a one-time only transfer to the Street Fund to assist with 1-time only expenditures.
 - *There was conversation in regards to adding the \$10,000 transfer from the General Fund to the Street Fund.*
 - **Decision points:**
 - Amend to 2015 Proposed Budget to include a one-time only transfer to the Street Fund for \$10,000?
 - For a different amount??



CITY OF PROSSER
Finance Department

2015 Water Fund Summary
Discussion for October 14, 2014

WATER FUND	2014 ADOPTED BUDGET	2015 PROPOSED BUDGET	CHANGES
Revenues	\$3,263,757	\$2,410,609	(\$853,148)
Expenditures	\$3,606,825	\$2,385,960	(\$1,220,865)
Budgeted Surplus (Deficit)	(\$343,068)	\$ 24,649	

REVENUE CHANGES	2014 ADOPTED BUDGET	2015 PROPOSED BUDGET	CHANGES
Charges for Goods & Services	\$2,223,257 ¹⁾	\$2,368,609 ¹⁾	\$ 145,352
Loan Proceeds (DWSRF)	\$1,000,000	0	(\$1,000,000)

1) 4% Rate Increase Included

EXPENDITURE CHANGES	2014 ADOPTED BUDGET	2015 PROPOSED BUDGET	CHANGES
Salaries & Benefits	\$ 569,416	\$ 670,256	\$ 100,840
Maintenance & Operations	\$1,065,622	\$1,133,195	\$ 67,573
Other	\$1,971,787	\$ 582,509	(\$1,389,278)

[Irrigation Analysis - 10.2014.xlsx](#)

[2015 Water Rate Analysis Memorandum.docx](#)

[2014 - Water Sewer Budget n Rate Memo - TP.pdf](#)

[2015 - Water.Sewer Budget - Rates - TP.pdf](#)



2015 Water Fund Summary

Discussion for October 14, 2014

Changes in Salaries & Benefits.

Utility Worker	\$74,145
2% COLA	\$ 7,866
Increase in Health Care Benefits	\$ 1,443
Increase in PERS	\$ 6,842
Uniforms, Moved to Salaries & Benefits	\$ 3,850
Vacation Buy Back Computation Adjustment	\$ 1,545

Changes in Maintenance & Operations.

Main Line Extension on Highland Dr	\$ 20,000
Portable Air Compressor	\$ 2,000
Hydrants	\$ 20,000
Interfund Taxes	\$ 22,676

Changes in "Other"

Projects Costs	(\$1,150,900)
Professional Services (Water Plan)	\$ 43,000
Debt Services (Increase Disinfection Loan \$)	\$ 74,162
Water Facility Reserves (Completed in 2014)	(\$216,000)
2011 Water Revenue Bond & Reserve (Completed in 2014)	(\$173,492)



2015 Water Fund Summary
Discussion for October 14, 2014

CITY OF PROSSER
 Finance Department

Department Manager Requests that are included in the Water Fund Budget

Budget Requests	Description	Amount
Fire Hydrants	To replace several fire hydrants that are in bad shape	\$20,000
Actuators for All Filters	There are ten actuators in all six filters that need to be replaced.	\$35,000
Utility Worker	Essential Functions to run the filter plant that are mandated by WA State	\$74,145
Legal Services	Increasing the cost of legal services from \$90 to \$120. Rates have not been increased since 1995.	\$ 1,450
Asset Tracking System	Allows for electronic Tracking of Inventory & Assets	\$1,417
Laserfische	Supports the creation, maintenance & destruction of City Records.	\$6,250
2% COLA	A 2% COLA increase is considered for all employees.	\$ 7,866

Department Manager Requests **Cut from the Budget**

Budget Requests	Description	Amount
FLUSHER TRUCK	Due to the urgency of the replacement of this item, it was pulled for 2015 budget and presented to council separately as a 2014 Budget Amendment.	\$ 65,000
New Pick Up Truck	A Maintenance Replacement Plan is in place for the replacement of older vehicles.	\$ 30,000
Paint the 3 Million Gallon Reserve	The 3 Million Gallon Reserve is in need of a paint job. This will keep it from rusting.	\$ 75,000
Bob Cat Skid Steer	Used to access tight areas where a backhoe cannot get to.	\$ 50,000
Life Insurance	The employees of Prosser are not offered Life Insurance. This would cover each employee up to their annually salary rounded up.	\$ 733



2015 Water Fund Summary
Discussion for October 14, 2014

CITY OF PROSSER
 Finance Department

Debt Service.

Loan	Completion Date	2015 Beginning Balance	Principal	Interest	2015 Ending Balance
CTED C2001-060 (1/3)	1/2022	\$ 49,469*	\$ 5,970*	\$ 495*	\$ 43,499*
CTED C1999-128 (1/2)	1/2017	\$ 17,629*	\$ 5,592*	\$ 881*	\$ 12,037*
Well No. 4	10/2022	\$ 365,955	\$45,744	\$ 5,489	\$ 320,211
'98 Water Improvements	09/2039	\$ 2,257,679	\$53,910	\$ 101,002	\$ 2,203,769
'99 Water Improvements	06/2037	\$ 1,101,268	\$29,951	\$ 49,225	\$ 1,071,317
North Prosser Water Imp.	06/2026	\$ 3,507,000	\$ 0	\$ 159,920	\$ 3,507,000
Water Disinfection & Filtration Imp.	06/2027	\$ 1,999,800	\$93,089	\$ 71,911	\$1,906,711
Zone 2.5 Water Imp	06/2034	\$ 0	\$ 0	\$ 0	\$ 890,315
Total Water Debt		\$ 9,299,830	\$234,256	\$388,923	\$9,954,859

*Represents Water Debt Only.

Reserve & Project Funds.

Name	2015 Beginning Balance	2015 Activity	2015 Ending Balance
Water Reserve Fund	\$ 217,530	\$ 50	\$ 217,580
Bond Reserves:			
Bond Reserve – 98 Water	\$ 170,490	\$ 750	\$171,240
Bond Reserve – 99 Water	\$ 84,687	\$ 0	\$ 84,687
Bond Reserve – 11 Water	\$32,068	\$ 0	\$ 32,068
Projects:			
Zone 2.5 Water Improvements (Receipt & Exp of Loan - \$768,600)	\$100	\$ 100	\$ 200



City of Prosser

Memo

Date: October 8, 2014
TO: Mayor & City Council
FROM: Toni Yost, Finance Manager

2015 Water Rate Analysis

During the budget discussions in 2013, the Council chose to increase water revenue by 4% with the rate increase weighted to the base fee. As part of their decision, there were multiple year rate strategies presented and the Council selected an option which called for a 4% revenue increase in 2014 and a 4% revenue increase in 2015.

The worksheet attached was prepared by our city engineers in an effort to assist the Council and determining how to implement the proposed revenue increase. If you review the section at the bottom of the chart you will find the rate impacts to the different rate payers.

- Column A: outlines our current rates for 2014.
- Column B or Alternate 1: outlines the proposed 4% revenue increase applied equally to the base fee and consumption charge.
- Column C or Alternate 2: outlines the proposed 4% revenue increase weighted to the base fee and leaving the consumption charge unchanged.
- Column D or Alternate 3: outlines the proposed 4% revenue increase weighted to the consumption charge and leaving the base fee unchanged.



City of Prosser

For your convenience here is a summary of the rate increases for each option:

Rate Payer	Column B – Alternate 1	Column C – Alternate 2	Column D – Alternate 3
Residential User	1.26	1.88	.72
Commercial (office)	1.00	1.88	.24
Commercial (restaurant)	4.51	7.52	1.92
Industry (Winery)	41.09	52.63	30.72
Industry (Production)	253.08	120.37	359.52

- For typical monthly consumption

MEMORANDUM

September 16, 2014

To: Toni Yost, City of Prosser

From: Ted Pooler, PE, Huibregtse, Louman Associates, Inc.

Re: 2015 Water and Sewer Budget and Rates

We have completed our analysis of the 2015 water and sewer budget, added projected revenues and expenditures related to the capital improvement projects, and examined rate increases necessary to generate the required revenue.

Following is a listing of the capital improvement projects included in our analysis:

Water System Improvements

- North Prosser Water System Improvements
Includes water system telemetry improvements and filter plant O&M Manual

2014 Professional Services = \$101,800 including O&M Manual

2014 Capital Improvements = \$89,530 including misc. additional expenses

2014 US Bank Interim Financing Payment = \$90,000

Expected total amount requested from USDA at year-end = \$3,507,000

Expected USDA reimbursement in 2014 = \$414,347

The City will begin the estimated USDA loan payment of \$160,000 per year in 2015.

- Disinfection, Filtration and Source Improvements
DWSRF Contract: DM11-952-030

2014 Professional Services = \$113,450

2014 Capital Improvements = \$1,312,261

Total DWSRF Loan Amount = \$1,980,000

2013 DWSRF Revenue = \$479,075 (from 2013 actuals)

Remaining 2014 DWSRF Revenue = \$1,500,925

The project is expect to be closed out in 2014 and the estimated DWSRF loan payment of \$130,000 will start in 2015. This loan payment will decrease over time according to the DWSRF loan amortization schedule.

- Zone 2.5 Water Improvements
DWSRF Contract: DM13-952-140

2014 Professional Services = \$112,900

2014 DWSRF Revenue = \$112,900

2015 Professional Services = \$109,800

2015 Capital Improvements = \$658,800

2015 DWSRF Revenue = \$768,600

- Water System Plan Update (due in 2015, begin work in 2014)

2014 Professional Services = \$43,000

2015 Professional Services = \$43,000

2015 Water System Summary

2015 Professional Services = \$152,800

2015 Capital Improvements = \$658,800

2015 DWSRF Revenue = \$768,600

Sewer System Improvements

- Wastewater Treatment Plant Improvements

2014 Professional Services = \$325,000 (design)

2015 Professional Services = \$512,000 (design and construction phase)

2016 Professional Services = \$292,000 (construction phase)

2015 Capital Improvements = \$2,800,000

2016 Capital Improvements = \$2,800,000

2014 PWTF Revenue = \$325,000

2015 PWTF Revenue = \$3,312,000

2016 PWTF Revenue = \$863,000

Our 2014 rate analysis included a discussion of proposed rate increases with and without additional employees in the water and sewer departments. The recommended rate increases adopted by council were 4% in the water fund and 2% in the sewer fund. With the added staff, 2015 rate increases of 4% were projected for both water and sewer.

The proposed 2015 water and sewer budgets include additional staffing and significant machinery and equipment expenses which were not included in previous rate discussions. After discussions with Public Works Director L.J. Dacorsi, we examined methods to include the added staff without rate increases greater than previously recommended. In the water fund, this was accomplished by extending the machinery and equipment expenditures over a three year period and postponing several of the future capital improvements included in the water system plan. As part of the ongoing update of the Water System Plan, these capital improvement needs will be reassessed and a future recommendation will be brought to council.

Water Fund – Rate Increases

	<u>2015</u>	<u>2016</u>	<u>2017</u>
With Postponed Improvements:	4%	4%	4%

Note: The above water rate increases assume an increase in irrigation rates in 2015 of 3%, followed by 3% increases in 2016 and 2017.

Sewer Fund – Rate Increases

	<u>2015</u>	<u>2016</u>	<u>2017</u>
With Staff and Proposed Improvements	4.5%	4.5%	4.5%

Should you have any questions regarding our analysis of the 2015 water and sewer budgets, please do not hesitate to contact our office.

City of Prosser
 Water Supply and Distribution System
WATER RATE ANALYSIS

TABLE 1 - POSSIBLE 2015 MONTHLY WATER RATES, 4% REVENUE INCREASE

Category	A	B	C	D
	Current 2014 Rates	Alternate 1	Alternate 2	Alternate 3
<u>Rate Schedule Within City Limits</u>				
Monthly base charges (includes first 400 cf):				
5/8 and 3/4 inch meter	\$21.65	\$22.52	\$23.53	\$21.65
1.0 inch meter	\$38.93	\$40.49	\$42.32	\$38.93
1.5 inch meter	\$86.47	\$89.93	\$93.99	\$86.47
2.0 inch meter	\$154.04	\$160.20	\$167.44	\$154.04
3.0 inch meter	\$345.88	\$359.72	\$375.97	\$345.88
4.0 inch meter	\$604.94	\$629.14	\$657.57	\$604.94
6.0 inch meter	\$1,383.52	\$1,438.86	\$1,503.89	\$1,383.52
Rate per each additional 100 cubic feet	\$1.65	\$1.72	\$1.65	\$1.77
<u>Elderly, Low-Income and Disabled Residential Users</u>				
Monthly base charges (includes first 400 cf)	50 % of residential	50 % of residential	50 % of residential	50 % of residential
Rate per each additional 100 cubic feet	\$1.65	\$1.72	\$1.65	\$1.77
<u>Rate Schedule Outside City Limits</u>				
Monthly base charges (includes first 400 cf):				
5/8 and 3/4 inch meter	\$32.48	\$33.78	\$35.31	\$32.48
1.0 inch meter	\$58.39	\$60.73	\$63.47	\$58.39
1.5 inch meter	\$130.23	\$135.44	\$141.56	\$130.23
2.0 inch meter	\$231.05	\$240.29	\$251.15	\$231.05
3.0 inch meter	\$518.12	\$538.84	\$563.20	\$518.12
4.0 inch meter	\$907.41	\$943.71	\$986.35	\$907.41
6.0 inch meter	\$2,075.27	\$2,158.28	\$2,255.82	\$2,075.27
Rate per each additional 100 cubic feet	\$2.45	\$2.55	\$2.45	\$2.66
Monthly Charge for Typical 1,000 CF Residential Customer	\$31.55	\$32.81	\$33.43	\$32.27
Monthly Charge for Typical 600 CF Commercial, 3/4-Inch Meter	\$24.95	\$25.95	\$26.83	\$25.19
Monthly Charge for Typical 2,000 CF Commercial, 1.5-Inch Meter	\$112.87	\$117.38	\$120.39	\$114.79
Monthly Charge for Typical 8,000 CF Commercial, 2-Inch Meter	\$356.45	\$370.71	\$376.55	\$365.57
Monthly Charge for Typical 26,000 CF Industry, 4-Inch Meter	\$1,027.34	\$1,068.43	\$1,079.97	\$1,058.06
Monthly Charge for Typical 300,000 CF Industry, 6-Inch Meter	\$6,326.92	\$6,580.00	\$6,447.29	\$6,686.44
		4.00%	1.90%	5.68%

NOTES:

- ALTERNATE 1 - Increase all current rates 4%.
- ALTERNATE 2 - Increase base charge 8.7%, and hold unit charge at \$1.65.
- ALTERNATE 3 - Hold base charge, and increase unit charge to \$1.77.

MEMORANDUM

September 9, 2013

To: Toni Yost, City of Prosser

From: Ted Pooler, PE, Huibregtse, Louman Associates,

Inc. Re: **2014 Water and Sewer Budget and Rates**

We have completed our analysis of the 2014 water and sewer budget, added projected revenues and expenditures related to the capital improvement projects, and examined rate increases necessary to generate the required revenue.

Following is a listing of the capital improvement projects included in our analysis:

Water System Improvements

- North Prosser Water System Improvements
Includes water system telemetry improvements
No construction expected in 2014
Will begin estimated USDA loan payment of \$159,000 per year in 2014

- Disinfection, Filtration and Source Improvements
DWSRF Contract: DM11-952-030

2014 Professional Services = \$97,800
2014 Capital Improvements = \$911,710

2014 DWSRF Revenue = \$1,000,000

- Zone 2.5 Water Improvements
DWSRF Contract: DM13-952-140

2014 Professional Services = \$185,700
2014 Capital Improvements = \$704,615

2014 DWSRF Revenue = \$890,315

- Water Treatment Plant Filter Media Replacement
2014 Capital Improvements = \$100,000

- Water System Plan Update (due in 2015, begin work in 2014)
2014 Professional Services = \$43,000

2014 Water System Summary

2014 Professional Services = \$326,500
2014 Capital Improvements = \$1,616,325
2014 Water Treatment Plant Media Replacement = \$100,000

2014 DWSRF Revenue = \$1,890,315

Sewer System Improvements

- Wastewater Treatment Plant Improvements

2014 Professional Services = \$546,000

2014 PWTF Revenue = \$835,000

The City is considering adding one person to both the Water Department (\$69,920 in wages and benefits) and the Sewer Department (\$69,386 in wages and benefits), and requested rate increases be considered with and without the added employees. Suggested rate increases are provided below.

Water Fund – Rate Increases

	<u>2014</u>	<u>2015</u>	<u>2016</u>
Without Added Staff:	2%	2%	2%
With Added Staff:			
Option 1	5.8%	3%	2%
Option 2	4%	4%	3.5%

Note: The above water increases assume an increase in irrigation rate in 2014 of 5%, followed by 3% increases in 2015 and 2016.

Sewer Fund – Rate Increases

	<u>2014</u>	<u>2015</u>	<u>2016</u>
Without Added Staff:	2%	2%	2%
With Added Staff:			
Option 1	5.4%	3%	3%
Option 2	4%	4%	4%

Should you have any questions regarding our analysis of the 2014 water and sewer budgets, please do not hesitate to contact our office.