



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

1. **Call to Order by Chair.**
2. **Roll Call.**
3. **Minutes August 21, 2014**
ACTION: Approve or deny or make changes to minutes as presented.
4. **Election of Officer**
5. **Public Hearing for Substantial Development Permit (Shorelines) 999 Grande Road**
ACTION: Approve, deny, or make changes.
6. **Public Hearing for changes to Prosser Municipal Code (PMC) regarding process for site review and notification. Chapter 18, Chapter 19**
ACTION: Approve, deny, or make changes.
7. **Discussion-RV parking on streets and parking in front setbacks in residential neighborhoods.**
ACTION: Discuss, direct staff to make changes, recommend no changes, or continue for further discussion.
8. **Adjournment**

**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 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

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**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

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LAND USE APPLICATION SHORELINE MANAGMENT CITY OF PROSSER, WASHINGTON

APPLICANT'S NAME City of Prosser

PROJECT NAME Wastewater Treatment Plant Improvements

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

Project Address: 999 Grande Road, Prosser, WA 99350

(Leave blank if not assigned)

Parcel Number (Property Tax Account Number): 101842000012000

Legal Description: See Additional Information

PROPERTY OWNER INFORMATION

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

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

Phone: 509-786-2332 Cell Phone: _____

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

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

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

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

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

PROJECT INFORMATION

Substantial Development Permit Variance Conditional Use Permit

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

PLEASE ATTACH THE REQUIRED VICINITY MAP

ESTIMATED PROJECT VALUATION: \$ 5,000,000

CONTRACTOR INFORMATION

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

Contact Person: _____ Contact Phone: _____

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

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

I, the undersigned, do hereby certify that, to the best of my knowledge, the information on this application and other submitted information is true and correct. In addition, I understand that acceptance of this application and fees does not constitute submittal of a valid application until so informed by the City. I have attached, enclosed, or submitted the applicable fees for this application.

Applicant Signature	Date	Owner Signature	Date
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If the property owner is other than an individual such as a corporation, partnership or agency, please provide proof of signatory authorization.

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

CITY USE ONLY

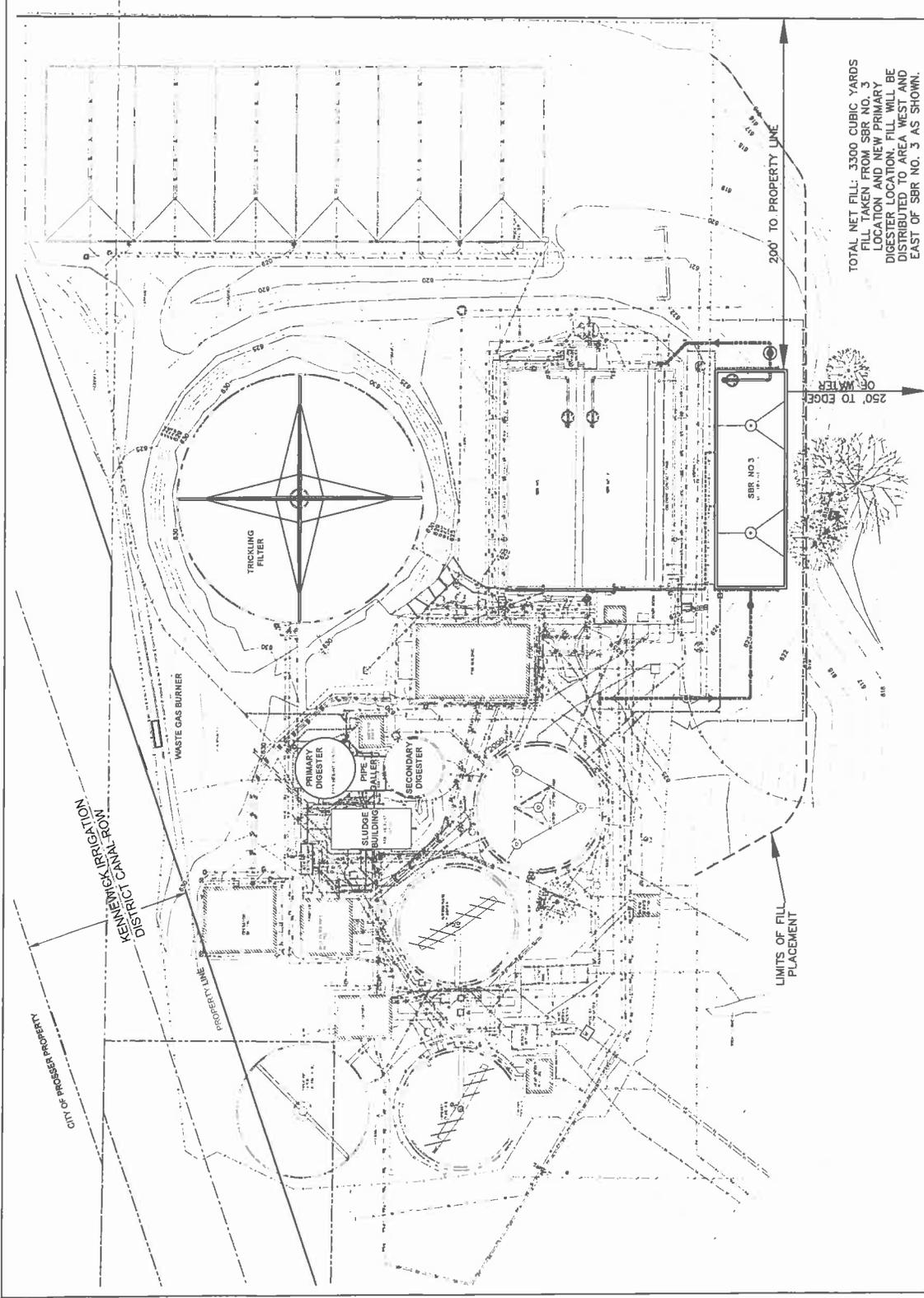
RECEIVED BY _____ DATE _____

APPROVED BY _____ DATE _____

RETURNED BY _____ DATE _____

REASON FOR APPLICATION RETURN _____





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

CITY OF PROSSER
2015 WASTEWATER TREATMENT
PLANT IMPROVEMENTS

PROPOSED SITE PLAN

JOB NUMBER:	DATE:
14084	01-20-15
FILE NAMES:	
DRAWING: <i>Shedding.dwg</i>	
PLAN: <i>14084.dwg</i>	
DESIGNED BY:	J.B.
ENTERED BY:	J.S.

REVISION	DATE

2863 River Road
 Tallahassee, FL 32302
 904.965.7000
 Fax 904.965.3800
 www.hlaenv.com

HLA
 Hubbreggs, Louman Associates, Inc.
 Civil Engineering • Land Surveying • Planning



LAND USE ZONING & PERMIT APPLICATION

CITY OF PROSSER, WASHINGTON

APPLICANT'S NAME CITY OF PROSSER

PROJECT NAME WASTEWATER TREATMENT PLANT IMPROVEMENTS

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

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

Parcel Number (Property Tax Account Number): 101842000012000

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

PROPERTY OWNER INFORMATION

Name: CITY OF PROSSER

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

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

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

OWNERS AUTHORIZED AGENT: Paul Warden, Mayor

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

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

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

PROJECT INFORMATION

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

SEPA

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

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

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

PMC-18

Revised 12-29-07

PLEASE ATTACH THE REQUIRED VICINITY MAP

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

CONTRACTOR INFORMATION

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

I, the undersigned, do hereby certify that, to the best of my knowledge, the information on this application and other submitted information is true and correct. In addition, I understand that acceptance of this application and fees does not constitute submittal of a valid application until so informed by the City. I have attached, enclosed, or submitted the applicable fees for this application.

[Signature] 9/10/14
 Applicant Signature Date

[Signature] 9-10-14
 Owner Signature Date

If the property owner is other than an individual such as a corporation, partnership or agency, please provide proof of signatory authorization.

<p>SITE REVIEW <u>Application must include the following.</u></p> <ol style="list-style-type: none"> 1. Critical Areas Worksheet 2. Proof of Legal Lot 3. Proof of ownership or authority 4. 25 year Storm Water Calculations stamped by an engineer 5. Site Plan Drawing which shows.... <ul style="list-style-type: none"> <input type="checkbox"/> All existing and proposed lot lines. <input type="checkbox"/> The location of all existing structures to remain and the location of all proposed structures. <input type="checkbox"/> The location of all utilities proposed to be used. <input type="checkbox"/> The proposed number and location of water meters. <input type="checkbox"/> The location of all solid waste receptacle areas. <input type="checkbox"/> The method of handling storm water removal. <input type="checkbox"/> All easements and right-of-ways. <input type="checkbox"/> All off-street parking and loading areas. <input type="checkbox"/> All driveway locations. <input type="checkbox"/> All landscaping, outdoor lighting and fencing.. <input type="checkbox"/> A north arrow. <input type="checkbox"/> Scale of drawing 	<p>Deposits are required at the time an application is submitted. You will still get a monthly bill for actual costs incurred. Your deposit will not be refunded until the project has closed.</p> <table style="width: 100%;"> <tr> <td>SITE REVIEW</td> <td>\$500.00 Deposit</td> </tr> <tr> <td>VARIANCE</td> <td>\$500.00 Deposit</td> </tr> <tr> <td>SITE REVIEW</td> <td>\$500.00 Deposit</td> </tr> <tr> <td>SEPA</td> <td>\$500.00 Deposit</td> </tr> <tr> <td>ANNEXATION</td> <td>\$500.00 Deposit</td> </tr> <tr> <td>ZONE CHANGE</td> <td>\$1000.00 Deposit</td> </tr> <tr> <td>CONDITIONAL USE</td> <td>\$500.00 Deposit</td> </tr> </table>	SITE REVIEW	\$500.00 Deposit	VARIANCE	\$500.00 Deposit	SITE REVIEW	\$500.00 Deposit	SEPA	\$500.00 Deposit	ANNEXATION	\$500.00 Deposit	ZONE CHANGE	\$1000.00 Deposit	CONDITIONAL USE	\$500.00 Deposit
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CONDITIONAL USE	\$500.00 Deposit														

CITY USE ONLY

RECIEVED BY _____ DATE _____

APPROVED BY _____ DATE _____

RETURNED BY _____ DATE _____

REASON FOR APPLICATION RETURN _____



**CITY OF PROSSER
Benton County, Washington**

**CITY OF PROSSER
WASTEWATER TREATMENT PLANT
IMPROVEMENTS**

STATE ENVIRONMENTAL POLICY ACT

ENVIRONMENTAL CHECKLIST

Prepared by:



HLA Project No. 14084E

September 2014

ENVIRONMENTAL CHECKLIST

A. BACKGROUND

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

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

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

4. *Date Checklist Prepared:* September 2014

5. *Agency Requesting Checklist:* City of Prosser

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

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

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

9. *Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.*
No.

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

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

11. *Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.*

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

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

Other improvements will include:

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

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

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

B. ENVIRONMENTAL ELEMENTS

1. EARTH

- a. *General description of the site (underline one): Flat, rolling, hilly, steep slopes, mountainous, other.*
- b. *What is the steepest slope on the site (approximate percent slope)?*
25% slope.
- c. *What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.*

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

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

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

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

- d. *Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.*
There are no surface indications of unstable soils.

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

2. AIR

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

3. WATER

a. Surface Water:

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

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

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

No.

3. *Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.*

None.

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

No.

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

Yes.

6. *Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.*

No.

b. Ground Water:

1. *Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.*

No.

2. *Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: domestic sewage, industrial, containing the following chemicals...; agricultural, etc.). Describe the general size of the system, the*

number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None.

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

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

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

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

No.

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

No.

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

Not applicable.

4. PLANTS

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

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops
- wet soil plants; cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. *What kind and amount of vegetation will be removed or altered?*

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

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

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

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

5. ANIMALS

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

6. ENERGY AND NATURAL RESOURCES

- a. *What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.*
Digester gas from the treatment process, natural gas, and electric energy will be used to power the process equipment for the facility.

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

No.

- c. *What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:*

Beneficial use of methane gas generated from the anaerobic digesters that treat the biosolids collected from the treatment processes. High efficiency motors for process equipment.

7. ENVIRONMENTAL HEALTH

- a. *Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.*

None anticipated.

1. *Describe any known or possible contamination at the site from present or past uses.*

None known.

2. *Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.*

There are natural gas lines within the project area.

3. *Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.*

Currently the site uses chlorine gas to disinfect the treated wastewater prior to discharge to the river. This system will remain unchanged and is not part of this project.

4. *Describe special emergency services that might be required.*

Emergency medical aid may be required should an injury occur during construction.

5. *Proposed measures to reduce or control environmental health hazards, if any:*

None.

- b. *Noise*

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

None.

2. *What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.*

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

3. *Proposed measures to reduce or control noise impacts, if any:*
Restrict construction to 7:00 a.m. to 7:00 p.m.

8. LAND AND SHORELINE USE

- a. *What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.*

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

- b. *Has the project site been used as working farmlands or working forest land? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?*

No.

1. *Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:*

No.

- c. *Describe any structures on the site.*

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

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

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

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

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

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

The current comprehensive plan designation of the site is City.

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

9. HOUSING

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

10. AESTHETICS

- a. *What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?*
30 feet.

- b. *What views in the immediate vicinity would be altered or obstructed?*
None.
- c. *Proposed measures to reduce or control aesthetic impacts, if any:*
None.

11. LIGHT AND GLARE

- a. *What type of light or glare will the proposal produce? What time of day would it mainly occur?*
Security site lighting will be installed consistent with the existing use of lighting in the facility.
- b. *Could light or glare from the finished project be a safety hazard or interfere with views?*
No.
- c. *What existing off-site sources of light or glare may affect your proposal?*
None.
- d. *Proposed measures to reduce or control light and glare impacts, if any:*
None.

12. RECREATION

- a. *What designated and informal recreational opportunities are in the immediate vicinity?*
The City of Prosser contains numerous municipal parks and school playgrounds.
- b. *Would the proposed project displace any existing recreational uses? If so, describe.*
No.
- c. *Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:*
None.

13. HISTORIC AND CULTURAL PRESERVATION

- a. *Area there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.*
According to the Department of Archaeology & Historic Preservation's (DAHP) Washington Information System for Architectural and Archeological Records Data (WISAARD), there are no registered properties within or adjacent to the project limits.

- b. *Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Is there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.*

None.

- c. *Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.*

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

- d. *Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.*

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

14. TRANSPORTATION

- a. *Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.*

None.

- b. *Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?*

No public transit service is provided within the project limits.

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

Not applicable.

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

No.

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

No.

- f. *How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?*

None.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.
No.

- h. Proposed measures to reduce or control transportation impacts, if any:
None.

15. PUBLIC SERVICES

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other?) If so, generally describe.
No.
- b. Proposed measures to reduce or control direct impacts on public services, if any.
None.

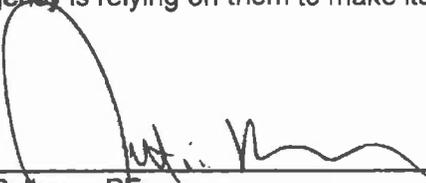
16. UTILITIES

- a. Underline the utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, irrigation, cable TV, drains, other.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

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

C. SIGNATURE

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


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

9/10/14
Date

DETERMINATION OF NONSIGNIFICANCE (DNS)

Description of Proposal:

City of Prosser Wastewater Treatment Plant Upgrade

Proponent:

City of Prosser

Location of proposal, including street address, if any:

City of Prosser
999 Grande Road
Prosser, WA 99350

Lead Agency:

City of Prosser

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

 There is no comment period for this DNS.

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

Responsible Official:

L.J. DaCorsi

Position/title:

Public Works Director/SEPA Responsible Official

Address:

601 Seventh Street
Prosser, WA 99350

Phone:

(509) 786-2332

Date: _____

9/10/14

Signature: _____





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

Description of proposal: Waste Water Treatment Upgrades 2015

Proponent: City of Prosser

Location of proposal: 999 Grande Road, Prosser, WA

Lead Agency: City of Prosser

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

There is no comment period for this DNS.

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

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

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

X 

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

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

There is no agency appeal

Notice

CITY OF PROSSER, WASHINGTON
NOTICE OF COMPLETE APPLICATION
Substantial Development Permit Application
City of Prosser
Waste Water Treatment System Upgrade
SHORELINE APPLICATION
NOTICE OF APPLICATION FOR SHORELINE
MANAGEMENT SUBSTANTIAL DEVELOPMENT
PERMIT

Notice is hereby given that the City of Prosser has filed an application for a substantial development permit for the construction or development of the Waste Water Treatment Plant located at: 999 Grandé Road, in the city of Prosser, Benton County, Washington. Said development is proposed to be within the Yakima River and/or its associated wetlands. Any person desiring to express his views or to be notified of the action taken on this application should notify the Planning Department, Prosser City Hall, Prosser, Washington, 99350, in writing of his or her interest within thirty (30) days of the last publication of this notice. Publication dates of this notice are February 4, 2015 and February 11, 2015

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

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

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

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

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

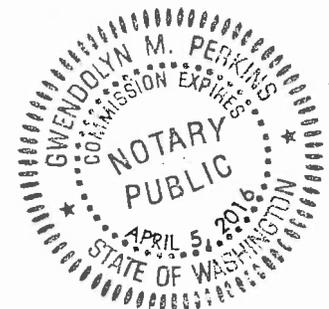
Tim Miser, being
first duly sworn on oath, deposes and says that he is the
Production of the
PROSSER RECORD-BULLETIN, weekly newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the Superior Court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continually as a weekly newspaper in Prosser, Benton County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That annexed is a true copy of _____

City of Prosser
Notice of Complete Application
Waste Water Treatment System Upgrade

as it was published in regular issues (and not in supplement form) of said newspaper once a week for a period of 2 consecutive weeks commencing February 4, 20 15 ending February 11, 20 15 both dates inclusive and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$ 102.00, which amount has been paid in full

[Signature]
Subscribed and sworn to before me this 11 day of February, 20 15

Gwendolyn M. Perkins
Notary Public in and for the State of Washington, residing at Prosser, Washington





City of Prosser

Washington

AFFIDAVIT OF POSTING

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

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

I posted a City of Prosser see attached sign.

[Handwritten Signature]

Signature

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



Vendall Jean Murphy

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

My Commission Expires: July 27, 2017



**CONFIDENTIAL
FILE COPY**

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

**AN ORDINANCE XX
THE ORDINANCE ALSO SETS FORTH THE EFFECTIVE DATE OF
THE ORDINANCE AND PROVIDES THAT ITS PROVISIONS ARE
SEVERABLE FROM ONE ANOTHER AND PROVIDES FOR
PUBLICATION BY SUMMARY.**

WHEREAS, XXXXX; and

WHEREAS, XXXXX; and

WHEREAS, XXXXX;

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

Section 1. That portion of Section 1 of Ordinance 97-1916 that enacted Prosser Municipal Code Section 19.01.040 and Prosser Municipal Code Section 19.01.040 are hereby amended to read as follows:

19.01.040 Project permit application framework.

ACTION TYPE					
PROCEDURE PROJECT PERMIT APPLICATIONS (TYPE I-IV) LEGISLATIVE					
	Type I	Type II	Type III	Type IV	Type V
Recommendation made by:	N/A	N/A	Staff	Planning Commission	Planning Commission
Final Decision made by:	Admin.	Admin.	Planning Commission or Board of Adjustment	City Council	City Council
Notice of Application	No	Yes	Yes	No	No
Open Record Public Hearing:	Only if appealed, open record hearing before City Council	Only if appealed, open record hearing before City Council	Yes, before Planning Commission or Board of Adjustment to render final decision	No	Yes, before Planning Commission to make recommendation to Council

ACTION TYPE					
PROCEDURE PROJECT PERMIT APPLICATIONS (TYPE I-IV) LEGISLATIVE					
	Type I	Type II	Type III	Type IV	Type V
Closed record appeal/final decision:	No	No	Only if appealed, then before Council, unless rezone, preliminary and final plats then before Council for approval	Yes, before Council to render final decision	Yes, or Council could hold its own hearing
Judicial Appeal:	Yes	Yes	Yes (or to the Shoreline Hearings Board)	Yes	Yes (or to the Growth Management Hearings Board or the Shoreline Hearings Board).

The following are Type I Land Use Decisions unless they require SEPA review in which case they shall be a Type II Land Use Decision.

- A. Permitted uses not requiring site review in accordance with PMC section 18.75.040.
- B. Boundary line adjustments.
- C. Lot consolidations.
- D. Sign permits in accordance with Chapter 18.72 PMC unless a different process is designated in that chapter for a specific permit.
- E. Minor amendment to PUD in accordance with 18.58.100.
- F. Design review in accordance with Chapter 18.07 PMC.
- G. Affordable housing density bonus in accordance with PMC section 18.35.040(G).
- H. Accessory apartments in accordance with PMC section 18.60.140.
- I. Family day care homes in accordance with PMC section 18.60.190.
- J. Administrative exemption in accordance with PMC section 18.81.160.
- K. Housing for people with functional disabilities apartments in accordance with PMC section 18.60.200.
- L. Nomadic Vendors in accordance with PMC section 18.60.270.
- M. Special event permits in accordance with Chapter 5.30 PMC.
- N. Permits or decisions issued or rendered in accordance with Chapter 18.87 PMC.
- O. Administrative code interpretation in accordance with section 19.01.090.

The following are Type II Land Use Decisions.

- A. Site plan review in accordance with section 18.30.040(G).
- B. Site review in accordance with PMC section 18.75.040.
- C. Binding site plans in accordance with Chapter 17.30 PMC.
- D. Nursery schools and day care centers apartments in accordance with PMC section 18.60.060.
- E. Rooming houses and boarding houses apartments in accordance with PMC section 18.60.120.
- F. Short Plats or Short Plat amendments in accordance with PMC Chapter 17.15 PMC, unless it contains a dedication of right of way in which case it shall be a Type III Decision.
- G. Home occupations in accordance with PMC section 18.75.060.
- H. Similar uses in accordance with PMC section 18.75.70
- I. Temporary Structure of Use in accordance with PMC Section 18.75.090.

The following are type III Land Use Decisions.

- A. Preliminary plats or alteration of preliminary plats in accordance with Chapter 17.12 PMC (Planning Commission).
- B. Planned area developments in accordance with Chapter 17.20 PMC (Planning Commission).
- C. Plat vacations or alterations in accordance with Chapter 17.28 PMC (Planning Commission).
- D. Planned unit development in accordance with Chapter 18.58 PMC (Planning Commission).
- E. Clustering in accordance with Chapter 18.59 PMC (Planning Commission).
- F. Bed and breakfast operations in accordance with PMC Section 18.60.240 (Board of Adjustment).
- G. Sign code variance in accordance with PMC Section 18.72.110 (Board of Adjustment).
- H. Conditional use permits in accordance with PMC Section 18.75.050 (Board of Adjustment).
- I. Variances in accordance with PMC Section 18.75.080 (Board of Adjustment).
- J. Recreational vehicle parks in accordance with PMC Section 18.60.250 (Board of Adjustment).
- K. Site specific rezones in accordance with PMC Section 18.78.020 (Planning Commission).
- L. Shoreline Substantial Development Permits (Planning Commission)
- M. Shoreline Variances (Planning Commission)
- N. Shoreline Conditional Use Permits (Planning Commission).

The following are Type IV Land Use Decisions.

- A. Final Plats in accordance with Chapter 17.14 PMC (Planning Commission)

The following are Type V Land Use Decisions.

- A. Area wide rezones in accordance with PMC Section 18.78.020 (Planning Commission).
- B. Establishment of overlay zones in accordance with Chapter 18.81 PMC unless they are site specific then they are processed as a Type III land use decision (Planning Commission).
- C. Zoning text amendments in accordance with PMC Section 18.78.040 (Planning Commission).
- D. Comprehensive plan amendments (Planning Commission).
- E. Annexations (City Council).

Section 2. That portion of Section 1 of Ordinance 97-1916 that enacted Prosser Municipal Code Section 19.03.010 and Prosser Municipal Code Section 19.03.010 are hereby amended to read as follows:

19.03.010 Required public notice of application.

A. In addition to the notice of application for type III project permits, the city shall also provide public notice of a project permit application by posting the property or by publication in the city's official newspaper.

1. Posting. Posting of the property for site specific proposals shall consist of one or more notice boards as follows:
 - a. A single notice board provided by the city, not less than four square feet in size, shall be placed by the applicant at the applicant's sole cost and expense:
 - i. At the midpoint of the site street frontage or as otherwise needed for maximum visibility;
 - ii. Within five feet inside the street property line; and
 - iii. Where it is completely visible to pedestrians.
 - b. Additional notice boards may be required when:
 - i. The site does not abut a public road;
 - ii. A large site abuts more than one public road; or
 - iii. The administrator determines that additional notice boards are

necessary to provide adequate public notice.

- c. Notice boards shall be:
 - i. Maintained in good condition by the applicant during the notice period;
 - ii. In place at least fifteen days prior to the end of any required comment period; and
 - iii. Removed within fifteen days after the end of the notice period.
 - d. Removal of the notice board prior to the end of the notice period by the applicant may be cause for discontinuance of the land use review until the notice board is replaced and remains in place for the specified time period.
 - e. An affidavit of posting shall be prepared by the applicant prior to the hearing or final comment date.
 - f. Notice boards shall be constructed and installed in accordance with specifications established by the administrator.
2. Published Notice. Published notice shall include at least the project locations, description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed, and published in the city's official newspaper of general circulation in the general area where the proposal is located.
 3. Shoreline Master Program Permits.
 - a. Methods of Providing SMP Notice. Notice of the application of a permit under the purview of the city's shoreline master program (SMP) shall be given by at least one of the following methods:
 - i. Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the substantial development is proposed;

- ii. Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed; or
 - iii. Any other manner deemed appropriate by the city to accomplish the objectives of reasonable notice to adjacent landowners and the public.
- b. Content of SMP Notice. The notices shall include:
- i. A statement that any person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision concerning an application as expeditiously as possible after issuance of the decision, may submit the comments or requests for decisions to the city within thirty days of the last date the notice is to be published pursuant to this subsection. The city shall forward, in a timely manner following issuance of the decision, a copy of the decision to each person who submits a request for the decision.
 - ii. Notice of the hearing shall include a statement that any person may submit oral or written comments on an application at the hearing.
 - iii. The public comment period shall be twenty days. The notice shall state the manner in which the public may obtain a copy of the city's decision on the application no later than two days following its issuance.

Section 3. Section 1 of Ordinance 04-2449, that portion of Section 1 of Ordinance 97-1917 that enacted Prosser Municipal Code Section 18.81.030, and Prosser Municipal Code Section 18.81.030 are hereby amended to read as follows:

18.81.030 Board of adjustment.

A. Membership—Terms of Office. A board of adjustment was established effective July 1, 1975, and is a continuing board. The board consists of seven members appointed by the mayor and confirmed by the city council. All members must be citizens of the city who have an understanding and interest in the general benefits obtained by proper zoning in the city. No members shall be a member of the planning commission or of the city council. The members of the board shall serve for a term of three years and shall be appointed by the mayor. The board shall have the powers and duties as provided in the ordinances of the city and as the same may be hereafter amended or replaced, and as provided in RCW 35A.63.110 and other pertinent statutes of the state of Washington, and as the same may be hereafter amended or replaced. The concurring vote of at least a majority of the entire membership shall be necessary for any action.

should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter or the remainder of this title.

Section 6. Prosser Municipal Code Section 19.01.990 is hereby enacted to read as follows:

19.01.990 Severability.

If any section, sentence, clause or phrase of this chapter or the remainder of this title should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter or the remainder of this title.

Section 7. 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 8. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

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

MAYOR PAUL WARDEN

ATTEST:

CITY CLERK, RACHEL SHAW

Approved as to form:

CITY ATTORNEY, HOWARD SAXTON

Date of Publication: _____

SUMMARY OF ORDINANCE NO. 15-_____

of the City of Prosser, Washington

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

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

DATED this ____ day of _____, 2015

CITY CLERK, RACHEL SHAW



City of Prosser NOTICE OF PUBLIC HEARING

FILE COPY

Applicant: City of Prosser

Address: 601 7th Street, Prosser, WA 99350

Location of Project: City Wide

Applicable PMC: Chapter 18, chapter 19

Summary of Proposal: make changes to chapter 19 clarifying the process for site review and site plan review as being an administrative process.

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 Planning Commission will hold a Public Hearing on February 19, 2015 at 6:00 p.m., or as soon thereafter as possible, in the City Council Chambers, City Hall, 601 7th Street, Prosser, Washington, for the purpose of receiving public comment on proposed changes to chapter 18 and chapter 19 of the Prosser Municipal Code regarding procedures for site review and site plan review. 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. All interested persons may appear and provide testimony or provide3 written testimony at the public hearing or prior to the public hearing.

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: February 6, 2015

Rachel Shaw, CMC
City Clerk
City of Prosser

Published: Prosser Record Bulletin
Publish Date: February 11, 2015

Notice

City of Prosser
NOTICE OF PUBLIC HEARING

Applicant: City of Prosser
Address: 601 7th Street, Prosser, WA 99350
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The final decisions may be appealed in accordance with the Land Use Petition Act (RCW 36.70C).
Dated: February 6, 2015
Rachel Shaw CMC, City Clerk, City of Prosser
Published: Prosser Record Bulletin
Publish Date: February 11, 2015

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON } ss.
County of Benton

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

Production of the

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

annexed is a true copy of _____

City of Prosser
Notice of Public Hearing
Chapter 18, chapter 19

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 February 11, 20 15

ending February 11, 20 15

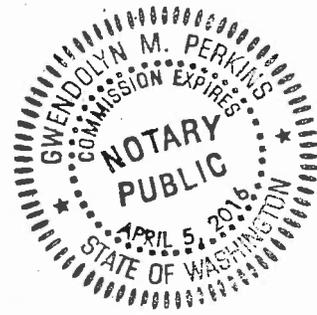
both dates inclusive and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee

charged for the foregoing publication is the sum of \$ 45.00, which amount has been paid in full.

[Signature]
Subscribed and sworn to before me this 11

day of February, 20 15

Gwendolyn M. Perkins
Notary Public in and for the State of Washington, residing at Prosser, Washington





Planning Commission Staff Report

Meeting Date: February 19, 2015

Prepared by: Steve Zetz

Description: Prosser City Council has directed the Planning Commission to review sections of the Prosser Municipal Code specific to Recreational Vehicle parking and storage.

18.60.070 Parking campers, boats, trailers, and the like in public right-of-way.

Trailers, boats, camper tops, recreational vehicles, modular structures, portable structures, commercial trucks in excess of one ton gross weight, and the like, owned by a person residing on the premises may be stored in an R district but not within a public right-of-way or street frontage setback area. (Ord. 1917 § 1 (part), 1997).

In 2014 citizens complained about the storage of RV's and trailer's in front setbacks and on streets. Code Enforcement began addressing these issues on a complaint basis. While attempting to gain voluntary compliance some offending persons began pointing fingers at other violators as a defense. In order to address the issue Code Enforcement canvassed the City and identified 72 (As of December 2014) violations and sent out letters giving them 6 months to correct the violation. To date the majority of violators have complied by removing or relocating trailers and RV's from public streets and front setbacks.

The Prosser City Council heard from a few citizens that had not yet complied with the Municipal Code. They have asked the Council to repeal or alter the municipal code to allow them to continue to store their trailers or RV's on public streets or in front setbacks.





Planning Commission Staff Report

Comment Letter:

It is my understanding that the above ordinance will be discussed during the February 26th Planning Commission meeting. I would like the following concerns and comments be considered at that time:

- 1.) This ordinance is not being addressed city wide. Only 56 letters were sent out. I feel we are being discriminated against.
- 2.) Corner lots can be in violation of the ordinance by parking in the 20' set back of the side street.
- 3.) Parking in driveways and off the street doesn't cause any safety issues. The visual impact doesn't negatively affect the neighborhood addressed by the Mayor in the July 2013 newsletter.
- 4.) This ordinance has created a financial impact on property owners who want to live in the city limits and have a RV, trailers, and etc. but with limited space to park.
- 5.) To make it fair and easier to enforce with current staffing the ordinance should be amended to read:

Trailers, boats, camper tops, recreational vehicles, modular structures, portable structures, commercial trucks in excess of one ton gross weight, and the like, owned by a person residing on the premises may be stored in an R district by not on the street and shall be well maintained.

Thank you
Karen Rumsey
705 Main St
Prosser, WA
[509-786-3645](tel:509-786-3645)

Testimony before council

- It doesn't block views
- It's not hurting anyone
- Storage is expensive
- It's unfair
- It's my property
- It's City property but it's a dead end street



Planning Commission Staff Report

Other Jurisdictions:

City	On Street	Off Street	Notes
Sunnyside	Prohibited-Up to 7 days allowed for visitors however it may not be used as RV.	Allowed no restrictions	
Grandview	Prohibited-Up to 7 days allowed for visitors however it may not be used as RV.	Unknown	
Kennewick	Prohibited	Prohibited	
Richland	Prohibited	Prohibited	
West Richland	Prohibited -36 hours allowed for visitors	Prohibited	

Pros:

- Property rights
- Reduces cost of ownership and storage for RV's and trailers

Cons:

- Mixes residential use with industrial/commercial use
- Likely to change character of neighborhood
- Likely to reduce curb appeal of surrounding properties.
- "Well maintained" may not be used as a standard for allowing therefore all would be allowed regardless of condition





Planning Commission Staff Report

Staff Analysis:

Code Enforcement has done a comprehensive job of identifying violations in regards to RV parking. It is unclear why or how anyone feels discriminated against and on what basis such a claim is made.



[Location of violations-Notices sent]



Planning Commission Staff Report

Blight is always a contributing factor in home sales and curb appeal.

Which one looks better?





Planning Commission Staff Report

Staff can find no compelling argument that supports the statement that the current ordinance causes a financial burden that is excessive. It is not unreasonable to expect a person who spends thousands of dollars on a boat or RV to also make appropriate accommodations for its storage in order to preserve the character of a neighborhood so that neighbors are not negatively impacted. The cost of RV and boat ownership includes insurance, winterization, licensing, fueling, and maintenance costs, and it should come as no surprise that appropriate storage should also be considered.

Q: Should a reasonable person purchasing a boat or RV have known at the time that there were other costs associated with ownership beyond the initial cost?

A: YES. When purchasing any big ticket item such as a car there are many factors that come into play for most consumers, insurance costs, reliability, ownership costs, fuel efficiency. These are in addition to price. When it comes to boats and RV's these are primarily luxury items that are not considered necessary. Based on this it is reasonable to conclude that a reasonable person should know that there are additional costs associated with RV's and other non essential luxury items, to include insurance, taxes, and storage.

Prosser Violations





Planning Commission Staff Report





Planning Commission Staff Report

Conclusion

Code Enforcement has reported that the majority of those that were contacted have complied by moving their boat, RV, or trailer to the appropriate location or to outside storage facilities.

The issue is one of aesthetics and land use versus individual property rights. Both sides have compelling arguments however the Growth Management Act (GMA) recognizes that the uses employed by one property owner can impact and detract from another property owner's enjoyment of their property.

It is likely that those proposing changes to the Municipal Code to allow for the storage of RV's, trailers and the like (Industrial / Commercial Use) would they themselves not approve of other industrial or commercial uses locating next to them. For example an adult book store, bar, or paint shop locating next door. There is no question that the same arguments could be employed on behalf of allowing such a use. It is for this very reason that the State of Washington and the Courts have recognized the need for zoning and the distinct separation of uses.

The Prosser Municipal Code as currently written has struck a balance between individual property rights and segregating commercial and industrial uses from residential zones by targeting the most likely impact, visual blight. By requiring the RV, boat or trailer to be stored alongside or behind the home the property owner is afforded the opportunity to store the vehicle on their property but does so in such a manner as to not change the visual character of the neighborhood.

Recommendation

Staff will comply with the direction given by Planning Commissioners.

Planning Commission

The Planning Commission may at its discretion direct staff to do the following

1. Make changes to the ordinance and bring back to Planning Commission for action
2. Make a recommendation to keep the existing ordinance
3. Make a recommendation to repeal the existing ordinance

Steve Zetz

From: RUMSEY [rumsey@embarqmail.com]
Sent: Thursday, January 15, 2015 3:10 PM
To: Steve Zetz
Subject: PMC Section 18.60.070 RV Ordinance

It is my understanding that the above ordinance will be discussed during the February 26th Planning Commission meeting. I would like the following concerns and comments be considered at that time:

- 1.) This ordinance is not being addressed city wide. Only 56 letters were sent out. I feel we are being discriminated against.
- 2.) Corner lots can be in violation of the ordinance by parking in the 20' set back of the side street.
- 3.) Parking in driveways and off the street doesn't cause any safety issues. The visual impact doesn't negatively affect the neighborhood addressed by the Mayor in the July 2013 newsletter.
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Trailers, boats, camper tops, recreational vehicles, modular structures, portable structures, commercial trucks in excess of one ton gross weight, and the like, owned by a person residing on the premises may be stored in an R district by not on the street and shall be well maintained.

Thank you
Karen Rumsey
705 Main St
Prosser, WA
509-786-3645

syracuse.com

New law prohibits DeWitt residents from storing RV, boat in their driveway, on front lawn

Elizabeth Doran | edoran@syracuse.com By Elizabeth Doran | edoran@syracuse.com

Email the author | Follow on Twitter

on January 01, 2010 at 5:54 PM, updated January 01, 2010 at 6:08 PM



Jupiterimages Corp.A new DeWitt law prohibits residents from storing recreational vehicles, boats in their driveway or on their front lawn. DeWitt, NY -- Storing a recreational vehicle or boat in your driveway or front lawn is illegal in the town of DeWitt under a new law that became effective Jan. 1. However, three neighborhoods on the town's northern side already have submitted petitions which could exempt them from the new law.

Under the law, RVs, boats, snowmobile trailers and oversized vehicles can be stored in backyards with certain restrictions. RVs can be parked in front of homes for 10 days a year while people are loading or unloading the vehicle. The law has prompted a lot of debate in the community. Many residents support it saying that parking a RV in a driveway is an eyesore, while others argue that it's unfair to force people to pay for storage.

Rick Bellinger, who said he stored a boat at his Tilden Avenue home for years, signed a petition to create an overlay district for his Franklin Park neighborhood. That petition would allow his neighborhood to opt out of the law, and will go to the planning board and then the town board for a final decision.

"In our neighborhood a lot of people have parked boats and RVs in their driveway for years, and I don't see any need to change that," Bellinger said. "It doesn't look ugly, and I know from having a boat that it's a major

inconvenience to try and store it somewhere over the winter. People do it because they don't really have a choice. So I think it's unfair."

Bellinger said he doesn't think many DeWitt residents are aware the law is going into effect, even though the town board passed it in 2008. The board then considered delaying the law's start date for six months, but after a public hearing in November voted 5 to 2 to keep the Jan. 1 launch.

What the law says

The Vehicle Storage Law, which took effect Jan. 1 in the town of DeWitt, restricts the storage of RVs, large commercial vehicles and other equipment in residential neighborhoods.

The law states that no commercial or recreational motor vehicle, other machinery or equipment shall be parked or stored out of doors in residential districts except in the rear yard within five feet of the principal dwelling, within the extended lines from the sides of the residence, and no closer than 5 feet to the side or rear property lines.

An RV may be parked on a driveway up to 10 days during any calendar year.

Several towns don't prohibit parking RVs at residences. In Cicero, RVs can be stored indefinitely at a home, but they must be kept a certain distance from the property lines. Salina allows RVs no more than 22 feet long to be parked or stored in driveways from May 1 to Nov. 1.

DeWitt Town Supervisor Ed Michalenko said he favored delaying the law to give the board more time to modify the language and make it less restrictive. "It's pretty much all or nothing now," he said. "I wanted to see it softened a little, particularly when it comes to homes with smaller lot sizes."

Michalenko said the town has received a steady flow of complaints through the years about RVs and the like parked in driveways, but can't do anything about it because there's no law on the books. "A lot of times a neighbor will complain to the town before they ask the person about it," he said.

Because the exemption requires 50 contiguous neighbors to agree to be exempt from the law, Michalenko said he worries that one side of a street could allow RVs, while the other side doesn't. "I think it's going to be a nightmare to enforce," he said.

Dick Robb, DeWitt's planning commissioner, said the town will move gradually to enforce the new law, sending warning letters before issuing tickets. The town also will be sensitive about ticketing residents in areas where neighbors have submitted exemption petitions, he said. A ticket could ultimately result in a fine of up to \$200.

Some town officials feel an RV parked in a driveway may detract from the neighborhood and hurt property values, Robb said. "There is a sense if you have these hobbies or toys in your life, then you should be able to provide storage in a way that's acceptable to your neighbors," he said.

Syracuse University conducted a study for the town in April 2009 concerning RV storage with 79 percent of

residents agreeing with the new law. The town also conducted an informal survey, which corroborated the results, Robb said.

Maria Rautins lives in DeWitt and also sells real estate. "I think having an RV parked in front of a house can bring down the property value," she said. "If you have one of these vehicles, you just need an appropriate place for it."

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My Neighbor or Putting UP with the Joneses....

As I have mentioned before, the guy who lives across the street from us has owned a big ass 5th wheel RV for most of the 10 years we've lived here.

It's an eyesore!

Not that it's a broken down piece of junk or anything.....it's just that this huge metal box sits parked in his **not** very long driveway....

All.

Year.

Long.

It takes up the whole driveway and they barely have room to squeeze their 2 suv/trucks into the driveway next to it.

To say it's **visual clutter is an understatement.....**



And here is the improved view when it's not parked there.....



I should say it sits in their driveway except for the scant 2 weeks a year they take it out somewhere and stay in it....*if they take it out for that long each year!*

I know they never take it far away since often while they are 'gone' for the 2 weeks, the husband will appear at the house to get the mail or something. I know he's not driving home from a far distance to do this and then drive right back to wherever the RV is parked.

Even though we are on a hill, I feel like that big cluttering monstrosity blocks the sunlight and makes me feel claustrophobic when I sit out on my front porch since I can't see down the road beyond that behemoth.

It's like having someone's house sitting right on the edge of their property, since you can see no sunlight between the garage and the RV, and the RV ends maybe 2 feet from the side of the road at his mailbox. Heck, when he puts his garbage out each week, it sits at the end of his driveway and the front end of the RV overhangs the bags of garbage. God help the sanitation worker who forgets to duck when he/she goes to retrieve his trash.....

So anyway, for 2 weeks out of the year, I am blessed with clear sight lines and not having to look out at the ugly ass huge hunk-o-metal of a vehicle. Every year, my soul gets sad when they bring it home to sit for the other 50 weeks of the year.

Why don't they store it somewhere...you know, somewhere **appropriate**, with other overgrown toys of it's kind? I bet it gets lonely and feels unloved most of the year and would be much happier playing with it's own kind.

If they can't afford to store it somewhere appropriate, they could at least park it in their backyard, which they never use anyway....or at least store it lengthwise on the other side of their house so it's not sticking out like the big ugly sore thumb it is in *my* visual life.

So I got excited this summer when the Behemoth RV disappeared and was gone for **4 WEEKS!**

As week 3 and then week 4 passed a small glimmer of hope grew in my being.....a glimmer that maybe it was gone for good, or at least gone from the driveway where it sits for 351 days out of the year.

But, my hopes were crushed last month, when the old Behemoth was replaced with a brand spanking new 2011 RV model.

Just as big and ugly but shinier! and maybe a tad bigger since there seems to be less space/light between where the garage ends and this overpriced/underused piece of shit vehicle begins.

I looked up what this baby costs new.

Can you say in the neighborhood of \$45,000?!?!?

Hey, that's great if you can afford it.

And I am sure on the surface this guy CAN afford it, since he owns his own insurance agency. I don't know if he still has a mortgage and if his 2 later model vehicles are paid for....but they don't seem to spend money on groceries or go out to eat much, since his wife NEVER leaves the house at all! and they only have 1 kid to pay for/raise.

So spending their money on a big ass toy is not my problem with them.

But it a problem for me to spend this kind of money on something that you park in your driveway and **DON'T USE** for 50 WEEKS A YEAR!

Maybe it's just "me" but.....it doesn't sound like a good use of your money, unless your last name is Gates, or Buffet or King Abdullah of Saudi Arabia or something.

Doing this is like buying a new BMW luxury car and only driving it 14 days out of the year.

Seriously.....who does this?!?!?

Who spends \$45K on something so it can sit and rust year after year?

If you want to vacation in a luxury RV for only 2 weeks a year, why not **RENT ONE!?**

I am sure it would be scads cheaper than buying one and letting it rot in your driveway for years between your infrequent trips in it.

If he thinks he is 'impressing' anyone by having it parked in his driveway, he

needs to think again.

All he is doing is pissing ME off!

And he shouldn't be pissing me off right now.....I have colanders filled with ripe tomatoes and I know how to throw them..... ;-)

I'm off to go warm up my pitching arm.....