



**CITY OF PROSSER, WASHINGTON
PLANNING COMMISSION
AGENDA
6:00 P.M.
May 21, 2015**

- 1. Call to Order by Chair.**
- 2. Roll Call.**
- 3. Minutes April 16, 2015**
ACTION: Approve or deny or make changes to minutes as presented.
- 4. Discussion about changes to Marijuana laws.**
ACTION: Discussion Only
- 5. Discussion about changes to sign code. (Draft)**
ACTION: Discussion Only
- 6. Discussion about changes to Commercial Thoroughfare (CT) Zone**
ACTION: Discussion Only
- 7. Adjournment**

Medical Marijuana Reform Legislation Enacted

May 14, 2015 by [Jim Doherty \(/Home/Stay-Informed/MRSC-Insight.aspx?aid=105\)](#)

Category: [Recreational and Medical Marijuana \(/Home/Stay-Informed/MRSC-Insight.aspx?](#)

[catID=109&cat=Recreational and Medical Marijuana\)](#), [2015 Legislation \(/Home/Stay-Informed/MRSC-Insight.aspx?catID=224&cat=2015 Legislation\)](#)



Here's a toast to the Washington State Legislature! On Friday, April 24, Governor Jay Inslee approved, with several section vetoes, [Second Substitute Senate Bill 5052](#)

<http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf>) (2SSB 5052), which significantly revamps the entire medical marijuana structure in Washington. This legislation -- named the "Cannabis Patient Protection Act" -- was sorely needed. The legislation is lengthy (72 pages), partly because of its complexity and partly because it amends numerous existing statutes. [Section 2](#) (<http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=2>) of 2SSB 5052 provides a good statement of its intent, and the [Final Bill Report](#) (<http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bill%20Reports/Senate/5052-S2%20OSBR%20FBR%2015.pdf>) provides an excellent, detailed summary of its provisions.

First, a nomenclature change: the relevant statutes ([chapter 69.51A RCW \(http://app.leg.wa.gov/rcw/default.aspx?cite=69.51A\)](#)) previously referred to "medical cannabis" throughout, but they are now amended to refer to "medical marijuana." However, the Legislature was not consistent with this change in how it named this legislation and in how it renamed the Washington State Liquor Control Board as the Washington State Liquor and Cannabis Board, presumably so that the board could retain the same initials, LCB.

The entire medical marijuana system will now be under the jurisdiction of the LCB, and state licenses will be required for anyone making retail sales of medical marijuana or growing or processing medical marijuana for retail sale. Businesses now operating as medical marijuana collective gardens and dispensaries will have to make the shift to operating as licensed marijuana businesses, with all of the record-keeping now applicable to recreational marijuana producers, processors, and retailers. If a recreational marijuana store chooses to obtain an LCB endorsement as a

retailer of medical marijuana, the retail staff will need to be trained on various aspects of medical marijuana. See [Section 37 \(http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=55\)](http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=55) of 2SSB 5052.

The LCB will be busy over the coming year, as will many of the medical marijuana businesses that have flourished in some jurisdictions around the state since even before the passage of I-502. It has been a free-for-all out there, and this legislation is a significant game-changer. [Section 6 \(http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=13\)](http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=13) of 2SSB 5052 provides standards for the LCB to conduct a “comprehensive, fair, and impartial evaluation of the applications timely received.” The LCB is authorized to determine how much additional marijuana plant canopy will need to be developed to provide for the growing of medical marijuana, and the LCB will be determining how many additional retail stores will be needed to provide access to medical marijuana by qualifying patients or their caregivers. The LCB must reopen the license period for retail stores and allow for additional licenses to be issued to address the needs of the medical market. However, nothing in the statutes has changed regarding the authority of local governments to adopt and enforce zoning provisions relating to marijuana uses.

The Legislature included significant protections for medical marijuana patients who voluntarily sign up for the state medical marijuana registry after meeting the stricter requirements for being certified as a medical marijuana patient; see [Sections 17 \(http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=30\)](http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=30) through 21 of 2SSB 5052. Qualifying patients will be issued “recognition cards.” Information from the state registry database regarding who is on the database will be exempt under the Public Records Act, except as necessary for retail sales and criminal justice purposes; see [Section 22 and 23 \(http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=44\)](http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=44) of 2SSB 5052.

The statutes regarding “collective gardens” are repealed, effective July 1, 2016; see [Section 49 \(http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=71\)](http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=71) of 2SSB 5052. The legislation instead provides for LCB-certified “cooperatives” with a maximum of four patients or designated providers – and there will be a 60-day waiting period between adding new members. See [Section 26 \(http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=47\)](http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=47) of 2SSB 5052 for the details on these LCB-registered growing cooperatives. The location of the cooperative must be registered with LCB, but cooperatives are permitted *only if* they are at least one mile away from a marijuana retailer. A cooperative can have up to four patients or designated providers and a maximum of 60 plants and 72 ounces of useable marijuana. (No more than 15 plants may be grown in a housing unit, unless the housing unit is the location of a cooperative.)

Cities and counties should review their existing zoning regulations regarding collective gardens – which will by July 2016 either have to become cooperatives or cease operation – and recreational marijuana uses to ensure they are consistent with this legislation and with rules to be adopted by the LCB to implement it. And, once the revised system is functioning, with the LCB having the primary enforcement role, local governments can play a role in assisting with oversight and enforcement of the LCB-registered cooperatives; see subsection (7) of [Section 26 \(http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=47\)](http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=47) and subsection (3) of [Section 27 \(http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=49\)](http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=49), the latter of which states:

Cities, towns, counties, and other municipalities may create and enforce civil penalties, including abatement procedures, for the growing or processing of marijuana and for keeping marijuana plants beyond or otherwise not in compliance with this section.

So, local governments may want to consider their enforcement role beyond that of ensuring compliance with zoning regulations.

The legislation has 52 sections (though the Governor vetoed seven of those), and there are three different effective dates for the various sections. (As passed by the Legislature, this bill was not to be effective unless a companion bill, HB 2136 (<http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/House%20Bills/2136-S2.E.pdf>), was enacted by October 1, 2015, but the Governor vetoed that section.) Here is a brief summary for the effective dates of some of the key provisions.

Effective immediately:

1. Creation of the secure, confidential medical marijuana authorization database ([Section 21](http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=39) (<http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=39>));
2. An exemption for disclosure of database information is added to the public records act ([Section 22](http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=44) (<http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=44>)); and
3. Controlled purchase programs to make sure minors are not purchasing marijuana at licensed stores ([Section 33](http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=53) (<http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=53>)).

Effective July 24, 2015:

1. More detailed standards for the LCB when evaluating applications for marijuana licenses ([Section 6](http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=13) (<http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=13>));
2. Authorization for the LCB to determine increased production capacity for medical marijuana and increased retail stores ([Section 8](http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=20) (<http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=20>)); and
3. Requirement for recreational stores to obtain LCB endorsement if they intend to sell medical marijuana ([Section 10](http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=24) (<http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=24>)).

Effective July 1, 2016:

1. Detailed requirements for staff training at any retail store selling medical marijuana; training for entering information into confidential patient database ([Section 12](http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=26) (<http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=26>));
2. Qualified medical marijuana patients who have a current recognition card cannot be arrested for possession or delivery of marijuana offenses if they are in compliance with the medical marijuana laws ([Section 24](http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=45) (<http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=45>));

3. Qualified medical marijuana patients or designated caregivers who are not entered into the state database and who do not have a recognition card can raise their status as a medical marijuana patient as an affirmative defense at trial if prosecuted ([Section 25 \(http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=46\)](http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=46));
4. Details regarding cooperatives formed by up to four medical marijuana patients or designated caregivers ([Section 26 \(http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=47\)](http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=47)); and
5. Repeals all provisions regarding what were known as “collective gardens” ([Section 49 \(http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=71\)](http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf#page=71)).

One important goal of this legislation is to meet the concerns of the federal government as expressed in the “[Cole memo \(https://www.documentcloud.org/documents/781805-doj-marijuana-memo.html\)](https://www.documentcloud.org/documents/781805-doj-marijuana-memo.html),” and to move toward an integrated marijuana industry in the state with uniform regulations and accountability. As a result of this legislation, there will be an increase in the number of licensed retail stores, and it is very likely that this increase will decrease the amount of unregulated and untaxed marijuana being sold in the state. As the marijuana industry matures there will be fluctuations in the supply and demand, but the retail price of licensed marijuana product should move lower and be more competitive with prices offered by illegal street dealers.

Will these new regulations motivate additional cities and counties to repeal their prohibition ordinances and allow licensed marijuana businesses? Time will tell. If the marijuana industry matures into a responsible, tax-paying segment of our communities and provides convenient access to certified and tested products, I would not be surprised if more jurisdictions choose to cooperate with this innovative approach.

Image courtesy of [Dank Depot \(https://www.flickr.com/photos/dankdepot/5376905335/\)](https://www.flickr.com/photos/dankdepot/5376905335/)



About Jim Doherty

Jim has over 20 years of experience researching and responding to varied legal questions at MRSC. He updates MRSC’s Public Records Act publication and has special expertise in transmission pipeline planning issues, as well as the issues surrounding medical and recreational marijuana.

[VIEW ALL POSTS BY JIM DOHERTY ▶ \(/Home/Stay-Informed/MRSC-Insight.aspx?aid=105\)](#)

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Comments

0 comments on Medical Marijuana Reform Legislation Enacted

Blog post currently doesn't have any comments.

Steve Zetz

From: Howard Saxton at Saxton Riley Law [hsaxton@saxtonriley.com]
Sent: Tuesday, May 12, 2015 10:45 AM
To: Steve Zetz
Subject: Sign Code
Attachments: Copy060820150512103841.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Steve, I have attached the sign code in its final version with no tracked changes. Howard.

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

AN ORDINANCE AMENDING SECTIONS 5, 7, 8, AND 14 OF ORDINANCE 12-2761 AND PROSSER MUNICIPAL CODE SECTIONS 18.72.030, 18.72.050, 18.72.060, AND 18.72.120 TO AMEND THE CITY'S SIGN CODE REGULATIONS. THE ORDINANCE ALSO SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDES THAT ITS PROVISIONS ARE SEVERABLE FROM ONE ANOTHER AND PROVIDES FOR PUBLICATION BY SUMMARY.

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

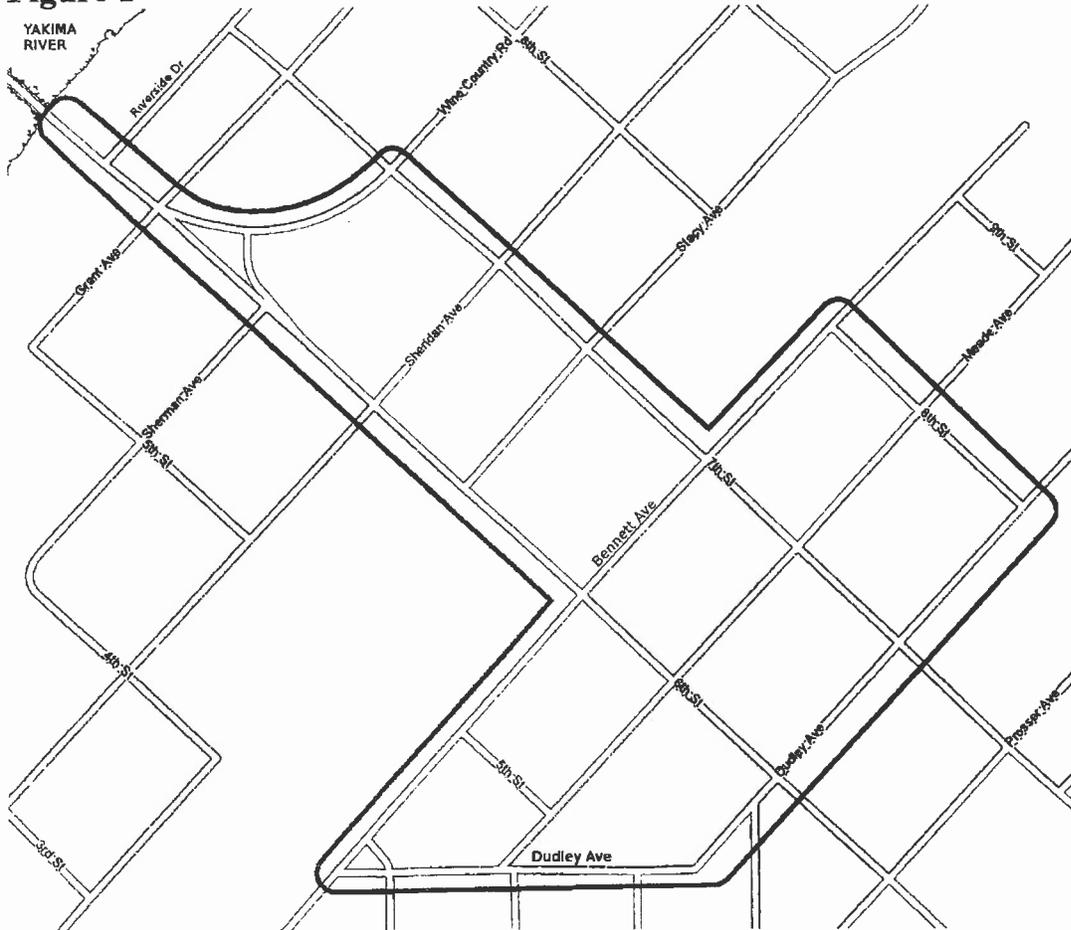
Section 1. Section 5 of Ordinance 12-2761 and Prosser Municipal Code Section 18.72.030 are hereby amended to read as follows:

18.72.030 Definitions—Zones.

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

- A. "AT" means any property zoned agri-tourism district on the city's zoning map.
- B. "C" means any property zoned commercial neighborhood district, commercial general district, commercial downtown district except any portion thereof included in HDP, commercial thoroughfare district, commercial professional district, or public facility district on the city's zoning map.
- C. "HDP" means property located in commercial downtown zoning district and contained in the outlined area within the map (Figure 1) below:

Figure 1



D. "I" means any property zoned industrial light district, or industrial heavy district on the city's zoning map.

E. "R" means any property zoned residential rural district, residential low density district, residential manufactured home subdivision, residential manufactured home park district, residential medium density district, residential high density district, steep slope residential district, or urban residential district on the city's most recently adopted zoning map.

Section 2. Section 7 of Ordinance 12-2761 and Prosser Municipal Code Section 18.72.050 are hereby amended to read as follows:

18.72.050 Permitted signs.

The following matrix summarizes the types of signs permitted in each zone as defined in Section 18.72.030, with “P” signifying that the sign is permitted and “NP” signifying that the sign is not permitted:

Sign Type	AT	C	HDP	I	R
Abandoned Sign	NP	NP	NP	NP	NP
Agricultural Sign	P	P	P	P	P
Alley Wall Sign	NP	P	P	P	NP
Awning Sign	P	P	P	P	NP
Banner Sign	P	P	P	P	NP
Barber Pole	P	P	P	NP	NP
Billboard	NP	NP	NP	NP	NP
Blade Sign	P	P	P	P	NP
Building/Structure Identification Sign	P	P	P	P	P
Bulletin Board	P	P	P	P	NP
Canopy Sign	P	P	NP	P	NP
Community Fundraising Sign	P	P	P	P	NP
Construction Sign	P	P	P	P	P
Co-Sponsored Sign	P	P	NP, except in a window	P	NP
Electronic Message Board	P	P	NP	P	NP
Externally Illuminated Sign	P	P	P	P	P
Follow-Through Sign	P	P	NP	P	NP
Freestanding Sign	P	P	NP	P	NP
Freeway Sign	P	P	NP	P	NP

Garage Sale Sign	NP	NP	NP	NP	P
Historical Sign	P	P	P	P	P
Historical Site Plaque	P	P	P	P	P
Home Occupation Sign	NP	NP	NP	NP	P
Informational Warning Sign	P	P	P	P	P
Internal Illuminated Box Sign	P	P	NP	P	NP
Internal Illuminated Letter Sign	P	P	P	P	NP
Marquee Sign	P	P	P	NP	NP
Monument Sign	P	P	P	P	P
Multiple Building Complex Sign	P	P	P	P	NP
Multiple Tenant Building Sign	P	P	P	P	NP
Neon Sign	P	P	P	P	NP
On-Premises Directional Sign	P	P	P	P	P
Open House Sign	P	P	P	P	P
Open/Closed Signs	P	P	P	P	NP
Outdoor Menu Board	NP	P	NP	P	NP
Political Sign	P	P	P	P	P
Reader Board	NP	P	NP	NP	NP
Real Estate for Sale Sign	P	P	P	P	P
Roof Sign	NP	NP	NP	NP	NP
Sandwich Board Sign	P	P	P	P	NP
Temporary Sign	P	P	P	P	NP

Wall Sign	P	P	P	P	NP, except for a Home Occupation Sign
Window Sign	P	P	P	P	P

Section 3. Section 8 of Ordinance 12-2761 and Prosser Municipal Code Section 18.72.060 are hereby amended to read as follows:

18.72.060 Height, Sign Area, and Restrictions for Permitted Signs, Permit Required.

Except as otherwise provided for in the Sign Code, the following matrix summarizes Signs requiring a sign permit, maximum heights at which Sign may be located above grade, maximum Sign Areas of a Sign and other Sign restrictions:

Sign Type/Sign permit	Maximum Height of Sign above grade	Maximum Sign Area of Sign	Additional Restrictions
Agricultural Sign No sign permit is required.	8 feet	16 square feet	It may only be displayed when the agricultural crop stand or sale site is open for business. It may not be illuminated.
Alley Wall Sign A sign permit is required.	Cannot extend above the top of the Building Façade	5 percent of the Building Façade	This section of the matrix is intended as an overlay to all other sign types. It shall not project into the right-of-way more than 4 inches. Any portion of the sign projecting into the right-of-way shall have a minimum clearance of 8 feet from the Alley surface.
Awning Sign A sign permit is required.	Must be contained within the exterior dimensions of the Awning.	10 percent of the Building Façade or 50 percent of the face of the Awning, whichever is less.	It may not be on a Building Façade facing an alley. It may have a Blade Sign with a Sign Area less than 3 square feet attached underneath the Awning, provided the Sign has a minimum of 8 feet of clearance from the sidewalk or surface grade.
Banner Sign A sign permit is	Cannot extend above the Building	25 square feet	May only be displayed for two weeks. It shall not be on a Building Façade

Sign Type/Sign permit	Maximum Height of Sign above grade	Maximum Sign Area of Sign	Additional Restrictions
required.	Façade		<p>facing an alley.</p> <p>If on a Building Façade, it shall be securely anchored to the Building Façade.</p> <p>Only one Banner Sign may be displayed on any one parcel at any one time.</p> <p>Such Signs shall not be included in determining the maximum permissible Sign Area/the maximum total number of Signs permitted on a parcel, under PMC 18.72.080.</p>
<p>Barber Pole</p> <p>A sign permit is required.</p>	Cannot extend above the top of the Building Façade	1 square foot	<p>It shall not project more than 11 inches from the Building Façade.</p> <p>It shall not be more than 28 inches on its largest side.</p> <p>It shall not be on a Building Façade facing an alley.</p> <p>Such Signs shall not be included in determining the maximum permissible Sign Area/the maximum total number of Signs permitted on a parcel, under PMC 18.72.080.</p> <p>May be internally illuminated in all Zones where it is permitted.</p>
<p>Blade Sign</p> <p>A sign permit is required</p>	Cannot extend more than 10 feet above the Parapet.	24 square feet	<p>It must be set back at least 3 feet from the edge of the curb.</p> <p>It must have a minimum clearance of 8 feet above the sidewalk surface or grade of the surface whichever is higher.</p>
Building/Structure Identification Sign	Cannot extend above the top of the Building	5 percent of the Building Façade	It shall either be painted on the Building Façade or be part of the Building Façade or Parapet.

Sign Type/Sign permit	Maximum Height of Sign above grade	Maximum Sign Area of Sign	Additional Restrictions
A sign permit is required.	Façade		Such Signs shall not be included in determining the maximum permissible Sign Area/the maximum total number of Signs permitted on a parcel, under PMC 18.72.080. The sign may only be externally illuminated.
Bulletin Board A sign permit is required.	8 feet	25 square feet	It shall not be on a Building Façade facing an alley.
Canopy Sign A sign permit is required.	Cannot extend above or below the face of the canopy structure	20 percent of the face of the canopy structure	
Community Fundraising Sign A sign permit is required.	8 feet	32 square feet	It must be removed when the fundraising campaign is complete or within 1 year from when the sign permit is issued, whichever occurs first. Such Signs shall not be included in determining the maximum permissible Sign Area/the maximum total number of Signs permitted on a parcel, under PMC 18.72.080. The sign may not be illuminated.
Construction Sign A sign permit is not required.	8 feet	24 square feet	It must be removed when construction is substantially complete or after 18 months from the date the sign permit is issued, whichever occurs first. Such Signs shall not be included in determining the maximum permissible Sign Area/the maximum total number of Signs permitted on a parcel, under PMC 18.72.080. The sign may not be illuminated.
Co-sponsored	Same as the	Same as the	This section of the matrix applies to any

Sign Type/Sign permit	Maximum Height of Sign above grade	Maximum Sign Area of Sign	Additional Restrictions
<p>Signs.</p> <p>Unless the underlying sign type is exempt, it requires a sign permit.</p>	underlying sign type.	underlying sign type.	<p>Sign that has a sponsor's logo on it, and it is intended as an overlay to all other sign types.</p> <p>Unless in a window, the applicant's advertising shall occupy not less than ninety percent of the Sign Area and the sponsor's name or logo shall occupy not more than 10 percent of the Sign Area.</p>
<p>Electronic Message Board</p> <p>A sign permit is required.</p>	30 feet	100 square feet	<p>It may not change messages or images more than once every 30 seconds.</p> <p>Messages may not contain any images or text which scroll, flash, pulse, blink, change in size, rotate or expand.</p> <p>Any electronic Sign with a changing message may not emit a solid green light or be of such brightness as to cause a hazard to the traveling public.</p> <p>It shall not be on a Building Façade facing an alley.</p> <p>It may be a Freestanding Sign subject to the restrictions for Freestanding Signs.</p> <p>It may display temporary messages for the purpose of announcing or promoting a nonprofit sponsored, school sponsored community fair, festival or event at the discretion of the owner of the message board.</p> <p>Site review in accordance with PMC 18.75.040 is required.</p> <p>A conditional use permit in accordance with PMC 18.75.050 is required.</p> <p>The sign shall not be located within three hundred feet of any R zoning district.</p>
Externally	Same as the	Same as the	This section of the matrix applies to any

Sign Type/Sign permit	Maximum Height of Sign above grade	Maximum Sign Area of Sign	Additional Restrictions
<p>Illuminated Sign</p> <p>A sign permit is required even if the underlying sign type is exempt.</p>	underlying sign type.	underlying sign type.	<p>Sign that is externally illuminated and it is intended as an overlay to all other sign types.</p> <p>Any sign type that prohibits sign illumination may not be externally illuminated.</p> <p>Any Sign that is externally illuminated must go through site review in accordance with PMC 18.75.040 unless it is in a window. Internal lights from an awning, lights attached to the outside of a building, or lights from inside of a window shall not be considered to externally illuminate a Sign.</p>
<p>Freestanding Sign</p> <p>A sign permit is required.</p>	30 feet	100 square feet	<p>Not more than 1 Freestanding Sign is permitted on any one parcel, except for parcels on which Freeway Signs may be erected. On such parcels, 1 Freeway Sign and 1 Freestanding Sign may be erected but the Freestanding Sign may not be more than 24 feet in height. It must be set back from all buildings on the site by at least 15 feet and set back from the edge of right of way by at least 5 feet. It may not encroach on right-of-way without a right-of-way use permit.</p> <p>Signs 4 feet and under, shall not be considered to be Freestanding Signs.</p> <p>Site review in accordance with PMC 18.75.040 is required.</p>
<p>Freeway Sign</p> <p>A sign permit is required</p>	70 feet.	<p>If it is less than 30 feet high, 100 square feet.</p> <p>If it is between 30 feet and 50 feet in height, 200 square feet.</p>	<p>It may only be located within 400 feet of the edge of right-of-way of Interstate 82. On properties with a Freeway Sign, one secondary Freestanding Sign is permitted, but it shall not be more than 24 feet in height.</p> <p>Site review in accordance with PMC 18.75.040 is required.</p>

Sign Type/Sign permit	Maximum Height of Sign above grade	Maximum Sign Area of Sign	Additional Restrictions
		If it is between 51 feet and 100 feet in height, 300 square feet.	The Sign must comply with RCW Chapter 47.42 as it now exists or as it may hereafter be amended or re-codified.
<p>Garage Sale Sign</p> <p>A sign permit is not required (exempt).</p>	3 feet	3 square feet	<p>It may be placed on the property on which the sale is to be held.</p> <p>Not more than 3 Signs may be placed in the right-of-way, or on private property with the permission of the owner, but they may not be placed on streets or sidewalks.</p> <p>The Signs may be displayed for no longer than three days and must be removed within 24 hours after the sale.</p> <p>Such Signs shall not be included in determining the maximum permissible Sign Area/the maximum total number of Signs permitted on a parcel, under PMC 18.72.080.</p> <p>Signs may not be illuminated.</p>
<p>Historical Site Plaque and Historical Sign</p> <p>If it is permanently affixed to a Building Façade, no sign permit is required (exempt).</p> <p>If it is not permanently affixed to a Building Façade, a sign permit is required.</p>	4 feet	3 square feet	<p>It shall be placed in a location so that it is visible to pedestrian traffic.</p> <p>Such Signs shall not be included in determining the maximum permissible Sign Area/the maximum total number of Signs permitted on a parcel, under PMC 18.72.080.</p>
Home Occupation Sign	4 feet	24 square feet	<p>It may not be internally illuminated.</p> <p>External illumination must be off</p>

Sign Type/Sign permit	Maximum Height of Sign above grade	Maximum Sign Area of Sign	Additional Restrictions
A sign permit is required.			between the hours of 10:00 p.m. and 7:00 a.m. daily. Site review in accordance with PMC 18.75.040 is required.
Informational Warning Sign	4 feet	2 square feet	May not be a freestanding sign. Must be attached to a fence or structure.
Internal Illuminated Box Sign A sign permit is required even if the underlying sign type is exempt.	Same as the underlying sign type.	Same as the underlying sign type.	This section of the matrix applies as an overlay to all other sign types. Any sign type that prohibits sign illumination may not be internally illuminated. If it is within 300 feet of an R zoning district, then it must go through site review in accordance with PMC 18.75.040.
Internal Illuminated Letter Sign A sign permit is required even if the underlying sign type is exempt.	Same as the underlying sign type.	Same as the underlying sign type.	This section of the matrix is intended as an overlay to all other sign types. Any sign type that prohibits sign illumination may not be internally illuminated. If it is within 300 feet of an R zoning district, then it must go through site review in accordance with PMC 18.75.040.
Marquee Sign A sign permit is required.	Cannot extend above or below the Marquee to which the sign is attached	10 percent of the Building Façade	
Monument Sign A sign permit is required.	4 feet	24 square feet	It shall primarily be constructed of masonry or stucco type materials and may not be erected on poles or wooden stands. Except for a change to the maintenance plan, site review in accordance with

Sign Type/Sign permit	Maximum Height of Sign above grade	Maximum Sign Area of Sign	Additional Restrictions
			<p>PMC 18.75.040 is required.</p> <p>Unless the Sign is dedicated to the public, a maintenance plan assuring that there is a responsible person to maintain the Sign shall be required before the city will issue a sign permit. Any change to the maintenance plan requires a new sign permit.</p> <p>Such Signs shall not be included in determining the maximum permissible Sign Area/the maximum total number of Signs permitted on a parcel, under PMC 18.72.080.</p>
<p>Multiple Building Complex Sign</p> <p>A sign permit is required.</p>	<p>Same as the underlying sign type.</p>	<p>May be 25% larger than the underlying sign type.</p>	<p>This section of the matrix is intended as an overlay to all other sign types.</p> <p>A maintenance plan assuring that there is a responsible person to maintain the Sign shall be required before a sign permit may be issued. Any change to the maintenance plan shall require a new sign permit.</p> <p>If a permit is issued for the underlying sign type of a Freestanding Sign, then the parcel on which the Sign is not located shall not place a Freestanding Sign on his or her parcel and shall deed restrict his or her property to prohibit such Signs.</p>
<p>Multiple Tenant Building Sign</p> <p>Unless the underlying sign type is exempt, a sign permit is required.</p>	<p>Same as the underlying sign type.</p>	<p>Same as the underlying sign type.</p>	<p>This section of the matrix is intended as an overlay to all other sign types.</p> <p>A maintenance plan assuring that there is a responsible person to maintain the Sign shall be required before a sign permit may be issued. Any change to the maintenance plan shall require a new sign permit.</p>

Sign Type/Sign permit	Maximum Height of Sign above grade	Maximum Sign Area of Sign	Additional Restrictions
Neon Sign Unless displayed in a window, a sign permit is required.	Cannot extend above the top of the Building Façade	10 percent of the Building Façade	Unless it is in a window, if it is within 300 feet of an R zoning district, then it must go through site review in accordance with PMC 18.75.040.
On-premises Directional Sign Unless flush with a Building Façade, a sign permit is required. If flush with a Building Façade, a sign permit is not required (exempt).	6 feet	18 square feet	The sign shall not advertise any business, but solely contain traffic or directional content. Such Signs shall not be included in determining the maximum permissible Sign Area/the maximum total number of Signs permitted on a parcel, under PMC 18.72.080. They shall not be considered to be Freestanding Signs.
Open House Sign A sign permit is not required (exempt).	4 feet	6 square feet	Signs advertising "open house" and the direction to a residence for sale, lease or rent shall be limited to 3 single- or double-faced off-premise Signs. However, if a realtor has more than one house open for inspection in a single development or subdivision, off-premise Signs are limited to four for the entire development or subdivision. Such Signs are permitted only during daylight hours and when the realtor or seller or an agent is in attendance at the property for sale. Such Signs shall not be included in determining the maximum permissible Sign Area/the maximum total number of Signs permitted on a parcel, under PMC 18.72.080. The sign shall not be illuminated.
Open/Closed Signs A sign permit is not required (exempt).	8 feet.	2 square feet	Such Signs shall not be included in determining the maximum permissible Sign Area/the maximum total number of Signs permitted on a parcel, under PMC

Sign Type/Sign permit	Maximum Height of Sign above grade	Maximum Sign Area of Sign	Additional Restrictions
			<p>18.72.080.</p> <p>It may contain the hours the building is open to the public.</p>
<p>Outdoor Menu Board</p> <p>A sign permit is required.</p>	<p>8 feet</p>	<p>48 square feet</p>	<p>Not more than 4 may be located on any one parcel.</p> <p>Such signs shall not be included in determining the maximum permissible Sign Area/the maximum total number of Signs permitted on a parcel, under PMC 18.72.080.</p>
<p>Political Sign</p> <p>A sign permit is not required (exempt).</p>	<p>8 feet, except in right-of-way 4 feet</p>	<p>24 square feet, except in right-of-way, 6 square feet</p>	<p>It may be displayed on private property.</p> <p>It shall be removed within ten days following the election; provided, that Signs promoting successful candidates in a primary election may remain displayed until ten days following the immediately subsequent general election.</p> <p>It is not allowed on Public Buildings or Structures or on Public Property, other than right-of-way.</p> <p>It may be posted within public right-of-way only if the Sign does not create a traffic obstruction or traffic hazard.</p> <p>If displayed in the right-of-way, it may be removed by the City, to complete any right-of-way maintenance, including but not limited to, mowing.</p> <p>Responsibility for Removal of Signs Following Election. It shall be the responsibility of the campaign officer or responsible official to have the Signs removed.</p> <p>Public Notices Unaffected. Nothing in this section shall be construed to prohibit</p>

Sign Type/Sign permit	Maximum Height of Sign above grade	Maximum Sign Area of Sign	Additional Restrictions
			<p>the placement of public notices required by law.</p> <p>The display of any Political Sign shall be presumed to have been done at the direction and request of the campaign officer or responsible official.</p> <p>Such Signs shall not be included in determining the maximum permissible Sign Area/the maximum total number of Signs permitted on a parcel, under PMC 18.72.080.</p>
<p>Reader Board</p> <p>A sign permit is required.</p>	6 feet	16 square feet	<p>Changing of removable letters does not require an additional sign permit.</p> <p>It may be part of another Sign provided it complies with the restrictions applicable to that sign type.</p>
<p>Real Estate Sign for Sale</p> <p>No sign permit is required (exempt).</p>	6 feet, if in right-of-way 4 feet.	16 square feet, except in in AT, C and I zones where they can be 32 square feet; 6 square feet if the sign is in right of way,,	<p>It shall be limited to one single-faced or double-faced Sign oriented to each street upon which the advertised property fronts. The Sign must be placed wholly on the property for sale/lease/rent and may remain up until the property is sold/rented/leased (if right-of-way consists of landscaping maintained by the owner of the premises, the Sign may be placed in the right-of-way, provided it does not create a traffic obstruction or traffic hazard.</p> <p>They may not be illuminated in any R zone.</p> <p>Signs larger than permitted by this section of the Matrix may be allowed provided the owners of all abutting properties including, but not limited to, any property directly across the street from the Applicant's property, consent to</p>

Sign Type/Sign permit	Maximum Height of Sign above grade	Maximum Sign Area of Sign	Additional Restrictions
			<p>the size of such sign.</p> <p>Such Signs shall not be included in determining the maximum permissible Sign Area/the maximum total number of Signs permitted on a parcel, under PMC 18.72.080.</p>
<p>Sandwich Board Sign</p> <p>A sign permit is required.</p>	4 feet	9 square feet	<p>It shall be made of plywood, dimension lumber, plastic, Masonite or similar weather-resistant material and must be a two-faced A-frame style Sign and must be readily movable with no permanent attachment to a building, structure or the ground.</p> <p>No materials, such as papers, balloons, windsocks, or similar items may be added to the Sign to increase its height or width.</p> <p>It shall not be electrified, illuminated, or have mechanical or moving parts.</p> <p>It shall only be used on a daily basis while the business is open to the public.</p> <p>Only one Sign per business shall be permitted.</p> <p>Signs placed on a sidewalk must comply with the Prosser Municipal Code Section 12.16.030.</p> <p>Such Signs shall not be included in determining the maximum permissible Sign Area/the maximum total number of Signs permitted on a parcel, under PMC 18.72.080.</p>
<p>Temporary Sign</p> <p>A sign permit is not required.</p>	20 feet	32 square feet.	<p>Except as otherwise provided in the Sign Code, the aggregate area of all temporary Signs placed or maintained on any parcel of private real property in one ownership shall not exceed 64 square feet</p>

Sign Type/Sign permit	Maximum Height of Sign above grade	Maximum Sign Area of Sign	Additional Restrictions
			<p>maximum, and the area of any single Sign shall not exceed 32 square feet maximum.</p> <p>Except as provided for in PMC 18.72.070, no Temporary Sign shall be displayed for more than 14 consecutive days.</p> <p>Such Signs shall not be included in determining the maximum permissible Sign Area/the maximum total number of Signs permitted on a parcel, under PMC 18.72.080.</p> <p>No more than 10 temporary signs may be located on any one property parcel assigned a separate parcel number by Benton County, Washington.</p>
<p>Wall Sign</p> <p>A sign permit is required.</p>	<p>Cannot extend above the Building Façade</p>	<p>10 percent of the Building Façade</p>	
<p>Window Sign</p> <p>A sign permit is required.</p>	<p>Must be contained within a window</p>	<p>Up to 50 percent of the window but not exceeding 15 square feet.</p>	<p>It shall not be included in determining the maximum permissible Sign Area/the maximum total number of Signs permitted on a parcel, under PMC 18.72.080.</p>

Section 4. Section 14 of Ordinance 12-2761 and Prosser Municipal Code Section 18.72.120 are hereby amended to read as follows:

18.72.120 Exempt signs or displays.

The following signs or displays are exempted from coverage under this chapter:

- A. Traffic or pedestrian control signs or signals, or signs indicating scenic or historic points of interest, which are erected by or on the order of a public officer in the performance of his public duty;
- B. Signs required by law;

- C. Public signs and other official public notices, official court notices or official sheriff's notices;
- D. Flags;
- E. Exterior signs or displays not visible from streets or ways open to the public;
- F. Signs in the interior of a building more than three feet from the closest window or not facing a window;
- G. "No trespassing," "no dumping," "no parking," "private," and other informational warning signs, which shall not exceed three square feet in surface area;
- H. Reasonable seasonal decorations within the appropriate public holiday season. However, such displays shall be removed within five days following the end of the public holiday season;
- I. The flag of a commercial institution. No more than one flag is permitted per business premises, the flag shall not exceed twenty square feet in surface area, and shall be left loose to fly in the breeze;
- J. Sculptures, fountains, mosaics, murals, and design features which do not incorporate advertising or identification;
- K. Nonilluminated signs worn by a person while walking the public ways of the city;
- L. Reasonable temporary decorations and signs for the purpose of announcing or promoting a nonprofit sponsored, school sponsored, or child daycare center sponsored community fair, festival or event, including announcement of enrollment periods. Such decorations and signs may be displayed no more than fourteen calendar days prior to and during the fair, festival or event. If approved by the public works director, such decorations or signs may be located on or over the public right-of-way. All decorations and signs must be removed within five calendar days following the end of the fair, festival or event;
- M. Address numbers less than three feet in height;
- N. Way-finding signs erected in the right-of-way by the city which specify the location of specific public services such as police, fire, library, parks or other similar public services. Way-finding signs may identify the location of specific business or tourist areas such as Downtown, East Prosser, North Prosser, Vintners Village, but shall not identify a particular business. The city should consider using masonry or stucco in the design of way-finding signs placed in the right-of-way.

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

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

MAYOR PAUL WARDEN

ATTEST:

CITY CLERK, RACHEL SHAW

Approved as to form:

CITY ATTORNEY, HOWARD SAXTON

Date of Publication: _____

SUMMARY OF ORDINANCE NO. 15-_____

of the City of Prosser, Washington

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

AN ORDINANCE AMENDING SECTIONS 5, 7, 8, AND 14 OF ORDINANCE 12-2761 AND PROSSER MUNICIPAL CODE SECTIONS 18.72.030, 18.72.050, 18.72.060, AND 18.72.120 TO AMEND THE CITY'S SIGN CODE REGULATIONS. THE ORDINANCE ALSO SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDES THAT ITS PROVISIONS ARE SEVERABLE FROM ONE ANOTHER AND PROVIDES FOR PUBLICATION BY SUMMARY.

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

DATED this ____ day of _____, 2015

CITY CLERK, RACHEL SHAW

Chapter 18.46 "CT" (COMMERCIAL, THOROUGHFARE) DISTRICT

Sections:

- 18.46.010 Purpose.
- 18.46.020 Permitted uses.
- 18.46.030 Additional uses.
- 18.46.040 Development standards.

18.46.010 Purpose.

The purpose of the CT district is to provide for retail, commercial and amusement uses which are appropriate to thoroughfare locations dependent upon thoroughfare travel; to permit commercial uses and activities which depend more heavily on convenient vehicular access rather than pedestrian access; to limit location to sites having safe and efficient access to major transportation routes; and to provide development standards to enhance the efficient operation of these districts by creating buffers to achieve minimum adverse impacts on the community as a whole, especially on adjacent properties having different land use characteristics. (Ord. 1917 § 1 (part), 1997).

18.46.020 Permitted uses.

The following are the only uses permitted in the CT district which is property within forty feet of, and abutting, North Wine Country Road, commencing at the Yakima River Bridge and extending northwesterly to the I-82/Gap Road Interchange, except for the Benton County Port District Airport property:

- A. Professional buildings;
- B. Service stations and garages (Section 18.60.210) (no outside storage of materials); convenience stores which may include gasoline sales;
- C. Undertaking establishments;
- D. Retail wine and wine tasting;
- E. Laundry, laundromats, dry cleaning establishments;
- F. Retail landscape gardening and storage area for equipment and materials;
- G. Automatic car washes and detail shops (Section 18.60.030);
- H. New car sales lots and service with used car lots and service as an accessory use and light truck and trailer sales lots and service with used light truck and trailer sales lots and service as an accessory use;
- I. Retail stores including retail paint and supply shop (no outside storage of material) and retail lighting and appliances shop (no outside storage of material); drug stores and food stores;
- J. Upholstery shop; banks; restaurants/cocktail lounges; dancing schools; sign shops; microbrewery-restaurant and/or pub;

- K. Bakeries; barber and beauty shops; locksmith shops; membership clubs;
- L. Photo shops; shoe repair shops; hotels and motels; indoor theaters;
- M. Taverns and package liquor stores; bowling alleys; newspaper, retail printing and publishing shops;
- N. Business schools, studios, and academies for the arts;
- O. Residential uses; provided, commercial uses are on the street front. Such residential uses must be part of a commercial structure and conform with the Uniform Building Code;
- P. Manufacture/repair incidental to retail sales on the premises; plumbing and heating shops;
- Q. Veterinarian clinic (small animal);
- R. Vocational and technical school;
- S. Manufactured home sales and service;
- T. Marine sales, service and rental;
- U. Private recreational businesses;
- V. Nursery schools and day care centers;
- W. Tow truck companies; provided, that all storage of vehicles, tow trucks and materials must be fully enclosed within a building and there shall be no outside storage of vehicles, tow trucks or materials;
- X. Farmer's markets;
- Y. Use and buildings accessory to any permitted use. (Ord. 2220 § 1, 2001; Ord. 1917 § 1 (part), 1997).

18.46.030 Additional uses.

The following uses require approval of a permit in accord with Chapter 18.75:

- A. Public and quasi-public uses (Section 18.75.050);
- B. On-site hazardous waste treatment and storage facilities when accessory to a permitted use, except residential, subject to state siting criteria (Section 18.75.050);
- C. Similar uses (Section 18.75.070);
- D. Recreational vehicle parks (Sections 18.60.250 and 18.75.050);
- E. Off-street parking lots;
- F. Truck sales, service and rental;
- G. Trailer sales, service and rental;
- H. Used auto sales, service and rental;
- I. Vehicle repair; body and fender shops;

- J. Radio and television stations;
- K. Bed and breakfasts;
- L. Wine manufacturing and/or tasting rooms;
- M. Wholesale businesses. (Ord. 2220 § 2, 2001: Ord. 1917 § 1 (part), 1997).

18.46.040 Development standards.

Development standards in commercial, thoroughfare (CT) districts are as follows:

- A. **Minimum Setbacks.** Street frontage: twenty-five feet; side and rear: ten feet.
- B. **Maximum building height:** thirty-five feet. Structures in excess of thirty-five feet in height require approval of a conditional use permit in accord with Chapter 18.75.
- C. **Off-street parking** in accord with Chapter 18.63.
- D. **Signs** in accord with Chapter 18.72.
- E. **Site Review.** Site review, in accord with Chapter 18.75, is required for each new use or expansion of an existing use.
- F. **Landscaping.** A ten-foot strip, along all street frontages, must be landscaped. The landscaping must not restrict the vision of exiting traffic. Landscaped buffers must be provided in side and rear setback areas, when abutting an R district. Landscaping must be shown on the site plan.
- G. **Solid Waste Receptacles.** All solid waste receptacles must be surrounded on at least three sides by a minimum five-foot high sight-obscuring fence or wall. Such enclosures and receptacles are not permitted within required street frontage areas.
- H. **Access.** Access to sites will be by permit only, and limited to one driveway for each two hundred feet of frontage. Each lot shall have not more that two accessways to any one street or highway and must comply with the following requirements:
 - 1. The width of any accessway leading to or from a highway must not be more than thirty-six feet or less than twenty-five feet in width at the right-of-way line. The alignment of accessways and curb return dimensions must be designed and constructed in accord with Chapter 12.06.
 - 2. The location and number of an accessway must be so arranged that they will reduce the possibility of traffic hazards as much as possible. (Ord. 1917 § 1 (part), 1997).

The Prosser Municipal Code is current through Ordinance 2927, passed April 14, 2015.

Disclaimer: The City Clerk's Office has the official version of the Prosser Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.
