

**City of Prosser**  
**CITY COUNCIL**  
**WORK SESSION MEETING AGENDA**  
Council Chambers, 601 7<sup>th</sup> Street, Prosser WA 99350  
Tuesday, May 5, 2015 at 7:00 P.M.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. MAYOR AND CITY COUNCIL REPORTS AND COMMENTS
  - a) Proclamation – *Older Americans Month*.....Page 2
5. COUNCIL DISCUSSION
  - a) Ordinance for 2015 Budget Street Fund (102) Amendment.....Page 3
  - b) Ordinance Adoption Procedures for Administrative Policies.....Page 8
  - c) Ordinance Amendments to Special Event Permit.....Page 14
  - d) Large Vehicle and RV Parking and Storage.....Page 22
6. ADJOURNMENT



## Older Americans Month 2015

**Whereas, the City of Prosser, Washington** includes a thriving community of older Americans who deserve recognition for their contributions and sacrifices to ensure a better life for future generations; and

**Whereas, the City of Prosser, Washington** is committed to helping all individuals live longer, healthier lives in the communities of their choice for as long as possible; and

**Whereas, since 1965, the Older Americans Act** has provided services that help older adults remain healthy and independent by complementing existing medical and health care systems, helping prevent hospital readmissions, and supporting some of life's most basic functions, such as bathing or preparing meals; and

**Whereas, these programs** also support family caregivers, and address issues of exploitation, neglect and abuse of older adults; and

**Whereas, we recognize the value of community engagement and service** in helping older adults remain healthy and active while giving back to others; and

**Whereas, our community can provide opportunities to enrich the lives of individuals of all ages by:**

- Promoting and engaging in activity, wellness, and social inclusion.
- Emphasizing home- and community-based services that support independent living.
- Ensuring community members of all ages benefit from the contributions and experience of older adults.

**Now therefore, the City Council of Prosser, Washington** does hereby proclaim May 2015 to be Older Americans Month and urges every resident to take time this month to celebrate older adults and the people who serve and support them as powerful and vital individuals who greatly contribute to the community.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2015

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Authorized Signature  
City of Prosser, Washington, City Council

CITY OF PROSSER, WASHINGTON

# AGENDA BILL

<b>Agenda Title:</b> Consideration of an Ordinance Amending the 2015 Budget for the Street Fund (102).	<b>Meeting Date:</b> May 5, 2015 Work Session
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<b>Department:</b> Finance	<b>Director:</b> Toni Yost	<b>Contact Person:</b> Toni Yost	<b>Phone Number:</b> (509) 786-2332
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<b>Cost of Proposal:</b> \$63,649	<b>Account Number:</b>
<b>Amount Budgeted:</b> \$35,000	<b>Name and Fund#</b> Street Fund (102)

**Reviewed by Finance Department:**  
*J. Yost*

**Attachments to Agenda Packet Item:**

1. Ordinance 15-\_\_\_\_\_

**Summary Statement:**

In the 2015 Budget the Council approved the expenditure of \$35,000 for the Village Park Tree Removal Project. It is estimated that the project will cost \$63,649. Of this amount \$15,000 will be contributed by the homeowners association through a cost sharing agreement. The remaining balance of \$48,649 will be contributed by the City. As stated earlier, only \$35,000 of this amount was included in the 2015 Budget, therefore it is necessary to amend the 2015 Budget to accommodate the total project cost, including the contribution of the homeowners association.

For your convenience I have prepared the chart below to illustrate the impact of the amendment.

Fund No.	Fund Name	Beginning Fund Balance	Revenue	Expense	Ending Fund Balance
<b>102</b>	<b>Street Fund</b>				
	Adopted	\$105,734	\$615,804	\$604,049	\$117,489
	Adjustment	\$0	\$15,000	\$28,649	-\$13,649
	<b>Amendment Total</b>	<b>\$105,734</b>	<b>\$630,804</b>	<b>\$632,698</b>	<b>\$103,840</b>

Following Council's review and discussion, staff will present this ordinance for potential action at a future meeting.

**Consistent with or Comparison to:**

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

Recommended City Council Action/Suggested Motion:

Review proposed Ordinance amending the 2015 Budget for the Water Fund (403).

<u>Reviewed by Department Director:</u>  <i>Jjest</i>	<u>Reviewed by City Attorney:</u>   Date: <i>4/23/15</i>	<u>Approved by Mayor:</u>   Date: <i>4-30-15</i>
<u>Today's Date:</u>  April 21, 2015	<u>Revision Number/Date:</u>  	<u>File Name and Path:</u>  

**CITY OF PROSSER, WASHINGTON**  
**ORDINANCE NO. 15-\_\_\_\_\_**

**AN ORDINANCE DECLARING AN EMERGENCY AND AMENDING THE 2015 BUDGET FOR THE STREET FUND (102) TO APPROPRIATE RESERVED CASH FOR EXPENDITURE. THE ORDINANCE AMENDS THE 2015 BUDGET FOR THE ABOVE FUNDS AT THE FUND LEVEL AND FINDS THAT THE THIS AMEMDMMENT TO THE 2015 BUDGET IS IN THE BEST INTERST OF THE CITY. THE ORDINANCE ALSO AUTHORIZES THE FINANCE DIRECTOR TO MAKE ALL ADJUSTMENTS TO THE 2015 BUDGET NECESSARY TO ACCOMPLISH THE PURPOSE OF THIS ORDINANCE. THE ORDINANCE ALSO PROVIDES THAT THE SECTIONS ARE SEVERABLE FROM ONE ANOTHER AND SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDES FOR PUBLICATION BY SUMMARY.**

**WHEREAS**, the City of Prosser has entered into a cost sharing agreement of homeowners located with the sub division commonly known as Village Park to remove some nuisance trees; and

**WHEREAS**, the homeowners have agreed to contribute \$15,000 to this project; and

**WHEREAS**, the City has agreed to contribute \$48,649 to this project; and

**WHERAS**, only a portion of this expense was budgeted for in the 2015 therefore it is necessary to amend the 2015 budget to reflect the expected expenditure; and

**WHEREAS**, pursuant to RCW 35A.33.090 , a public emergency exists which could not have been reasonably foreseen at the time of the filing of the 2015 Budget which requires the receipt and expenditure of money not provided for in the annual budget and is not one of the emergencies specifically enumerated in RCW 34A.33.080; and

**WHEREAS**, the facts constituting an emergency are enumerated as follows:

1. The adopted 2015 budget was an estimate of revenues and expenditures; and
2. The actual cost of the project will exceed budget estimates; and
3. Prudent fiscal management requires immediate amendment of the budget; and
4. It is in the best interest of the city of Prosser to amend the budget; and

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

**Section 1.** The 2015 Budget is hereby amended as follows:

Fund No.	Fund Name	Beginning Fund Balance	Revenue	Expense	Ending Fund Balance
102	Street Fund	\$105,734	\$630,804	\$632,698	\$103,840

**Section 2.** The Finance Director is hereby authorized to make all adjustments to the City's Budget to accomplish the purposes of this Ordinance in accordance with RCW Chapter 35A.33.090.

**Section 3. SEVERABILITY.** The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall not as a result of said section, subsection, sentence, clause, or phrase be held unconstitutional or invalid.

**Section 4.** An emergency is declared to exist and the recitals set forth above are hereby adopted as findings in support of such emergency.

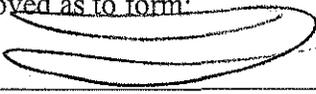
**Section 5.** This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

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

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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 DECLARING AN EMERGENCY AND AMENDING THE 2015 BUDGET FOR THE STREET FUND (102) TO APPROPRIATE RESERVED CASH FOR EXPENDITURE. THE ORDINANCE AMENDS THE 2015 BUDGET FOR THE ABOVE FUNDS AT THE FUND LEVEL AND FINDS THAT THE THIS AMEMDMMENT TO THE 2015 BUDGET IS IN THE BEST INTERST OF THE CITY. THE ORDINANCE ALSO AUTHORIZES THE FINANCE DIRECTOR TO MAKE ALL ADJUSTMENTS TO THE 2015 BUDGET NECESSARY TO ACCOMPLISH THE PURPOSE OF THIS ORDINANCE. THE ORDINANCE ALSO PROVIDES THAT THE SECTIONS ARE SEVERABLE FROM ONE ANOTHER AND SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDES FOR PUBLICATION BY SUMMARY.

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

DATED this \_\_\_\_ day of \_\_\_\_\_, 2015.

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CITY CLERK, RACHEL SHAW

CITY OF PROSSER, WASHINGTON

## AGENDA BILL

<b>Agenda Title:</b> Review Ordinance Establishing Procedures for the Adoption of Administrative Policies.		<b>Meeting Date:</b> May 5, 2015 Work Session	
<b>Department:</b> Administration	<b>Director:</b> Paul Warden	<b>Contact Person:</b> Paul Warden	<b>Phone Number:</b> (509) 786-2332
<b>Cost of Proposal:</b> \$0		<b>Account Number:</b>	
<b>Amount Budgeted:</b> \$0		<b>Name and Fund#</b>	
<b>Reviewed by Finance Department:</b>  <i>Tyost</i>			
<b>Attachments to Agenda Packet Item:</b>  1. Redline version of the ordinance showing the changes made since the ordinance was last presented to Council.			
<b>Summary Statement:</b>  At the April 7, 2015 Special City Council Meeting, Council reviewed the proposed Ordinance and directed staff to make changes governing how staff implements Administrative Policies and to bring back the Ordinance for further review and discussion.  It is the responsibility of the Mayor/City Administrator to establish policies that implement Council action. The attached ordinance establishes approved procedures to ensure these administrative policies are created and maintained in a consistent manner. These procedures include a notification process for staff. For rules affecting the public, notice is also provided to the community by posting a notice of concerning the rule on the City's website and on the notice board outside City Hall. Additionally, the Ordinance requires notice to the City Council before any action is taken.  The City Council and certain City boards and commissions also have the authority to adopt rules including, but not limited to, rules of parliamentary procedure.			
<b>Consistent with or Comparison to:</b>  EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			
<b>Recommended City Council Action/Suggested Motion:</b>  Review Ordinance Establishing Procedures for the Adoption of Administrative Policies.			

<u>Reviewed by Department Director:</u>  Date: 4-30-15	<u>Reviewed by City Attorney:</u>  Date: 4/30/15	<u>Approved by Mayor:</u>  Date: 4-30-15
<u>Today's Date:</u> April 29, 2015	<u>Revision Number/Date:</u>	<u>File Name and Path:</u>

**CITY OF PROSSER, WASHINGTON**  
**ORDINANCE NO. 15-\_\_\_\_\_**

**AN ORDINANCE ESTABLISHING UNIFORM PROCEDURES FOR THE ADOPTION AND MAINTENANCE OF ADMINISTRATIVE POLICIES AND PROCEDURES, DEPARTMENTAL POLICIES AND PROCEDURES, EXECUTIVE ORDERS, AND PUBLIC RULES AND REGULATIONS. THIS ORDINANCE ALSO MAKES THE PROVISIONS OF THE ORDINANCE SEVERABLE FROM ONE ANOTHER, AND SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE.**

**WHEREAS,** It is the responsibility of the Mayor to implement the policy of City Council; and

**WHEREAS,** Administrative policies and procedures, departmental policies and procedures, executive orders, and public rules and regulations are tools the Mayor can use to ensure the Council's policy is implemented and a way communicate these policies expectations to staff; and

**WHEREAS,** It is important to establish uniform procedures for the adoptions and maintenance of these policies and procedures;

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

**Section 1. Definitions.**

A. "Administrative Policies and Procedures" are used by City departments to inform other departments and staff of policies and procedures for the direction and management of Citywide operations.

B. "Departmental Policies and Procedures" are used to inform and provide direction for internal departmental management and operation of City departments. They affect primary or exclusively single departments or divisions.

C. "Executive Orders" are issued from time to time formalizing specific mayor or city administrator decisions.

D. "Public Rules and Regulations" as required by the Prosser Municipal code, are any department order, directive or regulation of general applicability, and (1) the violation of which subjects a person to a penalty; or (2) which subjects a person to a payment of a fee; or (3) which establishes, alters, or revokes any procedure, practice or requirement relating to departmental hearings; or (4) which establishes, alters, or revokes any qualifications or standards for the issuance, suspension or revocation of licenses to pursue any commercial activity, trade or profession as may be otherwise defined by the Prosser Municipal code.

**Section 2. Approval Process for Administrative or Departmental Policies and Procedures.**

Policies and procedures (administrative or departmental) may be initiated by department directors, supervisors, the Mayor or City Administrator. Copies of the proposed policy and procedure shall be provided to all affected departments, the city council, and personnel for review and comment prior to final adoption. Unless otherwise stated, policies and procedures are effective 7 days after being signed by the Mayor or City Administrator. This effective date can only be shortened if it can be shown that failure to do so could result in the loss or damage of property, compromise the safety of staff or residents, or is required by law. Unless otherwise stated, amendments and repeals shall follow the same process as the adoption of a new policy or procedure.

Departmental or Administrative Policies and procedures initiated by the City Council, Civil Service Commission, and other boards and commissions of the City are signed by the authorized representative of the council, board, or commission.

**Section 3. Approval Process for Public Rules and Regulations.**

Public Rules and Regulations may be initiated by department directors, supervisors, the Mayor, or City Administrator. Copies of the proposed policy and procedure shall be provided to all affected departments, the city council, and personnel for review and comment prior to final adoption. In addition to the internal review, the public shall be given the opportunity to comment on all proposed rules and regulations. Public notice of the proposed Public Rule or Public Regulation shall be provided on the City's website and by posting a notice on the notice board outside City Hall. The public may send written comments to the City Clerk who will distribute them to the appropriate department. This public comment period shall be for no less than 14 days. Unless otherwise stated, rules and regulations are effective 7 days after being signed by the Mayor or City Administrator. This effective date can only be shortened if it can be shown that failure to do so could result in the loss or damage of property, compromise the safety of staff or residents, or is required by law. Unless otherwise stated, amendments and repeals shall follow the same process as the adoption of a new policy or procedure.

Public Rules and Regulations initiated by the City Council, Civil Service Commission, and other boards and commissions of the City are signed by the authorized representative of the council, board, or commission.

**Section 4. Publication.**

Adopted policies and procedures, executive orders, and public rules and regulations shall be published on the City's official webpage, shall be provided to the city council, and shall be available for public inspection at City Hall. Failure to publish any adopted policy, procedure, executive order, public rule, or public regulation shall not affect its validity.

**Section 5. Administration and Maintenance.**

The administration and maintenance of the City's administrative policy and procedure system is centralized in the office of the City Clerk. The City Clerk shall maintain the original copy of administrative policies and procedures, executive orders and public rules and regulations.

**Section 6.** Procedures for implementing Administrative Policies and Procedures, Departmental Policies and Procedures, and Executive Orders, and Public Rules and Regulations shall be adopted by the Mayor or City Administrator.

**Section 7.** Nothing in this Ordinance shall be deemed to affect the legality of any administrative policy, rule, regulation, or order existing on the effective date of this Ordinance.

**Section 8.** 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, subsection, sentence, clause, or phrase be held unconstitutional or invalid.

**Section 9.** Sections, 1, 2, 3, 4, 5, 6, 7, and 8 of this Ordinance shall be codified by the City's code reviser in accordance with RCW 35A.21.130 and Prosser Municipal Code Section 1.01.030.

**Section 10.** 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

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

**AN ORDINANCE ESTABLISHING UNIFORM PROCEDURES FOR THE ADOPTION AND MAINTENANCE OF ADMINISTRATIVE POLICIES AND PROCEDURES, DEPARTMENTAL POLICIES AND PROCEDURES, EXECUTIVE ORDERS, AND PUBLIC RULES AND REGULATIONS. THIS ORDINANCE ALSO MAKES THE PROVISIONS OF THE ORDINANCE SEVERABLE FROM ONE ANOTHER, AND SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE.**

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

DATED this \_\_\_\_ day of \_\_\_\_\_, 2015

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CITY CLERK, RACHEL SHAW

CITY OF PROSSER, WASHINGTON

**AGENDA BILL**

<b>Agenda Title:</b> Discuss proposed Special Events Permit Ordinance Amendments and Provide Staff with Direction Regarding These Changes.		<b>Meeting Date:</b> May 5, 2015 Work Session	
<b>Department:</b> Public Works	<b>Director:</b> L.J. Da Corsi	<b>Contact Person:</b> L.J. Da Corsi	<b>Phone Number:</b> (509) 786-2332
<b>Cost of Proposal:</b> N/A		<b>Account Number:</b>	
<b>Amount Budgeted:</b> N/A		<b>Name and Fund#</b>	
<b>Reviewed by Finance Department:</b>  <i>Tyest</i>			
<b>Attachments to Agenda Packet Item:</b> 1. Discussion Items Regarding Special Event Permit Ordinance Amendment, copy of proposed changes to ordinance. (7 pages)			
<b>Summary Statement:</b> The Special Event ordinance was last changed in 2013. Since its adoption staff have worked with event organizers and property owners to ensure that the code section was meeting our intended purpose to balance the needs of the impacted home owners with the event organizers.  Staff has drafted the attached ordinance to address some issues that have arisen regarding the notification period. In order to address these issues this amendment allows for the publication of events via the city website and email subscription list. This methodology will ensure that impacted parties are notified timely and given the opportunity to inquire about potential impacts and communicate their concerns.			
<b>Consistent with or Comparison to:</b> EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			
<b>Recommended City Council Action/Suggested Motion:</b> Discuss proposed Special Events Permit Ordinance Amendments and Provide Staff with Direction Regarding These Changes.			
<b>Reviewed by Department Director:</b>  <i>[Signature]</i> Date: 4/30/15	<b>Reviewed by City Attorney:</b>  <i>[Signature]</i> Date: 4/30/15	<b>Approved by Mayor:</b>  <i>[Signature]</i> Date: 4-30-15	
<b>Today's Date:</b> April 30, 2015		<b>Revision Number/Date:</b>	<b>File Name and Path:</b> \\rainier\users\lbardessono\Public Works Dept\Project Files\Agendas\Special Event Ord Changes 4.30.15.docx

Chapter 5.30  
SPECIAL EVENT PERMITS

Sections:

- 5.30.010 Definitions.
- 5.30.020 Special event permit required.
- 5.30.030 Exemptions.
- 5.30.040 Application.
- 5.30.050 Minimum requirements for special event permit.
- 5.30.060 Grounds for denial.
- 5.30.070 Fees.
- 5.30.080 Appeals.
- 5.30.090 Approval of permit by city council—Exception.
- 5.30.100 Penalty for violation.
- 5.30.110 Revocation.
- 5.30.120 Inconsistency.
- 5.30.990 Severability.

5.30.010 Definitions.

- A. “Block party” means a limited street closure within a residentially zoned area for the purposes of holding a gathering involving the immediately surrounding residents and those invitees.
- B. “City administrator,” for permits which require city council approval and for solely Sections 5.30.050 and 5.30.060, means, in addition to its normal meaning, the city council.
- C. “Funeral procession” means a single direct movement from a mortuary or church to the place of burial of a human body, under direction of an authorized funeral director.
- D. “Parade” means a march or procession of any kind.
- E. “Person” means any individual, corporation, partnership or association, or other entity and the agents, employees, servants and legal successors thereof; or agency of state, county or

municipal government; or agency of the federal government which is subject to the jurisdiction of the state of Washington.

F. "Special event" means a temporary activity, carnival, parade, assembly, procession, block party, fun-run, roadway foot races, community-sponsored activity, art and craft fairs or other similar function that is conducted wholly or partly on public property or any event on private property that involves an open invitation to the public. An "open invitation to the public" includes, but is not limited to, events for which admission requires a ticket. "Special event" excludes functions conducted on property where outdoor functions have been permitted after having gone through site review pursuant to Section 18.75.040, where such function is consistent in scope with the approval obtained by site review.

G. "Temporary" means, for the purposes of this chapter only, no more than four consecutive days during any calendar year. (Ord. 2737 § 2, 2011).

#### 5.30.020 Special event permit required.

A special event permit shall be required prior to conducting a special event unless specifically exempted. Any and all other state, federal, and/or local permits required to operate the special event must be obtained prior to operation. Any person who holds more than one special event during the course of the year may combine multiple special events into one application for processing in accordance with this chapter. (Ord. 2737 § 3, 2011).

#### 5.30.030 Exemptions.

The following activities are exempt from the permit requirements for special events:

- A. Events conducted by the city of Prosser;
- B. Funeral processions;
- C. Events conducted within a building designed for that purpose, including, but not limited to, churches, event centers, schools, and wineries; and
- D. Events conducted with a valid parks lease agreement. (Ord. 2737 § 4, 2011).

#### 5.30.040 Application.

An application for a special event shall be made at least sixty days prior to the event; provided, that applications submitted less than sixty days prior to the event may be accepted if the city administrator, or his designee, finds that there is adequate time to properly process the request, that all requirements of the permit can be met without undue strain on city resources and the date and venue are available for use. Applications shall include the following information:

- A. A completed application form provided by the city administrator or his designee;

B. The applicant and contact person's names, phone numbers, and addresses, including phone number available during operation of the special event;

C. A narrative including a detailed description, location, time frame and purpose of special event;

D. A site plan of the special event site indicating the location of any features used during the event. The site plan should be neatly drawn and include the following information:

1. The boundaries of the event site;
2. The location of event features, including but not limited to booths, ride areas, and equipment;
3. Any parking areas to be used by the event visitors or staff;
4. Location of restrooms, waste facilities, and trash receptacles;
- E. The location and map of any proposed street use and/or closure and necessary detours;

F. Events including a parade or procession along city streets shall include the following additional information:

1. Timing of the parade or procession;
2. The location of all aspects of the parade or procession including staging area, route, disbanding area;
3. The number and type of vehicles to be used;
4. The maximum length and travel speeds; and
5. The number and location of monitors or traffic control;

G. Any additional information deemed necessary by the city administrator or designee to properly review the application. (Ord. 2737 § 5, 2011).

#### 5.30.050 Minimum requirements for special event permit.

The following standards are the minimum necessary to receive a permit. The city administrator, or his designee, may impose additional reasonable conditions in order to protect the public's health, safety and general welfare.

A. The location, size and features are suitable for the proposed event and will not be harmful to the health, safety and welfare of the community.

B. Appropriate provisions are made for parking, waste management, restroom facilities, traffic control and circulation, security, noise generated by the event, health and safety, and access.

C. Closures of public streets and/or access ways will not result in a serious inconvenience to the general public and appropriate provisions for emergency vehicle access is provided.

D. Prior to commencing operation, the event site shall be inspected by city officials, which may include the city police department and the entity providing fire protection services within the city, and any other official deemed appropriate by the city administrator or his designee to ensure the protection of the public health, safety, and welfare.

E. For special events involving the use of city facilities, parks or public right-of-way, proof of liability insurance with coverage in the amount of one million dollars per occurrence, unless an additional amount is required for the activity per the city administrator. The city administrator may allow a lower amount or waive this requirement when the event is not open to the general public and the risks presented by the request justify a lower amount. Said insurance shall be provided by an insurance carrier approved by the city and in a form approved by the city, shall name the city of Prosser as an additional insured, and shall provide that the insurance shall not be cancelled without thirty days' prior written notice to the city. Insurance provisions are not required for block party events. In addition, the applicant shall execute an agreement to indemnify, defend, and hold harmless the city, its officials, employees and volunteers from and against any and all claims, suits, actions, or liabilities associated with the operation of the special event.

F. If the special event is to be on city-owned property, the applicant shall provide a layout of the event site and, based on the event, may be required to also provide a waste management and restoration plan to the city administrator or his designee. The city shall require either a damage deposit or a bond to pay for any repairs and/or replacement of park property that may arise from the special event. The amount of the deposit or bond shall be determined by the city administrator or his designee based upon the size of the event and the likelihood that it might result in damage to the city-owned property.

G. A health permit shall be posted on site for any use that provides beverage and/or food service that requires such a permit.

H. Where a permit will result in the closure of a city property or right-of-way to use by the general public the applicant may be required to post notice of the closure at least forty-eight hours in advance of the event. Failure by the event organizer to fulfill this requirement as part of the permit application and approval process may result in the event being cancelled and the permit revoked.

I. A copy of the approved special events permit shall be maintained at the location of the special event throughout the duration of the event.

J. Events shall comply with the noise standards of Chapter 8.50 unless specifically identified within the application. Requests for exceptions to the noise standards will be considered based on the nature of the event and the surrounding area.

K. The city administrator, or his designee, shall provide public notice of the application not less than ten calendar days before he approves or denies the application by posting the application on the city's website. Any person may request to be added to an electronic mailing list to receive notice of all special event permit applications by e-mail. Failure to e-mail notice shall not be grounds to invalidate any special event permit issued by the City. The city administrator or his designee may provide additional notice, at his discretion. The city administrator, or his designee, shall consider any comments when approving or denying the application. ~~K.— The city administrator or his designee shall provide public notice of the application not less than fifteen days before he approves or denies the application by posting the application on the city's website and by mailing the application to all property owners within three hundred feet of the exterior boundaries of the event. The city administrator or his designee shall establish a process to notify owners of property by email or other electronic means. If a property owner signs up for electronic notification, then the city shall not be required to mail a copy of the application to that owner. The owner of the property shall be determined from the records of the Benton County assessor. The city administrator or his designee may provide additional notice, at his discretion. The city administrator, or his designee, shall consider any comments when approving or denying the application. (Ord. 2775 § 1, 2012; Ord. 2737 § 6, 2011).~~

#### 5.30.060 Grounds for denial.

Approval of a special event permit may be denied or revoked if the city administrator or his designee reasonably determines that:

- A. The proposed event is not consistent with the standards of this chapter.
- B. The proposed event would endanger public health or safety.
- C. The proposed event would seriously inconvenience or impair the general public's use of public property, services, or facilities.
- D. The proposed event interferes with another event for which a permit has previously been granted.
- E. The proposed event would interfere with any construction or maintenance work scheduled to take place upon public property or right-of-way.
- F. The purpose of the event is to incite crime or the overthrow of the government by force. (Ord. 2737 § 7, 2011).

#### 5.30.070 Fees.

The applicant shall pay a nonrefundable processing fee at the time of filing the application in the amount established by resolution or ordinance of the city council. (Ord. 2737 § 8, 2011).

#### 5.30.080 Appeals.

Any person who submitted comments on the application, and the applicant, may appeal the city administrator's, or his designee's, decision to issue or not to issue a special event permit to the city council and shall pay a nonrefundable appeal fee established by resolution or ordinance of the city council. A written appeal must be received by the city clerk within five days after a written decision. A hearing shall be held not more than fourteen business days after the receipt of the request for a hearing. The applicant and any person who submitted comments on the application shall have the right to attend said hearing and present evidence. Any hearing under this chapter shall be conducted at a city council meeting, on an informal basis. A record of the hearing, including the date of hearing, who was present, and the findings made as to whether or not the decision was consistent with the approval criteria shall be made in writing. The written finding shall be filed with the city administrator or his designee. Any party who could have appealed the decision shall be provided notice of the hearing, not less than five business days before the hearing. (Ord. 2737 § 9, 2011).

#### 5.30.090 Approval of permit by city council—Exception.

Notwithstanding anything to the contrary in this chapter, only the city council may approve a permit for an event reasonably expected to draw more than five hundred persons to one location in any one-hour period. The following events are exempt from city council approval and may be approved in accordance with the administrative procedures in this chapter: State's Day Celebration, Fourth of July Celebration, and the MS Walk. The decision of the city council shall be final. (Ord. 2737 § 10, 2011).

#### 5.30.100 Penalty for violation.

Any person violating or failing to comply with any provisions of this chapter shall commit a class 1 civil infraction which shall be issued in accordance with Chapter 1.40. Each day of violation shall constitute a separate offense. The city shall not be required to attempt to obtain voluntary correction as provided for in Section 1.40.030 prior to issuing the civil infraction. (Ord. 2737 § 11, 2011).

#### 5.30.110 Revocation.

A. A special events permit issued under this chapter shall be temporary, shall vest no permanent rights in the applicant, and may be immediately revoked or suspended by the city administrator or his designee if:

1. The applicant has made a misstatement of material fact in the information supplied; the applicant has failed to fulfill a term or condition of the permit in a timely manner; or the check submitted by the applicant in payment of the fee for a permit has been dishonored;

2. The applicant requests the cancellation of the permit or cancels the event;
  3. The activity endangers or threatens persons or property, or otherwise jeopardizes the health, safety, or welfare of persons or property;
  4. The activity conducted is in violation of any of the terms or conditions of the special events permit;
  5. An emergency or supervening occurrence requires the cancellation or termination of the event in order to protect the public health or safety;
  6. The applicant fails to prepay any required expenses.
- B. The city shall refund the permit fee in the event of a revocation caused by an emergency or supervening occurrence. (Ord. 2737 § 12, 2011).

#### 5.30.120 Inconsistency.

In the event that the provisions of this chapter are inconsistent with the provisions of another section of the Prosser Municipal Code, then the provisions of this chapter shall prevail. (Ord. 2737 § 13, 2011).

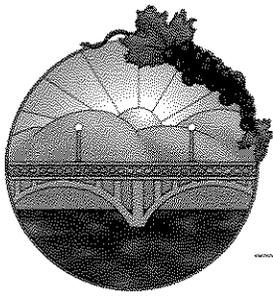
#### 5.30.990 Severability.

If any section, subsection, sentence, clause, paragraph, phrase, or word of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, paragraph, phrase or word of this chapter. (Ord. 2737 § 14, 2011).

CITY OF PROSSER, WASHINGTON

# AGENDA BILL

<u>Agenda Title:</u> Large Vehicle & Recreational Vehicle Parking and Storage in the City of Prosser		<u>Meeting Date:</u> May 5, 2015	
<u>Department:</u> Code Enforcement Planning Dept	<u>Director:</u> Barry Morrow Steve Zetz	<u>Contact Person:</u> Barry Morrow Steve Zetz	<u>Phone Number:</u>  (509) 786-2332
<u>Cost of Proposal:</u> NA		<u>Account Number:</u>	
<u>Amount Budgeted:</u> NA		<u>Name and Fund#</u>	
<u>Reviewed by Finance Department:</u>  <i>Tyest</i>			
<u>Attachments to Agenda Packet Item:</u> <ul style="list-style-type: none"> <li>• Letter from the Planning Commission Chair dated April 20, 2015</li> <li>• Mayor's Message for April, 2015, including the survey</li> <li>• Survey Results (From Newsletter)</li> <li>• Staff Report</li> </ul>			
<u>Summary Statement:</u> The Council had asked that the Planning Commission weigh in on the issue of whether to retain, revise or repeal the current zoning ordinance (PMC 18.60.070), parking large vehicles including RV's in residential neighborhoods. The Planning Commission has reviewed the existing ordinance, taken comments from the public and asked for a poll or survey of our residents be conducted on the issue. The City of Prosser Planning Commission finds that it is adequate as written and should be enforced.			
<u>Consistent with or Comparison to:</u> EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			
<u>Recommended City Council Action/Suggested Motion:</u>  Discussion and direction for staff.			
<u>Reviewed by Department Director:</u>  <i>[Signature]</i>	<u>Reviewed by City Attorney:</u>  <i>[Signature]</i>	<u>Approved by Mayor:</u>  <i>[Signature]</i>	
Date: <i>4/30/15</i>	Date: <i>4/30/15</i>	Date: <i>4-30-15</i>	
<u>Today's Date:</u>	<u>Revision Number/Date:</u>	<u>File Name and Path:</u>	



# City of Prosser

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**To:** Prosser City Council

**Date:** April 20, 2015

**Reference:** RV and Boat Parking

The Planning Commission has spent several months reviewing the Ordinances regarding RV and Boat Parking. A survey was sent out to the community in the City Newsletter. Based on the Planning Commission's review and the survey results the Planning Commission finds that the existing ordinance adequately provides for the storage of boats and RV's as written while protecting the residential character of Prosser Neighborhoods. The Planning Commission recommends continued enforcement of the existing ordinances.

A handwritten signature in cursive script that reads "Glenda Schmidt". The signature is written in black ink and is positioned above a horizontal line.

Glenda Schmidt

Planning Commission Chair

## A Message From Our Mayor

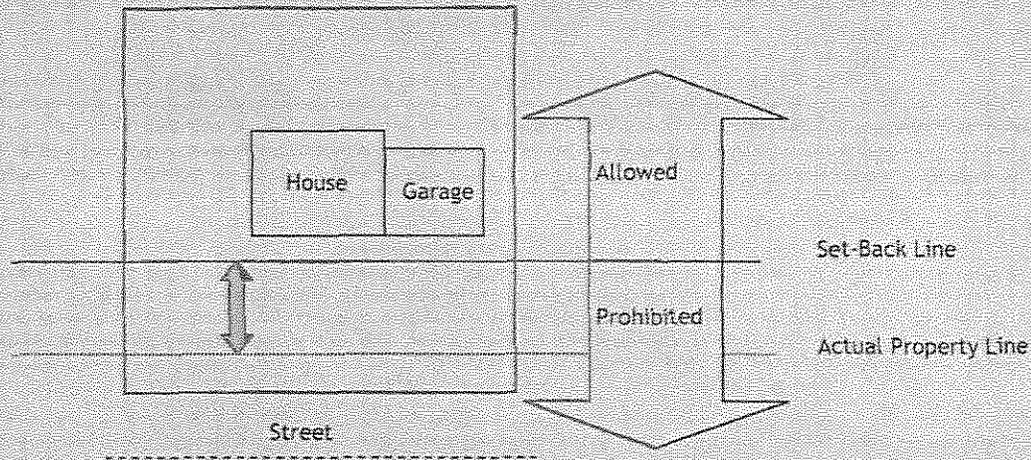
The Prosser Municipal Code (PMC) currently prohibits boats, RV's, campers, and trailers from being parked in the front setback of a home in any residential district. The front setback is measured 20 feet from the property line extending towards the front of the home. It is important to note that actual property lines may not be located at the edge of a sidewalk or street. The intent of the code is to preserve the residential feel and character of a neighborhood and protect property values. Due to recent concerns from citizens, City staff have been reviewing this specific code and request that our residents take a few moments to fill out the short polling question found below. The results of this poll will help us determine the general thoughts of those in our community regarding this issue. I would like to take this opportunity to thank all of our residents for taking the time to review the code below and the following polling questions.

*Paul Warden*

*PMC 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).*

### Current Ordinance



### POLL

**Question:** Should PMC 18.60.070 be left as is, modified to be more or less restrictive, or repealed? Please check one box and return to City Hall. Feel free to use the night deposit box or return it with along with your utilities payment. Only original newsletters will be counted in the polling numbers, photo copies will not accepted.

- The Code is fine and should be left as is restricting RV's, boats, and trailers from parking in the front setback in residential neighborhoods.
- The Code should be repealed allowing RV's, boats, and trailers to park anywhere on a persons own property.
- The Code should be modified to be more restrictive, RV's, boats, and trailers should not be stored in residential neighborhoods.
- The code should be modified to be less restrictive and allow more of the front setback to be used for storage of RV's, boats, and trailers.

*Thank you for your time and attention to this matter.*

# City of Prosser 2015 Survey Results

## RV's and Boats Ordinance

### Current Code

#### *PMC 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).*

### Survey Question.

## POLL

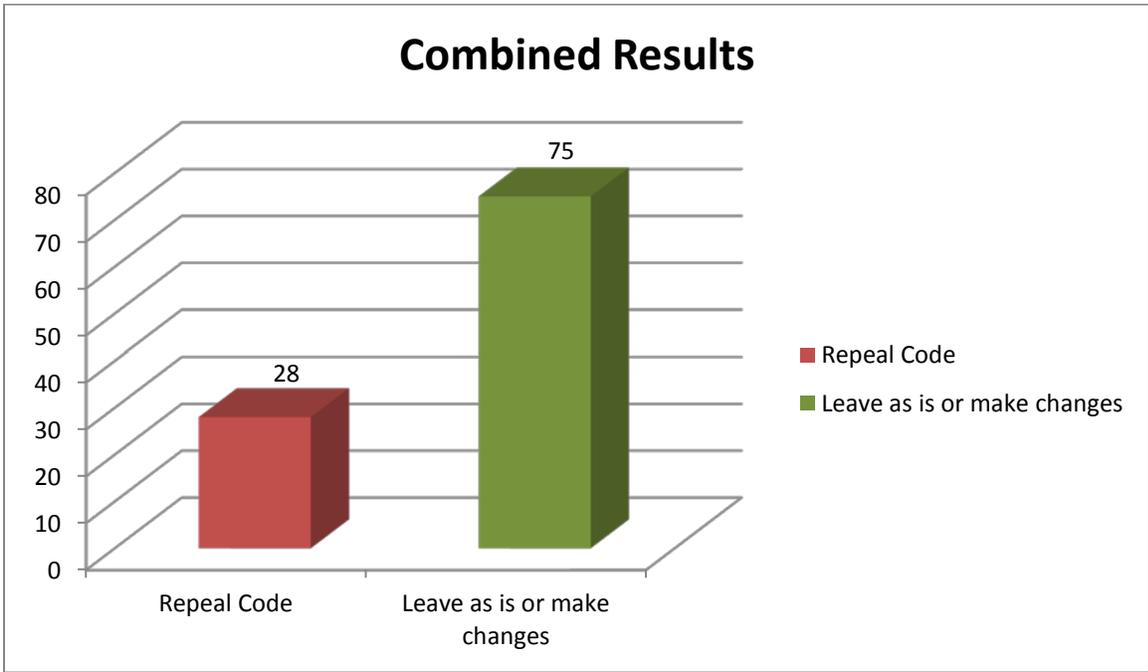
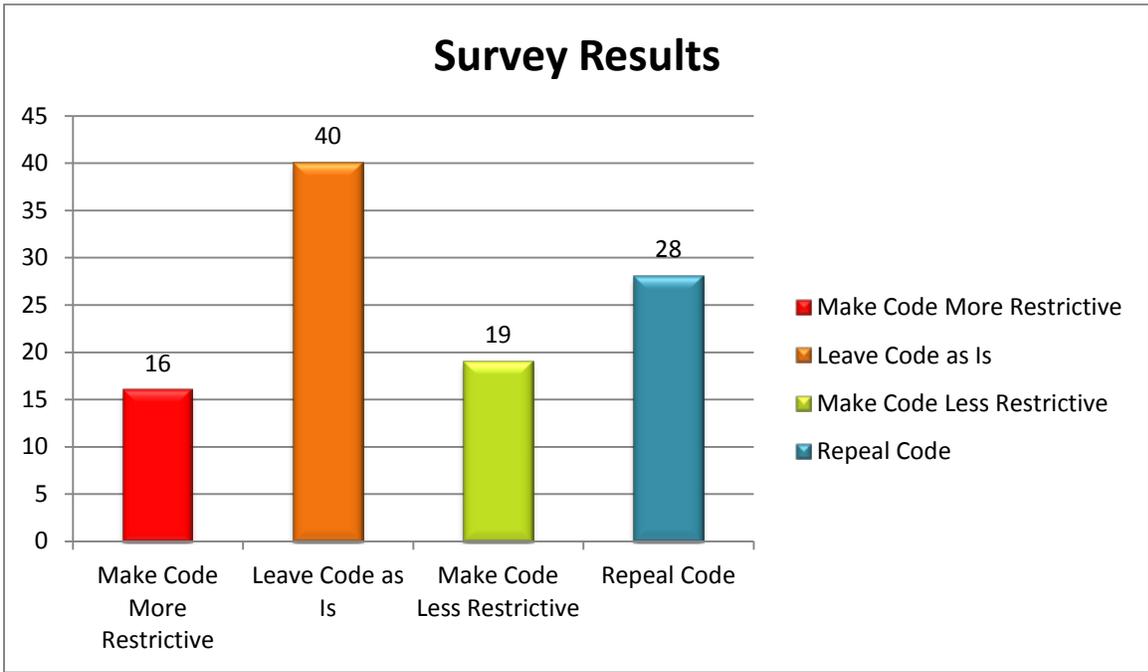
**Question:** Should PMC 18.60.070 be left as is, modified to be more or less restrictive, or repealed? Please check one box and return to City Hall. Feel free to use the night deposit box or return it with along with your utilities payment. Only original newsletters will be counted in the polling numbers, photo copies will not accepted.

The Code is fine and should be left as is restricting RV's, boats, and trailers from parking in the front setback in residential neighborhoods.

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The Code should be modified to be more restrictive, RV's, boats, and trailers should not be stored in residential neighborhoods.

The code should be modified to be less restrictive and allow more of the front setback to be used for storage of RV's, boats, and trailers.



### Sample of comments received on surveys

Survey Response	Comment
Leave Code As Is	"Please Enforce"
Leave Code As Is	"Check Spokane Ave Boat on street always"
Leave Code As Is	"Please enforce"
Repeal Code	"Micro-managing"
Make Code More Restrictive	"place in backyard"
Make Code Less Restrictive	"could be parked in set back for one week or less. Time to get ready for trip charge batteries etc."
Leave Code As Is	"otherwise it looks junky"

### Additional Information

- 103 total returns as of April 16, 2015
- Majority of responses favor leaving code as is
- 2 letters submitted
- 2 polls not counted due to multiple checked boxes

### Staff Recommendation

Based on the survey staff recommends keeping the existing code as is and enforcing it. The current code allows for residents to park boats and RV's on the side and rear of their yards. This is the best approach that balances the rights of RV and boat owners to use their property with the rights of neighbors to enjoy their property free from unsightly commercial/industrial storage uses within residential zones.



## 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 sack 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 fare 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