

City of Prosser
CITY COUNCIL
REGULAR MEETING AGENDA
Council Chambers, 601 7th Street, Prosser WA 99350
Tuesday, August 11, 2015 at 7:00 P.M.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CITIZEN PARTICIPATION**
5. **MAYOR AND CITY COUNCIL REPORTS AND COMMENTS**
 - a) **Chamber of Commerce Quarterly Report** (*Humberto Rodriguez, Executive Director*)
 - b) **Historic Downtown Prosser Association Quarterly Report** (*Dan Smith, Executive Director*)
6. **CONSENT AGENDA**
 - a) Approve Payment of Payroll Check Nos. 600435 through 600480 in the amount of \$45,398.69 and Direct Deposits in the Amount of \$111,752.69, for the Period Ending July 31, 2015 **Page 4**
 - b) Approve Payment of Claim Checks Nos. 12843 through 12850 and 12852 through 12918, in the Amount of \$261,042.71 and Electronic Payments in the Amount of \$86,892.73 for the Period Ending August 11, 2015 **Page 9**
 - c) Approve HLA Agreement for Professional Services – Addendum No. 1 for additional professional engineering services with the Wastewater Treatment Plant Improvements Project and Authorize the Mayor to Sign the Contract Documents **Page 20**
 - d) Consider the Personal Property Certificate and Request for Release of Proceeds (1) for the WA Treasurer’s Office in the Amount of \$76,927.85 for Costs Associated with the Energy Efficiency Improvements Project **Page 26**
 - e) Approval of a Service Agreement between the City of Prosser and Benton County Emergency Services (BCES) to provide Access the 800 MHz Radio System **Page 43**
 - f) Approve Resolution 15-_____ Surplusing City of Prosser Property **Page 58**

The first Ordinance passed will be Ordinance 15-2938
The first Resolution passed will be Resolution 15-1491

7. PUBLIC HEARING

a.) Six Year Transportation Improvement Program (TIP) 2016 – 2021

- ~ Open Public Hearing*
- ~Receive Citizen Comments*
- ~Close Public Hearing*

8. COUNCIL ACTION

a.) Consideration of a RESOLUTION Approving the Six Year TIP Page 61

RECOMMENDATION: Adopt Resolution 15-_____ approving the City of Prosser 2016 – 20121 Six Year Transportation Improvement Program (TIP).

b.) Claim Checks..... Page 82

RECOMMENDATION: Approve Payment of Claim Check No. 12451 in the Amount of \$68,605.54, for the Period Ending August 11, 2015.

c.) Luther Lane and Yakima Avenue Improvements Project Task Order..... Page 84

RECOMMENDATION: Approve Task Order No. 2015-02 for HLA engineering services on the Luther Lane and Yakima Avenue Improvements Project and Authorize the Mayor to Sign the Documents.

d.) Consideration of an ORDINANCE Establishing Fund 306..... Page 90

RECOMMENDATION: Adopt Ordinance 15-_____ establishing Fund 306, the Wine Country Road Crosswalk Improvement Project Fund, and amending the 2015 Budget for the Improvement of a Crosswalk at Wine Country Road and Chardonnay Avenue to include the acceptance of mitigation payments and donations.

e.) Consideration of 2 ORDINANCES Adopting the Washington State Department of Ecology’s Suggested and Required Changes to the City’s Shoreline Master Program Update Page 95

MOTION #1: Adopt Ordinance 15-_____ adopting changes to the Shoreline Master Program (PMC Title 16.04).

MOTION #2: Adopt Ordinance 15-_____ adopting changes to the Critical Area Ordinance.

***The first Ordinance passed will be Ordinance 15-2938
The first Resolution passed will be Resolution 15-1491***

9. CLOSED RECORD DECISION HEARING

a.) Property Rezone and Preliminary Plat Subdivision

~ Open Hearing

~Close Hearing

10. COUNCIL ACTION

a.) Consideration of an ORDINANCE Department Rezoning Property from Residential High Density (RH) to Residential Manufactured Home Subdivision (RMS) and Consideration of a RESOLUTION Approving a Preliminary Plat Subdivision of 27 Sign Family Lots and a 28th Lot That Will be Used for Future High Density..... *Page 131*

MOTION #1: Adopt Ordinance 15-_____ approving a rezone to exclude the westerly 249.58 feet of lot 2 of short plat 3437 which will remain Residential High Density (RH).

MOTION #2: Adopt Resolution 15-_____ approving a preliminary plat for the subdivision plat of 28 lots.

11. COUNCIL DISCUSSION

12. ADJOURNMENT

*The first Ordinance passed will be Ordinance 15-2938
The first Resolution passed will be Resolution 15-1491*

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Approve payment of payroll check nos. 600435 through 600480 in the amount of \$45,398.69 and direct deposits in the amount of \$111,752.69 for the period ending July 31, 2015		Meeting Date: August 11, 2015 Regular Meeting	
Department: Finance	Director: Toni Yost	Contact Person: Elia Lara	Phone Number: (509) 786-2332
Cost of Proposal: \$154,151.38		Account Number: Various	
Amount Budgeted: Various amounts in salaries, wages, and benefits.		Name and Fund# Various	
Reviewed by Finance Department: <i>Tyr</i>			
Attachments to Agenda Packet Item: 1. Payroll Check Register			
Summary Statement: Payroll check nos. 600435 through 600480 in the amount of \$45,398.69 and direct deposits in the amount of \$111,752.69 for the period ending July 31, 2015			
Consistent with or Comparison to: EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			
Recommended City Council Action/Suggested Motion: Approve payment payroll check nos. 600435 through 600480 in the amount of \$45,398.69 and direct deposits in the amount of \$111,752.69 for the period ending July 31, 2015			
Reviewed by Department Director: <i>Tyost</i> Date: 8/7/2015	Reviewed by City Attorney: N/A Date:	Approved by Mayor: <i>Paul Wurdack</i> Date: 8-7-15	
Today's Date: August 5, 2015	Revision Number/Date:	File Name and Path:	

CHECK REGISTER

City Of Prosser
MCAG #: 0205

07/31/2015 To: 07/31/2015

Time: 16:04:36 Date: 07/28/2015
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5371	07/31/2015	Payroll	1	EFT		2,362.01	July Payroll
5372	07/31/2015	Payroll	1	EFT		1,661.92	July Payroll
5376	07/31/2015	Payroll	1	EFT		1,403.78	July Payroll
5380	07/31/2015	Payroll	1	EFT		1,479.56	July Payroll
5381	07/31/2015	Payroll	1	EFT		3,453.32	July Payroll
5382	07/31/2015	Payroll	1	EFT		2,779.15	July Payroll
5383	07/31/2015	Payroll	1	EFT		1,692.12	July Payroll
5386	07/31/2015	Payroll	1	EFT		3,855.75	July Payroll
5387	07/31/2015	Payroll	1	EFT		1,227.67	July Payroll
5388	07/31/2015	Payroll	1	EFT		3,121.76	July Payroll
5390	07/31/2015	Payroll	1	EFT		877.78	July Payroll
5392	07/31/2015	Payroll	1	EFT		1,194.21	July Payroll
5395	07/31/2015	Payroll	1	EFT		3,691.03	July Payroll
5396	07/31/2015	Payroll	1	EFT		4,653.74	July Payroll
5397	07/31/2015	Payroll	1	EFT		3,746.80	July Payroll
5399	07/31/2015	Payroll	1	EFT		110.54	July Payroll
5403	07/31/2015	Payroll	1	EFT		378.52	July Payroll
5405	07/31/2015	Payroll	1	EFT		5,072.55	July Payroll
5409	07/31/2015	Payroll	1	EFT		73.74	July Payroll
5411	07/31/2015	Payroll	1	EFT		2,850.33	July Payroll
5412	07/31/2015	Payroll	1	EFT		3,224.26	July Payroll
5414	07/31/2015	Payroll	1	EFT		529.70	July Payroll
5416	07/31/2015	Payroll	1	EFT		2,509.33	July Payroll
5418	07/31/2015	Payroll	1	EFT		2,498.79	July Payroll
5419	07/31/2015	Payroll	1	EFT		634.90	July Payroll
5421	07/31/2015	Payroll	1	EFT		3,425.06	July Payroll
5423	07/31/2015	Payroll	1	EFT		2,582.30	July Payroll
5425	07/31/2015	Payroll	1	EFT		1,700.35	July Payroll
5428	07/31/2015	Payroll	1	EFT		2,625.71	July Payroll
5429	07/31/2015	Payroll	1	EFT		779.30	July Payroll
5431	07/31/2015	Payroll	1	EFT		3,431.30	July Payroll
5434	07/31/2015	Payroll	1	EFT		1,557.78	July Payroll
5435	07/31/2015	Payroll	1	EFT		576.30	July Payroll
5437	07/31/2015	Payroll	1	EFT		1,812.31	July Payroll
5438	07/31/2015	Payroll	1	EFT		2,561.25	July Payroll
5441	07/31/2015	Payroll	1	EFT		2,465.94	July Payroll
5442	07/31/2015	Payroll	1	EFT		2,011.85	July Payroll
5443	07/31/2015	Payroll	1	EFT		650.72	July Payroll
5444	07/31/2015	Payroll	1	EFT		2,288.21	July Payroll
5446	07/31/2015	Payroll	1	EFT		2,747.94	July Payroll
5449	07/31/2015	Payroll	1	EFT		2,797.95	July Payroll
5451	07/31/2015	Payroll	1	EFT		2,782.47	July Payroll
5452	07/31/2015	Payroll	1	EFT		2,232.77	July Payroll
5455	07/31/2015	Payroll	1	EFT		590.79	July Payroll
5458	07/31/2015	Payroll	1	EFT		1,599.03	July Payroll
5459	07/31/2015	Payroll	1	EFT		3,303.84	July Payroll
5461	07/31/2015	Payroll	1	EFT		230.31	July Payroll
5462	07/31/2015	Payroll	1	EFT		4,048.92	July Payroll
5465	07/31/2015	Payroll	1	EFT		4,270.65	July Payroll
5466	07/31/2015	Payroll	1	EFT		548.33	July Payroll
5467	07/31/2015	Payroll	1	EFT		2,944.16	July Payroll
5373	07/31/2015	Payroll	1	600435		1,787.18	July Payroll
5374	07/31/2015	Payroll	1	600436		230.31	July Payroll
5375	07/31/2015	Payroll	1	600437		651.09	July Payroll
5377	07/31/2015	Payroll	1	600438		2,184.90	July Payroll
5378	07/31/2015	Payroll	1	600439		3,873.36	July Payroll
5379	07/31/2015	Payroll	1	600440		128.94	July Payroll

CHECK REGISTER

City Of Prosser
MCAG #: 0205

07/31/2015 To: 07/31/2015

Time: 16:04:36 Date: 07/28/2015
Page: 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5384	07/31/2015	Payroll	1	600441		1,079.67	July Payroll
5385	07/31/2015	Payroll	1	600442		1,132.57	July Payroll
5391	07/31/2015	Payroll	1	600443		1,076.37	July Payroll
5393	07/31/2015	Payroll	1	600444		1,252.57	July Payroll
5394	07/31/2015	Payroll	1	600445		230.42	July Payroll
5398	07/31/2015	Payroll	1	600446		587.63	July Payroll
5400	07/31/2015	Payroll	1	600447		224.51	July Payroll
5401	07/31/2015	Payroll	1	600448		465.92	July Payroll
5402	07/31/2015	Payroll	1	600449		361.44	July Payroll
5404	07/31/2015	Payroll	1	600450		146.85	July Payroll
5406	07/31/2015	Payroll	1	600451		713.08	July Payroll
5407	07/31/2015	Payroll	1	600452		981.04	July Payroll
5408	07/31/2015	Payroll	1	600453		3,318.84	July Payroll
5410	07/31/2015	Payroll	1	600454		924.07	July Payroll
5413	07/31/2015	Payroll	1	600455		965.56	July Payroll
5415	07/31/2015	Payroll	1	600456		816.76	July Payroll
5417	07/31/2015	Payroll	1	600457		718.88	July Payroll
5420	07/31/2015	Payroll	1	600458		148.98	July Payroll
5422	07/31/2015	Payroll	1	600459		223.14	July Payroll
5424	07/31/2015	Payroll	1	600460		382.24	July Payroll
5426	07/31/2015	Payroll	1	600461		3,084.69	July Payroll
5427	07/31/2015	Payroll	1	600462		550.25	July Payroll
5430	07/31/2015	Payroll	1	600463		2,248.77	July Payroll
5432	07/31/2015	Payroll	1	600464		859.06	July Payroll
5433	07/31/2015	Payroll	1	600465		501.40	July Payroll
5436	07/31/2015	Payroll	1	600466		1,140.76	July Payroll
5439	07/31/2015	Payroll	1	600467		816.36	July Payroll
5440	07/31/2015	Payroll	1	600468		706.60	July Payroll
5445	07/31/2015	Payroll	1	600469		316.37	July Payroll
5447	07/31/2015	Payroll	1	600470		1,219.13	July Payroll
5450	07/31/2015	Payroll	1	600471		406.81	July Payroll
5453	07/31/2015	Payroll	1	600472		662.03	July Payroll
5454	07/31/2015	Payroll	1	600473		1,092.01	July Payroll
5456	07/31/2015	Payroll	1	600474		869.98	July Payroll
5457	07/31/2015	Payroll	1	600475		954.87	July Payroll
5460	07/31/2015	Payroll	1	600476		157.49	July Payroll
5463	07/31/2015	Payroll	1	600477		828.84	July Payroll
5464	07/31/2015	Payroll	1	600478		1,241.92	July Payroll
5389	07/31/2015	Payroll	1	600479		39.35	July Payroll
5448	07/31/2015	Payroll	1	600480		96.18	July Payroll
						6,529.66	
						24,304.49	
						2,379.65	
						61,732.32	
						7,553.83	
						4,446.39	
						48,130.68	
						-78,018.66	
						77,058.36	
						12,312.77	
						1,546.06	
						13,858.83	
						5,033.72	
						5,033.72	

CHECK REGISTER

City Of Prosser
MCAG #: 0205

07/31/2015 To: 07/31/2015

Time: 16:04:36 Date: 07/28/2015
Page: 3

Trans Date	Type	Acct #	Chk #	Claimant	Amount	Memo
		534		Water Utilities	25,964.93	
		539		Irrigation And Reclamation	6,203.61	
	403			Water Fund	32,168.54	
		535		Sewer	25,543.23	
	407			Sewer Fund	25,543.23	
		537		Garbage & Solid Waste	385.31	
	448			Garbage Fund	385.31	
					<hr/>	
					154,047.99	Payroll: 154,047.99

Signature

Date

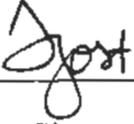
CHECK REGISTER

City Of Prosser
MCAG #: 0205

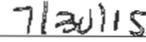
08/01/2015 To: 08/01/2015

Time: 09:48:12 Date: 07/30/2015
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5499	08/01/2015	Payroll	1	EFT		103.89	Robinson Error - Out of class
		001 General Fund				-3.05	
		102 Street Fund				11.88	
		403 Water Fund				95.06	
						<u>103.89</u>	Payroll: 103.89



Signature



Date

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Approve payment of claim check nos. 12843 through 12850 and 12852 through 12918, in the amount of \$261,042.71 and Electronic Payments in the amount of \$86,892.73 for the period ending August 11, 2015.

Meeting Date:
August 11, 2015
Regular Meeting

Department:
Finance

Director:
Toni Yost

Contact Person:
Elia Lara

Phone Number:
(509) 786-2332

Cost of Proposal:
\$347,935.44

Account Number:
See Attached

Amount Budgeted:
See 2015 budget for each item listed.

Name and Fund#
See Attached

Reviewed by Finance Department:

Tyost

Attachments to Agenda Packet Item:

Check Register # 12843 through 12850 and 12852 through 12918

Summary Statement:

Check Payments	Amount	Check Payments	Amount
12843 through 12850	\$37,323.83		
12852 through 12918	\$223,718.88		
Electronic Payments	Amount		
IRS Federal Taxes	\$54,971.69	WA DSHS	\$228.60
City of Prosser	\$30,190.81	US Bank	\$1,011.23
WA State Dept of Licensing	\$18.00	Xpress	\$472.40

Consistent with or Comparison to:

City's policy to pay bills in a timely manner.

Recommended City Council Action/Suggested Motion:

Approve payment of check nos. 12843 through 12850 and 12852 through 12918, in the amount of \$261,042.71 and Electronic Payments in the amount of \$86,892.73 for the period ending August 11, 2015

Reviewed by Department Director:

Date: *Tyost 8/7/2015*

Reviewed by City Attorney:

N/A

Date:

Approved by Mayor:

Paul W. ...

Date: *8-7-15*

Today's Date:
August 6, 2015

Revision Number/Date:

File Name and Path:

CHECK REGISTER

City Of Prosser
MCAG #: 0205

07/31/2015 To: 07/31/2015

Time: 16:43:01 Date: 08/05/2015
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5468	07/31/2015	Payroll	1	EFT	Irs Federal Taxes	54,953.51	941 Deposit For 07/31/2015 - 07/31/2015
5469	07/31/2015	Payroll	1	EFT	WA Dept Social & Health Serv	228.60	07/31/2015 To 07/31/2015 - DSHS
5470	07/31/2015	Payroll	1	12843	AFLAC	1,483.61	07/31/2015 To 07/31/2015 - AFLAC Pre-Tax; 07/31/2015 To 07/31/2015 - AFLAC Post-Tax
5471	07/31/2015	Payroll	1	12844	AWC Employment Ben Trust	1,040.92	07/31/2015 To 07/31/2015 - Vision
5472	07/31/2015	Payroll	1	12845	Icma Retirement Trust	768.62	07/31/2015 To 07/31/2015 - 401(R)
5473	07/31/2015	Payroll	1	12846	Kansas Payment Center	1,122.00	07/31/2015 To 07/31/2015 - Support Withholding
5474	07/31/2015	Payroll	1	12847	Opeiu	687.25	07/31/2015 To 07/31/2015 - Union Dues - OPEIU
5475	07/31/2015	Payroll	1	12848	Teamsters Legal Defense Fund	86.88	07/31/2015 To 07/31/2015 - Legal Defense Fund
5476	07/31/2015	Payroll	1	12849	Teamsters Local Union No 839	1,352.00	07/31/2015 To 07/31/2015 - Union Dues - Teamsters
5477	07/31/2015	Payroll	1	12850	WA Dept Retirement	30,553.95	07/31/2015 To 07/31/2015 - PERS; 07/31/2015 To 07/31/2015 - PERS 3; 07/31/2015 To 07/31/2015 - LEOFF 2; 07/31/2015 To 07/31/2015 - DRS - DCP

001 General Fund	78,688.13
102 Street Fund	2,323.00
149 Public Safety Sales Tax Fund	841.92
403 Water Fund	5,807.45
407 Sewer Fund	4,552.07
448 Garbage Fund	64.77

92,277.34 Payroll: 92,277.34

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Signature

7/30/15

Date

CHECK REGISTER

City Of Prosser
MCAG #: 0205

07/31/2015 To: 07/31/2015

Time: 16:42:28 Date: 08/05/2015

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5508	07/31/2015	Payroll	1	EFT	Irs Federal Taxes	18.18	941 Deposit For 08/01/2015 - 08/01/2015
5479	07/31/2015	Payroll	1	12852	Western Conf Of Teamsters Pension Trust	2,984.13	07/31/2015 To 07/31/2015 - TPT
5509	07/31/2015	Payroll	1	12853	WA Dept Retirement	16.79	08/01/2015 To 08/01/2015 - PERS
						3,001.07	
						1.99	
						16.04	
						<u>3,019.10</u>	
						3,019.10 Payroll:	3,019.10



Signature

7/30/15

Date

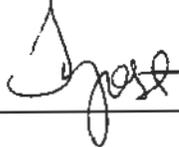
CHECK REGISTER

City Of Prosser
MCAG #: 0205

07/28/2015 To: 07/28/2015

Time: 15:13:07 Date: 08/05/2015
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5209	07/28/2015	Claims	1	12854	Benton Co Prosecutor's Off	271.85	Kids Heaven - 2nd Qtr
			001 - 521 20 51 000 - Intergov't Professional Servic			271.85	Kids Heaven - 2nd Qtr
			001 General Fund			271.85	
						<u>271.85</u>	Claims: 271.85
						271.85	



Signature

8/5/2015

Date

CHECK REGISTER

City Of Prosser
MCAG #: 0205

08/11/2015 To: 08/11/2015

Time: 15:10:02 Date: 08/05/2015
Page: 1

Trans Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5637 08/11/2015	Claims	1	EFT	Prosser, City Of	30,190.81	Water Bill
		001 - 518 31 47 000		- Public Utility Services	550.63	Water Bill
		403 - 534 80 47 000		- Public Utility Services	1,507.91	Water Bill
		407 - 535 80 47 000		- Public Utility Services	10,097.19	Water Bill
		102 - 542 90 47 000		- Public Utility Services	2,188.57	Water Bill
		001 - 569 21 47 000		- Public Utility Services	597.84	Water Bill
		001 - 572 50 47 000		- Public Utility Services	728.12	Water Bill
		001 - 576 20 47 000		- Public Utility Services	2,913.57	Water Bill
		001 - 576 80 47 000		- Public Utility Services	11,606.98	Water Bill
5638 08/11/2015	Claims	1	EFT	US Bank Na	1,011.23	Tri-City Herald Online Subscription; WETRCTraining, Evergreen Rural Water Conference-Stewart; UPS Shipping-Robinson, LaQuinta Inn-Lara Grant Writer/Excise Tax Training
		001 - 511 60 49 000		- Miscellaneous	99.95	Tri-City Herald Online Subscription
		001 - 514 23 43 000		- Travel	407.28	LaQuinta Inn-Lara Grant Writer/Excise Tax Training
		403 - 534 80 42 000		- Communications	9.00	UPS Shipping-Robinson
		403 - 534 80 49 000		- Miscellaneous	495.00	WETRCTraining, Evergreen Rural Water Conference-Stewart
5639 08/11/2015	Claims	1	EFT	WA Dept Licensing-Cpl	18.00	Concealed Pistol License-R.G
		001 - 586 00 01 000		- Concealed Pistol Lic Disburse	18.00	Concealed Pistol License-R.G
5640 08/11/2015	Claims	1	EFT	Xpress Billpay	472.40	Online Billing And Payments
		001 - 514 30 49 000		- Miscellaneous	16.53	Online Billing And Payments
		403 - 534 80 49 000		- Miscellaneous	106.29	Online Billing And Payments
		407 - 535 80 49 000		- Miscellaneous	103.93	Online Billing And Payments
		448 - 537 80 49 000		- Miscellaneous	108.65	Online Billing And Payments
		403 - 539 20 49 000		- Miscellaneous	103.93	Online Billing And Payments
		001 - 576 20 49 001		- Miscellaneous	33.07	Online Billing And Payments
5641 08/11/2015	Claims	1	12855	Abadan Inc	83.10	Waste Water Copier Maintenance; Water Dept Copier Maintenance; PD Copy Machine Maintenance
		001 - 514 23 48 000		- Repairs & Maintenance	29.94	PD Copy Machine Maintenance
		403 - 534 80 48 000		- Repairs & Maintenance	39.72	Waste Water Copier Maintenance
		407 - 535 80 48 000		- Repairs & Maintenance	13.44	Waste Water Copier Maintenance
5642 08/11/2015	Claims	1	12856	Amerigas Sunnyside	146.74	Tank Rental
		407 - 535 80 45 000		- Operating Rentals & Leases	146.74	Tank Rental
5643 08/11/2015	Claims	1	12857	Are-Sea Carpet & Floor Service	1,040.00	Comercial Carpet Cleaning-Library
		001 - 572 50 48 000		- Repairs & Maintenance	1,040.00	Comercial Carpet Cleaning-Library
5644 08/11/2015	Claims	1	12858	Atomic Screen Printing	170.44	Prosser Aquatic Center Management T-Shirts; Life Guard T-Shirts
		001 - 576 20 21 000		- Uniforms	94.42	Prosser Aquatic Center Management T-Shirts
		001 - 576 20 21 000		- Uniforms	76.02	Life Guard T-Shirts
5645 08/11/2015	Claims	1	12859	Autozone	22.13	Brake Fluid, Winshield Washer Fluid
		407 - 535 80 31 000		- Office & Operating Supplies	22.13	Brake Fluid, Winshield Washer Fluid
5646 08/11/2015	Claims	1	12860	Avaya Inc	758.36	Phone Maintenance
		001 - 518 88 48 000		- Repairs & Maintenance	758.36	Phone Maintenance

CHECK REGISTER

City Of Prosser
MCAG #: 0205

08/11/2015 To: 08/11/2015

Time: 15:10:02 Date: 08/05/2015
Page: 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5647	08/11/2015	Claims	1	12861	BDI	75,935.02	Garbage Billing
					448 - 537 80 47 000 - Public Utility Services	75,935.02	Garbage Billing
5648	08/11/2015	Claims	1	12862	Ronda Beaudry	191.41	Refund inactive customer credit balance
					403 - 343 41 00 000 - Water Revenues	-47.00	
					407 - 343 60 00 000 - Sewer Revenues	-65.70	
					448 - 343 71 00 000 - Garbage Service Charges	-23.25	
					448 - 343 72 00 000 - Refuse And B&O Tax Collec	0.68	
					448 - 343 74 00 000 - Administrative Fee	0.91	
					403 - 343 90 00 000 - Irrigation Fees & Charges	-58.05	
					448 - 359 90 00 000 - Billing Fee	1.00	
5649	08/11/2015	Claims	1	12863	John A Beck	102.00	CDL Endorsement
					407 - 535 80 49 000 - Miscellaneous	102.00	CDL Endorsement
5650	08/11/2015	Claims	1	12864	Benton County Hospital District 1	40.00	Refund Business License Fee
					001 - 321 99 00 000 - General Business Registratior	-40.00	Refund Business License Fee
5651	08/11/2015	Claims	1	12865	Benton Franklin Dist Health	168.00	Drinking Water Bacteria
					403 - 534 80 41 000 - Professional Services	168.00	Drinking Water Bacteria
5652	08/11/2015	Claims	1	12866	Benton PUD	151.83	Electric Bill-6th St
					102 - 542 63 47 000 - Public Utility Services	151.83	Electric Bill-6th St
5653	08/11/2015	Claims	1	12867	Blumenthal	1,691.46	Ballistic Vest-Spurgeon; Police Uniform-Sabalza
					001 - 521 20 21 000 - Uniforms & Equipment	888.35	Ballistic Vest-Spurgeon
					001 - 521 20 21 000 - Uniforms & Equipment	803.11	Police Uniform-Sabalza
5654	08/11/2015	Claims	1	12868	Boys & Girls Clubs	6,250.00	Boys And Girls Club
					001 - 571 22 41 001 - Professional Services	6,250.00	Boys And Girls Club
5655	08/11/2015	Claims	1	12869	Brown's Tire Co Inc	167.79	Xtreme Power Battery: Truck #163
					403 - 534 80 31 000 - Office & Operating Supplies	83.90	Xtreme Power Battery: Truck #163
					403 - 539 20 31 000 - Office & Operating Supplies	83.89	Xtreme Power Battery: Truck #163
5656	08/11/2015	Claims	1	12870	CK Home Comfort Systems	162.45	Repair AC Unit Water Dept
					403 - 534 80 48 000 - Repairs & Maintenance	162.45	Repair AC Unit Water Dept
5657	08/11/2015	Claims	1	12871	Cascade Analytical	133.50	Kjeldahl Total Nitrogen; Kjeldahl Total Nitrogen, Enviro Mngmt Fee; KjeldahlTotal Nitrogen
					407 - 535 80 41 000 - Professional Services	44.50	Kjeldahl Total Nitrogen
					407 - 535 80 41 000 - Professional Services	44.50	Kjeldahl Total Nitrogen, Enviro Mngmt Fee
					407 - 535 80 41 000 - Professional Services	44.50	KjeldahlTotal Nitrogen
5658	08/11/2015	Claims	1	12872	Cascade Natural Gas Corp	2,243.03	Natural Gas; Natural Gas; Natural Gas; Natural Gas; Natural Gas; Natural Gas
					001 - 518 31 47 000 - Public Utility Services	16.67	Natural Gas
					407 - 535 80 47 000 - Public Utility Services	506.15	Natural Gas
					407 - 535 80 47 000 - Public Utility Services	11.61	Natural Gas
					102 - 542 90 47 000 - Public Utility Services	18.69	Natural Gas
					001 - 572 50 47 000 - Public Utility Services	10.60	Natural Gas
					001 - 576 20 47 000 - Public Utility Services	1,679.31	Natural Gas
5659	08/11/2015	Claims	1	12873	Centurylink Communications Inc	98.23	Longdistance Telephone Bill
					001 - 518 31 42 000 - Communications	58.74	Longdistance Telephone Bill
					403 - 534 80 42 000 - Communications	5.63	Longdistance Telephone Bill
					407 - 535 80 42 000 - Communications	6.69	Longdistance Telephone Bill
					448 - 537 80 42 000 - Communications	5.63	Longdistance Telephone Bill

CHECK REGISTER

City Of Prosser
MCAG #: 0205

08/11/2015 To: 08/11/2015

Time: 15:10:02 Date: 08/05/2015
Page: 3

Trans Date	Type	Acct #	Chk #	Claimant	Amount	Memo
		403 - 539 20 42 000		Communications	9.25	Longdistance Telephone Bill
		102 - 542 90 42 000		Communications	6.66	Longdistance Telephone Bill
		102 - 543 30 42 102		Communication	5.63	Longdistance Telephone Bill
5660	08/11/2015	Claims	1	12874 Terry & Anita Chambers	185.61	Refund inactive customer credit balance
		403 - 343 41 00 000		Water Revenues	-27.19	
		407 - 343 60 00 000		Sewer Revenues	-48.47	
		448 - 343 71 00 000		Garbage Service Charges	-19.16	
		448 - 343 72 00 000		Refuse And B&O Tax Collec	0.68	
		448 - 343 74 00 000		Administrative Fee	0.91	
		403 - 343 90 00 000		Irrigation Fees & Charges	-93.38	
		448 - 359 90 00 000		Billing Fee	1.00	
5661	08/11/2015	Claims	1	12875 Charter Communications	142.63	PD Basic Cable; City Hall Internet Charges
		001 - 518 88 42 000		Communications	130.00	City Hall Internet Charges
		001 - 521 20 42 000		Communications	12.63	PD Basic Cable
5662	08/11/2015	Claims	1	12876 Columbia Basin Dive & Rescue	250.00	Agency Support- Level 4
		001 - 521 20 51 000		Intergov't Professional Servic	250.00	Agency Support- Level 4
5663	08/11/2015	Claims	1	12877 Cook's True Value	304.45	Shackle, Palm Glove, Jaw Pump Chain, Knukler Glove; Mag Setter, Fasteners; Fem Coupler, Poly Male Coupler, Vine Hose Washer; Screw Guide Set; Brooms; Seal Conduit; Tubing; QC Adaptor; Rule Tape Power;
		001 - 521 20 31 000		Office & Operating Supplies	17.13	Air Wick Refill, Lysol Neutra Air Refill, Appliance Bulb
		403 - 534 80 31 000		Office & Operating Supplies	10.84	Mag Setter, Fasteners
		407 - 535 80 31 000		Office & Operating Supplies	94.94	Shackle, Palm Glove, Jaw Pump Chain, Knukler Glove
		407 - 535 80 31 000		Office & Operating Supplies	6.51	Seal Conduit
		403 - 539 20 31 000		Office & Operating Supplies	7.90	Fem Coupler, Poly Male Coupler, Vine Hose Washer
		403 - 539 20 31 000		Office & Operating Supplies	3.03	Tubing
		102 - 542 90 31 000		Office & Operating Supplies	11.94	Screw Guide Set
		102 - 542 90 31 000		Office & Operating Supplies	11.94	QC Adaptor
		102 - 542 90 31 000		Office & Operating Supplies	10.85	Rule Tape Power Lock
		102 - 542 90 31 000		Office & Operating Supplies	5.96	Fusion Satin 12 Oz Gray
		001 - 576 20 31 000		Office & Operating Supplies	6.47	Key Cutting
		001 - 576 20 31 000		Office & Operating Supplies	25.51	Fasteners, Drill Bit, Shower Head
		001 - 576 20 31 000		Office & Operating Supplies	59.44	Fasteners, Screwdriver, Magnet Bit Holder
		001 - 576 20 31 000		Office & Operating Supplies	10.85	42 Gal Contr Bag
		001 - 576 20 31 000		Office & Operating Supplies	5.95	Wail Washer, Tailpiece Washer
		001 - 576 80 31 000		Office & Operating Supplies	15.19	Brooms
5664	08/11/2015	Claims	1	12878 Denchel's Ford Country	772.68	Fuel Saver Package; Fuel Saver Package; Fuel Saver Package; Replace Tyres, Electrical Work Repair; Transmission Repairs, Brake Repairs
		001 - 521 20 48 000		Repairs & Maintenance	34.34	Fuel Saver Package
		001 - 521 20 48 000		Repairs & Maintenance	35.50	Fuel Saver Package
		001 - 521 20 48 000		Repairs & Maintenance	34.34	Fuel Saver Package
		001 - 521 20 48 000		Repairs & Maintenance	345.41	Replace Tyres, Electrical Work Repair
		001 - 521 20 48 000		Repairs & Maintenance	323.09	Transmission Repairs, Brake Repairs
5665	08/11/2015	Claims	1	12879 Robert C Elder	32.66	Council Mileage
		001 - 511 60 43 000		Travel	32.66	Council Mileage

CHECK REGISTER

City Of Prosser
MCAG #: 0205

08/11/2015 To: 08/11/2015

Time: 15:10:02 Date: 08/05/2015
Page: 4

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5666	08/11/2015	Claims	1	12880	Galls, An Aramark Co LLC	315.97	Acadia Noninsulated Goretex Boots-Baugh
					001 - 521 20 21 000 - Uniforms & Equipment	315.97	Acadia Noninsulated Goretex Boots-Baugh
5667	08/11/2015	Claims	1	12881	Grainger Inc	2,406.58	Low Headroom Chain Hoist; Corded Integrated Phone/Answering System, Cord Replacement; Mini Blinds; Impact Wrench, Reciprocating Saw, Floor Squeegee; Inverter Generator, Floor Squeegee
					403 - 534 80 31 000 - Office & Operating Supplies	84.47	Corded Integrated Phone/Answering System, Cord Replacement
					403 - 534 80 31 000 - Office & Operating Supplies	37.69	Mini Blinds
					403 - 534 80 31 000 - Office & Operating Supplies	399.80	Impact Wrench, Reciprocating Saw, Floor Squeegee
					403 - 534 80 31 000 - Office & Operating Supplies	1,339.52	Inverter Generator, Floor Squeegee
					407 - 535 80 31 000 - Office & Operating Supplies	545.10	Low Headroom Chain Hoist
5668	08/11/2015	Claims	1	12882	Grandview Lumber Co	165.84	Foam Selant, Rapid Stapler, Self Drill
					403 - 534 80 31 000 - Office & Operating Supplies	165.84	Foam Selant, Rapid Stapler, Self Drill
5669	08/11/2015	Claims	1	12883	Bailey Greene	225.00	Softball Umpire
					001 - 571 22 41 001 - Professional Services	225.00	Softball Umpire
5670	08/11/2015	Claims	1	12884	Erik & Heather Hildahl	4.41	Refund inactive customer credit balance
					403 - 343 90 00 000 - Irrigation Fees & Charges	-4.41	
5671	08/11/2015	Claims	1	12885	Holiday Inn Express Marysville	361.02	Hotel Reservation For Stewart-Evergreen Rual Water Annual Confrence
					403 - 534 80 43 000 - Travel	361.02	Hotel Reservation For Stewart-Evergreen Rual Water Annual Confrence
5672	08/11/2015	Claims	1	12886	Tom Honeycutt	221.51	Refund inactive customer credit balance
					403 - 343 41 00 000 - Water Revenues	-58.16	
					407 - 343 60 00 000 - Sewer Revenues	-105.35	
					448 - 343 71 00 000 - Garbage Service Charges	-38.59	
					448 - 343 72 00 000 - Refuse And B&O Tax Collec	0.11	
					448 - 343 74 00 000 - Administrative Fee	0.15	
					403 - 343 90 00 000 - Irrigation Fees & Charges	-19.83	
					448 - 359 90 00 000 - Billing Fee	0.16	
5673	08/11/2015	Claims	1	12887	Hydro Pro LLC	40.00	Refund Business License Fee
					001 - 321 99 00 000 - General Business Registratior	-40.00	Refund Business License Fee
5674	08/11/2015	Claims	1	12888	The Janitor's Closet	2,532.21	Toilet Paper, Hypine Cleaner, Urinal Screen, Soap; Oasis Towels, Toilet Paper, Can Liners; Bleach, Paper Towels, Can Liners, Nitrile Gloves
					001 - 576 20 31 000 - Office & Operating Supplies	92.65	Soap Dispenser, Tissue Dispenser
					001 - 576 20 31 000 - Office & Operating Supplies	516.09	Oasis Towels, Toilet Paper, Can Liners
					001 - 576 20 31 000 - Office & Operating Supplies	856.26	Bleach, Paper Towels, Can Liners, Nitrile Gloves
					001 - 576 80 31 000 - Office & Operating Supplies	1,067.21	Toilet Paper, Hypine Cleaner, Urinal Screen, Soap
5675	08/11/2015	Claims	1	12889	Kie Supply Corporation	56.88	Seat Plas Elong, Shower Valve
					001 - 576 20 31 000 - Office & Operating Supplies	56.88	Seat Plas Elong, Shower Valve
5676	08/11/2015	Claims	1	12890	Leaf	123.80	PD Copy Machine Lease

CHECK REGISTER

City Of Prosser
MCAG #: 0205

08/11/2015 To: 08/11/2015

Time: 15:10:02 Date: 08/05/2015
Page: 5

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
			001 - 514 23 45 000 -		Operating Rentals & Leases	123.80	PD Copy Machine Lease
5677	08/11/2015	Claims	1	12891	Legend Data Systems	46.16	Photo ID: Sahalza, Baugh
			001 - 521 20 31 000 -		Office & Operating Supplies	46.16	Photo ID: Sabalza, Baugh
5678	08/11/2015	Claims	1	12892	The Markets LLC	95.21	Super Chill Water; Super Chill Water; Long Matches, Ice; Hefty Storage Bags, Super Chill Water; Long Matches
			407 - 535 80 31 000 -		Office & Operating Supplies	18.60	Super Chill Water
			407 - 535 80 31 000 -		Office & Operating Supplies	18.60	Super Chill Water
			407 - 535 80 31 000 -		Office & Operating Supplies	24.03	Hefty Storage Bags, Super Chill Water
			001 - 576 20 31 000 -		Office & Operating Supplies	24.23	Long Matches, Ice
			001 - 576 20 31 000 -		Office & Operating Supplies	9.75	Long Matches
5679	08/11/2015	Claims	1	12893	Lionel Martinez	225.00	Baseball Umpire
			001 - 571 22 41 001 -		Professional Services	225.00	Baseball Umpire
5680	08/11/2015	Claims	1	12894	Mid-Columbia Library	15,321.72	Mid-Columbia Library
			001 - 572 20 51 000 -		Intergov't Professional Servic	15,321.72	Mid- Columbia Libraries
5681	08/11/2015	Claims	1	12895	Moon Security	54.95	Basic Commercial Monitoring
			001 - 521 20 41 000 -		Professional Services	54.95	Basic Commercial Monitoring
5682	08/11/2015	Claims	1	12896	Northwest Handling Systems	244.35	Walkie Stacker
			403 - 534 80 45 000 -		Operating Rentals & Leases	244.35	Walkie Stacker
5683	08/11/2015	Claims	1	12897	Office Depot	1,085.12	Heater Tower; Copy Paper; Highlighters, Index Cards, Stapler, Envelope, Paper Astrobright; White Biz Cards; Dell 22" Monitor; Large Envelopes-Little League
			001 - 514 23 31 000 -		Office & Operating Supplies	88.23	Copy Paper
			001 - 514 23 31 000 -		Office & Operating Supplies	83.97	Highlighters, Index Cards, Stapler, Envelope, Paper Astrobright
			001 - 514 23 31 000 -		Office & Operating Supplies	11.36	White Biz Cards
			001 - 518 31 31 000 -		Office & Operating Supplies	48.86	Heater Tower
			001 - 518 88 35 001 -		Small Tools & Minor Equipm	814.45	Dell 22" Monitor
			403 - 534 80 31 000 -		Office & Operating Supplies	2.51	Copy Paper
			407 - 535 80 31 000 -		Office & Operating Supplies	2.51	Copy Paper
			448 - 537 80 31 000 -		Office & Operating Supplies	2.51	Copy Paper
			403 - 539 20 31 000 -		Office & Operating Supplies	2.51	Copy Paper
			001 - 571 22 31 001 -		Office & Operating Supplies	28.21	Large Envelopes-Little League
5684	08/11/2015	Claims	1	12898	Outwest Pet Rescue	440.00	Animal Control Services
			001 - 524 20 41 000 -		Professional Services	440.00	Animal Control Services
5685	08/11/2015	Claims	1	12899	Oxarc	10,101.95	Sodium Hypochlorite; Sodium Hypochlorite; Chlorine Ton Container, Sulfur Dioxide; Sodium Hypochlorite; Hydrochloric Acid, Sodium Hypochlorite
			403 - 534 80 31 000 -		Office & Operating Supplies	2,943.06	Sodium Hypochlorite
			407 - 535 80 31 000 -		Office & Operating Supplies	4,156.22	Chlorine Ton Container, Sulfur Dioxide
			001 - 576 20 31 000 -		Office & Operating Supplies	665.72	Sodium Hypochlorite
			001 - 576 20 31 000 -		Office & Operating Supplies	1,197.86	Sodium Hypochlorite
			001 - 576 20 31 000 -		Office & Operating Supplies	1,139.09	Hydrochloric Acid, Sodium Hypochlorite
5686	08/11/2015	Claims	1	12900	P G G, Inc	469.42	Refund inactive customer credit balance
			403 - 343 41 00 000 -		Water Revenues	-469.42	

CHECK REGISTER

City Of Prosser
MCAG #: 0205

08/11/2015 To: 08/11/2015

Time: 15:10:02 Date: 08/05/2015
Page: 6

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5687	08/11/2015	Claims	1	12901	Pocketinet Communications	453.00	Wide Area Network, Dedicated 3 Mbps; Wide Area Network, Dedicated 3 Mbps
					001 - 518 88 42 000 - Communications	55.00	Wide Area Network, Dedicated 3 Mbps
					001 - 518 88 42 000 - Communications	398.00	Wide Area Network, Dedicated 3 Mbps
5688	08/11/2015	Claims	1	12902	The Print Guys Inc	101.36	Rules For Aquatic Center Banner
					001 - 576 20 31 000 - Office & Operating Supplies	101.36	Rules For Aquatic Center Banner
5689	08/11/2015	Claims	1	12903	Prosser Napa	19.08	V-Belt
					403 - 534 80 31 000 - Office & Operating Supplies	19.08	V-Belt
5690	08/11/2015	Claims	1	12904	Prosser Rentals	96.70	Propane; Propane; Propane
					001 - 576 20 31 000 - Office & Operating Supplies	28.67	Propane
					001 - 576 20 31 000 - Office & Operating Supplies	23.98	Propane
					001 - 576 20 31 000 - Office & Operating Supplies	44.05	Propane
5691	08/11/2015	Claims	1	12905	Prosser Rotary Club	325.00	Prosser Rotary Club Membership
					001 - 514 30 49 000 - Miscellaneous	325.00	Prosser Rotary Club Membership
5692	08/11/2015	Claims	1	12906	Q-Tech Auto Service Ctr	41.95	Repair Sun Visor Mirror Light
					403 - 534 80 48 000 - Repairs & Maintenance	10.49	Repair Sun Visor Mirror Light
					403 - 539 20 48 000 - Repairs & Maintenance	10.49	Repair Sun Visor Mirror Light
					102 - 542 90 48 000 - Repairs & Maintenance	10.48	Repair Sun Visor Mirror Light
					001 - 576 80 48 000 - Repairs & Maintenance	10.49	Repair Sun Visor Mirror LightRepair Sun Visor Mirror LightRepair Sun Visor Mirror LightRepair Sun Visor Mirror Light
5693	08/11/2015	Claims	1	12907	Rainwater Water Co	78.00	Water; Water
					407 - 535 80 31 000 - Office & Operating Supplies	42.00	Water
					407 - 535 80 31 000 - Office & Operating Supplies	36.00	Water
5694	08/11/2015	Claims	1	12908	City Of Richland	27,549.74	Quarterly Dispatch Services; 10 800 Mhz Usage Fee
					001 - 521 20 51 000 - Intergov't Professional Serv	3,862.74	10 800 Mhz Usage Fee
					001 - 522 21 51 000 - Intergovmnt Professional Serv	23,687.00	Quarterly Dispatch Services
5695	08/11/2015	Claims	1	12909	Saxton Riley, PLLC	6,000.00	Prosecution-June And July 2015
					001 - 512 50 41 000 - Professional Services	6,000.00	Prosecution-June And July 2015
5696	08/11/2015	Claims	1	12910	Luke & Kelsey Simpson	100.47	Refund inactive customer credit balance
					403 - 343 41 00 000 - Water Revenues	-52.06	
					407 - 343 60 00 000 - Sewer Revenues	-42.00	
					448 - 343 71 00 000 - Garbage Service Charges	-14.32	
					403 - 343 90 00 000 - Irrigation Fees & Charges	7.91	
5697	08/11/2015	Claims	1	12911	Surveying Technical Services	3,966.00	Survey + Recording-1331 Bennett Ave; Survey + Recording-1311 Bennett Ave; 6th St Monument Placement Surveying
					001 - 524 20 41 000 - Professional Services	666.00	6th St Monument Placement Surveying
					148 - 594 21 41 000 - Capital Expenditures/Expense	1,100.00	Survey + Recording-1331 Bennett Ave
					148 - 594 21 41 000 - Capital Expenditures/Expense	2,200.00	Survey + Recording-1311 Bennett Ave
5698	08/11/2015	Claims	1	12912	Tolman Electric	1,130.05	Repair City Fountain; Install Temp Power At PAC Fo Swim Championships
					001 - 576 20 41 001 - Professional Services	380.10	Install Temp Power At PAC Fo Swim Championships
					001 - 576 80 48 000 - Repairs & Maintenance	749.95	Repair City Fountain
5699	08/11/2015	Claims	1	12913	Valley Publishing Co Inc	101.83	Expo Markers; Ordinance Summary 15-2936; Notice Of Public Hearing CCHS

CHECK REGISTER

City Of Prosser
MCAG #: 0205

08/11/2015 To: 08/11/2015

Time: 15:10:02 Date: 08/05/2015

Page: 7

Trans Date	Type	Acct #	Chk #	Claimant	Amount	Memo
		001 - 514 30 41 000 - Professional Services			21.00	Ordinance Summary 15-2936
		403 - 534 80 31 000 - Office & Operating Supplies			8.83	Expo Markers
		001 - 558 60 41 000 - Professional Services			72.00	Notice Of Public Hearing CCHS
5700	08/11/2015	Claims	1	12914 Verizon Wireless	1,183.58	Police MDT Data Usage; PD Wireless Cell Phone
		001 - 521 20 42 000 - Communications			568.60	Police MDT Data Usage
		001 - 521 20 42 000 - Communications			614.98	PD Wireless Cell Phone
5701	08/11/2015	Claims	1	12915 WA Dept of Agriculture	40.00	Refund Business License Fee
		001 - 321 99 00 000 - General Business Registratio			-40.00	Refund Business License Fee
5702	08/11/2015	Claims	1	12916 The Wesley Group	2,563.28	Labor Relations Consultation
		001 - 518 10 41 000 - Professional Services			2,563.28	Labor Relations Consultation
5703	08/11/2015	Claims	1	12917 West Benton Fire Rescue	27,850.00	IPS: July 2015
		001 - 522 10 51 000 - Intergov't Professional Srvc-F			27,850.00	IPS-Fire Dept
5704	08/11/2015	Claims	1	12918 Whitney Equipment Co Inc	23,294.05	Repairs To The SRB Pump; Repairs To The Trickle Filter Pump
		407 - 535 80 48 000 - Repairs & Maintenance			17,141.97	Repairs To The SRB Pump
		407 - 535 80 48 000 - Repairs & Maintenance			6,152.08	Parts For Repair Trickle Filter Pump
		407 - 535 80 48 000 - Repairs & Maintenance				
					121,611.62	001 General Fund
					2,422.55	102 Street Fund
					3,300.00	148 Criminal Justice Fund
					9,247.99	403 Water Fund
					39,643.46	407 Sewer Fund
					76,141.53	448 Garbage Fund
					<u> </u>	Claims:
					252,367.15	252,367.15
* Transaction Has Mixed Reveoue And Expense Accounts					252,367.15	

[Signature]

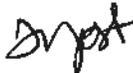
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8/5/2015

Date

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Approve HLA Agreement for Professional Services - Addendum No. 1 for additional professional engineering services with the Wastewater Treatment Plant Improvements Project and authorize the Mayor to sign the documents.		Meeting Date: August 11, 2015 Regular Meeting	
Department: Public Works	Director: L.J. Da Corsi	Contact Person: L.J. Da Corsi	Phone Number: (509) 786-2332
Cost of Proposal: \$ 245,500.00 Current amount: \$1,104,000.00 Amended amount: \$1,349,500.00		Account Number:	
Amount Budgeted: \$7.5 million Project funding sources: Washington State Dept. of Commerce Loan, Public Works Board, Public Works Trust Fund (PWTF) Construction Loan Program, Utility Revenue Bond, City of Prosser Wastewater Fund		Name and Fund#	
Reviewed by Finance Department: 			
Attachments to Agenda Packet Item: 1. Letter from HLA regarding Addendum No. 1 2. Addendum No. 1 - Agreement for Professional Services			
Summary Statement: The need for additional professional services was necessary in order to complete required environmental compliance work for Shoreline Management Plan permitting, wetlands assessment, Benton Clean Air permitting processes, additional geotechnical investigation and design work for the new primary digester site, and additional design and services during construction for additional project scope of work items. After plan review by environmental agencies, it was found that changes to equipment and other permitting processes would be required that would be beyond the scope of the original agreement but also would be necessary to meet compliance. Phase 1, Phase 3, and Phase 4 of the original agreement fees have been impacted by the change in the Scope of Work improvements and additional project scope of work items.			

- Phase 1 - Environmental Compliance: Original contract amount of \$10,000.00 increases by \$20,500.00 to a new total of \$30,500.00.
- Phase 3 - Engineering Design & Final Plans, Specifications, and Estimate: Original contract amount of \$510,000.00 increases \$179,000.00 to a new total of \$689,000.00.
- Phase 4 - Services During Construction: Original contract maximum amount of \$584,000.00 increases \$46,000.00 to a new total maximum amount of \$630,000.00.

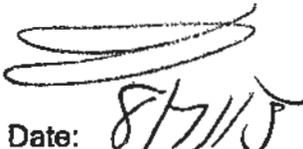
Funding for the additional Scope of Work improvements will be provided through authorized issuance and sale of combined utility revenue bonds under CITY ORDINANCE NO. 15-2935, passed on June 23, 2015. In addition, it is to the City's benefit to accomplish the additional Scope of Work items, and in doing so, would best accomplish the objectives of the project carrying the facility further into the future, meeting other agency regulations and compliance, and assuring adequate capacity and quality wastewater treatment into the future.

Consistent with or Comparison to:

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

Recommended City Council Action/Suggested Motion:

Approve HLA Agreement for Professional Services - Addendum No. 1 for additional professional engineering services with the Wastewater Treatment Plant Improvements Project and authorize the Mayor to sign the documents.

<u>Reviewed by Department Director:</u> <i>Not Available</i>	<u>Reviewed by City Attorney:</u>  Date: <i>8/5/15</i>	<u>Approved by Mayor:</u> <i>Not Available -</i> Date:
<u>Today's Date:</u> 7/31/15	<u>Revision Number/Date:</u>	<u>File Name and Path:</u>

July 22, 2015

City of Prosser
601 Seventh Street
Prosser, WA 99350

Attn: LJ DaCorsi
Public Works Director

Re: Agreement for Professional Services – Addendum No. 1
WASTEWATER TREATMENT PLANT IMPROVEMENTS
Additional Professional Engineering Services
HLA Project No. 14084

Dear LJ:

Enclosed for council approval and execution by the Mayor are three original signed copies of Addendum No. 1 to the Agreement for Professional Services for the Wastewater Treatment Plant Improvements project. This addendum is for additional professional services required for completion of additional environmental compliance work for the Shoreline and Benton Clean Air Agency permitting processes, additional geotechnical investigation and design work for the proposed new primary digester site, and additional design and services during construction for additional project scope of work items including the following:

- Construction of a new digester pipe gallery between the new primary digester and existing converted secondary digester.
- Installation of a new boiler and heat exchanger system.
- Relocation and modification of the existing waste gas burner.
- Installation of a new standby engine generator, including evaluation of the existing power distribution system.
- Updating the existing outdated HMI computer and software, including additional programming required to transfer all existing system components over.
- Coordination and consolidation of plant PLCs to integrate new and existing systems.

The enclosed Addendum No. 1 increases the compensation to our firm for the above additional work as follows:

Phase 1 – Environmental Compliance

The lump sum fee for Phase 1 services will be increased by \$20,500.00 from the current contract amount of \$10,000.00 to a new total of \$30,500.00.

Phase 3 – Engineering Design and Final Plans, Specifications, and Estimate

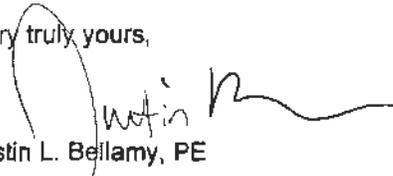
The lump sum fee for Phase 3 services will be increased by \$179,000.00 from the current contract amount of \$510,000.00 to a new total of \$689,000.00.

Phase 4 – Services During Construction

The maximum amount payable for Phase 4 services will be increased by \$46,000.00 from the current contract maximum amount of \$584,000.00 to a new total maximum amount of \$630,000.00.

If the agreement is acceptable, please have the Mayor sign all three originals, keep one for your files, and return the other two to our office. Should you have any questions or need further information about the agreement addendum, please contact our office.

Very truly yours,



Justin L. Bellamy, PE

JLB/sms

Enclosure

**Addendum No. 1
AGREEMENT FOR PROFESSIONAL SERVICES**

Wastewater Treatment Plant Improvements

HLA Project No. 14084

WHEREAS, the City of Prosser, 601 Seventh Street, Prosser, WA 99350 (CITY) and Huibregtse, Louman Associates, Inc., 2803 River Road, Yakima, WA 98902 (CONSULTANT) have entered into an Agreement for Professional Services dated August 27, 2014, to provide professional engineering and surveying services to the CITY; and

WHEREAS, said agreement includes providing environmental compliance (Phase 1), project administration (Phase 2), design engineering (Phase 3), and services during construction (Phase 4) for the CITY; and

WHEREAS, additional environmental compliance work is required to complete the Shoreline and Benton Clean Air Agency permitting process, including a wetlands assessment, in order to construct the proposed improvements; and

WHEREAS, it would be beneficial to the CITY to accomplish additional Scope of Work items as set forth herein and such endeavor would tend to best accomplish the objectives of the local project; and

WHEREAS, additional geotechnical investigation and design is required to support the proposed new primary digester due to existing on-site soil conditions found; and

WHEREAS, funding for said additional Scope of Work improvements will be provided through authorized issuance and sale of combined utility revenue bonds under CITY ORDINANCE NO. 15-2935, passed on June 23, 2015.

NOW, THEREFORE, the parties hereto mutually agree as follows:

2. CHARACTER AND EXTENT OF SERVICE:

Section 2. CHARACTER AND EXTENT OF SERVICE shall be amended as follows:

The following elements shall be added to the Project Description:

- Construct a new digester pipe gallery between the new primary digester and existing converted secondary digester to provide access to service piping and valves necessary for operation of the digesters.
- Install a new boiler and heat exchanger system to replace the existing system that is at the end of its useful life, is not able to burn digester gas, and does not meet Benton Clean Air Agency permit requirements.
- Relocate the existing waste gas burner to construct the new primary digester. Modify the existing burner after relocation for it to function properly in automatic mode and increase its height to meet Benton Clean Air Agency permit requirements.
- Replace the existing undersized standby engine generator with a new outdoor pad-mounted engine generator to power more of the existing treatment components during power outages. Evaluate the existing power distribution system as required to meet code requirements for connection of additional loads.

- Update the existing outdated HMI computer and software. Provide additional programming required to transfer all existing system components over. Provide additional design to coordinate PLCs, consolidate and integrate new and existing systems.
- Complete geotechnical field investigation and design necessary to construct an auger-cast pile or similar non-driven foundation support structure to provide the required additional strength and bearing capacity necessary to construct the new primary digester tank in the required location.

5. PROFESSIONAL FEES:

Section 5. PROFESSIONAL FEES shall be amended as follows:

Phase 1 – Environmental Compliance

All work for this PROJECT phase shall be performed for the lump sum fee of \$30,500.00.

Phase 3 – Engineering Design and Final Plans, Specifications, and Estimate

All work for this PROJECT phase shall be performed for the lump sum fee of \$689,000.00.

Phase 4 – Services During Construction

According to Exhibit A - Schedule of Hourly Rates on a time spent basis plus reimbursement for direct non-salary expenses such as laboratory testing, reproduction expenses, out of town travel costs, long distance telephone calls, and outside subconsultants. Outside subconsultant's billings shall be marked up by a factor of 1.07 times the subconsultant billing. The maximum amount payable by the CITY to the CONSULTANT for services shall not exceed \$630,000.00.

IN WITNESS WHEREOF the parties hereto have executed this Addendum No. 1, dated _____, 2015, to the Agreement for Professional Services.

CITY OF PROSSER

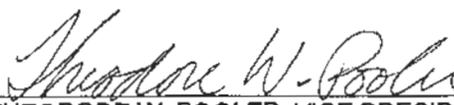
PAUL WARDEN, MAYOR

ATTEST:

(SEAL)

RACHEL SHAW, CITY CLERK

HUIBREGTSE, LOUMAN ASSOCIATES, INC.



THEODORE W. POOLER, VICE PRESIDENT

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Consider the Personal Property Certificate and Request for Release of Proceeds (1) for the WA Treasurer's Office in the amount of \$76,927.85 for costs associated with the Energy Efficiency Improvement Project.	Meeting Date: August 11, 2015 Regular Meeting
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------

Department: Finance	Director: Toni Yost	Contact Person: Toni Yost	Phone Number: (509) 786-2332
-------------------------------	-------------------------------	-------------------------------------	----------------------------------------

Cost of Proposal: \$76,927.85	Account Number:
Amount Budgeted: \$630,264	Name and Fund# #305

Reviewed by Finance Department:

Funding	Requested YTD	Remaining
City Funding (Rebate Incentives)	\$0	\$60,222
WA Treasurer (loan)	\$76,927.85	\$558,239.84
WA Dept of Commerce (grant)	\$0	\$230,162

Ty

Attachments to Agenda Packet Item:

1. WA Treasurer's Personal Property Certificate
2. Request to Release Proceeds
3. Project Summary
4. Supporting Invoices

Summary Statement:

To date the City has incurred \$76,927.85 in expenses related to the Energy Efficiency Improvement Project. This project is funded by a combination of grant and loan funds from the State and city funds (which will be reimbursed by rebates and incentives provided by the power companies).

IRS requirements dictate that \$95,275.15 of the loan funds be drawn down by September 24, 2015. Therefore, we have chosen to draw those funds first and then will switch to the grant funds in future funding requests.

<u>Consistent with or Comparison to:</u>		
Payment as per contractual agreements require City Council approval.		
<u>Recommended City Council Action/Suggested Motion:</u>		
Approve Personal Property Certificate and Request for Release of Proceeds (1) for the WA Treasure's Office in the amount of \$76,927.85 for costs associated with the Energy Efficiency Improvement Project.		
<u>Reviewed by Department Director:</u>	<u>Reviewed by City Attorney:</u>	<u>Approved by Mayor:</u>
		
Date: 8/7/2015	Date: 8/6/15	Date: 8-7-15
<u>Today's Date:</u>	<u>Revision Number/Date:</u>	<u>File Name and Path:</u>
August 6, 2015		

Personal Property Certificate

Name of Local Agency:	City of Prosser
Address:	601 7 th Street
	Prosser, WA 99350

All capitalized terms not defined herein shall have the meanings assigned to such terms in the Local Agency Financing Contract that this Exhibit B is attached to. The undersigned, Paul Warden/ Mayor does hereby certify, that [he/she] is an Authorized Agency Representative of City of Prosser (the "Local Agency") pursuant to the terms of the Local Agency Financing Contract.

The undersigned, confirms that the Property described below will be placed in use at the location listed below. The undersigned confirms that the Property described below has been delivered to and received by the Local Agency. All installation or other work necessary prior to the use thereof has been completed. The Property has been examined and/or tested and is in good operating order and condition and is in all respects satisfactory to the Local Agency and complies with all terms of the Master Financing Contract and the Local Agency Financing Contract.

Notwithstanding the foregoing, the undersigned does not waive or limit, by execution of this certificate, any claim against the vendor or any other seller, installer, contractor or other provider of property or services related to the purchase, shipment, delivery, installation or maintenance of the Property.

The Local Agency further confirms that the Property will be used to fulfill an essential governmental function which the Local Agency has the authority to provide in the State.

PROPERTY INFORMATION

Description:	<u>Energy Efficiency Improv.</u>	Name of Vendor:	<u>Saxton Riley PLLC</u>
	<u>Project for the City of Prosser</u>		<u>Apollo Solutions Group</u>
	_____		_____
	_____		_____
Serial No.:	_____		_____
Tag No.:	_____		_____
	_____		_____

Location of Property Acquired: _____

INSTRUCTIONS TO STATE TREASURER FOR PAYMENT:

Disburse to: Vendor City County Treasurer Other

Entity Name: City of Prosser, WA

Disbursement Amount: \$ 76,927.85

Method of Payment: ACH Wire Check

ACH/Wire Instructions: 125107037 2200800361

Attached hereto are:

1. A vendor's invoice for the Property approved by the Local Agency.
2. A Certificate of Insurance, demonstrating liability insurance coverage and stating that insurance will be renewed annually automatically, unless said office notifies the State Treasurer of any discontinuation of coverage.

In connection with the Local Agency's acquisition of the Property as agent of the Washington Finance Officers Association, you are hereby requested to make a disbursement as indicated above.

Authorized Agency Representative
Date: _____

Countersigned and
Approved for Payment: _____
Designated State Treasurer Representative
Date: _____

REQUEST FOR RELEASE OF PROCEEDS

Re: Lease Number __0205-1-1

To: Shelly Sweeney
Office of the State Treasurer
PO Box 40200
Olympia, WA 98504-0200

Shelly's contact info: 360-902-9005 or shelly.sweeney@tre.wa.gov

From: Name: Paul Warden _____ Phone: 509-786-2332
Email: pwarden@cityofprosser.com Entity: City of Prosser

The amounts (\$76,927.85) for which payment and/or reimbursement is requested constitute proper costs of acquisition, construction and/or installation of the property being financed by lease number 0205-1-1__ with proceeds of the state's Certificates of Participation. These amounts are properly chargeable to the capital account of that property.

We request that the Office of the State Treasurer make:

Reimbursement – We have made payments to vendor(s) per attached invoices. I have also attached proof of payment and the personal property certificate indicating our acceptance of the property.

Payment to vendor* (**Local governments only**) – I have attached the invoice(s) that we are requesting be paid. I have also attached the personal property certificate indicating our acceptance of the property.

Signed: _____

Date: _____

* NOTE: The vendor(s) and/or entity receiving payment must be registered with the Department of Enterprise Services before funds can be released:

<http://des.wa.gov/services/ContractingPurchasing/Business/VendorPay/Pages/default.aspx>

ESCO

Check Date	Date	Vendor	Invoice Number	Amount	Check Number	Fund 305-	Fund 403-	BARS Code	Description
5/12/2015	4/1/2015	Saxton Riley, PLLC	2301	\$ 20.00	12375	\$ 11.20	\$ 8.80	305-595-63-41= \$11.20	Legal Services - Review of Council Action
4/28/2015	3/20/2015	Apollo Solutions Group	1	\$ 20,980.40	12267	\$ 11,749.02	\$ 9,231.38	305-595-63-41= \$11,749.02 403-594-34-41= \$9,231.38	Street/Facility Lighting & Well Upgrade Contract
6/9/2015	5/29/2015	Apollo Solutions Group	2	\$ 55,927.45	12491	\$ 31,319.37	\$ 24,608.08	305-595-63-41= \$31,319.37 403-594-34-41= \$24,608.08	Street/Facility Lighting & Well Upgrade Contract
				\$ 76,927.85			\$ 43,079.59	\$ 33,848.26	

SAXTON RILEY PLLC
 1112 MEADE AVENUE
 PROSSER, WA 99350

Invoice

102.542.70.41 - \$60.00 ✓
 303.595.10.41 - \$20.00 ✓
 304.595.10.41 - ~~\$60.00~~ 40.00 ✓
 420.594.34.41 - \$40.00 ✓

Invoice #: 2301
 Invoice Date: 4/1/2015

RECEIVED

APR 29 2015
 001.576.80.41 - \$60.00 ✓
 403.594.34.41 - \$8.80 ✓

Invoice:
 Public Works Dept.

Bill To:
 City Of Prosser
 601 Seventh Street
 Prosser, WA 99350
 Attn: Accounts Payable

CITY OF PROSSER

305.595.63.41 - \$11.20 ✓
 302.595.10.60 - 20

Due Date:
4/1/2015

Date	Description	Service	Hours/Qty	Rate	Amount
3/9/2015	PW Finish Village Park Tree remodel 70-41 agreement	City Atty Fee	0.16667	120.00	20.00 ✓
3/11/2015	Review agenda bill RE: 7th Street ADA ramps & respond	City Atty Fee	0.16667	120.00	20.00 ✓
3/11/2015	OIE Phase 2 & agenda bill	City Atty Fee	0.33333	120.00	40.00 ✓
3/11/2015	Review OIE #10 & Respond	City Atty Fee	0.16667	120.00	20.00 ✓
3/11/2015	Review Zone 2.5 agenda bill & respond	City Atty Fee	0.33333	120.00	40.00 ✓
3/11/2015	Signed agreement with VPPHA send to City & e-mail	City Atty Fee	0.16667	120.00	20.00 ✓
3/13/2015	Review e-mail from L.J. of Museum & respond, review status of museum with mayor & Secretary of State	City Atty Fee	0.5	120.00	60.00 ✓
3/16/2015	Review State Finance Committee letter	City Atty Fee	0.16667	120.00	20.00 ✓
3/16/2015	Review e-mail for Kendall & respond RE: VP Tres 70-41	City Atty Fee	0.16667	120.00	20.00 ✓

SIGNATURE NOT REQUIRED
 Per City of Prosser
 Purchasing Policy
 Sec. 6.1.6.2

Invoice Total \$260.00

Payments Applied \$0.00

Invoice Balance Due \$260.00

Thank you for allowing us to be of service to you.

Phone #	Fax:
(509)-786-1817	(509)-786-1617

CHECK REGISTER

City Of Prosser
MCAG #: 0205

01/01/2015 To: 07/31/2015

Time: 11:32:31 Date: 07/27/2015
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2903	05/12/2015	Claims	1	12375	Saxton Riley, PLLC	8,357.88	SMP Update; 15-03 Sheffield Expansion; Records Request (Civil); Records Request (Criminal); Prosser Police Department; Planning; Administrative (Civil); 14-13 Sewer Expansion; Sewer Dept; Streets; Wate
						7,717.88	
						300.00	
						20.00	
						20.00	
						40.00	
						11.20	
						22.13	
						173.33	
						40.00	
						13.34	
						8,357.88	Claims: 8,357.88

Signature

Date

FORM A19-2AE1 (REV. 6/04) STATE OF WASHINGTON INVOICE VOUCHER

AGREEMENT NO.	INVOICE DATE	INVOICE NO.
2015-056 A (1)	5/29/2015	2

AGENCY NAME
 City of Prosser
 c/o Department of Enterprise Services - Energy Program
 1500 Jefferson, P.O. Box 41476
 Olympia, WA 98504-1476
 Attn: Alysa Wiyrick

VENDOR'S CERTIFICATE: I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ITEMS AND TOTALS LISTED HEREIN ARE PROPER CHARGES FOR MATERIALS, MERCHANDISE OR SERVICES FURNISHED TO THE STATE OF WASHINGTON, AND THAT ALL GOODS FURNISHED OR SERVICES RENDERED HAVE BEEN PROVIDED WITHOUT DISCRIMINATION ON THE GROUNDS OF RACE, CREED, COLOR, NATIONAL ORIGIN, SEX OR AGE.

FEDERAL TAX ID NO.: 91-1178943
 FAILURE TO PROVIDE THIS NUMBER WILL RESULT IN DELAY OF PAYMENT

VENDOR OR CLAIMANT
 Apollo Solutions Group
 1201 W. Columbia Drive
 Kennewick, WA 99336

BY: Mary E. Davis
 TITLE: Accounting Manager

DATE	DESCRIPTION	AMOUNT	FOR AGENCY USE
	Total Earned to Date	\$73,314.00	
	Plus 8.6% Washington State Sales Tax	\$3,593.85	
	Gross Earned to Date	\$76,907.85	
	Less Previously Invoiced	\$20,980.40	
	AMOUNT DUE THIS INVOICE	\$55,927.45	

Handwritten notes in cloud:
 • 305-595-63-41 \$ 31,319.37
 • 403-594-34-41 \$ 24,608.08
 JBX [Signature]

This Certificate Services indicated hereon have been received ENERGY PROGRAM Department of Enterprise Services
 [Signature] 5/29/15

PREPARED BY		TELEPHONE NUMBER	DATE	AGENCY APPROVAL	DATE											
DOC. DATE	PMT DUE DATE	CURRENT DOC. NO.	REF. DOC. NO.	VENDOR NUMBER	USE TAX	VENDOR MESSAGE	URI NUMBER									
REF. SUP.	TRANS. CODE	M. D.	FUND	MASTER APPEN INDEX	INDEX	SUB. DIR. INDEX	SUB. DIR. INDEX	ORIG. INDEX	WORK CLASS. ALLOC.	CO.	CITY TOWN	PROJECT	SUB. PROJ.	PHAS.	AMOUNT	INVOICE NUMBER
APPROVED FOR PAYMENT BY											DATE	WARRANT TOTAL	WARRANT NUMBER			

APPLICATION FOR PAYMENT

PROJECT NO. 2015-056 A (1)	CONSULTANT FIRM Apollo Solutions Group	PROJECT NAME Street/Facility Lighting and Well Upgrades	INVOICE 2
			DATE 5/19/2015

PROFESSIONAL SERVICES (PS) AGREEMENT SUMMARY

BASIC SERVICES LUMP SUM or TIME AND MATERIALS

DESCRIPTION of WORK	fee amount	%	total earned	previously inv.	this invoice
Services for Roadway Work (No WSST)*					
Audit/ESP	\$8,600.00	100%	\$8,600.00	\$8,600.00	\$0.00
Design	\$24,131.60	95%	\$22,925.02	\$0.00	\$22,925.02
Construction Management	\$14,608.82	0%	\$0.00	\$0.00	\$0.00
Overhead and Profit	\$43,826.03	0%	\$0.00	\$0.00	\$0.00
M & V Year 1	\$1,254.31	0%	\$0.00	\$0.00	\$0.00
	\$0.00	0%	\$0.00	\$0.00	\$0.00
Subtotal (no WSST)	\$92,420.76		\$31,525.02	\$8,600.00	\$22,925.02
Services not in Roadway (WSST Applies)*					
Audit/ESP	\$11,400.00	100%	\$11,400.00	\$11,400.00	\$0.00
Design	\$31,988.40	95%	\$30,388.98	\$0.00	\$30,388.98
Construction Management	\$19,365.18	0%	\$0.00	\$0.00	\$0.00
Overhead and Profit	\$58,094.97	0%	\$0.00	\$0.00	\$0.00
M & V Year 1	\$1,662.69	0%	\$0.00	\$0.00	\$0.00
	\$0.00	0%	\$0.00	\$0.00	\$0.00
Subtotal (WSST applies)	\$122,511.24		\$41,788.98	\$11,400.00	\$30,388.98
BASIC SERVICES SUBTOTAL	\$214,932.00		\$73,314.00	\$20,000.00	\$53,314.00

* Prorated costs \$RW / \$Contract Value =

ADDITIONAL SERVICES 0.885

Item	authorization	Item description	amendment fee	%	total earned	previously inv.	this inv.
1	Amendment 1		\$0.00	0%	\$0.00	\$0.00	\$0.00
2	Amendment 2		\$0.00	0%	\$0.00	\$0.00	\$0.00
3	Amendment 3		\$0.00	0%	\$0.00	\$0.00	\$0.00
4			\$0.00	0%	\$0.00	\$0.00	\$0.00
5			\$0.00	0%	\$0.00	\$0.00	\$0.00
6			\$0.00	0%	\$0.00	\$0.00	\$0.00
7			\$0.00	0%	\$0.00	\$0.00	\$0.00
8			\$0.00	0%	\$0.00	\$0.00	\$0.00
ADDITIONAL SERVICE SUBTOTAL			\$0.00		\$0.00	\$0.00	\$0.00

	authorized	total earned	previously inv.	this inv.
PS SUBTOTAL (Basic +Additional Services)	\$214,932.00	\$73,314.00	\$20,000.00	\$53,314.00
Plus WSST (Tax Location Code) 8.6%	\$10,535.97	\$3,593.85	\$980.40	\$2,613.45
INVOICE TOTAL	\$225,467.97	\$76,907.85	\$20,980.40	\$55,927.45

Apollo Solutions Group
1021 W Columbia Drive
Kennewick, WA 99336

Check: 012491 Amount: 55,927.45
Date: 06/09/2015
For: Street/Facility Lighting & Well Upgrade
Contract #2

403 - 594 34 41 005 - Capital Expenditures/Expenses - Profe	24,608.08	Street/Facility Lighting & Well Upgrade Contract #2
305 - 595 63 41 305 - Roads/Streets Const. & Other Infrastru	31,319.37	Street/Facility Lighting & Well Upgrade Contract #2

CHECK REGISTER

City Of Prosser
MCAG #: 0205

06/01/2015 To: 07/31/2015

Time: 11:22:42 Date: 07/27/2015
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
3612	06/09/2015	Claims	1	12491	Apollo Solutions Group	55,927.45	Street/Facility Lighting & Well Upgrade Contract #2
					305 Energy Efficiency Improvement Project	31,319.37	
					403 Water Fund	24,608.08	
						<u>55,927.45</u>	Claims: 55,927.45

Signature

Date

16704

FORM **A19-2AE1** (REV. 8/84)  STATE OF WASHINGTON
INVOICE VOUCHER

AGREEMENT NO.	INVOICE DATE	INVOICE NO.
2015-056 A (1)	3/20/2015	1

AGENCY NAME
City of Prosser
 c/o Department of Enterprise Services - Energy Program
 1500 Jefferson, P.O.Box 41476
 Olympia, WA 98504-1476
 Attn: **Alysa Wyrick**

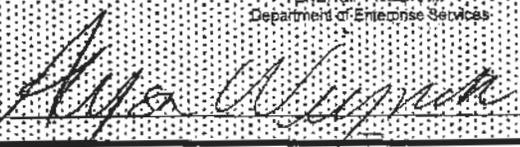
VENDOR'S CERTIFICATE. I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ITEMS AND TOTALS LISTED HEREIN ARE PROPER CHARGES FOR MATERIALS, MERCHANDISE OR SERVICES FURNISHED TO THE STATE OF WASHINGTON, AND THAT ALL GOODS FURNISHED OR SERVICES RENDERED HAVE BEEN PROVIDED WITHOUT DISCRIMINATION ON THE GROUNDS OF RACE, CREED, COLOR, NATIONAL ORIGIN, SEX, OR AGE.

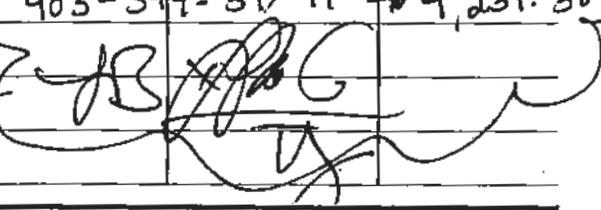
FEDERAL TAX ID NO.: **91-1178943**
 FAILURE TO PROVIDE THIS NUMBER WILL RESULT IN DELAY OF PAYMENT.

VENDOR OR CLAIMANT
Apollo Solutions Group
1201 W. Columbia Drive
Kennewick, WA 99336

BY: 
 TITLE: **Project Manager**

DATE	DESCRIPTION	AMOUNT	FOR AGENCY USE
	Total Earned to Date	\$20,000.00	
	Plus 8.6% Washington State Sales Tax	\$980.40	
	Gross Earned to Date	\$20,980.40	
	Less Previously Invoiced	\$0.00	
	AMOUNT DUE THIS INVOICE	\$20,980.40	
	305-595-63-08 →	11,749.02	

This Certifies that Services Invoiced hereon have been received
ENERGY PROGRAM
 Department of Enterprise Services
 BY:  Date: **3/24/15**

403-594-34-41 → **9,231.38**


PREPARED BY				TELEPHONE NUMBER				DATE				AGENCY APPROVAL				DATE					
DOC. DATE		PMT DUE DATE		CURRENT DOC. NO.		REF DOC NO		VENDOR NUMBER				USE TAX		VENDOR MESSAGE				UBI NUMBER			
REF	TRANS	M	FUND	MASTER	INDEX	SUB	SUB	ORG	WORK	CO	CITY/TOWN	PROJECT	SUB	PROJ	AMOUNT	INVOICE NUMBER					
SUF	CODE	O	D	APPEN	INDEX	OBJ	OBJECT	INDEX	CLASS				PROJ	PHAS							
APPROVED FOR PAYMENT BY										DATE				WARRANT TOTAL				WARRANT NUMBER			

APPLICATION FOR PAYMENT

PROJECT NO. 2015-056 A (1)	CONSULTANT FIRM Apollo Solutions Group	PROJECT NAME Street/Facility Lighting and Well Upgrades	INVOICE 1
			DATE 3/20/2015

PROFESSIONAL SERVICES (PS) AGREEMENT SUMMARY

BASIC SERVICES LUMP SUM or TIME AND MATERIALS

DESCRIPTION of WORK	fee amount	%	total earned	previously inv.	this invoice
Services for Roadway Work (No WSST)*					
Audit/ESP	\$8,600.00	100%	\$8,600.00	\$0.00	\$8,600.00
Design	\$24,131.60	0%	\$0.00	\$0.00	\$0.00
Construction Management	\$14,608.82	0%	\$0.00	\$0.00	\$0.00
Overhead and Profit	\$43,826.03	0%	\$0.00	\$0.00	\$0.00
M & V Year 1	\$1,254.31	0%	\$0.00	\$0.00	\$0.00
	\$0.00	0%	\$0.00	\$0.00	\$0.00
<i>Subtotal (no WSST)</i>	<i>\$92,420.76</i>		<i>\$8,600.00</i>	<i>\$0.00</i>	<i>\$8,600.00</i>
Services not in Roadway (WSST Applies)*					
Audit/ESP	\$11,400.00	100%	\$11,400.00	\$0.00	\$11,400.00
Design	\$31,988.40	0%	\$0.00	\$0.00	\$0.00
Construction Management	\$19,365.18	0%	\$0.00	\$0.00	\$0.00
Overhead and Profit	\$58,094.97	0%	\$0.00	\$0.00	\$0.00
M & V Year 1	\$1,662.69	0%	\$0.00	\$0.00	\$0.00
	\$0.00	0%	\$0.00	\$0.00	\$0.00
<i>Subtotal (WSST applies)</i>	<i>\$122,511.24</i>		<i>\$11,400.00</i>	<i>\$0.00</i>	<i>\$11,400.00</i>
BASIC SERVICES SUBTOTAL	\$214,932.00		\$20,000.00	\$0.00	\$20,000.00

* Prorated costs \$RW / \$Contract Value =

ADDITIONAL SERVICES

0.885

Item	authorization	item description	amendment fee	%	total earned	previously inv.	this inv.
1	Amendment 1		\$0.00	0%	\$0.00	\$0.00	\$0.00
2	Amendment 2		\$0.00	0%	\$0.00	\$0.00	\$0.00
3	Amendment 3		\$0.00	0%	\$0.00	\$0.00	\$0.00
4			\$0.00	0%	\$0.00	\$0.00	\$0.00
5			\$0.00	0%	\$0.00	\$0.00	\$0.00
6			\$0.00	0%	\$0.00	\$0.00	\$0.00
7			\$0.00	0%	\$0.00	\$0.00	\$0.00
8			\$0.00	0%	\$0.00	\$0.00	\$0.00
ADDITIONAL SERVICE SUBTOTAL			\$0.00		\$0.00	\$0.00	\$0.00

	authorized	total earned	previously inv.	this inv.
PS SUBTOTAL (Basic +Additional Services)	\$214,932.00	\$20,000.00	\$0.00	\$20,000.00
Plus WSST (Tax Location Code) 8.6%	\$10,535.97	\$980.40	\$0.00	\$980.40
INVOICE TOTAL	\$225,467.97	\$20,980.40	\$0.00	\$20,980.40

Statement of MWBE Participation

Contract for: **Street/Facility Lighting and Well Upgrades**

Date: **3/20/2015**

Location: **City of Prosser**

Contract No.: **2015-056 A (1)**

Contractor: **Apollo Solutions Group**

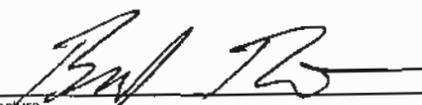
Federal Tax ID No.: **91-1178943**

Name	Sub-Consultants Name & Federal Tax ID No.	Address and Telephone Number	MWBE		Actual Participation MWBE Firms Only
			M/WB	WBE	
Name: MWBE Firm	NONE AT THIS TIME		X	X	
No.:	TIN no.				
Name: MWBE Firm			X	X	
No.:	TIN no.				
Name: MWBE Firm			X	X	
No.:	TIN no.				
Name: MWBE Firm			X	X	
No.:	TIN no.				
Name: MWBE Firm			X	X	
No.:	TIN no.				
Name: MWBE Firm			X	X	
No.:	TIN no.				
Name: MWBE Firm			X	X	
No.:	TIN no.				
Name: MWBE Firm			X	X	
No.:	TIN no.				
Name: MWBE Firm			X	X	
No.:	TIN no.				
Name: MWBE Firm			X	X	
No.:	TIN no.				
Name: MWBE Firm			X	X	
No.:	TIN no.				
Name: MWBE Firm			X	X	
No.:	TIN no.				
Total Minority Owned Business Enterprise GOALS			X		\$0.00
Total Women Owned Business Enterprise GOALS				X	\$0.00

* Please include all subconsultant participants who are Washington State OMWBE certified

Brad Davis
Printed Name

Project Manager
Title


Signature

3/20/15
Date



STATE OF WASHINGTON
DEPARTMENT OF ENTERPRISE SERVICES
1500 Jefferson Street SE, Olympia, WA 98501

March 24, 2015

Toni Yost
L.J. DaCorsi
City of Prosser
601 7th Street
Prosser, WA 99350

RECEIVED
APR 01 2015
CITY OF PROSSER

Re: DES ESPC Project # 2015-056 Apollo Solutions Group Invoice

Dear L.J.:

Enclosed you find invoice number 1 for contract 2015-056 A (1) Professional Services prepared by Apollo Solutions Group. The invoices are ready for City review and payment. **Payment should be made directly to Apollo Solutions Group.**

If you have any questions please contact me at alysa.wyrick@des.wa.gov or 509.279.5024

Sincerely,

A handwritten signature in cursive script that reads "Alys Wyrick".

Alys Wyrick
Energy Engineer
DES Energy Program

Enclosures

CHECK REGISTER

City Of Prosser
MCAG #: 0205

04/01/2015 To: 07/31/2015

Time: 11:23:33 Date: 07/27/2015
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2482	04/28/2015	Claims	1	12267	Apollo Solutions Group	20,980.40	Street/Facility Lighting & Well Upgrade Contract
		305 Energy Efficiency Improvement Project				11,749.02	
		403 Water Fund				9,231.38	
						<u>20,980.40</u>	Claims: 20,980.40

Signature

Date

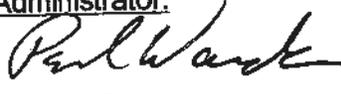
Apollo Solutions Group
1021 W Columbia Drive
Kennewick, WA 99336

Check: 012267 Amount: 20,980.40
Date: 04/28/2015
For: Street/Facility Lighting & Well Upgrade
Contract

403 - 594 34 41 005 - Capital Expenditures/Expenses - Profe	9,231.38	Street/Facility Lighting & Well Upgrade Contract
305 - 595 63 41 305 - Roads/Streets Const. & Other Infrastru	11,749.02	Street/Facility Lighting & Well Upgrade Contract

CITY OF PROSSER, WASHINGTON
AGENDA BILL

<u>Agenda Title:</u> Approval of a Service Agreement between the City of Prosser and Benton County Emergency Services (BCES) to provide access the 800 MHz radio system.		<u>Meeting Date:</u> August 11, 2015 Regular Meeting	
<u>Department:</u> Administration	<u>Director:</u> Mayor Paul Warden	<u>Contact Person:</u> Mayor Paul Warden	<u>Phone Number:</u> 509-786-2332
<u>Cost of Proposal:</u> Savings of \$2,734/year		<u>Account Number:</u>	
<u>Amount Budgeted:</u>		<u>Name and Fund#</u>	
<u>Reviewed by Finance Department:</u> <div style="text-align: right; margin-top: 10px;"><i>T. J. J. J.</i></div>			
<u>Attachments to Agenda Packet Item:</u> 1. Service Agreement			
<u>Summary Statement:</u> <p>BCES maintains and operates the BCES 800 MHz radio system for virtually all public safety organizations in Benton County including Prosser. The City of Pasco is changing their radio systems to the 800 MHz system and coming on board with BCES.</p> <p>The language in the proposed contract related to migration has been updated to include the addition of Pasco's radios into the system resulting in a reduced rate per radio for all member agencies.</p> <p>Prosser is currently paying approximately \$19,278 per year for 34 radios. With the new rates, the City will pay approximately \$16,544 per year or a savings of approximately \$2,734 per year.</p>			
<u>Consistent with or Comparison to:</u> EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			
<u>Recommended City Council Action/Suggested Motion:</u> Approve the Service Agreement between the City of Prosser and Benton County Emergency Services (BCES) to provide access the 800 MHz radio system and authorize the Mayor to sign the Agreement.			

<u>Reviewed by Finance Director</u>  Date: 8/7/15	<u>Reviewed by City Attorney:</u>  Date: 8/7/15	<u>Approved by City Administrator:</u>  Date: 8-7-15
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**SERVICE AGREEMENT
800 MHz SIMULCAST AND TRUNKING RADIO SERVICE**

THIS AGREEMENT is made and entered into this _____ day of _____, 20__ by and between Benton County Emergency Services, a Joint Interlocal Government Agency (hereinafter referred to as "BCES"), and City of Prosser (hereinafter referred to as "User").

WITNESSETH:

I. RECITALS

WHEREAS, Benton County Emergency Services (BCES) is a joint interlocal government agency comprised of the County of Benton, the cities of Kennewick, Richland, West Richland, Prosser and Benton City, and Benton County Fire Protection District Nos. 1, 2, 3, 4, 5 and 6, and was duly formed under the laws of the State of Washington as provided in RCW 38.52 and RCW 39.34; and

WHEREAS, the purpose of BCES is to prepare for and facilitate coordination of resources for county-wide disaster emergency response, and to provide emergency and non-emergency communications to emergency service providers; and

WHEREAS, BCES maintains and operates the BCES 800 MHz radio system; and

WHEREAS, User, under the terms and conditions set forth below, desires to avail itself of the 800 MHz radio system owned and operated by BCES.

NOW, THEREFORE, in consideration of the covenants and agreements contained herein and the terms and conditions hereof, the parties hereby agree as follows:

II. AGREEMENT

1. Scope of Services.

1.1 Access. BCES shall provide User with access to the BCES 800 MHz radio system for the use of the User's portable, mobile and control station radio units. All radios and control stations that will be used on the system will be pre-approved and programmed by designated agents of BCES prior to gaining system access. The 800 MHz System Manager (hereinafter "System Manager") shall be responsible for granting system access once pre-approval and programming is complete. All radios that will operate on the system shall be subject to the terms and conditions of this Agreement.

1.1.1 Only Project 25 (P25) compliant radios will be purchased and added to the 800MHz system. P25 is defined in Attachment B, attached and incorporated herein.

1.1.2 The System Manager will approve the programming of all radios on the trunked system. Upon initial and future radio template programming and reprogramming of mobile radios, the User must provide the necessary hardware to program and test the template. This includes single/dual control

head(s), portables, and desktop ancillary equipment.

- 1.1.3 Patches/Talk Group Usage and Aliases. Requests for Talk group name/alias changes must be approved by the System Manager. BCES is not responsible for User-provided patches or operational control of User talk groups on the 800 MHz system. All User patches must have prior approval of the System Manager and the BCES Director before installation, and any system degradation that results from the patch may result in the patch being removed. Patches that are funded and/or maintained by individual Users on the system shall be controlled by those Users. These patches are typically patches to existing VHF conventional radio systems. In the event of a patch failure that may be caused by the User's faulty base station or a leased telephone line, the 800 MHz System Manager reserves the right to disable the patch until it is fully operational. BCES is not responsible for patches or talk groups that are dropped from the 800 MHz system. These patches are funded by individual Users on the system. Talk groups will be assigned only after a valid contract has been signed with the User.
- 1.2 BCES Requirements. BCES shall maintain and repair its 800 MHz radio system consistent with standards for this type of system. BCES, within its powers, will make the required efforts to ensure timely repairs are effected. BCES shall provide all authorized radio agents the initial programming and subsequent programming information required to maintain identification number/unit affiliation.
- 1.3 Reports to User. Upon request, but no more frequently than quarterly, the System Manager will provide the User agency a report of:
 - Total system access time for each radio;
 - Busy outs for each radio;
 - Emergency calls placed by each radio;
 - Additional information sought by each User may be negotiated with the System Manager and added as an addendum to this Agreement.

Detailed revenue, expense and balance sheet reports will be prepared as a part of the regular budget reporting process for BCES. BCES has established a separate fund specifically for the 800 MHz system. A copy of the approved report will be provided to each User upon request.

- 1.4 User Requirements: Programming requires radio template(s) for each model of Motorola P25 Radios.
 - 1.4.1 Bi-directional Amplifiers (BDA): All BDA's must be approved by the System Manager before installation, after installation, and during operation by the System Manager. In the event that radio frequency interference should result from this installation, the User shall be responsible for immediately ceasing operation, disconnecting and eliminating the interference to the satisfaction of the System Manager before resuming operation. The System Manager may order corrective measures to be taken immediately and interference eliminated within five (5) days from written receipt of notice. In the event operation of equipment or of actions by the User that renders BCES's

equipment unusable, the User, upon notification by the System Manager, shall immediately cease such operations or actions. The User will be responsible and assume the cost of the corrective measures needed to eliminate the interference or modify it to the satisfaction of the System Manager.

- 1.4.2 Talk group Security: Talk group security relates to portable, mobile radio units and control stations programmed with the BCES System Talk groups. Assigned talk groups may not be loaned, issued or assigned to any radios, on a permanent or temporary basis, to any outside organizations. The temporary loan of talk groups will require a written request from the User for which the talk group is assigned and must also be approved by the System Manager. The System Manager will provide written programming authorization to the authorized programming service center selected by the User. Radio programming security will necessitate that no radio service software (RSS) modifications will be made to the portable, mobile radio units and control stations or communication consoles without the written approval of the System Manager. These modifications include the system ID number, radio number, control channels, connect tones, call alert parameters, secure parameters, emergency options, radio-wide options, trunking-wide options, preferred site tables, conventional channels, or any present or future options in future RSS software releases. The User will be responsible and will assume the cost of the corrective measures needed to eliminate system problems due to any unauthorized radio software modifications. Radio software is considered confidential information. System Key information, talk group decimal/hexadecimal ID's and template information provided to the User for the template design process is considered confidential information. If the User makes a disclosure to unauthorized users of programming or template information, BCES may terminate this Agreement upon giving ten (10) days written notice of its intent to terminate. The User will be responsible for the costs associated with reprogramming and restoring the entire system's confidentiality to its original operating state prior to the unauthorized release of information by the User or found to be the fault of the User. The User will be provided the initial parameters of the system and the User's radios. Notification of changes will be provided in writing on a periodic basis.
- 1.4.3 Tuning and Calibration: User Subscriber Equipment (portables, mobiles, control stations) will be optimized and tuned to ensure total system integrity once every two (2) years. The System Manager will request documentation to support that each agency's subscribers have been properly tuned and calibrated. The cost of this maintenance is the sole responsibility of the User.
- 1.5 System Manager: Changes can be made at any time by the System Manager. Best efforts will be made by the System Manager to coordinate with the User's selected point of contact prior to the change, although contact is not required before changes are made. The User should notify the System Manager immediately of any problems that are experienced as a result of changes to the system programming.
 - 1.5.1 The System Manager reserves the right to disable access to any special features of the system that in the System Manager's opinion are interfering with normal operations or causing excessive busy outs of the system. The

System Manager also reserves the right to control all parameters of the system to include limiting the connect and hold and hang times of any or all radios on the system in order to increase the efficiency of the system for all Users.

2. Migration Plans of User.

- 2.1. All Users will submit a migration plan to 800 MHz, in accordance with current Federal Communications Commissions (FCC) requirements, to the System Manager for approval prior to acceptance of this contract by the BCES Executive Board or designee. All user plans will be used to maintain 800 MHz system licenses. Note: BCES maintains FCC licenses for the public safety agencies.
- 2.2. User's migration plans will include:
 - 2.2.1 Projected date on which the User expects to operate on 800 MHz exclusively.
 - 2.2.2 Fielding plan for radios with planned installation dates and number of radios.
 - 2.2.3 Budget information to show how much will be requested in the User's budget for each budget period within the entire period of the plan that is submitted.
 - 2.2.4 Budget contingency statements to show that the User plans are contingent upon receiving requested funding.
 - 2.2.5 Other information as requested.

3. System Expansion Modification Policy.

- 3.1 The BCES Executive Board or its designee shall approve the expansion or modification of the system, to include new sites and/or additional repeaters at existing sites.

4. Compensation.

- 4.1 As compensation for annual radio system use provided by BCES, the User shall pay BCES the compensation set out in the attached Fee Schedule, Attachment A, which is hereby incorporated into this Agreement by reference. The fees paid by User shall secure access to BCES's 800 MHz radio system for each portable radio unit, mobile radio unit, and control station for which BCES provides access. This annual fee will be assessed for each radio that is programmed for access, whether or not the radio is actually used on the system by the User.
- 4.2 Compensation paid by the User shall be used for cost of operations, maintenance, and/or replacement of the various components of the 800 MHz radio system infrastructure. Annual fees do not include programming, installation, maintenance or replacement of field equipment, such as mobile or portable radios or control stations.
- 4.3 Should the User request a cancellation in service, all radios with the BCES template programming must, within 10 days of termination of service, be reprogrammed and erased of all talk groups and ASTRO25 System parameters at the User's sole expense.

- 4.4. Any fees for services to amend license to add a User control or fixed station to the FCC system license must be paid for solely by the User. This includes any engineering services or FCC license fees that might be necessary. All fees for programming are separate from this contract and are the responsibility of the User.
- 4.5. Template programming costs will be charged by the authorized programming service facility selected by the User. Established or future contracts with these facilities can be used to obtain reduced programming services. A list of authorized programming service facilities will be provided by the System Manager.
- 4.6. BCES reserves the right, at any time, to increase or decrease access fees set forth in Attachment A of this Agreement as necessary to cover all costs associated with the 800 MHz radio network's operations, maintenance, or replacement costs/reserves.
- 4.7. Upon addition of each device accessing the 800 MHz system, access charges shall be prorated on a monthly basis to the end of the quarter, and billed quarterly thereafter pursuant to Section 5 of this Agreement.

5. Billing and Payment Procedure.

- 5.1. Users will be billed quarterly. Quarterly billings will reflect radios added to the system during that time, prorated from the month of activation. Fourth-quarter billing will occur on December 15 of each year.
- 5.2. Charges will accrue upon signed receipt by BCES of programmed portable and mobile radio units and control stations (desk top radios).
- 5.3. If payment is not received forty-five (45) days after invoice date, a late fee of 1.5% per month will be added. Unless specifically exempted in writing by the BCES Executive Board or designee, Users in default after ninety (90) days will be denied access to the system without notice. Failure to pay will result in the termination of this Agreement without notice.
- 5.4. All invoices shall be billed to the User Agency as provided below:

City of Prosser
c/o Paul Warden, Mayor
601 7th Street
Prosser, WA 99350

6. Limitations of Service.

- 6.1. BCES makes no guarantee of 100% reliability or coverage from the 800 MHz radio system. BCES will assume no liability for disruption in service, outages, or coverage problems. Each User is responsible for ensuring that the system will provide coverage to satisfy the User's individual needs. BCES is not responsible for limitations caused by User's selected radio features, such as SCAN, non-standard template design, or any other similar feature that causes limitations when used in conjunction with BCES's 800 MHz system.

- 6.2 User is hereby put on notice that the use of the SCAN feature could cause the non-receipt of information on channels other than the currently selected SCAN channel. User will use the "scan" feature at its own risk.
- 6.3 Where system outage problems are not corrected within a reasonable period of time, as determined by the BCES Executive Board, user billing shall be waived for the period of the service outage.

III. MISCELLANEOUS PROVISIONS

7. Effective and Termination Dates.

- 7.1 This Agreement shall be in effect as of the date of its execution, and shall continue in force until terminated as set forth in the remainder of this Section 7.
- 7.2 User may terminate this Agreement by giving written notice of no less than twelve (12) months (the "Termination Period") to the System Manager. The termination will be effective on December 31 following the expiration of the Termination Period.
- 7.3 BCES reserves the right to terminate this Agreement for cause with thirty (30) day's written notice to User. "For Cause" includes, but is not limited to, failure to remit payment as invoiced, or violation of any of the terms or conditions of this Agreement. BCES's waiver of one violation under this Agreement does not constitute a waiver of any future violations of the Agreement.

8. Indemnification.

- 8.1 Subject to any Washington constitutional limitations, each party to this Agreement will defend, save harmless, and indemnify the other from any liability to any third party arising solely out of the negligent acts of its own officers, employees, or agents in the performance of this Agreement.
- 8.2 In the event that a claim or lawsuit is brought against a Party or its employee(s) for actions arising out of this Agreement, such Party shall promptly notify the other Party that said claim or lawsuit has been filed or commenced.

9. Insurance Requirements.

- 9.1 User shall, at User's own expense, obtain and keep in force for the duration of this Agreement the following insurance coverage:
 - 9.1.1 Compensation Coverage: User will at all times comply with all applicable workers' compensation, occupational disease, and occupational health and safety laws, statutes, and regulations to the full extent applicable. The BCES Executive Board, City of Richland, or Employees will not be held responsible in any way for claims filed by the User or its employees for services performed under the terms of this contract.
 - 9.1.2 Commercial General Liability Coverage: The User shall at all times during the term of this contract carry and maintain general public liability insurance or

other acceptable coverage including contractual liability against claims for bodily injury, personal injury, death or property damage occurring or arising out of services provided under this contract. This insurance or other acceptable coverage shall cover such claims as may be caused by any act, omission, or negligence of the User or its officers, agents, representatives, or servants. The limits of liability insurance shall not be less than \$1,000,000.

- 9.2 All policies shall be primary over any other valid and collectable insurance. A forty-five (45) calendar-day written notice shall be given to BCES prior to termination or any material change to the policy(ies) or other coverage as it relates to this Agreement, provided that thirty (30) calendar-day written notice shall be given for surplus line insurance cancellation for non-payment of premiums. Such notice shall not be less than ten (10) calendar days prior to that date.
- 9.3 Insurance Carrier Rating: The insurance required, or other acceptable coverage identified above, shall be issued by an insurance company or other entity authorized to do business in the State of Washington. Insurance is to be placed with a carrier that has a Best's rating of A-7 or better. Any exception to the above requirement must be approved by the BCES Executive Board or designee by submitting a copy of the contract or other evidence of coverage before contract commencement.
- 9.4 Excess Coverage: The limits of all insurance required to be provided by User shall be no less than the minimum amounts specified; however, coverage in the amount of these minimum limits shall not be construed to relieve User from liability in excess of such limits.

10. Severability.

- 10.1 In the event any term or condition of this Agreement or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions, or applications of this Agreement which can be given effect without the invalid term, condition, or application. To this end, the terms and conditions of this contract are declared severable.

11. Dispute Resolution.

- 11.1 The parties agree to make a good faith effort to resolve any ambiguities or contract disputes that may arise out of the operation of this Agreement at the staff level prior to pursuing any formal resolution process. Unresolved disputes between the BCES System Manager and User must be addressed in writing to the BCES Director for technical review and resolution or for referral to the BCES Executive Board. The BCES Director shall perform a technical review and offer a proposed resolution to User before any unresolved dispute is forwarded to the BCES Executive Board for a ruling. The BCES Director may determine, as part of his technical review, that forwarding the matter to the BCES Board for determination is the property resolution to offer User.
- 11.2 In the event resolution cannot be reached at the staff level through good faith discussions, the parties agree to resolve their differences through non-binding mediation prior to pursuing litigation.

11.3 Matters which are not resolved at the staff level or through mediation may be pursued by allowing either party to the dispute to file a lawsuit in the Benton County Superior Court.

11.4 The good faith and mediation provisions of this Dispute Resolution clause do not apply to BCES's determination to terminate User for cause as provided under Section 7 of this Agreement.

12. Amendments.

12.1 This Agreement may be amended only by written agreement executed by the authorized representatives of both parties.

13. Complete Agreement.

13.1 This Agreement contains the entire agreement between the parties and supersedes all prior written or oral discussions and agreements.

14. Construction of Agreement; Governing Law.

14.1 Each party has had a full and complete opportunity to review this Agreement, and has been given the opportunity to have legal counsel review it. Accordingly, the parties agree that the common law principle of construing ambiguities against the drafter shall have no application to this Agreement. Interpretation of this Agreement shall be under Washington law. If any such action is necessary to enforce the terms of this Agreement, the substantially prevailing party shall be entitled to receive reasonable attorney's fees and costs. Venue for enforcing any provision of this Agreement shall be exclusively located in Benton County, Washington. User expressly consents to personal jurisdiction in Benton County Superior Court.

[Signature Page to Follow]

IN WITNESS WHEREOF, the parties have executed this Agreement as their free and voluntary act on the dates set forth above.

City of Prosser

By: PAUL WARDEN
It's: Mayor

ATTEST:

By: RACHEL M. SHAW
It's: City Clerk

APPROVED AS TO FORM:



By: HOWARD SAXTON
Attorney for City of Prosser

Benton County Emergency Services Executive Board

CYNTHIA D. JOHNSON, ICMA-CM
BCES Board Chair

APPROVED AS TO FORM:

HEATHER KINTZLEY
Attorney for BCES

ATTACHMENT A

**Benton County Emergency Services Executive Board
800 MHz TRUNKED RADIO NETWORK**

**FEE SCHEDULE
EFFECTIVE: January 1, 2015**

Annual fees shall be assessed according to the budget adopted by the BCES Board of Directors every December.

User shall receive an updated preliminary proposed fee schedule on or before September 1 of each year, detailing any potential increase or decrease in fees. Final changes in the fee schedule shall be provided to User (**Attachment A – Fee Schedule**) on or before December 1 and become effective on January 1 following the Board’s adoption of the BCES budget.

By executing this Agreement, User agrees to pay the annual fees in this Attachment A as presently existing or hereinafter amended by the BCES Board.

For the 2015 calendar year, BCES shall invoice User an annual 800 MHz Access Fee of **\$486.60 (\$40.55/month / \$121.65/quarter)** for each radio under this Agreement, computed as follows:

<u>Equipment</u>	<u>Quantity x #Months</u>	<u>Total</u>
Portables		\$
Mobiles		\$
Control Stations		\$
Total # Radios		
	Grand Total	\$

ATTACHMENT B

DEFINITIONS

800 MHz TRUNKED RADIO SYSTEM means a network of radio sites with multiple repeaters at each site that provides a User with radio service on a first come or priority basis. Access is provided to the channels on a random or programmed basis, i.e. Channel 1 could be assigned on a particular transmission by a User and Channel 3 be assigned on another transmission that takes place 10 minutes later. This trunking feature allows for maximum efficiency in the use of channels, in that, all talk groups will have access to all available voice channels.

REPEATER means a radio transmitter (Base Station) that is part of the System which is capable of receiving transmissions from subscriber units and retransmitting the signal over a wide area to other subscriber units and repeaters.

TALK GROUP means a software controlled identification system that allows a trunked radio system to provide repeater access to groups of subscriber units. A talk group is essentially equal to a single channel in a conventional radio system.

TEMPLATE PROGRAMMING means the programming of all individual radios with ID numbers, features access codes, and operating parameters for a particular talk group. Each talk group will have a baseline programming template that will assist in the duplication of that information in all other radios in that talk group. Individual IDs and a few specific features will vary from radio to radio.

NAME/ALIAS means the ID number of each radio and the associated common name of the radio unit; i.e. ID number 703011 might be associated with the alias "Sheriff," ID number 703011 might be associated with alias "BCSO Unit 1."

PROJECT 25 (P25): Project 25 (P25) is the interoperability standard for digital two-way wireless communications products and systems. The P25 standard was created for public safety and federal communications professionals to provide detailed standards for the design of communications systems so that all purchasers of P25 compatible equipment can communicate with each other to:

- Allow effective, efficient, and reliable intra-agency and inter-agency communications ... so organizations can easily implement interoperable and seamless joint communication in both routine and emergency circumstances.
- Ensure competition in system life cycle procurements ... so agencies can choose from multiple vendors and products, ultimately saving money and gaining the freedom to select from the widest range of equipment and features.
- Provide user-friendly equipment ... so users can take full advantage of their radios' lifesaving capabilities on the job - even under adverse conditions, with minimal training.
- Improve radio spectrum efficiency ... so systems will have enough capacity to handle calls and allow room for growth, even in areas where the spectrum is crowded and it is difficult for agencies to obtain licenses for additional radio frequencies.

BI-DIRECTIONAL AMPLIFIERS (BDA) means an amplifier that rebroadcasts an 800 MHz signal

inside a building or a specific area to increase the coverage or signal levels.

RADIO SERVICE SOFTWARE (RSS) means the software used to program the individual radio units or repeater site controllers.

SYSTEM KEY is the computer programming information that allows for programming of radios into a specific trunked system. Each radio network has a different system key.

SCAN is the feature that allows a user to monitor the voice transmissions of many different talk groups. The groups that are scanned may be selected by the user. The radio will monitor all talk groups scanned and let the user listen to a broadcast on the first active talk group. The problems that must be noted are: 1) If the radio is monitoring one active channel, traffic on another channel will be missed; and 2) the radio will be programmed to transmit either on a primary channel or on the active channel. Users must be aware that they may be trying to answer a broadcast on a different talk group than it was received on.

ATTACHMENT C

Application Letter:

TO:

Benton County Emergency Services

FROM:

Dear Sirs/Madams:

Our agency would like to enter into a contract with Benton County Emergency Services (BCES) for 800 MHz Trunked Radio service. Attached are the required documents:

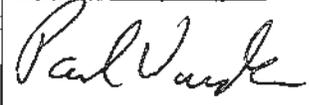
- a. Contract signed by our agency's authorized representative.
- b. Completed fee schedule prepared by the System Manager.
- c. Migration plan to 800 MHz signed by our agency's authorized representative.

Our agency will purchase the radios in the quantities listed in the installation plan providing the funds are approved in our budget requests for those periods. This agency will request these funds in each of the periods involved.

Authorized Agency Representative

CITY OF PROSSER, WASHINGTON

AGENDA BILL

<u>Agenda Title:</u> Consideration of a Resolution Surplusing City of Prosser Property.		<u>Meeting Date:</u> August 11, 2015 Regular Meeting	
<u>Department:</u> Public Works	<u>Director:</u> L.J. Da Corsi	<u>Contact Person:</u> L.J. Da Corsi	<u>Phone Number:</u> (509) 786-7300
<u>Cost of Proposal:</u> N/A		<u>Account Number:</u> N/A	
<u>Amount Budgeted:</u> N/A		<u>Name and Fund#:</u> N/A	
<u>Reviewed by Finance Department:</u> <i>Tyart</i>			
<u>Attachments to Agenda Packet Item:</u> 1. Surplus Property Resolution. (1 page) 2. Exhibit "A" (list of items to surplus). (1 page)			
<u>Summary Statement:</u> The Resolution declares surplus certain property which has been used by the City of Prosser and which occupies space which it desires to more efficiently use. The Resolution directs the Mayor to sell the assets if the cost of sale is less than the value of the property and authorizes him to dispose of the property otherwise.			
<u>Consistent with or Comparison to:</u> EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			
<u>Recommended City Council Action/Suggested Motion:</u> Adopt Resolution Number 15-_____ Surplusing City of Prosser property as described in Exhibit "A".			
<u>Reviewed by Department Director:</u> <i>Not Available -</i>	<u>Reviewed by City Attorney:</u>  <i>7/31/15</i>	<u>Approved by Mayor:</u>  <i>7-7-15</i>	
<u>Date:</u> July 31, 2015	<u>Date:</u> <i>7/31/15</i>	<u>Date:</u> <i>7-7-15</i>	
<u>Today's Date:</u> July 31, 2015	<u>Revision Number/Date:</u>	<u>File Name and Path:</u> U:\Public Works Dept\Project Files\Agendas	

CITY OF PROSSER, WASHINGTON
RESOLUTION NO. 15-_____

A RESOLUTION DECLARING CERTAIN PROPERTY OF THE CITY OF PROSSER TO BE SURPLUS AND AUTHORIZING THE DISPOSAL OF SAID PROPERTY.

WHEREAS, the City of Prosser has accumulated certain items of personal property which items are listed on the attached exhibit "A", which items are no longer needed by the City of Prosser; and,

WHEREAS, the City Council of the City of Prosser believes that such property is surplus to the needs of the City and disposal of such property is for the common benefit;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Prosser as follows:

1. That the property listed on the attached Exhibit "A" is hereby declared surplus to the needs of the City of Prosser;
2. That it is deemed to be for the common benefit of the Citizens of the City of Prosser to dispose of such surplus property; and
3. That the Mayor or his/her designee is authorized to dispose of the items listed on Exhibit "A" in a commercially reasonable manner which will be in the best interest of the City of Prosser, including but not limited to negotiation by private sale, auction or if the cost of sale exceeds the value of the property by disposal or donation to a charitable organization.

ADOPTED by the City Council of the City of Prosser and **APPROVED** by the Mayor of the City of Prosser this _____ day of August, 2015.

MAYOR PAUL WARDEN

ATTEST:

RACHEL SHAW, CITY CLERK

APPROVED AS TO FORM



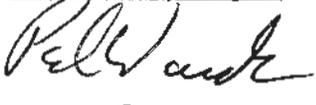
HOWARD SAXTON, CITY ATTORNEY

EXHIBIT "A"

- | | | |
|----|---------------------------------|----------|
| 1. | Broken office chair | COP# 930 |
| 2. | Broken office chair | COP# 320 |
| 3. | Broken HP Printer from the Pool | COP# 950 |

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Conduct the Public Hearing process followed by Adoption of Resolution Approving the Six Year Transportation Improvement Program (TIP) 2016-2021.		Meeting Date: August 11, 2015 Regular Meeting	
Department: Public Works	Director: L.J. Da Corsi	Contact Person: L.J. Da Corsi	Phone Number: (509) 786-2332
Cost of Proposal: N/A		Account Number:	
Amount Budgeted: N/A		Name and Fund#	
Reviewed by Finance Department: <i>Tyost</i>			
Attachments to Agenda Packet Item: 1. Public Hearing Notification 2. Resolution No. 15-_____ 3. Proposed Six-Year Transportation Improvement Program 2016-2021			
Summary Statement: A Public Hearing to consider comments from the public, regarding the proposed Resolution for approval of the 2016-2021 City of Prosser TIP, must be conducted prior to Council action.			
Consistent with or Comparison to: EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			
Recommended City Council Action/Suggested Motion: Adopt Resolution 15-_____ Approving City of Prosser 2016-2021 Six Year Transportation Improvement Program (TIP).			
Reviewed by Department Director: <i>Not Available -</i> Date: 8/3/15	Reviewed by City Attorney:  Date: <i>8/3/15</i>	Approved by Mayor:  Date: <i>8-7-15</i>	



City of Prosser

**City of Prosser, Washington
Public Hearing Notice
Six Year Transportation Improvement Program**

Notice is hereby given by the undersigned City Clerk of the City of Prosser, Washington, that the Prosser City Council will conduct a Public Hearing on Tuesday, August 11, 2015 at 7:00 p.m., or as soon thereafter as may be heard, for the purpose of receiving citizen comments and reviewing the proposed Six Year Transportation Improvement Program. The Public Hearing will be held in the City Council Chambers, Prosser City Hall, 601 7th Street, Prosser, Washington.

All interested persons are encouraged to attend. No qualified individuals with a disability shall be excluded or denied the benefit of participation in the Public Hearing. If you require assistance to comment at the Public Hearing, please contact Prosser City Hall at (509) 786-2332 at least 7 days prior to the date of the Public Hearing to make arrangements.

Dated: July 31, 2015

Rachel Shaw, CMC
City Clerk

Publication Dates: August 5, 2015



Six Year Transportation Improvement Program From 2016 to 2021

Agency: Prosser

County: Benton

MPO/RTPO: BFCG

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Terminals F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
08	1	/ B030(001) Old inland Empire Highway Improvements West City Limits to Wine Country Road Reconstruct and widen roadway, curb and gutter, sidewalk, storm drainage, street lighting, hot mix asphalt, and pavement markings.	PROSSER 7					04	C P S T W	0.760	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	CN	2018	STP(US)	2,392,000		0	322,920	2,392,000
Totals				2,392,000		0	322,920	2,392,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
CN	0	0	2,392,000	0	0
Totals	0	0	2,392,000	0	0



Six Year Transportation Improvement Program From 2016 to 2021

Agency: Prosser

County: Benton

MPO/RTPO: BFCG

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Term F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	R/W Required
06	2	7th Street Improvements Grant Avenue to Meade Avenue Planing, hot mix asphalt overlay, storm drainage improvements, and sidewalk.	PROSSER 17					06	C P S T W	0.360	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2017		0		0	580,000	580,000
Totals				0		0	580,000	580,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	580,000	0	0	0
Totals	0	580,000	0	0	0



Six Year Transportation Improvement Program From 2016 to 2021

Agency: Prosser

County: Benton

MPO/RTPO: BFCG

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Terminal F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	R/W Required
08	3	Old Inland Empire Highway - Phase 2 Wine Country Road to Wamba Road Reconstruct and widen roadway, curb and gutter, sidewalk, storm drainage, street lighting, hot mix asphalt, and pavement markings.	PROSSER 10					04	C P S T W	0.250	CE	No

Funding								
Status	Phase	Phase Start Year (YYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	CN	2016	STP(US)	861,370		0	134,430	995,800
Totals				861,370		0	134,430	995,800

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
CN	0	0	995,800	0	0
Totals	0	0	995,800	0	0



Six Year Transportation Improvement Program From 2016 to 2021

Agency: Prosser

County: Benton

MPO/RTPO: BFCG

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
08	4	Old Inland Empire Highway - Phase 3 Wamba Road to Grant Road Reconstruct and widen roadway, curb and gutter, sidewalk, storm drainage, street lighting, hot mix asphalt, and pavement markings.	WA-06502					04	CP ST W	0.510	CE	Yes

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2018	STP(US)	186,900		0	25,100	186,000
P	RW	2018	STP(US)	59,000		0	9,000	59,000
P	CN	2018	STP(US)	1,888,000		0	258,000	1,916,000
Totals				1,888,900		0	292,100	2,181,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	186,000	0	0
RW	0	0	59,000	0	0
CN	0	0	0	1,916,000	0
Totals	0	0	245,000	1,916,000	0

Six Year Transportation Improvement Program From 2016 to 2021

Agency: Prosser

County: Benton

MPO/RTPO: BFCG

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Terminal F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
09	6	Kinney Way/ Concord/ Market Sidewalk Improvements Park Avenue to State Route 22 Curb and gutter and sidewalk Improvements.	PROSSER 3					21	C P S T W	1,000	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2017		0	OTHER	55,000	6,000	61,000
P	CN	2018		0	OTHER	575,000	63,000	638,000
Totals				6		630,000	69,000	699,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	61,000	0	0	0
CN	0	0	638,000	0	0
Totals	0	61,000	638,000	0	0



Six Year Transportation Improvement Program From 2016 to 2021

Agency: Prosser

County: Benton

MPO/RTPO: BFCG

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
09	6	Wamba Road Improvements - Phase 1 Old Inland Empire Highway to Marol Drive Reconstruct and widen roadway, curb and gutter, sidewalk, storm drainage; street lighting, hot mix asphalt and striping.	PROSSER 5					04	C P S T W	0.440	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2018		0	OTHER	76,000	75,000	151,000
P	CN	2019		0	OTHER	686,000	687,000	1,373,000
Totals				0		762,000	762,000	1,524,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	151,000	0	0
CN	0	0	0	1,373,000	0
Totals	0	0	151,000	1,373,000	0



Six Year Transportation Improvement Program From 2016 to 2021

Agency: Prosser

County: Benton

MPO/RTPD: BFCG

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
08	7	Wamba Road Improvements - Phase 2 Wine Country Road to Old Inland Empire Highway Reconstruct and widen roadway, curb and gutter, sidewalk, storm drainage, street lighting, hot mix asphalt, and pavement markings.	PROSSER 6					04	C P S T W	0.150	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2018		0	OTHER	26,000	33,000	59,000
P	CN	2019		0	OTHER	218,000	291,000	509,000
Totals				0		244,000	324,000	568,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	59,000	0	0
CN	0	0	0	509,000	0
Totals	0	0	59,000	509,000	0



Six Year Transportation Improvement Program From 2016 to 2021

Agency: Prosser

County: Benton

MPO/RTPO: BFCG

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	R/W Required
07	8	Byron Road Improvements Sheridan Avenue to West City Limits Reconstruct and widen roadway, curb and gutter, sidewalk, storm drainage, street lighting, hot mix asphalt, and pavement markings.	PROSSER B					04	C P S T W	0.950	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2019		0	OTHER	254,640	63,660	318,300
P	CN	2020		0	OTHER	1,952,400	488,100	2,440,500
Totals				0		2,207,040	551,760	2,758,800

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	318,300	0
CN	0	0	0	0	2,440,500
Totals	0	0	0	318,300	2,440,500

Six Year Transportation Improvement Program From 2016 to 2021

Agency: Prosser

County: Benton

MPO/RTPO: BFCG

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	R/W Required
08	9	Nunn Road Improvements West City Limits to 200 east of Cast Court Reconstruct and widen roadway, curb and gutter, sidewalk, storm drainage, street lighting, hot mix asphalt, and pavement markings.	PROSSER 9					04	C P S T W	0.390	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2019		0	TPP	102,000	11,000	113,000
P	CN	2020		0	TPP	916,000	103,000	1,019,000
Totals				0		1,018,000	114,000	1,132,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	113,000	0
CN	0	0	0	0	1,019,000
Totals	0	0	0	113,000	1,019,000



Six Year Transportation Improvement Program From 2016 to 2021

Agency: Prosser

County: Benton

MPO/RTPO: BFCG

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Terminals F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
08	10	Prosser Avenue Improvements Market Street to Memorial Street Reconstruct and widen roadway, curb and gutter, sidewalk, storm drainage, street lighting, hot mix asphalt, and pavement markings.	PROSSER 11					04	C P S T W	0.500	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2019		0		0	1,668,000	1,668,000
Totals				0		0	1,668,000	1,668,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	1,668,000	0
Totals	0	0	0	1,668,000	0



Six Year Transportation Improvement Program From 2016 to 2021

Agency: Prosser

County: Benton

MPO/RTPO: BFCG

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
09	11	Alexander Court Improvements - Phase 1 Highland Drive to Falerson Road Reconstruct and widen roadway, curb and gutter, sidewalk, storm drainage, street lighting, hot mix asphalt, and pavement markings.	PROSSER 12					04	C P S T W	0.310	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2020		0		0	973,000	973,000
Totals				0		0	973,000	973,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	0	973,000
Totals	0	0	0	0	973,000



Six Year Transportation Improvement Program From 2016 to 2021

Agency: Prosser

County: Benton

MPOR/TPO: BFCG

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
08	12	Alexander Court Improvements - Phase 2 Wine Country Road to Highland Drive Reconstruct and widen roadway, curb and gutter, sidewalk, storm drainage, street lighting, hot mix asphalt, and pavement markings.	PROSSER 13					04	C P S T W	0.230	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2020		0		0	700,000	700,000
Totals				0		0	700,000	700,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	0	700,000
Totals	0	0	0	0	700,000

Six Year Transportation Improvement Program From 2016 to 2021

Agency: Prosser

County: Benton

MPO/RTPO: BFCG

N Inside

Y Outside

Functional Class	Priority Number	A. PIR/Project No. C. Project Title D. Road Name or Number E. Begin & End Terminal F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
09	13	Benson Avenue Improvements Mercer Court to Alexander Court Reconstruct and widen roadway, curb and gutter, sidewalk, storm drainage, hot mix asphalt, and pavement markings.	PROSSER 14					04	C P S T W	0.200	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2020		0		0	589,000	589,000
Totals				0		0	589,000	589,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	0	589,000
Totals	0	0	0	0	589,000



Six Year Transportation Improvement Program From 2016 to 2021

Agency: Prosser

County: Benton

MPO/RTPO: BFCG

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
07	14	Highland Drive Improvements Alexander Court to State Route 22 Reconstruct and widen roadway, curb and gutter, sidewalk, storm drainage, hot mix asphalt, and pavement markings.	PROSSER 15					04	C P S T W	0.280	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2021		0		0	1,093,000	1,093,000
Totals				0		0	1,093,000	1,093,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	0	1,093,000
Totals	0	0	0	0	1,093,000



Six Year Transportation Improvement Program From 2016 to 2021

Agency: Prosser

County: Benton

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N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Terminal F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	R/W Required
06	15	Downtown Intersection Improvements - 5th Street Bennett Street to Meade Street Intersection improvements including planing, hot mix asphalt overlay, curb and gutter, sidewalk, storm drainage, and pavement markings.	PROSSER 16					06	P S T W	0.170	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2021		0		0	335,000	335,000
Totals				0		0	335,000	335,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	0	335,000
Totals	0	0	0	0	335,000



Six Year Transportation Improvement Program From 2016 to 2021

Agency: Prosser

County: Benton

MPO/RTPO: BFCG

N Inside

Y Outside

Functional Class	Priority Number	A. PW/Project No. C. Project TRIS D. Road Name or Number E. Begin & End Taper F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
07	16	Wine Country Road/ Merlot Drive/ Gap Road Intersections to Channelization, widening and new traffic signal.	PROSSER 1					03	C P S T W	0.200	CE	Yes

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2019		0	OTHER	166,000	19,000	185,000
P	RW	2020		0	OTHER	260,000	29,000	289,000
P	CN	2021		0	OTHER	1,558,000	174,000	1,732,000
Totals				0		1,984,000	222,000	2,206,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	185,000	0
RW	0	0	0	0	289,000
CN	0	0	0	0	1,732,000
Totals	0	0	0	185,000	2,021,000



Six Year Transportation Improvement Program From 2016 to 2021

Agency: Prosser

County: Benton

MPO/RTPO: BFCG

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Terminal F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
08	17	7th Street ADA Sidewalk Ramp Improvements Bennett Ave to Dudley Ave Install ADA compliant sidewalk ramps including curb and gutter and asphalt patching at three intersections.	WA-06503					21	C P S T W	0.150	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	CN	2016	TAP(US)	64,980		0	10,140	75,120
Totals				64,980		0	10,140	75,120

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
CN	75,120	0	0	0	0
Totals	75,120	0	0	0	0



Six Year Transportation Improvement Program From 2016 to 2021

Agency: Prosser

County: Benton

MPO/RTPO: BFCG

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Terminal F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
07	18	Wine Country Road Illuminated Crosswalk Project WCR/Chardonay Avenue to Install an illuminated crosswalk.	WA-06603					21	C P S T W		CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	CN	2018		0	Ped/Bike Program	55,510	5,390	60,900
Totals				0		55,510	5,390	60,900

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
CN	60,900	0	0	0	0
Totals	60,900	0	0	0	0

	Federal Funds	State Funds	Local Funds	Total Funds
Grand Totals for Prosser	4,864,330	6,900,550	8,745,740	20,510,620

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Approve payment of claim Check no. 12851 in the amount of \$68,605.54 for the period ending August 11, 2015		Meeting Date: August 11, 2015 Regular Meeting	
Department: Finance	Director: Toni Yost	Contact Person: Elia Lara	Phone Number: (509) 786-2332
Cost of Proposal: \$68,605.54		Account Number: See Attached	
Amount Budgeted: See 2015 budget for each item listed.		Name and Fund# See Attached	
Reviewed by Finance Department: <i>Ty</i>			
Attachments to Agenda Packet Item: 1. Check Register # 12851			
Summary Statement: Approve payment of claim check no. 12851 in the amount of \$68,605.54 for the period ending August 11, 2015			
Consistent with or Comparison to: City's policy to pay bills in a timely manner.			
Recommended City Council Action/Suggested Motion: Approve payment of claim Approve payment of claim check no. 12851 in the amount of \$68,605.54 for the period ending August 11, 2015.			
Reviewed by Department Director: <i>Jyost</i> Date: 8/7/2015	Reviewed by City Attorney: N/A Date:	Approved by Mayor: <i>Paul Wade</i> Date: 8-7-15	
Today's Date:	Revision Number/Date:	File Name and Path:	

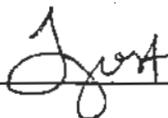
CHECK REGISTER

City Of Prosser
MCAG #: 0205

07/31/2015 To: 07/31/2015

Time: 16:42:17 Date: 08/05/2015
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5478	07/31/2015	Payroll	1	12851	Washington Teamsters Welfare	68,605.54	07/31/2015 To 07/31/2015 - WTWT
		001 General Fund				45,404.64	
		102 Street Fund				3,117.92	
		117 Employee Benefits Security				1,921.20	
		149 Public Safety Sales Tax Fund				2,246.44	
		403 Water Fund				9,118.05	
		407 Sewer Fund				6,701.31	
		448 Garbage Fund				95.98	
						<u>68,605.54</u>	Payroll: 68,605.54



Signature



Date

CITY OF PROSSER, WASHINGTON
AGENDA BILL

Agenda Title: Approve Task Order No. 2015-02 for HLA engineering services on the Luther Lane and Yakima Avenue Improvements and authorize the Mayor to sign the document.		Meeting Date: August 11, 2015 Regular Meeting	
Department:	Director:	Contact Person:	Phone Number:
Public Works	L.J. Da Corsi	L.J. Da Corsi	(509) 786-2332
Cost of Proposal: Not to exceed \$7,500		Account Number:	
Amount Budgeted:		Name and Fund#	
Reviewed by Finance Department:			
<i>TY</i>			
Attachments to Agenda Packet Item:			
1. Task Order No. 2015-02			
Summary Statement:			
<p>This Task Order will be for general engineering services on the Luther Lane and Yakima Avenue projects.</p> <p>\$50,000 was made available and approved in the 2015 Budget for roadway repairs of Luther Lane and a portion of Yakima Avenue. This did not include general engineering services. There will be general engineering services required which consists of: call for bids, oversight of contract requirements, written bids, bid review, material submittals, preconstruction conference, prevailing wage and required document review, final inspections, recommendation of acceptance, Notice of Completion and retainage release after Dept. of Revenue, Dept. of L&I, and Dept. of Employment Security.</p> <p>All engineering work will be billed on an hourly basis under General Services.</p>			
Consistent with or Comparison to:			
EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			

Recommended City Council Action/Suggested Motion:

Approve Task Order No. 2015-02 for HLA engineering services on the Luther Lane and Yakima Avenue Improvements and authorize the Mayor to sign the document.

<u>Reviewed by Department Director:</u> <i>Not Available -</i>	<u>Reviewed by City Attorney:</u>  <i>8/8/15</i>	<u>Approved by Mayor:</u>  <i>8-7-15</i>
<u>Date:</u>	<u>Date:</u>	<u>Date:</u>
<u>Today's Date:</u> 8/05/15	<u>Revision Number/Date:</u>	<u>File Name and Path:</u>

July 22, 2015

City of Prosser
601 Seventh Street
Prosser, WA 99350

Attn: LJ DaCorsi
Public Works Director

Re: Agreement for Professional Services – Addendum No. 1
WASTEWATER TREATMENT PLANT IMPROVEMENTS
Additional Professional Engineering Services
HLA Project No. 14084

Dear LJ:

Enclosed for council approval and execution by the Mayor are three original signed copies of Addendum No. 1 to the Agreement for Professional Services for the Wastewater Treatment Plant Improvements project. This addendum is for additional professional services required for completion of additional environmental compliance work for the Shoreline and Benton Clean Air Agency permitting processes, additional geotechnical investigation and design work for the proposed new primary digester site, and additional design and services during construction for additional project scope of work items including the following:

- Construction of a new digester pipe gallery between the new primary digester and existing converted secondary digester.
- Installation of a new boiler and heat exchanger system.
- Relocation and modification of the existing waste gas burner.
- Installation of a new standby engine generator, including evaluation of the existing power distribution system.
- Updating the existing outdated HMI computer and software, including additional programming required to transfer all existing system components over.
- Coordination and consolidation of plant PLCs to integrate new and existing systems.

The enclosed Addendum No. 1 increases the compensation to our firm for the above additional work as follows:

Phase 1 – Environmental Compliance

The lump sum fee for Phase 1 services will be increased by \$20,500.00 from the current contract amount of \$10,000.00 to a new total of \$30,500.00.

Phase 3 – Engineering Design and Final Plans, Specifications, and Estimate

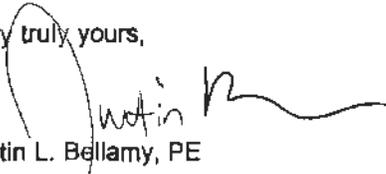
The lump sum fee for Phase 3 services will be increased by \$179,000.00 from the current contract amount of \$510,000.00 to a new total of \$689,000.00.

Phase 4 – Services During Construction

The maximum amount payable for Phase 4 services will be increased by \$46,000.00 from the current contract maximum amount of \$584,000.00 to a new total maximum amount of \$630,000.00.

If the agreement is acceptable, please have the Mayor sign all three originals, keep one for your files, and return the other two to our office. Should you have any questions or need further information about the agreement addendum, please contact our office.

Very truly yours,



Justin L. Bellamy, PE

JLB/sms

Enclosure

**Addendum No. 1
AGREEMENT FOR PROFESSIONAL SERVICES**

Wastewater Treatment Plant Improvements

HLA Project No. 14084

WHEREAS, the City of Prosser, 601 Seventh Street, Prosser, WA 99350 (CITY) and Hulbregtse, Louman Associates, Inc., 2803 River Road, Yakima, WA 98902 (CONSULTANT) have entered into an Agreement for Professional Services dated August 27, 2014, to provide professional engineering and surveying services to the CITY; and

WHEREAS, said agreement includes providing environmental compliance (Phase 1), project administration (Phase 2), design engineering (Phase 3), and services during construction (Phase 4) for the CITY; and

WHEREAS, additional environmental compliance work is required to complete the Shoreline and Benton Clean Air Agency permitting process, including a wetlands assessment, in order to construct the proposed improvements; and

WHEREAS, it would be beneficial to the CITY to accomplish additional Scope of Work items as set forth herein and such endeavor would tend to best accomplish the objectives of the local project; and

WHEREAS, additional geotechnical investigation and design is required to support the proposed new primary digester due to existing on-site soil conditions found; and

WHEREAS, funding for said additional Scope of Work improvements will be provided through authorized issuance and sale of combined utility revenue bonds under CITY ORDINANCE NO. 15-2935, passed on June 23, 2015.

NOW, THEREFORE, the parties hereto mutually agree as follows:

2. CHARACTER AND EXTENT OF SERVICE:

Section 2. CHARACTER AND EXTENT OF SERVICE shall be amended as follows:

The following elements shall be added to the Project Description:

- Construct a new digester pipe gallery between the new primary digester and existing converted secondary digester to provide access to service piping and valves necessary for operation of the digesters.
- Install a new boiler and heat exchanger system to replace the existing system that is at the end of its useful life, is not able to burn digester gas, and does not meet Benton Clean Air Agency permit requirements.
- Relocate the existing waste gas burner to construct the new primary digester. Modify the existing burner after relocation for it to function properly in automatic mode and increase its height to meet Benton Clean Air Agency permit requirements.
- Replace the existing undersized standby engine generator with a new outdoor pad-mounted engine generator to power more of the existing treatment components during power outages. Evaluate the existing power distribution system as required to meet code requirements for connection of additional loads.

- Update the existing outdated HMI computer and software. Provide additional programming required to transfer all existing system components over. Provide additional design to coordinate PLCs, consolidate and integrate new and existing systems.
- Complete geotechnical field investigation and design necessary to construct an auger-cast pile or similar non-driven foundation support structure to provide the required additional strength and bearing capacity necessary to construct the new primary digester tank in the required location.

5. PROFESSIONAL FEES:

Section 5. PROFESSIONAL FEES shall be amended as follows:

Phase 1 – Environmental Compliance

All work for this PROJECT phase shall be performed for the lump sum fee of \$30,500.00.

Phase 3 – Engineering Design and Final Plans, Specifications, and Estimate

All work for this PROJECT phase shall be performed for the lump sum fee of \$689,000.00.

Phase 4 – Services During Construction

According to Exhibit A - Schedule of Hourly Rates on a time spent basis plus reimbursement for direct non-salary expenses such as laboratory testing, reproduction expenses, out of town travel costs, long distance telephone calls, and outside subconsultants. Outside subconsultant's billings shall be marked up by a factor of 1.07 times the subconsultant billing. The maximum amount payable by the CITY to the CONSULTANT for services shall not exceed \$630,000.00.

IN WITNESS WHEREOF the parties hereto have executed this Addendum No. 1, dated _____, 2015, to the Agreement for Professional Services.

CITY OF PROSSER

PAUL WARDEN, MAYOR

ATTEST:

(SEAL)

RACHEL SHAW, CITY CLERK

HUIBREGTSE, LOUMAN ASSOCIATES, INC.



THEODORE W. POOLER, VICE PRESIDENT

CITY OF PROSSER, WASHINGTON

AGENDA BILL

<p>Agenda Title: Consideration of an Ordinance Establishing Fund 306, the Wine Country Road Crosswalk Improvement Project Fund, and Amending the 2015 Budget for the Improvement of a Crosswalk at Wine Country Road and Chardonnay Avenue to Include the Acceptance of Mitigation Payments and Donations.</p>	<p>Meeting Date: August 11, 2015 Regular Meeting</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------

<p>Department: Planning/ Finance</p>	<p>Director: Steve Zetz/ Toni Yost</p>	<p>Contact Person: Steve Zetz/ Toni Yost</p>	<p>Phone Number: (509) 786-2332</p>
-----------------------------------------------------	-------------------------------------------------------	-------------------------------------------------------------	------------------------------------------------

<p>Cost of Proposal: \$30,000 to be paid with mitigation payments and donations. Possible request to supplement costs not raised via a budget amendment transferring funds from the General Fund to the Project Fund.</p> <p>Amount Budgeted: \$0</p>	<p>Account Number:</p> <p>Name and Fund# (306) Wine Country Road Crosswalk Improvement Project Fund</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------

Reviewed by Finance Department:

Estimated Project Expense = \$30,000 *Typ*

Project Funding	
Mitigation Payments	\$15,000
Committed Community Donation	\$5,000
Attempt to Receive additional support from community	\$10,000 (OR)
Potential City Contribution	\$10,000 up to (General Fund)

Attachments to Agenda Packet Item:

1. Ordinance 15-_____

Summary Statement:

This ordinance establishes a fund for an illuminated crosswalk improvement at Wine Country Road and Chardonnay Ave. This project was presented at the August 4, 2015 work session. Staff is now bringing the ordinance back for approval.

Consistent with or Comparison to:

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

Recommended City Council Action/Suggested Motion:

Adopt Ordinance 15 - _____ amending the 2015 budget to establish fund 306, the Wine Country Road Crosswalk Improvement Project Fund, and establishing a budget for this project.

Reviewed by Department Director:

Tyost

Date: 8/7/2015

Reviewed by City Attorney:



Date: 8/8/15

Approved by Mayor:



Date: 8-7-15

Today's Date:

August 6, 2015

Revision Number/Date:

File Name and Path:

CITY OF PROSSER, WASHINGTON
ORDINANCE NO. 15-_____

AN ORDINANCE DECLARING AN EMERGENCY AND AMENDING THE 2015 BUDGET TO ESTABLISHING A WINE COUNTRY ROAD CROSSWALK PROJECT FUND NO. 306. THE ORDINANCE ALSO DECLARES THAT THE PROVISIONS OF THE ORDINANCE ARE SEVERABLE FROM ONE ANOTHER AND SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDING FOR PUBLICATION BY SUMMARY.

WHEREAS, It has been determined by City Council that an illuminated crosswalk located on Wine Country Road and Chardonnay Avenue would be of benefit to the community; and

WHEREAS, funding will be derived from \$15,000 in mitigation payments, community donations, and city contributions; 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. This project was not anticipated at the time the budget was prepared; 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

WHEREAS, It is therefore prudent to establish a fund to accurately monitor and account for these funds; and

WHEREAS, City Council reviewed and discussed the cause and impacts of this budget amendment at their August 4, 2015 meeting; and

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

Section 1. There is hereby established Fund No. 306 (Wine Country Road Crosswalk Project Fund) for the purpose of tracking revenues and expenditures related to the project.

Section 2. The 2015 Budget is hereby amended as follows:

Fund #	Fund Name	Beginning Balance	Cash	Revenue	Appropriation
306	Wine Country Road Crosswalk	\$0		\$30,000	\$30,000

Section 3. The Finance Director is hereby authorized to close this fund when it is deemed to be no longer necessary and in the best interest of the City. Additionally, the Finance Director is authorized to make transfers, inter-fund loans, and other transactions necessary in order to carry out the intent of this ordinance and amendment.

Section 4. 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 and in accordance with the BARS Manual.

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, subsection, clause, or phrase be held unconstitutional or invalid.

Section 6. An emergency is declared to exist and the recitals set forth above are hereby adopted as findings in support of such emergency.

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

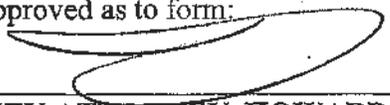
PASSED by the City Council and **APPROVED** by the Mayor, this ____ day of _____, 2015.

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:

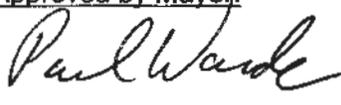
AN ORDINANCE DECLARING AN EMERGENCY AND AMENDING THE 2015 BUDGET TO ESTABLISHING A WINE COUNTRY ROAD CROSSWALK PROJECT FUND NO. 306. THE ORDINANCE ALSO DECLARES THAT THE PROVISIONS OF THE ORDINANCE ARE SEVERABLE FROM ONE ANOTHER AND SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDING FOR PUBLICATION BY SUMMARY.

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

DATED this ____ day of _____, 2015

CITY CLERK, RACHEL SHAW

CITY OF PROSSER, WASHINGTON
AGENDA BILL

Agenda Title: Consideration of two Ordinances adopting the Washington State Department of Ecology's Suggested and Required Changes to the City's Shoreline Master Program Update.		Meeting Date: August 11, 2015 Regular Meeting	
Department: Planning Department	Director: Steve Zetz	Contact Person: Steve Zetz	Phone Number: (509) 786-2332
Cost of Proposal: NA		Account Number:	
Amount Budgeted: NA		Name and Fund#	
Reviewed by Finance Department: <i>Tyz</i>			
Attachments to Agenda Packet Item: 1. Ordinance adopting the changes to Shoreline Master Program (PMC Title 16.04) 2. Ordinance adopting the changes to the Shoreline Master Program (updating Critical Areas Ordinance(CAO))			
Summary Statement: Staff previously brought forward the SMP and CAO update at a Regular Council meeting on June 23, 2015. As previously discussed the Department of Ecology has approved the City of Prosser's SMP update and CAO update provided that the City adopt certain changes. Staff is now bringing the ordinances back to council for final approval.			
Consistent with or Comparison to: EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			
Recommended City Council Action/Suggested Motion: Motion #1: Adopt Ordinance 15-_____ adopting changes to the Shoreline Master Program (PMC Title 16.04). Motion #2: Adopt Ordinance 15-____ adopting changes to the Critical Area Ordinance.			
Reviewed by Department Director: <i>Not Available -</i>	Reviewed by City Attorney:  Date: <i>8/5/15</i>	Approved by Mayor:  Date: <i>8-7-15</i>	

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

AN ORDINANCE AMENDING SECTIONS 17, 27, 28, 31, 32, 33, 49, 50, and 60 OF ORDINANCE 14-2896 AND PROSSER MUNICIPAL CODE SECTIONS 16.04.24, .34, .35, .41, .42, .43, .65, .66, and .76 ARE ALL HEREBY AMENDED TO ACCEPT THE WASHINGTON STATE DEPARTMENT OF ECOLOGY'S REQUIRED AND RECOMMENDED CHANGES TO THE CITY'S SHORELINE MASTER PROGRAM UPDATE. 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 17 of Ordinance Number 14-2896 and Prosser Municipal Code Section 16.04.24 are hereby amended to read as follows:

16.04.24 Shoreline Vegetation Conservation

A. In addition to the Critical Areas standards of PMC Chapters 16.10, 16.20, 16.30, 16.40, 16.50, and 16.60, the following shall apply to development on the shoreline:

- 1) A vegetation management plan shall be required for all Critical Area buffer areas with degraded native vegetation within SMA jurisdiction to include:
 - a. Maintain adequate cover of native vegetation including trees and understory. If a proposed development or use includes clearing a portion of the buffer or tree cover that is substantially less than a native climax vegetation community, supplemental plantings shall be required.
 - b. Provide a dense screen of trees at the perimeter of the buffer to provide and protect ecological functions and reduce proximity impacts such as light and glare from adjacent areas.
 - c. Provide a plan for control of invasive weeds, and removing existing invasive species for new plantings.

d. Provide a monitoring and maintenance plan. This provision may be waived for single family residential lots.

B. In cases where approved development results in unavoidable adverse impacts to existing shoreline vegetation, mitigation shall be required to ensure that there will be no net loss of the ecological functions. Mitigation shall take place on-site to the maximum extent feasible. Mitigation plans shall be completed before initiation of other permitted activities, unless a phased or concurrent schedule assuring completion prior to occupancy has been approved.

C. Lawns and other non-native vegetation maintained within shoreline jurisdiction shall minimize use of chemical fertilizers, pesticides, herbicides, or other similar substances. Such chemical treatments should generally not be applied within 10 feet of the OHWM and shall be applied in accordance with manufacturer's recommendations. Applications in solid time release form shall be preferred over liquid or concentrate application. Best Management Practices (BMPs) shall be implemented in all chemical applications.

D. Aquatic weed management by prevention is the first priority. Where active removal or destruction is necessary, it should be the minimum required to allow water-dependent activities to continue, minimize negative impacts to native plant communities, and include appropriate handling or disposal of weed materials.

- 1) Aquatic weed control shall only occur when native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards.
- 2) The control of aquatic weeds by derooting, rotovating, or other method which disturbs the bottom sediment or benthos, shall be considered development for which a shoreline permit is required, unless it will maintain existing water depth for navigation in an area covered by a previous permit for such activity, in which case it shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a shoreline permit.
- 3) Use of herbicides to control aquatic weeds shall be prohibited except where no reasonable alternative exists and weed control is demonstrated to be in the public's interest. A conditional use permit and compliance with applicable federal and state laws shall be required.

Section 2. Section 27 of Ordinance Number 14-2896 and Prosser Municipal Code Section 16.04.34 are hereby amended to read as follows:

16.04.34 Clearing and Grading, Fill

- A. Clearing and grading activities in shoreline areas shall be allowed only after consultation with the Washington State Department of Natural Resources and then allowed only in association with a permitted shoreline development and shall be limited to the minimum extent necessary to accommodate shoreline development. Clearing and grading shall retain natural features and functions, including natural topography, to the maximum extent feasible. Excavation waterward of the OHWM or within wetlands shall be considered dredging for purposes of this Program.
- B. Fill is restricted in wetlands or Fish and Wildlife Habitat Conservation Areas in accordance with Critical Areas regulations.
- C. Fill may not be placed in floodways. Fill may be placed in other flood hazard areas only where it is demonstrated that adverse impacts to hydrogeologic processes will be avoided and the provisions of PMC Chapter 15.20 are met.
- D. Fill below, or waterward, of the ordinary high water mark for any use except ecological restoration requires a conditional use permit. Fill may be placed below OHWM only when it is demonstrated as necessary to:
 - 1) Accomplish an aquatic habitat restoration plan;
 - 2) Correct the adverse results of a past shoreline modification that has disrupted natural stream geomorphic conditions and adversely affected aquatic or terrestrial habitat;
 - 3) Provide for cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
- E. Expand or alter transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible.

Section 3. Section 28 of Ordinance Number 14-2896 and Prosser Municipal Code Section 16.04.35 are hereby amended to read as follows:

16.04.35 Dredging and Dredge Material Disposal

- A. Dredging shall be permitted only:
 - 1) For flood control purposes, as part of an adopted regional flood control plan;
 - 2) In conjunction with a water-dependent use of water bodies or adjacent shorelands where channel modification is essential to the water dependent use;
 - 3) As part of an approved habitat improvement project;

- 4) In conjunction with a bridge, navigational structure, or wastewater treatment facility for which there is a documented public need and where other sites or methods are not feasible.
- B. New dredging shall be permitted only where it is demonstrated by a report by a qualified professional that it will avoid adverse impacts to water quality, Fish and Wildlife Habitat Conservation Areas and other Critical Areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, and public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of ecological functions.
 - C. During a low water season, removal of a portion of an accretion point bar below OHWM but above the water level at the time of operation may be permitted in coordination with the Washington State Department of Natural Resources as a Conditional Use for flood control purposes as follows:
 - 1) It is identified as an element of an adopted integrated flood control management program that demonstrates that other flood hazard reduction strategies would not be effective in the absence of material removal.
 - 2) Specific studies accompanying the application must demonstrate that no adverse flood, erosion, or other environmental impacts would occur either upstream or downstream of extraction sites, including the natural processes of gravel transportation for the river system as a whole.
 - D. Dredge material disposal shall be permitted only at locations where it is demonstrated by analysis by a qualified professional that the disposal will not result in significant or ongoing adverse impacts to water quality, Critical Areas, flood holding capacity, natural drainage and water circulation patterns, prime agricultural land, or public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of functions.
 - E. Disposal of dredge material within Fish and Wildlife Habitat Conservation Areas (FWHCA), wetlands, within a floodplain, or within a river's channel migration zone shall be allowed only where alternative disposal sites are not feasible. In the limited instances where it is allowed, such disposal shall require a conditional use permit. Applicants shall demonstrate that:
 - 1) The proposed dredge materials disposal site is subject to an approved use under this program that:

- a. Is an element of an approved restoration plan for aquatic or upland fish and wildlife habitat.
 - b. Will create, expand, rehabilitate, or enhance a beach that provides public recreation opportunities and is permitted under this program.
 - c. If on private land, the site will ultimately be suitable for a use permitted by this program or will be subject to buffer or other open space restrictions.
- 2) The smallest possible land area is affected.
 - 3) Sites will be adequately screened from view of local residents or passersby on public right-of-ways to the maximum extent practicable (e.g. combination of fencing and vegetation).
 - 4) Sites will be revegetated with appropriate native species as soon as possible to retard erosion and restore wildlife habitat and other critical areas functions.
 - 5) Shoreline ecological functions and processes will be preserved, including protection of riparian buffers and surface and ground water.

Section 4. Section 31 of Ordinance Number 14-2896 and Prosser Municipal Code Section 16.04.41 are hereby amended to read as follows:

16.04.41 Permitted Use Table

- A. The following table determines which shoreline uses are allowed or prohibited in each shoreline environment.
- B. Land uses allowed are subject to the preference for water-oriented uses and subject to specific criteria for uses and shoreline modification included in these regulations.
- C. Uses allowed in the Aquatic Environment are those allowed in the adjacent upland environment and limited to water-dependent use, ecological enhancement, and those transportation and utility facilities and Essential Public Facilities for which no alternative location is feasible.
- D. Land uses in the underlying zoning that require a conditional use permit in the underlying zoning district, require a shoreline conditional use permit.
- E. If a use is prohibited in the underlying zoning district, it is also prohibited in shoreline management act jurisdiction.
- F. KEY: X= Prohibited, P= Permitted, CU= Conditional Use Permit, PA=Permitted only as an accessory to a permitted use, Z = Permitted subject to underlying zoning.

G. A use is considered unclassified when it is not listed in the in the Shoreline Modifications and Uses Regulations and is allowed in underlying zoning. A proposed unclassified use may be authorized as a conditional use provided that the applicant can demonstrate consistency with the requirements of this Master Program and the requirements for conditional uses.

Use	Agribusiness	Agri-Tourism	Commercial	Industrial	Residential	Recreation	Urban Conservancy
Resource							
Aquaculture	CU	CU	CU	CU	CU	X	X
Agriculture, except for dairying, poultry raising, and livestock	P	P	X	X	X	X	X
Dairying; poultry raising; livestock; and labor camps	X	X	X	X	X	X	X
Mining	X	X	X	CU	X	X	X
Residential							
One single family dwelling per lot	Z	Z	Z	Z	P	CU	CU
Duplex	X	X	X	X	Z	X	X
Multifamily	X	Z	X	X	Z	X	X
Mobile home park	X	X	X	X	Z	X	X
Accessory Dwelling Unit (RCW 43.63A.215)	X	X	X	X	P	X	X
Bed and breakfast	X	Z	X	X	CU	X	X
Home occupation	X	X	X	X	Z	X	X
Public and Quasi Public Uses							
Boat launches	CU	CU	CU	CU	CU	CU	CU
Public recreational facilities	P	P	P	P	P	P	CU
Private recreational facilities	P	P	P	P	CU	P	X
Campgrounds	X	CU	CU	X	X	X	X
Golf courses	CU	X	X	X	CU	X	CU
Trails hard surface	P	P	P	P	P	P	CU
Trails soft surface	P	P	P	P	P	P	P
Commercial recreation: Fitness centers/sport clubs	X	X	P	X	X	X	X

Use	Agribusiness	Agri-Tourism	Commercial	Industrial	Residential	Recreation	Urban Conservancy
Commercial amusement facilities	X	X	X	X	X	X	X
Civic and community buildings	CU	CU	CU	CU	CU	CU	X
Public or private schools	CU	CU	CU	CU	CU	CU	X
Government offices	CU	CU	CU	CU	CU	CU	X
Nursery school and day care center	X	X	Z	X	CU	X	X
Family day care center (RCW 35.63.185)	X	X	P	X	P	X	X
Museums	CU	CU	CU	CU	CU	CU	X
Nursing homes, homes for the aged	X	X	Z	X	X	X	X
Hospitals and health care facilities	X	X	CU	X	X	X	X
Churches	CU	CU	CU	CU	CU	CU	X
Irrigation facilities, dams, canals, etc.	CU	CU	CU	CU	CU	CU	CU
Essential public facilities	CU	CU	CU	CU	CU	CU	CU
Commercial/Retail							
Marine sales, service, and rental	X	P	P	X	X	X	X
Marina	X	CU	CU	X	CU	CU	X
Bakeries, barber and beauty shops, etc.	X	P	P	X	X	X	X
Commercial laundry and dry cleaning	X	X	CU	X	X	X	X
Retail uses	X	P	P	X	X	X	X
Restaurants	X	P	P	CU	X	X	X
Drinking establishments	X	P	P	PA	X	X	X
Hotel and motel	X	P	P	X	X	X	X
Banqueting halls	X	P	P	X	X	X	X
Resort	X	P	P	X	X	X	X
Recreation vehicle parks	X	X	Z	X	X	X	X

Use	Agribusiness	Agri-Tourism	Commercial	Industrial	Residential	Recreation	Urban Conservancy
Theaters and amphitheaters	X	P	P	X	X	X	X
Veterinarians and kennels	X	X	X	X	X	X	X
Offices serving a permitted use	P	P	P	P	P	P	X
Offices as a primary use	X	X	X	X	X	X	X
Printing and publishing	X	X	Z	X	X	X	X
On-site hazardous waste treatment and storage	X	X	X	X	X	X	X
Nurseries and greenhouses	P	CU	X	CU	X	X	X
Lumber and building materials	X	X	P	CU	X	X	X
Automotive, truck, RV sales and service	X	X	X	X	X	X	X
Gasoline service station	X	X	X	X	X	X	X
Industrial							
Water-dependent industrial	Z	Z	X	P	X	X	X
Water-related industrial	Z	Z	X	P	X	X	X
Water-oriented industrial	Z	Z	X	P	X	X	X
Agriculture products processing	P	X	X	P	X	X	X
Wineries, including sales	P	P	P	P	X	X	X
Microbreweries	P	P	P	P	X	X	X
Municipal and utility yards	X	X	X	CU	X	X	X
Solid waste processing or disposal	X	X	X	X	X	X	X
Hazardous materials processing or disposal	X	X	X	X	X	X	X
Commercial moving and storage	X	X	X	X	X	X	X
Vessel repair	X	X	X	P	X	X	X
Equipment supply, repair, service	X	X	X	X	X	X	X
Manufacturing, other than food processing	X	X	X	P	X	X	X
Sale of items manufactured on-site	P	P	X	P	X	X	X

Use	Agribusiness	Agri-Tourism	Commercial	Industrial	Residential	Recreation	Urban Conservancy
Industrial and scientific research laboratories	X	X	X	P	X	X	X
Petroleum, coal, fuel storage distribution	X	X	X	X	X	X	X
Junk or salvage yards	X	X	X	X	X	X	X
Warehouses, storage, distribution	X	X	X	P	X	X	X
Transportation							
Roads and railroads serving shoreline uses	P	P	P	P	P	P	P
Roads and railroads NOT serving shoreline uses	CU	CU	CU	CU	CU	CU	CU
Park-and-Ride lots	X	X	X	X	X	X	X
Parking areas and facilities serving a primary use within the shoreline	P	P	P	P	P	P	P
Parking areas and facilities NOT serving a primary use within the shoreline	X	X	X	X	X	X	X
Parking as a principal use	X	X	X	X	X	X	X
Utilities							
Public and private utility distribution serving shoreline uses, water, sewer, electrical, gas, and communication	P	P	P	P	P	P	CU
Public and private utility distribution serving uses within the city	P	P	P	P	P	P	CU
Utility facilities serving uses not within the City	CU	CU	CU	CU	CU	CU	CU
Electrical transmission of greater than 50 Kilovolts	CU	CU	CU	CU	CU	CU	CU
Gas transmission larger than 6 inches in diameter	CU	CU	CU	CU	CU	CU	CU

Use	Agribusiness	Agri-Tourism	Commercial	Industrial	Residential	Recreation	Urban Conservancy
Oil or other pipelines	CU	CU	CU	CU	CU	CU	CU
Utility buildings (pump stations, etc.)	CU	CU	CU	CU	CU	CU	CU
Electrical substations	CU	CU	CU	CU	X	X	X

Section 5. Section 32 of Ordinance Number 14-2896 and Prosser Municipal Code Section 16.04.42 are hereby amended to read as follows:

16.04.42 Shoreline Bulk Standards

The following table determines bulk standards in each shoreline environment.

Use	Agribusiness	Agri-Tourism	Commercial	Industrial	Residential	Recreation	Urban Conservancy
Fish and Wildlife Conservation Area Buffer from OHWM							
If not established by Table 16.04.043							
Water Dependent Use ¹	NA	NA	NA	NA	NA	NA	NA
Water Related Use	100'	150'	150'	150'	50' ²	50'	200
Water Enjoyment Use	100'	150'	150'	150'	50' ²	50'	200
Non-Water-Oriented Use	150'	150'	150'	150'	50' ²	50'	200
Building Setback from Critical Areas Vegetation Buffer	15'	15'	15'	15'	15'	15'	25'
Building Setback from OHWM if no Critical Areas Vegetation Buffer is required							
Water Dependent Use ¹	NA	NA	NA	NA	NA	NA	NA ⁵
Water Related Use	25'	25'	25'	25'	50' ²	25'	25'
Water Enjoyment Use	75'	75'	75'	75'	50' ²	75'	75'
Non-Water-Oriented Use	100'	100'	100'	100'	50' ²	100'	150
Maximum Height	35'	35'	35'	35'	35'	35'	25'
Maximum Impervious Surface outside of Critical Area Buffers³							
Water Dependent Use ⁴	NA	NA	NA	NA	NA	NA	NA ⁵
Water Related Use	70%	70%	70%	50%	50%	40%	NA ⁵
Water Enjoyment Use	50%	50%	50%	50%	50%	40%	NA ⁵
Non-Water-Oriented Use	40%	40%	40%	40%	50%	20%	NA ⁵
Minimum Lot Size	As established by underlying zoning						

Use	Agribusiness	Agri-Tourism	Commercial	Industrial	Residential	Recreation	Urban Conservancy
Minimum Lot Width	As established by underlying zoning						
Minimum Lot Depth	As established by underlying zoning						
Front Setback	As established by underlying zoning						
Street Setback	As established by underlying zoning						
Side Setback	As established by underlying zoning						
Rear Setback	As established by underlying zoning						
Density	As established by underlying zoning						

Table Notes:

1. No vegetated buffer or building setback is required for those elements of a Water-Dependent Use that requires direct access to the water. Other elements of the use are subject to the buffer standards for water-related uses.
2. Does not apply to area within Critical Areas Vegetation buffer, which is normally 0% impervious, does not include impervious area of required public access facilities or private trails.
3. Building setbacks may be adjusted to the average of existing setbacks of the two lots on either side of the subject lot, provided that Critical Areas buffers are complied with.
4. No impervious surface limit applies to those elements of a Water-Dependent Use that requires direct access to the water. Other elements of a water dependent use not requiring direct access to the water are subject to the imperious standards for water-related uses.
5. Applies to all Shoreline Environmental Designations: Standards for Transportation and utility facilities are determined by specific conditions at the time of approval of new facilities or expansion of existing facilities.

Section 6. Section 33 of Ordinance Number 14-2896 and Prosser Municipal Code Section 16.04.43 are hereby amended to read as follows:

16.04.43 Shoreline Reach Performance Standards

The following table determines performance standards for each shoreline reach.

Code Reach	Inventory Reach	Shoreline Environment Designation	Public Access Guidelines	Riparian Buffers
A	Reach 1a	Residential	<p>Opportunities for public access along the river are limited due to existing residences, short of future redevelopment at a density that would trigger requirements.</p> <p>A trail system could follow the road with visual access to the water through gaps in the vegetation cover.</p>	30 foot riparian buffer with provision for minimum 10 foot buffer adjacent to existing structures, largely to control runoff including waterborne fertilizers, pesticides and herbicides
B	Reachs 1a and 1b	Parallel From Byron Road to Water: Recreation From Road Inland: Industrial	<p>Public access trail along the water adjacent to the road.</p> <p>Use of the road for vehicular traffic may be phased out as alternative access is provided to future subdivisions and sections of the existing roadway are narrowed and used exclusively as a trail.</p>	Riparian buffer ends at the edge of the maintained portion of the road
C	Reach 2a part	Recreation	Public access is one feature to be included in management of the park. Trails generally should retain vegetation buffers with managed access points to the water's edge.	No buffer; maintain and enhance existing vegetation as part of a park management plan, except at boat launch ramp
D	Reach 2a part	Residential	Opportunities for public access along the river are limited due to existing residences, short of future redevelopment at a density that would trigger requirements.	50 foot riparian buffer
E	Reach 2b	Commercial	Public access area is mandatory if future use is not water dependent.	30 foot riparian buffer, or 10 feet from the top of a 40% slope higher than 10 feet

Code Reach	Inventory Reach	Shoreline Environment Designation	Public Access Guidelines	Riparian Buffers
F	Reach 2a part	Residential	Opportunities for public access are limited to improvements to existing street ends due to the retention of existing single family lots under existing zoning.	30 foot riparian buffer, or 10 feet from the top of a 40% slope higher than 10 feet
G	Reach 3a part	Industrial	Informal public access available along the existing alley and provides visual access. This may be formalized and enhanced for better public viewing experience.	No buffer – water-dependent use USBR Dam
H	Reach 3a part	Recreation	Public access is one feature to be included in management of the park. Visual access should be provided at the top of the slope with managed access points to the water's edge.	No buffer; maintain and enhance existing vegetation as part of a park management plan
I	Reach 3a part	Residential	Opportunities for public access are limited to improvements to existing street ends due to the retention of existing single family lots under existing zoning.	30 foot riparian buffer, or 15 feet from the top of a 40% slope higher than 10 feet
J	Reach 3b	Industrial	Public access area is mandatory if future use is non-water dependent or if existing use expands substantially. Public access should consist of a trail paralleling the water at the top of the bluff. Access to the water's edge may be considered if it will not adversely affect ecological functions.	30 foot riparian buffer, or 25 feet from the top of a 40% slope higher than 10 feet
K	Reach 3c part	Agri-Business	Public access area is mandatory if future use is non-water dependent. Public access should consist of a trail paralleling the water at the top of the bluff. Access to the	Extent of floodplain or 25 feet from top of slope, not to exceed shoreline jurisdiction

Code Reach	Inventory Reach	Shoreline Environment Designation	Public Access Guidelines	Riparian Buffers
			water's edge may be considered if it will not adversely affect ecological functions.	
L	Reach 4a part	Agri-Business	Public access area is mandatory if future use is non-water dependent. Public access should consist of a trail paralleling the water at the top of the bluff. Access to the water's edge may be considered if it will not adversely affect ecological functions.	Extent of floodplain plus 25 feet from top of slope, not to exceed shoreline jurisdiction
M	Reach 4a part	Residential	Public access area is mandatory if future use is more than 4 units, or non-water dependent. Public access should consist of a trail paralleling the water at the top of the bluff. Access to the water's edge may be considered if it will not adversely affect ecological functions.	60 feet or 15 feet from top of slope
N	Reach 4a	Industrial	Public access area is mandatory if future use is non-water dependent or if existing use expands substantially. Public access should consist of a trail paralleling the water at the top of the bluff. Access to the water's edge may be considered if it will not adversely affect ecological functions.	Extent of floodplain plus 25 feet from top of slope, not to exceed shoreline jurisdiction
O	Reach 4b	Industrial	Public access would need to be carefully controlled to avoid adverse impacts to the largest area of relatively intact riparian habitat in the city.	Extent of floodplain plus 25 feet from top of slope, not to exceed shoreline jurisdiction
P	Reach 5a part	Residential	Public access area will be implemented in subdivisions of more than 5 lots, a	From the north-south extension of S. Moore Road to the east-west extension of

Code Reach	Inventory Reach	Shoreline Environment Designation	Public Access Guidelines	Riparian Buffers
			continuous trail system located behind the critical area buffer parallel to the shoreline to provide common use by residents and the public..	W North River Road – 65 foot riparian buffer North of the east-west extension of W North River road - 30 foot riparian buffer
Q	Reach 5c	Agri-Tourist	Public access area will be implemented in future development consisting of a continuous trail system located behind the critical area buffer located parallel to the shoreline to provide common use by users within the development and the public..	75 foot riparian buffer
R	Reach 5d	Residential	This single family lot would not be required to provide public access.	50 foot riparian buffer
S	Reach 6a	Public Land	Public access should be carefully controlled to avoid adverse impacts to this relatively intact riparian habitat.	200 foot riparian buffer
T	Reach 6b	Agribusiness	Public access area is mandatory if future use is non-water dependent and should consist of a trail paralleling the water at the top of the bluff. Access to the water's edge may be considered if it will not adversely affect ecological functions.	100 foot riparian buffer to 25 feet above top of slope

Section 7. Section 49 of Ordinance Number 14-2896 and Prosser Municipal Code

Section 16.04.65 are hereby amended to read as follows:

16.04.65 Non-Conformities

A. The provisions of PMC Subsections 18.66.010 through 18.66.030 referencing nonconforming lots, structures, and uses provide review and administration regulations, subject to the definition in PMC 16.04.3.L and additional provisions below.

B. Any expansion of a nonconforming use, building, or structure within Shoreline Management Act jurisdiction shall meet the following additional criteria:

- 1) The expansion or enlargement will not increase its degree of nonconformity in relation to the provisions of the Shoreline Master Program; and
- 2) The expansion or enlargement will not result in enlargement of the building footprint or impervious area in a Critical Area buffer or extends further toward the water unless necessary to meet minimum standards of life-safety codes; and
- 3) The expansion or enlargement will not result in a net loss of ecological functions;

Section 8. Section 50 of Ordinance Number 14-2896 and Prosser Municipal Code Section 16.04.66 are hereby amended to read as follows:

16.04.66 Exemption from Substantial Development Permit

A. A substantial development permit shall be required for all proposed use and development of shorelines unless the proposal is specifically exempt pursuant to RCW 90.58.140(1).

B. The following shall not be considered substantial developments for the purpose of this Master Program and are exempt from obtaining a Shoreline Substantial Development Permit (SSDP), provided that any additional exemptions established by legislative amendment of the statute shall constitute exemptions without amendment to this code. An exemption from an SSDP is not an exemption from compliance with the SMA or the Shoreline Master Program, or from any other regulatory requirements. A use or development exempt from a Shoreline Substantial Development Permit may require a Conditional Use Permit or a variance:

- 1) Governor's Certification: Any project with a certification from the Governor pursuant to Chapter 80.50 RCW Energy Facilities – Site Locations.

- 2) Projects Valued at \$6,416 or less: Any development of which the total cost or fair market value does not exceed six thousand four hundred and sixteen dollars (\$6,416), if such development does not materially interfere with the normal public use of the water or shorelines of the state. The \$6,416 level is subject to adjustment for inflation by the office of financial management every five years.
- 3) Maintenance and Repair: Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements.
 - a. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.
 - b. "Normal repair" means to restore a development to a state comparable to its original condition, including, but not limited to, its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to the shoreline resource or environment.
 - c. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including, but not limited to, its size, shape, configuration, location, and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.
- 4) Emergency Construction: Emergency construction necessary to protect property from damage by the elements.
 - a. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow for full compliance with the Shoreline Master Program.
 - b. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed to be the appropriate means to address the emergency situation, upon abatement of the emergency situation, the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, 173 -27 WAC or this Shoreline Program shall be obtained.
 - c. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the Shoreline Master Program.
 - d. In general, flooding or other seasonal events that can be anticipated and may occur, but that are not imminent, are not an emergency.

- 5) Agricultural Construction or Practices: Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures, including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling, other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.
- 6) Construction of Single-Family Residence and Accessory Buildings: Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level as defined in WAC 173-27-030, and which meets all requirements of the State agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this Section.
- a. "Single family" residence means a detached dwelling designed for and occupied by one (1) family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single family residence and is located landward of the OHWM and the perimeter of a wetland.
- b. Construction authorized under this exemption shall be located landward of the OHWM.
- 7) Construction of Non-Commercial Docks: Construction of a dock, including a community dock designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multi-family residences. This exception applies if:
- a. The fair market value of the dock does not exceed ten thousand dollars (\$10,000.00); however, if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500.00) occurs within five (5) years of completion of the prior construction, the subsequent construction shall require a substantial development permit; and
- b. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities, or other appurtenances.

- c. The dock meets all requirements of this code.
- 8) Construction Authorized by the Coast Guard: Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys.
- 9) Operation, Maintenance, or Construction Related to Irrigation: Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands.
- 10) Marking of Property Lines on State-Owned Lands: The marking of property lines or corners on State-owned lands when such marking does not interfere with the normal public use of the surface of the water.
- 11) Operation and Maintenance of Agricultural Drainage or Dikes: Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.
- 12) Activities Necessary for Permit Application: Site exploration and investigation activities that are prerequisites to preparation of an application for development authorization under the Shoreline Master Program, if:
- a. The activity does not interfere with the normal public use of the surface waters;
 - b. The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 - c. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
 - d. A private entity seeking development authorization under the Shoreline Master Program first posts a performance bond or provides other evidence of financial responsibility to the Administrator to ensure that the site is restored to pre-existing conditions; and
 - e. The activity is not subject to the permit requirements of RCW 90.58.550.
- 13) Removal or Control of noxious Weeds: The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final

environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other State agencies under chapter 43.21C RCW.

14) Watershed Restoration Projects: Watershed restoration projects as defined below:

- a. "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:
 - (i) A project that involves less than ten (10) miles of stream reach, in which less than twenty five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed, or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings.
 - (ii) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water.
 - (iii) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the State, provided that any structure other than a bridge or culvert or in-stream habitat enhancement structure associated with the project is less than two hundred (200) square feet in floor area and is located above the OHWM of the stream.
- b. "Watershed restoration plan" means a plan developed or sponsored by a state department, a federally recognized Indian tribe, a City, or a conservation district, for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act. The watershed restoration plan generally contains a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed.

15) Projects to Improve Fish and Wildlife Passage or Habitat: A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:

- a. The project has been approved in writing by the Department of Fish and Wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose.
- b. The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to chapter 77.55 RCW.

- c. The Administrator has determined that the project is consistent with this Master Program.
- 16) Hazardous Substance Remediation: Hazardous substance remedial actions pursuant to WAC 173-27-040(3).
- 17) Projects on Lands Not Subject to Shoreline Jurisdiction Prior to Restoration: Actions on land that otherwise would not be under the jurisdiction of the Shoreline Management Act except for a change in the location of OHWM or other criteria due to a shoreline restoration project creating a landward shift in the ordinary high water mark that brings the land under the jurisdiction of the SMA approved in accordance with PMC 16.04.072 Restoration Project Relocation of OHWM.
- 18) All of the above exemptions are subject to the following regulations:
- a. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.
 - b. The burden of proof that a development or use is exempt is on the applicant/proponent of the exempt development action.
 - c. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire project.

Section 9. Section 60 of Ordinance Number 14-2896 and Prosser Municipal Code Section 16.04.76 are hereby amended to read as follows:

16.04.76 Variances:

A. A development may be granted which is at variance with the criteria established in the SMP where, owing to special conditions pertaining to the specific piece of property, the literal interpretation and strict application of the criteria established in the SMP would cause undue and unnecessary hardship or practical difficulties. A variance may be required for a use that does not require a substantial development permit but which may not be approved because it does not comply with the provisions of the SMP.

B. Decision Criteria: The fact that the applicant might make a greater profit by using his property in a manner contrary to the intent of the Master Program is not, by itself, sufficient reason for a variance. The Board of Adjustment must find each of the following:

- 1) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use

of the property;

- 2) That the hardship described in (1) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
- 3) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
- 4) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
- 5) That the variance requested is the minimum necessary to afford relief; and
- 6) That the public interest will suffer no substantial detrimental effect.

Section 10. 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 11. 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 17, 27, 28, 31, 32, 33, 49, 50, and 60 OF ORDINANCE 14-2896 AND PROSSER MUNICIPAL CODE SECTIONS 16.04.24, .34, .35, .41, .42, .43, .65, .66, and .76 ARE ALL HEREBY AMENDED TO ACCEPT THE WASHINGTON STATE DEPARTMENT OF ECOLOGY'S REQUIRED AND RECOMMENDED CHANGES TO THE CITY'S SHORELINE MASTER PROGRAM UPDATE. 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

CITY OF PROSSER, WASHINGTON
ORDINANCE NO. 15-_____

AN ORDINANCE AMENDING SECTIONS AMENDING AND REENACTING SECTION 3 OF ORDINANCE NUMBER 14-2897 AND THAT PORTION OF SECTION 3 OF ORDINANCE NUMBER 03-2417 THAT ENACTED PROSSER MUNICIPAL CODE SECTION 16.20.010 AND AMENDING AND RE AND PROSSER MUNICIPAL CODE SECTION 16.20.010; AMENDING AND REENACTING SECTION 4 OF ORDINANCE NUMBER 14-2897 AND THAT PORTION OF SECTION 3 OF ORDINANCE NUMBER 03-2417 THAT ENACTED PROSSER MUNICIPAL CODE SECTION 16.20.040 AND PROSSER MUNICIPAL CODE SECTION 16.20.040; AND AMENDING AND REENACTING THAT PORTION OF SECTION 3 OF ORDINANCE NUMBER 2417 THAT ENACTED PROSSER MUNICIPAL CODE SECTION 16.40.020 AND PROSSER MUNICIPAL CODE SECTION 16.40.020; AND REPEALING THAT PORTION OF SECTION 3 OF ORDINANCE NUMBER 2417 THAT ENACTED PROSSER MUNICIPAL CODE SECTION 16.40.010 AND PROSSER MUNICIPAL CODE SECTION 16.40.010 ARE ALL HEREBY AMENDED AND REENACTED TO ACCEPT THE WASHINGTON STATE DEPARTMENT OF ECOLOGY'S REQUIRED AND RECOMMENDED CHANGES TO THE CITY'S SHORELINE MASTER PROGRAM UPDATE. 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 3 of Ordinance Number 14-2897 and that portion of Section 3 of Ordinance Number 03-2417 that enacted Prosser Municipal Code Section 16.20.010 and Prosser Municipal Code Section 16.20.010 are both hereby amended and reenacted to read as follows:

16.20.010 Designation, rating and mapping wetlands.

- A. Designating Wetlands. Wetlands are those areas, designated in accordance with the "Washington State Wetland Identification and Delineation Manual," that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. All areas within the city of Prosser meeting the wetland designation criteria in the "Identification and Delineation Manual," regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this

title.

- B. Wetland Ratings. Wetlands shall be rated according to the Department of Ecology wetland rating system found in the Washington State Wetland Rating for Eastern Washington (Ecology Publication No. 14-06-030), or as revised by Ecology. This document contains definitions and methods for determining ratings.

Section 2. Section 4 of Ordinance Number 14-2897 and that portion of Section 3 of Ordinance Number 03-2417 that enacted Prosser Municipal Code Section 16.20.040 and Prosser Municipal Code Section 16.20.040 are both hereby amended and reenacted to read as follows:

16.20.040 Performance standards—General requirements.

- A. Activities may only be permitted in a wetland or wetland buffer if the applicant can show that the proposed activity will not degrade the functions and values of the wetland and other critical areas.
- B. Activities and uses shall be prohibited from wetlands and wetland buffers, except as provided for in this title.
- C. Wetland Buffers.
 - 1. Standard Buffer Widths. The standard buffer widths presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the wetland functions and values at the time of the proposed activity. If the vegetation is inadequate then the buffer width shall be increased or the buffer should be planted to maintain the standard width. Required standard wetland buffers, based on wetland category and land use intensity, are as follows:

WETLAND TYPE	BUFFER
Category I	
Category I 8-9 habitat points	150 feet
Category I 6-7 habitat points	120 feet
Category I 5 habitat points	90 feet
Category I >3-4 habitat points	75 feet
Category I: Bogs and Wetlands of high conservation value	190 feet
Category I: Alkali	150 feet
Category II	
Category II 30-36 habitat points	150 feet
Category II 26-29 habitat points	120 feet
Category II 21-25 habitat points	90 feet
Category II >21 habitat points	150 feet
Category III	
Category III 26-29 habitat points	200 feet
Category III 21-25 habitat points	120 feet
Category III >21 habitat points	90 feet

The following measures shall be incorporated into adjacent development:

Type of Potential Disturbance	Required Measures to Minimize Impacts
Lights	Direct lights away from wetland.
Noise	<p>Locate activity that generates noise away from wetland.</p> <p>If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source.</p> <p>For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.</p>
Toxic runoff	<p>Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered.</p> <p>Establish covenants limiting use of pesticides within 150 feet of wetland.</p> <p>Apply integrated pest management.</p>
Stormwater runoff	<p>Retrofit stormwater detention and treatment for roads and existing adjacent development.</p> <p>Prevent channelized flow from lawns that directly enters the buffer.</p> <p>Use Low Intensity Development techniques (per Eastern Washington Low Impact Development Guidance Manual, Washington Department of Ecology publication #13-10-036, June 2013 and as may be hereafter amended, supplemented, or replaced.)).</p>
Change in patterns or water flow	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns.
Pets and human disturbance	<p>Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion.</p> <p>Place wetland and its buffer in a separate tract or protect with a conservation easement.</p>
Dust	Use best management practices to control dust.
Disruption of corridors or connections	<p>Maintain connections to offsite areas that are undisturbed.</p> <p>Restore corridors or connections to offsite habitats by replanting.</p>

2. Measurement of Wetland Buffers. All buffers shall be measured from the wetland boundary as surveyed in the field. The width of the wetland buffer shall be determined according to the wetland category and the proposed land use. The buffer for a wetland created, restored, or enhanced as compensation for wetland alterations shall be the same

- as the buffer required for the category of the created, restored, or enhanced wetland.
3. Increased Wetland Buffer Widths. The city shall require increased buffer widths in accordance with the recommendations of a qualified professional biologist and the best available science on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values based on site-specific characteristics. This determination shall be based on one or more of the following criteria:
 - a. A larger buffer is needed to protect other critical areas;
 - b. The buffer or adjacent uplands has a slope greater than fifteen percent or is susceptible to erosion and standard erosion-control measures will not prevent adverse impacts to the wetland; or
 - c. The buffer area has minimal vegetative cover. In lieu of increasing the buffer width where existing buffer vegetation is inadequate to protect the wetland functions and values, implementation of a buffer planting plan may substitute. Where a buffer planting plan is proposed, it shall include provisions for monitoring and maintenance to ensure success.
 - d. At no time shall wetland buffers be increased to a width two times that of the standard required buffer.
 4. Reduction of Wetland Buffer Widths.
 - a. The city may allow the standard wetland buffer width to be reduced in accordance with the report and the best available science on a case-by-case basis when it is determined that a smaller area is adequate to protect the wetland functions and values based on site-specific characteristics.
 - b. This determination shall be supported by documentation showing that a reduced buffer is adequate based on all of the following criteria:
 - i. Requiring the standard buffer poses an extraordinary hardship on the landowner;
 - ii. The existing buffer area is well vegetated with native species and has less than ten percent slopes; and
 - iii. No direct or indirect short-term or long-term adverse impacts to wetlands will result from the proposed activity.
 - c. The city may require long-term monitoring of the buffer and wetland. Subsequent corrective actions may be required if adverse impacts to wetlands are discovered during the monitoring period.
 - d. In no case shall the standard buffer width be reduced by more than fifty percent, or the buffer width be less than fifty feet, whichever is greater, unless the applicant demonstrates an acceptable reasonable use as described in Section 16.10.120.
 - e. Isolated Category 3 and 4 wetlands less than 1,000 square feet may be exempt from the buffer provisions contained in this Chapter and the normal mitigation sequencing process. They may be displaced if impacts are fully mitigated. Such wetlands:
 - i. Are not associated with riparian areas or buffers.

- ii. Are not part of a wetland mosaic.
- iii. Do not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife.

Section 3. Section 5 of Ordinance Number 14-2897 and that portion of Section 3 of Ordinance Number 03-2417 that enacted Prosser Municipal Code Section 16.20.050 and Prosser Municipal Code Section 16.20.050 are both hereby amended and reenacted to read as follows:

16.20.050 Performance standards—Mitigation requirements.

- A. **Mitigation Shall Achieve Equivalent or Greater Biological Functions.** Mitigation for alterations to wetlands shall achieve equivalent or greater biologic functions and shall be consistent with the Department of Ecology “Guidelines for Developing Freshwater Wetlands Mitigation Plans and Proposals,” 1994, as revised.
- B. **Mitigation Shall Result in No Net Loss.** Wetland mitigation actions shall not result in a net loss of wetland area except when the following criteria are met:
 - 1. The lost wetland area provides minimal functions and the mitigation action(s) results in a net gain in wetland functions as determined by a site-specific function assessment using Department of Ecology “Methods for Assessing Wetland Functions, Volume 2, Depressional Wetlands in the Columbia Basin of Eastern Washington, Parts 1 and 2,” December 2000; or
 - 2. The lost wetland area provides minimal functions as determined by a site-specific function assessment and other protected or enhanced habitats provide greater benefits to the functioning of the watershed, such as riparian habitat protection and enhancement.
- C. **Mitigation for Lost Functions and Values.** Mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement, and shall provide similar wetland functions as those lost except when:
 - 1. The lost wetland provides minimal functions as determined by a site-specific function assessment and the proposed mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal watershed assessment protocol; or
 - 2. Out-of-kind replacement will best meet formally identified regional goals, such as replacement of historically diminished wetland types.
- D. **Preference of Mitigation Actions.** Mitigation actions that require compensation by replacing, enhancing, or substitution shall occur in the following order of preference:
 - 1. Restoring wetlands on upland sites that were formerly wetlands.
 - 2. Creating wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of exotic introduced species.

3. Enhancing significantly degraded wetlands.
4. Preserving high-quality wetlands that are under imminent threat.

E. **Type and Location of Mitigation.** Mitigation actions shall be conducted within the same subdrainage basin and on the site as the alteration except when the following apply:

1. There are no reasonable on-site opportunities or on-site opportunities do not have a high likelihood of success due to development pressures, adjacent land uses, or on-site buffers or connectivity are inadequate;

2. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and

3. Off-site locations shall be in the same subdrainage basin and the same water resource inventory area (WRIA) unless:

- a. The impact is located near the boundary of a WRIA;

- b. Established regional or watershed goals for water quality, flood or conveyance, habitat or other wetland functions have been established and strongly justify location of mitigation at another site; or

- c. Credits from a state-certified wetland mitigation bank are used as mitigation and the use of credits is consistent with the terms of the bank's certification.

F. **Mitigation Timing.** Where feasible, mitigation projects shall be completed prior to activities that will disturb wetlands. In all other cases, mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing wildlife and flora.

The city may authorize a one-time temporary delay, up to one hundred twenty days, in completing minor construction and landscaping when environmental conditions could produce a high probability of failure or significant construction difficulties. The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety and general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the mitigation plan. The justification must be verified and approved by the city, and include a financial guarantee in the form of a cash bond or similar mechanism

G. **Mitigation Ratios.**

1. **Acres Replacement Ratios.** The following ratios shall apply to creation or restoration that is in-kind, on-site, the same category, timed prior to or concurrent with alteration, and has a high probability of success. These ratios do not apply to remedial actions resulting from unauthorized alterations; greater ratios shall apply in those cases. These

ratios do not apply to the use of credits from a state-certified wetland mitigation bank. When credits from a certified bank are used, replacement ratios should be consistent with the requirements of the bank's certification. The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered.

Wetland Mitigation Ratios				
Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement	
Category I: Bog, wetland of high conservation value	Not considered possible	Case by case	Case by case	
Category I: Mature Forested	6:1	12:1	24:1	
Category I: Based on Functions	4:1	8:1	16:1	
Category II	3:1	6:1	12:1	
Category III	2:1	4:1	8:1	
Category IV	1.5:1	3:1	6:1	

Note: Impacts to buffers shall be mitigated at a 1:1 ratio. Compensatory buffer mitigation shall replace those buffer functions lost from development.

2. Increased Replacement Ratio. The city may increase the ratios under the following circumstances:
 - a. Uncertainty exists as to the probable success of the proposed restoration or creation; or
 - b. A significant period of time will elapse between impact and replication of wetland functions; or
 - c. Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or
 - d. The impact was an unauthorized impact.
3. Decreased Replacement Ratio. The city may decrease these ratios under the following circumstances:
 - a. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions have a very high likelihood of success;
 - b. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions will provide functions and values that are significantly greater than the wetland being impacted; or
 - c. The proposed mitigation actions are conducted in advance of the impact and have

been shown to be successful.

4. Minimum Replacement Ratio. In all cases, a minimum acreage replacement ratio of one-to-one shall be required.

H. Wetland Mitigation Banks.

1. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
 - a. The bank is certified under Chapter 173-700 WAC;
 - b. The city determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
 - c. The proposed use of credits is consistent with the terms and conditions of the bank's certification.
2. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.
3. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one water resource inventory area (WRIA) for specific wetland functions.

I. Wetlands Enhancement as Mitigation.

1. Impacts to wetlands may be mitigated by enhancement of existing significantly degraded wetlands. Applicants proposing to enhance wetlands must produce a report that identifies how enhancement will increase the functions of the degraded wetland and how this increase will adequately mitigate for the loss of wetland area and function at the impact site. An enhancement proposal must also show whether existing wetland functions will be reduced by the enhancement actions.
2. At a minimum, enhancement acreage shall be double the acreage required for creation or restoration under subsection G of this section. The ratios shall be greater than double the required acreage where the enhancement proposal would result in minimal gain in the performance of wetland functions and/or result in the reduction of other wetland functions currently being provided in the wetland.

J. Wetland Preservation as Mitigation. Impacts to wetlands may be mitigated by preservation of wetland areas when used in combination with other forms of mitigation such as creation, restoration, or enhancement at the preservation site or at a separate location. Preservation may also be used by itself, but more restrictions, as outlined below, will apply.

1. Preservation in Combination with Other Forms of Compensation. Preservation as mitigation is acceptable when done in combination with restoration, creation, or enhancement; providing, that a minimum of one-to-one acreage replacement is provided by restoration or creation and the criteria below are met.

- a. The impact area is small and/or impacts are to a Category III or IV wetland;
 - b. Preservation of a high-quality system occurs in the same water resource inventory area (WRIA) or watershed basin as the wetland impact; and
 - c. Preservation sites include buffer areas adequate to protect the habitat and its functions from encroachment and degradation.
2. Preservation as the Sole Means of Mitigation for Wetland Impacts. Preservation of at-risk, high-quality habitat may be considered as the sole means of mitigation for wetland impacts when all of the following criteria are met:
- a. Preservation is used as a form of mitigation only after the standard sequencing of mitigation (avoid, minimize, and then compensate) has been applied;
 - b. Creation, restoration, and enhancement opportunities have also been considered, and preservation is the best mitigation option;
 - c. The impact area is small and/or impacts are to a Category III or IV wetland;
 - d. Preservation of a high-quality system occurs in the same water resource inventory area (WRIA) or a watershed where the wetland impact occurs;
 - e. Preservation sites include buffer areas adequate to protect the habitat and its functions from encroachment and degradation;
 - f. The preservation site is determined to be under imminent threat, specifically, sites with the potential to experience a high rate of undesirable ecological change due to on-site or off-site activities (“potential” includes permitted, planned, or perceived actions); and
 - g. The area proposed for preservation is of high quality and critical for the health of the watershed or basin. Some of the following features may be indicative of high-quality sites:
 - i. Category I or II wetland rating;
 - ii. Rare wetland type (for example, bogs, estuaries);
 - iii. Habitat for threatened or endangered species;
 - iv. Wetland type that is rare in the area;
 - v. Provides biological and/or hydrological connectivity;
 - vi. High regional or watershed importance (for example, listed as priority site in watershed plan); and
 - vii. Large size with high species diversity (plants and/or animals) and/or high abundance.
3. Mitigation Ratios for Preservation as the Sole Means of Mitigation. Mitigation ratios for preservation as the sole means of mitigation shall range from seven-to-one to twenty-to-one, as determined by the city, depending on the quality of wetlands being mitigated and the quality of the wetlands being preserved.

K. Mitigation Maintenance and Monitoring. Mitigation areas will be maintained and monitored for a minimum of five years after the mitigation has been completed. Annual maintenance and monitoring reports will be submitted to the city and shall include:

1. Descriptive data for vegetation, soils, and hydrology;
2. Itemized list of dead, dying, and replaced vegetation;
3. Quantitative assessment of invasive species;
4. Descriptive photographs;
5. Statement of overall success of mitigation;
6. Schedule of activities for the next year of maintenance and monitoring.

The city may extend maintenance and monitoring for mitigation projects that fail to achieve performance standards outlined in the mitigation plan. An example of a performance failure is less than eighty percent survival of native vegetation or more than ten percent of the mitigation area cover with nonnative invasive species.

Section 4. That portion of Section 3 of Ordinance Number 2417 that enacted Prosser Municipal Code Section 16.40.010 and Prosser Municipal Code Section 16.40.010 are both hereby repealed.

Section 5. That portion of Section 3 of Ordinance Number 2417 that enacted Prosser Municipal Code Section 16.40.020 and Prosser Municipal Code Section 16.40.020 are both hereby amended to read as follows:

16.40.020 Designation.

All areas within the city meeting the frequently flooded designation criteria in the “Identification and Delineation Manual,” regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this title.

The approximate location and extent of frequently flooded areas are shown on the adopted critical areas map (Exhibit 1 of the ordinance codified in this chapter, or the latest revision of this map). Maps from the Federal Emergency Management Agency, as part of the National Flood Insurance Program (1981 and revised), clearly delineate frequently flooded areas. The present boundaries of the one-hundred-year floodplain are those designated on the Flood Insurance Rate Maps contained in the Flood Insurance Study for the City of Prosser (1981), prepared by the Federal Emergency Management Agency.

Section 6. That portion of Section 3 of Ordinance Number 2417 that enacted Prosser Municipal Code Section 16.40.030 and Prosser Municipal Code Section 16.40.030 are both hereby amended to read as follows:

16.40.030 Regulation.

Titles 16 and 18 of the City of Prosser Municipal Code regulate proposed activities adjacent to or within flood hazard areas. If allowed, any structures permitted in the designated frequently flooded areas are subject to the flood damage regulations provided in Title 18.

Section 7. SEVERABILITY. The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall not as a result of said section, sentence, clause, or phrase be held unconstitutional or invalid.

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

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

MAYOR PAUL WARDEN

ATTEST:

CITY CLERK, RACHEL SHAW

Approved as to form:

CITY ATTORNEY, HOWARD SAXTON

Date of Publication: _____

SUMMARY OF ORDINANCE NO. 15-_____

of the City of Prosser, Washington

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

AN ORDINANCE AMENDING SECTIONS AMENDING AND REEACTING SECTION 3 OF ORDINANCE NUMBER 14-2897 AND THAT PORTION OF SECTION 3 OF ORDINANCE NUMBER 03-2417 THAT ENACTED PROSSER MUNICIPAL CODE SECTION 16.20.010 AND AMENDING AND RE AND PROSSER MUNICIPAL CODE SECTION 16.20.010; AMENDING AND REENACTING SECTION 4 OF ORDINANCE NUMBER 14-2897 AND THAT PORTION OF SECTION 3 OF ORDINANCE NUMBER 03-2417 THAT ENACTED PROSSER MUNICIPAL CODE SECTION 16.20.040 AND PROSSER MUNICIPAL CODE SECTION 16.20.040; AND AMENDING AND REENACTING THAT PORTION OF SECTION 3 OF ORDINANCE NUMBER 2417 THAT ENACTED PROSSER MUNICIPAL CODE SECTION 16.40.020 AND PROSSER MUNICIPAL CODE SECTION 16.40.020; AND REPEALING THAT PORTION OF SECTION 3 OF ORDINANCE NUMBER 2417 THAT ENACTED PROSSER MUNICIPAL CODE SECTION 16.40.010 AND PROSSER MUNICIPAL CODE SECTION 16.40.010 ARE ALL HEREBY AMENDED AND REENACTED TO ACCEPT THE WASHINGTON STATE DEPARTMENT OF ECOLOGY'S REQUIRED AND RECOMMENDED CHANGES TO THE CITY'S SHORELINE MASTER PROGRAM UPDATE. 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

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CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Conduct a Closed Record Decision Hearing to Consider an Ordinance rezoning property from Residential High Density (RH) to Residential Manufactured Home Subdivision (RMS) and consideration of a Resolution approving a preliminary plat subdivision of 27 single family lots and a 28 th lot that will be used for future High Density.		Meeting Date: August 11, 2015 Regular Meeting	
Department: Planning	Director: Steve Zetz	Contact Person: Steve Zetz	Phone Number: (509) 786-2332
Cost of Proposal: NA		Account Number:	
Amount Budgeted: NA		Name and Fund#	
Reviewed by Finance Department:			
Attachments to Agenda Packet Item:			
<ol style="list-style-type: none"> 1. Closed Record Decision Hearing Notification 2. Application 3. Planning Commission Findings 4. Letter from CCHS regarding rezone 5. Planning Commission Packet 6. Determination of Non-Significance (DNS) 7. Ordinance 8. Resolution 			
Summary Statement:			
<p>Applicant is proposing a 27 unit single family home subdivision to be located west of 480 North River Road. The project will consist of an extension to Petra Avenue (Not yet constructed) and a new street to be named Basalt Loop. The Applicant has applied for a preliminary subdivision plat. The Applicant has applied for a rezone for the parcel from Residential High Density (RH) to Residential Manufactured Home Subdivision (RMS) to exclude that portion to be known as lot 28.</p> <p>It is important to note that under Chapter 18 of the Prosser Municipal Code RMS zoning is no longer limited to manufactured homes and the applicant is proposing stick built homes within the subdivision. <u>This is not a mobile home park (RMHP).</u></p> <p>The Planning Commission held two public hearings (June and July) and has</p>			

recommended approval of the rezone and the preliminary plat for the subdivision.		
<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>		
<u>Motion #1:</u> Adopt Ordinance 15-_____ approving a rezone to exclude the westerly 249.58 feet of lot 2 of short plat 3437 which will remain Residential High Density (RH).		
<u>Motion #2:</u> Adopt Resolution 15-_____ approving a preliminary plat for the subdivision plat of 28 lots.		
<u>Reviewed by Department Director:</u>	<u>Reviewed by City Attorney:</u>	<u>Approved by Mayor:</u>
		
Date:	Date: 8/8/15	Date: 8-7-15
<u>Today's Date:</u>	<u>Revision Number/Date:</u>	<u>File Name and Path:</u>



FILE COPY

City of Prosser
NOTICE OF

CLOSED RECORD DECISION HEARING

NOTICE IS HEREBY GIVEN by the undersigned City Clerk of the City of Prosser, Washington, that the City Council will hold a Closed Record Decision Hearing on August 11, 2015 at 7:00 p.m. or as soon thereafter as possible, in the City Council Chambers, City Hall, 601 7th Street, Prosser, Washington, for the purpose of receiving public comment on a proposed residential subdivision of 28 lots. This notice replaces the notice published July 22, 2015. The Council Chambers is wheelchair accessible. American with Disabilities Act (ADA) accommodations are available upon request to the City Clerk at least 2 days in advance by calling (509) 786-2332.

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

Any appeal argument may also be submitted at the hearing scheduled for August 11, 2015 in the City of Prosser City Council Chambers, 601 7th Street, and prior to the close of the hearing. The City Council may accept the Planning Commission recommendation or it may modify the recommendation. The City Council may also remand the matter to the Planning Commission for further proceedings.

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

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

Dated: July 21, 2015

Rachel Shaw, CMC
City Clerk
City of Prosser

Published: Prosser Record Bulletin
Publish Date: July 29, 2015



LAND USE ZONING & PERMIT APPLICATION

CITY OF PROSSER, WASHINGTON

APPLICANT'S NAME CATHOLIC CHARITIES HOUSING SERVICES - DIOCESE OF YAKIMA
PROJECT NAME RIVER ROAD HOMES

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

Project Address: 415 Petra Avenue, Prosser WA 99350
 (Leave blank if not assigned)

Parcel Number (Property Tax Account Number): 102842013437002

Legal Description: SECTION 2, TOWNSHIP 8 NORTH, RANGE 24 EAST, QUARTER NW: SHORT PLAT #3437, LOT 2: RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 3437, RECORDS OF BENTON COUNTY, WASHINGTON. AF#2014-019571, 8/08/2014.

PROPERTY OWNER INFORMATION

Name: Catholic Charities Housing Services – Diocese of Yakima (CCHS)

Address: 5301 Tieton Dr Ste G City: Yakima State: WA Zip: 98908

Phone: 509-853-2800 Cell Phone: 509-969-7411

Email: igarcia@ccyakima.org (email will not be used for transmittal of official findings)

OWNERS AUTHORIZED AGENT: Bryan Ketcham, Director

Address: 5301 Tieton Dr Ste G City: Yakima State: WA Zip: 98908

Phone: 509-853-2800 Cell Phone: _____

Email: bketcham@ccyakima.org (email will not be used for transmittal of official findings)

PROJECT INFORMATION

- | | |
|----------------------------------------------------|--------------------------------------------------------------------------------------|
| <input type="checkbox"/> Site Review | <input type="checkbox"/> Conditional Use 9 Requires Conditional Use form LUA-S1) |
| <input type="checkbox"/> Annexation | <input checked="" type="checkbox"/> Variance (Requires Variance request form LUA-S2) |
| <input checked="" type="checkbox"/> Change of Zone | <input type="checkbox"/> Similar Use |
| <input type="checkbox"/> Accessory Dwelling Unit | <input type="checkbox"/> Encroachment |
| <input type="checkbox"/> Overlay Zone | <input type="checkbox"/> Adult Family Home |
| <input type="checkbox"/> Right-of-Way Use Permit | <input type="checkbox"/> Continuation and/or Minor Alteration of Non-Conforming Use |
| <input type="checkbox"/> Other | <input checked="" type="checkbox"/> SEPA |

SEPA

PROJECT DESCRIPTION: CCHS acquired a 12.54 acre parcel for the purposes of developing affordable housing of various types. Genesis Housing Services is acquiring the east 4.61 acres, exclusive of roads, and is near starting construction of a 51 unit multi-family housing project that will serve low income agricultural worker and low income workforce families. The remaining portion, consisting of about 7.57 acres, including future roads, will be developed by CCHS, a 501 (c) (3) nonprofit Washington corporation, and consist of 27 single family homes for first time homebuyers with incomes at or below 80% of Area Median Income (AMI), through its New Life Homes Program . The remaining 2.76 acres, including future road(s) is currently envisioned to be multi-family housing to serve independent low income seniors. CCHS is the likely developer for this land.

PLEASE ATTACH THE REQUIRED VICINITY MAP

ESTIMATED PROJECT VALUATION: \$ 4,981,502

CONTRACTOR INFORMATION

Company Name: Catholic Charities Housing Services – Diocese of Yakima Email: lkraft@ccyakima.org

Contact Person: Linn Kraft Contact Phone: 509-945-5215

Address: 5301 Tieton Dr Ste G City: Yakima State: WA Zip: 98908

Contractor's Registration No.: CC DIOCEYH931L5 Expiration Date: 09/11/2015

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

Linn Kraft 3/17/15
 Applicant Signature Date

Linn Kraft 3/17/15
 Owner Signature Date

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

<p>SITE REVIEW <u>Application must include the following.</u></p> <ol style="list-style-type: none"> 1. Critical Areas Worksheet 2. Proof of Legal Lot 3. Proof of ownership or authority 4. 25 year Storm Water Calculations stamped by an engineer 5. Site Plan Drawing which shows.... <ul style="list-style-type: none"> <input type="checkbox"/> All existing and proposed lot lines. <input type="checkbox"/> The location of all existing structures to remain and the location of all proposed structures. <input type="checkbox"/> The location of all utilities proposed to be used. <input type="checkbox"/> The proposed number and location of water meters. <input type="checkbox"/> The location of all solid waste receptacle areas. <input type="checkbox"/> The method of handling storm water removal. <input type="checkbox"/> All easements and right-of-ways. <input type="checkbox"/> All off-street parking and loading areas. <input type="checkbox"/> All driveway locations. <input type="checkbox"/> All landscaping, outdoor lighting and fencing. <input type="checkbox"/> A north arrow. <input type="checkbox"/> Scale of drawing 	<p>Deposits are required at the time an application is submitted. You will still get a monthly bill for actual costs incurred. Your deposit will not be refunded until the project has closed.</p> <table border="0"> <tr> <td>SITE REVIEW</td> <td>\$500.00 Deposit</td> </tr> <tr> <td>VARIANCE</td> <td>\$500.00 Deposit</td> </tr> <tr> <td>SITE REVIEW</td> <td>\$500.00 Deposit</td> </tr> <tr> <td>SEPA</td> <td>\$500.00 Deposit</td> </tr> <tr> <td>ANNEXATION</td> <td>\$500.00 Deposit</td> </tr> <tr> <td>ZONE CHANGE</td> <td>\$1000.00 Deposit</td> </tr> <tr> <td>CONDITIONAL USE</td> <td>\$500.00 Deposit</td> </tr> </table>	SITE REVIEW	\$500.00 Deposit	VARIANCE	\$500.00 Deposit	SITE REVIEW	\$500.00 Deposit	SEPA	\$500.00 Deposit	ANNEXATION	\$500.00 Deposit	ZONE CHANGE	\$1000.00 Deposit	CONDITIONAL USE	\$500.00 Deposit
SITE REVIEW	\$500.00 Deposit														
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ANNEXATION	\$500.00 Deposit														
ZONE CHANGE	\$1000.00 Deposit														
CONDITIONAL USE	\$500.00 Deposit														

CITY USE ONLY

RECEIVED BY _____ DATE _____

APPROVED BY _____ DATE _____

RETURNED BY _____ DATE _____

REASON FOR APPLICATION RETURN _____

PMC-18

Revised 12-29-07

BEFORE THE PLANNING COMMISSION
OF THE
CITY OF PROSSER, WASHINGTON

IN THE MATTER OF THE APPLICATION OF)
)
CATHOLIC CHARITIES HOUSING) FINDINGS/CONCLUSIONS
SERVICES,)
FOR APPROVAL OF A PRELIMINARY PLAT)
FOR THE RIVER ROAD HOMES SUBDIVISION)
AND FOR A CHANGE OF ZONE FROM RESI-)
DENTIAL HIGH DENSITY DISTRICT (RH) TO)
RESIDENTIAL MANUFACTURED HOME SUB-)
DIVISION DISTRICT (RMS).)
_____)

Before the Planning Commission of the City of Prosser, Washington, in the matter of the application of Catholic Charities Housing Services (hereafter Proponent) for the approval of a preliminary plat for the River Road Homes Subdivision and for a change of zone from Residential, High Density District (RH) to Residential, Manufactured Home District (RMS) in accordance with the Plat filed by the Proponent and in accordance with Prosser Municipal Code Title 17.

FINDINGS

I.

DETERMINATION OF COMPLETE APPLICATION

The Proponent submitted an application for the approval of a preliminary plat for the River Road Homes Subdivision and for a change of zone from Residential, High Density District

PLANNING COMMISSION
RIVER ROAD HOMES SUBDIVISION
FINDINGS PAGE -1-

(RH) to Residential, Manufactured Home District (RMS) for property legally described below on March 17, 2015, and the application was determined to be complete on May 5, 2015, by Administration.

II.

STATE ENVIRONMENTAL POLICY ACT

The approval of the preliminary plat and the re-zone are subject to review under the State Environmental Policy Act as adopted and regulated by Prosser Municipal Code Chapter 16.04 (SEPA). The City of Prosser, Washington was the lead agency for review under SEPA. The City of Prosser, Washington issued a mitigated determination of non-significance on July 9, 2015. The SEPA determination is hereby incorporated herein as if fully set forth.

III.

PRELIMINARY DETERMINATION OF CONSISTENCY

The Prosser Board of Adjustment approved a variance on June 8, 2015, the findings for which are hereby incorporated by reference. The City of Prosser has determined that the application is consistent with the Comprehensive Plan and other planning and zoning requirements.

In order to make a determination of consistency the following approvals and permits would be needed:

- A. Compliance with the notes on the face of the subdivision preliminary plat.
- B. Compliance with requirements of these findings and the Prosser Municipal Code.

- C. Construction of public improvements within the subdivision including but not limited to Streets, Sidewalks, Storm Water Retention Facilities, and Irrigation System.
- D. No direct access to North River Road shall be permitted from any lot in the subdivision.
- E. A note shall be added on the face of the plat alerting persons, who may be sensitive to noise, that a public airport is adjacent to the subdivision.
- F. Approval of a variance by the Board of Adjustment for the lot width on lots 7 and 11.

IV.

NOTICES

The notice of the application and notice of the Hearing was published in the Prosser Record Bulletin on May 13, 2015. Notice was also mailed to land owners within three hundred feet of the property described in section V. Notice was also posted on the property. Notice of the hearing and application were provided in accordance with the Prosser Municipal Code.

V.

ADDITIONAL FINDINGS/CONCLUSIONS

- 1. Proponent's property is located adjacent to Petra Avenue which is currently under construction and is legally described as follows (hereinafter referred to as Proponent's Property):

PLANNING COMMISSION
RIVER ROAD HOMES SUBDIVISION
FINDINGS PAGE -3-

Lot 2, Short Plat Number 3437, according to the survey thereof recorded under Auditor's Recording Number 2014-019571, records of Benton County, Washington.

Having Benton County Parcel Number: 1-0284-201-3437-002.

2. The project is not phased and the entire plat will be constructed at one time.
3. The Proponent's Property is located within the City Limits of the City of Prosser, Washington.
4. The Proponent's Property is directly accessed from Petra Avenue. Petra Avenue intersects North River Road which intersects Wine Country Road. Wine Country Road provides Freeway access both eastbound to the Tri-Cities and westbound to Yakima.
5. The Proponent did not conduct a traffic study.
6. Proponent's subdivision is of sufficient size to allow the construction of 28 dwelling units.
7. Using the WSDOT Trip Generation Manual, 216 daily automobile trips will be generated by full build out of the subdivision.
8. Petra Avenue will be stop controlled at Wine Country Road southbound.
9. All internal roads in the subdivision will be stop controlled at Petra Avenue.
10. The City of Prosser has designated North River and Wine Country Roads, and the intersection of those streets to function at a level of service (LOS) of "C".
11. Wine Country Road at Nunn Road currently functions at a LOS of A. North River Road currently functions at a LOS of A. The Wine Country Road and North River Road

- intersection currently functions at a LOS of A and is controlled by a stop light.
12. The cumulative impact of this development and other uses in the area to 2021 will not cause any of the affected roads or the intersections of the affected roads to fall below a LOS of “C”.
 13. Since all roads and the intersection of them will continue to function at a level C or better even with the cumulative impact of this and other uses to 2021, no off-site intersection improvements are required.
 14. Petra Avenue will be improved where the subdivided property has frontage on that street.
 15. The neighboring properties to the Proponent’s Property consist of single or multi-family residential uses, storage units and a commercial tires sales facility. The Prosser Airport is in close proximity to the property. Some properties in the area also have large lot residential with some agricultural or commercial uses.
 16. The City’s Comprehensive Plan (LU 1.2) provides in part that the “type of land use and design of new development should be compatible with the existing developments, and land uses, and shall continue the rural community image.”
 17. All storm water must be retained on-site in accordance with City Standards.
 18. The subdivision must be connected to public water, irrigation, and all wastewater generated by the project must be collected and conveyed to the Prosser wastewater facility for treatment and disposal in accordance with the City’s wastewater discharge permit.

19. The City constructed the North Prosser Water System and pumping station together with the City's main water tower provides 4.7 million gallons of potable water capacity and can produce 7.13 million gallons of potable water per day but use has not exceeded 5.92 gallons per day.
20. The preliminary plat provides for connection to the City's public water system, irrigation system, and sewage disposal system. Construction of the subdivision will not cause the City to violate its wastewater discharge permit. The city has adequate water rights to service the property and the water treatment plant has adequate capacity to treat water to serve the site.
21. At the time of final plat approval the Proponent shall provide detailed construction drawings and detailed specifications showing construction of water, irrigation, and sewer lines in the subdivision connecting the subdivision to the City's water, irrigation, and sewer main lines as extended by the Proponent to the north boundary of their property, in accordance with City Standards and subject to the approval of the City Engineer.
22. Fire Hydrants will be provided for upon final plat approval in accordance with the requirements of the City's Fire Official.
23. The Proponent has not identified any wetland on Proponent's property.
24. No wetland areas are located on the Proponent's Property. The Proponent's Property is not within two-hundred feet of the Yakima River.
25. The Proponent's property is generally flat with the steepest slope being at or below three

percent. No steep slope critical areas are present on the Proponent's Property except for the aquifer recharge area.

26. Construction activities for the Proponent's project will generate dust. The Proponent shall comply with all requirements of the Benton County Clean Air Authority. The proponent shall provide the City with copies of permits from the Benton County Clean Air Authority prior to commencement of construction of Proponent's Project.
27. The Proponent's Property is contained within the City's Critical Aquifer Recharge Area but the residential development will not adversely affect the recharging of the aquifer since all storm water will be retained on-site and all wastewater will be discharged to the City's wastewater treatment plant.
28. The Proponent's Property has access to irrigation water.
29. Proponent's preliminary plat provides for extension of irrigation lines and construction of a private irrigation system within the subdivision which will provide irrigation water to each lot within the subdivision.
30. The Proponent's Property is near to land owned by the Port of Benton and used for public airport and supporting industrial uses. Although the lots within the proposed subdivision are at a medium density they are approximately 1000 feet from the airport runway.
31. The close proximity to the airport may cause some lot owners to be inconvenienced by noise.
32. The noise caused by the airport is not sufficient to deny Proponent's application, but

Proponent shall warn prospective buyers of the noise nuisance by placing a note on the face of the final plat that the lots are adjacent to a public airport.

33. The City's SEPA determination provides adequate assurance that this development will not cause the need for additional school facilities.
34. PMC 18.24.040 requires the SEPA process to address the need for park facilities. That process recognized that the construction of a park in the nearby Empire Subdivision by CCHS is sufficient to mitigate the need for additional park facilities caused by this project.
35. The assessed value of the Proponent's property is \$297,510.
36. The change in funding opportunities for the Proponent allowing for a HUD Self Help Opportunity Funds must be used for single-family dwellings, is a substantial change in circumstances justifying the change of zone request.

VI.

ADDITIONAL CONCLUSION

Based upon the foregoing, this subdivision makes adequate provisions for the public health, safety, and general welfare and for such open spaces, drainage ways, streets, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, sidewalks to assure students will have the safe access to schools and approval of the subdivision and the dedications contained therein are in the public interest.

VII.

TESTIMONY

Steve Zetz and XX participated in the hearing. The following provided written materials or comments: the City of Prosser, Washington, Proponent, and the Prosser School District.

VI.

DETERMINATION BY THE PLANNING COMMISSION

The Planning Commission recommends approval of the preliminary plat with the conditions of approval as above indicated.

THE PLANNING COMMISSION SO FINDS.

ADOPTED BY THE PLANNING COMMISSION on July 16, 2015.



GLEND A SCHMIDT, CHAIR OF THE
PLANNING COMMISSION

Attested to by:

HOWARD SAXTON, SECRETARY

The City of Prosser, City Council will conduct a closed record decision hearing on the Proponent's Application on _____. Only appellate testimony will be permitted at this hearing. The City Council's decision may be appealed within 21 days of its decision in accordance with the Washington State Land Use Petition Act.

S:\PC\BIERLINKMEADOWS.PPFINDINGS.wpd

PLANNING COMMISSION
RIVER ROAD HOMES SUBDIVISION
FINDINGS PAGE -9-



Motivated by Christ's love
We bring hope to life
Especially for those most in need

Motivados por el amor de Cristo
Llevamos esperanza a la vida
Especialmente a los más necesitados

August 5, 2015

City of Prosser
601 Seventh Street
Prosser, WA 99350
Attn: Steve Zetz, Planning Director

RE: Proposed Re-Zone of Parcel 102842013437002

Dear Mr. Zetz:

It has come to our attention that the proposed rezone of parcel 102842013437002 from Residential High Density (RH) to Residential Manufactured Home Subdivision (RMS) includes a portion that was not intended for rezone. Because a rezone must take place prior to the proposed subdivision the rezone should exclude that portion of lot 2 which under the proposed subdivision would be lot 28. At the Planning Commission meetings it was discussed that lots 1-27 would be single family homes and the remaining portion (Lot 2B) would be set aside for a potential senior multi-family complex. We are moving forward with the proposed senior housing complex and are asking that the City Council modify the zoning ordinance to exclude that portion of lot 2 described below from the RMS rezone as it was never intended to be changed.

The ordinance for a rezone should have the following legal description;

SECTION 2, TOWNSHIP 8 NORTH, RANGE 24 EAST, QUARTER NW: SHORT PLAT #3437, LOT 2: RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 3437, RECORDS OF BENTON COUNTY, LESS THE WESTERLY 249.5B FEET OF LOT 2.

We appreciate your assistance in making this correction to the proposed re-zoning and subdivision application. Should any questions arise or need for additional information, please contact John Probst or me.

Sincerely,

Bryan Ketcham
Director



CATHOLIC CHARITIES HOUSING SERVICES OF YAKIMA
BOARD OF DIRECTORS

RESOLUTION # 14-06

AUTHORIZATION TO CONDUCT BUSINESS ON BEHALF OF CATHOLIC CHARITIES
HOUSING SERVICES

WHEREAS, the purpose of Catholic Charities Housing Services is to provide and promote services of a social and charitable nature within the Catholic Diocese of Yakima; and

WHEREAS, the purpose of Catholic Charities Housing Services (CCHS) is to establish social and community service programs in the spirit of the mission of the Catholic Diocese of Yakima, in response to the social welfare needs of the community; and

WHEREAS, the purpose of Catholic Charities Housing Services is to develop, own, finance and manage low-income, affordable and special needs housing facilities and to provide and promote housing services to the citizens within the Catholic Diocese of Yakima, and to partner with other groups and individuals in promoting an enhanced community response of people united in concerns for the basic human needs of all citizens and to recommend and support public and private programs of all types and kinds in response to the housing related needs of the community;

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

RESOLVED, that John L. Young, President or Bryan Ketcham, Director are authorized to execute and deliver all applications, agreements, documents, contracts and instruments on behalf of Catholic Charities Housing Services in connection with the day-to-day business functions or other activities that further the purposes of Catholic Charities Housing Services as they relate to its mission of service.

To this end,

Staff authorized to make changes to the following accounts; pursuant to the Financial Policies of Catholic Charities Housing Services are:

Banner Bank - CCHS Operating Account
Banner Bank - CCHS Savings Account
Banner Bank - Fundraising
Banner Bank - Savings – Restricted
Banner Bank - Reserve
Banner Bank - SHOP RLF
Banner Bank - HTF RLF
Banner Bank - 523 TA Program
Banner Bank - Rose of Mary CD
Banner Bank - Genesis Housing Service
Banner Bank - Quincy Family Housing
Banner Bank - Carriage Court
Banner Bank - New Life Homes - White Swan
Banner Bank - New Life Homes - Tieton
Banner Bank - New Life Homes - Grandview
Banner Bank - New Life Homes - Wapato
Banner Bank - New Life Homes – Prosser
Banner Bank - New Life Homes – Granger
Banner Bank - New Life Homes - Sunnyside

Staff authorized as signers are:

Banner Bank - CCHS Operating Account
Banner Bank - CCHS Savings Account
Banner Bank - Fundraising
Banner Bank - Savings - Restricted
Banner Bank - Reserve
Banner Bank - SHOP RLF
Banner Bank - HTF RLF
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Banner Bank - Rose of Mary CD
Banner Bank - Genesis Housing Service
Banner Bank - Quincy Family Housing
Banner Bank - Carriage Court
Banner Bank - New Life Homes - White Swan
Banner Bank - New Life Homes - Tieton
Banner Bank - New Life Homes - Grandview
Banner Bank - New Life Homes - Wapato
Banner Bank - New Life Homes - Prosser
Banner Bank - New Life Homes - Granger
Banner Bank - New Life Homes - Sunnyside
Banner Bank - 523 Granger Project
Banner Bank - 523 Prosser Project
Banner Bank - Chelan Development
Banner Bank - GP Housing (Prosser/Granger Development)
Key Bank - George Family Housing

-- John L. Young; Bryan Ketcham; Lonnie Montiel; Karen Barnsley; Mike Sliman

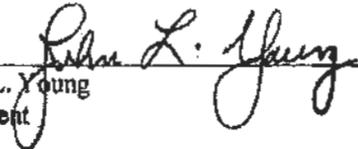
Key Bank - Operating Accounts and Reserve Accounts for (Coast):

Buena Migrant Housing
Buena Housing Associates/Buena Nueva Apartments
Cristo Rey Apartments (Sunnyside)
Desert Rose Terrace
Grandview Family Housing LP/Juan Pablo II Apartments (Grandview)
La Amistad Apartments (Warden)
Mabton Migrant Housing/Mabton Housing
New Life Villa (Mabton)
Reino Del Cielo/Royal City Housing
San Isidoro Plaza (Granger)
Villa Santa Maria (Mattawa)
Wapato Family Housing LLC

Bank of America - Operating Account and Reserve Accounts for (Coast):

Gonzaga Townhomes

I further certify that the persons named above are either duly employed or serve on the Board of Directors for Catholic Charities Housing Services, and occupy the positions set by their names; that the foregoing Resolution now stands of record on the books of the Corporation and that the Resolution is in full force.



John L. Young
President

8/6/2014

Date

I, as the Chairman of the Catholic Charities Housing Services Board of Directors, hereby approve the foregoing actions approved in Board Resolution #12-05 of the Catholic Charities Housing Services Board of Directors.



Mike Sliman
Chairman of the Board

6-25-14

Date



LAND USE APPLICATION SUBDIVISION CITY OF PROSSER, WASHINGTON

APPLICANT'S NAME: CATHOLIC CHARITIES HOUSING SERVICES - DIOCESE OF YAKIMA (CCHS)

PROJECT NAME: RIVER ROAD HOMES

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

Project Address: 415 Petra Avenue, Prosser WA 99350

(Leave blank if not assigned)

Parcel Number (Property Tax Account Number): 102842013437002

Legal Description: SECTION 2, TOWNSHIP 8 NORTH, RANGE 24 EAST, QUARTER NW: SHORT PLAT #3437, LOT 2: RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 3437, RECORDS OF BENTON COUNTY, WASHINGTON. AF#2014-019571, 8/08/2014.

PROPERTY OWNER INFORMATION

Name: Catholic Charities Housing Services – Diocese of Yakima

Address: 5301 Tieton Dr Ste G **City:** Yakima **State:** WA **Zip:** 98908

Phone: 509-853-2800 **Cell Phone:** 509-969-7411

Email: igarcia@ccyakima.org (email will not be used for transmittal of official findings)

OWNERS AUTHORIZED AGENT: Bryan Ketcham, Director

Address: 5301 Tieton Dr Ste G **City:** Yakima **State:** WA **Zip:** 98908

Phone: 509-853-2800 **Cell Phone:** _____

Email: bketcham@ccyakima.org (email will not be used for transmittal of official findings)

PROJECT INFORMATION

- | | |
|---------------------------------------------------------------------|---------------------------------------------------------|
| <input checked="" type="checkbox"/> Preliminary Subdivision Plat | <input type="checkbox"/> Binding Site Plan |
| <input type="checkbox"/> Alterations to Preliminary Plat | <input type="checkbox"/> Vacation of Subdivision |
| <input type="checkbox"/> Vacation of Street | <input type="checkbox"/> Final Subdivision Plat |
| <input type="checkbox"/> Short Plat with Dedication of Right of Way | <input type="checkbox"/> Alteration of Subdivision |
| <input type="checkbox"/> Short Plat w/o Dedication of Right Away | <input type="checkbox"/> Planned Area Development (PAD) |

PROJECT DESCRIPTION: CCHS acquired a 12.54 acre parcel for the purposes of developing affordable housing of various types. Genesis Housing Services is acquiring the east 4.61 acres, exclusive of roads, and is near starting construction of a 51 unit multi-family housing project that will serve low income agricultural worker and low income workforce families. The remaining portion, consisting of about 7.57 acres, including future roads, will be developed by CCHS, a 501 (c) (3) nonprofit Washington corporation, and consist of 27 single family homes for first time homebuyers with incomes at or below 80% of Area Median Income (AMI), through its New Life Homes Program . The remaining 2.76 acres, including future road(s) is currently envisioned to be multi-family housing to serve independent low income seniors. CCHS is the likely developer for this land.

PLEASE ATTACH THE REQUIRED VICINITY MAP

ESTIMATED PROJECT VALUATION: \$ 4,981,502

CONTRACTOR INFORMATION

Company Name: Catholic Charities Housing Services – Diocese of Yakima Email: lkraft@ccyakima.org

Contact Person: Linn Kraft Contact Phone: 509-945-5215

Address: 5301 Tieton Dr Ste G City: Yakima State: WA Zip: 98908

Contractor's Registration No.: CC DIOCEYH931L5 Expiration Date: 09/11/2015

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

Linn Kraft 3/17/15
Applicant Signature Date

Linn Kraft 3/17/15
Owner Signature Date

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

ADDITIONAL INFORMATION: PURSUANT TO THE CITY OF PROSSER'S 18.24.040 (H) DEVELOPMENT STANDARDS CCHS IS PLANNING TO DEDICATE AN OPEN SPACE IN OUR ADJACENT MULTI-FAMILY DEVELOPMENT TO NATIVE PLANTS AND GREEN AREAS.

CITY USE ONLY

RECEIVED BY _____ DATE _____

APPROVED BY _____ DATE _____

RETURNED BY _____ DATE _____

REASON FOR APPLICATION RETURN _____



Project # _____ Deposit \$500

VARIANCE REQUEST
CITY OF PROSSER, WASHINGTON
 Supplemental to Land Use application LUA-1

Applicant Name: Catholic Charities Housing Services – Diocese of Yakima (CCHS) Date: _____

Project Name: River Road Homes

Project Location: 415 Petra Ave. Prosser WA 99350

Description of variance: According to the current City of Prosser’s code single family housing requires a minimum of 45’ of road frontage. CCHS is requesting the granting of a variance to allow lots 7 and 11 to have a road frontage of 20’. This proposal maintains relatively regular shapes to all affected lots in the planned subdivision.

INSTRUCTIONS

A variance may be approved when all of the following are found and explained in PMC 18.75.080 (see reverse). Please write your responses to the following conditions on a separate piece of paper and include with the application. Be as clear and accurate as possible to avoid misinterpretation of your request.

- A. Special privilege is not being granted, and why.
 - B. The variance is necessary because of special circumstances, and why.
 - C. The granting of the variance will not be materially detrimental to the public welfare, and why.
3. State Environmental Policy Act (SEPA) checklist is required if there is a change in density.

Prosser Municipal Code 18.

Variances are heard and decided by the board of adjustment, in accordance with Title 19.
Variances will be approved only when all of the following are found:

- A. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property, on behalf of which the application was filed, is located; and
- B. That such variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
- C. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is located. (Ord. 1917 § 1 (part), 1997).

Yes and no answers will not be accepted.

All applications must be legible.

A SEPA checklist must be submitted.

No red ink.

**Electronic submissions will not be accepted.
Applications must be delivered or mailed to the City Clerk**

Prosser City Clerk
601 S 7th St.
Prosser WA 99350

Catholic Charities Housing Services – Diocese of Yakima
Variance Request

A. Special privilege is not being granted, and why.

Catholic Charities Housing Services (CCHS) does not have any special privilege inconsistent with the uses of other properties in the area and zone in which the property location of which the application is being filed. CCHS is an experienced single family housing developer and general contractor and abides by the City of Prosser's municipal code 18.75.80

B. The variance is necessary because of special circumstances, and why.

This variance request will enable CCHS to maintain regular lot shapes within the planned subdivision and maximize the parcel's lot development capacity.

C. The granting of the variance will not be materially detrimental to the public welfare, and why.

The granting of the variance will not be materially detrimental to the public's welfare or injurious to the property or land improvement in the vicinity and zone in which the subject property is located. The planned single family subdivision is parallel to the surrounding neighborhood and it will provide much needed affordable housing in the area. It is also consistent with the City of Prosser's Consolidated Comprehensive Plan.

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

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

Instructions for applicants: [help]

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

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

Instructions for Lead Agencies:

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

Use of checklist for non-project proposals: [help]

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

A. BACKGROUND [help]

1. Name of proposed project, if applicable: [help]

River Road Homes Subdivision

2. Name of applicant: [help]

Catholic Charities Housing Services

3. Address and phone number of applicant and contact person: [help]

Contact Person: Isabel Garcia
Catholic Charities Housing Services
5301 Tieton Drive, Suite G
Yakima, WA 98908-3478
509.853.2800; 509-969-7411 (cell)

4. Date checklist prepared: [help]

March 9, 2015

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

6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)
For the Single Family Housing Subdivision, consisting of 27 single family building lots and one 2.76 acre remainder parcel: for 27 single family home lots: Construction Start – July 2015; Completion – December 2017. Timing to develop the remaining 2.76 acre parcel: to be determined.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)
The remaining 2.76 acre parcel is envisioned for development as a multifamily senior project. The timing is likely to be 2019 or later.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)
A Phase I Environmental Site Assessment was completed on January 28, 2015 in conjunction with the planned subdivision. CCHS has owned the property since 2011. No on-site recognized environmental conditions were cited on the property. Up-gradient of the site are three known sources of petroleum, pesticide and herbicide groundwater contamination associated with the Port of Benton/ Prosser Airport, Waltz South Hangar and Anderson South Hangar. These sources are presently under remediation and do not impact the site. No additional recommendations for remediation were given. A Phase II Environmental Site Assessment was not recommended.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [\[help\]](#)
No

10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)
The property will be platted and the portion to contain the 27 single family building lots will be re-zoned to RMS to accommodate the single family housing planned. The remainder – 2.76 acres – will remain High Density Multifamily. The City of Prosser will be asked to approve new roads and other public infrastructure; building permits will be obtained; similar miscellaneous permits needed for construction may also be required.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [\[help\]](#)
Catholic Charities Housing Services acquired a 12.54 acre parcel for the purposes of developing affordable housing of various types. Genesis Housing Services is acquiring the east 4.61 acres, exclusive of roads, and is near starting construction of a 51 unit multi-family housing project that will serve low income agricultural worker and low income workforce families. The remaining portion, consisting of about 7.57 acres, including future roads, will be developed by Catholic Charities Housing Services, a 501 (c) (3) nonprofit Washington corporation, and consist of 27 single family homes for first time homebuyers with incomes at or below 80% of Area Median Income (AMI), through its New Life Homes Program. The remaining 2.76 acres, including future road(s) is currently envisioned to be multi-family housing to serve independent low income seniors. Catholic Charities Housing Services is the likely developer for this land.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [\[help\]](#)
The proposed property is located at 415 Petra Avenue, Prosser, WA 99350. Parcel No.: 102842013437002. Please see attached legal description, vicinity map and topographic map. The property generally slopes gently from north to south and west to east.

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

1. Earth

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

(circle one): Flat

b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)

The site is relatively flat with a slight slope from the west to the east and south to north of approximately 1%. There may be places where the slope is 2%.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [\[help\]](#)

According to a Geotechnical investigation, subsurface soils consist of dense gravel and cobbles with silty sand. Per the Natural Resource Conservation Service soil survey, soil on the site is Scootaney and is a deep to moderately deep silt loam soil with moderate infiltration rates, well drained soils and moderately coarse textures.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)

There are no surface indications or history of unstable soils associated with this site.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)

At present, the site is projected to be relatively neutral in terms of soil removal or addition, other than materials needed for road construction and building site compaction. Imported materials will be derived from approved sources.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)

The site is quite flat. Water erosion is improbable. During construction an approved dust abatement plan will be in place to control dust.

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

Approximately 50% of the site will be impervious upon complete development, including buildings, roads, driveways and sidewalks.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

During construction, water truck(s) will control dust; silt fences will be installed as appropriate and per approved abatement plan(s).

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)

During construction, internal combustion engine exhaust, limited dust and other emissions typical of residential construction. All adhesives and paints used will be low VOC. Upon completion, emissions will be limited to what is typical for residential neighborhoods: automobile exhaust, household odors, etc.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)

None are known.

c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#)

Dust abatement measures. Many construction products are delivered to the site(s) pre-cut or installation ready to minimize on-site fabrication.

3. Water

a. Surface Water: [\[help\]](#)

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

Yes, the Yakima River is located approximately 600 feet east of the property. There are no wetlands associated with the property. The property does not lie within the 100 year flood zone. There is also a small irrigation water delivery point north of the property that will be piped for subdivision irrigation use.

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

The project does not fall within 200 feet of the Yakima River.

The irrigation delivery point will be re-configured from an open pipe to include a reservoir, pump and overflow pipe which will be directed to an existing Sunnyside Valley Irrigation drainage ditch per District requirements.

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

Indicate the source of fill material. [\[help\]](#)

None. Not applicable.

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

No. This proposal will not require any surface water withdrawal or diversion.

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

[\[help\]](#)

No.

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

No.

b. Ground Water:

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

No ground water will be withdrawn. No water will be discharged to groundwater. During construction, water will be used for dust abatement and incidental clean-up.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#)
Not Applicable.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [\[help\]](#)
All runoff water will be retained on-site in stormwater basins or in infiltration galleries.
- 2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)
No.
- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.
No.

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

Stormwater/runoff water retention capacity will be designed and constructed to handle projected flows on-site.

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

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

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

b. What kind and amount of vegetation will be removed or altered? [\[help\]](#)
Construction sites will be grubbed of vegetative duff.

c. List threatened and endangered species known to be on or near the site. [\[help\]](#)
None known.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)
Upon construction completion, limited areas of grass/sod will be installed, an emphasis to use native/adaptive species, particularly xeriscape tolerant grasses, perennials and trees.

- e. List all noxious weeds and invasive species known to be on or near the site.
None known

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include: [\[help\]](#)

birds: hawk, songbirds
mammals: stray dogs/cats
fish: None

- b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)
None known

- c. Is the site part of a migration route? If so, explain. [\[help\]](#)
No

- d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)
None Indicated

- e. List any invasive animal species known to be on or near the site.
None known

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [\[help\]](#)

Planned residential units will utilize electrical energy for heating, cooling, cooking, etc. Landscape maintenance will likely include the use of gasoline power equipment.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#)

Planned residential units will utilize electrical energy for heating, cooling, cooking, etc. Landscape maintenance will likely include the use of gasoline power equipment.

- c. What kinds of energy conservation features are included in the plans of this proposal?

List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#)

All residential units will comply with IBC, WSEC, and Energy Star energy efficiency standards.

7. Environmental health

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

No

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

None known and based on the Phase 1 Environmental Report

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
Per the Phase 1 Environmental Report, there is contamination at the airport, north of the site. The issues are being remediated at this time and pose no danger or impact on the project property.
- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
None
- 4) Describe special emergency services that might be required.
None indicated. Nonetheless, first aid kits will be on-site during construction and the Prosser Medical Center is within 1.5 miles of the site. Other public safety support is readily available.
- 5) Proposed measures to reduce or control environmental health hazards, if any:
None indicated

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)
At present there is minimal traffic noise in the area and some noise associated with the Prosser Airport. During construction, noise typical of a residential construction site, including vehicles, generators, power tools and the like will be present. Thereafter, noise typical of a residential neighborhood will be present.
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#)
See b.1) above. During construction, working hours will generally be restricted to Tuesday through Saturday, 7 AM to 6 PM.
- 3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)
Restricted hours of construction.

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#)

The site currently contains vacant pasture.

- Adjoining property to the north include existing single family homes and Port of Benton commercial/industrial facilities.
- Adjoining property to the south is a commercial mini storage facility and vacant pasture land.
- Property located directly to the east will be a new multifamily housing project (construction to start spring 2015).
- Adjoining property to the west include a newer residential development and vacant land.

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

Yes, the site has been used for raising cattle and pasture land. However, the land has lain fallow for the past 5 years.

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

No

- c. Describe any structures on the site. [\[help\]](#)

None

- d. Will any structures be demolished? If so, what? [\[help\]](#)

No

- e. What is the current zoning classification of the site? [\[help\]](#)

The site is currently zoned Residential High Density in the City of Prosser.

- f. What is the current comprehensive plan designation of the site? [\[help\]](#)

The site is designated as Residential High Density in the City of Prosser Comprehensive Plan

- g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)

Not applicable.

- h. Has any part of the site been classified as a critical area by the city or county? [\[help\]](#)

No

- i. Approximately how many people would reside or work in the completed project? [\[help\]](#)

At full build-out of the 27 new homes approximately 100 people would reside on the property. The eventual population for 2.76 acres that will remain undeveloped in the short term is unknown and dependent on the size of the future development. If this land is developed as senior housing, it is estimated that the average household size will be 1.5 people per dwelling unit.

- j. Approximately how many people would the completed project displace? [\[help\]](#)

None

- k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)

None indicated

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)

The Applicant has worked extensively with the community and the City to address the development concerns voiced. The current development plans require re-zoning the single family housing portion of the site to RMS, which will remain compatible with existing and projected land uses and plans.

- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

None indicated

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)

27 new single family homes for first time homebuyers, serving families at or below 80% of Area Median Income will serve low income families. We do not anticipate serving middle income families. The 2.76 acres will remain Residential High Density zoning. According to the Prosser Municipal Code this land would allow

May 2014

up to 56 units on the site.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)
None

- c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)

General Impacts:

CCHS will work closely with the City of Prosser staff to directly address the impacts of the additional number of units associated with development as required by the City of Prosser. Several methods to control housing impacts are addressed in the City of Prosser development standards, including the potential use of setbacks, buffers, fencing, screening and landscaping.

Traffic:

When the site is fully developed, it is estimated that traffic volume would generate about 216 vehicle trips per day. The new subdivision roads, as well as existing Petra Avenue and North River Road, have the capacity to handle this increase.

Energy Use:

CCHS housing is built to exceed the IBC, WSEC, and Energy Star energy efficiency standards, as well as reducing water usage and improving air quality. The energy use and water use per dwelling unit are generally about half that of a typical single family home.

Property Tax Revenue:

Impacts to local property taxes are not completely known at this time, due to not knowing the house sizes that will be built. Sales prices will generally average about \$165,000. Fully developed, the total property value will be about \$4.5 million for assessment purposes. The property tax status of the remaining unimproved 2.78 acres should be assessed as open land.

Property Values:

There have been multiple studies of the impact of affordable housing on neighboring property values which demonstrate that affordable housing has very little impact on neighboring property values. The high quality of the Applicant's housing may, in fact, help raise the value of properties in the neighborhood, and will certainly increase the value of undeveloped land that will be served by the new roads and public infrastructure.

Schools:

CCHS has had previous discussions with the Prosser School District. As a result the subdivision road layout has been designed to accommodate the needs of school bus traffic.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)
30 feet. Painted cementitious lap and t-111 siding. Architectural asphaltic roofing.

- b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)
Territorial views.

- c. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

The Applicant will comply with all City Codes and will work with City staff to ensure that development meets the aesthetic requirements of the community, including landscaping.

11. Light and glare

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

Typical of residential neighborhoods. Glare should be minimal; outdoor lighting will occur during dark conditions. Prosser has a Dark Skies Ordinance; exterior lighting will comply with the Ordinance.

b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)
Buildings will obstruct certain views. Proper viewing lanes for traffic will be incorporated into street plans.

c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)
None known

c. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)
Street lighting and exterior residential lighting will conform to Prosser Municipal Code requirements, including its Dark Skies Ordinance.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)
The City of Prosser has a walking path to downtown located at the intersection of North River Road and Wine Country Road. New sidewalk will connect the subdivision to North River Road. In addition, a planned multifamily housing project, adjacent to the subject property is planning a native area/park, of about 1/3 acre (15,000 square feet) that will connect to the single family housing by pathways and sidewalk. This area would serve the new multifamily housing project, the proposed new single family project and the planned senior housing project (2.78 acre undeveloped land).

b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)
No

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)
None indicated

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. [\[help\]](#)
None known

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)
No

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)
The SEPA process will notify potentially affected Native American Tribes. Also, the project financing requires a NEPA. Again, tribes, archaeology, historic preservation, etc. will be informed of the development plan

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.
None indicated at this time.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [\[help\]](#)

The site is served by Petra Avenue and North River Road, which leads north to Wine Country Road, which leads easterly to downtown Prosser and westerly to I-82.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)

The City of Prosser is served by one public transportation route provided by Ben Franklin Transit. This line operates 6 days per week on a route between Richland and Prosser. The transit stop for this route is located approximately 1 mile east of the site at the corner of 7th Street and Stacey Avenue in downtown Prosser.

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

No parking would be eliminated. The Applicant will provide 2-car garages and 2 off-street parking spots per home, plus on-street parking. Parking for the undeveloped 2.76 acres is N/A at this time.

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

Yes. An existing, adjacent public interior road, Petra Avenue, will be extended along the south boundary of the subdivision to 75' beyond the single family subdivision (to fully serve the undeveloped 2.76 acre lot). A new public interior loop road (proposed to be called Basalt Loop) will serve individual homes. The extension of Petra Avenue and new interior road will have curb and gutter on both sides and sidewalk on one side. When the 2.76 acre lot is developed, Petra Avenue will be extended to west property boundary. The final road design will be approved by the City.

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

No

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

At full build-out of the 27 homes it is estimated that the property could generate 216 vehicle trips per day (8 trips per day per residence, per WADOT standards for residential traffic generation). Peak traffic volumes would likely occur between 8:30AM - 9:00 AM and 3:30PM and 6:00PM.

- d. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No

- h. Proposed measures to reduce or control transportation impacts, if any: [\[help\]](#)

The road improvements planned will accommodate the increased traffic. Planned sidewalks will connect to native area and the City sidewalk on Wine Country Road and should encourage walking or biking to locations off-site and relatively nearby.

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [\[help\]](#)

Yes, the proposed subdivision would have impacts typically associated with the development of single family homes: fire protection, police protection, health care, schools, water and sewer, etc.

May 2014

- b. Proposed measures to reduce or control direct impacts on public services, if any. [\[help\]](#)
Low flow water fixtures, including toilets, and xeriscape landscaping will reduce water usage and sewer treatment impact. Street and residential night lighting, along with security-sensitive plantings will improve security conditions.
The 2.76 undeveloped acres: No project description at this time

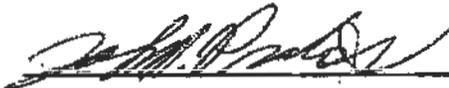
16. Utilities

- a. Utilities currently available at the site: [\[help\]](#)
electricity, water refuse service, telephone sanitary sewer
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [\[help\]](#)
Municipal water is available near the site and will be the source of domestic water use. This is also the case for sanitary sewer and refuse service; both provided by the City of Prosser. The property has a water right for irrigation purposes with Sunnyside Valley Irrigation District. This will be the primary source of irrigation water. Telephone by CenturyLink; electric power by Benton PUD

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

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

Signature: _____



Name of signee: John Probst

Position and Agency/Organization:
Development Manager; Catholic Charities Housing Services

Date Submitted: March 17, 2015

**RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:**

Catholic Charities Housing Services – Diocese of Yakima
5301 Tieton Dr Ste G
Yakima WA 98908

Grantor : Catholic Charities Housing Services – Diocese of Yakima
Grantee : The Public
County Plat Number :
Abbreviated Legal : **RIVER ROAD HOMES, PROSSER WASHINGTON**

**DECLARATION OF
COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS
FOR
RIVER ROAD HOMES, PROSSER**

THIS DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS
is made this ___ day of _____, 2015, by **CATHOLIC CHARITIES HOUSING SERVICES**
– Diocese of Yakima, a Washington nonprofit corporation (“Declarant”).

RECITALS:

A. Declarant owns all of that certain real property located in Yakima County, Washington, the perimeter of which is legally described in Exhibit “A,” and platted as River Road Homes, Prosser subdivision in the plat records of Yakima County, Washington under Auditor’s file number _____.

B. River Road Homes, Prosser is a development consisting of residential lots, located in Benton County, Washington.

**ARTICLE 1
DEFINITIONS**

As used in this Declaration, the terms set forth below shall have the following meanings:

1.1 **"CC&R's"** means this Declaration of Covenants, Conditions, and Restrictions for River Road Homes, Prosser and any amendments thereto.

1.2 **"Declarant"** means Catholic Charities Housing Services – Diocese of Yakima, a Washington Corporation, and its successors and assigns.

1.3 **"Declaration"** means this Declaration of Covenants, Conditions, and Restrictions for _____, and any amendments thereto.

1.4 **"Lot"** means a numerically designated and platted lot within the Property (including the Improvements located on such Lot).

1.5 **"Mortgage"** means a mortgage or deed of trust; **"Mortgagee"** means a mortgagee or a beneficiary of a deed of trust; **"Mortgagor"** means a mortgagor or a grantor of a deed of trust.

1.6 **"Owner"** means the person or persons, including Declarant, owning any Lot in the Property. An Owner also includes a Mortgagee of a Mortgage where said Mortgagee shall have the enforcement rights of an Owner who is a Mortgagor to the extent necessary to protect said Mortgagee's interest in the property as security for a Mortgage, including the right of a Mortgagee-Owner to enforce this Declaration against the Mortgagor-Owner. A Mortgagee shall be recognized as the sole Owner of a Lot if and when said Mortgagee takes title to any Lot. An Owner does not include a tenant or holder of a leasehold interest or a contract vendor or other person holding only a security interest in a Lot. The rights, obligations, and other status of being an Owner commences upon acquisition of the ownership of a Lot and terminates upon disposition of such ownership, but termination of ownership shall not discharge an Owner from obligations incurred prior to termination. Termination of Declarant's ownership interest in any, or all, lots does not terminate those rights specifically reserved and intended for Declarant as set forth herein.

1.7 **"Property"** means the Property described in Section 2.1 below.

1.8 **"Rules and Regulations"** means those policies, procedures, rules, and regulations adopted or amended by the Owners and Declarant pursuant to the authority granted in this Declaration.

1.9 **"Sold"** means that legal title has been conveyed or that a contract of sale has been executed under which the purchaser has obtained the right to possession.

1.10 "Declaration" means all of the rights, easements, covenants, restrictions, and charges set forth herein, together with any rules or regulations promulgated hereunder, as the same may be amended or supplemented from time to time in accordance with the provisions hereof.

1.11 "Improvement" means a building or a portion of a building located upon a Lot within the Property and designated for separate occupancy as a dwelling, together with any garage, deck, patio, or other improvement.

ARTICLE 2 PROPERTY SUBJECT TO THESE COVENANTS

2.1 Property. Declarant hereby declares that all the real property described below is owned and shall be owned, conveyed, hypothecated, encumbered, used, occupied, and improved subject to this Declaration:

All certain real property located in the unincorporated area of Yakima County, Washington, contained in that certain plat entitled River Road Homes, Prosser filed in the records of Yakima County, Washington, under Auditor's file number: _____.

The perimeter of the property is legally described in Exhibit "A." The Plat is attached as Exhibit "B."

ARTICLE 3 PROPERTY RIGHTS IN LOTS

3.1 Use and Occupancy. The Owner of a Lot in the Property shall be entitled to the exclusive use and benefit of the Lot, except as otherwise expressly provided in this Declaration, but the Lot shall be used and each Owner and the Declarant shall comply with the Restrictions or Article 4 below and all other provisions of this Declaration for the mutual benefit of all Owners.

3.2 Easements Reserved. In addition to any utility and drainage easements shown on the recorded plat, Declarant hereby reserves the following easements for the benefit of Declarant and Owners, as applicable:

- (a) Right of Entry. Declarant and any person authorized by the Declarant may, but shall not be required to do so, at any reasonable time, and from time to time at reasonable intervals, enter upon any Lot for the purpose of performing the maintenance and determining whether or not the Lot is then in compliance with this Declaration. No such entry shall be deemed

to constitute a trespass or otherwise create any right of action in the Owner of such Lot.

- (b) Utilities. Each Lot shall be subject to an easement under and across that portion of the Lot not occupied by Improvements for installation, maintenance and use of power, gas, electric, water and other utility, and communication lines and services and for meters measuring such services.

ARTICLE 4 RESTRICTIONS ON USE

4.1 Residential Use. Not more than one dwelling unit may be located on any Lot. Except with the consent of seventy-five percent of the Owners and the advance, written consent of the Declarant, no trade, craft, business, profession, commercial or similar activity of any kind shall be conducted on any Lot, nor shall any goods, equipment, vehicles, materials, or supplies used in connection with any trade, service, or business be kept or stored on any Lot. The mere parking on a Lot for a vehicle bearing the name for a business shall not, in itself, constitute a violation of this provision. Nothing in this section shall be deemed to prohibit (a) activities relating to the rental or sale of Lots, (b) the right of Declarant to construct Improvements on any Lot, to store construction materials and equipment on any Lot in the normal course of construction, and to use any Lot for sales or rental office or model home for purposes of sales or rental office or model home for purposes of sales or rental within the Property, and (c) the right of the Owner of a Lot to maintain Owner's professional personal library, keep Owner's personal business or professional records or accounts, handle Owner's personal business or professional telephone calls or confer with business or professional associates, clients or customers, on Owner's Lot by appointment only provided that only normal residential activities would be observable outside of the Lot and that the activities would not be in violation of applicable law. The Owner of a Lot should seek the approval of their neighboring Owners for any other uses not mentioned above, i.e., yard sales, garage sales, craft sales, or other items not so designated in this Section.

4.2 Mineral Exploration. No Lot should be used to explore for or to remove any water, oil, hydrocarbons, or minerals of any kind without the approval of seventy-five percent of the Owners and the advance, written consent of the Declarant and only if permitted by local ordinances.

4.3 Offensive or Unlawful Activities. No noxious or offensive activities shall be carried on any Lot nor shall anything be done or placed upon any Lot which interferes with or jeopardizes the enjoyment of other Lots, or which is a source of annoyance to residents. Lot occupants shall exercise extreme care not to make noises that may disturb other Lot occupants. Except for snow removal equipment, no lawn mower, chain saw, or other loud noise generating device shall be operated between the hours of 8:00PM to 8:00AM. No unlawful use shall be

made of the Lot or any part thereof, and all valid laws, zoning ordinances and regulations of all governmental bodies having jurisdiction thereof shall be observed.

4.4 Commercial Vehicles. Commercial vehicles with a gross vehicle weight in excess of 9,000 pounds shall not be parked on roads, in driveways or any other portion of the Property, except for in a garage, behind a site obscuring fence, or for the purposes of temporary loading or unloading.

4.5 Vehicles in Disrepair. No Owner shall permit any vehicle which is in an extreme state of disrepair to be abandoned or to remain parked upon any Lot for a period in excess of 48 hours, unless kept within a garage. A vehicle shall be deemed to be in an "extreme state of disrepair" when due to its appearance or continued inoperability its presence reasonably offends the occupants of the neighborhood. Should any offending Owner fail to remove such vehicle within five days following the date on which a notice is mailed to said offending Owner by any other Owner or the Declarant informing the offending Owner of this section, then any Owner or the Declarant may enforce this provision by having said vehicle towed and impounded. The offending Owner shall be liable for all towing, storage, and recovery costs and fees and shall hold harmless and indemnify any Owner, or the Declarant, enforcing this section for any and all claims against the enforcing Owner or Declarant that could arise from enforcement of this section.

4.6 Maintenance of Lots. All exterior building surfaces, landscaping, fences, and walls shall be maintained in a good condition and repair and yard shall be free of weeds, trash, and other debris. No property shall be used or maintained as a dumping ground for rubbish, trash, appliances, garbage, interior furniture or other waste except in sanitary containers. Each lot homeowner will provide and keep appropriate trash container(s) with secure lid(s) in their garage and/or secure area within their lot and provide for disposal of said garbage on a weekly basis.

4.7 Signs. No signs shall be erected or maintained on any Lot except that not more than one "For Sale" or "For Rent" sign placed by the Owner, Declarant or by a licensed real estate agent, not exceeding 24 inches high and 36 inches long, may be temporarily displayed on any Lot, except that two such signs may be placed on a Lot during the course of initial construction of Improvements on such Lot. The restrictions contained in this section shall not prohibit the temporary placement of "political" signs on any Lot by the Owner, subject to reasonable Rules and Regulations that may be adopted through this Declaration.

4.8 Animals. No domestic or exotic animals, livestock, or poultry of any kind shall be raised, kept, or permitted within the Property or any part thereof. Not more than 2 domestic dogs, cats, or other household pets kept within a Lot and which are reasonably controlled so as not to be a nuisance. No such dogs, cats, or household pets shall be permitted to run at large nor shall be kept, bred, or raised for commercial purposes. Any inconvenience, damage, or unpleasantness caused by such pets shall be the responsibility of the respective Owners thereof. An Owner or occupant may be required to remove a pet upon receipt of the third written notice

from any Owner of violations of any rule, regulation, or restriction governing pets within the Property.

4.9 Appearance. No part of any Lot or any part of the Common Areas shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. Trash, garbage, or other wastes shall be kept in individual, sanitary containers or receptacles.

4.10 Antennas and Service Facilities. Exterior antennas and satellite receivers and transmission dishes are prohibited, except to the extent expressly mandated by rules adopted by the Federal Communication Commission. Specifically, ham radio antennas, satellite dishes one meter or larger, television antennas on masts 12 feet or higher, and multi-point distribution antennas more than one meter or on masts 12 feet or higher are prohibited. To the extent permitted by Federal Communication Commission rules, the Board of Directors may require all other antennas and dishes to be hidden from view from streets and adjoining dwellings. No outside clotheslines or similar service facilities may be installed without the approval of seventy-five percent of the Owners and the advance, written consent of the Declarant.

4.11 Exterior Lighting or Noisemaking Devices. Except with the approval of seventy-five percent of the Owners and the approval of the Declarant, and except for exterior lighting originally installed by the Declarant, no exterior lighting or noise-making devices shall be installed or maintained on any Lot. Owners shall not tamper with exterior lighting installed by the Declarant except to replace expended bulbs with similar new bulbs. Seasonal holiday lighting and decorations are permissible if consistent with any applicable Rules and Regulations as may be promulgated through the Owners and the Declarant consistent with this Declaration and if said lighting and decorations are removed within 30 days after the celebrated holiday.

4.12 Alterations. No structure, including without limitations, fences, and exterior house painting may be installed/alterd on the Lots except structures installed or approved by Declarant and seventy-five percent of the Owners. Any structural additions and/or outbuildings must conform to local ordinances and building permits must be obtained as required by the local permitting agency. Specifically any major repairs, additions or structural alterations shall be authorized by a construction permit from the local permitting agency and shall pass inspection of the permitting agency. All such structures shall conform to any Rules and Regulations adopted pursuant to this Declaration and as may be amended from time to time, and such Rules and Regulations shall be incorporated herein by this reference and be fully enforceable as a covenant running with the land.

4.13 Fencing, Set Backs and Yard Area. Minimum yard area shall be defined as all areas within legal description of property. All residences and outbuildings shall conform to legal setback requirements of the City of _____. Only specific fencing materials shall be used to erect fencing i.e., vinyl, wood or chain link. Fences or shrubbery shall not be used as a clothes line for the purpose of drying clothes. Yard maintenance, fertilizing, mowing, watering and snow removal will be done by each Owner and/or the residents of the Lot.

4.14 Landscaping and Yard Maintenance. An Owner shall have six (6) months from time of occupancy to complete landscaping of lot. Landscaping shall be defined as, but not limited to, the planting of the lawn. All lawn areas shall be watered appropriately and kept free of weeds and lawn in excess of 10 inches in height. Weeds shall be defined as grasses and vegetation other than trees, flowers, shrubs, gardens and lawns. All cut weeds and grasses shall be kept in a compost or yard waste container. Wood piles shall be kept in a stacked and orderly manner on the Owner's property in what would commonly be considered the back yard.

4.15 Maintenance of Utilities. Each Owner shall have an equal and joint obligation to perform or contract to perform maintenance of any private utilities, such as sanitary sewer service lines, domestic water service lines and storm drainage easements, piping, structures, bios Wales, and water quality ponds located outside the public easements but within the Property provide that each Owner shall maintain at such Owner's own expense utility lines to the extent located within the Owner's Lot.

4.16 Insurance. Nothing shall be done or kept in any Lot that will increase the cost of insurance for any other Lot Owner. No Owner shall permit anything to be done or kept on the Owner's Lot which will result in cancellation of insurance on any Lot.

4.17 Hazardous material. Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the Uniform Building Code.

4.18 Fire Suppression. All systems, devices and equipment to detect a fire, actuate an alarm or suppress or control a fire or any combination thereof, including smoke alarm detectors, shall be maintained in an operable condition at all times.

4.19 Appearance and Graffiti Elimination. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building or any private or public property by placing thereon marking, carving or graffiti. It shall be the responsibility of the Lot Owner to restore said surface to an approved state of maintenance and repair within 24 hours of notice and comply with any and all applicable state or local laws or regulations governing the same.

4.20 Occupancy and use by homeowner. The Owner agrees to occupy the property and use the property as a single family residence.

4.21 Rules and Regulations. The Owners and Declarant may from time to time adopt, modify, or revoke Rules and Regulations governing the conduct of persons and the operation and use of the Lots as they may deem necessary or appropriate in order to assure the peaceful and orderly use and enjoyment of the Property. A copy of the Rules and Regulations, upon adoption, and a copy of each amendment, modification, or revocation thereof, shall be furnished to each

Owner. The Rules and Regulations may be adopted, modified, or revoked through the approval of seventy-five percent of the Owners and the approval of the Declarant.

ARTICLE 5 ENFORCEMENT AND AMENDMENT

5.1 Enforcement of Protective Covenants. In the event any Owner shall violate any provision of this Declaration or any Rules and Regulation, then the offending Owner must first be notified in writing of the specific violation(s) by another Owner or the Declarant, and said notice must give specific timelines and directives for remedy and abatement. If the Owner is unable, unwilling, or refuses to comply with specific directives for remedy or abatement, or the offending Owner and the party seeking enforcement cannot agree to a mutually acceptable solution within the framework and intent of this Declaration, then Declarant or any Owner, on behalf of itself and the other Owners, shall have the right to bring suit or action against the offending Owner(s) to enforce this Declaration, the Rules and Regulations, or any other governing document enacted subsequent and pursuant to this Declaration. Nothing in this section should be interpreted to completely negate any Owner's ability to enforce this Declaration, Rules and Regulations and/or any other governing documents. Failure to enforce any covenant or restriction contained in this Declaration, the Rules and Regulations, or any other governing document shall not be deemed a waiver of the right to do so thereafter.

5.2 Reservation of Enforcement Rights to Declarant. By this Declaration, Declarant reserves the right to enforce this Declaration and any Rules and Regulations or other governing documents enacted hereto. Said right does not create an affirmative obligation for the Declarant to take action to enforcement action. This right is further reserved and specifically intended for the Declarant at such time when Declarant no longer owns any Lot. The Declarant, through its mission, charitable works, and undertaking in developing the Property has established a reputation, good-will and community association with the Property beyond Declarant's ownership interest in the Property. Additionally, the right to enforce any of the Governing Documents by Declarant as a third-party beneficiary is not merely an altruistic motive or benefit to Declarant, but one that the Owners recognize and agree is necessary and benefits both Declarant and Owners. Nothing in this section shall be interpreted as negating any other Owner's rights and abilities to enforce this Declaration, Rules and Regulations or any other governing document enacted subsequent hereto. The provisions in this section cannot be amended or repealed without an affirmative vote of seventy-five percent of all Owners and with the advance, written consent of the Declarant.

5.3 Costs and Attorney's Fees. In the event any Owner or the Declarant shall require any action to enforce these covenants, with or without bringing suit, the Owner-defendant shall pay to enforcing party, or parties, all costs and expenses incurred by it or them in connection with such suit or action, including a litigation guaranty report issues by a title company doing business in Yakima County, Washington, and the prevailing party in such suit or action shall

recover such amount as the court may determine to be reasonable as attorney's fees at trial and upon any appeal or petition for review thereof.

5.4 Non-exclusiveness and Accumulation of Remedies. An election by an Owner or the Declarant to pursue any remedy provided for violation of this Declaration shall not prevent concurrent or subsequent exercise of another remedy permitted hereunder. The remedies provided in this Declaration or any other governing document are not exclusive but shall be in addition to all other remedies, including actions for damages and suits for injunctions and specific performance, available under applicable law.

ARTICLE 6 MISCELLANEOUS PROVISIONS

6.1 Amendment and Repeal. This Declaration, or any provision thereof except for those specifically mentioned, as from time to time in effect with respect to all or any part of the Property, may be amended or repealed by the vote of Owners representing not less than seventy-five percent of the Lots, based upon one vote for each such Lot, and the advance, written consent of the Declarant to any such amendment or repeal. Any amendments or repeal shall become effective only upon recordation in the deed records of Yakima County, Washington, a certificate of all the approving Owners attesting thereto and the Declarant setting forth in full the amendments or repeal so approved and certifying that said amendments or repeal have been approved in the manner required by this Declaration. In no event shall an amendment under this section create, limit, or diminish special Declarant rights without Declarant's consent, or change the boundaries of any Lot or any uses to which any Lot is restricted. Declarant may not unilaterally amend this Declaration to increase the scope of special Declarant rights reserved in this Declaration after the sale of the first Lot unless Owners representing seventy-five percent of the total vote, other than Declarant, agree to the amendment. Such amendment or repeal shall not have the effect of denying any Owner access to Owner's Lot unless such Owner has consented thereto.

6.2 Joint Owners. In any case in which two or more persons share the ownership of any Lot, regardless of the form of ownership, the responsibility of such persons to comply with this Declaration, any Rules and Regulations and/or any other governing document shall be a joint and several responsibility, and the act or consent of any one or more of such persons shall constitute the act or consent of the entire ownership interest; provided, however, that in the event such persons disagree among themselves as to the manner in which any vote or right of consent held by them shall be exercised with respect to a pending matter, any such person may deliver written notice of such disagreement to the Declarant, and the vote or right of consent involved shall then be disregarded completely in determining the proportion of votes or consents given with respect to such matters.

6.3 Lessees and other Invitees. Lessees, invitees, contractors, family members, and other persons entering the Property under rights derived from an Owner shall comply with all of

the provisions of this Declaration, the Rules and Regulations and any other governing documents restricting or regulating the Owner's use, improvement, or enjoyment of Owner's Lot and other areas within the Property. The Owner shall be responsible for obtaining such compliance and shall be liable for any failure of compliance by such persons in the same manner and to the same extent as if the failure had been committed by the Owner.

6.4 Construction; Severability; Number; Caption. This Declaration shall be liberally construed as an entire document to accomplish the purposes thereof as stated in the introductory paragraphs hereof. Nevertheless, each provision of this Declaration shall be deemed independent and severable, and the invalidity or partial invalidity of any provision shall not affect the validity or enforceability of the remaining part of that or any other provision. As used herein, the singular shall include the plural and the plural the singular, and the masculine and neuter shall each include the masculine, feminine, and neuter, as the context requires. All captions used in this Declaration are intended solely for convenience of reference and shall not limit any provision of this Declaration. If at any time the Property shall fall within the limits of any incorporated, any reference to the Yakima County shall be construed to include any other unit of local government having jurisdiction over the Property.

6.5 Notices and Other Documents. Any notice or other document permitted or required by this Declaration or any other Governing Document may be delivered either personally or by mail. Delivery by mail shall be deemed made 24 hours after having been deposited in the United States mail. With postage prepaid, addressed as follows: If to Declarant, to Declarant's address stated below; if to an Owner, at the address given by the Owner at the time of the Owner's purchase of a Lot.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the date set forth above.

DECLARANT:

Catholic Charities Housing Services – Diocese of Yakima
A Washington non-profit corporation

By: _____

Printed Name: Bryan Ketcham
Title: Director
Address: 5301 Tieton Dr Ste G
Yakima WA 98908



City of Prosser NOTICE OF PUBLIC HEARING

Type of Application: Land Use- SEPA checklist, Variance, Zone Change, Site Review, Subdivision

Date Filed: March 17, 2015 (Incomplete) Complete April 22, 2015

Notice of Complete Application Issued: May 5, 2015

Applicant: Catholic Charities Housing Services (CCHS)

Location: Parcel # 102842013437002.

Filed Pursuant to: Prosser Municipal Codes; 16.08, 18.75.020, 18.75.030 and Title 19 of the Prosser Municipal Code.

Project Description:

Applicant is proposing a 27 unit single family home subdivision to be located west of 480 North River Road. The project will consist of an extension to Petra Avenue (Not yet constructed) and a new street named Basalt Loop. The Applicant has applied for a preliminary subdivision plat. The Applicant has applied for a rezone for the parcel from Residential High Density (RH) to Residential Manufactured Home Subdivision (RMS).

It is important to note that under Chapter 18 of the Prosser Municipal Code RMS zoning is no longer limited to manufactured homes and the applicant is proposing stick built homes within the subdivision. This is not a mobile home park (RMHP).

Applicant has requested a Variance to Prosser Municipal Code Chapter 18.24.040 for lot 7 and lot 11 for street frontage. The applicant is asking for a 40 foot variance for both lots.

NOTICE IS HEREBY GIVEN by the undersigned City Clerk of the City of Prosser, Washington, that the Planning Commission will hold a Public Hearing on June 18, 2015 at 6:00 p.m., or as soon thereafter as possible, in the City Council Chambers, City Hall, 601 7th Street, Prosser, Washington, for the purpose of receiving public comment for a subdivision (long plat) of 27 parcels plus 1 large remaining parcel. The City Hall Council Chambers is wheelchair accessible. American with Disabilities Act (ADA) accommodations are available upon request to the City Clerk at least 2 days in advance by calling (509) 786-2332.

The public is encouraged to comment and or attend the hearing. All available information and related documents for the application may be viewed at the City Clerk's Office, located at Prosser City Hall, 601 7th Street, Prosser, Washington, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays or may be viewed at www.cityofprosser.com. All interested persons may appear and provide testimony or provide written testimony at the public hearing or prior to the public hearing. Comments must be received by June 18, 2015, 5:00 p.m.

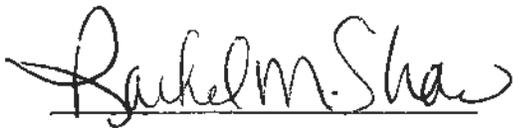
The person(s) receiving this notice may request a copy of the final decision in this matter.

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

A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and copies will be provided at the city's cost or may be viewed online at www.cityofprosser.com

Contact:

Steve Zetz
Prosser City Planner
601 7th Street, Prosser, WA 99350
Phone: 786-2332
szetz@cityofprosser.com



City Clerk
City of Prosser

Published: Prosser Record Bulletin
Publish Date: June 3, 2015



CITY OF PROSSER, WASHINGTON
NOTICE OF COMPLETE APPLICATION
River Road Homes
364 Petra Ave

Notice of Application posted May 13, 2015

Please take notice that the following land use application has been filed with the City of Prosser Washington and is available for public review:

Type of Application: Land Use- SEPA checklist, Variance, Zone Change, Site Review, Subdivision

Date Filed: March 17, 2015 (Incomplete) Complete April 22, 2015

Notice of Complete Application Issued: May 5, 2015

Applicant: Catholic Charities Housing Services (CCHS)

Location: Parcel 102842013437002.

Filed Pursuant to: Prosser Municipal Codes; 16.08, 18.75.020, 18.75.030 and Title 19 of the Prosser Municipal Code.

Project Description

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Other permits:

The following additional permits are associated with this application: Preliminary Plat, Building Permit, Variance approval.

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

Preliminary determination of consistency:

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

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

City of Prosser Contact: Prosser City Planner.

Comments: The public is invited to comment on the application and environmental review. The public comment period shall be **15-days and will begin May 13, 2015**. All public comments received on the Notice of Application must be received by the City of Prosser **no later than 5:00 pm, May 28, 2015**. Comments may be mailed or personally delivered to the following;

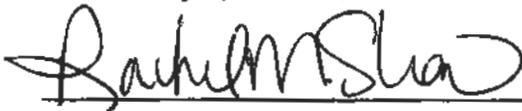
Attn: Prosser City Clerk
601 7th Street,
Prosser, Washington, 99350

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

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

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

Dated: **May 5, 2015**



Rachel Shaw, CMC
City Clerk
City of Prosser

Published: Prosser Record Bulletin
Publish Date: **May 13, 2015**



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NOTICE IS HEREBY GIVEN by the undersigned City Clerk of the City of Prosser, Washington, that the Board of Adjustment will hold a Public Hearing on June 4, 2015 at 6:00 p.m., or as soon thereafter as possible, in the City Council Chambers, City Hall, 601 7th Street, Prosser, Washington, for the purpose of receiving public comment on variance request for street frontage widths. The City Hall Council Chambers is wheelchair accessible. American with Disabilities Act (ADA) accommodations are available upon request to the City Clerk at least 2 days in advance by calling (509) 786-2332.

The public is encouraged to comment and or attend the hearing. All available information and related documents for the application may be viewed at the City Clerk's Office, located at Prosser City Hall, 601 7th Street, Prosser, Washington, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays or may be viewed at www.cityofprosser.com. All interested persons may appear and provide testimony or provide written testimony at the public hearing or prior to the public hearing. Comments must be received by June 4, 2015, 5:00 p.m.

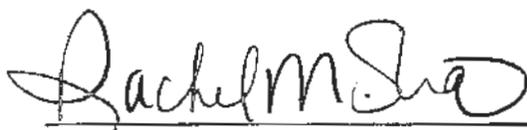
The person(s) receiving this notice may request a copy of the final decision in this matter.

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

A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and copies will be provided at the city's cost or may be viewed online at www.cityofprosser.com

Contact:

Steve Zetz
Prosser City Planner
601 7th Street, Prosser, WA 99350
Phone: 786-2332
szetz@cityofprosser.com



Rachel Shaw, CMC
City Clerk
City of Prosser

Published: Prosser Record Bulletin
Publish Date: May 13, 2015

FILE COPY

Notice

City of Prosser
NOTICE OF
PUBLIC HEARING

Type of Application: Land Use- SEPA checklist, Variance, Zone Change, Site Review, Subdivision
Date Filed: March 17, 2015 (Incomplete) Complete April 22, 2015
Notice of Complete Application Issued: May 5, 2015
Applicant: Catholic Charities Housing Services (CCHS)
Location: Parcel # 102842013437002,
Filed Pursuant to: Prosser Municipal Codes; 16.08, 18.75.020, 18.75.030 and Title 19 of the Prosser Municipal Code.

Project Description:
Applicant is proposing a 27 unit single family home-subdivision to be located west of 480 North River Road. The project will consist of an extension to Petra Avenue (Not yet constructed) and a new street named Haselt Loop. The Applicant has applied for a preliminary subdivision plat. The Applicant has applied for a rezoning for the parcel from Residential High Density (RH) to Residential Manufactured Home Subdivision (RMS).

It is important to note that under Chapter 18 of the Prosser Municipal Code RMS zoning is no longer limited to manufactured homes and the applicant is proposing stick built homes within the subdivision. This is not a mobile home park (RMHP).

Applicant has requested a Variance to Prosser Municipal Code Chapter 18.24.040 for lot 7 and lot 11 for street frontage. The applicant is asking for a 40 foot variance for both lots.

NOTICE IS HEREBY GIVEN by the undersigned City Clerk of the City of Prosser, Washington, that the Board of Adjustment will hold a Public Hearing on June 4, 2015 at 6:00 p.m., or as soon thereafter as possible, in the City Council Chambers, City Hall, 601 7th Street, Prosser, Washington, for the purpose of receiving public comment on variance request for street frontage widths. The City Hall Council Chambers is wheelchair accessible. American with Disabilities Act (ADA) accommodations are available upon request to the City Clerk at least 2 days in advance by calling (509) 786-2332.

The public is encouraged to comment and or attend the hearing. All available information and related documents for the application may be viewed at the City Clerk's Office, located at Prosser City Hall, 601 7th Street, Prosser, Washington, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays or may be viewed at www.cityofprosser.com. All interested persons may appear and provide testimony or provide written testimony at the public hearing or prior to the public hearing. Comments must be received by June 4, 2015, 5:00 p.m.

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

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

A copy of the staff report will be available for inspection at no cost at least 5 days prior to the hearing and copies will be provided at the online at www.cityofprosser.com

WA 99350

City of Prosser
Published May 13, 2015

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON } ss.
County of Benton }

Tim Miser

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

Production

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

annexed is a true copy of _____

City of Prosser

Notice of Public Hearing

Catholic Charities Housing Services

as it was published in regular issues (and not in supplement form) of said newspaper once a week for a period of 1 consecutive weeks

commencing May 13, 2015

ending May 13, 2015

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

charged for the foregoing publication is the sum of \$ 72.00, which amount has been paid in full.

Tim Miser

Subscribed and sworn to before me this 19th

day of May, 2015

Rebecca D. Fink

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



FILE COPY

Notice

CITY OF PROSSER, WASHINGTON
NOTICE OF COMPLETE APPLICATION

River Road Homes

364 Petra Ave

Notice of Application posted May 13, 2015

Please take notice that the following land use application has been filed with the City of Prosser Washington and is available for public review:

Type of Application: Land Use- SEPA checklist, Variance, Zone Change, Site Review, Subdivision

Date Filed: March 17, 2015 (Incomplete) Complete April 22, 2015

Notice of Complete Application Issued: May 5, 2015

Applicant: Catholic Charities Housing Services (CCHS)

Location: Parcel 102842013437002.

Filed Pursuant to: Prosser Municipal Codes; 16.08, 18.75.020, 18.75.030 and Title 19 of the Prosser Municipal Code.

Project Description

Applicant is proposing a 27 unit single family home subdivision to be located west of 480 North River Road. The project will consist of an extension to Petra Avenue (not yet constructed) and a new street named Basalt Loop. The Applicant has applied for a preliminary subdivision plat. The Applicant has applied for a rezone for the parcel from Residential High Density (RH) to Residential Manufactured Home Subdivision (RMS).

under Chapter 18 of the Prosser no longer limited to manufactured using stick built homes within the home park (RMHP). Variance to Prosser Municipal Code lot 11 for street frontage. The variance for both lots.

are associated with this application: t, Variance approval. been required pursuant to RCW

Preliminary determination of consistency:

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

Environmental Review: The City is using the optional process contained in Washington Administrative Code (WAC) Section 197-

make its threshold determination. The City expects to issue a Mitigated Determination of Non-significance (MDNS) for this project. This may be your only opportunity to comment on environmental impacts of the proposed project. A copy of the

Threshold Determination for the project may be obtained upon request. The lead agency, the City of Prosser, will not act on this proposal for 14 days from the published date below.

City of Prosser Contact: Prosser City Planner.

Comments: The public is invited to comment on the application environmental review. The public comment period shall be 15- days and will begin May 13, 2015. All public comments received on the Notice of Application must be received by the City of Prosser

an 5:00 pm, May 28, 2015. Comments may be mailed or delivered to the following:

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

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

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

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

Dated: May 5, 2015
/s/ Rachel Shaw CMC
City Clerk
City of Prosser
Published May 13, 2015

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON } ss.
County of Benton

Tim Miser

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

Production

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

annexed is a true copy of

City of Prosser

Notice of Complete Application

Catholic Charities Housing Services

as it was published in regular issues (and not in supplement form) of said

newspaper once a week for a period of 1 consecutive weeks

commencing May 13, 2015

ending May 13, 2015

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

charged for the foregoing publication is the sum of \$ 34.00, which amount has been paid in full.

Tim Miser

Subscribed and sworn to before me this 19th

day of May 2015

Rebecca D. Fink

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



FILE COPY

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON } ss.
County of Benton

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

annexed is a true copy of _____

7 f P
Notice of Findings
Catholic Charities Housing

as it was published in regular issues (and not in supplement form) of said
newspaper once a week for a period of 1 consecutive weeks
commencing May 6, 20 15
ending May 6, 20 15
both dates inclusive and that such newspaper was regularly distributed
to its subscribers during all of said period. That the full amount of the fee

21.00

Tim Miser
Subscribed and sworn to before me this 6th
day of May, 20 15
Rebecca D. Fink
Notary Public in and for the State of Washington, residing at Prosser, Washington

Notice

CITY OF PROSSER NOTICE OF FINDINGS OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUND

These notices shall satisfy two separate, but related, procedural requirements for activities to be undertaken by Catholic Charities Housing Services - Diocese of Yakima.

REQUEST FOR RELEASE OF FUNDS

On (15 days from date of publication start), the City of Prosser will "Authorize Catholic Charities Housing Services" to submit a request to the HUD Self Help Opportunity Program funds to undertake the River Road Homes Self-Help Housing project which will consist of 27 new construction units of three and four bedroom single family homes on a 27 lot subdivision located on Basalt Loop and off of Petra Avenue (both roads to be completed) in Prosser, Washington.

FINDING OF NO SIGNIFICANT IMPACT

The City of Prosser has determined that the project will not have a significant impact on the environment. Therefore, an Environmental Impact Statement, under the National Environmental Policy Act of 1969 (NEPA), is not required. Additional project information is contained in the Environmental Review Records (ERR), on file at the City of Prosser, 601 7th Street Prosser, WA, 99350, and may be examined Monday through Friday during business hours.

PUBLIC COMMENTS

Any individual, group or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the following:

Rachel Shaw
Prosser City Clerk
601 7th Street
Prosser, WA 99350

by (15 days from publication start date) the City of Prosser prior authorizing for release of funds. Comments should they are addressing.

RELEASE OF FUNDS

_____den, in his capacity of City jurisdiction of the Federal responsibilities and that these r

accept light to

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RI OF the
will accept objections release of the
Prosser's certification for of days following
anticipated date of receipt of the request
(whichever is later) only if they are on one of the following has
(a) the certification was not executed by Certifying Officer
the City of Prosser; (b) The City of has omitted a step or
failed to make a decision or finding required by HUD Regulations
at 24 CFR Part 58; (c) the grant recipient has committed funds or
incurred costs not authorized by 24 CFR Part 58 before approval
of a release of funds by HUD/State; or (d) another Federal agency
acting pursuant to 40 CFR Part 1504 has submitted a written
finding that the project is unsatisfactory from the standpoint
of environmental quality. Objections must be prepared and
submitted in accordance with the required procedures (24 CFR
Part 58) and shall be addressed to the United States of Housing
and Urban Development, 909 First Avenue Ste 206, Seattle, WA
98104-1000. Potential objectors should contact HUD/State to
verify the actual last day of the objection period.
Steve Zetz; Prosser City Planner
Published: May 6, 2015



REC'D
MAY 06 2015
CITY OF PROSSER

SPEED
LIMIT
25

CITY of Prosser
**LAND USE
ACTION PENDING**
For information call
786-2332



June 4, 2015

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

RECEIVED

JUN 08 2015

CITY OF PROSSER

Re: File No.: **SEPA / Variance / Zone Change / Site Review / Subdivision**
Parcel: **1-0284-201-3437-002**
Landowner: **Catholic Charities Housing Services**

Greetings:

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

1. SVID does have a piped facility, lateral PR 0.37CB, within the parcel for development. The location of this facility along the west parcel boundary may hinder the proposed development and the proposed public interior road, Petra Avenue. Contact the District for the location of, specific information about, and the requirements for crossing and/or encroaching upon this SVID facility.
2. SVID has no drains located within Section 2 which are south of the Prosser Airport and north of the Yakima River for landowner irrigation overflow.
3. Crossing or encroaching into or across lateral PR 0.37CB will not be allowed unless it is approved through the permitting process.
4. Buildings and trees will not be allowed within SVID easements or right-of-way.
5. Obstructions, asphalt, sidewalk, curb, and gutter will not be allowed within SVID easements or rights-of-way without permits.
6. SVID recommends the City of Prosser require irrigation facilities and easements be provided to the subdivision pursuant to RCW 58.17.310.
7. Show the signature block for SVID on the face of the short plat.
8. There may be private irrigation facilities that cross the proposed subdivision that are maintained by the neighboring landowners. These pipes may need to be relocated as necessary.

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

Sincerely,



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

RECEIVED
JUN 12 2015
CITY OF PROSSER

**PUBLIC COMMENT
BY PROSSER SCHOOL DISTRICT NO. 116
Regarding
City of Prosser, Washington
Notice of Complete
Application and Environmental Review
“Catholic Charities Housing Service”**

Catholic Charities Housing Services (“CCHS”) has submitted an application (“the Application”) to the City of Prosser (“the City”) regarding the real property commonly known as 415 Petera Avenue, Prosser, Washington 99350, and identified by Benton County Tax Parcel No. 102842013437002 (“the Property”). Through the application, CCHS is seeking a preliminary subdivision plat of the Property, to rezone the Property, and for a variance for certain lots in the proposed subdivision pertaining to set back distances. The Application is the first step in CCHS’s proposed development of a 27-lot subdivision of single family homes. CCHS has designated this project (“the Project”) as “River Road Homes.” The Project would be within the boundaries of Prosser School District No. 116 (the “School District”). Children residing in the Project would be enrolled in schools within the School District.

SEPA and the Washington Administrative Code implemented in accordance with SEPA (WAC 197-11) define elements of the environment to include: housing, transportation, vehicular traffic, and schools. (WAC 197-11-444(2) Built Environment (b)(ii) Housing (c) Transportation (ii) Vehicular Traffic (d) Public Services and Utilities (iii) Schools). Pursuant to these rules of law, the School District believes mitigation is appropriate and necessary for likely significant environmental impacts presented by the Application. There are two major issues the School District wishes to bring to the attention of the City based upon the Application. Those issues are:

- 1) School District facilities needed due to anticipated significant additional student enrollment resulting from the subdivision proposed in the Application; and
- 2) The anticipated significant impact the subdivision proposed in the Application would have on School District bus routes and capacities.

I. Facilities

The School District raised identical facilities concerns, through public comments, regarding a previous site review application CCHS and Genesis Housing Services submitted to the City for a proposed 51-unit apartment complex to be located on the real property located at 480 N. River Rd., Prosser, Washington (subsequently “Phase 1 Development”). On December 8, 2014, the City issued a Mitigated Determination of Non-Significance (“MDNS”), which found, among other things, that with mitigation it was not probable that Phase 1 Development would have a significant adverse impact on the School District’s enrollment, particularly at the high school. The mitigation required under the MDNS is a monetary payment by CCHS to the School District in the amount of \$21,959.83, if the School District purchases a new classroom portable for the high school within 5 years of the date of the MDNS. True and correct copies of the MDNS, the

City's findings in support of the MDNS, and the City's Mitigation Measures related to the MDNS, are attached to this comment as Exhibits A, B, and C, respectively.

The Property is part of the 12.54-acre parcel involved in the Phase 1 Development. (See "Project Description" section of CCHS's SEPA Checklist.) According to the Application, CCHS estimates there will be approximately 100 total people residing in homes envisioned by the Project. (SEPA Checklist Sec. (B)(8)(i).) The Application does not include a floor plan for the homes CCHS hopes to build. Nor does the Application indicate the number of bedrooms anticipated in any of the 27 homes. Presumably there will be at least 2 bedrooms per home. In the MDNS for Phase 1, the City calculated the number of children per apartment by allocating 2 children for each second and third bedroom in the apartment (*i.e.*, 2 children were attributed to each 2-bedroom apartment and 4 children were attributed to each 3-bedroom apartment). (Ex. B, p. 1.) If this same calculus is applied to the potential homes in the Project, the number of occupants, assuming each house has at least 2 bedrooms, there will be no fewer than 54 children living in the houses envisioned in the Project. The number of children would grow to 108 if the Project is comprised completely of 3-bedroom homes. The Application does not contain sufficient information for the City or the School District to calculate the approximate population of the Project with any certainty. CCHS should be required to provide the City and the School District with additional information regarding the size and nature of the housing proposed for the Project in order to determine the severity of its impact on the School District, as well as other aspects of the environment.

The City's findings in support of the MDNS accepted that the enrollment capacity of the School District's high school facility is 819 students. (Ex. B, p. 6.) The City also recognized that the high school's enrollment currently exceeds this capacity prior to any new students occupying the apartments in Phase 1. (Ex. B, pp. 6-8.) The City found that additional new students attributable to the Phase 1 apartments constituted an environmental impact in need of mitigation. (Ex. B, pp. 7, 8.)

The School District believes it is highly likely that the children who would live in the homes envisioned by the Project would be new to the School District. To the extent a home envisioned by the Project were to be occupied by a family currently residing within the School District's boundaries, it is highly likely that the residence that family vacates when it moves into the Project will be occupied/back-filled by a family currently residing outside the School District.¹ Regardless, the School District believes it is highly likely that the enrollment issues existing at the high school, which the City recognized when issuing the MDNS for Phase 1, will only be exacerbated by the Project. CCHS acknowledges that the Project will impact the School District. (See SEPA Checklist Sec. (B)(15)(a).) The School District is entitled to mitigation of those impacts just as it was for Phase 1. See WAC 197-11-444(2)(d)(iii).

¹ In the findings in support of the MDNS for Phase 1, mitigation was calculated with a back-fill rate of 100%. (Ex. B, p. 6.)

II. Transportation

The School District also believes it is likely that providing busing services to children residing in the homes envisioned by the Project constitutes a significant environmental impact that should be mitigated by CCHS. If the formula used by the City in issuing the MDNS is also used to calculate the number of school-age children that will live in the Project, the minimum number of school-age children is 39.² (See Ex. B, p. 7.) The School District would need to be capable of providing busing services to all of these children, which constitutes an environmental impact that should be mitigated by CCHS.

CONCLUSION

As set forth above, the Application, and the Project envisioned in it, present probably significant impacts to the School District, which CCHS should be required to mitigate. See WAC 197-11-444(2)(d)(iii).



Ray Tolcacher, Superintendent

June 12, 2015
Date

² This number is based upon a scenario where all homes in the Project have only 2 bedrooms. Under the formula previously used by the City, the number of school-age children living in the Project would be 78 if all 27 homes had 3 bedrooms.

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

Description of proposal: 51 unit multi-family residential complex

Proponent: Catholic Charities Housing Service, Genesis Housing Service

Location of proposal: 480 North River Rd. Prosser, WA 99250

Lead Agency: The City of Prosser, Washington.

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

✗ This DNS is issued under WAC 197-11-350(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by December 23, 2014.

Responsible Official: Steve Zetz
Position/Title: City Planner
Address: 601 7th Street, Prosser, WA
Date: December 8, 2014

The environmental review and related documents pertaining to this project are available to the public upon request at the City of Prosser Planning Department or may be available for review on the City of Prosser Website www.cityofprosser.com

The identified mitigation measures include mitigation for potential impacts to the following:

Earth, air, environmental health, land and shoreline uses, light and glare, transportation, utilities, and services.

The full text of the identified mitigation measures are set forth below and are available for review at the City of Prosser Planning Department and are also available on the City of Prosser Website www.cityofprosser.com

1. In order to mitigate the impacts to the High School the applicant will provide payment of \$21,959.95 to the Prosser School District for their fair share of a portable classroom at the High School within 30 days from when the Prosser School District purchases and installs the portable at the High School. The Prosser School District must purchase and install the portable classroom within 5 years of this determination. In the event that the Prosser High School passes a bond for

the construction of a new High School within 5 years from this determination, the amount may be used for new construction to offset the fair share costs of the proposed CCHS development in lieu of purchasing a portable.

2. A Storm Water Drainage Retention Plan (Erosion Sediment Control Plan) is needed for all construction sites as required by the State Department of Ecology. A City approved storm drain plan should retain storm water on site. Erosion control measures must be in place prior to any clearing, grading or construction. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by storm water runoff. Said retention and disposal may require the installation and maintenance of oil/water separators. Storm water runoff calculations and drainage facilities sizing calculations must be prepared by a Washington Registered Professional Engineer and be submitted to the City for review and approval prior to construction. A National Pollutant Discharge Elimination System (NPDES) Construction Storm Water General Permit may be required if there is a potential for storm water discharges from a construction site larger than one acre. Obtaining a permit is at least a 38 day process. Please submit a permit application to the State Department of Ecology or contact Ray Latham, of the Washington State Department of Ecology at (509) 575-2807. Please provide the City with a copy of the State permit if required.
3. The property shall submit plans for lighting fixtures that will reduce glare and light onto neighboring properties. All lighting must be directed away from adjoining properties and be installed in such a manner as to minimize light scatter onto adjacent properties and roadways. Lighting plans must be approved by the City and meet Prosser Municipal Code.
4. Fire hydrants may be required to be installed as per the requirements of the City Fire Chief and or Prosser Municipal Code and or under Development Requirements.
5. Any and all signage on the property will need to comply with the State Scenic Vistas Act of 1971 and the Prosser Municipal Code.
6. 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 and must be accessible by Basin Disposal Inc.
7. All permits required by Benton County Clean Air Authority and the Washington State Department of Ecology shall be acquired prior to issuance of the building permit.
8. A buffer whether it be a fence or vegetation must be installed between the project parcel and the Les Schwab facility to the east in order to mitigate the impact of noise from the commercial operation on the proposed residential units.

9. The City of Prosser is proposing Payment in Lieu of Taxes (PILT) in order to mitigate the impact of additional persons with disabilities. Payments must be used to improve or construct ADA ramps, sidewalks, or walking paths within 1 mile of the applicants proposed site in order to better serve residents with disabilities and encourage pedestrian and bicycle travel. The PILT will use a formula for payment based on the property tax rate prior to its tax exempt status on a declining scale over 5 years in order to slowly absorb the costs to services and improvements. The applicant may at its discretion pay the entire amount upfront.

2016	2017	2018	2019	2020
\$5000	\$4000	\$3000	\$2000	\$1000

Final MDNS Issuance Date: December 8, 2014



Paul Warden
PROSSER CITY ADMINISTRATOR

**CITY OF PROSSER, WASHINGTON
FINDING AND CONCLUSIONS SUPPORTING
THE ISSUANCE OF A MITIGATED
DETERMINATION OF NON-SIGNIFICANCE**

I. PROJECT INFORMATION

PROJECT NAME: CCHS Housing Project
PROJECT DESCRIPTION: Multi-Family Housing, 51 units.
Address: 480 North River Road
Parcel # 10284000020000 prior to short plat.
Current Parcel # 102842013437001
Applicant: Catholic Charities Housing Service (CCHS) and Genesis Housing Services.
Zoning: Residential High Density (RH)
Comprehensive Plan Designation: High Density Residential (HDR)
Application Date: June 30, 2014
Issued Date: December 8, 2014

The City of Prosser received a SEPA checklist and site Review Application on June 30, 2014. The City determined that the application was incomplete. A completed application was received and determined to be complete August 27, 2014. The application and SEPA checklist was routed to surrounding property owners and affected agencies and published in the Prosser Record Bulletin August 27, 2014.

Property posted and confirmation photo was emailed to Steve Zetz on October 27, 2014.

The application is for a project consisting of a 51 unit low income multi-family apartment complex. The project is sited on parcel 102842013437001 having the common address of 480 North River Road, Prosser, WA 99350 also known as lot 1 of Short Plat 2437. The project is designed to provide affordable housing and reduce substandard housing impacting low income residents. The project consists of 51-dwelling units of town home style apartment units located on North River Road, and dedication and construction of a new lateral road identified as Petra Avenue. The project has adequately dedicated open space. Parking will be limited to on-site parking and will not include on street parking.

The project removes an existing 3 bedroom single family home. For the purposes of determining impacts a 3 bedroom apartment unit is deducted from the proposed project. The City of Prosser has determined the maximum occupancy of the proposed apartment units based on the data provided by Catholic Charities Housing Services.

17 2-Bedroom units = 2 children per unit = 34 children
 33 3-Bedroom units = 4 children per unit = 132 children
 Total children under age 18 = 166

The Comprehensive Plan designation for the site is Residential High Density Residential (HDR). The zoning classification for the site is Residential High Density (RH) and is consistent with the Comprehensive Plan Land Use Designation and Land Use Map. The parcel site is 4.61 acres. Prosser Municipal Code 18.30.040(J) allows for a maximum density of 15 units per acre. The 4.61 Acre site could accommodate up to 69 units.

II. IDENTIFIED POTENTIAL IMPACTS

A. Staff Identified Impacts.

City Staff identified impacts to Police services and ADA compliant sidewalks and ramps within walking distance of the proposed project. Also identified were impacts to existing and future bonds relating to property tax assessments. The applicant and the city have agreed to enter into a voluntary mitigation agreement in order to specifically address pedestrian and ADA issues.

B. Impacts Identified from Comment Letters.

Four (4) comment letters were received from the public.

1. Bev Stone adjacent property owner. Dated September 9, 2014
Requested a fence that would match an 8' gate. Ms. Stone has since stated that she and John Probst from CCHS have worked out an agreement on what portions of fencing will be removed. Steve Zetz City Planner had a conversation with Ms. Stone and she indicated that she was satisfied with the agreement that she has made with CCHS.
2. Basin Disposal Inc. BDI Dated September 4, 2014
BDI is the business that the City of Prosser garbage utility contracts with for garbage services.
BDI requested that dumpsters be located so that they can be accessed. Mitigated below in section IV (7).
3. Sunnyside Valley Irrigation District. Dated September 3, 2014.
The property lies within SVID's jurisdiction. SVID has requested that all applicable permits for work in SVID easements and rights-of-ways be complied with.
4. Rocky Jackson (rep) Prosser School District Dated September 9, 2014

The Prosser Public School District raised issues it identified as project specific impacts on the School District:

1. School District facilities needed as a result of School District anticipated significant additional student enrollment; and
2. Transportation – Additional bus route and another bus to transport additional students identified by CCHS living in the project.

To mitigate these impacts, the School District has proposed that CCHS pay mitigation fees to the School District for the cost of a new bus, approximately \$100,000 and the cost of five (5) portable classrooms at a cost of \$500,000 or \$1.5 million if five classrooms were constructed.

In making this request, the School District enrollment records show 2013/14 total enrollment of 2,808. The School District has not indicated how it accommodated previous enrollment levels that were in excess of the OPSI recommended capacity.

A search of the OPSI website shows the following enrollment data.

Enrollment - Enrollment

			October Enrollment	May Enrollment
Prosser High School	Prosser School District	2004-05	627	764
Prosser High School	Prosser School District	2005-06	673	872
Prosser High School	Prosser School District	2006-07	684	861
Prosser High School	Prosser School District	2007-08	622	882
Prosser High School	Prosser School District	2008-09	602	868
Prosser High School	Prosser School District	2009-10	620	864
Prosser High School	Prosser School District	2010-11	665	836
Prosser High School	Prosser School District	2011-12	641	806
Prosser High School	Prosser School District	2012-13	678	846

The City requested additional information from the Prosser School District as well as Catholic Charities Housing Service. Additional information was supplied by both the applicant and the Prosser School District.

- | | |
|------------------------------------------------|--------------------------|
| 1. Rocky Jackson (rep) Prosser School District | Dated November 21, 2014 |
| 2. Rocky Jackson (rep) Prosser School District | Dated November 26, 2014 |
| 3. Sunburst Engineering | Dated September 23, 2014 |
| 4. CCHS Email John Probst | Dated December 4, 2014 |

III. THRESHOLD DETERMINATION

197-11-444(2)(c) & (d)(iii). Elements of Environment includes transportation and schools.

197-11-712. Affecting.

"Affecting" means having, or may be having, an effect on. For purposes of deciding whether an EIS is required and what an EIS must cover, "affecting" refers to having probable, significant adverse environmental impacts.

197-11-794. Significant.

- (1) means a reasonable likelihood of more than a moderate adverse impact on environmental quality.
- (2) Significance involves context and intensity and does not lend itself to a formula or quantifiable test. The context may vary with the physical setting. Intensity depends on the magnitude and duration of the impact. The severity of the impact should be weighted along with the likelihood of its occurrence.

The City of Prosser is the lead agency based on the authority to issue building permits for the proposed project. The proposed project site is within the city limits of Prosser and is subject to the Prosser Municipal Code.

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

B. Mitigation:

1. The Prosser School District has requested a bus turn-out on North River Road to accommodate the pick-up of students at the proposed location. Catholic Charities Housing Service has suggested that the school bus could use its internal parking and travel lane for this purpose. The School District responded that it does not travel on internal parking lots and requires the students to board on public roadways. The referenced letter from William Petersen states "...Prosser School District buses do not go off public roadways to pick up students."

Public Works Director LJ DaCorsi has observed Prosser School District buses traveling off public right of way to include the use of unimproved private property near the Barn Restaurant. City staff is not aware of a mandate for the use of

private property so while the statements from the School District about its current bussing practices on private property appear to be in error, we recognize that the School District may in the future opt to uniformly adhere to a policy prohibiting its buses from traveling on private property.

The proposed turn-out on North River Road would have to be dedicated to the City of Prosser. This would require future maintenance as a public space. The City of Prosser has already begun planning for future roads and expansion near the proposed site. The traffic data submitted by CCHS shows that it is unlikely that there would be an adverse impact to traffic if the bus stop was located on North River Road. The School buses currently stop on North River Road as well as other county roads that have much higher speed limits.

Determination: Based on this information, the city finds that there is no probable impact to the city 's transportation system caused by a school bus stopping on North River Road to the South of the project. The City of Prosser has adequately planned for future transportation impacts in the area by requiring the applicant to construct and dedicate a new road (Petra Ave). Long term planning will connect this road via a system of extensions and internal looping. Any proposed bus turn-out on North river Road would be obsolete upon continued development along Petra Avenue. The School District may at its discretion enter into an agreement with Catholic Charities or Genesis Housing for a School owned, or Catholic Charities or Genesis Housing owned turn-out and provide all future maintenance.

2. The City of Prosser finds that with mitigation there is not a "probable significant adverse impact" on the School Districts student population, in particular the Prosser High School. The City does not find that the proposed methodology for determining the value of the impact submitted by the Prosser School District is the correct way to measure the impact caused by the project.

The School District response letter dated November 21, 2014 initially uses a formula that omits the portable classrooms. The City finds that page 5 of 6 of the letter accurately notes the impacts as being limited to the High School when including portable classroom space. The letter states that the High School is currently over recommended student population by 79 students. It is also noted in the same response letter on page 3 that there are 24 out of district High School Students enrolled.

In the School District's letter dated November 21, 2014, the School District disclosed the following additional information:

- 42 out of district students
- 24 out of district students enrolled in the High School
- Recommended High School Capacity with portables 819

Supplemental information provided by CCHS shows that for five (5) CCHS projects in similar communities, initial occupation is comprised on average by 87.6% in-

district families. CCHS also suggests that by providing low income housing, their new tenants are vacating unpermitted or substandard housing and, in many instances, will not be back filled once vacated. CCHS has not submitted data that substantiates any percentage of back-fill.

The City of Prosser agrees that there are substandard housing conditions within the Prosser School District. The City has an active code enforcement program as well as rental licensing and inspections. It is unlikely that there will be any significant reduction in backfill within the city limits due to the reduction of substandard housing through the rental inspection program. The City believes that there is a significant substandard dwelling unit problem within the unincorporated County that may not backfill when vacated. This likelihood is based on the geographic size, rural nature, and lack of a rental inspection program within the County. While it is likely that a reduced number will be back filled in the unincorporated county there are no studies to show what the percentage is likely to be. Therefore, the City will use 100% back fill in its formula.

A capital facility plan or a capital improvement plan was not submitted by the Prosser School District that shows maximum capacity and capital improvement strategies. The School district has based its determination on recommendations from OPSI. During the 2007/2008 school year the October enrollment was 922. The previous 10 years October enrollment data shows that the Prosser High School student population was in excess of the OPSI recommended 819 students. The High School enrollment data also shows a random fluctuation of students from year to year. It can be established that the Prosser High School capacity is 922 students based on its previous 2007/2008 enrollment however this does not comply with the OPSI recommended number identified by the Prosser School District. Therefore the City accepts the capacity number of 819 as recommended but not definitive for the purpose of determining capacity and subsequent impacts.

It is unknown how many of the residents at the CCHS project will be of school age and exactly what grades those students will attend prior to construction and occupancy. The most reasonable approach to calculating the potential impact is to divide the maximum number of age 18 and under residents allowed by the project and dividing them equally among age 1-18 and subsequently dividing those age groups equally among all applicable grades K-12 (13).

The Prosser School District did not provide any evidence of the cost of a portable classroom, or justification for using a figure of \$100,000. The City of Prosser contacted Pacific Mobile Structures (www.pacificmobile.com) to get a cost estimate for portable classrooms. This is the same manufacturer of other portable classrooms used at Prosser School District. The cost estimate for purchase and installation of a 28' x 32' standard size classroom is about \$69,000.00. This estimate includes taxes, ramps, foundation, set-up, and delivery.

With the updated figures, mitigation will be based on the following:

- 1) Whistran Elementary serves an area outside the area of the CCHS project and will not be included in determining impacts
- 2) OPSI High School Recommended Capacity 819
- 3) Current High School Population 898
- 4) High School out of district students 24
- 5) Cost of portable \$69,000.00 (based on estimate from Pacific Mobile)
- 6) The Portable has one classroom
- 7) 119 students at CCHS project (per CCHS email dated 12/4/2014)
- 8) 9.22 new students per grade (see formula below)

FORMULA

17 2-Bedroom units = 2 children per unit
 33 3-Bedroom units = 4 children per unit

Total children age 18 and under = 166

166 children divided equally by age 1-18 (18) = 9.22 students per each age group 1-18.

School grades K-12 = 13

9.22 students x 13 = 119 maximum students.

High School grades 9-12 (4) 9.22 students x 4 grades = 36.88 students at High School.

OPSI recommended capacity for High School 819 students.

Current enrollment at High School 898

819-898 = 79 students over OPSI recommended capacity

79 students + 36.88 new CCHS students resulting from project = 115.88 students over OPSI recommended capacity (LESS STUDENTS FROM ELIMINATED RESIDENCE)

Note: Because there is an existing deficiency the total number of students above capacity should be used in determining the per student cost of portable. This methodology ensures that the developer is not paying for existing deficiencies but rather is paying for their fair share of improvements.

Cost of portable = \$69,000.00

\$69,000 ÷ 115.88 students (total students over OPSI recommended capacity) = \$595.44 per student cost.

595.44 x 36.88 CCHS students = \$21,959.83

CCHS Impact to High School = \$21,959.83

NOTE: Using the same per grade formula there are no impacts to the other identified Schools listed below.

Facility	Total Area	OSPI Ideal # of students	10/1/14 Actual # students	CCHS Additional students	Total
Keene Riverview	52,262	581	486	27.66	513.66
Prosser Heights	45,324	504	466	27.66	493.66
Housel Middle School	89,698	767	648	27.66	675.66
Prosser High School	106,537	820	898	36.88	934.88
Totals		2672	2750	2808	

Determination: In order to mitigate the impacts to the High School the applicant will provide payment of \$21,959.83 to the Prosser School District for their fair share of a portable classroom at the High School within 30 days from when the Prosser School District purchases and installs the portable at the High School. The Prosser School District must purchase and install the portable classroom within 5 years of this determination in order to be entitled to the mitigation payment. In the event that the Prosser High School passes a bond for the construction of a new High School within 5 years from this determination, the amount may be used for new construction to offset the fair share costs of the proposed CCHS development in lieu of purchasing a portable.

IV. OTHER CONDITIONS OF APPROVAL

3. A Storm Water Drainage Retention Plan (Erosion Sediment control Plan) is needed for all construction sites as required by the State Department of Ecology. A City approved storm drain plan should retain storm water on site. Erosion control measures must be in place prior to any clearing, grading or construction. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by storm water runoff. Said retention and disposal may require the installation and maintenance of oil/water separators. Storm water runoff calculations and drainage facilities sizing calculations must be prepared by a Washington Registered Professional Engineer and be submitted to the City for review and approval prior to construction. A National Pollutant Discharge Elimination System (NPDES) Construction Storm Water General Permit may be required if there is a potential for storm water discharges from a construction site larger than one acre. Obtaining a permit is at least a 38 day process. Please submit a permit application to the State Department of Ecology or contact Ray Latham, of the Washington State Department of Ecology at (509) 575-2807. Please provide the City with a copy of the State permit if required.

4. The property shall submit plans for lighting fixtures that will reduce glare and light onto neighboring properties. All lighting must be directed away from adjoining properties and be installed in such a manner as to minimize light scatter onto adjacent properties and roadways. Lighting plans must be approved by the City and meet Prosser Municipal Code.
5. Fire hydrants may be required to be installed as per the requirements of the City Fire Chief and or Prosser Municipal Code and or under Development Requirements.
6. Any and all signage on the property will need to comply with the State Scenic Vistas Act of 1971 and the Prosser Municipal Code.
7. 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 and must be accessible by Basin Disposal Inc.
8. All permits required by Benton County Clean Air Authority and the Washington State Department of Ecology shall be acquired prior to issuance of the building permit.
9. A buffer whether it be a fence or vegetation must be installed between the project parcel and the Les Schwab facility to the east in order to mitigate the impact of noise from the commercial operation on the proposed residential units.
10. The City of Prosser and Applicant have agreed on a Payment in Lieu of Taxes (PILT) in order to mitigate the impact of additional persons with disabilities. Payments must be used to improve or construct ADA ramps, sidewalks, or walking paths within 1 mile of the applicants proposed site in order to better serve residents with disabilities and encourage pedestrian and bicycle travel. The PILT will use a formula for payment based on the property tax rate prior to its tax exempt status on a declining scale over 5 years in order to slowly absorb the costs to services and improvements. The applicant may at its discretion pay the entire amount upfront.

2016	2017	2018	2019	2020
\$5000	\$4000	\$3000	\$2000	\$1000

V. COMPREHENSIVE PLAN

The proposed project is consistent with the Prosser Comprehensive Plan, Chapter VII, Page 63.

Goal HH 2 - To allow a variety of densities and housing types so that the City can provide housing opportunities to meet a variety of needs, including affordable housing and housing which meets the special needs of age or disability.

Policy HH 2.9. Promote a diversity of housing types to satisfy a variety of lifestyles and economic capabilities.

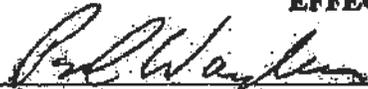
The proposed project provides low income housing and affordable housing options for residents. The low income housing market has not seen an increase in its capacity in Prosser for over 10 years. This project complies with goal HH2 by providing a higher density than more recent housing developments and serves the low income population. The project also complies with Policy HH2.9 by providing affordable options to low income residents and fixed income seniors.

This mitigation measure is necessary to ensure the safety of the traveling public and is necessary to meet the goals as stated in PMC 16.08.130(d)(1)(a)(b)(c)(d)(e) and (f). Specifically the mitigation protects the natural environment by providing open space, provides safe, healthy, affordable housing for low income residents. Promotes economic diversity within the City of Prosser. Mitigates the impact to existing levels of service at the Prosser High School and City of Prosser services. Improves ADA accessibility allowing better access to core public services for disabled residents of the proposed project. Ensures that light, and sound generated by the proposed project will not adversely affect surrounding properties. Ensures that the residents of the proposed project will not adversely be impacted by light and noise from surrounding commercial uses. Does not impact cultural and historic resources. Achieves a balance between existing resources and the need to provide safe living conditions for low income residents.

VI. FINDINGS OF FACT / CONCLUSIONS OF LAW

- I. Any Finding of Fact determined to be a Conclusion of Law is hereby adopted as such. Any provision herein, not specifically identified as a Finding of Fact or Conclusion of Law, shall be labeled as applicable and hereby adopted as such.
- II. Prosser Municipal Code Chapter 16.08 is the correct SEPA procedure to evaluate the environmental impacts caused by the proposed development. Administration plans to issue a MDNS which may or may not be retained depending upon Council action.

EFFECTIVE DATE: December 8, 2014



Paul Warden, City Administrator
City of Prosser

12-8-2014
Date

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



**CITY OF PROSSER, WASHINGTON
MITIGATION MEASURES
PROJECT NAME: CCHS Housing Project
Address: 480 North River Road
Parcel # 10284000020000**

Applicant: Catholic Charities Housing Service (CCHS) and Genesis Housing Services.

Application Date: June 30, 2014

Issued Date: December 8, 2014

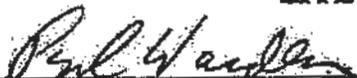
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2. A Storm Water Drainage Retention Plan (Erosion Sediment control Plan) is needed for all construction sites as required by the State Department of Ecology. A City approved storm drain plan should retain storm water on site. Erosion control measures must be in place prior to any clearing, grading or construction. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by storm water runoff. Said retention and disposal may require the installation and maintenance of oil/water separators. Storm water runoff calculations and drainage facilities sizing calculations must be prepared by a Washington Registered Professional Engineer and be submitted to the City for review and approval prior to construction. A National Pollutant Discharge Elimination System (NPDES) Construction Storm Water General Permit may be required if there is a potential for storm water discharges from a construction site larger than one acre. Obtaining a permit is at least a 38 day process. Please submit a permit application to the State Department of Ecology or contact Ray Latham, of the Washington State Department of Ecology at (509) 575-2807. Please provide the City with a copy of the State permit if required.
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4. Fire hydrants may be required to be installed as per the requirements of the City Fire Chief and or Prosser Municipal Code and or under Development Requirements.
5. Any and all signage on the property will need to comply with the State Scenic Vistas Act of 1971 and the Prosser Municipal Code.
6. 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 and must be accessible by Basin Disposal Inc.
7. All permits required by Benton County Clean Air Authority and the Washington State Department of Ecology shall be acquired prior to issuance of the building permit.
8. A buffer whether it be a fence or vegetation must be installed between the project parcel and the Les Schwab facility to the east in order to mitigate the impact of noise from the commercial operation on the proposed residential units.
9. The City of Prosser is proposing Payment in Lieu of Taxes (PILT) in order to mitigate the impact of additional persons with disabilities. Payments must be used to improve or construct ADA ramps, sidewalks, or walking paths within 1 mile of the applicants proposed site in order to better serve residents with disabilities and encourage pedestrian and bicycle travel. The PILT will use a formula for payment based on the property tax rate prior to its tax exempt status on a declining scale over 5 years in order to slowly absorb the costs to services and improvements. The applicant may at its discretion pay the entire amount upfront.

2016	2017	2018	2019	2020
\$5000	\$4000	\$3000	\$2000	\$1000

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

EFFECTIVE DATE: December 8, 2014


 Paul Warden, City Administrator
 City of Prosser

12-8-2014
 Date

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



Planning Commission Staff Report

Variance Sign Deviation Conditional Use Temporary Use Other

Meeting Date: July 16, 2015	Prepared by: Steve Zetz
Applicant: CCHS	Location: 415 Petra Avenue

Hearing Type: Quasi-Judicial

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

Application Filed: March 17, 2015

Application Determined Complete: May 5, 2015

Publication Date Complete Application: May 13, 2015

Notice of Public Hearing Published: May 13, 2015

SEPA Determination: July 9, 2015 Threshold Determination

Posting Date: May 6, 2015

Description: SECTION 2, TOWNSHIP 8 NORTH, RANGE 24 EAST, QUARTER NW: SHORT PLAT #3437, LOT 2: RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 3437, RECORDS OF BENTON COUNTY, WASHINGTON. AF#2014-019571, 8/08/2014.



Neighborhood Description: Surrounding properties include High Density, Residential Medium Density, and Commercial. Surrounding uses include storage units, tire sales and service, multi-family housing, single family housing, church, airport, and light industrial.

Storm Water: All storm water must be maintained on site.

Utilities: The preliminary plat proposes connection to the city's existing potable water system, sanitary sewer system, and irrigation system. The proposed project will not cause the City to violate its waste water discharge permit. The City has adequate capacity to provide potable water to the proposed subdivision. Fire hydrants will be installed in accordance with requirements of the Cities Fire Official. Irrigation facilities will be constructed at the time of final plat approval and may include a pressurized system.

Parks: CCHS is currently in the process of making improvements to open space located within one half mile of the proposed project. The improvements sufficiently meet the requirements of Chapter 18 of the Prosser Municipal Code.

Airport: The proposed project is located near land owned by the Port of Benton and used for a public airport and industrial uses (within 1000 feet).

Critical Areas: The proposed project is located within the aquifer recharge area. No other critical areas have been identified on the proposed site. The proposed infiltration trenches will capture storm water and prevent any pollutants from entering the aquifer. Staff recommends that the Planning Commission approve a no-impact waiver pursuant to PMC 16.10.130(B):

B. **Critical Areas Present, But No Impact—Waiver.** If the planning director determines that there are critical areas within or adjacent to the project area, but that the proposed activity is unlikely to degrade the functions or values of the critical area, the planning director may waive the requirement for a report or other applicable information. A waiver may be granted if there is substantial evidence that all of the following requirements will be met:

1. There will be no alteration of the critical area or buffer;
2. The development proposal will not impact the critical area in a manner contrary to the purpose, intent, and requirements of this title; and
3. The proposal is consistent with other applicable regulations and standards.

The infiltration trenches will be constructed in accordance with city's standards and specification. These standards provide adequate protection of the environment to prevent polluted storm water from entering the aquifer. In addition all sanitary waste will be sent to the city's Wastewater Treatment Plant and treated in accordance with the city's NPDES Permit. This permit provides adequate protection of the environment to prevent pollutants from entering the Yakima River which recharges the aquifer.

Purpose of the Hearing: Subdivision and Rezone from Residential, High Density District (RH) to Residential, Manufactured Home Subdivision District (RMS).

Topography: Generally flat but slopes approximately 2% towards the Yakima River which is over 200 feet from the project (Southeast)

Attachments: Threshold SEPA Determination, Proposed Preliminary Plat, and comment letters.



Petra Ave, to be constructed.



Potential Future Road extension / construction

Determination of Consistency: With the approved variance, the City of Prosser believes that the proposed site plan is consistent with Prosser Municipal Code and the Comprehensive Plan.

SEPA: The City of Prosser has received comments from the Prosser School District and Sunnyside Valley Irrigation District and Catholic Charities Housing Service (See attached comment letters). The City of Prosser has issued its SEPA Threshold Determination (See attached).

Frequently Flooded Areas: This property does not appear on any of the Army Core of Engineer Flood Maps for Benton County.

17.12.070 Criteria for recommendation.

If the planning commission finds the items set forth in this subsection are met, then the preliminary plat shall be given a recommendation for approval. If the planning commission finds that the criteria set forth herein are not met, it may recommend conditioning or denial of the proposed preliminary plat.

A. The planning commission shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine if appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to or from school, and determine whether the public interest will be served by the subdivision and dedication;

B. The planning commission may carefully inspect the site and shall determine if the proposed subdivision conforms to the comprehensive plan and the shoreline master program;

C. The planning commission shall consider the physical characteristics of a proposed subdivision site and may recommend disapproval of a proposed plat because of potential flood, inundation or swamp conditions;

D. All identified direct impacts must be mitigated as set forth in Chapter 16.08 of the Prosser Municipal Code.

Traffic Data: Applicant estimates 216 trips per day using WSDOT standards for residential traffic.

Assessed Value: \$297,510 (Unimproved land)

LOS Designations: The Comprehensive Plan requires all intersections and roads to function at a minimum of level C or better. Following roads and intersections will continue to function at a LOS (Level of Service) of C or better after the full build out of this project: Petra Avenue, North River Road North East of Petra Avenue, Wine Country Road, and North River Road.

NEPA: Determination was issued and completed June 12, 2015. No impacts were identified in that determination.

Criteria for approval Zoning Change: A substantial change in circumstances since the last zoning determination. The proponent has received HUD Self Help Opportunity Funds that are specific for single family homes.

City of Prosser Recommendation: Staff recommends approval of the change of zone to RMS due to the funding changes available to the applicant and the fact that affordable housing will be provided. With the approved variance, the City of Prosser believes that the proposed preliminary plat is adequate and complies with the Prosser Municipal Code. Staff recommends approving the preliminary plat subject to all existing code provisions regarding the construction of improvements therein. Staff recommends approval of a no-impact waiver of the one critical area present (aquifer).

Variance: The Board of Adjustment approved a variance for street frontage on two lots in the proposed preliminary Plat. (See attached findings).



**CITY OF PROSSER, WASHINGTON
FINDING AND CONCLUSIONS SUPPORTING
THE ISSUANCE OF A
DETERMINATION OF NON-SIGNIFICANCE**

I. PROJECT INFORMATION

PROJECT NAME: CCHS River Road Homes

PROJECT DESCRIPTION: Rezone from RH to RMS, and 28 Parcel Subdivision for single family homes (27 units proposed)

Address: 415 Petra Avenue (Under construction)

Parcel # 102842013437002

Applicant: Catholic Charities Housing Service (CCHS)

Zoning: Residential High Density (RH) proposed to be changed to Residential, Manufactured Home Subdivision District (RMS).

Comprehensive Plan Designation: High Density Residential (HDR)

Application Date: March 17, 2015

Application Determined Complete: May 5, 2015

Issued Date: July 2, 2015

The City of Prosser received a Subdivision Application and Change of Zone Application (proposed change from Residential, High Density District (RH) to Residential, Manufactured Home Subdivision District (RMS) and SEPA checklist for a 28 parcel subdivision and 27 unit single family home development. A completed application was received and determined to be complete May 5, 2015. The application and SEPA checklist was routed to surrounding property owners and affected agencies and published in the Prosser Record Bulletin May 13, 2015.

The Property was also posted May 6, 2015. (Photo on file)

The application is for a rezone and project consisting of 27 single family homes and the creation of 28 lots via a subdivision. The project is sited on parcel 102842013437002 having the common address of 415 Petra Avenue, Prosser, WA 99350 also known as lot 2 of Short Plat 2437. The project is designed to provide affordable housing and reduce substandard housing impacting low income residents. The project consists of single family homes.

The Comprehensive Plan designation for the site is Residential High Density Residential (HDR). The zoning classification for the site is Residential High Density (RH) and is consistent with the Comprehensive Plan Land Use Designation and Land Use Map. The parcel site is 7.58 acres. Prosser Municipal Code 18.30.040(J) allows for a maximum density of 15 units per acre. The 7.58 Acre site will accommodate up to 113 Units.

II. IDENTIFIED POTENTIAL IMPACTS

A. Staff Identified Impacts.

City Staff did not identify any impacts.

B. Comment Letters.

Two comment letters were received from the public.

1. Sunnyside Valley Irrigation District
Dated June 8, 2015
SVID has requested that all applicable permits for work in SVID easements and rights-of-ways be complied with.

2. Ray Tolcacher, Prosser School District
Dated June 12, 2015

The Prosser Public School District raised issues it identified as potential impacts on the School District:

1. School District facilities needed as a result of School District anticipated significant additional student enrollment; and
2. Transportation – Additional bus route and another bus to transport additional students identified by CCHS living in the project.

No specific mitigation measures were proposed by the Prosser School District.

In making this request, the School District enrollment records show 2013/14 total enrollment of 2,760. The School District has not indicated how it accommodated previous enrollment levels that were in excess of the OPSI recommended capacity.

Catholic Charities Housing Services responded to the comment letter with specific details regarding increases to the school population.

III. THRESHOLD DETERMINATION

197-11-444(2)(c) & (d)(iii). Elements of Environment includes transportation and schools.

197-11-712. Affecting.

“Affecting” means having, or may be having, an effect on. For purposes of deciding whether an EIS is required and what an EIS must cover, “affecting” refers to having probable, significant adverse environmental impacts.

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- (2) Significance involves context and intensity and does not lend itself to a formula or quantifiable test. The context may vary with the physical setting. Intensity depends on the magnitude and duration of the impact. The severity of the impact should be weighted along with the likelihood of its occurrence.

The City of Prosser is the lead agency based on the authority to issue building permits for the proposed project. The proposed project site is within the city limits of Prosser and is subject to the Prosser Municipal Code.

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

B. Analysis:

1. CCHS submitted a response letter June 26, 2015 responding to the Prosser School Districts comment letter dated June 12, 2015. CCHS provided data showing a combined impact from 8 Village Park homes and 27 River Road homes at a rate of .77 students per grade level. A previous determination and subsequent mitigation agreement between CCHS and the Prosser School District showed that the High School was the only facility currently operating at a higher capacity than was recommended by OSPI.

The OSPI optimal capacity level for the Prosser High School is 819 students (previously submitted by the Prosser School District). Enrollment numbers from OSPI for the 2014/2015 year show the High School enrollment has dropped from 898 in 2013/2014 school year to 869. This is a 29 student decrease. This project will add to the student population as follows:

recommended student population for the Prosser School District is 2750 students. The City of Prosser finds that .77 students per grade X 13 grades = 10 new students and does not exceed the OSPI recommended student levels as a District and therefore does not constitute a “significant impact”.

3. CCHS is currently in the process of making improvements to open space located within one half mile of the proposed project. The improvements sufficiently mitigate any impact to City Park Facilities.

IV. OTHER CONDITIONS OF APPROVAL

NA

V. COMPREHENSIVE PLAN

The proposed project is consistent with the Prosser Comprehensive Plan, Chapter VII.

Page 63.

Goal HH 2 - To allow a variety of densities and housing types so that the City can provide housing opportunities to meet a variety of needs, including affordable housing and housing which meets the special needs of age or disability.

Policy HH 2.9. Promote a diversity of housing types to satisfy a variety of lifestyles and economic capabilities.

This mitigation measure is necessary to ensure the safety of the traveling public and is necessary to meet the goals as stated in PMC 16.08.130(d)(1)(a)(b)(c)(d) and (f). Specifically the mitigation protects the natural environment by providing open space, provides safe, healthy, affordable housing via home ownership for low income residents. Promotes economic diversity within the City of Prosser. Mitigates the impact to existing levels of service at the Prosser High School and City of Prosser services. Improves ADA accessibility allowing better access to core public services for disabled residents of the proposed project, Ensures that light, and sound generated by the proposed project will not adversely affect surrounding properties. Does not impact cultural and historic resources. Achieves a balance between existing resources and the need to provide safe living conditions for low income residents.

EFFECTIVE DATE: July 9, 2015



Steve Zelz, City Manager
City of Prosser

July 9, 2015

Law

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

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

AN ORDINANCE AMENDING THE ZONING MAP FOR THE CITY OF PROSSER, WASHINGTON, BY ZONING A PORTION OF CERTAIN PROPERTY DESCRIBED IN THIS ORDINANCE LOCATED NORTHERLY OF NORTH RIVER ROAD ON PETRA AVENUE HAVING BENTON COUNTY TAX PARCEL NUMBER 1-0284-201-3437-002 TO RESIDENTIAL, MANUFACTURED HOME SUBDIVISION DISTRICT (RMS). THE ORDINANCE ALSO DECLARES THAT THIS ORDINANCE IS A MINOR ACTION AND HAS A NON-SIGNIFICANT EFFECT ON THE ENVIRONMENT. THE ORDINANCE ALSO SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDES THAT ITS PROVISIONS ARE SEVERABLE FROM ONE ANOTHER AND PROVIDES FOR PUBLICATION BY SUMMARY.

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

Section 1. The Planning Commission has recommended to the City Council a classification change on the City of Prosser's zoning map to Residential, Manufactured Home Subdivision District (RMS) for the property described as follows: pursuant to Title 18 of the Prosser Municipal Code:

Lot 2, Short Plat Number 3437, according to the survey thereof recorded under Auditor's Recording Number 2014-019571, records of Benton County, Washington.

The applicant by letter dated August 5, 2015, stated that there was an error in their application and that the legal description of the property to be rezoned should be revised to be as provided for in Section 3 of this Ordinance.

Section 2. The findings adopted by the Planning Commission on July 16, 2015, on file with the City Clerk, are hereby adopted as the findings of the City Council, except that the legal description of the property being rezoned is hereby amended to as provided for in Section 3 of this Ordinance.

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

Section 3. The real property described below and situated in the City of Prosser, County of Benton, State of Washington, is hereby zoned Residential, Manufactured Home Subdivision District (RMS):

Lot 2, Short Plat Number 3437, according to the survey thereof recorded under Auditor's Recording Number 2014-019571, records of Benton County, Washington, LESS the Westerly 249.58 feet of said Lot 2.
HAVING BENTON COUNTY TAX PARCEL NUMBER: Portion of 1-0284-201-

3437-002.

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

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

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

Section 5. The zoning map of the City of Prosser is hereby amended to show the property described in Section 3 above as Residential, Manufactured Home Subdivision District (RMS).

Section 6. SEVERABILITY. The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall not as a result of said section, sentence, clause, or phrase be held unconstitutional or invalid.

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

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

Paul Warden, Mayor

ATTEST:

Rachel Shaw, City Clerk

APPROVED AS TO FORM:



Howard Saxton, City Attorney

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 THE ZONING MAP FOR THE CITY OF PROSSER, WASHINGTON, BY ZONING A PORTION OF CERTAIN PROPERTY DESCRIBED IN THIS ORDINANCE LOCATED NORTHERLY OF NORTH RIVER ROAD ON PETRA AVENUE HAVING BENTON COUNTY TAX PARCEL NUMBER 1-0284-201-3437-002 TO RESIDENTIAL, MANUFACTURED HOME SUBDIVISION DISTRICT (RMS). THE ORDINANCE ALSO DECLARES THAT THIS ORDINANCE IS A MINOR ACTION AND HAS A NON-SIGNIFICANT EFFECT ON THE ENVIRONMENT. THE ORDINANCE ALSO SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDES THAT ITS PROVISIONS ARE SEVERABLE FROM ONE ANOTHER AND PROVIDES FOR PUBLICATION BY SUMMARY.

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

DATED this ____ day of _____, 2015

RACHEL SHAW, CITY CLERK

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

A RESOLUTION OF THE CITY OF PROSSER, WASHINGTON APPROVING THE PRELIMINARY PLAT FOR THE RIVER ROAD HOMES SUBDIVISION IN ACCORDANCE WITH THE RECOMMENDATION FROM THE PLANNING COMMISSION, AND ADOPTING THE PLANNING COMMISSION FINDINGS AS THE FINDINGS OF THE CITY COUNCIL AND DIRECTING STAFF TO PROVIDE NOTICE OF THIS DECISION.

WHEREAS, on June 18, 2015, the Planning Commission held an open record public hearing considering whether to recommend approval of the River Road Homes Subdivision preliminary plat to the City Council; and

WHEREAS, on June 18, 2015, the Planning Commission continued the open record public hearing to July 16, 2015; and

WHEREAS, on July 16, 2015, the Planning Commission recommended to the City Council that it approve the preliminary plat of the River Road Homes Subdivision; and

WHEREAS, the City Council has held a closed record decision hearing on the proposed preliminary plat of the River Road Homes Subdivision;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PROSSER AS FOLLOWS:

1. The Preliminary Plat of the River Road Homes Subdivision, a copy of which is attached to this Resolution and which is incorporated herein by reference, is hereby approved subject to the conditions of approval contained in the Planning Commission's written findings. The final plat must be approved by the City Council within five (5) years from the date of this approval unless extended in writing by the City Council after application by the proponent of the Preliminary Plat.
2. The written findings of the Planning Commission, a copy of which are attached hereto and incorporated herein by reference, are hereby adopted as the written findings of the City Council.
3. City staff is hereby directed to provide notice of this decision in accordance with Title 19 of the Prosser Municipal Code.
4. This Resolution shall be effective the effective date of Ordinance Number 15-_____.

ADOPTED by the City Council of the City of Prosser and **APPROVED** by the Mayor of the City of Prosser this 11th, day of August, 2015.

PAUL WARDEN, MAYOR

ATTEST:

RACHEL SHAW, CITY CLERK

APPROVED AS TO FORM:



HOWARD SAXTON
CITY ATTORNEY

ATTACH PRELIMINARY PLAT MAP

INSERT PLANNING COMMISSION FINDINGS