



PACIFIC CITY COUNCIL MEETING AGENDA
Council Chambers - City Hall. 100 3rd Ave. SE

January 26, 2015
Monday

Regular Meeting
6:30 p.m.

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE**
2. **ROLL CALL OF COUNCIL MEMBERS**
3. **ADDITIONS TO/APPROVAL OF AGENDA**
4. **AUDIENCE COMMENT**

(Please limit your comments to 3 minutes for items not on the agenda. When recognized by the Mayor, please state your name and address for the official record. It is asked that you do not speak on the same matter twice.)

5. **REPORTS**

(3)

- A. Mayor
- B. City Administrator
- C. Court
- D. Community/Senior/Youth/Services – Reports attached
- E. Public Works Department
- F. Community Development Department
- G. Public Safety Department
- H. City Council Members
- I. Boards and Committees
 - i. Finance Committee
 - ii. Governance Committee
 - iii. Human Services Committee
 - iv. Public Safety Committee
 - v. Public Works Committee
 - vi. Technology Committee
 - vii. Park Board
 - viii. Planning Commission
 - ix. Pierce County Regional Council (PCRC)
 - x. Sound Cities Association (SCA)
 - xi. South County Area Transportation Board (SCATBd)
 - xii. Valley Regional Fire Association (VRFA)

6. **OLD BUSINESS**

(10)

- A. **Ordinance No. 2015-1890:** Extending the interim zoning regulations prohibiting medical and recreational sales.

(21)

- B. **Ordinance No. 2014-1872:** Prohibit medical marijuana dispensaries and collective gardens.

(34)

- C. **Ordinance No. 2014-1876:** Conditional approval of marijuana producers, processors, and retail sales.

- (47) D. **Ordinance No. 2015-1888:** Conditionally approving marijuana producers and processors in the LI Zone and prohibiting recreational sales.
- (60) E. **Ordinance No. 2015-1891:** Prohibiting marijuana producers, processors, and recreational marijuana sales.
- (69) F. **Resolution No. 2015-227:** Surplus of Police Truck to Public Works
- (72) G. **Ordinance No. 2015-1892:** An ordinance amending Pacific Municipal Code section 2.68.250 discontinuing exchange time for exempt employees and establishing management days off and converting existing exchange time to vacation.

7. NEW BUSINESS

- (75) A. **AB 15-013: Review and discussion of City Hall Indoor Air Quality Improvement Project and grant application to State of Washington for the project.**

8. CONSENT AGENDA

- (86) A. Payroll and Voucher Approval
- (91) B. Approval of the minutes from meeting of December 22, 2014 and workshop of January 5, 2015.

9. ADJOURN

Finance Committee Garberding, Jones, Kave Meets: 3 rd Tuesdays	February 17, 2015 6:30 p.m.	City Hall
Governance Committee Kave, Oliveira, Putnam	TBD 6:30 p.m.	City Hall
Human Services Committee Jones, Oliveira, Walker Meets 1 st Tuesday	February 17, 2015 6:30 p.m.	Senior Center
Park Board Meets 3 rd Tuesday	February 17, 2015 6:30 p.m.	City Hall
Planning Commission Meets 4 th Tuesday	January 27, 2015 6:00 p.m.	City Hall
Public Safety Committee Garberding, Kave, Steiger Meets 2 nd Wednesday	February 11, 2015 6:30 p.m.	City Hall
Public Works Committee Jones, Putnam, Steiger Meets 1 st Wednesday	February 4, 2015 7:00 p.m.	City Hall
Technology Committee Jones, Oliveira, Walker Meets: 3 rd Thursday	January 16, 2014 5:00 p.m.	City Hall

Council may add other items not listed on this agenda unless specific notification period is required.
 Please turn off cell phones during meeting and hold your questions for staff until the meeting has been adjourned.
 Meeting materials are available on the City's website at: www.cityofpacific.com or by contacting the City Clerk's office at (253) 929-1105.



For ADA accommodations, please contact City Hall at (253) 929-1105 prior to the meeting.

MONTHLY TOTALS

Date: December	2013	2014
Participation Counts		
Demographics		
Pacific:	420	425
Algona:	104	104
Auburn:	96	92
Other:	94	102
Total Demographics	714	724
Activity		
Stone Soup:	167	109
Senior Nutrition Lunch:	245	249
Trips:	33	112
Transportation:	96	102
Drop-Ins:	140	87
Bread/Pantry:	97	135
Touch of Home/Crafts:	49	45
Cards/Puzzles/Games:	140	150
Volunteer:	188	120
Music/Jam Session:	215	186
Health Care: Hair Cuts, Foot, Exercise:	5	8
Meetings:	16	0
S.H.I.B.A.:	0	0
Bus Passes:	60	32
Meals on Wheels	0	0
Information	3	6
Movies and Bingo	19	10
Party: Xmas, New Years, Tea, Pizza	19	103
Fundraiser		0
Total Activities	1492	1448
Unduplicated:	0	9
Volunteer Hours		344.75

Donations

Stone Soup: \$14.00
 Gas for Trip: \$11.00
 Craft: \$22.25
 Coffee: \$24.46
 General Money Donation: \$35.50
 Fund Raisers: \$0 Rental: \$0

December 2014 Month End Council Report

		<u>Y.T.D.</u>
Unduplicate Count	8	341
<u>Education & Learning</u>		
Tiny Tot Program	49	682
Computer Lab	2	293
Arts & Crafts	56	443
Board Games & Cards	73	296
Story Time / KCLS	24	214
Lego Building	18	117
<u>Exercise</u>		
Bounce House & Exercise	38	615
Open Gym	266	2,460
Zumba	6	149
Wiggles & Giggles	36	41
<u>Social Events</u>		
Movie Day	0	177
Wii Video Games	0	103
Bingo	0	141
Parent Participation	72	433
<u>Nutrition</u>		
Summer Lunch Program	0	1,818
Nutrition Snack Program	193	2,131
Pop Corn Fridays	29	360
Taco Tuesdays	43	734
<u>Special Events</u>		
X-Mas Pizza Party		6
		41
<u>Rental Revenue</u>	590.00	12,045.00
<u>Donations</u>	0	3,450.00
<u>Fundraising</u>		
Taco Tuesday	\$5.00	\$180.00
Zumba	\$0.00	\$64.00
Holiday Bazaar Table Space Fees		\$550.00
Taco Tuesday Expenditures Food Cost		1,876.85

Taco Tuesday Program Profits **\$757.44**

Volunteers 7 **\$7.00**
Volunteer Hrs. 13 Hrs. **13 hrs.**

Grant Information Youth Services # 2013

<u>Age</u>	0-5	6--12	13-18	19-65	66+
	195%	182%	107%	12%	0%

Ethnicity

African American	41%
Latino	47%
Caucasian	376%
Asian	21%
South East Islander	8%
Native American	4%
Other	0%

Gender

Male	308	62%
Female	189	38%

YEAR END TOTALS

Date:	2013	2014
Participation Counts		
Demographics		
Pacific:	5700	6085
Algona:	1465	1320
Auburn:	1099	1297
Other:	1888	1745
Total Demographics	10152	10447
Activity		
Stone Soup:	1407	1389
Senior Nutrition Lunch:	3924	3692
Trips:	155	1611
Transportation:	1522	738
Drop-Ins:	1942	1537
Bread/Pantry:	1290	1623
Touch of Home/Crafts:	350	664
Cards/Puzzles/Games:	594	2297
Volunteer:	1851	1987
Music/Jam Session:	2403	2644
Health Care: Hair Cuts, Foot, Exercise:	51	77
Meetings:	94	80
S.H.I.B.A.:	0	3
Bus Passes:	33	35
Meals on Wheels	48	22
Information	0	36
Movies and Bingo	0	177
Party, Special Events, Fund raisers	19	247
Cooling Center	8	10
Total Activities	15691	18841
Unduplicated:	220	239

COMMUNITY SERVICES WISH LIST

YOUTH LIST

- HEARTSTART Defibrillator
- Local Kid Event Passes (Wild Waves, Zoo, Ect.)
- New or Like New Toys
- Match Box Cars
- Lego's, Tinker Toys, Lincoln Logs, Plastic Army Men
- Barbie Doll Clothes, Wooden Puzzles
- Video Games for Wii
- Play Station 2
- Mini Beanie Babies, Dress UP Costumes,
- Apple Juice, Fruit Roll-Ups, Gatorade, Juice Pouches
- Otter Pops
- Popcorn, Oil, Salt, Bags
- Pop, Gold Fish Crackers, Graham Crackers
- Napkins, Paper Towels
- Dish Towels and Dish Clothes
- Unused Unwanted Secret Santa Gifts (for prizes)
- Art Supplies- Glue Sticks, Colored Pencils, Beads
- Construction Paper, Tempera Paints, Water Color Paint, Double Sided Tape
- Old Fashion Duct Tape, Elmer's Glue
- Basketballs and Footballs
- Disposable cups
- Five to ten little items that can go in gift bags

Taco Tuesday

- Taco Seasoning (not expired, unopened)
- Refried Beans (not expired, unopened)
- Taco Shells (not expired, unopened)

COMMUNITY SERVICE WISH LIST

SENIOR CENTER

- Pop Bottle Caps
- Coffee
- Creamer and Sugar
- Individual Wrapped Tea Bags
- Individual Wrapped Sugar Free Candy
- Microwaveable Popcorn
- Pop
- Napkins
- Dish Towels and Dish Clothes
- Pens
- Unused Christmas, Thank you, Sympathy, Happy Birthday and Blank Cards
- Coffee Cups
- Unused Unwanted Secret Santa Gifts (for prizes)
- Art Supplies, Glue Sticks, Colored Pencils and Markers, and Colored Paper
- Card Stock, Stencils, and Card Making Stamps
- WII Video Games
- Senior Exercise DVD's
- Five to ten little some things that can go in gift bags

Stone Soup

- Non-perishable Canned Goods (not expired, unopened)
- Spices (not expired, unopened)
- Non-perishable Noodles, Rice, Ect. (not expired, unopened)



Agenda Bill No. 15-014

TO: Mayor Guier and City Council Members
FROM: Jack Dodge, Community Development Manager
MEETING DATE: January 26, 2015
SUBJECT: Marijuana Regulations – Council Action

ATTACHMENTS:

Previous Council Review Date/s: 8/8/11, 2/13/12, 2/25/13, 8/12/13, 2/3/14, 7/16/14, 7/21/14, 7/28/14, 1/5/15, 1/20/15
(PC Review Dates: 1/29/13, 2/26/13, 3/26/13, 4/23/13, 11/26/13, 2/25/14, 3/18/14, 4/22/14, 5/27/14, 6/24/14, 8/6/14)

Summary: The City Council at their January 20th meeting, requested that staff provide the following information for the January 26, 2015 Council meeting regarding recreational marijuana sales.

- The number of recreational marijuana retail stores within 25 miles of Pacific.
- The number of recreational marijuana producers within 25 miles of the City.
- The number of recreational marijuana processors within 25 miles of the City.

The information provided in the following tables utilizes data from a variety of sources. The facilities listed are businesses that have been verified, to the best of staff’s knowledge, as being legally in operation. These businesses do not include medical marijuana dispensaries.

Recreational Retail Stores Within 25 Miles of Pacific		
Source: Washington Public Dispensaries Website		
	15 Miles	25 Miles
Tacoma	7	7
Auburn	1	1
Des Moines	1	1
Puyallup	1	1
Buckley	1	1
Seattle		3
Bellevue		2

<u>Spanaway</u>		1
<u>TOTAL</u>	11	17

Recreational Producers Within 25 Miles of Pacific		
Source: Marijuana Jobs Website		
<i>Tacoma</i>	1	Tier 1
<i>Maple Valley</i>	1	Tier 3
<i>Seattle</i>	7	Tier 1 = 1 Tier 2 = 5 Tier 3 = 1
<i>SeaTac</i>	1	Tier 2
<u>TOTAL</u>	11	

Tier 1 Producer: Allows for 2,000 sq. ft. or less of dedicated plant canopy.

Tier 2 Producer: Allow for between 2,000 and 10,000 sq. ft. of dedicated plant canopy.

Tier 3 Producer: Allows for between 10,000 to 30,000 sq. ft. of dedicated plant canopy.

Recreational Processors Within 25 Miles of Pacific	
Source: Marijuana Jobs Website	
<i>Seattle</i>	3
<u>TOTAL</u>	3

Recommended Actions:

1. Make a final decision regarding recreational and medical marijuana regulations in Pacific.

Motion for Consideration:

1. I move to adopt Ordinance 2015-1890 extending the Interim zoning regulations prohibiting the siting, establishment and operation of any structures, property or uses relating to recreational or medical marijuana production, processing, cultivation, storage, sale, delivery, exchange or bartering.
2. I move to adopt Ordinance 20XX-

Budget Impact: N/A

Alternatives:

**CITY OF PACIFIC, WASHINGTON
ORDINANCE NO. 2015-1890**

AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, RELATING TO THE RECREATIONAL AND MEDICAL USE OF MARIJUANA, EXTENDING THE INTERIM ZONING ORDINANCE ADOPTED ON JULY 28, 2014, UNDER ORDINANCE NO. 2014-1866, PROHIBITING THE SITING, ESTABLISHMENT AND OPERATION OF ANY STRUCTURES, PROPERTY OR USES RELATING TO RECREATIONAL OR MEDICAL MARIJUANA PRODUCTION, PROCESSING, CULTIVATION, STORAGE, SALE, DELIVERY, EXCHANGE OR BARTERING, FOR ANOTHER SIX MONTHS, EFFECTIVE IMMEDIATELY, ADDRESSED IN THE PUBLIC HEARING ON JANUARY 20, 2015 BY THE PACIFIC CITY COUNCIL.

MEDICAL MARIJUANA

WHEREAS, since 1970, federal law has prohibited the manufacture and possession of marijuana as a Schedule I drug, based on the federal government’s categorization of marijuana as having a “high potential for abuse, lack of any accepted medical use, and absence of any accepted safety for use in medically supervised treatment.” *Gonzales v. Raich*, 545 U.S. 1, 14 (2005), Controlled Substance Act (CSA), 84 Stat. 1242, 21 U.S.C. 801 *et seq*; and

WHEREAS, the voters of the State of Washington approved Initiative 692 (codified as RCW 69.51A in November 1998); and

WHEREAS, the intent of Initiative 692 was that qualifying “patients with terminal or debilitating illnesses who, in the judgment of their physicians, would benefit from the medical use of marijuana, shall not be found guilty of a crime under state law,” (RCW 69.51A.005), but that nothing in the law “shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of marijuana for non-medical purposes” (RCW 69.51A.020); and

WHEREAS, the Washington State Legislature passed ESSSB 5073 in 2011, which directed employees of the Washington State Departments of Health and Agriculture to authorize and license commercial businesses that produce, process or dispense cannabis; and

WHEREAS, this bill required that the Department of Health develop a secure registration system for licensed producers, processors and dispensers, but these provisions, together with the provisions relating to dispensaries and the definitions, were vetoed by the Governor; and

WHEREAS, ESSSB 5073 provided that a qualifying patient or his/her designated care provider are presumed to be in compliance, and not subject to criminal or civil sanctions/penalties/consequences, under certain defined circumstances (participation in the registry, possession of a limited number of plants or usable cannabis, cultivation of a limited number of plants in the qualifying patient or designated care provider’s residence or in a collective garden); and

WHEREAS, Washington's Governor vetoed all of the provisions relevant to medical marijuana dispensaries in ESSSB 5073 but left the provisions relating to cultivation of marijuana for medical use by qualified patients individually within their residences and in collective gardens; and

WHEREAS, ESSSB 5073 was codified in chapter 69.51A RCW; and

WHEREAS, RCW 69.51A.130 allows local jurisdictions to adopt zoning requirements, business license requirements, health and safety requirements, and to impose business taxes on the production, processing or dispensing of medical cannabis or cannabis products, which the Washington Court of Appeals has interpreted to authorize complete bans on medical marijuana uses, such as collective gardens (*Cannabis Action Coalition v. City of Kent*, 322 P.3d 1246, 1253 (2014)); and

RECREATIONAL MARIJUANA

WHEREAS, in November of 2012, the Washington voters passed I-502, which directed the Washington State Liquor Control Board (LCB) to regulate recreational marijuana by licensing and taxing recreational marijuana producers, processors and retailers; and

WHEREAS, on the LCB adopted regulations (chapter 314-55 WAC) which: prohibit the establishment of recreational marijuana businesses within 1,000 feet of certain identified sensitive uses, require criminal history background checks for licensees, establish qualifications for licensees, limits the amount of space available for recreational marijuana production, describes the manner in which marijuana growing may take place,¹ limits the average inventory on the licensed premises at any time, limits the number of retailers within counties and cities within the counties based on estimated consumption and population data, establishes insurance requirements for licensees, describes the security requirements, requires employees to wear badges, requiring alarm and surveillance systems on the licensed premises, requires that licensees track marijuana from seed to sale, establishes the manner in which free samples of marijuana may be provided, prohibits the sale of soil amendments, fertilizers and other crop production aids, identifies transportation requirements, sign requirements, recordkeeping requirements, identifies a mechanism for enforcement of violations, including the failure to pay taxes, specifies marijuana infused product serving sizes, maximum number of servings and limitations on transactions, identifies marijuana waste disposal restrictions, describes the process for quality assurance testing, extraction and the requirements for packaging and labeling, describes advertising limitations, explains the process for licensing suspension, revocation and penalties for violations; and

WHEREAS, according to the administrative rules, the LCB will determine whether the recreational marijuana business licensee is within 1,000 feet of the sensitive uses identified in WAC 314-55-050(10) and shall not issue the license if it is within this area; and

WHEREAS, the LCB has begun issuance of licenses for recreational marijuana uses; and

¹ Under WAC 314-55-075, recreational marijuana production must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors. Outdoor production may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight obscure wall or fence at least eight feet high. Outdoor producers must meet security requirements described in WAC 314-55-083.

WHEREAS, on January 14, 2014, the Washington State Attorney General issued an opinion finding that local governments are not preempted by state law from banning the location of a recreational marijuana business, even if the business has been licensed by the LCB (AGO 2014 No. 2)); and

WHEREAS, in the same Attorney General Opinion, the Attorney General also gave the opinion that cities could establish restrictions on recreational marijuana businesses licensed by the LCB, even if such restrictions made it “impractical for a licensed marijuana business to locate within their jurisdiction” (AGO 2014 No. 2); and

WHEREAS, the detailed licensing and comprehensive regulatory system for recreational marijuana in I-502 is substantially different from what little remains in chapter 69.51A RCW to regulate medical marijuana after the Governor’s veto; and

WHEREAS, on August 29, 2013, the U.S. Department of Justice (DOJ) issued a Memorandum to all United States Attorneys, acknowledging that several states had adopted laws authorizing marijuana production, distribution and possession by establishing a regulatory scheme for these purposes; and

WHEREAS, in this Memo, the DOJ advised that in recent years, the DOJ has “focused its efforts on certain law enforcement priorities that are particularly important to the federal government,” such as: (a) preventing the distribution of marijuana to minors; (b) preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels; (c) preventing the diversion of marijuana from states where it is legal under state law in some form to other states; (d) preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; (e) preventing violence and the use of firearms in the cultivation and distribution of marijuana; (f) preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; (g) preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and (h) preventing marijuana possession or use on federal property; and

WHEREAS, in this Memo, the DOJ warned that “[i]f state enforcement efforts are not sufficiently robust to protect against the harms [identified above] the federal government may seek to challenge the regulatory structure itself in addition to continuing to bring individual enforcement actions, including criminal prosecutions, focused on those harms”; and

WHEREAS, in this Memo, the DOJ warned that a regulatory system adequate to this task “must not only contain robust controls and procedures on paper, it must also be effective in practice”; and

WHEREAS, in this Memo, the DOJ advised that “in exercising prosecutorial discretion, prosecutors should not consider the size or commercial nature of a marijuana operation alone as a proxy for assessing whether marijuana trafficking implicates the Department’s enforcement priorities [listed above]” and that federal prosecutors “should continue to review marijuana cases on a case-by-case basis and weigh all available information and evidence, including, but not limited to, whether the operation is demonstrably in compliance with a strong but effective state regulatory system”; and

WHEREAS, a comparison of the LCB's rules for recreational marijuana and chapter 69.51A RCW for medical marijuana demonstrates that there is virtually no state regulatory system for medical marijuana, and that even if local governments decided to adopt the type of medical marijuana system that would protect against the harms identified in the federal government's enforcement priorities, most local governments do not have the resources to be able to enforce such regulations; and

WHEREAS, after considering the August 29, 2013 DOJ Memo, the City has determined that even if the City decided to adopt an ordinance on the subject of medical marijuana in order to provide the type of regulatory system that the DOJ might find adequate to protect against the harms identified in the federal government's enforcement priorities, the City does not have the resources to enforce such a system; and

WHEREAS, the City adopted Ordinances 1804, 1823, 1848, 1855 and 1866, adopting moratoria or interim zoning on marijuana uses; and

WHEREAS, on January 20, 2015, the Council considered this ordinance during a public hearing advertised for this purpose; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF PACIFIC DOES ORDAIN AS FOLLOWS:

Section 1. Definitions. The following definitions apply to the terms used in this Ordinance:

A. "Cannabis" or "Marijuana" means all parts of the plant *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this ordinance, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted there from, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term "cannabis" includes cannabis products and useable cannabis.

B. "Cannabis products" means products that contain cannabis or cannabis extracts, have a measurable THC concentration greater than three-tenths of one percent, and are intended for human consumption or application, including, but not limited to, edible products, tinctures, and lotions. The term "cannabis products" does not include useable cannabis. The definition of "cannabis products" as a measurement of THC concentration only applies to the provisions of this ordinance and shall not be considered applicable to any criminal laws related to marijuana or cannabis.

C. "Child Care Center" means an entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours licensed by the Washington State Department of Early Learning, under chapter 170-295 WAC.

D. "Collective Garden" means those gardens described in RCW 69.51A.085.

E. "Cultivation" means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.

F. “Deliver or Delivery” means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

G. “Dispensary, Medical Marijuana” means: any location that does not meet the definition of a “Collective Garden” and does not have a license from the Liquor Control Board of the State of Washington for a marijuana producer, processor or retailer pursuant to I-502, where medical cannabis or marijuana is processed, dispensed, selected, measured, compounded, packaged, labeled or sold to a qualified patient, designated provider or any other member of the public. It also includes any vehicle or other mode of transportation, stationary or mobile, which is used to transport, distribute, deliver, sell or give away medical cannabis or marijuana to a qualified patient, designated provider or any other member of the public.

H. “Dispense” means the interpretation of a prescription or order for medical cannabis, and pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare the prescription or order for delivery.

I. “Elementary School” means a school for early education that provides the first four to eight years of basic education and is recognized by the Washington State Superintendent of Public Instruction.

J. “Game Arcade” means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.

K. “Indoors” means within a fully enclosed and secure structure that complies with the Washington State Building Code, as adopted by the City, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as 2” by 4” or thicker studs overlain with 3/8” or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

L. “Legal parcel” means a parcel of land for which one legal title exists. Where contiguous legal parcels are under common ownership or control, such legal parcels shall be counted as a single parcel for purposes of this ordinance.

M. “Library” means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.

N. “Marijuana processor” means a person licensed by the State Liquor Control Board to process marijuana into useable marijuana and marijuana-infused products, package and label usable marijuana and marijuana-infused products for sale in retail outlets, and sell usable marijuana and marijuana-infused products as wholesale to marijuana retailers.

O. “Marijuana producer” means a person licensed by the State Liquor Control Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

P. "Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include useable marijuana.

Q. "Marijuana retailer" means a person licensed by the State Liquor Control Board to sell usable marijuana and marijuana-infused products in a retail outlet.

R. "Outdoors" means any location that is not "indoors" within a fully enclosed and secure structure as defined herein.

S. "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision of agency or any other legal or commercial entity.

T. "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides and other playground equipment, owned and/or managed by a city, county, state or federal government.

U. "Process" means to handle or process cannabis in preparation for medical or recreational use.

V. "Produce or Production" means to manufacture, plant, grow or harvest cannabis or marijuana.

W. "Public Park" means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government or metropolitan park district. Public park does not include trails.

X. "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; premises where goods and services are offered to the public for retail sale; public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages, and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, buses, ferries, and other public conveyances of all kinds and character, and the depots, stops, and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

Y. "Public Transit Center" means a facility located outside of the public right of way that is owned and managed by a transit agency or city, county, state or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.

Z. "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state or federal government.

AA. “Residential treatment facility” means a facility providing for treatment of drug and alcohol dependency;

BB. “Retail outlet” means a location licensed by the State Liquor Control Board for the retail sale of useable marijuana and marijuana-infused products.

CC. “Secondary School” means a high and/or middle school: A school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington State Superintendent of Public Instruction.

Section 2: Findings. The Council adopts all of the “whereas” sections of this Ordinance as findings to support this interim zoning ordinance, as well as the following:

A. The purpose of this interim zoning ordinance is to maintain the status quo while the City drafts, considers and adopts a new ordinance on the subject of medical cannabis/marijuana and recreational marijuana.

B. The City will consider adoption and enforcement of such an ordinance during the next six months, while this interim zoning ordinance is in effect. During the period of time that this interim zoning ordinance is in effect, the City will also consider the manner in which the negative impacts and secondary effects associated with the marijuana uses (on-going or predicted) in the City can be ameliorated, including but not limited to, the demands that will be placed upon scarce City policing, legal, policy and administrative resources; neighborhood disruption, increased transient visitors and intimidation; the exposure of school-age children and other sensitive residents to marijuana, illegal sales to both minors and adults; fraud in issuing, obtaining or using medical marijuana prescriptions, murders, robberies, burglaries, assaults, drug trafficking and other violent crimes.

C. The State of Washington has adopted a strict regulatory and enforcement system for the cultivation, processing and sale of recreational marijuana. The Liquor Control Board has recently begun issuing the licenses, but it is still too early to determine whether (or the manner in which) the State will enforce these rules. The Council also acknowledges that the State has not performed any environmental analyses that will assist cities, towns and counties in the adoption of local regulations addressing marijuana uses, or the environmental impacts associated with individual licenses and that municipalities must therefore either develop their own analyses or observe these impacts after-the-fact (or, *after* these marijuana uses locate and begin operation in cities, towns and counties throughout Washington.) Then, the municipalities will be required to “fix” the problems stemming from these uses with their already scarce resources.

D. No part of this interim ordinance is intended to or shall be deemed to conflict with federal law, including but not limited to, the Controlled Substances Act, 21 U.S.C. Section 800 *et seq.*, the Uniform Controlled Substances Act (chapter 69.50 RCW) nor to otherwise permit any activity that is prohibited under either Act, or any other local, state or federal law, statute, rule or regulation. This interim ordinance is not intended to address or invite litigation over the question whether the State of Washington’s medical or recreational marijuana laws (or this City’s laws) satisfy the federal government’s enforcement priorities. Nothing in this interim ordinance shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of medical cannabis or recreational marijuana in any manner not authorized by chapter 69.51A RCW or chapter 69.50 RCW. Nothing in this interim

ordinance shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or that creates a nuisance, as defined herein. It is the intention of the City Council that this interim ordinance be interpreted to be compatible with federal and state enactments and in furtherance of the public purposes that those enactments encompass.

Section 3. Interim Ordinance Adopted. This interim ordinance is immediately adopted for a period of six months in order to provide the City adequate time to hold a public hearing on the secondary land use impacts associated with the location and siting of structures and uses in which medical and recreational marijuana production, marijuana processing or marijuana retailing may take place and adopt a “permanent” zoning ordinance. The City Council’s current plan is to hold this public hearing on January 20, 2015 and to adopt a “permanent” zoning ordinance within thirty (30) days thereafter.

Section 4. Effect of Interim Zoning Ordinance. This interim zoning ordinance extends the previous interim zoning ordinance for another six months, and imposes a prohibition on the acceptance of all development permit and business license applications for any structure, use or operation involving marijuana production, marijuana processing or marijuana retailing, as the same are defined in this Ordinance. All such development permit and business license applications shall be rejected and returned to the applicant.

Section 5. Duration of Interim Zoning Ordinance. This interim zoning ordinance shall commence on the effective date set forth in Section 10 herein. The City Council plans to hold a public hearing on this interim zoning ordinance on January 20, 2015. This interim zoning ordinance shall not terminate until six (6) months after the date of adoption, or at the time all of the events described in Section 3 have been accomplished, whichever is sooner. The Council shall make the decision to terminate the moratorium by ordinance, and termination shall not otherwise be presumed to have occurred.

Section 6. Public Hearing on Moratorium. Pursuant to RCW 36.70A.390 and RCW 35A.63.220, the City Council shall hold a public hearing on this interim zoning ordinance on January 20, 2015. During the next Council meeting immediately following, the City Council shall either adopt findings of fact on the subject of this interim zoning ordinance and either justify its continued imposition or adopt “permanent” zoning ordinance(s) relating to medical and recreational marijuana.

Section 7. Declaration of Emergency. The City Council hereby declares that an emergency exists necessitating that this interim zoning ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the Council, and that the same is not subject to a referendum.² If this interim zoning ordinance is not adopted immediately, applications for marijuana uses and business licenses could be submitted to the City and arguably become vested, leading to development that could be incompatible with the regulations eventually adopted by the City (after the process described herein). Therefore, the interim zoning ordinance must be adopted immediately as an emergency measure to protect the public health, safety and welfare, and to prevent the submission of applications to the City in an attempt to vest rights for an indefinite period of time.

Section 8. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such

² RCW 35A.12.130 for code cities.

invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 9. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 10. Effective Date. This Ordinance shall take effect and be in full force immediately upon passage, having received the vote of a majority plus one of the entire Council.

PASSED by the City Council of Pacific this 26th day of January, 2015.

Leanne Guier, Mayor

AUTHENTICATED:

Amy Stevenson-Ness, City Clerk.

APPROVED AS TO FORM:
Office of the City Attorney

Carol Morris, City Attorney

PUBLISHED:
EFFECTIVE DATE:

ORDINANCE NO. 2014-1872

AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, RELATING TO MEDICAL MARIJUANA (CANNABIS), IMPOSING A COMPLETE PROHIBITION ON MEDICAL MARIJUANA DISPENSARIES AND MEDICAL MARIJUANA COLLECTIVE GARDENS, IMPOSING SUCH BAN BASED ON THE AUGUST 29, 2013 MEMO FROM THE U.S. DEPARTMENT OF JUSTICE, IDENTIFYING THE FEDERAL GOVERNMENT'S ENFORCEMENT PRIORITIES REGARDING MARIJUANA, AND EXPRESSING THE COUNCIL'S INTENT TO MAINTAIN SUCH BAN UNTIL THE WASHINGTON STATE LEGISLATURE ADOPTS A REGULATORY SYSTEM FOR MEDICAL MARIJUANA CONSISTENT WITH THE FEDERAL GOVERNMENT'S ENFORCEMENT PRIORITIES.

WHEREAS, since 1970, federal law has prohibited the manufacture and possession of marijuana as a Schedule I drug, based on the federal government's categorization of marijuana as having a "high potential for abuse, lack of any accepted medical use, and absence of any accepted safety for use in medically supervised treatment." *Gonzales v. Raich*, 545 U.S. 1, 14 (2005), Controlled Substance Act (CSA), 84 Stat. 1242, 21 U.S.C. 801 et seq; and

WHEREAS, the voters of the State of Washington approved Initiative 692 (codified as RCW 69.51A in November 1998); and

WHEREAS, the intent of Initiative 692 was that qualifying "patients with terminal or debilitating illnesses who, in the judgment of their physicians, would benefit from the medical use of marijuana, shall not be found guilty of a crime under state law," (RCW 69.51A.005), but that nothing in the law "shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of marijuana for non-medical purposes" (RCW 69.51A.020); and

WHEREAS, the Washington State Legislature passed ESSSB 5073 in 2011, which directed employees of the Washington State Departments of Health and Agriculture to authorize and license commercial businesses that produce, process or dispense cannabis; and

WHEREAS, this bill required that the Department of Health develop a secure registration system for licensed producers, processors and dispensers, but these provisions, together with many others relating to dispensaries and definitions, were vetoed by the Governor; and

WHEREAS, ESSSB 5073 provided that a qualifying patient or his/her designated care provider are presumed to be in compliance, and not subject to criminal or civil sanctions/penalties/consequences, under certain defined circumstances (possession of a limited number of plants or usable cannabis, cultivation of a limited number of plants in the qualifying patient or designated care provider's residence or in a collective garden); and

WHEREAS, Washington's Governor vetoed all of the provisions relevant to medical marijuana dispensaries in ESSSB 5073 but left the provisions relating to cultivation of marijuana for medical use by qualified patients individually within their residences and in collective gardens; and

WHEREAS, ESSSB 5073 was codified in chapter 69.51A RCW; and

WHEREAS, RCW 69.51A.130 allows local jurisdictions to adopt zoning requirements, business license requirements, health and safety requirements, and to impose business taxes on the production, processing or dispensing of medical cannabis or cannabis products; and

WHEREAS, In November of 2012, the Washington voters passed I-502, which directed the Washington State Liquor Control Board (LCB) to regulate recreational marijuana by licensing and taxing recreational marijuana producers, processors and retailers; and

WHEREAS, the regulatory scheme in I-502 required the LCB to adopt rules before December of 2013 to address the methods for producing, processing and packaging of recreational marijuana, to establish security requirements for retail outlets, retail outlet locations and hours of operation, labeling requirements and method of transport of product throughout the state, taxing of marijuana-related activities, creation of a dedicated fund is created, consisting of marijuana excise taxes, license fees, penalties and other income: and

WHEREAS, on the LCB has now issued the new regulations (which appear in chapter 314-55 WAC), and which: prohibits the establishment of recreational marijuana businesses within 1,000 feet of certain identified sensitive uses, require criminal history background checks for licensees, establish qualifications for licensees, limits the amount of space available for recreational marijuana production, describes the manner in which marijuana growing may take place,¹ limits the average inventory on the licensed premises at any time, limits the number of retailers within counties and cities within the counties based on estimated consumption and population data, establishes insurance requirements for licensees, describes the security requirements, requires employees to wear badges, requiring alarm and surveillance systems on the licensed premises,

¹ Under WAC 314-55-075, recreational marijuana production must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors. Outdoor production may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight obscure wall or fence at least eight feet high. Outdoor producers must meet security requirements described in WAC 314-55-083.

requires that licensees track marijuana from seed to sale, establishes the manner in which free samples of marijuana may be provided, prohibits the sale of soil amendments, fertilizers and other crop production aids, identifies transportation requirements, sign requirements, recordkeeping requirements, identifies a mechanism for enforcement of violations, including the failure to pay taxes, specifies marijuana infused product serving sizes, maximum number of servings and limitations on transactions, identifies marijuana waste disposal restrictions, describes the process for quality assurance testing, extraction and the requirements for packaging and labeling, describes advertising limitations, explains the process for licensing suspension, revocation and penalties for violations; and

WHEREAS, the detailed licensing and comprehensive regulatory system for recreational marijuana in I-502 is substantially different from what little remains in chapter 69.51A RCW to regulate medical marijuana after the Governor's veto; and

WHEREAS, on August 29, 2013, the U.S. Department of Justice (DOJ) issued a Memorandum to all United States Attorneys, acknowledging that several states had adopted laws authorizing marijuana production, distribution and possession by establishing a regulatory scheme for these purposes; and

WHEREAS, in this Memo, the DOJ advised that in recent years, the DOJ has "focused its efforts on certain law enforcement priorities that are particularly important to the federal government," such as: (a) preventing the distribution of marijuana to minors; (b) preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels; (c) preventing the diversion of marijuana from states where it is legal under state law in some form to other states; (d) preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; (e) preventing violence and the use of firearms in the cultivation and distribution of marijuana; (f) preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; (g) preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and (h) preventing marijuana possession or use on federal property; and

WHEREAS, in this Memo, the DOJ warned that "[i]f state enforcement efforts are not sufficiently robust to protect against the harms [identified above] the federal government may seek to challenge the regulatory structure itself in addition to continuing to bring individual enforcement actions, including criminal prosecutions, focused on those harms"; and

WHEREAS, in this Memo, the DOJ warned that a regulatory system adequate to this task "must not only contain robust controls and procedures on paper, it must also be effective in practice"; and

WHEREAS, in this Memo, the DOJ advised that "in exercising prosecutorial discretion, prosecutors should not consider the size or commercial nature of a marijuana operation alone as a proxy for assessing whether marijuana trafficking

implicates the Department's enforcement priorities [listed above]" and that federal prosecutors "should continue to review marijuana cases on a case-by-case basis and weigh all available information and evidence, including, but not limited to, whether the operation is demonstrably in compliance with a strong but effective state regulatory system"; and

WHEREAS, a comparison of the LCB's proposed rules on recreational marijuana and chapter 69.51A RCW on medical marijuana demonstrates that there is virtually no state regulatory system for medical marijuana, and that even if local governments decided to adopt the type of medical marijuana system that would protect against the harms identified in the federal government's enforcement priorities, most local governments do not have the resources to be able to enforce such regulations; and

WHEREAS, after considering the August 29, 2013 DOJ Memo, the City has determined that even if the City decided to adopt an ordinance on the subject of medical marijuana in order to provide the type of regulatory system that the DOJ might find adequate to protect against the harms identified in the federal government's enforcement priorities, the City does not have the resources to enforce such a system; and

WHEREAS, the SEPA Responsible Official issued a threshold decision of non-significance for this ordinance; and

WHEREAS, on August 6, 2014, the Planning Commission held a public hearing on this draft ordinance; and

WHEREAS, the Planning Commission recommended approval of this draft ordinance to the Council; and

WHEREAS, on January 26, 2015, the Council considered this draft ordinance during its regular meeting; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF PACIFIC ORDAINS AS FOLLOWS:

Section A. The City Council adopts the following ban on medical marijuana/medical cannabis and adopts the following related enforcement procedures:

MEDICAL CANNABIS

- Section 1 Findings.**
- Section 2 Definitions.**
- Section 3 Prohibited Activities.**
- Section 4 Uses Not Permitted in Any Zone.**
- Section 5 Violations.**
- Section 6 Enforcement.**

Section 1. Findings. The Council adopts all of the “whereas” sections of this Ordinance as findings to support this ban on medical marijuana, as well as the following:

A. The purpose of this Ordinance is to enact a ban medical cannabis or medical marijuana, which (1) explicitly prohibits medical marijuana dispensaries and prohibits medical marijuana collective gardens (including those defined in RCW 69.51A.085). This prohibition will be enforced until such time as the Washington State Legislature acts to adopt a regulatory and enforcement system for medical marijuana uses that satisfies the enforcement priorities established by the federal government. Once the Washington State Legislature acts, the City shall evaluate the new medical marijuana laws to determine whether any local regulation of medical marijuana collective gardens is necessary, and if so, whether the City has the desire or the resources to adopt and enforce such local regulations. This ban may only be lifted by the City Council in an ordinance specifically adopted for this purpose.

B. It is also the purpose of this Ordinance to stem the negative impacts and secondary effects associated with the marijuana uses (on-going or predicted) in the City, including but not limited to the extraordinary and unsustainable demands that have been or will be placed upon scarce City policing, legal, policy and administrative resources; neighborhood disruption, increased transient visitors and intimidation; the exposure of school-age children and other sensitive residents to medical marijuana, illegal sales to both minors and adults; fraud in issuing, obtaining or using medical marijuana prescriptions and murders, robberies, burglaries, assaults, drug trafficking and other violent crimes. The State of Washington has adopted a strict regulatory and enforcement system for the cultivation, processing and sale of recreational marijuana, but there is no state-wide regulatory scheme for medical marijuana. The City acknowledges the federal government’s recently medical marijuana enforcement efforts involving individuals/entities who/that attempted to avoid compliance with the more onerous recreational marijuana system by illegally operating medical marijuana collective gardens. Until new laws are adopted to bridge the gap between recreational and medical marijuana uses, and there is strict enforcement of these laws, the negative impacts and secondary effects described above are likely to occur/continue.

C. No part of this Ordinance is intended to or shall be deemed to conflict with federal law, including but not limited to, the Controlled Substances Act, 21 U.S.C. Section 800 *et seq.*, the Uniform Controlled Substances Act (chapter 69.50 RCW) nor to otherwise permit any activity that is prohibited under either Act, or any other local, state or federal law, statute, rule or regulation. This Ordinance is not intended to address or invite litigation over the question whether the State of Washington’s medical marijuana laws (or this City’s medical marijuana laws) satisfy the federal government’s enforcement priorities. Nothing in this Ordinance shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of medical cannabis or recreational marijuana in any manner not authorized by chapter 69.51A RCW or chapter 69.50 RCW. Nothing in this Ordinance shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or that creates a nuisance, as defined herein. It is the intention of the City

Council that this Ordinance be interpreted to be compatible with federal and state enactments and in furtherance of the public purposes that those enactments encompass.

11.01.002. Definitions. For purposes of this Ordinance, the following definitions apply:

A. "Cannabis" means all parts of the plant *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this ordinance, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted there from, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term "cannabis" includes cannabis products and useable cannabis.

B. "Cannabis products" means products that contain cannabis or cannabis extracts, have a measurable THC concentration greater than three-tenths of one percent, and are intended for human consumption or application, including, but not limited to, edible products, tinctures, and lotions. The term "cannabis products" does not include useable cannabis. The definition of "cannabis products" as a measurement of THC concentration only applies to the provisions of this ordinance and shall not be considered applicable to any criminal laws related to marijuana or cannabis.

C. "Child Care Center" means an entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours licensed by the Washington State Department of Early Learning, under chapter 170-295 WAC.

D. "Collective Garden" means those gardens authorized under RCW 69.51A.085, which allows Qualifying Patients to create and participate in Collective Gardens for the purpose of producing, processing, transporting and delivering cannabis for medical use, subject to certain limited conditions, including:²

(1) No more than ten Qualifying Patients may participate in a single collective garden at any time;

(2) A Collective Garden may contain no more than fifteen plants per Qualifying Patient, up to a total of forty-five plants;

(3) A Collective Garden may contain no more than twenty-four ounces of usable cannabis per patient up to a total of seventy-two ounces of usable cannabis; and

(4) A copy of each Qualifying Patient's valid documentation or proof of registration with the registry established in state law (now or in the future), including a copy of the Qualifying Patient's proof of identity, must be available at all times on the premises of the Collective Garden;

² Additional definition appears in RCW 69.51A.085(2).

(5) No Usable Cannabis from the Collective Garden may be delivered to anyone other than one of the Qualifying Patients participating in the Collective Garden; and

(6) A business license must be obtained for the Collective Garden through the City.

E. “Cultivation” means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.

F. “Deliver or Delivery” means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

G. "Designated care provider" means a person who:
(1) Is eighteen years of age or older;
(2) Has been designated in writing by a patient to serve as a designated provider under chapter 69.51A RCW; and
(3) Is prohibited from consuming marijuana obtained for the personal, medical use of the patient for whom the individual is acting as designated provider; and
(4) Is the designated provider to only one patient at any one time.

H. “Dispensary, Medical Marijuana” means: any location that does not meet the definition of a “Collective Garden” and does not have a license from the Liquor Control Board of the State of Washington for a marijuana producer, processor or retailer pursuant to I-502, where medical cannabis or marijuana is processed, dispensed, selected, measured, compounded, packaged, labeled or sold to a qualified patient, designated provider or any other member of the public. It also includes any vehicle or other mode of transportation, stationary or mobile, which is used to transport, distribute, deliver, sell or give away medical cannabis or marijuana to a qualified patient, designated provider or any other member of the public.

I. “Dispense” means the interpretation of a prescription or order for medical cannabis, and pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare the prescription or order for delivery.

J. “Elementary School” means a school for early education that provides the first four to eight years of basic education and is recognized by the Washington State Superintendent of Public Instruction.

K. “Game Arcade” means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.

L. “Indoors” means within a fully enclosed and secure structure that complies with the Washington State Building Code, as adopted by the City, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely

attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as 2" by 4" or thicker studs overlain with 3/8" or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

M. "Legal parcel" means a parcel of land for which one legal title exists. Where contiguous legal parcels are under common ownership or control, such legal parcels shall be counted as a single parcel for purposes of this ordinance.

N. "Library" means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.

O. "Manager" means any person to whom a medical marijuana collective garden has delegated discretionary powers to organize, direct and carry on or control its operations. Authority to control one or more of the following functions shall be prima facie evidence that such a person is a manager of the business: (a) to hire, select, or supervise employees or staff, including volunteers; (b) to acquire facilities, furniture, equipment or supplies other than the occasional replenishment of stock; (c) to disburse funds of the business other than for the receipt of regularly replaced items of stock; or (d) to make, or participate in making, policy decisions relative to operations of the business.

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

Q. "Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include useable marijuana.

R. "Marijuana, Usable" means dried marijuana flowers. The term "usable marijuana" does not include marijuana-infused products.

S. "Medical (or medicinal) use of cannabis or marijuana" means the production, possession, or administration of marijuana, as defined in RCW 69.50.101(r), for the exclusive benefit of a Qualifying Patient in the treatment of his or her terminal or debilitating illness.

T. "Outdoors" means any location that is not "indoors" within a fully enclosed and secure structure as defined herein.

U. "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision of agency or any other legal or commercial entity.

V. "Personally identifiable information" means any information that includes, but is not limited to, data that uniquely identify, distinguish, or trace a person's identity, such as the person's name, or address, either alone or when combined with other sources, that establish the person is a Qualifying Patient or Designated Provider.

W. "Plant" means an organism having at least three distinguishable and distinct leaves, each leaf being at least three centimeters in diameter, and a readily observable root formation consisting of at least two separate and distinct roots, each being at least two centimeters in length. Multiple stalks emanating from the same root ball or root system shall be considered part of the same single plant.

X. "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides and other playground equipment, owned and/or managed by a city, county, state or federal government.

Y. "Process" means to handle or process cannabis in preparation for medical or recreational use.

Z. "Processor, Marijuana" means a person licensed by the State Liquor Control Board to process marijuana into useable marijuana and marijuana-infused products, package and label usable marijuana and marijuana-infused products for sale in retail outlets, and sell usable marijuana and marijuana-infused products as wholesale to marijuana retailers.

AA. "Producer, Marijuana" means a person licensed by the State Liquor Control Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

BB. "Produce or Production" means to manufacture, plant, grow or harvest cannabis or marijuana.

CC. "Public Park" means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government or metropolitan park district. Public park does not include trails.

DD. "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; premises where goods and services are offered to the public for retail sale; public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages, and

filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, buses, ferries, and other public conveyances of all kinds and character, and the depots, stops, and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

EE. “Public Transit Center” means a facility located outside of the public right of way that is owned and managed by a transit agency or city, county, state or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.

FF. “Qualifying Patient” means a person who:

1. Is a patient of a health care professional;
2. Has been diagnosed by that health care professional as having a terminal or debilitating medical condition;
3. Is a resident of the state of Washington at the time of such diagnosis;
4. Has been advised by that health care professional about the risks and benefits of the medical use of marijuana;
5. Has been advised by that health care professional that he or she may benefit from the medical use of marijuana; and
6. Is otherwise in compliance with the terms and conditions established in chapter 69.51A RCW.

GG. “Recreation center or facility” means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state or federal government.

HH. “Residential treatment facility” means a facility providing for treatment of drug and alcohol dependency;

II. “Retailer, Marijuana” means a person licensed by the State Liquor Control Board to sell usable marijuana and marijuana-infused products in a retail outlet.

JJ. “Retail outlet” means a location licensed by the State Liquor Control Board for the retail sale of useable marijuana and marijuana-infused products.

KK. “Secondary School” means a high and/or middle school: A school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington State Superintendent of Public Instruction.

LL. "Terminal or debilitating medical condition" means:

1. Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders; or
2. Intractable pain, limited for the purpose of this ordinance to mean pain unrelieved by standard medical treatments and medications; or
3. Glaucoma, either acute or chronic, limited for the purpose of this ordinance to mean increased intraocular pressure unrelieved by standard treatments and medications; or
4. Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications; or
5. Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications; or
6. Diseases, including anorexia, which result in nausea, vomiting, cachexia, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard treatments or medications; or
7. Any other medical condition duly approved by the Washington State Medical Quality Assurance Commission in consultation with the Board of Osteopathic Medicine and Surgery as directed in chapter 69.51A RCW.

MM. "THC concentration" means percent of tetrahydrocannabinol content per weight or volume of useable cannabis or cannabis product.

NN. "Useable cannabis or usable marijuana" means dried flowers of the *Cannabis* plant. The term "usable cannabis or usable marijuana" does not include marijuana-infused products or cannabis products.

OO. "Valid documentation" means:

1. A statement signed and dated by a Qualifying Patient's Health care professional written on tamper-resistant paper, which states that, in the health care professional's professional opinion, the patient may benefit from the medical use of cannabis/marijuana;
2. Proof of identity such as a Washington state driver's license or identicard, as defined in RCW 46.20.035; and
3. In the case of a Designated Provider, the signed and dated document valid for one year from the date of signature executed by the Qualifying Patient who has designated the Provider.

Section 3. Prohibited Activities.

A. It is unlawful to own, establish, operate, use or permit the establishment or operation of a medical marijuana dispensary, or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity in any marijuana business that does not have a license from the Liquor Control Board of the State of Washington.

B. It is unlawful to own, establish, operate, use, participate in or permit the establishment or operation of a medical marijuana collective garden, or to participate as

an employee, contractor, agent or volunteer, or in any other manner or capacity in any collective garden.

C. It is unlawful to lease, rent or otherwise allow any medical marijuana dispensary, or any medical marijuana collective garden outdoors, indoors, in any building, structure, premises, location or land in the City.

Section 4. Use Not Permitted In Any Zone. The use of any building, structure, location, premises or land for a medical marijuana dispensary or a collective garden is not currently allowed in the City, and medical marijuana dispensaries and collective gardens are not permitted use(s) in any zone. So long as this Ordinance remains in effect, the City shall not, determine either through interpretation or otherwise, that the use of any building, structure, location, premises or land as a medical marijuana dispensary or collective garden may be permitted in any zone.

Section 5. No Vested or Nonconforming Rights. This Ordinance prohibits medical marijuana dispensaries and collective gardens. Neither this Ordinance nor any other City Ordinance, City action, failure to act, statement, representation, certificate, approval, or permit issued by the City or its departments, or their respective representatives, agents, employees, attorneys or assigns, shall create, confer, or convey any vested or nonconforming right or benefit regarding any medical marijuana business, marijuana business or collective garden.

Section 6. Violations.

Any violations of this Ordinance may be enforced as set forth in Chapter 20.82 of the Pacific Municipal Code or as applicable, the Uniform Controlled Substances Act, chapter 69.50 RCW. In addition, violations of this Ordinance may be deemed to be a public nuisance and may be abated by the City under the procedures set forth in state law for the abatement of public nuisances.

Section B. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section C. Effective Date. This ordinance shall be effective five days after publication of an approved summary, which shall consist of the title.

PASSED by the City Council of _____ this ____ day of _____, 2013.

Leanne Guier, Mayor

ATTEST/AUTHENTICATED:

Amy Stevenson-Ness, City Clerk.

APPROVED AS TO FORM:
Office of the City Attorney

Carol Morris, City Attorney

PUBLISHED:
EFFECTIVE DATE:

CITY OF PACIFIC

ORDINANCE NO. 2014-1876

AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, RELATING TO LAND USE AND ZONING, ALLOWING RECREATIONAL MARIJUANA PRODUCERS AND PROCESSORS AS A CONDITIONALLY PERMITTED USE IN THE LIGHT INDUSTRIAL (LI) ZONE; ALLOWING RECREATIONAL MARIJUANA RETAIL OUTLETS AS A CONDITIONALLY PERMITTED USE IN THE COMMERCIAL (C) ZONE; REQUIRING THAT SUCH USES OBTAIN A LICENSE FROM THE LIQUOR CONTROL BOARD AND CITY BUSINESS LICENSE, PROHIBITING SUCH USES FROM LOCATING WITHIN 1,000 FEET OF CERTAIN SENSITIVE USES, IDENTIFIED IN RCW 69.50.331; ESTABLISHING THE PROCEDURES TO OBTAIN A CONDITIONAL USE PERMIT, DESCRIBING THE CRITERIA FOR ISSUANCE, ISSUES FOR THE DECISION-MAKER TO CONSIDER IN FASHIONING CONDITIONS ON THE PERMIT, ADDRESSING SIGNS, SECURITY, REPORTING OF DISTURBANCES AND CITY INDEMNIFICATION; ADOPTING A NEW CHAPTER 20.78 TO THE PACIFIC MUNICIPAL CODE.

WHEREAS, In November of 2012, the Washington voters passed I-502, which directed the Washington State Liquor Control Board (LCB) to regulate recreational marijuana by licensing and taxing recreational marijuana producers, processors and retailers; and

WHEREAS, the regulatory scheme in I-502 required the LCB to adopt administrative rules to address the methods for producing, processing and packaging of recreational marijuana, to establish security requirements for retail outlets, retail outlet locations and hours of operation, labeling requirements and method of transport of product throughout the state, taxing of marijuana-related activities, creation of a dedicated fund is created, consisting of marijuana excise taxes, license fees, penalties and other income: and

WHEREAS, the LCB issued new administrative regulations (adopted in chapter 314-55 WAC), which, among other things, prohibits the establishment of recreational marijuana businesses within 1,000 feet of certain identified sensitive uses, require criminal history background checks for licensees, establish qualifications for licensees, limits the amount of space available for recreational marijuana production, allows marijuana to take place indoors in a fully enclosed, secure facility or outdoors enclosed by a physical barrier with an 8 foot high fence, limits the average inventory on the licensed premises at any time, limits the number of retailers within counties and cities within the counties based on estimated consumption and population data, establishes insurance requirements for licensees, describes the security requirements, requires employees to wear badges, requiring alarm and surveillance systems on the licensed premises, requires that licensees track marijuana from seed to sale, establishes the manner in

which free samples of marijuana may be provided, prohibits the sale of soil amendments, fertilizers and other crop production aids, identifies transportation requirements, sign requirements, recordkeeping requirements, identifies a mechanism for enforcement of violations, including the failure to pay taxes, specifies marijuana infused product serving sizes, maximum number of servings and limitations on transactions, identifies marijuana waste disposal restrictions, describes the process for quality assurance testing, extraction and the requirements for packaging and labeling, describes advertising limitations, explains the process for licensing suspension, revocation and penalties for violations; and

WHEREAS, according to the administrative rules, the LCB will determine whether the recreational marijuana business licensee is within 1,000 feet of the sensitive uses identified in WAC 314-55-050(10) and shall not issue the license if it is within this area; and

WHEREAS, the LCB has begun issuance of licenses for recreational marijuana uses; and

WHEREAS, on January 14, 2014, the Washington State Attorney General issued an opinion finding that local governments are not preempted by state law from banning the location of a recreational marijuana business, even if the business has been licensed by the LCB (AGO 2014 No. 2)); and

WHEREAS, in the same Attorney General Opinion, the Attorney General also gave the opinion that cities could establish restrictions on recreational marijuana businesses licensed by the LCB, even if such restrictions made it “impractical for a licensed marijuana business to locate within their jurisdiction” (AGO 2014 No. 2); and

WHEREAS, the City adopted Ordinances 1804, 1823, 1843, 1848 and 1855, adopting moratoria or interim zoning on marijuana uses (including recreational marijuana uses); and

WHEREAS, on July 25, 2014, the City Council directed the Planning Commission to hold a public hearing on a draft ordinance that allowed recreational marijuana processors and producers as a conditionally permitted use in the light industrial zone, and recreational marijuana retailers and retail outlets as a conditionally permitted use in the commercial zone (among other draft ordinances); and

WHEREAS, on December 12, 2014, the Planning Director issued a SEPA threshold decision of nonsignificance on this draft Ordinance, which was/was not appealed (if appealed, describe the results of that appeal in a “whereas”); and

WHEREAS, on September 23, 2014, the Planning Director sent a copy of this draft Ordinance to the Washington State Department of Commerce, pursuant to RCW 36.70A.106; and

WHEREAS, on August 6, 2014, the Planning Commission held a public hearing on this draft Ordinance, and on August 6, 2014, transmitted its recommendation to the City Council; and

WHEREAS, on January 20, 2015, the Council considered this draft ordinance during its regular meeting;

WHEREAS, on January 26, 2015, the Council decided to adopt this ordinance; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF PACIFIC ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2014-1866, adopted on July 28, 2014, is hereby repealed.

Section 2. A new chapter 20.78 is hereby added to the Pacific Municipal Code, which shall read as follows:

**CHAPTER 20.78
RECREATIONAL MARIJUANA**

- 20.78.001 Findings and Purpose.**
- 20.78.002 Definitions.**
- 20.78.003 Locational Criteria for Recreational Marijuana Uses.**
- 20.78.004 Business License Required.**
- 20.78.005 Recreational Marijuana Uses Conditionally Allowed In LI Zone.**
- 20.78.006 Signs and Advertising.**
- 20.78.007 Security Requirements.**
- 20.78.008 Report of Disturbances and Unlawful Activity.**
- 20.78.009 Visibility of Activities; Control of Emissions and Odor.**
- 20.78.010 No City Liability – Indemnification.**

20.78.001 Findings and Purpose.

A. The Council adopts all of the “whereas” sections of this Ordinance as findings to support this Ordinance.

B. The purpose of this Ordinance is to establish where recreational marijuana producers, processors and retail businesses may locate in the City, and to describe the restrictions upon such uses. In addition to compliance with this Ordinance, every recreational marijuana processor, producer and retail outlet shall obtain a City business license under chapter 5.02 of the Pacific Municipal Code.

C. No part of this Ordinance is intended to conflict with the Uniform Controlled Substances Act (chapter 69.50 RCW) nor to otherwise permit any activity that is prohibited under chapter 69.50 RCW, or any other local or state law, statute, rule or regulation. Nothing in this Ordinance shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of medical cannabis or recreational marijuana in any manner not authorized by chapter 69.51A RCW or chapter 69.50 RCW. Nothing in this Ordinance shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or that creates a nuisance, as defined herein. It is the intention of

the City Council that this Ordinance be interpreted to be compatible with city and state enactments and in furtherance of the public purposes that those enactments encompass.

20.78.002 Definitions. The definitions in this section apply throughout this Chapter, and the City also adopts the definitions in WAC 314-55-010 by reference.

A. “Child Care Center” means an entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours licensed by the Washington State Department of Early Learning, under chapter 170-295 WAC.

B. “Cultivation” means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.

C. “Deliver or Delivery” means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

D. “Elementary School” means a school for early education that provides the first four to eight years of basic education and is recognized by the Washington State Superintendent of Public Instruction.

E. “Game Arcade” means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.

F. “Indoors” means within a fully enclosed and secure structure that complies with the Washington State Building Code, as adopted by the City, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as 2” by 4” or thicker studs overlain with 3/8” or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

G. “Library” means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.

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

I. "Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include useable marijuana.

J. "Marijuana, Usable" means dried marijuana flowers. The term "usable marijuana" does not include marijuana-infused products.

K. "Outdoors" means any location that is not "indoors" within a fully enclosed and secure structure as defined herein.

L. "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision of agency or any other legal or commercial entity.

M. "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides and other playground equipment, owned and/or managed by a city, county, state or federal government.

N. "Process" means to handle or process cannabis in preparation for medical or recreational use.

O. "Processor, Marijuana" means a person licensed by the State Liquor Control Board to process marijuana into useable marijuana and marijuana-infused products, package and label usable marijuana and marijuana-infused products for sale in retail outlets, and sell usable marijuana and marijuana-infused products as wholesale to marijuana retailers.

P. "Producer, Marijuana" means a person licensed by the State Liquor Control Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

Q. "Produce or Production" means to manufacture, plant, grow or harvest cannabis or marijuana.

R. "Public Park" means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government or metropolitan park district. Public park does not include trails.

S. "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; premises where goods and services are offered to the public for retail sale; public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages, and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, buses, ferries, and other public conveyances of all kinds and character, and the depots, stops, and waiting rooms used in conjunction therewith which are open to

unrestricted use and access by the public; publicly owned bathing beaches, parks, or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

T. “Public Transit Center” means a facility located outside of the public right of way that is owned and managed by a transit agency or city, county, state or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.

U. “Recreation center or facility” means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state or federal government.

V. “Retailer, Marijuana” means a person licensed by the State Liquor Control Board to sell usable marijuana and marijuana-infused products in a retail outlet.

W. “Retail outlet” means a location licensed by the State Liquor Control Board for the retail sale of useable marijuana and marijuana-infused products.

X. “Secondary School” means a high and/or middle school: A school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington State Superintendent of Public Instruction.

Y. "Useable cannabis or usable marijuana" means dried flowers of the *Cannabis* plant. The term “usable cannabis or usable marijuana” does not include marijuana-infused products or cannabis products.

20.78.003. Locational Criteria for Recreational Marijuana Uses.

A. No recreational marijuana producer or processor may locate or operate in any zoning district in the City, other than the Light Industrial (LI) zone, as the same exists within the Pierce County area of the City. A conditional use permit is required for such use.

B. No recreational marijuana retail business or retail outlet may locate or operate in any zoning district in the City, other than the Commercial (C) zone. A conditional use permit is required for such use.

B. No recreational marijuana producer, processor or retail business may locate or operate within one thousand (1,000) feet of any of the following:

1. Elementary or secondary school;
2. Playground;
3. Recreation center or facility;
4. Child care center;

5. Public park;
6. Public transit center;
7. Library; or
8. Any game arcade (where admission is not restricted to persons age twenty-one or older).

20.78.004. Business License.

A. A valid, current license is required from the Washington State Liquor Control Board for operation of any recreational marijuana, producer, processor or retail business. A copy of this license shall be submitted to the City as part of the complete application for a conditional use permit required by Section 20.78.005 below.

B. A business license is required from the City for operation of any recreational marijuana producer, processor or retail business. No conditional use permit may issue unless the City also issues a business license for the recreational marijuana use.

20.78.005 Recreational Marijuana Uses Conditionally Allowed. In order to operate a recreational marijuana producer, processor or retail business, a conditional use permit under this Section is required.

A. Procedure for Conditional Use Permit Approval. A conditional use permit is a Type IV Permit and is processed under Chapter 16.30 PMC.

B. Requirements for Complete Application. The following materials shall be submitted to the City for a complete application for a conditional use permit:

1. Application form. Six (6) copies of a completed application form;
2. Date, name, address, telephone number and e-mail of the applicant;
3. Name, address, telephone number and e-mail of the owner of the property identified in the application;
4. Legal description of the subject property;
5. Description and photographs of existing site conditions;
6. Architectural drawings of all structures proposed to be developed on the subject property;
7. Complete application for a site plan, showing the proposed placement of structures on the property, together with access and circulation on the site;
8. Complete application for a grading plan;
9. Complete application for a landscaping plan;
10. Drawings of all proposed signs;
11. A SEPA Checklist;
12. Concurrency determination (water, sewer and traffic?);
13. A copy of all existing and proposed restrictions and covenants;
14. A narrative report or letter describing compliance with all applicable approval criteria in subsection C below.
15. The application fee established by the City.

C. Criteria for Approval. The City shall approve, approve with conditions or deny an application for a conditional use permit (or to enlarge or alter a conditional use permit) for a recreational marijuana business after making findings based on each of the criteria set forth below:

1. Generally.

a. That the conditional use is consistent with the objectives of the Zoning Code and the purpose of the zoning district in which the subject site/property is located;

b. That granting the conditional use will not be detrimental to the public health, safety or welfare. The factors to be considered in making this finding shall include, but not be limited to an evaluation whether:

c. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, and aesthetic considerations;

d. The proposed use raises no concerns regarding property damage or nuisance arising from noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust or visibility;

e. The proposed use presents no hazard to persons or property from possible explosion, contamination, fire or flood; and

f. There will not be an impact on surrounding areas arising from an unusual volume or character of traffic.

g. The characteristics of the conditional use as proposed and as it may be conditioned are reasonably compatible with the types of uses permitted in the surrounding area.

h. All required public facilities have adequate capacity to serve the proposal.

2. Site Design Standards.

a. The application complies with all of the applicable provisions of the underlying zone, including, but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;

b. The applicant shall be required to upgrade any existing development that does not comply with the applicable zoning provisions in conformance with chapter 16.12 PMC (Non-Conforming Development);

c. The application complies with all of the design standards in the Zoning Code applicable to: (a) access and circulation; (b) landscaping, vegetation, street trees, fences and walls; (c) parking and loading; (d) public facilities; (e) surface water management; (f) critical areas and any other applicable standards.

d. Existing conditions of approval required as part of a prior land division or permit shall be met.

3. Conditions of Approval. The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to:

- a. Limiting the hours, days, place and/or manner of operation;
- b. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
- c. Requiring larger setback areas, lot area, and/or lot depth or width;
- d. Limiting the building or structure height, size or lot coverage, and/or location on the site;
- e. Designating the size, number, location and/or design of vehicle access points or parking areas;
- f. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways or trails to be improved;
- g. Requiring landscaping, screening, drainage, water quality features and/or improvement of parking and loading areas;
- h. Limiting the number, size, location, height and/or lighting of signs;
- i. Limiting or setting standards for the location, design and/or intensity of outdoor lighting;
- k. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
- l. Requiring and designating the size, height, location and/or materials for fences; and
- m. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands.

D. Denial. The Director may recommend conditioning or denial of the conditional use permit application based on RCW 43.21C.060 (SEPA). In addition, the City may deny the conditional use permit if it determines that the proposed use is materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

E. Deadline for Final Decision. A conditional use permit application shall be approved, approved with conditions or denied within one hundred-twenty (120) days after the

application has been determined complete, unless the applicant consents in writing to a longer processing time period.

F. Effect of Approval.

1. Applies to authorized use only. Issuance of a conditional use permit shall be deemed to authorize only the particular use for which it is issued.

2. Binding on subsequent owners. All conditions of approval shall be binding upon the applicant, their successors and assigns, shall run with the land; shall limit and control the issuance and validity of certificates of occupancy; and shall restrict and limit the construction, location, use and maintenance of all land and structures within the development.

G Expiration, Extensions and Permit Implementation.

1. A conditional use permit shall become null and void one year after the effective date, unless one of the following has occurred:

a. A building permit has issued and construction begun and diligently pursued;

b. An occupancy permit has issued and the approved use has been established;

c. An extension has been granted by the Planning Director. Such extension shall be for a maximum of 180 days, and no extension may be granted which would extend the validity of the permit more than 18 months beyond the effective date of the permit. No extension will be granted if it necessitates modification of any condition of approval; or

d. The decision on the Conditional Use Permit has established a different expiration date.

2. Development of the Conditional Use shall not be carried out until the applicant has secured all other permits and approvals required by the City, or any applicable regional, state and federal agencies.

3. Any Conditional Use that has been initiated and then discontinued may not be re-established or recommenced except pursuant to a new conditional use permit. The following will constitute conclusive evidence that the conditional use has been discontinued:

a. A new permit has been issued to change the use of the lot and the new use has been established; or

b. The lot has not been used for the purpose authorized by the conditional use permit for more than 24 consecutive months. Lots that are vacant, or that are used only for storage of materials and equipment, will not be considered as being used for the

purpose authorized by the conditional use. The expiration or revocation of a business or other license necessary for the conditional use to operate will suffice as evidence that the lot is not being used for as authorized by the conditional use permit.

20.78.006 Signs and Advertising.

A. All signage and advertising for a recreational marijuana processor, producer or retail outlet shall comply with the applicable provisions of this Code, the Sign Code, Zoning Code and WAC 314-55-155 (and all applicable rules and regulations promulgated thereunder).

B. Violations of this Section relating to the Sign Code or Zoning Code shall result in a \$500 fine. The City may enforce this section pursuant to chapter 16.14 of the Municipal Code. For violations of WAC 314-55-155 and 314-55-525, the City may report the violation to the State Liquor Control Board.

20.78.007. Security Requirements. Security measures at all licensed premises shall comply with the requirements of WAC 314-55-083 (and all applicable rules and regulations promulgated thereunder).

20.78.008. Report of Disturbances and Unlawful Activity.

A. All licensees and any agent, manager or employee thereof shall immediately report to the City Police Department any disorderly act, conduct or disturbance and any unlawful activity committed in or on the licensed and permitted premises, including, but not limited to, any unlawful resale of marijuana, and shall also immediately report any such activity in the immediate vicinity of the business.

B. Each licensee shall post and keep at all times visible to the public in a conspicuous place on the premises a sign with a minimum height of fourteen (14) inches and a minimum width of eleven (11) inches with each letter to be a minimum of one-half (1/2) inch in height, which shall read as follows:

WARNING:

The City of Pacific Police Department must be notified of all disorderly acts, conduct or disturbances and all unlawful activities which occur on or within the premises of this licensed establishment.

C. It shall not be a defense to a prosecution of a code enforcement action under this Section that the licensee was not personally present on the premises at the time such unlawful activity, disorderly act, conduct or disturbance was committed; however, no agent or employee of the licensee shall be personally responsible for failing to report any disorderly act, conduct or disturbance and any unlawful activity hereunder if such agent, servant or employee was absent from the premises at the time such activity was committed.

D. Failure to comply with the requirements of this Section shall be considered by the City in any action relating to the issuance or revocation of a permit.

20.78.009. Visibility of Activities; Control of Emissions.

A. All activities of the recreational marijuana business, including, but not limited to, cultivating, growing, processing, displaying, manufacturing, selling and storage, shall be conducted out of the public view.

B. No recreational marijuana or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises.

C. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the recreational marijuana business must be in effect at all times. In the event that any odors, dust, fluids or other substances exit a recreational marijuana business, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for the immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

20.78.010. No City Liability – Indemnification.

A. By accepting a permit issued pursuant to this Chapter, the licensee waives and releases the City, its officers, elected officials, employees, volunteers and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of federal, state or local laws and regulations.

B. By accepting a permit issued pursuant to this Chapter, all licensees, jointly and severally, if more than one, agree to indemnify, defend and hold harmless the City, its officers, elected officials, employees, volunteers and agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the recreational marijuana business that is the subject of the license.

Section 3. Adoption by Reference. The City hereby adopts WAC 314-55-010 through WAC 314-55-540 by reference, as well as RCW 69.50.101. Pursuant to RCW 35A.12.140 (for code cities), a copy of these rules and the statute adopted by reference has been on file in the office of the city clerk for use and examination by the public. A copy of these rules and statutes has also been on file while this ordinance has been under consideration by the council and after adoption.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 5. Effective Date. This ordinance shall be effective five days after publication of an approved summary, which shall consist of the title.

PASSED by the City Council of _____ this ____ day of _____, 2015.

MAYOR LEANNE GUIER

ATTEST/AUTHENTICATED:

AMY STEVENSON-NESS, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

CAROL A. MORRIS, City Attorney

PUBLISHED:
EFFECTIVE DATE:

ORDINANCE NO. 2015-1888

AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, RELATING TO LAND USE AND ZONING, ALLOWING RECREATIONAL MARIJUANA PRODUCERS AND PROCESSORS AS A CONDITIONALLY PERMITTED USE IN THE LIGHT INDUSTRIAL (LI) ZONE; PROHIBITING RECREATIONAL MARIJUANA RETAIL OUTLETS IN ALL ZONES IN THE CITY; REQUIRING THAT RECREATIONAL MARIJUANA PRODUCERS AND PROCESSORS OBTAIN A LICENSE FROM THE LIQUOR CONTROL BOARD AND A CITY BUSINESS LICENSE, PROHIBITING SUCH USES FROM LOCATING WITHIN 1,000 FEET OF CERTAIN SENSITIVE USES, IDENTIFIED IN RCW 69.50.331; ESTABLISHING THE PROCEDURES FOR THESE USES TO OBTAIN A CONDITIONAL USE PERMIT, DESCRIBING THE CRITERIA FOR ISSUANCE OF A CUP, INCLUDING THE ISSUES FOR THE DECISION-MAKER TO CONSIDER IN FASHIONING CONDITIONS ON THE CUP, ADDRESSING SIGNS, SECURITY, REPORTING OF DISTURBANCES AND CITY INDEMNIFICATION; ADOPTING A NEW CHAPTER 20.78 TO THE PACIFIC MUNICIPAL CODE.

WHEREAS, In November of 2012, the Washington voters passed I-502, which directed the Washington State Liquor Control Board (LCB) to regulate recreational marijuana by licensing and taxing recreational marijuana producers, processors and retailers; and

WHEREAS, the regulatory scheme in I-502 required the LCB to adopt administrative rules to address the methods for producing, processing and packaging of recreational marijuana, to establish security requirements for retail outlets, retail outlet locations and hours of operation, labeling requirements and method of transport of product throughout the state, taxing of marijuana-related activities, creation of a dedicated fund is created, consisting of marijuana excise taxes, license fees, penalties and other income: and

WHEREAS, the LCB issued new administrative regulations (adopted in chapter 314-55 WAC), which, among other things, prohibits the establishment of recreational marijuana businesses within 1,000 feet of certain identified sensitive uses, require criminal history background checks for licensees, establish qualifications for licensees, limits the amount of space available for recreational marijuana production, allows marijuana to take place indoors in a fully enclosed, secure facility or outdoors enclosed by a physical barrier with an 8 foot high fence, limits the average inventory on the licensed premises at any time, limits the number of retailers within counties and cities within the counties based on estimated consumption and population data, establishes insurance requirements for licensees, describes the security requirements, requires employees to wear badges, requiring alarm and surveillance systems on the licensed premises, requires that licensees track marijuana from seed to sale, establishes the manner in

which free samples of marijuana may be provided, prohibits the sale of soil amendments, fertilizers and other crop production aids, identifies transportation requirements, sign requirements, recordkeeping requirements, identifies a mechanism for enforcement of violations, including the failure to pay taxes, specifies marijuana infused product serving sizes, maximum number of servings and limitations on transactions, identifies marijuana waste disposal restrictions, describes the process for quality assurance testing, extraction and the requirements for packaging and labeling, describes advertising limitations, explains the process for licensing suspension, revocation and penalties for violations; and

WHEREAS, according to the administrative rules, the LCB will determine whether the recreational marijuana business licensee is within 1,000 feet of the sensitive uses identified in WAC 314-55-050(10) and shall not issue the license if it is within this area; and

WHEREAS, the LCB has begun issuance of licenses for recreational marijuana uses; and

WHEREAS, on January 14, 2014, the Washington State Attorney General issued an opinion finding that local governments are not preempted by state law from banning the location of a recreational marijuana business, even if the business has been licensed by the LCB (AGO 2014 No. 2)); and

WHEREAS, in the same Attorney General Opinion, the Attorney General also gave the opinion that cities could establish restrictions on recreational marijuana businesses licensed by the LCB, even if such restrictions made it “impractical for a licensed marijuana business to locate within their jurisdiction” (AGO 2014 No. 2); and

WHEREAS, the City adopted Ordinances 1804, 1823, 1843, 1848 and 1855, adopting moratoria or interim zoning on marijuana uses (including recreational marijuana uses); and

WHEREAS, on July 25, 2014, the City Council directed the Planning Commission to hold a public hearing on a draft ordinance that allowed recreational marijuana processors and producers as a conditionally permitted use in the light industrial zone, and recreational marijuana retailers and retail outlets as a conditionally permitted use in the commercial zone (among other draft ordinances); and

WHEREAS, on December 12, 2014, the Planning Director issued a SEPA threshold decision of nonsignificance on this draft Ordinance, which was/was not appealed (if appealed, describe the results of that appeal in a “whereas”); and

WHEREAS, on September 23, 2014, the Planning Director sent a copy of this draft Ordinance to the Washington State Department of Commerce, pursuant to RCW 36.70A.106; and

WHEREAS, on August 6, 2014, the Planning Commission held a public hearing on this draft Ordinance, and on August 6, 2014, transmitted its recommendation to the City Council; and

WHEREAS, on September 2, 2014, the Council considered the Planning Commission’s recommendation during its regular meeting and rejected such recommendation;

WHEREAS, on January 20, 2015, the Council held a public hearing on this ordinance;
NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF PACIFIC ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2014-1866, adopted on July 28, 2014, is hereby repealed.

Section 2. A new chapter 20.78 is hereby added to the Pacific Municipal Code, which shall read as follows:

**CHAPTER 20.78
RECREATIONAL MARIJUANA**

- 20.78.001 Findings and Purpose.**
- 20.78.002 Definitions.**
- 20.78.003 Locational Criteria for Recreational Marijuana Uses.**
- 20.78.004 Business License Required.**
- 20.78.005 Recreational Marijuana Uses Conditionally Allowed In LI Zone.**
- 20.78.006 Signs and Advertising.**
- 20.78.007 Security Requirements.**
- 20.78.008 Report of Disturbances and Unlawful Activity.**
- 20.78.009 Visibility of Activities; Control of Emissions and Odor.**
- 20.78.010 No City Liability – Indemnification.**

20.78.001 Findings and Purpose.

A. The Council adopts all of the “whereas” sections of this Ordinance as findings to support this Ordinance.

B. The purpose of this Ordinance is to prohibit recreational marijuana retail outlets, to establish where recreational marijuana producers and processors may locate in the City, and to describe the restrictions upon such uses. In addition to compliance with this Ordinance, every recreational marijuana processor or producer shall obtain a City business license under chapter 5.02 of the Pacific Municipal Code.

C. No part of this Ordinance is intended to conflict with the Uniform Controlled Substances Act (chapter 69.50 RCW) nor to otherwise permit any activity that is prohibited under chapter 69.50 RCW, or any other local or state law, statute, rule or regulation. Nothing in this Ordinance shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of medical cannabis or recreational marijuana in any manner not authorized by chapter 69.51A RCW or chapter 69.50 RCW. Nothing in this Ordinance shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or that creates a nuisance, as defined herein. It is the intention of

the City Council that this Ordinance be interpreted to be compatible with city and state enactments and in furtherance of the public purposes that those enactments encompass.

20.78.002 Definitions. The definitions in this section apply throughout this Chapter, and the City also adopts the definitions in WAC 314-55-010 by reference.

A. “Child Care Center” means an entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours licensed by the Washington State Department of Early Learning, under chapter 170-295 WAC.

B. “Cultivation” means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.

C. “Deliver or Delivery” means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

D. “Elementary School” means a school for early education that provides the first four to eight years of basic education and is recognized by the Washington State Superintendent of Public Instruction.

E. “Game Arcade” means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.

F. “Indoors” means within a fully enclosed and secure structure that complies with the Washington State Building Code, as adopted by the City, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as 2” by 4” or thicker studs overlain with 3/8” or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

G. “Library” means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.

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

I. “Marijuana-infused products” means products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana-infused products” does not include useable marijuana.

J. “Marijuana, Usable” means dried marijuana flowers. The term “usable marijuana” does not include marijuana-infused products.

K. “Outdoors” means any location that is not “indoors” within a fully enclosed and secure structure as defined herein.

L. "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision of agency or any other legal or commercial entity.

M. “Playground” means a public outdoor recreation area for children, usually equipped with swings, slides and other playground equipment, owned and/or managed by a city, county, state or federal government.

N. "Process" means to handle or process cannabis in preparation for medical or recreational use.

O. “Processor, Marijuana” means a person licensed by the State Liquor Control Board to process marijuana into useable marijuana and marijuana-infused products, package and label usable marijuana and marijuana-infused products for sale in retail outlets, and sell usable marijuana and marijuana-infused products as wholesale to marijuana retailers.

P. “Producer, Marijuana” means a person licensed by the State Liquor Control Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

Q. "Produce or Production" means to manufacture, plant, grow or harvest cannabis or marijuana.

R. “Public Park” means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government or metropolitan park district. Public park does not include trails.

S. "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; premises where goods and services are offered to the public for retail sale; public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages, and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, buses, ferries, and other public conveyances of all kinds and character, and the depots, stops, and waiting rooms used in conjunction therewith which are open to

unrestricted use and access by the public; publicly owned bathing beaches, parks, or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

T. “Public Transit Center” means a facility located outside of the public right of way that is owned and managed by a transit agency or city, county, state or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.

U. “Recreation center or facility” means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state or federal government.

V. “Retailer, Marijuana” means a person licensed by the State Liquor Control Board to sell usable marijuana and marijuana-infused products in a retail outlet.

W. “Retail outlet” means a location licensed by the State Liquor Control Board for the retail sale of useable marijuana and marijuana-infused products.

X. “Secondary School” means a high and/or middle school: A school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington State Superintendent of Public Instruction.

Y. "Useable cannabis or usable marijuana" means dried flowers of the *Cannabis* plant. The term “usable cannabis or usable marijuana” does not include marijuana-infused products or cannabis products.

20.78.003. Locational Criteria for Recreational Marijuana Uses.

A. No recreational marijuana producer or processor may locate or operate in any zoning district in the City, other than the Light Industrial (LI) zone, as the same exists within the Pierce County area of the City. A conditional use permit is required for such use.

B. No recreational marijuana retail business or retail outlet may locate or operate in any zoning district in the City, in any location.

B. No recreational marijuana producer or processor may locate or operate within one thousand (1,000) feet of any of the following:

1. Elementary or secondary school;
2. Playground;
3. Recreation center or facility;
4. Child care center;
5. Public park;

6. Public transit center;
7. Library; or
8. Any game arcade (where admission is not restricted to persons age twenty-one or older).

20.78.004. Business License.

A. A valid, current license is required from the Washington State Liquor Control Board for operation of any recreational marijuana, producer or processor. A copy of this license shall be submitted to the City as part of the complete application for a conditional use permit required by Section 20.78.005 below.

B. A business license is required from the City for operation of any recreational marijuana producer or processor. No conditional use permit may issue unless the City also issues a business license for the recreational marijuana use.

20.78.005 Recreational Marijuana Uses Conditionally Allowed. In order to operate a recreational marijuana producer or processor, a conditional use permit under this Section is required.

A. Procedure for Conditional Use Permit Approval. A conditional use permit is a Type IV Permit and is processed under Chapter 16.30 PMC.

B. Requirements for Complete Application. The following materials shall be submitted to the City for a complete application for a conditional use permit:

1. Application form. Six (6) copies of a completed application form;
2. Date, name, address, telephone number and e-mail of the applicant;
3. Name, address, telephone number and e-mail of the owner of the property identified in the application;
4. Legal description of the subject property;
5. Description and photographs of existing site conditions;
6. Architectural drawings of all structures proposed to be developed on the subject property;
7. Complete application for a site plan, showing the proposed placement of structures on the property, together with access and circulation on the site;
8. Complete application for a grading plan;
9. Complete application for a landscaping plan;
10. Drawings of all proposed signs;
11. A SEPA Checklist;
12. Concurrency determination (water, sewer and traffic?);
13. A copy of all existing and proposed restrictions and covenants;
14. A narrative report or letter describing compliance with all applicable approval criteria in subsection C below.
15. The application fee established by the City.

C. Criteria for Approval. The City shall approve, approve with conditions or deny an application for a conditional use permit (or to enlarge or alter a conditional use permit) for a recreational marijuana business after making findings based on each of the criteria set forth below:

1. Generally.

a. That the conditional use is consistent with the objectives of the Zoning Code and the purpose of the zoning district in which the subject site/property is located;

b. That granting the conditional use will not be detrimental to the public health, safety or welfare. The factors to be considered in making this finding shall include, but not be limited to an evaluation whether:

c. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, and aesthetic considerations;

d. The proposed use raises no concerns regarding property damage or nuisance arising from noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust or visibility;

e. The proposed use presents no hazard to persons or property from possible explosion, contamination, fire or flood; and

f. There will not be an impact on surrounding areas arising from an unusual volume or character of traffic.

g. The characteristics of the conditional use as proposed and as it may be conditioned are reasonably compatible with the types of uses permitted in the surrounding area.

h. All required public facilities have adequate capacity to serve the proposal.

2. Site Design Standards.

a. The application complies with all of the applicable provisions of the underlying zone, including, but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;

b. The applicant shall be required to upgrade any existing development that does not comply with the applicable zoning provisions in conformance with chapter 16.12 PMC (Non-Conforming Development);

c. The application complies with all of the design standards in the Zoning Code applicable to: (a) access and circulation; (b) landscaping, vegetation, street trees, fences and walls; (c) parking and loading; (d) public facilities; (e) surface water management; (f) critical areas and any other applicable standards.

d. Existing conditions of approval required as part of a prior land division or permit shall be met.

3. Conditions of Approval. The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to:

- a. Limiting the hours, days, place and/or manner of operation;
- b. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
- c. Requiring larger setback areas, lot area, and/or lot depth or width;
- d. Limiting the building or structure height, size or lot coverage, and/or location on the site;
- e. Designating the size, number, location and/or design of vehicle access points or parking areas;
- f. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways or trails to be improved;
- g. Requiring landscaping, screening, drainage, water quality features and/or improvement of parking and loading areas;
- h. Limiting the number, size, location, height and/or lighting of signs;
- i. Limiting or setting standards for the location, design and/or intensity of outdoor lighting;
- k. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
- l. Requiring and designating the size, height, location and/or materials for fences; and
- m. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands.

D. Denial. The Director may recommend conditioning or denial of the conditional use permit application based on RCW 43.21C.060 (SEPA). In addition, the City may deny the conditional use permit if it determines that the proposed use is materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

E. Deadline for Final Decision. A conditional use permit application shall be approved, approved with conditions or denied within one hundred-twenty (120) days after the application has been determined complete, unless the applicant consents in writing to a longer processing time period.

F. Effect of Approval.

1. Applies to authorized use only. Issuance of a conditional use permit shall be deemed to authorize only the particular use for which it is issued.

2. Binding on subsequent owners. All conditions of approval shall be binding upon the applicant, their successors and assigns, shall run with the land; shall limit and control the issuance and validity of certificates of occupancy; and shall restrict and limit the construction, location, use and maintenance of all land and structures within the development.

G Expiration, Extensions and Permit Implementation.

1. A conditional use permit shall become null and void one year after the effective date, unless one of the following has occurred:

a. A building permit has issued and construction begun and diligently pursued;

b. An occupancy permit has issued and the approved use has been established;

c. An extension has been granted by the Planning Director. Such extension shall be for a maximum of 180 days, and no extension may be granted which would extend the validity of the permit more than 18 months beyond the effective date of the permit. No extension will be granted if it necessitates modification of any condition of approval; or

d. The decision on the Conditional Use Permit has established a different expiration date.

2. Development of the Conditional Use shall not be carried out until the applicant has secured all other permits and approvals required by the City, or any applicable regional, state and federal agencies.

3. Any Conditional Use that has been initiated and then discontinued may not be re-established or recommenced except pursuant to a new conditional use permit. The following will constitute conclusive evidence that the conditional use has been discontinued:

a. A new permit has been issued to change the use of the lot and the new use has been established; or

b. The lot has not been used for the purpose authorized by the conditional use permit for more than 24 consecutive months. Lots that are vacant, or that are used only for storage of materials and equipment, will not be considered as being used for the purpose authorized by the conditional use. The expiration or revocation of a business or other

license necessary for the conditional use to operate will suffice as evidence that the lot is not being used for as authorized by the conditional use permit.

20.78.006 Signs and Advertising.

A. All signage and advertising for a recreational marijuana processor or producer shall comply with the applicable provisions of this Code, the Sign Code, Zoning Code and WAC 314-55-155 (and all applicable rules and regulations promulgated thereunder).

B. Violations of this Section relating to the Sign Code or Zoning Code shall result in a \$500.00 fine. The City may enforce this section pursuant to chapter 16.14 of the Municipal Code. For violations of WAC 314-55-155 and 314-55-525, the City may report the violation to the State Liquor Control Board.

20.78.007. Security Requirements. Security measures at all licensed premises shall comply with the requirements of WAC 314-55-083 (and all applicable rules and regulations promulgated thereunder).

20.78.008. Report of Disturbances and Unlawful Activity.

A. All licensees and any agent, manager or employee thereof shall immediately report to the City Police Department any disorderly act, conduct or disturbance and any unlawful activity committed in or on the licensed and permitted premises, including, but not limited to, any unlawful resale of marijuana, and shall also immediately report any such activity in the immediate vicinity of the business.

B. Each licensee shall post and keep at all times visible to the public in a conspicuous place on the premises a sign with a minimum height of fourteen (14) inches and a minimum width of eleven (11) inches with each letter to be a minimum of one-half (1/2) inch in height, which shall read as follows:

WARNING:
The City of Pacific Police Department must be notified of all
disorderly acts, conduct or disturbances and
all unlawful activities which occur on or within the premises
of this licensed establishment.

C. It shall not be a defense to a prosecution of a code enforcement action under this Section that the licensee was not personally present on the premises at the time such unlawful activity, disorderly act, conduct or disturbance was committed; however, no agent or employee of the licensee shall be personally responsible for failing to report any disorderly act, conduct or disturbance and any unlawful activity hereunder if such agent, servant or employee was absent from the premises at the time such activity was committed.

D. Failure to comply with the requirements of this Section shall be considered by the City in any action relating to the issuance or revocation of a permit.

20.78.009. Visibility of Activities; Control of Emissions.

A. All activities of the recreational marijuana business, including, but not limited to, cultivating, growing, processing, displaying, manufacturing, selling and storage, shall be conducted out of the public view.

B. No recreational marijuana or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises.

C. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the recreational marijuana business must be in effect at all times. In the event that any odors, dust, fluids or other substances exit a recreational marijuana business, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for the immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

20.78.010. No City Liability – Indemnification.

A. By accepting a permit issued pursuant to this Chapter, the licensee waives and releases the City, its officers, elected officials, employees, volunteers and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of federal, state or local laws and regulations.

B. By accepting a permit issued pursuant to this Chapter, all licensees, jointly and severally, if more than one, agree to indemnify, defend and hold harmless the City, its officers, elected officials, employees, volunteers and agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the recreational marijuana business that is the subject of the license.

Section 3. Adoption by Reference. The City hereby adopts WAC 314-55-010 through WAC 314-55-540 by reference, as well as RCW 69.50.101. Pursuant to RCW 35A.12.140 (for code cities), a copy of these rules and the statute adopted by reference has been on file in the office of the city clerk for use and examination by the public. A copy of these rules and statutes has also been on file while this ordinance has been under consideration by the council and after adoption.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such

invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 5. Effective Date. This ordinance shall be effective five days after publication of an approved summary, which shall consist of the title.

PASSED by the City Council of the City of Pacific this 26th day of January, 2015.

Mayor Leanne Guier

ATTEST/AUTHENTICATED:

Amy Stevenson-Ness, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Carol A. Morris, City Attorney

PUBLISHED:
EFFECTIVE DATE:

**CITY OF PACIFIC, WASHINGTON
ORDINANCE NO. 2015-1891**

AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, RELATING TO THE RECREATIONAL USE OF MARIJUANA, ADOPTING A COMPLETE PROHIBITION ON THE SITING, ESTABLISHMENT, OPERATION OR LICENSING OF ANY STRUCTURES, PROPERTY, USES OR BUSINESSES RELATING TO RECREATIONAL MARIJUANA PRODUCTION, PROCESSING, CULTIVATION (WHETHER INDIVIDUAL OR GROUP CULTIVATION), STORAGE, SALE, DELIVERY, EXCHANGE OR BARTERING; ADOPTING FINDINGS TO SUPPORT THE PROHIBITION, DESCRIBING THE MANNER IN WHICH VIOLATIONS WILL BE ENFORCED, AND ADDING A NEW CHAPTER 20.08 TO THE PACIFIC MUNICIPAL CODE.

WHEREAS, the Washington voters approved Initiative 502 (I-502) in 2012, which “authorizes the state liquor control board to regulate and tax marijuana for persons twenty-one years of age and older, and adds a new threshold for driving under the influence of marijuana”; and

WHEREAS, I-502 allows the Washington State Liquor Control Board to license marijuana producers “to produce marijuana for sale at wholesale to marijuana processors and other marijuana producers” (I-502, Sec. 4(1)); and

WHEREAS, I-502 allows the Washington State Liquor Control Board to license marijuana processors to “process, package and label usable marijuana and marijuana-infused products for sale at wholesale to marijuana retailers” (I-502, Sec. 4(2)); and

WHEREAS, I-502 allows the Washington State Liquor Control Board to license a marijuana retailer to “sell usable marijuana and marijuana-infused products at retail in retail outlets” (I-502, Sec. 4(3)); and

WHEREAS, I-502 establishes certain siting limitations on the Washington State Liquor Control Board’s issuance of such licenses for any premises that are within 1,000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center or library, or any game arcade, admission to which is not restricted to persons aged twenty-one years or older (I-502, Section 8); and

WHEREAS, I-502 decriminalizes, for purposes of state law, the production, manufacture, processing, packaging, delivery, distribution, sale or possession of marijuana, as long as such activities are in compliance with I-502; and

WHEREAS, the Washington State Liquor Control Board has adopted rules to implement I-502, which include, among other things: the state licensing of premises where marijuana is produced and processed, and the inspection of same; methods of producing, processing, and packaging the marijuana and marijuana products; security requirements at such establishments; retail outlet locations and hours of operation; labeling requirements and restrictions on advertising of such products; licensing and licensing renewal rules; the manner and method to be used by which licensees may transport and deliver marijuana and marijuana products (among other things); and

WHEREAS, according to these rules, the LCB will determine whether the recreational marijuana business licensee is within 1,000 feet of the sensitive uses identified in WAC 314-55-050(10) and shall not issue the license if it is within this area; and

WHEREAS, the LCB has begun issuance of licenses for recreational marijuana uses; and

WHEREAS, on August 29, 2013, the U.S. Department of Justice (DOJ) issued a Memorandum to all United States Attorneys, acknowledging that several states had adopted laws authorizing marijuana production, distribution and possession by establishing a regulatory scheme for these purposes; and

WHEREAS, in this Memo, the DOJ advised that in recent years, the DOJ has “focused its efforts on certain law enforcement priorities that are particularly important to the federal government,” such as: (a) preventing the distribution of marijuana to minors; (b) preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels; (c) preventing the diversion of marijuana from states where it is legal under state law in some form to other states; (d) preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; (e) preventing violence and the use of firearms in the cultivation and distribution of marijuana; (f) preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; (g) preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and (h) preventing marijuana possession or use on federal property; and

WHEREAS, in this Memo, the DOJ warned that “[i]f state enforcement efforts are not sufficiently robust to protect against the harms [identified above] the federal government may seek to challenge the regulatory structure itself in addition to continuing to bring individual enforcement actions, including criminal prosecutions, focused on those harms”; and

WHEREAS, in this Memo, the DOJ warned that a regulatory system adequate to this task “must not only contain robust controls and procedures on paper, it must also be effective in practice”; and

WHEREAS, in this Memo, the DOJ advised that “in exercising prosecutorial discretion, prosecutors should not consider the size or commercial nature of a marijuana operation alone as a proxy for assessing whether marijuana trafficking implicates the Department’s enforcement priorities [listed above]” and that federal prosecutors “should continue to review marijuana cases on a case-by-case basis and weigh all available information and evidence, including, but not limited to, whether the operation is demonstrably in compliance with a strong but effective state regulatory system”; and

WHEREAS, on January 16, 2013, the Washington State Attorney General’s Office issued an opinion, which determined that local governments may decide to either zone or ban recreational marijuana uses within their jurisdictions; and

WHEREAS, while the LCB adopted one report on the environmental impacts associated with the cultivation of marijuana, the City is not aware of any other analyses performed by the State of Washington to determine the environmental or secondary land use impacts that a proliferation of recreational marijuana uses would have on towns, cities and counties in Washington; and

WHEREAS, nothing indicates that the LCB will perform any analyses under the State Environmental Policy Act (SEPA) to determine the significant adverse environmental impacts associated with any individual licensee’s operation of a recreational marijuana business and the LCB does not require the submission of a SEPA checklist as part of a recreational marijuana license application; and

WHEREAS, the City plans under the Growth Management Act (“GMA,” chapter 36.70A RCW), and is required to review any “action” under SEPA prior to adopting any comprehensive plan or development regulations; and

WHEREAS, given that the City has no environmental information upon which to make any determinations relating to recreational marijuana uses, the City must collect the same from either the experiences of other areas or by empirical knowledge (after the use has located in the City and the impacts are known); and

WHEREAS, the City intends to take careful, deliberate steps to evaluate marijuana uses, and to perform the environmental analysis that the State omitted; and

WHEREAS, the City passed Ordinances 1804, 1823, 1843, 1848, 1855 and 2015-1866, all of which adopted moratoria or interim zoning on medical and recreational marijuana uses and activities, which acknowledged marijuana’s uncertain legal status and the lack of information available to the City; and

WHEREAS, the City acknowledges that it has not budgeted any funds for the implementation of any recreational marijuana enforcement scheme that could satisfy the DOJ’s enforcement priorities; and

WHEREAS, the City Council therefore believes that the adoption of a complete ban on recreational marijuana uses, is necessary to preserve the status quo;

WHEREAS, the City SEPA Responsible Official issued a Determination of Nonsignificance for this Ordinance on December 12, 2014; and

WHEREAS, on August 6, 2014, the Planning Commission held a public hearing on various medical and recreational marijuana draft ordinances and provided a recommendation on this subject to the City Council; and

WHEREAS, on January 9, 2015, the City Council considered the Planning Commission's recommendation and asked City staff to draft an ordinance that was within the range of alternatives considered by the Planning Commission during its public hearing (prohibition on just recreational marijuana instead of a prohibition on both recreational and medical marijuana); and

WHEREAS, the City Council held a public hearing on this Ordinance on January 20, 2015; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF PACIFIC DOES ORDAIN AS FOLLOWS:

Section 1. Section A. The City Council adopts the following new chapter 20.08 to the Pacific Municipal Code:

CHAPTER 20.08 RECREATIONAL MARIJUANA

Sections.

20.08.010 Findings.

20.08.020 Definitions.

20.08.030 Prohibited Activities.

20.08.040 Uses Not Permitted in Any Zone.

20.08.050 Violations.

20.08.060 Enforcement.

20.08.010. Findings. The Council adopts all of the "whereas" sections of this Ordinance as findings to support this ban on recreational marijuana, as well as the following:

A. The purpose of this Chapter is to enact a ban on recreational marijuana delivery, production, processing and retailing, which includes a prohibition on the siting of any recreational marijuana businesses licensed by the State of Washington Liquor Control Board. The City Council also acknowledges that the State of Washington has not performed any environmental analyses that will assist cities, towns and counties in the

adoption of local regulations addressing marijuana uses, or the environmental impacts associated with the individual recreational marijuana businesses. As a result, municipalities must therefore either develop their own analyses or observe these impacts after-the-fact (in other words, after the recreational marijuana uses locate and begin operations in cities, towns and counties throughout Washington). Then, the municipalities will be required to “fix” the problems stemming from these uses with their already scarce resources.

B. It is also the purpose of this Ordinance to stem the negative impacts and secondary effects associated with recreational marijuana uses, including but not limited to the extraordinary and unsustainable demands that have been or will be placed upon scarce City policing, legal, policy and administrative resources; neighborhood disruption, increased transient visitors and intimidation; the exposure of school-age children and other sensitive residents to recreational marijuana, illegal sales to both minors and adults; fraud in issuing, obtaining or using marijuana prescriptions and murders, robberies, burglaries, assaults, drug trafficking and other violent crimes.

C. No part of this Ordinance is intended to or shall be deemed to conflict with federal law, including but not limited to, the Controlled Substances Act, 21 U.S.C. Section 800 *et seq.*, the Uniform Controlled Substances Act (chapter 69.50 RCW) nor to otherwise permit any activity that is prohibited under either Act, or any other local, state or federal law, statute, rule or regulation. This Ordinance is not intended to address or invite litigation over the question whether the State of Washington’s recreational marijuana laws (or this City’s recreational marijuana laws) satisfy the federal government’s enforcement priorities. Nothing in this Ordinance shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of recreational marijuana in any manner not authorized by chapter 69.50 RCW. Nothing in this Ordinance shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or that creates a nuisance, as defined herein. It is the intention of the City Council that this Ordinance be interpreted to be compatible with federal and state enactments and in furtherance of the public purposes that those enactments encompass.

20.08.002. Definitions. For purposes of this Ordinance, the following definitions apply:

A. "Cannabis" or marijuana, means all parts of the plant *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this ordinance, "cannabis" does not include the mature stalks

of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted there from, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term "cannabis" includes cannabis products and useable cannabis.

B. "Cannabis products" means products that contain cannabis or cannabis extracts, have a measurable THC concentration greater than three-tenths of one percent, and are intended for human consumption or application, including, but not limited to, edible products, tinctures, and lotions. The term "cannabis products" does not include useable cannabis. The definition of "cannabis products" as a measurement of THC concentration only applies to the provisions of this ordinance and shall not be considered applicable to any criminal laws related to marijuana or cannabis.

C. "Deliver or Delivery" means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

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

E. "Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include useable marijuana.

F. "Marijuana, Usable" means dried marijuana flowers. The term "usable marijuana" does not include marijuana-infused products.

G. "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision of agency or any other legal or commercial entity.

H. "Process" means to handle or process cannabis in preparation for recreational use.

I. "Processor, Marijuana" means a person licensed by the State Liquor Control Board to process marijuana into useable marijuana and marijuana-infused products, package and label usable marijuana and marijuana-infused products for sale in retail outlets, and sell usable marijuana and marijuana-infused products as wholesale to marijuana retailers.

J. "Producer, Marijuana" means a person licensed by the State Liquor Control Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

K. "Produce or Production" means to manufacture, plant, grow or harvest cannabis or marijuana.

L. "Retailer, Marijuana" means a person licensed by the State Liquor Control Board to sell usable marijuana and marijuana-infused products in a retail outlet.

M. "Retail outlet" means a location licensed by the State Liquor Control Board for the retail sale of useable marijuana and marijuana-infused products.

N. "THC concentration" means percent of tetrahydrocannabinol content per weight or volume of useable cannabis or cannabis product.

O. "Useable cannabis or usable marijuana" means dried flowers of the *Cannabis* plant. The term "usable cannabis or usable marijuana" does not include marijuana-infused products or cannabis products.

20.08.030. Prohibited Activities.

A. It is unlawful to own, establish, site, operate, use or permit the establishment or operation of a recreational business, or to produce, process or sell recreational marijuana. This prohibition extends to recreational marijuana producers, processors and retailers, even if the same are licensed by the State of Washington. This prohibition applies to any person who participates as an employee, contractor, agent or volunteer, or in any other manner or capacity in any recreational marijuana business, regardless of whether it has a license from the State of Washington.

B. It is unlawful to lease, rent or otherwise allow any recreational marijuana business, dispensary, or to allow recreational marijuana production, processing or retailing, whether it is located outdoors, indoors, in any building, structure, premises, location or land in

the City and regardless of whether activity has been licensed by the State of Washington.

C. The City shall not issue any business license for any recreational marijuana business. Any business license obtained through misrepresentation of the activities conducted by the individual business shall be invalid and of no force and effect.

20.08.040. Use Not Permitted In Any Zone. The use of any building, structure, location, premises or land for a recreational marijuana dispensary, recreational marijuana production, processing or retailing is not currently allowed in the City, and such uses and activities are not permitted use(s) in any zone. So long as this Ordinance remains in effect, the City shall not, determine either through interpretation or otherwise, that the use of any building, structure, location, premises or land as a one of these prohibited uses may be permitted in any zone.

20.08.050. No Vested or Nonconforming Rights. Neither this Ordinance nor any other City Ordinance, City action, failure to act, statement, representation, certificate, approval, or permit issued by the City or its departments, or their respective representatives, agents, employees, attorneys or assigns, shall create, confer, or convey any vested or nonconforming right or benefit regarding any recreational marijuana business, or recreational marijuana producer, processor or retailer, even if licensed by the State of Washington.

20.08.060. Violations.

Any violations of this Ordinance may be enforced as set forth in Chapter 20.82 (Enforcement of Zoning Code Violations), or as applicable, the Uniform Controlled Substances Act, chapter 69.50 RCW. In addition, violations of this Ordinance may be deemed to be a public nuisance and may be abated by the City under the procedures set forth in state law for the abatement of public nuisances.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 4. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of Pacific this 26TH day of January, 2015.

Leanne Guier, Mayor

AUTHENTICATED:

Amy Stevenson-Ness, City Clerk.

APPROVED AS TO FORM:
Office of the City Attorney

Carol Morris, City Attorney

PUBLISHED:
EFFECTIVE DATE:



TO: Mayor Guier and City Council Members
FROM: John Calkins
MEETING DATE: January 26, 2015
SUBJECT: Surplus of 2000 Chevrolet Pick Up To Public Works

ATTACHMENTS: Resolution No. 2015-227

Previous Council Review Date: 01/20/15

Summary: The vehicle was purchased in 2002 and after 12 years in service, 150,000 miles, the vehicle is not safe and in need of serious repairs.

Recommendation/Action: Allow Police to surplus the vehicle to Public Works.

Motion for Consideration: Make a motion to surplus the 2000 Chevrolet pick up to Public Works.

Budget Impact: The budget impact will be positive after we surplus the vehicle.

Alternatives: Keep the vehicle in the police inventory and don't use it.

**City of Pacific
Washington**

RESOLUTION NO. 2015-227

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC,
WASHINGTON AUTHORIZING THE PACIFIC POLICE DEPARTMENT TO
SURPLUS A 2000 CHEVROLET PICK UP TO PUBLIC WORKS.**

WHEREAS, the City of Pacific purchased the truck used in 2002 for police purposes, and

WHEREAS, the Police Department utilized the vehicle for twelve years, and

WHEREAS, the truck is in need of extreme repair, and

WHEREAS, the truck is unsafe to operate and has over 150,000 miles of service.

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
PACIFIC, WASHINGTON**

Section 1. The City Council hereby authorizes the Pacific Police Department to surplus the vehicle as described in Exhibit A to the Public Works Department.

Section 2. This Resolution shall take effect and be in full force upon passage and signatures hereon.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE 26TH DAY OF JANUARY, 2015.**

Leanne Guier, Mayor

Amy Stevenson-Ness, City Clerk

Carol Morris, City Attorney

EXHIBIT A

2000 Chevrolet Pick Up

VIN 1GCGK29UOYE26376



Agenda Bill No. 15-011

TO: Mayor Guier and City Council Members

FROM: Richard A. Gould, City Administrator

MEETING DATE: January 26, 2015

SUBJECT: Ordinance discontinuing exchange time and establishing management days.

ATTACHMENTS: Ordinance No. 15-1892

Previous Council Review Date: January 20, 2015

Summary: In Pacific Municipal Code Section 2.68.250, the City Council of the City of Pacific previously authorized up to 300 hours of exchange time per year for overtime-exempt management employees who work more than 45 hours in a seven-day period. This is counterproductive as it increases these employees workload by forcing them to keep track of all hours over 45. This also recognizes the extra time that these employees work up to 45 hours per week without financially impacting the City.

The Mayor desires to establish 12 management days off per year for overtime-exempt employees and convert existing exchange time to vacation. This is less labor intensive as all overtime-exempt employees have to track is vacation and sick time taken. It also clears up any misunderstanding about the city code relevant to this regarding the non-cash value.

At this time staff has 220 hours of Exchange time accrued.

Recommendation/Action: Accept this as the first reading of Ordinance No. 15-1892 Adopting an ordinance discontinuing exchange time and establishing management days.

Motion for Consideration: move to accept this as the first reading of Ordinance No. 15-1892 Adopting an ordinance discontinuing exchange time and establishing management days.

Budget Impact:

Alternatives:

CITY OF PACIFIC, WASHINGTON
ORDINANCE NO. 15-1892

AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON,
DISCONTINUING EXCHANGE TIME FOR EXEMPT EMPLOYEES
AND ESTABLISHING MANAGEMENT DAYS OFF, CONVERTING
EXISTING EXCHANGE TIME TO VACATION, AND REVISING
PACIFIC MUNICIPAL CODE SECTION 2.68.250.

WHEREAS, in Pacific Municipal Code Section 2.68.250, the City Council of the City of Pacific previously authorized up to 300 hours of exchange time per year for overtime-exempt management employees who work more than 45 hours in a seven-day period; and

WHEREAS, the City Council desires to discontinue exchange time and replace it with a fixed number of management days off; and

WHEREAS, the City Council desires to establish 12 management days off per year for overtime-exempt employees and convert existing exchange time to vacation; Now, Therefore,

IT IS HEREBY ORDAINED BY THE PACIFIC CITY COUNCIL AS FOLLOWS:

Section 1. Subsection 2.68.250 of the Pacific Municipal Code is hereby repealed and replaced with the following new section:

2.28.250 Management Days Off.

All full-time Fair Labor Standards exempt employees of the city shall receive twelve management days off per year, prorated if the employee works less than twelve months. Management days off may be taken with the approval of the Mayor or City Administrator. Management days off have no cash value upon termination of employment and do not rollover from one year to the next.

Section 2. On the effective date of this Ordinance, any exchange time accrued under prior Section 2.68.250 shall be converted to vacation time on an hour for hour basis.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 5. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of Pacific this 26th day of January, 2015.

Leanne Guier, Mayor

AUTHENTICATED:

Amy Stevenson-Ness, City Clerk.

APPROVED AS TO FORM:

Sophia Mabee, City Attorney

PUBLISHED:
EFFECTIVE DATE:



Agenda Bill No. 15-013

TO: Mayor Guier and City Council Members
FROM: Lance Newkirk
MEETING DATE: January 26, 2015
SUBJECT: Request for 2015 Legislative Appropriation for City Hall and Municipal Court Improvements

ATTACHMENTS: Local Community Project Information Form
Facility Map of Improvements
Cost Estimate

Previous Council Review Date: N/A

Summary: The City of Pacific has identified ADA accessibility, indoor air quality, energy efficiency, technology, water conservation and occupant improvements needed for the City Hall and Municipal Court facility. These improvements are estimated to cost \$760,000.

The 2015 Washington State Legislature is in session. The House of Representatives Capital Budget Committee considers state capital budget needs and approves money for the construction and repair of public buildings.

Therefore, it is beneficial to make the City's capital funding needs for this project known to its elected representatives in Olympia. The City desires that either or both Representatives Gregory and Kochmar will endorse the appropriation request and are successful in having request considered before the House Capital Budget Committee.

Recommendation/Action: Approve submittal of the City Hall and Municipal Court appropriation request to its elected representatives in Olympia.

Motion for Consideration: Move to authorize the Mayor to submit an appropriation request for \$760,000 to Pacific's elected delegation in Olympia for the City Hall and Municipal Court improvement project.

Budget Impact: If the appropriation request is granted, the City will need to commit an estimated \$400,000 to relocate staff during the improvement project.

Alternatives: Do not submit the appropriation request.



CITY OF PACIFIC
100 3RD AVENUE SOUTHEAST
PACIFIC, WASHINGTON 98047
CITY HALL (253) 929-1100
FAX (253) 939-6026

DATE: January 26, 2015
TO: Mayor and City Council
FROM: Lance Newkirk, Public Works Manager
RE: Review of City Hall Indoor Air Quality Improvement Project

ISSUE

The issue in front of City Council is direction that either affirms a limited renovation project proposed for City Hall, or provides a recommendation that changes the scope of the project.

BACKGROUND

The current City Hall building was constructed in 1939 and served as an elementary school until the “new” ALPAC Elementary School opened in 1972. The former elementary school was declared surplus by Auburn School District No. 408 in 1982 and sold to the City. The purchase price was \$7,500 and came with the restriction that the property shall be used for “*general municipal purposes*” or it reverts back to the former property owner.

Under City ownership, the building has received several limited and narrowly focused upgrades. The upgrades were undertaken primarily to address a specific occupancy issue or individual building component deficiency. Upgrades have included a replacement boiler, new carpeting, exterior doors and vinyl siding and double pane windows in locations where City staff work full-time. Other electrical, mechanical and plumbing additions or modifications have occurred, but on an individual component level rather than a comprehensive basis.

Three indoor air quality tests were recently performed within the City Hall building. The first was conducted December 2013; primarily in response to occupant health concerns related to unexplained employee illnesses. Limited air sampling was conducted to test for airborne mold spores. The results found low levels of mold spores within the building. Threshold values for airborne concentrations of mold or mold spores have not been established by federal or state regulations.

A second round of indoor air quality sampling and testing occurred April 2014. The sampling included additional airborne mold sampling and sampling and testing for asbestos fibers. The sampling results yielded a medium level of mold spores present in the building and asbestos fibers present above EPA recommended re-occupancy levels.

A third round of indoor air quality testing focused specifically on asbestos containing material (ACM) and took place May 2014. The sampling was a limited building survey of flooring material located throughout the building. Of the fourteen (14) areas sampled eight (8) of the samples were found to contain greater than 1% asbestos. Any and all future maintenance repair or renovation activities that disturb the ACM shall be performed by trained personnel in accordance with federal and state regulations.

No additional environmental sampling or building condition surveys have been conducted.

CITY HALL DEFICIENCIES

The following items are some, but not all of the known deficiencies with the City Hall building.

Building Envelope:

- Roof is near the end of its service life and will need to be replaced in two (2) to three (3) years.
- Bathroom, Council Chamber and Conference room windows are constructed of energy inefficient single pane glass panels; as are the windows above and alongside the north and west entryway doors.

Communications and Information Technology Systems:

- Central phone and computer equipment are not located together in a centrally dedicated and secure space for efficient management of both systems.

Environmental Hazards:

- Flooring materials contain asbestos.
- Mold is present periodically in some occupied work spaces.

Mechanical, Electrical and Plumbing:

- Current gas boiler and radiator heating system lack cooling capability or zone control.
- Fresh air circulation in the building is accomplished by opening a window and not by a designed delivery and return air system.
- Most of the electrical wiring, outlets and panels located throughout the building are beyond their life expectancy [over fifty (50) years old], and require upgrading/replacement to prevent compromising building safety.
- Lighting fixtures are not uniform throughout the building and are a mixture of medium to low commercial quality with only modest energy efficiency.
- Exterior and interior plumbing systems are original galvanized pipe and beyond their expected lifespan.
- No emergency power generator to sustain business operations.
- No fire alarm or suppression system.

Security:

- Poor security layout for protection of staff and public from irate citizens.
- No security alarm or closed circuit camera system for interior or exterior of building.

Space Allocation:

- Inadequate support space for document management (record copying, filing, and retrieval) and other work related tasks (building and capital plan reviews).
- Existing building layout is an inefficient use of available square footage.
- Most employee workspaces are crowded and poorly laid out.
- Manager's lack private space to conduct sensitive phone calls and conversations.
- No room for future growth.

Structural:

- Non-conformance with current seismic requirements: foundation reinforcement, framing anchors and tie downs.

Other:

- Men and Women's bathrooms need new partitions, floor covering, plumbing and ADA upgrades.
- Carpeting throughout the building is worn out and needs replaced.
- Interior spaces need painting.
- Exterior trim around eaves and windows need painting.

CITY HALL INDOOR AIR QUALITY IMPROVEMENT PROJECT SCOPE OF WORK

The scope of work for the City Hall Indoor Air Quality Improvement Project includes replacing the existing heating system with a heating, ventilation and air conditioning (HVAC) system that utilizes supply and return air components to both cool and heat the air; abatement of asbestos containing material (ACM); replacement of sub-flooring (as required); install new carpeting; paint the interior of the building; and installing an emergency power generator to serve the building when power is out.

To undertake this work in a cost effective manner requires the day-to-day operations of City Hall to be relocated. This project envisions using temporary modular offices during the Air Quality Improvement project. The modular offices will be placed across the street from the Police and Fire building on City owned property. The modular offices will provide space for all municipal functions that are currently provided at City Hall.

COST OPINION

The following tables provide cost opinions to complete the City Hall Indoor Air Quality Improvement Project and develop and provide City services in modular offices for the duration of the project.

City Hall Indoor Air Quality Improvement Project

<i>Task</i>	<i>Cost Opinion</i>
Asbestos abatement including carpet removal and sub-flooring repairs	\$42,500
New carpeting	32,500
Interior painting	40,000
HVAC Upgrades	150,000
Emergency Power Generator	<u>100,000</u>
	Subtotal: \$365,000
	Contingency (25%) 91,250
	WSST 33,945
	Total: \$490,195

Modular Offices

<i>Task</i>	<i>Cost Opinion</i>
Site Development (civil design, clearing, grading, excavation, utility connections)	\$220,970
Modular Office Set Up and Staff Move	80,725
Modular Office Rental (3 units for six months)	<u>20,000</u>
	Subtotal: \$ 321,695
	Contingency (25%) 80,423
	WSST 29,917
	Total: \$432,035

PROJECT OPTIONS

This report identifies five primary options with regards to City Hall improvements. The five options include:

1. Do nothing.
2. Commission a Facility Needs Assessment and Master Plan.
3. Undertake City Hall Indoor Air Quality Improvement Project.
4. Retain and renovate City Hall.
5. Construct New City Hall.

The pros and cons of each option are outlined as follows.

Option 1 – Do nothing.

Pros

- Lowest cost option
- Preserves buildings history; albeit in poor condition

Cons

- Does not address poor indoor air quality
- Does not address an aging building with multiple maintenance and occupancy issues
- Does not address electrical, mechanical, plumbing, seismic/structural issues or technology deficiencies
- Does not address energy conservation
- Does not address building safety or security
- Potential risk to City for employee related health claims

Option 2 – Facility Needs Assessment and Master Plan

Pros

- Professional expertise may develop options not currently under consideration
- Will provide current and best uses analysis for multiple structures: City Hall, Public Works Shop, Senior and Community Centers
- Examines City facilities without local bias
- Develops probable cost opinions for improvement options at City Hall, Public Works Shop, Senior and Community Centers

Cons

- In the short or medium term, delays improving indoor air quality and undertaking other building system improvements (electrical, mechanical, plumbing, seismic/structural issues or technology)
- Other cons listed under *Do Nothing* option, but in the short to medium term

Option 3 – Undertake City Hall Indoor Air Quality Improvement Project

Pros

- Improves indoor air quality through asbestos abatement and HVAC system upgrades
- Provides aesthetic value for building users
- Provides emergency power capability to City Hall

Cons

- Does not address other building deficiencies: electrical, mechanical, plumbing, space allocation, seismic/structural or technology
- Does not improve energy efficiency
- Does not address use of existing space
- Investment is potentially lost if additional upgrades/repairs are undertaken in short term
- Temporary modular office facilities are required during project

Option 4– Retain and Renovate City Hall

Pros

- Existing facility re-use
- Improved use of interior floor space
- Updated electrical, mechanical, plumbing, space allocation, seismic/structural and technology systems
- Increased energy efficiency
- Improved ADA accessibility

Cons

- Temporary facilities required during renovation work
- Lacking detailed building analysis to determine extent and cost of project
- Moderate to lengthy timeline to develop project
- No funding strategy

Option 5 – Construct New City Hall

Pros

- New building construction provides more efficient building envelope and possible reduced operating costs
- Flexibility in space layout
- Can incorporate green infrastructure
- New electrical, mechanical, plumbing, space allocation, seismic/structural and technology systems
- Temporary facilities not required during work as staff can continue to occupy existing City Hall building during construction
- Improved ADA accessibility

Cons

- Does not address issue of poor indoor air quality in City Hall in the short term
- Sales and building use agreement may be negated if current building is not retained for “*general municipal use*”
- Potentially most expensive option
- Timeline to develop project
- Moderate to lengthy timeline to develop project
- No funding strategy

SUMMARY

Improving indoor air quality within the City Hall facility is the prime driver behind the proposed City Hall Indoor Air Quality Improvement Project. This report acknowledges that many of the buildings deficiencies will not be addressed with this project. With that being said, City Council is being asked to either affirm the limited improvement project proposed for City Hall, or provide a recommendation that changes the scope of the project.

2015 Legislative Session

Member Requested Local Community Project Information Form

Project Name: Pacific City Hall Indoor Air Quality and Energy Efficiency Project

Legislative District Where Project is Physically Located: District 30

Address of Project Site: 100 3rd Avenue SE
Pacific, WA 98047

Geographic Information System (GIS) Coordinate: 47°15'51"N / 122°15'0"W

Project Contact:

Name(s) Leanne Guier and Lance Newkirk

Legislative Sponsor:

Rep. Gregory and Rep. Kochmar

Title Mayor and Public Works Manager

Funding Requested: \$760,000

Organization City of Pacific

(Note: Funds are available on a reimbursement basis only and cannot be advanced. As you build your project budget request, keep in mind that the net grant amount will be slightly less than the legislative appropriation. The Dept of Commerce may retain up to 3 percent, or a maximum of \$50,000 of the appropriation, for project administration.)

Organization's Website <http://www.cityofpacific.com/>

Phone: (253)929-1100 Fax: (253)887-9910

E-Mail: lguier@ci.pacific.wa.us

lnewkirk@ci.pacific.wa.us

Mailing Address: 100 3rd Avenue SE
Pacific, WA 98047

Project Information (attach separate page with additional details if available):

Provide a brief project summary, including the phase of the overall project, and the public benefit.

- 1) Describe the entire project and the phase of the overall project for which funds are requested: Project Description: This project entails upgrading several components of the 75 year old Pacific City Hall and Municipal Court building. Upgrades include: ADA accessibility and water conserving public restrooms; new energy efficient windows; improved indoor air quality through abatement of asbestos containing material and new heating, ventilation and air conditioning (HVAC) equipment; council chamber and municipal court sound system upgrades; emergency power generator for sustaining municipal services; and replacement carpeting and interior painting. Project Phase: The requested funds will allow the City to complete project planning and design, and construct the building upgrades as either a single or phased project, depending upon final engineers estimate and bids.
- 2) Public benefit of the project: The public benefits of the project are multifaceted and include increased water conservation by replacing old plumbing fixtures with low water use fixtures in the public restrooms; increased energy efficiency by replacing original single pane windows and upgrading the HVAC system from an outdated circulating water boiler system for heating and window air conditioners for cooling; improved ADA accessibility for the public bathrooms; improved indoor air quality through the removal of asbestos containing material and air circulation from the new HVAC system and replacement of carpeting; sound and technology upgrades will enable the citizens to be able to more fully participate in the public process; and the addition of an emergency power generator will permit City and Municipal Court operations during power outage events and improve citizen service.

NOTE: This form is prepared for the use of Representative Gregory. She may elect to submit this form for filing in the Capital Budget Committee records. If so filed, this form will become a legislative record subject to public disclosure and will be archived consistent with Chapter 40.14 RCW.

Start and Completion Dates: **July 2015** to **June 2017**

Attachments (Please enclose any materials that further describe the project and its financing.)

Eligible Project Type or Phase (Check all that apply to this funding request)

Land acquisition

Demolition and site preparation

Design

New Construction

Renovation

Other (describe)

% of Request

_____ %

_____ %

_____ %

_____ %

_____ **100%**

_____ %

_____ **100 %** (should equal 100%)

How does this project help the State meet its greenhouse gas emission reduction goals in Chapter 70.235 RCW?

The existing restroom fixtures will be replaced with water conserving fixture reducing energy requirements for water production. The existing windows will be replaced with energy efficient windows reducing heating and cooling energy requirements. The HVAC system will be upgraded with an energy efficient system with advanced control technology.

Is this a joint project?

Yes **No**

If **yes**, has a joint operating agreement been signed?

Is the site owned, optioned for purchase or under a lease of 5 years or more with renewal options?

Has the applicant initiated a capital fundraising campaign?

If **yes**, what percent of matching funds have been secured? _____

What other sources of matching funds are available? The City has \$400,000 in un-appropriated funding available for this project. The funding is available to relocate staff and City operations during the improvement project. Costs of the relocation are under development at this time, and therefore, available matching funds are unknown at this time.

Has the project received previous state funding?

If **yes**, list dates, programs, and amounts. If this project, or a phase of this project, has received funding under a different project name, please identify project name.

Has the project previously applied for and not received state funding?

If **yes**, list dates, programs, and amounts.

NOTE: This form is prepared for the use of Representative Gregory. She may elect to submit this form for filing in the Capital Budget Committee records. If so filed, this form will become a legislative record subject to public disclosure and will be archived consistent with Chapter 40.14 RCW.

Is the project currently applying for or planning to apply for other sources of state funding? Yes No

If yes, list dates, programs, and amounts. If this project, or a phase of this project, is requesting funds under a different project name, please identify project name.

If the project will not be completed after the requested state funding and matching funds are used, describe: (1) what the project will be at the completion of the portion funded by this request and how it will benefit the public; and (2) the phases and schedule for completion of the project.

The planning and design of the facility improvements will be completed. If full construction is not completed with remaining state funds, the facility improvements will be phased such that occupancy of the building can occur for a portion of the building as remaining improvements are made with local funds. If phasing of the improvements becomes a necessity, priority improvements will focus on reestablishing Municipal Court operations ahead of other City services. The scheduled completion of the project is twenty four months from award of state funds or June 2017.

What source(s) of non-state funds exist for completion of the project and its ongoing maintenance and operation?

Local funds will be used to complete the improvement project and local funds will be used to provide ongoing maintenance and operations.

Organization Information

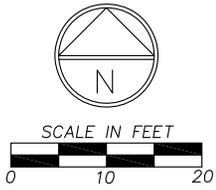
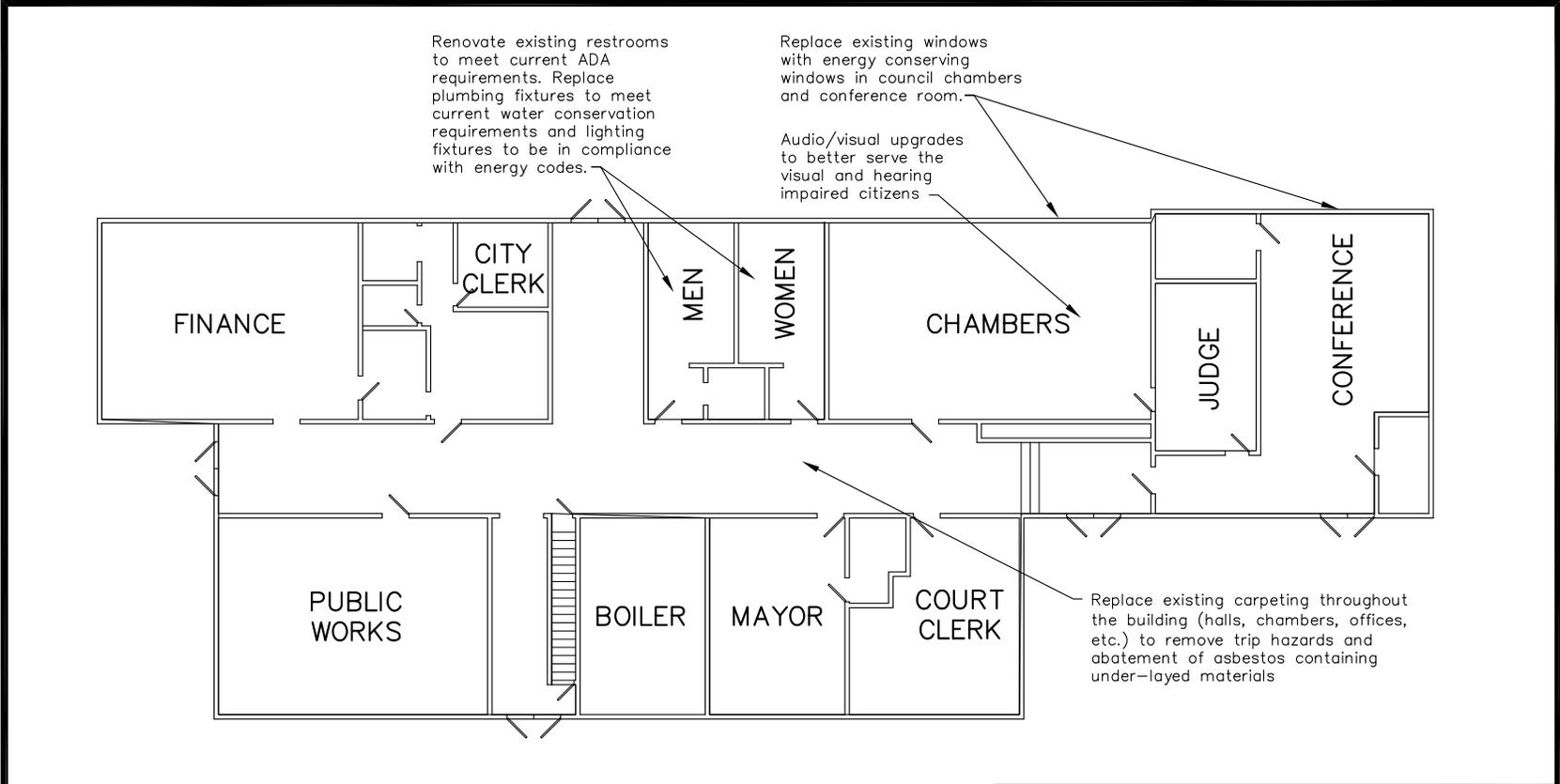
Is the requesting organization registered with the state as a non-profit organization?
 Is there a current or pending 501(c) (3) IRS registration?
 If answered **no** to either of the above, is applicant a local government?

Legislative Sponsor _____ Date _____
 (Signature)

Note: This is not a formal grant program. This form provides information for House members to request a separate appropriation in the capital budget for this project. Funding any project is at the discretion of the Legislature. Successful past projects generally are ones in which the requested state funds: (1) are used for a facility providing an important public benefit; (2) are a small portion of the total project funding (25% or less); (3) result in a completed project or phase usable by the public for the intended purpose when the state funds are expended; and (4) are for a project that is ready for construction or renovation and will be completed within the biennium.

Please note that projects may be subject to state prevailing wage law (Chapter 39.12 RCW). Requesting organization are encouraged to consult the Industrial Statistician (David Soma: 360-902-5330 or somd235@lni.wa.gov) at the Washington State Department of Labor Industries to determine whether prevailing wages must be paid. High-performance building requirements (Chapter 39.35D RCW) and Executive Order 13-03 regarding life cycle and operating costs in public works projects may also apply.

NOTE: This form is prepared for the use of Representative Gregory. She may elect to submit this form for filing in the Capital Budget Committee records. If so filed, this form will become a legislative record subject to public disclosure and will be archived consistent with Chapter 40.14 RCW.



NOTES:

1. Generator and required electrical upgrades to provide continuity of public serve during storm events.
2. HVAC upgrades – Heat pump to replace outdated boiler and air conditioning system.

City of Pacific			
City Hall Building Renovation			
			DRAWING NO.
APPROVED: _____		DATE: _____	
DATE: 02/2014	DRAWN: JJM	CHECKED: KB	SCALE:

Agenda Bills

Agenda Item No.	<u>Consent Agenda 10A</u>	Meeting Date:	<u>January 26, 2015</u>
	<u>Claim Voucher & Payroll</u>		<u>Richard Gould</u>
Subject:	<u>Approval</u>	Prepared by:	<u>Finance Director</u>

Summary:

Approval of Payroll for the period of January 1, 2015 through January 15, 2015; Claims Vouchers for January 13, 2015 through January 26, 2015.

Payroll Auto Deposit	\$ 65,434.86
Payroll Ch#'s 4849– 4853	5,058.89
Claim Check #44532 (Corrects a short payment, but due to Aflac's accounting we will receive refund)	551.21
Claim Checks: #44533 – 44589	\$ 116,678.02
Claim Ch# 44426 voided	-276.80
EFT's	\$ 50,523.73
Total Expenditures	<u>\$ 237,969.91</u>

Recommendation: Approval of payment for Payroll and Claims

Motion: move to approve the Consent Agenda including approval of Payroll and Claims Vouchers.

Attachments:

Check Registers and Payroll Expense itemization.

CHECK REGISTER

City Of Pacific
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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
221	01/13/2015	Payroll	1	EFT	ASSOC OF WASHINGTON CITIES	7,273.79	12/20/2014 To 01/05/2015 - Medical - Directors
331	01/20/2015	Payroll	1	EFT		373.16	January 1-15 Payroll
333	01/20/2015	Payroll	1	EFT		919.05	January 1-15 Payroll
334	01/20/2015	Payroll	1	EFT		2,843.56	January 1-15 Payroll
336	01/20/2015	Payroll	1	EFT		4,051.72	January 1-15 Payroll
337	01/20/2015	Payroll	1	EFT		2,178.98	January 1-15 Payroll
338	01/20/2015	Payroll	1	EFT		343.92	January 1-15 Payroll
340	01/20/2015	Payroll	1	EFT		1,227.51	January 1-15 Payroll
341	01/20/2015	Payroll	1	EFT		2,120.32	January 1-15 Payroll
342	01/20/2015	Payroll	1	EFT		92.08	January 1-15 Payroll
343	01/20/2015	Payroll	1	EFT		3,236.14	January 1-15 Payroll
344	01/20/2015	Payroll	1	EFT		318.14	January 1-15 Payroll
345	01/20/2015	Payroll	1	EFT		835.08	January 1-15 Payroll
346	01/20/2015	Payroll	1	EFT		2,964.97	January 1-15 Payroll
347	01/20/2015	Payroll	1	EFT		91.95	January 1-15 Payroll
348	01/20/2015	Payroll	1	EFT		92.08	January 1-15 Payroll
349	01/20/2015	Payroll	1	EFT		2,811.66	January 1-15 Payroll
350	01/20/2015	Payroll	1	EFT		81.68	January 1-15 Payroll
351	01/20/2015	Payroll	1	EFT		236.19	January 1-15 Payroll
352	01/20/2015	Payroll	1	EFT		1,605.27	January 1-15 Payroll
353	01/20/2015	Payroll	1	EFT		1,296.46	January 1-15 Payroll
354	01/20/2015	Payroll	1	EFT		3,401.63	January 1-15 Payroll
355	01/20/2015	Payroll	1	EFT		1,627.90	January 1-15 Payroll
356	01/20/2015	Payroll	1	EFT		614.23	January 1-15 Payroll
357	01/20/2015	Payroll	1	EFT		2,436.95	January 1-15 Payroll
358	01/20/2015	Payroll	1	EFT		2,446.24	January 1-15 Payroll
359	01/20/2015	Payroll	1	EFT		1,442.34	January 1-15 Payroll
360	01/20/2015	Payroll	1	EFT		92.22	January 1-15 Payroll
361	01/20/2015	Payroll	1	EFT		2,010.12	January 1-15 Payroll
363	01/20/2015	Payroll	1	EFT		1,739.65	January 1-15 Payroll
364	01/20/2015	Payroll	1	EFT		1,969.20	January 1-15 Payroll
365	01/20/2015	Payroll	1	EFT		985.07	January 1-15 Payroll
366	01/20/2015	Payroll	1	EFT		1,434.89	January 1-15 Payroll
367	01/20/2015	Payroll	1	EFT		2,198.52	January 1-15 Payroll
368	01/20/2015	Payroll	1	EFT		1,441.58	January 1-15 Payroll
370	01/20/2015	Payroll	1	EFT		2,401.20	January 1-15 Payroll
371	01/20/2015	Payroll	1	EFT		1,838.60	January 1-15 Payroll
372	01/20/2015	Payroll	1	EFT		1,286.11	January 1-15 Payroll
373	01/20/2015	Payroll	1	EFT		1,627.24	January 1-15 Payroll
374	01/20/2015	Payroll	1	EFT		92.08	January 1-15 Payroll
375	01/20/2015	Payroll	1	EFT		2,512.12	January 1-15 Payroll
376	01/20/2015	Payroll	1	EFT		1,381.52	January 1-15 Payroll
377	01/20/2015	Payroll	1	EFT		1,374.37	January 1-15 Payroll
378	01/20/2015	Payroll	1	EFT		1,361.16	January 1-15 Payroll
379	01/20/2015	Payroll	1	EFT	INTERNAL REVENUE SERVICE	26,100.56	941 Deposit For 01/20/2015 - 01/20/2015
380	01/20/2015	Payroll	1	EFT	WA ST DEPT RETIREMENT SYSTEM	625.00	01/20/2015 To 01/20/2015 - DCP - DRS
381	01/23/2015	Payroll	1	EFT	WA ST DEPT LABOR & INDUSTRIES	8,710.43	4TH Quarter 10/01/2014 - 12/31/2014
420	01/23/2015	Payroll	1	EFT	EMPLOYMENT SECURITY DEPARTMENT	7,813.95	4TH Quarter 10/01/2014 - 12/31/2014

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
332	01/20/2015	Payroll	1	4849		1,364.71	January 1-15 Payroll
335	01/20/2015	Payroll	1	4850		2,272.22	January 1-15 Payroll
339	01/20/2015	Payroll	1	4851		1,160.93	January 1-15 Payroll
362	01/20/2015	Payroll	1	4852		168.95	January 1-15 Payroll
369	01/20/2015	Payroll	1	4853		92.08	January 1-15 Payroll
522	01/22/2015	Payroll	1	44532	AFLAC	551.21	12/19/14 - 01/05/15
532	01/26/2015	Claims	1	44533	AUBURN CHEVROLET INC	755.07	POLICE: VEHICLE MAINTENANCE/REPAIRS
533	01/26/2015	Claims	1	44534	CITY OF AUBURN	3,254.37	DEC. 2014 IT SERVICES
534	01/26/2015	Claims	1	44535	LILLY MAY BAYLEY	128.75	COURT: INTERPRETER SERVICES
535	01/26/2015	Claims	1	44536	BIGFOOT PLUMBING	500.00	REFUND FOR PRE-APPLICATION PERMIT (PRE-14-005). MEETING NEVER SCHEDULED DUE TO PROPERTY NOT BEING PURCHASED.
536	01/26/2015	Claims	1	44537	BRIM TRACTOR CO INC	101.15	PW: AIR FILTER
537	01/26/2015	Claims	1	44538	CENTURYLINK	90.83	
538	01/26/2015	Claims	1	44539	CITY OF AUBURN	136.94	UTILITIES
539	01/26/2015	Claims	1	44540	CONFEDERATE TRIBES OF THE CHEHALIS RESER	268.00	POLICE: INMATE MEDICAL SERVICES
540	01/26/2015	Claims	1	44541	CORDI & BEJARANO INC	6,427.50	COURT: PROSECUTOR
541	01/26/2015	Claims	1	44542	DATABAR INCORPORATED	1,627.31	DEC. 2014 UTILITY BILLING
542	01/26/2015	Claims	1	44543	JULIA DAVIDOV	106.72	COURT: INTERPRETER SERVICES
543	01/26/2015	Claims	1	44544	MAJOR DHAMI	2,000.00	DEVELOPMENT DEPOSIT REFUND (DHAMI BOUNDARY LINE ADJ BLA-13-001 DHAMI SHORT PLAT SP-14-002)
544	01/26/2015	Claims	1	44545	ELISA J. WOOD, ATTORNEY AT LAW	150.00	COURT: PUBLIC DEFENSE
545	01/26/2015	Claims	1	44546	FERGUSON ENTERPRISES, INC.	6,045.06	PW: WATER METERS
546	01/26/2015	Claims	1	44547	CITY OF FIFE	1,210.00	POLICE: OCT. 2014 JAIL SERVICES
547	01/26/2015	Claims	1	44548	FINISH LINE CLEANING	2,230.00	CITY HALL/REC CENTER/SR CENTER: JANITORIAL SERVICES
548	01/26/2015	Claims	1	44549	FORMSOURCE INC	106.05	BUSINESS CARD: B. BROOKHART & H. POLLOCK
549	01/26/2015	Claims	1	44550	GOSNEY AUTO PARTS, INC.	17.40	PW: AUTO PARTYS
550	01/26/2015	Claims	1	44551	RICHARD A. GOULD	272.66	REIMB. FOR LOGMEIN ANNUAL MEMBERSHIP
551	01/26/2015	Claims	1	44552	H D FOWLER CO INC	2,364.72	PW
552	01/26/2015	Claims	1	44553	ICON MATERIALS	175.43	PW: ROCK FOR STOCK
553	01/26/2015	Claims	1	44554	DEPOSIT ACCOUNT SD-12-003 INCH RELOCATION	2,000.00	DEVELOPMENT DEPOSIT REFUND (INCH SITE DEV. 432 & 436 BUTTE INCH BLDG RELO PERMIT
554	01/26/2015	Claims	1	44555	JAMES & LORRIE JUDD	194.58	Refund inactive customer credit balance
555	01/26/2015	Claims	1	44556	KC DOT ROAD SRVC DIV	1,174.78	
556	01/26/2015	Claims	1	44557	KING COUNTY DIRECTORS' ASSOC	111.60	PW: OFFICE SUPPLIES; POLICE: OFFICE SUPPLIES
557	01/26/2015	Claims	1	44558	KING COUNTY FINANCE	32.00	LIEN RELEASE (MASTER JOHN)

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
558	01/26/2015	Claims	1	44559	KPG	47,404.28	PROJECT: 14057 STEWART RD/THORNTON AVE IMPROVEMENT - CM SERVICES
559	01/26/2015	Claims	1	44560	LAKESIDE INDUSTRIES	793.15	PW: EZ STREET ASPHALT
560	01/26/2015	Claims	1	44561	LAW OFFICE THOMAS R HARGAN	90.00	COURT: PROSECUTION SERVICES 01/07/15
561	01/26/2015	Claims	1	44562	LEXIPOL LLC	2,450.00	POLICE: LE POLICY UPDATE KMS (02/01/15-01/31/16)
562	01/26/2015	Claims	1	44563	VANNARA LIM	150.00	COURT: INTERPRETER SERVICES
563	01/26/2015	Claims	1	44564	MCLENDON HARDWARE	218.97	PW
564	01/26/2015	Claims	1	44565	O'REILLY AUTOMOTIVE, INC.	9.84	PW: SHOP SERVICE TRUCK
565	01/26/2015	Claims	1	44566	PETROCARD SYSTEMS INC	2,785.51	FUEL SERVICES; FUEL SERVICES
566	01/26/2015	Claims	1	44567	PRAXAIR DISTRIBUTION INC	66.69	PW: FIELD/SHOP SUPPLIES
567	01/26/2015	Claims	1	44568	RED WING SHOE STORE	817.34	PW: UNIFORM/CLOTHING ALLOWANCE
568	01/26/2015	Claims	1	44569	SCORE	7,650.00	POLICE: DEC. 2014 INMATE SERVICES (85)
569	01/26/2015	Claims	1	44570	STEPHANIE SUE SHOOK	21.28	POLICE: TRAVEL REIMB.
570	01/26/2015	Claims	1	44571	GEORGE & YVONNE SLABY	119.45	Refund inactive customer credit balance
571	01/26/2015	Claims	1	44572	SOUND PUBLISHING INC	558.27	LEGAL AFFADAVITS (DEC. 2014)
572	01/26/2015	Claims	1	44573	SOUND SAFETY PRODUCTS INC	641.62	PW: UNIFORM/CLOTHING ALLOWANCE
573	01/26/2015	Claims	1	44574	SUMMIT LAW GROUP	1,404.00	PERSONNEL LEGAL SERVICE THRU 12/31/14
574	01/26/2015	Claims	1	44575	CITY OF SUMNER	1,849.79	METRO ANIMAL SERVICES (JAN. 2015)
575	01/26/2015	Claims	1	44576	THE LOCK SHOP	278.72	POLICE: SERVICE CALL
576	01/26/2015	Claims	1	44577	TOM MATSON DODGE	3,438.30	POLICE: REPAIR TO SQUAD CAR
577	01/26/2015	Claims	1	44578	TOTAL AUTO CARE	42.60	POLICE: OIL CHANGE (TAHOE)
578	01/26/2015	Claims	1	44579	WA ST AUDITOR OFFICE	10,417.83	2013 AUDIT SERVICES
579	01/26/2015	Claims	1	44580	WA ST DEPT ENTERPRISE SERVICES	400.00	POLICE: 1030/LESO PROGRAM PARTICIPATION FEE FOR 2015
580	01/26/2015	Claims	1	44581	WA ST DEPT OF ECOLOGY	878.50	PW: STORMWATER PERMIT
581	01/26/2015	Claims	1	44582	WARM HOMES, INC.	2,000.00	DEVELOPMENT DEPOSIT REFUND (SHORT PLAT SP-13-002 RECORDED 10/03/14)
582	01/26/2015	Claims	1	44583	WASHINGTON CEDAR & SUPPLY CO., INC.	383.25	PW: ROOF SUPPLIES FOR WELL
583	01/26/2015	Claims	1	44584	WATER MANAGEMENT LAB INC	24.00	PW: COLIFORM
584	01/26/2015	Claims	1	44585	WELLS FARGO FINANCIAL LEASING	56.48	SENIOR CENTER COPY MACHINE
585	01/26/2015	Claims	1	44586	JULIETA WILLIAMSON	126.41	Refund inactive customer credit balance
586	01/26/2015	Claims	1	44587	LARRY WILSON	21.32	Refund inactive customer credit balance

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
587	01/26/2015	Claims	1	44588	WASHINGTON STATE PATROL	49.50	POLICE: BACKGROUND CHECKS
531	01/26/2015	Claims	1	44589	NEOPOST NORTHWEST	50.00	ANNUAL POSTAGE ACH FEE
						140,283.80	
001 General Fund						8,488.36	
101 Street						35,613.58	
310 Stewart/Thornton Ave Rd Projec						22,061.99	
401 Water						10,726.23	
402 Sewer						11,790.70	
406 Water Capital Improvement						9,329.79	
409 Storm						6,000.00	
630 Developer Deposit						-6,047.74	
800 Payroll EE Benefit Clearing						<u> </u>	
						Claims:	116,678.02
* Transaction Has Mixed Revenue And Expense Accounts						238,246.71	Payroll: 121,568.69

Voucher Approval

We, the undersigned Council members of the City of Pacific, do hereby certify that the Vouchers specified were reviewed and were approved for payment at the Regular Council Meeting

on: _____.

Council Member: _____

Council Member: _____

Council Member: _____

Reviewed for Accuracy

Finance Director: _____



City Council Minutes

Regular Meeting
December 22, 2014
6:30 p.m.

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Guier called the regularly-scheduled meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

ROLL CALL

Present: Council Members Garberding, Oliveira, Steiger, Walker, Council President Putnam, Mayor Pro Tem Jones, and Mayor Guier

Absent: Council Member Kave

COUNCIL MEMBER JONES MOVED to excuse Council Member Kave. Seconded by Council Member Walker.

Voice vote was taken and carried 6-0.

STAFF PRESENT

Public Safety Director John Calkins, Community Services Assistant Director Darcie Thach, Community Development Manager Jack Dodge, Public Works Manager Lance Newkirk, Water Manager Jim Schunke, City Administrator Richard Gould, and City Clerk Amy Stevenson-Ness

ADDITIONS TO/APPROVAL OF AGENDA

The agenda was approved unanimously by Council.

PUBLIC HEARING

At 6:31 p.m., Mayor Guier opened the public hearing regarding water conservation goals for the City of Pacific in accordance with the Water Use Efficiency Rule.

Public Works Water Manager Jim Schunke provided a presentation with information regarding the water conservation goals for the city as well as common conservation measures and the Water Use Efficiency Rule.

Speaking before Council:

Pastor Mark Gause	Inquired if there are policies in place to prevent misuse of data that can be gathered. Inquired if the City of Pacific has figured in the potential impacts of marijuana businesses on conservation measures and rate structure.
Don Thomson	Expressed concern about City growth and effects on water use.
Jerry Eck	Rainwater collection of rainwater for non-potable use, used rain barrels for dust control.

Mayor Guier closed the public hearing at 6:55 p.m.

AUDIENCE COMMENT

No comments

REPORTS

A. Mayor

Mayor Guier reported:

- Attended and spoke at the Algona Pacific Library's 20th Anniversary celebration on December 13. It was a fun celebration with a lot of people in the community;
- Had the holiday staff party on December 18 and was catered by Dickey's BBQ; She passed out gift cards to employees from Big Foot Java as well as service awards recognizing employees with 10-14 years with certificates and presenting 15+ years with plaques: Jim Schunke and Det. Newton 15 years; Joanne Futch and Bill Barnhart 19 years;
- City hall will be closed on 24th and 25th; will be open on 26th with limited staff
- She will be holding the 5th Monday discussion on December 29;
- Helped VRFA with toy distribution for 3000 kids and helped 500+ families
- Wished everyone a Merry Christmas and Happy New Year

B. Finance/City Administrator

City Administrator Gould reported:

- Thanks to Council for gift cards and holiday cards
- Uniformed negotiations continue and will be discussed in executive session
- Spoken with Auburn IT to view their AVADEX system. The Technology Committee hopes to visit on the 3rd Thursday;
- He has spoken with IT regarding passwords on the Surface Tablets and hopes to have resolution to issues quickly;
- The audit is nearly complete. The lead auditor said he is giving the city an A to A+ on the audit. He hopes to move the audit to earlier in the year.
- Will be out of the office until January 5.

C. Court

- No Report

D. Community/Senior/Youth/Services

Community Services Assistant Director Darcie Thach reported:

- Attended CDBG grant capitol procedure meeting on 12/18
- Seniors will have a pizza party on the 26th. Everyone is welcome to attend but please let Darcie know if you will be attending

E. Public Works Department

Public Works Manager Lance Newkirk reported:

- Public Works is performing annual maintenance to get equipment ready for spring and summer season;
- The crew is doing extra clean up from the windstorm
- Jim Schunke and Bill Brookhart attended CESCL training
- Working with city attorney, city administrator, and mayor on procurement policies and procedures

F. Community Development Department

Community Development Manager Jack Dodge reported:

- Planning Commission meeting for December 23 has been cancelled;
- The City is continuing to look at the Morgan Property on West Hill;
- Have marijuana regulations discussion coming on January 5 workshop

G. Public Safety Department

Public Safety Director John Calkins reported

- Thanked Council for gift cards and employee lunch on behalf of the Police Department
- Have had no increase in domestic violence complaints as is normal for the holiday season
- Rainier Vista asked Stephanie and Sam to judge the door decorating contest

H. City Council Members

No Reports

I. Boards and Committees

i. Finance Committee

Council Member Jones stated the next meeting is on January 13, 2015.

ii. Governance Committee

Council Member Oliveira stated they met a couple of weeks prior. Jack brought forward ADU regulations, .zoning ordinance for non-conforming uses to update and clarify the rules to make the code more enforceable. Allows for continuation of non-conforming use.

iii. Human Services Committee

Council Member Jones stated next meeting is January 6, 2015.

iv. Public Safety Committee

Council Member Garberding reported the committee discussed 3 items: Public Safety Director vs Chief Position Ordinance. The item needs to come back and have full council participation. It will be brought back in early February.

Citizen crosswalk at Homer right across from bus stop and near the school.

Discussed de-escalation training. Director Calkins stated officers are doing ongoing training.

v. Public Works Committee

Council Member Steiger reported the committee met on December 10 to address Milwaukee ROW approaches from curb to sidewalk. They are not accessible and can't be painted. The bike land signage on 3rd Avenue is not correct for land; doing further

research to bring up to the committee. They Discussed CAUTION and yellow striping in front of the Police Department and more information will be coming on this issue.

They discussed the sewer on West Valley and 3rd. There is private sewer owned by Fred Leinstra, John Walsh, and National. There is still uncertainty if it has been dedicated to the City of Pacific.

On a grant in the amount of \$100,000 was received for 2nd Avenue SW safe route to school with A 10% match.

A fund extension is likely to occur for the Interurban trail. Pacific is working with Sumner and Auburn to go in as a pack for additional funding from Valentine to the other side of the bridge.

The fire plugs in town need attention: updating, flushing, replacement of outdated plugs with plugs the city already owns.

vi. Technology Committee

Council Member Walker said the meeting will be on January 16 at 5 p.m.

vii. Park Board

No report

viii. Planning Commission

- No Report

ix. Pierce County Regional Council (PCRC)

- No Report

x. Sound Cities Association (SCA)

Mayor Guier said she attended meeting last week. They have a very busy agenda. She was reappointed to the boards she has been on.

xi. South County Area Transportation Board (SCATBd)

No Report

xii. Valley Regional Fire Association (VRFA)

Council Member Walker reported the meeting was held on December 16. A grant was approved additional training

OLD BUSINESS

A. Ordinance No. 2014-1886: Adding a new Chapter 9.97 to the Municipal Code setting standards for the delivery of public defender services as required by RCW 10.101.030.

COUNCIL MEMBER JONES MOVED to approve Ordinance No. 2014-1886 adding a new Chapter 9.97 to the Municipal Code setting standards for the delivery of public defender services as required by RCW 10.101.030. Seconded by Council Member Putnam.

Roll Call vote was taken resulting as follows:

Ayes: Garberding, Jones, Oliveira, Putnam, Steiger, Walker

Nays: None

Absent: Kave

The motion carried 6-0.

B. Resolution No. 2014-220: Authorizing the execution of an Interagency Agreement with King County Solid Waste Division, in the amount of \$20,000, for waste reduction and recycling.

Public Works Manager Newkirk stated grant opportunity is one the city has been a part of for a number of years. The grant will be used to reduce waste and recycling by holding events at AIPac Elementary.

COUNCIL MEMBER JONES MOVED to approve Resolution No. 2014-220 authorizing the execution of an Interagency Agreement with King County Solid Waste Division, in the amount of \$20,000, for waste reduction and recycling.. Seconded by Council Member .Walker

Roll Call vote was taken resulting as follows:

Ayes: Garberding, Jones, Oliveira, Putnam, Steiger, Walker

Nays: None

Absent: Kave

The motion carried 6-0.

C. Resolution No. 2014-221: Authorizing Change Order 4, in the amount of \$80,000, for the Stewart Road Contract with ICON Materials for road reconstruction work on Stewart Road.

Public Works Manager Newkirk stated this is to allow the contractor to install ADA compliant pedestals. This is a necessary component for the construction of the project

COUNCIL MEMBER STEIGER MOVED to approve Resolution No. 2014-221 Authorizing Change Order 4, in the amount of \$80,000, for the Stewart Road Contract with ICON Materials for road reconstruction work on Stewart Road. Seconded by Council Member Putnam.

Roll Call vote was taken resulting as follows:

Ayes: Garberding, Jones, Oliveira, Putnam, Steiger, Walker

Nays: None

Absent: Kave

The motion carried 6-0.

D. Ordinance No. 2014-1887: Amending the 2014 Budget.

Mr. Gould stated he has reviewed the numbers for the last payables run and last payroll and there is adequate funding to pay the remainder of the December bills.

COUNCIL MEMBER JONES MOVED to approve Ordinance No. 2014-1887 amending the 2014 Budget. Seconded by Council Member Putnam.

Roll Call vote was taken resulting as follows:

Ayes: Garberding, Jones, Oliveira, Putnam, Steiger, Walker

Nays: None

Absent: Kave

The motion carried 6-0.

E. Reappointment of Park Board of Commissioners

Ms. Stevenson-Ness advised that Kate Hull was not eligible for reappointment as she no longer resides in the City. The position will be advertised to fill the vacancy. Gary Nitschke has requested reappointment.

COUNCIL MEMBER PUTNAM MOVED to reappoint Gary Nitschke to the Park Board of Commissioners for a 3 year term ending December 31, 2017. Seconded by Council Member Oliveira.

Voice vote was taken and carried 6-0. (Absent: Kave)

NEW ITEMS

A. Resolution No. 2014-222: Setting Tuesday, January 20, 2015, at 6:30 p.m. as the date for a public hearing to take public comment on the proposed medical marijuana and recreational marijuana regulations.

COUNCIL MEMBER JONES MOVED to adopt Resolution No. 2014-222 setting Tuesday, January 20, 2015, at 6:30 p.m. as the date for a public hearing to take public comment on the proposed medical marijuana and recreational marijuana regulations. Seconded by Council Member Walker.

Speaking before Council:

Pastor Mark Gause	Encouraged Council to find a way to separate issues at the hearing date.
Jeanne Fancher	Confused because she understood 4 ordinances were being brought forward but it appears there will there be a 5 th ordinance.

Roll Call vote was taken resulting as follows:

Ayes: Garberding, Jones, Oliveira, Putnam, Steiger, Walker

Nays: None

Absent: Kave

The motion carried 6-0.

CONSENT AGENDA

A. Payroll and Voucher Approval

B. Approval of the minutes from meeting of November 24, 2014 and workshop of December 1, 2014.

COUNCIL MEMBER PUTNAM MOVED to approve the Consent Agenda. Seconded by Council Member Jones. Voice vote was taken and carried 6-0.

EXECUTIVE SESSION –

At 8:00 p.m., Mayor Guier convened to Executive Session for Collective Bargaining per RCW 42.30.140 (4)(a) for 10 minutes with no action to follow.

Mayor Guier reconvened the meeting at 8:10.

ADJOURN

Being no further business, Mayor Guier adjourned the meeting at 8:10 p.m.

Amy Stevenson-Ness, City Clerk



City Council Minutes

Workshop
Monday, January 5, 2015
6:30 p.m.

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Council President Putnam called the regularly-scheduled meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

ROLL CALL

Present: Council Members Garberding, Kave, Oliveira, Putnam, Steiger, Walker, Mayor Guier

Absent: Council Member Jones, Putnam, Walker (Council Member Walker arrived at 6:32 p.m.)

STAFF PRESENT

City Attorney Carol Morris, City Administrator Richard Gould; Community Development Manager Jack Dodge, Public Safety Director John Calkins, and City Clerk Amy Stevenson-Ness.

ADDITIONS TO/APPROVAL OF AGENDA

As the Mayor Pro Tem and Council President were absent, on Council consensus, Mayor Guier led the meeting.

Council Member Steiger requested two discussions: city hall renovation budget and leave policies: short term, long term, and donated leave.

Mayor Guier added the items as Item J and Item K.

The amended agenda was approved unanimously by Council.

AGENDA ITEMS

A. AB 15-001: Marijuana Regulations Ordinance Review:

(Council Member Walker arrived here at 6:32 p.m.)

City Attorney Carol Morris introduced the agenda item and discussed the options available for marijuana legislation in the City of Pacific.

After extensive discussion, upon Council consensus the following ordinance were moved forward to the meeting on January 26, 2015:

Ordinance No. 2014-1872 prohibiting medical marijuana dispensaries and collective gardens;

Ordinance No. 2014-1876 conditionally allowing producers and processors in the LI zone and recreational sales in the C zone;

Ordinance No. 2015-1888 prohibits recreational marijuana sales and conditionally allows producers and processors in the LI zone;

Ordinance No. 2015-1890 extending interim zoning regulations prohibiting medical and recreational sales; and

Ordinance No. 2015-1891 prohibiting marijuana producers, processors, and recreational sales.

B. AB 15-002: Waste Management Contract Review by City Attorney

CM Kave stated we don't have a contract yet but when we do have one, it cannot be looked by our attorney without the consensus of council.

Direction by consensus of Council: Have contract reviewed by City Attorney once it has been received by the city.

C. AB 15-003: Resolution No. 2015-223: Approve Fiscal year 2015 Emergency Management Preparedness Grant Project as outlined and to accept the grant funding in the amount of \$14,673 with a 50% matching fund requirement.

Public Safety Director John Calkins stated this is a grant opportunity for 2015. This is the last year Pacific can participate. The funds will be used for 16 cameras to provide security for the front of city hall, police department, parking and area where portables will be located; long term food storage; gun safe in EOC; and vhf radios.

Direction by consensus of Council: Move forward to the meeting on January 12, 2015.

D. AB 15-004: Resolution No. 2015-224: Authorizing the surplus of a 2000 Chevrolet pickup from the Pacific Police Department.

Public Safety Director John Calkins stated this is to surplus a truck that would need extensive repair. The truck is unsafe for police department use.

After discussion, the direction by consensus of Council: Get diagnosis then surplus back to city.

E. AB 15-005: Resolution No. 2015-225: Authorizing the surplus of eleven laptop computers from the Pacific Police Department.

Public Safety Director John Calkins stated the computers haven't been used for six years. There is no cost associated with scrapping.

Direction by consensus of Council: Move forward to the meeting on January 12, 2015.

F. AB 15-006: Resolution No. 2015-226: Authorizing the execution of an Interlocal Agreement with King County for use of electronic fingerprint capture Equipment (AFIS Livescan Program.)

Public Safety Director John Calkins stated system is already in place and allows them the opportunity to have a mobile unit. There will then be one mobile unit and one unit in the station.

Direction by consensus of Council: Move forward to the meeting on January 12, 2015.

G. AB 15-007: Appointment of Mayor Pro Tem

Council Member Oliveira moved to appoint Council Member Putnam as Mayor Pro Tem.

Via email, Council Member Putnam confirmed he is fine with being appointed Mayor Pro Tem.

COUNCIL MEMBER OLIVEIRA MOVED to appoint Council Member Putnam as Mayor Pro Tem for the 2015 calendar year. Seconded by Council Member Garberding.

Voice vote was taken and carried 5-0.

H. AB 15-008: Appointment of Council President

COUNCIL MEMBER GARBERDING MOVED to waive the Council Rules of Procedure to appoint Council Member Walker as Council President for 2015. Seconded by Council Member Oliveira.

Voice vote was taken and carried 4-1 (Walker).

I. AB 15-009: Appointment of Council Committees

COUNCIL MEMBER WALKER MOVED to suspend the Council Rules of Procedure to appoint council members to the council committees for 2015. Seconded by Council Member Garberding.

Voice vote was taken and carried 5-0.

COMMITTEE	Garberding	Jones	Kave	Oliveira	Putnam	Steiger	Walker	Mayor Guier
Committee of the Whole	X	X	X	X	X	X	X	X
Finance Committee	X		X				X	
Governance Committee			X	X	X			
Public Works Committee		X			X	X		

Public Safety Committee	X		X			X		
Human Services Committee	X			X		X		
Technology Committee		X		X			X	
EXTERNAL COMMITTEES								
Valley Regional Fire Authority*		X		ALT			X	
Council Parliamentarian							X	
Hotel/Motel Advisory				X				X
Solid Waste			X			X		
COMMITTEE	Garberding	Jones	Kave	Oliveira	Putnam	Steiger	Walker	Mayor Guier
Farmers Market Board Position eliminated								
COUNCIL LIAISONS								
Cities and Schools Forum		x		X				X
Sound Cities Association (SCA) 2 nd Wed 7-9								X
South County Area Transportation Board (SCATBD)								X
Pierce County Regional Coun. Lance Newkirk								

Council requested the Council Rules of Procedure be forwarded to the Governance Committee to update the committee list and to look at roll call vote vs voice vote.

J. City Hall renovation budget
 Council Member Steiger said he would like to see from council a consensus on how much money to allot for the city hall renovation. He stated a budget need to be created and then the city needs to stick to it.

Mayor Guier advised that staff is preparing a budget and preparing options. Her intent is to bring the item to council at the end of the month for discussion.

K. Leave Policies: Donated leave, sick time, long term leave, short term leave

Council Member Steiger would like all leaves brought before council to review and clarify at a workshop. This will be brought back to council at the January 20th workshop.

ADJOURN

Mayor Guier adjourned the workshop at 8:10 p.m.

Amy Stevenson-Ness, City Clerk