

1. CALL TO ORDER /PLEDGE OF ALLEGIANCE/ROLL CALL

2. CHANGES/ADDITIONS TO THE AGENDA

3. EXECUTIVE SESSION

4. AGENDA ITEMS

- A. Update: Amending Pacific Municipal Code Chapter 2.28 *Police Department* – Re-Establish Police Chief Position (Mayor)
Estimated discussion time: 10 minutes
- B. Discussion: Confirmation of Civil Service Commission Appointment (Mayor)
Estimated discussion time: 10 minutes
- C. Discussion: Amending Pacific Municipal Code Chapter 2.64 *Civil Service Commission* (Mayor)
Estimated discussion time: 10 minutes
- D. Update: Valentine Road Improvement Project (Ted Hill, Sumner City Engineer)
Estimated discussion time: 15 minutes
- E. Discussion: Utility Billing Clerk Assisting the Mayor During Regular Council Meetings (Council)
Estimated discussion time: 10 minutes
- F. Discussion: Planning Commission 2013 Work Plan (Acting Public Works/Community Development Director)
Estimated discussion time: 10 minutes
- G. Discussion: Butte Properties Comprehensive Plan Map Amendment (Acting Public Works/Community Development Director)
Estimated discussion time: 10 minutes
- H. Discussion: Approving Park Board Participation in 2013 Events (Acting Public Works/Community Development Director)
Estimated discussion time: 10 minutes
- I. Discussion: Final Approval of Pacific's Shoreline Master Program (Acting Public Works/Community Development Director)
Estimated discussion time: 10 minutes

Please turn off cell phones during meeting and hold your questions for staff until the meeting has been adjourned.
The Council may consider other ordinances and matters not listed on the Agenda, unless specific notification period is required.
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.

- J. Discussion: Requesting Fund Transfer for Carner Meadows Project Improvements (Acting Public Works/Community Development Director)
Estimated discussion time: 15 minutes

- K. Update: City Website (City Clerk/Personnel Manager)
Estimated discussion time: 10 minutes

- L. Discussion: Approval of Professional Services Contract for Records Management and Public Records Assistance in the City Clerk/Personnel Manager's Office (City Clerk/Personnel Manager)
Estimated discussion time: 10 minutes

5. ADJOURN

Please turn off cell phones during meeting and hold your questions for staff until the meeting has been adjourned.

The Council may consider other ordinances and matters not listed on the Agenda, unless specific notification period is required.
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.

CITY OF PACIFIC

Agenda Staff Report

Agenda Item No.	<u>Workshop Item 4A</u>	Meeting Date:	<u>February 19, 2013</u>
	<u>Amending Pacific Municipal Code</u>		
Subject:	<u>Chapter 2.28 Police Department to Re-</u>	Prepared by:	<u>Cy Sun</u>
	<u>Establish Police Chief Position</u>		<u>Mayor</u>

Summary: At the February 4, 2013, Workshop, Council remanded this discussion item to this meeting in order to follow up on the following concerns:

- Research who has final say in the Public Safety Director job description – the City or Civil Service; and
- The legality of changing the job description during a pending lawsuit.

The Mayor would request an update from the City Council regarding their above noted concerns.

Recommendation: move this forward to the next regular Council meeting.

Attachments: Draft Ordinance

THIS PAGE LEFT INTENTIONALLY BLANK

CITY OF PACIFIC, WASHINGTON
ORDINANCE NO. 13-****

**AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, RE-
REPEALING PACIFIC MUNICIPAL CODE CHAPTER 2.26 PUBLIC
SAFETY DIRECTOR AND RE-ESTABLISHING CODE SECTIONS
2.28.020 AND 2.28.030 CREATING THE POSITION OF CHIEF OF
POLICE**

WHEREAS, the City of Pacific no longer has a City Fire Department, making the position of Public Safety Director obsolete; and

WHEREAS, it is in the best interest of the City of Pacific to re-establish the position of Chief of Police; and

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

Section 1. That Pacific Municipal Code Chapter 2.26 *Public Safety Director* is hereby repealed in its entirety.

Section 2. Section 2.28.020 and 2.28.030 are hereby re-established as set forth below:

2.28.020 Chief of Police.
2.28.030 Police Chief – Bond and oath.

2.28.020 Chief of Police.

A. The position of Chief of Police is hereby established as a full time paid position within the City. The Chief of Police shall be a full commissioned Police Officer and the executive head of the Police Department.

B. The Mayor shall appoint the Police Chief, subject to confirmation by a majority of all members of the City Council. The positions shall be an at-will position and the employee holding the position shall serve at the pleasure of the Mayor.

C. The Police Chief shall receive compensation in an amount fixed by the City Council in the annual budget ordinance.

2.28.030 Police chief – Bond and oath.

A. The person appointed to fill the office of Police Chief shall qualify before entering upon the duties of the office by furnishing an official bond in the amount of \$50,000 at the expense of the City, and by filing with the County division of records and elections an Oath to support the governments of the United States of America, the State of Washington, and the City of Pacific, and to faithfully perform the duties of Chief of Police.

B. The Chief of Police shall have all of the powers granted and duties imposed by State law and City Ordinances, now existing or hereinafter adopted. The position shall have a job description by the City Council, which provides general direction.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This ordinance shall be in full force and take effect five (5) days after its publication according to law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____ DAY OF _____, 2013.

CITY OF PACIFIC

Cy Sun, Mayor

ATTEST:

Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to form:

Kenyon Luce, City Attorney

CITY OF PACIFIC

Agenda Staff Report

Agenda Item No.	<u>Workshop Item 4B</u>	Meeting Date:	<u>February 19, 2013</u>
Subject:	<u>Confirmation of Civil Service Appointment</u>	Prepared by:	<u>Cy Sun Mayor</u>

Summary: On January 11, 2013, the City Clerk advertised a vacancy on the Civil Service Commission with an application deadline of January 18, 2013. Three applications were received and provided to the Mayor for appointment and are attached. Pacific Municipal Code 2.64.010(A) states, "...there is created a civil service commission composed of five persons appointed by the mayor and confirmed by the city council..."

This item was discussed at both the February 4, 2013 Workshop and the February 11, 2013 Council meeting. I believe it is in the City's best interest to appoint Mr. Howard Erickson to the Civil Service Commission.

Recommendation: I recommend appointing Mr. Howard Erickson to the Civil Service for a term of six years and moving this recommendation forward to the February 25, 2013 regular meeting for Council confirmation.

Budget: None

Attachments: Applications

THIS PAGE LEFT INTENTIONALLY BLANK



CITY OF PACIFIC
100 3RD AVE SE
PACIFIC, WA 98047

RECEIVED
CITY OF PACIFIC

JAN 18 2013

FINANCE
DEPARTMENT

APPLICATION FOR BOARD/COMMISSION/COMMITTEE POSITION

PLEASE PRINT

I WOULD LIKE TO APPLY FOR:

____ Planning Commission ____ Park Board ____ Lodging Tax Committee Civil Service Commission

NAME: Howard Erickson DATE: 1-18-13

ADDRESS: 324 Botte Ave HOME PHONE: 253-218-5319
Pacific WA 98047 WORK PHONE: _____

CITY RESIDENT? YES NO HOW LONG? 60 yrs REGISTERED VOTER? YES NO
(YOU ARE A RESIDENT IF YOU RESIDE WITHIN THE PACIFIC CITY LIMITS)

NAME AND ADDRESS OF EMPLOYER (& type of business):

Retired

EDUCATIONAL BACKGROUND (include year of graduation and any degrees obtained):

1 Year 12 Auburn High School 1951

PROFESSIONAL EXPERIENCE:

Journeyman Electric former Mayor + Council Person

ORGANIZATION AFFILIATIONS:

Buckley Eagles

NOTE A RESUME MAY BE ATTACHED IF DESIRED

WHY ARE YOU SEEKING APPOINTMENT?

To provide an biased rules to people under civil service

GENERAL REMARKS:

RECEIVED
CITY OF PACIFIC

JAN 18 2013

PLEASE RETURN COMPLETED APPLICATION TO:

CITY CLERK
PERSONNEL MANAGER

CITY OF PACIFIC CITY CLERK
100 3RD AVE SE
PACIFIC, WA 98047

Howard S Erickson
SIGNATURE

THIS PAGE LEFT INTENTIONALLY BLANK

Eddie J. Aubrey
553 Yakima Ave S
Pacific, Washington 98047

January 17, 2013

Advisory Board/Civil Service Commission:

I am pleased to offer my services as a volunteer to serve on the City of Pacific Civil Service Commission. I would enthusiastically bring an exceptional "360-degree" understanding of law, law enforcement, and police employment polices and procedures from a full breath and life in government dedicated to serving the public.

My relevant experiences of serving the public (including 15 years admitted to WSBA) as a Prosecuting Attorney for the King County Prosecutors Office and Renton Prosecutors Office, Judge (*pro tem*) for 3 judiciaries (King County District Court, Kent and Auburn Municipal Courts for 6 years), Independent Reviewer (Police Auditor) for the City of Fresno California, Director and Risk Manager for the Public Safety Department of Tacoma Community College (TCC), Union Delegate (*alternate*) for LAPD, Police Officer, and supervisory Police Officer, have prepared me well to provide my expertise to this committee.

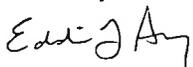
I am currently employed as a prosecuting attorney for the Renton Prosecutor's Office where I handle misdemeanor and gross misdemeanor prosecutions, jury/bench trials, all municipal court trial calendars, and facilitate a productive working relationship with law enforcement. Prior to that I was the first Independent Reviewer (Police Auditor) for the Office of Independent Review (OIR) in Fresno, CA. and successfully established the Office and by all measures, satisfied both proponents and detractors of civilian oversight; provided meaningful communication and transparency for the community and the police department; and effectively facilitated a calm balance after more than ten years of turmoil to establish the OIR. During my tenure of nearly 2 years, I reviewed over a thousand citizen and police generated complaints concerning officer involved shootings, use of force, discipline and discharge of police officers, disciplinary issues, and police policy and procedures.

Additionally, I was a Judge, *pro tem*, for six years at King County District Court, Kent, and Auburn Municipal Courts. My executive management experience includes four years as Director of the Public Safety Department at Tacoma Community College (TCC), while overseeing the Custodial Department, and acting as Risk Manager for the College. I managed a multi-million dollar budget and a staff of up to 37 employees. As Director, I engaged in management practices with WSFE and WPEA employee and supervisory unions.

Prior to TCC, I was a Deputy Prosecuting Attorney with the King County Prosecutors Office for 9+ years handling felony trial litigation, jury/bench trials, superior court trial calendars, writing legal memorandums, appellate briefs/arguments, and case development for a narcotics task force. Lastly, I was a police officer for 14 years for the Santa Monica and Los Angeles Police Departments and was a police union delegate (*alternate*) representing police officer rights.

I am pleased to offer my unique background and extensive experience in law and justice, police oversight, the judiciary, and law enforcement to the City of Pacific Civil Service Commission. I look forward to hearing from you soon.

Sincerely,



Eddie J. Aubrey

Eddie J. Aubrey

553 Yakima Ave. S.
Pacific, WA 98047

EXPERIENCE

Renton City Attorney's Office, Renton, WA.
Prosecuting Attorney

2011-current

- Conducts misdemeanor, and traffic infraction/accident, jury trials, bench trials, motion hearings, sentencing and review, guilty pleas, impound hearings, traffic/accident hearings, mitigation hearings, and stipulated orders.
- Handled domestic violence pre-trials, jury and bench trials, including victim and witness interviews.
- Prepares, investigates, interviews citizens and police witnesses
- Provides liaison between law enforcement officers and the prosecutor's office to help establish improved collaboration.
- On-call 24 hours a day for legal advice.
- Completes legal memorandums, findings, and conclusions of law.
- Writes and argues cases in the Washington State Superior Court, RALJ appeals.
- Evaluates and investigates criminal cases for filing purposes.
- Negotiates appropriate criminal and civil cases for dispositions.
- Provides legal advice.

Office of Independent Review (OIR), Fresno, CA.
Independent Reviewer

2009-2011

- Served as the first Independent Reviewer-IR (Independent Police Auditor) of the newly formed OIR overseeing the 900 sworn and civilian members of the Fresno Police Department.
- Enhanced public trust and strengthen community-police relations as a neutral, civilian third-party review of police policies, procedures, strategies, complaint and internal investigations.
- Provided a written audit report evaluating the investigation adequacy and thoroughness, the quality and accuracy of the investigation, and provide recommendations as well as make policy and procedure recommendations to the City Manager, City Council, and Police Department executive staff.
- Established policies, procedures, daily office operation, leasing of operational office, budget, and staffing of this newly formed office.
- Ensured the integrity of the Fresno Police complaint and internal investigations processes by auditing Use of Force investigations, Officer Involved Shootings, In-Custody deaths, collisions during pursuits that result in serious injury or death, complaints involving alleged bias, claims of retaliation, and any other complaint at the discretion of the IR.
- Responded to all Officer Involved Shooting or In-Custody death, monitor and observe the scene, obtains a briefing and walk through of the location, monitors and observes subsequent interviews including discussion with investigators.

- Reviewed citizen and employee complaints via the Inquiry and Complaint Logs to identify any unresolved complaints, trends, or untimely-completed complaints.
- Identified and Monitored trends using the Early Alert (Intervention) System that monitors and tracks officer complaints and demographic.
- Served as a Community Resource by making presentations to the community and stakeholders about the OIR, its role and process of which complaints are received and investigated, accepting complaints, maintaining brochures and pamphlets about the OIR, and promote transparency and trust about the complaint process, as well as commend Police employees.
- Served as a Resource for Police Officers and Managers for consultation concerning recommendations for changes to policies, make presentations to newly hired police officers and officers at roll call or division meetings.
- Provided a mid-year and annual report that includes statistical analysis of complaints, audits of internal affair investigations, discipline charts inclusive of all categories and dispositions, analysis of trends and patterns, summaries of audit reports and the OIR's recommendations.
- Worked with City Council in the finalization, approval, and then implementation of a voluntary officer-citizen mediation program.

Tacoma Community College, Tacoma, WA

Director, Department of Public Safety

2005-2009

Director of Custodial Services

Risk Manager

- Provide leadership and management of campus safety, custodial services, security, motor pool, traffic enforcement, parking operations, student identification.
- Develop, implement and manage campus parking, safety and security & custodial policies, procedures and practices.
- Oversee processing of TORT, Labor & Industry claims, compliance with Campus Security Act (Clery Act).
- Developed comprehensive Emergency Preparedness and Pandemic Response Plan, spearheaded Emergency Response Conference, teaches and provides assessments to other Colleges concerning Emergency Preparedness.
- Work closely with Human Resources in employment law, discrimination cases, sexual harassment, WFSE & WPEA union issues.
- Review contracts, legal documents, and provide analysis of legal issues pertaining to Federal and State laws, such as HIPPA and FERPA
- Provide information and analysis of potential or current issues placing the College in risk while also maintaining State required Risk Management accountability.
- Participate in various committees, such as Safety Council, Joint Advisory Committee, Events Conference Service, President's Council on Equity and Diversity, Student Senate meetings.
- Make oral or written presentations to the Board of Trustees, staff & faculty training, Tacoma-Pierce Chamber of Commerce, other Community Colleges

as requested, and campus law enforcement entities throughout the Northwest.

- Work closely within the team structure of administrative executives reporting the Vice President of Administration and aligning the Public Safety & Custodial mission and vision with that of the College mission and vision.
- Hire, train, supervise and evaluate staff using traditional teaching techniques but taking advantage of technology by digitally recording training and allowing access on our Intranet, providing digital recordings for other departments to use, digital recording of department and staff messages and updates.
- Develop and administer annual budgets of 2 departments of \$3 million in operating and assets while assuring appropriate fiscal accountability.
- Oversee criminal and administrative investigations of the department.
- Manage, maintain, and develop safety and emergency preparedness program and communications.
- Oversee the Commute Trip-Reduction Program.
- Oversee completion of safety inspections and safety issues.
- Work closely with facilities to plan, coordinate and implement improvements and modifications to campus facilities that involve safety and security.
- Oversee compliance with all administrative safety and fire issues and regulations.
- Coordinate the collection of data to support success in meeting departmental objectives and effective operations.

King County Prosecutors Office, Seattle, WA.

Deputy Prosecuting Attorney V

1997-2005

- Special Prosecutor for the King County Sheriff's Department-Valley Narcotics Enforcement Task Force.
- Prepares, investigates, interviews citizens and police witnesses, and conducts felony, misdemeanor, and civil trials for County, State, and National concerns.
- Assigned to busiest volume district court in King County.
- Conducted felony, misdemeanor, and traffic infraction/accident, jury trials, bench trials, motion hearings, sentencing and review, guilty pleas, impound hearings, traffic/accident hearings, mitigation hearings, and stipulated orders.
- Handled domestic violence pre-trials, jury and bench trials, including victim and witness interviews.
- Develops, facilitates, and provides training for law enforcement officers and civilians.
- On-call 24 hours a day for legal advice, warrant affidavit approvals, wire tap approvals, financial seizures, real and personal property seizures, and general advice.
- Completes legal memorandums, findings, and conclusions of law.
- Writes and argues published and unpublished cases in the Washington State Court of Appeals.
- Evaluates and investigates criminal cases for filing purposes.
- Negotiates appropriate criminal and civil cases for dispositions.

- Completes civil hearings and provides legal advice.
- Liaison between the Prosecutors's Office, local law enforcement, and other business and community entities.
- Educates and conducts meetings with citizens concerning the justice system.
- Participates in local Seattle and King County community events representing the Prosecutor's Office.
- Prosecutor for adult and juvenile "Drug Court"
- Prosecutor for juvenile "Treatment Court"

<u>Kent Municipal Court, Kent, WA.</u>	2001-2004
<u>Auburn Municipal Court, Auburn, WA.</u>	2001-2002
<u>King County District Court, King County, WA</u>	2008-2009
<i>Judge, pro tem</i>	

- Acts as a Judge, *pro tem*, and presiding over criminal jury trials, bench trials, traffic infraction hearings, traffic accident hearings, parking citation hearings, mitigations, arraignments, pre-trial conferences, Adjudication by Mail, domestic violence reviews and trials, reviews and sentencing, jail calendars, Protection Order hearings, quash warrants, and other criminal motion and civil hearings.

<u>Los Angeles Police Department, Los Angeles, CA.</u>	
<i>Reserve Police Officer</i>	1994-1998
<i>Police Officer 3-Dare Instructor</i>	1989-1994
<i>Police Officer 3-Field Training Officer</i>	1988-1989
<i>Police Officer 1 & 2-Patrol Duties</i>	1985-1988

- Instructed students and parents about personal development skills
- Conducted numerous and comprehensive meetings with citizens.
- Trained new police officers and acted as a senior police supervisor.
- Prepared reports, investigated crimes, arrested offenders, promoted community relations.
- Essential personnel for the Emergency Operations Center Command Post
- Listed in 1993 and certified to be promoted to Sergeant prior to leaving in 1994.
- 27 commendations, including the revision of the Field Training Manual.
- Volunteered as reserve police officer and acted as a patrol supervisor during law school.

<u>Santa Monica Police Department, Santa Monica, CA.</u>	
<i>Agent-Supervisor</i>	1983-1985
<i>Patrol Officer</i>	1980-1983

- Supervised, staffed, organized, and maintained a police communications division of 6-10 civilians and up to 20 sworn employees.
- Performed similar duties as a Patrol Officer with LAPD.

- 10 commendations

EDUCATION

Juris Doctorate, May 1997, Seattle University School of Law
Bachelor of Arts, Business Management, May 1994, University of Phoenix
Certified POST Basic, Intermediate, Advanced Police Officer Certificates
Supervision School
Trial Advocacy-National District Attorney Association
Department of Justice Training-Gangs
Department of Justice Training-Drug Enforcement
Certified POST Basic, Intermediate, Advanced Police Officer Certificates
Tacoma-Pierce Chamber of Commerce Leadership Academy
Spanish-Immersion School Guatemala
Fraud and Identity Theft Training
Supervision School
Leading From the Middle Seminar
Leading From the Edge Seminar

AFFILIATIONS

Washington Women Lawyers highest rating of "Well-Qualified" for Commissioner
Ambassador for the People to People, Judiciary Committee to Central Europe
Washington Economic Justice Forum Committee
Washington State Bar Association
King County Bar Association
Seattle University, School of Law, Moot Court Judge
Los Angeles City Councilman Zev Yaroslavsky Award Recipient
Seattle Diversity Council
Yakima Youth Law
John Stanford Public Service Academy



CITY OF PACIFIC
Office of City Clerk/Personnel Manager
 100 3rd Avenue SE, Pacific, WA 98047
 (253) 929-1105 ~ (253) 939-6026 Fax

Advisory Board Application Form

NAME

HOME PHONE

WORK PHONE

CELL PHONE

EMAIL

RESIDENCE (STREET) ADDRESS

PACIFIC, WA 98047

MAILING ADDRESS

LENGTH OF RESIDENCE IN PACIFIC

LENGTH OF RESIDENCE IN WASHINGTON

Are you a registered voter in the City of Pacific?
Do you own property In the City of Pacific?

Yes No
 Yes No

On which boards are you interested in Serving (please list in order of preference)?

- 1.** _____ **2.** _____
3. _____ **4.** _____

Please list your area of expertise and education that would benefit the boards for which you are applying (You may attach additional pages).

Please list your Community and Professional Activities:

Eddie J. Ay
 SIGNATURE

1/17/2013
 DATE

Return application to City Clerk, 100 3rd Ave SE, Pacific WA 98047

THIS PAGE LEFT INTENTIONALLY BLANK

Gary Nitschke

113 3rd Ave. SE. #1

Pacific, WA 98047

(253) 939-6777

01/15/2013

City of Pacific

100 3rd Ave. SE.

Pacific, WA 98047

My name is Gary Nitschke and I am writing you to express my interest in filling the position of Civil Service Commissioner.

Thank you for your kind acceptance and consideration of my attached application.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Gary Nitschke', with a stylized flourish at the end.

Gary Nitschke



CITY OF PACIFIC
100 3RD AVE SE
PACIFIC, WA 98047

RECEIVED
CITY OF PACIFIC
JAN 16 2013
FINANCE
DEPARTMENT

APPLICATION FOR BOARD/COMMISSION/COMMITTEE POSITION

PLEASE PRINT

I WOULD LIKE TO APPLY FOR:

 Planning Commission Park Board Lodging Tax Committee X Civil Service Commission

NAME: Gary Nitschke DATE: 01/15/2013

ADDRESS: 113 3rd Ave. SE #1 HOME PHONE: (253) 939-6777

Pacific, WA 98047 WORK PHONE: (253) 939-6777

CITY RESIDENT? YES NO HOW LONG? 11.5 yrs. REGISTERED VOTER? YES NO
(YOU ARE A RESIDENT IF YOU RESIDE WITHIN THE PACIFIC CITY LIMITS)

NAME AND ADDRESS OF EMPLOYER (& type of business): I'm currently a volunteer for the City of Pacific and considering enrollment at college.

EDUCATIONAL BACKGROUND (include year of graduation and any degrees obtained): 1992 High School Diploma, 1990-94 A.A. studies, 1995-97 Musical Instrument Repair Technician Certificate, 1995-1997 A.S. Studies, 2011 Community Emergency Response (Cert) Certificate, 2012 Grant Writing Basics.

PROFESSIONAL EXPERIENCE: Since March of 2011 I have been attending all of the Park Board, Planning Commission, and Council meetings. I've attended some of the Finance Committee meetings and Public Works meetings. I've also attended the City Council's special meetings over the past couple of years. Sometimes I attend Pacific Partnerships meetings. I attend Safety and Emergency Management classes when I can. I have a Commercial Drivers License with endorsements. I'm President of ALPAC Friends of the Library.

ORGANIZATION AFFILIATIONS: South King County Genealogy Society, Friends of ALPAC Library, Pacific/Algona Senior Center Volunteers, Catholic Community Services Volunteers, Lutheran church, City of Auburn Community Emergency Response Teams (Cert)

NOTE A RESUME MAY BE ATTACHED IF DESIRED The City has my Resume. If needed I will resubmit one.

WHY ARE YOU SEEKING APPOINTMENT? I was told about the add and told that I should respond.

GENERAL REMARKS: I've resided in Pacific for 11.5 years and I have a strong commitment in seeing that the community does well.

PLEASE RETURN COMPLETED APPLICATION TO:

CITY OF PACIFIC CITY CLERK
100 3RD AVE SE
PACIFIC, WA 98047


SIGNATURE

CITY OF PACIFIC

Agenda Staff Report

Agenda Item No.	<u>Workshop Item 4C</u>	Meeting Date:	<u>February 19, 2013</u>
Subject:	<u>Amending Pacific Municipal Code</u> <u>2.64 Civil Service Commission,</u> <u>Sections 2.64.010 and 2.64.020</u>	Prepared by:	<u>Cy Sun</u> <u>Mayor</u>

Summary: At the February 11, 2013, meeting, the Council directed that this item be brought forward for discussion at the next Workshop. I am requesting a change to the Pacific Municipal Code to align with the re-establishment of the Chief of Police position.

Recommendation: I recommend moving this item forward to the next regular meeting for adoption.

Attachments: Draft ordinance

THIS PAGE LEFT INTENTIONALLY BLANK

CITY OF PACIFIC, WASHINGTON
ORDINANCE NO. 13-1842

**AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON,
AMENDING PACIFIC MUNICIPAL CODE 2.64 CIVIL SERVICE
COMMISSION, SECTIONS 2.64.010 AND 2.64.020**

WHEREAS, RCW 41.12.050(2)(b) regulates the employees that must be included in the Civil Service; and

WHEREAS, the City Council finds that it is in the best interest of the City to exclude the Public Safety Director/Police Chief and other administrative staff from the Civil Service,

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

Section 1. Section 2.64.010 is hereby amended to read as follows:

2.64.010 Creation.

- A. In accordance with the provisions of Chapters 41.08 and 41.12 RCW, there is created a civil service commission composed of five persons appointed by the mayor and confirmed by the city council to exercise the powers and to perform the duties established by that state law in connection with the selection, appointment and employment of all full-paid police officers, excluding the chief of police.
- B. Three members of the civil service commission shall constitute a quorum and the votes of any three members of the commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission.

Section 2. Section 2.64.020 is hereby amended to read as follows:

2.64.020 Governing provisions.

Except as hereinafter specifically provided, the provisions of Chapters 41.08 and 41.12 RCW shall control the selection, appointment, and employment of all full-paid employees of the police department of the city, excluding the chief of police and public safety director.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared

unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This ordinance shall be in full force and take effect five (5) days after its publication according to law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 11TH DAY OF FEBRUARY, 2013.

CITY OF PACIFIC

Cy Sun, Mayor

ATTEST:

Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to form:

Kenyon Luce, City Attorney

CITY OF PACIFIC

Agenda Staff Report

Agenda Item No.	<u>Workshop Item 4F</u>	Meeting Date:	<u>February 19, 2013</u>
			<u>Paula Weich for</u>
Subject:	<u>Planning Commission 2013 Work</u>	Prepared by:	<u>Ken Barnett, Acting</u>
	<u>Plan</u>		<u>Public Works/Community</u>
			<u>Development Director</u>

Summary: Per RCW 35A.63 and PMC 2.36, the Planning Commission serves an advisory body to the City Council, and has the following duties and responsibilities:

- A. Preparation and review of the Comprehensive Plan of the City;
- B. Review of, and preparation of recommendations on amendments to the Comprehensive Plan, official Zoning Map, and zoning and other regulations of the City; and
- C. Such other advisory duties as may be assigned by the City Council.

To fulfill the above duties and responsibilities within budget and staff limitations, the Planning Commission has worked with staff to create a 2013 Work Plan for the approval of City Council. A Public Hearing was held on February 5th for Comprehensive Plan Amendment proposal CP-11-002, and the Planning Commission recommended approval by City Council.

The 6-Year Transportation Improvement Plan (TIP) is developed by Staff in conjunction with other agencies then brought to the Planning Commission for their review and recommendation. The 2014 – 2019 TIP must be adopted by Council by the end of June 2013.

The City of Pacific Impact fee ordinance must be updated to reflect the *Pacific Parks, Open Space, Recreation and Trails* chapter of the Comprehensive Plan, which was updated in 2011.

An Ordinance to regulate Medical Cannabis must be created, reviewed by an attorney, then move through the Planning Commission. A timetable for this activity must be developed and accompany the Ordinance extending the current Moratorium on collective gardens.

City of Pacific Comprehensive Plan and Zoning maps identify certain properties as “Public Use,” but the PMC does not define or give regulations for a “Public Use District.” The PMC also does not adequately define the RO District. King County currently owns several properties with the RO designation along the White River, and zoning for the residential properties purchased by the County for flood control purposes needs to change to reflect a change in use.

City regulation of signage is being rolled over from prior years.

City regulation of membrane and other portable structures has been of concern to Building Officials for several years, and was added to the 2013 Work Plan by Ken Barnett.

Recommendation: Move forward to the next regular Council meeting.

Budget: None.

Attachments: Draft Resolution Approving the 2013 Planning Commission Work Plan
Adopted Resolution No. 12-1160, Approving the 2012 Planning Commission Work Plan
Adopted Resolution No. 1045, Approving the 2011 Planning Commission Work Plan, for reference

THIS PAGE LEFT INTENTIONALLY BLANK

CITY OF PACIFIC, WASHINGTON

RESOLUTION NO. 2013-****

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, APPROVING THE 2013 PLANNING COMMISSION WORK PLAN

WHEREAS, the Planning Commission is established pursuant to Chapter 35A.63 RCW and serves as an advisory body to the City Council; and

WHEREAS, the Planning Commission prepares and reviews the comprehensive plan of the city, reviews and makes recommendations on amendments to the comprehensive plan, official zoning map, and zoning and other development regulations of the City; and

WHEREAS, the City Council receives monthly minutes of the Planning Commission meetings; and

WHEREAS, the Planning Commission met on January 29, 2013, developed their slate of activities, and is recommending approval by the City Council of the 2013 Planning Commission Work Plan, which includes the following items:

- 1) Comprehensive Plan Amendment Proposal CP-11-003, carried over from 2012, redefining "Open Space" District(s) and creating a "Public Lands" District (Text and Map amendments), followed by:
 - A) Revised Development Code for Residential Open Space (RO) District(s) (now PMC 20.36), which has only ever addressed steep slopes, and not the White/Stuck River wetlands or other conditions in areas with this district designation; and
 - B) Creation of Pacific Municipal Code Regulations for a Public Use/Public Lands District.
- 2) Review of the City of Pacific 6-Year Transportation Improvement Plan Update (2014-2019) prior to a Public Hearing and Council adoption by June 30, 2013.
- 3) Review of updated Pacific Municipal Code regulations, including Appendices, for Fire and Park Impact Fees (Title 22), prior to a Public Hearing and Council adoption.

- 4) Recommending Pacific Municipal Code regulation of Medical Marijuana collective gardens, and the production, processing and dispensing of Medical Marijuana.
- 5) Review of Political and other Signage regulations, and the possible creation of a Special Highway Sign District; and

WHEREAS, City Staff recommends that the Planning Commission also consider Pacific Municipal Code regulations for membrane and other portable structures.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Pacific City Council hereby approves the 2013 Planning Commission Work Plan as stated above.

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

PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING THEREOF ON THE ___ DAY OF _____ 2013.

CITY OF PACIFIC

Cy Sun, Mayor

ATTEST:

Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to Form:

Kenyon Luce, City Attorney

FILED WITH THE CITY CLERK: 2.14.13
PASSED BY THE CITY COUNCIL:
EFFECTIVE DATE:
RESOLUTION NO.

CITY OF PACIFIC
WASHINGTON

RESOLUTION NO. 12-1160

A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, APPROVING THE 2012 PLANNING COMMISSION WORK PLAN

WHEREAS, the Planning Commission is established pursuant to Chapter 35A.63 RCW and serves as an advisory body to the City Council; and

WHEREAS, the Planning Commission prepares and reviews the comprehensive plan of the city, reviews and makes recommendations on amendments to the comprehensive plan, official zoning map, and zoning and other development regulations of the city; and

WHEREAS, the City Council receives monthly minutes of the Planning Commission meetings; and

WHEREAS, the Planning Commission met on January 24, 2012 and developed their slate of activities and is recommending approval of the Work Plan to the City Council which includes the following items:

Comprehensive Plan Amendment Proposals:

- CP-09-006:** Signage Regulation – *Continuing from 2011* (Text and Map)
- CP-10-004:** Utility Chapter Update – *Continuing from 2011* (Text and Maps)
- CP-11-002:** Butte Properties – Redistrict from Office Park to Light Industry (Map)
- CP-11-003:** City-wide Open Space Designations – Redefine/differentiate (Text and Map)
- CP-11-004:** Megan's Meadow Subdivision – Redistrict from Single-Family to Multi-family (Map).

- 6 Year Transportation Improvement Plan Update
- Manufactured Home Width Standards
- Medical Marijuana Collective Gardens – Code Regulations

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Pacific City Council hereby approves the 2012 Planning Commission Work Plan.

PASSED BY THE CITY COUNCIL OF THE CITY OF PACIFIC, THE 27TH DAY OF FEBRUARY, 2012.

CITY OF PACIFIC

CY SUN, MAYOR

ATTEST/AUTHENTICATED:

JANE MONTGOMERY, CITY CLERK

APPROVED AS TO FORM:

KEN LUCE, CITY ATTORNEY

FILED WITH THE CITY CLERK: 1.27.11
PASSED BY THE CITY COUNCIL: 2.14.11

CITY OF PACIFIC
WASHINGTON

RESOLUTION NO. 1045

A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, APPROVING THE 2011 PLANNING COMMISSION WORK PLAN

WHEREAS, the Planning Commission is established pursuant to Chapter 35A.63 RCW and serves as an advisory body to the City Council; and

WHEREAS, the Planning Commission prepares and reviews of the comprehensive plan of the city, reviews and makes recommendations on amendments to the comprehensive plan, official zoning map, and zoning and other development regulations of the city; and

WHEREAS, the City Council receives monthly minutes of the Planning Commission meetings; and

WHEREAS, the Planning Commission met on January 25, 2011 and developed their slate of activities and is recommending approval of the Work Plan to the City Council which includes the following items:

CP-09-005: Shoreline Master Plan *(Continuing from 2010)*

CP-09-006: Signage Regulation *(Continuing from 2010)*

CP-10-002: 312 West Valley Highway S., Redistrict from Open Space to Light Industry.

CP-10-003: 2012 – 2017 Capital Facilities Plan Update.

CP-10-004: Utility Chapter Update.

6 Year Transportation Improvement Plan Update

Manufactured Home Width Standards

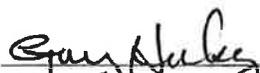
Recycling Processing

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Pacific City Council hereby approves the 2011 Planning Commission Work Plan.

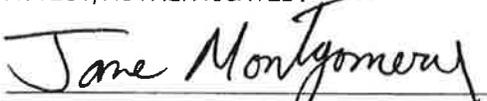
Section 2. This Resolution shall take effect and be in full force upon passage and signatures hereon.

CITY OF PACIFIC



~~RICHARD HILDRETH~~ MAYOR, PRO-TEM
GARY HULSEY

ATTEST/AUTHENTICATED:



JANE MONTGOMERY, CITY CLERK

APPROVED AS TO FORM:



ALBERT A. ABUAN, CITY ATTORNEY

CITY OF PACIFIC

Agenda Staff Report

Agenda Item No.	<u>Workshop Item 4G</u>	Meeting Date:	<u>February 19, 2013</u> <u>Paula Wiech, Planner for</u>
Subject:	<u>Butte Properties Comprehensive Plan</u> <u>Map Amendment</u>	Prepared by:	<u>Ken Barnett, Acting</u> <u>Public Works Director</u>

Summary: The application for Proposed Comprehensive Plan Amendment CP-11-002, Butte Properties re-district from Office Park to Light Industrial, was submitted to the City of Pacific on December 5, 2011, and put on the Planning Commission's Work Plan for 2012. After review, the Planning Commission held a Public Hearing on April 24, 2012 and recommended Council approval for the Amendment. It was discovered afterwards that State Environmental Policy Act (SEPA) review had not taken place prior to the Public Hearing. The City had no SEPA Official on staff, so AHBL was assigned the task by Mayor Sun. After SEPA review by AHBL, they issued and noticed their determination, and a second Public Hearing was held by the Planning Commission at a Special Meeting on February 5, 2013. After the Hearing closed, the Planning Commission recommended approval of CP-11-002 by Council.

Recommendation: Move to set a Public Hearing for March 11, 2013 meeting.

Budget: None.

Attachments: CP-11-002 Application to Amend Comprehensive Plan
April 14, 2012 Staff Report to Planning Commission
April 24, 2012 Planning Commission Minutes
AHBL: Abbreviated SEPA MDNS, January 28, 2013, Staff Report/Attachment
February 5, 2103 Draft Planning Commission Minutes
NOTE: Additional documents are available upon request

THIS PAGE LEFT INTENTIONALLY BLANK

RECEIVED
CITY OF PACIFIC

DEC 05 2011
CP-11-002

COMMUNITY DEVELOPMENT
PUBLIC WORKS DEPARTMENT

CITY OF PACIFIC
PLANNING COMMISSION
100 3rd Ave. SE
Pacific, WA 98047



APPLICATION TO AMEND COMPREHENSIVE PLAN

Use this form to request the Planning Commission to consider a revision to the City of Pacific Comprehensive Land Use Plan. This request will be maintained by the Planning Commission and will be considered in accordance with the provisions for annual amendments to the Comprehensive Plan as specified under RCW 36.70A.130 and as adopted by the City of Pacific under Ordinance 1505.

This form is to be used only for amendments to the Comprehensive Plan.

Please provide the following information:

APPLICANT INFORMATION

If the applicant is not the property owner, a notarized letter from the property owner(s) authorizing the applicant to represent the owner(s) is also required.

Name: Butte Avenue Properties LLC
Address: c/o Canyon Creek Company
3110 B Sumner Tapps Highway East
City/State/Zip: Lake Tapps WA 98391
Daytime Phone: 253.826.5020
Daytime Fax (optional): 253.826.5018
E-mail Address (optional): sloanc@canyoncompany.com

PROPERTY INFORMATION

Please include a map highlighting the affected property and showing adjacent parcels and streets.

Address or legal description of affected property:

Parcel # 4495400340 – address 768 Butte Avenue SE
Tax description: Section 01 Township 20 Range 04 Quarter 22 HILLMANS C D
PACIFIC CITY DIV # 4: HILLMANS C D PACIFIC CITY DIV # 4 NW NW 01-20-
04E L 2 B 59 EXC THE E 10 FT DEEDED TO P CO PER ETN 782525 EASE OF REC
DC4173JG8/6/91BO

Parcel # 4495400360 – 832 Butte Avenue SE

**Tax description: Section 01 Township 20 Range 04 Quarter 22 HILLMANS C D
PACIFIC CITY DIV # 4: HILLMANS C D PACIFIC CITY DIV # 4 N 90 FT OF L 3 B
59**

DESCRIPTION OF REQUEST

Please explain in detail your request to amend the plan. For example, if you are requesting a different land use or zoning designation, what is the current designation and what would you like the new one to be? If you would like to change policy language, please list the existing policy and the language you propose. Attach additional pages if necessary.

Requesting a change in zoning from Office Park to Light Industrial with the MIC overlay for Light Industrial parcels.

REASON FOR REQUEST

Please explain in detail your reason for this request. For example, changes in zoning or land use of surrounding properties or other change in circumstance. Attach additional pages if necessary.

The nature and use of the property does not conform to Office Park. There are existing warehouse buildings on the property traditionally used for Light Industrial activities.

We have tried unsuccessfully to rent these parcels to Office Park tenants for the last 5+ years.

Parcels to the south are currently used as and zoned for Light Industrial, and are owned by the applicant.

Parcels to the north are zoned Office Park and contain residential uses.

Parcels to the west are zoned Light Industrial.

Parcels to the east are zoned Industrial in unincorporated Pierce County.

Parcels to the southeast are zoned Commercial in unincorporated Pierce County.



768 A
768 B

832

840

934

960

1000

1024

1096 A
1096 B

1098

FOR OFFICE USE ONLY:			
Application accepted (date)	12/5/11	(time)	(staff initials) JW
Application complete (date)		(time)	(staff initials)



COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TO: Planning Commission
FROM: William Bailey, AICP, Contract Planner
DATE: April 14, 2011
SUBJECT: Comprehensive Plan Amendment CP-11-004
Applicant: Butte Avenue Properties LLC
Requested Action: Comprehensive Plan Map change from Office Park to Light Industrial with Manufacturing Industrial Center (MIC) Overlay

Butte Avenue Properties LLC is requesting the change in Comprehensive Plan designation for two parcels of land located at 768 and 832 Butte Avenue SE. The purpose of the requested change is to accommodate light industrial uses and development (i. e. light industrial, warehousing, wholesale trade and related uses). The existing building and use on the property are classified as nonconforming uses since they were in existence prior to the Office Park designation was placed on the property. Upon approval of the requested change, the applicant must still make application for the zoning change prior to beginning development of light industrial.

The Planning commission is considering the requested change and will be taking testimony on the proposal at their April 24, 2012 meeting. After the close of the hearing, the Planning Commission will review the comments and will formulate a recommendation to the City Council.

The two parcels involved in the requested change measure 2.46 acres, with a total of 450 feet of frontage per the Pierce County Assessor's record. The land is relatively flat. The parcels are located on the west side of Butte Avenue SE. The northerly parcel contains a 6,000 square foot storage warehouse building. The majority of the site is vacant and used for storage of equipment and parking, typical of many of the light industrial properties in the area.

The applicant gave several reasons for the requested change, including:

- The historic and current use of the property does not meet the requirements for the Office Park Zoning;
- The existing building (built in 1992) is a warehouse and the type of building used for Light Industrial uses;
- Attempts to rent the properties for Office park tenants have met with little success for over 5 years;

- Surrounding parcels, particularly to the south and east are zoned Light Industrial, Industrial and Commercial.
- Property to the south is owned by the applicant and is very similar in characteristics to the property involved in the request

Staff Analysis:

Staff has reviewed the request and notes that long-standing nonconforming uses such as this pose difficulties for the owners and their tenants. In planning theory, uses that do not conform to zoning regulations, but were lawfully in existence at the time the new zoning should gradually come into conformance with the new regulations. The nonconforming use provisions of the zoning ordinance, set limits on expansions and changes to nonconforming uses unless those expansions and changes of use bring the property more into conformance with the new zoning. AS noted by the applicant, the 20 year-old warehouse is not particularly well-suited to office park uses.

A change in the comprehensive plan map from Office Park to Light Industrial with MIC overlay would allow them to seek the corresponding zoning change and thereby be able to more successfully market the property to a broader range of uses.

Changing the map as requested would move the line between Office Park designation and Light Industrial designation 450 feet north, and it would eliminate 2.46± acres of Office Park land. Although Light Industrial does permit many of the office park uses, it is unlikely that the property would be used for office park development, due to the warehouse building on the property.

Nonconforming Use Provisions

The text of Chapter 16.12 of the Pacific Municipal Code is set forth below for convenience in considering the requested change and to have an idea of the provisions that affect the subject parcels and cause the applicants to seek this change to the Comprehensive Plan Map. As can be seen from the code, the legal nonconforming uses may continue indefinitely, albeit with strict limitations. These limitations can have the effect over time of limiting the economic viability of the property, to the detriment of the owner and to the extent that it causes disinvestment in the property, to the detriment of surrounding properties and the City as a whole.

Chapter 16.12 LEGAL NONCONFORMING USES

16.12.010 Continuation.

Uses, defined herein to include structures and improvements, which were legal upon their initiation, but which do not conform to development regulations subsequently enacted, or those of a zoning district to which they are subsequently placed, may continue only if the nonconforming use:

- A. Is not enlarged or extended in a manner which increases or reinforces its degree of nonconformity;
- B. Is not physically changed other than normal and necessary operation, maintenance, and repairs not exceeding 50 percent of the assessed valuation of the building or structure;
- C. Is kept in good repair and is not a safety hazard; and
- D. Has never ceased for a continuous period of 180 days or more. (Ord. 1609 § 1, 2005; Ord. 1505 § 4, 2001).

16.12.020 Signs.

In the case of nonconforming signs, a change in the name or nature of the business conducted on the premises shall constitute a change in use. (Ord. 1609 § 1, 2005; Ord. 1505 § 4, 2001).

16.12.030 Cargo containers.

Moving cargo containers to different locations on a site, or removing cargo containers from a site, however temporarily, shall constitute a physical change under PMC 16.12.010(B) requiring conformance with Chapter 20.88 PMC. (Ord. 1609 § 1, 2005).

16.12.040 Change of tenancy.

Change of tenancy, ownership, or management shall not affect legal nonconforming status. (Ord. 1609 § 1, 2005; Ord. 1505 § 4, 2001. Formerly 16.12.030).

16.12.050 Restoration.

A. Except as provided in subsection B of this section, a nonconforming building or structure that has been damaged by fire, flood, explosion, wind, earthquake, war, riot or other disaster may be restored only if the cost of the restoration does not exceed 50 percent of the assessed valuation of the building or structure at the time of the disaster.

B. The uses identified below may be restored provided the restoration commences within 12 months from the date of the destruction, is diligently completed, and does not extend beyond the original building footprint. See PMC 17.08.080 for building permit requirements.

1. Single-family residences or buildings accessory thereto in any nonresidential zone.

2. Multifamily residences or any buildings accessory thereto in any single-family zone.

(Ord. 1609 § 1, 2005; Ord. 1505 § 4, 2001. Formerly 16.12.040).

16.12.060 Mobile homes or manufactured homes.

Any mobile home or manufactured home located in a residential district which is a legal nonconforming use may be replaced with an approved manufactured home that conforms to the applicable regulations of PMC Titles 17 and 20. (Ord. 1609 § 1, 2005; Ord. 1221 § 17, 1995. Formerly 20.28.065).

16.12.070 Nuisances.

The foregoing notwithstanding, nuisances as defined by state law shall not enjoy legal nonconforming status. (Ord. 1609 § 1, 2005; Ord. 1505 § 4, 2001. Formerly 16.12.050).

Recommendation:

Staff recommends that the Planning Commission take the request and the testimony under advisement and develop a recommendation to the City Council at the May meeting. The staff concludes that extending the Light Industrial north along Butte Avenue SE 450± feet will likely have little deleterious effect to the immediate area or the City as a whole. If the proposal is approved, 500± feet of Office Park land would still remain between the Light industrial and the residential area north of County Line Road. Office Park has served as a buffer between the Light Industrial and Residential in the City Comprehensive Plan designations and the zoning.

Staff notes that the adoption of the change to the Comprehensive Plan map ,if approved by the City Council, would not change the zoning on the property, since it is too small to be considered an "are-wide rezone. Changing the zoning would be initiated by the owner or a tenant and would usually be accompanied by a specific development proposal. The zoning request would be heard by the City's Hearing Examiner, who would make a recommendation to the City Council.

PACIFIC PLANNING COMMISSION

Meeting of April 24, 2012 Minutes

Call to Order

Chairman Boyd called the meeting to order at 6:00 PM.

Attendance

Commissioners Present: John Boyd, Howard Gustafson, Wayne Strong, Alix Butt, and Don Blackwell

Absent: Scott Newbold (excused)

City Staff: Paula Wiech, City Planner and Gail Bennett, Secretary

Approval of Agenda

Commissioner Strong moved to approve the agenda as presented, seconded by Commissioner Gustafson. MOTION CARRIED UNANIMOUSLY.

Approval of Minutes

Commissioner Strong moved to approve the March 27, 2012 Regular Meeting minutes as presented, seconded by Commissioner Blackwell. MOTION CARRIED UNANIMOUSLY.

Audience Participation

There was none.

PUBLIC HEARING – PROPOSED COMPREHENSIVE PLAN AMENDMENT

CP-11-002: Butte Properties - Redistrict from Office Park to Light Industry (Map) with Manufacturing Industrial Center (MIC) Overlay

Chairman Boyd opened the hearing at 6:15 pm. Paula Wiech gave a staff report indicating the proposed change in the Comprehensive Plan designation for two parcels of land located at 768 and 832 Butte Avenue SE. The parcels measuring 2.46 acres are located on the west side of Butte Ave. SE. The applicant, Butte Avenue Properties LLC, is requesting the change because the historic and current use of the property does not meet the requirements for Office Park Zoning and attempts to rent the properties for Office Park tenants have met with little success for several years. There is a 20 year old building located on the property. Parcels to the south, west and east are zoned Light Industrial and Commercial.

Chairman Boyd asked for public testimony.

Eric Corliss, 3110 Suite B, Sumner Tapps Hwy E, Lake Tapps 98391, is a representative for the property owners and was available to answer any questions the Commissioners may have.

James Dent, 502 Butte, told the Commission he has a lot on the corner of County Line Road, and another across from the subject properties.

There being no further testimony, Chairman Boyd closed the hearing at 6:25 pm.

Commissioner Gustafson moved to recommend to City Council approval of the proposed Comprehensive Plan Amendment CP-11-002, seconded by Commissioner Strong.
MOTION CARRIED UNANIMOUSLY.

Proposed Comprehensive Plan Amendment

CP-11-004: Megan's Meadow Subdivision - Redistrict from Single-Family to Multi-family (Map)

Paula Wiech informed the Commission that the Habitat for Humanity representatives would be willing to attend another Planning Commission meeting or meet with the Commissioners at a later date to answer any additional questions they might have. The Commissioners asked staff to request more information on the following:

1. Show a proposed drawing of the lot lines
2. Gather statistics on the length of stay of the owners
3. Gather statistics on how quickly the houses sell
4. Gather statistic on how many bedrooms and square footage in each unit
5. Outdoor storage
6. Pictures of what the duplexes and houses would look like

Planning Commission Regular Meeting Schedule

There was a consensus of the Commission to continue meeting on the 4th Tuesday of the month.

Medical Marijuana Collective Gardens

Paula Wiech gave out materials about the issue and a sample ordinance from the City of Shoreline. After further discussion the Commissioners requested a copy of the Edgewood Ordinance for their review. This is a very complex issue and the legislature is working on it. Also, Washington's medical marijuana laws conflict with federal drug laws, which do not recognize any medical uses for the drug. Paula asked the Commissioners to review the information presented for discussion at the next meeting.

The draft work plan schedule will need to be changed due to the lack of available City staff.

Proposed Recycling Processing Development Code

Paula will be presenting this issue at the May 7th City Council Workshop.

Other Items of Interest to the Planning Commissioners

Park Board activities and development of “the park” at City Hall complex

Paula will be meeting with a wetland biologist who will re-examine previously delineated wetland areas on the proposed Centennial Park property, and will be asking for suggestions from the expert as to where and how to mitigate for future park projects.

Commissioner Blackwell, Park Board Liaison, would like to understand where the Park Board and Planning Commission get their direction from in the City government chain of command. His understanding is the direction comes from the City Council. He didn't know that the Mayor could direct the Park Board and the Planning Commission to create a park and put a conceptual drawing together of what the park should look like. Paula responded that, according to City Code, the Planning Commission takes direction from City Council. Their docket for 2012 was approved by City Council and signed by the Mayor. She has tried to explain that to Mayor Sun. The 2012 Capital Facilities Plan, adopted by the City Council identifies the projects for this year, not the Mayor, and also a long range plan for the City Hall complex. This is a public process with citizen input and does not just involve the Planning Commission and the Park Board.

There being no further business, the meeting was adjourned at 7:30 pm.

Prepared by
Gail Bennett, Secretary

Approved _____ 2012 by _____
Date Planning Commission Chairperson
John Boyd

PACIFIC PLANNING COMMISSION

Meeting of February 5, 2013 Special Meeting Public Hearing Minutes

Call to Order

Chairman Gustafson called the meeting to order at 6:00 PM.

Attendance

Commissioners Present: Howard Gustafson, Don Blackwell, John Boyd, Scott Newbold
and Wayne Strong

City Staff: Ken Barnett, Public Works Director; Paula Wiech, City Planner; and
Gail Bennett, Secretary

PUBLIC HEARING

Vice-Chairman Gustafson opened the hearing at 6:05 pm.

Proposed comprehensive Plan amendment CP-11-002, Butte Properties: Redistrict from Office Park (OP) to Light Industrial (LI with MIC overlay

Staff Report

Brad Medrud, AICP, AHBL Inc., reviewed his staff report dated January 28, 2013. Butte Avenue Properties LLC is requesting a comprehensive Plan map amendment from Office Park to Light Industry with a Manufacturing Industrial Center (MIC) overlay for two parcels of land located at 768 and 832 Butte Ave. SE. The two parcels total 2.46 acres in area and are located on the west side of Butte Avenue SE. The northerly parcel contains a 6,000 square foot and a 4,700 square foot storage warehouse building built in 1992. The Comprehensive Plan designates parcels to the south, west, and east as Light Industrial and Commercial and the proposed amendment reflects the existing zoning in the area.

Public Testimony

Sloan Clack, representing the Butte Avenue Properties owners spoke in support of the amendment. She stated "The Notice of Violation" issued by the City in 2011 regarding an incompatible use on the property has been corrected.

There being no further testimony, Vice-Chairman Gustafson closed the hearing at 6:20 pm.

Planning Commission Discussion

The Commissioners did not discuss the proposal since it had been discussed during previous meetings. Ken Barnett recommended approval of the proposal.

Commissioner Newbold moved to recommend to City Council approval of the proposed Comprehensive Plan Amendment, seconded by Commissioner Strong. MOTION CARRIED UNANIMOUSLY.

Adjournment

There being no further business, the meeting was adjourned at 6:25 pm.

Prepared by
Gail Bennett, Secretary

Approved _____ 2013 by _____
Date Planning Commission Chairperson
John Boyd



Dept. of Community Development & Public Works
100 3rd Ave. S.E.
Pacific, WA 98047
(253) 929-1110

NOTICE OF SEPA 12-001
DETERMINATION OF NON-SIGNIFICANCE

Regarding Butte Properties Proposed Comprehensive Plan Amendment CP-11-002 and associated Rezone RE 12-001

THIS PROPOSAL:

CP-11-002 – Butte Properties: A comprehensive plan map change in designation from Office Park to Light Industry with a Manufacturing Industrial Center (MIC) is proposed for two parcels located at 768 and 832 Butte Avenue SE totaling 2.46 acres in area located on the west side of Butte Avenue SE.

The applicant, Butte Avenue Properties LLC, is requesting the change because the historic and current use of the property does not meet the requirements for the Office Park designation. A building built in 1992 on the property is classified as nonconforming since it was in existence prior to the Office Park designation. Parcels to the south, west, and east are designated Light Industrial and Commercial.

RE-12-001 – Butte Properties – Associated Rezone Application: The applicant has filed a complete rezone application covering the same property for a rezone from Office Park to Light Industry that will need to be approved prior to development of the site as a light industrial use.

CP-11-002/ RE-12-001 – Butte Properties The subject property is located on two parcels of land: Parcel # 449540-0340, 768 Butte Ave. SE; and Parcel # 449540-0360, 832 Butte Ave. SE.

SEPA DETERMINATION OF NON-SIGNIFICANCE:

The Lead Agency for this proposal has determined that this project does not have a probable significant adverse impact on the environment as conditioned. An environmental impact statement (EIS) is not required under RCW 43.21C. 030(2)(c). This decision was made after review of a complete environmental checklist and other information on file with the lead agency. The information is available to the public upon request. This Determination of Non-significance is issued under 197-11-350; the lead agency will not act on this proposal for fourteen (14) calendar days from the date of publication.

PUBLIC HEARING: The Pacific City Council will hold a public hearing.

COMMENT/APPEAL PERIOD FOR CASE NUMBER SEPA-12-001:

Comments on the Determination of Non significance (DNS) must be received no later than **5:00 PM, January 2, 2013**. The proposed DNS becomes final on **January 4, 2013** unless modified by the Lead Agency (City of Pacific) based on comments and information received. Appeal of the Determination may be made by submitting a notice of appeal, together with the grounds for the appeal and \$1,000 appeal fee.

Lisa Klein, Acting SEPA Official, City of Pacific, 100 3rd Ave. S.E. Pacific, WA 98047 (253) 929-1110.

RECEIVED
CITY OF PACIFIC

DEC 21 2011

COMMUNITY DEVELOPMENT
PUBLIC WORKS DEPARTMENT

City of Pacific
Code Enforcement
100-3rd Ave SE
Pacific, Washington 98047-0250

Notice of Violation
and
Corrective Order
(PMC 20.82.050)

The undersigned City of Pacific Code Enforcement Officer hereby certifies that: Butte Avenue Properties, LLC, whose address is c/o Canyon Creek Company 3110 B Sumner Tapps HWY E Lake Tapps, Washington 98391 are the owners of real property, located at 768 Butte Avenue SE in Pacific, Washington 98047 (“hereinafter referred to as “Owner”); and

On September 13, 2011 the City of Pacific staff discovered a truck repair business operating on subject property in violation of the Pacific Municipal Code (PMC), as the property is designated Office Park Zoning District.

The property is in violation of the following sections of the PMC:

PMC Provision	Description of Violation
PMC 20.54.020 - Permitted buildings and uses.	Owners have allowed an incompatible use to occur on subject property that is not permitted within the Office Park Zoning District.

CORRECTIVE ACTIONS

1) OWNER is hereby required to have submitted to the City (with appropriate fees/deposits) a complete Application to Amend the Comprehensive Plan.

This action shall be accomplished no later than December 31, 2011. This compliance measure shall be documented by the City of Pacific’s Planner.

2) OWNER is hereby required to schedule and attend a pre-construction meeting with City of Pacific Planning and Engineering staff in order to review, prioritize or present alternate proposals that ultimately lead to the construction of the remaining improvements, indentified in Owner’s site plans, on file with the City of Pacific, approved on May 28, 2009.

This action shall be accomplished no later than January 19, 2012. This compliance measure shall be documented by the City of Pacific's Planner.

3) OWNER is hereby required to obtain all permits and construct outstanding improvements, detailed in Owners submitted site plans that have been approved by the City of Pacific, dated May 28, 2009.

This action shall be accomplished no later than September 15, 2012. This compliance measure shall be documented by the City of Pacific Engineer.

4) OWNER is hereby required to submit all applications with supporting materials (and required fees), represent and obtain a City Comprehensive Plan Amendment Re-districting of the subject parcels to a Light Industrial Use. Owner will also submit all applications with supporting materials (and required fees), represent and obtain a Re-zone of the subject parcels, or remove the incompatible use.

This action shall be accomplished no later than March 15, 2013. This compliance measure shall be documented by the City of Pacific Planner.

Penalties. Effective December 21, 2011, the City of Pacific hereby imposes penalties as outlined with PMC 20.82.080 (A) against Owner in the monetary amount of \$100.00 per day for each day that the violation exists from the date set for compliance with each and every Compliance Measure identified herein, until such time that compliance with the respective Compliance Measure is achieved.

Amendment to Notice of Violation and Corrective Order. This Notice of Violation and Corrective Order may be amended should additional code violations occur, or are otherwise revealed on the property by the City's Code Enforcement Officer. Further, compliance Measures and/or compliance dates contained by this Notice of Violation may be amended by mutual agreement of the parties.

Appeal Provisions. Owner may, within ten (10) calendar days of receipt of this Notice, file with the City Clerk a written notice of Appeal, to be heard before the City's Hearing Examiner, pursuant to PMC 20.82.070 containing the following:

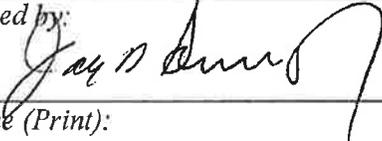
- (1) A brief statement setting forth the legal interest of the appellant;
- (2) A brief statement of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;
- (3) A brief statement of the relief sought, and the reasons why it is claimed that the Notice and Violation and Corrective Order should be reversed, modified, or otherwise set aside;

(4) The signature of all persons named as appellants, and their official mailing addresses; and

(5) The verification (by declaration under penalty of perjury) of the appellant as to the truth of the matters stated in the request.

Failure to appeal this Notice of Violation and Corrective Order shall constitute a waiver of all rights to any additional administrative relief and determination of the matter.

Should OWNER fail to cure the code violations and public nuisances occurring at the above referenced property, the City of Pacific may seek legal and equitable relief in a Washington State Superior Court.

Signed by: 	Today's Date: 12/21/11
Name (Print): JAYD BENNETT	Phone Number: 253-929-1113



COMMUNITY DEVELOPMENT / PUBLIC WORKS DEPARTMENT

STAFF REPORT

TO: Planning Commission
FROM: Brad Medrud, AICP, AHBL, Inc., Contract Planner
DATE: January 28, 2013
SUBJECT: Comprehensive Plan Amendment CP-11-002

Applicant: Butte Avenue Properties LLC

Requested Action: Comprehensive Plan Map Amendment from Office Park to Light Industrial with Manufacturing Industrial Center (MIC) Overlay

Butte Avenue Properties LLC is requesting a Comprehensive Plan map amendment from Office Park to Light Industry with a Manufacturing Industrial Center (MIC) overlay for two parcels of land located at 768 and 832 Butte Avenue SE.

Property Description:

The two parcels total 2.46 acres in area and are located on the west side of Butte Avenue SE. There is a total of 450 feet of frontage on Butte Avenue SE according to Pierce County Assessor-Treasurer records. The parcels are relatively flat. The northerly parcel contains a 6,000 square foot and a 4,700 square foot storage warehouse building built in 1992. The property was annexed by the City in 1995 and the Office Park land use designation was placed on the property in 1998. The majority of the site is currently used for storage of equipment, cement products, and truck parking, typical of many of the surrounding light industrial properties in the area. The Comprehensive Plan designates parcels to the south, west, and east as Light Industrial and Commercial.

Legal Description:

The applicant's property is located on the following two parcels of land.

- Parcel # 449540-0340 – address located at 768 Butte Avenue SE.

Tax description: Section 01 Township 20 Range 04 Quarter 22 HILLMANS C D PACIFIC CITY DIVISION #4: HILLMANS C D PACIFIC CITY DIVISION #4 NW NW 01-20-04E LOT 2 BLOCK 59 EXCLUDING THE EAST 10 FEET DEEDED TO PIERCE COUNTY PER ETN 782525 EASEMENT OF RECORD DC4173JG8/6/91BO

- Parcel # 449540-0360 – address located at 832 Butte Avenue SE.

Tax description: Section 01 Township 20 Range 04 Quarter 22 HILLMANS C D PACIFIC CITY DIVISION #4: HILLMANS C D PACIFIC CITY DIVISION #4 NORTH 90 FEET OF LOT 3 B 59

Applicant Argument for the Proposal:

The applicant, Butte Avenue Properties LLC, is requesting the amendment because the historic and current use of the property does not meet the requirements for the Office Park designation. The City has required that the applicant go through the Comprehensive Plan map amendment and rezone processes in order for the applicant to continue to use the property for light industrial uses and outdoor storage (See City of Pacific Notice of Violation and Corrective Order dated December 21, 2011, attached).

The requested amendment would accommodate light industrial uses and development, such as light industrial, warehousing, wholesale trade, and related uses. The existing buildings and uses on the property are classified by the City as nonconforming, because they were in existence prior to the current Office Park designation being placed on the property in 1998 but the legal non-conforming status of the property has lapsed because of periods of vacancy since 1998.

The applicant gave several reasons for the requested amendment, including:

- The historic and current use of the property does not meet the requirements for the Office Park Zoning.
- The existing buildings (built in 1992) are warehouses and the type of building used for Light Industrial uses.
- Attempts to rent the properties for Office Park tenants have met with little success for over 5 years.
- Surrounding parcels, particularly to the south and east are zoned Light Industrial.
- Property to the south is owned by the applicant and is very similar in characteristics to the property involved in the request.

Approval Process:

The City Planning Commission originally held a hearing for this Comprehensive Plan map amendment on April 24, 2012 and voted in favor of the change. However, the SEPA process had not been completed before this hearing, requiring the Planning Commission to hold the hearing again after completing the SEPA process.

The City has determined that this non-project action does not have a probable significant adverse impact on the environment. A SEPA Checklist and Determination of Non-significance (DNS) for the Comprehensive Plan Amendment and associated Rezone application were issued under WAC 197-11-350 on December 4, 2012 with the comment period ending on January 5, 2013. No comments were received by the City by the end the day on January 5, 2013.

After the SEPA process was completed, the City scheduled the public hearing before the Planning Commission for a date between 15 and 30 working days after the publication of notice of hearing. Public Notice of the hearing appeared in the Auburn Reporter on January 11, 2013, and the Notice was posted at City and site and mailed to neighbors on January 10, 2013. Written comments would be accepted at the Community Development/Public Works Department by 4:00 pm February 5, 2013 or at the public hearing.

The Planning Commission is considering the requested amendment and will be taking testimony on the proposal at their February 5, 2013 meeting. After the close of the public hearing, the Planning Commission will adopt written findings and make a recommendation consistent with those findings to the City Council.

The City Council, if it elects to follow the Planning Commission's recommendation and amend the Comprehensive Plan map, will revise the findings if necessary and adopt the proposed Comprehensive Plan map amendment by ordinance. The City Council will discuss the Planning Commission recommendation at their scheduled February 11, 2013 workshop and take formal action on the recommendation at their February 18, 2013 regular meeting.

Upon approval of the requested Comprehensive Plan map amendment, the City will process the associated rezone application (RE-12-001) for the properties. The applicant filed a rezone application covering the same property to rezone the parcels from Office Park to Light Industry that was determined by the City to be complete on November 28, 2012. The rezone application will need to be approved prior to development of the site as a light industrial use.

Staff Analysis:

Staff has reviewed the request. Long-standing nonconforming uses such as this create difficulties for the City, the property owners and their tenants. The nonconforming use provisions of the zoning ordinance, set limits on expansions and changes to nonconforming uses unless those expansions and changes of use bring the property more into conformance with the new zoning. As noted by the applicant, the 21-year-old warehouses are not suited to Office Park uses. The nonconforming use may not continue indefinitely. These current zoning limitations can have the effect over time of limiting the economic viability of the property, to the detriment of the owner and to the extent that it causes disinvestment in the property, to the detriment of surrounding properties and the City as a whole.

An amendment to the Comprehensive Plan map from Office Park to Light Industrial with MIC overlay would allow the applicant to proceed with the corresponding zoning amendment and thereby be able to market the property more successfully to a broader range of uses.

Changing the map as requested would move the line between Office Park designation and Light Industrial designation 450 feet north, and it would eliminate 2.46± acres of Office Park land. Although Light Industrial does permit many of the office park uses, it is unlikely that the property would be used for office park development, due to the warehouse buildings on the property.

The proposed change would reflect the existing Light Industrial land use designation and zoning that abut the two parcels on two sides, and the actual development pattern that continues to dominate the area.

Recommendation:

Staff recommends that the Planning Commission take the request and the testimony under advisement and develop a recommendation to the City Council to discuss at their February 11, 2013 workshop and to action on at their February 18, 2013 formal meeting.

The staff concludes that extending the Light Industrial north along Butte Avenue SE 450± feet will likely have little deleterious effect to the immediate area or the City as a whole. If the proposal were approved, 500± feet of Office Park land would remain between the Light industrial and the residential area north of County Line Road. Office Park will continue to serve as a buffer between the Light Industrial and Residential in the City Comprehensive Plan designations and the zoning.

Staff notes that the adoption of the amendment to the Comprehensive Plan map, if approved by the City Council, would not amend the zoning on the property, since it is too small to be considered an "area-wide" rezone. Once the Comprehensive Plan amendment process is complete, the Butte Avenue Properties rezone approval process can start. This would follow the process outlined in PMC 16.28 - Type V Permit Procedure (Rezoning, Preliminary Plats, and Planned Unit Developments). The City's Hearing Examiner would hear the rezone request and then make a recommendation to the City Council on the application.

- c. Scott D. Corliss, Butte Avenue Properties LLC
Cy Sun, City of Pacific
Paula Wiech, City of Pacific
Lisa Klein, AHBL, Inc.

THIS PAGE LEFT INTENTIONALLY BLANK

CITY OF PACIFIC

Agenda Staff Report

Agenda Item No.	<u>Workshop Item 4H</u>	Meeting Date:	<u>February 19, 2013</u>
Subject:	<u>Approving Park Board Participation in</u> <u>2013 Events</u>	Prepared by:	<u>Paula Wiech, Planner for</u> <u>Ken Barnett, Acting</u> <u>Public Works/Community</u> <u>Development Director</u>

Summary: Park Board duties are established by Pacific Municipal Code Chapter 2.38.050 Powers and duties; and 2.38.050 (D) provides that the Board shall perform such other services and studies as may be requested by the City Council.

Earth Day Event Resolution: The City provides Parks, Open Space and Trails that require maintenance and debris removal. To engage the community to take pride in and help clean up their facilities, the Park Board has co-sponsored (with other organizations such as Friends of the Lower White River and Pacific Partnerships) an annual "Earth Day" Clean Up for many years. This year's event includes a lunch and other activities to involve all members of the community, and is scheduled for April 27, 2013, from 9:00 a.m. to 4:00 p.m.

Pacific Days Event, Resolution: Pacific Partnerships has annually hosted "Pacific Days" for several years. This event provides community building, tourism and participation in the City Parks. The Park Board would like to co-sponsor the 2013 event with Pacific Partnerships in Pacific City Park. The event is slated to be held July 12th – 15th 2013.

Recommendation: move this item forward to the next regular meeting.

Budget: None.

Attachments: Draft Resolution – Earth Day Event
Draft Resolution – Pacific Days Event
Pacific Partnership's Annual Board & Budget Meeting Minutes – 1.24.13

THIS PAGE LEFT INTENTIONALLY BLANK

CITY OF PACIFIC, WASHINGTON

RESOLUTION NO. 2013-****

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, APPROVING THE PARK BOARD'S PARTICIPATION IN THE 2013 EARTH DAY EVENT

WHEREAS, the Park Board duties are established by Pacific Municipal Code Chapter 2.38.050 Powers and duties; and

WHEREAS, 2.38.050 (D) provides that the Board shall perform such other services and studies as may be requested by the City Council; and

WHEREAS, the City provides Parks, Open Space and Trails that require maintenance and debris removal; and

WHEREAS, as a mechanism to engage the community of Pacific to take pride in and help clean up their facilities, the Park Board would like to co-sponsor (with other organizations such as Friends of the Lower White River and Pacific Partnerships) the annual "Earth Day" Clean Up event of Pacific's Parks and Trails. The event, **which will also include a lunch and other activities to educate and involve all members of the community**, is slated to be held on **April 27, 2013**; and

WHEREAS, as a result of this "sponsorship" and the benefit to City facilities, fees associated with the use of the **City Hall Campus** facilities, will be gratis in accordance with the terms of the most recently adopted City Fee Schedule; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AS FOLLOWS:

Section 1. The Pacific City Council hereby requests the Park Board to co-sponsor, assist in the planning and to participate in the annual Earth Day Park Clean Up event, to be held on **April 27, 2013**.

Section 2. This Resolution shall take effect and be in force immediately upon its passage.

PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING THEREOF ON THE _ DAY OF _____ 2013.

CITY OF PACIFIC

Cy Sun, Mayor

ATTEST:

Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to Form:

Kenyon Luce, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
EFFECTIVE DATE:
RESOLUTION NO. 2013-

CITY OF PACIFIC, WASHINGTON

RESOLUTION NO. 2013-****

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, APPROVING THE PARK BOARD'S PARTICIPATION IN THE 2013 PACIFIC DAYS EVENT

WHEREAS, the Park Board duties are established by Pacific Municipal Code Chapter 2.38.050 Powers and duties; and

WHEREAS, 2.38.050 (D) provides that the Board shall perform such other services and studies as may be requested by the City Council; and

WHEREAS, Pacific Partnerships annually hosts "Pacific Days" that provides community building, tourism and participation in the City Parks; and

WHEREAS, the Park Board would like to co-sponsor with Pacific Partnerships the 2013 annual "Pacific Days" event, held in Pacific's River Park. The event is slated to be held **July 12-15, 2013**; and

WHEREAS, as a result of this "sponsorship" and the benefit to the City and its' facilities, fees associated with the use of the City facilities will be gratis in accordance with the terms of the most recently adopted City Fee Schedule,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AS FOLLOWS:

Section 1. The Council hereby requests the Park Board to co-sponsor, assist in the planning, and to participate in the annual Pacific Days event.

Section 2. This Resolution shall take effect and be in force immediately upon its passage.

PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING THEREOF ON THE _ DAY OF _____ 2013.

CITY OF PACIFIC

Cy Sun, Mayor

ATTEST:

Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to Form:

Kenyon Luce, City Attorney

FILED WITH THE CITY CLERK: 2.14.13
PASSED BY THE CITY COUNCIL:
EFFECTIVE DATE:
RESOLUTION NO. 2013-



PO Box 256 Pacific, WA 98047-0256

UBI: 602 590 700 FED: 20-5009001

Acting President: Frank Hatten

Secretary/Treasurer: Glenda White

**Annual Board & Budget Meeting
January 24, 2013**

The 2013 annual Board Meeting was held on January 24, 2013 at 6:30PM in the home of member Ann Smith. Also attending were Frank Hatten, Ann Smith, Glenda White, and Terry Fahrenkrug. Shirley Thomson was excused due to illness. Barbara Lourdes and Todd Curtin were unable to attend.

St. Patrick's Day: John Skinner called Sheryl Finwall, Senior Center Director to ask about the Parade. Due to the lack of members we decided not to sponsor the parade this year.

Bus Stop Trash Containers: Washington State Department of Transportation called Paula Wiech and ask Partnerships to either pick up the cans on a regular basis or forfeit the free bus passes we receive for the senior center. Frank has picked them up as often as he has time usually every 2-3 weeks. We need to turn this over to the City Public Works Department if possible.

Senior Center Access: Sheryl is trying to get a lock box on the outside of the building so we have access to the building on meeting nights. She will get more information to us soon. At this time Shirley will ask for the key on Tuesday before meeting.

City Building Use: We will ask City Council to clarify their policy regarding non-profit and scouts pricing for the use of their buildings. What is the policy since January, 2012? We also need to inquire if the new insurance will cover us for Pacific Day's as the old insurance did.

Huge Thanks: Jim Brass expressed his thanks to Arlene & Frank Hatten for their contribution to our city over the years.

Valley Recycling: We have had many contributors over the years and Ann wanted to especially thank Jerry Eck for being a Partnerships supporter. Thanks, Jerry! We need to update all the dates and plaques and plan a presentation. New plaques will go to Guis Market and Clint Steiger and possibly others.

Storage Unit: Sandy, the manager of the ABC Storage would like to be involved with our group. She is offering to sponsor the newsletter if it is in our guideline. We now pay \$60.00 per month and we could choose the larger unit for \$15.00 more. This would allow us to put all the files and supplies in one place and not have it in member homes taking up their valuable space. The board thinks it's a good idea. Ann will present this at our next meeting. Frank has donated a four drawer file to keep all paperwork in. We have four new keys to the unit, two are at the Post Office for easy access by our members.

Adjourned @ 8:00PM

Submitted by Glenda White, Secretary/Treasurer

The 2012 projected budget, 2012 actual and 2013 budget is attached:

Our projected events for 2013 calendar year is attached.

CITY OF PACIFIC

Agenda Staff Report

Agenda Item No.	<u>Workshop Item 4I</u>	Meeting Date:	<u>February 19, 2013</u>
Subject:	<u>Final Approval of Pacific's Shoreline</u>	Prepared by:	<u>Paula Wiech, Planner for</u>
	<u>Master Program (CP-09-005,</u>		<u>Ken Barnett, Acting</u>
	<u>Resolution No. 1089)</u>		<u>Public Works/Community</u>
			<u>Development Director</u>

Summary: City of Pacific staff, in conjunction with a grant-funded consultant from Parametrix, began working on an update to the City of Pacific 1974 Shoreline Master Program in 2010. After several reviews by the Department of Ecology and Planning Commission, open houses for community input, presentations to the Planning Commission and City Council, and a Public Hearing, the Planning Commission recommended adoption by City Council.

Council approved the Amended Shoreline Master Program (SMP) and directed staff to forward the documents comprising the SMP to the Washington State Department of Ecology for approval with City of Pacific Resolution No. 1089, passed by the City Council on September 12, 2011.

The Department of Ecology then brought the documents through an additional review and hearing, after which the City received a final correction letter and list of corrections for the City to incorporate or dispute. City staff, Paula Wiech, has been in correspondence with Ecology's Project Manager, Joe Burcar, through this process.

On December 14, 2012, Paula Wiech received an email from Mr. Burcar at Ecology, informing her of the impending issuance of a "conditional approval letter" from the Director of the Department of Ecology. Paula forwarded this information to the City Clerk and Mayor on December 18, 2012.

The Conditional Approval letter arrived from the Department of Ecology to Mayor Cy Sun, with a copy to Paula Wiech, on February 6, 2012. Now the City of Pacific must send the Department of Ecology a letter either agreeing to the proposed changes, or submitting an alternative proposal within 30 days.

Most of Ecology's proposed corrections are either typing errors, changes in language for clarity, or due to state or other agency requirements. At a later date, the City's description of the White/Stuck River shoreline "edge" may change as a result of future King County flood control projects; and when FEMA issues new FIRM maps for Pacific, a "floodway" may be defined within our jurisdiction. Staff takes no exception to any of Ecology's proposed changes based on current conditions within the City of Pacific Shoreline Jurisdiction.

Recommendation: Move forward to the next regular meeting to allow staff to draft letter agreeing to Ecology's proposed changes for the Mayor's signature.

Attachments: CP-09-005 Application to Amend Comprehensive Plan
Resolution No. 1089
February 4, 2013 letter from the Department of Ecology

THIS PAGE LEFT INTENTIONALLY BLANK

**CITY OF PACIFIC
WASHINGTON**

RESOLUTION NO. 1089

A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON APPROVING THE AMENDED SHORELINE MASTER PROGRAM AND DIRECTING THE COMMUNITY DEVELOPMENT DEPARTMENT TO FORWARD THE DOCUMENTS COMPRISING THE SHORELINE MASTER PROGRAM TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY FOR APPROVAL

WHEREAS, the people of the State of Washington enacted the Shoreline Management Act (RCW 90.58) by a vote of the people in 1971; and

WHEREAS, the Growth Management Act (RCW 36.70A.480) adds the goals and policies of the Shoreline Management Act as set forth in RCW 90.58.020 as one of the goals of the Growth Management Act without creating an order of priority; and

WHEREAS, the Shoreline Management Act (RCW 90.58.080) provides a timetable that requires the City to amend its master program by December 1, 2011, and the City received a grant from the Department of Ecology to support the update process; and

WHEREAS, the City developed a comprehensive public involvement plan that provided public notice and held periodic public workshop meetings and a public hearing with the Planning Commission between late fall 2009 and Spring 2011 and a presentation at a City Council meeting in 2010; and

WHEREAS, the City developed a Shoreline Inventory and Characterization document and distributed it for agency and public review in June 2010 and compiled and responded to comments and issued a final document; and

WHEREAS, the City issued a Draft Shoreline Master Program in February 2011 and considered and responded to government agency and public comments and prepared a Revised Draft Shoreline Master Program in June 2011; and

WHEREAS, the City issued a Draft Cumulative Impacts Analysis in April 2011 and considered and responded to government agency and public comments; and

WHEREAS, the City issued a Draft Restoration Plan in March 2011 and considered and responded to government agency and public comments; and

WHEREAS, the City's Responsible Official issued a Determination of Non- Significance on the proposed Shoreline Master Program on March 25, 2011; and

WHEREAS, all development standards within the Shoreline Master Program, were reviewed and found to be in compliance with the Shoreline Management Act; and

WHEREAS, once the City approves the Shoreline Master Program, it will be sent to the Washington State Department of Ecology for their final review and approval, a process which will entail a Public Hearing and may entail further changes and amendments to the documents of the Shoreline Master Program; and

WHEREAS, upon Department of Ecology approval, the City will adopt the Shoreline Master Program by ordinance; Projects vested to the regulations and development standards prior to the

WHEREAS, projects vested to the regulations and development standards prior to the adoption of the ordinance are not subject to these standards unless substantial modification of the project is proposed which result in new application for development of the project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City Council approves the Shoreline Master Program, which is comprised of the documents and proposed amended code provisions attached hereto as Exhibits A-F, and directs the Community Development Department to forward the following documents to the State Department of Ecology for their review and approval:

- Exhibit A: Shoreline Management Element of the Comprehensive Plan
- Exhibit B: Shoreline Inventory and Characterization Report
- Exhibit C: Shoreline Environment Overlays Map
- Exhibit D: Shoreline Restoration Plan
- Exhibit E: Shoreline Cumulative Impacts Analysis
- Exhibit F: New PMC Title 21 Shorelines and Amended PMC Title 23 Critical Areas codes

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

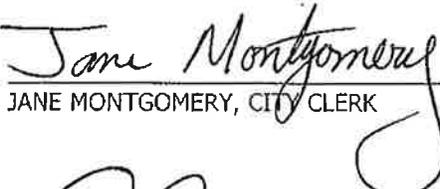
PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 12th DAY OF SEPTEMBER, 2011.

CITY OF PACIFIC



RICHARD HILDRETH, MAYOR

ATTEST/AUTHENTICATED:



JANE MONTGOMERY, CITY CLERK

APPROVED AS TO FORM:



ALBERT A. ABUAN, CITY ATTORNEY



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

February 4, 2013

The Honorable Cy Sun
City of Pacific
100 Third Avenue Southeast
Pacific, WA 98047

**RE: City of Pacific's Comprehensive Shoreline Master Program Update --
Conditional Approval, Resolution No. 1089**

Dear Mayor Sun:

I would like to take this opportunity to commend the City of Pacific (City) for its efforts in developing the proposed comprehensive Shoreline Master Program (SMP) update. It is obvious that a significant effort was invested in this update by your staff and community.

As we have already discussed with your staff, the Washington State Department of Ecology (Ecology) has identified specific changes necessary to make the proposal approvable. These changes are detailed in Attachment B. Ecology's findings and conclusions related to the City's proposed SMP update are contained in Attachment A.

Pursuant to RCW 90.58.090 (2)(e) at this point the City may:

- Agree to the proposed changes, or
- Submit an alternative proposal. Ecology will then review the alternative(s) submitted for consistency with the purpose and intent of the changes originally submitted by Ecology and with the Shoreline Management Act.

Final Ecology approval will occur when the City and Ecology agree on language that meets statutory and Guidelines requirements.

Please provide your written response within 30 days to the Director's Office at the following address:

WA State Department of Ecology
Attention: Director's Office
PO Box 47600
Olympia, WA 98504-6700

Ecology appreciates the dedicated work that you, the City Council, Building and Planning Department staff, and the Planning Commission have put into the Shoreline Master Program update.



The Honorable Cy Sun
February 4, 2013
Page 2

Thank you again for your efforts. We look forward to concluding the SMP update process in the near future. If you have any questions or would like to discuss the changes identified by Ecology, please contact our Regional Planner, Joe Burcar, at Joe.Burcar@ecy.wa.gov or (425) 649-7145.

Sincerely,


Polly Zehm
Acting Director

Enclosures (2)

By Certified Mail [7012 1010 0003 3028 3027]

cc: Paula Wiech, City of Pacific
Joe Burcar, Ecology
Peter Skowlund, Ecology
Geoff Tallent, Ecology

ATTACHMENT A: FINDINGS AND CONCLUSIONS -
COMPREHENSIVE UPDATE TO THE CITY OF PACIFIC SHORELINE MASTER PROGRAM

SMP Submittal December 6th, 2011¹, Resolution No. 1089

Prepared by Joe Burcar, on November 26, 2012

BRIEF DESCRIPTION OF PROPOSED AMENDMENTS:

The City of Pacific (City) submitted to Ecology a comprehensive amendment to their Shoreline Master Program (SMP) to comply with the Shoreline Management Act (SMA) at RCW 90.58 and the SMP Guidelines requirements at WAC 173-26 (Part Three). The updated master program submittal contains locally tailored shoreline management policies, regulations, environment designation maps, administrative provisions as well as integration of applicable sections of the City's Critical Areas Ordinance into the updated Master Program as provided in "Section III Amendment to Title 23, Critical Areas" of the updated SMP.

FINDINGS OF FACT

Need for amendment: The proposed amendment is necessary to comply with the statutory deadline provided in RCW 90.58.100 that requires local governments to complete a comprehensive update to their Shoreline Master Program. The City's existing SMP has not been comprehensively updated since the original adoption of the program in February of 1974 (Parametrix, 2010). This SMP update is necessary to address land use changes that have occurred along the City's shorelines over the past 38-years and to provide consistency between the updated SMP and the environmental protection and land use management policies/practices provided by the City's Critical Areas Ordinance, Comprehensive Plan, Flood Management Plan and Zoning Ordinance.

Section 1 of the City's SMP provides the following overall goal of the Master Program related to "Shoreline Management";

Goal LU 25: *Provide for Management of Shorelines in Accordance with the Shoreline Management Act RCW 90.58.*

Further, the SMP defines the "Purpose" of the Master Program in Section 21.01 and as follows;

The City adopts the goals and principles of the Shoreline Management Act as provided in RCW 90.58.020 and as particularly relevant to Pacific:

- 1. The Shoreline is one of the most valuable and fragile of the City's natural resources.*
- 2. There is a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the City's shoreline jurisdiction.*
- 3. The City's shoreline policies are intended to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.*
- 4. In the implementation of the Shoreline Master Program, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines shall be preserved to the greatest extent feasible consistent with the overall best interest of the state, the county, and the people generally. To this end, uses shall be preferred which control pollution and prevent damage to the natural environment, or are unique to or dependent upon use of the state's shoreline.*

¹ Ecology completed verification of a complete submittal on December 6, 2011 pursuant to WAC 173-26-110.

This comprehensive SMP update is intended to entirely replace the City's existing SMP. According to the City's *Inventory & Analysis Report* (Parametrix, 2010) the updated SMP will cover approximately 41-acres of; riverine aquatic areas, floodplain and associated wetland² within shoreline jurisdiction of the White River. The planning area includes both the City's existing municipal boundary as well as the Urban Growth Area (UGA). The White River is listed as a "Shorelines of the State" pursuant to RCW 90.58.030, as mean annual flow of the river is greater than 20-cubic feet per second (cfs) (Parametrix, 2010).

Therefore, the aquatic areas of the White River, adjacent floodplains within 200-feet of levee (flood control structures) along the river, and wetland areas associated with the White River within the City's jurisdictional boundaries³ are subject to compliance with the Shoreline Management Act (RCW 90.58). The City chose not to include the optional expansion of the SMP to critical area buffers extending outside of SMA jurisdiction. Therefore, these critical areas and buffers will continue to be managed by the City's existing Critical Areas Ordinance. However, as referenced above, the City has pre-designated future annexation areas as part of this SMP update pursuant to WAC 173-26-150. Therefore, once the UGA area is formally annexed the City will not need to amend the SMP, as the SMP designations for these areas will be established through approval of this SMP amendment.

CURRENT CONDITIONS DOCUMENTED:

Documentation of current shoreline conditions is vital to achieving the no net loss standard of the state SMP Guidelines (WAC 173-26-186). To complete this component of the SMP update the City produced a *Characterization Report* dated October 2010 (Parametrix, 2010), which provides a description existing shoreline conditions including identification of preliminary restoration and protection opportunities within the City. This report serves as the primary tool in establishing the jurisdictions' baseline, for which development of the following SMP components are based from; (1) proposed environment designations, (2) identification of existing and future uses appropriate for locating within shoreline jurisdiction, (3) identification of relevant policies and regulations to include in the updated SMP to properly manage future shoreline development consistent with the SMP-Guidelines, and (4) necessary protection measures to include in the updated SMP to ensure that no net loss of shoreline ecological functions results from future shoreline development.

The City's *Characterization Report* provides both an ecosystem-wide (watershed) and reach-level analysis of existing shoreline (natural and built) environment conditions as well as recommendations related to future protection and/or restoration opportunities (Parametrix, 2010).

Description of Shorelines of the State The 2003 Guidelines at WAC 173-26 require a baseline inventory be developed to establish a reference condition for consideration of updated policies and regulations proposed as part of the updated SMP to offset cumulative impacts associated with future shoreline development. The following descriptions of current shoreline conditions are based on the City's *Shoreline Inventory and Analysis Report* (Parametrix, 2010) and the *Cumulative Impact Assessment* (Parametrix, 2011b) prepared as part of the City's Comprehensive SMP update.

² City has noted that this estimate includes 'mapped' associated wetlands, which does not include "potentially associated wetlands", which may be discovered through additional field work.

³ Jurisdictional Boundaries include areas within the City's UGA, as the City has decided to "pre-designate" these areas pursuant to WAC 173-26-150.

The **White River** meanders through the City's **existing** municipal boundary and the UGA, and is described as 1.42-miles⁴ of **freshwater stream, designated as a "shoreline of the state"** based on a mean annual flow of 821-cfs, well in excess of the minimum 20-cfs defining a Shoreline of the State, but less than the 1000-cfs minimum to qualify as a Shoreline of Statewide Significance (Parametrix, 2010). The City notes that shoreline jurisdiction as determined by defining shorelands⁵ as; the floodway + 200-feet or the floodplain within 200-feet of the Ordinary High Water Mark (OHWM) are essentially the same, as existing flood control facilities limit the floodway to within a few feet of the OHWM (Parametrix, 2010).

For the purposes of characterizing shoreline functions within shoreline management areas of the White River, the City has divided the planning area into seven separate shoreline **segments called "reaches"** as shown in **Figure 1 from the City's Shoreline Inventory and Analysis Report** (Parametrix, 2010).

Figure 1: City of Pacific Shoreline Planning Area, adapted from Parametrix, 2010

Shoreline	Reach No.	General Description	Linear Distance (feet)	Approximate Size (acres) ^a	Approximate Percentage of City's Shoreline
White River	A	Extends from the east City Limits to the south side of the BNSF right-of-way (ROW) on the right bank (west) of the river	420	1.93	2.9%
White River	B	Extends from the BNSF ROW to the north side of City Park on the right bank (west) of the river	1,050	4.82	7.2%
White River	C	Includes the City Park on the right bank (west) of the river	1,600	7.35	11.0%
White River	D	Extends from the south side of City Park to the King/Pierce County Line on the right bank (west) of the river	1,500	6.89	10.3%
White River	E	Extends from the King/Pierce County Line to southwest to Stewart Rd SW on the right bank (west) of the river	3,000	13.77	20.6%
White River	F	Extends from the BNSF ROW to the King/Pierce County Line on the left bank (east) of the river	4,000	18.37	27.5%
White River	G	Extends from the King/Pierce County Line to Stewart Rd SW on the left bank (east) of the river	3,000	13.77	20.6%

^a Does not include open water areas; however, does include floodways, and floodplains within 200 feet of floodways based on existing mapping sources (see Map 1).

Land-use within the planning area adjacent to the White River are generally characterized as *"...a mix of residential, parks, recreation and open space, government/institutional, and undeveloped lands"* (Parametrix, 2010; 4-12). According to the City, most of the City's shoreline area is publically owned, for which 5 of the 7 reaches contain land that is more than 50% publically owned

Shoreline Ecological Functions: The City's Inventory and Analysis (Parametrix, 2010) describe the current condition of shoreline ecological functions **within the City's jurisdictional area as largely affected**

⁴ According to the City, shoreline jurisdiction covers approximately 4,750 linear feet or 0.85 miles within the City limits and 3,000 linear feet or 0.57 miles within the UGA (Parametrix, 2010), for a total of approximately 1.42 miles of shoreline area.

⁵ The City determined the extent of "shoreland" areas based on identification of; "lands within 200-feet of the mapped edges of the mainstream... [of the White River], all floodplains associated with the areas above, and those portions of the 100-year floodplain currently mapped by the Federal Emergency Management Agency (FEMA) that are within 200 feet of the mapped floodway" (Parametrix, 2010; 2-2).

by impacts throughout the watershed (i.e., outside of the City's jurisdiction) as the City of Pacific is located very low within the White River watershed and therefore water quality and water quantity functions are outside of the City's control. In reference to habitat functions, the City summarize a range of riparian functions, for which the City's Cumulative Impact Analysis (Parametrix, 2011b) anticipate ecological improvements to occur over time as future development opportunities within the City's shoreline area are very limited and King County have proposed significant levee setback restorations projects within the City's SMP jurisdiction.

Ecology finds that the City's 2010 Inventory and Analysis report provided a sufficient assessment of existing shoreline conditions to adequately inform the SMP update process, as well as provide a basis for future protection and restoration opportunities within the City's shoreline jurisdiction. The 2010 report appears to be consistent with State Guideline requirements of (WAC) 173-26-201 (3) (c) and (d).

Shoreline Environment Designations: Assignments of Environment Designation are a fundamental aspect of the SMP update. Every stretch of shoreline has characteristics that can be used to determine what degree of natural shoreline ecological functions have been altered over time. The SMP update must factor in how lands have been used historically, including a general distinction between presently developed areas compared to relatively undisturbed shoreline areas within or surrounding a particular jurisdiction. SMP-Guideline criteria provided in WAC 173-26-211 typically serve as the primary determinant for assignment of different shoreline environment designations, along with reference to zoning and other regulatory or built environment overlays.

Through development of the updated SMP, the City identified the Urban Conservancy and Aquatic environment designations as appropriate to protect ecological functions and manage future shoreline development within the City's jurisdictional area. According to the City's Cumulative Impact Analysis (Parametrix, 2011b), the existing land-use pattern within shoreline jurisdictional areas consisting primarily of open space, public recreation and other low-intensity uses, are well established, are consistent with the City's *Comprehensive Plan* and therefore are not anticipated to change in the future. The City concluded that through implementation of the updated Shoreline Environment Designations, Shoreline Modification Standards, and applicable Use Standards the SMP will result in no net loss of shoreline ecological functions (Parametrix, 2011b).

Ecology finds that a substantive basis for designation of Shoreline Environments was appropriately conducted and assignment of designations within the SMP appear to be appropriately assigned.

Shoreline Uses: As part of the City's *Cumulative Impact Analysis* (Parametrix, 2011b), the City does not anticipate any significant changes to current uses that are currently well established within the City's boundaries. Therefore, the City concludes that the updated SMP is consistent with existing pattern of development, which primarily consists of Open Space, Public Recreation and other Low-Intensity Land-Uses.

Ecology finds that the City has adequately considered SMA preferred uses and the potential for use conflicts consistent with WAC 173-26-201 (3) (d) (ii).

Shoreline Modifications: Pursuant to WAC 173-26-231, "... Shoreline modifications are generally related to construction of physical elements such as a dike, breakwater, dredged basin, or fill, but they can include other actions such as clearing, grading, application of chemicals, or significant vegetation removal." WAC 173-26-231 (2) (b), states as a general principle that Master programs should; "Reduce

the adverse effects of shoreline modifications, and, as much as possible, limit shoreline modifications in number and extent.” These shoreline modification principles are reinforced through associated Mitigation Sequencing (WAC 173-26-201.2.e) and No Net Loss (WAC 173-26-186) requirements of the SMP-Guidelines.

The City’s Cumulative Impact Assessment (Parametrix, 2011b) provide general conclusions related to the SMP update. These conclusions serve as the City’s bases for meeting the no net loss of shoreline ecological function requirement and are subject to adherence to Shoreline Modification and Shoreline Use development standards provided within the updated SMP (Parametrix, 2011b).

The updated SMP provides development standards applicable to Shoreline Modifications such as grading and shoreline stabilization, which are consistent with mitigation sequencing requirements and no net loss standards from the SMP-Guidelines.

Assuming the City’s acceptance of required changes listed in Attachment B, Ecology finds that the City’s Shoreline Modification standards within the SMP appear consistent with mitigation sequencing principles provided for in WAC 173-26-201 (2) (e). Further, the City’s Cumulative Impact Assessment has identified and analyzed anticipated future development allowed through the updated SMP and have concluded that the program is consistent with the no net loss goal.

Cumulative Impact Evaluation: Listed as a Governing Principle of the SMP Guidelines, WAC 173-26-186 (8) (b) states, *“Local master programs shall include policies and regulations designed to achieve no net loss of those ecological functions.”*

As described within Chapter 21.20 of the City’s updated SMP, all shoreline development must be consistent with general standards of the SMP provided in section 21.20.01 ensuring no net loss of shoreline ecological functions and application of mitigation sequencing to avoid, minimize or mitigate impacts from future shoreline development. Further, specific SMP-standards required by applicable shoreline environment policies and specific use standards are also intended to minimize cumulative impacts. Therefore, all proposed shoreline uses must be consistent with the SMP and RCW 90.58, which establishes that new shoreline modifications must be consistent with the SMP and in support of an allowed shoreline use.

Subject to the City’s acceptance of the Required Changes (Attachment B), Ecology finds the City’s Cumulative Impact Assessment provides adequate analysis of anticipated development and potential effects on shoreline ecological functions. This finding is based on review of analysis of Shoreline setback standards, setback reduction standards, Shoreline stabilization standards, which are shown to satisfy no net loss of shoreline ecological function requirements as provided by the SMP Guidelines.

Restoration Plan: Pursuant to WAC 173-26-201 (2) (c), “Master programs shall also include policies that promote restoration of ecological functions, as provided in WAC 173-26-201 (2) (f), where such functions are considered impaired based on as jurisdictions Inventory and Characterization as described in WAC 173-26-201(3) (d) (i).

It is intended that local governments contribute to restoration planning through the master program update as well as through implementation of other regulatory and non-regulatory programs. The SMP-Guidelines suggest that such restoration occur through a combination of public and private programs and actions. Local governments should identify restoration opportunities through the shoreline

inventory process and authorize, coordinate and facilitate appropriate public or privately initiated restoration projects. The goal of this effort is to produce master programs which include planning elements that serve to improve the overall condition of habitat and resources within the shoreline area of each city and county.

The City has identified priority restoration planning actions consistent with the requirements of the SMP Guidelines through production of a *Shoreline Restoration Plan* (Parametrix, 2011a). The plan builds on information gathered through the City's *Inventory and Characterization Report* and provides a framework to guide future improvements to shoreline ecological functions of impaired shoreline areas within the City of Pacific.

Ecology finds that the Final Shoreline Restoration Plan is based on appropriate technical information available to the City during the SMP update. The Final Restoration Plan can serve as an effective tool for the City, non-profit organizations and the public to collectively improve shoreline conditions over time. Such restoration efforts are understood to help achieve the no-net-loss standard of the SMP-Guidelines (WAC 173-26-186).

AMENDMENT HISTORY AND REVIEW PROCESS:

The City initiated the comprehensive SMP update consistent with a scope of work described within *SMA Grant No. G1000050*. The grant agreement provided \$40,000 in state funding to be allocated to the City between July 1st, 2009 and June 30th, 2011. Throughout this time period the City provided Ecology with quarterly progress reports and deliverables listed within the grant agreement. The City submitted their final payment request on June 27, 2011, completing the grant process just prior to the June 2011 deadline.

Amendment History: As part of this effort, the City prepared an inventory of shoreline features, characterizing shoreline conditions throughout the City's jurisdictional area. Based on the *Inventory/Characterization* report, the City then prepared shoreline environment designations, corresponding policies and regulations as part of a *Draft SMP*. Finally, the City prepared a *Restoration Plan* and *Cumulative Impact Assessment* to analyze anticipated future development based on the draft SMP policies and regulations. The *Cumulative Impact Assessment* is intended to support a final conclusion related to the programs consistency with the No Net Loss of shoreline ecological function policy goal of the SMP-Guidelines.

The City carried the comprehensive SMP-update through 2-years of local development and approval by their City Council on September 12th, 2011 through adoption of Resolution No. 1089.

The City's SMP update process began through hosting of "Public Information Meetings" with the City's Planning Commission. According to the SMP-update materials, the City held seven workshops, study sessions or open house events with either the Planning Commission or the City Council, for which notice providing a invitation was provided to the general public and all stakeholders with interest in the SMP-update. The Planning Commission also held a final Public Hearing on April 26, 2011, after which the Commission finished their review of the SMP by forwarding a recommendation to the City Council to consider the draft SMP for local approval. The City Council reviewed the draft SMP through two City

Council Workshops⁶ and subsequently passed Resolution No. 1089 on September 12th, 2011, authorizing City staff to forward the SMP on to Ecology for formal review and adoption of the updated SMP.

Independent of the public process described above, notice throughout the SMP-update was also provided **on the City's website**⁷, as well as mailings and advertisements that were distributed to interested parties to encourage participation throughout the development of the SMP.

Ecology received an initial submittal of the SMP amendment on September 26th, 2011. Consistent with WAC 173-26-120, Ecology reviewed the submittal for completeness and notified the City on October 17th, 2011 requesting additional information necessary to initiate formal review of the SMP. The City provided the requested materials to Ecology on November 23, 2011, for which Ecology responded to the City on December 6, 2011 confirming that the submittal was complete, thus initiating formal state review of the SMP-amendment.

Ecology finds that the City satisfied the minimum SMP-Guideline standards related to public process (WAC 173-26-201 (3) b) and submittal (WAC 173-26-110) of the SMP to the Department for review.

DEPARTMENT OF ECOLOGY REVIEW PROCESS

Ecology acknowledged the complete submittal of the City's SMP amendment and supporting materials as consistent with WAC 173-26-110 in a letter to the City dated December 6th, 2011, initiating formal State review of the proposed SMP.

Notice of the State (Ecology) comment period was distributed⁸ to approximately 70 individual state task force members and local interested parties identified by the City in compliance with the requirements of WAC 173-26. In addition to individual notices mailed to interested parties, Ecology also provided notice on the agencies Public Involvement Calendar and created a webpage⁹ that provides information related to the City's SMP-update and notice of the Ecology comment period. Ecology provided an opportunity for the public to submit comments **on the City's SMP between** January 10th and February 10th, 2012. Ecology did not receive any comments **on the City's** SMP update during the public comment period.

Summary of Issues Identified by Ecology as Relevant To Its Decision: Based on review of locally approved SMP for consistency with applicable SMP-Guideline requirements, required changes listed in Attachment B range from corrections to typographical errors to sticking of critical areas exemptions that are not consistent with applicable SMP-Guideline provisions.

Therefore, Ecology finds that the SMP can be amended to be consistent with the SMP-Guidelines through the City's acceptance of "Required Changes" listed within Attachment B.

Consistency with Chapter 90.58 RCW: The proposed amendments have been reviewed for consistency with the policy and procedural requirements of RCW 90.58.020 and the approval criteria of RCW 90.58.090.

⁶ According to the City the Council Workshops were held on August 15 and September 6, 2011.

⁷ <http://cityofpacific.com/shoreline.html>

⁸ Notice postcards were mailed to Interested Parties on January 3, 2012.

⁹ Ecology - City of Pacific SMP update website, available for public viewing as of December 12, 2011:
<http://www.ecy.wa.gov/programs/sea/shorelines/smp/mycomments/Pacific.html>

Consistency with “applicable guidelines” (Chapter 173-26 WAC, Part III): The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program guidelines (WAC 173-26-171 through 251 and -020 definitions; see especially WAC 173-26-201, WAC 173-26-221 General Master Program provisions, WAC 173-26-231 Shoreline Modifications and WAC 173-26-241 Shoreline Uses. This included review of the final SMP Submittal Checklist dated August 2011, which was completed by the City and submitted to Ecology for review.

Consistency with SEPA Requirements: The City submitted evidence of SEPA compliance. The City published notice for a Determination of Non-Significance (DNS) for the proposed SMP amendment on March 25, 2011. As a part of the DNS notice the general public and interested parties were provided an opportunity to comment within 14-days of issuance of the DNS or SEPA-addendum. Ecology did not provide comment to the City on the DNS.

Other Studies or Analyses supporting the SMP update: In addition to multiple drafts of the proposed SMP (Policies & Regulations), Ecology reviewed the following reports, studies, map portfolios and data prepared by the City in support of the SMP amendment:

- *City of Pacific Shoreline Inventory & Analysis* dated October 2010 (Parametrix, 2010);
- *City of Pacific SMP Update Cumulative Impacts* dated April, 2011 (Parametrix, 2011b);
- *City of Pacific SMP Update Restoration Plan* dated April, 2011 (Parametrix, 2011a); and
- Final SMP-checklist dated August 2011.

REFERENCES

- Parametrix. (2010) *City of Pacific Shoreline Master Program Characterization Report*. Prepared for the City of Pacific Shoreline Master Program Update, Bellevue, Washington.
- Parametrix. (2011a) *City of Pacific Shoreline Master Program Restoration Plan*. Prepared for the City of Pacific Shoreline Master Program Update, Bellevue, Washington.
- Parametrix. (2011b) *City of Pacific Shoreline Master Program Cumulative Impact Report*. Prepared for the City of Pacific Shoreline Master Program Update, Bellevue, Washington.

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City's SMP proposal, subject to and including Ecology's required changes (itemized in **Attachment B**), is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions). This includes a conclusion that the proposed SMP, subject to required changes, contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions that is anticipated to result from implementation of the new master program amendments (WAC 173-26-201 (2) (c)).

Ecology concludes that the proposed SMP amendment, subject to the required changes in Attachment B satisfy the intent of the provision for no net loss of shoreline ecological functions (WAC 173-26-201 (2) (c)).

Ecology concludes that the City of Pacific chose not to exercise the option pursuant to RCW 90.58.030 (2) (f) (ii) to increase shoreline jurisdiction to include land necessary for buffers for critical areas located within shorelines of the state. Therefore, as required by RCW 36.70A.480 (6), for those designated critical areas with buffers that extend beyond SMA jurisdiction, the critical area and its associated buffer shall continue to be regulated by the City's critical areas ordinance. In such cases, the updated SMP shall also continue to apply to the designated critical area, but not the portion of the buffer area that lies outside of SMA jurisdiction. All remaining designated critical areas (with buffers NOT extending beyond SMA jurisdiction) and their buffer areas shall be regulated solely by the SMP.

Ecology concludes that those SMP segments relating to shorelines of statewide significance provide for the optimum implementation of Shoreline Management Act policy (RCW 90.58.090 (5)).

Ecology concludes that the City of Pacific have complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the City of Pacific have complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP amendment process.

Ecology concludes that the City of Pacific have complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the City of Pacific have complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the City of Pacific SMP amendment submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201 (3) (a) and (h) requiring a SMP Submittal Checklist.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in WAC 173-26-120.

DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed amendment is consistent with the policies of the Shoreline Management Act, the applicable guidelines and implementing rules, once changes set forth in **Attachment B** are accepted by the City. Ecology's approval of the proposed amendment including required changes will become effective 14-days after the date at which Ecology receives written notice that the City has agreed to the required changes.

As provided in RCW 90.58.090 (2) (e) (ii) the City may choose to submit an alternative to all or part of the changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final action on the amendment.

The following changes are required to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III);

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES <u>underline-additions</u> ; through-deletions	ECOLOGY - DISCUSSION/RATIONAL
1	Shoreline Master Program Section Description (Pg. 1)	Section 3 Critical Areas - Amended	<p>City of Pacific, Shoreline Master Program</p> <p>Section 1, Amendment of the Comprehensive Plan</p> <p>Section 2, Amendment of the Pacific Municipal Code, Title 21, Shoreline Management</p> <p>Section 23, Amendment of Pacific Municipal Code, Title 23, Critical Areas</p>	<p>Typographic error, in reference to three sections of the SMP.</p>
2	Section 1- Comprehensive Plan Goal LU 25	Shoreline Management Goal (Pg. 1)	<p>Shoreline Management</p> <p>Goal LU 25: Provide for Management of Shorelines in Accordance with the Shoreline Management Act RCW 90.48-58</p>	<p>Typographic error, for which it is assumed that the City intended to provide a reference to the Shoreline Management Act at RCW 90.58.</p>
3	21.08.060 Definitions F:	Floodway Definition (Pg. 14)	<p>Floodway means the area, as identified in a master program, that either: (i) has been established in Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) or floodway maps; or (ii) consists of those portions of a river valley lying waterward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood risk reduction devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. See <u>Shoreline Jurisdiction description in Section 21.10.07.</u></p>	<p>Amendments to the "Floodway" definition are necessary to ensure consistency with the Shoreline Jurisdiction description provided in Section 21.10.07 of the Master Program (also see item 4 - below). Since FEMA FIRM-maps are not available for the City of Pacific, the City does not have the option of referencing a FEMA Floodway, for which the reference should be removed from this definition.</p>
4	21.10.07 Shoreline Overlay District, Maps and Boundaries	Shoreline Jurisdiction Description (Pg. 26)	<p>The following "Shoreline Environment Descriptions" shall constitute the official <u>provide general written descriptions of the geographic extent of each of the individual Shoreline Environment Designations within areas subject to compliance with this Master Program. limits of all City Shorelands as defined by RCW 90.58-090.</u></p> <p>Federal Emergency Management Agency (FEMA) Flood Insurance Rating Maps (FIRM) do not delineate a Floodway boundary within the City of Pacific. Therefore, for the purpose of defining the landward extent of SMP Jurisdiction, the City shall consider the <u>waterward edge of flood control (levee) structures, as the point from which Shoreline Jurisdiction extends 200-feet landward along a horizontal line extending in all directions.</u></p>	<p>The updated Shoreline Master Program needs to clearly describe jurisdictional and geographic boundaries for which the program applies. The subject amendment is necessary to identify the point from which the 200-foot upland extent of shoreland jurisdiction is to be considered.</p>
5	21.20.02.A Critical Areas within Shoreline Jurisdiction	Critical Areas Ordinance Reference (Pg. 28)	<p>The following critical areas shall be regulated within Shoreline Management Act jurisdiction in accordance with the provisions of <u>Section 3 of this Master Program, PVC Chapter 23 which include applicable sections of the City's Critical Areas Ordinance, which are adopted by reference. The provisions of such chapters adopted are those in effect as of the initial date of City Council adoption of this code, the day of ____, 2011, and are considered part of this Master Program:</u></p> <p>23-30 Critical Aquifer Recharge Areas</p> <p>23-40 Flood Control</p> <p>23-50 Geologically Hazardous Areas</p> <p><u>Definitions for "Buffer" and "Wetlands" from 23.10.030</u></p> <p><u>23.10.140 Variances</u></p> <p><u>23-20 including subsections .040 - Wetlands, .050 - Wetland Mitigation, .060 - Small Wetlands, and .070 - Wetland Buffer Averaging.</u></p> <p><u>23.60.050 (K - O) Habitat Conservation Areas</u></p>	<p>The subject amendments are necessary to establish the scope of the Master Program for which Critical Areas provisions to be applied within shoreland jurisdiction are provided in Section III of the stand-alone SMP, without formal reference to the City's CAO.</p>

BILL FORMAT CHANGES [underline-additions; strikethrough-deletions]

ECOLOGY - DISCUSSION/RATIONAL

ITEM	SMP PROVISION	TOPIC	ECOLOGY - DISCUSSION/RATIONAL
6	<p>21.20.02. B Critical Areas within Shoreline Jurisdiction</p>	<p>Critical Areas Ordinance Reference (Pg. 29)</p>	<p>Wetland provisions provided in Section III of this Master Program are referenced above and therefore this provision would be redundant and is not needed.</p>
7	<p>23.10.140 Section III Variance</p>	<p>Critical Areas Ordinance Reference (Pg. 71)</p>	<p>As stated by the City within the locally adopted SMP, "Reasonable Use Exemptions" common to Critical Areas Ordinances are not authorized through the SMP-Guidelines (WAC 173-26). Therefore, modification to Critical Areas Ordinance Shoreline Jurisdiction are to be evaluated through a Shoreline Variance to ensure consistency with applicable policies of the Shoreline Management Act.</p>

CITY OF PACIFIC

Agenda Staff Report

Agenda Item No. Workshop Item 4J Meeting Date: February 19, 2013
Subject: Requesting a Fund Transfer for Prepared by: Ken Barnett, Acting
Carner Meadows Project Improvements Public Works Director

Summary: Carner Meadows was never completed per City specifications by the developer, as a result it now falls to the City to complete the project. Staff has reviewed the uncompleted project and found that street lights and final paving is needed to complete it. The amount needed to complete this project should not exceed \$50,000, and the budget for street improvements has less than \$6,000 listed in the 2013 budget. Staff is seeking a fund transfer of \$50,000 in order for the City to complete this project.

Recommendation: Move forward to the next regular meeting.

Budget: The City holds an assignment of funds in the amount of \$30,000, plus we have placed liens on Carner Properties at an additional \$30,000 for a total of \$60,000 to cover the cost of street lights and final paving improvements. The City is required to pay for the improvements before funds can be released.

Attachments: Draft resolution

THIS PAGE LEFT INTENTIONALLY BLANK

CITY OF PACIFIC, WASHINGTON

RESOLUTION NO. 2013-****

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, REQUESTING A FUND TRANSFER FOR CARNER MEADOWS PROJECT IMPROVEMENTS

WHEREAS, in January, 2006, the City approved the plat for Carner Meadows; and

WHEREAS, the owner of Carner Meadows project provided an assignment of funds in the amount of \$30,000, to ensure the needed improvements would be done; and

WHEREAS, the City placed a lien against Carner Meadows in the amount of \$30,000 on February, 2013 as the needed improvements for street lights and paving were not completed; and

WHEREAS, Staff has recently learned that insufficient funds were allocated in the 2013 budget's street improvement line item. Staff will need an additional \$50,000 added to the street improvement line item in order to complete the Carner Meadows Improvement Project; and

WHEREAS, the City needs to do the improvements in order to release the bonds or accounts held for this project,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AS FOLLOWS:

Section 1. The Finance Director is directed to transfer \$50,000 into the street improvement line item with funds to be used to complete the needed improvements in Carner Meadows Project; and further direct Staff to release the bonds and/or accounts held for this project upon completion and final inspection.

Section 2. This Resolution shall take effect and be in force immediately upon its passage.

PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING THEREOF ON THE __ DAY OF _____ 2013.

CITY OF PACIFIC

Cy Sun, Mayor

ATTEST:

Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to Form:

Kenyon Luce, City Attorney

FILED WITH THE CITY CLERK: 2.14.13
PASSED BY THE CITY COUNCIL:
EFFECTIVE DATE:
RESOLUTION NO. 2013-

THIS PAGE LEFT INTENTIONALLY BLANK

CITY OF PACIFIC

Agenda Staff Report

Agenda Item No.	<u>Workshop Item 4K</u>	Meeting Date:	<u>February 19, 2013</u>
Subject:	<u>Amendment No. 2 to Interlocal Agreement with City of Auburn for Web Hosting and Maintenance</u>	Prepared by:	<u>Patti Kirkpatrick, MMC City Clerk/Personnel Manager</u>

Summary: At the February 4, 2013, Workshop, Council directed staff to bring this item back for further discussion as follows: 1) what the costs would be for Web Services through Auburn IT; and 2) how user friendly the system will be to upload information to the website by Pacific staff.

The City Clerk met with Auburn IT's web design team and discussed a new look for the website, as well as the ease in which to upload information. It was recommended by Auburn IT that the City pay the \$300 all inclusive package for the first three months, to allow staff time to make significant changes to their web pages. Once large changes have been made, they recommended that the City revert to the \$75 hourly rate as needed for assistance with larger items such as creation/links to new pages, etc. Further, this will allow Directors to determine who in their department will be responsible for updating their web pages and to learn how to do that. Auburn IT assures the process is user friendly and easy to learn. There was discussion with Auburn's IT Director to bill in 15 minute increments rather than 30, to which he would consider. Sample page of what the website front page will look like are attached for review.

Recommendation: to move forward for action to be taken by the Council at its next regular meeting.

Budget: May require a budget adjustment.

Attachments: City of Auburn IT – Draft Web Hosting Maintenance Agreement
Sample Web Pages

THIS PAGE LEFT INTENTIONALLY BLANK

City of Pacific Web Hosting and Maintenance Agreement “Draft”

WEB DESIGN	One-Time Fee
\$2200	Completed with Go-Live and Training to be determined -Custom content delivery and final design phase prior to go-live (2 hours) -Up to 2 Hours go-live staff training (\$75 per hour there after)
Site Transfer	
\$300	Site transfer, decommission old and migrate all data
HOSTING	Monthly Fee
\$75	\$75 month includes: -Content management software and updates -Data backup and restore -5 GB server space (1/4 GB current size) -10 GB FTP Storage and Access -Software upgrades -User administration and access -Pacific user access to update and upload documents -Report Information – Page “hits”, access, etc. -Security compliance and monitoring -Technical support through existing “Auburn Innovation & Technology Interlocal”
Content Updates	
OPTION A:	Pacific managed page content updates and document uploads
Hourly Rate	\$75 per hour billed in 30 min. increments for assistance with uploads and updates General questions, or technical issues covered under interlocal I&T Services
OPTION B:	Daily updates, changes, and document archiving at user requests through help desk
\$300 Monthly	Typical site/page maintenance activities such as: content updates, copy additions or corrections; addition of photos or graphics outside of “static design”. <u>Approval Process</u> - When pages are submitted as part of the workflow in the CMS we will verify a list of standards and quality control items before publishing to the site.
Optional Services	
Static design changes	\$100 per hour AFTER scope of work and estimate is given in 30 minute increments
Content updates	\$75 per hour in 30 minute increments
Training	\$75 per hour each additional hour training after 2 hours above
Approval Process	When pages are submitted as part of the workflow in the CMS we will verify a list of standards and quality control items before publishing at the \$75 per hour rate billed in 30 min increments. If we are not involved in the CMS workflow help would be charged as requested at the \$75 per hour rate billed in 30 min increments.

Customer will need to choose Option A or B

SAMPLE WEBSITE

UPDATED FRONT PAGE



[About Pacific](#) | [Government](#) | [Departments](#) | [Living in Pacific](#) | [Business](#) | [Emergency Services](#) | [Contact Us](#)

City of Pacific

Pacific is a vibrant community located on the King/Pierce county line. Accessible by foot, bicycle or car, our city boasts magnificent views of Mt. Rainier and easy access to the White River, Interurban Trail and State Route 167.

Conveniently situated between Seattle and Tacoma, the City of Pacific is an inviting place to live, work or locate your business. Pacific was incorporated in 1909 and has grown from a small agricultural community into a regional partner in transportation, economic development and quality government. The city offers available land, professional governance, good schools and proactive economic development.

Experience the natural beauty of the Pacific Northwest in our friendly community of just 3.8 square miles.



Photo by Joshua Perham

[Bike Lane FAQ](#)

News

Park Board Vacancy - The City of Pacific is seeking volunteers to serve on the Park Board, for the remainder of two terms ending December 31, 2013. Applicants must be residents of the City of Pacific. Please complete an Advisory Board [Application](#) and return it to the City Clerk, along with a letter of interest and your resume, at 100 3rd Ave SE, Pacific, WA 98047 or email to [Patricia Kirkpatrick](mailto:Patricia.Kirkpatrick@cityofpacific.com). Application deadline is Friday, February 22, 2013, no later than 4:30 p.m.

Interested in volunteering in other ways? [Send us an email!](#)

Pay Utilities
Online

Permits
& Licenses

Agendas
& Minutes

Water/
Stormwater

Public
Records

Employment
Opportunities

CITY OF PACIFIC

Agenda Staff Report

Agenda Item No.	<u>Workshop Item 4L</u>	Meeting Date:	<u>February 19, 2013</u>
	<u>Approval of Professional Services</u>		
Subject:	<u>Contract For Records Management</u>	Prepared by:	<u>Patti Kirkpatrick, MMC</u>
	<u>And Public Records Assistance in the</u>		<u>City Clerk/Personnel</u>
	<u>City Clerk/Personnel Manager's Office</u>		<u>Manager</u>

Summary: As you may recall, during the budget discussions in November it was indicated that if funding became available the City Clerk could seek funding to contract for assistance in records management and public records requests in that office. This matter was brought to the Finance Committee as Staff finds she is unable to bring the existing files up to date in order to respond to public record requests while performing other essential functions of the job.

Staff met with two potential candidates and selected Ms. Charlie Knoll to assist her with records management and public record requests as outlined in the scope of services attached to the proposed professional services contract. The contract amount is \$18.50/hour, not to exceed a total of 420 hours, with a cost of \$7,770, through the end of this year or December 31, 2013.

Recommendation: move this item forward to the next Council meeting for approval of a professional services contract.

Budget: Public Record Requests and Records Management are expenses that are funded through the General Fund. These invoices would be recorded to the BARS Account 001.000.514.20.41.0. The 2013 budget did not allocate funds for this expense. Even though there are funds allocated to Fund 001.000.514, those funds are specific for the Audit, Advertising, Banking and Investing. This will require a budget amendment with the funding source identified.

Attachments: Professional Services Contract – draft
Letter of Interest – Ms. Charlie Knoll

THIS PAGE LEFT INTENTIONALLY BLANK



SERVICE PROVIDER / PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into in duplicate this ____ day of February, 2013 by and between the City of Pacific a Washington Municipality, hereinafter referred to as "CITY" and Charlie Knoll hereinafter referred to as the "SERVICE PROVIDER".

WITNESSETH:

WHEREAS, the CITY desires to have certain services and/or tasks performed as set forth below and in the scope of services, incorporated herein as Exhibit A, requiring specialized skills and other supportive capabilities; and

WHEREAS, the SERVICE PROVIDER represents that the SERVICE PROVIDER is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise, where required, to perform the services and/or tasks set forth in this Agreement; and

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance measures contained herein, the parties hereto agree as follows:

1. SCOPE OF SERVICES

The SERVICE PROVIDER shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as SERVICE PROVIDER responsibilities throughout this Agreement and as detailed in Exhibit "A" attached hereto and incorporated herein.

2. TERM

A. The term of this agreement shall not exceed one year or December 31, 2013.

B. This Agreement may be terminated by the CITY when the CITY determines that the scope of work has been satisfied or that the services of the SERVICE PROVIDER are no longer necessary.

C. In the event of termination of this Agreement by either party, the CITY shall within thirty (30) calendar days of termination pay the SERVICE PROVIDER for all services rendered up to the date of termination, in accordance with the payment provisions of this Agreement.

3. COMPENSATION AND METHOD OF PAYMENT

A. Payments for services provided hereunder shall be made following the performance of such services, unless otherwise permitted by law and approved in writing by

CITY. The total amount of payment to the SERVICE PROVIDER shall not exceed 420 hours, at \$18.50 per hour with a total not to exceed cost of \$7,770.

B. No payment shall be made for any service rendered by the SERVICE PROVIDER except for services identified and set forth in this Agreement and in the attached Scope of Services, Exhibit A, and incorporated herein.

C. The SERVICE PROVIDER shall submit to the City Clerk a monthly invoice for services rendered during the service period. CITY shall initiate authorization for payment after receipt of said approved voucher or invoice and shall make payment to the SERVICE PROVIDER within approximately thirty (30) days thereafter.

4 INDEPENDENT SERVICE PROVIDER RELATIONSHIP

A. The parties intend that an independent SERVICE PROVIDER relationship will be created by this Agreement. CITY is interested primarily in the results to be achieved; subject to paragraphs herein, the implementation of services will lie solely with the discretion of the SERVICE PROVIDER. The SERVICE PROVIDER shall not be deemed to be an employee, servant or representative of CITY for any purpose and not entitled to any of the benefits the CITY provides for its employees except as otherwise expressly provided herein. SERVICE PROVIDER will not be eligible for any Federal Social Security, State Workman's Compensation, unemployment insurance or retirement system benefits from payments made as a part of this contract.

B. In the performance of the services herein contemplated the SERVICE PROVIDER is an independent contractor who shall report directly to the City Clerk/Personnel Manager and all work performed for CITY shall be subject to the City Clerk's review to secure the satisfactory completion thereof.

C. As an independent contractor, SERVICE PROVIDER shall be responsible for any federal or state taxes applicable to payments received pursuant to this Agreement.

D. CITY shall report the total amount of all payments to SERVICE PROVIDER, including any expenses, in accordance with Federal Internal Revenue Service and State of Washington Department of Revenue regulations.

5. ADMINISTRATION OF AGREEMENT

This Agreement shall be administered by Patti Kirkpatrick, City Clerk/Personnel Manager or designee on behalf of CITY. Any written notices required by the terms of this Agreement shall be served on or mailed to the following addresses:

CITY OF PACIFIC
Patti Kirkpatrick, City Clerk/Personnel Manager
100 3rd Avenue SE
Pacific, Washington 98047
253-929-1105 Phone
253-939-6026 Fax
Email: pkirkpatrick@ci.pacific.wa.us

SERVICE PROVIDER
Charlie Knoll
P O Box 269
Pacific, WA 98047
360-616-1235 (Cell)
ckalaska@gmail.com

6. HOLD HARMLESS AND INDEMNIFICATION

A. No liability shall attach to CITY by reason of entering into this Agreement except as expressly provided herein.

7. INSURANCE

A. The SERVICE PROVIDER shall provide proof of insurance to the CITY that he/she is insured. Any payment of deductible shall be the sole responsibility of the SERVICE PROVIDER.

8. OWNERSHIP OF RECORDS AND DOCUMENTS

The written, graphic, mapped, photographic, or visual documents prepared by the SERVICE PROVIDER under the scope of work of this Agreement are instruments of the contractor's services for use by the CITY with respect to this Agreement and, unless otherwise provided, shall be deemed the property of the City, provided that the SERVICE PROVIDER shall have no liability for the use of the SERVICE PROVIDER work product outside of the scope of its intended purpose.

9. ENTIRE AGREEMENT

The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modifications of this Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and cause for termination. It is also agreed by the parties that the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of any other of the provisions of this Agreement.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

Patricia J. Kirkpatrick, MMC, City Clerk
100 3rd Ave SE
Pacific, WA 98047
253-929-1105

Charlie Knoll
P O Box 268
Pacific, WA 98047
360-616-1235

EXHIBIT “A”

SCOPE OF WORK

- Locate, store, scan, and index City ordinances and resolutions; ensuring appropriate documents are attached to the original ordinance or resolution; updating the appropriate Database to include cross reference when one document replaces or supersedes another. Assist in transferring paper documents to the Washington State Archivist for storage, as needed. Electronic, signed scanned documents will be stored in the appropriate folder on CITY'S system.
- Assist in responding to large public records requests, to include reviewing emails, compiling electronic and paper documents responsive to the request; creating exemption logs, redaction of documents for the City Clerk's review and approval prior to sending out; and updating the public records database and master database.
- Locate, store, scan and prepare minutes for posting to City's Website once approved and signed. May include sending older paper minutes to Washington State Archivist for storage. Scanned minutes will be saved in the appropriate electronic folder on CITY's system.
- Assemble and properly label all contracts, agreements, and interlocal agreements, deeds, vehicle titles, etc as directed by the City Clerk. May include archiving documents that are no longer active. All contracts, agreements, and interlocal agreements will be scanned and stored on CITY's system in the appropriate folder(s).
- Perform an inventory of all departmental records, including those records ready for disposal per the State's retention schedule and updating the master file database.

Charlie Knoll
PO Box 268
Pacific, WA 98047
360.616.1235
ckalaska@gmail.com

February 13, 2013

CITY OF PACIFIC
Patti Kirkpatrick, City Clerk/Personnel Manager
100 third Ave SE
Pacific, WA 98047
pkirkpatrick@ci.pacific.wa.us

Re: Service Provider - Document /Records Management

Dear Patti,

After our discussion of last week regarding your pressing need for records management assistance, I would like to let you know I am interested in the contract position for the City.

I have 20+ years in a large medical clinic working with records and database management. My specialty includes storage and retrieval using manual and electronic database; alphabetic, subject, and numerical records management as well as geographic storage methods and record controls. I am methodical and accurate while being easy to work with. You will find me flexible in adapting to a system you have designed specifically for the needs of running the City.

Thank you for your time and consideration. I look forward to speaking with you about this exciting opportunity.

Sincerely,

Charlie Knoll

THIS PAGE LEFT INTENTIONALLY BLANK