



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

September 2, 2014
Tuesday

Workshop
6:30 p.m.

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL OF COUNCIL MEMBERS**
- 3. ADDITIONS TO/APPROVAL OF AGENDA**
- 4. DISCUSSION ITEMS**
 - (3) **A. AB 14-149: Request of a fee waiver for use of City Park** by the Kent Fraternal Order of Eagles, #362 on September 27, 2014. (5 min.)
(Amy Stevenson-Ness)
 - (7) **B. AB 14-150: Resolution No. 2014-196: Authorizing an amendment to an Interlocal Agreement with King County for a 2011 Conservation Futures Grant for the Pacific Hatch Habitat Project** (10 min.)
(Paula Wiech)
 - (25) **C. AB 14-151: Planning Commission Recommendations – Marijuana Uses Ordinances** (15 min.)
(Paula Wiech)
 - (103) **D. AB 14-152: Resolution No. 2014-197: Authorizing the execution of a contract with Parametrix for Interurban Trail design and permitting services in the amount of \$186,918.00.** (10 min.)
(Jim Morgan)
 - (135) **E. AB 14-153: Resolution No. 2014-198: Authorizing an agreement with Washington Association of Sheriffs and Police Chiefs (WASPC) for final on-site accreditation assessment.** (10 min.)
(John Calkins)
 - (141) **F. AB 14-154: Discussion regarding Pierce County Countywide Planning Policies Amendment Interlocal Agreement from Pierce County Regional Council.** (10 min.)
(Amy Stevenson-Ness)
 - (167) **G. AB 14-155: Discussion: Waste Management Letter of Understanding: Composting Fee Increase** (10 min.)
(Amy Stevenson-Ness)
- 5. EXECUTIVE SESSION** for collective bargaining per RCW 42.30.140(4)(a) for 15 minutes
- 6. ADJOURN**



Agenda Bill No. 14-149

TO: Mayor Guier and City Council Members
FROM: Amy Stevenson-Ness, City Clerk
MEETING DATE: September 2, 2014
SUBJECT: City Park Fee Waiver Request

ATTACHMENTS:

Previous Council Review Date: N/A

Summary: Kent Fraternal Order of Eagles #362 is requesting the waiver of park usage fees for City Park for a free Family Fun Day event they would like to have on September 27, 2014.

The purpose of the event is "to help our club and charities and to let people in the community know what the FOE is all about. And that we are a family oriented club that takes care of our communities." Additionally, the event will raise money for their club by donation.

When they inquired about the availability of the park, they were informed that at that time, it was available on their requested date.

Requestor Terri Oswald and Tammy Black will be present to answer questions.

Recommended Action:

Motion for Consideration: "I move to approve..."

Budget Impact:

Alternatives:

Date of Event Sept. 27th, 2014

Sponsored by - Kent Fraternal Order of Eagles
362

Come One Come All!!

Event - A family fun day for members
and the community around us!

Activities:

Live Music and Singing

3 legged races

Egg toss

water balloon toss

gunnysac races

Food:

Hamburgers - Hotdogs

Chips & soda or juice

(Prizes)

Purpose of event:

To help our club and charities
and to let people in the community know
what the JOE is all about. And that we
are a family oriented club that takes care
of our ~~communities~~ communities

AND YES We Clean up after
ourselves!

**City of Pacific
Citizen Comment Sign-Up Sheet**

Pursuant to Council Rules of Procedures, Section 4.6, persons addressing the Council will be requested to step up to the podium, give their name for the record, and limit their remarks to three (3) minutes. No speaker may convey or donate his or her time to another speaker. All remarks will be addressed to the Council as a whole, and not to individual City staff members. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive may be requested to leave the meeting.

Please complete the following information, check the appropriate boxes below, and submit your completed sign-up sheet to the City Clerk prior to the meeting...thank you.

Name: (required): Tammy Black & Terri Oswald

Address (optional): _____

Phone (optional): 253-939-4236 & 253-508-7188

This sign-up sheet is considered a public record and may be required to be disclosed upon request. In order to receive additional notifications about the topic on which you are speaking, you must provide your contact information.

**All Comments are Subject to Three (3) Minutes.
I understand the Mayor may interrupt if the time limit is exceeded**

I wish to testify to the City Council on the following agenda item and/or issue:
~~Eagle~~ Kent Eagles permission to use Pacific City Park
for a Family Fun Day to raise money for
our club (No dieball)

 X In Support _____ In Opposition

In lieu of speaking, I request the City Clerk to read my written comments into the record, the three (3) minute time limit applies.

Signature Required: _____



Agenda Bill No. 14-150

TO: Mayor Guier and City Council Members
FROM: Paula Wiech, Planner
MEETING DATE: September 2, 2014
SUBJECT: King County Interlocal Agreement Amendment: Hatch Property Purchase

ATTACHMENTS:

- Resolution 2014-196
 - King County CFT Interlocal Amendment for Hatch property purchase;
 - King Co. Ord 16984 – 2011 Budget details related to this purchase;
 - Pacific Invoice backup showing Hatch purchase project expenses
-

Previous Council Review Date: None

Summary: David Tiemann, who manages the King County Conservation Futures Grants, recently informed staff that before the City could be reimbursed for Hatch property purchase expenses, our Mayor needed to sign and return the attached Amendment "C" to the City's Interlocal Agreement with King County for a 2011 Conservation Futures (CFT) grant for the Pacific Hatch Habitat project, approved in November, 2010 by King County. The King County Executive is authorized to sign this interlocal by King County Ordinance 17125. This is our standard Amendment to the CFT ILA, in a format they have had for over two decades.

The Interlocal Amendment refers to King County Ordinance 16984, the 2011 Budget and Appropriations ordinance. I have attached pages that relate to the Hatch CFT grant.

Recommendation/Action: Approve Resolution No. 2014-196 authorizing the Mayor to sign three (3) copies of the King County Interlocal Agreement Amendment, so an invoice may be submitted for reimbursement by the County for 50% of the expenses incurred by the City relating to the Hatch property purchase.

Motions for Consideration: Approve the signing of three (3) copies of the King County Interlocal Amendment by Mayor Guier so an invoice may be submitted by the City for reimbursement of 50% of expenses incurred in making the Hatch property purchase.

Budget Impact: \$61,628.14 in expenses recovered.

Alternatives: Do not approve the Mayor's signature and do not receive reimbursement by King County for expenses related to the Hatch property purchase.

**CITY OF PACIFIC
WASHINGTON**

RESOLUTION NO. 2014 - 196

**A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON,
AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN
INTERLOCAL AGREEMENT WITH KING COUNTY FOR A 2011
CONSERVATION FUTURES GRANT**

WHEREAS, in 2010, King County appropriated a total of Eighty Thousand Dollars (\$80,000) in Conservation Futures (CFT) Levy proceeds to the City of Pacific for the Hatch Habitat Acquisition Project; and

WHEREAS, an amendment to the King County Interlocal Agreement for a 2011 Conservation Futures grant needs to be signed in order to receive the appropriated funds; and

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

Section 1. The Pacific City Council hereby authorizes the Mayor to execute an amendment to an Interlocal Agreement with King County for a 2011 Conservation Futures Grant for the Pacific Hatch Habitat project (attached as Exhibit A.)

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

APPROVED BY THE CITY COUNCIL ON SEPTEMBER 8, 2014.

CITY OF PACIFIC

LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

AMY STEVENSON-NESS, CITY CLERK

APPROVED AS TO FORM:

CAROL MORRIS, CITY ATTORNEY

**AMENDMENT TO THE CONSERVATION FUTURES
INTERLOCAL COOPERATION AGREEMENT
BETWEEN KING COUNTY AND THE CITY OF PACIFIC
FOR OPEN SPACE ACQUISITION PROJECTS**

Preamble

The King County Council, through Ordinance 9128, has established a Conservation Futures Levy Fund and appropriated proceeds to King County, the City of Seattle and certain suburban cities. This amendment is entered into to provide for the allocation of additional funds made available for open space acquisition.

THIS AMENDMENT is entered into between the CITY OF PACIFIC and KING COUNTY, and amends and attaches to and is part thereof of the existing Interlocal Cooperation Agreement entered into between the parties on the 9th day of November 2006, as previously amended.

The parties agree to the following amendments:

Amendment 1: Article 1. Recitals

A paragraph is hereby added to the Recitals Section to provide for a Conservation Futures Levy Fund allocation for the Hatch Habitat acquisition Project, and hereafter reads:

- On November, 15, 2010, the King County Council passed Ordinance 16984, which appropriated a total of Eighty Thousand Dollars (\$80,000) in Conservation Futures Levy proceeds to the City of Pacific for the Hatch Habitat acquisition Project. On June 27, 2011 the King County Council passed Ordinance 17125, authorizing the King County Executive to enter into interlocal agreements with the City of Seattle and the suburban cities for the disbursement of Conservation Futures Funds in Ordinance 16984.

Amendment 2: Article V. Conditions of Agreement

Section 5.1 is amended to include reference to Attachment C, which lists a 2011 Conservation Futures Levy allocation for the Hatch Habitat acquisition Project.

Amendment 3: Article VII. Responsibilities of County

The first two sentences of this article are amended to include references to Attachment C, which lists a 2011 Conservation Futures Levy proceeds allocation for the Hatch Habitat acquisition Project:

Subject to the terms of this agreement, the County will provide Conservation Futures Levy Funds in the amounts shown in Attachments A through C to be used for the Projects listed in Attachments A through C. The City may request additional funds; however, the County has no obligation to provide funds to the City for the Projects in excess of the total amounts shown in Attachments A through C. The County assumes no obligation for the future support of the Projects described herein except as expressly set forth in this agreement.

AMENDMENT 4: Attachment C

The attachments to the interlocal agreement are hereby amended by adding Attachment C, which is hereby attached to the interlocal agreement, incorporated therein and made a part thereof.

In all other respects, the terms, conditions, duties and obligations of both parties shall remain the same as agreed to in the Interlocal Cooperation Agreement as previously amended.

This document shall be attached to the existing Interlocal Cooperation Agreement.

IN WITNESS WHEREOF, authorized representatives of the parties hereto have signed their names in the spaces set forth below:

KING COUNTY

CITY OF PACIFIC

Dow Constantine
King County Executive

Mayor

Date:
Acting under the authority of
Ordinance 17125

Date:
Acting under the authority of
Ordinance:

Approved as to form:

Approved as to form:

Dan Satterberg
King County Prosecuting Attorney

City Attorney

ATTACHMENT C

**2011 CONSERVATION FUTURES LEVY
CITY OF PACIFIC ALLOCATION**

Jurisdiction	Project	Allocation
PACIFIC	Hatch Habitat	\$80,000
TOTAL		\$80,000

Project Description:

315808 Pacific - Hatch Habitat

This project consists of the acquisition of a 1.36-acre open space parcel adjacent to the Interurban Trail and containing Milwaukee Creek. It is located at 2nd Avenue SW and Seattle Avenue S in Pacific. The site will be restored to improve natural habitat and the riparian functions of the creek, as well as provide local public access to open space.

City of PACIFIC – Hatch Habitat

\$80,000



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

January 7, 2011

Ordinance 16984

Proposed No. 2010-0527.3

Sponsors Patterson

1 AN ORDINANCE that adopts the 2011 Annual Budget and
2 makes appropriations for the operation of county agencies
3 and departments and capital improvements for the fiscal
4 year beginning January 1, 2011, and ending December 31,
5 2011.

6 PREAMBLE:

7 These tough economic times require individuals, families and
8 governments to tighten their belts and make difficult choices on how to
9 spend money. These realities are the same for King County. The 2011
10 budget reduces expenses and services in every corner of county
11 government. The 2011 budget eliminates more than 300 jobs and
12 implements painful cuts, such as reducing the number of prosecutors and
13 sheriff's deputies, as well as court probation officers, court clerks, juvenile
14 probation officers and court reporters.

15 Additionally, deep reductions to services for at-risk mothers, and early learning
16 and after-school programs provided through the children and family commission
17 were required.

18 Along with these reductions, the council and executive are budgeting for
19 greater efficiency in how the work of the county is accomplished. The

20 2011 budget honors the commitments of those King County employees
21 who voluntarily gave up their cost of living increases. Because of this
22 partnership between the county and our employees, the county was able to
23 save some vital programs and services such as family court, alternatives to
24 incarceration programs and public defense services.

25 Despite these difficult cuts, the council and the executive have not lost
26 sight of their shared duty to protect the county's most vulnerable residents.

27 The council, through this budget, is able to maintain limited support to
28 vital programs that provide services to survivors of domestic violence and
29 sexual assault, as well as reprioritizing funds to maintain the juvenile
30 domestic violence program Step Up.

31 Acknowledging the ongoing nature of this recession, the council is
32 exercising fiscal discipline by not spending the major reserves, including
33 the county's \$31 million cash reserves and the \$15 million rainy day fund.
34 In addition, the council's budget establishes a \$1.5 million criminal justice
35 reserve for emergent public safety needs.

36 The 2011 budget, as adopted by the King County council, addresses our
37 immediate needs, sets careful priorities and limits expenditures. This budget does
38 all it can to preserve our quality of life while preparing for fiscal challenges in the
39 coming years.

40 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

41 SECTION 1. Findings: The council makes the following findings of fact:

1835 SECTION 120. CAPITAL IMPROVEMENT PROGRAM - The executive
 1836 proposed capital budget and program for 2011-2016 is incorporated herein as Attachment
 1837 B to this ordinance. The executive is hereby authorized to execute any utility easements,
 1838 bill of sale or related documents necessary for the provision of utility services to the
 1839 capital projects described in Attachment B to this ordinance, but only if the documents
 1840 are reviewed and approved by the custodial agency, the real estate services division, and
 1841 the prosecuting attorney's office. Consistent with the requirements of the Growth
 1842 Management Act, Attachment B to this ordinance was reviewed and evaluated according
 1843 to the King County Comprehensive Plan. Any project slated for bond funding will be
 1844 reimbursed by bond proceeds if the project incurs expenditures before the bonds are sold.

1845 From the several capital improvement project funds there are hereby appropriated
 1846 and authorized to be disbursed the following amounts for the specific projects identified
 1847 in Attachment B to this ordinance.

1848	Fund	Fund Name	2011
1849	3090	PARKS AND OPEN SPACE ACQUISITION	\$110,686
1850	3151	CONSERVATION FUTURES SUBFUND	\$10,125,995
1851	3160	PARKS & RECREATION - OPEN SPACE CONSTRUCTION	\$3,327,484
1852	3220	HOUSING OPPORTUNITY ACQUISITION	\$25,303,475
1853	3310	BUILDING MODERNIZATION & CONSTRUCTION	\$34,085,053
1854	3391	WORKING FOREST 96 BD SBFD	\$11,113
1855	3392	TITLE 3 FORESTRY	\$43,040
1856	3490	PARKS FACILITIES REHABILITATION	\$2,518,729
1857	3581	PARKS CAPITAL FUND	\$12,811,506

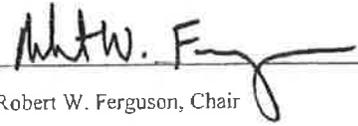
2040 provision to other persons or circumstances is not affected.

2041

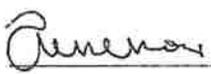
Ordinance 16984 was introduced on 10/4/2010 and passed as amended by the Metropolitan King County Council on 11/15/2010, by the following vote:

Yes: 7 - Ms. Drago, Mr. Phillips, Mr. Gossett, Ms. Hague, Ms. Patterson, Ms. Lambert and Mr. Ferguson
No: 2 - Mr. von Reichbauer and Mr. Dunn
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Robert W. Ferguson, Chair

ATTEST:


Anne Noris, Clerk of the Council

RECEIVED
2010 NOV 22 PM 2:49
CLERK
KING COUNTY COUNCIL

APPROVED this 22 day of NOVEMBER 2010.


Dow Constantine, County Executive

Attachments: A. 2011 Executive Proposed Budget--September 2010, B. General Government Capital Improvement Program, dated November 12, 2010, C. Wastewater Treatment Capital Improvement Program, dated November 12, 2010, D. Surface Water Management Capital Improvement Program, dated November 12, 2010, E. Major Maintenance Capital Improvement Program, dated November 12, 2010, F. Solid Waste Capital Improvement Program, dated November 12, 2010, G. 2011 General Fund Financial Plan, dated November 12, 2010, H. 2011 Emergency Medical Services Financial Plan, dated November 12, 2010, I. 2011 Budget Detail Spending Plan, Revised, dated November 12, 2010

2011

ADOPTED

ATTACHMENTS

ORDINANCE

16984

ATTACHMENT B GENERAL GOVERNMENT CAPITAL IMPROVEMENT PROGRAM, dated November 12, 2010

Fund Title/Project	Project Name	2011 Proposed	2012	2013	2014	2015	2016	Grand Total
3090/PARKS AND OPEN SPACE ACQUISITION		110,686						110,686
309800	T/T to 316723 Play Area Rehab							
3090/PARKS AND OPEN SPACE ACQUISITION Total		110,686						110,686
3151/CONSERVATION FUTURES SUBFUND								
315000	Finance Dept Fund Charge	14,781	11,242	11,242	11,242	11,242	11,242	70,991
315099	CFL Program Support	171,600	180,180	189,189	198,648	208,580	219,009	1,167,206
315123	Shadow Lake Bog	115,000						115,000
315140	Cottage Lake/Bear Creek	350,000						350,000
315192	Newaukum Cr/Green River	600,000						600,000
315201	Grand Ridge Additions	300,000						300,000
315204	Paradise Valley - Judd Creek (Vashon)	150,000						150,000
315216	Mitchell Hill Inholdings	100,000						100,000
315218	Carnation Marsh Addition	50,000						50,000
315220	Cougar-Squak Corridor Viewpoint	100,000						100,000
315223	Snoqualmie-Fall City Acq	300,000						300,000
315224	South Fork Skykomish River	100,000						100,000
315225	FPP-Van Hoof Dairy	200,000						200,000
315226	Soos Crk Reg Park Add	50,000						50,000
315227	Teufel Acquisition	200,000						200,000
315228	Island Center Forest Acq	100,000						100,000
315229	TDR-Vashon Shoreline	250,000						250,000
315230	Issaquah Creek Protection	300,000						300,000
315403	Me-Kwa-Mooks OS Add	210,000						210,000
315404	Thornton Creek Park 2 Addition	170,000						170,000
315439	Chinatown ID Urban Center Park	750,000						750,000
315447	Ernst Park Completion	385,000						385,000
315448	Greenwood/Phinney UCP	500,000						500,000
315449	Lake City Urban Village Park	440,000						440,000
315450	Duwamish Head Greenbelt	350,000						350,000
315600	TDR Partnership	485,000						485,000
315699	TDR Program Support	80,580	84,609	88,839	93,281	97,945	102,842	548,096
315767	Bellevue Greenway and Open Space System	850,000						850,000
315770	Issaquah Creek Waterways	300,000						300,000
315801	Aub-Chuck Perry Property	100,000						100,000
315802	DSM-Barnes Creek Corridor	472,034						472,034
315803	KMR-Swamp Creek Addition	130,000						130,000
315804	KNT-Anderson Property	52,000						52,000

ATTACHMENT B GENERAL GOVERNMENT CAPITAL IMPROVEMENT PROGRAM, dated November 12, 2010

Fund Title/Project	Project Name	2011 Proposed	2012	2013	2014	2015	2016	Grand Total
315805	Kri-Huse Property Soos Creek	650,000						650,000
315806	KRK-Beach-Lads Forbes	185,000						185,000
315807	MI-North Star Property	485,000						485,000
315808	PAC-Hatch Habitat	80,000						80,000
3151/CONSERVATION FUTURES SUBFUND Total		10,125,995	276,031	289,270	303,171	317,767	333,093	11,645,327
3160/PARKS & RECREATION - OPEN SPACE CONSTRUCTION								
316000	Project Implementation	351,175	616,752	653,757	692,983	734,562	778,635	3,827,864
316001	Joint Development	303,914	322,149	341,478	361,966	383,684	406,705	2,119,896
316002	Budget Development	267,902	283,976	301,015	319,076	338,220	358,513	1,868,702
316008	GIS-Grant Applications	37,023	37,000	37,000	37,000	37,000	37,000	222,023
316021	Acquisition Evaluations	50,000	25,000	50,000	25,000	50,000	25,000	225,000
316022	Cascade Land Conservancy	40,000	40,000	40,000	40,000	40,000	40,000	240,000
316036	Parks CIP Preplanning	62,366	10,000	50,000	10,000	55,000	10,000	197,366
316060	Fund 3160 Central Rates	24,573	25,187	25,817	26,462	27,124	27,802	156,965
316070	Mountains to Sound Greenway	20,000	10,000	10,000	10,000	10,000	10,000	70,000
316101	Backcountry Trails Improvements	342,761						342,761
316317	Community Partnership Grants Program	300,000	300,000	300,000	300,000	300,000	300,000	1,800,000
316415	Prosecuting Attorney Charges	56,741	60,000	65,000	70,000	75,000	80,000	406,741
316505	Regional Trails Guidelines Update	324,335	343,795	364,423	386,288	409,465	434,033	2,262,339
316718	Regional Trail Surface Improvements	601,094	200,000	330,015	275,000	350,000	2,588,741	1,281,109
316720	Parks Facility Rehab	620,006		1,182,574		1,150,893		6,017,214
316723	Play Area Rehab	110,686						110,686
316731	Greenbridge Payment	129,905	129,905	129,905	129,905	129,905	129,905	779,430
316803	Mountains to Sound Greenway	(356,000)						(356,000)
316974	Washington Trails Association Trail Project	40,000	40,000	40,000	40,000	40,000	40,000	240,000
316 CP0	Auditor Capital Project Oversight	1,003						1,003
3160/PARKS & RECREATION - OPEN SPACE CONSTRUCTION Total		3,327,484	2,443,764	3,920,984	2,723,680	4,130,853	5,266,334	21,813,099
3220/HOUSING OPPORTUNITY ACQUISITION								
322200	Housing Projects	5,343,351						5,343,351
333900	HOMELESS HOUSING & SERVICES FUND	9,983,044						9,983,044
510300	Consolidated State Homeless Block Grant	2,000,000						2,000,000
HL3355	HUMAN SERVICES LEVY	3,257,647						3,257,647
MID900	MENTAL ILLNES & DRUG DEPENDENCY HO	2,480,978						2,480,978
VL3366	VETERANS LEVY	2,238,455						2,238,455
3220/HOUSING OPPORTUNITY ACQUISITION Total		25,303,475						25,303,475

ATTACHMENT B GENERAL GOVERNMENT CAPITAL IMPROVEMENT PROGRAM, dated November 12, 2010

Fund Title/Project	Project Name	2011 Proposed	2012	2013	2014	2015	2016	Grand Total
3310/BUILDING MODERNIZATION & CONSTRUCTION								
667000	Property Services: County Leases (Master Pro	34,085,053						34,085,053
3310/BUILDING MODERNIZATION & CONSTRUCTION Total		34,085,053						34,085,053
3391/WORKING FOREST 96 BD SBFD								
339000	Finance Dept Fund Charge	4,731						4,731
339101	Working Forest Program	6,382						6,382
3391/WORKING FOREST 96 BD SBFD Total		11,113						11,113
3392/TITLE 3 FORESTRY								
339205	Fire Safe Forests	43,040						43,040
3392/TITLE 3 FORESTRY Total		43,040						43,040
3490/PARKS FACILITIES REHABILITATION								
349025	Fund 3490 Central Rates	23,695	24,287	24,895	25,517	26,155	26,809	151,358
349092	Small Contracts	1,084,836	1,149,926	1,218,922	1,292,057	1,369,580	1,451,755	7,567,076
349097	Bridge & Trestle Rehab	513,239	623,566	550,000	2,644,023	549,000	2,485,096	7,364,914
349449	Signage	25,000						25,000
349502	Aquatic Center Improvements	820,594						820,594
349603	Feasibility Studies	50,000						50,000
349CP0	Auditor Capital Project Oversight	1,365						1,365
3490/PARKS FACILITIES REHABILITATION Total		2,518,729	1,797,769	1,793,817	3,961,597	1,944,735	3,963,660	15,980,307
3581/PARKS CAPITAL FUND								
358101	Community Partnership Grants Program	500,000	500,000	500,000				1,500,000
358104	East Lake Sammamish Trail	6,331,129	(750,000)	(750,000)				4,831,129
358105	South County Regional Trail Linkages	750,000	750,000	750,000				2,250,000
358111	Parks Expansion Implementation	414,346	435,063	456,816				1,306,225
358113	Green-to Cedar Rivers Trail	427,682						427,682
358200	Grand Ridge Additions	391,000						391,000
358202	Patterson Creek Natural Area	200,000						200,000
358203	Judd Creek/Paradise Valley	170,000						170,000
358210	Middle Green River	600,000						600,000
358212	Mitchell Hill - Duthie Hill Inholdings	100,000						100,000
358214	Bear Creek Waterways	450,000						450,000
358215	Cougar Mountain Precipice Trail	150,000						150,000
358216	Cougar-Squak Corridor Viewpoint	150,000						150,000
358221	Carnation Marsh Addition	50,000						50,000



Agenda Bill No. 14-151

TO: Mayor Guier and City Council Members
FROM: Paula Wiech, Planner
MEETING DATE: September 2, 2014
SUBJECT: Planning Commission Recommendations – Marijuana Uses Ordinances

ATTACHMENTS: August 6, 2014 Planning Commission Special Meeting and Public Hearing Minutes, approved August 26, 2014; Draft Ordinances regarding Marijuana Uses, labeled A), B), C) and D); Sign-in sheet, and comments received before and during the Hearing.

Previous Council Review Date: None

Summary: The Planning Commission held a Public Hearing on August 6, 2014 to receive comments on four draft Ordinances relating to potential Zoning and Licensing Regulations for Marijuana Uses. These ordinances were identified as A), B), C) and D):

- A) Allowing Recreational (I-502) production and processing as a Conditional Use in the Light Industrial Zone, and I-502 retail stores as a conditional Use in Commercial Zones;
- B) Adopting business licensing requirements for I-502 marijuana uses;
- C) Banning all Medical marijuana uses, and;
- D) Banning all marijuana, both Medical and I-502

Chairman Boyd opened the Public Hearing at 6:05 pm and asked for a staff report.

City Attorney Carol Morris briefly reviewed the history of the proposed ordinances and has recommended that the City ban all medical marijuana uses because it is not regulated at this time. She also recommended that the City allow recreational marijuana uses if the business has obtained licenses from the State of Washington.

Many people spoke. A list of speakers and written comments are a part of this record.

After the Hearing closed, and following a brief discussion, the Planning Commission voted individually on each ordinance.

Recommendation/Action: The planning Commission votes were as follows:

Ordinance A): Recommended approval; Ordinance B): Recommended approval; Ordinance C): Recommended to not approve; Ordinance D): Forwarded to Council with no recommendation.

AGENDA ITEM NO. 4C

Motions for Consideration:

- Approve Ordinance A) Allowing Recreational (I-502) production and processing as a Conditional Use in the Light Industrial Zone, and I-502 retail stores as a conditional Use in Commercial Zones;
- Approve Ordinance B) Adopting business licensing requirements for I-502 marijuana uses;
- Do not approve Ordinance C) Banning all Medical marijuana uses, and;
- No recommendation for Ordinance D).

Budget Impact:

Alternatives: Several



CITY OF PACIFIC PLANNING COMMISSION

REVISED SPECIAL MEETING AND PUBLIC HEARING NOTICE

Draft Ordinances Regarding Marijuana Uses in the City of Pacific

The City of Pacific Planning Commission will hold a Public Hearing at a Special Meeting on Wednesday, August 6, 2014, at 6:00 p.m. at Pacific City Hall, 100 3rd Ave. SE, Pacific, WA 98047.

The purpose of the Hearing is to receive comments on four (4) draft ordinances. One of these ordinances would allow Recreational (I-502) marijuana uses as a conditionally permitted use in the Light Industrial Zone and recreational marijuana retail stores in the commercial zones. Another would adopt business licensing requirements for I-502 marijuana uses. The third would ban all Medical marijuana uses. The fourth ordinance would ban all marijuana, both medical and recreational. Written comments will be accepted at the Community Development/Public Works Department by 5:00 p.m. August 6, 2014. Written and oral comments will also be received at the Hearing in the City Hall Conference Room at approximately 6:00 p.m.

Information regarding this Hearing may be found online at www.pacificwa.gov or may be reviewed at Pacific City Hall, 100 3rd Ave. SE, Pacific, WA 98047. Contact Paula Wiech at 253-929-1111, or pwiech@ci.pacific.wa.us with any questions.

Posted at the Pacific City Hall, the Pacific Post Office, and the Algona-Pacific Library

AUG 06 2014

Potential Zoning and Licensing Regulations for
Marijuana Uses

COMMUNITY DEVELOPMENT
PUBLIC WORKS DEPARTMENT

August 6, 2014

Name	Address	Email/Telephone
1		
2		
3		
4	Travis Nesterowich 422 5th Ave SW	[REDACTED]
5	Russell Tyree 238 Skiragon R.	[REDACTED]
6	PHIL SCHINDLER 37700 51st AVE S.	[REDACTED]
7	Mark Garza 602 38th Ave SE	[REDACTED]
8	Edith Hutto 238-4 th Ave SW	[REDACTED]
9	MARK HERNDON 101 THOMA BLVD N	[REDACTED]
10	Don Thomson 416 2nd Ave SE	[REDACTED]
11	Rona Smith 415 3rd Ave SE	[REDACTED]
12	James Dusek 898 Valentine	[REDACTED]
13	JEFF BROWN 6121 Myer Rd &	[REDACTED]
14	Anthony Faircland 415 3rd Ave SE	[REDACTED]
15	Sherril Tyree 304 Freatage Rd N	[REDACTED]
16	Gary Kutschke 102 Britte Ave	[REDACTED]
17	Jim Schindler 37710 51 Ave S	[REDACTED]
18	Randow Vaughn [REDACTED]	[REDACTED]
19	(letter) Bill & Alice Wakefield 404 4 th Ave SE	[REDACTED]
20		
21		
22		



**City of Pacific
PLANNING COMMISSION SPECIAL MEETING
AGENDA**

**Wednesday, August 6, 2014
6:00 p.m. at City Hall**

NOTE: The Planning Commission will meet in the City Hall Council Chambers.

1. Call to Order

- A. *Flag Salute*
- B. *Roll Call*

2. Approval of Agenda

Approval of August 6, 2014 Planning Commission Agenda

3. Audience Participation

*Members of the audience who wish to speak on matters not on the agenda:
Please state your name and address for the record and limit your comments to 3 minutes*

4. PUBLIC HEARING – Potential Zoning and Licensing Regulations for Marijuana Uses

The Planning Commission will receive comments on four draft Ordinances:

- A) Allowing Recreational (I-502) production and processing as a Conditional Use in the Light Industrial Zone, and I-502 retail stores as a Conditional Use in Commercial zones;
- B) Adopting business licensing requirements for I-502 marijuana uses;
- C) Banning all Medical marijuana uses, and;
- D) Banning all marijuana, both Medical and I-502

5. Discussion – Potential Zoning and Licensing Ordinances Regulating Marijuana Uses.

6. Recommendation – Planning Commission to direct Staff to write a recommendation, or recommendations, to City Council, if they have such at this time.

Adjournment

The next regularly scheduled Planning Commission Meeting will be Tuesday, August 26, 2014 at 6:00 p.m.
Citizens are welcomed and encouraged to attend this meeting, and to present oral or written comments.
The City of Pacific does not discriminate on the basis of disabilities. If you need special accommodations, or have any questions about items on this agenda, please contact the Community Development Department at (253) 929-1110. American Disabilities Act accommodations will be provided upon request.



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THE UNIVERSITY OF MICHIGAN LIBRARY

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MEMORANDUM

DATE: July 13, 2014

TO: Mayor Leanne Guier, Ken Barnett, Paula Wiech, Amy Stevenson-Ness, City of Pacific

FROM: Carol Morris, Morris Law, P.C.

RE: Marijuana

Here is my understanding of where we are in the process of considering marijuana regulations. Please let me know if this is correct. I will then make up a spread sheet so that we can all keep track of the dates and events in the process:

Date Ordinance

8-8-11 The City passed Ordinance 1804, establishing a 6 month moratorium on the issuance of permits or licenses for medical marijuana collective gardens.

2-13-12 The City passed Ordinance 1823, establishing a 12 month moratorium on the issuance of permits or licenses for medical marijuana collective gardens.

2-25-13 The City passed Ordinance 1843, establishing a 6 month moratorium on the issuance of permits or licenses for medical marijuana collective gardens.

2-3-14 The City passed Ordinance 2014-1855, adopting an interim zoning ordinance prohibiting medical and recreational marijuana uses, to be in effect for 6 months (or approximately August 3, 2014).

June, 2014 The City distributed three draft ordinances on the subject of marijuana for the public to consider. One of these ordinances allowed recreational marijuana uses as a conditionally permitted use in the Light Industrial Zone. Another ordinance adopted business licensing requirements for recreational marijuana uses. The third ordinance banned all medical marijuana uses.

7-16-14 The City Council will hold a public hearing (Town Hall Meeting) on the subject of recreational and medical marijuana. The Council will not take any action after this hearing.

MEMO

7-16-14 Deadline for City Attorney to provide City with an ordinance extending the interim zoning ordinance for another six months, so that it can be placed in the City Council packet/agenda.

7-21-14 The City Council will deliberate on the issue of recreational and medical marijuana. The City Council will then direct the Planning Commission to hold a public hearing and make a recommendation to the City Council on one or more of the draft ordinances. Or, the City Council may direct the City Attorney to draft a new ordinance (or make changes in the existing ones) with certain provisions, and direct that such ordinance be forwarded to the Planning Commission for a public hearing and recommendation.

7-22-14 The SEPA Responsible Official will be directed to perform SEPA on the ordinance(s) that is forwarded to the Planning Commission for hearing.

Copies of the ordinance(s) that is forwarded to the Planning Commission for hearing is sent to the Washington State Department of Commerce under RCW 36.70A.106.

7-28-14 The City Council votes to extend the existing interim zoning ordinance for another six months.

_____-14 The SEPA Responsible Official issues his/her threshold decision on the draft ordinance(s).

_____-14 Notice is provided of the Planning Commission's public hearing on the draft ordinances.

_____-14 The Planning Commission holds a public hearing on the draft ordinances and formulates their recommendation to the City Council.

On or before _____-14: Notice is provided of the City Council's public hearing on the continued maintenance of the interim zoning ordinance adopted on July 28, 2014, for the six month period (which began on 7-28-14).

On or before 9-15-14: The City Council holds a public hearing on the continued maintenance of the interim zoning ordinance adopted on July 28, 2014, for the six month period (which began on 7-28-14).

At the next City Council Regular Meeting after the public hearing on the maintenance of the interim zoning ordinance: The City Council adopts findings and conclusions to support the continued maintenance of the interim zoning ordinance.

_____-14 The Planning Commission's recommendation is reduced to writing and forwarded to the City Council.

MEMO

_____-14 The City Council considers the Planning Commission's recommendation on the draft ordinance(s) during a regular City Council meeting (not a workshop). Another public hearing may be needed, depending on whether or not the City Council makes any changes to the Planning Commission's recommendation or the draft ordinance(s). (*See*, RCW 36.70A.035(2).) The City Council votes to adopt the ordinance(s).

_____-14 The City sends a copy of the adopted ordinance(s) to the Washington State Department of Commerce (RCW 36.70A.106).

Let me know if you have any questions. Thanks.

DRAFT – August 1, 2014

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, on _____, the Planning Director issued a SEPA threshold decision of _____ on this draft Ordinance, which was/was not appealed (if appealed, describe the results of that appeal in a "whereas"); and

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

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

WHEREAS, on _____, the Council considered this draft ordinance during its regular meeting;

WHEREAS, on _____, the Council decided to adopt this ordinance _____; NOW, THEREFORE,

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

Section 1. Ordinance No. _____, adopted on _____, is hereby repealed. (We will be placing an ordinance extending the interim zoning in Ordinance 1855 by two months before the Council, so we don't want to put 1855 here.)

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

**CHAPTER 20.78
RECREATIONAL MARIJUANA**

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

20.78.001 Findings and Purpose.

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

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

C. No part of this Ordinance is intended to conflict with the Uniform Controlled Substances Act (chapter 69.50 RCW) nor to otherwise permit any activity that is prohibited under chapter 69.50 RCW, or any other local or state law, statute, rule or regulation. Nothing in this Ordinance shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of medical cannabis or recreational marijuana in any

manner not authorized by chapter 69.51A RCW or chapter 69.50 RCW. Nothing in this Ordinance shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or that creates a nuisance, as defined herein. It is the intention of the City Council that this Ordinance be interpreted to be compatible with city and state enactments and in furtherance of the public purposes that those enactments encompass.

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

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

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

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

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

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

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

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

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

mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20.78.003. Locational Criteria for Recreational Marijuana Uses.

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

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

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

1. Elementary or secondary school;

2. Playground;
3. Recreation center or facility;
4. Child care center;
5. Public park;
6. Public transit center;
7. Library; or
8. Any game arcade (where admission is not restricted to persons age twenty-one or older.¹

20.78.004. Business License.

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

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

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

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

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

1. Application form. _____ copies of a completed application form;
2. Date, name, address, telephone number and e-mail of the applicant;
3. Name, address, telephone number and e-mail of the owner of the property identified in the application;
4. Legal description of the subject property;
5. Description and photographs of existing site conditions;
6. Architectural drawings of all structures proposed to be developed on the subject property;
7. Complete application for a site plan, showing the proposed placement of structures on the property, together with access and circulation on the site;
8. Complete application for a grading plan;
9. Complete application for a landscaping plan;

¹ This requirement is in RCW 69.50.331, and is a pre-requisite for the issuance of any recreational marijuana license. I am including this so that you can use it to review all of the land uses adjacent to and within the Light Industrial zone. If none of these uses are in or adjacent to the Light Industrial zone, you might want to delete this subsection.

10. Drawings of all proposed signs;
11. A SEPA Checklist;
12. Concurrency determination (water, sewer and traffic?);
13. A copy of all existing and proposed restrictions and covenants;
14. A narrative report or letter describing compliance with all applicable approval criteria in subsection C below.
15. The application fee established by the City.

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

1. Generally.

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

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

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

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

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

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

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

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

2. Site Design Standards.

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

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

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

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

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

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

D. Denial. The Director may recommend conditioning or denial of the conditional use permit application based on RCW 43.21C.060 (SEPA).² In addition, the City may deny the conditional use permit if it determines that the proposed use is materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

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

F. Effect of Approval.

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

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

G. Expiration, Extensions and Permit Implementation.

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

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

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

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

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

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

² In order to deny an application under SEPA, the City must find that: (1) the proposal would result in significant adverse impacts identified in a final or supplemental environmental impact statement prepared under chapter 43.21C RCW; and (2) reasonable mitigation measures are insufficient to mitigate the identified impact. RCW 43.21C.060.

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

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

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

20.78.006 Signs and Advertising.³

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

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

20.78.007. Security Requirements.⁴ Security measures at all licensed premises shall comply with the requirements of WAC 314-55-083 (and all applicable rules and regulations promulgated thereunder).

20.78.008. Report of Disturbances and Unlawful Activity.⁵

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

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

³ This has been duplicated from the business license sample ordinance because not all cities and towns may decide to adopt a business license ordinance. If your city decides to use both, you may want to just cross reference the requirements, rather than duplicate the requirements in each chapter.

⁴ See, footnote No. 1 above.

⁵ See, footnote No. 1 above.

WARNING:

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

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

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

20.78.009. Visibility of Activities; Control of Emissions.⁶

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

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

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

20.78.010. No City Liability – Indemnification.

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

B. By accepting a permit issued pursuant to this Chapter, all licensees, jointly and severally, if more than one, agree to indemnify, defend and hold harmless the City, its officers,

⁶ See, footnote No. 1 above.

elected officials, employees, volunteers and agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the recreational marijuana business that is the subject of the license.

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

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

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

PASSED by the City Council of _____ this ____ day of _____, 2014.

MAYOR LEANNE GUIER

ATTEST/AUTHENTICATED:

AMY STEVENSON-NESS, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

CAROL A. MORRIS, City Attorney

PUBLISHED:
EFFECTIVE DATE:

DRAFT – August 1, 2014

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, RELATING TO BUSINESS LICENSES, ADOPTING BUSINESS LICENSE REQUIREMENTS FOR RECREATIONAL MARIJUANA USES, DESCRIBING THE REQUIREMENTS FOR LICENSE APPLICATIONS, FEES, INSPECTIONS, SIGNS, NECESSITY FOR REPORTING OF DISTURBANCES AND UNLAWFUL ACTIVITY, OPERATION AND LOCATION REQUIREMENTS, REQUIRING PAYMENT OF SALES TAX, ADDRESSING NONRENEWALS, SUSPENSIONS AND REVOCATION, INDEMNIFICATION AND ENFORCEMENT, ELIMINATING THE PREREQUISITE OF COMPLIANCE WITH FEDERAL LAW FOR ISSUANCE OF A CITY BUSINESS LICENSE; ADOPTING A NEW CHAPTER 5.12 TO THE PACIFIC MUNICIPAL CODE; AND AMENDING SECTION 5.02.135 OF THE PACIFIC MUNICIPAL CODE.

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

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

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

including the failure to pay taxes, specifies marijuana infused product serving sizes, maximum number of servings and limitations on transactions, identifies marijuana waste disposal restrictions, describes the process for quality assurance testing, extraction and the requirements for packaging and labeling, describes advertising limitations, explains the process for licensing suspension, revocation and penalties for violations; and

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

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

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

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

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

WHEREAS, on July 25, 2014, the City Council directed the Planning Commission to consider an ordinance requiring a business license for recreational marijuana uses (among other things) in a public hearing; and

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

WHEREAS, on _____, the Council considered this draft ordinance during its regular meeting;

WHEREAS, on _____, the Council decided to adopt this ordinance _____; NOW, THEREFORE,

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

Section 1. Section 5.02.130 of the Pacific Municipal Code is hereby amended to read as follows:

5.02.135 Application – Denial or revocation. The city license office may deny an application for a business license or revoke a business license previously issued upon the following grounds:

A. In addition to the other penalties provided by law, any business license issued under the provisions of this chapter (or its predecessor) may be denied, revoked or suspended at any time, where the same was:

...

3. If the licensee violates any applicable city and state ~~or federal~~ law;
or ...

Section 2. A new Chapter 5.12 is hereby added to the Pacific Municipal Code, which shall read as follows:

CHAPTER 5.12 RECREATIONAL MARIJUANA

Sections:

- 5.12.001 Findings and Purpose.**
- 5.12.002 Definitions.**
- 5.12.003 License Required, Effective Date.**
- 5.12.004 Relationship to Recreational Marijuana Laws and Other Laws**
- 5.12.005 Designation of Licensing Authority.**
- 5.12.006 Requirements of Application for License.**
- 5.12.007 Inspection Fee.**
- 5.12.008 Denial of Application.**
- 5.12.009 Locational Criteria.**
- 5.12.010 Change of Location.**
- 5.12.011 Outdoor Signage and Advertising.**
- 5.12.012 Security Requirements.**
- 5.12.013 Report of Disturbances and Unlawful Activity.**
- 5.12.014 Visibility of Activity and Control of Emissions.**
- 5.12.015 Sales Tax**
- 5.12.016 Inspection of Licensed Premises.**
- 5.12.017 Nonrenewal, Suspension or Revocation of License.**
- 5.12.018 No City Liability – Indemnification.**
- 5.12.019 Other Laws Remain Applicable.**

5.12.001. Findings and Purpose.

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

B. The purpose of this chapter is to describe the application process, qualifications and requirements to obtain a recreational marijuana business license, terms of such licenses, renewals, violations and penalties.

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

5.12.002. Definitions. The definitions in chapter 20.78.002 of the City Zoning Code apply to the administration, interpretation and enforcement of this Chapter 5.12 PMC.

5.12.003 License Required -- Effective Date.

A. It shall be unlawful for any person or entity to operate any recreational marijuana producer, processor or retail business without first having obtained a local license under this Chapter and a State license under Chapter 314-55 WAC, for each facility to be operated in connection with such business. Such license shall be kept current at all times, and the failure to maintain a current license shall constitute a violation of this Section.

B. No person shall be deemed to have any entitlement or vested right to licensing under this Chapter by virtue of having received any prior license or permit from the City, including, by way of example, any zoning permit, building permit for a medical marijuana use, wholesale food manufacturer's license, or any other license.

C. This Chapter is not intended to regulate the possession, cultivation or use of marijuana for medical use by anyone who may qualify as a Qualified Patient or Designated Care Provider, under chapter 69.51A RCW. This Chapter is not intended to license any medical marijuana use, collective garden, retailer or any other business associated with the use of marijuana for medical purposes, under chapter 69.51A RCW.

5.12.004 Relationship to Recreational Marijuana Laws and Other Laws.

Except as otherwise specifically provided herein, this Chapter incorporates the requirements and procedures set forth in I-502, as codified in chapter 69.50 RCW and chapter 314-55 WAC. In the event of any conflict between the provisions of this chapter 5.09 and the provisions of chapter 69.50 RCW or chapter 314-55 WAC, the more restrictive provision shall control.

5.12.005 Designation of Licensing Authority.

In accordance with Section _____ of the _____ Municipal Code, the _____ is designated as the local Licensing Authority for the purpose of administering this Chapter. The Licensing Authority shall have the following responsibilities:

- A. To grant or deny licenses under this Chapter, to grant or deny transfers of ownership or location of the license and impose penalties against licensees in the manner provided by law.
- B. To promulgate rules and regulations regarding the procedures for hearings before the Licensing Authority, and to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records at any hearing which the Authority is authorized to conduct. Any such subpoena shall be served in the same manner as a subpoena issued by the Washington courts.
- C. To require any applicant or licensee to furnish any relevant information required by this Chapter.

5.12.006 Requirements of Application for License; Payment of Application Fee.¹

- A. A person or entity seeking a license pursuant to Washington State law under chapter 69.50 RCW and the provisions of this Chapter shall submit an application to the City on forms provided by the City. At the time of the application, each applicant shall pay a nonrefundable application fee to defray the costs incurred by the City for the processing of the application, as well as an inspection fee (as described in Section 5.12.007 below). In addition, the applicant shall present a suitable form of identification.
- B. The applicant shall also provide the following information on a form approved by, or acceptable to, the Licensing Authority, which information may be required for the applicant, the proposed manager of the recreational marijuana business (production, processing or retail outlet) and all persons having a financial interest in such business that is the subject of the application, or, if the applicant is an entity, having a financial interest in the entity:
 - 1. Name, address and date of birth;
 - 2. An acknowledgement and consent that the City may conduct a background investigation, including a criminal history check, and that the City will be entitled to full and complete disclosure of all financial records of the recreational marijuana business, including records of deposit, withdrawals, balances and loans;
 - 3. If the applicant is a business entity, information regarding the entity, including, without limitation, the name and address of the entity, its legal status, and proof of registration with, or a certificate of good standing from, the Washington Secretary of State, as applicable;

¹ Keep in mind that the State will perform a criminal history background check, an investigation into the residency requirements, a financial investigation to verify the source of the funds used for the acquisition and start-up of the business, etc. WAC 314-55-020.

4. If the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for the recreational marijuana use (production, processing or retail outlet);

5. A copy of any deed reflecting the applicant's ownership of, or lease reflecting the right of the applicant to process, the proposed licensed premises;

6. Evidence of a valid State license for the recreational marijuana business;

7. A "to scale" diagram of the proposed licensed premises, no larger than eleven (11) inches by seventeen (17) inches, showing, without limitation, building layout, all entryways and exits to the proposed licensed premises, loading zones and all areas in which recreational marijuana will be stored, grown, manufactured or sold;

8. A comprehensive business operation plan for the recreational marijuana business which shall contain, at a minimum, the following:

(a) A security plan meeting the requirements of State law;

(b) A description of all products to be processed, produced, cultivated or sold;

(c) A plan for exterior signage that is in compliance with State law, this Chapter and the City's sign code, including photographs and/or illustrations of the proposed signage; and

9. Any additional information that the Licensing Authority reasonably determines to be necessary in connection with the investigation and review of the application.²

C. All recreational marijuana businesses shall obtain other required permits or licenses related to the operation of the business, including, without limitation, any development approvals or building permits required by this Code, the Building Code or the Zoning Code (chapter 20.78 PMC).

D. Upon receipt of a completed application, the Licensing Authority may circulate the application to all affected service areas and departments of the City to determine whether the application is in full compliance with all applicable laws, rules and regulations.

E. The City may, prior to issuance of the license, perform an inspection of the proposed licensed premises to determine compliance with any applicable requirements of this Article or other provisions of this Code, the Building Code or the Zoning Code.

5.12.007. Inspection Fee. In order for the license to issue, and upon renewal thereafter, the licensee shall pay to the City a non-refundable fee in an amount determined by the Licensing Authority to cover the costs associated with the individual inspection conducted pursuant to this Chapter.

5.12.008. Denial of Application. The Licensing Authority may deny any application for a license or license renewal that does not meet the requirements of Washington State Law or this Chapter. The Licensing Authority may deny any application that contains any false, misleading or incomplete information.

² See, chapter 314-55 WAC to determine what factors will be considered by the State of Washington in order to issue a license.

5.12.009. Location Criteria.

A. No license shall be issued to a recreational marijuana producer, processor or retail outlet if the proposed licensed business is within one thousand feet of any of the following:

1. Elementary or secondary school;
2. Playground;
3. Recreation center or facility;
4. Child care center;
5. Public park;
6. Public transit center;
7. Library; or
8. Any game arcade (where admission is not restricted to persons age

twenty-one or older.

B. No license shall be issued to a recreational marijuana producers, processor or retail outlet unless the proposed business is located within the boundaries of the Light Industrial (LI) zone, within the Pierce County portion of the City, as required by PMC Section 20.78.003(A).

5.12.010. Change of Location.

A change in the location of a recreational marijuana business occurs any time a move by the licensee results in any change to the physical location address. A change in the location of such business requires the submission of a new application under Section 5.12.006 above.

5.12.011. Outdoor Signage and Advertising.

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

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

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

5.12.013. Report of Disturbances and Unlawful Activity.

A. All licensees and any agent, manager or employee thereof shall immediately report to the City Police Department any disorderly act, conduct or disturbance and any unlawful activity committed in or on the licenses premises, including, but not limited to, any unlawful

resale of marijuana, and shall also immediately report any such activity in the immediate vicinity of the business.

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

WARNING:

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

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

D. Failure to comply with the requirements of this Section shall be considered by the Licensing Authority in any action relating to the issuance, revocation, suspension or nonrenewal of a license.

5.12.014. Visibility of Activities; Control of Emissions.

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

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

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

5.12.015. Sales Tax.

Each recreational marijuana business shall collect and remit City sales tax on all recreational marijuana paraphernalia and other tangible personal property used or sold at the licensed premises.

5.12.016. Inspection of Licensed Premises.

During all business hours and other times of apparent activity, all licensed premises shall be subject to inspection by the Police Department and all other City departments, as designated by the Licensing Authority, for the purpose of investigating and determining compliance with the provisions of this Chapter and any other applicable state and local laws and regulations.

5.12.017. Nonrenewal, Suspension or Revocation of License.³

A. The Licensing Authority, may, after notice and a hearing (using the procedures set forth in chapter ___ of this title), suspend, revoke or refuse to renew a license for any of the following reasons: (does the City have such procedures in the business licensing code?)

1. The applicant or licensee, or his or her agent, manager or employee, has violated, does not meet or has failed to comply with, any of the terms, requirements, conditions or provisions of this Chapter or with any applicable state or local law or regulation; or

2. The applicant or licensee, or his or her agent, manager or employee, has failed to comply with any special terms or conditions of its license pursuant to an order of the state or local licensing authority, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any disciplinary proceedings held subsequent to the date of the issuance of the license.

B. Evidence to support a finding under Subsection (A) above may include, without limitation, a continuing pattern of disorderly conduct, a continuing pattern of drug-related criminal conduct within the premises of the business or in the immediate area surrounding such business, or an ongoing nuisance condition emanating from or caused by the recreational marijuana business. Criminal conduct shall be limited to the violation of state or City law.

5.12.018. No City Liability – Indemnification.

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

B. By accepting a license issued pursuant to this Chapter, all licensees, jointly and severally, if more than one, agree to indemnify, defend and hold harmless the City, its officers,

³ The City's Business Licensing Title should include procedures for enforcement, including notice to the licensee/applicant of hearing, the procedures for a hearing, issuance of a decision, etc. This chapter should be referenced here.

elected officials, employees, volunteers and agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the recreational marijuana business that is the subject of the license.

5.12.019. Other Laws Remain Applicable.

A. To the extent the State or the City adopts in the future any additional or stricter law or regulation governing the production, processing or sale of recreational marijuana, the additional or stricter regulation shall control the establishment or operation of any recreational marijuana business in the City. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this Chapter, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

B. If the State prohibits the production, processing, sale or other distribution of marijuana through the premises licensed under this Chapter, any license issued hereunder shall be deemed immediately revoked by operation of law.

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

Section 4. Effective Date. This ordinance shall be effective five days after publication of an approved summary, which shall consist of the title.

PASSED by the City Council of Pacific this ___ day of _____, 2014.

MAYOR LEANNE GUIER

ATTEST/AUTHENTICATED:

City Clerk, Amy Stevenson-Ness

APPROVED AS TO FORM:
Office of the City Attorney

City Attorney, Carol Morris

PUBLISHED:
EFFECTIVE DATE:

DRAFT – August 1, 2014

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, on the LCB has now issued the new regulations (which appear in chapter 314-55 WAC), and which: prohibits the establishment of recreational marijuana businesses within 1,000 feet of certain identified sensitive uses, require criminal history background checks for licensees, establish qualifications for licensees, limits the amount of space available for recreational marijuana production, describes the manner in which marijuana growing may take place,¹ limits the average inventory on the licensed premises at any time, limits the number of retailers within counties and cities within the counties based on estimated consumption and population data, establishes insurance requirements for licensees, describes the security requirements, requires employees to wear badges, requiring alarm and surveillance systems on the licensed premises, requires that licensees track marijuana from seed to sale, establishes the manner in which free samples of marijuana may be provided, prohibits the sale of soil amendments, fertilizers and other crop production aids, identifies transportation requirements, sign requirements, recordkeeping requirements, identifies a mechanism for enforcement of

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

violations, including the failure to pay taxes, specifies marijuana infused product serving sizes, maximum number of servings and limitations on transactions, identifies marijuana waste disposal restrictions, describes the process for quality assurance testing, extraction and the requirements for packaging and labeling, describes advertising limitations, explains the process for licensing suspension, revocation and penalties for violations; and

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

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

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

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

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

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

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

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

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

WHEREAS, on _____, the Planning Commission held a public hearing on this draft ordinance; and

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

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

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

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

MEDICAL CANNABIS

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

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

A. The purpose of this Ordinance is to enact a ban medical cannabis or medical marijuana, which (1) explicitly prohibits medical marijuana dispensaries and prohibits medical marijuana collective gardens (including those defined in RCW 69.51A.085). This prohibition

will be enforced until such time as the Washington State Legislature acts to adopt a regulatory and enforcement system for medical marijuana uses that satisfies the enforcement priorities established by the federal government. Once the Washington State Legislature acts, the City shall evaluate the new medical marijuana laws to determine whether any local regulation of medical marijuana collective gardens is necessary, and if so, whether the City has the desire or the resources to adopt and enforce such local regulations. This ban may only be lifted by the City Council in an ordinance specifically adopted for this purpose.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

G. "Designated care provider" means a person who:

(1) Is eighteen years of age or older;

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

(2) Has been designated in writing by a patient to serve as a designated provider under chapter 69.51A RCW; and

(3) Is prohibited from consuming marijuana obtained for the personal, medical use of the patient for whom the individual is acting as designated provider; and

(4) Is the designated provider to only one patient at any one time.

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

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

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

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

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

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

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

O. “Manager” means any person to whom a medical marijuana collective garden has delegated discretionary powers to organize, direct and carry on or control its operations. Authority to control one or more of the following functions shall be prima facie evidence that

such a person is a manager of the business: (a) to hire, select, or supervise employees or staff, including volunteers; (b) to acquire facilities, furniture, equipment or supplies other than the occasional replenishment of stock; (c) to disburse funds of the business other than for the receipt of regularly replaced items of stock; or (d) to make, or participate in making, policy decisions relative to operations of the business.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FF. "Qualifying Patient" means a person who:

1. Is a patient of a health care professional;
2. Has been diagnosed by that health care professional as having a terminal or debilitating medical condition;

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

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

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

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

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

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

LL. "Terminal or debilitating medical condition" means:

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

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

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

OO. "Valid documentation" means:

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

Section 3. Prohibited Activities.

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

B. It is unlawful to own, establish, operate, use, participate in or permit the establishment or operation of a medical marijuana collective garden, or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity in any collective garden.

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

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

Section 5. No Vested or Nonconforming Rights. This Ordinance prohibits medical marijuana dispensaries and collective gardens. Neither this Ordinance nor any other City Ordinance, City action, failure to act, statement, representation, certificate, approval, or permit issued by the City or its departments, or their respective representatives, agents, employees,

attorneys or assigns, shall create, confer, or convey any vested or nonconforming right or benefit regarding any medical marijuana business, marijuana business or collective garden.

Section 6. Violations.

Any violations of this Ordinance may be enforced as set forth in Ordinance No. _____ (Enforcement of Zoning Code Violations) or as applicable, the Uniform Controlled Substances Act, chapter 69.50 RCW. In addition, violations of this Ordinance may be deemed to be a public nuisance and may be abated by the City under the procedures set forth in state law for the abatement of public nuisances.

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

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

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

MAYOR

ATTEST/AUTHENTICATED:

City Clerk.

APPROVED AS TO FORM:
Office of the City Attorney

City Attorney

PUBLISHED:
EFFECTIVE DATE:

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

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

Medical Marijuana

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

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

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

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

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

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

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

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

WHEREAS, RCW 69.51A.130 allows local jurisdictions to adopt zoning requirements, business license requirements, health and safety requirements, and to impose business taxes on the production, processing or dispensing of medical cannabis or cannabis products, which the Washington Court of Appeals has interpreted to authorize complete bans on medical marijuana uses, such as collective gardens (*Cannabis Action Coalition v. City of Kent*, 322 P.2d 1246, 1253 (2014)); and

RECREATIONAL MARIJUANA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the City SEPA Responsible Official issued a _____ for this Ordinance on _____, 2014; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on _____, 2014, and submitted its written recommendation to the City Council; and

WHEREAS, on _____, 2014, the City Council (either adopted the ordinance as recommended by the Planning Commission or held another public hearing and adopted this Ordinance); NOW, THEREFORE,

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

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

**CHAPTER 20.08
MEDICAL AND RECREATIONAL MARIJUANA**

Sections.

- 20.08.010 Findings.**
- 20.08.020 Definitions.**
- 20.08.030 Prohibited Activities.**
- 20.08.040 Uses Not Permitted in Any Zone.**
- 20.08.050 Violations.**
- 20.08.060 Enforcement.**

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

A. The purpose of this Chapter is to enact a ban medical cannabis/medical marijuana, which explicitly prohibits medical marijuana dispensaries, medical marijuana collective gardens (including those

defined in RCW 69.51A.085), individual cultivation of marijuana, recreational marijuana production, processing and retailing, including those recreational marijuana businesses licensed by the State of Washington Liquor Control Board. This prohibition will be enforced until such time as the Washington State Legislature acts to adopt a regulatory and enforcement system for medical marijuana uses that satisfies the enforcement priorities established by the federal government. Once the Washington State Legislature acts. The City Council also acknowledges that the State of Washington has not performed any environmental analyses that will assist cities, towns and counties in the adoption of local regulations addressing marijuana uses, or the environmental impacts associated with the individual recreational marijuana businesses. As a result, municipalities must therefore either develop their own analyses or observe these impacts after-the-fact (or, after the marijuana uses locate and begin operations in cities, towns and counties throughout Washington). Then, the municipalities will be required to “fix” the problems stemming from these uses with their already scarce resources.

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

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

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

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

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

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

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

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

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

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

G. "Dispensary, Medical Marijuana" means: any location that does not meet the definition of a "Collective Garden" and does not have a license from the Liquor Control Board of the State of Washington for a marijuana producer, processor or retailer pursuant to I-502, where medical

cannabis or marijuana is processed, dispensed, selected, measured, compounded, packaged, labeled or sold. It also includes any vehicle or other mode of transportation, stationary or mobile, which is used to transport, distribute, deliver, sell, barter, trade or give away medical cannabis or marijuana.

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

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

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

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

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

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

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

of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

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

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

Q. "Medical (or medicinal) use of cannabis or marijuana" means the production, possession, or administration of marijuana, as defined in RCW 69.50.101(r).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20.08.030. Prohibited Activities.

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

B. It is unlawful to perform any individual or group marijuana cultivation activities anywhere in the City, regardless of whether such individual or group cultivation is addressed in chapter 69.51A RCW.

C. It is unlawful to lease, rent or otherwise allow any medical marijuana dispensary, medical marijuana collective garden, recreational marijuana production, processing or retailing business, whether it is located outdoors, indoors, in any building, structure, premises, location or land in the City and regardless of whether activity has been licensed by the State of Washington.

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

20.08.040. Use Not Permitted In Any Zone. The use of any building, structure, location, premises or land for a medical marijuana dispensary,

From: Wed. 6th Aug. 2014
Bill + Alice Wakefield,
404 4th Ave. S.E.

We are unable to attend Special Meeting tonight, but would like to express our desire to ban all use of marijuana within the city of Pacific. This falls under the 'D' draft. Thank You for taking our concern.

Bill + Alice Wakefield
Home 253 833-7425

RECEIVED
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COMMUNITY DEVELOPMENT
PUBLIC WORKS DEPARTMENT

or example, if a pot grower (called a producer) sells \$100 of pot for processing, the state will collect \$25 from the grower.

If that processor then decides to make marijuana-infused cupcakes and sells a package of them to retailer for \$150, the processor will pay \$37.50 to the state.

And when that retailer sells those cupcakes for \$250 to a consumer?

The retailer would pay \$62.50 to the state.

A few things to note:

Under the law, producers can also be processors, and therefore avoid a 25 percent tax. Consumers will pay sales taxes as they would when buying any other good. Pot businesses still pay business and occupation (B&O) taxes.

So where does it go?

State sales tax and B&O taxes go directly into the state's general fund.

The Liquor Control Board will dole out pot excise tax revenue every three months, and I-502 is very specific in outlining its destination. Let's look at how it will shape out over a full year.

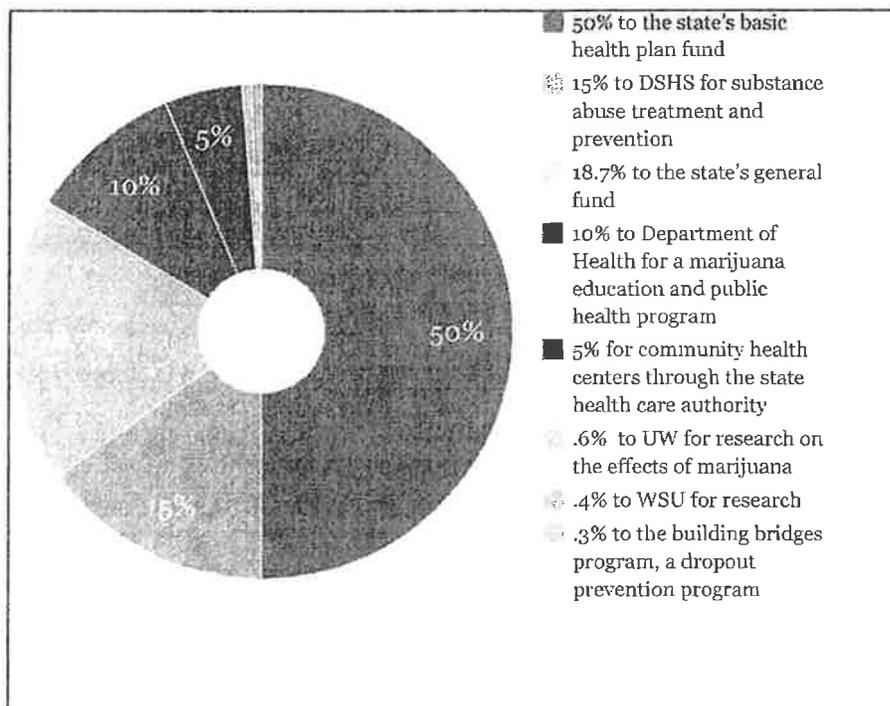
First, \$5.72 million of the tax revenue is cut off the top:

- The Department of Social and Health Services (DSHS) gets \$500,000 for the Washington state healthy youth survey.
- DSHS also gets \$200,000 to create a cost-benefit analysis that outlines the effect of legalized pot on the economy, public health, public safety and quite a bit more.
- The University of Washington Alcohol and Drug Abuse Initiative will receive \$20,000 a year to publish "medically and scientifically accurate" information on pot.
- The Liquor Control Board will get \$5 million to administer the laws of legal pot.

Didn't Colorado make \$3.5 million from the first month of legalized pot? Surely there will be more tax revenue.

Any extra revenue is earmarked primarily for prevention, research and health, with a chunk for the state's general fund.

Here's a breakdown:



How much does the state expect to make out of this deal?

Mark Gause
603 3rd Ave SE Pacific, WA 98047

RE: Resolution concerning banning Recreational Marijuana Businesses

I ask that you forward the resolution banning the growing, processing and retail sale of Recreational pot in Pacific. We are not ready to be on the leading edge of this experimental business in this community.

For those of us who will deal with the impacts after sale, the description given at the July Public Hearing of this business as: "well regulated from seed to sale" is not enough. In addition, at the June 9 Planning Commission Public Hearing, the businesses behind this were very clear that they believe their responsibility ends at the door.

However, that is exactly where our community begins. We know the significant negative developmental and health impacts of early and/or regular use by kids. They and we live on this side of the sale. In speaking for the great number of responsible parents and guardians of the kids and youth in our community -- we are not ready for this.

The State's well regulated system ends at the door. The growers/producers/sellers say their interest ends at the door. That means it is youth, parents, teachers, health workers, friends, scout leaders, pastors, parish workers and many others on this side of the door who will deal with the impacts. The resources - Education, resources, alternatives, treatments, helps - are not in place. We are not ready.

Specific requests:

- 1) Forward the Resolution banning the grow, process and retails businesses for Recreational Marijuana in the city of Pacific. We are not ready for the impacts. We are not prepared to be on the frontline of this social experiment. For the sake of youth, families and all who work with them.
- 2) Remove any provision limiting the time length of the ban. Let it be open-ended. When resources are available and lessons are able to be learned from others, the requests can be made. Don't tie the hands of the city with a certain time in which this must be reconsidered.
- 3) Return the report of the Marijuana Study group with instructions for the preparation of an unbiased review of the costs and impacts of the introduction of this business to our community - including health, public safety, traffic, utility impacts (water use and waste water treatment) prepared by a balanced and informed selection of persons.
- 4) Address Medical and Recreational as two unique topics. Delay the discussion and action on Medical for a month or so and fully address Recreational on it's own merits. These are two separate issues, each with its own questions, challenges, opportunities and matters of concern.

Additional comments:

As noted in the Council Public Hearing in July, there are a long string of "we don't know's" connected with this business: traffic impacts; water and waste water system demands; the myriad of environmental impacts normally revealed in the SEPA process.

Neighboring communities are saying "no"- making Pacific a potential hub for this business for the area. Once one is permitted, we cannot limit the next and next and next. I have not seen a responsible analysis of public safety, public health and related impacts of where we will go if we begin to walk down this road.

A "yes" now to the current pressure will mean that even should we change our minds down the road, marijuana businesses will be with us for a long time. You can make the choice to not letting them begin now, which can then be changed when more information on the experience of other cities comes together. On the other hand, if they are permitted now, the process for getting them out is a long and costly one, as outlined by the City Attorney at the Council Public Hearing.

I ask you to forward the resolution for banning Recreational Marijuana Businesses (grow or process or retail) in the City of Pacific.

Mark Gause
603 3rd Ave SE Pacific, WA 98047

RE: Resolution concerning amending Pacific Codes

The direction in which you begin informs where will arrive.

The framers of the business codes of Pacific evidently felt that the best mix of businesses in this small community were ones which honored the structure of law given by local, state and federal statute. There is a recognition inherent in this code that reminds us that we are part of a community bigger than ourselves.

Can we make the change? Sure. Others don't have such a provision and they function fine. The question then really is why make such a change? Is it for the benefit of class or type of business? Does such a change benefit the entire community, and if so, how? Is the value sufficient?

What is the value of this business to our community? I understand that no additional tax revenues will come our way to deal with the regulatory, infrastructure, and public health and safety costs which it will impose on our community. The product is intended for a singular subset of our population, with significant portions of our community excluded (by statute and common sense) from using. I understand the owners of these particular business are located outside our city and even our immediate area, so even the profits from this business will be taken outside of our community. The value of this business to our community has not, I believe, been demonstrated sufficiently to permit business which is in violation of Federal law.

Mark Gause
603 3rd Ave SE Pacific, WA 98047

RE: Resolution concerning Medical Marijuana Ban

Address Medical and Recreational as two unique topics. Delay the discussion and action on Medical for a month or so and fully address Recreational on it's own merits. These are two separate issues, each with its own questions, challenges, opportunities and matters of concern.

The problems the City of Pacific has had with the current retail operations is apparently more related to matters of code writing and enforcement. Let these provisions be worked out in their own time and in the manner of review and re-writing which I understand is currently happening.

In addition, should you chose to move this resolution forward, remove the provisions added at the last Council restricting persons in their own homes. With our complaint driven system of enforcement, this will lead to increased costs as neighbors "turn-in" neighbors, leading in the opposite direction of community building.

8-06-14 Hearing Exhibit:
Tyree



**National Institute
on Drug Abuse**
The Science of Drug Abuse & Addiction

[Home](#) » [Publications](#) » [DrugFacts](#) » [Marijuana](#)

DrugFacts: Marijuana

Print

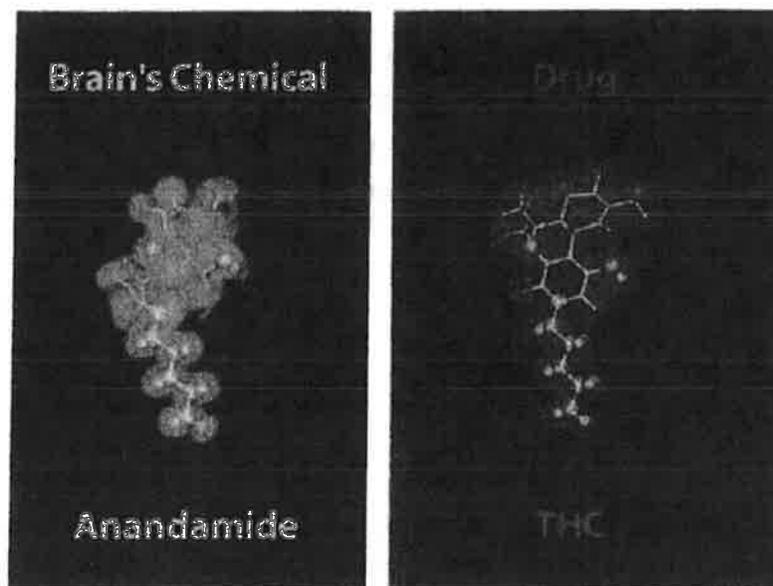
Revised January 2014

Marijuana refers to the dried leaves, flowers, stems, and seeds from the hemp plant *Cannabis sativa*, which contains the psychoactive (mind-altering) chemical delta-9-tetrahydrocannabinol (THC), as well as other related compounds. This plant material can also be concentrated in a resin called hashish or a sticky black liquid called *hash oil*.

Marijuana is the most common illicit drug used in the United States. After a period of decline in the last decade, its use has been increasing among young people since 2007, corresponding to a diminishing perception of the drug's risks that may be associated with increased public debate over the drug's legal status. Although the federal government considers marijuana a Schedule I substance (having no medicinal uses and high risk for abuse), two states have legalized marijuana for adult recreational use, and 21 states have passed laws allowing its use as a treatment for certain medical conditions (see "Is Marijuana Medicine?", below).

How is Marijuana Used?

Marijuana is usually smoked in hand-rolled cigarettes (joints) or in pipes or water pipes (bongs). It is also smoked in blunts—cigars that have been emptied of tobacco and refilled with a mixture of marijuana and tobacco. Marijuana smoke has a pungent and distinctive, usually sweet-and-sour, odor. Marijuana can also be mixed in food or brewed as a tea.



THC's chemical structure is similar to the brain chemical anandamide. Similarity in structure allows drugs to be recognized by the body and to alter normal brain communication

How Does Marijuana Affect the Brain?

When marijuana is smoked, THC rapidly passes from the lungs into the bloodstream, which carries the chemical to the brain and other organs throughout the body. It is absorbed more slowly when ingested in food or drink.

However it is ingested, THC acts on specific molecular targets on brain cells, called cannabinoid receptors. These receptors are ordinarily activated by chemicals similar to THC that naturally occur in the body (such as anandamide; see picture, above) and are part of a neural communication network called the endocannabinoid system. This system plays an important role in normal brain development and function.

The highest density of cannabinoid receptors is found in parts of the brain that influence pleasure, memory, thinking, concentration, sensory and time perception, and coordinated movement. Marijuana overactivates the endocannabinoid system, causing the "high" and other effects that users experience. These effects include altered perceptions and mood, impaired coordination, difficulty with thinking and problem solving, and disrupted learning and memory.

Marijuana also affects brain development, and when it is used heavily by young people, its effects on thinking and memory may last a long time or even be permanent. A recent study of marijuana users who began using in adolescence revealed substantially reduced connectivity among brain areas responsible for learning and memory. And a large long-term study in New Zealand showed that people who began smoking marijuana heavily in their teens lost an average of 8 points in IQ between age 13 and age 38. Importantly, the lost cognitive abilities were not fully restored in those who quit smoking marijuana as adults. Those who started smoking marijuana in adulthood did not show significant IQ declines.

What Are the Other Health Effects of Marijuana?

Marijuana use may have a wide range of effects, particularly on cardiopulmonary and mental health.

Marijuana smoke is an irritant to the lungs, and frequent marijuana smokers can have many of the same respiratory problems experienced by tobacco smokers, such as daily cough and phlegm production, more frequent acute chest illness, and a heightened risk of lung infections. One study found that people who smoke marijuana frequently but do not smoke tobacco have more health problems and miss more days of work than those who don't smoke marijuana, mainly because of respiratory illnesses. It is not yet known whether marijuana smoking contributes to risk for lung cancer.

Is Marijuana Medicine?

Many have called for the legalization of marijuana to treat conditions including pain and nausea caused by HIV/AIDS, cancer, and other conditions, but clinical evidence has not shown that the therapeutic benefits of the marijuana plant outweigh its health risks. To be considered a legitimate medicine by the FDA, a substance must have well-defined and measurable ingredients that are consistent from one unit (such as a pill or injection) to the next. As the marijuana plant contains hundreds of chemical compounds that may have different effects and that vary from plant to plant, and because the plant is typically ingested via smoking, its use as a medicine is difficult to evaluate.

However, THC-based drugs to treat pain and nausea are already FDA approved and prescribed, and scientists continue to investigate the medicinal properties of other chemicals found in the cannabis plant—such as cannabidiol, a non-psychoactive

cannabinoid compound that is being studied for its effects at treating pain, pediatric epilepsy, and other disorders. For more information, see [DrugFacts - Is Marijuana Medicine?](#)

Marijuana also raises heart rate by 20-100 percent shortly after smoking; this effect can last up to 3 hours. In one study, it was estimated that marijuana users have a 4.8-fold increase in the risk of heart attack in the first hour after smoking the drug. This risk may be greater in older individuals or in those with cardiac vulnerabilities.

A number of studies have linked chronic marijuana use and mental illness. High doses of marijuana can produce a temporary psychotic reaction (involving hallucinations and paranoia) in some users, and using marijuana can worsen the course of illness in patients with schizophrenia. A series of large studies following users across time also showed a link between marijuana use and later development of psychosis. This relationship was influenced by genetic variables as well as the amount of drug used, drug potency, and the age at which it was first taken—those who start young are at increased risk for later problems.

Associations have also been found between marijuana use and other mental health problems, such as depression, anxiety, suicidal thoughts among adolescents, and personality disturbances, including a lack of motivation to engage in typically rewarding activities. More research is still needed to confirm and better understand these linkages.

Marijuana use during pregnancy is associated with increased risk of neurobehavioral problems in babies. Because THC and other compounds in marijuana mimic the body's own endocannabinoid chemicals, marijuana use by pregnant mothers may alter the developing endocannabinoid system in the brain of the fetus. Consequences for the child may include problems with attention, memory, and problem solving.

Additionally, because it seriously impairs judgment and motor coordination, marijuana contributes to risk of injury or death while driving a car. A recent analysis of data from several studies found that marijuana use more than doubles a driver's risk of being in an accident. The combination of marijuana and alcohol is worse than either substance alone with respect to driving impairment

Rising Potency

The amount of THC in marijuana samples confiscated by police has been increasing steadily over the past few decades. In 2012, THC concentrations in marijuana averaged close to 15 percent, compared to around 4 percent in the 1980s. For a new user, this may mean exposure to higher concentrations of THC, with a greater chance of an adverse or unpredictable reaction. Increases in potency may account for the rise in emergency department visits involving marijuana use. For frequent users, it may mean a greater risk for addiction if they are exposing themselves to high doses on a regular basis. However, the full range of consequences associated with marijuana's higher potency is not well understood. For example, experienced users may adjust their intake in accordance with the potency or they may be exposing their brains to higher levels overall, or both.

Is Marijuana Addictive?

Contrary to common belief, marijuana is addictive. Estimates from research suggest that about 9 percent of users become addicted to marijuana; this number increases among those who start young (to about 17 percent, or 1 in 6) and among people who use marijuana daily (to 25-50 percent).

Long-term marijuana users trying to quit report withdrawal symptoms including irritability, sleeplessness, decreased appetite, anxiety, and drug craving, all of which can make it difficult to abstain. Behavioral interventions, including cognitive-behavioral therapy and motivational incentives (i.e., providing vouchers for goods or services to patients who remain abstinent) have proven to be effective in treating marijuana addiction. Although no medications are currently available, recent discoveries about the workings of the endocannabinoid system offer promise for the development of medications to ease withdrawal, block the intoxicating effects of marijuana, and prevent relapse.

How Does Marijuana Affect a User's Life?

Research shows marijuana may cause problems in daily life or make a person's existing problems worse. Heavy marijuana users generally report lower life satisfaction, poorer mental and physical health, more relationship problems, and less academic and career success compared to non-marijuana-using peers. For example, marijuana use is associated with a higher likelihood of dropping out of school. Several studies also associate workers' marijuana smoking with increased absences, tardiness, accidents, workers' compensation claims, and job turnover.

Learn More

For information on NIDA's marijuana research, click [here](#).

For additional information on marijuana and marijuana abuse, please see NIDA's [Research Report *Marijuana Abuse*](#).

For information on health effects of marijuana , click [here](#).

This page was last updated January 2014



NIH...Turning Discovery Into Health®

PACIFIC PLANNING COMMISSION

Meeting of August 6, 2014 Special Meeting Minutes

Call to Order

Chairman John Boyd called the meeting to order at 6:00 pm and led the flag salute.

Roll Call

Commissioners Present: Don Blackwell, Scott Newbold, Wayne Strong, John Boyd and Lacey Knudtson

Absent: Howard Gustafson (excused)

City Staff present: City Planner Paula Wiech, City Attorney Carol Morris, Acting Public Works Director Ken Barnett and Secretary Gail Bennett

Approval of Agenda

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

Audience Participation

Rona Smith, 415 3rd, had a street sweeper concern because the sweeper was only sweeping one side of the street on 3rd. She was advised to address the City Council.

PUBLIC HEARING – Potential Zoning and Licensing Regulations for Marijuana Uses

The Planning Commission will receive comments on four draft Ordinances:

- A) Allowing Recreational (I-502) production and processing as a Conditional Use in the Light Industrial Zone, and I-502 retail stores as a conditional Use in Commercial Zones;
- B) Adopting business licensing requirements for I-502 marijuana uses;
- C) Banning all Medical marijuana uses, and;
- D) Banning all marijuana, both Medical and I-502

Chairman Boyd opened the Public Hearing at 6:05 pm and asked for a staff report.

City Attorney Carol Morris briefly reviewed the history of the proposed ordinances and has recommended that the City ban all medical marijuana uses because it is not regulated at

this time. She also recommended that the City allow recreational marijuana uses if the business has obtained licenses from the State of Washington. Chairman Boyd asked for public testimony.

Russell Tyree, 230 Skinner Rd, is the pastor at Valley Baptist Church and has lived here since 1974. He wants to protect and preserve the wellbeing of the citizens and considers marijuana a dangerous drug. He submitted a handout from the National Institute on Drug Abuse. He is opposed to marijuana in the City.

Phil Schindler, 37700 51st Ave. S, is concerned about people using pot and driving. He submitted a letter. He is opposed to marijuana in the City.

Mark Gause, 603 3rd Ave SE, is concerned about the negative impacts on kids. The city is not ready to be on the cutting edge of retail sales and the growing of marijuana. He submitted a letter. He is opposed to marijuana in the City.

Edith Hutto, 238 4th Ave SW, was hit by a drunk driver in 1972 and is still suffering from her injuries. She is opposed to marijuana in the City.

Mark Herndon, 101 Tacoma Blvd N, spoke in favor of legalization of marijuana. It is good for business in the City. He is in favor of marijuana in the City.

Travis Nesterovich, 122 5th Ave SW, stated that those who use marijuana on a regular basis have better reaction times than those who use it on an occasional basis, meaning that users do adapt to it. He felt that drivers using marijuana are more aware of themselves and are more cautious. He is in favor of marijuana in the City as long as both medical and recreational are properly regulated.

Don Thomson 416 2nd Ave SE, would like the City to ban it all until regulations can be enforced. He is opposed to marijuana in the City.

Rona Smith, 415 3rd Ave SE, uses medical marijuana for back pain and would like the City to regulate the medical and retail sales separately. She is in favor of marijuana in the City.

James Dusek, 898 Valentine, has already leased a building to start his business. He stated that 55% of the City voted for I-502. He is in favor of recreational marijuana in the City.

Jeff Brown, 6523 Meyers Rd E, Sumner, stated that a "ban" would be irresponsible. It helps a lot of people. He is in favor of marijuana in the City.

Anthony Pritchard, 415 3rd Ave SE, is a disabled veteran. Medical marijuana helps his medical condition. He is in favor of marijuana in the City.

Sheryl Tyree, 230 Skinner Rd, is concerned for children and young adults and marijuana candy being sold. She is opposed to marijuana in the City.

Gary Nitschke, 102 Butte Ave, supports the ban on all marijuana in the City. He is opposed to marijuana in the City.

John Schindler, 37710 51st Ave S, supports the ban on all marijuana in the City. He is opposed to marijuana in the City.

Random Vaughn, 136 Stewart Rd, had questions about the crime statistics in the City regarding marijuana and also related how Washington DC is all federal land and how the government allows Medical marijuana there. He is in favor of marijuana in the City.

There being no further public testimony, Chairman Boyd closed the hearing at 6:55 pm.

Planning Commission Discussion

A brief discussion followed with questions from the audience and a straw poll was taken of the audience members as to where they stood on the four proposed ordinances.

The Commissioners discussed the issues. There was a suggestion to limit the hours of business operation and Carol Morris stated that there would have to be a reason why, so the Commission decided to leave it up to City Council.

Chairman Boyd read into the record a letter from Bill and Alice Wakefield, 404 4th Ave SE, supporting the ban on all marijuana in the City. (This letter was inadvertently missed during the Public Hearing).

Carol Morris left the meeting at 7:25 pm.

Commissioner Newbold moved to recommend to City Council a total ban on both Medical and Recreational marijuana in the City. After further discussion he withdrew his motion.

The Commission decided to address each proposed ordinance separately.

Commissioner Blackwell moved to recommend to City Council approval of "Ordinance A)", Allowing Recreational production and processing as a Conditional Use in the Light Industrial Zone, and I-502 retail stores as a Conditional Use in Commercial zones; seconded by Commissioner Strong. A vote was taken as follows:

Ayes: Strong, Knudtson, Blackwell

Nays: Newbold, Boyd

The motion carried, 3-2

Commissioner Blackwell moved to recommend to City Council approval of "Ordinance B)", Adopting business licensing requirement for I-502 marijuana uses; seconded by Commissioner Knudtson. A vote was taken as follows:

Ayes: Strong, Knudtson, Blackwell

Nays: Newbold, Boyd

The motion carried, 3-2

Commissioner Strong moved to recommend to City Council not to approve "Ordinance C)", banning all Medical marijuana uses; seconded by Commissioner Blackwell.

A vote was taken as follows:

Ayes: Boyd, Strong, Knudtson, Blackwell

Nays: Newbold

The motion carried 4-1

Commissioner Blackwell moved to forward to City Council with no recommendation "Ordinance D)", Banning all marijuana, both Medical and I-502; seconded by Commissioner Strong.

A vote was taken as follows:

Ayes: Boyd, Strong, Knudtson, Blackwell

Nays: Newbold

The motion carried 4-1

Recommendation

The Planning Commission directed Staff to write a recommendation, or recommendations, to City Council based on the above votes.

Adjournment

There being no further business, the meeting was adjourned at 7:50 pm.

Prepared by
Gail Bennett, Secretary

Approved 8/26/2014 2014 by 
Date Planning Commission Chairperson
John Boyd

Attachments:

Ordinances "A", "B", "C", and "D"; written comments received before and during the Public Hearing



Agenda Bill No. 14-152

TO: Mayor Guier and City Council Members
FROM: Public Works
MEETING DATE: September 8, 2014
SUBJECT: Parametrix Agreement for Interurban Trail Design

ATTACHMENTS: Resolution No. 2014-197
Contract with Scope and Budget

Previous Council Review Date:

Summary: The City has accepted WSDOT and Federal Funds for the design and construction of the Interurban Trail from 3rd Ave SW to Butte Ave. The majority of these funds have been expended, but the project is not complete. Completing this design will help fulfill a portion of our obligation to complete these trail segments. The completed design will also provide more accurate cost information for soliciting future grants to complete the construction.

Recommendation/Action: Staff recommends Council approve Resolution No. 2014-197.

Motion for Consideration: Move to approve Resolution No. 2014-197, A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING EXPENDITURES WITH PARAMETRIX FOR INTERURBAN TRAIL DESIGN AND PERMITTING SERVICES.

Budget Impact: \$186,918.00, approximately \$125,000 from WSDOT grant and the balance from parks and/or transportation funds. Additional funds will be required in the future for design of wetlands mitigation, after scope of mitigation requirements are determined.

Alternatives: None.

CITY OF PACIFIC
WASHINGTON

RESOLUTION NO. 2014 - 197

**A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON,
AUTHORIZING EXPENDITURES WITH PARAMETRIX FOR
INTERURBAN TRAIL DESIGN AND PERMITTING SERVICES**

WHEREAS the City of Pacific retained Parametrix in 2009 to complete a fifty percent design of the interurban Trail from 3rd SW to Butte Avenue; and

WHEREAS the City has an obligation to complete the design and construction of the trail; and

WHEREAS several sections of the trail have been completed by private developers, are scheduled to be completed by private developers or are scheduled to be completed with current and future road projects; and

WHEREAS the section of trail between 3rd Avenue SW and County Line Road do not have a final design; and

WHEREAS the City has approximately \$125,000 in grant funds to complete the design; and

WHEREAS Parametrix has developed a scope of work to complete the Interurban Trail Construction Documents and Environmental Permitting between 3rd Avenue SW and County Line Road for the total cost of \$186,918; and

WHEREAS, staff has reviewed the proposed work and is satisfied with the proposal,

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

Section 1. The Pacific City Council hereby authorizes payment up to the amount of \$186,918 to Parametrix, Inc. for engineering services to complete the design and environmental permitting for the Interurban Trail from 3rd Ave SW to County Line Road, as defined in the Scope of Services, attached as Exhibit A.

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

ADOPTED THIS 8TH DAY OF SEPTEMBER, 2014.

CITY OF PACIFIC

LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

AMY STEVENSON-NESS, CITY CLERK

APPROVED AS TO FORM:

CAROL MORRIS, CITY ATTORNEY

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

**CONSULTANT SERVICES CONTRACT
BETWEEN THE CITY OF PACIFIC AND
PARAMETRIX, INC.**

THIS AGREEMENT is made by and between the City of Pacific, a Washington municipal corporation (hereinafter the "City"), and Parametrix, Inc., (hereinafter the "Consultant,") a Corporation organized under the laws of the State of Washington on located and doing business at 1019 39th Ave SE # 100 Puyallup, WA 98374.

RECITALS

WHEREAS, the City requires engineering design services to complete plans and specifications for the construction of the Interurban Trail from 3rd Avenue SW to County Line Road; and

WHEREAS, the Consultant has agreed to complete the construction documents previously designed to the fifty percent level as described herein;

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed by and between the parties as follows:

TERMS

I. Description of Work.

The Consultant shall perform all work described in Exhibit A, which is attached hereto and incorporated herein by this reference.

II. Payment

A. The City shall pay the Consultant an amount based on time and materials, not to exceed One Hundred Eighty Six Thousand Nine Hundred eighteen Dollars (\$186,918.00) for the services described in Section I herein. This is the maximum amount to be paid under this Agreement for the work described in Exhibit A, and shall not be exceeded without the prior written authorization of the City in the form of a negotiated and executed supplemental agreement. PROVIDED, HOWEVER, the City reserves the right to direct the Consultant's compensated services under the time frame set forth in Section IV herein before reaching the maximum amount.

B. The Consultant shall submit monthly invoices to the City after such services have been performed, and a final bill upon completion of all the services described in this Agreement. The City shall pay the full amount of an invoice within sixty (60) days of receipt. If the City objects to all or any portion of any invoice, it shall so notify the

Consultant of the same within fifteen (15) days from the date of receipt and shall pay that portion of the invoice not in dispute, and the parties shall immediately make every effort to settle the disputed portion.

III. Relationship of Parties

The parties intend that an independent contractor-client relationship will be created by this Agreement. As the Consultant is customarily engaged in an independently established trade which encompasses the specific service provided to the City hereunder, no agent, employee, representative or sub-consultant of the Consultant shall be or shall be deemed to be the employee, agent, representative or sub-consultant of the City. In the performance of the work, the Consultant is an independent contractor with the ability to control and direct the performance and details of the work, the City being interested only in the results obtained under this Agreement. None of the benefits provided by the City to its employees including, but not limited to, compensation, insurance, and unemployment insurance are available from the City to the employees, agents, representatives, or sub-consultants of the Consultant. The Consultant will be solely and entirely responsible for its acts and for the acts of its agents, employees, representatives and sub-consultants during the performance of this Agreement. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

IV. Duration of Work

The City and the Consultant agree that work will begin on the tasks described in Exhibit A immediately upon execution of this Agreement. The parties agree that the work described in Exhibit A shall be completed by January 31, 2015; provided however, that additional time shall be granted by the City for excusable days or extra work.

V. Termination

A. Termination of Agreement. The City may terminate this Agreement, for public convenience, the Consultant's default, the Consultant's insolvency or bankruptcy, or the Consultant's assignment for the benefit of creditors, at any time prior to completion of the work described in Exhibit A. If delivered to Consultant in person, termination shall be effective immediately upon the Consultant's receipt of the City's written notice or such date stated in the City's notice, whichever is later.

B. Rights Upon Termination. In the event of termination, the City shall pay for all services satisfactorily performed by the Consultant to the effective date of termination, as described on a final invoice submitted to the City. Said amount shall not exceed the amount in Section II above. After termination, the City may take possession of all records and data within the Consultant's possession pertaining to this Agreement, which records and data may be used by the City without restriction. Upon termination, the City may take over the work and prosecute the same to completion, by contract or otherwise.

VI. Discrimination

In the hiring of employees for the performance of work under this Agreement or any sub-contract hereunder, the Consultant, its Subcontractors, or any person acting on behalf of such Consultant or sub-consultant shall not by reason of race, religion, color, sex, national origin, or the presence of any sensory, mental, or physical disability, discriminate against any person who is qualified and available to perform the work to which the employment relates.

VII. Indemnification

The Consultant shall defend, indemnify and hold the City, its officers, officials, employees, agents and volunteers harmless from any and all claims, injuries, damages, losses or suits, including all legal Costs and attorneys' fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City. The City's inspection or acceptance of any of the Consultant's work when completed shall not be grounds to avoid any of these covenants of indemnification.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, agents and Volunteers, the Consultant's liability hereunder shall be only to the extent of the Consultant's negligence.

IT IS FURTHER SPECIFICALLY AND EXPRESSLY UNDERSTOOD THAT THE INDEMNIFICATION PROVIDED HEREIN CONSTITUTES THE CONSULTANT'S WAIVER OF IMMUNITY UNDER INDUSTRIAL INSURANCE, TITLE 51 RCW, SOLELY FOR THE PURPOSES OF THIS INDEMNIFICATION. THE PARTIES FURTHER ACKNOWLEDGE THAT THEY HAVE MUTUALLY NEGOTIATED THIS WAIVER. THE CONSULTANT'S WAIVER OF IMMUNITY UNDER THE PROVISIONS OF THIS SECTION DOES NOT INCLUDE, OR EXTEND TO. ANY CLAIMS BY THE CONSULTANT'S EMPLOYEES DIRECTLY AGAINST THE CONSULTANT.

The provisions of this section shall survive the expiration or termination of this Agreement.

VIII. Insurance

A. The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the Consultant's own work including the work of the Consultant's agents, representatives, employees, sub-consultants or sub-contractors.

B. Before beginning work on the project described in this Agreement, the Consultant shall provide evidence, in the form of a Certificate of Insurance, of the following insurance coverage and limits (at a minimum):

1. Business auto coverage for any auto no less than a \$1,000,000 each accident limit, and

2. Commercial General Liability insurance no less than \$1,000,000 per occurrence with a \$2,000,000 aggregate. Coverage shall include, but is not limited to, contractual liability, products and completed operations, property damage, and employers liability, and

3. Professional Liability insurance with no less than \$1,000,000. All policies and coverage's shall be on a claims made basis.

C. The Consultant is responsible for the payment of any deductible or self insured retention that is required by any of the Consultant's insurance. If the City is required to contribute to the deductible under any of the Consultant's insurance policies, the Contractor shall reimburse the City the full amount of the deductible within 10 working days of the City's deductible payment.

D. The City of Pacific shall be named as an additional insured on the Consultant's commercial general liability policy. This additional insured endorsement shall be included with evidence of insurance in the form of a Certificate of Insurance for coverage necessary in Section B. The City reserves the right to receive a certified and complete copy of all of the Consultant's insurance policies.

E. Under this agreement, the Consultant's insurance shall be considered primary in the event of a loss, damage or suit. The City's own comprehensive general liability policy will be considered excess coverage with respect to defense and indemnity of the City only and no other party. Additionally, the Consultant's commercial general liability policy must provide cross-liability coverage as could be achieved under a standard ISO separation of insured's clause.

F. The Consultant shall request from his insurer a modification of the ACORD certificate to include language that prior written notification will be given to the City of Pacific at least 30-days in advance of any cancellation, suspension or material change in the Consultant's coverage.

IX. Exchange of Information

The City warrants the accuracy of any information supplied by it to the Consultant for the purpose of completion of the work under this Agreement. The parties agree that the Consultant will notify the City of any inaccuracies in the information provided by the City as may be discovered in the process of performing the work, and that the City is entitled

to rely upon any information supplied by the Consultant which results as a product of this Agreement.

X. Ownership and Use of Records and Documents

Original documents, drawings, designs and reports developed under this Agreement shall belong to and become the property of the City. All written information submitted by the City to the Consultant in connection with the services performed by the Consultant under this Agreement will be safeguarded by the Consultant to at least the same extent as the Consultant safeguards like information relating to its own business. If such information is publicly available or is already in Consultant's possession or known to it, or is rightfully obtained by the Consultant from third parties, the Consultant shall bear no responsibility for its disclosure, inadvertent or otherwise.

XI. City's Right of Inspection

Even though the Consultant is an independent contractor with the authority to control and direct the performance, and details of the work authorized under this Agreement, the work must meet the approval of the City and shall be subject to the City's general right of inspection to secure the satisfactory completion thereof. The Consultant agrees to comply with all federal, state, and municipal laws, rules, and regulations that are now effective or become applicable within the terms of this Agreement to the Consultant's business, equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.

XII. Consultant to Maintain Records to Support Independent Contractor Status

On the effective date of this Agreement (or shortly thereafter), the Consultant shall comply with all federal and state laws applicable to Independent contractors including, but not limited to the maintenance of a separate set of books and records that reflect all items of income and expenses of the Consultant's business, pursuant to the Revised Code of Washington (RCW) Section 51.08.195, as required to show that the services performed by the Consultant under this Agreement shall not give rise to an employer-employee relationship between the parties which is subject to RCW Title 51, Industrial Insurance.

XIII. Work Performed at the Consultant's Risk

The Consultant shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and sub-consultants in the performance of the work hereunder and shall utilize all protection necessary for that purpose. All work shall be done at the Consultant's own risk, and the Consultant shall be responsible for any loss of or damage to materials, tools, or other articles used or held by the Consultant for use in connection with the work.

XIV. Non-Waiver of Breach

The failure of the City to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein conferred in one or more instances, shall not be construed to be a waiver or relinquishment of said covenants, agreements, or options and the same shall be and remain in full force and effect.

XV. Resolution of Disputes and Governing Law

Should any dispute, misunderstanding, or conflict arise as to the terms and conditions contained in this Agreement, the matter shall first be referred to the City of Pacific shall determine the term or provision's true intent or meaning. The City of Pacific shall also decide all questions which may arise between the parties relative to the actual services provided or to the sufficiency of the performance hereunder.

If any dispute arises between the City and the Consultant under any of the provisions of this Agreement which cannot be resolved by the Mayor or Administrator's determination in a reasonable time, or if the Consultant does not agree with the City's decision on the disputed matter, jurisdiction of any resulting litigation shall be filed in King County Superior Court, King County, Washington. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. The non-prevailing party in any action brought to enforce this Agreement shall pay the other parties' expenses and reasonable attorney's fees.

XVI. Written Notice

All communications regarding this Agreement shall be sent to the parties at the addresses listed on the signature page of the agreement, unless notified to the contrary. Unless otherwise specified, any written notice hereunder shall become effective upon the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated below:

CONSULTANT:

Ms. Jennifer Dvorak, P.E.
Parametrix, Inc.
1019 39th Ave SE # 100
Puyallup, WA 98374

CITY:

Attn: City Engineer James Morgan, P.E.
City of Pacific
100 – 3rd Ave. S.E.
Pacific, WA 98047

With a copy to the "City Clerk" at the same address.

XVII. Assignment

Any assignment of this Agreement by the Consultant without the written consent of the City shall be void. If the City shall give its consent to any assignment, this paragraph shall continue in full force and effect and no further assignment shall be made without the City's consent.

XVIII. Modification and Severability

No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the City and the Consultant.

The provisions of this Agreement are declared to be severable. If any provision of this Agreement is for any reasons held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other provision.

XIX. Entire Agreement

The written provisions and terms of this Agreement, together with any Exhibits attached hereto, shall supersede all prior verbal statements of any officer or other representative of the City, and such statements shall not be effective or be construed as entering into or forming a part of or altering in any manner whatsoever, this Agreement or the Agreement documents. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Agreement and any Exhibits attached hereto, which may or may not have been executed prior to the execution of this Agreement. All of the above documents are hereby made a part of this Agreement and form the Agreement document as fully as if the same were set forth herein. Should any language in any of the Exhibits to this Agreement conflict with any language contained in this Agreement, then this Agreement shall prevail.

IN WITNESS WHEREOF, the parties have executed this Agreement on this ____ day of _____, 2014.

CONSULTANT

CITY OF PACIFIC

By: _____
Its

By: _____
Leanne Guier, Mayor

Consultant: _____

APPROVED AS TO FORM:

City Attorney's Office

ATTEST:

City Clerk

EXHIBIT A
SCOPE OF SERVICES

Exhibit A

SCOPE OF WORK

City of Pacific Interurban Trail PSE Corridor Final Design

In 2011, Parametrix prepared a 50-percent design for the proposed Interurban (IU) Trail running parallel to State Route 167 from 3rd Avenue SW to Roy Road. Since this time, significant sections of the trail have been constructed or are proposed to be developed by private developers. The purpose of this Scope of Work is to complete the design, environmental permitting, and mitigation for the remaining sections of the trail. This remaining portion of the trail extends from approximately STA 100+00 to STA 125+00 of the project plans titled "Interurban Trail Extension PSE Corridor" (November 2011). For purposes of this document, the term 'proposed trail' refers only to this section of trail.

The proposed trail will create impacts to the Milwaukee Ditch buffer, as well as Category III wetland and wetland buffers. Documentation of impacts and mitigation planning are included in this Scope of Work.

The proposed trail will be constructed entirely within Puget Sound Energy property, across which the City of Pacific has perpetual easements for trail use. Mitigation sites are owned by the City of Pacific. No right-of-way acquisition is anticipated for this project.

SCOPE OF WORK

This Scope of Work and corresponding Budget (see Exhibit B) are organized as follows:

- Task 1 – Project Management.
- Task 2 – Wetland Mitigation Feasibility Study – Not included in this submittal. Scope and fee to be submitted in a separate document.
- Task 3 – Environmental Permitting – Not included in this submittal. Scope and fee to be submitted in a separate document.
- Task 4 – Final PS&E.
- Task 5 – Stormwater TIR.
- Task 6 – QA/QC.
- Task 7 – Management Reserve Fund.

TASK 1 – PROJECT MANAGEMENT

Objectives

The purpose of this phase is to scope and budget for project management responsibilities of the project not already identified in each individual task.

Approach

Work items include:

- Preparation of project correspondence, letters, memos, meeting minutes, etc., for support of the project work. Maintenance of a central file for all written materials.
- Coordination with WSDOT for City conformance with the Local Agency Guidelines (LAG) Manual. This does not include quarterly project reporting, grant progress billing, or other activities related to grant management. Such activities will be managed by the City of Pacific.
- Miscellaneous phone calls, emails, and letters related to the project Scope of Work.
- Monitoring project progress and schedule team workload.
- Preparation and submittal of monthly progress billings to the City.
- Up to six total project meetings with the City of Pacific, City of Algona, and/or Puget Sound Energy, and as requested by the City of Pacific.

Assumptions

The final design process will begin in September 2014 and will be completed by July 2015 for a total of 11 months.

Deliverables

- WSDOT contract documentation and correspondence. This may include review of LAG agreements between the City of Pacific and Parametrix, design approval of PS&E documents, and other correspondence as required to document that Parametrix is meeting the requirements of the LAG Manual.
- Meeting minutes.
- Monthly progress reports.
- Monthly invoices.

TASK 2 – WETLAND MITIGATION FEASIBILITY STUDY

~~The City of Pacific wishes to evaluate a City of Pacific-owned site (located within City of Algona city limits, Parcel 2521049079) for its potential to provide wetland mitigation. Work would include field investigations to determine surface soil profile and structure, and the depth and duration of shallow groundwater in an area proposed for development of constructed wetlands. This information will identify whether or not the site is feasible for wetland creation, and if so, (a) the level of effort to create a wetland in this particular location, (b) where constructed wetlands and associated buffers would be best situated, and (c) maximum amount of wetland creation that could be constructed.~~

~~Parametrix conducted previous investigations on surrounding parcels including wetland delineation (Safeway Site Special Study, May 2010; miscellaneous surveying March 29, 2011).~~

~~The site has been previously disturbed by farming, access roads, and fill. The site is constrained by extensive impervious surfaces on the north and east and roads on the west and south. It is entirely underlain by hydric soils and supports predominantly non-native species. Site hydrology has been modified by the roads and buildings on~~

all sides of the site and the City well on the south end of the property. It is unclear if the site hydrology has been modified to the degree that the site could not support wetlands.

The following tasks are necessary to describe vegetation, soil, and hydrological conditions on the site. This scope of work covers (1) field investigation and data analysis; (2) preparation of Technical Memorandum; and (3) survey of data collection sample plot locations.

Task 2.1: Field Investigation

Activities

Soil, vegetation, and hydrology conditions will be collected and documented by Parametrix at each sample plot location in the study area (see attached map). Eighteen sample plots will be identified in the field with colored flagging, and the data will be recorded on data sheets. Sample plot locations will be recorded in the field using GPS, then incorporated into maps developed in Subtasks 2.2 and 2.3.

Eighteen shallow groundwater wells will be constructed and installed by Parametrix at each of the sample plot locations. The wells consist of a 30-inch long, 2-inch diameter PVC pipe with holes drilled in it to allow groundwater to seep into the pipe. The pipe will be installed to a 24-inch depth. The top of the hole would be sealed with bentonite. If groundwater is present, it will enter the drill holes and equilibrate at the groundwater level. The depth of water in the wells will be measured three times a week (M, W, and F) from February 1 through April 20, 2015 (approximately 35 sampling days), or until wells are dry, whichever is later.

Parametrix would conduct the initial water level data collection in conjunction with City staff. This initial collection data would also serve to train City staff how to collect the data for the remaining of the study period. City of Pacific staff will collect the water level elevations using appropriate methods and record the information in a table provided by Parametrix. Parametrix will perform a second site visit mid-way of the sampling window to assess overall field conditions, respond to City questions, and to collect any additional data.

Photographs of the study area will be taken as necessary to document environmental conditions.

The shallow groundwater field investigation data will be categorized, analyzed, and presented in tabular format. This data will be the basis for evaluating if sufficient hydrology is available for wetland mitigation. Hydrology results will be evaluated against long-term averages so that "false positive" wetland determinations are minimized.

Parametrix staff will attend a phone conference meeting with the City to discuss the results of the field investigation. This meeting will be used to guide the development of the Technical Memorandum and any recommendations made by Parametrix.

Task 2.2: Survey

Activities

The eighteen sample plots and groundwater wells identified in Task 2.1 and wetland delineation flags from Task 2.4 will be surveyed. Additional topography information will be collected throughout the site. Elevations and horizontal information will be shown on a survey map. The elevations are critical to determining possible excavation depths for mitigation wetlands.

Assumptions

- CAD Symbology and layer names will be per Parametrix guidelines.
- Survey crews will recover horizontal and vertical control points previously established and used in mapping the surrounding subject area.
- Horizontal datum: NAD 83/91, North Zone Washington State Plane Coordinate System.
- Vertical datum: NGVD 29.

Deliverables

- AutoCAD drawing file in 2014 format at 1"=20' with 2 foot contours, topographic information, and features described above. Survey data and parcel lines determined by Parametrix from previous studies in the area will be incorporated.
- Technical Memorandum report figure (11 inch by 17 inch) showing approximate area that may be suitable for wetland mitigation, including any required buffers.

Task 2.3: Technical Memorandum

The methods and results of the field investigation will be described in a written Technical Memorandum. The memo will describe the vegetation, soils, and hydrological conditions of the study area and assess whether the study area would be a suitable wetland mitigation area. Parametrix shall produce a draft Technical Memorandum for City review, and a final Technical Memorandum two weeks after the City submits comments on the draft Technical Memorandum.

Assumptions

The City will review and provide comments within two weeks of receipt of the draft Technical Memorandum.

Deliverables

Parametrix will prepare:

- A map to be provided to the surveyor for survey of sample plot locations.
- The draft Technical Memorandum will be completed for client review approximately two weeks after the data is collected and the map is completed.
- The final Technical Memorandum will be completed for client review approximately two weeks after comments are received from the client.

Task 2.4: Wetlands Determination

Subtask 2.4.1 – Wetland Delineation

Using the results of the mitigation site feasibility study (see Tasks 2.1, 2.2, 2.3), a formal on-site wetland delineation will be conducted on Parcel 2521049079 in accordance with the Corps' Wetland Delineation Manual (COE Technical Report Y-87-1) and Regional Supplement to the Corps' Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (ERDC/EL TR-10-3). This delineation will encompass wetlands located within

~~the potential wetland creation area and within the approximately 110 and 150 foot wide adjacent buffer areas. Because the site is owned by the City, Parametrix assumes that access permission is granted.~~

~~The results of the wetland delineation will be coordinated with the Parametrix survey crew for proper survey and mapping. A CADD map of the wetlands and buffers within the project site will be produced by Parametrix.~~

~~Subtask 2.4.2—Wetlands Report~~

~~Parametrix will prepare a draft and final Wetlands Report for this and future project use. It will consist of a project description, study methods, wetland functions and values, wetland classification, and impacts assessments. The report will be submitted with the Joint Aquatic Resource Permit Application (JARPA) application and will be consistent with Corps requirements.~~

~~Assumptions~~

~~A CADD map of the wetlands and buffers within the feasibility site will be produced by Parametrix under Task 2.2 and provided to the mitigation\permitting team.~~

~~Deliverables~~

- ~~• Wetland delineation flagging.~~
- ~~• Draft Wetlands Delineation Report.~~
- ~~• Final Wetlands Delineation Report.~~

~~Task 2.5: Mitigation Plan~~

~~Subtask 2.5.1—Conceptual Mitigation Plan~~

~~The trail project will be designed to avoid impacts wherever practicable. Unavoidable impacts will be minimized wherever feasible, using innovative construction methods and best management practices. At the time of this Scope of Work, the estimated impact to wetlands and U.S. waters in the City of Pacific is approximately 8,000 square feet. Mitigation is proposed to occur in the City of Algona.~~

~~Parametrix will prepare one draft and one final conceptual mitigation plan based on the current 50% design from 2011. The project schedule is dependent on a timely review by the City. The conceptual mitigation plan will include a descriptive report, and a conceptual landscape drawing following the Corps 2008 federal mitigation rule. The final conceptual mitigation plan will be used in the CAR under Task 3.~~

~~The conceptual landscape drawing will include approximate planting areas with a hatch pattern that denotes a particular type of planting regime. An appropriate species list will also be provided. The location of each individual plant shall not be shown on the planting plans. The mitigation area and buffers will be based on the 2006 Ecology/Corps Joint Mitigation Guidance. Parametrix will prepare a mitigation plan on the project site plan base map.~~

~~Parametrix will prepare one draft conceptual mitigation plan for review by the City. Parametrix will incorporate comments into a final conceptual plan for submittal with the JARPA and to the City of Algona.~~

~~This task includes one client meeting and one agency meeting on site.~~

Assumptions

- ~~This Scope of Work assumes approximately 8,000 square feet of permanent impacts to wetlands~~
- ~~The City will provide a consolidated set of comments, if there are multiple reviewers, on the draft conceptual mitigation plan~~
- ~~The conceptual mitigation plan will be based on the current 50% design from 2011, and as further described in the introductory paragraph to this Scope of Work.~~
- ~~The wetland feasibility study in Task 2.1 indicates that the site will support wetland creation.~~

Deliverables

- ~~Draft Conceptual Mitigation Plan.~~
- ~~Final Conceptual Mitigation Plan.~~

Subtask 2.5.2 – Final Mitigation Plan

~~A detailed final wetland mitigation plan will be developed to provide enough information to construct the mitigation area. The plan will be based on Algona, Ecology, and Corps comments on the conceptual mitigation plan and will include the following effort:~~

- ~~Parametrix will prepare one draft, one revised draft, and one final mitigation plan. The draft and revised draft plan will involve one round of review by Algona, Ecology, and the Corps. Each entity will provide a consolidated set of comments if there are multiple reviewers.~~
- ~~The detailed final mitigation plan will include a descriptive report and a landscape plan set. The final plan set is intended for permit approval and construction.~~
- ~~Planting areas shall be designated with a hatch pattern that denotes a particular type of planting regime and specifications with regard to species, size, spacing, and layout. The location of each individual plant shall not be shown on the planting plans. Individual plant locations will be established in the field after final grading and verification of wetland hydrology patterns. The planting plan will show both wetland and buffer plantings. A conceptual grading plan will be included.~~
- ~~The landscape plan sets will include the following.~~
 - ~~Wetland mitigation planting plan.~~
 - ~~Wetland mitigation grading plan.~~
 - ~~Plan notes and legend.~~
 - ~~Plant material list and approximate spacing/quantities.~~
 - ~~Detail sheet (planting and soil amendments).~~

Assumptions

- ~~Timely receipt of comments from jurisdictions.~~
- ~~A conceptual construction grading and recontouring plan will be based on the existing site topography.~~
- ~~Draft Final Mitigation Plan will be produced as a 70% design.~~

- ~~Revised Draft Final Mitigation Plan will respond to Corps comments on the Draft Final Mitigation Plan.~~
- ~~Final Mitigation Plan will be produced at a 100% design level for permit approval, issuance, and construction. (This level of detail is proposed based on recent Corps permit applications and approvals.)~~

Deliverables

- ~~Draft Final Mitigation Plan.~~
- ~~Revised Draft Final Mitigation Plan.~~
- ~~Final Mitigation Plan.~~

TASK 3 – ENVIRONMENTAL PERMITTING

Permitting Activities

This task includes efforts necessary to obtain NEPA approval/compliance and other required environmental permits for this project. The first step in this phase of work involves drafting a memorandum for WSDOT and the US Army Corps of Engineers (Corps) to determine which wetlands the Corps will assert jurisdiction over for permitting purposes. The focus of this memorandum will focus on wetland areas that were delineated in 2009 during an alignment alternatives analysis for the trail, as well as potential Corps jurisdiction over the ditch at the intersection of 5th Avenue and the trail alignment. This determination is necessary to establish whether a Section 404 Individual or Nationwide permit(s) from the Corps will be necessary.

The NEPA approval and permitting tasks include the following items.

- Developing an Environmental Classification Summary (ECS), including any technical studies, resulting in a Documented Categorical Exclusion (DCE) from FHWA and WSDOT Highway & Local Programs.
- Obtaining a Section 404 Permit from the Corps and related Section 401 Water Quality Certification from Washington Department of Ecology (Ecology) and Coastal Zone Management Act (CZMA) Certification from Ecology.
- Receiving a Hydraulic Project Approval (HPA) from Washington Department of Fish and Wildlife (WDFW) for culvert installation in the ditch at the intersection of 5th Avenue and the trail alignment.
- Obtaining State Environmental Policy Act (SEPA) Approval with the City of Pacific as the SEPA lead agency.
- Getting a Critical Areas Permit from the City of Pacific.
- Receiving a fill and grade permit from the City of Algona.

Objective

Secure NEPA approval from WSDOT and FHWA. Obtain direction from Corps regarding Section 404 permit needs and secure Section 404/Section 401 permits. Obtain related permits and approvals from Ecology, WDFW, the City of Algona and the City of Pacific.

Approach

- The City has met with WSDOT H&LP previously in June of 2011 to discuss the proposed NEPA approach. Due to changes in project elements since that time, including the potential use of the Safeway mitigation site, it is anticipated that the City will need to meet with WSDOT H&LP to discuss project changes. Parametrix will assist the City in this process including meeting attendance.
- Prepare memorandum for WSDOT and the Corps requesting jurisdictional ditch determination. Work with WSDOT and the Corps throughout the determination process. Prepare a second memorandum communicating WSDOT/Corps findings and implications for internal project team and the City.
- Modify and submit the Area of Potential Effect (APE) for the cultural resources study to include the wetland and stream buffer mitigation sites, as necessary using the services of Statistical Research, Inc. (SRI). Obtain cultural resources approval from WSDOT and the Washington Department of Archaeology and Historic Preservation (DAHP). Incorporate new cultural resources information for the mitigation sites into the ECS form.
- Complete a WSDOT Environmental Classification Summary (ECS) form and attach supporting technical materials. Submit ECS to WSDOT requesting Federal approval of a Documented Categorical Exclusion (DCE) under NEPA.
- Complete a Joint Aquatic Resources Application (JARPA) for submittal to the Corps for Section 404 permit, to Ecology for a Section 401 Water Quality Certification and to WDFW for a HPA.
- Supporting permitting technical documents for the ECS and for the JARPA are anticipated to include the following:
 - A Biological Assessment/Biological Evaluation (BA/BE) in support of the ECS and to satisfy Corps consultation needs. It is anticipated that BA/BE would recommend a finding of Not Likely to Adversely Affect (NLAA);
 - A cultural resources study in support of the ECS and to satisfy Corps consultation needs. SRI has previously completed cultural resource evaluations for the trail alignment. The revised study would include the Safeway mitigation site;
 - And, a conceptual wetland and stream buffer mitigation plan for submission to WSDOT, the Corps, Ecology and WDFW.
- Submit a SEPA checklist to the City of Pacific for approval. It is anticipated that the City of Pacific will be the SEPA lead agency and that the City of Algona will adopt the City of Pacific's SEPA determination.
- Submit a Critical Areas Report (CAR) to the City of Pacific for a Critical Areas Permit (CAP). Note that the CAR will contain the conceptual mitigation plan created in Task 2 for the purposes of efficiency and document consolidation.
- Submit a grading permit to City of Pacific for work associated with the trail.
- Submit a fill and grade permit to the City of Algona for mitigation activities at the Safeway site. It is anticipated that a CAP will be issued by the City of Algona, as well using the findings in the CAR.
- Submit a CZMA Consistency Certification form to Ecology.
- Coordinate with the internal project team, Cities of Algona and Pacific, and regulatory agencies through the NEPA determination and permitting/approval process.

Assumptions

- The proposed trail will completely span the bed and bank of the Milwaukee Ditch at approximately Station 110+50, and no in-water work is anticipated with this project. Stream buffer mitigation to the Milwaukee Ditch will be located in the vicinity of the impacts on Puget Sound Energy property.
- The ditch at the intersection of 5th Avenue and the trail alignment may be considered a jurisdictional ditch by the Corps due to its hydrologic connection to the Milwaukee Ditch. Additionally, it is anticipated that WDFW may require a HPA for the culvert to be emplaced at 5th Avenue and the trail alignment due to documented fish presence in the Milwaukee Ditch. Discussions with both agencies during the permitting process will confirm Corps jurisdiction and the potential need for an HPA.
- It is anticipated that a BA/BE will be necessary due to documented presence of federally listed fish species in the Milwaukee ditch. The BA will support a determination of NLAA under the Endangered Species Act/Section 7 consultation.
- At this time, it is anticipated that disruption to wetlands will measure (as determined by the Corps) less than 0.50 acres to stay within the allowance of a Corps 404 Nationwide Permit (NWP) 14 permit. For the purposes of this scope and budget, it is anticipated that a NWP will be used. If the Corps' Jurisdictional Determination requires an Individual Permit, additional scope and budget will be required.
- It is anticipated that this project will qualify as a DCE. The ECS and technical memos will be submitted to WSDOT/FHWA for NEPA concurrence. If this project does not qualify as a DCE and preparation of an Environmental Assessment (EA) becomes necessary, additional effort beyond this scope of work will be necessary.
- The mitigation strategy assumed for conceptual wetland mitigation design includes wetland creation at the City of Pacific-owned parcel (the Safeway site) located in the City of Algona. The conceptual mitigation plan will consist of a separate report. Construction documents for the wetland mitigation site are included in Task 2. The feasibility study in Task 2 assumes the property will be satisfactory for a mitigation site. The identification and evaluation of alternative mitigation sites is not included in this estimate.
- Each deliverable will be reviewed by the Cities and/or designees of the Cities' choosing one time prior to finalization.
- Air quality and noise analyses are not required for this project.
- This estimate assumes that any hazardous material sites or sites of concern listed on the Department of Ecology's facility site index will not adversely affect (or adverse effects can be mitigated) the NEPA determination for this project.
- The SEPA determination will support a Determination of Nonsignificance (DNS) or a Mitigated DNS. The City of Pacific will be the SEPA lead agency and the City of Algona will adopt the City of Pacific's determination.

Deliverables

- Jurisdictional ditch determination request memorandum, and summary findings memo.
- Completed ECS form, with respective reports.
- A completed JARPA, ancillary drawings, and reports.

SCOPE OF WORK (continued)

- BA/BE, with anticipated NLTA determination.
- Critical Area Report including a wetland and riparian buffer mitigation plan (see Task 2 for details on the mitigation plan).
- Grading permit for work in City of Algona.
- Grading permit for work in City of Pacific.
- A cultural resources report.
- A completed CZMA Consistency Certification form.
- A completed SEPA checklist.
- Electronic copies of all documents in PDF format as applicable.

TASK 4 – FINAL PS&E

Objectives

Design plans will include the following sheets:

Final Plan Sheet Index

Plan Sheet	Number of Sheet(s)	Format/Scale (11x17 Sheets)
Cover	1	Plan/as required
Legend/Notes/Survey Control	1	Plan/as required
Demolition and TESC Plan	2	Plan/Plan 1" = 40'
Trail and Wall Cross-Sections	1	Plan/as required
Trail Grading, Alignment, and Signage Plan	4	Plan/Profile 1" = 60' H 1" = 20' V
Miscellaneous Details and Schedules	3	Plan/as required
Bridge at Milwaukee Ditch	3	Plan/Profile/Details/varies
Wetland Mitigation Plan and Details	3	Plan/1" = 40'
Stream Buffer Mitigation Plan and Details	1	Plan/1" = 40'
Stormwater Conveyance Plans	1	Plan/Profile 1" = 40' H 1" = 20' V
TOTAL ESTIMATED SHEET COUNT:	20	

Approach

The approach to developing the plan sheets will include:

- Cover, Legend/Notes/Survey Control – As required.
- Demolition and Temporary Erosion and Sediment Control (TESC) Plans – Prepare plans showing required demolition, TESC measures, and other activities to be completed along the length of the proposed trail. TESC measures and mitigation clearing and grubbing will be shown on the mitigation plans and will not be shown in this section of the plans.
- Trail and Wall Cross-Sections – Depict sidewalk and trail cross-section with and without walls. Provide new and reconstructed pavement sections.
- Trail Grading, Alignment, and Signage Plan – Depict alignment, profile, wall limits, grading, restoration limits, channelization, and signage for the proposed trail and any roadway crossings. Restoration will consist only of seeding, fertilizing, and mulching in disturbed areas along the shoulder of the trail.
- Wetland Mitigation Plan and Details – Incorporate mitigation plans prepared in a separate task to the plan set. Incorporate quantities and bid prices to engineer’s opinion of probable cost. Prepare specifications as necessary for this element of work.
- Stream Buffer Mitigation Plan and Details – Incorporate mitigation plans prepared in a separate task to the plan set. Incorporate quantities and bid prices to engineer’s opinion of probable cost. Prepare specifications as necessary for this element of work.
- Miscellaneous Details and Schedules – Prepare plans showing trailhead layout; signage tables; and details for bollards, fencing, picnic tables, or other features associated with the project. Include any miscellaneous special construction details for elements not covered in other sections.
- Bridge at Milwaukee Ditch – Parametrix will contact up to two (2) pre-fabricated bridge manufacturers for a pedestrian bridge that can accommodate occasional maintenance and emergency vehicles. Parametrix will obtain example photographs from the manufacturer and prepare cost estimates for both structures, including necessary appurtenances and foundations. The two options will be provided to City of Pacific staff in an email. City of Pacific will indicate the desired preference from the two bridge options.

Using the preferred bridge option, Parametrix will prepare plans and details for the premanufactured bridge. Details shall include necessary railing and surface treatments to meet ADA requirements. This portion of the project will require additional geotechnical analysis from Landau, Inc. for foundation design. A placeholder of \$15,000 has been included in the budget until a final proposal is available. In the likely event that the proposal is less than this, the contract will be credited for the remainder.

- Stormwater Conveyance Plans – Depict layout of catch basins, longitudinal storm pipe profiles, and invert data. Conveyance plans will be required only along the Electric Avenue South right-of-way and will not include flow control or treatment.
- Opinion of Probable Cost – Prepare a detailed engineer’s opinion of probable cost for construction of the elements using the bid items in the proposal, unit prices, and calculated plan quantities.
 - Specifications – Prepare specifications including:
 - Legal documents including contract, bid bond form, proposal, insurance requirements, etc.
 - Applicable WSDOT and APWA General Special Provisions (GSPs).

- Project-specific special provisions.
- Appendices with applicable City of Pacific and WSDOT Standard Details, forms, and other documents as required by the WSDOT LAG Manual or others.

Assumptions

The following assumptions have been made for Task 4:

- No public or private utilities will be relocated along the PSE section. Minor coordination with PSE will be as necessary to ensure design conformance.
- There will be no increase in pollution generation surface, and the use of pervious asphalt pavement will require no water retention and quality treatment.

Deliverables

- 95% submittal (three paper copies each; one copy each for City of Pacific, WSDOT, and Parametrix file), to include:
 - Plan set in 11- by 17-inch format.
 - Opinion of Probable Cost.
 - Project-specific special provisions.
- Bid-ready submittal (three paper copies each; one copy each for City of Pacific, WSDOT, and Parametrix file), plus a single electronic pdf submittal of the entire bid-ready package for the City's use in advertising the project. The bid-ready submittal will include:
 - Plan set in 11- by 17-inch format.
 - Opinion of Probable Cost.
 - Contract Documents

TASK 5 – STORMWATER TIR

Objectives

Prepare a Stormwater Technical Information Report (TIR), following the guidelines of the *King County Surface Water Design Manual* as adopted by City of Pacific.

Approach

Prepare a Draft and Final TIR in coordination with the 95-percent design documents. The TIR shall include a limited downstream analysis; an estimate of existing, new, and replaced impervious surface areas based on existing and proposed conditions; and documentation of minimum requirements for the project.

Assumptions

- All trail pavements will be constructed of pervious asphalt, and no flow control and water quality treatment will be required.
- Only City of Pacific staff will review the TIR.
- City staff will return comments to the draft TIR within 2 weeks of submittal by Parametrix.

Deliverables

- The Draft TIR will be submitted in electronic pdf format only prior to the 95-percent submittal. Comments from the Draft TIR will be incorporated into the Final TIR. The Final TIR will include design progress through the 95-percent submittal.
- The final TIR will be submitted in electronic pdf format and one (1) hard copy.

TASK 6 – QA/QC

Objectives

Perform internal review of deliverables to ensure that design intent has been incorporated and documents are accurate and consistent.

Approach

Perform internal review of all deliverables prior to submittal to the City of Pacific or other parties.

Assumptions

Internal review will be performed by independent senior staff not involved in production of the deliverables.

Deliverables

None. Review comments will be for internal use.

TASK 7 – MANAGEMENT RESERVE FUND

Objectives

Perform additional tasks on an on-call basis, as assigned and approved by the City of Pacific.

Approach

Provide additional personnel, equipment, or materials for performance of activities not otherwise defined in the tasks above.

Assumptions

The type and number of activities for this task is not known. Parametrix and the City of Pacific will agree upon a budgetary cost for each activity in advance. Tasks will then be authorized in writing by the City. Activities may include:

- Presentations to City Council.
- Design to address unknown conditions.
- Development of additional environmental documentation.

Deliverables

To be determined with each City authorization of funds from this task.

Client: City of Pacific
 Project: Int .n (PSE) Final Design
 Project No:

Phase	Task	Description	Labor Dollars	Labor Hours	Multiplier	Cost Rates:	Project Controls Specialist	Finance Project Accountant	Engineer Sr	Engineer IV	Planner II	Designer	
		Final Design - PSE Corridor	\$161,808.17	1,886	3.10	\$212.78	\$30.49	\$28.50	\$50.95	\$47.60	\$25.20	\$43.50	
		Project Management	\$17,435.02	122	3.10	\$94.52	\$88.35	\$157.95	\$147.56	\$78.12		\$134.85	
		Wetland Mitigation	\$0.00	677	3.10								
		Environmental Permitting	\$53,544.32	460	3.10								
		Final PS&E	\$76,824.07	529	3.10								
		Stormwater TIR	\$8,454.96	64	3.10								
		QA/QC	\$5,549.80	34	3.10								
		Management Reserve Fund	\$0.00	0	.00								
Labor Totals:			\$161,808.17	1,886		2	8	32	8	268	0	92	204
						\$425.56	\$1,507.84	\$3,024.64	\$706.80	\$42,330.60	\$0.00	\$7,187.04	\$27,509.40

SUBCONSULTANTS

Subconsultant Name	Amount
Landau Associates Inc	\$16,406.870
Statistical Research, Inc.	\$7,210.000
Subconsultant Total:	\$23,616.870

DIRECT EXPENSES:

Description	Amount
B & W 8.5 x 11	\$405.000
B & W 11 x 17	\$374.000
Mileage	\$532.000
WA Survey Equipment	\$132.000
WA Survey Vehicle	\$50.000
Expense Total:	\$1,493.000

Project Total:	\$186,918.040
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Burdened Rates:		Cost Rates:	
Phase	Task	Description	Amount
		Final Design - PSE Corridor	\$161,808.17
		Project Management	\$17,435.02
		Wetland Mitigation	\$0.00
		Environmental Permitting	\$53,544.32
		Final PS&E	\$76,824.07
		Stormwater TIR	\$8,454.96
		QA/QC	\$5,549.80
		Management Reserve Fund	\$0.00
Labor Totals:			\$161,808.17
			\$25,911.60
			\$2,457.12
			\$17,193.60
			\$6,361.20
			\$12,655.44
			\$14,931.72
			\$956.52

Phase	Task	Description	Labor Dollars	Labor Hours	Multiplier	Amount
		Final Design - PSE Corridor	\$161,808.17	1,886	3.10	\$161,808.17
		Project Management	\$17,435.02	122	3.10	\$17,435.02
		Wetland Mitigation	\$0.00	677	3.10	\$0.00
		Environmental Permitting	\$53,544.32	460	3.10	\$53,544.32
		Final PS&E	\$76,824.07	529	3.10	\$76,824.07
		Stormwater TIR	\$8,454.96	64	3.10	\$8,454.96
		QA/QC	\$5,549.80	34	3.10	\$5,549.80
		Management Reserve Fund	\$0.00	0	.00	\$0.00
Labor Totals:			\$161,808.17	1,886		

Phase	Task	Description	Labor Dollars	Labor Hours	Multiplier	Amount
		Final Design - PSE Corridor	\$161,808.17	1,886	3.10	\$161,808.17
		Project Management	\$17,435.02	122	3.10	\$17,435.02
		Wetland Mitigation	\$0.00	677	3.10	\$0.00
		Environmental Permitting	\$53,544.32	460	3.10	\$53,544.32
		Final PS&E	\$76,824.07	529	3.10	\$76,824.07
		Stormwater TIR	\$8,454.96	64	3.10	\$8,454.96
		QA/QC	\$5,549.80	34	3.10	\$5,549.80
		Management Reserve Fund	\$0.00	0	.00	\$0.00
Labor Totals:			\$161,808.17	1,886		

Phase	Task	Description	Labor Dollars	Labor Hours	Multiplier	Amount
		Final Design - PSE Corridor	\$161,808.17	1,886	3.10	\$161,808.17
		Project Management	\$17,435.02	122	3.10	\$17,435.02
		Wetland Mitigation	\$0.00	677	3.10	\$0.00
		Environmental Permitting	\$53,544.32	460	3.10	\$53,544.32
		Final PS&E	\$76,824.07	529	3.10	\$76,824.07
		Stormwater TIR	\$8,454.96	64	3.10	\$8,454.96
		QA/QC	\$5,549.80	34	3.10	\$5,549.80
		Management Reserve Fund	\$0.00	0	.00	\$0.00
Labor Totals:			\$161,808.17	1,886		

Phase	Task	Description	Labor Dollars	Labor Hours	Multiplier	Amount
		Final Design - PSE Corridor	\$161,808.17	1,886	3.10	\$161,808.17
		Project Management	\$17,435.02	122	3.10	\$17,435.02
		Wetland Mitigation	\$0.00	677	3.10	\$0.00
		Environmental Permitting	\$53,544.32	460	3.10	\$53,544.32
		Final PS&E	\$76,824.07	529	3.10	\$76,824.07
		Stormwater TIR	\$8,454.96	64	3.10	\$8,454.96
		QA/QC	\$5,549.80	34	3.10	\$5,549.80
		Management Reserve Fund	\$0.00	0	.00	\$0.00
Labor Totals:			\$161,808.17	1,886		

Phase	Task	Description	Labor Dollars	Labor Hours	Multiplier	Amount
		Final Design - PSE Corridor	\$161,808.17	1,886	3.10	\$161,808.17
		Project Management	\$17,435.02	122	3.10	\$17,435.02
		Wetland Mitigation	\$0.00	677	3.10	\$0.00
		Environmental Permitting	\$53,544.32	460	3.10	\$53,544.32
		Final PS&E	\$76,824.07	529	3.10	\$76,824.07
		Stormwater TIR	\$8,454.96	64	3.10	\$8,454.96
		QA/QC	\$5,549.80	34	3.10	\$5,549.80
		Management Reserve Fund	\$0.00	0	.00	\$0.00
Labor Totals:			\$161,808.17	1,886		

Phase	Task	Description	Labor Dollars	Labor Hours	Multiplier	Amount
		Final Design - PSE Corridor	\$161,808.17	1,886	3.10	\$161,808.17
		Project Management	\$17,435.02	122	3.10	\$17,435.02
		Wetland Mitigation	\$0.00	677	3.10	\$0.00
		Environmental Permitting	\$53,544.32	460	3.10	\$53,544.32
		Final PS&E	\$76,824.07	529	3.10	\$76,824.07
		Stormwater TIR	\$8,454.96	64	3.10	\$8,454.96
		QA/QC	\$5,549.80	34	3.10	\$5,549.80
		Management Reserve Fund	\$0.00	0	.00	\$0.00
Labor Totals:			\$161,808.17	1,886		

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Landau Associates Inc	\$16,406.870
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Subconsultant Name	Amount
Landau Associates Inc	\$16,406.870
Statistical Research, Inc.	\$7,210.000
Subconsultant Total:	\$23,616.870

Client: City of Pacific
 Project: Irwin (PSE) Final Design
 Project No.

Phase	Task	Description	Labor Dollars	Labor Hours	Multiplier	Planner III Katheryn Seckel	Scientist/B logist IV Colin Worsley	Sr Planner Michael S. Phelps	Darren Sandeno	Jr Planner Nora C. Foote	Planner II Joshua R. Ahmann	Sr Scientist/B logist William E. Hall
		Final Design - PSE Corridor	\$161,808.17	1,886	3.10	142	192	124	114	20	36	20
		Project Management	\$17,435.02	122	3.10	142	144					
		Wetland Mitigation	\$0.00	677	3.10				114			
		Environmental Permitting	\$53,544.32	460	3.10		48	124		20	36	20
		Final PS&E	\$76,824.07	529	3.10							
		Stormwater TIR	\$8,454.96	64	3.10							
		QA/QC	\$5,549.80	34	3.10							
		Management Reserve Fund	\$0.00	0	.00							
Labor Totals:			\$161,808.17	1,886		142	192	124	114	20	36	20
						\$13,046.96	\$24,533.76	\$16,675.52	\$16,411.44	\$992.00	\$3,682.80	\$3,414.40

Cost Rates:

\$29.64 \$41.22 \$43.38 \$46.44 \$16.00 \$33.00 \$55.07

\$91.88 \$127.78 \$134.48 \$143.96 \$49.60 \$102.30 \$170.72

SUBCONSULTANTS

Subconsultant Name	Amount
Landau Associates Inc	\$16,406.870
Statistical Research, Inc.	\$7,210.000
Subconsultant Total:	\$23,616.870

DIRECT EXPENSES:

Description	Amount
B & W 8.5 x 11	\$405.000
B & W 11 x 17	\$374.000
Mileage	\$532.000
WA Survey Equipment	\$132.000
Wa Survey Vehicle	\$50.000
Expense Total:	\$1,493.000

Project Total: \$186,918.040

Client: City of Pacific
 Project: Interurban (PSE) Final Design
 Project No:

Burdened Rates:		Cost Rates:					
Phase	Task	Description	Labor Dollars	Labor Hours	Multiplier	Cost Rate	Cost Rate
		Final Design - PSE Corridor	\$161,808.17	1,886	3.10	\$106.64	\$136.62
		Project Management	\$17,435.02	122	3.10		
		Wetland Mitigation	\$0.00	677	3.10		
		Environmental Permitting	\$53,544.32	460	3.10		
		Final PS&E	\$76,824.07	529	3.10		
		Stormwater TIR	\$8,454.96	64	3.10		
		QA/QC	\$5,549.80	34	3.10		
		Management Reserve Fund	\$0.00	0	.00		
Labor Totals:			\$161,808.17	1,886		40	12
						\$4,265.60	\$1,603.32
						\$842.24	\$273.24

SUBCONSULTANTS

Subconsultant Name	Amount
Landau Associates Inc	\$16,406.870
Statistical Research, Inc.	\$7,210.000
Subconsultant Total:	\$23,616.870

DIRECT EXPENSES:

Description	Amount
B & W 8.5 x 11	\$405.000
B & W 11 x 17	\$374.000
Mileage	\$532.000
WA Survey Equipment	\$132.000
Wa Survey Vehicle	\$50.000
Expense Total:	\$1,493.000

Project Total:	\$186,918.040
-----------------------	----------------------



AGENDA ITEM NO. 4E

Agenda Bill No. 14-153

TO: Mayor Guier and City Council Members
FROM: John Calkins
MEETING DATE: September 8, 2014
SUBJECT: Accreditation Contract

ATTACHMENTS:

- Accreditation Contract
- Resolution No. 2014-198

Previous Council Review Date: none

Summary: We have completed the Accreditation process and we are ready for our onsite assessment by WASPC. We must sign a contract for the onsite inspection which includes a \$100 application fee and staff time reimbursement of approximately \$700.

Recommendation/Action: Allow Chief Calkins to sign the contract as requested by WASPC.

Motion for Consideration: "I move to approve Resolution No. 2014-198 authorizing the execution of an agreement with WASPC for final on-site accreditation assessment."

Budget Impact: Approximately \$800

Alternatives: Do not seek accreditation.

**City of Pacific
Washington**

RESOLUTION NO. 2014-198

A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON AUTHORIZING THE POLICE DEPARTMENT TO ENTER INTO A CONTRACT WITH THE WASHINGTON ASSOCIATION OF SHERIFFS AND POLICE CHIEFS, WASPC, FOR AN ON SITE WASPC ACCREDITATION ASSESSMENT.

WHEREAS, the Pacific Police Department has been engaged in the accreditation process for the past six months, and

WHEREAS, the Police Department has just completed the Mock Assessment and successfully passed the inspection, and

WHEREAS, WASPC has set the date of September 18th, 2014 for the final onsite assessment, and

WHEREAS, there is a cost associated for the staff time of the WASPC staff to perform the assessment,

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

Section 1. The Pacific City Council authorizes the Police Department to enter to into an agreement with WASPC for the purpose of a final Accreditation Assessment as described in Exhibit A to this Resolution.

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

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 8TH DAY OF SEPTEMBER, 2014.

Leanne Guier, Mayor

Attest:

Amy Stevenson-Ness, City Clerk

Approved to as form:

Carol Morris, City Attorney

WASHINGTON ASSOCIATION OF SHERIFFS & POLICE CHIEFS

3060 Willamette Drive NE Lacey, WA 98516 ~ Phone: (360) 486-2380 ~ Fax: (360) 486-2381 ~ Website: www.waspc.org

Serving the Law Enforcement Community and the Citizens of Washington



Accreditation Contract

The **Washington Association of Sheriffs and Police Chiefs (WASPC)** and the **Pacific Police Department** agree to enter into this contract for the purpose of the Pacific Police Department achieving law enforcement accreditation through the WASPC Law Enforcement Accreditation Program.

The Pacific Police Department agrees to pay WASPC an application fee of \$100.00 and further agrees to complete the agency self-assessment process and schedule an on-site within one year of this application.

The Pacific Police Department agrees to reimburse WASPC for staff time (\$60/hour) and expenses relating to the on-site assessment.

AGREED:

John Calkins, Chief
Pacific Police Department

Date

Mitch Barker, Executive Director
WA Association of Sheriffs and Police Chiefs

Date

President
ERIC OLSEN
Chief - Kirkland

President Elect
CASEY SALISBURY
Sheriff - Mason County

Vice President
KEN HOHENBERG
Chief - Kennewick
Executive Board

Past President
OZZIE KNEZOVICH
Sheriff - Spokane County

Treasurer
KEN THOMAS
Chief - Kent

TOM ROBBINS
Chief - Wenatchee

TOM SCHLICKER
Chief - Swinomish

STEVE STRACHAN
Chief - Bremerton

MARK NELSON
Sheriff - Cowlitz County

JOHN SNAZA
Sheriff - Thurston County

GARRY LUCAS
Sheriff - Clark County

MARK COUEY
Director - OIC
Special Investigations Unit

JOHN BATISTE
Chief - WA State Patrol

FRANK MONTOYA, JR.
SAC - FBI, Seattle

MITCH BARKER
Executive Director



Agenda Bill No. 14-154

TO: Mayor Guier and City Council Members
FROM: Amy Stevenson-Ness, City Clerk
MEETING DATE: September 2, 2014
SUBJECT: Pierce County Interlocal Agreement re: Amendments to the Pierce County Countywide Planning Policies, Potential Annexation Areas

ATTACHMENTS:

- Interlocal Agreement
- Letter from Pierce County Regional Council
- Pierce County Ordinance No. 2014-17S

Previous Council Review Date: N/A

Summary: The Pierce County Regional Council (PCRC) recommended an amendment to the Pierce County Countywide Planning Policies. The County Council adopted Ordinance No. 2014-17s on 06/24/14 signifying the County's approval of the proposed amendment regarding the establishment of Proposed Annexation Areas. The attached information is the request for ratification of the proposal.

- 1) Establishing "Potential Annexation Areas" (PAAs). A Potential Annexation Area refers to an unincorporated area within the designated urban growth area which a city or town has identified as being appropriate for annexation at some point in the future; and
- 2) Relabeling "urban service areas" designated within the Pierce County Comprehensive Plan at the conclusion of its 2013 amendment cycle as a PAA for the appropriate jurisdiction. As related to the PAAs:
 - Require jurisdictions to identify PAAs within their respective comprehensive plan;
 - Require joint planning agreements prior to expanding or adding to the existing PAAs;
 - Encourage the resolution of existing overlaps;
 - Discourage the creation of unaffiliated "islands" between cities and towns; and,
 - Encourage the resolution of split parcels prior to the initial designation of PAAs.
- 3) Pursuing a more coordinated strategy to encourage annexation of areas within designated Urban Growth Areas (UGA). This strategy encompasses:
 - Encouraging joint planning agreements and annexation plans for existing areas affiliated with cities and towns;
 - Limiting cities and towns to the annexation of territory only within their adopted PAA;
 - Exploring and establishing financial incentives to encourage annexation of unincorporated urban areas;
 - Exploring potential partnerships between the County and cities/towns in grant funding opportunities to overcome annexation obstacles;
 - Encouraging cities and towns to include a mix of existing commercial, residential, and vacant areas, if appropriate, in future annexation proposals;

Pierce County Mayors, Council Members, PCRC Members,
Clerks August 5, 2014
Page 2

- Identifying unincorporated "islands" between cities and towns as the County's highest priority for annexation; and,
- The County supporting annexation of an area if a joint planning agreement has been signed with the respective city or town.

Recommendation/Action:

If the City of Pacific is in favor of this proposal, you may either:

- Pass an ordinance/resolution within the interlocal agreement and PAA amendment language; or
- Take no action addressing the proposed amendment.

If the City of Pacific is not in favor of the proposal, you should pass a resolution stating your opposition. The resolution must be received no later than December 21, 2014.

Note that jurisdictions do not have the ability to make line item modifications to the Interlocal agreement.

Motion for Consideration: "I move to. approve"

Budget Impact:

Alternatives:



Pierce County
Regional Council

2401 South 35th Street, Room 175
Tacoma, Washington 98409-7460

DATE: August 5, 2014

TO: Pierce County City and Town Mayors and Council Members
Pierce County Regional Council Members (PCRC)
Pierce County City and Town Clerks

RE: Interlocal Agreement - Amendments to the Pierce County Countywide Planning Policies,
Potential Annexation Areas (PAAs)

The Pierce County Regional Council (PCRC) recommended the enclosed amendment to the Pierce County Countywide Planning Policies (CPPs). As the first step in the ratification process, the Pierce County Council adopted Ordinance No. 2014-17s on June 24, 2014. This action signifies Pierce County's approval of the proposed amendment to set guidelines in the establishment of Proposed Annexation Areas (PAAs), and authorizes the Pierce County Executive to execute interlocal agreements with the Cities and Towns of Pierce County to ratify the proposal. This correspondence is the official transmittal of the PCRC's recommendation to amend the CPPs, and request for ratification of the proposal.

The proposal refines and adds various policies addressing the annexation of unincorporated urban areas by adjacent cities and towns:

- 1) Establishing "Potential Annexation Areas" (PAAs). A Potential Annexation Area refers to an unincorporated area within the designated urban growth area which a city or town has identified as being appropriate for annexation at some point in the future; and
- 2) Relabeling "urban service areas" designated within the Pierce County Comprehensive Plan at the conclusion of its 2013 amendment cycle as a PAA for the appropriate jurisdiction. As related to the PAAs:
 - Require jurisdictions to identify PAAs within their respective comprehensive plan;
 - Require joint planning agreements prior to expanding or adding to the existing PAAs;
 - Encourage the resolution of existing overlaps;
 - Discourage the creation of unaffiliated "islands" between cities and towns; and,
 - Encourage the resolution of split parcels prior to the initial designation of PAAs.
- 3) Pursuing a more coordinated strategy to encourage annexation of areas within designated Urban Growth Areas (UGA). This strategy encompasses:
 - Encouraging joint planning agreements and annexation plans for existing areas affiliated with cities and towns;
 - Limiting cities and towns to the annexation of territory only within their adopted PAA;
 - Exploring and establishing financial incentives to encourage annexation of unincorporated urban areas;
 - Exploring potential partnerships between the County and cities/towns in grant funding opportunities to overcome annexation obstacles;
 - Encouraging cities and towns to include a mix of existing commercial, residential, and vacant areas, if appropriate, in future annexation proposals;

- Identifying unincorporated “islands” between cities and towns as the County’s highest priority for annexation; and,
- The County supporting annexation of an area if a joint planning agreement has been signed with the respective city or town.

For this proposal to be amended into the CPPs, it must be ratified by Pierce County jurisdictions. Ratification is achieved once 60 percent of the jurisdictions in Pierce County representing 75 percent of the total population approve the proposal. Demonstration of approval may be executed through an interlocal agreement, or the absence of a legislative action to disapprove the proposed amendment by **December 21, 2014**. *Note: This is the 180-day approval process established through amendments to the CPPs.*

If your jurisdiction is in favor of this proposal, it may either:

- Pass an ordinance/resolution within the interlocal agreement and PAA amendment language; or
- Take no action addressing the proposed amendment.

If your jurisdiction is **not** in favor of the proposal, it should pass a resolution stating its opposition. Please send a signed copy of the resolution to Cindy Anderson, Pierce County Planning and Land Services, 2401 South 35th Street, Room 175, Tacoma, WA 98409. The resolution must be received no later than **December 21, 2014**.

The Pierce County Ordinance, which includes the interlocal agreement and amendments to the Countywide Planning Policies, and an explanatory sheet are included for your convenience. *Note that jurisdictions do not have the ability to make line item modifications.*

If your jurisdiction takes action to ratify the proposal, send **two original signed copies** of the interlocal agreement and a copy of your resolution, ordinance, or meeting minutes authorizing approval to:

Pierce County Planning and Land Services
Attn: Cindy Anderson
2401 South 35th Street, Room 175
Tacoma, WA 98409

All information must be received in our office no later than **December 21, 2014**. One copy will be returned to your jurisdiction after it has been signed by the Pierce County Executive.

Thank you for your assistance. If you have any questions, please contact Dan Cardwell at dcardwe@co.pierce.wa.us, (253) 798-7039, or Cindy Anderson at cander5@co.pierce.wa.us, (253) 798-2630.

Sincerely,



Cindy Anderson
Clerk, Pierce County Regional Council

Enclosures

PIERCE COUNTY REGIONAL COUNCIL
INTERLOCAL AGREEMENT
AMENDMENTS TO THE PIERCE COUNTY
COUNTYWIDE PLANNING POLICIES

ATTACHED TO THIS COVER SHEET ARE:

- A copy of the County's Ordinance authorizing execution of the interlocal agreement, and thereby ratifying the amendments to the Pierce County Countywide Planning Policies (CPPs).
- A copy of the interlocal agreement showing the amendments to the CPPs as approved by the PCRC.

What To Do If Your Jurisdiction is in Support of the Proposed Amendment:

Option #1

1. Develop a similar ordinance or resolution in whatever form is used by your jurisdiction. It is **not** necessary for everyone to adopt identical documents. The ordinance/resolution needs to include two attachments: 1) the interlocal agreement, and 2) Potential Annexation Area (PAA) amendments. *Note: Jurisdictions cannot make line item modifications; this is a pass or fails policy choice.*
2. Have your Council vote on the ordinance/resolution.
3. If the ordinance/resolution passes, have the authorized agents for your jurisdiction sign the interlocal agreement.
4. **Two original copies** of your signed resolution/ordinance and interlocal agreement must be received by Cindy Anderson, Pierce County Planning and Land Services, 2401 S. 35th St., Room 175, Tacoma, WA 98409, no later than **December 21, 2014**.

Option#2

Take no action addressing the proposed amendment.

What to Do if Your Jurisdiction is NOT in Support of the Proposed Amendment:

1. Develop a resolution in whatever form is used by your jurisdiction that states opposition to the proposed amendment.
2. Have your Council vote on the resolution.
3. If the resolution not to support the proposed amendment passes, forward a signed copy to Cindy Anderson, Pierce County Planning and Land Services, 2401 South 35th Street, Room 175, Tacoma, WA 98409. The resolution must be received no later than **December 21, 2014**.

WHAT HAPPENS NEXT

Once ordinances/resolutions and interlocal agreements are approved by 60% of the jurisdictions representing 75% of the population in the County, the amendments will become effective. This threshold correlates to 14 cities and towns, and Pierce County, representing a minimum of 610,875 people (based on 2013 OFM estimate).

Per Pierce County Countywide Planning Policy AT 1.2.1, "A jurisdiction shall be deemed as casting an affirmative vote if it has not taken legislative action to disapprove a proposed amendment within 180 days from the date the Pierce County Council formally authorizes the Pierce County Executive to enter into an interlocal agreement." Consequently, for a proposal to not be ratified, more than 40% of the jurisdictions representing more than 25% of the population has to take a legislative action stating opposition to a proposal for ratification to fail.

1 Sponsored by: Councilmembers Rick Talbert, Stan Flemming, Connie Ladenburg, and Dan Roach
2 Requested by: Executive/Planning and Land Services
3
4
5

6 **ORDINANCE NO. 2014-17s**

7
8
9 **An Ordinance of the Pierce County Council Acknowledging its Approval of**
10 **a Proposed Amendment to Incorporate Annexation Policies**
11 **in the Pierce County Countywide Planning Policies as**
12 **Recommended by the Pierce County Regional Council;**
13 **Authorizing the Pierce County Executive to Execute Interlocal**
14 **Agreements with the Cities and Towns of Pierce County to**
15 **Ratify the Proposed Amendments; Amending Chapter**
16 **19D.240 of the Pierce County Code, "Pierce County**
17 **Countywide Planning Policies," Upon Ratification; and**
18 **Adopting Findings of Fact.**
19

20 **Whereas**, the Pierce County Regional Council (PCRC) was created in 1992 by
21 interlocal agreement among the cities and towns of Pierce County and Pierce County
22 Government (the County), and charged with responsibilities, including: Serving as a
23 local link to the Puget Sound Regional Council, promoting intergovernmental
24 cooperation, facilitating compliance with the coordination and consistency requirements
25 of the Growth Management Act (Chapter 36.70A, Revised Code of Washington [RCW])
26 and the Regional Transportation Planning Organization (Chapter 47.80 RCW), and
27 developing a consensus among jurisdictions regarding the development and
28 modification of the Pierce County Countywide Planning Policies (CPPs); and
29

30 **Whereas**, the CPPs are written policy statements which are to be used solely for
31 establishing a countywide framework from which the County and municipal
32 comprehensive plans are developed and adopted; and
33

34 **Whereas**, the framework is intended to ensure that the County and municipal
35 comprehensive plans are consistent; and
36

37 **Whereas**, the County adopted its initial CPPs on June 30, 1992; and
38

39 **Whereas**, the Pierce County Growth Management Coordinating Committee
40 (GMCC) is a technical subcommittee to the PCRC, and the GMCC includes staff
41 representatives from the County and the cities and towns within Pierce County; and
42

43 **Whereas**, the PCRC, based upon the recommendation from the GMCC and its
44 own discussions, recommended approval of the proposal at its October 17, 2013
45 meeting; and
46



1 **Whereas**, amendments to the CPPs must be adopted through amendment of the
2 original interlocal agreement or by a new interlocal agreement ratified by 60 percent of
3 member jurisdictions in Pierce County representing 75 percent of the total population;
4 and

5
6 **Whereas**, demonstration of ratification shall be by execution of an interlocal
7 agreement or the absence of a legislative action to disapprove a proposed amendment;
8 and

9
10 **Whereas**, an Interlocal Agreement entitled "Amendments to the Pierce County
11 Countywide Planning Policies" has been developed for this purpose, and is included as
12 Exhibit B to this Ordinance; and

13
14 **Whereas**, a jurisdiction shall be deemed as casting an affirmative vote if it has
15 not taken legislative action to disapprove a proposed amendment within 180 days from
16 the date the Pierce County Council formally authorizes the Pierce County Executive to
17 enter into an interlocal agreement; and

18
19 **Whereas**, when ratified by the necessary number of cities and towns, Section
20 19D.240 of the Pierce County Code (PCC), "Pierce County Countywide Planning
21 Policies", shall be amended by a subsequent ordinance of the County Council to
22 incorporate the recommended proposal; and

23
24 **Whereas**, the Pierce County Planning Commission, at its November 26, 2013,
25 regular public hearing, reviewed the proposed amendments to the CPPs and
26 recommended approval; and

27
28 **Whereas**, the Pierce County Environmental official has determined the proposal
29 is exempt from SEPA per WAC 197-11-800 (19); and

30
31 **Whereas**, after a properly noticed public hearing, the Community Development
32 Committee of the Pierce County Council considered oral and written testimony and
33 forwarded its recommendation to the full County Council; and

34
35 **Whereas**, the County Council held a public hearing on June 24, 2014, where oral
36 and written testimony was considered; and

37
38 **Whereas**, the County Council finds that it is in the public interest to authorize the
39 Pierce County Executive to execute the interlocal agreement; **Now Therefore**,

40
41 **BE IT ORDAINED by the Council of Pierce County:**

42
43 Section 1. The Pierce County Council acknowledges its approval of the
44 amendments to the CPPs recommended by the Pierce County Regional Council as set
45 forth in Exhibit A, which is attached hereto and incorporated herein by reference.
46



1 Section 2. The Pierce County Council authorizes the Pierce County Executive to
2 execute Interlocal Agreements as set forth in Exhibit B, which is attached hereto and
3 incorporated herein by reference, thereby ratifying the attached amendments to the
4 CPPs and amending Chapter 19D.240 of the Pierce County Code as recommended by
5 the Pierce County Regional Council.

6
7 Section 3. The Pierce County Council adopts Findings of Fact as shown in
8 Exhibit C, which is attached hereto and incorporated herein by reference.

9
10 PASSED this 24th day of June, 2014.

11
12 ATTEST:

PIERCE COUNTY COUNCIL
Pierce County, Washington

13
14
15 Denise D. Johnson
16
17 **Denise D. Johnson**
18 Clerk of the Council

Dan Roach
Dan Roach
Council Chair

Pat McCarthy
Pat McCarthy
Pierce County Executive
Approved Vetoed _____, this
1 day of July,
2014.

19
20
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28 Date of Publication of
29 Notice of Public Hearing: June 4, 2014
30
31 Effective Date of Ordinance: July 11, 2014
32

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Proposed Amendments
to the
Pierce County Countywide Planning Policies
Addressing

**Potential Annexation Areas
and
Annexation**



1 **COUNTYWIDE PLANNING POLICY ON URBAN GROWTH AREAS,**
2 **PROMOTION OF CONTIGUOUS AND ORDERLY DEVELOPMENT**
3 **AND PROVISION OF URBAN SERVICES TO SUCH DEVELOPMENT**

4
5 **Background - Requirements of Growth Management Act**

6
7 The Washington State Growth Management Act has as planning goals the encouragement of development in
8 urban areas where adequate public facilities and services exist or can be provided in an efficient manner
9 [RCW 36.70A.020(1)], the reduction of sprawl (*i.e.*, the inappropriate or premature conversion of undeveloped
10 land into low-density development) [RCW 36.70A.020(2)], and the provision of adequate public facilities and
11 services necessary to support urban development at the time the development is available for occupancy and
12 use (without decreasing current service levels below locally established minimum standards) [RCW
13 36.70A.020(12)] as planning goals.

14
15 The Growth Management Act further requires (1) that the County designate an "urban growth area" (UGA) or
16 areas within which urban growth shall be encouraged and outside of which growth shall occur only if it is not
17 "urban" in character; (2) that each municipality in the County be included within an UGA; (3) that an UGA
18 include territory outside of existing municipal boundaries only if such territory is characterized by urban
19 growth or is adjacent to territory that is already characterized by urban growth. [RCW 36.70A.110(1); for
20 definition of "urban growth" see RCW 36.70A.030(17).]

21
22 The designated UGAs shall be of adequate size and appropriate permissible densities so as to
23 accommodate the urban growth that is projected by the State Office of Financial Management to occur in the
24 County for the succeeding 20-year period. While each UGA shall permit urban densities, it shall also include
25 greenbelt and open space areas [RCW 36.70A.110(2)].

26
27 As to the timing and sequencing of urban growth and development over the 20-year planning period, urban
28 growth shall occur *first* in areas already characterized by urban growth that have existing public facility and
29 service capacities to service such development, *second* in areas already characterized by urban growth that
30 will be served by a combination of both existing public facilities and services and any additional needed public
31 facilities and services that are provided by either public or private sources [RCW 36.70A.110(3)]. Urban
32 government services shall be provided primarily by cities, and it is not appropriate that urban governmental
33 services be extended to or expanded in rural areas except in those limited circumstances shown to be
34 necessary to protect basic public health and safety and environment, and when such services are financially
35 supportable at rural densities and do not permit urban development [RCW 36.70A.110(4)].

36
37 The Growth Management Act Amendments expressly require that countywide planning policies address the
38 implementation of UGA designations [RCW 36.70A.210(3)(a)], the promotion of contiguous and orderly
39 development, the provision of urban services to such development [RCW 36.70A.210(3)(b)], and the
40 coordination of joint county and municipal planning within UGAs [RCW 36.70A.210(3)(f)].

41
42 **VISION 2040 Multicounty Planning Policies (MPPs)**

43
44 VISION 2040 calls for a more efficient, sustainable, and strategic use of the region's land. It identifies urban
45 lands as a critical component to accommodate population and employment growth in a sustainable way.
46 VISION 2040 calls for directing development to the region's existing urban lands, especially in centers and
47 compact communities, and limiting growth on rural lands. The Regional Growth Strategy found in VISION
48 2040 allocates 93 percent of the region's future population growth and 97 percent of its employment growth
49 into the existing urban growth area. Cities are divided into four distinct groups: Metropolitan Cities, Core
50 Cities, Large Cities, and Small Cities. An additional geography is Unincorporated Urban Growth Areas.
51 VISION 2040 recognizes that unincorporated urban lands are often similar in character to cities they are
52 adjacent to, calling for them to be affiliated with adjacent cities for joint planning purposes and future
53 annexation.

54
55 VISION 2040 recognizes that compact development creates vibrant, livable, and healthy urban communities
56 that offer economic opportunities for all, provide housing and transportation choices, and use our resources
57 wisely. The Multicounty Planning Policies support the effective use of urban land and include provisions that



1 address brownfield and contaminated site clean-up, the development of compact communities and centers
2 with pedestrian-friendly, transit-oriented locations and a mix of residences, jobs, retail, and other amenities,
3 and the siting of facilities and major public amenities in compact urban communities and centers.

4
5 VISION 2040 recognizes that centers provide easy access to jobs, services, shopping, and
6 entertainment. With their mix of uses and pedestrian-friendly design, they can rely less on forms of
7 transportation that contribute to air pollution and greenhouse gas emissions. VISION 2040 identifies 27
8 regional growth centers. These places play an important role as locations of the region's most significant
9 business, governmental, and cultural facilities. The 18 cities that have one or more regional growth
10 centers are expected to accommodate a significant portion of the region's residential growth (53 percent)
11 and employment growth (71 percent).

12
13 VISION 2040 calls for local jurisdictions with regional growth centers to adopt housing and employment
14 targets for each center. Eight regional manufacturing/industrial centers have also been designated. These
15 are locations for more intensive commercial and industrial activity. Both regional growth centers and
16 regional manufacturing/industrial centers are focal points for economic development and transportation
17 infrastructure investments. Subregional centers, including downtowns in suburban cities and other
18 neighborhood centers, also play an important role in VISION 2040's *Regional Growth Strategy*. These,
19 too, are strategic locations for concentrating jobs, housing, shopping, and recreational opportunities.
20 VISION 2040 calls for each of the region's cities to develop one or more central places as compact
21 mixed-use hubs for concentrating residences, jobs, shops, and community facilities.

22
23 Urban services addressed in VISION 2040 include wastewater and stormwater systems, solid waste, energy,
24 telecommunications, emergency services, and water supply. An overarching goal of VISION 2040 is to
25 provide sufficient and efficient public services and facilities in a manner that is healthy, safe, and
26 economically viable. Conservation is a major theme throughout VISION 2040. The Multicounty Planning
27 Policies address increasing recycling and reducing waste and encouraging more efficient use of water, low-
28 impact development techniques, and renewable and alternative energy. The Multicounty Planning Policies
29 also address siting of public facilities and the appropriateness and scale of particular public services.

30
31 VISION 2040 calls for jurisdictions to invest in facilities and amenities that serve centers and restrict urban
32 facilities in rural and resource areas. The Multicounty Planning Policies also discourage schools and other
33 institutions serving urban residents from locating outside the urban growth area.

34 35 **Principles of Understanding Between Pierce County and the Municipalities in Pierce County**

36
37 While following the goals and regulations of the Growth Management Act, Pierce County and the
38 municipalities in Pierce County will strive to protect the individual identities and spirit of each of our cities and
39 of the rural areas and unincorporated communities.

40
41 Further agreements will be necessary to carry out the framework of joint planning adopted herein. These
42 agreements will be between the County and each city and between the various cities.

43
44 The services provided within our communities by special purpose districts are of vital importance to our
45 citizens. Consistent with the adopted regional strategy, these districts will be part of future individual and
46 group negotiations under the framework adopted by the County and municipal governments.

47
48 While the Growth Management Act defines sewer service as an urban service, Pierce County currently is a
49 major provider of both sewer transmission and treatment services. The County and municipalities recognize
50 that it is appropriate for the County and municipalities to continue to provide sewer transmission and
51 treatment services.

52
53 The County recognizes that unincorporated lands within UGAs are often Potential Annexation Areas for
54 cities. Although annexation is preferred, these are also areas where incorporation of new cities can occur
55 efficiently. The identification of "Potential Annexation Areas" (PAAs) is intended to serve as the foundation for
56 future strategies to annex areas within the urban growth area. A Potential Annexation Area refers to an
57



1 unincorporated area within the designated urban growth area which a city or town has identified as being
2 appropriate for annexation at some point in the future. A Potential Annexation Area designation does not
3 obligate a jurisdiction to annex an area within a defined timeline. It is the County's authority, in consultation
4 with cities and towns, to adopt the urban growth area(s), and identify individual Potential Annexation Areas.

5
6 In order to promote logical, orderly, and systematic annexations of the urban growth area(s), the County in
7 partnership with cities and towns, should establish joint planning agreements and annexation plans prior to
8 expanding or adding to existing PAAs. Creation of new PAAs prior to the annexation of existing PAAs may
9 directly impact Pierce County government and its service obligations, and may undermine the transition of
10 existing unincorporated lands into cities and towns.

11
12 The County encourages cities and towns to annex land within its respective PAAs. The County recognizes
13 cities and towns may not have a financial incentive to annex areas that will require more expenditures than
14 the revenue produced through property or sales tax. Jurisdictions need to be creative in identifying potential
15 financial incentives, in addition to establishing partnerships to overcome the financial obstacles. As a means
16 to allocate resources, the County should prioritize the PAAs, with the highest being unincorporated "islands"
17 between cities and towns. Pierce County shall support future annexations for areas in which a joint planning
18 agreement exists between the County and appropriate city or town.

19
20 At the same time, annexations and incorporations have direct and significant impacts on the revenue of
21 County government, and therefore, may affect the ability of the County to fulfill its role as a provider of certain
22 regional services. The municipalities will work closely with the County to develop appropriate revenue sharing
23 and contractual services arrangements that facilitate the goals of GMA.

24
25 The Countywide Planning Policies are intended to be the consistent "theme" of growth management planning
26 among the County and municipalities. The policies also spell out processes and mechanisms designed to
27 foster open communication and feedback among the jurisdictions. The County, and the cities and towns, will
28 adhere to the processes and mechanisms provided in the policies.

29 30 **Growth Targets**

31 The Regional Growth Strategy set forth in VISION 2040 provides guidance for the distribution of future
32 population and employment growth through the year 2040 within the Central Puget Sound Region. This
33 strategy, in combination with the Office of Financial Management's population forecasts, provides a
34 framework for establishing growth targets consistent with the requirements of the Growth Management Act.
35 Consistent with VISION 2040, these growth targets are the *minimum* number of residents, housing units, or
36 jobs a given jurisdiction is planning to accommodate within the appropriate planning horizon and are
37 informational tools integrated into local land use plans to assist in formulating future residential and
38 employment land needs. These targets are to be developed through a collaborative countywide process that
39 ensures all jurisdictions are accommodating a fair share of growth.

40
41 Achievement of the future envisioned by VISION 2040 will be challenging. Jurisdictions in some regional
42 geographies will likely be planning for growth targets that are above or below the policy direction set by
43 the Regional Growth Strategy because they are on a front- or back-loaded growth trajectory toward 2040.
44 In other regional geographies, recent growth has been at such significant odds with the policy direction
45 set by the Regional Growth Strategy (such as recent growth in unincorporated urban Pierce County from
46 2000 to 2007 has already accounted for more than half of the 40-year growth allocation), that the 2040
47 goal will likely be exceeded. In such cases, jurisdictions are asked to set growth targets as close to
48 VISION 2040 as reasonably possible in an effort to "bend the trend" of future growth to more closely
49 conform to the Regional Growth Strategy. If a jurisdiction's adopted target is lower or higher than
50 expected from a straight-line application of the Regional Growth Strategy, certification by the Puget
51 Sound Regional Council (PSRC) will be based on the actions and measures taken or proposed to be put
52 in place to bend the trend, not just on an assessment of the adopted targets.

53
54 It is recognized that some of the urban growth areas in existence prior to the adoption of VISION 2040
55 may contain more potential housing and employment capacity based upon zoning, allowed density, land
56 division patterns, and other factors than is needed to accommodate the growth target of the associated
57 geography. In many cases, these urban growth areas have been in existence for a decade or more,



1 contain existing development patterns, which are urban in character, and are served by sanitary sewer
2 and other urban infrastructure. These areas are largely expected to remain within the urban growth area
3 consistent with their urban character. Expansion of the urban growth area boundaries that do not comply
4 with provisions in the Amendments and Transition section of these policies is acknowledged to be
5 inconsistent with CPPs and is strongly discouraged.

6 7 Centers

8
9 Centers are to be areas of concentrated employment and/or housing within UGAs which serve as the hubs of
10 transit and transportation systems. Centers and connecting corridors are integral to creating compact urban
11 development that conserves resources and creates additional transportation, housing, and shopping choices.
12 Centers are an important part of the regional strategy (VISION 2040) for urban growth and are required to be
13 addressed in the Countywide Planning Policies. Centers will become focal points for growth within the
14 County's UGA and will be areas where public investment is directed.

15
16 Centers are to:

- 17 • be priority locations for accommodating growth;
- 18 • strengthen existing development patterns;
- 19 • promote housing opportunities close to employment;
- 20 • support development of an extensive multimodal transportation system which reduces dependency
21 on automobiles;
- 22 • reduce congestion and improve air quality; and
- 23 • maximize the benefit of public investment in infrastructure and services.

24
25 VISION 2040, the adopted regional growth strategy, identifies several centers as an integral feature for
26 accommodating residential and employment growth. The strategy describes Regional Growth Centers, and
27 other centers that may be designated through countywide processes or locally. Regional Growth Centers
28 once regionally designated are located either in Metropolitan Cities, or in Core Cities. VISION 2040 also
29 identifies Manufacturing/Industrial Centers, which consist primarily of manufacturing and industrial uses.
30 Pierce County has five Regional Growth Centers and two Manufacturing/Industrial Centers that have been
31 adopted into the regional growth strategy. Pierce County Regional Growth Centers are located in Tacoma,
32 which is a Metropolitan City, and in Lakewood and Puyallup, which are Core Cities.

33 34 Regional Growth Centers in the Metropolitan City

35 Tacoma Central Business District
36 Tacoma Mall

37 38 Regional Growth Centers in Core Cities

39 Lakewood
40 Puyallup Downtown
41 Puyallup South Hill

42
43 Currently there are no designated Countywide Centers.

44
45 Manufacturing/Industrial Centers are areas where employee- or land-intensive uses will be located. These
46 centers differ from Regional Growth Centers in that they consist of an extensive land base and the exclusion
47 of non-manufacturing or manufacturing-supportive uses is an essential feature of their character. These
48 areas are characterized by a significant amount of manufacturing, industrial, and advanced technology
49 employment uses. Large retail and non-related office uses are discouraged. Other than caretakers'
50 residences, housing is prohibited within Manufacturing/Industrial Centers. However, these centers should be
51 linked to high density housing areas by an efficient multimodal transportation system. The efficiency of rail
52 and overland freight to markets is the critical element for manufacturers and industries located in these
53 centers.

54
55 The designated Manufacturing/Industrial Centers, within Pierce County are as follows:
56



1
2 Manufacturing / Industrial Centers
3 Frederickson
4 Port of Tacoma
5

6 Within Pierce County, a limited number of additional centers may be designated through amendment of the
7 Countywide Planning Policies consistent with the process below.
8

9 Designated centers may vary substantially in the number of households and jobs they contain today. The
10 intent of the Countywide Planning Policies is that Regional Growth Centers become attractive places to live
11 and work, while supporting efficient public services such as transit and being responsive to the local market
12 for jobs and housing.
13

14 The Countywide Planning Policies establish target levels for housing and employment needed to achieve the
15 benefit of a center. Some centers will reach these levels over the next twenty years, while for others the
16 criteria set a path for growth over a longer term, providing capacity to accommodate growth beyond the
17 twenty year horizon.
18

19 County-Level Centers Designation Process
20

21 The County and any municipality in the County that is planning to include a Metropolitan City Center,
22 Regional Growth Center, Countywide Center or Manufacturing / Industrial Center within its boundaries shall
23 specifically define the area of such center within its comprehensive plan. The comprehensive plan shall
24 include policies aimed at focusing growth within the center and along corridors consistent with the applicable
25 criteria contained within the Countywide Planning Policies. The County or municipality shall adopt
26 regulations that reinforce the center's designation.
27

28 No more often than once every two years, the Pierce County Regional Council (PCRC) shall invite
29 jurisdictions with centers already adopted in their comprehensive plan that seek to be designated as centers
30 in the Countywide Planning Policies to submit a request for such designation. Said request shall be
31 processed in accordance with established procedures for amending the Countywide Planning Policies.
32

33 Each jurisdiction seeking to have a center designated in the Countywide Planning Policies shall provide the
34 PCRC with a report demonstrating that the proposed center meets the minimum criteria for designation
35 together with a statement and map describing the center, its consistency with the applicable Countywide
36 Planning Policies, and how adopted regulations will serve the center.
37

38 Transit services shall be defined in the broadest sense and shall include local and regional bus service, rail
39 where appropriate, vanpool, carpool, and other transportation demand measures designed to reduce vehicle
40 trips.
41

42 The minimum designation criteria to establish a candidate center by type are as follows:
43

44 Metropolitan City Center

45 Area: up to 1-1/2 square miles in size;

46 Capital Facilities: served by sanitary sewers;

47 Employment: a minimum of 25 employees per gross acre of non-residential lands with a minimum of
48 15,000 employees;

49 Population: a minimum of ten households per gross acre; and

50 Transit: serve as a focal point for regional and local transit services.
51

52 Regional Growth Center

53 Area: up to 1-1/2 square miles in size;

54 Capital Facilities: served by sanitary sewers;

55 Employment: a minimum of 2,000 employees;

56 Population: a minimum of seven households per gross acre; and

57 Transit: serve as a focal point for regional and local transit services.



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Countywide Center

Area: up to one square mile in size;
Capital Facilities: served by sanitary sewers;
Employment: a minimum of 1,000 employees;
Population: a minimum of 6 households per gross acre; and
Transit: serve as a focal point for local transit services.

Manufacturing / Industrial Center

Capital Facilities: served by sanitary sewers;
Employment: a minimum of 7,500 jobs and/or 2,000 truck trips per day; and
Transportation: within one mile of a state or federal highway or national rail line.

The minimum criteria report and statement shall be reviewed by the Growth Management Coordinating Committee (GMCC) for consistency with Countywide Planning Policies, the Transportation Coordination Committee (TCC) for consistency with transportation improvements plans of WSDOT, and with Pierce Transit's comprehensive plan. The coordinating committees shall provide joint recommendation to the PCRC.

Once included in the Countywide Planning Policies, the jurisdiction where a center is located may go on to seek regional designation of the center from the Puget Sound Regional Council (PSRC) in accordance with its established criteria and process.

In order to be designated a Regional Growth Center the center should meet the regional criteria and requirements including those in VISION 2040, the regional growth, economic and transportation strategy as may be amended and designated by the Puget Sound Regional Council.

After county-level designation occurs within the Countywide Planning Policies and until regional-level designation by the PSRC occurs the center shall be considered a "candidate" Regional Growth Center.

Each jurisdiction which designates a Regional Growth Center shall establish 20-year household and employment growth targets for that Center. The expected range of targets will reflect the diversity of the various centers and allow communities to effectively plan for needed services. The target ranges not only set a policy for the level of growth envisioned for each center, but also for the timing and funding of infrastructure improvements. Reaching the target ranges will require careful planning of public investment and providing incentives for private investments.

Three candidate regional centers have been included into the Countywide Planning Policies. One of the candidate centers is a Regional Growth Center and the other two candidate centers are an Industrial/Manufacturing Center.

Candidate Regional Centers

- University Place – Candidate Regional Growth Center
- South Tacoma – Candidate Industrial/Manufacturing Center
- Sumner-Pacific – Candidate Industrial/Manufacturing Center

Urban Growth Outside of Centers

A variety of urban land uses and areas of growth will occur outside of designated centers but within the UGA. Local land use plans will guide the location, scale, timing, and design of development within UGAs. The UGA will be where the majority of future growth and development will be targeted. Development should be encouraged which complements the desired focus of growth into centers and supports a multimodal transportation system. For example, policies which encourage infill and revitalization of communities would help to achieve the regional and statewide objectives of a compact and concentrated development pattern within urban areas. The Countywide Planning Policies provide guidance for development and the provision of urban services to support development within the UGA.

1
2 **Satellite Cities and Towns**
3

4 The cities and towns in the rural areas are a significant part of Pierce County's diversity and heritage. They
5 have an important role as local trade and community centers. These cities and towns are the appropriate
6 providers of local rural services for the community. They also contribute to the variety of development
7 patterns and housing choices within the county. As municipalities, these cities and towns provide urban
8 services and are located within the County's designated UGA. The urban services, residential densities and
9 mix of land uses may differ from those of the large, contiguous portion of the UGA in Pierce County.

10
11 **Countywide Planning Policy**
12

13 UGA-1. The County shall designate a ~~the~~ countywide urban growth area and Potential Annexation
14 Areas within it, and identify where appropriate municipal urban growth areas within the
15 countywide urban growth area, based on ~~in~~ consultations between the County and each
16 municipality.
17

- 18 1.1 County referral of proposed urban growth area and Potential Annexation Area
19 designations to the Pierce County Regional Council (PCRC).
20
21 1.1.1 The PCRC may refer the proposed designations to the Growth Management
22 Coordinating Committee (GMCC), or its successor entity for technical advice and
23 for a report.
24
25 1.1.2 The PCRC may conduct public meetings to review the proposed designation
26 and, at such meetings, may accept oral or written comments and
27 communications from the public.
28
29 1.1.3 At the conclusion of its review and analysis, the PCRC shall make a
30 recommendation to the County and to the municipalities in the County.
31
32 1.2 Once adopted by the County, the urban growth area and Potential Annexation Area(s)
33 designations shall not be changed except in accordance with the Countywide Policy on
34 "Amendments and Transition."
35
36 1.2.1 A jurisdiction shall not be required to modify existing urban growth area
37 boundaries or Potential Annexation Areas in order to reduce the residential or
38 employment capacity to conform to adopted growth targets reflecting VISION
39 2040's Regional Growth Strategy. Jurisdictions shall, however, consider the
40 adopted growth targets when updating their local comprehensive plans.
41
42 1.2.2 Growth targets are the minimum number of residents, housing units, or jobs a
43 given jurisdiction is planning to accommodate within the appropriate planning
44 horizon and are to be developed through a collaborative countywide process that
45 ensures all jurisdictions are accommodating a fair share of growth. These
46 targets are informational tools integrated into local land use plans to assist in
47 formulating future residential and employment land needs.
48

49 UGA-2. The following specific factors and criteria shall dictate the size and boundaries of urban growth
50 areas:
51

- 52 2.1 Size
53
54 2.1.1 Urban growth areas must be of sufficient size to accommodate the urban growth
55 projected to occur over the succeeding 20-year planning period taking into
56 account the following:



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- a. land with natural constraints, such as critical areas (environmentally-sensitive land);
- b. agricultural land to be preserved;
- c. greenbelts and open space;
- d. New Fully Contained Communities pursuant to RCW § 36.70A.350;
- e. maintaining a supply of developable land sufficient to allow market forces to operate and precluding the possibility of a land monopoly but no more than is absolutely essential to achieve the above purpose;
- f. existing projects with development potential at various stages of the approval or permitting process (i.e., the "pipeline");
- g. land use patterns created by subdivisions, short plats or large lot divisions;
- h. build-out of existing development and areas which are currently only partially built out;
- i. follow existing parcel boundary lines ~~(if a parcel is split and more than 50% is within the urban growth boundary, the entire parcel shall be considered part of the urban growth area as long as the increase does not exceed 2% of the municipality's total urban growth area).~~

2.1.2. The County, and each municipality in the County, shall cooperatively develop and propose objective standards and criteria to disaggregate the State Office of Financial Management's Countywide growth forecasts and VISION 2040 Regional Growth Strategy forecasts for the allocation of projected population to the County and municipalities, taking into account the availability and concurrency of public facilities and services with the impact of development, as well as the VISION 2040 Regional Growth Strategy.

2.1.3 The County shall use a consistent countywide targeting process for allocating population and employment growth consistent with the regional vision, including establishing:

- a. local employment targets,
- b. local housing targets based on population projections, and
- c. local housing and employment targets for each designated regional growth center.

2.2 Boundaries

2.2.1 The following shall be considered in determining the location of urban growth area boundaries:

- a. geographic, topographic, and manmade features;
- b. public facility and service availability, limits and extensions;
- c. jurisdictional boundaries including special improvement districts;
- d. location of designated natural resource lands and critical areas;
- e. avoidance of unserviceable islands of County land surrounded by other jurisdictional entities;
- f. destination 2030 urban/rural line and PSCAA burn ban line.

Phasing of Development within the Urban Growth Area

2.3 The County and each municipality in the County shall seek to direct growth as follows:

- a. first to cities and towns, centers and urbanized areas with existing infrastructure capacity;
- b. second to areas that are already urbanized such that infrastructure improvements can be easily extended; and
- c. last to areas requiring major infrastructure improvements.

2.3.1 Capital facilities plans shall identify existing, planned, and future infrastructure needs within Urban Growth Areas.



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- 2.3.2 The County and each municipality in the County should identify appropriate levels of service and concurrency standards that address schools, sewer, water, and parks.
- 2.3.3 The County and each municipality in the County shall identify appropriate levels of service and multimodal concurrency standards that address roads.

~~2.4 Municipal urban growth area boundaries shall be determined as set forth above and with consideration for the following additional factors:~~

- ~~2.4.1 the VISION 2040 document, including Multicounty Planning Policies;~~
- ~~2.4.2 the carrying capacity of the land considering natural resources, agricultural land and environmentally sensitive lands;~~
- ~~2.4.3 population, housing, and employment projections;~~
- ~~2.4.4 financial capabilities and urban services capacities;~~
- ~~2.4.5 consistency and compatibility with neighborhood, local and regional plans;~~
- ~~2.4.6 the existing land use and subdivision pattern.~~

2.4 The urban growth area in unincorporated portions of the County shall be limited to the following:

- 2.4.1 build-out of existing partially developed areas with urban services;
- 2.4.2 new fully contained communities;
- 2.4.3 redevelopment corridors.

2.5 The County's urban growth area may be extended to allow for build-out of newly developed areas only if development capacity within ~~municipal urban growth boundaries~~ Potential Annexation Areas and growth in the areas identified in Policy 2.5 is determined to be inadequate to meet total population and employment projections consistent with the other policies set forth herein.

2.6 Encourage efficient use of urban land by maximizing the development potential of existing urban lands, such as advancing development that achieves zoned density.

2.7 ~~The municipal urban growth areas as well as unincorporated urban growth areas not affiliated with a city or town,~~ in existence prior to the adoption of VISION 2040 may contain capacity beyond that needed to accommodate the growth target per regional geography for the succeeding 20-year planning period based upon existing zoning designations, allowed density, existing land division patterns, and similar factors. It is permissible for such areas to continue to be designated as urban growth areas. Expansion of these urban growth areas boundaries is acknowledged to be inconsistent with the CPPs and strongly discouraged if the urban growth area expansion is not in accordance with policy AT-2.3.

~~UGA-3. Potential annexation areas shall be designated through the Pierce County Comprehensive Plan in consultation with cities and towns.~~

~~3.1 A city or town shall first identify a Potential Annexation Area(s) within its respective Comprehensive Plan;~~

~~3.2 Potential Annexation Area boundaries shall be determined with consideration for the following additional factors;~~

- ~~3.2.1 the VISION 2040 document, including Multicounty Planning Policies;~~
- ~~3.2.2 the carrying capacity of the land considering natural resources, agricultural land and environmentally-sensitive lands;~~
- ~~3.2.3 population, housing, and employment projections;~~
- ~~3.2.4 financial capabilities and urban services capacities;~~

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- 3.2.5 consistency and compatibility with neighborhood, local and regional plans;
- 3.2.6 the existing land use and subdivision pattern;
- 3.2.7 property access and ownership.

3.3 Potential Annexation Areas should not overlap or leave unincorporated urban islands between cities and towns.

- 3.3.1 Future requests to establish a new Potential Annexation Area shall not result in an overlap with an existing Potential Annexation Area or create islands between cities and towns.
- 3.3.2 Cities and towns with existing Potential Annexation Area overlaps should work toward resolving the existing overlaps.

3.4 The urban service areas and satellite urban growth areas as designated through the Pierce County Comprehensive Plan as of June 30, 2013 shall be recognized as designated Potential Annexation Areas.

- 3.4.1 Urban service area designations approved by the Pierce County Council through its 2013 Comprehensive Plan Amendment Cycle shall be recognized as a Potential Annexation Area.
- 3.4.2 Boundaries of the Potential Annexation Areas should not split parcels. Efforts should be put forth to resolve split parcels prior to the initial designation of Potential Annexation Areas.

Annexation within the Urban Growth Area

UGA-4. Pierce County, in conjunction with its cities and towns, shall establish a strategy for future annexations within the urban growth area.

- 4.1 Annexation is preferred over incorporation within the urban growth area.
- 4.2 The Potential Annexation Areas as identified in the Pierce County Comprehensive Plan shall be the foundation to an annexation strategy.
 - 4.2.1 Cities and towns are allowed to annex territory only within their adopted Potential Annexation Area as identified in the Pierce County Comprehensive Plan.
 - 4.2.2 Annexation of an area should be phased to coincide with a city or town's ability to coordinate the provision of a full range of urban services to the areas proposed for annexation.
- 4.3 The County and its cities and towns should proactively coordinate the annexation of unincorporated areas within the urban growth area that are within each respective city or town's Potential Annexation Area.
 - 4.3.1 The County and each city and town should work towards the establishment of annexation plans and joint planning agreements, with an exception for lands associated with Joint Base Lewis McChord and Camp Murray.
 - 4.3.1.1 A joint planning agreement is to serve as a mechanism where the County or a city can, prior to notice of annexation, identify potential objections and resolutions.
 - 4.3.1.2 An annexation plan should identify a potential schedule for annexation of areas with a city or town.
 - 4.3.2 The County should explore and implement financial incentives for a city or town to annex areas associated with its respective Potential Annexation Area.

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4.3.2.1 Financial incentives may include the establishment of a County level grant fund to assist in financial challenges a city or town may have in annexing an area.

4.3.2.2 Financial incentives may include the elimination or reduction in a fee associated with a County service to a city or town in exchange for annexing an area.

4.3.3 The County, and cities and towns, should explore potential partnerships in grant funding opportunities to overcome obstacles associated with annexing specific areas.

4.3.4 Cities and towns should recognize the financial impacts experienced by the County when annexation only encompasses commercial or greenfield areas and avoids existing residential development.

4.3.4.1 Cities and towns are encouraged to include a mix of existing commercial, residential, and greenfield areas, where appropriate, in future annexation proposals.

4.4 The County should prioritize the adopted Potential Annexation Areas for annexation.

4.4.1 The County's highest priority should be Potential Annexation Areas representing unincorporated "islands" between cities and towns; and,

4.4.2 The County shall support annexation for areas in which a joint planning agreement exists between the County and appropriate city or town.

Note: The policy numbers/citations for all policies that follow will need to be changed.

INTERLOCAL AGREEMENT

**AMENDMENTS TO THE PIERCE COUNTY
COUNTYWIDE PLANNING POLICIES**

This agreement is entered into by and among the cities and towns of Pierce County and Pierce County. This agreement is made pursuant to the provisions of the Interlocal Cooperation Act of 1967, Chapter 39.34 RCW. This agreement has been authorized by the legislative body of each jurisdiction pursuant to formal action and evidenced by execution of the signature page of this agreement.

BACKGROUND:

- A. The Pierce County Regional Council (PCRC) was created in 1992 by interlocal agreement among the cities and towns of Pierce County and Pierce County. The organization is charged with responsibilities including: Serving as a local link to the Puget Sound Regional Council, promoting intergovernmental cooperation, facilitating compliance with the coordination and consistency requirements of the Growth Management Act (Chapter 36.70A RCW) and the Regional Transportation Planning Organization (Chapter 47.80 RCW), and developing a consensus among jurisdictions regarding the development and modification of the Countywide Planning Policies.
- B. The Pierce County Countywide Planning Policies provide for amendments to be adopted through amendment of the original interlocal agreement, or by a new interlocal agreement. The Pierce County Countywide Planning Policies may be amended upon the adoption of amendments by the Pierce County Council and ratification by 60 percent of the jurisdictions in Pierce County representing 75 percent of the total Pierce County population as designated by the State Office of Financial Management at the time of the proposed ratification.
- C. A demonstration of ratification shall be by execution of an interlocal agreement or the absence of a legislative action to disapprove a proposed amendment.
- D. A jurisdiction shall be deemed as casting an affirmative vote if it has not taken legislative action to disapprove a proposed amendment within 180 days from the date the Pierce County Council formally authorizes the Pierce County Executive to enter into an interlocal agreement.
- E. The amendment incorporates new policies intended to provide a more coordinated annexation strategy for unincorporated urban areas adjacent to cities and towns.
- F. The Pierce County Regional Council recommended adoption of the proposed amendment on October 17, 2013.



1 | PURPOSE:

2

3 | This agreement is entered into by the cities and towns of Pierce County and Pierce
4 | County for the purpose of ratifying and approving the attached amendment to the Pierce
5 | County Countywide Planning Policies (Attachment).

6

7 | DURATION:

8

9 | This agreement shall become effective upon execution by 60 percent of the jurisdictions
10 | in Pierce County, representing 75 percent of the total Pierce County population as
11 | designated by the State Office of Financial Management at the time of the proposed
12 | ratification. This agreement will remain in effect until subsequently amended or repealed
13 | as provided by the Pierce County Countywide Planning Policies.

14

15 | SEVERABILITY:

16

17 | If any of the provisions of this agreement are held illegal, invalid, or unenforceable, the
18 | remaining provisions shall remain in full force and effect.

19

20 | FILING:

21

22 | A copy of this agreement shall be filed with the Secretary of State, Washington
23 | Department of Commerce, the Pierce County Auditor, and each city and town clerk.

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25 | IN WITNESS WHEREOF, this agreement has been executed by each member
26 | jurisdiction as evidenced by the signature page affixed to this agreement.

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INTERLOCAL AGREEMENT

**AMENDMENTS TO THE PIERCE COUNTY
COUNTYWIDE PLANNING POLICIES**

Signature Page

The legislative body of the undersigned jurisdiction has authorized execution of the Interlocal Agreement, Amendments to the Pierce County Countywide Planning Policies.

IN WITNESS WHEREOF

This agreement has been executed by _____
(Name of City/Town/County)

BY: _____
(Mayor/Executive)

DATE: _____

Approved:

BY: _____
(Director/Manager/Chair of County Council)

Approved as to Form:

BY: _____
(City Attorney/Prosecutor)

Approved:

BY: _____
(Pierce County Executive)





Agenda Bill No. 14-155

TO: Mayor Guier and City Council Members

FROM: Amy Stevenson-Ness, City Clerk

MEETING DATE: September 2, 2014

SUBJECT: Waste Management Letter of Understanding: Composting Fee Increase

ATTACHMENTS:

- Resolution No. 2014-199
- Letters from Waste Management
- Letter of Understanding

Previous Council Review Date: N/A

Summary: According to a letter mailed August 12, 2014, a new rule established by the Washington Department of Ecology took effect on June 30, 2014, which affects the current contract rates in place for composting. Cedar Grove provides handles the compostables collected by Waste Management and has indicated that a change in law will affect composting processing fees.

Section 7.3(d) of the current collection contract allows for adjustment of rates due to an increase in fees for the processing compostables if they are being processed at a third-party facility not owned or operated by Waste Management.

In the City of Pacific, the increase equals \$.27 and applies to the following services:

<u>Service</u>	<u>New Rate</u>
96 gallon cart, every-other-week	\$10.29
Senior discount 96 gallon cart every-other-week	\$ 9.26
Extra yard waste per 32 gallon equivalent	\$ 3.82
Commercial/Multi-family 96 gallon cart every-other-week	\$13.01

Recommended Action: Authorize Mayor Guier to sign the LOU concerning the rate increase.

Motion for Consideration: “I move to approve Resolution No. 2014-199, authorizing the Mayor to sign a Letter of Understanding with Waste Management concerning an increase in fees for the processing of compostables.”

Budget Impact:

Alternatives:

**CITY OF PACIFIC
WASHINGTON**

RESOLUTION NO. 2014 - 199

**A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON,
AUTHORIZING THE EXECUTION OF A LETTER OF UNDERSTANDING
WITH WASTE MANAGEMENT OF WASHINGTON, INC., REGARDING
AN INCREASE OF FEES FOR THE PROCESSING OF COMPOSTABLES**

WHEREAS, the City of Pacific contracts with Waste Management of Washington, Inc., for the collection of solid waste, recyclables, and compostables; and

WHEREAS, Section 7.3(d) of the current collection contract allows for adjustment of rates due to an increase in fees for the processing of compostable if they are being processed at a third-party facility not owned or operated by Waste Management; and

WHEREAS, Cedar Grove is a facility in Seattle that handles the compostables collected by Waste Management in the City of Pacific; and

WHEREAS, Cedar Grove has indicated that a change in law will affect composting processing fees regarding the current collection contract; and

WHEREAS, Waste Management has issued a Letter of Understanding to amend Exhibit A of the Contract for Solid Waste, Recycling, and Compostable Organics Collection and Disposal between the City of Pacific and Waste Management of Washington, Inc. to reflect an increase in the composting fee as required by Cedar Grove and pursuant to Section 7.3(d) of the contract;

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

Section 1. The Pacific City Council hereby authorizes the Mayor to execute the Letter of Understanding to amend Exhibit A of the Contract for Solid Waste, Recycling, and Compostable Organics Collection and Disposal between the City of Pacific and Waste Management of Washington, Inc. (attached as Exhibit A.)

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

APPROVED BY THE CITY COUNCIL ON SEPTEMBER 8, 2014.

CITY OF PACIFIC

LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

AMY STEVENSON-NESS, CITY CLERK

APPROVED AS TO FORM:

CAROL MORRIS, CITY ATTORNEY

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



WASTE MANAGEMENT

720 4th Ave, Ste 400
Kirkland WA 98033

August 12, 2014

Mayor Leanne Guier
City of Pacific
100 3rd Avenue SE
Pacific, WA 98047

Dear Mayor Guier,

We understand you recently received a letter from Cedar Grove, informing you of a change in law that will affect composting processing fees. Please know that the change is due to recent adoption of a new Washington Department of Ecology rule as outlined in Washington Administrative Code 173-350-220(4)(f)(iii)(C) and (D), which focuses on facility operational plans.

In accordance with Section 7.3(d) of our current collection contract, we propose to increase contract rates to offset the processing fee increase. The pertinent contract language is as follows:

7.3 The Franchisee's service rates set by this Agreement are calculated to pay certain expenses and costs that are of a contingent and uncertain nature. Therefore, in addition to the annual CPI adjustment provided by Section 7.2, the Franchisee's rates under this Agreement may, upon written request of Franchisee or Franchisor, which shall not be unreasonably withheld, be further adjusted on an interim basis for increased or decreased expenses associated with performance of the services hereunder due to any one or more of the following causes:

...

(d) any increase in fees for disposal of Solid Waste or the processing of Recyclables or Compostables, if such Solid Waste, Recyclables, or Compostables are being disposed of or processed at a third party facility not owned or operated by Franchisee;

...

Cedar Grove will be implementing a \$5.54/ton increase and our methodology for increasing customer rates as outlined in Exhibit A of the contract is as follows:

$$\frac{\text{Annual Yard Debris Tons} \times \text{Increase Per Ton \$}}{\text{Current \# of Yard Debris Services}} \times \frac{1}{12} = \text{Monthly Adjustment Rate Per Unit}$$

In your City, the increase equates to \$.27 and applies to the following services:

<u>Service</u>	<u>New Rate</u>
96 gallon Cart Every-Other-Week	\$10.29
Senior discount 96 gallon Cart Every-Other-Week	\$9.26
Extra yard waste per 32gal equivalent	\$3.82

For your convenience, we have attached a Letter of Understanding in addition to the amended rate sheet/Exhibit A to memorialize the change. Please review and let me or Laura Moser know if you have any questions or concerns. I will follow-up with you in the coming weeks unless you would prefer to mail back a signed copy of the LOU to my attention. Once the LOU is fully signed, the new rates as outlined in Exhibit A of the contract will take effect on September 1, 2014.

Sincerely,



Mindy Rostami
Senior Manager, Contract Compliance
Waste Management of Washington, Inc.

Enclosure: Letter of Understanding

cc: Laura Moser, Waste Management of Washington, Inc.
Ken Barnett, City of Pacific
Richard Gould, City of Pacific



WASTE MANAGEMENT

720 4th Ave, Ste 400
Kirkland WA 98033

August 12, 2014

Mayor Leanne Guier
City of Pacific
100 3rd Avenue SE
Pacific, WA 98047

Dear Mayor Guier,

We recently issued a letter informing you of a change in law that will affect composting processing fees in regards to our current collection contract. Please know that the letter failed to include the increase to Multifamily and Commercial rates.

Our methodology for increasing Multifamily and Commercial customer rates is as follows:

Multifamily and Commercial

$$\frac{\text{Annual Yard Debris Tons} \times \text{Increase Per Ton \$}}{\text{Total \# of Gallons picked up per week}} \times \frac{1}{12} = \text{Monthly Adjustment Rate Per Unit}$$

The attached revised Letter of Understanding memorializes the change to all applicable customer rates. Please review and let me or Laura Moser know if you have any questions or concerns. I will follow-up with you in the coming weeks unless you would prefer to mail back a signed copy of the LOU to my attention. Once the LOU is fully signed, the new rates as outlined in Attachment B of the contract will take effect on September 1, 2014.

Sincerely,

Mindy Rostami
Senior Manager, Contract Compliance
Waste Management of Washington, Inc.

Enclosure: Letter of Understanding
cc: Laura Moser, Waste Management of Washington, Inc.
Ken Barnett, City of Pacific
Richard Gould, City of Pacific



WASTE MANAGEMENT

720 4th Ave, Ste 400
Kirkland WA 98033

August 12, 2014

Mayor Leanne Guier
City of Pacific
100 3rd Avenue SE
Pacific, WA 98047

Re: Change in Law – Composting Fee Increase

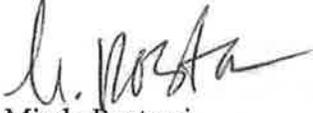
Dear Mayor Guier,

The purpose of this Letter of Understanding (“LOU”) is to amend Exhibit A of the Contract for Solid Waste, Recycling, and Compostable Organics Collection, and Disposal between the City of Pacific and Waste Management of Washington, Inc. to reflect an increase in the composting fee as required by Cedar Grove and pursuant to Section 7.3(d) of the contract.

A new rule established by the Washington Department of Ecology will take effect on June 30, 2014, which affects the current contract rates in place for organics processing. The current collection contract allows for adjustment of rates due to an increase in fees for the processing Compostables if such Compostables are being processed at a third party facility not owned or operated by Franchisee. The parties agree that this increase is in accordance with Section 7.3(d) and Exhibit A, with revised rates as attached, will take effect September 1, 2014.

By signing below, each of the City and Waste Management acknowledges its approval and acceptance of the terms of this LOU and acknowledges that this LOU: (a) creates a legally binding obligation upon the parties, (b) shall be governed and constructed in accordance with the laws of the State of Washington regardless of any conflict of law provisions, (c) sets forth the entire agreement between the City and WM with respect to the subject matter hereof and supersedes all prior negotiations, representations, understandings and agreements with respect to the subject matter hereof, and (d) may be executed in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

Sincerely,



Mindy Rostami
Senior Manager, Contract Compliance
Waste Management of Washington, Inc.

Acknowledged and agreed upon by:

CITY OF PACIFIC

WASTE MANAGEMENT OF
WASHINGTON, INC.

By: _____

By: _____

Its: _____

Its: _____

[Exhibit A on following page]

City of Pacific
Exhibit A - Service Rate Schedule

Residential Service	120.17 2013 Disposal 120.17 2014 Disposal 0.00% % Increase New Rates Effective 09-01-14 CPI% 2.41%			120.17 2013 Disposal 120.17 2014 Disposal 0.00% % Increase New Rates Effective 09-01-14 Cedar Grove Increase		
	Disposal Fee	Collection Fee	Total Service Fee	Disposal Fee	Collection Fee	Total Service Fee
Solid Waste Service is 1x per week						
1 - 10 gal. Micro-Can	\$ 1.93	\$ 6.28	\$ 8.21	\$ 1.93	\$ 6.28	\$ 8.21
1 - 20 gal. Mini-Can	\$ 3.87	\$ 7.91	\$ 11.78	\$ 3.87	\$ 7.91	\$ 11.78
1 - 32 gal. Can	\$ 6.20	\$ 13.02	\$ 19.22	\$ 6.20	\$ 13.02	\$ 19.22
1 - 32 gal. Can with subscription recycle	\$ 6.20	\$ 11.50	\$ 17.70	\$ 6.20	\$ 11.50	\$ 17.70
2 - 32 gal. Cans	\$ 12.40	\$ 26.08	\$ 38.48	\$ 12.40	\$ 26.08	\$ 38.48
3 - 32 gal. Cans	\$ 18.61	\$ 39.10	\$ 57.71	\$ 18.61	\$ 39.10	\$ 57.71
4 - 32 gal. Cans	\$ 24.83	\$ 52.15	\$ 76.98	\$ 24.83	\$ 52.15	\$ 76.98
1 - 35 gal. Cart	\$ 6.79	\$ 15.23	\$ 22.02	\$ 6.79	\$ 15.23	\$ 22.02
1 - 64 gal. Cart	\$ 12.40	\$ 26.49	\$ 38.89	\$ 12.40	\$ 26.49	\$ 38.89
1 - 96 gal. Cart	\$ 18.61	\$ 32.96	\$ 51.57	\$ 18.61	\$ 32.96	\$ 51.57
Senior discount 1 - 10 gal. Micro-Can	\$ 1.93	\$ 5.45	\$ 7.39	\$ 1.93	\$ 5.45	\$ 7.39
Senior discount 1 - 20 gal. Mini-Can	\$ 3.87	\$ 6.72	\$ 10.60	\$ 3.87	\$ 6.72	\$ 10.60
Senior discount 1 - 32 gal. Can	\$ 6.20	\$ 11.09	\$ 17.30	\$ 6.20	\$ 11.09	\$ 17.30
Senior discount 1 - 32 gal. Can with subscription recycle	\$ 6.20	\$ 9.71	\$ 15.93	\$ 6.20	\$ 9.71	\$ 15.93
Senior discount 1 - 35 gal. Cart	\$ 6.79	\$ 13.91	\$ 19.82	\$ 6.79	\$ 13.91	\$ 19.82
Senior discount 1 - 64 gal. Cart	\$ 12.40	\$ 22.57	\$ 35.00	\$ 12.40	\$ 22.57	\$ 35.00
Senior discount 1 - 96 gal. Cart	\$ 18.61	\$ 27.76	\$ 46.41	\$ 18.61	\$ 27.76	\$ 46.41
Each additional canextra (32 gallon equivalent)	\$ 1.43	\$ 12.21	\$ 13.64	\$ 1.43	\$ 12.21	\$ 13.64
Walk-in (25-50ft) additional		\$ 6.41	\$ 6.41		\$ 6.41	\$ 6.41
Residential Subscription Recycling Services						
64 gallon Cart Every-Other-Week		\$ 5.81	\$ 5.81		\$ 5.81	\$ 5.81
Senior discount 64 gallon Cart Every-Other-Week		\$ 5.23	\$ 5.23		\$ 5.23	\$ 5.23
Residential Subscription Yard Waste Service						
96 gallon Cart Every-Other-Week		\$ 10.26	\$ 10.26		\$ 10.53	\$ 10.53
Senior discount 96 gallon Cart Every-Other-Week		\$ 9.23	\$ 9.23		\$ 9.43	\$ 9.43
Extra yard waste per 32gal equivalent		\$ 3.63	\$ 3.63		\$ 3.90	\$ 3.90
Miscellaneous Services						
Return Trip		\$ 12.52	\$ 12.52		\$ 12.52	\$ 12.52
Oversize/Overweight container (per pri)		\$ 12.52	\$ 12.52		\$ 12.52	\$ 12.52
Redelivery of carts/containers		\$ 18.80	\$ 18.80		\$ 18.80	\$ 18.80
On-Call Bulky Waste Collection						
White goods, except refrigerators	\$ 10.90	\$ 51.09	\$ 61.99	\$ 10.90	\$ 51.09	\$ 61.99
Refrigerators/Freezers	\$ 16.35	\$ 89.18	\$ 105.53	\$ 16.35	\$ 89.18	\$ 105.53
Sofas, chairs, furniture per piece	\$ 5.99	\$ 56.88	\$ 62.87	\$ 5.99	\$ 56.88	\$ 62.87
Mattresses/box springs	\$ 3.00	\$ 72.30	\$ 75.30	\$ 3.00	\$ 72.30	\$ 75.30

		New Rates Effective 09-01-14			New Rates Effective 09-01-14		
		CPI% 2.41%			Cedar Grove Increase		
Commercial and Multifamily Service		Disposal Fee	Collection Fee	Total Service Fee	Disposal Fee	Collection Fee	Total Service Fee
Solid Waste Service is 1x per week							
1 - 32 gal. Can	\$ 6.20	\$ 13.46	\$ 19.66	\$ 6.20	\$ 13.46	\$ 19.66	
1 - 35 gal. Cart	\$ 6.79	\$ 21.99	\$ 28.78	\$ 6.79	\$ 21.99	\$ 28.78	
1 - 64 gal. Cart	\$ 12.40	\$ 32.05	\$ 44.45	\$ 12.40	\$ 32.05	\$ 44.45	
1 - 96 gal. Cart	\$ 18.61	\$ 37.77	\$ 56.38	\$ 18.61	\$ 37.77	\$ 56.38	
1 - 1 yard container	\$ 34.14	\$ 81.84	\$ 115.98	\$ 34.14	\$ 81.84	\$ 115.98	
1 - 1.5 yard container	\$ 51.21	\$ 107.74	\$ 158.95	\$ 51.21	\$ 107.74	\$ 158.95	
1 - 2 yard container	\$ 68.26	\$ 129.29	\$ 197.55	\$ 68.26	\$ 129.29	\$ 197.55	
1 - 2 yard container 2xw	\$ 136.54	\$ 258.60	\$ 395.14	\$ 136.54	\$ 258.60	\$ 395.14	
1 - 3 yard container	\$ 102.41	\$ 166.94	\$ 269.35	\$ 102.41	\$ 166.94	\$ 269.35	
1 - 4 yard container	\$ 136.55	\$ 209.80	\$ 346.35	\$ 136.55	\$ 209.80	\$ 346.35	
1 - 6 yard container	\$ 204.82	\$ 265.91	\$ 470.73	\$ 204.82	\$ 265.91	\$ 470.73	
1 - 6 yard container 2xw	\$ 409.66	\$ 531.83	\$ 941.49	\$ 409.66	\$ 531.83	\$ 941.49	
1 - 6 yard container 3xw	\$ 614.49	\$ 797.74	\$ 1,412.23	\$ 614.49	\$ 797.74	\$ 1,412.23	
1 - 8 yard container	\$ 273.10	\$ 340.75	\$ 613.85	\$ 273.10	\$ 340.75	\$ 613.85	
1 - 8 yard container 2xw	\$ 546.21	\$ 681.51	\$ 1,227.72	\$ 546.21	\$ 681.51	\$ 1,227.72	
Extra garbage, per each 32-gal. Equivalent	\$ 1.43	\$ 9.49	\$ 10.92	\$ 1.43	\$ 9.49	\$ 10.92	
Extra garbage, per yard	\$ 7.88	\$ 10.72	\$ 18.60	\$ 7.88	\$ 10.72	\$ 18.60	
		New Rates Effective 09-01-14			New Rates Effective 09-01-14		
		CPI% 2.41%					
Will Call/Special Pick-up Rates (per pick-up)		Disposal Fee	Collection Fee	Total Service Fee	Disposal Fee	Collection Fee	Total Service Fee
1 - 32 gal. Can	\$ 1.43	\$ 5.85	\$ 7.28	\$ 1.43	\$ 5.85	\$ 7.28	
1 - 35 gal. Cart	\$ 1.56	\$ 6.36	\$ 7.92	\$ 1.56	\$ 6.36	\$ 7.92	
1 - 64 gal. Cart	\$ 2.86	\$ 7.75	\$ 10.61	\$ 2.86	\$ 7.75	\$ 10.61	
1 - 96 gal. Cart	\$ 4.29	\$ 8.78	\$ 13.07	\$ 4.29	\$ 8.78	\$ 13.07	
1 - 1 yard container	\$ 7.88	\$ 16.09	\$ 23.97	\$ 7.88	\$ 16.09	\$ 23.97	
1 - 1.5 yard container	\$ 11.80	\$ 20.44	\$ 32.24	\$ 11.80	\$ 20.44	\$ 32.24	
1 - 2 yard container	\$ 15.75	\$ 23.89	\$ 39.64	\$ 15.75	\$ 23.89	\$ 39.64	
1 - 3 yard container	\$ 23.63	\$ 29.80	\$ 53.43	\$ 23.63	\$ 29.80	\$ 53.43	
1 - 4 yard container	\$ 31.51	\$ 36.70	\$ 68.21	\$ 31.51	\$ 36.70	\$ 68.21	
1 - 5 yard container	\$ 47.27	\$ 44.84	\$ 92.11	\$ 47.27	\$ 44.84	\$ 92.11	
1 - 8 yard container	\$ 63.03	\$ 56.52	\$ 119.55	\$ 63.03	\$ 56.52	\$ 119.55	

	New Rates Effective 09-01-14 CPI% 2.41%			New Rates Effective 09-01-14		
Commercial and Multifamily Recycling Service						
	Disposal Fee	Collection Fee	Total Service Fee	Disposal Fee	Collection Fee	Total Service Fee
Recycle Service Is 1x per week						
1 - 32 gal. Can		\$ 8.05	\$ 8.05		\$ 8.05	\$ 8.05
1 - 35 gal. Cart		\$ 10.83	\$ 10.83		\$ 10.83	\$ 10.83
1 - 64 gal. Cart		\$ 15.38	\$ 15.38		\$ 15.38	\$ 15.38
1 - 96 gal. Cart		\$ 21.53	\$ 21.53		\$ 21.53	\$ 21.53
1 - 1 yard container		\$ 44.08	\$ 44.08		\$ 44.08	\$ 44.08
1 - 2 yard container		\$ 82.68	\$ 82.68		\$ 82.68	\$ 82.68
1 - 3 yard container		\$ 109.88	\$ 109.88		\$ 109.88	\$ 109.88
1 - 4 yard container		\$ 145.96	\$ 145.96		\$ 145.96	\$ 145.96
1 - 6 yard container		\$ 195.54	\$ 195.54		\$ 195.54	\$ 195.54
1 - 8 yard container		\$ 249.06	\$ 249.06		\$ 249.06	\$ 249.06
Extra pickups (Monthly rate for 1 pickup/week/container size above divided by 4.33)						
Commercial and Multifamily Yard Waste Service						
	Disposal Fee	Collection Fee	Total Service Fee	Disposal Fee	Collection Fee	Total Service Fee
Yard Waste Service Is Every-Other-Week						
66 gallon Cart Every-Other-Week		\$ 12.35	\$ 12.35		\$ 13.01	\$ 13.01
Compactor and Non-compactor Drop Box Charges						
	Disposal Fee	Collection Fee	Total Service Fee	Disposal Fee	Collection Fee	Total Service Fee
10 - 40 yard per Haul - Permanent Account						
10 yard monthly permanent rent		\$ 196.28	\$ 196.28		\$ 196.28	\$ 196.28
20 yard monthly permanent rent		\$ 42.62	\$ 42.62		\$ 42.62	\$ 42.62
30 yard monthly permanent rent		\$ 57.66	\$ 57.66		\$ 57.66	\$ 57.66
40 yard monthly permanent rent		\$ 70.20	\$ 70.20		\$ 70.20	\$ 70.20
Disposal charge per ton (110% of current King County tipping fees)		\$ 83.99	\$ 83.99		\$ 83.99	\$ 83.99
		\$ 149.63	\$ 149.63		\$ 149.63	\$ 149.63
Miscellaneous Charges Commercial, Drop-Box, Compactor						
	Disposal Fee	Collection Fee	Total Service Fee	Disposal Fee	Collection Fee	Total Service Fee
Return Trip		\$ 31.33	\$ 31.33		\$ 31.33	\$ 31.33
Oversize/Overweight container (per pu)		\$ 62.68	\$ 62.68		\$ 62.68	\$ 62.68
Redelivery of carts/containers		\$ 31.33	\$ 31.33		\$ 31.33	\$ 31.33

