



**City Council Study Session and
Special Focus Area
June 26, 2017 - 5:30 PM
Auburn City Hall - Council Chambers
AGENDA**

[Watch the meeting LIVE!](#)

[Watch the meeting video](#)

Meeting videos are not available until 72
hours after the meeting has concluded.

- I. CALL TO ORDER
 - A. Roll Call
- II. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS
- III. AGENDA ITEMS FOR COUNCIL DISCUSSION
 - A. [Ordinance No. 6656 - Budget Amendment No. 2 \(15 Minutes\) \(Coleman\)](#)
 - B. [Resolution No. 5295 - City of Pacific Decant Contract \(10 Minutes\) \(Snyder\)](#)
 - C. [Ordinance 6642 - Marijuana Related Activities \(20 Minutes\) \(Snyder\)](#)
- IV. MUNICIPAL SERVICES DISCUSSION ITEMS
 - A. District Court Briefing (30 Minutes) (Roscoe)
 - B. [Auburn Municipal Airport Briefing \(30 Minutes\) \(Snyder\)](#)
- V. OTHER DISCUSSION ITEMS
- VI. NEW BUSINESS
- VII. MATRIX
 - A. [Matrix](#)
- VIII. ADJOURNMENT

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6656 - Budget Amendment No. 2 (15 Minutes) (Coleman)

Date:

June 20, 2017

Department:

Finance

Attachments:

[Memo](#)

[Ordinance No. 6656](#)

[Schedule A](#)

[Schedule B](#)

Budget Impact:

\$0

Administrative Recommendation:

For discussion.

Background Summary:

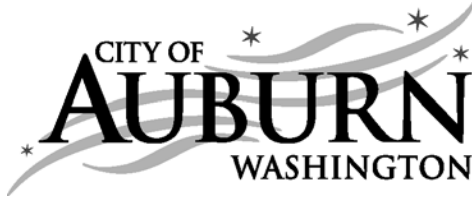
Ordinance No. 6656 (Budget Amendment #2) amends the 2017-2018 Revised Budget as presented in the attached transmittal memorandum and supporting attachments.

Reviewed by Council Committees:**Councilmember:****Staff:**

Coleman

Meeting Date: June 26, 2017

Item Number:



Interoffice Memorandum

To: City Council
From: Shelley Coleman, Finance Director
CC: Nancy Backus, Mayor
Date: June 26, 2017
Re: Ordinance #6656 – 2017-2018 Budget Amendment #2

Budget Amendment #2 is the second amendment of the City of Auburn's 2017-2018 biennial budget. The main purpose of the second budget amendment of the year is to adjust budgeted 2017 beginning fund balances to match actual 2016 ending fund balances per accounting records. Additional items included in this amendment are recognition of new revenue, either grants or transfers in from other supporting funds, requests for additional budget authority for projects and removal of discontinued programs. To identify requested changes to each fund, please refer to the accompanying ***Schedule A, Summary of 2017 Budget Adjustments by Fund***.

Fund Balance Adjustments: This amendment adjusts City-wide 2017 budgeted beginning fund balances to reflect actual ending balances as of the end of 2016. City-wide beginning fund balances are adjusted by a net increase of \$25.4 million.

Revenue Adjustments: This amendment recognizes updated revenue projections, predominately an increase in anticipated City utility tax revenues of \$265,000.

Carryforward of unspent project spending authority from 2016: This amendment enables the completion of various projects in 2017 by carrying forward unspent project resources at the end of 2016. Total amounts requested to be carried forward by fund are:

• Local Revitalization Fund (Fund 330)	\$ 25,000
• Sewer Capital Fund (Fund 462)	345,200
• Airport Capital Fund (Fund 465)	<u>109,300</u>
TOTAL	\$ 477,500

New FTE Request: This amendment adds an Administrative Assistant primarily supporting Economic Development and the Healthy Auburn Initiative (\$38,400 in 2017). The position would also provide support for Emergency Management as needed.

Reallocation of Capital Project Budgets: This amendment moves budget among projects within The Water Capital fund (Fund 460) where sufficient cost savings in one or more projects would be used to cover cost increases in another project:

Project	Amount	
	Reduce Budget	Increase Budget
Lea Hill PRV Station Improvements (cp1617)		\$ 332,300
AWS Flooding Improvements Phase 2 (cp1202)	(\$ 70,400)	
F St. Non-Motorized Improvements (cp1416)	(70,000)	
Muckleshoot Tribe Master Meters (cp1411)	(56,900)	
Lakeland Hills Reservoir Improvement (cp0765)	(90,000)	
Well 4 Power and Chlorination (c512a0)	(45,000)	
Total	(\$ 332,300)	\$ 332,300
22 nd St. NE & I St. NE Intersection (cp1513)		\$ 80,000
M St. SE Storm Improvements (cp1511)	(\$ 80,000)	
Total	(\$ 80,000)	\$ 80,000

Project Funding Adjustments: Project funding requests included in this budget amendment transfer spending authority or establish additional spending authority for existing projects. Total project funding requests equal \$254,300. Significant project funding requests include:

- Les Gove Community Center (CP 1412): This amendment adjusts the 2017 budget for this project upward by \$109,600, utilizing remaining budget from the Auburn Community and Youth/Teen Center Project. The funds would be used for trail lighting adjacent to the Community Center, the closing of Deals Way, and park improvements to the closed area.
- Miscellaneous Parks Improvements Project (gpbd03): This amendment increases the budget for this project from \$144,000 to \$204,000, representing an increase of \$60,000. \$35,000 of this additional funding is needed to complete the free game soccer court area surfacing, which will be partially funded by a \$25,000 King County Youth Sports Facility grant, and \$25,000 is needed to add a Pickleball court at Game Farm Park. The balance of both projects would be funded from \$35,000 in Parks Impact Fees.
- 104th Avenue Master Plan Project (CP 1619): This amendment increases the budget for this project by \$32,000 to complete the project. Funding for this increase would come from Parks Impact Fees. This would increase the budget for the project from an existing 2017 budget of \$2,400 to an amended budget of \$34,400. In 2016, this project was funded utilizing REET funds but budget was not carried forward into 2017; this amendment restores project budget but substitutes Parks Impact Fees as the funding source.
- M&O Building Roof Replacement Project (CP 1613): This amendment increases the 2017 budget for this project by \$52,700 based on the final engineer/architect estimate. The original 2017 budget for this project was \$226,800; after the amendment, the budget will be \$279,500.
- On-Call Hydraulic Monitoring: This amendment provides \$42,200 in additional funding for needed hydraulic modeling of the water system. The original 2017 budget for this work was \$100,000; after the amendment, the budget will be \$142,200.

New Requests:

- | | |
|--|------------|
| • Increase City utility taxes (Funds 430, 431, 432, and 434) | \$ 265,000 |
| • Increase budget for PWTF loan for Well #1 (Fund 430) | 67,300 |
| TOTAL | \$ 332,300 |

The following table summarizes the current and revised budget as a result of this amendment.

Table 1: 2017 Budget as Amended

2017 Budget as Amended (BA#1)	\$ 303,549,067
Budget Amendment #2 (Ord #6656)	<u>27,802,038</u>
Budget as Amended	\$ 331,353,105

Attachments:

- ❖ 1. Proposed Ordinance #6656 (budget adjustment #2)
- ❖ 2. Summary of proposed 2017 budget adjustments by fund and department (Schedule A)
- ❖ 3. Summary of proposed changes to adopted 2017 budget by fund (Schedule B)

ORDINANCE NO. 6656

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING ORDINANCE NO. 6621, THE 2017-2018 BIENNIAL BUDGET ORDINANCE, AS AMENDED BY ORDINANCE NO. 6646, AUTHORIZING AMENDMENT TO THE CITY OF AUBURN 2017-2018 BUDGET AS SET FORTH IN SCHEDULE "A", SCHEDULE "B", AND SCHEDULE "C"

WHEREAS, the Auburn City Council at its regular meeting of November 21, 2016, adopted Ordinance No. 6621 which adopted the City of Auburn 2017-2018 Biennial budget; and

WHEREAS, the Auburn City Council at its regular meeting of April 3, 2017, adopted Ordinance No. 6646 which amended Ordinance No. 6621 which adopted the City of Auburn 2017-2018 Biennial budget; and

WHEREAS, the City of Auburn deems it necessary to appropriate additional funds to the various funds of the 2017 budget as outlined in this Ordinance (BA#2); and

WHEREAS, this Ordinance has been approved by one more than the majority of all councilpersons in accordance with RCW 35A.34.200.

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

Section 1. Amendment of the 2017-2018 Biennial Budget. The 2017-2018 Biennial Budget of the City of Auburn is amended pursuant to Chapter 35A.34 RCW, to reflect the revenues and expenditures as shown on Schedule "A" attached hereto and incorporated herein by reference. The Mayor of the City of Auburn,

Washington is hereby authorized to utilize revenue and expenditure amounts shown on said Schedule "A" and Schedule "B". A copy of said Schedule "A" and Schedule "B" is on file with the City Clerk and available for public inspection.

Section 2. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, the remainder of such code, ordinance or regulation or the application thereof to other person or circumstance shall not be affected.

Section 3. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 4. Effective Date. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

PUBLISHED:_____

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
General Fund (#001)				
2017 Adopted Budget	16,191,731	65,919,560	69,487,982	12,623,309
Previous Budget Amendment	465,997	794,230	3,390,744	(2,130,517)
2017 Amended Budget	16,657,728	66,713,790	72,878,726	10,492,792
BA#2 (Ordinance #6656, Proposed):	4,370,938	555,000	283,400	4,642,538
General Fund Revenues:				
Revenue from City Traffic School	-	40,000	-	40,000
Adjust budget for expected utility taxes	-	265,000	-	265,000
Mayor's Office / Administration:				
New FTE - Administrative Assistant	-	-	38,400	(38,400)
Police Department:				
Increase overtime for 24-hour private security, with offsetting revenue	-	250,000	245,000	5,000
Non-Departmental:				
Adjust Beginning Fund Balance	4,370,938	-	-	4,370,938
Revised 2017 Budget - Fund 001	21,028,666	67,268,790	73,162,126	15,135,330
Arterial Street Fund (#102)				
2017 Adopted Budget	1,632,556	2,539,076	2,794,818	1,376,814
Previous Budget Amendment	896,832	12,791,850	13,734,532	(45,850)
2017 Amended Budget	2,529,388	15,330,926	16,529,350	1,330,964
BA#2 (Ordinance #6656, Proposed):	126,525	-	-	126,525
Adjust Beginning Fund Balance	126,525	-	-	126,525
Revised 2017 Budget - Fund 102	2,655,913	15,330,926	16,529,350	1,457,489
Local Street Fund (#103)				
2017 Adopted Budget	1,401,882	1,909,100	2,417,839	893,143
Previous Budget Amendment	713,354	-	713,354	-
2017 Amended Budget	2,115,236	1,909,100	3,131,193	893,143
BA#2 (Ordinance #6656, Proposed):	309,491	-	-	309,491
Adjust Beginning Fund Balance	309,491	-	-	309,491
Revised 2017 Budget - Fund 103	2,424,727	1,909,100	3,131,193	1,202,634

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
Hotel/Motel Tax Fund (#104)				
2017 Adopted Budget	84,044	110,400	110,400	84,044
Previous Budget Amendment	-	-	-	-
2017 Amended Budget	84,044	110,400	110,400	84,044
BA#2 (Ordinance #6656, Proposed):	96,102	-	-	96,102
Adjust Beginning Fund Balance	96,102	-	-	96,102
Revised 2017 Budget - Fund 104	180,146	110,400	110,400	180,146
Arterial Street Preservation Fund (#105)				
2017 Adopted Budget	1,378,878	3,755,600	4,768,470	366,008
Previous Budget Amendment	1,843,036	1,084,048	2,727,084	200,000
2017 Amended Budget	3,221,914	4,839,648	7,495,554	566,008
BA#2 (Ordinance #6656, Proposed):	47,717	-	-	47,717
Adjust Beginning Fund Balance	47,717	-	-	47,717
Revised 2017 Budget - Fund 105	3,269,631	4,839,648	7,495,554	613,725
Drug Forfeiture Fund (#117)				
2017 Adopted Budget	357,897	87,100	251,016	193,981
Previous Budget Amendment	-	-	-	-
2017 Amended Budget	357,897	87,100	251,016	193,981
BA#2 (Ordinance #6656, Proposed):	95,555	-	-	95,555
Adjust Beginning Fund Balance	95,555	-	-	95,555
Revised 2017 Budget - Fund 117	453,452	87,100	251,016	289,536

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
Housing & Comm Develop Fund (#119)				
2017 Adopted Budget	54,905	710,000	712,450	52,455
Previous Budget Amendment	-	-	-	-
2017 Amended Budget	54,905	710,000	712,450	52,455
BA#2 (Ordinance #6656, Proposed):	(10,001)	-	-	(10,001)
Adjust Beginning Fund Balance	(10,001)	-	-	(10,001)
Revised 2017 Budget - Fund 119	44,904	710,000	712,450	42,454
Recreation Trails Fund (#120)				
2017 Adopted Budget	49,658	7,340	-	56,998
Previous Budget Amendment	-	-	-	-
2017 Amended Budget	49,658	7,340	-	56,998
BA#2 (Ordinance #6656, Proposed):	164	-	-	164
Adjust Beginning Fund Balance	164	-	-	164
Revised 2017 Budget - Fund 120	49,822	7,340	-	57,162
BIA Fund (#121)				
2017 Adopted Budget	48,516	55,200	55,000	48,716
Previous Budget Amendment	-	-	-	-
2017 Amended Budget	48,516	55,200	55,000	48,716
BA#2 (Ordinance #6656, Proposed):	9,956	-	-	9,956
Adjust Beginning Fund Balance	9,956	-	-	9,956
Revised 2017 Budget - Fund 121	58,472	55,200	55,000	58,672

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
Cumulative Reserve Fund (#122)				
2017 Adopted Budget	7,546,199	20,500	200,000	7,366,699
Previous Budget Amendment	42,138	1,000,000	42,138	1,000,000
2017 Amended Budget	7,588,337	1,020,500	242,138	8,366,699
BA#2 (Ordinance #6656, Proposed):	1,121,600	-	-	1,121,600
Adjust Beginning Fund Balance	1,121,600	-	-	1,121,600
Revised 2017 Budget - Fund 122	8,709,937	1,020,500	242,138	9,488,299
Mitigation Fees Fund (#124)				
2017 Adopted Budget	4,274,362	1,520,200	1,365,081	4,429,481
Previous Budget Amendment	1,215,961	400,000	2,555,961	(940,000)
2017 Amended Budget	5,490,323	1,920,200	3,921,042	3,489,481
BA#2 (Ordinance #6656, Proposed):	5,604,182	-	67,000	5,537,182
Adjust Beginning Fund Balance	5,604,182	-	-	5,604,182
124.291.720 DESIGNATED FUND BALANCE	5,652,682			
Increase funding for Brannan Park soccer court surfacing (T/F from F124)	-	-	10,000	(10,000)
Increase funding for Game Farm Park to add pickleball court (T/F from F124)	-	-	25,000	(25,000)
Increase budget for 104th Ave SE Master Plan (cp1619) (T/F to F328)	-	-	32,000	(32,000)
Revised 2017 Budget - Fund 124	11,094,505	1,920,200	3,988,042	9,026,663
LID Guarantee Fund (#249)				
2017 Adopted Budget	-	-	-	-
Previous Budget Amendment	-	-	-	-
2017 Amended Budget	-	-	-	-
BA#2 (Ordinance #6656, Proposed):	1,588	-	-	1,588
Adjust Beginning Fund Balance	1,588	-	-	1,588
Revised 2017 Budget - Fund 249	1,588	-	-	1,588

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
LID 350 Fund (#275)				
2017 Adopted Budget	11,706	7,499	7,246	11,959
Previous Budget Amendment	-	-	-	-
2017 Amended Budget	11,706	7,499	7,246	11,959
BA#2 (Ordinance #6656, Proposed):	(1,349)	-	-	(1,349)
Adjust Beginning Fund Balance	(1,349)	-	-	(1,349)
Revised 2017 Budget - Fund 275	10,357	7,499	7,246	10,610
Parks Construction Fund (#321)				
2017 Adopted Budget	453,426	2,186,796	2,358,106	282,116
Previous Budget Amendment	65,414	825,675	871,089	20,000
2017 Amended Budget	518,840	3,012,471	3,229,195	302,116
BA#2 (Ordinance #6656, Proposed):	464,060	169,600	169,600	464,060
Incr funding for Brannan Park soccer court (\$25k grant plus \$10k from F124)	-	35,000	35,000	-
Increase funding for Game Farm Park to add pickleball court (T/F from F124)	-	25,000	25,000	-
Adjust Beginning Fund Balance	464,060	-	-	464,060
Increase funding for Les Gove Community Center (cp1412) (T/F from F328)	-	109,600	109,600	-
Revised 2017 Budget - Fund 321	982,900	3,182,071	3,398,795	766,176
Capital Improvements Fund (#328)				
2017 Adopted Budget	7,347,302	3,172,114	2,722,117	7,797,299
Previous Budget Amendment	1,153,670	529,343	2,470,564	(787,551)
2017 Amended Budget	8,500,972	3,701,457	5,192,681	7,009,748
BA#2 (Ordinance #6656, Proposed):	1,531,537	140,600	194,300	1,477,837
Adjust Beginning Fund Balance	1,531,537	-	-	1,531,537
Additional funding for M&O roof replacement (Transfer from F505)	-	52,700	52,700	-
Reimburse REET used for Council chamber AV imprvmnts (T/F from F568)	-	55,900	-	55,900
Incr. funding for Les Gove Community Center (cp1412) (Transfer to F321)	-	-	109,600	(109,600)
Increase budget for 104th Ave SE Master Plan (cp1619) (T/F from F124)	-	32,000	32,000	-
Revised 2017 Budget - Fund 328	10,032,509	3,842,057	5,386,981	8,487,585

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
Local Revitalization Fund (#330)				
2017 Adopted Budget	325,651	600	326,251	-
Previous Budget Amendment	39,239	-	39,239	-
2017 Amended Budget	364,890	600	365,490	-
BA#2 (Ordinance #6656, Proposed):	25,600	-	25,000	600
Adjust Beginning Fund Balance	600	-	-	600
Carry forward budget for Main Street Urban Design project	25,000	-	25,000	-
Revised 2017 Budget - Fund 330	390,490	600	390,490	600
Water Fund (#430)				
2017 Adopted Budget	4,639,074	14,953,450	18,056,531	1,535,993
Previous Budget Amendment	106,324	-	(2,928,214)	3,034,538
2017 Amended Budget	4,745,398	14,953,450	15,128,317	4,570,531
BA#2 (Ordinance #6656, Proposed):	3,887,586	-	1,704,500	2,183,086
Adjust Beginning Fund Balance	3,887,586	-	1,500,000	2,387,586
Adjust budget for expected utility taxes	-	-	95,000	(95,000)
Increase budget for PWTF loan #PC13-961-012 (Well 1 Improvements)	-	-	67,300	(67,300)
Additional funding for on-call hydraulic modeling	-	-	42,200	(42,200)
Revised 2017 Budget - Fund 430	8,632,984	14,953,450	16,832,817	6,753,617
Sewer Fund (#431)				
2017 Adopted Budget	1,765,613	8,195,290	11,041,193	(1,080,290)
Previous Budget Amendment	55,424	-	(2,191,460)	2,246,884
2017 Amended Budget	1,821,037	8,195,290	8,849,733	1,166,594
BA#2 (Ordinance #6656, Proposed):	982,577	-	65,000	917,577
Adjust Beginning Fund Balance	982,577	-	-	982,577
Adjust budget for expected utility taxes	-	-	65,000	(65,000)
Revised 2017 Budget - Fund 431	2,803,614	8,195,290	8,914,733	2,084,171

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
Storm Drainage Fund (#432)				
2017 Adopted Budget	2,077,239	9,318,627	11,698,886	(303,020)
Previous Budget Amendment	55,423	-	(1,937,440)	1,992,863
2017 Amended Budget	2,132,662	9,318,627	9,761,446	1,689,843
BA#2 (Ordinance #6656, Proposed):	8,349	-	45,000	(36,651)
Adjust Beginning Fund Balance	8,349	-	-	8,349
Adjust budget for expected utility taxes	-	-	45,000	(45,000)
Revised 2017 Budget - Fund 432	2,141,011	9,318,627	9,806,446	1,653,192
Sewer Metro Sub Fund (#433)				
2017 Adopted Budget	2,374,705	17,238,490	17,294,700	2,318,495
Previous Budget Amendment	-	-	-	-
2017 Amended Budget	2,374,705	17,238,490	17,294,700	2,318,495
BA#2 (Ordinance #6656, Proposed):	297,317	-	-	297,317
Adjust Beginning Fund Balance	297,317	-	-	297,317
Revised 2017 Budget - Fund 433	2,672,022	17,238,490	17,294,700	2,615,812
Solid Waste Fund (#434)				
2017 Adopted Budget	3,849,877	14,912,500	14,547,476	4,214,901
Previous Budget Amendment	-	-	(10,358)	10,358
2017 Amended Budget	3,849,877	14,912,500	14,537,118	4,225,259
BA#2 (Ordinance #6656, Proposed):	565,991	-	60,000	505,991
Adjust Beginning Fund Balance	565,991	-	-	565,991
Adjust budget for expected utility taxes	-	-	60,000	(60,000)
Revised 2017 Budget - Fund 434	4,415,868	14,912,500	14,597,118	4,731,250

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
Airport Fund (#435)				
2017 Adopted Budget	188,565	813,300	1,145,700	(143,835)
Previous Budget Amendment	-	-	(427,551)	427,551
2017 Amended Budget	188,565	813,300	718,149	283,716
BA#2 (Ordinance #6656, Proposed):	75,632	19,000	-	94,632
Adjust Beginning Fund Balance	75,632	-	-	75,632
Increase revenues for change in security charge	-	19,000	-	19,000
Revised 2017 Budget - Fund 435	264,197	832,300	718,149	378,348
Cemetery Fund (#436)				
2017 Adopted Budget	277,586	1,128,300	1,212,477	193,409
Previous Budget Amendment	-	-	(50,500)	50,500
2017 Amended Budget	277,586	1,128,300	1,161,977	243,909
BA#2 (Ordinance #6656, Proposed):	20,559	-	-	20,559
Adjust Beginning Fund Balance	20,559	-	-	20,559
Revised 2017 Budget - Fund 436	298,145	1,128,300	1,161,977	264,468
Water Capital Fund (#460)				
2017 Adopted Budget	2,039	7,200,000	6,255,986	946,053
Previous Budget Amendment	4,011,832	577,159	4,873,991	(285,000)
2017 Amended Budget	4,013,871	7,777,159	11,129,977	661,053
BA#2 (Ordinance #6656, Proposed):	(2,077,498)	1,500,000	-	(577,498)
Adjust Beginning Fund Balance	(2,077,498)	1,500,000	-	(577,498)
Increase funding for Lea Hill PRV Station project (cp1617)	-	-	-	-
cp1617 460.00.590.100.65 CONSTRUCTION PROJECTS			332,300	
cp1202 460.00.590.100.65 CONSTRUCTION PROJECTS			(70,400)	
cp1416 460.00.590.100.65 CONSTRUCTION PROJECTS			(70,000)	
cp1411 460.00.590.100.65 CONSTRUCTION PROJECTS			(56,900)	
cp0765 460.00.590.100.65 CONSTRUCTION PROJECTS			(90,000)	
c512a0 460.00.590.100.65 CONSTRUCTION PROJECTS			(45,000)	
Increase funding for 22nd St NE & I St NE Intersection project (cp1513)	-	-	-	-
cp1513 460.00.590.100.65 CONSTRUCTION PROJECTS			80,000	
cp1511 460.00.590.100.65 CONSTRUCTION PROJECTS			(80,000)	
Revised 2017 Budget - Fund 460	1,936,373	9,277,159	11,129,977	83,555

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
Sewer Capital Fund (#461)				
2017 Adopted Budget	7,753,119	1,500,000	1,431,900	7,821,219
Previous Budget Amendment	1,425,318	-	1,425,318	-
2017 Amended Budget	9,178,437	1,500,000	2,857,218	7,821,219
BA#2 (Ordinance #6656, Proposed):	3,509,358	-	-	3,509,358
Adjust Beginning Fund Balance	3,509,358	-	-	3,509,358
Revised 2017 Budget - Fund 461	12,687,795	1,500,000	2,857,218	11,330,577
Storm Drainage Capital Fund (#462)				
2017 Adopted Budget	11,242,343	1,900,000	2,795,200	10,347,143
Previous Budget Amendment	1,480,104	-	1,480,104	-
2017 Amended Budget	12,722,447	1,900,000	4,275,304	10,347,143
BA#2 (Ordinance #6656, Proposed):	657,253	-	343,200	314,053
Carry forward funding for M St. Improvements project (cp1511)	343,200	-	343,200	-
Adjust Beginning Fund Balance	314,053	-	-	314,053
Revised 2017 Budget - Fund 462	13,379,700	1,900,000	4,618,504	10,661,196
Airport Capital Fund (#465)				
2017 Adopted Budget	158,410	316,667	363,334	111,743
Previous Budget Amendment	-	275,000	275,000	-
2017 Amended Budget	158,410	591,667	638,334	111,743
BA#2 (Ordinance #6656, Proposed):	202,192	11,400	120,700	92,892
Adjust Beginning Fund Balance	92,892	-	-	92,892
Carry forward funding for Gate Repair & Replacement project (cp1620)	25,000	-	25,000	-
Carry forward funding for T Hangar Improvement project (cp1408)	30,000	-	30,000	-
C/F underrun on slurry seal project for Asset Inventory/Condition Assess	50,000	-	50,000	-
C/F and grant funding for environ assessment for runway enhancements	4,300	11,400	15,700	-
Revised 2017 Budget - Fund 465	360,602	603,067	759,034	204,635

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
Cemetery Capital Fund (#466)				
2017 Adopted Budget	157,301	-	-	157,301
Previous Budget Amendment	-	-	-	-
2017 Amended Budget	157,301	-	-	157,301
BA#2 (Ordinance #6656, Proposed):	99,332	-	-	99,332
Adjust Beginning Fund Balance	99,332	-	-	99,332
Revised 2017 Budget - Fund 466	256,633	-	-	256,633
Insurance Fund (#501)				
2017 Adopted Budget	1,312,689	1,500	229,980	1,084,209
Previous Budget Amendment	-	670,715	-	670,715
2017 Amended Budget	1,312,689	672,215	229,980	1,754,924
BA#2 (Ordinance #6656, Proposed):	72,996	-	-	72,996
Adjust Beginning Fund Balance	72,996	-	-	72,996
Revised 2017 Budget - Fund 501	1,385,685	672,215	229,980	1,827,920
Workers' Comp Fund (#503)				
2017 Adopted Budget	787,022	1,056,900	850,777	993,145
Previous Budget Amendment	-	-	83,100	(83,100)
2017 Amended Budget	787,022	1,056,900	933,877	910,045
BA#2 (Ordinance #6656, Proposed):	311,012	-	-	311,012
Adjust Beginning Fund Balance	311,012	-	-	311,012
Revised 2017 Budget - Fund 503	1,098,034	1,056,900	933,877	1,221,057

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
Facilities Fund (#505)				
2017 Adopted Budget	1,330,105	3,462,500	3,507,030	1,285,575
Previous Budget Amendment	431,914	-	492,114	(60,200)
2017 Amended Budget	1,762,019	3,462,500	3,999,144	1,225,375
BA#2 (Ordinance #6656, Proposed):	97,560	-	52,700	44,860
Additional funding for M&O roof replacement (Transfer from F505)	-	-	52,700	(52,700)
Adjust Beginning Fund Balance	97,560	-	-	97,560
Revised 2017 Budget - Fund 505	1,859,579	3,462,500	4,051,844	1,270,235
Innovation & Technology Fund (#518)				
2017 Adopted Budget	229,416	6,184,022	6,679,710	(266,272)
Previous Budget Amendment	66,000	439,270	(530,000)	1,035,270
2017 Amended Budget	295,416	6,623,292	6,149,710	768,998
BA#2 (Ordinance #6656, Proposed):	785,209	-	-	785,209
Adjust Beginning Fund Balance	785,209	-	-	785,209
Revised 2017 Budget - Fund 518	1,080,625	6,623,292	6,149,710	1,554,207
Equipment Rental Fund (#550)				
2017 Adopted Budget	2,268,495	2,983,102	3,753,168	1,498,429
Previous Budget Amendment	-	-	(944,703)	944,703
2017 Amended Budget	2,268,495	2,983,102	2,808,465	2,443,132
BA#2 (Ordinance #6656, Proposed):	447,165	-	-	447,165
Adjust Beginning Fund Balance	447,165	-	-	447,165
Revised 2017 Budget - Fund 550	2,715,660	2,983,102	2,808,465	2,890,297

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
Equipment Rental Capital Fund (#560)				
2017 Adopted Budget	1,365,513	1,809,631	1,798,201	1,376,943
Previous Budget Amendment	396,309	284,927	873,464	(192,228)
2017 Amended Budget	1,761,822	2,094,558	2,671,665	1,184,715
BA#2 (Ordinance #6656, Proposed):	1,258,581	-	-	1,258,581
Adjust Beginning Fund Balance	1,258,581	-	-	1,258,581
Revised 2017 Budget - Fund 560	3,020,403	2,094,558	2,671,665	2,443,296
IT Capital Fund (#568)				
2017 Adopted Budget	1,762,983	-	682,900	1,080,083
Previous Budget Amendment	163,000	169,232	332,232	-
2017 Amended Budget	1,925,983	169,232	1,015,132	1,080,083
BA#2 (Ordinance #6656, Proposed):	393,594	-	55,900	337,694
Adjust Beginning Fund Balance	393,594	-	-	393,594
Reimburse REET funds used for Council chamber AV improvements	-	-	55,900	(55,900)
Revised 2017 Budget - Fund 568	2,319,577	169,232	1,071,032	1,417,777
Fire Pension Fund (#611)				
2017 Adopted Budget	2,417,899	84,000	177,717	2,324,182
Previous Budget Amendment	-	-	42,970	(42,970)
2017 Amended Budget	2,417,899	84,000	220,687	2,281,212
BA#2 (Ordinance #6656, Proposed):	(5,323)	-	-	(5,323)
Adjust Beginning Fund Balance	(5,323)	-	-	(5,323)
Revised 2017 Budget - Fund 611	2,412,576	84,000	220,687	2,275,889

Schedule A
Summary of 2017 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6656)

	Beg. Fund Balance	2017 Revenues	2017 Expenditures	Ending Fund Balance
Cemetery Endowment Fund (#701)				
2017 Adopted Budget	1,720,479	37,800	-	1,758,279
Previous Budget Amendment	-	-	-	-
2017 Amended Budget	1,720,479	37,800	-	1,758,279
BA#2 (Ordinance #6656, Proposed):	23,330	-	-	23,330
Adjust Beginning Fund Balance	23,330	-	-	23,330
Revised 2017 Budget - Fund 701	1,743,809	37,800	-	1,781,609
Grand Total - All Funds				
2017 Adopted Budget	88,839,185	180,241,144	196,243,622	72,836,707
Previous Budget Amendment	14,627,289	19,841,449	27,402,772	7,065,966
2017 Amended Budget	103,466,474	200,082,593	223,646,394	79,902,673
TOTAL BA#2 (Ordinance #6656, Proposed)	25,406,438	2,395,600	3,186,300	24,615,738
Revised 2017 Budget	128,872,912	202,478,193	226,832,694	104,518,411
		331,351,105		331,351,105

Schedule B

2017 Appropriations by Fund

Fund	2017 Adopted Budget	BA#1 (Ord #6646)	BA#2 (Ord #6656)	Total Amendments	Revised Budget
General Fund (#001)	82,111,291	1,260,227	4,925,938	6,186,165	88,297,456
Arterial Street Fund (#102)	4,171,632	13,688,682	126,525	13,815,207	17,986,839
Local Street Fund (#103)	3,310,982	713,354	309,491	1,022,845	4,333,827
Hotel Motel Fund (#104)	194,444	-	96,102	96,102	290,546
Arterial Street Preservation Fund (#105)	5,134,478	2,927,084	47,717	2,974,801	8,109,279
Drug Forfeiture Fund (#117)	444,997	-	95,555	95,555	540,552
Housing and Community Development Grant Fund (#119)	764,905	-	(10,001)	(10,001)	754,904
Recreation Trails Fund (#120)	56,998	-	164	164	57,162
Business Improvement Area Fund (#121)	103,716	-	9,956	9,956	113,672
Cumulative Reserve Fund (#122)	7,566,699	1,042,138	1,121,600	2,163,738	9,730,437
Mitigation Fees Fund (#124)	5,794,562	1,615,961	5,604,182	7,220,143	13,014,705
1998 Library Fund (#229)	283,850	-	-	-	283,850
2010 Annex A&B Bond Debt Fund (#230)	1,683,192	-	-	-	1,683,192
2010 C&D Local Revitalization Debt Fund (#231)	589,071	-	-	-	589,071
SCORE Debt Service Fund (#238)	2,033,474	-	-	-	2,033,474
LID Guarantee Fund (#249)	-	-	1,588	1,588	1,588
LID #350 (#275)	19,205	-	(1,349)	(1,349)	17,856
Golf/Cemetery 2016 Refunding (#276)	554,393	-	-	-	554,393
Municipal Park Construction Fund (#321)	2,640,222	891,089	633,660	1,524,749	4,164,971
Capital Improvements Fund (#328)	10,519,416	1,683,013	1,672,137	3,355,150	13,874,566
Local Revitalization Fund (#330)	326,251	39,239	25,600	64,839	391,090
Water Fund (#430)	19,592,524	106,324	3,887,586	3,993,910	23,586,434
Sewer Fund (#431)	9,960,903	55,424	982,577	1,038,001	10,998,904
Storm Drainage Fund (#432)	11,395,866	55,423	8,349	63,772	11,459,638
Sewer Metro Fund (#433)	19,613,195	-	297,317	297,317	19,910,512
Solid Waste Fund (#434)	18,762,377	-	565,991	565,991	19,328,368
Airport Fund (#435)	1,001,865	-	94,632	94,632	1,096,497
Cemetery Fund (#436)	1,405,886	-	20,559	20,559	1,426,445
Water Capital Fund (#460)	7,202,039	4,588,991	(577,498)	4,011,493	11,213,532
Sewer Capital Fund (#461)	9,253,119	1,425,318	3,509,358	4,934,676	14,187,795
Storm Drainage Capital Fund (#462)	13,142,343	1,480,104	657,253	2,137,357	15,279,700
Airport Capital Fund (#465)	475,077	275,000	213,592	488,592	963,669
Cemetery Capital Fund (#466)	157,301	-	99,332	99,332	256,633
Insurance Fund (#501)	1,314,189	670,715	72,996	743,711	2,057,900
Workers Compensation Self Insurance Fund (#503)	1,843,922	-	311,012	311,012	2,154,934
Facilities Fund (#505)	4,792,605	431,914	97,560	529,474	5,322,079
Innovation and Technology Fund (#518)	6,413,438	505,270	785,209	1,290,479	7,703,917
Equipment Rental Fund (#550)	5,251,597	-	447,165	447,165	5,698,762
Equipment Rental Capital Fund (#560)	3,175,144	681,236	1,258,581	1,939,817	5,114,961
IT Capital Fund (#568)	1,762,983	332,232	393,594	725,826	2,488,809
Fire Pension Fund (#611)	2,501,899	-	(5,323)	(5,323)	2,496,576
Cemetery Endowment Fund (#701)	1,758,279	-	23,330	23,330	1,781,609
Total	269,080,329	34,468,738	27,802,038	62,270,776	331,351,105



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5295 - City of Pacific Decant Contract (10 Minutes) (Snyder)

Date:

June 16, 2017

Department:

CD & PW

Attachments:

[Resolution No. 5295](#)

Budget Impact:

\$0

Administrative Recommendation:

For discussion only.

Background Summary:

Resolution No. 5295 authorizes an agreement with the City of Pacific for them to utilize the City of Auburn's decant facility to dump vector and sweeper waste material on a space limited basis.

Reviewed by Council Committees:**Councilmember:****Staff:**

Bailey

Meeting Date: June 26, 2017

Item Number:

RESOLUTION NO. 5 2 9 5

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF AUBURN AND THE CITY OF PACIFIC FOR DECANT FACILITIES USAGE

WHEREAS, the City of Pacific has inadequate facilities to handle the waste materials produced from their public works street sweeping and Vector maintenance; and

WHEREAS, the City of Auburn has sufficient capacity at their decant facility to handle City of Pacific waste materials and is willing to provide for the property handling, processing and disposal of the City of Pacific's street sweeper and Vector truck materials at a cost that is acceptable to the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. That the Mayor is hereby authorized to execute a Contract with the City of Pacific for Decant Facilities Usage and Street Sweeping Services in substantial conformity with the agreement attached hereto as Exhibit A and incorporated herein by this reference.

Section 2. That the Mayor is authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 3. That this Resolution shall take effect and be in full force upon passage and signatures hereon.

Dated and Signed this _____ day of _____, 2017.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

**CONTRACT FOR SERVICES
BETWEEN THE CITY OF PACIFIC
AND THE CITY OF AUBURN
FOR DECANT FACILITIES USAGE**

THIS AGREEMENT is made and executed by and between the City of Pacific, a Washington municipal corporation, hereafter designated as "Pacific," and the City of Auburn, a Washington municipal corporation, hereafter designated as "Auburn."

WHEREAS, Pacific has inadequate facilities to properly handle the Waste Materials produced as a result of their Public Works street sweeping and Vactor maintenance activities; and

WHEREAS, Auburn has sufficient capacity at their decant facility to handle the Pacific Waste Materials.

NOW, THEREFORE, for the consideration stated in this Agreement, Pacific and Auburn do agree as follows:

1. PURPOSE

The purpose of this Agreement is to provide for proper handling, processing and disposal of Street Sweeper and Vactor truck materials, herein referred to as "Waste Materials" generated by Pacific.

2. RESPONSIBILITIES

The City of Pacific shall deliver Waste Materials to the decant area of the City of Auburn Maintenance & Operations facility (hereafter, the "Facility"), currently located at 1305 C Street SW during the hours of 7:00 am and 3:00 pm, Monday through Friday. The unloading of the Waste Materials by Pacific at the Facility is to be done under the supervision of an Auburn employee at the Facility. Pacific will only send operators to use the decant facility that have been properly trained by Auburn on the safe and efficient use of the facility and dumping of Waste Materials.

If conditions at the Facility require limiting or restricting Pacific from delivering waste materials, such as when the Facility is down for maintenance or the storage area is full, Auburn reserves the right to request Pacific to retain its Waste Materials until such time as the conditions at the Facility allow Auburn to accept the Waste Materials again. Auburn will give Pacific as much advance notice of these conditions as is practicable. Auburn further reserves the right to reject any individual shipment of Waste Materials, such as material from a fuel spill or other products that may exceed Auburn's allowable discharge permit.

Auburn agrees to provide for the dewatering and the disposal of the Waste Materials in compliance with all local, state, and federal permits pertaining to the dewatering and disposal of such Waste Materials.

3. VOLUME

Subject to the provisions of Paragraph 2, above, Auburn shall accept Waste Materials from Pacific in the following volumes: not to exceed 50 tons per month or a total of 300 tons per year as measured at Auburn's truck scale. Auburn may accept Waste Material from Pacific that exceeds these volumes upon the review of a written request from Pacific. All such requests shall be made to Auburn's Assistant Director of Public Works Services thirty (30) days in advance of proposed delivery of such additional Waste Materials.

4. COST FOR SERVICES

Subject to the Reopener provisions of Paragraph 7, below, Pacific shall pay Auburn \$100.00 per month base fee for administration costs and \$75.00 per ton of Waste Materials for processing, testing and disposal fee (measured as scale weight). Auburn will bill Pacific on a quarterly basis.

5. DECANT FACILITY IMPROVEMENTS

Pacific recognizes that the capacity of Auburn's Facility is limited and that additional capacity will need to be provided, as both Cities waste disposal needs continue to grow, in order to provide long-term service to Pacific.

6. TERM

The duration of this Agreement shall be for an initial term of three (3) years beginning January 1, 2017 through December 31, 2019, and may be extended thereafter for an optional, additional term of three (3) years beginning January 1, 2020 through December 31, 2022, by written amendment of the Parties, including but not limited to mutual agreement on proposed changes –increases or decreases- to the cost for services Section 4 of this Agreement, not later than sixty (60) days prior to the end of the initial term. It is further provided, however, that either party may terminate this Agreement with or without cause upon providing one hundred twenty (120) days advance written notice to the other party.

7. REOPENER

Either party may request that any provision of this Agreement can be renegotiated by submitting a written request with fourteen (14) days advanced notice. Any amendment

of this Agreement, including cost for services, shall be in writing and shall be signed by both parties consistent with Section 13 of this Agreement.

8. HOLD HARMLESS AND INDEMNIFICATION

- a) Pacific shall indemnify and hold Auburn and its agents, employees, officers and/or volunteers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages or costs, of whatsoever kind or nature, brought against Auburn arising out of, in connection with, or incident to the execution of this Agreement and/or Pacific's performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of Auburn, its agents, employees, officers and/or volunteers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of Pacific; and provided further, that nothing herein shall require Pacific to hold harmless or defend Auburn, its agents, employees officers and/or volunteers from any claims arising from the sole negligence of Auburn, its agents, employees, officers and/or volunteers. No liability shall attach to Auburn by reason of entering into this Agreement except as expressly provided herein.
- b) 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 Auburn and Pacific, its officers, officials, employees, and volunteers, each party's liability hereunder shall be only to the extent of that party's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Parties' waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the Parties. The provisions of this section shall survive the expiration or termination of this Agreement.
- c) Auburn shall have no liability for, and shall be held harmless from and against, all claims, damages, liabilities and costs arising out of or relating to the presence, discovery, or failure to discover, remove, address, remediate or cleanup environmental or biological hazards resulting from pacific deliveries or otherwise attributable to pacific, specifically including, but not limited to, mold, fungus, hazardous waste, substances or materials.
- d) Pacific shall have no liability for, and shall be held harmless from and against all claims, damages, liabilities and costs arising out of or relating to the presence, discovery or failure to discover, remove, address, remediate or cleanup environmental or biological hazards attributable to auburn, specifically including, but not limited to, mold, fungus, hazardous waste, substances or materials. In addition, pacific shall have no liability for, and shall be held harmless from and

against all claims, damages, liabilities and costs arising out of auburn's failure to properly dispose of such waste materials after delivery by pacific according to all applicable law.

9. RESOLUTION OF DISPUTES AND GOVERNING LAW

- a) Alternative Dispute Resolution If a dispute arises from or relates to this Agreement or the breach thereof and if the dispute cannot be resolved through direct discussions, the parties agree to endeavor first to settle the dispute in an amicable manner by mediation before resorting to other avenues of dispute resolution. The mediator may be selected by agreement of the parties. Following mediation, or upon written agreement of the parties to waive mediation, any unresolved controversy or claim arising from or relating to this Agreement or breach thereof shall be handled through litigation as described in subsection b) below. Each party shall bear the expense of its own counsel, experts, witnesses and preparation and presentation of evidence.
- b) Applicable Law and Jurisdiction This Agreement shall be governed by the laws of the State of Washington. Although the agreed to and designated primary dispute resolution method as set forth above, in the event any claim, dispute or action arising from or relating to this Agreement cannot be settled through mediation, then it shall be commenced exclusively in the King County Superior Court or the United States District Court, Western District of Washington as appropriate. The prevailing party in any such action before the courts shall be entitled to recover its costs of suit and reasonable attorneys' fees.

10. 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. Any written notice hereunder shall become effective three (3) business days after the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated in this Agreement or such other address as may be hereafter specified in writing. If written notice is provided by electronic mail (e-mail), then such written notice shall become effective one (1) business day after it is successfully sent.

11. NON-DISCRIMINATION

Parties shall not discriminate in any manner related to this Agreement on the basis of race, color, national origin, sex, religion, age, marital status or disability in employment or the provision of services.

12. INSURANCE

A) The Parties 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 Waste Disposal described in this Agreement.

B) The Parties shall obtain and maintain, during the effective dates of this Agreement, the following insurance coverage and limits (at a minimum):

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage. The Automobile Liability insurance shall include a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident, and
2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 or a substitute form providing equivalent liability coverage and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The Commercial General Liability insurance shall be written with limits no less than \$1,000,000 per occurrence with a \$2,000,000 general aggregate. Coverage shall include, but is not limited to, contractual liability, products and completed operations, property damage, mold, pollution and employers liability, and
3. Worker's Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
4. Employer's Liability insurance, as necessary, shall be written with limits of each accident \$1,000,000, Employer's Liability Disease each employee \$1,000,000, and Employer's Liability Disease-Policy limit \$1,000,000.

C) Each party's insurance shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the other party.

D) If any coverage is written on a "claims made" basis, then a minimum of three (3) year extended reporting period shall be included with the claims made policy, and proof of this extended reporting period shall be given to the other party.

E) Insurance, other than through an insurance pool, is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

ORIGINAL

13. Compliance with Law, Right of Inspection

The parties 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 activities described in this Agreement, and to all equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations. Each party shall have the right to inspect the records of the other party relating to this Agreement upon reasonable notice to the other party, during working hours.

14. Non-Waiver of Breach

The failure of either party 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.

15. Assignment and Modification

Any assignment of this Agreement by either party without the prior written consent of the other party shall be void.

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

16. 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.

17. Relationship of Parties

The parties intend that an independent contractor-client relationship will be created by this Agreement. No agent, employee, or representative of Auburn shall be or shall be deemed to be the employee, agent or representative of Pacific. No agent, employee or representative of Pacific shall be or shall be deemed to be the employee, agent or

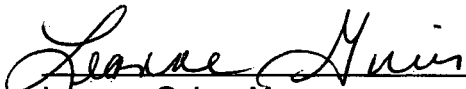
representative of Auburn. None of the benefits provided by Auburn or Pacific to its respective employees including, but not limited to, compensation, insurance, and unemployment insurance are available from Auburn or Pacific to the employees, agents or representatives of the other City. Each City will be solely and entirely responsible for its acts and for the acts of its agents, employees and representatives during the performance of this Agreement.

18. Severability

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.

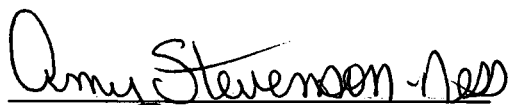
DATED this _____ day of _____ 2017.

CITY OF PACIFIC



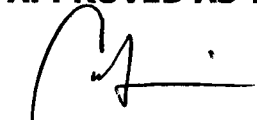
Leanne Guier, Mayor
100 3rd Avenue SE
Pacific, WA 98047

ATTEST:



Amy Stevenson-Ness, City Clerk

APPROVED AS TO FORM:



Carol Morris, City Attorney

CITY OF AUBURN

Nancy Backus, Mayor
25 W. Main Street
Auburn, WA 98001

ATTEST:

Dani Daskam, City Clerk

APPROVED AS TO FORM:

Dan Heid, City Attorney



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance 6642 - Marijuana Related Activities (20 Minutes)
(Snyder)

Date:

June 19, 2017

Department:

Community Development &
Public Works

Attachments:

[Item 1 - Ordinance No. 6642](#)
[Item 2 - Public Outreach](#)
[Item 3 - Public Survey Results](#)
[Item 4a - Map of North Area](#)
[Item 4b - Map of Northwest Area](#)
[Item 4c - Map of South Area](#)
[Item 4d - Map of Southwest Area](#)

Budget Impact:

\$0

Administrative Recommendation:

For discussion.

Background Summary:

On August 15, 2016 the City Council approved Ordinance No. 6613 which established a moratorium on certain types of marijuana related activities. Ordinance No. 6613 directed the Department of Community Development and Public Works to prepare draft code amendments to address all forms of marijuana related activities for presentation to the City of Auburn Planning Commission.

On February 22, 2017 staff presented draft Ordinance No. 6613 to the Planning Commission. Ordinance No. 6613 was also made available for public review. The Planning Commission held public meetings on February 22, 2017; March 21, 2017; and May 2, 2017. During these public meetings Planning Commission reviewed the draft ordinance, directed questions to staff, requested additional information, suggested potential modifications, and requested staff conduct a public survey.

Upon completion of the above items, the Planning Commission scheduled a public hearing for June 6, 2017. Public testimony was offered during the hearing, the Planning Commission closed the hearing, proceeded to deliberate and modify the staff recommendation. The Planning Commission voted in favor of passing their recommendation to City Council to adopt Ordinance No. 6642.

Highlights of the Planning Commission's recommendation include:

1. Permitting up to 4 marijuana retailers in Auburn.

2. Increasing the distance separations between marijuana related activities and other types of uses and activities. The state standard is a 1,000 foot separation. The Planning Commission's recommendation includes a 2,640 foot (1/2 mile) separation from some types of uses and a 1,320 (1/4) foot separation from other types of uses.
3. Expanding the list of uses that require separation from a marijuana related activity over the list that is established in the Washington Administrative Code. Added to the list of uses are: private schools, private playgrounds, private recreation facilities, private parks, public trails, religious institutions, and transit centers or park-n-ride facilities operated by a sovereign nation.
4. Clarifying that marijuana related activities that were legally established prior to the adopted of Ordinance No. 6642 are classified as legal conforming uses even if they do not meet the criteria of the standards established in Ordinance No. 6642.
5. Limiting marijuana related activities to the C-3, M-1 and M-2 zoning designations.
6. Establishing rigorous public review procedures that must be met prior to submittal of a City of Auburn business license application.

Attached to this agenda bill are the following:

1. Ordinance No. 6642
2. Public Outreach Overview
3. Public Survey Results
4. Map of Potentially Allowed Marijuana Related Activities. Red areas indicate C-3 commercial zones where certain types of marijuana related activities could be permitted. Blue areas indicate M-1 and M-2 industrial zones where certain types of marijuana related activities could be permitted. While the colors on the maps indicate the allowable zones, the shape is defined by application of the distance separations set forth in ACC 18.59.030.

Reviewed by Council Committees:

Other: Planning and Legal

Councilmember:

Staff: Snyder

Meeting Date: June 26, 2017

Item Number:

ORDINANCE NO. 6 6 4 2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTIONS 5.20.250, 18.07.020, 18.09.020, 18.21.010, 18.21.020, 18.21.020, 18.21.030, 18.23.030, 18.29.050, 18.35.030, 18.42.020, 18.78.020, OF THE AUBURN CITY CODE, AND CREATING NEW SECTIONS 18.04.1001, 18.04.1003, 18.04.1005, 18.04.1007, 18.04.1009, 18.04.1011, 18.04.1013, 18.04.1015, 18.04.1017, 18.76.046 AND A NEW CHAPTER 18.59 OF THE AUBURN CITY CODE RELATING TO MARIJUANA BUSINESSES, AND REPEALING THE MORATORIUM ESTABLISHED BY ORDINANCE NO. 6613

WHEREAS, the voters of the State of Washington approved Initiative Measure No. 502 (I-502), in 2012, now codified within Chapters 46.04, 46.20, 46.21, 46.61 and 69.50 of the Revised Code of Washington (RCW), which initiative decriminalized possession and use of certain amounts of marijuana and marijuana paraphernalia, and authorized promulgation of regulations and issuance of licenses by the Washington State Liquor and Cannabis Board (WSLCB) for the production, processing and retailing of marijuana; and

WHEREAS, in relevant part, I-502 legalized the possession of small amounts of marijuana and marijuana-related products by persons 21 of age and older, and directed the (then) state Liquor Control Board to develop and implement rules to regulate and tax recreational marijuana producers, processors, and retailers; and

WHEREAS, marijuana is still classified as a schedule 1 controlled substance under federal law and crimes related to marijuana remain subject to prosecution under federal law; and

WHEREAS, on August 29, 2013, the United States Department of Justice, Office of the Attorney General, (DOJ) released updated guidance regarding marijuana enforcement. The guidance reiterates that DOJ is committed to using its limited investigative and prosecutorial resources to address the most significant threats to public safety related to marijuana crimes in "the most effective, consistent, and rational way." The guidance directs federal prosecutors to review potential marijuana-related charges

on a case-by-case basis and weigh all information and evidence, including whether the operation is demonstrably in compliance with a strong and effective state regulatory system and if the conduct at issue implicates one or more of eight stated federal enforcement priorities. The DOJ does not appear to differentiate application of its guidance between medical cannabis and recreational marijuana; and

WHEREAS, in a joint statement dated August 29, 2013, Governor Jay Inslee and Attorney General Bob Ferguson stated the following:

Today we received confirmation Washington's voter-approved marijuana law will be implemented. We received good news this morning when Attorney General Eric Holder told the governor the federal government would not pre-empt Washington and Colorado as the states implement a highly regulated legalized market for marijuana. Attorney General Holder made it clear the federal government will continue to enforce the federal Controlled Substance Act by focusing its enforcement on eight specific concerns, concerns, including the prevention of distribution to minors and the importance of keeping Washington-grown marijuana within our State's borders. We share those concerns and are confident our state initiative will be implemented as planned. We want to thank the Attorney General for working with the states on this and for finding a way that allows our initiative to move forward while maintaining a commitment to fighting illegal drugs. This reflects a balanced approach by the federal government that respects the states' interests in implementing these laws and recognizes the federal government's role in fighting illegal drugs and criminal activity.

WHEREAS, on September 16, 2013, the Auburn City Council adopted Resolution No. 4992 establishing a one (1) year moratorium prohibiting the City from receiving and/or processing any applications for any marijuana/cannabis related business in any and all zoning districts in the City of Auburn; and

WHEREAS, on October 16, 2013, the WSLCB adopted rules for applying for, obtaining, and maintaining licenses for the production, processing, and retailing of recreational marijuana. Under these rules, applicants will be required to identify a business location with their application submittals; and

WHEREAS, on September 2, 2014, the Auburn City Council passed Ordinance

No. 6525 amending certain Sections of the Auburn City Code relating to the enforcement of state regulations regarding the production, processing, and/or retail outlets and sales of marijuana and terminating the moratorium implemented pursuant to Resolution No. 4992 passed on September 16, 2013; and

WHEREAS, Second Engrossed Second Substitute House Bill 2136 (2E2SHB 2136)(approved on June 30, 2015), and Second Substitute Senate Bill 5052 (2SSB 5052) (approved on April 24, 2015 [with partial veto]), revised state requirements for state marijuana regulations, including marijuana processors, producers, retailers, and cooperatives; and

WHEREAS, the WSLCB notified the City of Auburn on September 23, 2015, that pursuant to SB 5052 it would not limit the number of marijuana retailers licensed within the City of Auburn to only those allocated per I- 502; and

WHEREAS, the City of Auburn adopted a moratorium, through Resolution No. 5194, prohibiting any new marijuana retailers not already in operation on January 4, 2016; and

WHEREAS, in a public hearing on February 16, 2016, and in comments to City elected officials, including social media posts, Auburn residents voiced concern for any marijuana retailers in excess of the initial two (2) originally approved by I- 502; and

WHEREAS, the WSLCB notified the City of Auburn on March 8, 2016, that it would increase the number of marijuana retailers licensed within the City of Auburn to the two (2) authorized by I- 502 and identified as the Stash Box and Evergreen Market, and an additional two (2) Priority 1 applicants for licenses under SB 5052; and

WHEREAS, the WSLCB has since indicated that the number of SB 5052 retail licenses within the City of Auburn may be increased in the future; and

WHEREAS, WSLCB then notified the City of Auburn on March 8, 2016, that marijuana retailers, including the Evergreen Market, that were licensed using the I-502

lottery are not allowed to move out of the jurisdictions where they are licensed; and

WHEREAS, based upon — and in reliance on — that information, the City of Auburn amended its moratorium, through its Resolution No. 5215, so as to authorize the operation of [only] the two (2) marijuana retailers initially provided for by I-502; and

WHEREAS, other cities in Washington, such as Everett, Renton and Vancouver, have adopted restrictions on the number of licensed retailers to conform to initial I-502 approved caps; and

WHEREAS, the WSLCB continued to process and issue licenses to marijuana retailers intended to operate within the City of Auburn pursuant to SB 5052 despite the transmittal of Resolution No. 5215 to the WSLCB; and

WHEREAS, because of WSLCB's continued processing and issuing of licenses for retail marijuana businesses, and because new retail marijuana businesses continued to engage in activities contrary to the City's moratoria, and in response to the inconsistent, conflicting, and uncooperative positions of the WSLCB, the City of Auburn adopted its Ordinance No. 6595 on April 4, 2016, which prohibited all marijuana related activities within the City of Auburn; and

WHEREAS, the City Council approved Ordinance No. 6613 on August 15, 2016, which Ordinance indicated (consistent with a report by the Northwest High Intensity Drug Trafficking Area, a division of the Office of National Drug Control Policy) the need to protect public health, safety and welfare by minimizing societal effects and impacts of marijuana, such as a 122% increase in fatality motor vehicle accidents involving the use of marijuana between 2010 and 2014 and a 312% increase in contacts to the Washington Poison Center for intoxication calls pertaining to youth consumption of marijuana, and other increases on demands for public services such as fire and police presence; and

WHEREAS, Ordinance No. 6613 also indicated that the City desired to provide greater clarity as to permitted and prohibited marijuana retailers within the City of Auburn,

avoid onerous enforcement proceedings, improve voluntary compliance with local laws pertaining to marijuana activities, facilitate improved cooperation with the WSLCB, and protect the public health, safety and welfare while remaining cognizant of the approval of I-502 by voters within the City of Auburn; and

WHEREAS, Ordinance No. 6613 further noted that the Auburn City Code did not currently have specific provisions addressing a number of statutorily permitted marijuana provisions and/or uses; and

WHEREAS, Ordinance No. 6613 noted that the provisions for marijuana cooperatives, marijuana researchers and marijuana transporters contained within SB 5052 went into effect July of 2016, and that marijuana cooperatives, marijuana researchers and marijuana transporters are not explicitly addressed by current code provisions; and

WHEREAS, Ordinance No. 6613 also indicated that the impacts and effects of marijuana cooperatives, marijuana researchers and marijuana transporters on Auburn and the Auburn community are unknown and deserving of study and review; and

WHEREAS, Ordinance No. 6613 further indicated that the inclusion of the prohibition of marijuana cooperatives, marijuana researchers and marijuana transporters in the City's business licensing requirements, pending review and potential amendment of the City Code, would provide greater safety, clarity, consistency, predictability and uniformity that will benefit Auburn businesses and residents; and

WHEREAS, Ordinance No. 6613 stated that it would be advantageous for the City of Auburn to have a thorough review made of the impacts and effects of marijuana cooperatives, marijuana researchers and marijuana transporters; and

WHEREAS, Ordinance No. 6613 also stated that Sections 35A.63.220 and 36.70A.390 of the Revised Code of Washington (RCW) authorize the City Council to adopt an immediate moratorium for a period of up to twelve (12) months if a public hearing

on the proposal is held within at least sixty (60) days of its adoption and a work plan is developed for related studies providing for the moratorium period; and

WHEREAS, Ordinance No. 6613 further stated that the City Council desired to impose a moratorium for an initial term of twelve (12) months on the acceptance and/or processing of any permit or applications, for or related to any marijuana related activities, including, but not limited to, licensing, permitting, siting, making structural or building improvements, or operating any new marijuana activities; and any other marijuana uses or activities that are not expressly provided by the City Code regulations addressed herein; and

WHEREAS, Ordinance No. 6613 also stated that the City Council anticipated that it could develop and adopt appropriate controls for marijuana retail facilities prior to the expiration of the moratorium enacted hereby; and

WHEREAS, Ordinance No. 6613 identified the City Council's position that it would be advantageous for the City of Auburn to have a thorough review made of the alternatives and options available to it for regulation of marijuana related uses and activities; and

WHEREAS, Ordinance No. 6613 also identified the Council's position that in the event permanent regulations are adopted prior to the expiration of the twelve (12) month moratorium established by the Ordinance, Ordinance No. 6613 could be repealed, terminating the moratorium; and

WHEREAS, on January 14, 2014, the Washington State Attorney General's Office issued its opinion (AGO No. 2014) that 1-502 does not preempt counties, cities, and towns from banning recreational marijuana within their jurisdictions and that local ordinances that do not expressly ban state licensed marijuana licensees from operating within the jurisdiction but make such operation impractical are valid if they properly exercise the local jurisdiction's police power; and

WHEREAS, several state courts have issued decisions that approve and affirm the Attorney General's opinion that cities have the authority to regulate marijuana uses; and

WHEREAS, on May 20, 2015, the King County Superior Court issued its decision in *Greensun Group LLC v. City of Bellevue*, No. 14-2-29863-3 SEA, which decision is incorporated herein as if set forth in full. The court determined, inter alia, that "the City of Bellevue has the authority to regulate the location and density of marijuana retail outlets within its boundaries, including through the adoption and enforcement" of a requirement that a retail marijuana outlet cannot be located within 1,000 feet of another retail marijuana outlet; and that "the City has the authority to develop and apply processes for enforcing" a 1,000 foot separation requirement, including through use of a first-in-time determination based on the date and time of issuance of the state liquor control board license or conditional license, whichever is issued first; and

WHEREAS, with the passage of 2SSB 5052 and 2E2SHB 2136, and consistent with court decisions the City has the authority to regulate the location and density of marijuana production, processing, distribution, and retail sales within its boundaries; and

WHEREAS, the establishment and/or licensing of marijuana uses may allow new uses that are incompatible with nearby existing land uses and lead to erosion of community character and harmony; and

WHEREAS, the presence of large amounts of cash and/or marijuana makes retail outlets and other marijuana facilities a potential target of violent crime, including robberies and burglaries, thereby placing area residents, business owners, and others in danger of bodily harm, and increasing police enforcement risks and costs; and

WHEREAS, there may be other harmful secondary effects to public health, safety, morals, and welfare as a result of marijuana production, processing, distribution, and retail sales, which effects include but are not limited to loitering, odors, crime, and other behaviors that may be inconsistent with the character of the surrounding neighborhood; and

WHEREAS, it is critical to the public safety and economic vitality of the City to ensure the impacts of business obtaining a license from the WSLCB to produce, process, or sell marijuana are minimized; and

WHEREAS, the City Council deems it to be in the public interest to establish permanent regulations regarding where marijuana producers, processors, and retail uses may be located in the City of Auburn; and

WHEREAS, the City has a compelling interest in the protection of the health and safety of all its residents, as well as a compelling interest in ensuring that the goals and policies contained within the Comprehensive Plan and other policy/planning documents are fulfilled; and

WHEREAS, ACC 14.03.060, Legislative Non-Project Decisions, specifies that legislative non-project decisions made by the city council under its authority to establish policies and regulations are not classified as a “type” of project permit decision and that legislative non-project decisions include, but are not limited to amendments to the text and map of the comprehensive plan or development regulations; and

WHEREAS, the Planning Commission held work sessions on February 22, 2017, March 21, 2017, and May 2, 2017 and conducted a properly noticed public hearing (s) on June 6, 2017 for the proposed amendments to Title 18 (Zoning) and Title 5 (Business Licenses) of the Auburn City Code contained herein; and

WHEREAS, on June 6, 2017 the Planning Commission deliberated, made amendments, and voted to recommend adoption of Ordinance 6642 to the Auburn City Council; and

WHEREAS, the City Council finds that the proposed amendments were processed in accordance with applicable standards of Chapter 18.68, Amendments, of the Auburn City Code and are consistent with the Comprehensive Plan, enhance the public health,

safety, and welfare, and are not contrary to the best interest of the residents, citizens, property owners and businesses of the City of Auburn; and

WHEREAS, the City of Auburn has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Review Procedures, Chapter 16.06 ACC through issuance of a Determination of Non-Significance on May 12, 2017.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Recitals Adopted. That the City Council hereby adopts the recitals contained in this Ordinance as Findings of Facts and Conclusions, as appropriate given the context of each recital and incorporates said recitals herein by this reference.

Section 2. Repeal of Moratorium. That the moratorium specified in Sections 9 of Ordinance No. 6613 is automatically expired on the effective date of this Ordinance consistent with the applicable provision of Section 10 of Ordinance No. 6613 that specifies that the moratorium shall automatically expire upon the effective date of zoning and land use regulations adopted by the City Council to address the implementation of the State's licensing of any marijuana/cannabis related business to be located in the City of Auburn.

Section 3. Amendment to City Code. That Section 5.20.020 of the Auburn City Code be and the same hereby is amended to read as follows:

5.20.250 Marijuana related activities.

A. Definitions.

1. "Marijuana cooperative" means up to four qualifying patients, as defined by RCW 69.51A.010(19), who share responsibility for acquiring and supplying the resources needed to produce and process marijuana, including tetrahydrocannabinols or cannabimimetic agents, only for the medical use of members of the cooperative and not for profit. ~~At least until a thorough review of land use and code enforcement issues by planning commission and the city council, and possible amendment to the city code, marijuana cooperatives shall not be permitted within the city of Auburn.~~

2. “Marijuana related business” means a person or entity engaged in for-profit activity that includes the possession, cultivation, production, processing, distribution, dispensation, or sale of tetrahydrocannabinols or cannabimimetic agents, as defined by the Controlled Substances Act, codified at 21 USC Section 812, including marijuana retailers, marijuana processors, and marijuana producers, as defined herein.

a. “Marijuana processor” means any person or entity licensed by the Washington State Liquor and Cannabis Board to process, package, and label marijuana concentrates, including tetrahydrocannabinols or cannabimimetic agents, in accordance with the provisions of Chapters 65.50 and 69.51A RCW and Chapter 314-55 WAC.

b. “Marijuana producer” means any person or entity licensed by the Washington State Liquor and Cannabis Board to produce marijuana, including tetrahydrocannabinols or cannabimimetic agents, for wholesale to marijuana processors and other marijuana producers pursuant to RCW 69.50.325.

c. “Marijuana retailer” means any person or entity established for the purpose of making marijuana concentrates, usable marijuana and marijuana-infused products, including tetrahydrocannabinols or cannabimimetic agents, available for sale to adults aged 21 and over.

d. “Marijuana researcher” is a position licensed by the Washington State Liquor and Cannabis Board that permits a licensee to produce, process, and possess marijuana for the limited research purposes set forth in RCW 69.50.372. ~~At least until a thorough review of land use and code enforcement issues by planning commission and the city council, and possible amendment to the city code, marijuana researcher businesses shall not be permitted within the city of Auburn.~~

e. “Marijuana transporter” is a position licensed by the Washington State Liquor and Cannabis Board pursuant to WAC 314-55-310 that allows a licensee to physically transport or deliver marijuana, marijuana concentrates, and marijuana-infused products between licensed marijuana businesses within Washington State. ~~At least until a thorough review of land use and code enforcement issues by planning commission and the city council, and possible amendment to the city code, marijuana transporter businesses shall not be permitted within the city of Auburn.~~

B. License Application – Qualification – Requirements to Apply. In addition to the information required to be included with an application form pursuant to ACC 5.10.040(A), an application for a license for a marijuana related business shall also include:

1. License. Each application for a marijuana related business shall be accompanied by a current, valid license to operate, ~~as a marijuana producer or marijuana processor issued by the Washington State Liquor and Cannabis Board, or, for marijuana retailers, either a current, valid license to operate as a marijuana retailer awarded by the Washington State Liquor and Cannabis Board on the basis of I-502 lottery selection or a current, valid license to operate as a marijuana retailer awarded by the Washington State Liquor and Cannabis Board on the basis of priority one selection together with a valid and complete building permit application submitted to the city of Auburn prior to January 4, 2016. Even if permitted or licensed by and/or registered with the Washington State Liquor and Cannabis Board, marijuana cooperatives, marijuana researchers and marijuana~~

transporters are not qualified or entitled to operate within the city of Auburn or to apply for a permit or business license within the city of Auburn.

a. ~~— The maximum number of licensed marijuana retailers authorized and allowed to operate in the city of Auburn shall not exceed two; provided, that a marijuana retailer licensed by the Washington State Liquor and Cannabis Board on the basis of priority one selection may be allowed to operate within the city even if it constitutes more than two such businesses, if the business applied to the city for permits or approvals patently related to an intended marijuana retail business at a time when the city did not have a moratorium or a ban prohibiting such activity.~~

b. ~~— If any marijuana retail business that is licensed on the basis of priority one selection by the Washington State Liquor and Cannabis Board in combination with a valid and complete building permit application submitted to the city of Auburn prior to January 4, 2016, ceases to operate within the city, the number of authorized marijuana retail businesses would be reduced to a number not exceeding two.~~

c. ~~— Any marijuana producer or marijuana processors operating within the city (i) shall strictly comply with all industrial, health and safety codes, including but not limited to WAC ~~314-55-104~~ and RCW ~~69.50.348~~, and (ii) shall have at least 4,000 square feet of building space utilized for its individual business, and the total square feet of all marijuana producers and processors in the city shall not exceed 90,000 square feet of building space; provided, that any such business that was licensed and existing prior to August 1, 2016, that did not have at least 4,000 square feet of building space utilized for its individual business may continue operating at its current location even though it did not have at least 4,000 square feet of building space utilized for its individual business.~~

2. Security Requirements. Each application for a marijuana related business shall be accompanied by documentation of compliance with the security requirements of WAC 314-55-083(2) and (3).

3. Fingerprints. Each application for a marijuana related business shall be accompanied by a complete set of fingerprints of all managers and owners of the business, utilizing fingerprint forms as prescribed by the chief of police.

4. Crime Prevention Through Environmental Design (CPTED) Review. Each application for a marijuana related business shall be required to complete a CPTED review by the Auburn Police Department and to implement any CPTED measure directed. Each applicant shall be required to provide certification of CPTED completion, as well as evidence of compliance with required CPTED measures.

5. Compliance with Zoning Code. Each application for a marijuana related business shall be required to provide certification that the proposed location complies with all applicable provisions of ACC 18.59.030 and 18.59.110. In the event that certification of compliance with the provisions of ACC 18.59.030 requires investigation of existing land uses within an adjoining municipality, the applicant shall provide documentation from the relevant municipality that the proposed location meets the requirements of ACC 18.59.030.

6. Release of Liability and Hold Harmless. Each application for a marijuana related business shall be required to provide an executed release in a form approved by the Auburn City Attorney's Office to the City of Auburn, for itself, its agents, officers, elected

officials and employees from any injuries, damages, or liabilities of any kind that result from any arrest or prosecution or seizure of property, or liabilities of any kind that result from any arrest or prosecution for violations of federal or state law relating to operation or siting of a marijuana related use and business. Additionally, within the release document, the permittee of a marijuana use shall indemnify and hold harmless the City of Auburn and its agents, officers, elected officials, and employees from any claims, damages, or injuries brought by adjacent property owners or other third parties due to operations at the marijuana use and for any claims brought by any of the marijuana use's members, employees, agents, guests, or invitees for problems, injuries, damages, or liability of any kind that may arise out of the operation of the marijuana use.

C. License Regulations.

1. Access by City Officials. All city officials shall have free access to marijuana related businesses licensed under the provisions of this chapter for the purposes of inspecting and enforcing compliance with the provisions of this chapter, including periodic CPTED review and compliance with required CPTED measures as directed by the Auburn Police Department.

2. Entry Prohibitions for Certain Persons. It is unlawful for the owner, proprietor, manager, or person in charge of any marijuana related business licensed under the provisions of this chapter, or for any employee of said place, to allow entry or admission to any person under the age of 21 years of age, any lewd or dissolute person, any drunken or boisterous person, or any person under the influence of any intoxicant.

3. Law Enforcement Officers Entry Right. It is unlawful for the owner, proprietor, manager or person in charge of any marijuana related business licensed under the provisions of this chapter to refuse admission to any peace officer of the city or of the state, or any officer of the United States government charged with the duty of enforcing the police laws of the United States. Said officers shall have free access at all times to any marijuana related businesses licensed under the provisions of this chapter.

4. Operation Regulations. All marijuana, including tetrahydrocannabinols or cannabimimetic agents, equipment and all cultivation, processing, production, storage or sales shall be conducted entirely inside buildings. Any perimeter fencing intended for security purposes shall meet the requirements of the city of Auburn and of the state of Washington applicable thereto.

5. State Statute Compliance. All marijuana related businesses licensed under the provisions of this chapter shall also comply with Chapters 69.50 and 69.51A RCW, and Chapter 314-55 WAC, as applicable. (Ord. 6613 § 3, 2016.)

Section 4. Amendment to City Code. That Section 18.07.020 of the Auburn City Code be and the same hereby is amended to read as follows:.

Table 18.07.020
Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
A. Residential Uses.							
Accessory dwelling units	P	P	P	P	X ¹	X ¹	X ¹
Accessory use, residential	P	P	P	P	P	P	P
Adult family home	P	P	P	P	P	P	P
Bed and breakfast	P	P	P	P	P	P	P
Communal residence four or less individuals	P	P	P	P	P	P	P
Duplexes; provided, that minimum lot size of zoning designation is met and subject to compliance with Chapter 18.25 ACC (Infill Residential Development Standards)	X	X	A	P	P	P	X
Foster care homes	P	P	P	P	P	P	P
Group residence facilities (7 or more residents)	X	X	X	X	C	C	C
Group residence facilities (6 or fewer residents)	P	P	P	P	P	P	P
Keeping of animals ⁴	P ²	P ²	P ²	P ²	P ²	P ²	P ²
Multiple-family dwellings	X	X	X	X	A	P	P
Neighborhood recreational buildings and facilities owned and managed by the neighborhood homeowners' association	A ⁶	A ⁶	A ⁶	A ⁶	A ⁶	P	P
Use as dwelling units of (1) recreational vehicles that are not part of an approved recreational vehicle park, (2) boats, (3) automobiles, and (4) other vehicles	X	X	X	X	X	X	X
Renting of rooms, for lodging purposes only, to accommodate not more than two persons in addition to the family or owner occupied unit ⁸	P	P	P	P	P	P	P
Residential care facilities including but not limited to assisted living facilities, convalescent homes, continuing care retirement facilities	P	P	X	X	A	P	P

Table 18.07.020
Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
Single-family detached dwellings, new	P	P	P	P	P	P	X
Supportive housing, subject to the provisions of ACC 18.31.160	X	X	X	X	X	P	P
Swimming pools, tennis courts and similar outdoor recreation uses only accessory to residential or park uses	P	P	P	P	P	P	P
Townhouses (attached)	X	X	X	X	P	P	P
B. Commercial Uses.							
Commercial horse riding and bridle trails	A	X	X	X	X	X	X
Commercial retail, included as part of mixed-use development and not a home occupation in compliance with Chapter 18.60 ACC	X	X	X	X	A	A	A
Daycare, limited to a mini daycare center. Daycare center, preschool or nursery school may also be permitted but must be located on an arterial	X	A	A	A	A	A	A
Home-based daycare as regulated by RCW 35.63.185 and through receipt of approved city business license	P	P	P	P	P	P	P
Home occupations subject to compliance with Chapter 18.60 ACC	P	P	P	P	P	P	P
<u>Marijuana cooperative</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Marijuana processor</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Marijuana producer</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Marijuana related businesses</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Marijuana researcher</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Marijuana retailer</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Marijuana transporter business</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Mixed-use development ³	X	X	X	X	P	P	P

Table 18.07.020
Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
Nursing homes	X	X	X	X	C	C	C
Private country clubs and golf courses, excluding driving ranges	X	X	C	C	C	X	X
Privately owned and operated parks and playgrounds and not homeowners' association-owned recreational area	X	A	A	A	A	P	P
Professional offices, included as part of mixed-use development and not a home occupation in compliance with Chapter 18.60 ACC	X	X	X	X	A	A	A
C. Resource Uses.							
Agricultural enterprise: ⁷							
When 50 percent, or more, of the total site area is dedicated to active agricultural production during the growing season, and with 52 or less special events per calendar year	A ⁷	X	X	X	X	X	X
When less than 50 percent of the total site area is dedicated to active agricultural production during the growing season, or with more than 52 special events per calendar year	C ⁷	X	X	X	X	X	X
Agricultural type uses are permitted provided they are incidental and secondary to the single-family use:							
Agricultural crops and open field growing (commercial)	P	X	X	X	X	X	X
Barns, silos and related structures	P	X	X	X	X	X	X
Commercial greenhouses	P	X	X	X	X	X	X
Pasturing and grazing ⁴	P	X	X	X	X	X	X
Public and private stables ⁴	P	X	X	X	X	X	X
Roadside stands, for the sale of agricultural products raised on the premises. The stand	P	X	X	X	X	X	X

Table 18.07.020
Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
cannot exceed 300 square feet in area and must meet the applicable setback requirements							
Fish hatcheries	C	X	X	X	X	X	X
D. Government, Institutional, and Utility Uses.							
Civic, social and fraternal clubs	X	X	X	X	A	A	A
Government facilities	A	A	A	A	A	A	A
Hospitals (except animal hospitals)	X	X	X	X	X	C	C
Municipal parks and playgrounds	A	P	P	P	P	P	P
Museums	X	X	X	X	A	A	A
Religious institutions, less than one acre lot size	A	A	A	A	A	A	A
Religious institutions, one acre or larger lot size	C	C	C	C	C	C	C
Transmitting towers	C	C	C	C	C	C	C
Type 1-D wireless communication facility (see ACC 18.04.912(J))	P	P	P	P	P	P	P
Utility facilities and substations	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵

1. An accessory dwelling unit may be permitted with an existing single-family residence pursuant to ACC 18.31.120.
2. Please see the supplemental development standards for animals in ACC 18.31.220.
3. Individual uses that make up a mixed-use development must be permitted within the zone. If a use making up part of a mixed-use development requires an administrative or conditional use permit, the individual use must apply for and receive the administrative or conditional use approval, as applicable.
4. Proximity of pasture or livestock roaming area to wells, surface waters, and aquifer recharge zones is regulated by the King or Pierce County board of health, and property owners shall comply with the provisions of the King County board of health code.
5. Excludes all public and private utility facilities addressed under ACC 18.02.040(E).
6. Administrative use permit not required when approved as part of a subdivision or binding site plan.
7. Agricultural enterprise uses are subject to supplemental development standards under ACC 18.31.210, Agricultural enterprises development standards.

8. An owner occupant that rents to more than two persons but no more than four persons is required to obtain a city of Auburn rental housing business license and shall meet the standards of the International Property Maintenance Code.
(Ord. 6600 § 9, 2016; Ord. 6565 § 2, 2015; Ord. 6560 § 9, 2015; Ord. 6477 § 8, 2013; Ord. 6369 § 2, 2011; Ord. 6363 § 3, 2011; Ord. 6269 § 3, 2009; Ord. 6245 § 5, 2009.)

Section 5. Amendment to City Code. That Section 18.09.020 of the Auburn City Code is hereby amended as follows:

18.09.020 Uses.

Permitted Use Table – Residential Zoning Designations

	Land Use	R-MHC Zone
A	Manufactured/Mobile home community	P
B	Residential accessory use	P
C	Manufactured/Mobile home community accessory use	P
D	Keeping of not more than six household pets. This limit shall not apply to birds, fish, or suckling young of pets.	P
E	Home-based daycare	P
F	Daycare limited to a mini daycare center, daycare center, or preschool/nursery school	A
G	<u>Marijuana cooperative</u>	<u>X</u>
H	<u>Marijuana processor</u>	<u>X</u>
I	<u>Marijuana producer</u>	<u>X</u>
J	<u>Marijuana related businesses</u>	<u>X</u>
K	<u>Marijuana researcher</u>	<u>X</u>
L	<u>Marijuana retailer</u>	<u>X</u>
M	<u>Marijuana transporter business</u>	<u>X</u>

P = Permitted Use

A = Use may be permitted in district when an administrative use permit has been issued pursuant to the provisions of Chapter 18.64 ACC.

C = Use may be permitted in district when a conditional use permit has been issued pursuant to the provisions of Chapter 18.64 ACC.

X = Prohibited

Also see ACC 18.02.120 for further rules on interpretation. (Ord. 6269 § 4, 2009; Ord. 6245 § 6, 2009.)

Section 6. Amendment to City Code. That Section 18.21.010 of the Auburn City Code be and the same hereby is amended to read as follows:

18.21.010 Lea Hill overlay.

A. Purpose. The purpose of this section is to provide for additional development standards to address the area commonly referred to as the Lea Hill annexation area, as annexed under city of Auburn Ordinance Nos. 5346 and 6121, and identified on the city of Auburn comprehensive zoning map. While the intent is that the development standards for zones in the Lea Hill annexation area will be similar to (if not

the same as) corresponding zones in other areas of the city, some variations are needed to recognize previous development allowed by King County zoning. Unless otherwise provided for in this section, all other provisions and requirements of this title shall apply to properties within the Lea Hill overlay.

B. Development Standards – Lots Previously Approved.

1. For any residential lot that had received final plat approval, final short plat approval, or preliminary plat approval or that King County had received and determined the application complete for a preliminary plat or short plat, prior to the effective date of annexation into the city of Auburn, the development standards in the following table shall apply. The property owner/applicant shall be responsible to provide to the city evidence of these previous approvals.

2. Any further subdivision of any lot and its subsequent use must conform to the permitted uses and standards referenced in the applicable zoning chapters of this title, except as modified by this section. For farm animals, subsection E of this section or subsection 18.31.210 shall apply.

Zone	Min Lot Area (Sq. Ft.)	Min Lot Area (Sq. Ft. per Unit)	Min Lot Width (Ft.)	Max Lot Coverage (%)	Setbacks*				Building Height	
					Front (Ft.)	Rear (Ft.)	Side, Interior (Ft.)	Side, Street (Ft.)	Main (Ft.)	Accessory (Ft.)
R-1	8,000	N/A	35	35	20	5	5	10	35	35
R-5	2,500	N/A	30	35	10	5	5	10	35	16
R-7	2,500	6,000	30	35	10	5	5	10	35	16
R-10	2,500	4,300	30	40	10	5	5	10	35	35
R-16	2,500	2,700	30	55	10	5	5	10	35	35
R-20	2,500	2,175	30	55	10	5	5	10	35	35

* Garages and other similar structures with a vehicular access require a 20-foot setback from any street.

C. Prior King County Approvals. The city of Auburn will recognize the terms of any King County-approved plat, PUD, conditional use permit, contract rezone or similar contractual obligations that may have been approved prior to the effective date of the annexation of the subject property. The conditions of any project that was approved by King County shall be required to be fulfilled in the city of Auburn.

D. Planning Director Authorization. The planning director shall be authorized to interpret the language of any King County permit, plat or condition thereof and effectuate the implementation of same to the fullest extent possible. If there is a conflict between a previous King County approval and the Auburn regulation then the most restrictive provision shall apply as determined by the planning director.

E. Farm Animals.

1. For properties greater than an acre in the R-1, R-5 and R-7 zones, it is permissible to keep farm animals (excluding goats and swine in the R-5 and R-7 zones); provided, there shall not be more than one horse, cow, donkey or other similar large animal, or four small animals such as sheep, or 12 poultry, rabbits, or similar size animals

per each acre of enclosed usable pasture or roaming area. This acreage requirement is in addition to the minimum lot size requirements of the zone. Property owners of more than an acre in the Lea Hill Overlay may choose to apply these standards or the standards in subsection 18.31.210.

2. Shelters provided for farm animals shall be constructed no closer than 50 feet from any adjoining lot and shall be 100 feet from any public street or alley. Any corral, exercise yard, or arena shall maintain a distance of 35 feet from any property line. This excludes pasture area.

3. For those properties that do not meet the requirements of subsection (E)(1) of this section, and farm animals were present prior to annexation, the farm animals may remain as legal nonconforming uses. In such case the number of farm animals allowed may be the same as what the county zoning provisions had allowed prior to the effective date of the annexation of the subject property.

F. Lot Averaging – R-1 Zone. It may be possible to subdivide land in the R-1 zone into lots smaller than 35,000 square feet if the property has a significant amount of non-buildable land due to steep slopes, wetlands or similar features that would be in the public's best interest to maintain. The following regulations shall apply in situations where lot averaging is permitted or required:

1. At least 50 percent of the subdivision must be set aside as open space. Critical areas (i.e., steep slopes, wetlands) can count towards the 50 percent requirement. Maintenance of the open space tract or easement shall be the responsibility of the property owner and/or a homeowners' association.

2. The number of allowable lots in a subdivision shall be determined by multiplying the total number of acres in the subdivision by one. Any fraction shall be rounded to the nearest whole number with one-half being rounded up.

3. The minimum size of any lot shall be 8,000 square feet. For lots less than 35,000 square feet, the minimum lot width shall be consistent with the requirements of the R-5 zone (Chapter 18.07 ACC). All other applicable development standards related to the R-1 zone will continue to apply.

4. Lots within the subdivision shall be clustered so as to provide for continuity of open space within the subdivision and, where possible, with adjoining parcels.

5. Each lot within a subdivision shall illustrate a building area within which the house, accessory structures, and parking areas shall be constructed. The building area shall be exclusive of setbacks, non-buildable areas or any required buffers from the non-buildable areas. Any preliminary plat, final plat or short plat shall illustrate the building area for each lot. Any future construction will be limited to the identified building area.

6. A native growth protection easement or similar device, which may include provisions for the limited removal of vegetation and passive use of the easement, that perpetually protects the non-buildable areas must be recorded with the final plat or short plat.

G. All marijuana related businesses and marijuana cooperatives are prohibited land uses within the Lea Hill overlay. (Ord. 6369 § 3, 2011; Ord. 6245 § 13, 2009.)

Section 7. Amendment to City Code. That Section 18.21.020 of the Auburn City Code be and the same hereby is amended to read as follows:

18.21.020 West Hill overlay.

A. Purpose. The purpose of this section is to provide for additional development standards to address the area commonly referred to as the West Hill annexation area, as annexed under city of Auburn Ordinance No. 6122 and identified on the city of Auburn comprehensive zoning map. While the intent is that the development standards for zones in the West Hill annexation area will be similar to (if not the same as) corresponding zones in other areas of the city, some variations are needed to recognize previous development allowed by King County zoning. Unless otherwise provided for in this section, all other provisions and requirements of this title shall apply to properties within the West Hill overlay.

B. Development Standards – Lots Previously Approved.

1. For any residential lot that had received final plat approval, final short plat approval, preliminary plat approval or that King County had received and determined the application complete for a preliminary plat or short plat, prior to the effective date of annexation, the development standards in the following table shall apply. The property owner/applicant shall be responsible to provide evidence of these previous approvals/decisions.

2. Any further subdivision of any lot and its subsequent use must conform to the permitted uses and standards referenced in the applicable zoning chapters of this title, except as modified by this section. For farm animals, subsection E of this section or subsection 18.31.210 shall apply.

Zone	Min Lot Area (Sq. Ft.)	Min Lot Area (Sq. Ft. per Unit)	Min Lot Width (Ft.)	Max Lot Coverage (%)	Setbacks*				Building Height	
					Front (Ft.)	Rear (Ft.)	Side, Interior (Ft.)	Side, Street (Ft.)	Main (Ft.)	Accessory (Ft.)
R-1	8,000	N/A	35	35	20	5	5	10	35	35
R-5	2,500	N/A	30	35	10	5	5	10	35	16
R-7	2,500	6,000	30	35	10	5	5	10	35	16

* Garages and other similar structures with a vehicular access require a 20-foot setback from any street.

C. Prior King County Approvals. The city of Auburn will recognize the terms of any King County-approved plat, PUD, conditional use permit, contract rezone or similar contractual obligations that may have been approved prior to the effective date of the annexation of the subject property. The conditions of any project that was approved by King County shall be required to be fulfilled in the city of Auburn.

D. Planning Director Authorization. The planning director shall be authorized to interpret the language of any King County permit, plat or condition thereof and effectuate the implementation of same to the fullest extent possible. If there is a conflict between a previous King County approval and the Auburn regulation, then the most restrictive provision shall apply as determined by the planning director.

E. Farm Animals.

1. For properties greater than an acre in the R-1, R-5 and R-7 zones within the West Hill overlay, it is permissible to keep farm animals (excluding goats and swine in the R-5 and R-7 zones); provided, there shall not be more than one horse, cow, donkey or

other similar large animal, or four small animals such as sheep, or 12 poultry, rabbits, or similar size animals per each acre of enclosed usable pasture or roaming area. This acreage requirement is in addition to the minimum lot size requirements of the applicable zone. Property owners of more than an acre in the West Hill Overlay district may choose to apply these standards, or the standards in subsection 18.31.210.

2. Shelters provided for farm animals shall be constructed no closer than 50 feet from any adjoining lot and no closer than 100 feet from any public street or alley. Any corral, exercise yard, or arena shall maintain a distance of 35 feet from any property line. This excludes pasture areas.

3. For those properties that do not meet the requirements of subsection (E)(1) of this section, and farm animals were present prior to annexation, the farm animals may remain as legal nonconforming uses. In such case, the number of farm animals allowed may be the same as what the county zoning provisions had allowed prior to the effective date of the annexation of the subject property.

F. All marijuana related businesses and marijuana cooperatives are prohibited land uses within the West Hill overlay. (Ord. 6369 § 3, 2011; Ord. 6245 § 13, 2009.)

Section 8. Amendment to City Code. That Section 18.21.030 of the Auburn City Code be and the same hereby is amended to read as follows:

18.21.030 Urban separator overlay.

A. Purpose. The purpose of this section is to provide for additional development standards to address the area designated as urban separator in the city's comprehensive plan, as prescribed in the interlocal agreement between the city and King County approved under city of Auburn Resolution No. 4113 and identified on the city of Auburn comprehensive land use map. Unless otherwise provided for in this section, all other provisions and requirements of this title shall apply to properties within the urban separator overlay.

B. Development Standards. For property located within a designated urban separator, lot averaging shall be required. The regulations of ACC 18.21.010(F) shall apply in situations where lot averaging is used.

C. All marijuana related businesses and marijuana cooperatives are prohibited land uses within the Urban Separator Overlay. (Ord. 6369 § 3, 2011; Ord. 6245 § 13, 2009.)

Section 9. Amendment to City Code. That Section 18.23.030 of the Auburn City Code be and the same hereby is amended to read as follows:

18.23.030 Uses.

A. General Permit Requirements. Table 18.23.030 identifies the uses of land allowed in each commercial and industrial zone and the land use approval process required to establish each use.

B. Requirements for Certain Specific Land Uses. Where the last column in Table 18.23.030 ("Standards for Specific Land Uses") includes a reference to a code section number, the referenced section determines other requirements and standards

applicable to the use regardless of whether it is permitted outright or requires an administrative or conditional use permit.

Table 18.23.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
INDUSTRIAL, MANUFACTURING AND PROCESSING, WHOLESALING									
Building contractor, light	X	X	X	P	X	P	X	P	
Building contractor, heavy	X	X	X	X	X	A	X	P	
Manufacturing, assembling and packaging – Light intensity	X	X	X	P	X	P	P	P	ACC 18.31.180
Manufacturing, assembling and packaging – Medium intensity	X	X	X	A	X	P	A	P	ACC 18.31.180
Manufacturing, assembling and packaging – Heavy intensity	X	X	X	X	X	X	X	A	ACC 18.31.180
<u>Marijuana processor</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>ACC 18.59</u>
<u>Marijuana producer</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>ACC 18.59</u>
<u>Marijuana researcher</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>ACC 18.59</u>
<u>Marijuana retailer</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>ACC 18.59</u>
<u>Marijuana transporter business</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>ACC 18.59</u>
Outdoor storage, incidental to principal permitted use on property	X	X	X	P	X	P	P	P	ACC 18.57.020(A)
Storage – Personal household storage facility (mini-storage)	X	P	X	P	X	P	X	P	ACC 18.57.020(B)
Warehousing and distribution	X	X	X	X	X	P	P	C	ACC 18.57.020(C)
Warehousing and distribution, bonded and located within a designated foreign trade zone	X	X	X	P	X	P	P	P	
Wholesaling with on-site retail as an incidental use (coffee, bakery, e.g.)	X	X	X	P	X	P	P	P	
RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES									
Commercial recreation facility, indoor	X	P	P	P	P	P	P	A	
Commercial recreation facility, outdoor	X	X	X	A	X	P	A	A	ACC 18.57.025(A)
Conference/convention facility	X	X	A	A	X	A	X	X	
Library, museum	X	A	A	A	X	A	P	X	
Meeting facility, public or private	A	P	P	P	X	A	P	A	

Table 18.23.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Movie theater, except drive-in	X	P	P	P	P	X	X	X	
Private school – Specialized education/training (for profit)	A	A	P	P	P	P	P	P	
Religious institutions, lot size less than one acre	A	P	P	P	A	A	A	A	
Religious institutions, lot size more than one acre	C	P	P	P	A	A	A	A	
Sexually oriented businesses	X	X	X	P	X	P	X	P	Chapter 18.74 ACC
Sports and entertainment assembly facility	X	X	A	A	X	A	X	A	
Studio – Art, dance, martial arts, music, etc.	P	P	P	P	P	P	A	A	

RESIDENTIAL

Caretaker apartment	X	P	P	P	X	P	P	P	
Live/work or work/live unit	X	P	P	P	P	P	P	X	
<u>Marijuana Cooperative</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
Multiple-family dwellings as part of a mixed-use development	X	P	P	P	P	P	P	X	ACC 18.57.030(A)
Multiple-family dwellings, stand-alone	X	X	X	X	X	X	X	X	ACC 18.57.030(B)
Nursing home, assisted living facility	X	P	P	P	C	X	X	X	
Senior housing	X	A	A	A	X	X	X	X	

RETAIL

Building and landscape materials sales	X	X	X	P	X	P	X	P	ACC 18.57.035(A)
Construction and heavy equipment sales and rental	X	X	X	X	X	A	X	P	
Convenience store	A	A	P	P	X	P	P	P	
Drive-through espresso stands	A	A	A	P	A	P	A	A	
Drive-through facility, including banks and restaurants	A	A	A	P	P	P	X	P	ACC 18.52.040
Entertainment, commercial	X	A	P	P	X	A	X	A	
Groceries, specialty food stores	P	P	P	P	P	P	P	X	ACC 18.57.035(B)
Nursery	X	X	X	P	A	P	X	P	ACC 18.57.035(C)

Table 18.23.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Outdoor displays and sales associated with a permitted use (auto/vehicle sales not included in this category)	P	P	P	P	P	P	P	P	ACC 18.57.035(D)
Restaurant, cafe, coffee shop	P	P	P	P	P	P	P	P	
Retail									
Community retail establishment	A	P	P	P	P	P	X	P	
Neighborhood retail establishment	P	P	P	P	P	P	X	P	
Regional retail establishment	X	X	X	P	P	P	X	A	
Tasting room	P	P	P	P	P	P	P	P	
Tavern	P	P	X	P	P	P	X	A	
Wine production facility, small craft distillery, small craft brewery	A	P	P	P	P	P	P	P	
SERVICES									
Animal daycare (excluding kennels and animal boarding)	A	A	A	P	A	P	X	P	ACC 18.57.040(A)
Animal sales and services (excluding kennels and veterinary clinics)	P	P	P	P	P	P	X	P	ACC 18.57.040(B)
Banking and related financial institutions, excluding drive-through facilities	P	P	P	P	P	P	P	P	
Catering service	P	P	P	P	A	P	A	P	
Daycare, including mini daycare, daycare center, preschools or nursery schools	A	P	P	P	P	P	P	X	
Dry cleaning and laundry service (personal)	P	P	P	P	P	P	P	P	
Equipment rental and leasing	X	X	X	P	X	P	X	P	
Kennel, animal boarding	X	X	X	A	X	A	X	A	ACC 18.57.040(C)
Government facilities, this excludes offices and related uses that are permitted outright	A	A	A	A	A	A	A	A	
Hospital	X	P	P	P	X	P	X	P	
Lodging – Hotel or motel	X	P	P	P	P	A	P	A	
Medical – Dental clinic	P	P	P	P	P	P	X	X	
Mortuary, funeral home, crematorium	A	P	X	P	X	P	X	X	
Personal service shops	P	P	P	P	P	P	X	X	

Table 18.23.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Pharmacies	P	P	P	P	P	X	X	X	
Print and copy shop	P	P	P	P	P	P	X	X	
Printing and publishing (of books, newspaper and other printed matter)	X	A	P	P	P	P	P	P	
Professional offices	P	P	P	P	P	P	P	P	
Repair service – Equipment, appliances	X	A	P	P	P	P	X	P	ACC 18.57.040(D)
Veterinary clinic, animal hospital	A	P	P	P	P	P	X	X	

TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE

Ambulance, taxi, and specialized transportation facility	X	X	X	A	X	P	X	P	
Broadcasting studio	X	P	X	P	X	P	X	P	
Heliport	X	X	X	C	X	C	X	C	
Motor freight terminal ¹	X	X	X	X	X	X	X	X	See Footnote No. 1
Parking facility, public or commercial, surface	X	P	P	P	P	P	P	X	
Parking facility, public or commercial, structured	X	P	P	P	P	P	P	X	
Towing storage yard	X	X	X	X	X	A	X	P	ACC 18.57.045(A)
Utility transmission or distribution line or substation	A	A	A	A	A	A	A	A	
Wireless communication facility (WCF)	–	–	–	–	–	–	–	–	ACC 18.04.912, 18.31.100

VEHICLE SALES AND SERVICES

Automobile washes (automatic, full or self-service)	X	A	X	P	P	P	X	P	ACC 18.57.050(A)
Auto parts sales with installation services	X	A	A	P	P	P	X	P	
Auto/vehicle sales and rental	X	A	X	P	X	P	X	P	ACC 18.57.050(B)
Fueling station	X	A	A	P	P	P	X	P	ACC 18.57.050(C)
Mobile home, boat, or RV sales	X	X	X	P	X	P	X	P	
Vehicle services – Repair/body work	X	X	A	P	X	P	X	P	ACC 18.57.050(D)

OTHER

Table 18.23.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Any commercial use abutting a residential zone which has hours of operations outside of the following: Sunday: 9:00 a.m. to 10:00 p.m. or Monday – Saturday: 7:00 a.m. to 10:00 p.m.	A	A	A	A	A	A	A	A	

(Ord. 6508 § 1, 2014; Ord. 6433 § 26, 2012.)

Section 10. Amendment to City Code. That Section 18.29.050 of the Auburn City Code be and the same hereby is amended to read as follows:

18.29.050 Use limitations.

Hereafter, all buildings, structures or properties may be used for any use, unless specifically prohibited herein. Ground floor retail, restaurants and/or office use is required for all building frontages facing Main Street. All uses shall be subject to review and approval by the director. The following uses are prohibited:

- A. Sexually oriented businesses as defined in Chapter 18.74 ACC.
- B. Taverns.
- C. All industrial uses as defined in the North American Industrial Classification System (1997 Edition), categories 48 – 49 (transportation), 31 – 33 (manufacturing) and 42 (wholesale).
- D. Outdoor storage of materials and equipment (except during active construction projects).
- E. New automobile maintenance and repair businesses.
- F. Work release facilities; secure community transition facilities.
- G. Wrecking yards.
- H. Solid waste transfer stations.
- I. Car washes.
- J. New gasoline stations.
- K. Street-level ministorage.
- L. Outdoor sales of vehicles, boats or equipment.
- M. Drive-in/drive-through facilities with direct vehicular driveway access onto Main Street.
- N. All Marijuana Related Businesses and Marijuana Cooperatives
- O. Other uses may be prohibited by the director if the use is determined to be inconsistent with the intent of this zone or is of the same general character of the other prohibited uses listed in this section. (Ord. 6071 § 6 [Exh. A], 2007.)

Section 11. Amendment to City Code. That Section 18.35.030 of the Auburn City Code be and the same hereby is amended to read as follows:

18.35.30 Uses.

A. General permit requirements. Table 18.35.030 identifies the uses of land allowed in each special purpose zone and the planning permit required to establish each use.

B. Requirements for certain specific land uses. Where the last column in Table 18.35.030 ("Standards for Specific Land Uses") includes a section number, the referenced section determines other requirements and standards applicable to the use regardless of whether it is permitted outright or requires an administrative or conditional use permit.

Table 18.35.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

Permitted, Administrative, Conditional and Prohibited Uses by Zone					P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations				Standards for Specific Land Uses
	RO	RO-H	P-1	I	

MARIJUANA RELATED BUSINESSES

<u>Marijuana processor</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Marijuana producer</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Marijuana researcher</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Marijuana retailer</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Marijuana transporter business</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	

PUBLIC

Animal shelter, public	X	X	P	X	
Government facilities, this excludes offices and related uses that are permitted outright	A	A	P	P	
Municipal parks and playgrounds	P	P	P	P	

RECREATION, EDUCATION AND PUBLIC ASSEMBLY

Campgrounds and recreational vehicle parks, private	X	X	X	P	
Cemetery, public	X	X	P	A	
Cemetery, private	X	X	X	A	
College, university, public	X	X	A	A	
Commercial recreation facility – Indoor	X	X	X	P	
Commercial recreation facility – Outdoor	X	X	X	A	ACC 18.57.025(A)
Conference/convention facility	X	X	X	A	
Library, museum	X	X	P	P	

Table 18.35.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

Permitted, Administrative, Conditional and Prohibited Uses by Zone					P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations				Standards for Specific Land Uses
	RO	RO-H	P-1	I	
Meeting facility, public or private	A	A	P	P	
Private school – specialized education/training (for profit)	P	P	X	P	
Public schools (K-12) and related facilities	X	X	P	P	
Religious institutions, lot size less than one acre	A	P	X	P	
Religious institutions, lot size more than one acre	C	A	X	P	
Studio – Art, dance, martial arts, music, etc.	P	X	X	X	

RESIDENTIAL

Duplex	P (1)	X	X	A	
Home occupation	P	P	X	P	Chapter 18.60 ACC
Live/work, work/live unit	A	P	X	A	
<u>Marijuana Cooperative</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
Multiple-family dwellings, stand-alone	P (2)	A (3)	X	A	
One detached single-family dwelling	P	X	X	X	
Nursing home, assisted living facility	A	A	X	P	
Senior housing	A	A	X	A	

RETAIL

Restaurant, cafe, coffee shop, excluding drive-through facilities	A	A	P	A	
---	---	---	---	---	--

SERVICES

Banking and related financial institutions, excluding drive-through facilities (4)	P	P	X	X	
Daycare, including mini daycare, daycare center, preschools or nursery schools	A	P	X	P	
Home-based daycare	P	P	X	P	
Medical services – Clinic or urgent care (4)	P	P	X	X	
Mortuary, funeral home, crematorium	X	P	X	X	
Professional offices	P	P	X	A	
Personal service shops	P	P	X	X	
Pharmacies	X	P	X	X	

Notes:

1. Duplexes, 3,600 square feet of lot area per dwelling unit is required

2. Multi-family dwellings; provided that 2,400 square feet of lot area is provided for each dwelling unit
3. Multi-family dwellings; provided 1,200 square feet of lot area is provided for each dwelling unit. (Ord. 6269 § 28, 2009)
4. Permitted within a public college or university as an amenity or service provided to students. A stand-alone bank or medical services/clinic is not permitted.

(Ord. 6434 § 1, 2012.)

Section 12. Amendment to City Code. That Section 18.42.020 of the Auburn City Code be and the same hereby is amended to read as follows:

18.42.020 Establishment.

Those areas previously annexed to the city for which no city zoning classification has been fixed or determined by ordinance are zoned UNC, unclassified use district. Unclassified zoned property shall assume the R-1 standards for permitted uses and development standards, provided that all marijuana related businesses and marijuana cooperatives shall be prohibited in the Unclassified Use District. (Ord. 4229 § 2, 1987.)

Section 13. Amendment to City Code. That Section 18.78.020 of the Auburn City Code be and the same hereby is amended to read as follows:

18.78.020 Permitted uses.

The permitted uses allowed in the Terrace View zoning district will be those as allowed within Chapter 18.30 ACC, C-3 Heavy Commercial District, as may be amended. The process to allow any use on the Terrace View property shall be as required by this title with the exception that apartments/multifamily units will be considered an outright permitted use and will not require an administrative use permit. Notwithstanding the foregoing, all marijuana related businesses and marijuana cooperatives shall not be permitted in any residential or non-residential portion of the Terrace View zoning district. (Ord. 6269 § 26, 2009; Ord. 5377 § 2, 2000.)

Section 14. Amendment to City Code. That Section 18.04.120 of the Auburn City Code be and the same hereby is amended to read as follows:

18.04.120 "Arcade".

~~"Arcade" includes any place of business having in excess of four mechanical amusement devices as defined in ACC 18.04.100~~ 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.

Section 15. New Section to City Code. That a new Section 18.04.1001 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1001 "Child care center".

"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 of the Washington Administrative Code (WAC).

Section 16. New Section to City Code. That a new Section 18.04.1005 of the Auburn City Code be and the same hereby is created to read as follows

18.04.1005 "Marijuana" or "marihuana."

"Marijuana" or "marihuana" 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. The term 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.

Section 17. New Section to City Code. That a new Section 18.04.1007 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1007 "Marijuana cooperative."

"Marijuana cooperative" means up to four qualifying patients, as defined by RCW 69.51A.010(19), who share responsibility for acquiring and supplying the resources needed to produce and process marijuana, including tetrahydrocannabinols or cannabimimetic agents, only for the medical use of members of the cooperative and not for profit.

Section 18. New Section to City Code. That a new Section 18.04.1009 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1009 "Marijuana-infused products."

"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.

Section 19. New Section to City Code. That a new Section 18.04.1011 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1011 "Marijuana processor."

"Marijuana processor" means any person or entity licensed by the Washington state liquor and cannabis board to process, package, and label marijuana concentrates, including tetrahydrocannabinols or cannabimimetic agents, in accordance with the provisions of RCW chapters 65.50 and 69.51a and WAC chapter 314-55.

Section 20. New Section to City Code. That a new Section 18.04.1013 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1013 “Marijuana producer.”

“Marijuana producer” means any person or entity licensed by the Washington state liquor and cannabis board to produce marijuana, including tetrahydrocannabinols or cannabimimetic agents, for wholesale to marijuana processors and other marijuana producers pursuant to RCW 69.50.325.

Section 21. New Section to City Code. That a new Section 18.04.1015 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1015 “Marijuana related business.”

“Marijuana related business” means a person or entity engaged in for-profit activity that includes the possession, cultivation, production, processing, distribution, dispensation, or sale of tetrahydrocannabinols or cannabimimetic agents, as defined by the controlled substances act, codified at 21 U.S.C. § 812, including marijuana retailers, marijuana processors, and marijuana producers, as defined herein.

Section 22. New Section to City Code. That a new Section 18.04.1017 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1017 “Marijuana retailer.”

“Marijuana retailer” means any person or entity established for the purpose of making marijuana concentrates, usable marijuana and marijuana-infused products, including tetrahydrocannabinols or cannabimimetic agents, available for sale to adults aged twenty-one and over.

Section 23. New Section to City Code. That a new Section 18.04.1019 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1019 “Marijuana researcher.”

“Marijuana researcher” is a position licensed by the Washington state liquor and cannabis board that permits a licensee to produce, process, and possess marijuana for the limited research purposes set forth in RCW 69.50.372.

Section 24. New Section to City Code. That a new Section 18.04.1021 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1021 “Marijuana transporter.”

“Marijuana transporter” is a position licensed by the Washington state liquor and cannabis board pursuant to WAC 314-55-310 that allows a licensee to physically transport or deliver marijuana, marijuana concentrates, and marijuana-infused products between licensed marijuana businesses within Washington state.

Section 25. New Section to City Code. That a new Section 18.04.1023 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1023 "Public or private park."

"Public or private park" means an area of land for the enjoyment of the public or private parties, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a private for-profit entity, a non-profit entity, a homeowners' association, city, county, state, federal government, sovereign nation or metropolitan park district. Public park does not include trails.

Section 26. New Section to City Code. That a new Section 18.04.1025 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1025 "Public or private playground."

"Public or private playground" means a public or private outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a private business, a non-profit entity, city, county, state, or federal government or sovereign nation.

Section 27. New Section to City Code. That a new Section 18.04.1027 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1027 "Public or private recreational center."

"Public or private 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 private business, charitable nonprofit organization, sovereign nation, city, county, state, or federal government.

Section 28. New Section to City Code. That a new Section 18.04.1029 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1029 "Public transit center."

"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

Section 29. New Section to City Code. That a new Section 18.76.046 of the Auburn City Code be and the same hereby is created to read as follows:

18.76.046 Marijuana related uses.

All marijuana related businesses and marijuana cooperatives shall not be permitted in any residential or non-residential portion of the Planned Unit Development.

Section 30. New Chapter to City Code. That a new Chapter 18.59 of the Auburn City Code be and the same hereby is created to read as follows:

Chapter 18.59

DEVELOPMENT STANDARDS FOR MARIJUANA RELATED BUSINESSES

Sections:

- 18.59.010 Purpose.
- 18.59.020 Maximum number of marijuana retail businesses.
- 18.59.030 Required geographic separation.
- 18.59.040 Marijuana required to be grown in a structure.
- 18.59.050 Required odor control for marijuana retail stores.
- 18.59.060 First-in-time – change in ownership, relocation and abandonment for marijuana retail stores.
- 18.59.070 Signage.
- 18.59.080 Security required.
- 18.59.090 Specific standards for marijuana processors, producers. research and transportation businesses.
- 18.59.100 Pre-application conference meeting required.
- 18.59.110 Public review meeting required.

18.59.010 Purpose.

The development standards contained in this Chapter are intended to address the substantive impacts that marijuana related businesses may have on all or a portion of the community by providing clear and objective development standards that will reduce or mitigate said impacts and provide, when appropriate, opportunities for public awareness and input prior to an application being made to the City. In addition, the development standards will provide the City, adjacent property owners (residential or non-residential) and adjacent business owners as well as the entire community the opportunity to be kept informed and aware through on-going reporting for those marijuana related businesses that successfully obtain appropriate approvals and authorizations to operate in the City of Auburn.

18.59.020 Maximum number of marijuana retail businesses.

The total maximum number of marijuana retail businesses operating within the City at any given time shall be limited to a maximum of four (4) properly licensed and permitted stores. For purposes of these regulations, these standards shall be considered in addition to the numeric allowances on these businesses specified now or in the future by the Washington State Liquor and Cannabis Board.

18.59.030 Required geographic separation.

Marijuana related businesses operating within the City shall be geographically separated as follows. For purposes of these regulations, these standards shall be

considered in addition to those geographic siting standards specified by the Washington State Liquor and Cannabis Board:

A. A marijuana retailer authorized by the Washington State Liquor and Cannabis Board and the City to operate within the City shall be sited a minimum of one (1) mile from another similarly authorized marijuana business.

B. A marijuana retailer business shall be sited a minimum of 1,320 feet from any properties zoned and utilized for single-family residential or multi-family residential land uses.

C. All marijuana related businesses shall not be located within the distances identified for the following uses or any use included in Chapter 314-55 WAC now or as hereafter amended:

1. 2,640 feet for:

- a. Elementary or secondary school that is existing or that is planned and has a site specific location identified in an adopted Capital Facilities Plan;
- b. Public or private playgrounds inclusive of those located within a multi-family residential complex;
- c. Public or private recreation center or facility;
- d. Child care centers;
- e. Public or private parks;
- f. Any game arcade; and,

2. 1,320 feet for:

- a. Public trails
- b. Public transit centers;
- c. Religious institutions;
- d. Public libraries;
- e. Transit center or park-and-ride facility operated by a sovereign nation on trust or non-trust designated properties

D. Measurement. All separation requirements shall be measured as the shortest straight line distance from the property line or right of way line of the proposed business location to the property line or right of way line of the use specified in this section.

18.59.040 Marijuana required to be grown in a structure.

For all marijuana related businesses and marijuana cooperatives, marijuana shall be grown in a structure. Outdoor cultivation is prohibited in all instances.

18.59.050 Required odor control for marijuana related businesses.

Marijuana odor shall be contained within the marijuana related business so that odor from the marijuana cannot be detected by a person with a normal sense of smell from any abutting use or property. If marijuana odor can be smelled from any abutting use or property, the marijuana related business shall be required to implement measures, including but not limited to, the installation of the ventilation equipment necessary to contain the odor.

18.59.060 First-in-time – Change in ownership, relocation and abandonment for marijuana retail stores – non-conforming uses.

A. Areas where no retail marijuana uses are located. If two or more marijuana retail applicants seek licensing from the state and propose to locate within less than one (1) mile of each other, the City shall consider the entity that is licensed first by the State Liquor and Cannabis Board to be the "first- in-time" applicant who is entitled to site the retail use. First-in-time determinations will be based on the date and time of the state-issued license or conditional license, whichever is issued first. The Director or designee shall make the first-in-time determination.

B. First-in-time determinations are location-specific and do not transfer or apply to a new property or site, unless the new site is within the same tax parcel.

C. Ownership. The status of a first-in-time determination is not affected by changes in ownership.

D. Relocation. Relocation of a retail store to a new property voids any first- in-time determination previously made as to the vacated property. The determination shall become void on the date the property is vacated. Applicants who may have been previously denied a license due to a first- in-time determination at the vacated property may submit a new application after the prior first-in-time determination becomes void.

E. Discontinuance. If an existing marijuana retail use is discontinued or abandoned for a period of six (6) months with the intention of abandoning that use, then the property shall forfeit first-in-time status. For purposes of this Section, discontinuance shall not mean a legal change in business name or ownership or Washington State Unified Business Identifier (UBI) number. Discontinuance of a licensed retail use for a period of six (6) months or greater constitutes a prima facie intent to abandon the retail use. Intent to abandon may be rebutted by submitting documentation adequate to rebut the presumption. Documentation rebutting the presumption of intent to abandon includes but is not limited to:

1. State licensing review or administrative appeal; or
2. Review of building, land use, other required development permits or approvals; or
3. Correspondence or other documentation from insurance provider demonstrating an intent to reestablish the use after either a partial or full loss or disruption of the use.

4. The Director shall determine whether a retail use has been discontinued, abandoned, or voided, whether in connection with an application for an administrative conditional use permit or as otherwise appropriate.

F. Accidental Destruction. First-in-time status or cessation is not affected when a structure containing a state-licensed retail outlet is damaged by fire or other causes beyond the control of the owner or licensee; provided all necessary local, regional, state or other permits and approvals are successfully obtained and redevelopment commences within twelve (12) months from the documented date of the accidental destruction or the licensee provides documentation demonstrating why redevelopment cannot commence within twelve (12) months), provided that redevelopment is completed within twenty-four (24) months of the documented date of accidental destruction.

G. Marijuana related businesses that had lawfully obtained all State and local approvals prior to the adoption of these rules shall be considered legal conforming uses even if the business is unable to meet the standards for geographic separations and square footage requirements outlined in this Chapter.

18.59.070 Signage.

All marijuana related businesses shall comply with applicable sign regulations and standards as specified in Chapter 18.56 (Signs) as may be amended.

18.59.080 Security required.

In addition to the security requirements in chapter 315-55 WAC, during non-business hours, all marijuana producers, processors, and retailers shall store all marijuana concentrates, useable marijuana, marijuana-infused products, and cash in a safe or in a substantially constructed and locked cabinet. The safe or cabinet shall be incorporated into the building structure or securely attached thereto. For useable marijuana products that must be kept refrigerated or frozen, these products may be stored in a locked refrigerator or freezer container in a manner approved by the Director, provided the container is affixed to the building structure.

18.59.090 Specific standards for marijuana producers, processors, research and transportation businesses.

A. Marijuana production and processing facilities shall comply with the following provisions:

1. Marijuana production, processing research and transportation facilities shall be ventilated so that the odor from the marijuana cannot be detected by a person with a normal sense of smell from any adjoining use or property;

2. A screened and secured loading dock, approved by the Director shall be required. The objective of this requirement is to provide a secure, visual screen from the public right-of-way and adjoining properties, and prevent the escape of odors when delivering or transferring marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products.

B. Any marijuana producer or marijuana processors operating within the city (i) shall strictly comply with all industrial, health and safety codes, including but not limited to Section 314.55.104 WAC and Section 69.50.348 RCW, and (ii) shall have at least 4,000 square feet of building utilized for its individual business, and the total square feet of all marijuana producers and processor in the city shall not exceed 90,000 square feet of building space; provided that any such business that was licensed and existing prior to August 1, 2016, that did not have at least 4,000 square feet of building utilized for its individual business may continue operating, and shall be classified as a fully legal conforming use, at its current location even though it did not have at least 4,000 square feet of building utilized for its individual business.

18.59.100 Pre-application conference meeting required.

A minimum of one (1) pre-application conference meeting with the City of Auburn and other relevant parties including but not limited to the Valley Regional Fire Authority

shall be conducted prior to the submittal of a formal business license application for all marijuana related businesses within the City.

18.59.110 Public review meeting required.

A. A minimum of one (1) public review meeting shall be conducted by applicant for any marijuana related business in the City. The purpose of the Public Review Meeting is to allow adjacent property owners (residential and non-residential) and adjacent business owners an opportunity to become familiar with the proposal and to identify any associated issues. The Public Review Meeting is intended to assist in producing applications that are responsive to the concerns of adjacent property owners (residential and non-residential) and adjacent business owners and to reduce the likelihood of delays and appeals. The City expects an applicant to take into consideration the reasonable concerns and recommendations of these parties when preparing an application. The City expects these parties to work with the applicant to provide reasonable concerns and recommendations. The requirements of this Section shall apply to new businesses as well as businesses that are seeking to relocate to a different tax parcel.

B. Prior to submittal of an application for any marijuana related business, the applicant shall provide an opportunity to meet with adjacent property owners (residential or non-residential) and adjacent businesses owners within whose boundaries the site for the proposed marijuana related business is located or within the notice radius to review the proposal. The applicant shall not be required to hold more than one Public Review Meeting provided such meeting is held within six (6) months prior to submitting an application for one (1) specific site.

C. Public Review Meetings shall occur prior to submitting a formal business license application to the City of Auburn.

D. Public Review Meetings shall occur after the required pre-application conference with the City of Auburn.

E. The applicant shall hold a public review meeting in a publicly accessible location within one (1) mile of the proposed business site, provided that if no such place is immediately available, the applicant may submit a written request to the Director proposing an alternate meeting location and the Director may approve said location, in writing. The meeting starting time selected shall be limited to a weekday evening after 6:00 p.m. or a weekend at any reasonable time and shall not occur on a national holiday. The meeting shall be held at a location open to the public and in compliance with the Americans with Disabilities Act (ADA). A portable sign at least 22 inches x 28 inches in size with minimum two (2) inch lettering shall be placed at the main entrance of the building where the meeting will take place at least one (1) hour prior to the meeting. Such sign will announce the meeting, subject matter of the meeting, and announce that the meeting is open to the public and that interested persons are invited to attend. This sign shall be removed by the applicant upon conclusion of the meeting.

F. The applicant shall send by regular mail a written notice announcing the Public Review Meeting to the Director, property owners pursuant to the most current public records of the King County Assessor's Office or Pierce County Assessor's Office within 1,320 feet on all sides of the property involved in the anticipated application and to all current businesses registered with the City of Auburn within 1,320 feet on all sides of

the property involved in the anticipated application. At the request of the applicant, and upon payment of the applicable fee, the City will provide the required mailing lists for property owners and/or registered businesses.

G. Not less than twenty (20) calendar days prior to the Public Review Meeting, the applicant shall post a notice on the property which is subject of the proposed application. The notice shall be posted within fifty (50) feet of an adjoining public right-of-way in a manner that can be read from the right-of-way. The notice shall state that the site may be subject to a proposed marijuana related business, the type of marijuana related business in sufficient detail for a reasonable person to ascertain the nature and type of business, the name of the applicant and the applicant's telephone number and electronic mail address where the applicant can be reached for additional information. The site shall remain posted until the conclusion of the Public Review Meeting.

H. At the Public Review Meeting, the applicant shall describe the proposed application to persons in attendance. The attendees may identify any issues that they believe should be addressed in the proposed application and recommend that those issues be submitted for City consideration and analysis.

I. At the Public Review Meeting, the applicant shall take notes of the discussion on the proposed application.

J. To comply with this section, an applicant shall submit the following information with the business license application:

1. A copy of the notice sent to surrounding property owners pursuant to Section 18.59.110 (F).

2. A copy of the mailing list used to send out meeting notices pursuant to Section 18.59.110.(G).

3. A written statement and clear photographs containing the information posted on the property pursuant to Section 18.59.110 (G)

4. A notarized affidavit of mailing and posting notices.

5. Copies of written materials and 8.5-inch x 11 inch size plans presented at the Public Review Meeting.

6. Typed notes of the meeting, including the meeting date, time, and location, the name and address of those attending, and a summary of oral and written comments received.

K. If responses to the meeting notice were not received by the applicant and no one attended the Public Review Meeting or persons in attendance made no comments, the applicant shall submit evidence as indicated above, with the notes reflecting the absence of comment, attendance, or both.

L. Failure of a property owner or business owner to receive notice shall not invalidate the Public Review Meeting proceedings.

Section 31. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 32. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 33. Effective Date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

Introduced: _____

Passed: _____

Approved: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

PUBLISHED: _____

OUTREACH METHODS

Social Media



Press Release



Paid Advertising



Website



OUTREACH METHODS cont.

Email

City of Auburn <auburnwa@public.govdelivery.com>

Share Your Thoughts on Marijuana Regulation in Auburn: TEST

The Auburn Planning Commission is seeking your input!



The Planning Commission recently began looking at draft city code that would regulate marijuana related businesses in the City. Marijuana related businesses include retail stores, producers, processors, researchers and transporters. Previously, the City did not regulate these businesses, but rather relied upon the state licensing process. However, changes in Washington State law and actions by the Washington State Liquor and Cannabis Board prompted the Auburn City Council to enact a temporary 1-year ban on most of these businesses in August 2016. The City Council also asked the Planning Commission and City staff to develop potential regulations for these businesses for its consideration.

The Planning Commission believes it is important to hear from the citizens of Auburn on what they think about regulating these businesses. Please take a few minutes to complete a short survey to share your thoughts. Your survey responses will be provided to the Planning Commission and will be used by the Commission as it develops its recommendations to the City Council. Please complete and submit the survey by no later than March 21 at 2 p.m. if you want your thoughts to be shared with the Planning Commission.

[TAKE THE SURVEY](#)

Mayor's Weekly Update



Marijuana Regulation in Auburn

The Planning Commission recently began looking at draft city code that would regulate marijuana related businesses in the City and is asking for those that live and work in Auburn to share their thoughts about regulation through a short survey.

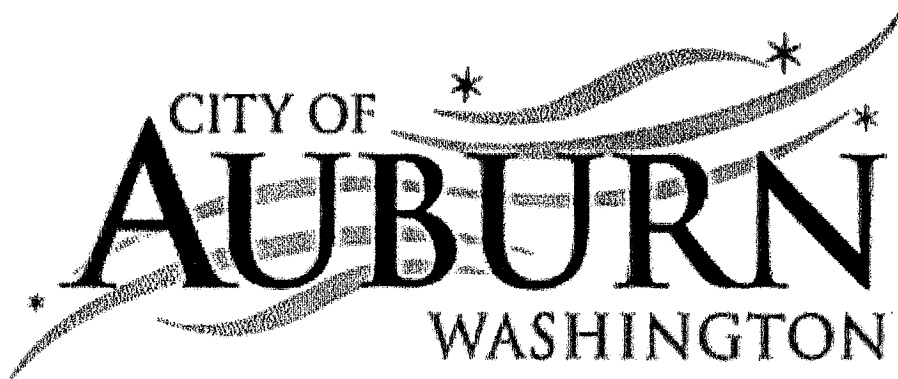
The responses will be provided to the Planning Commission at their meeting next Tuesday and will be used by the Commission as it develops its recommendations to the City Council. If you would like to give your input, here is the [link to the survey](#).

Marijuana Business Regulation

Please take a few moments to share your thoughts on regulating marijuana businesses in Auburn.

All Registered Responses sorted chronologically

As of May 2, 2017, 5:43 PM



TalkAuburn is not a certified voting system or ballot box. As with any public comment process, participation in TalkAuburn is voluntary. The responses in this record are not necessarily representative of the whole population, nor do they reflect the opinions of any government agency or elected officials.

Marijuana Business Regulation

Please take a few moments to share your thoughts on regulating marijuana businesses in Auburn.

As of May 2, 2017, 5:43 PM, this forum had:

Attendees: 343

Registered Responses: 79

Hours of Public Comment: 4.0

This topic started on March 9, 2017, 1:38 PM.

Marijuana Business Regulation

Please take a few moments to share your thoughts on regulating marijuana businesses in Auburn.

Responses

What is your age group?

		%	Count
22-29		8.9%	7
30-40		13.9%	11
41-50		20.3%	16
51-60		34.2%	27
61+		22.8%	18

What is your association with Auburn? Check all that apply.

		%	Count
I live in Auburn.		92.4%	73
I work in Auburn.		34.2%	27
Neither.		2.5%	2

The State of Washington has already established licensing requirements for marijuana related businesses. Should the City consider establishing additional requirements that recognize local concerns?

		%	Count
Yes		57.0%	45
No		43.0%	34

A "Producer" is a type of business activity that grows marijuana. Should Producers be allowed in Auburn?

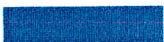
		%	Count
Yes		62.0%	49

Marijuana Business Regulation

Please take a few moments to share your thoughts on regulating marijuana businesses in Auburn.

		%	Count
No		38.0%	30

If you answered yes to the previous question - Should there be a limit on the amount or number of processors in Auburn? (If you answered no to the previous question, please skip this question.)

		%	Count
Yes		37.3%	19
No		62.7%	32

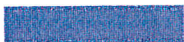
A "Processor" is a type of business activity that prepares or modifies marijuana so that it is a sellable product. Should Processors be allowed in Auburn?

		%	Count
Yes		65.4%	51
No		34.6%	27

If you answered yes to the previous question - Should there be a limit on the amount or number of processors in Auburn? (If you answered no to the previous question, please skip this question.)

		%	Count
Yes		42.6%	23
No		57.4%	31

A "Retailer" is a type of business activity that sells marijuana to the consumer. Should Retailers be allowed in Auburn?

		%	Count
Yes		70.5%	55

Marijuana Business Regulation

Please take a few moments to share your thoughts on regulating marijuana businesses in Auburn.

		%	Count
No		29.5%	23

If you answered yes to the previous question - Should there be a limit on the number of stores in Auburn? (If you answered no to the previous question, please skip this question.)

		%	Count
Yes		45.6%	26
No		54.4%	31

A "Transporter" is a type of business activity that moves marijuana from one location to another. Should Transporters be allowed in Auburn?

		%	Count
Yes		71.8%	56
No		28.2%	22

If you answered yes to the previous question - Should there be a limit on the amount or number of transporters in Auburn? (If you answered no to the previous question, please skip this question.)

		%	Count
Yes		43.3%	26
No		56.7%	34

A "Researcher" conducts research about the use and effect of marijuana. Should Researchers be allowed in Auburn?

		%	Count
Yes		89.9%	71
No		10.1%	8

Marijuana Business Regulation

Please take a few moments to share your thoughts on regulating marijuana businesses in Auburn.

If you answered yes to the previous question - Should there be a limit on the amount of research that takes place in Auburn? (If you answered no to the previous question, please skip this question.)

		%	Count
Yes		31.0%	22
No		69.0%	49

Do you believe that the City of Auburn should establish rules that require marijuana businesses be separated from other types of uses such as schools, churches, day care center, parks, etc.?

		%	Count
Yes		77.2%	61
No		22.8%	18

If you answered yes to the previous question - How far away should marijuana businesses be separated? Please indicate if your answer is in feet or miles. (If you answered no to the previous question, skip this question.)

Answered	61
Skipped	18

- 1 10 1000 2 5 500 blocks distance do establishments federal feet
from ft illegal law least liquor marijuana medical mile miles
more one only recreational rocket rules s same schools scientist state stores
uses within

Do you believe that the City of Auburn should establish rules that require marijuana businesses be separated from residential neighborhoods?

		%	Count
Yes		67.1%	53
No		32.9%	26

Marijuana Business Regulation

Please take a few moments to share your thoughts on regulating marijuana businesses in Auburn.

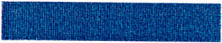
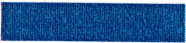
If you answered yes to the previous question - How far away should marijuana businesses be separated? Please indicate if your answer is in feet or miles. (If you answered no to the previous question, skip this question.)

Answered 52

Skipped 27

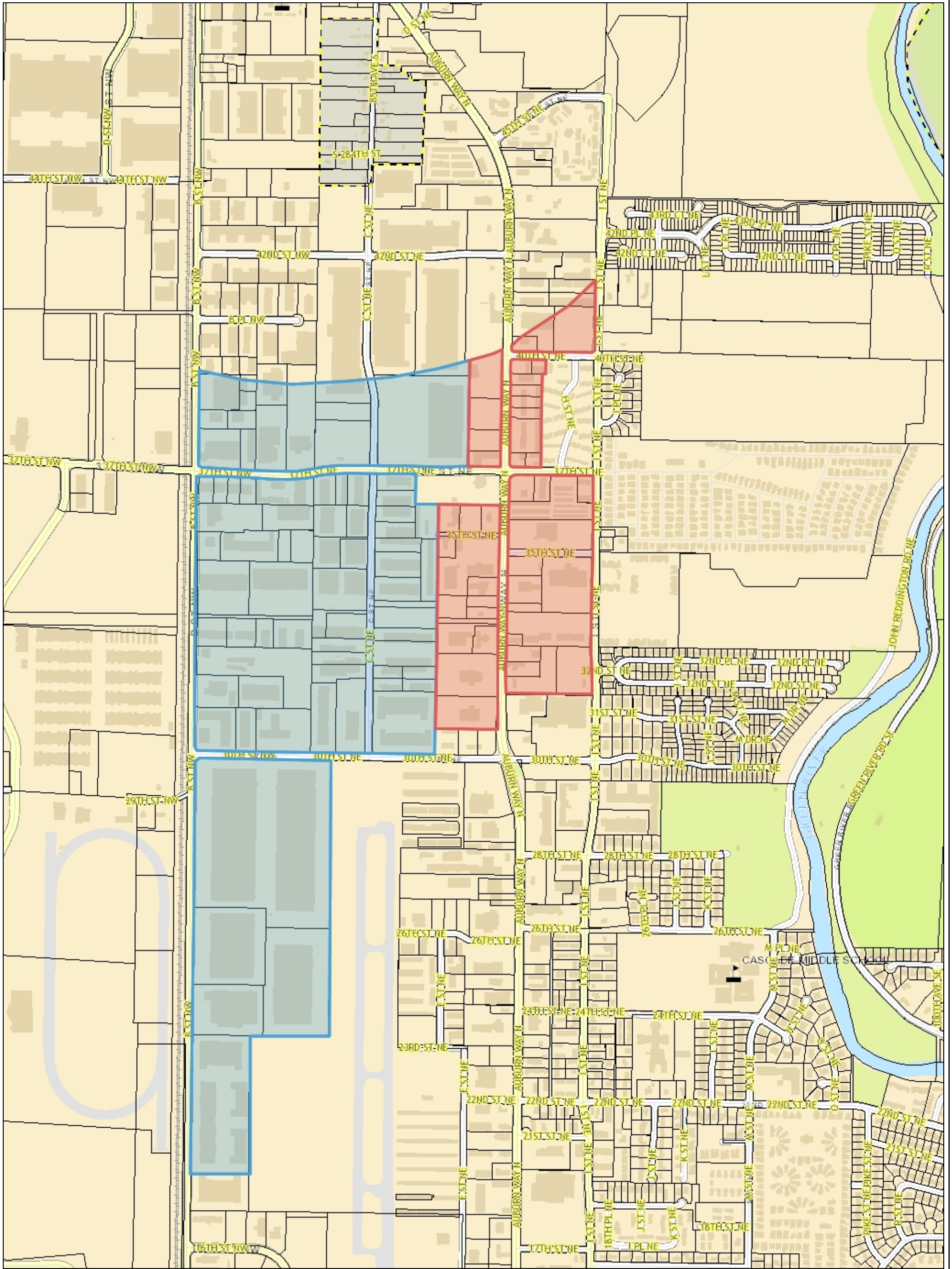
- 1 10 1000 2 5 allow answer any auburn blocks comply distance do
drugs federal feet illegal just law least make marijuana
medical mile miles more one only recreational rocket same
scientist t they think uses within

The City is divided into many different zoning designations. What zoning designations do you believe are appropriate for marijuana related activities? Check all that apply.

		%	Count
Residential Zones		12.7%	10
Downtown Auburn (near Sound Transit)		51.9%	41
Industrial Zones		86.1%	68
Heavy Commercial Zones (e.g. Auburn Way North and South)		72.2%	57
Light/Neighborhood Commercial Zones		40.5%	32

Option 2 - North Area

Printed Date: 5/15/2017
Map Created by City of Auburn eGIS
Imagery Date: May 2015



0.3 0 0.13 0.3 Miles

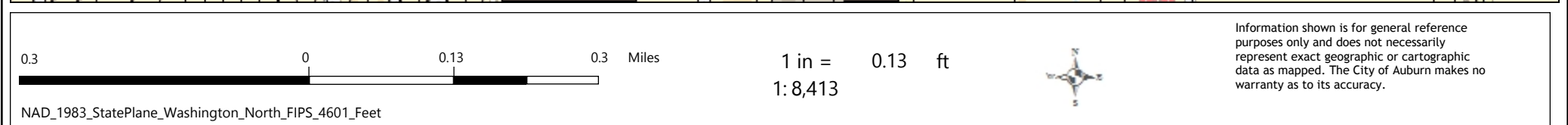
1 in = 0.13 ft
1:8,413



Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.

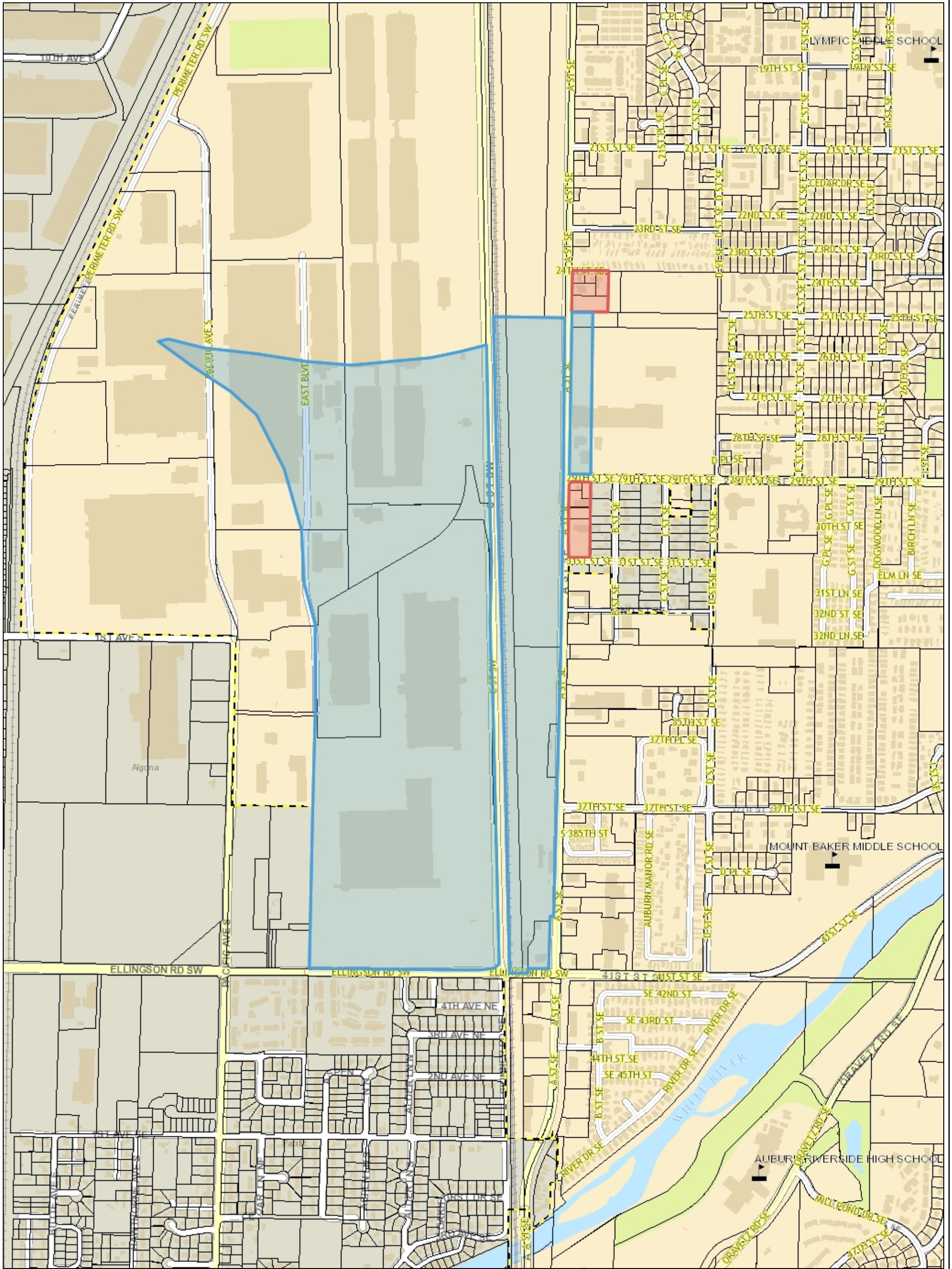
NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

Printed Date: 5/15/2017
Map Created by City of Auburn eGIS
Imagery Date: May 2015



Option 2 - South Area

Printed Date: 5/15/2017
Map Created by City of Auburn eGIS
Imagery Date: May 2015



0.3 0 0.13 0.3 Miles

1 in = 0.13 ft
1:8,413

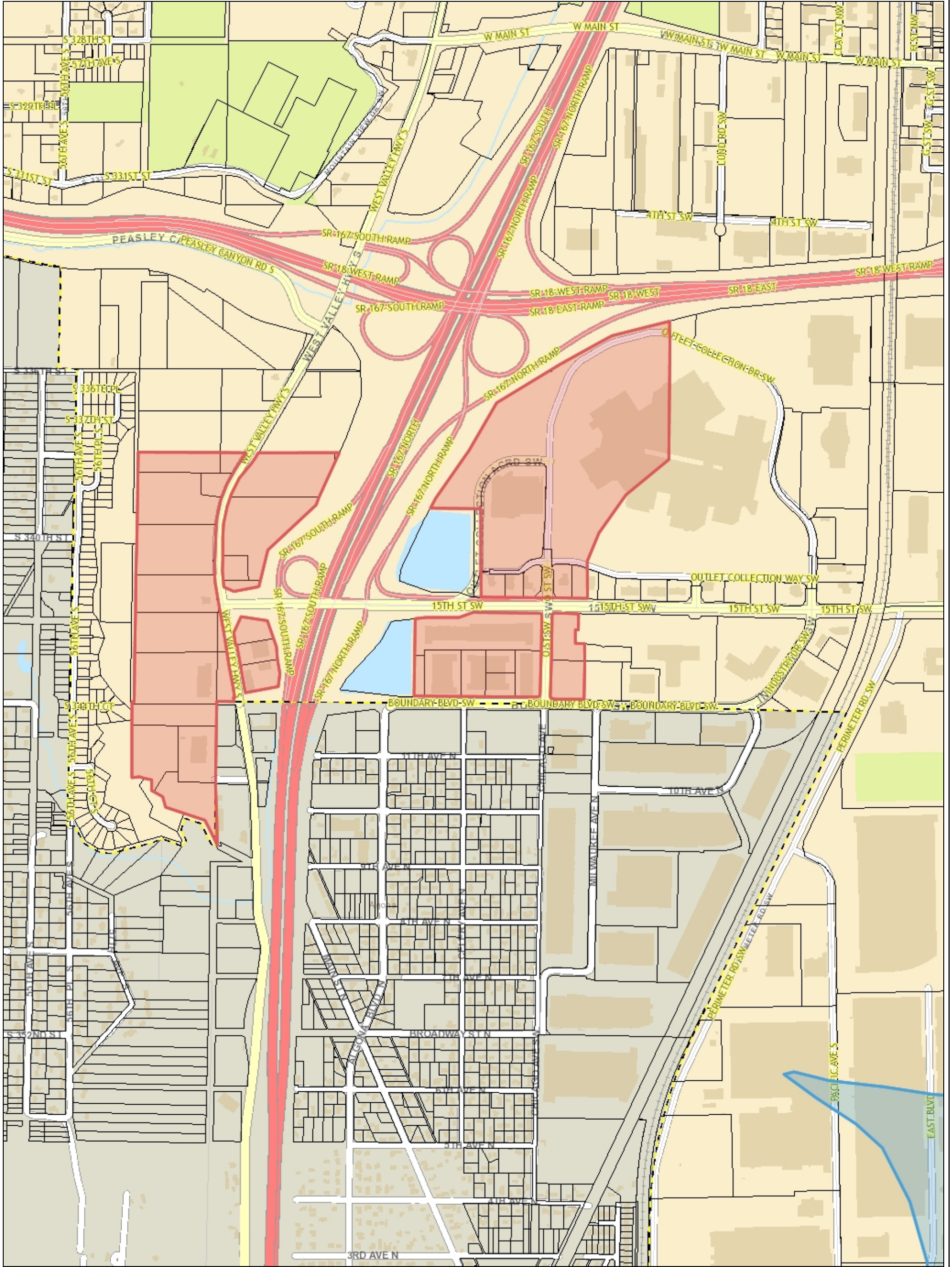


Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

Option 2 - Southwest Area

Printed Date: 5/15/2017
Map Created by City of Auburn eGIS
Imagery Date: May 2015



0.3 0 0.13 0.3 Miles

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

1 in = 0.13 ft
1:8,413



Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Auburn Municipal Airport Briefing (30 Minutes) (Snyder)

Date:

June 21, 2017

Department:

CD & PW

Attachments:

[Presentation](#)
[Matrix](#)

Budget Impact:

\$0

Administrative Recommendation:

For discussion only.

Background Summary:

Staff will provide a briefing of the current work being done in conjunction with the Airport Advisory Board on the Airport Strategic Plan, Jet A Fuel, and the Rate Study and Competitive Market Assessment.

Reviewed by Council Committees:**Councilmember:****Staff:**

Gaub

Meeting Date: June 26, 2017

Item Number:

ENGINEERING SERVICES

AIRPORT BRIEFING

**INGRID GAUB, JOHN THEISEN, &
JAMELLE GARCIA
CITY COUNCIL STUDY SESSION
JUNE 26, 2017**

Community Development and Public Works Department

Engineering Services • Administrative Services • Environmental Services
Community Development Services • Maintenance & Operations Services

AUBURN
VALUES

S E R V I C E

E N V I R O N M E N T

E C O N O M Y

C H A R A C T E R

S U S T A I N A B I L I T Y

W E L L N E S S

C E L E B R A T I O N

AIRPORT GENERAL INFORMATION

- Annual Operations
 - 2016 was at approx. 142,000
- Current Availability of Hangers and Tie Downs:
 - Open Hangers = 74 of which 74 are occupied
 - Closed Hangers = 71 of which 71 are occupied
 - Tie Downs = 89 of which 51 are occupied
 - Wait list is currently 13 applicants long
- Level of Service remains unchanged under the new management contract

AIRPORT STRATEGIC BUSINESS PLAN

- **The Airport Advisory Board's Priority Items for 2017:**
 - Jet A Fuel – Develop and implement a temporary pilot program
 - Long Term Rate Study/Competitive Market Assessment
 - Current Development Sites Marketing
 - Airport Growth Areas
- **Facility Condition Assessment:**
 - Currently planned for 2019
 - Requesting in BA#2 to bring this into 2017

JET “A” FUEL

■ Planning and Implementation

■ Interim Solution

- Private Partnership Solution
- Public/Private Partnership Solution

■ Longer Term Solution

- Once demand is established (40,000 gallons annually) then the next step would be to site, design and install permanent above ground storage of jet fuel.
- This allows for larger fuel loads 8,000 to 10,000 gallons which gives us better prices and better operational considerations.
- It is anticipated that that financing such as bonding will be needed to fund this improvement

RATE STUDY/ MARKET ASSESSMENT

- **Request for Proposals (RFP) for consultant services:**
 - complete the rate study
 - complete competitive market assessment

- **Anticipated Schedule:**
 - RFP is anticipated to be published in July
 - Proposals and Selection process are anticipated to occur August to September
 - Study duration is anticipated to be 9 to 12 months

TRACKING MATRIX

- Staff Communication with the Board
- Tracks status on capital and maintenance projects
- Tracks Strategic Plan work items

LEAD	PROJECT DESCRIPTION	CURRENT STATUS	WHAT'S NEXT	START DATE	EST. COMPLETION DATE	EST. COST
GENERAL AIRPORT BUSINESS						
City	Airport Beam Replacement Project	Beam replacement is complete.	City Staff is working with Contractor and Architect to evaluate either re-painting the 20 existing beams that were not replaced or installing weather barrier, siding, and flashing. These measures would help prevent future beam decay. The painting would be a somewhat temporary solution and the siding would be a long term permanent solution. This work would be done as part of the beam replacement contract. Design and costs are currently being evaluated.	01/2017	07/2017	\$275,000
City	Strategic Business Plan	Board reviewed and discussed 2017 only priority matrix action items at March 15, 2017, April 19, 2017, and May 17, 2017 meetings.	Board to continue to review and discuss 2017 only action items.	On-going	On-going	Action costs will be identified for each action at time of Board effort
City/CW	Runway Enhancement Project - Environmental Review	Federal environmental review effort complete. FAA issued a Finding of No significant Impact and Record of Decision (FONSUROD) on January 20, 2017 and the public informational review period ended on February 6, 2017.	Federal grant closeout underway.	03/2015	06/2017	\$248,308 (90/5/5)
City	Airport Enterprise Fund	City Council passed 2017-2018 Biennial Budget and 2017-2022 Capital Improvement Program.	Finance Director Coleman provided City Council an update on 1 st Quarter 2017 Financials on June 12, 2017. Staff provided airport related information to the Board from this update.	On-going	On-going	N/A
City/CW	Runway Enhancement Project - Design	Scoping for consultant design work underway. Working with FAA on their grant process. Submitted grant application on May 12, 2017 for 5% State funding match.	Obligating the Federal grant funds when FAA allows. Executing consultant design agreement so design work may begin. Currently completing the 2017 DBE Program and the 2018-2020 DBE Program plans that are required for FAA funding in 2017. 2018-2020 plan is drafted and public notice began Monday June 19 th for 30 days.	06/2017	06/2018	\$333,333 (90/5/5)
City/CW	Runway Enhancement Project - Construction	Scheduled to begin this phase in 2018 following the completion of the Design Phase.	Design phase approval and applying for and obligating State and Federal Grant funding.	06/2018	06/2019	\$1,833,333 (90/5/5)
City	On-going Business Development	Continue to pursue right-of-first refusals on ALP identified acquisition parcels.	Work with Economic Development staff on targeted marketing efforts.	On-going	On-going	TBD

AIRPORT ADVISORY BOARD – TRACKING MATRIX

LEAD	PROJECT DESCRIPTION	CURRENT STATUS	WHAT'S NEXT	START DATE	EST. COMPL. DATE	EST. COST
GENERAL AIRPORT BUSINESS						
City	Airport Beam Replacement Project	Beam replacement is complete.	City Staff is working with Contractor and Architect to evaluate either re-painting the 20 existing beams that were not replaced or installing weather barrier, siding, and flashing. These measures would help prevent future beam decay, The painting would be a somewhat temporary solution and the siding would be a long term permanent solution. This work would be done as part of the beam replacement contract. Design and costs are currently being evaluated.	01/2017	07/2017	\$275,000
City	Strategic Business Plan	Board reviewed and discussed 2017 only priority matrix action items at March 15, 2017, April 19, 2017, and May 17, 2017 meetings.	Board to continue to review and discuss 2017 only action items.	On-going	On-going	Action costs will be identified for each action at time of Board effort
City/CW	Runway Enhancement Project – Environmental Review	Federal environmental review effort complete. FAA issued a Finding of No significant Impact and Record of Decision (FONSI/ROD) on January 20, 2017 and the public informational review period ended on February 6, 2017	Federal grant closeout underway.	03/2015	06/2017	\$248,308 (90/5/5)
City	Airport Enterprise Fund	City Council passed 2017-2018 Biennial Budget and 2017-2022 Capital Improvement Program	Finance Director Coleman provided City Council an update on 1 st Quarter 2017 Financials on June 12, 2017; staff provided airport related information to the Board from this update.	On-going	On-going	N/A
City/CW	Runway Enhancement Project – Design	Scoping for consultant design work underway. Working with FAA on their grant process. Submitted grant application on May 12, 2017 for 5% State funding match.	Obligating the Federal grant funds when FAA allows. Executing consultant design agreement so design work may begin. Currently completing the 2017 DBE Program and the 2018-2020 DBE Program plans that are required for FAA funding in 2017 - 2020. Draft 2017 plan submitted and pending FAA approval. 2018-2020 plan is drafted and public notice began Monday June 19 th for 30 days.	06/2017	06/2018	\$333,333 (90/5/5)
City/CW	Runway Enhancement Project – Construction	Scheduled to begin this phase in 2018 following the completion of the Design Phase.	Design phase approval and applying for and obligating State and Federal Grant funding.	06/2018	06/2019	\$1,833,333 (90/5/5)
City	On-going Business Development	Continue to pursue right-of-first refusals on ALP identified acquisition parcels	Work with Economic Development staff on targeted marketing efforts	On-going	On-going	TBD

AIRPORT ADVISORY BOARD – TRACKING MATRIX

WSDOT/ PSRC/FAA	AGIS Study	Project work completed in December 2016.	Carter Timmerman, WSDOT has notified AMG that the final report is done and will be provided to City at a later date.	08/2015	12/2016	FAA/WSDOT 100%
--------------------	------------	--	--	---------	---------	-------------------

STRATEGIC BUSINESS PLAN – 2017 ONLY ACTION ITEMS							
AAB Priority Ranking	KRA Reference ¹	Goal #	Key Result Area/Goals (Not in Priority Order)	Lead	Narrative Description	Start Date ²	Completion Date
1	1	5	Develop and implement a Jet-A-Fuel temporary pilot program	Community Development & Public Works Director/City Engineer	Based on interest from the Board and other interested parties, the currently adopted Capital Facilities Plan had proposed the permanent installation of Jet-A-Fuel fuel service. However, because of 1) uncertain market need and response to warrant investment; and 2) higher than anticipated costs, permanent installation cannot be achieved in the near-term. Funding for the temporary pilot program has been included in the proposed 2017-2022 City Capital Facilities Plan	1 st Quarter 2017	2 nd Quarter 2017
1	2	6	Annual Board Work Plan	Airport Advisory Board	Prepare for each calendar year a focused work plan for the Board to utilize in agenda setting, coordination with City staff and development of policy and fiduciary recommendations to City Council	Annually	Annually
1 – Should be part of market study effort	2	3	Long-Term Rate Study	Airport Management	Rates charged to tenants and users of the airport are the primary funding source for the airport, excluding grants for capital development. To assure that the Airport Enterprise Fund remains self-sustaining into the future, current and future rate structures must be evaluated balancing market competitiveness with short-term and long-term airport operation needs	2 nd Quarter 2017	4 th Quarter 2017
1	3	1	Competitive Market Assessment Study	Community Development & Public Works Director	Engage with a qualified professional with experience in airport market analysis to assess the Airport's current and future sub-regional and regional market positions and identify strategies for maintaining and enhancing these positions ³	2 st quarter 2017	4 rd quarter 2017
1	3	2	Recommendations - City's 10-Year Economic Development Strategic Plan	Community Development & Public Works Director	Working with the Board and City Administration, evaluate and implement recommendations of the City's 10-Year Economic Development Strategic Plan	On-going	On-going

¹ KRA 1 = Airport Capital Improvement Program; KRA-2 = Airport Operations; KRA-3 = Economic Development

² Please note that actions that start in 2017 and extend into 2018 are listed.

³ This Goal anticipates the hiring of a qualified professional to conduct the specified work that is anticipated to cost between \$30,000 to \$50,000 depending on the to be determined scope of work. The hiring of this qualified professional is not identified in the 2017-2018 Biennial Budget. As such, Council authorization through a future budget amendment may be needed to address this specific funding need.

AIRPORT ADVISORY BOARD – TRACKING MATRIX

STRATEGIC BUSINESS PLAN – 2017 ONLY ACTION ITEMS							
AAB Priority Ranking	KRA Reference ⁴	Goal #	Key Result Area/Goals (Not in Priority Order)	Lead	Narrative Description	Start Date ⁵	Completion Date
1	3	5	Current Development Sites Marketing	Community Development & Public Works Director/City Real Estate Analyst/Airport Management	Market and lease the two on-airport development sites approved in the approved Airport Master Plan to prospective tenants and developers ⁶	1 st quarter 2017	4 th quarter 2017
1	3	6	Airport Growth Areas	Community Development & Public Works Director/City Real Estate Analyst/	Pursue opportunities for physical growth of the Airport consistent with the approved Airport Master Plan including but not limited to acquisition of first rights of refusal on potential future acquisition properties ⁷	1 st quarter 2017	4 th quarter 2017
2	2	1	Airport Vision/Mission/Values	Airport Advisory Board	Develop Airport specific vision statement, mission statement and values	1 st quarter 2017	2 nd quarter 2017
2	2	2	Annual Tenant Survey	Airport Management	Prepare, transmit and analyze with the Board an annual tenant survey. The questions will be developed in consultation with the Board and tenant feedback will be shared with the Board for potential immediate action, if appropriate or incorporation into the Strategic Business Plan	Annually	Annually
2	2	8	Long-Term Airport Management strategy	Community Development & Public Works Director	Evaluate with Board, City Council, City Administration and appropriate stakeholders a long-term airport management strategy	1 st quarter 2017	4 th Quarter 2017
2	2	9	Airport Marketing Plan	Community Development & Public Works Director	Prepare a comprehensive marketing plan that will act as a communication and implementation tool that can be used to achieve the goals established for the Airport. The Plan will utilize the Five Ps (Product, Price, Placement, Promotion, and People) that focus on the points of view of the Airport's target audiences	3 rd Quarter 2017	2 nd Quarter 2018

⁴ KRA 1 = Airport Capital Improvement Program; KRA-2 = Airport Operations; KRA-3 = Economic Development

⁵ Please note that actions that start in 2017 and extend into 2018 are listed.

⁶ Please note that the timeframes shown for this Goal are aspirational. The ability to achieve them in the timeframes stated are influenced by market factors beyond the City's direct control. As such, this Goal may not be achieved in the specified timeframe, however, the City will pursue all reasonable and appropriate actions to do so.

⁷ Please note that the timeframes shown for this Goal are aspirational. The ability to achieve them in the timeframes stated are influenced by market factors beyond the City's direct control. As such, this Goal may not be achieved in the specified timeframe, however, the City will pursue all reasonable and appropriate actions to do so.

AIRPORT ADVISORY BOARD – TRACKING MATRIX

STRATEGIC BUSINESS PLAN – 2017 ONLY ACTION ITEMS							
AAB Priority Ranking	KRA Reference	Goal #	Key Result Area/Goals (Not in Priority Order)	Lead	Narrative Description	Start Date	Completion Date
3	1	6	Wildlife Hazard Management Plan Implementation	Community Development & Public Works Director/City Engineer	Per the 2015 Wildlife Hazard Management Plan, obtain a scope of work and budget, modify Capital Facilities Plan, obtain required permits and approvals and conduct recommended tree removal activities	2 nd Quarter 2017	4 th Quarter 2018
3	2	5	Board Composition Review	Airport Advisory Board	Conduct a review of the current composition and focuses of the Airport Advisory Board to determine potential for recommended code changes. Areas of interest could include but are not limited to current number of authorized board members and specific Board focuses	Annually	Annually
Purposely left blank – being done or to be done	1	1	Annual Capital Improvement Program Review	Airport Advisory Board	The City is required by the Federal Aviation Administration (FAA) and the Washington State Department of Transportation-Aviation Division (WSDOT-Aviation) to annually submit an updated Capital Improvement Program (CIP). The CIP forms the basis for potential state and federal funding for airport capital improvements. In coordination with City staff, the Board will annually review and advise on the required update to the Capital Improvement Program required prior to its submittal	Annually	Annually
Purposely left blank – being done or to be done	2	4	Updated Airport Documents and Forms	Airport Management	Conduct an update of all airport related documents and forms to ensure that they are legally compliant, easy to use and are available for fill in and download on all appropriate websites	1 st Quarter 2017	3 rd Quarter 2017
Purposely left blank – being done or to be done	2	18	Unmanned Aerial Vehicle (UAV) Training Area	Innovation & Technology Department/ Airport Management	Investigate the potential establishment of a UAV training area at the Airport for use by City staff for required UAV flight training subject to FAA approval	4 th quarter 2017	2 nd quarter 2018
Purposely left blank – being done or to be done	2	12	Airport Wayfinding Signage	Community Development & Public Works Director	Design, fabrication and installation of new and additional airport way-finding signs on key City transportation corridors	2 nd quarter 2017	3 rd quarter 2017

AIRPORT ADVISORY BOARD – TRACKING MATRIX

STRATEGIC BUSINESS PLAN – 2017 ONLY ACTION ITEMS							
AAB Priority Ranking	KRA Reference	Goal #	Key Result Area/Goals <i>(Not in Priority Order)</i>	Lead	Narrative Description	Start Date	Completion Date
Purposely left blank – being done or to be done	2	15	Annual Lease Rates Survey & Analysis	Real Property – Mayor's Office/Airport Management	Conduct comparison survey and valuation analysis for rates for Open T and Closed Hangars, Tie-Downs	Annually	Annually
Purposely left blank – being done or to be done	2	16	Airport Municipal Broadband Service	Innovation & Technology	Extend City's Municipal Broadband service to the Airport. Currently, the City's high speed fiber optic network has been extended to the Airport. Building off of this network, wireless broad band services will be installed at the Airport for use by tenants, guests and visitors to provide a valuable user experience	3 rd quarter 2017	4 th quarter 2017



AGENDA BILL APPROVAL FORM

Agenda Subject:

Matrix

Date:

June 21, 2017

Department:

Administration

Attachments:

[Matrix](#)

[SFA Scope of Authority](#)

Budget Impact:

\$0

Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:****Staff:**

Meeting Date: June 26, 2017

Item Number:

COUNCIL MATRIX

NO.	TOPIC	Chair	STAFF LEAD(S)	STUDY SESSION REVIEW DATE(S)	COUNCIL DISCUSSION SUMMARY	ACTION DATE
1	Deputy Mayor Selection Ad Hoc Committee Report	Chair DaCorsi		7/10/2017		
2	\$20 Car Tab	Chair Wales		future meeting		
3	Capital Projects Update and Featured Capital Project Discussion	Chair Wagner Chair DaCorsi	Vice Director Snyder	06/12/2017		
4	Community Sustainability Series: Economic and Statutory Considerations for Municipalities	Chair Wagner Chair DaCorsi	Vice Director Snyder	Rescheduled for later this year		
5	IT Update on Digital Parity	Chair Wagner Chair DaCorsi	Vice Director Haugan	09/11/2017		
6	Business Shopping Carts	Chair Peloza Vice Chair Baggett	Director Snyder	6/26/2017		
7	Airport Briefing	Chair Peloza Vice Chair Baggett	Director Snyder	6/26/2017		
8	District Court Briefing	Chair Peloza Vice Chair Baggett	Director Roscoe	6/26/2017		
9	Business Licensing	Chair Peloza Chair Baggett	Vice Director Snyder	8/28/2017		
10	Council Chambers Security	Chair Peloza Chair Baggett	Vice Chief Lee	6/26/2017		
11	First Quarter Financial Report	Chair Baggett Chair Wagner	Vice Director Coleman	6/12/2017		
12	Assistance for Undocumented Residents	Chair Trout-Manuel Chair Wales	Vice Director Hinman	7/10/2017		
13	Human Services Grant Parameters for 2019-2020	Chair Trout-Manuel Chair Wales	Vice Director Hinman	7/10/2017		
14	Staff Resources for Regional Domestic Violence Committee	Chair Trout-Manuel Chair Wales	Vice City Attorney Heid	7/10/2017		
15						

SPECIAL FOCUS AREAS

HEALTH & HUMAN SERVICES	FINANCE & ECONOMIC DEVELOPMENT	PUBLIC WORKS & COMMUNITY DEVELOPMENT	MUNICIPAL SERVICES
HUMAN SERVICES FUNDING PUBLIC WELLNESS DOMESTIC VIOLENCE SERVICES HOMELESSNESS SERVICES AFFORDABLE HOUSING COMMUNITY SERVICES HUMAN RESOURCES MEDICAL COMMUNITY RELATIONS	CITY BUDGET & AMENDMENTS RISK MANAGEMENT EQUIPMENT RENTAL FACILITIES CITY REAL PROPERTY LEGAL DEVELOPMENT INCENTIVES BUSINESS DEVELOPMENT ECONOMIC DEVELOPMENT STRATEGIES	UTILITIES ZONING, CODES & PERMITS INNOVATION & TECHNOLOGY TRANSPORTATION STREETS ENGINEERING CAPITAL PROJECTS SUSTAINABILITY ENVIRONMENTAL PROTECTION CULTURAL ARTS & PUBLIC ARTS PLANNING	POLICE SCORE JAIL DISTRICT COURT PARKS & RECREATION ANIMAL CONTROL SOLID WASTE EMERGENCY PLANNING AIRPORT AIRPORT BUSINESSES SISTER CITIES MULTIMEDIA
Councilmember Trout-Manuel, Chair Deputy Mayor Wales, Vice Chair	Councilmember Baggett, Chair Councilmember Wagner, Vice Chair	Councilmember Wagner, Chair Councilmember DaCorsi, Vice Chair	Councilmember Peloza, Chair Councilmember Baggett, Vice Chair
2017 MEETING DATES March 13, 2017 May 8, 2017 July 10, 2017 September 11, 2017 November 13, 2017	2017 MEETING DATES March 27, 2017 May 22, 2017 June 12, 2017 July 24, 2017 August 14, 2017 September 25, 2017 November 27, 2017	2017 MEETING DATES April 10, 2017 June 12, 2017 May 22, 2017 August 14, 2017 July 24, 2017 October 9, 2017 December 11, 2017	2017 MEETING DATES April 24, 2017 June 26, 2017 August 28, 2017 October 23, 2017 December 26, 2017