



CITY COUNCIL REGULAR MEETING AGENDA
Monday, October 26, 2015, 7:00 PM
City Municipal Center, 616 NE 4th Avenue

SPECIAL MEETING

NOTE: There are two public comment periods included on the agenda. Anyone wishing to address the City Council may come forward when invited; please state your name and address. Public comments are typically limited to three minutes, and written comments may be submitted to the City Clerk. Special instructions for public comments will be provided at the meeting if a public hearing or quasi-judicial matter is scheduled on the agenda.




I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PUBLIC COMMENTS

V. CONSENT AGENDA

- A. Approved the minutes of the October 5, 2015 Camas City Council Meeting and the Workshop minutes of October 5, 2015.
 -  [October 5, 2015 Camas City Council Regular Minutes - Draft](#)
 - [October 5, 2015 Camas City Council Workshop Minutes - Draft](#)
- B. Approve the claim checks as approved by the Finance Committee.
- C. Authorize the write-off of the September 2015 Emergency Medical Services (EMS) billings in the amount of \$55,351.24. This is the monthly uncollectable balance of Medicare and Medicaid accounts that are not collectable after receiving payments from Medicare, Medicaid and secondary insurance. (Submitted by Pam O'Brien)
- D. Authorize the Mayor to sign the supplemental budget request for additional work conducted on Project WS-681C North Urban Growth Area (NUGA) Alternative Analysis Study to BergerABAM Consulting in the amount of \$1,225.00. This item was presented at the September 21, 2015 Council Workshop. (Submitted by Sam Adams)
 -  [NUGA Sewer Alternatives Analysis Supplemental Budget Request](#)
- E. Authorize Pay Estimate No.14 to Nutter Corp. for Project S-565 NW 38th Avenue Phase 2 Roadway Improvements in the amount of \$27,540.00 for work through September 30, 2015. (Submitted by James Carothers)
 -  [NW 38th Avenue Pay Estimate 14](#)
- F. Authorize the Mayor to sign a professional services contract for Project WS-681C North Urban Growth Area (NUGA) Sewer Transmission System Design with Otak Inc. in the amount of \$1,089,773. (Submitted by Sam Adams)

 [NUGA SCOPE OF WORK](#)

[NUGA Fee Schedule](#)

[NUGA Design Schedule](#)

- G. Authorize the Mayor to sign a professional services contract for Project WS-758 Water System Plan Update with Carollo Engineers in the amount of \$289,964. (Submitted by Sam Adams)

 [Carollo Professional Services Agreement](#)

[Carollo Task Order](#)

[Camas WSP Scope of Work](#)

[Camas 2016 WSP Budget](#)

- H. Authorize Pay Estimate No. 4 to Rotschy, Inc. for Project WS-709C Slow Sand Water Treatment Plant in the amount of \$928,612.32 for work through September 30, 2015. (Submitted by James Carothers)

 [Water Treatment Plant Pay Estimate 4](#)

- I. Authorize Pay Estimate No. 3 to McDonald Excavating, Inc. for Project WS-714 STEP Sewer Transmission Main in the amount of \$415,191.52 for work through September 30, 2015. (Submitted by James Carothers)

 [Sewer Transmission Main Pay Estimate 3](#)

- J. Authorize the Mayor to sign the Interlocal Agreement for Commute Trip Reduction between the Cities of Camas, Vancouver and Washougal and Clark County, adopting the Commute Trip Reduction Work Plan for Washington State fiscal biennium 2015 to 2017. (Submitted by James Carothers)

 [Commute Trip Reduction Agreement](#)

- K. Authorize the fire department to list as surplus several lengths of fire hose and aluminum ladders. These items are outdated and no longer pass required safety tests and standards. This item was discussed at the October 5, 2015 Council Workshop. (Submitted by Nick Swinhart)

 [Camas-Washougal Fire Department Surplus Items](#)

NOTE: Any item on the Consent Agenda may be removed from the Consent Agenda for general discussion or action.

VI. NON-AGENDA ITEMS

- A. Staff
- B. Council

VII. MAYOR

- A. Announcements
- B. Extra Mile Day Proclamation

 [Extra Mile Day Proclamation 2015](#)

VIII. MEETING ITEMS

A. Public Hearing: Retail Marijuana

Details: Public hearing to consider amendments to the zoning code related to marijuana retailers. The Camas Municipal Code (CMC) prohibits marijuana retail sales pursuant to Section 18.07.030 Table 1 with an expiration or sunset date of November 30, 2015. The Planning Commission held a public hearing on September 15, 2015, on the zoning of marijuana retailers and has by a 3-2 vote forwarded on to City Council a recommendation to allow marijuana retailing as a permitted use in the Community Commercial and Regional Commercial zones.

Presenter: Phil Bourquin, Community Development Director

Recommended Action: Staff recommends that Council conduct a public hearing, deliberate and move to adopt one of the options presented in the hearing and to direct the City Attorney to prepare an ordinance for Council's consideration at an upcoming Regular meeting.

 [Staff Report to Council About Retail Marijuana](#)

[WAC314-55-010 Definitions](#)

[2015 House Bill 2136 Effective 7-01-15](#)

B. Public Hearing: Smoke Shops

Details: Public hearing to consider amendments to the Camas Municipal Code (CMC) relating to the establishment of Smoke Shops within the City of Camas. Proposed amendments to CMC Section 18.03.030 Definitions for Land uses, and Section 18.07.030 Table 1 - Commercial and Industrial Uses, pertaining to Smoke Shops (File MC15-07).

Presenter: Phil Bourquin, Community Development Director

Recommended Action: Staff recommends that Council conduct a public hearing, deliberate and move to adopt amendments to the Camas Municipal Code to define and include Smoke Shops as a permitted use in the CC and RC zones and direct the City Attorney to prepare an ordinance for Council's consideration at an upcoming regular meeting.

 [Staff Report Regarding Smoke Shops](#)

[Exhibit List MC15-07 Smoke Shops](#)

[Exhibit 001 MC15-07](#)

[Exhibit 002 MC15-07](#)

[Exhibit 003 MC15-07](#)

[Exhibit 004 MC15-07](#)

[Exhibit 005 MC15-07](#)

[Exhibit 006 MC15-07](#)

[Exhibit 007 MC15-07](#)

[Exhibit 008 MC15-07](#)

[Exhibit 009 MC15-07](#)

[Exhibit 010 MC15-07](#)

[Exhibit 011 MC15-07](#)

[Exhibit 012 MC15-07](#)

[Exhibit 013 MC15-07](#)

IX. PUBLIC COMMENTS

X. ADJOURNMENT

NOTE: The City of Camas welcomes and encourages the participation of all of its citizens in the public meeting process. A special effort will be made to ensure that a person with special needs has the opportunity to participate. For more information, please call 360.834.6864.



CITY COUNCIL REGULAR MEETING MINUTES - DRAFT

Monday, October 5, 2015, 7:00 PM

City Municipal Center, 616 NE 4th Avenue

I. CALL TO ORDER

Mayor Scott Higgins called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Present: Greg Anderson, Bonnie Carter, Don Chaney, Tim Hazen, Steve Hogan and Shannon Turk

Excused: Melissa Smith

IV. PUBLIC COMMENTS

Pat McDonald, 626 NE 232nd Avenue, Camas, commented about retail marijuana in Camas.

Andrew Carson, 3617 NW Oregon Court, Camas, commented about upcoming Muscular Dystrophy fund-raising events.

V. CONSENT AGENDA

- A. Approved the minutes of the September 21, 2015 Camas City Council Meeting and the Workshop minutes of September 21, 2015.

 [September 21, 2015 Camas City Council Workshop Minutes - Draft](#)
[September 21, 2015 Camas City Council Regular Minutes - Draft](#)

- B. Approved claim checks numbered 127434-127547 in the amount of \$648,374.56.

- C. Authorized the write-off of five unpaid final utility bills in the amount of \$1,259.69. This amount represents outstanding water, sewer, garbage, recycling and storm water charges that were left unpaid by previous property owners. (Submitted by Pam O'Brien)

- D. Authorized Pay Estimate No. 4 to AAA Septic Service for Project WS-748 2015 STEP/STEF Tank Pumping in the amount of \$6,200.38 for work through August 31, 2015. This project provides for on-going pumping of STEP and STEF tanks throughout Camas and is funded by the Water/Sewer Fund. (Submitted by James Carothers)

 [Septic Tank Pumping Pay Estimate](#)

- E. Awarded Project SS-605 NW Klickitat Street Storm Repair to Haag & Shaw, Inc. in the amount of \$41,511.78. This project includes repairs to the culvert and stabilizes the west slope at the creek crossing in the Deer Creek Subdivision and is funded by the repairs and maintenance budget from the Stormwater Drainage Utility account. (Submitted by James Carothers)

 [Klickitat Storm Repair Bids](#)

- F. Awarded Project P-893 Washougal River Greenway Trail Overlook Terrace to Michael Green Construction, Inc. in the amount of \$57,161.49. This project is funded by the Parks Foundation, private funds and the 2015-2016 Budget of the Growth Management Act account. (Submitted by James Carothers)

 [Washougal River Greenway Overlook Bids](#)

[Washougal River Greenway Overlook Plans](#)

It was moved by Council Member Carter, seconded by Council Member Hogan, to approve the Consent Agenda. The motion carried unanimously.

VI. NON-AGENDA ITEMS

- A. Staff

Mayor Scott Higgins asked to confirm the appointment of Council Member Greg Anderson as liaison, and Mayor Scott Higgins as the alternate, to C-Tran's Public Transportation Improvement Board beginning January 1, 2016..

A motion was made by Council Member Turk, seconded by Council Member Hazen, to confirm the appointment of Council Member Greg Anderson, and Mayor Scott Higgins as the alternate, to C-Tran's Public Transportation Improvement Board. The motion carried unanimously.

- B. Council

There were no comments from Council.

VII. MAYOR

- A. Announcements

There were no announcements from Mayor Higgins.

- B. Manufacturing Day Proclamation

 [Manufacturing Day Proclamation 2015](#)

Mayor Scott Higgins proclaimed October 7, 2015, as Manufacturing Day in the City of Camas.

C. National Arts and Humanities Proclamation

 [National Arts and Humanities Proclamation](#)

Mayor Scott Higgins proclaimed the month of October as National Arts and Humanities month in the City of Camas.

D. Disability Employment Awareness Proclamation

 [Disability Employment Awareness Proclamation](#)

Mayor Scott Higgins proclaimed the month of October as Disability Employment Awareness month in the City of Camas.


E. Breast Cancer Awareness Proclamation

 [Breast Cancer Awareness Month 2015](#)

Mayor Scott Higgins proclaimed the month of October as Breast Cancer Awareness Month in the City of Camas.

VIII. MEETING ITEMS

- A. Resolution No. 15-014 Changing the Time Limit on a Parking Space on NE Cedar Street
Details: This resolution changes the parking time limit for the northernmost space on the east side of NE Cedar Street between NE 4th Avenue and NE 5th Avenue from 10 minutes to 3 hours. This change is recommended by the Parking Advisory Committee.
Presenter: James Carothers, Engineering Manager

 [RES 15-014 Adopting Time Limit Changes on Downtown Parking Spaces, as Recommended by the Downtown Parking Advisory Committee](#)
[Cedar Street Parking Change Map](#)

It was moved by Council Member Hogan, seconded by Council Member Hazen, that Resolution No. 15-014 be read by title only. The motion carried unanimously.

It was moved by Council Member Hogan, seconded by Council Member Hazen, that Resolution No. 15-014 be adopted. The motion carried unanimously.

- B. Ordinance No. 15-016 Annexing Grand Ridge Real Property to the City of Camas
Details: The City Council moved to annex the Grand Ridge Annexation area on September 8, 2015. This ordinance codifies the action.
Presenter: Robert Maul, Planning Manager

 [ORD 15-016 Annexing Real Property to the City of Camas](#)


It was moved by Council Member Carter, seconded by Council Member Hogan, that Ordinance No. 15-016 be read by title only. The motion carried unanimously.

It was moved by Council Member Carter, seconded by Council Member Hogan, that Ordinance No. 15-016 be adopted and published according to law. The motion carried unanimously.

C. Ordinance No. 15-017 Establishing Zoning for the Grand Ridge Subdivision / Vista Del Rio No. 2

Details: This ordinance will create a pre-annexation zoning designation for the unincorporated island surrounded by the recent Grand Ridge Annexation Area.

Presenter: Robert Maul, Planning Manager

 [100515 ORD 15-017 Establishing Zoning for an Area to become Effective Upon Annexation to the City of Camas \(Grand Ridge Subdivision\)](#)

It was moved by Council Member Anderson, seconded by Council Member Hazen, that Ordinance No. 15-017 be read by title only. The motion carried unanimously.

It was moved by Council Member Anderson, seconded by Council Member Carter, that Ordinance No. 15-017 be adopted and published according to law. The motion carried unanimously.

IX. PUBLIC COMMENTS

No one from the public wished to speak.

X. ADJOURNMENT

The meeting was adjourned at 7:38 p.m.

NOTE: The City of Camas welcomes and encourages the participation of all of its citizens in the public meeting process. A special effort will be made to ensure that a person with special needs has the opportunity to participate. For more information, please call 360.834.6864.



CITY COUNCIL WORKSHOP MEETING MINUTES - DRAFT

Monday, October 5, 2015, 4:30 PM

City Municipal Center, 616 NE 4th Avenue

I. CALL TO ORDER

Mayor Higgins called the meeting to order at 4:30 p.m.

II. ROLL CALL

Staff: Sam Adams, Bernie Bacon, Phil Bourquin, Pete Capell, Curleigh Carothers, Jennifer Gorsuch, Cathy Huber Nickerson, Mitch Lackey, Robert Maul, Nick Swinhart and Eliezza Soriano (intern)

Press: Heather Acheson, Camas-Washougal Post-Record

III. PUBLIC COMMENTS

Mark Elkins, 2220 N P ST, Washougal, commented about retail marijuana in Camas.

IV. WORKSHOP TOPICS

A. Request for Fire Department Items to be Listed as Surplus

Details: The Fire Department has recently vacated the old Grass Valley Fire Station and passed along its use to the Public Works Department. For many years the Fire Department had been using this station for storage of old and outdated equipment and no longer has the means to store it. The listed equipment being requested to list as surplus is also outdated, no longer meets required safety standards, and also will not pass required Underwriters Laboratories (UL) tests.

Presenter: Nick Swinhart, Fire Chief

 [Camas-Washougal Fire Department Surplus Items](#)

This item will be placed on the October 26, 2015 Consent Agenda for Council's consideration.

B. Proposed Paid Time Off (PTO) Benefit for Non-Represented Employees

Details: This was a presentation about the transition from a traditional vacation and sick leave accrual system to a PTO system for non-represented employees. This would allow current employees to switch to this system and all future new hires would be placed into the PTO system upon hire. This will also be discussed with the City bargaining groups for implementation with their members if desired. The change will need to be approved at a future meeting as a revision to the Non-Represented Employee Handbook.

Presenter: Jennifer Gorsuch, Administrative Services Director and Pete Capell, City Administrator

 [Draft Non-Represented Employee PTO Policy](#)

Gorsuch and Capell summarized the presentation and discussion ensued. Council did not voice any objections to staff transitioning the traditional vacation and sick leave accrual system to a Paid Time Off (PTO) system for non-represented employees. Staff will draft the changes to the Non-Represented Employee Handbook and it will be brought back to Council at a future Council meeting.

C. 2016 Recommended Budget Readoption Presentation

Details: This presentation was about the 2016 Recommended Budget for readoption in compliance with State Law. The presentation included the 2016 Recommended Budget as well as highlighted changes that differ from the adopted 2015-2016 Budget. The City adopts a biennial budget and is required to re-adopt the budget in the second year of the biennium. There are items that have changed, such as, labor contract settlements, which impact the 2016 budget, therefore staff recommended amendments to the adopted 2015-2016 Budget. Staff will provide detailed presentations at future workshop meetings leading up to a budget public hearing in November and City Council's consideration at the December 7, 2015 Regular Meeting.

Presenter: Cathy Huber Nickerson, Finance Director and Pete Capell, City Administrator

 [2016 Recommended Budget](#)

[2016 Re-Adopt Recommended Budget Presentation](#)

Huber and Capell summarized the presentation and discussion ensued.

D. Consultant Services for Water System Plan Update

Details: Carollo Engineers was selected through a Request for Proposal process to update the City's 2010 Water System Plan. The work includes updating the System Plan, Operations and Maintenance Manual and providing a condition assessment of the above-ground system components. The 2015 Water/Sewer Budget included \$200,000 for the Water System Plan update and \$75,000 for the condition assessment for a total budget of \$275,000. Carollo Engineers has submitted a scope of work for \$289,964, which is approximately \$15,000 over staff's estimate to complete the work. Staff has reviewed the scope of work and believes the additional dollar amount is reasonable for the level of effort required to complete the project. Staff proposes to include an additional \$15,000 in the 2016 Budget Readoption to fully fund the scope of services. The Water System Plan will take approximately nine months to complete with a scheduled draft plan submittal to the Department of Health by June of 2016.

Presenter: Sam Adams, Utilities Manager

 [Camas Water System Plan Scope of Work](#)

[Camas 2016 Water System Plan Budget](#)

This item will be placed on the October 26, 2015 Consent Agenda for Council's consideration.

E. Consultant Services for North Urban Growth Area (NUGA) Sewer Transmission System Design

Details: OTAK Inc. was selected through a Request for Proposal process to provide civil engineering design services for the NUGA Sewer Transmission System. Staff has elected to have the consultant complete the project in two phases; the first being completion of a 30% design effort prior to moving forward with final engineering plans, specifications and estimates. This approach is due to the complexity of the project and key elements of the

project that need to be addressed before moving forward on final design. OTAK, Inc. has submitted a scope of services and fee for the 30% project design in the amount of \$1,089,773. The schedule for 30% design includes completion by March of 2016 with an anticipated final design being completed by February of 2017. The project will be funded with the 2015 Water/Sewer Revenue Bonds, which are supported by the City's current rate structure.

Presenter: Sam Adams, Utilities Manager

 [North Urban Growth Area \(NUGA\) Scope of Work](#)
[NUGA Fee Schedule V3](#)
[NUGA Design Schedule](#)

This item will be placed on the October 26, 2015 Consent Agenda for Council's consideration.

F. Commute Trip Reduction Agreement

Details: Local agencies with 100 employees or more are required to participate in the Washington State Commute Trip Reduction (CTR) Program per RCW 70.94. The CTR program is intended to encourage public and private agencies with 100 employees or more to use employee transportation modes other than the single occupancy vehicle. The City of Vancouver coordinates this program for Southwest Washington. The interlocal agreement between the City of Vancouver and the neighboring agencies is updated biannually in conjunction with the regional work plan for the area. This agreement transfers the Washington State Department of Transportation (WSDOT) CTR funds for the affected Camas employers to the CTR regional administrator, the City of Vancouver.

Presenter: James Carothers, Engineering Manager

 [Commute Trip Reduction Agreement](#)

This item will be placed on the October 26, 2015 Consent Agenda for Council's consideration.

G. Northwest Klickitat Street Storm Repair

Details: This project is an urgent repair of the slope, storm pipe, and outfall location on the west side of the culvert crossing in the Deer Creek Subdivision on NW Klickitat Street. Bids were opened on September 29, 2015. Due to the weather sensitive nature of this project, this item has been placed on the October 5, 2015 Consent Agenda for bid award consideration. The low bid is from Haag and Shaw, Inc. in the amount of \$41,511.78. This project is funded by the repairs and maintenance budget from the Stormwater Drainage Utility account.

Presenter: James Carothers, Engineering Manager

 [Klickitat Street Storm Repair Bids](#)

This item is also included in the October 5, Consent Agenda for Council's consideration.

H. Public Works Miscellaneous and Updates

Details: This is a placeholder for miscellaneous or emergent items.

Presenter: Steve Wall, Public Works Director

Carothers updated Council about the STEP Transmission Main Project.

I. Zoning of Smoke Shops

Details: Schedule a public hearing on October 26, 2015 to consider amendments to Camas Municipal Code (CMC) Section 18.03.030 Definitions for Land uses and Section 18.07.030 Table 1 - Commercial and Industrial Uses, pertaining to Smoke Shops.

Presenter: Phil Bourquin, Community Development Director

This item will be placed on October 26, 2015 Regular Meeting Agenda for Council's consideration, following a public hearing.

J. Retail Marijuana

Details: Schedule a public hearing to consider amendments to the zoning code related to marijuana retailers. The Camas Municipal Code (CMC) prohibits marijuana retail sales pursuant to Section 18.07.030 Table 1 with an expiration or sunset date of November 30, 2015. The Planning Commission held a public hearing on September 15, 2015, on the zoning of marijuana retailers and has by a 3-2 vote forwarded on to City Council a recommendation to allow marijuana retailing as a permitted use in the Community Commercial and Regional Commercial zones.

Presenter: Phil Bourquin, Community Development Director

This item will be placed on October 26, 2015 Regular Meeting Agenda for Council's consideration, following a public hearing.

K. Community Development Miscellaneous and Updates

Details: This is a placeholder for miscellaneous or emergent items.

Presenter: Phil Bourquin, Community Development Director

Bourquin informed council about the Bonneville Power Administration's I-5 transmission project.

L. City Administrator Miscellaneous Updates and Scheduling

Details: This is a placeholder for miscellaneous or scheduling items.

Presenter: Pete Capell, City Administrator

Capell informed Council about the October 27, 2015 C-Tran Public Transportation Improvement Board, which will consider expanding the C-Tran boundary and the need to appoint a Council Member to represent the City of Camas. This item will also be on the October 5, 2015 Regular Meeting Agenda as an additional staff item. Capell also reminded Council that the October 19th Council Meetings have been rescheduled to October 26th due to the State of the Community and Camas Youth Advisory Council (CYAC) Candidate Forum being held October 19th at the Camas High School Theater.

V. COUNCIL COMMENTS AND REPORTS

Chaney commented about student parking at Camas High School. Mayor Higgins responded with comments as well. Chaney inquired about Automated External Defibrillator's (AED) in the police vehicles and Capell responded. Chaney commented about the Clark Regional Emergency Services Agency (CRESA) board he serves on.

Hogan commented about First Friday and the Fire Department Open House.

Anderson attended First Friday and the Fire Department Open House. He informed Council about the East County Fire and Rescue's (ECFR) meeting, the upcoming C-Tran and Association of Washington Cities (AWC) meetings. He also suggested a Planning

Conference topic about residential fire sprinklers.

Turk commented about 2015 Clark County First Citizen, Nan Henriksen. She attended the Sister City and Community Center Development Committee meetings and the Swing More 24 and Aerial Yoga events. Turk stated there would be a Technical Advisory Committee meeting on October 21st regarding the Comprehensive Plan Update and there is a Planning Commission meeting on the 20th.

Carter attended the Library Board of Trustees and the recent ribbon-cuttings in downtown Camas. She also commented about the development in the community and educating the citizens; Council requested more information be made available to the public about it.

Mayor Higgins commented about his involvement with recent charity events.

VI. PUBLIC COMMENTS

No one from the public wished to speak.

VII. ADJOURNMENT

The meeting was adjourned at 5:57 p.m.

NOTE: The City of Camas welcomes and encourages the participation of all of its citizens in the public meeting process. A special effort will be made to ensure that a person with special needs has the opportunity to participate. For more information, please call 360.834.6864.

Thursday, August 27, 2015

Mr. Steve Wall, PE
Public Works Director
City of Camas
616 NE 4th Avenue
Camas, WA 98607

Subject: Preliminary Engineering North Urban Growth Area Sewer Service Alternative
Analysis – Supplemental Budget

Dear Mr. Wall:

We appreciate the opportunity to submit a supplement budget to the City of Camas (City) for additional professional engineering services for the North Urban Growth Area (NUGA) Sewer Service Alternatives Analysis project. This supplemental budget will be used to cover City requested services on the development of project graphics and to coordinate with City staff.

SCOPE OF WORK

Task 1: Project Management

This task includes budget and scope monitoring, internal meetings, internal staff scheduling, communications with the City, and invoicing. The task also includes the quality assurance/quality control (QA/QC) during document production.

Task 1 Fee: \$500

Task 2: NUGA Phase 1

This supplemental budget will be used to edit report figures and update/create graphics in support of City Council presentations, stakeholder outreach, and Request for Proposal (RFP) preparation.

Task 2 Fee: \$725

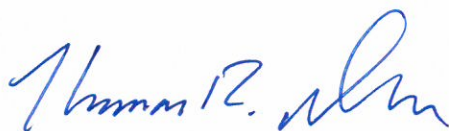
COST ESTIMATE

Professional fees noted above total **\$1,225** and will not be exceeded without prior authorization from the City.

Mr. Steve Wall, P.E.
Thursday, August 27, 2015
Page 2

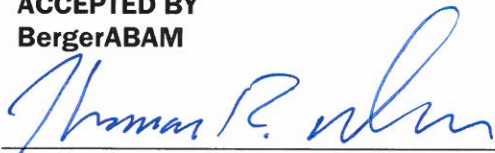
Please sign below indicating your authorization for the additional services requested above. We look forward to our continued support of the NUGA project for the City. If you have questions regarding this supplemental budget request, please call me at 503-872-4124.

Sincerely,
BergerABAM



Thomas R. Wilcox, P.E.
Vice President, Office Manager

ACCEPTED BY
BergerABAM



Signature

Thomas R. Wilcox

Name (Printed)

Vice President

Title

August 27, 2015

Date

City of Camas, WA

Signature

Name (Printed)

Title

Date

CITY OF CAMAS PROJECT NO. S-565 DESCRIPTION: NW 38th Avenue Roadway Improvements, Ph. 2 PAY ESTIMATE #14 Council Meeting Date: October 19, 2015 Work Period Date: August 1, 2015 - September 30, 2015		NUTTER CORPORATION 7211 NE 43rd Avenue, Vancouver, WA 98661 Phone: (360) 573-2000 Original Contract Total: \$4,219,597.22 (Includes Sales Tax Amount: \$6,646.42) ORIGINAL QUANTITIES, ETC.				STP / TIB / REET TRACKING OF FUNDING		WATER / SEWER ACCOUNT TRACKING		Previous Estimate Totals		Current Estimate Totals		Totals to Date	
ITEM NO.	DESCRIPTION	UNIT	ORIGINAL QUANTITY	UNIT PRICE	CONTRACT TOTAL	Quantity	Amount	Quantity	Amount	QUANTITY PREVIOUS	TOTAL PREVIOUS	QUANTITY THIS EST.	TOTAL THIS EST.	QUANTITY TO DATE	TOTAL TO DATE
Schedule A															
A 1	Mobilization	LS	1.0	\$314,000.00	\$314,000.00	1.00	\$314,000.00			1.00	\$314,000.00			1.00	\$314,000.00
A 2	Roadway Surveying	LS	1.0	\$30,000.00	\$30,000.00	1.00	\$30,000.00			1.00	\$30,000.00			1.00	\$30,000.00
A 3	SPCC Plan	LS	1.0	\$1,000.00	\$1,000.00	1.00	\$1,000.00			1.00	\$1,000.00			1.00	\$1,000.00
Traffic Control															
A 4	Traffic Control Supervisor	LS	1.0	\$25,000.00	\$25,000.00	1.00	\$25,000.00			1.00	\$25,000.00			1.00	\$25,000.00
A 5	Flaggers and Spotters	HR	2,350.0	\$49.00	\$115,150.00	2,951.50	\$144,623.50			2,951.50	\$144,623.50			2,951.50	\$144,623.50
A 6	Other Traffic Control Labor	HR	200.0	\$49.00	\$9,800.00	310.50	\$15,214.50			310.50	\$15,214.50			310.50	\$15,214.50
A 7	Construction Signs, Class A	SF	120.0	\$24.00	\$2,880.00	160.00	\$3,840.00			160.00	\$3,840.00			160.00	\$3,840.00
A 8	Portable Changeable Message Sign	HR	336.0	\$15.00	\$5,040.00	289.00	\$4,335.00			289.00	\$4,335.00			289.00	\$4,335.00
A 9	Other Temporary Traffic Control	LS	1.00	\$7,000.00	\$7,000.00										
Grading															
A 10	Clearing and Grubbing	LS	1.0	\$75,000.00	\$75,000.00	1.00	\$75,000.00			1.00	\$75,000.00			1.00	\$75,000.00
A 11	Removal of Structures and Obstructions	LS	1.0	\$40,000.00	\$40,000.00	1.00	\$40,000.00			1.00	\$40,000.00			1.00	\$40,000.00
A 12	Roadway Excavation, Incl. Haul	CY	3,000.0	\$18.00	\$54,000.00	3,009.50	\$54,171.00			3,009.50	\$54,171.00			3,009.50	\$54,171.00
A 13	Unsuitable Foundation Excavation, Incl. Haul	CY	1,600.0	\$9.50	\$15,200.00										
A 14	Gravel Borrow, Incl. Haul	CY	14,300.0	\$18.50	\$264,550.00	4,285.00	\$79,272.50			4,285.00	\$79,272.50			4,285.00	\$79,272.50
A 15	Ditch Excavation, Incl. Haul	CY	550.0	\$25.00	\$13,750.00	543.00	\$13,575.00			543.00	\$13,575.00			543.00	\$13,575.00
A 16	Channel Excavation, Incl. Haul	CY	29,000.0	\$8.50	\$246,500.00	28,805.00	\$244,842.50			28,805.00	\$244,842.50			28,805.00	\$244,842.50
A 17	Stormwater Facility Excavation, Incl. Haul	CY	10,000.0	\$8.50	\$85,000.00	9,999.40	\$84,994.90			9,999.40	\$84,994.90			9,999.40	\$84,994.90
A 18	Construction Geotextile for Separation	SY	235.0	\$3.00	\$705.00	413.80	\$1,241.40			413.80	\$1,241.40			413.80	\$1,241.40
Bases															
A 19	Crushed Surfacing Base Course	TON	11,020.0	\$20.00	\$220,400.00	11,917.41	\$238,348.20			11,917.41	\$238,348.20			11,917.41	\$238,348.20
A 20	In Place Cement Amended Base	SY	6,450.0	\$3.40	\$21,930.00	7,038.00	\$23,929.20			7,038.00	\$23,929.20			7,038.00	\$23,929.20
A 21	Cement for CAB	TON	193.0	\$116.00	\$22,388.00	189.47	\$21,978.52			189.47	\$21,978.52			189.47	\$21,978.52
Surface Treatment and Pavements															
A 22	HMA CL 1/2 In. PG 64-22	TON	4,040.0	\$76.00	\$307,040.00	4,177.15	\$317,463.40			4,177.15	\$317,463.40			4,177.15	\$317,463.40
A 23	Preparation of Existing Surfaces	TON	4.0	\$570.00	\$2,280.00	4.64	\$2,644.80			4.64	\$2,644.80			4.64	\$2,644.80
A 24	HMA for Approach CL 1/2 In. PG 64-22	TON	105.0	\$85.00	\$8,925.00	137.77	\$11,710.45			137.77	\$11,710.45			137.77	\$11,710.45
Structures															
A 25	Precast Reinf. Conc. Three Sided Structure No. 1	LS	1.0	\$235,000.00	\$235,000.00	1.00	\$235,000.00			1.00	\$235,000.00			1.00	\$235,000.00
A 26	Precast Reinf. Conc. Three Sided Structure No. 2	LS	1.0	\$230,000.00	\$230,000.00	1.00	\$230,000.00			1.00	\$230,000.00			1.00	\$230,000.00
Storm Sewer, Sanitary Sewer, and Water Mains															
A 27	Underdrain Pipe, 8 In. Diam.	LF	390.0	\$43.00	\$16,770.00	433.00	\$18,619.00			433.00	\$18,619.00			433.00	\$18,619.00
A 28	Aluminized Steel Culvert Arch Pipe 41-In. x 53-In. Diam.	LF	312.0	\$140.00	\$43,680.00	312.00	\$43,680.00			312.00	\$43,680.00			312.00	\$43,680.00
A 29	Tapered End Sect with Debris Barrier 12 In. Diam.	EA	2.0	\$650.00	\$1,300.00	2.00	\$1,300.00			2.00	\$1,300.00			2.00	\$1,300.00
A 30	Corrugated Polyethylene Storm Sewer Pipe, 10 In. Diam.	LF	950.0	\$46.00	\$43,700.00	909.00	\$41,814.00			909.00	\$41,814.00			909.00	\$41,814.00
A 31	Corrugated Polyethylene Storm Sewer Pipe, 12 In. Diam.	LF	2,735.0	\$48.00	\$131,280.00	2,703.00	\$129,744.00			2,703.00	\$129,744.00			2,703.00	\$129,744.00
A 32	Corrugated Polyethylene Storm Sewer Pipe, 18 In. Diam.	LF	400.0	\$55.00	\$22,000.00	454.00	\$24,970.00			454.00	\$24,970.00			454.00	\$24,970.00
A 33	Testing Storm Sewer Pipe	LF	4,020.0	\$2.00	\$8,040.00	3,862.00	\$7,724.00			3,862.00	\$7,724.00			3,862.00	\$7,724.00
A 34	Manhole 48 In. Diam. Type 1	EA	14.0	\$2,500.00	\$35,000.00	14.00	\$35,000.00			14.00	\$35,000.00			14.00	\$35,000.00
A 35	Manhole 60 In. Diam. Flow Control	EA	2.0	\$5,200.00	\$10,400.00	1.00	\$5,200.00			1.00	\$5,200.00			1.00	\$5,200.00
A 36	Manhole 96 In. Diam. Type 3, Stormwater Filtration	EA	2.0	\$39,000.00	\$78,000.00	2.00	\$78,000.00			2.00	\$78,000.00			2.00	\$78,000.00
A 37	Curb Inlet	EA	13.0	\$1,800.00	\$23,400.00	13.00	\$23,400.00			13.00	\$23,400.00			13.00	\$23,400.00
A 38	Double Curb Inlet	EA	16.0	\$3,100.00	\$49,600.00	16.00	\$49,600.00			16.00	\$49,600.00			16.00	\$49,600.00
A 39	Catch Basin Type 1	EA	1.0	\$1,300.00	\$1,300.00	1.00	\$1,300.00			1.00	\$1,300.00			1.00	\$1,300.00
A 40	Adjust Manhole	EA	2.0	\$500.00	\$1,000.00	2.00	\$1,000.00			2.00	\$1,000.00			2.00	\$1,000.00
A 41	Adjust Catch Basin	EA	2.0	\$400.00	\$800.00										
A 42	Removal and Replacement of Unsuitable Material	CY	310.0	\$65.00	\$20,150.00	12.70	\$825.50			12.70	\$825.50			12.70	\$825.50
A 43	Shoring	LF	4,725.0	\$2.00	\$9,450.00	3,408.00	\$6,816.00			3,408.00	\$6,816.00			3,408.00	\$6,816.00
A 44	Adjust Valve Box	EA	7.0	\$220.00	\$1,540.00	11.00	\$2,420.00			11.00	\$2,420.00			11.00	\$2,420.00
Erosion Control and Water Pollution Control															
A 45	ESC Lead	DAY	50.0	\$60.00	\$3,000.00	21.00	\$1,260.00			21.00	\$1,260.00			21.00	\$1,260.00
A 46	Seed Mix B	AC	2.6	\$2,900.00	\$7,540.00	2.60	\$7,540.00					2.60	\$7,540.00	2.60	\$7,540.00
A 47	Stabilized Construction Entrance	SY	300.0	\$20.00	\$6,000.00	381.50	\$7,630.00			381.50	\$7,630.00			381.50	\$7,630.00
A 48	Street Cleaning	HR	60.0	\$130.00	\$7,800.00	8.00	\$1,040.00			8.00	\$1,040.00			8.00	\$1,040.00
A 49	Silt Fence	LF	6,960.0	\$2.00	\$13,920.00	6,980.00	\$13,960.00			6,980.00	\$13,960.00			6,980.00	\$13,960.00
A 50	High Visibility Fence	LF	2,865.0	\$2.00	\$5,730.00	2,380.00	\$4,760.00			2,380.00	\$4,760.00			2,380.00	\$4,760.00
A 51	Inlet Protection	EA	45.0	\$60.00	\$2,700.00	53.00	\$3,180.00			53.00	\$3,180.00			53.00	\$3,180.00
A 52	Wattle	LF	100.0	\$7.00	\$700.00	25.00	\$175.00			25.00	\$175.00			25.00	\$175.00

CITY OF CAMAS PROJECT NO. S-565 DESCRIPTION: NW 38th Avenue Roadway Improvements, Ph. 2		NUTTER CORPORATION 7211 NE 43rd Avenue, Vancouver, WA 98661 Phone: (360) 573-2000 Original Contract Total: \$4,219,597.22 (Includes Sales Tax Amount: \$6,646.42) ORIGINAL QUANTITIES, ETC.				STP / TIB / REET TRACKING OF FUNDING		WATER / SEWER ACCOUNT TRACKING		Previous Estimate Totals		Current Estimate Totals		Totals to Date	
PAY ESTIMATE #14 Council Meeting Date: October 19, 2015 Work Period Date: August 1, 2015 - September 30, 2015		UNIT	ORIGINAL QUANTITY	UNIT PRICE	CONTRACT TOTAL	Quantity	Amount	Quantity	Amount	QUANTITY PREVIOUS	TOTAL PREVIOUS	QUANTITY THIS EST.	TOTAL THIS EST.	QUANTITY TO DATE	TOTAL TO DATE
Streambank Stabilization															
A 53	Work Area Isolation	LS	1.0	\$60,000.05	\$60,000.05	0.25	\$15,000.01			0.25	\$15,000.01			0.25	\$15,000.01
A 54	Weir Log	EA	12.0	\$1,400.00	\$16,800.00	13.00	\$18,200.00			13.00	\$18,200.00			13.00	\$18,200.00
A 55	Log with Root Wad	EA	50.0	\$1,200.00	\$60,000.00	50.00	\$60,000.00			50.00	\$60,000.00			50.00	\$60,000.00
A 56	Streambed Gravel	TN	1,660.0	\$43.00	\$71,380.00	1,274.38	\$54,798.34			1,274.38	\$54,798.34			1,274.38	\$54,798.34
A 57	Stream Boulder, 18 In. Diam.	TON	40.0	\$130.00	\$5,200.00	54.04	\$7,025.20			54.04	\$7,025.20			54.04	\$7,025.20
A 58	Stream Boulder, 24 In. Diam.	TON	60.0	\$130.00	\$7,800.00	50.91	\$6,618.30			50.91	\$6,618.30			50.91	\$6,618.30
A 59	Woven Coir Matting	SY	8,820.0	\$3.30	\$29,106.00	7,200.51	\$23,761.68			7,200.51	\$23,761.68			7,200.51	\$23,761.68
A 60	Non-Woven Coir Matting	SY	8,820.0	\$2.75	\$24,255.00	7,168.61	\$19,713.68			7,168.61	\$19,713.68			7,168.61	\$19,713.68
A 61	Light Loose Riprap	TON	290.0	\$55.00	\$15,950.00	398.51	\$21,918.05			398.51	\$21,918.05			398.51	\$21,918.05
A 62	Quarry Spalls	TON	33.0	\$40.00	\$1,320.00	231.96	\$9,278.40			231.96	\$9,278.40			231.96	\$9,278.40
Landscaping															
A 63	Landscaping	LS	1.0	\$147,000.00	\$147,000.00	1.00	\$147,000.00			1.00	\$147,000.00			1.00	\$147,000.00
A 64	Irrigation System, Design/Build	LS	1.0	\$168,000.00	\$168,000.00	0.95	\$159,600.00			0.95	\$159,600.00			0.95	\$159,600.00
Wetland Mitigation Planting															
A 65	Wetland Mitigation	LS	1.0	\$114,000.00	\$114,000.00	1.00	\$114,000.00			1.00	\$114,000.00			1.00	\$114,000.00
Traffic															
A 66	Cement Conc. Traffic Curb	LF	2,215.0	\$10.00	\$22,150.00	2,224.00	\$22,240.00			2,224.00	\$22,240.00			2,224.00	\$22,240.00
A 67	Cement Conc. Traffic Curb and Gutter	LS	5,510.0	\$10.00	\$55,100.00	5,521.00	\$55,210.00			5,521.00	\$55,210.00			5,521.00	\$55,210.00
A 68	Cement Concrete Driveway Entrance, Type 1	SY	55.0	\$70.00	\$3,850.00	57.00	\$3,990.00			57.00	\$3,990.00			57.00	\$3,990.00
A 69	Cement Concrete Driveway Entrance, Type 3	SY	300.0	\$60.00	\$18,000.00	338.00	\$20,280.00			338.00	\$20,280.00			338.00	\$20,280.00
A 70	Raised Pavement Marker Type 2	HUND	1.5	\$760.00	\$1,102.00	1.60	\$1,216.00			1.60	\$1,216.00			1.60	\$1,216.00
A 71	Black Vinyl Coated Chainlink Fence Type 3	LF	94.0	\$29.00	\$2,726.00	87.00	\$2,523.00			87.00	\$2,523.00			87.00	\$2,523.00
A 72	Cement Conc. Sidewalk	SY	4,120.0	\$38.00	\$156,560.00	4,144.40	\$157,487.20			4,144.40	\$157,487.20			4,144.40	\$157,487.20
A 73	Cement Conc. Curb Ramp Type 1	EA	8.0	\$1,100.00	\$8,800.00	8.00	\$8,800.00			8.00	\$8,800.00			8.00	\$8,800.00
A 74	Cement Conc. Curb Ramp Type Directional	EA	2.0	\$1,200.00	\$2,400.00	2.00	\$2,400.00			2.00	\$2,400.00			2.00	\$2,400.00
A 75	Illumination System	LS	1.0	\$140,000.00	\$140,000.00	1.00	\$140,000.00			1.00	\$140,000.00			1.00	\$140,000.00
A 76	Traffic Signal System Modification - NW 38th Ave/ NW Parker St	LS	1.0	\$44,000.00	\$44,000.00	1.00	\$44,000.00			1.00	\$44,000.00			1.00	\$44,000.00
A 77	Permanent Signing	LS	1.0	\$3,500.00	\$3,500.00	1.00	\$3,500.00			1.00	\$3,500.00			1.00	\$3,500.00
A 78	Paint Line	LF	5,655.0	\$0.25	\$1,413.75	5,837.00	\$1,459.25			5,837.00	\$1,459.25			5,837.00	\$1,459.25
A 79	Painted Wide Lane Line	LF	5,960.0	\$0.35	\$2,086.00	6,661.00	\$2,331.35			6,661.00	\$2,331.35			6,661.00	\$2,331.35
A 80	Plastic Traffic Arrow	EA	14.0	\$100.00	\$1,400.00	5.00	\$500.00			5.00	\$500.00			5.00	\$500.00
A 81	Plastic Crosswalk Line	SF	180.0	\$5.00	\$900.00	400.00	\$2,000.00			400.00	\$2,000.00			400.00	\$2,000.00
A 82	Plastic Stop Line	LF	46.0	\$5.00	\$230.00	69.00	\$345.00			69.00	\$345.00			69.00	\$345.00
A 83	Plastic Bicycle Lane Symbol	EA	13.0	\$260.00	\$3,380.00	5.00	\$1,300.00			5.00	\$1,300.00			5.00	\$1,300.00
Other Items															
A 84	Joint Utility Trench, Incl. Backfill	LF	3,120.0	\$9.00	\$28,080.00	2,992.50	\$26,932.50			2,992.50	\$26,932.50			2,992.50	\$26,932.50
Subtotal						\$4,113,826.80		\$3,876,570.33		\$3,869,030.33		\$7,540.00		\$3,876,570.33	
Schedule A Change Orders															
CO 1	Item A - Bid Item A14 to be measured by TN, paid by CY, conversion factor 1.6 TN/CY.						No Cost				No Cost				No Cost
	Item B - Bid Item A14 original bid quantity adjusted from 14,300 CY to 4,285 CY. Original unit cost to remain at \$18.50/CY for the adjusted quantity.						No Cost				No Cost				No Cost
	Item C - Common Borrow/Native Material to be used in-place of Bid Item A14. Remaining balance of 10,015 CY to be paid at \$8.50/CY.	CY	10,015.40	\$8.50		10,015.40	\$85,130.90			10,015.40	\$85,130.90			10,015.40	\$85,130.90
CO 2	Item A - Bid Item A36 Manhole 96-in Diam., Type 3, Stormwater Filtration, change in method of acceptance.						No Cost				No Cost				No Cost
CO 3	Item A - Bid Items A25 & A26 - 3-Sided Concrete Structures, Approved Repair Procedure						No Cost				No Cost				No Cost
CO 4	Item A - 2" Milling of NW 38th Sta 61+74 to Sta 65+20 (Intersection of NW Parker St.)														
	Item B - Loss of Productivity due to paving under traffic.	LS	1.0	\$20,904.54		1.00	\$20,904.54			1.00	\$20,904.54			1.00	\$20,904.54
Subtotal								\$106,035.44		\$106,035.44				\$106,035.44	
Schedule B - Plant Establishment															
B 1	1-Year Plant Establishment Performance Bond-Landscape Plant	LS	1.00	\$10,000.00	\$10,000.00							1.00	\$10,000.00		
B 2	1-Year Plant Establishment Performance Bond-Wetland Mitigation	LS	1.00	\$10,000.00	\$10,000.00							1.00	\$10,000.00		
						\$20,000.00						\$20,000.00			

CITY OF CAMAS

PROJECT NO. S-565

DESCRIPTION: NW 38th Avenue

Roadway Improvements, Ph. 2

PAY ESTIMATE #14

Council Meeting Date: October 19, 2015

Work Period Date: August 1, 2015 - September 30, 2015

NUTTER CORPORATION

7211 NE 43rd Avenue, Vancouver, WA 98661

Phone: (360) 573-2000

Original Contract Total: \$4,219,597.22

(Includes Sales Tax Amount: \$6,646.42)

ORIGINAL QUANTITIES, ETC.

STP / TIB / REET

TRACKING OF FUNDING

WATER / SEWER

ACCOUNT TRACKING

Previous Estimate Totals

QUANTITY PREVIOUS

TOTAL PREVIOUS

Current Estimate Totals

QUANTITY THIS EST.

TOTAL THIS EST.

Totals to Date

QUANTITY TO DATE

TOTAL TO DATE

ITEM NO.	DESCRIPTION	UNIT	ORIGINAL QUANTITY	UNIT PRICE	CONTRACT TOTAL	Quantity	Amount	Quantity	Amount	QUANTITY PREVIOUS	TOTAL PREVIOUS	QUANTITY THIS EST.	TOTAL THIS EST.	QUANTITY TO DATE	TOTAL TO DATE					
Schedule C - Water / Sewer																				
Water																				
B 1	Ductile Iron Pipe for Water Main, 6" Dia.	LF	68.00	\$53.00	\$3,604.00			39.00	\$2,067.00	39.00	\$2,067.00			39.00	\$2,067.00					
B 2	Ductile Iron Pipe for Water Main, 8" Dia.	LF	40.00	\$59.00	\$2,360.00			80.00	\$4,720.00	80.00	\$4,720.00			80.00	\$4,720.00					
B 3	Ductile Iron Pipe for Water Main, 12" Dia.	LF	330.00	\$62.00	\$20,460.00			148.00	\$9,176.00	148.00	\$9,176.00			148.00	\$9,176.00					
B 4	Blowoff Assembly	EA	5.00	\$1,000.00	\$5,000.00			5.00	\$5,000.00	5.00	\$5,000.00			5.00	\$5,000.00					
B 5	Tapping Sleeve and Valve Assembly, 12 In.x8 In.	EA	1.00	\$3,500.00	\$3,500.00			2.00	\$7,000.00	2.00	\$7,000.00			2.00	\$7,000.00					
B 6	Tapping Sleeve and Valve Assembly, 12 In.x12 In.	EA	4.00	\$5,000.00	\$20,000.00			3.00	\$15,000.00	3.00	\$15,000.00			3.00	\$15,000.00					
B 7	Resetting Existing Hydrant	EA	3.00	\$1,500.00	\$4,500.00			3.00	\$4,500.00	3.00	\$4,500.00			3.00	\$4,500.00					
B 8	Service Connection, 1-In. Dia.	EA	1.00	\$1,100.00	\$1,100.00			1.00	\$1,100.00	1.00	\$1,100.00			1.00	\$1,100.00					
Sanitary Sewer																				
B 9	Class 200 Sewer Pipe, 6 In. Diam.	LF	180.00	\$50.00	\$9,000.00			180.00	\$9,000.00	180.00	\$9,000.00			180.00	\$9,000.00					
B 10	Tapping Sleeve and Assembly, 10 In. x 6 In.	EA	3.00	\$2,900.00	\$8,700.00			3.00	\$8,700.00	3.00	\$8,700.00			3.00	\$8,700.00					
B 11	Sanitary Sewer Service Connection 1 In. Diam.	EA	1.00	\$900.00	\$900.00			1.00	\$900.00	1.00	\$900.00			1.00	\$900.00					
Subtotal					\$79,124.00			\$67,163.00		\$67,163.00				\$67,163.00						
Schedule B Change Orders																				
B 1																				
ORIGINAL CONTRACT TOTAL					\$4,212,950.80	Funding Totals		\$3,876,570.33	Water/Sewer Totals		\$67,163.00	Previous Estimate		\$3,936,193.33	Current Estimate		\$27,540.00	Totals to Date		\$3,963,733.33
CHANGE ORDERS TO DATE					-----	CO'S To Date		\$106,035.44	CO'S To Date		\$106,035.44	CO'S To Date		\$106,035.44	CO'S To Date		\$106,035.44	CO'S To Date		\$106,035.44
SUBTOTAL					\$4,212,950.80	Subtotal		\$3,982,605.77	Subtotal		\$67,163.00	Subtotal		\$4,042,228.77	Subtotal		\$27,540.00	Subtotal		\$4,069,768.77
SALES TAX (8.4%) - SCHEDULE C ONLY					\$6,646.42	Sales Tax (8.4%)		\$5,641.69	Sales Tax (8.4%)		\$5,641.69	Sales Tax (8.4%)		\$5,641.69	Sales Tax (8.4%)		\$5,641.69	Sales Tax (8.4%)		\$5,641.69
TOTAL CONTRACT					\$4,219,597.22	Total =		\$3,982,605.77	Total =		\$72,804.69	Total =		\$4,047,870.47	Total =		\$27,540.00	Total =		\$4,075,410.47

This informations is for internal use/tracking purposes only.

	Current Estimate Totals	Previous Estimate Totals	Totals-to-Date
Sch. A & B - STP / TIB / REET Account Number: 313-20-595-300-65	\$27,540.00	\$3,975,065.77	\$4,002,605.77
Sch. C - Water Account Number: 424-00-594-340-65		\$47,764.29	\$47,764.29
Sch. C - Sewer Account Number: 424-00-594-350-65		\$20,162.40	\$20,162.40
Sch. C - Fire Suppression Acct. No.: 115-09-522-500-48		\$4,878.00	\$4,878.00
Total This Estimate =	\$27,540.00	\$4,047,870.47	\$4,075,410.47

Bid Item A 84 NOT STP or TIB Eligible

Bid Item A 75 NOT STP Eligible

Water NOT TIB Eligible

Sewer NOT TIB Eligible

Fire Suppression NOT TIB Eligible

10/12/2015

10/13/15

Amira Ashton

10/12/15

Edward Shepp

10/13/15

Sam P. Cavett

10/12/2015

Project Engineer

Contractor

Engineering Manager

3 of 3

10/5/2015

Exhibit A
Camas NUGA Sewer Transmission Main
Scope of Work
FINAL
September 18, 2015

Project Understanding

The City of Camas has been studying ways to best provide sewer service to the North Urban Growth Area (NUGA), which is an area north of Lacamas Lake in the city's urban growth area. The April 2010 General Sewer Plan Amendment (GSPA) provides an overview of a proposed sewer layout, which includes a temporary service option for the Green Mountain area that directs effluent to the city's STEP sewer main. As development activity has picked up, Camas realized the need for a more fully developed plan to serve the area and limit the reliance on STEP systems and the city's STEP main.

In 2014 the City embarked on a review of the GSPA and development of an alternatives analysis for the NUGA sewer transmission system (NUGA STS). The June 23, 2015 Alternatives Analysis Memorandum recommended a preferred option (Alternative 4) and the basic parameters of a plan to construct a sewer transmission system to serve the area.

Because development at Green Mountain will be ahead of construction of the NUGA Sewer Transmission system, the Green Mountain developers will construct a temporary system to serve their development until the NUGA STS is operational. It will include initial construction of Pump Station 1 and a force main to pump effluent to the existing Camas STEP system. A hydraulic limitation of no more than 350 units for this temporary system is the primary driver of time constraints to complete the NUGA STS project.

This initial project scope includes development of a preliminary design for the entire NUGA STS, which consists of three pump stations, and associated force mains and gravity mains that will convey flows to the city's Main Lift Station. It will follow the route and concepts developed in the June 2015 Alternative Analysis memorandum.

A subsequent project scope will address final design, construction document preparation, and bidding services for Phase 1 of the NUGA- STS, which is expected to include all facilities from Pump Station 1 to a connection point with an existing sewer pipe at or near the intersection of NE 22nd Avenue and NE Franklin Street.

Scope of Work

Continued

Our consultant team is shown in Table I. Individual team responsibilities are described in detail with each of the tasks listed in this scope of work.

Table I: Design Team and Roles	
Firm	Role / Task Assignments
Otak	<ul style="list-style-type: none"> • Project Management • Flow projections • Pipeline Routing • Pipeline structures and appurtenances • Pipeline sizing and material selection • Pump Station site layouts • Preliminary Design Report • Structural Engineering • Landscape architecture • Topographic Surveys • Pipeline alignment and profile • Cost estimates
CH2M	<ul style="list-style-type: none"> • Hydraulics • Transient Analysis • Odor and Corrosion Control • Pump Station Design Drawings • Telemetry • Pipeline structures and appurtenances • Preliminary Design Report • Cost Estimates
Normandeau	<ul style="list-style-type: none"> • Environmental Permitting
GRI	<ul style="list-style-type: none"> • Geotechnical Investigations and Report
BergerABAM	<ul style="list-style-type: none"> • Alternatives Analysis • Flow projections • Preliminary Design Report
EPIC Land Services	<ul style="list-style-type: none"> • Real Property Services

Table I: Design Team and Roles

Firm	Role / Task Assignments
Archaeological Investigations Northwest	<ul style="list-style-type: none"> Cultural and Historic resource surveys

Design Objectives

The primary objective is to finalize design concepts for the project such that it can be advertised and constructed beginning in the first quarter of 2017. The services provided by the Otak, Inc. project team include the following tasks:

- Review and update prior studies
- Completion of aerial and field surveys for each pump station site and pipeline route.
- Environmental assessments to determine permit requirements and conditions.
- Geotechnical field investigations for the pump stations and pipeline routes.
- Hydraulic transient analysis of the force mains.
- Development of 30 percent plans and a design report.

Scope of Work

Task I Flow Projections

This task will confirm or revise the flow projections stated in the NUGA study and provide additional support for flow projections in next five (5) years.

- Review potential transmission system service areas.
- Review existing flow projections in the City of Camas, including those produced in 2014 for the NUGA Sewer study, and those in the City's General Sewer Plan Amendment.
- Review peaking factors for use in newer and developing portions of Camas.
- Assess status of current property ownership and development prospects in the NUGA.
- Revise the 2014 flow projections within the 20-year planning time frame as necessitated by this review. The review will focus on the first five (5) years, and the 20-year flows will remain as currently defined.
- Provide estimates of flow projections at three to four key intermediate points in the 20-year planning horizon. Intermediate points include start-up flows as well as two to three trigger points that will be tied to dates or major changes in flow contributions.

Assumptions:

- 20-year UGA and zoning shape files are available from Clark County.

Scope of Work

Continued

- Sewer basin maps are available from previous NUGA Sewer studies in CAD or GIS form.
- The flow characteristics, such as per capita flow and peaking factors, used in this analysis will be as defined in the city's General Sewer Plan Amendment.

Deliverables:

- Map of service areas for each pump station.
- Population and flow projections through the end of Camas's current planning period, including three to four intermediate points.

Task 2: Alternatives Evaluation

Perform an evaluation of NUGA Sewer Transmission system pipelines routing alternatives, and for sites for Pump Stations 2 and 3.

Subtask 2.1: Camp Currie Alignment:

This task includes the review of an alternative pipeline alignment from Pump Station #1 through Camp Currie to Leadbetter Road. The alternative analysis will include an analysis of cultural resources, environmental resources, and ROW impacts. The tasks will include:

Cultural Resource Assessment

To assess whether significant archaeological resources are within the Camp Currie alignment, the resource survey will be a phased approach, designed to first assess the most likely areas, then verify whether archaeological sites are present, followed by determining whether impacts to resources can be avoided. The approach will be to:

- Conduct a pedestrian survey of the proposed alternative.
- Shovel test areas that appear most likely for an archaeological site, based on the landform, historical research, or presence of artifacts nearby. Up to 100 shovel tests may be excavated.
- Delineate the resources found, if any. Up to 40 shovel tests may be excavated.
- Conduct additional survey near resources to determine whether a shift in the corridor will avoid resources.

Once the Camp Currie option alignment has been investigated, the rest of the corridor will be surveyed and shovel tested, where needed. This is covered in Task 9.

Environmental Assessment

The proposed alignment requires an evaluation of natural resources to determine if resource impacts in this segment (particularly wetland and stream impacts), when added to impacts from the remaining corridor segment, can be addressed with a U.S. Army Corps of Engineers (USACE) Nationwide Permit (NWP) that requires less than 0.5 acres of impact (fill). Also, the general extent of buffer impacts from wetlands off the corridor needs to be estimated and what the extent of buffer mitigation, if any, would be. This task will include:

- Traversing the proposed alternative alignment to identify presence of wetlands and streams

along and adjacent to the alignment and associated corridor. Wetland limits and location of streams will not represent complete delineations, rather identify presence of wetlands and approximate boundaries.

- Completing preliminary functional assessments and categorizations of wetlands according to Washington State Department of Ecology's (Ecology's) Wetland Rating System.
- Coordinating with City staff to determine lead agency status with Clark County for Critical Areas located in Clark County.

Survey

- Establish survey control on Project Datum along the preliminary alternate alignment, from NE 232nd Avenue to NE Goodwin Road (Approx. 7500');
- Stake preliminary alternate alignment between NE 232nd Avenue and NE Goodwin Road with lath every 100' and at angle points (Approx. 100 stakes);
- Map locations of archeological, wetland, and geotechnical flagging, plots, pits, etc., along the preliminary alternate alignment;
- Supplement survey control as necessary for an alignment revised to miss cultural and/or environmental resources. (Approx. 3500');
- Stake secondary alternate alignment where different than preliminary alternate alignment. (Approx. 40 stakes);
- Map locations of archeological, wetland, and geotechnical flagging, plots, pits, etc., along the secondary alternate alignment.

Real Property Services Assessment (Clark County, Lacamas Creek Communities and BPA)

Otak will evaluate the ability to get easements from Clark County, from Lacamas Creek Communities, and from the BPA. This will be done by meeting with each agency and owner to confirm their willingness to allow the pipeline on their property and for the city to purchase an easement.

Hydraulics Assessment

CH2M will perform hydraulic assessment of pipeline alternatives between Pump Station 1 and Pump Station 2. This effort includes the following activities:

- Develop Pump Station #1 criteria associated with the both the baseline alignment and the Camp Currie alignment.
- Provide input into pipeline sizing for each alternative and perform a cursory transient evaluation to define requirements.
- Investigate options for pumping equipment to meet criteria associated with each alternative; determine if proposed criteria limit or eliminate equipment options, or drive the need for differing approaches (e.g. series pumping).
- Define upgrade requirements to Pump Station #1 for both pipeline alternatives (designed and constructed by others)

Scope of Work

Continued

Alignment Evaluation

Once the assessments have been completed the two alternatives (base alternative versus Camp Currie alternative) will be evaluated as follows:

- Prepare budget-level capital and life cycle cost estimates for both pump station alternative. The costs will not be all-inclusive but will be for comparative purposes. The intent is for the costs to be accurate relative to each other for selection purposes.
- Develop criteria to evaluate each option. Criteria are expected to include life-cycle costs, environmental impacts, cultural resource impacts, availability and reliability of pumps, and easement acquisition potential.
- Develop narrative guidelines on the qualitative measurement of each criterion.
- Review criteria and weighting with the city.
- Qualitatively score the performance of the alternatives against the criteria (Scale of 1 to 5).
- While performing the analysis, assumed fatal flaws to the Camp Currie alignment include:
 - Wetland impacts such that the project will not qualify for a nationwide permit.
 - Significant, unavoidable cultural resource sites are found.
 - Unable to receive a permit from the BPA.
 - Unable to obtain an easement from the Lacamas Creek Communities.

Upon completion of this evaluation, a meeting will be held with city staff to review the analysis and select a route.

Assumptions:

- The Camp Currie portion is 7,500 feet long and 50 feet wide.

Deliverables:

- Decision matrix with selection criteria
- Meeting minutes from selection meeting

Subtask 2.2: Pump Station Alternatives

This task is to determine locations for Pump Stations 2 and 3:

- Establish the location of Pump Station 2. This will be determined based on the ability to provide gravity service to the tributary basin (Basin 3), and critical lands avoidance. GIS topography indicates that Pump Station 2 should be located between 500 to 1000 feet south of NE 9th Street to allow for gravity service from Basin 3 to the pump station.
- Establish the location of Pump Station 3. This location will be based upon the ability to serve Basin 4 (the CJ Dens parcel). It will be assumed that the pump station will be located just off of Leadbetter Road on the CJ Dens property.
- Review City standards for pump station configuration and provide a summary of proposed

enhancements for consideration by Owner. Meet with Owner to review enhancements and facilitate endorsement by City of configuration for all three new stations.

- Develop two alternative site layouts at each site. This will include activities such as: (1) determine structure size, location, and orientation; (2) layout roadways/truck access corridors and define maneuvering requirements (design vehicle); (3) size and locate parking lots for employees and visitors to the facility; (4) determine emergency vehicle access requirements. (4) evaluate flood plain impacts and constraints; (5) locate storm water management facilities. (6) locate utility and piping corridors (horizontal and vertical).
- Review concepts and draft work products with the city for selection of a preferred alternative.

Assumptions:

- None

Deliverables:

- Draft and final memorandum describing the selection process, along with a map showing the pump station locations.

Subtask 2.3: Pipeline Route Alternatives - SR 500 to Downtown

This task is to review options for installing the pipeline in State Route 500, and to review routes to the Main Pump Station. This task will include:

- Determining the best approach for crossing the channel between Lacamas and Round Lakes. Options include crossing on the existing bridge, installing a new bridge, or using trenchless technology to cross under the channel.
- SR 500 between Leadbetter Road and NE 35th Avenue has limited room for new pipelines, as there are many utilities in the road. In addition, this is a main traffic corridor, including a main route for school buses.
- Reviewing options to install the pipeline on the route of a new road west of SR 500 to serve Fallen Leaf Park.
- Review routes previously considered between Lacamas Lake and the Main Pump Station.

Assumptions:

- None

Deliverables:

- Draft and final memorandum describing the selection process, along with maps showing alternative and preferred routes.

Subtask 2.4: Define Odor and Corrosion Control Approach

- Based on the proposed system configuration establish the recommended alternatives for odor and corrosion control for the NUGA STS. The alternatives will be evaluated based on life cycle cost, treatment effectiveness, space availability, installation requirements, and ease of

Scope of Work

Continued

O&M.

- Develop a layout and summarize the design criteria for the recommended odor and corrosion treatment/prevention alternatives based on successfully installed systems and performance. The design criteria will include air flow rate, size of the unit(s), tank sizes, performance efficiency, space requirements, chemical feed, water flow rate, fan size, effectiveness and utility requirements such as water, drainage, and electrical and other factors, as applicable.
- Develop alternatives for ventilation and air collections methods. Evaluate ventilation rates and source containment of odors and recommend the economical and effective alternative that minimizes the size of the odor treatment system and limits annual operating costs associated with liquid chemical addition to the extent possible.. Incorporate recommendations for material selection for those components subject to corrosive gases.

Assumptions:

- None

Deliverables:

- Draft and final memorandum describing the selection process, and describing the proposed odor/corrosion control method.

Task 3 Preliminary Design

The purpose of this task is to use the data and guidelines developed in Tasks 1 and 2, develop and evaluate alternative design concepts, and agree upon a single design concept. The end products from this task will include sketches and preliminary drawings which will provide sufficient information for Owner and agency review and design team coordination and review. Drawings and other materials that may be required exhibits for environmental permit applications will be available at the conclusion of this phase (assumed 30 percent level of design). The preliminary design work will be performed by Otak and CH2M, and specific work activities and deliverables from this task are as identified below.

Subtask 3.1: Transient/Surge Analysis

CH2M will perform a preliminary surge evaluation of the forcemain and pump station systems for Pump Stations 1, 2 and 3. This analysis will consist of a power failure pump shutdown scenario to determine the potential surge pressures associated with the pipeline system. This analysis will be performed for the maximum flow condition. The analysis will include separate analyses for each pump station and forcemain system. If the initial analysis indicates that surge conditions may be leading to excessive positive or negative pressures, additional surge analysis will be performed to evaluate potential surge mitigation alternatives. This analysis will also provide a description of the steady state flow conditions for the pipeline. It is anticipated that commercially available analysis tools will be used such as Bentley Hammer. A technical memorandum will be prepared for the initial analysis and revised for the final analysis that will occur at 90% design.

- Gather necessary data required to create a computer model of the pump station and force main system under both initial and ultimate flow conditions.

- Establish initial non-transient hydraulic grade line elevations for pump power failure and start-up analysis under initial and future flow conditions.
- Perform simulations for pump power failure and start-up of the pump station under initial and future flow conditions.
- Review the results of the analysis and, if deemed necessary, incorporate surge protection measures for the force main and pump station to eliminate possible adverse surges created as a result of the power failure and start-up.
- Provide preliminary recommendations for sizes and locations of air/vacuum facilities, and/or other mitigating measures (surge tanks) if necessary for protection from surge conditions.

Subtask 3.2: Preliminary Pump Station Design

The scope components assumed for this task include Pump Stations 1, 2 and 3 as well as odor and corrosion control systems for the transmission system. It is assumed that preliminary design will be developed for all three stations.

Objectives and Standards

Document the Owner's institutional standards as well as external standards and criteria that influence the project design work. The standards and criteria in the following areas will be considered:

- Owner design criteria standards and preferences: Identify any Owner standards for design criteria or standard products. Discuss any Owner preferred equipment types, suppliers and vendors.
- Graphic standards: Standard drawing size/border, standard symbols/legends, CAD software standards (including software versions), requirements for electronic deliverables, standards/preferences for P&IDs, process flow stream IDs etc.
- Procurement policies: Bidding/procurement requirements, sole source restrictions, any existing master agreement for the purchase of materials, and equipment.
- Labor standards and policies: Design provisions for staff/visitors with accessibility limitations, any existing noise restrictions, any existing labor union restrictions, site security requirements, parking requirements etc.
- Equipment and materials: Preferences on indoor versus outdoor locations for equipment, preferred equipment types and suppliers, local control/local disconnect preferences (lockable MCCs versus local disconnect switches), standby power provisions, preferences regarding the use of adjustable frequency drives etc.
- Structural/Mechanical: Identify local permitting agency, obtain current local design codes and standards that are in effect, define permitting requirements.
- Electrical/I&CS: Define redundancy requirements, identify primary contact at local utility, Owner telemetry standards and approaches.

Civil and Site Development

Schematic design work will include the following activities.

Scope of Work

Continued

- Confirm adequacy of topographical and boundary mapping. Evaluate legal, ownership, permitting and zoning constraints. Identify environmentally sensitive areas such as wetlands, flood plains, known hazardous waste areas, etc
- Coordinate with geotechnical engineer on boring locations; record boring locations on site drawings.
- Develop preliminary erosion control plan for project. Prepare preliminary storm water calculations suitable for submission to local site permitting authorities. Develop preliminary storm water control concepts (swales, curb, and gutter). Meet with local storm water and erosion and sediment control agency to determine permitting requirements for site plans, and impact of requirements on preparation of contract documents. Document findings.
- Set preliminary finished floor levels for new structures. Establish preliminary finished grades; overall major surfaces, road profiles, etc. Iterate preliminary surfaces and structures to optimize earthwork if necessary.
- Review concepts and draft work products with and seek approval from quality control reviewer.

Structural

Schematic design for structural will include the following activities:

- Consult with lead process engineer on building/structure layouts.
- Develop structure foundation and concepts based on schematic layouts.
- Review concepts and draft work products with and seek approval from quality control reviewer.

Geotechnical

Geotechnical work will include the following:

- Determine site specific geotechnical conditions for each facility and structure. Develop specific foundation requirements.
- Verify constructability (shoring and bracing requirements, dewatering issues).
- Prepare foundation and corrosion control recommendations.
- Review concepts and draft work products with and seek approval from quality control reviewer.

Mechanical

Schematic design for mechanical will include the following:

- Select and size all major process equipment including pumps. Prepare sizing calculations and obtain review. Establish level of redundancy required for all process equipment.
- Prepare equipment list with sizing for major equipment. Coordinate with the owner on preferences of equipment manufacturer and processes.
- Prepare preliminary drawings for equipment arrangements.

- Review concepts and draft work products with and seek approval from quality control reviewer.

Odor Control/Plumbing

Schematic design for Odor Control and plumbing will include the following:

- Select type of ventilation system to be used in pump station and other structures inlet air tempered with inlet and outlet fans, simple exhaust fan system).
- Determine overall potable water requirements for the project. Confirm adequate quantity and pressure can be obtained from the local potable water supply utility.
- Review concepts and draft work products with and seek approval from quality control reviewer.

Instrumentation and Control Systems (I&CS)

Schematic design work for the instrumentation and control will include the following activities:

- Prepare a process flow drawing (PFD) for each system. Information to be included on each PFD includes at a minimum: Process configuration, flow streams, valve and gate locations (manual and powered), chemical additions points/types, equipment location/type including packaged control panels and adjustable-speed drives, flow meters and other process control devices.
- Develop equipment/instrument tag numbering, naming, and abbreviation conventions.
- Review existing telemetry systems and client goals and develop a needs assessment
- Develop recommendations for communications systems for new pump stations, considering integration into existing City communications network.
- Prepare written operational description of each pump station, reflecting system wide operations (developed in Task 3.4).
- Develop overall control philosophy including local control approach, control system, level of automation, telemetry approach and supervisory control.
- Review concepts and draft work products with and seek approval from quality control reviewer.

Electrical

Schematic design work for electrical will include the following:

- Prepare preliminary one-line diagrams for proposed facilities.
- Prepare preliminary load calculations.
- Size electrical systems
- Coordinate with local power utility to determine locations of power feeds, voltage, billing details (peak usage rates), requirements for reduced voltage starters, substation requirements
- Determine redundancy requirements for power supplies and power distribution.

Scope of Work

Continued

- Establish preferred voltages for power distribution and utilization equipment.
- Compile list of chemicals and amounts to be used. Coordinate with other disciplines (mechanical and I&CS) to resolve code compliance issues specific to these disciplines (e.g., National Electrical Code and National Fire Protection Association 820 issues). Develop preliminary schedule of hazardous and corrosive locations. Review concepts and draft work products with and seek approval from quality control reviewer.
- Evaluate potential incentive funding from Clark Public Utilities for which the City may be eligible.

Assumptions:

No buildings will be provided for at-grade equipment.

Deliverables:

- Process & Instrumentation Diagrams (P&IDs)
- Process Control Narratives.

Subtask 3.3: Pipeline Design

Pipeline Alignments

Pipeline alignments will be developed and refined using field survey information. Locations within roadways will be identified, and exact alignments in non-roadway areas will be determined. Existing utility locations and environmental information will be reviewed, and pipeline alignments will be adjusted to avoid utility conflicts and environmental areas where possible. Topographic considerations (reducing the number of high and low points) and surge analysis will dictate the size and quantity of combined air release/vacuum valves, which will also influence final alignment routes and profile.

Design Standards

Determine design standards to be applied to the pipelines. Identify Washington Department of Ecology (Ecology) requirements for sanitary force main construction.

Pipeline sizing

The size of each gravity pipeline will be reviewed, along with the use of a single force main versus dual force mains.

Pipe Materials Evaluation

Pipe materials will be reviewed and evaluated based on criteria such as corrosion resistance, hydraulics, pressure and transients, longevity, ease of installation, local experience, and availability in the northwest. These criteria will be used to rate and rank different pipeline materials, and this analysis will be summarized in a Technical Memorandum, which will be incorporated into the Design Report.

Pipeline Design Criteria

Criteria to be evaluated include internal pressures, external loading, thrust restraint, buoyancy and

uplift.

Subtask 3.4: Flow Management and Operation/Maintenance Plan

This task will include:

- Develop a written plan for the NUGA system addressing flow management, system operations, and maintenance of the NUGA STS. Develop and evaluate O&M and flow management for extreme low flow, average flow, and peak flow at startup and at system capacity for each of the phases of the NUGA sewer transmission project. The plan will also address:
- Flow Monitoring Plan including flow triggers and operational queues indicating capacity needs
- Emergency Response for key system failures (pump station failure, force main failure, gravity trunk failure)
- Develop advantages/disadvantages for all flow scenarios, including considerations for solids management in force mains and gravity sewers, capital costs, operating costs, and odor and corrosion control requirements.

Assumptions:

- The plan will not address infrastructure downstream of the NUGA STS discharge point.

Deliverables:

- Draft and final technical memorandum.

Subtask 3.5: Preliminary Design Workshops

Otak and CH2M will conduct a series of half day workshops throughout the preliminary design phase to review preliminary design concepts, make design decisions.

These tasks will be performed by Otak and CH2M and will consist of bi-weekly workshops throughout the preliminary design phase with the Engineer's design team and client staff. Tentative topics include:

- Flow management and overall system operation.
- Phasing and flow triggers associated with improvements.
- Pump station design criteria (elevation, capacity, redundancy requirements, capacity for expansion).
- Pump station configuration.
- City's preferred O&M features.
- Odor and corrosion control options
- Draft control loop descriptions.
- Draft P&IDs.
- Emergency power supply.

Scope of Work

Continued

- Draft electrical design standards.
- Draft mechanical design standards.
- Draft instrumentation design standards.
- Remote operational capability and telemetry.
- Site plan features.
- Identify permitting issues along the force main routing and develop an action plan to resolve potential issues.
- Meeting agendas, complete with anticipated attendees, will be developed with key staff early enough to facilitate scheduling of staff members.

Assumptions:

- Approximately 10 four-hour workshops will be held at city offices. Assume approximately 4 consultant team members will attend each meeting.

Deliverables:

- Meeting minutes and action item lists from each meeting, which will be reviewed at the following meeting.
- A report will be prepared that documents the approach and findings of the preliminary design. The report will document the design process and equipment selection performed for this phase of the project and will include the following information:
 - Pipelines
 - Force main size and material selection (including dual versus single force main selection)
 - Gravity trunk size and material selection
 - Trenchless technology design parameters, if these methods are proposed.
 - Locations for air/vacuum release valves, drainage piping, isolation valves, pigging facilities and other appurtenances.
 - Basis of Design calculations
 - Route evaluation and final route selection
 - Pump Stations
 - Wet well/Pump Configuration and Sizing
 - Discipline Technical Memoranda
 - Odor control for pump station and force main
 - Corrosion control for wet well and force main
 - Work Sequence
 - Flow Management (TM from Task 3.5, revised to address city comments).
 - Project programming and phasing

- Thirty percent pipeline drawings, which will include:
 - General Overview: Indexes to Drawings and Legends, Project Location Overview
 - Plan and profiles for the pipelines.
 - Trench detail showing width and bedding and backfill requirements.
- Thirty percent pump station drawings, which will include:
 - Pump Station arrangement drawings
 - Odor Control system arrangement drawings
 - Process flow drawing (PFD) for each system
 - Preliminary Process Control Narratives
 - Control System Block Diagram
 - Equipment List
 - Preliminary one-line diagram
- 30 percent cost estimate with a 25 percent contingency and an escalation factor to the estimated midpoint of construction for each project.

Task 4: Survey and Mapping

Survey will be performed for the final alignment pipeline route, CARV and pump station locations. Survey will be a combination of aerial and ground survey techniques, as described below.

1. Aerial mapping services

- Establish survey control for aerial photography of final alignment;
- Aerial photo acquisition;
- Aero triangulation and preparation of digital orthophoto/orthomosaic;
- Mapping of planimetric features;
- Digital terrain model development;
- Mapping specifications:
 - 1' contours
 - 0.25' pixel density of photo
 - 0.33' vertical accuracy on visible, hard surfaces

2. Field/Ground mapping services

- Supplement aerial photo control as necessary to perform ground mapping work;
- Field review of mapping to determine areas obscured by vegetation/overhangs;
- Mark for utility locates;
- Map areas obscured from aerial mapping by vegetation;
- Map underground utilities;

Scope of Work

Continued

- Bathymetric surveying near SR 500 bridge over Lacamas/Round Lake;
- Detailed mapping of SR 500 bridge over Lacamas/Round Lake ;
- Tie environmental/resource areas identified and flagged;
- Tie soil boring and piezometer locations;
- Up to 10 pot holes of existing underground utilities to verify location, depth, and size.

3. Office mapping services

- Prepare topographic/right-of-way base map which includes:
- Aerial and ground topographic data;
- Existing ground digital terrain model;
- Centerline, right-of-way along route;
- Underground utilities and inverts (where available);
- Locations of all archeological, natural resource, and geotechnical flagging, test plots, etc.
- Compile utility as-built records and locations for public and private utilities (water, sanitary sewer, storm sewer, electric, telephone, gas, etc.)

Task 5 Geotechnical Investigation

This task will be performed by GRI and will include:

Subtask 5.1: Geotechnical Data Review

- Review available geotechnical and geological information for the sewer alignments, including well log reports.
- Review available aerial photographs and topographic maps of the project area for topographic conditions, areas of obvious shallow bedrock, and obvious indications of slope instability.

Subtask 5.2: Geotechnical Reconnaissance

- A licensed engineering geologist from GRI will complete a geologic reconnaissance of the transmission main alignments, pump stations, and bridge locations.
- Subsurface conditions along the alignment will be evaluated with up to 12 push-probe borings and 10 geotechnical borings.
- The push-probe borings will be advanced to depths of 15 to 20 feet, unless refusal on rock is encountered at a lesser depth. The push-probe method of investigation provides a cost-effective approach to rapidly explore subsurface conditions, particularly if hard rock is present. A metal tube with a sleeve is advanced into the ground to the depth desired, or to refusal on hard rock. A continuous core of the soils and, in some cases, soft rock, is obtained in the sleeve. Due to the relatively small (2 in.) diameter of the push-probe core, testing of the soil sample is limited to classification tests, such as moisture content and grain size analysis. The push-probe unit will be provided and operated by an experienced subcontractor. The push-

probe field work will be coordinated by a geotechnical engineer or engineering geologist from GRI who will document the work and obtain soil samples. It is anticipated that most, if not all, of the push-probe borings will be made on or along roadways, and traffic control will be required.

- Geotechnical borings will be completed using a truck-mounted hollow-stem auger unit. The borings will be completed in the sewer alignment including at the proposed pump stations and bridge crossing to supplement the information from the push-probes and further characterize the engineering properties of the soils and rock. Borings will be drilled to depths of between 20 and 30 ft. The total estimated drilling footage will be on the order of 260 ft. If hard rock is encountered within the proposed depth of excavation rock coring methods will be used to advance the borings to the maximum depth planned and rock core samples will be collected. Disturbed split-spoon samples will be obtained from the borings at about 2.5-ft intervals of depth in the upper 10 ft and at 5-ft intervals below this depth. The Standard Penetration Test will be conducted while the disturbed split-spoon samples are being taken.
- Vibrating-wire piezometers with data loggers will be installed in up to eight borings to measure the depth to groundwater and the seasonal variation. The vibrating-wire piezometers will allow for near-continuous measurement of the groundwater, which will be particularly useful for planning construction dewatering. Data from the data logger will be collected by GRI personnel on a three-month interval for a period of one year after drilling.
- The data logger will be protected at the ground-surface with a highway-rated, flush-mounted monument. The pavement at the borings locations not completed as piezometers will be patched with permanent cold-patch asphalt.
- Geotechnical laboratory testing will include standard classification tests, such as natural water content, grain size analysis, and Atterberg limit determinations to evaluate the suitability of the on-site material for structural fill and provide information to the contractor for construction dewatering. Unconfined compression testing will be performed on rock core samples to help evaluate rock excavation.

Subtask 5.3: Geotechnical Report

- Engineering studies and analyses will be accomplished that will lead to the preparation of conclusions and recommendations concerning
- Trenching conditions and considerations, including rock excavation;
- Earthwork, including cut and fill slopes, wet-weather construction, and the suitability of on-site soils for the use as structural fill;
- Foundation design criteria for the pump stations;
- Design lateral and uplift pressures and coefficient of base friction;
- Shoring;
- Dewatering; and
- Other geotechnical design or construction considerations that may arise during the course of

Scope of Work

Continued

the study

- A report will be prepared that discusses the work accomplished and presents the results of the various tests and office studies. The report will provide our characterization of the soil, rock, and groundwater conditions along the alignment.

Assumptions:

- Abandonment of the vibrating-wire piezometers is not included in our scope of services and should be made part of the construction documents.
- A traffic control plan will be submitted to the City of Camas. GRI will subcontract the traffic control personnel.
- The borings will be subcontracted to a drilling contractor experienced in drilling and sampling soils for engineering purposes.
- The geotechnical boring field work will be completed under the direction of an experienced geotechnical engineer or engineering geologist from GRI, who will locate the general areas for drilling and maintain a detailed log of the materials and conditions disclosed during the course of the work.
- It is anticipated that most, if not all, of the geotechnical borings will be made on or along roadways, and traffic control will be required.

Deliverables:

- Draft and final electronic and three paper copies of the Geotechnical Reports

Task 6 Environmental Services

Subtask 6.1: Stream and Wetland Field Review and Report

A number of small streams and associated wetlands along the preferred option (Alternative 4) need to be identified to facilitate 30% (Phase 1) project design, for example, constraints regarding pump station locations. Also, the City's Stormwater Capital Improvement Plan includes upsizing culverts under Leadbetter Road. All streams and wetlands in this Alternative need to be reviewed for potential project impacts to Waters of the U.S. In addition, the Ordinary High Water Marks (OHWMs) of Lacamas Creek and Lacamas Lake need to be determined to identify extent of shoreline jurisdiction (the OHWM defined in the Shoreline Management Act [SMA] is a biological vegetation mark). For this subtask (in Phase 1), Normandeau will:

- Flag the OHWM, per Ecology guidance, of streams and limits of associated wetlands beyond the OHWM
- Flag the OHWM at the inlet to Round Lake from the SR-500 bridge eastward for approximately 125 feet.
- Conduct office work and field work to complete a functional assessment and categorize wetlands according to Ecology's Wetland Rating System (2014).
- Prepare a memorandum summarizing field methods and findings

Assumptions:

- Demarcating of the OHWM on small streams will follow *Determining the Ordinary High Water Mark on Streams in Washington State*, March 2010 Second Review Draft, Ecology Publication 08-06-001.
- The Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region, ver. 2.0 (2010) will be followed.
- Wetland buffers terminate at the edge of the road prism and thus wetland abutting roadways do not need to be delineated.
- Normandeau will coordinate with Otak to survey the location of OHWM and wetland flags in the field.
- Four small stream crossings and associated wetlands will be delineated.
- Flagging of streams and associated wetland will extend approximately 50 feet from either side of the proposed centerline of alignment.
- Memorandum will not exceed 10 pages, not including appendices.

Deliverables:

- OHWM and wetland delineation memorandum (one internal draft electronic copy to Otak and the City; one final electronic copy to Otak and City).

Subtask 6.2: Joint Aquatic Resources Permit Application (JARPA) and Clean Water Act (CWA) Compliance

During Phase 1, the design team will coordinate with agency and City staff regarding project design/goals and issuance of a permit under CWA §404 and certification by Ecology under CWA §401. For this subtask (in Phase 1), Normandeau will:

- Attend an office visit with USACE and Ecology staff (if the latter elect to attend) to review the project and discuss concerns or recommendations agency staff may have regarding issuance of authorizations under the CWA.

Assumptions:

- Engineering drawings, impact acreages and drawings showing same, Best Management Practices, and related design and construction information will be provided by others.
- The project will meet Ecology's §401 General Conditions and thus is Certified under Nationwide Permit (NWP) 12 and NWP 14.
- No compensatory mitigation will be required by any agency.

Deliverables:

- Attend an office visit with USACE and Ecology staff (not to exceed 4 hours including travel and meeting time).

Subtask 6.3: Washington Department of Natural Resources (WDNR) Aquatic Use

Scope of Work

Continued

Authorization

If the project plans include constructing a utility bridge adjacent to the SR-500 bridge over the inlet to Round Lake and the land beneath the inlet is owned by the State of Washington, then an aquatic resources authorization will be required from WDNR. This authorization is not a regulatory permit, but a legal contract with terms and conditions between the City and WDNR that allows the City to lease space above state-owned aquatic land. For this subtask (in Phase 1), Normandeau will:

- Telephone WDNR staff and explain the details of the project and discuss ownership of the Round lake inlet.
- Attend a site visit with WDNR staff to review project and discuss concerns or recommendations that agency staff may have regarding project.

Assumptions:

- OHWM demarcated at the inlet to Round Lake following Ecology guidance is acceptable to WDNR, and additional field work will not be required.
- The site visit with WDNR will last not more than four hours (including travel).

Deliverables:

- Email summary of telephone call and site visit to Otak and City.

Subtask 6.4: Washington Department of Fish & Wildlife (WDFW) Hydraulic Project Approval (HPA)

The project plans to cross the inlet to Round Lake; install new sewer line beneath several small streams along the preferred option route (Alternative 4); and upsize culverts under Leadbetter Road. The streams associated with those specific culverts will require a review for potential impacts to Waters of the State by WDFW. For this subtask (in Phase 1) Normandeau will:

- Attend an office meeting with WDFW staff to review project and discuss concerns or recommendations agency staff may have regarding the project.

Assumptions:

- OHWM demarcations following Ecology guidance are acceptable to WDFW.
- New and replacement culverts will follow WDFW culvert criteria.
- The office meeting with WDFW will be concurrent with the USACE and Ecology meeting of subtask 8.1.

Deliverables:

- Attend office meeting with WDFW, Otak, and City staff.

Subtask 6.5: City and County Critical Areas and Significant Tree Permit

A Critical Areas report(s) will be required (in Phase 2) to address resources (wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat

conservation areas) impacted, but not addressed under the Shoreline Conditional Use Permit. Clark County GIS identifies Riparian Habitat Conservation Areas associated with small streams along the preferred alignment, particularly between the intersection of NE 28th Street and NE 232nd Avenue and the intersection of NE Everett Street (SR-500) and NW Lake Road. There may also be wetlands associated with these small streams.

During Phase 1 there should be coordination with City and County staff regarding project design/goals and issuance of a permit under Critical Areas. For this subtask (in Phase 1), Normandeau will:

- Attend an office visit with County and City staff to review the project and discuss concerns or recommendations agency staff may have regarding jurisdiction and critical area issues.

Assumptions:

- The Critical Area report will address the project area outside the Shoreline Master Program (SMP) jurisdiction. A shoreline-specific Critical Area analysis within those boundaries will be included with the SMP application.
- The each agency will act as a lead agency and will be responsible for processing of the Critical Area application under its regulations.

Deliverables:

- Attend an office meeting with county and city staff (two meetings not to exceed 4 hours each including travel and meeting time) and summary email of each meeting.

Task 7 Cultural and Historic Resource Assessments

This task will be performed by Archaeological Investigations Northwest (AINW), with support from Otak, to address Section 106 of the National Historic Preservation Act (due to a potential wetland impact that will require federal permitting) and local ordinances. The study will be an inventory or survey of the Area of Potential Effect (APE), and will include the following tasks.

Subtask 7.1: Background Review

Historic-period maps, such as early USGS quadrangles and General Land Office maps, will be reviewed. Areas where previous archaeological or historic resource studies have been conducted and where archaeological and historic resources have been recorded will be identified and shown on project maps. Previous studies that meet current standards and need no additional fieldwork will be identified. AINW will contact selected Tribes to assess whether ethnographic sites may be within the project.

This task also includes a review of the Area of Potential Effect (APE) maps prepared by others.

Subtask 7.2: Site Reconnaissance

A site reconnaissance of the project will be conducted. Goals for this reconnaissance include identifying areas where there is no need for pedestrian survey or shovel testing, and to verify the coverage of previous field studies.

Scope of Work

Continued

Since the project alignment will be within roads for much of its length, it will be important to determine if there are areas that do not need archaeological study because they are deeply cut or filled. These include:

- Portions of the project where impacts are within roads—especially in road cuts that are well below grade—may need no additional exploration as impacts may occur in geologic layers deposited well before the time people were in the area.
- Determining whether the alignment will be within native soils—and have potential for an archaeological site—or will be entirely in fill or bedrock, for example, is likely to reduce the risk of encountering archaeological resources in some areas.

Subtask 7.3: Resource Surveys

After the reconnaissance is done, pedestrian surveys will be conducted, followed by shovel testing of areas where archaeological sites are deemed likely. Archaeological and historic resources will be documented during the survey.

Archaeological Survey and Shovel Testing

Archaeological survey of the roadway areas that the Camp Currie option will replace will be difficult to accomplish due to heavy traffic. Because construction trenching may intersect archaeological sites buried under the existing roadway, some areas may be targeted for probes through the roadway, if this can be accomplished, although archaeological investigation much prior to construction might be impossible.

- Areas along roads that are considered likely could be approached by investigating the shoulder areas and considering those areas to be a proxy for the undisturbed area under the road bed; a constraint may be the narrowness of road right of way.
- Alternatively, if shovel probes could be done ahead of construction in the high probability areas within roads, that will reduce risk. This may be possible in some low trafficked areas, but this strategy is not likely to address most of the project.
- It may be very difficult to adequately test for buried archaeological resources in some high risk areas, and monitoring may be appropriate for those areas; this is not the preferred situation as interruptions during construction would increase cost.
- Areas where an archaeological site is considered likely but the visibility of native soils is poor due to vegetation may be recommended for shovel testing. If artifacts are found during shovel testing, they will not be collected but will be documented, and a site or isolated find form will be prepared. Shovel tests will be excavated to meet the City's archaeological ordinance and the DAHP's standards and guidelines. They will be excavated 30 centimeters in diameter at the surface to at least 50 centimeters deep, and soils will be screened using 1/8-inch mesh hardware cloth, all to meet the City of Camas archaeological ordinance.

Historic Resource Field Inventory

Historic-period buildings and structures—those constructed more than 45 years ago—that are within the APE will be inventoried and a preliminary evaluation of significance assessed. At this time, two

previously identified resources that are significant are likely to be within the project APE include:

- The Pittock House on Leadbetter Road, also known as the Lakeside Leadbetter House, has been listed in the NRHP.
- The Camas Mill Ditch is crossed by the alignment near the southern end of the project, along Garfield Street; this is part of the complex making up the paper mill, which is considered to be a significant resource.

Other historic resources that are within the APE also will be identified and included in the inventory of historic resources. Historic resources will need to be documented on the DAHP's current inventory forms and the forms appended to the report. A preliminary evaluation will need to be provided as part of the documentation.

Subtask 7.4: Report

The report will be prepared to meet the survey-level standards of the City's archaeological ordinance, given the strong likelihood of an archaeological site within the APE and to meet SEPA review. The report will document the work performed to the level that will meet the standards for review by the Corps of Engineers.

The report will provide a project description and information on the environmental and historical/cultural setting of the project, summarize the background review and fieldwork, provide information about areas where additional survey may be needed, and provide an evaluation of resources. A preliminary Finding of Effect will be recommended. Forms for identified archaeological and historic resources will be appended to the report, and map atlases will note areas where the study has been completed as well as where resources are located and show where additional effort, such as monitoring during construction, may be recommended.

Assumptions:

- APE maps will be provided by others. AINW will review and make recommendations for adjustments.
- The DAHP database will be a main source of background information.
- AINW's library will be used to identify reports written prior to the start of the database compilation in the late 1990s.
- The project will be reviewed by the City of Camas, including the portions that are within Clark County (unincorporated).
- AINW will assist with identification of the project APE, in coordination with the project team.
- The project corridor (assumed APE for the alignment) is 8.8 kilometers (5.5 miles) long and the corridor is 50-feet wide on each side of pipeline, or along the right of way where along roads.
- The archaeological fieldwork will include a pedestrian survey using transects spaced 33 to 50 feet (10 to 15 meters) apart for all of the APE except paved areas, impenetrable areas, and private land where no permission has been obtained.

Scope of Work

Continued

- Up to **190 shovel tests** will be excavated at high probability areas, where the surface visibility is inadequate to determine whether an archaeological site is present. The shovel tests will also be used to delineate resource boundaries.
- Shovel tests will be 30 centimeters at the surface and excavated at least 50 centimeters deep, to meet the City of Camas archaeological ordinance. (County standards require 50-centimeter diameter shovel tests.)
- Soils will be screened using 1/8-inch mesh hardware cloth. No artifacts will be collected.
- Up to 20 archaeological resources may be documented.
- Up to 10 historic resources may be identified.
- The study and report will be done to meet the “survey-level” of the City’s archaeological ordinance; the report also will be prepared to meet standards of DAHP for a survey, so that it will meet standards of the Corps of Engineers, if needed.
- After review of the draft report and acceptance by the project team and the City, the draft report will be finalized for submittal to the City of Camas for its review under the City’s archaeological ordinance and SEPA.
- Copies of the report will be sent to seven Tribes and DAHP via certified mail, to meet the City’s ordinance.
- If resources are found that appear to be eligible for listing in the NRHP, and if impacts or adverse effects cannot be avoided, additional study may be needed.
- Archaeological sites that cannot be avoided and that may be significant may need additional testing. If the project is being done to meet Section 106, no permit from the DAHP would be needed for evaluation excavations or for mitigation excavation for sites found to be eligible for listing in the NRHP that cannot be avoided. By identifying these resources early in the project design, it may be possible to find avoidance measures. A site evaluation report would be prepared to present the information from evaluation testing, if this phase of work is needed.

Deliverables:

- Draft and final Cultural Resources report and resource forms (Five (5) paper copies).

Task 8: Right-of-Way Services

These tasks will be performed by Universal Field Services and will include:

- Contacting property owners to discuss the potential for a right of way subsurface easement across their property and discuss the process for obtaining these easements.
- Preparation of a preliminary project funding estimate based on proposed easements and will estimates of land values for identified properties and estimate of values for easements. The draft will include estimated values for land, improvements, damages and any relocations that may be required.

Assumptions:

- Up to 6 property owners will be contacted.

Deliverables:

- A written contact report will be submitted concerning property owners willingness to grant easements in the future.
- Preliminary Project Funding Estimate – 3 copies

Task 9 Project Management

These tasks will be performed by the consultant team and will include:

Subtask 9.1: Project Management and QA/QC

The Project Team will plan, manage, and execute the tasks described herein in accordance with the schedule, budget, and quality expectations that are established. This project management task includes the following work activities:

- Develop project work plan and quality assurance/quality control (QA/QC) plan. This plan will include:
 - Agreement highlights including invoicing and billing procedures
 - Project description
 - Scope of work
 - Work plan including project budget and schedule
 - Progress evaluation for monitoring budget and schedule
 - Quality assurance/quality control (QA/QC) plan
 - Communication plan
 - Documentation plan
 - Scope change management procedures
 - Decision making protocol
- Coordinate between tasks and team members. Document meeting decisions and action items, assign activities to team members, and follow up to ensure timely resolution.
- Manage the quality control review of all work activities and project deliverables.
- Preparation and ongoing maintenance of a comprehensive design schedule with individual task milestones, task duration, individual responsibilities of subconsultants and County staff, agencies, utilities, etc.
- Monthly progress reports to be submitted with billings. Monthly progress reports will reflect hourly/percent complete progress for each activity and identify budget status and tasks performed to date during the billing period.

Subtask 9.2: Project Meetings

Scope of Work

Continued

- A project kick-off meeting to introduce the team players and discuss roles and schedule.
- Project team meetings at Otak's office throughout the project duration at appropriate intervals based upon design activities (Scope assumes 12 meetings).
- Preliminary Design Decision meetings (Assume 12 meetings)
- Project update meetings with the client project manager. Assume bi-weekly meetings through the duration of the project (Scope assumes 12 meetings).
- Attend and present at City Council work sessions (Scope assumes one (1) meeting).

Assumptions:

- Workshops with the consultant and client team for plan review and making project-related decisions is included elsewhere.

Deliverables:

- Meeting minutes from each meeting
- Action Item list, updated before each Client project manager meeting
- Monthly status reports and invoices
- Development and maintenance of the project schedule (Scope assumes four (4) updates)

Task 10 Risk Management

Risk management is an organized decision-making process that assesses the risks associated with achieving overall program objectives. By identifying, analyzing, forecasting, and quantifying the likelihood of risk, the City can allocate appropriate resources and contingencies to mitigate the risk—increasing the likelihood of project success. The purpose of this task is to establish and maintain a Risk Register throughout the project in order to bring certainty to project cost while creating opportunities to avoid using contingency funds.

Subtask 10.1: Establish Risk Register

- Plan and lead a Risk Management Workshop.
- Develop a SharePoint-driven Risk Management tool. Meet with team to develop and populate initial risk register. Register will include a documentation of risks and opportunities and assign potential monetary impact as well as probability of occurrence.
- Work with City staff to develop Risk Management strategies as well as project contingencies.

Subtask 10.2: Risk Register Updates

- Meet with City staff as well as other team members to update the Risk Register on a monthly basis.
- Assume monthly Risk Register meetings are performed via conference call or as part of regular project meetings.

Meetings:

- Initial Risk Register workshop with District staff and Designers.
- Assumed attendance at monthly (assume ten (10)) Risk Register meetings with City staff.
Assume meetings are performed via conference call or as part of regular project meetings.

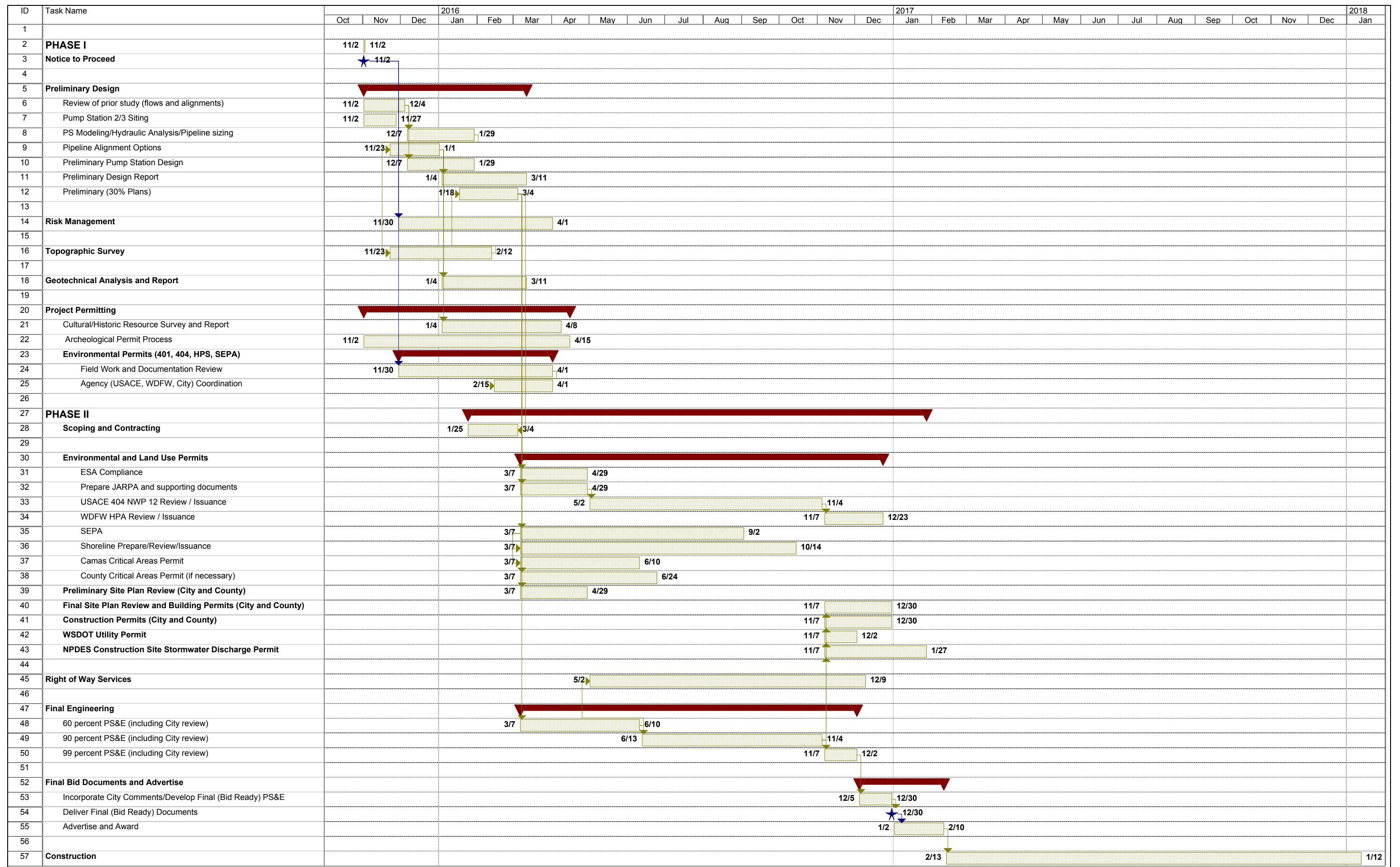
Deliverables:

- Initial Risk Register
- Regular updates to Risk Register

North Urban Growth Area Sewer Transmisstion System

Fee Estimate
Summary of Otak, Inc. and subconsultants
Otak Project # 17628

<i>Task</i>	<i>Description</i>	Otak	CH2M	Normandeau	GRI	EPIC	AINW	BA	<i>Total Hours</i>	<i>Total Budget by Task</i>
1	Flow Projections	36						92	128	\$15,790
2	Alternatives Analysis									
2.1	Camp Currie Alignment	799	263	55			516		1633	\$161,055
2.2	Pump Station Site Alternatives	176	84						260	\$32,189
2.3	Pipeline Route Alternatives - SR 500 to Downtown	124						54	178	\$18,292
2.4	Define Odor and Corrosion Control Approach	10	88						98	\$16,104
3	Preliminary Design									
3.1	Transient Analysis	4	170						174	\$24,967
3.2	Preliminary Pump Station Design	260	1018						1278	\$177,722
3.3	Pipeline Design	1208						44	1252	\$137,572
3.4	Flow Management and Operations/Maintenance Plan	6	66						72	\$13,506
3.5	Preliminary Design Workshops	160	104					8	272	\$46,092
4	Survey and Mapping									
4.1	Topographic Survey	1176							1176	\$95,450
5	Geotechnical Investigation									
5.1	Geotechnical Data Review				6				6	\$820
5.2	Geotechnical Reconnaissance				140				140	\$14,760
5.3	Geotechnical Report	10			124				134	\$15,788
6	Environmental Services									
6.1	Stream and Wetland Field Review and Report	5		56					61	\$7,892
6.2	JARPA and CWA Compliance			6					6	\$996
6.3	WDNR Aquatic Use Authorization	5		6					11	\$1,670
6.4	WDFW Hydraulic Project Approval									
6.5	Endangered Species Act Compliance	5							5	\$674
6.6	Sole Source Program Compliance									
6.7	SEPA Compliance	5							5	\$674
6.8	Shoreline Master Program Permit									
6.9	Camas Critical Areas and Significant Tree Permit	5		14					19	\$2,998
7	Cultural and Historic Resource Assessments									
7.1	Background Review						54		54	\$5,852
7.2	Site Reconnaissance						72		72	\$6,138
7.3	Resource Surveys						750		750	\$54,446
7.4	Report	6					428		434	\$42,359
8	Right of Way					20			20	\$2,000
9	Project Management									
9.1	Project Management and QA/QC	164	56	10	6	4		6	246	\$39,854
9.2	Project Meetings	140	120	6	8	2		8	284	\$49,782
10	Risk Management									
10.1	Establish Risk Register	12	24						36	\$6,739
10.2	Risk Register Updates	32	6						38	\$5,756
	<i>Total Hours</i>	4348	1999	153	284	26	1820	212	8842	
	<i>Total Labor Cost</i>	\$446,281	\$320,613	\$21,342	\$32,420	\$2,600	\$147,648	\$27,034		\$997,938
	<i>Direct Expenses</i>	\$15,600	\$3,160		\$38,780	\$200	\$3,996	\$200		\$61,936
	<i>Subconsultant Administration</i>	\$29,900								\$29,900
	Project Total	\$491,781	\$323,773	\$21,342	\$71,200	\$2,800	\$151,644	\$27,234		\$1,089,773



AGREEMENT FOR PROFESSIONAL SERVICES

No. _____

This AGREEMENT made and entered into this _____ day of _____, 2015, by and between the City of Camas, Washington, (hereinafter "OWNER"), and Carollo Engineers, Inc., (hereinafter "ENGINEER").

WITNESSETH:

WHEREAS, the OWNER and the ENGINEER wish to enter into an Agreement (hereinafter "Agreement") for the furnishing of Engineering Services in connection with the Water Master Plan Project (hereinafter "Project"), and

WHEREAS, ENGINEER is qualified and prepared to perform the necessary professional services in connection with the Project.

NOW THEREFORE, in consideration of the mutual promises and covenants of the parties hereto, it is agreed as follows:

SECTION 1 - PROFESSIONAL SERVICES

1.1 ENGINEER shall provide professional engineering services in all phases of the Project to which this Agreement applies. The services furnished by the ENGINEER will be defined by Task Orders which will set forth the Engineer's Services, Time of Performance, and Payment.

1.2 It is intended that each Task Order, after execution by both parties shall become a supplement to and a part of this Agreement.

SECTION 2 - PAYMENT TO ENGINEER

2.1 As consideration for providing the services referred to in Section 1, the OWNER shall pay ENGINEER on the basis to be established in the Task Order for Services.

2.2 The ENGINEER is not responsible for damage or delay in performance caused by events beyond the control of ENGINEER. In the event ENGINEER's services are suspended, delayed or interrupted for the

convenience of the OWNER or delays occur beyond the control of ENGINEER, an equitable adjustment in ENGINEER's time of performance and cost of ENGINEER's personnel and subcontractors shall be made.

2.3 OWNER reserves the right to direct revision of ENGINEER's services as may be necessary. When ENGINEER is directed to make revisions under this section of the agreement, ENGINEER shall advise OWNER of the probable costs involved in completing engineering services and the time of performance for such completion. Extra services also include those that are required for defense of claims, in which event ENGINEER shall bill OWNER on an hourly basis together with cost of material.

2.4 In the event OWNER and ENGINEER cannot agree on equitable compensation for services rendered in making revisions, then, at OWNER's option, ENGINEER shall either continue performance under the revised Agreement and an equitable

adjustment in ENGINEER's time of performance and cost of ENGINEER's personnel shall be made at completion of the revised work or ENGINEER shall not be obligated to continue performance under this Agreement.

- 2.5 The ENGINEER shall bill the OWNER monthly indicating the services performed and the cost of such services.

OWNER agrees to pay invoices within 30 days of their date. Payments not received by ENGINEER within 45 days shall be considered delinquent and subject to a finance charge of 1 percent per month for each month unpaid after the date of invoice. ENGINEER may suspend services should an invoice remain delinquent for 75 days from date of invoice.

- 2.6 All notices shall be made in writing and may be given by personal delivery, by e-mail, or by mail. Notices sent by e-mail shall be sent using a system that requires acknowledgment by the recipient of receipt of the e-mail. Notices sent by mail shall be addressed to the designated responsible person or office:

TO OWNER:

City of Camas

Camas, Washington

TO ENGINEER:

Carollo Engineers, Inc.

1218 Third Avenue, Suite 1600
Seattle, Washington 98101

and when so addressed, shall be deemed given upon deposit in the United States Mail, postage prepaid. In all other instances, notices and invoices shall be deemed given at the time of actual delivery.

All payments are to be mailed to:

Carollo Engineers, Inc.

P.O. Box 30835

Salt Lake City, UT 84130-0835

unless otherwise informed on the face of the invoice.

SECTION 3 - MISCELLANEOUS

- 3.1 The OWNER shall furnish the ENGINEER available studies, reports and other data pertinent to ENGINEER's services; obtain or authorize ENGINEER to obtain or provide additional reports and data as required; furnish to ENGINEER services of others required for the performance of ENGINEER's services hereunder, and ENGINEER shall be entitled to use and rely upon all such information and services provided by OWNER or others in performing ENGINEER's services under this Agreement.
- 3.2 The OWNER shall arrange for access to and make all provisions for ENGINEER to enter upon public and private property as required for ENGINEER to perform services hereunder.
- 3.3 The ENGINEER maintains, at its own expense, Worker's Compensation and Employers Liability, Comprehensive General Liability, Automobile Liability and Professional Liability policies with limits at or above that which is reasonably required of other engineering firms and will, upon request, furnish insurance certificates to OWNER.

SECTION 4 - LEGAL RELATIONS

- 4.1 The ENGINEER shall be responsible for professional negligence, which is failure to exercise skill and ability as ordinarily required of engineers under the same or similar circumstances. The ENGINEER shall not be

responsible for warranties, guarantees, fitness for a particular purpose, breach of fiduciary duty, loss of anticipated profits or for economic, incidental or consequential damages to the OWNER or any third party arising out of breach of contract, termination, or for any other reason whatsoever. Additionally, the ENGINEER shall not be responsible for acts and decisions of third parties, including governmental agencies, other than the ENGINEER's subconsultants, that impact project completion and/or success.

- 4.2 In providing opinions of cost, financial analyses, economic feasibility projections, and schedules for potential projects, the ENGINEER has no control over cost or price of labor and material; unknown or latent conditions of existing equipment or structures that may affect operation and maintenance costs; competitive bidding procedures and market conditions; time or quality of performance of third parties; quality, type, management, or direction of operating personnel; and other economic and operational factors that may materially affect the ultimate project cost or schedule. Therefore, the ENGINEER makes no warranty that the OWNER's actual project costs, financial aspects, economic feasibility, or schedules will not vary from the ENGINEER's opinions, analyses, projections, or estimates.
- 4.3 The services to be performed by ENGINEER are intended solely for the benefit of the OWNER. No person or entity not a signatory to this Agreement shall be entitled to rely on the ENGINEER's performance of its services hereunder, and no right to assert a claim against the ENGINEER by assignment of indemnity rights or otherwise shall accrue to a third party as a result of this Agreement or the

performance of the ENGINEER's services hereunder.

SECTION 5 - TERMINATION OF AGREEMENT

- 5.1 If this Agreement is terminated with or without cause, in either event, OWNER shall provide:
- a. not less than five (5) working days' written notice of intent to terminate, and
 - b. an opportunity for good faith consultation prior to termination.

SECTION 6 - DISPUTE RESOLUTION

- 6.1 All claims, disputes, and other matters in controversy between OWNER and ENGINEER arising out of or in any way related to this Agreement will be submitted to Alternative Dispute Resolution (ADR) before, and as a condition precedent to other remedies provided by law. The method for resolving disputes will be agreed to between the parties and each party shall use its best efforts to reach a resolution.

SECTION 7 - ENTIRE AGREEMENT

- 7.1 This Agreement, including attachments incorporated herein by reference, represents the entire Agreement and understanding between the parties and any negotiations, proposals or oral agreements are intended to be integrated herein and to be superseded by this written Agreement. Any supplement or amendment to this Agreement to be effective shall be in writing and signed by the OWNER and ENGINEER.

SECTION 8 - GOVERNING LAW

8.1 This Agreement is to be governed by
and construed in accordance with the
laws of the State of Washington.

IN WITNESS WHEREOF, duly authorized representatives of the parties have signed in
confirmation of this Agreement, with effective date the day and year first above written.

CITY OF CAMAS

CAROLLO ENGINEERS, INC.

By: _____

By: _____
Lara R. Kammereck, Vice President

PE# _____

By: _____
Brian R. Matson, Senior Vice President

PE# _____

TASK ORDER NO. _____
CITY OF CAMAS
AND
CAROLLO ENGINEERS, INC.

This Task Order is issued by the ENGINEER and accepted by CONSULTANT pursuant to the mutual promises, covenants and conditions contained in the Agreement between the above named parties dated the _____ day of _____, 2015, in connection with:

Water Master Plan Project

PURPOSE

The purpose of this Task Order is to:

CONSULTANT'S SERVICES

TIME OF PERFORMANCE

PAYMENT

EFFECTIVE DATE

This Task Order No. _____ is effective as of the _____ day of _____, 2015.

IN WITNESS WHEREOF, duly authorized representatives of the CITY and of the ENGINEER have executed this Task Order No. _____ evidencing its issuance by CITY and acceptance by ENGINEER.

CITY OF CAMAS

CAROLLO ENGINEERS, INC.

Accepted this ____ day of _____, 2015

By: _____

By: _____
Lara R. Kammereck, Vice President

By: _____

By: _____
Brian R. Matson, Senior Vice President

**CITY OF CAMAS
WATER SYSTEM PLAN
SCOPE OF SERVICES**

The following Scope of Services has been developed to assist the City of Camas (City) with the 2016 update of its Water System Plan (Plan). The objective of this project is to update and review of all elements of the Plan document, in accordance with WAC 246-290-100 and State of Washington Department of Health (DOH) regulations. The following tasks under this Scope of Services have been prepared based on Carollo Engineers' (Consultant) current understanding of the proposed project, and on discussions with City staff.

1.0 PROJECT BACKGROUND

The City initiated this Plan recognizing the importance of planning, developing, and financing water system facilities to provide reliable and efficient service for existing customers and to serve anticipated growth. The Plan is designed to meet state, county, and local requirements. The City's last Water System Plan was completed and approved by DOH in 2010. This plan will be a substantial update to the 2010 Plan and will include an above-ground asset condition assessment and O&M manual update. The 2010 Plan will be incorporated into the updated Plan, as appropriate. This Plan is being developed in conjunction with an update to the City's Comprehensive Plan, creating a cohesive and complementary set of documents.

2.0 PROJECT ASSUMPTIONS

- Carollo Engineers, Inc. will be referred to as "Consultant" in this document.
- The City of Camas and its staff will be referred to as "City" in this document.
- FCS GROUP will be referred to as "FCS" in this document.
- Pacific Groundwater Group will be referred to as "PGG" in this document.
- All meetings will be held at City offices.
- Draft Chapters will be provided in electronic copy (PDF and/or Microsoft Word) transmitted via email or secure file transfer.
- Calculation tables will be provided in Microsoft Excel (.xlsx format).
- Consultant to prepare an agenda, presentation materials, and document discussions, including action items and decisions, in meeting minutes for Consultant lead meetings. Meeting notes and related materials will be transmitted electronically in MS Word and PDF formats via email.
- The City will print and produce additional copies of all documents as necessary for its use.
- The City will provide available information related to the project and as requested by the Consultant in a timely manner. The City shall furnish Consultant available studies, reports, and other data pertinent to Consultant's services; obtain, or authorize Consultant to obtain, or provide additional reports and data as required; furnish to Consultant services of

others required for the performance of Consultant's services hereunder, and Consultant shall be entitled to use and rely upon all such information and services provided by the City or others in performing Consultant's services under this Agreement.

- The Consultant and City will develop the chapters for the Plan with the lead roles as described below.

Chapter / Appendix	Chapter Lead
Executive Summary Water System Plan	Consultant
Chapter 1: Introduction	Consultant
Chapter 2: Planning Considerations	Consultant
Chapter 3: Existing System	Consultant
Chapter 4: Operations and Maintenance	Consultant
Chapter 5: Water Requirements	Consultant
Chapter 6: Water Use Efficiency	City
Chapter 7: Water Quality	Consultant
Chapter 8: Water Resources	Consultant with PGG
Chapter 9: Water System Analysis	Consultant
Chapter 10: Capital Improvements Plan	Consultant
Chapter 11: Financial	FCS

TASKS

To meet the objectives of this scope of services, the Consultant shall complete the tasks as summarized in the table below and discussed in detail in the text that follows.

Task	Title
Task 100	Introduction
Task 200	Planning Considerations
Task 300	Existing System
Task 400	Operations and Maintenance
Task 500	Water Requirements
Task 600	Water Use Efficiency
Task 700	Water Quality
Task 800	Water Resources
Task 900	Water System Analysis
Task 1000	Capital Improvements

Task	Title
Task 1100	Financial
Task 1200	Plan Integration
Task 1300	Condition Assessment
Task 1400	O&M Manual
Task 1500	Project Management
Task 1600	Management Reserve

TASK 100 – INTRODUCTION

The objective of this task is to review and update the City’s introduction to the Plan. Chapter 1 documents important plan elements including purpose, objectives, ownership and management, and the approval process. This task will develop *Chapter 1 Introduction* of the Plan and includes the Project Kick-off meeting.

Task 100 Activities

101. *Data Request.* Develop and submit a request for data required for Chapter 2. The following data are anticipated to be required:
 - a. Notice of Determination of Non-Significance (DNS).
 - b. State Environmental Policy Act (SEPA) Checklist.
 - c. Agency Comment Letters and Responses.
 - d. Water System Plan Submittal Form.
 - e. Municipal Water Law – Water System Plan Government Consistency Review Checklist.
102. *Meeting No. 1 - Project Kick-off.* Summarize the DOH Kick-off meeting, the Plan outline, the Draft PMP, and the initial data request list for Tasks 100 through 400.
103. *Develop Introduction Information.* Develop information for Chapter 1 to introduce the Plan contents. Document the purpose, objectives, ownership and management, and the approval process, including environmental and Agency review comments and ordinances.
104. *Draft and Final Chapter 1 – Introduction.* Prepare draft Chapter 1 for City’s review and approval. City comments and Consultant responses will be tracked in the Comment Response Log. Comments on this chapter will be incorporated into the final Plan.

Assumptions

- It is anticipated the City will lead the environmental and agency Plan review and approval process. The City will provide all associated documentation to the Consultant.

City Deliverables

- Agency and adjacent purveyor review comments.

- Adopting resolution.
- Comments on draft Chapter 1 – Introduction.

Consultant Deliverables

- Project Kick-off Meeting Agenda, Materials, and Minutes.
- Draft Chapter 1 – Introduction.
- Final Chapter 1 – Introduction.

Meetings

- Meeting No. 1 - Project Kick-off.

TASK 200 – PLANNING CONSIDERATIONS

The objective of the chapter is to document the planning considerations that influence the Plan. These include the study area, policies, criteria, and related documents.

Task 200 Activities

201. *Data Request.* Develop and submit a request for data required for Chapter 2. The following data are anticipated to be required:
 - a. Clark County's Coordinated Water Service Areas.
 - b. City's Retail Water Service Area (RWSA) boundary.
 - c. Service Area agreements.
 - d. Interlocal agreements with adjacent purveyors.
 - e. Related studies.
202. *Study Area.* Summarize the system background, including history, geology, water resources, and adjacent purveyors.
203. *Identify Legislation, Regulations, and Permits:* Identify and summarize key legislation, regulations, and permits relating to the City's water system.
204. *Review and Update of Policies and Criteria.* Review and update the policies and criteria in Chapter 2 of the 2010 Plan to reflect the latest information and reformat to maintain consistency throughout the Plan. Recommend areas where new policies or criteria may aid the City. Incorporate changes into draft Chapter 2 for the City's review and approval.
205. *Meeting No. 2 - Policies and Criteria.* Review and discuss existing policies and criteria, as well as recommendations.
206. *Summarize Related Documents:* List City, County, and Regional Planning documents related to the Plan. Summarize information that is important to the operation of the City's water system. It is expected that this will include the City and Clark County Comprehensive Plan Clark County Coordinated Water System Plan, adjacent purveyor water system plans, Watershed Assessment Water Resource Inventory Area (WRIA) 28, etc.
207. *Draft and Final Chapter 2 – Planning Considerations.* Prepare draft Chapter 2 for City's review and approval. City comments and Consultant responses will be tracked in the

Comment Response Log. Comments on this chapter will be incorporated into the final Plan.

Assumptions

- The City will provide the necessary related documents.

City Deliverables

- Requested data.
- Comments on draft Chapter 2 – Planning Considerations.

Consultant Deliverables

- Meeting No. 2 Agenda, Materials, and Minutes.
- Draft Chapter 2 – Planning Considerations.
- Final Chapter 2 – Planning Considerations.

Meetings

- Meeting No. 2 - Retail Water Service Area/Policies and Criteria.

TASK 300 – EXISTING SYSTEM

The purpose of this task is to document the City's existing water system, including supply, storage, booster pump stations, interties, treatment, and distribution. This task will develop *Chapter 3 – Existing System* of the Plan.

Task 300 Activities

301. *Data Request.* Develop and submit a request for data required for Chapter 3. The following data are anticipated to be required:
 - a. System tables for City to review/complete
 - b. Coordinate with City to obtain the most up-to-date GIS information.
 - c. Water Facilities Inventory Form.
 - d. Updated facilities information from 2010 Plan, including Summary Engineering and DOH Report of the Slow Sand Filtration Treatment Plant (SSFTP).
302. *Review and Update of Existing System.* Review and update Chapter 3 of the 2010 Plan to reflect the latest information and maintain consistency throughout the Plan, including storage, booster pump stations, and treatment. Facilities will be updated, as required, based information from the City and from Task 1500 - Condition Assessment. Prepare existing hydraulic profile of the existing system with new SSFTP.
303. *Draft and Final Chapter 3 – Existing System.* Prepare draft Chapter 3 for City's review and approval. City comments and Consultant responses will be tracked in the Comment Response Log. Comments on this chapter will be incorporated into the final Plan.

Assumptions

- City will provide pertinent information for missing or updated facility data.

- Chapter 3 will be developed in conjunction with Task 1500 - Condition Assessment.

City Deliverables

- Requested data.
- Comments on draft Chapter 3 – Existing System.

Consultant Deliverables

- Draft Chapter 3 – Existing System.
- Final Chapter 3 – Existing System.

Meetings

- None.

TASK 400 – OPERATIONS AND MAINTENANCE

The purpose of this task is review, update, and evaluate the City's Operations and Maintenance (O&M) Program and document in *Chapter 4 – Operations and Maintenance* of the Plan. This chapter will be developed in conjunction with Task 1400 - Operation and Maintenance Manual. An evaluation of the O&M programs will provide recommendations for new or updated maintenance programs, as needed.

Task 400 Activities

401. *Data Request.* Develop and submit a request for data required for Chapter 4. The following data are anticipated to be required:
 - a. Water System organization chart and operator certifications.
 - b. Coliform Monitoring Plan.
 - c. Boil Water Notices.
 - d. Public Works Emergency Response Plan.
 - e. Cross-Connection Control Program (or enabling ordinance).
 - f. Routine and preventive maintenance schedules for major system components.
402. *O&M Analysis.* Conduct O&M analysis to identify deficiencies and recommendations. Summarize the current operations and maintenance programs. Programs may include Operator certificates and training, lead free, routine, and preventive maintenance, Cross Connection Control Program, and Public Notification Plan/Procedures. Review current operation and maintenance program in relation to state and national water operation standards, including AWWA G200-09 Standards. Propose recommendations and develop CIPs, if needed, based on the review.
403. *Remaining Useful Life (RUL).* Evaluate the remaining useful life of water pipes considering age and material. City to review and update estimate of the assumptions of useful life and RUL based on the City's experience. Prepare annual pipeline replacement schedule based on the results.
404. *Draft and Final Chapter 4 – Operations and Maintenance.* Prepare draft Chapter 4 for City's review and approval. City comments and Consultant responses will be tracked in

the Comment Response Log. Comments on this chapter will be incorporated into the final Plan.

Assumptions

- Chapter will be conducted in conjunction with Task 1400 - Operations and Maintenance Manual.

City Deliverables

- Requested data.
- Comments on Chapter 4 – Operations and Maintenance.

Consultant Deliverables

- Draft Chapter 4 – Operations and Maintenance.
- Final Chapter 4 – Operations and Maintenance.

Meetings

- None.

TASK 500 – WATER REQUIREMENTS

The purpose of this task is to perform a demographic and demand analysis to predict current and future demands within the City's RWSA. Six (6)-year, 10-year, and 20-year planning horizons will be evaluated using the best available information. This task will develop *Chapter 5 - Water Requirements* of the Plan.

Task 500 Activities

501. *Data Request.* Develop and submit a request for data required for Chapter 5. The following data are anticipated to be required:
- a. Growth rates by customer class through the end of the water supply planning horizon. The rates should be consistent with regional planning and may be population and employment projections on a Transpiration Analysis Zones (TAZ) basis.
 - b. Historical connection and water use information by customer class for the past 6 to 10 years.
 - c. Historical Production from each source for the past 6 to 10 years, including annual volume and maximum day production.
 - d. Largest customer locations on a map and annual consumption by customer class.
 - e. Accounted-for Non-Revenue Water for the past 6 to 10 years.
 - f. Identify infill capacity and areas of redevelopment. Specific emphasis will be placed on those areas with a high potential for large scale residential or commercial development, as well as new industrial customers.
 - g. GIS Data: land use and zoning data, vacant and redevelopable land, TAZ boundaries.

502. *Demographics Projections.* Demographic projections will be developed to project the future growth in customers.
- a. Use data from Clark County and the City to calculate rates of growth for each TAZ and each pressure zone. High, low, and average number of accounts will be prepared for the 6-year, 10-year, and 20-year by pressure zone, if sufficient data is available.
 - b. Generate build-out, or ultimate, accounts by pressure zone, based on approved land use. Accounts per acre will be developed based on existing densities.
503. *Demand Projections.* Demand projections will be for the 6-year, 10-year, 20-year, and build-out planning horizons.
- a. Develop the historical average day demands (ADD) and maximum day demands (MDD), the accounted-for revenue water uses, estimated water loss and leakage planning values, and establish equivalent residential unit (ERU) values for the different customer classes.
 - b. Estimate the future ADD and MDD water demand for each pressure zone based on the demographic projections and historical ERU demand. Estimates of the future water demand will be determined. The range will be based on the statistical variation in the historical ERU demand, leakage values, conservation goals, and the high and low ranges of the demographic projection and the effects of climate change. The City's largest connections, potential large scale industrial demands and future wholesale water customers will be evaluated and projected separately and added to other projected system demands. Peak hour demand (PHD) will be calculated using City specific peaking factors.
504. *Meeting No. 3 – Water Requirements/WUE Program Review.* Review demographic analysis and demand projection results. Confirm allocation of demand across customer classes and pressure zones. Review WUE program and conservation volumes.
505. *Draft and Final Chapter 5 – Water Requirements.* Prepare draft Chapter 5 for City's review and approval. City comments and Consultant responses will be tracked in the Comment Response Log. Comments on this chapter will be incorporated into the final Plan.

Assumptions

- Current retail water service area and pressure zones are correctly delineated and do not require updating.
- No meeting will be held directly with Clark County.

City Deliverables

- Requested data.
- Comments on Chapter 5 – Water Requirements.

Consultant Deliverables

- Meeting No. 3 Agenda, Materials, and Minutes.

- Draft Chapter 5 – Water Requirements.
- Final Chapter 5 – Water Requirements.

Meetings

- Meeting No. 3 - Water Requirements/WUE Program Review.

TASK 600 – WATER USE EFFICIENCY

The City will lead the Water Use Efficiency (WUE) Chapter, which summarizes the WUE program, estimate the water savings from measures in the past 6 years, and project future conservation water demand. The City will author *Chapter 6 – Water Use Efficiency* of the. The City will summarize the existing and future WUE program, including program measures, effectiveness, costs, and benefits. The Consultant will develop future demand projections with the WUE program and review and format Chapter 6. The WUE work efforts will be presented as part of Meeting No. 3 - Water Requirements/WUE Program Review.

Task 600 Activities

601. *Data Request.* Develop and submit a request for data required for Chapter 6. The following data are anticipated to be required:
 - a. Word Document of Chapter 6 - Water Use Efficiency
 - b. Electronic version of figures and large tables.
 - c. Conservation goals.
 - d. Water Use Efficiency Public Meeting Minutes.
602. *Future Conservation Water Demand.* Calculate conservation demands (both MDD and ADD) based on the established conservation goals provided by the City. MDD and ADD conservation demands will be developed in the same demand years used in demand projections. Demands will be transmitted electronically to the City.
603. *Final Chapter 6 – Water Use Efficiency.* Review the City prepare draft Chapter 6 and provide comments electronically for City review and acceptance. Word process the Final Chapter 6 for consistency with other Chapters. Consultant comments and City responses will be tracked in the Comment Response Log.

Assumptions

- None.

City Deliverables

- Requested data.
- Draft Chapter 6 – Water Use Efficiency.

Consultant Deliverables

- Comments on draft Chapter 6 – Water Use Efficiency.
- Final Chapter 6 – Water Use Efficiency.

Meetings

- None.

TASK 700 – WATER QUALITY

The purpose of this task is to summarize the water quality regulations and reporting requirements, evaluate water quality against the regulations, summarize any water quality violations, and recommend improvements if necessary to meet anticipated or future water quality regulations. This task will develop *Chapter 7 - Water Quality* of the Plan. The water quality work efforts will be presented as part of Meeting No. 4 - Water Supply Analysis/Water Quality.

Task 700 Activities

701. *Data Request.* Develop and submit a request for data required for Chapter 7. The following data are anticipated to be required:
- a. Water Quality Monitoring Plan.
 - b. Summary of water quality test results, including data from well water, treated water, and the distribution system.
 - c. Testing Waivers.
702. *Water Quality Summary.* Summarize the City's water quality programs and activities. Identify key requirements of applicable water quality regulations.
703. *Water Quality Analysis.* Summarize water quality within the distribution system and existing treatment plant. Review City's compliance with current federal and state water quality regulations. Summarize the current treatment process types, capacity, overall performance and treatment system conditions. Evaluate City's ability to meet future potential water quality regulations. Identify improvements required to the City's water treatment systems to meet current and/or future regulations.
704. *Draft and Final Chapter 7 – Water Quality.* Prepare draft Chapter 7 for City's review and approval. City comments and Consultant responses will be tracked in the Comment Response Log. Comments on this chapter will be incorporated into the final Plan.

Assumptions

- This task does not include review or update of the City's Water Quality Monitoring Plan and other water quality programs and plans.
- This task does not include a blending study between surface water and groundwater.

City Deliverables

- Requested data.
- Comments on draft Chapter 7 – Water Quality.

Consultant Deliverables

- Draft Chapter 7 – Water Quality.

- Final Chapter 7 – Water Quality.

Meetings

- None.

TASK 800 – WATER RESOURCES

The purpose of this task is to evaluate the current and future water resources to identify potential deficiencies and proposed improvements. Evaluations will consider current water rights, Water Resources Inventory Areas (WRIA), and coordinated regional water system plans. This task will develop *Chapter 8 - Water Resources* of the Plan.

Task 800 Activities

801. *Data Request.* Develop and submit a request for data required by Chapter 8. The following data are anticipated to be required:
 - a. Existing water rights certificates/permits and pending water rights applications.
 - b. Existing well pump tests, surface water diversion capacity, and other evaluations and/or characterizations of supply capacity.
 - c. Known limitations in supply transmission or treatment capacity.
 - d. Electronic information for the City's existing monitoring wells and sampling protocol.
 - e. Information required by PGG for updating the Wellhead Protection Report.
 - f. Source Water Protection Plan.
802. *Water Supply Summary.* Review and summarize the existing sources of supply for the City's RWSA, including all surface water, groundwater, and interties. The "ability to pump" of each source will include an evaluation of capacity, water right, treatment capacity, auxiliary power, and other limitations. Identify the criticality of each source.
803. *Water Rights Assessment.* Summarize water right permits, claims, certificates, and pending water right applications and change applications. Complete DOH Water Rights Self-Assessment Tables 1, 2, and 3 for the existing, 6-year, and 20-year planning years, respectively.
804. *Water Supply Analysis.* Evaluate the City's ability to provide water supply in accordance with the City's confirmed reliability and supply criteria for the 6-, 10-, 20-year, and buildout projected demands within the whole system. Additional supplies or improvements will be identified and summarized, as needed. Summarize the City's water supply strategy plan and recommend program modifications, if needed, to meet all system demands for the planning period. The strategy will include consideration of the proposed Steigerwald regional well field. The ability to supply individual pressure zones will be addressed in the system analysis.
805. *Meeting No. 4 – Water Supply Analysis/Water Quality.* Present the supply, storage, pump station, and distribution system analysis results for the City's review and approval.

806. *Wellhead Protection Program Update.* Update City's Wellhead Protection Plan to maintain compliance with all requirements of the Washington State's wellhead protection rules. Work will be performed by PGG and will include the following subtasks:

1. *Wellhead Protection Capture Zone Delineations.* PGG previously modeled the City's wellhead capture zones at full buildout conditions (i.e. total water rights) for the lower Washougal well field area and do not anticipate the need for any updates to the those delineations in the 2015 WSP, therefore, were not included in the budget.
2. *Assess Environmental Threats and Risk Reduction Strategies.* Inventory and map potential and confirmed contaminant sources within the delineated capture zone areas using current data contained within Ecology Environmental Information Management (EIM) database system. Evaluate and rank potential risks to the City's supply sources and assess management strategies that can be employed to minimize risk.
3. *Prepare Contingency Supply Plans.* Prepare a contingency supply plan that considers the potential loss of the City's largest supply source due to groundwater contamination including options to use interties from the Cities of Vancouver and Washougal and use of the Camas surface water diversions on Boulder and Jones creeks.
4. *Prepare Notification Letters.* Prepare notification letters that will need to be sent to hazardous waste handlers, first responders, and regulatory agencies as required by WAC 246-290-135. The letters will include maps showing the locations of the wellhead protection capture zones, transportation corridors where spills might be of concern, and waste storage and handling sites. It is assumed that the City will transmit the letters using their letterhead. Electronic versions of the documents and mailing lists will be provided to the City for their transmittal. Copies of the letters will be provided for inclusion in the WSP.
5. *Provide Assistance with Steigerwald Wellfield Supply Options and Analysis.* PGG will assist with integrating information from the Steigerwald water supply work that we have completed to date as needed for the 2015 WSP. Up to two days of staff time has been included in the budget.
6. *Prepare Wellhead Protection Plan Summary Report.* Prepare a letter report which summarizes the findings of Subtasks 1 - 5. The document will serve as an appendix to the City's WSP document which will be submitted to DOH.
7. *PGG Project Management.* Conduct internal communication and management of personnel in accomplishing the project tasks. PGG will communicate regularly with City staff and other project team members to keep them informed on project status and will solicit input, as needed. PGG will prepare and submit invoices on a monthly basis.

807. *Meeting No. 5 – Wellhead Protection.* Present the Wellhead Protection results for the City's review and approval.

808. *Draft and Final Chapter 8 – Water Resources.* Prepare draft Chapter 8 for City’s review and approval. City comments and Consultant responses will be tracked in the Comment Response Log. Comments on this chapter will be incorporated into the final Plan.

Assumptions

- The City will provide assumptions on future sources and quantities of supply
- City staff will field-verify hazard sites.
- No sensitivity analyses have been budgeted.

City Deliverables

- Requested data.
- Field verification of hazard sites.
- Comments on draft Chapter 8 – Water Resources.

Consultant Deliverables

- Meeting No. 4 Agenda, Materials, and Minutes.
- Meeting No. 5 Agenda, Materials, and Minutes.
- Wellhead Protection Plan Report Update.
- Draft Chapter 8 – Water Resources.
- Final Chapter 8 – Water Resources.

Meetings

- Meeting No. 4 – Water Supply Analysis/Water Quality.
- Meeting No. 5 – Wellhead Protection.

TASK 900 – WATER SYSTEM ANALYSIS

The purpose of this task is to evaluate the distribution system using the City’s calibrated InfoWater hydraulic model. Improvements will be developed for identified deficiencies. Improvements identified in other tasks will be incorporated into the model, as appropriate, to determine the effect of comprehensive improvements. It is assumed that the City’s most recent Innovyze InfoWater hydraulic model will be available. Operational changes identified in the system analysis will be reflected in O&M Manual update and vice versa. Identified improvements will be reviewed as part of Meeting No. 7 - Capital Improvements.

Task 900 Activities

901. *Data Request.* Develop and submit a request for data required for Chapter 9. The following data are anticipated to be required:

- a. Potential future supplies or interties, including locations.
- b. Potential location for future storage facilities.
- c. SCADA data for diurnal curve development and calibration.

902. *Updated Hydraulic Profile.* Update the previous hydraulic profile according to data provided in the hydraulic model. Prepare a hydraulic profile figure for review by City.
903. *Storage Analysis.* Identify the storage volume required for each pressure zone based on the established storage criteria for equalizing, fire flow, operational and standby volumes. The storage analysis will be performed for the 6-, 10-, and 20-year projected demands. If storage deficiencies are identified, additional storage volume requirements will be identified by pressure zone and capacity. Potential storage size and location specifically identified by the City will be utilized if future storage needs are identified.
904. *Pump Station Analysis.* Identify the pumping capacity requirements per City specified criteria. Compare requirements to current pump station capacity to identify any deficiencies for the 6-, 10-, and 20-year projected demand scenarios. Required upgrades, modifications, or operational changes will be recommended, as necessary.
905. *Update Hydraulic Model.* The existing calibrated InfoWater hydraulic model will be updated with latest pipes and demands for the 6-, 10-, and 20-year conditions.
- a. Compare existing calibrated InfoWater model with the City's GIS and recent as-built drawings. It is assumed that the existing model was updated in the last year and does not require calibration. Complete limited updates to the model as required.
 - b. Apply the estimated existing demands to nodes in the model using geocoding. Scale demands per pressure zone such that the total demand per pressure zone matches the demand projections. Demands for the 6-, 10-, and 20-year conditions will be applied in the model using a scaled multiplier.
 - c. Review diurnal curves in the model and update using historical SCADA data. Apply diurnal curves into model. Calibrate model based on an extended period simulation (EPS) using a separate validation period. It is anticipated that the diurnal curves will be developed for up to four operating areas that may span multiple pressure zones.
 - d. Review and update Fire flow requirements (FFR) assigned to the model nodes based on the latest land use data. In addition, a specific FFR will be assigned to the single node in each zone representing the account with the highest FFR.
 - e. Establish settings and initial levels for seasonal operation of the system. The model will be updated to simulate the hydraulic changes due to supply from surface water versus groundwater sources.
906. *Fire and System Pressure Analysis.* Using the hydraulic model, perform steady state analysis of the system evaluating fire flow and system pressures per DOH regulations and guidelines based on the City's water system criteria. Identify improvements to address deficiencies under the MDD plus fire flow simulations and the peak hour simulations for the 6-year, 10-year and 20-year scenarios. The model will also be used to identify minimum system pressures and velocities during peak-hour demands. Operational changes will be recommended in addition to physical improvements. The System Analysis will focus on distribution capacity deficiencies for pressure, velocity, and flow. The analysis will be conducted for both supply scenarios

907. *Meeting No. 6 - Desktop and System Analysis.* Present the Storage and Pump Station Analysis results for the City's review and approval. Discuss and validate, if possible, the deficiencies identified during the fire and system pressure analysis with City staff. Prepare figures showing pressure and fire flow deficiencies.
908. *Identification of Water Improvement Projects.* Identify improvements to address identified transmission/distribution deficiencies. Identified supply, storage, treatment, and water quality improvements included will be sized to meet 20-year demand conditions. Incorporate results from in Task 1300 - Condition Assessment. Incorporate water system projects in the existing CIP and summarize changes to projects, if required. Prepare figures showing results of pressure and fire flow after implementing recommended improvements.
909. *Draft and Final Chapter 9 – System Analysis.* Prepare Chapter 9 for City's review and approval. Document the methodology and results of the System Analysis of the system deficiencies and improvements. City comments and Consultant responses will be tracked in the Comment Response Log. Comments on this chapter will be incorporated into the final Plan.

Assumptions

- Existing Innovyze Hydraulic Model that is up-to-date and well calibrated.

City Deliverables

- Requested data.
- Comments on draft Chapter 9 – System Analysis.

Consultant Deliverables

- Meeting No. 6 Agenda, Materials, and Minutes.
- Draft Chapter 9 – System Analysis.
- Final Chapter 9 – System Analysis.

Meetings

- Meeting No. 6 - Desktop and System Analysis.

TASK 1000 – CAPITAL IMPROVEMENTS

This Task will summarize the recommended improvements for the sources of supply, storage, distribution and transmission, and pressure zones in accordance with the City's Policy and Criteria. Total project costs will be developed for each recommended improvement and ranked by priority. This task will develop *Chapter 10 - Capital Improvement* for the Plan.

Task 1000 Activities

1001. *Cost Estimates.* Develop opinions of project cost for pipe replacement, pump station, reservoir, treatment, and other improvement projects identified by City. Summarize the recommended system improvements for the 6-year, 10-year, and 20-year terms. Costs

will be presented in current dollars and represents an American Association of Cost Engineering (AACE) Class V estimate.

- 1002. *Project Prioritization*. Obtain project prioritization criteria from City. Prioritize all projects into 6-year, 10-year, and 20-year schedules based on evaluation during the Plan. Projects not identified in the Plan will be identified by the City and included for prioritization during this task.
- 1003. *Meeting No. 7 - Capital Improvements*. Review CIP projects and develop project prioritization. Review and confirm all CIP project costs.
- 1004. *Electronic CIP*. Develop an electronic CIP spreadsheet tool to include a full sheet on each project and a summary CIP for all projects. Project costs and timing will be linked such that City staff may revise costs and timing and the CIP will automatically be updated.
- 1005. *Draft and Final Chapter 10 – Capital Improvements*. Prepare draft Chapter 10 for City's review and approval. City comments and Consultant responses will be tracked in the Comment Response Log. Comments on this chapter will be incorporated into the final Plan.

Assumptions

- City provides bid costs of recent projects, if available.

City Deliverables

- Comments on draft Chapter 10 – Capital Improvements.

Consultant Deliverables

- Meeting No. 7 Agenda, Materials, and Minutes.
- Draft Chapter 10 – Capital Improvements.
- Final Chapter 10 – Capital Improvements.
- Electronic CIP.

Meetings

- Meeting No. 7 - Capital Improvements

TASK 1100 – FINANCIAL

The purpose of this task is to develop Chapter 11 – Financial Plan, which will be conducted by FCS. Chapter 11 will identify the total cost of providing water service, assure that the utility improvement schedule will be implemented, and assist in establishing adequate fees for service. The financial program will be coordinated with the CIP. Specific tasks to be performed for the financial program will include the following:

- 1101. *Data Collection / Review*. Prepare an initial data request identifying financial and operational documents pertinent to the performance of the study. The Consultant will provide the CIP and relevant draft WSP chapters. Review, analyze, and validate data as necessary for use in formulating the technical analysis. Follow up with requests for any additional items or explanations as necessary.

1102. *Historical Financial Performance Review*. Review and document the financial operations (revenue and expenses) and financial condition (assets and liabilities) of the water utility for the previous six-year period. Summarize noteworthy financial trends.
1103. *Fiscal Policy Review*. Review the City's current fiscal policies for operating and capital reserves, system reinvestment funding, debt management, and debt service coverage.
1104. *Capital Financing Plan*. Evaluate capital funding options, and develop a capital financing plan for the six-year and 20-year Capital Improvement Programs (CIP). The analysis will include a forecast of capital funding needs, borrowing requirements, and associated cash flows and cash balances over the study period. Evaluate and recommend an appropriate balance of funding from cash, System Development Charges (SDCs), bonds, low interest loans and/or other available funding sources. Depending upon preliminary results, FCS will work closely with the Consultant and the City to perform sensitivity analyses for alternative scheduling of capital projects in order to smooth customer rate impacts. The budget provides for up to three (3) scenarios.
1105. *Operating Forecast*. The City's current water operating budgets will be used as the baseline for forecasting ongoing operating and maintenance (O&M) costs, debt service, and other financial obligations of the water utility over the six-year and 20-year study periods. Incorporate engineering planning growth forecasts and establish economic factors for cost escalation. Integrate additional O&M expenses, if any, resulting from the CIP and any other known changes in operational requirements.
1106. *Revenue Needs Assessment*. Integrate fiscal policies, capital financing impacts and the operating forecast, and develop an operating cash flow projection for the six-year and 20-year study periods. Compare forecasted financial requirements against forecasted revenue under existing rates to determine annual and cumulative revenue adjustments needed to ensure financial sustainability over time.
1107. *Rate Forecast & Affordability Test*. Develop a rate forecast for the six-year period. Apply annual rate adjustments to the City's existing water rate structures "across-the-board" to each rate class and rate charge (fixed and variable). Note: this scope does not include changes to the City's existing water rate structure. The Financial Chapter will include a narrative discussion of potential rate structure enhancements, if necessary.
- Perform an affordability test as an indication of a residential customer's ability to pay the existing and forecasted rates. This includes an analysis and comparison of the water system's existing and forecasted average residential bills to 1.5 percent of the median household income. This test will be conducted for the six-year and 20-year study periods.
1108. *Meeting No. 8 - Financial Analysis*. Review results before finalizing the Financial Chapter. Meeting will be attended by FCS and Carollo.
1109. *Documentation*. Draft Financial Chapter for Consultant and City staff review. An electronic copy of the draft Financial Chapter and Excel-based tables will be provided to Consultant for incorporation into the WSP document. Incorporate requested changes, as appropriate, and submit the final version of the Financial Chapter.

Assumptions

- City can provide elements listed under Task 1101.
- This scope does not include changes to the City's existing water rate structure or SDC.

Deliverables

- Meeting No. 8 Agenda, Materials, and Minutes.
- Draft Chapter 11 – Financial.
- Final Chapter 11 – Financial.

Meetings

- Meeting No. 8 – Financial Analysis.

TASK 1200 – PLAN INTEGRATION

The purpose of this task is to integrate comments on the Plan into a clear and comprehensive Water System Plan document. The City Draft Plan will be prepared, including an Executive Summary. This task also includes incorporating comments and developing the Agency Review Draft Plan and Final Plan.

1201. *Executive Summary*. Prepare an executive summary, summarizing each element of the Water System Plan.
1202. *City Draft Plan*. Prepare Cover Sheet, Table of Contents, and Executive Summary. Compile Chapters and develop Appendices. Prepare one PDF of City Draft document for City Staff review.
1203. *Meeting No. 9 - City Draft Plan*. Meet with City to discuss comments of draft document. Incorporate comments to be included into Agency Draft Plan.
1204. *Additional Meetings*. Up to two additional meetings for Plan review as determined by City staff. Aid City staff in preparing technical materials for meetings.
1205. *Agency Draft Plan*. Incorporate City comments into an Agency Draft plan to be submitted for agency review. Eight notebook binders, one camera-ready set, and one PDF will be developed for City reproduction and distribution of Plan to Agencies and Adjacent Purveyors.
1206. *Final Plan*. Consultant will review agency review letters for incorporation into the Final Plan. Delivery of the Final Plan will include one PE-stamped original notebook binder, one PE-stamped original camera-ready set, 7 PE-stamped reproduction notebook binders, one PDF, and all electronic files.

Assumptions

- City provides required documents for appendices, including acceptance ordinances.
- It is anticipated that City will distribute the Plan to DOH, County agencies, and adjacent purveyors review for approval. The City will collect public and agency review comments

and deliver to Consultant. City will develop written responses received during Agency Review process.

City Deliverables

- City Comments.
- Public and Agency Review Comments.

Consultant Deliverables

- Executive Summary.
- City Draft Plan - One PDF.
- Meeting No. 9 Agenda, Materials, and Minutes.
- Additional Meetings Agenda, Materials, and Minutes.
- Agency Draft Plan - Eight notebook binder, one camera-ready, and one PDF.
- Final Plan - Eight notebook binder, one camera-ready, and one PDF.

Meetings

- Meeting No. 9 - City Draft Plan.
- Up to two additional meetings.

TASK 1300 - CONDITION ASSESSMENT

The purpose of this task is to conduct a condition assessment on the City's above ground infrastructure. Condition assessment will field verify above-ground water system features, with the exception of water reservoirs, Pressure Reducing Valves (PRVs), and all surface water treatment facilities. Additionally, below-ground infrastructure will be assessed based on a Remaining Useful Life (RUL) analysis. The condition assessment will be made of other features on reservoir sites. Prepare a prioritized condition assessment with recommendations on system repair, replacement. Develop cost estimates for recommendations.

Task 1300 Activities

1301. *Compile Facility Information.* Compile existing information on facilities, including size, material, manufacturer, age, and known issues. Incorporate reservoir condition assessments into facility information from City and valves information from GC Systems. Prepare facility evaluation worksheets to aid in facility tour. It is assumed that all surface water treatment facilities are in acceptable condition and will not be assessed.
1302. *Meeting No. 10 – Facility Tour.* Coordinate a tour of the supply, treatment, pumping, and storage facilities listed in the below table. Verify and document infrastructure, including pictures and GPS coordinates. Note general condition of infrastructure for use in condition assessment. As a part of this scope of work, facility tours assume 16 hours for four (4) professionals.
1303. *Condition Assessment.* Prepare a high-level condition assessment of all above ground facilities using data gathered during Meeting No. 10. Complete evaluation worksheets for

each facility. Develop recommendations for the repair, replacement, or upgrade of facilities. With the City, establish overall RUL of each facility to aid in calculating risk and prioritizing recommendations.

1304. *Cost Estimates*. Develop opinions of project cost for recommended repair, replacement, or upgrade projects identified in the Condition Assessment. Costs will be presented in current dollars and represents an AACE Class IV estimate.

1305. *Meeting No. 11 – Condition Assessment and Prioritization*. Discuss the results of the condition assessment. Discuss estimate of risk for above-ground facilities based on facility RUL and criticality. Criticality will be established during the Condition Assessment meeting by City Staff using a scale of low, medium, and high. A numeric estimate will be based on RUL multiplied by Prioritize recommendations based on input from the City into the 6-year, 10-year, and 20-year planning horizons. Review and update prioritization of recommendations.

1306. *Draft and Final TM 1 – Condition Assessment*. Document condition assessment activities in Technical Memorandum (TM). Provide collected data electronically, including facility location in an ESRI ARCGIS compatible file format.

Assumptions

- City will provide available information on facilities.
- City will provide access to facility locations.
- Facilities listed in the below table will be evaluated.
- GPS coordinates will be made using consumer grade GPS devices. No survey grade equipment will be used.

City Deliverables

- Requested Data.
- Input on project prioritization.

Consultant Deliverables

- Meeting No. 10 Agenda, Materials, and Minutes.
- Meeting No. 11 Agenda, Materials, and Minutes.
- Additional Meetings Agenda, Materials, and Minutes.
- Draft TM 1.
- Final TM 1.

Meetings

- Meeting No. 10 - Facility Tour.
- Meeting No. 11 - Condition Assessment and Prioritization.

Facilities to be Evaluated			
Facility Type	Name	Facility Type	Name
Well/Treatment Facility	Well 5	Pump Station	Forest Home
Well	Well 6	Pump Station	Old Gregg
Well	Well 7	Pump Station	New Gregg
Well	Well 8	Pump Station	Lower Prune Hill
Well/Treatment Facility	Well 9	Pump Station	Lacamas
Well	Well 10	Pump Station	Angelo
Well	Well 11	Pump Station	Upper Prune Hill
Well	Well 12	Storage Facility	Butler
Well/Treatment Facility	Well 13	Storage Facility	Lower Prune Hill
Well/Treatment Facility	Well 14	Storage Facility	Upper Prune Hill
Treatment Facility	Main Chemical Feed Building	Storage Facility	Gregg
Pump Station	Butler	Storage Facility	Lacamas

TASK 1400 - O&M Manual

The purpose of this task is to update the City's existing O&M Manual. It is not anticipated that the task will require major revisions to O&M Manual.

Task 1400 Activities

1401. *Meeting No. 12 – O&M Workshop.* Facilitate a workshop to discuss and document existing system operations with City Staff. Prepare exhibits to aid in the workshop. Workshop discussions will serve as the basis for updating the O&M Manual.
1402. *Update Existing Information.* Update Chapters 1 through 5 and Appendixes A through J of the 2009 O&M Manual. Update photographs and figures used in the document. Incorporate operational changes from other tasks, including the System Analysis.
1403. *Add New Water System Components.* Add new water system components to the O&M Manual. This is expected to include Wells 9 and 14. The Slow Sand Filtration Treatment Plant will not be added to the O&M Manual.
1404. *Meeting No. 13 – O&M Manual.* O&M Manual will be provided prior to meeting for City review. Discuss comments and confirm updates to the O&M Manual.
1405. *Draft and Final O&M Manual.* Produce three notebook binder copies and one PDF copy of Draft O&M Manual for City review and comment. Address City comments in a Final O&M Manual. Three notebook binder copies, one camera-ready, and one PDF of the Final O&M Manual will be developed for City reproduction.

Assumptions

- City will provide the existing O&M manual electronically.
- City will provide needed manufacturer information, maintenance schedules, screen shots, and other information needed to update O&M Manual.

City Deliverables

- Review of O&M Manual.

Consultant Deliverables

- Meeting No. 12 Agenda, Materials, and Minutes.
- Meeting No. 13 Agenda, Materials, and Minutes.
- Draft O&M Manual - Three notebook binder copies and one PDF copy.
- Final O&M Manual - Three notebook binder copies and one PDF copy.

Meetings

- *Meeting No. 12 - O&M Workshop.*
- *Meeting No. 13 - O&M Manual.*

TASK 1500 - PROJECT MANAGEMENT

The purpose of this task is to direct all activities within the Plan as assigned by the City and maintain the project within the contracted scope, schedule, and budget. This includes project administration, monthly invoicing, client and team coordination and quality assurance/quality control review necessary to successfully complete the assigned chapter of the Plan to the City's expectations. Additionally, the Consultant will develop a Project Management Plan (PMP) and lead the initial team kick-off meeting.

Task 1500 Activities

1501. *Monthly Progress Reports and Invoices.* This subtask includes assisting the project team members in the implementation of the task items, reviewing the work-in-progress reports and monthly invoices. Prepare and submit monthly activity reports showing current project scope, budget and schedule status and identifying key issues or elements of the project that will need to be addressed in the proceeding weeks. An electronic version of the monthly progress reports and invoices will be sent to the City for review and approval.
1502. *Project Management Plan.* Prepare a Project Management Plan (PMP) that describes project roles and responsibilities, lists contact information for the project team, describes communications protocols, quality management, and including the scope of services, schedule, and budget. Quality Management includes, but is not limited to, the following elements:
- a. Project Manager overview of all primary documents to verify technical consistency and compliance with contract requirements.

- b. Designate and assign qualified consultant staff to develop assigned project deliverables, and manage consultant staff for schedule, quality and budget relative to assigned deliverables.
- c. Develop a proposed timeline for project deliverables with a target DOH Plan submittal by June 2016.
- d. Resolution of all review comments with a memorandum summarizing key comments and the manner in which each was addressed in the work.

The PMP will be introduced and discussed with the Consultant and the City project team at the Project kick-off meeting. A revised final PMP will be delivered after the Project Initiation Meeting.

1503. *Client Coordination*

- a. Manage the consultant project team to track time and budget, work elements accomplished, work items planned for the next period, manpower, scope changes, time and budget needed to complete the project.
- b. Create and maintain a working project schedule based on the schedule in the PMP.
- c. Review project status, including scope, budget, and schedule.

Assumptions

- The PMP will be updated with full incorporation of review comments after City review of the draft PMP.
- The total length of the project is eighteen (18) months.
- City provides required documents for appendices.

City Deliverables

- Team member contact information.
- PMP review for completeness.
- Receive, review, and process Consultant invoices in a timely manner.
- Respond to data request in a timely manner.

Consultant Deliverables

- Data request list.
- Draft Plan outline.
- Draft PMP.
- Final PMP.
- Eighteen (18) monthly progress reports and invoices.

Meetings

- None.

SUMMARY

The following tables provide a summary of the meetings and deliverables anticipated for this scope of services.

Meetings	Title
Meeting No. 1	Project Kickoff Meeting
Meeting No. 2	Policies and Criteria
Meeting No. 3	Water Requirements/WUE Program Review
Meeting No. 4	Water Supply Analysis/Water Quality
Meeting No. 5	Wellhead Protection
Meeting No. 6	Desktop and System Analysis
Meeting No. 7	Capital Improvements
Meeting No. 8	Financial
Meeting No. 9	City Draft Plan
Meeting No. 10	Facility Tour
Meeting No. 11	Condition Assessment and Prioritization
Meeting No. 12	O&M Workshop
Meeting No. 13	O&M Manual
Additional Meetings	Up to 2 additional Plan Review Meetings TBD by City

Deliverables
Project Management Plan
All Meeting Agendas & Minutes
Monthly Progress Reports (with invoices)
Data Request Spreadsheet
Executive Summary
Draft & Final Chapter 1 – Introduction
Draft & Final Chapter 2 – Planning Considerations
Draft & Final Chapter 3 – Existing System

Deliverables
Draft & Final Chapter 4 – Operation and Maintenance
Draft & Final Chapter 5 – Water Requirements
Comments on Draft Chapter 6
Final Chapter 6 – Water Use Efficiency
Draft & Final Chapter 7 – Water Quality
Draft & Final Chapter 8 – Water Resources
Wellhead Protection Plan
Draft & Final Chapter 9 –System Analysis
Draft & Final Chapter 10 – Capital Improvements
Electronic CIP
Draft & Final Chapter 11 – Financial
Draft & Final TM1 Condition Assessment
Draft & Final O&M Manual
City Draft Plan
Agency Draft Plan
Final Plan & All Electronic Files

EXHIBIT C, Cost Estimate
2016 Water System Plan Update

TASK / DESCRIPTION		PM	QM	PE	PE	PE	Asst. PM	EI	GIS	WP	Total Hours	Carollo Labor Cost	Sub Total Cost	Sub Markup @ 10%	Total Cost	OTHER DIRECT COSTS			TOTAL COST
		Kammereck	Loper	Gresh	Various	Lanigan	Reisinger	Miner	Varies	Varies						PECE			
																Travel and Printing			
Total Labor Rate		\$ 195	\$ 226	\$ 195	\$ 195	\$ 148	\$ 148	\$ 132	\$ 118	\$ 90						\$11.70	Total ODC		
Task 100 - Introduction																			
101	Meeting No. 1 - Project Kick-off	4	0	4	0	4	8	0	0	0	20	\$ 3,336	\$ -	\$ -	\$ -	\$ 500	\$ 234	\$ 734	\$ 4,070
102	Develop Introduction Information	2	0	0	0	0	2	4	0	0	8	\$ 1,214	\$ -	\$ -	\$ -	\$ -	\$ 94	\$ 94	\$ 1,308
103	Draft and Final Chapter 1 – Introduction	2	0	0	0	0	4	2	0	4	12	\$ 1,606	\$ -	\$ -	\$ -	\$ -	\$ 140	\$ 140	\$ 1,746
	Subtotal - Task 100	8	0	4	0	4	14	6	0	4	40	\$ 6,156	\$ -	\$ -	\$ -	\$ 500	\$ 468	\$ 968	\$ 7,124
Task 200 - Planning Considerations																			
201	Data Request	0	0	0	0	2	0	0	0	0	2	\$ 296	\$ -	\$ -	\$ -	\$ -	\$ 23	\$ 23	\$ 319
202	Study Area	0	0	0	0	2	0	2	2	0	6	\$ 796	\$ -	\$ -	\$ -	\$ -	\$ 70	\$ 70	\$ 866
203	Identify Legislation, Regulations, and Permits	0	0	0	0	2	0	4	0	0	6	\$ 824	\$ -	\$ -	\$ -	\$ -	\$ 70	\$ 70	\$ 894
204	Review and Update of Policies and Criteria	2	0	0	0	12	0	0	0	2	16	\$ 2,346	\$ -	\$ -	\$ -	\$ -	\$ 187	\$ 187	\$ 2,533
205	Meeting No . 2 - Policies and Criteria	4	0	0	0	8	0	0	0	2	14	\$ 2,144	\$ -	\$ -	\$ -	\$ 500	\$ 164	\$ 664	\$ 2,808
206	Summarize Related Documents	0	0	0	0	2	0	4	0	0	6	\$ 824	\$ -	\$ -	\$ -	\$ -	\$ 70	\$ 70	\$ 894
207	Draft and Final Chapter 2 – Planning Considerations	0	0	0	0	8	0	4	0	0	12	\$ 1,712	\$ -	\$ -	\$ -	\$ -	\$ 140	\$ 140	\$ 1,852
	Subtotal - Task 200	6	0	0	0	36	0	14	2	4	62	\$ 8,942	\$ -	\$ -	\$ -	\$ 500	\$ 725	\$ 1,225	\$ 10,167
Task 300 - Existing System																			
301	Data Request	0	0	0	0	0	2	0	0	0	2	\$ 296	\$ -	\$ -	\$ -	\$ -	\$ 23	\$ 23	\$ 319
302	Review and Update of Existing System	0	0	0	0	0	4	20	8	4	36	\$ 4,536	\$ -	\$ -	\$ -	\$ -	\$ 421	\$ 421	\$ 4,957
303	Draft and Final Chapter 3 – Existing System	2	0	0	0	0	4	8	0	4	18	\$ 2,398	\$ -	\$ -	\$ -	\$ -	\$ 211	\$ 211	\$ 2,609
	Subtotal - Task 300	2	0	0	0	0	10	28	8	8	56	\$ 7,230	\$ -	\$ -	\$ -	\$ -	\$ 655	\$ 655	\$ 7,885
Task 400 - Operation and Maintenance																			
401	Data Request	0	0	0	0	0	2	0	0	0	2	\$ 296	\$ -	\$ -	\$ -	\$ -	\$ 23	\$ 23	\$ 319
402	O&M Analysis	0	0	0	0	0	12	0	0	0	12	\$ 1,776	\$ -	\$ -	\$ -	\$ -	\$ 140	\$ 140	\$ 1,916
403	Remaining Useful Life	0	0	0	0	0	4	16	8	0	28	\$ 3,648	\$ -	\$ -	\$ -	\$ -	\$ 328	\$ 328	\$ 3,976
404	Draft and Final Chapter 4 – Operations and Maintenance	2	0	2	0	0	8	2	0	4	18	\$ 2,588	\$ -	\$ -	\$ -	\$ -	\$ 211	\$ 211	\$ 2,799
	Subtotal - Task 400	2	0	2	0	0	26	18	8	4	60	\$ 8,308	\$ -	\$ -	\$ -	\$ -	\$ 702	\$ 702	\$ 9,010
Task 500 - Water Requirements																			
501	Data Request	0	0	0	0	2	0	0	0	0	2	\$ 296	\$ -	\$ -	\$ -	\$ -	\$ 23	\$ 23	\$ 319
502	Demographics Projections	0	0	0	0	8	0	8	0	0	16	\$ 2,240	\$ -	\$ -	\$ -	\$ -	\$ 187	\$ 187	\$ 2,427
503	Demand Projections	0	0	0	0	8	0	16	0	0	24	\$ 3,296	\$ -	\$ -	\$ -	\$ -	\$ 281	\$ 281	\$ 3,577
504	Meeting No. 3 – Water Requirements / WUE Program Review	4	0	0	0	12	0	0	0	0	16	\$ 2,556	\$ -	\$ -	\$ -	\$ 500	\$ 187	\$ 687	\$ 3,243

EXHIBIT C, Cost Estimate
2016 Water System Plan Update

TASK / DESCRIPTION		PM	QM	PE	PE	PE	Asst. PM	EI	GIS	WP	Total Hours	Carollo Labor Cost	Sub Total Cost Sub Markup @ 10% Total Cost			OTHER DIRECT COSTS			TOTAL COST	
		Kammereck	Loper	Gresh	Various	Lanigan	Reisinger	Miner	Varies	Varies						PECE		Travel and Printing		Total ODC
Total Labor Rate		\$ 195	\$ 226	\$ 195	\$ 195	\$ 148	\$ 148	\$ 132	\$ 118	\$ 90							\$11.70			
505	Draft and Final Chapter 5 – Water Requirements	0	0	0	0	16	0	8	0	4	28	\$ 3,784	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 328	\$ 328	\$ 4,112
	Subtotal - Task 500	4	0	0	0	46	0	32	0	4	86	\$ 12,172	\$ -	\$ -	\$ -	\$ -	\$ 500	\$ 1,006	\$ 1,506	\$ 13,678
Task 600 - Water Use Efficiency																				
601	Data Request	0	0	0	0	1	0	0	0	0	1	\$ 148	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12	\$ 12	\$ 160
602	Future Conservation Water Demand	0	0	0	0	8	0	4	0	0	12	\$ 1,712	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 140	\$ 140	\$ 1,852
603	Draft and Final Chapter 6 – Water Use Efficiency	1	0	0	0	4	0	0	0	4	9	\$ 1,147	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 105	\$ 105	\$ 1,252
	Subtotal - Task 600	1	0	0	0	13	0	4	0	4	22	\$ 3,007	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 257	\$ 257	\$ 3,264
Task 700 - Water Quality																				
701	Data Request	0	0	0	0	0	2	0	0	0	2	\$ 296	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 23	\$ 23	\$ 319
702	Water Quality Summary	0	0	0	0	0	8	0	0	0	8	\$ 1,184	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 94	\$ 94	\$ 1,278
703	Water Quality Analysis	0	0	0	0	0	16	0	0	0	16	\$ 2,368	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 187	\$ 187	\$ 2,555
704	Draft and Final Chapter 7 – Water Quality	2	0	0	0	0	16	0	0	4	22	\$ 3,118	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 257	\$ 257	\$ 3,375
	Subtotal - Task 700	2	0	0	0	0	42	0	0	4	48	\$ 6,966	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 562	\$ 562	\$ 7,528
Task 800 - Water Resources																				
801	Data Request	0	0	0	0	2	0	0	0	0	2	\$ 296	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 23	\$ 23	\$ 319
802	Water Supply Summary	0	0	0	0	6	0	0	0	0	6	\$ 888	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 70	\$ 70	\$ 958
803	Water Rights Assessment	0	0	0	0	8	0	0	0	0	8	\$ 1,184	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 94	\$ 94	\$ 1,278
804	Water Supply Analysis	0	0	0	0	10	0	0	4	0	14	\$ 1,952	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 164	\$ 164	\$ 2,116
805	Meeting No. 4 – Water Supply Analysis / Water Quality	4	0	0	0	8	4	0	0	0	16	\$ 2,556	\$ -	\$ -	\$ -	\$ -	\$ 500	\$ 187	\$ 687	\$ 3,243
806	Wellhead Protection Program Update	0	0	0	0	4	0	0	0	0	4	\$ 592	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 47	\$ 47	\$ 639
	Task 2 - Assess Environmental Threats and Risk Reduction Strategies	0	0	0	0	0	0	0	0	0	-	\$ -	\$ 3,740	\$ 374	\$ 4,114	\$ -	\$ -	\$ -	\$ -	\$ 4,114
	Task 3 - Prepare Contingency Plan	0	0	0	0	0	0	0	0	0	-	\$ -	\$ 910	\$ 91	\$ 1,001	\$ -	\$ -	\$ -	\$ -	\$ 1,001
	Task 4 - Prepare Notification Letter	0	0	0	0	0	0	0	0	0	-	\$ -	\$ 970	\$ 97	\$ 1,067	\$ -	\$ -	\$ -	\$ -	\$ 1,067
	Task 5 - Provide Assistance with Steigerwald Wellfield Supply Options and Analysis	0	0	0	0	0	0	0	0	0			\$ 1,210	\$ 121	\$ 1,331	\$ -	\$ -	\$ -	\$ -	\$ 1,331
	Task 6 - Prepare WHP Summary Report	0	0	0	0	0	0	0	0	0			\$ 4,130	\$ 413	\$ 4,543	\$ 50	\$ -	\$ 50	\$ 50	\$ 4,593
	Task 7 - PGG Project Management	0	0	0	0	0	0	0	0	0			\$ 1,740	\$ 174	\$ 1,914	\$ 20	\$ -	\$ 20	\$ 20	\$ 1,934
807	Meeting No. 5 – Wellhead Protection	0	0	0	0	2	0	0	0	0	2	\$ 296	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 23	\$ 23	\$ 319
808	Draft and Final Chapter 8 – Water Resources	2	0	0	0	16	0	0	0	6	24	\$ 3,298	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 281	\$ 281	\$ 3,579
	Subtotal - Task 800	6	0	0	0	56	4	0	4	6	76	\$ 11,062	\$ 12,700	\$ 1,270	\$ 13,970	\$ 570	\$ 889	\$ 1,459	\$ 26,491	
Task 900 - Water System Analysis																				
901	Data Request	0	0	0	0	0	2	0	0	0	2	\$ 296	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 23	\$ 23	\$ 319

EXHIBIT C, Cost Estimate
2016 Water System Plan Update

TASK / DESCRIPTION		PM	QM	PE	PE	PE	Asst. PM	EI	GIS	WP	Total Hours	Carollo Labor Cost	Sub Total Cost Sub Markup @ 10% Total Cost			OTHER DIRECT COSTS			TOTAL COST
		Kammereck	Loper	Gresh	Various	Lanigan	Reisinger	Miner	Varies	Varies						PECE			
																Travel and Printing	Total ODC		
Total Labor Rate		\$ 195	\$ 226	\$ 195	\$ 195	\$ 148	\$ 148	\$ 132	\$ 118	\$ 90						\$11.70			
902	Updated Hydraulic Profile	1	0	0	0	0	0	4	8	0	13	\$ 1,667	\$ -	\$ -	\$ -	\$ -	\$ 152	\$ 152	\$ 1,819
903	Storage Analysis	0	0	0	0	0	8	0	0	0	8	\$ 1,184	\$ -	\$ -	\$ -	\$ -	\$ 94	\$ 94	\$ 1,278
904	Pump Station Analysis	0	0	0	0	0	8	0	0	0	8	\$ 1,184	\$ -	\$ -	\$ -	\$ -	\$ 94	\$ 94	\$ 1,278
905	Update Hydraulic Model	0	0	0	0	0	4	16	4	0	24	\$ 3,176	\$ -	\$ -	\$ -	\$ -	\$ 281	\$ 281	\$ 3,457
906	Fire and System Pressure Analysis	0	6	0	0	0	16	78	0	0	100	\$ 14,020	\$ -	\$ -	\$ -	\$ -	\$ 1,170	\$ 1,170	\$ 15,190
907	Meeting No. 6 - Desktop and System Pressure Analysis	4	0	0	0	0	4	16	4	0	28	\$ 3,956	\$ -	\$ -	\$ -	\$ 500	\$ 328	\$ 828	\$ 4,784
908	Identification of Water Improvement Projects	0	2	0	0	0	4	24	8	0	38	\$ 5,156	\$ -	\$ -	\$ -	\$ -	\$ 445	\$ 445	\$ 5,601
909	Draft and Final Chapter 9 – System Analysis	2	0	0	0	0	16	8	4	8	38	\$ 5,006	\$ -	\$ -	\$ -	\$ -	\$ 445	\$ 445	\$ 5,451
	Subtotal - Task 900	7	8	0	0	0	62	146	28	8	259	\$ 35,645	\$ -	\$ -	\$ -	\$ 500	\$ 3,030	\$ 3,530	\$ 39,175
Task 1000 - Capital Improvements																			
1001	Cost Estimates	0	0	4	0	0	0	16	0	0	20	\$ 2,892	\$ -	\$ -	\$ -	\$ -	\$ 234	\$ 234	\$ 3,126
1002	Project Prioritization	0	0	0	0	0	4	0	0	0	4	\$ 592	\$ -	\$ -	\$ -	\$ -	\$ 47	\$ 47	\$ 639
1003	Meeting No. 8 - Capital Improvements	4	0	0	0	0	8	12	0	0	24	\$ 3,548	\$ -	\$ -	\$ -	\$ 500	\$ 281	\$ 781	\$ 4,329
1004	Electronic CIP	0	0	0	0	0	0	20	0	0	20	\$ 2,640	\$ -	\$ -	\$ -	\$ -	\$ 234	\$ 234	\$ 2,874
1005	Draft and Final Chapter 10 – Capital Improvements	2	0	0	0	0	0	16	0	4	22	\$ 2,862	\$ -	\$ -	\$ -	\$ -	\$ 257	\$ 257	\$ 3,119
	Subtotal - Task 1000	6	0	4	0	0	12	64	0	4	90	\$ 12,534	\$ -	\$ -	\$ -	\$ 500	\$ 1,053	\$ 1,553	\$ 14,087
Task 1100 - Financial																			
1101	Data Collection / Review	0	0	0	0	0	0	0	0	0	-	\$ -	\$ 420	\$ 42	\$ 462	\$ -	\$ -	\$ -	\$ 462
1102	Historical Financial Performance Review	0	0	0	0	0	0	0	0	0	-	\$ -	\$ 2,284	\$ 228	\$ 2,512	\$ -	\$ -	\$ -	\$ 2,512
1103	Fiscal Policy Review	0	0	0	0	0	0	0	0	0	-	\$ -	\$ 840	\$ 84	\$ 924	\$ -	\$ -	\$ -	\$ 924
1104	Capital Financing Plan	0	0	0	0	0	0	0	0	0	-	\$ -	\$ 1,547	\$ 155	\$ 1,702	\$ -	\$ -	\$ -	\$ 1,702
1105	Operating Forecast	0	0	0	0	0	0	0	0	0	-	\$ -	\$ 1,547	\$ 155	\$ 1,702	\$ -	\$ -	\$ -	\$ 1,702
1106	Revenue Needs Assessment	0	0	0	0	0	0	0	0	0	-	\$ -	\$ 1,547	\$ 155	\$ 1,702	\$ -	\$ -	\$ -	\$ 1,702
1107	Rate Forecast & Affordability Test	0	0	0	0	0	0	0	0	0	-	\$ -	\$ 1,547	\$ 155	\$ 1,702	\$ -	\$ -	\$ -	\$ 1,702
1108	Meeting No. 9 - Financial Analysis	4	0	0	0	0	4	0	0	0	8	\$ 1,372	\$ 1,470	\$ 147	\$ 1,617	\$ 500	\$ 94	\$ 594	\$ 3,583
1109	Documentation	2	0	0	0	0	4	0	0	8	14	\$ 1,702	\$ 5,515	\$ 551	\$ 6,066	\$ -	\$ 164	\$ 164	\$ 7,932
	Subtotal - Task 1100	6	0	0	0	0	8	0	0	8	22	\$ 3,074	\$ 16,716	\$ 1,672	\$ 18,388	\$ 500	\$ 257	\$ 757	\$ 22,219
Task 1200 - Plan Integration																			
1201	Executive Summary	0	0	0	0	0	8	0	0	4	12	\$ 1,544	\$ -	\$ -	\$ -	\$ -	\$ 140	\$ 140	\$ 1,684
1202	City Draft Plan	4	0	0	0	12	16	0	8	24	64	\$ 8,028	\$ -	\$ -	\$ -	\$ -	\$ 749	\$ 749	\$ 8,777
1203	Meeting No. 10 - City Draft Plan	4	0	0	0	8	8	0	0	0	20	\$ 3,148	\$ -	\$ -	\$ -	\$ 500	\$ 234	\$ 734	\$ 3,882
1204	Additional Meetings	8	0	0	0	8	8	0	0	0	24	\$ 3,928	\$ -	\$ -	\$ -	\$ -	\$ 281	\$ 281	\$ 4,209
1205	Agency Draft Plan	4	2	0	0	4	4	0	0	20	34	\$ 4,216	\$ 4,000	\$ 400	\$ 4,400	\$ -	\$ 398	\$ 398	\$ 9,014
1206	Final Plan	4	0	0	0	4	4	0	0	12	24	\$ 3,044	\$ 4,000	\$ 400	\$ 4,400	\$ -	\$ 281	\$ 281	\$ 7,725
	Subtotal - Task 1200	24	2	0	0	36	48	0	8	60	178	\$ 23,908	\$ 8,000	\$ 800	\$ 8,800	\$ 500	\$ 2,083	\$ 2,583	\$ 35,291

EXHIBIT C, Cost Estimate
2016 Water System Plan Update

TASK / DESCRIPTION		PM	QM	PE	PE	PE	Asst. PM	EI	GIS	WP	Total Hours	Carollo Labor Cost	Sub Total Cost Sub Markup @ 10% Total Cost			OTHER DIRECT COSTS			TOTAL COST	
		Kammereck	Loper	Gresh	Various	Lanigan	Reisinger	Miner	Varies	Varies						PECE		Travel and Printing		Total ODC
Total Labor Rate		\$	195	\$ 226	\$ 195	\$ 195	\$ 148	\$ 148	\$ 132	\$ 118	\$ 90						\$11.70			
Task 1300 - Condition Assessment																				
1301	Compile Facility Information	0	0	8	0	0	0	40	4	4	56	\$ 7,672	\$ -	\$ -	\$ -	\$ -	\$ 655	\$ 655	\$ 8,327	
1302	Meeting No. 11 – Facility Tour	0	0	16	48	0	0	12	0	0	76	\$ 14,064	\$ -	\$ -	\$ -	\$ -	\$ 889	\$ 2,389	\$ 16,453	
1303	Condition Assessment	0	0	10	36	0	0	24	0	0	70	\$ 12,138	\$ -	\$ -	\$ -	\$ -	\$ 819	\$ 819	\$ 12,957	
1304	Cost Estimates	0	0	8	16	0	0	24	0	0	48	\$ 7,848	\$ -	\$ -	\$ -	\$ -	\$ 562	\$ 562	\$ 8,410	
1305	Meeting No. 12 – Condition Assessment and Prioritization	4	0	4	0	0	0	12	0	4	24	\$ 3,504	\$ -	\$ -	\$ -	\$ -	\$ 281	\$ 781	\$ 4,285	
1306	Draft and Final TM 1 – Condition Assessment	2	0	8	16	0	0	24	0	8	58	\$ 8,958	\$ -	\$ -	\$ -	\$ -	\$ 679	\$ 679	\$ 9,637	
	Subtotal - Task 1300	6	0	54	116	0	0	136	4	16	332	\$ 54,184	\$ -	\$ -	\$ -	\$ -	\$ 2,000	\$ 3,884	\$ 5,884	\$ 60,068
Task 1400 - O&M Manual																				
1401	Meeting No. 13 – O&M Workshop	0	0	4	0	0	0	4	0	0	8	\$ 1,308	\$ -	\$ -	\$ -	\$ -	\$ 94	\$ 94	\$ 1,402	
1402	Update Existing Information	0	0	2	0	0	0	16	0	0	18	\$ 2,502	\$ -	\$ -	\$ -	\$ -	\$ 211	\$ 211	\$ 2,713	
1403	Add New Water System Components	0	0	8	0	0	0	24	0	0	32	\$ 4,728	\$ -	\$ -	\$ -	\$ -	\$ 374	\$ 374	\$ 5,102	
1404	Meeting No. 14 – O&M Manual	0	0	4	0	0	0	8	0	0	12	\$ 1,836	\$ -	\$ -	\$ -	\$ -	\$ 140	\$ 140	\$ 1,976	
1405	Draft and Final O&M Manual	2	0	8	0	0	0	40	0	8	58	\$ 7,950	\$ -	\$ -	\$ -	\$ -	\$ 679	\$ 879	\$ 8,829	
	Subtotal - Task 1400	2	0	26	0	0	0	92	0	8	128	\$ 18,324	\$ -	\$ -	\$ -	\$ -	\$ 200	\$ 1,498	\$ 1,698	\$ 20,022
Task 1500 - Project Management																				
1501	Monthly Progress Reports and Invoices	12	0	0	0	0	24	0	0	12	48	\$ 6,972	\$ -	\$ -	\$ -	\$ -	\$ 562	\$ 562	\$ 7,534	
1502	Project Management Plan	2	0	0	0	0	4	0	0	4	10	\$ 1,342	\$ -	\$ -	\$ -	\$ -	\$ 117	\$ 117	\$ 1,459	
1503	Client Coordination	24	0	0	0	0	0	0	0	0	24	\$ 4,680	\$ -	\$ -	\$ -	\$ -	\$ 281	\$ 281	\$ 4,961	
	Subtotal - Task 1500	38	0	0	0	0	28	0	0	16	82	\$ 12,994	\$ -	\$ -	\$ -	\$ -	\$ 959	\$ 959	\$ 13,953	
Total		120	10	90	116	191	254	540	62	158	1541	\$ 224,506	\$ 37,416	\$3,742	\$ 41,158	\$ 6,270	\$ 18,030	\$ 24,300	\$ 289,964	

CITY OF CAMAS PROJECT NO. WS-709C Project Name: SLOW SAND WATER TREATMENT PLANT 32723 NE Lessard Road Camas, WA 98607			PAY ESTIMATE: 4 PAY PERIOD: 9/1/2015/ Through 9/30/2015 ORIGINAL CONTRACT AMOUNT: \$5,729,737.57				Rotschy, Inc. 9210 NE 62nd Avenue Vancouver, WA 98665 (360) 334-3101				
ITEM NO.	DESCRIPTION	UNIT	ORIGINAL QUANTITY	UNIT PRICE	CONTRACT TOTAL	QUANTITY PREVIOUS	TOTAL PREVIOUS	QUANTITY THIS EST.	TOTAL THIS EST.	QUANTITY TO DATE	TOTAL TO DATE
SCHEDULE 1A: MOBILIZATION											
1A.1	MOBILIZATION	LS	1.00	\$530,000.00	\$530,000.00	0.75	\$397,500.00	0.00	\$0.00	0.75	\$397,500.00
SCHEDULE 1A SUBTOTAL					\$530,000.00		\$397,500.00		\$0.00		\$397,500.00
SCHEDULE 1B: PIPE											
1B.1	STORMLINE	LS	1.00	\$68,750.00	\$68,750.00	0.80	\$55,000.00	0.00	\$0.00	0.80	\$55,000.00
1B.2	OFFSITE WATERLINE	LS	1.00	\$405,625.00	\$405,625.00	0.70	\$283,937.50	0.00	\$0.00	0.70	\$283,937.50
1B.3	Onsite Waterline	LS	1.00	\$68,750.00	\$68,750.00	0.85	\$58,437.50	0.00	\$0.00	0.85	\$58,437.50
1B.4	Sanitary	LS	1.00	\$6,875.00	\$6,875.00	0.75	\$5,156.25	0.00	\$0.00	0.75	\$5,156.25
SCHEDULE 1B SUBTOTAL					\$550,000.00		\$402,531.25		\$0.00		\$402,531.25
SCHEDULE 1C: SITE WORK											
1C.1	Clearing and Grubbing	LS	1.00	\$20,000.00	\$20,000.00	1.00	\$20,000.00	0.00	\$0.00	1.00	\$20,000.00
1C.2	Excavation/Preparation	LS	1.00	\$61,906.56	\$61,906.56	0.90	\$55,715.90	0.00	\$0.00	0.90	\$55,715.90
1C.3	Admin Excavation/Slab Preparation	LS	1.00	\$26,000.00	\$26,000.00	1.00	\$26,000.00	0.00	\$0.00	1.00	\$26,000.00
1C.4	Base Rock	LS	1.00	\$82,875.00	\$82,875.00	0.65	\$53,868.75	0.00	\$0.00	0.65	\$53,868.75
1C.5	Site Finish Grading	LS	1.00	\$5,030.94	\$5,030.94	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1C.6	Wall	LS	1.00	\$8,125.00	\$8,125.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1C.7	Curb	LS	1.00	\$13,000.00	\$13,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1C.8	HMA	LS	1.00	\$48,750.00	\$48,750.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1C.9	Final Cleanup/Seeding	LS	1.00	\$4,875.00	\$4,875.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1C.10	Bollard	LS	1.00	\$2,437.50	\$2,437.50	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1C.11	Fencing	LS	1.00	\$52,000.00	\$52,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
SCHEDULE 1C SUBTOTAL					\$325,000.00		\$155,584.65		\$0.00		\$155,584.65
SCHEDULE 1D: ADMIN BUILDING											
1D.1	Accessories	LS	1.00	\$7,400.00	\$7,400.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1D.2	Admin Building Reinforcing Steel	LS	1.00	\$22,200.00	\$22,200.00	1.00	\$22,200.00	0.00	\$0.00	1.00	\$22,200.00
1D.3	Admin Building Slab and Stem Wall	LS	1.00	\$88,800.00	\$88,800.00	1.00	\$88,800.00	0.00	\$0.00	1.00	\$88,800.00
1D.4	Casework	LS	1.00	\$11,100.00	\$11,100.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1D.5	CMU	LS	1.00	\$74,000.00	\$74,000.00	0.35	\$25,900.00	0.60	\$44,400.00	0.95	\$70,300.00
1D.6	Doors	LS	1.00	\$29,600.00	\$29,600.00	0.25	\$7,400.00	0.25	\$7,400.00	0.50	\$14,800.00
1D.7	Drywall	LS	1.00	\$44,400.00	\$44,400.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1D.8	Electrician	LS	1.00	\$161,249.93	\$161,249.93	0.25	\$40,312.48	0.13	\$20,962.49	0.38	\$61,274.97
1D.9	Generator	LS	1.00	\$37,000.00	\$37,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1D.10	Excavation/Sub Base	LS	1.00	\$7,400.00	\$7,400.00	1.00	\$7,400.00	0.00	\$0.00	1.00	\$7,400.00
1D.11	Flooring	LS	1.00	\$3,700.00	\$3,700.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1D.12	HVAC	LS	1.00	\$48,100.00	\$48,100.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1D.13	Ironwork	LS	1.00	\$2,771.38	\$2,771.38	0.50	\$1,385.69	0.00	\$0.00	0.50	\$1,385.69
1D.14	Louvers	LS	1.00	\$2,010.64	\$2,010.64	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1D.15	Metal Roof	LS	1.00	\$29,727.10	\$29,727.10	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1D.16	Overhead Door	LS	1.00	\$7,400.00	\$7,400.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1D.17	Painter	LS	1.00	\$37,000.00	\$37,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1D.18	Plumbing	LS	1.00	\$81,400.00	\$81,400.00	0.30	\$24,420.00	0.19	\$15,466.00	0.49	\$39,886.00

CITY OF CAMAS PROJECT NO. WS-709C Project Name: SLOW SAND WATER TREATMENT PLANT 32723 NE Lessard Road Camas, WA 98607			PAY ESTIMATE: 4 PAY PERIOD: 9/1/2015/ Through 9/30/2015 ORIGINAL CONTRACT AMOUNT: \$5,729,737.57				Rotschy, Inc. 9210 NE 62nd Avenue Vancouver, WA 98665 (360) 334-3101				
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ITEM NO.	DESCRIPTION	UNIT	ORIGINAL QUANTITY	UNIT PRICE	CONTRACT TOTAL	QUANTITY PREVIOUS	TOTAL PREVIOUS	QUANTITY THIS EST.	TOTAL THIS EST.	QUANTITY TO DATE	TOTAL TO DATE
1D.19	Roof Framing	LS	1.00	\$7,740.95	\$7,740.95	0.00	\$0.00	1.00	\$7,740.95	1.00	\$7,740.95
1D.20	Signage	LS	1.00	\$3,700.00	\$3,700.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1D.21	Trusses	LS	1.00	\$22,200.00	\$22,200.00	0.00	\$0.00	1.00	\$22,200.00	1.00	\$22,200.00
1D.22	Windows	LS	1.00	\$11,100.00	\$11,100.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00

SCHEDULE 1D SUBTOTAL

\$740,000.00

\$217,818.17

\$118,169.44

\$335,987.61

SCHEDULE 1E: ADMIN BUILDING - EQUIPMENT											
1E.1	Flouride System	LS	1.00	\$91,628.35	\$91,628.35	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1E.2	Hypochlorite System Submittal Approval	LS	1.00	\$40,992.11	\$40,992.11	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1E.3	Hypochlorite System Submittal Approval	LS	1.00	\$144,947.96	\$144,947.96	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1E.4	Process Piping	LS	1.00	\$14,479.40	\$14,479.40	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1E.5	Mono Rail	LS	1.00	\$20,684.88	\$20,684.88	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1E.6	Pumps	LS	1.00	\$25,856.10	\$25,856.10	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1E.7	Starup	LS	1.00	\$7,127.79	\$7,127.79	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00

SCHEDULE 1E SUBTOTAL

\$345,716.59

\$0.00

\$0.00

\$0.00

SCHEDULE 1F: Filter Structure											
1F.1	Process Piping	LS	1.00	\$84,000.00	\$84,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1F.2	Painting/Coating	LS	1.00	\$18,000.00	\$18,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1F.3	Ironwork?Railing	LS	1.00	\$144,000.00	\$144,000.00	0.00	\$0.00	0.10	\$14,400.00	0.10	\$14,400.00
1F.4	Slide Gates	LS	1.00	\$60,000.00	\$60,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1F.5	Water Test	LS	1.00	\$6,000.00	\$6,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1F.6	Excavation/Preparation	LS	1.00	\$180,000.00	\$180,000.00	1.00	\$180,000.00	0.00	\$0.00	1.00	\$180,000.00
1F.7	Filter Media	LS	1.00	\$600,439.87	\$600,439.87	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
1F.8	Base Rock	LS	1.00	\$107,560.13	\$107,560.13	1.00	\$107,560.13	0.00	\$0.00	1.00	\$107,560.13

SCHEDULE 1F SUBTOTAL

\$1,200,000.00

\$287,560.13

\$14,400.00

\$301,960.13

SCHEDULE 1G: Filter Structure - Slab Construction											
1G.1	Slab Construction	SF	25,214.00	\$20.00	\$504,280.00	12,864.50	\$257,290.00	11,088.50	\$221,770.00	23953.00	\$479,060.00

SCHEDULE 1G SUBTOTAL

\$504,280.00

\$257,290.00

\$221,770.00

\$479,060.00

SCHEDULE 1H: Filter Structure - Wall Construction											
1H.1	Wall Construction	SF	13,996.00	\$49.00	\$685,804.00	0.00	\$0.00	6,546.00	\$320,754.00	6546.00	\$320,754.00

SCHEDULE 1H SUBTOTAL

\$685,804.00

\$0.00

\$320,754.00

\$320,754.00

SCHEDULE 1J: Filter Structure - Reinforcing Steel											
1J.1	Reinforcing Steel	SF	39,210.00	\$9.00	\$352,890.00	12,864.50	\$115,780.50	21,135.50	\$190,219.50	34000.00	\$306,000.00

SCHEDULE 1J SUBTOTAL

\$352,890.00

\$115,780.50

\$190,219.50

\$306,000.00

SCHEDULE 2: Shoring Trench Safety System											
2.1	Shoring Trench Safety System	LF	5,400.00	\$1.00	\$5,400.00	4,050.00	\$4,050.00	0.00	\$0.00	4050.00	\$4,050.00

SCHEDULE 2 SUBTOTAL

\$5,400.00

\$4,050.00

\$0.00

\$4,050.00

CITY OF CAMAS PROJECT NO. WS-709C Project Name: SLOW SAND WATER TREATMENT PLANT 32723 NE Lessard Road Camas, WA 98607			PAY ESTIMATE: 4 PAY PERIOD: 9/1/2015/ Through 9/30/2015 ORIGINAL CONTRACT AMOUNT: \$5,729,737.57				Rotschy, Inc. 9210 NE 62nd Avenue Vancouver, WA 98665 (360) 334-3101				
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ITEM NO.	DESCRIPTION	UNIT	ORIGINAL QUANTITY	UNIT PRICE	CONTRACT TOTAL	QUANTITY PREVIOUS	TOTAL PREVIOUS	QUANTITY THIS EST.	TOTAL THIS EST.	QUANTITY TO DATE	TOTAL TO DATE
SCHEDULE 3: Overexcavation and Backfill with Granular Fill											
3.1	Overexcavation and Backfill with Granular Fill	CY	1,500.00	\$20.00	\$30,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
SCHEDULE 3 SUBTOTAL					\$30,000.00		\$0.00		\$0.00		\$0.00

SCHEDULE 4: Cash Allowance for Furnishings and Laboratory Supplies											
4.1	Furnishings and Laboratory Supplies	LS	1.00	\$10,000.00	\$10,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
SCHEDULE 2 SUBTOTAL					\$10,000.00		\$0.00		\$0.00		\$0.00

SCHEDULE 5: Erosion Control and Water Pollution Control											
5.1	Erosion Control and Water Pollution Control	LS	1.00	\$16,000.00	\$16,000.00	0.21	\$3,360.00	0.07	\$1,120.00	0.28	\$4,480.00
SCHEDULE 5 SUBTOTAL					\$16,000.00		\$3,360.00		\$1,120.00		\$4,480.00

SCHEDULE 6: Project Documentation											
6.1	Project Documentation	LS	1.00	\$25,000.00	\$25,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
SCHEDULE 6 SUBTOTAL					\$25,000.00		\$0.00		\$0.00		\$0.00

Change Order 1											
1	Upsize TW & RW Pipes & Extend RW Pipe to R.O.W.	LS	1.00	\$34,831.21	\$34,831.21	0.00	\$0.00	1.00	\$34,831.21	1.00	\$34,831.21
2	Groundface CMU Block	LS	1.00	\$2,934.80	\$2,934.80	0.00	\$0.00	1.00	\$2,934.80	1.00	\$2,934.80
SCHEDULE 6 SUBTOTAL					\$37,766.01		\$0.00		\$37,766.01		\$37,766.01

ORIGINAL CONTRACT TOTAL		CONTRACT TOTAL	TOTAL PREVIOUS	TOTAL THIS EST.	TOTAL TO DATE
CHANGE ORDERS TO DATE		\$5,320,090.59	\$1,841,474.71	\$866,432.94	\$2,707,907.65
ORIGINAL CONTRACT & CHANGE ORDERS SUBTOTAL		\$37,766.01	\$0.00	\$37,766.01	\$37,766.01
SALES TAX (7.7%)		\$5,357,856.60	\$1,841,474.71	\$904,198.95	\$2,745,673.66
TOTAL CONTRACT		\$412,554.96	\$141,793.55	\$69,623.32	\$211,416.87
Retainage (5%)		\$5,770,411.56	\$1,983,268.26	\$973,822.27	\$2,957,090.53
TOTAL			(\$92,073.74)	(\$45,209.95)	(\$137,283.68)
			\$1,891,194.52	\$928,612.32	\$2,819,806.85

SAN. ACT. NUMBER: 424-00-594-341-65

SAN. THIS PAY EST: \$928,612.32

RFC
ENTERED
10/13/15

St Dupont
Project Engineer
10/12/15
Date

Darin Ryan
Contractor
10/13/15
Date

James Hodges
Project Manager
10/13/2015
Date

CITY OF CAMAS PROJECT NO. WS-714 STEP Sewer Transmission Main Project			PAY ESTIMATE: THREE PAY PERIOD: 9/1/15 Through 9/30/15 ORIGINAL CONTRACT AMOUNT: \$2,378,135.30					McDonald Excavating, Inc. 2719 Main Street Washougal, WA 98671			
Schedule A - Water											
ITEM NO.	DESCRIPTION	UNIT	ORIGINAL QUANTITY	UNIT PRICE	CONTRACT TOTAL	QUANTITY PREVIOUS	TOTAL PREVIOUS	QUANTITY THIS EST.	TOTAL THIS EST.	QUANTITY TO DATE	TOTAL TO DATE
1	Mobilization	LS	1.00	\$193,500.00	\$193,500.00	1.00	\$193,500.00	0.00	\$0.00	1.00	\$193,500.00
2	Minor Change	CALC	1.00	\$20,000.00	\$20,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
2A	Minor Change	CALC	1.00	\$16,744.54	\$16,744.54	0.00	\$0.00	1.00	\$16,744.54	1.00	\$16,744.54
3	Record Drawings	LS	1.00	\$10,000.00	\$10,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
4	Construction Documentation	LS	1.00	\$25,000.00	\$25,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
5	SPCC Plan	LS	1.00	\$1,500.00	\$1,500.00	1.00	\$1,500.00	0.00	\$0.00	1.00	\$1,500.00
6	Archaeological Standby Time	HR	100.00	\$50.00	\$5,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
7	Project Temporary Traffic Control	LS	1.00	\$37,000.00	\$37,000.00	0.39	\$14,430.00	0.19	\$7,030.00	0.58	\$21,460.00
8	Clearing and Grubbing	LS	1.00	\$6,680.00	\$6,680.00	0.00	\$0.00	1.00	\$6,680.00	1.00	\$6,680.00
9	Remove (Abandon) Joy Street Odor Control Facility	LS	1.00	\$31,245.00	\$31,245.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
10	Roadway Excavation Incl. Haul	CY	130.00	\$22.00	\$2,860.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
11	Controlled Density Fill Backfill Substitution	CY	550.00	\$116.00	\$63,800.00	112.00	\$12,992.00	0.00	\$0.00	112.00	\$12,992.00
12	Crushed Surfacing Base Course	CY	1375.00	\$30.00	\$41,250.00	524.00	\$15,720.00	446.00	\$13,380.00	970.00	\$29,100.00
13	HMA Cl. 1/2" Pg 64-22	TON	410.00	\$112.00	\$45,920.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
14	HMA Cl. 1/2" Pg 64-22 (Trench Patch)	TON	950.00	\$119.00	\$113,050.00	389.41	\$46,339.79	98.24	\$11,690.56	487.65	\$58,030.35
15	Planing Bituminous Pavement	SY	3620.00	\$3.00	\$10,860.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
16	Shoring***	LF	6150.00	\$2.00	\$12,300.00	1,996.00	\$3,992.00	994.00	\$1,988.00	2990.00	\$5,980.00
17	Clay Dams	EA	4.00	\$730.00	\$2,920.00	0.00	\$0.00	4.00	\$2,920.00	4.00	\$2,920.00
18	Handling and Disposal of Contaminated Soil	CY	200.00	\$80.00	\$16,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
19	Removal and Replacement of Unsuitable Material	CY	600.00	\$10.00	\$6,000.00	0.00	\$0.00	12.33	\$123.30	12.33	\$123.30
20	Gate Valve 3 In.	EA	2.00	\$525.00	\$1,050.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
21	Plug Valve 12 In.	EA	1.00	\$3,400.00	\$3,400.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
22	Plug Valve 18 In.	EA	1.00	\$5,700.00	\$5,700.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
23	Plug Valve 24 In.	EA	2.00	\$10,160.00	\$20,320.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
24	Tapping Sleeve and Valve Assembly 8x18 In.	EA	1.00	\$4,525.00	\$4,525.00	0.00	\$0.00	1.00	\$4,525.00	1.00	\$4,525.00
25	Tapping Sleeve and Valve Assembly 18x18 In.	EA	1.00	\$22,900.00	\$22,900.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
26	Vault #1 (Wellfield Air/Vacuum Structure)	EA	1.00	\$22,200.00	\$22,200.00	0.00	\$0.00	0.90	\$19,980.00	0.90	\$19,980.00
27	Vault #2 (Bridge Air/Vacuum and Odor Control Structure)	EA	1.00	\$27,100.00	\$27,100.00	0.00	\$0.00	0.90	\$24,390.00	0.90	\$24,390.00
28	Vault #3 (Wetland Air Release and Odor Control Structure)	EA	1.00	\$13,100.00	\$13,100.00	0.00	\$0.00	0.75	\$9,825.00	0.75	\$9,825.00
29	Vault #4 (3rd Ave Air/Vacuum & Odor Control Structure)	EA	1.00	\$42,665.00	\$42,665.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
30	Vault #5 (3rd Ave Odor Control Injection Structure)	EA	1.00	\$19,100.00	\$19,100.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
31	48 In. Steel Casing	LF	17.00	\$790.00	\$13,430.00	15.00	\$11,850.00	0.00	\$0.00	15.00	\$11,850.00
32	PVC Sanitary Sewer Pipe 24 In. Diam.	LF	6235.00	\$174.80	\$1,089,878.00	2,075.00	\$362,710.00	1,262.00	\$220,597.60	3337.00	\$583,307.60
33	DIPS HDPE DR17 Sanitary Sewer Pipe 24 In. Diam.	LF	708.00	\$205.00	\$145,140.00	708.00	\$145,140.00	0.00	\$0.00	708.00	\$145,140.00
34	Ductile Iron Sanitary Sewer Pipe 8 In. Diam.	LF	430.00	\$38.00	\$16,340.00	0.00	\$0.00	430.00	\$16,340.00	430.00	\$16,340.00
35	Ductile Iron Sanitary Sewer Pipe 18 In. Diam.	LF	43.00	\$410.00	\$17,630.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
36	Force Main Locator Station	EA	18.00	\$150.00	\$2,700.00	3.00	\$450.00	8.00	\$1,200.00	11.00	\$1,650.00
37	Sanitary Sewer Bypass (6th and Joy)	LS	1.00	\$23,500.00	\$23,500.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
38	ESC Lead	DAY	60.00	\$30.00	\$1,800.00	24.00	\$720.00	12.00	\$360.00	36.00	\$1,080.00
39	Stabilized Construction Entrance	SY	220.00	\$21.00	\$4,620.00	0.00	\$0.00	110.00	\$2,310.00	110.00	\$2,310.00
40	Inlet Protection	EA	24.00	\$46.01	\$1,104.24	7.00	\$322.07	1.00	\$46.01	8.00	\$368.08
41	Erosion/Water Pollution Control	EST	1.00	\$10,000.00	\$10,000.00	0.12	\$1,200.00	0.12	\$1,200.00	0.24	\$2,400.00
42	High Visibility Silt Fence	LF	2500.00	\$2.50	\$6,250.00	600.00	\$1,500.00	2,200.00	\$5,500.00	2800.00	\$7,000.00
43	Wattle	LF	100.00	\$4.00	\$400.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
44	Biodegradable Erosion Control Blanket	SY	370.00	\$3.00	\$1,110.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
45	Seeding, Fertilizing, and Mulching (Native Grasses)	ACRE	0.75	\$4,500.00	\$3,375.00	0.00	\$0.00	1.00	\$4,500.00	1.00	\$4,500.00

CITY OF CAMAS PROJECT NO. WS-714 STEP Sewer Transmission Main Project				PAY ESTIMATE: THREE PAY PERIOD: 9/1/15 Through 9/30/15 ORIGINAL CONTRACT AMOUNT: \$2,378,135.30				McDonald Excavating, Inc. 2719 Main Street Washougal, WA 98671			
46	High Visibility Fence	LF	685.00	\$3.50	\$2,397.50	675.00	\$2,362.50	0.00	\$0.00	675.00	\$2,362.50
47	Topsoil Type B	CY	300.00	\$7.00	\$2,100.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
48	PSIPE Deciduous Tree, 2" Cal.	EA	8.00	\$460.00	\$3,680.00	0.00	\$0.00	8.00	\$3,680.00	8.00	\$3,680.00
49	Seeded Lawn Installation	SY	1560.00	\$1.00	\$1,560.00	0.00	\$0.00	1,333.00	\$1,333.00	1333.00	\$1,333.00
50	Cement Conc. Traffic Curb	LF	45.00	\$40.00	\$1,800.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
51	Utility Marker Posts	EA	3.00	\$140.00	\$420.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
52	Cement Conc. Sidewalk	SY	30.00	\$80.00	\$2,400.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
53	Conduit Pipe 4 In. Diam.	LF	1335.00	\$5.00	\$6,675.00	0.00	\$0.00	1,335.00	\$6,675.00	1335.00	\$6,675.00
54	Traffic Signal System Loop Replacement	LS	1.00	\$5,500.00	\$5,500.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
55	Paint Line	LF	42.00	\$6.00	\$252.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
56	Painted Stop Line	LF	65.00	\$10.00	\$650.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
57	Plastic Crosswalk Line	SF	160.00	\$12.00	\$1,920.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
58	Plastic Traffic Arrow	EA	1.00	\$275.01	\$275.01	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
A	Milestone #1 Incentive (Max \$10,000)	EA	5.00	\$2,000.00	\$10,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
B	Milestone #2 Incentive (Max \$10,000)	EA	5.00	\$2,000.00	\$10,000.00	5.00	\$10,000.00	0.00	\$0.00	5.00	\$10,000.00
C	Milestone #3 Incentive (Max \$10,000)	EA	5.00	\$2,000.00	\$10,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
Schedule B SUBTOTAL:			\$2,240,596.29			\$824,728.36			\$383,018.01		
									\$1,207,746.37		

Change Order 1											
ITEM NO.	DESCRIPTION	UNIT	ORIGINAL QUANTITY	UNIT PRICE	CONTRACT TOTAL	QUANTITY PREVIOUS	TOTAL PREVIOUS	QUANTITY THIS EST.	TOTAL THIS EST.	QUANTITY TO DATE	TOTAL TO DATE
1	Additional Sewer Services	LS	1.00	\$5,171.73	\$5,171.73	1.00	\$5,171.73	0.00	\$0.00	1.00	\$5,171.73
2	Additional Clearing	LS	1.00	\$1,820.97	\$1,820.97	1.00	\$1,820.97	0.00	\$0.00	1.00	\$1,820.97
3	Archeological Standby Time	LS	1.00	\$5,327.12	\$5,327.12	1.00	\$5,327.12	0.00	\$0.00	1.00	\$5,327.12
Change Order 1 SUBTOTAL:			\$12,319.82			\$12,319.82			\$0.00		
									\$12,319.82		

ORIGINAL CONTRACT TOTAL CHANGE ORDERS SUBTOTAL SALES TAX (8.4%) TOTAL CONTRACT LESS 0% RETAINAGE* TOTAL LESS RETAINAGE	CONTRACT TOTAL	TOTAL PREVIOUS	TOTAL THIS EST.	TOTAL TO DATE
	\$2,240,596.29	\$824,728.36	\$383,018.01	\$1,207,746.37
	\$1,820.97	\$12,319.82	\$0.00	\$12,319.82
	\$2,242,417.26	\$837,048.18	\$383,018.01	\$1,220,066.19
	\$188,363.05	\$70,312.05	\$32,173.51	\$102,485.56
	\$2,430,780.31	\$907,360.23	\$415,191.52	\$1,322,551.75
		\$0.00	\$0.00	\$0.00
		\$907,360.23	\$415,191.52	\$1,322,551.75

*There is a Retainage Bond posted for this project by the Contractor

RFC
ENTERED
10/13/15

SAN. ACT. NUMBER: 424-00-594-351-65 SAN. THIS PAY EST: \$415,191.52

F.I.

St Dupak
Project Engineer

10/13/15
Date

Donald Infield 10-13-15
Contractor

James Hayes 10/13/2015
Project Manager

Date

INTERLOCAL AGREEMENT
FOR
COMMUTE TRIP REDUCTION

- I. Effective Date: July 1, 2015.
- II. Parties: City of Vancouver, a municipal corporation of the State of Washington; and
- Clark County ("the County"), a municipal corporation of the State of Washington;
- City of Camas, a municipal corporation of the State of Washington; and,
- City of Washougal, a municipal corporation of the State of Washington
- III. Recitals:
- A. In 2006 the Washington legislature passed the " Commute Trip Reduction (CTR) Efficiency Act requiring local governments in urban area with traffic congestion to develop programs that reduce drive-alone trips and vehicle miles traveled per capita. The CTR Efficiency Act amended the 1991, Commute Trip Reduction Law, codified as §70.94.521-.551 RCW.
- B. As required by § 70.94.527(1) RCW of the CTR law as amended, the parties have adopted Commute Trip Reduction ordinances and plans for the purpose of reducing the number of commute trips to work in single occupant vehicles, alleviating air pollution, reducing energy consumption, and addressing traffic congestion problems.

- C. As authorized under the CTR law and the Interlocal Cooperation Act, Chapter 39.34 RCW, the parties desire to enter into this Agreement to achieve and maintain compliance with the requirements of the CTR law.

NOW, THEREFORE, BE IT RESOLVED that in consideration of covenants, conditions, performances, and promised hereinafter set forth, the parties hereto agree as follows:

- IV. Purpose. The purpose of this Agreement is to establish a mechanism for ensuring compliance with the CTR law, to enable the parties of this Agreement to meet the statutory requirements by the applicable deadlines, and to specifically provide for the definition and coordination of each of the tasks for which the parties to this Agreement will be responsible in achieving the goals and requirements of the CTR law.
- V. Funding.
 - A. The City of Vancouver will utilize funds received from the Washington State Department of Transportation in the manner described in the *2015-2017 Commute Trip Reduction Work Plan* that is attached hereto and incorporated herein, by this reference, as part of this Agreement. The City of Vancouver is authorized to redistribute funds as necessary due to changes in program responsibilities and would do so using an amendment to this agreement if necessary.
 - B. The expenditure of funds is subject to the requirements of Washington State Department of Transportation guidelines.
 - C. The parties to this Agreement shall use best efforts to jointly apply for additional grant funds to support continued and coordinated implementation of the CTR law.
- VI. Service Provisions. Funds provided to the parties under this Agreement shall be used exclusively for activities undertaken to fulfill the requirements of §§70.94.521-.551 RCW and to implement the tasks as described in the *2015-2017 Commute Trip Reduction Work Plan*.

- VII. Agreement Period. The effective date of this Agreement shall be July 1, 2015. The termination date shall be June 30, 2017.
- VIII. Coordination of Work: Each of the parties to this Agreement agrees to use its best efforts to coordinate with the other parties hereto in order to best achieve the purposes of the CTR law.
- IX. Disbursement Provisions:
- A. Acting as Program Administrator, the City of Vancouver shall submit an invoice, with an estimate of expenditures by budget categories used by the City for all state CTR funds expended for the purpose of CTR implementation. The period for which these invoices cover all expenses can be determined by the party submitting the invoices, but shall not be submitted more frequently, or cover periods of less than three months.
 - B. The City of Vancouver shall submit progress reports, to be forwarded to the Washington State Department of Transportation, accompanying the invoices for covered expenses. These reports should summarize:
 - 1. Recent CTR events and projects;
 - 2. A detailed summary of implementation assistance provided to affected employers within each jurisdiction;
 - 3. A list of scheduled CTR events, projects, and implementation assistance to be provided to affected employers including all CTR training classes
 - C. All invoiced items shall be exclusively for activities undertaken to fulfill the requirement of §70.94.521-.551 RCW and in accordance with Washington State Department of Transportation guidelines on the expenditure of funds. Such funds may only be used to implement tasks as described in the *2015-2017 Commute Trip Reduction Work Plan*.

- X. Employment Provisions: There shall be no discrimination against any employee who is paid by the funds indicated in the Agreement or against any applicant for such employment because of race, religion, color, sex, marital status, creed, national origin, age, Vietnam era or disabled veterans status, or the presence of any sensory, mental, or physical handicap. This provision shall include, but not be limited to the following: employment, upgrading, demotion, transfer, recruitment, advertising, lay-off or termination, rate of pay or other forms of compensation, and selection for training.
- XI. Agreement Modifications. The governing bodies of the parties hereto may request modifications to this Agreement. Any such changes that are mutually agreed upon by the parties hereto shall be incorporated herein by written amendment of this Agreement. It is mutually agreed and understood that no alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto and that any oral understanding or agreements not incorporated herein shall not be binding.
- XII. Hold Harmless: It is understood and agreed that this Agreement is solely for the benefit of the parties hereto and gives no right to any other party. No joint venture or partnership is formed as a result of this Agreement. Each party hereto agrees to be responsible and assumes liability for its own negligent acts or omissions, or that of its officers, agents or employees to the fullest extent required by law, and agrees to save, indemnify, defend, and hold the other party harmless from any such liability. In the case of negligence of both parties, any damages allowed shall be levied in proportion to the percentage of negligence attributable to the other party. This indemnification clause shall also apply to any and all causes of action arising out of performance of work activities under this Agreement. Each contract for services or activities utilizing funds provided in whole or in part by this Agreement shall include a provision that neither the State of Washington nor the parties to this Agreement are liable for damage or claims for damages arising from any subcontractor's performance or activities under the terms of the contracts.

- XIII. Governing Law and Venue: The Agreement shall be construed and enforced in accordance with, and the validity and performance thereof shall be governed by the laws of the State of Washington. Venue of any suit between the parties arising out of this Agreement shall be the Superior Court of Clark County, Washington.
- XIV. Severability: In the event any term or condition of this Agreement or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications of this Agreement which can be given effect without the invalid term, condition or application. To this end the terms and conditions of this Agreement are declared severable.
- XV. Recapture Provision:
- A. In the event that a party fails to expend state funds in accordance with state law and/or the provisions of this Agreement, the City of Vancouver reserves the right to recapture state funds in an amount equal to the extent of noncompliance.
 - B. Such right of recapture shall exist for a period not to exceed three (3) years following termination of the Agreement. Repayment by the party of state funds under this recapture provision shall occur within thirty (30) days of demand. In the event that the City of Vancouver is required to institute legal proceedings to enforce the recapture provision, the City of Vancouver shall be entitled to its cost thereof, including reasonable attorney's fees, to be compensated by the party.
 - C. This Agreement shall be subordinate to and governed by all provisions and terms contained in the *Commute Trip Reduction Implementation Agreement* between City of Vancouver and the Washington State Department of Transportation attached hereto
- XVI. Reduction in Funds: The City of Vancouver may unilaterally terminate all or part of this agreement, or may reduce its scope of work or budget under this Agreement, if there is a reduction of funds by the source of those funds, and if such funds are the basis for this Agreement.

XVII. Americans with Disabilities Act of 1990, Public Law 101-336 (ADA): Parties to this Agreement must comply with the ADA, which provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications.

XVIII. Termination: Notwithstanding any provisions of this Agreement, any party may terminate their participation in this Agreement by providing written notice of such termination to all other parties, specifying the effective date thereof, at least thirty (30) days prior to such date. Reimbursement for services performed by any party and not otherwise paid for prior to the effective date of such termination shall be made according to the terms of this Agreement.


XIX. Property: All equipment, property, or improvement used to effectuate this Agreement shall become the sole property of the Party who provided the equipment, property, or improvement.

IN WITNESS THEREOF the undersigned entities have executed this Agreement as of the date and year written below.

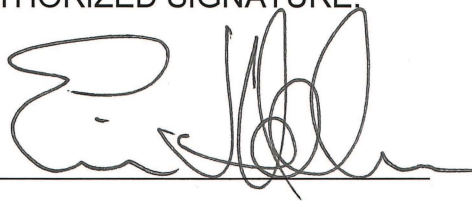
City of Vancouver

Approved as to Form only:

AUTHORIZED SIGNATURE:

By: 

E. Bronson Potter, City Attorney

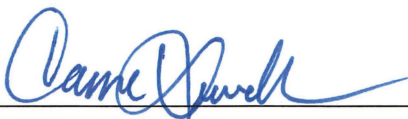
By: 

Eric Holmes, City Manager

9-21-15

Date

Attest:

By: 

R. Lloyd Tyler, City Clerk

By: Carrie Lewellen, Deputy City Clerk

Clark County

Approved as to Form only:

AUTHORIZED SIGNATURE:

By: _____
Deputy Prosecuting Attorney

By: _____
Chair, Clark County Commissioners Date

City of Camas

Approved as to Form only:

AUTHORIZED SIGNATURE:

By: _____
City Attorney

By: _____
Mayor / City Manager Date

City of Washougal

Approved as to Form only:

AUTHORIZED SIGNATURE:

By: _____
City Attorney

By: _____
Mayor / City Manager Date

ATTACHMENTS: *2015-2017 Commute Trip Reduction Work Plan*

COMMUTE TRIP REDUCTION WORK PLAN

For the Interlocal Agreement
covering the
2015-2017 Biennium
July 1, 2015 - June 30, 2017

COMMUTE TRIP REDUCTION WORK PLAN

I. Introduction

The purpose of this work plan is to establish commute trip reduction (CTR) task descriptions and responsibilities, and associated budgets for each public agency party to the Interlocal Agreement, effective July 1, 2015 – June 30, 2017, between the City of Vancouver, Clark County, City of Camas and City of Washougal.

The work plan is divided into four sections: Introduction, Agency Task Descriptions and Responsibilities, Major Goals and Budget.

II. Agency Task Descriptions and Responsibilities

City of Vancouver:

- A. Shall provide regular opportunities for an employer's ETC to network with other local Employee Transportation Coordinators ETCs;
- B. Shall supply informational materials (posters, clip art, forms, brochures, webpage) which will assist the employer in implementing a worksite CTR program on requirements of the CTR ordinance to help the employer achieve the CTR goals of the local ordinance;
- C. Shall participate in local implementation of the statewide CTR public awareness and recognition programs when applicable;
- D. Shall pursue contact of potential new affected worksites in Clark County region;
- E. Shall provide (ETC) training classes, using the WSDOT provided ETC Handbook or other training materials;
- F. Shall offer services that contribute to an increase in CTR program participants (ClarkCommute.org, Carpool Only Parking Program signs and posts, Emergency Ride Home Program, Transportation Fairs, Vanpools);
- G. Shall be the Clark County Administrator for the regional carpool matching Web site, www.clarkcommute.org.
- H. Shall work collaboratively with and provide technical guidance and support to affected employers in developing, implementing, and/or modifying an employer's CTR program;
- I. Shall supply state-supplied employee survey forms and training for employers to achieve a successful survey process;

- J. Shall supply forms for annual progress reports that are consistent with the WSDOT requirements and help employers prepare their CTR annual program reports;
- K. Shall implement the regional CTR plans to achieve the carpool and bicycle targets.
- L. Shall submit an annual work plan to WSDOT which outlines the major tasks and activities, including, but not limited to, employer training and networking activities, employer program review, survey activities, and advertising and promotional campaigns to be conducted for the coming year.
- M. Shall serve as a liaison between WSDOT, Clark County, City of Camas and City of Washougal for the purposes of RCW 70.94.521.551.
- N. Coordinate with the Southwest Washington Regional Transportation Council (RTC), the region's Regional Transportation Planning Organization.
- O. Shall submit invoice to WSDOT on WSDOT approved invoice format along with progress reports, in the format provided in Attachment 1 of the State CTR Contract, that accurately assesses the progress made by the county and affected jurisdictions in implementing RCW 70.94.521—.551. These reports and invoices are to be submitted within forty-five (45) days of the end of each six month period.
- P. Shall distribute funds to affected jurisdictions within the county implementing CTR plans and ordinances as required by RCW 70.94.544 and in accordance with the Interlocal Agreement.

All Parties to this Agreement (as appropriate)

- A. Shall meet as needed with the Commute Trip Reduction Steering Group which is made up of Clark County, the City of Vancouver, the City of Camas, City of Washougal and other city jurisdictional representatives if applicable.
- B. Shall maintain and administer a CTR ordinance and local CTR plans for affected employers in their respective jurisdictions.
- C. Shall provide WSDOT with a public hearing notice and copies of any proposed amendments to the CTR ordinance, local CTR plans, and/or administrative guidelines within the first week of the public review period and final copies of all actions within one (1) month of adoption.

- D. Shall establish and maintain books, records, documents, and other evidence and accounting procedures and practices sufficient to properly reflect all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred solely for the performance of this Agreement. To facilitate the administration of the work described in this agreement, separate accounts shall be established and maintained within the existing accounting system or independently set up. Such accounts are referred to herein collectively as the "CTR Account". All costs charged to the CTR Account, including any approved services contributed by the jurisdictions or others, shall be supported by properly executed payrolls, time records, invoices, contracts, vouchers, or products, proving in proper detail, the nature and propriety of the charges.
- E. Shall maintain an appeals process. This process must be consistent with RCW 70.94.534(6) and procedures contained in the Commute Trip Reduction Task Force Guidelines whereby employers in the local jurisdictions may obtain an exemption or modification of CTR requirements, including the establishment of alternative SOV/VMT goals. The county, affected jurisdictions, or their designee, will submit requests for exemptions or modifications including requests for goal modifications, to the WSDOT for review and comment within five (5) days of receiving such requests. The county, affected jurisdictions, or their designee, shall not approve or deny any such request until receiving comment on the request as specified by the Clark County/WSDOT CTR Agreement under WSDOT Task, Section 2 Exemption and Modifications.

Washington State Department of Transportation, SW Region

- A. Washington State Department of Transportation is not a formal signatory to the interlocal Agreement. It has, however, provided support for commute trip reduction activities over the past ten years. It has assisted with training, surveying, developing marketing materials, and has led the effort to make Clark County's CTR program a successful county-wide effort. The Washington State Department of Transportation will be encouraged to continue its involvement and provide its expertise for local commute trip reduction efforts.

III. Major Goals

- Implement work site clusters strategy outlined in the Regional CTR plan to increase the carpool and bicycle mode shares by 2%
- Cultivate private/public partnerships for implementation of incentive coupon book featuring local businesses near the identified work site clusters
- Pursuant to funding, update the ClarkCommute.org website
- Systematically contact all sites and review how many new carpools and bicycle participants needed to meet the 2% targets of the CTR plan and cultivate new commitments from these sites to achieving the goals of the program

IV. Budget

There is \$204,011 available for the 2015-2017 biennium as is outlined in this workplan. Additionally performance funding from the Trip Reduction Performance grant (2007-2009) will be used to support implementation of the 2015-2017 CTR Plan. The projected budget allocation is outlined below:

Project / Task	2015-2017 Budget
<i>Regional CTR Coordination</i>	
ETC Network Meetings/Carpool Matching Events	\$ 800
Emergency Ride Home	\$ 700
Postage/Mailroom Charge	\$ 1,038
Program Materials (ex. Brochures, Campaign Rewards, Posters, Carpool Signs, ETC Training, etc.)	\$ 31,148
Program Administration/Implementation	\$ 211,753
City of Vancouver Computer/Phone Charge	\$ 8,572
<i>2015-2017 Biennium Total</i>	\$254,011
<i>2015-2017 CTR Implementation Grant</i>	\$204, 011
<i>Performance Funds TRPP Grant</i>	\$ 50, 000
<i>Total:</i>	\$ 254,011

Fire Department Items Requesting To Surplus

- 68 rolls 2 ½ " fire hose
- 51 rolls 1 ¾ " fire hose
- 1 – 35' extension ladder
- 3 – 24' extension ladders
- 4 – 14' roof ladders
- 1 – 12' Fresno ladder
- 1 – 10' Fresno ladder
- 2 – 10' folding attic ladder

~ PROCLAMATION ~

WHEREAS, the City of Camas is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism and service; and

WHEREAS, the City of Camas is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment and conviction to their individual ambitions, family, friends and community; and

WHEREAS, the City of Camas is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, the City of Camas acknowledges the mission of Extra Mile America to create 500 Extra Mile cities in America and is proud to support “Extra Mile Day”;

THEREFORE, I, Scott Higgins, Mayor of the City of Camas, do hereby proclaim
November 1, 2015, as:

“Extra Mile Day”

in the City of Camas, and urge all citizens to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country or world a better place.

In witness whereof, I have set my hand
and caused the seal of the City of Camas to
be affixed this 26th day of October, 2015.



Scott Higgins, Mayor



STAFF REPORT
CAMAS MUNICIPAL CODE – RETAIL MARIJUANA

FILE #MC15-06
OCTOBER 20, 2015

To: Mayor Higgins
City Council

Public Hearing: October 26, 2015

From: Phil Bourquin, Community Development Director

Compliance with state agencies: Notice of the public hearing before the City Council was published in the Camas Post Record on October 20, 2015 and posted at City Hall, the Camas Post office and Camas Public Library.

SUMMARY

The City of Camas passed Ordinance# 2712 on October 20, 2014 in response Washington Initiative Measure 502 "I-502". Ordinance #2712 amended Camas Municipal Code Sections 18.03.030 and 18.07.030 by adopting land use and zoning regulations, and establishing prohibitions on the location of marijuana-related facilities. Specifically, under Ordinance #2712 Marijuana Processing and Production were prohibited in all zoning districts throughout the City. Marijuana Retailers were also prohibited in all zoning districts, however, the code established a sunset date of November 30, 2015, on this prohibition in all commercial and industrial designated districts. The record related to Ordinance #2712 can be found online in the Agenda for the October 20, 2014, City Council Meeting at <http://www.cityofcamas.us/index.php/yourgovernment/minuteagendavideo>.

The purpose of this Staff Report is to revisit the subject of retail marijuana, provide updates related to statewide legislation, trends in the retail marijuana industry and to establish or confirm a City Policy on retail marijuana sales within the City of Camas.

ANALYSIS/FAQ'S

Question: What will happen if the City takes no action to amend the current code related to retail marijuana prior to the sunset date of November 30, 2015?

Answer: If the City takes no further action, on November 1, 2015, retail marijuana would be permitted in all employment zones including the RC, CC, NC, DC, MX, HI, LI, BP, and LI/BP zones subject to the locational and licensing requirements of the State of Washington.

Question: What action is necessary if the City wishes to continue to continue to prohibit Marijuana Retail sales in the City of Camas?

Answer: An Ordinance amending CMC 18.07.030 Table 1 would need to be adopted and effective prior to December 1, 2015 that would repeal sunset date language as follows: Notes: ~~9. This section shall be in effect through October 31, 2015.~~

Question: If the City were to allow retail marijuana stores, what zoning districts would be appropriate?

Answer: In determining what zoning districts are appropriate for a given use, the Camas Municipal provides a summary of the zones and the differing characteristics of each:

18.05.050 - Commercial and industrial zones.

The purpose of the commercial, industrial, and high technology zones are to provide services and employment primarily to residents. These areas are zoned according to the services they provide. As a result, each zone has different characteristics as summarized below:

- A. NC Neighborhood Commercial. This zone provides for the day-to-day needs of the immediate neighborhood. This zone is intended to be small, but fairly numerous throughout the city. Convenience goods (e.g., food, drugs and sundries), along with personal services (e.g., dry cleaning, barbershop or beauty shop), are common goods and services offered.
- B. CC Community Commercial. This zone provides for the goods and services of longer-term consumption, and tend to be higher-priced items than the neighborhood commercial zone district. Typical goods include clothing, hardware and appliance sales. Some professional services are offered, e.g., real estate office or bank. Eating and drinking establishments may also be provided. This zone tends to vary in size, but is larger than the neighborhood commercial zone.
- C. RC Regional Commercial. This zone provides apparel, home furnishings, and general merchandise in depth and variety, as well as providing services for food clusters and some recreational activities. Regional commercial is the largest of the commercial zones and is designed to serve the region or a significant portion of the region's population.
- D. DC Downtown Commercial. This zone is designated as a large community commercial area, providing a large range of goods and services. This area is designed to promote commercial diversification to serve the immediate residential and office uses in the surrounding areas. Compact development is encouraged that is supportive of transit and pedestrian travel, through higher building heights and floor area ratios than those found in other commercial districts.
- E. LI Light Industrial. This zone provides for uses that are more compatible with commercial, residential, or multifamily uses. Typical uses in this zone include assembly and manufacturing of electronic and precision instruments. More intensive industry, e.g., metal fabrication, is excluded.
- F. LI/BP Light Industrial/Business Park. This zone provides for uses such as, offices related to industrial usage, research and development, limited commercial, and associated warehousing uses, including the provision of employee recreation opportunities. Development in campus-like setting with generous landscaping, well-designed buildings and near major traffic corridors is anticipated.
- G. HI Heavy Industrial. This zone provides for a wide range of industrial and manufacturing uses. Types of activities in this zone include assembly, manufacturing, fabrication, processing, bulk handling and storage, research facilities, associated warehousing, and heavy trucking.
- H. MX Mixed Use. This zone provides for a wide range of commercial and residential uses. Compact development is encouraged that is supportive of transit and pedestrian travel.

If the Planning Commission/City Council wishes to allow marijuana retail sales, Staff recommends limiting the use to the Regional Commercial (RC) and Community Commercial (CC) zones based upon the following:

1. The Community Commercial (CC) and Regional Commercial (RC) zones are generally located in proximity to collector or arterial roadways and permit the broadest list of retail uses of the commercial zoning districts. In contrast, the Neighborhood Commercial (NC) Zone is intended to be located to serve immediate neighborhoods and be fairly numerous throughout the City. Considering Washington State limits the number of licenses it will issue for marijuana retail stores (currently approximately 1 license per 10,000 population) marijuana retailers would serve a larger geographic area than contemplated by the NC zone. Both the RC and CC zones would provide opportunities that meet the locational requirements for licensing by the state.
2. The Downtown Commercial zone includes the historic downtown area of Camas. While it appears that two blocks, between NE Adams and NE Birch and NE 3rd Avenue and NE 5th could satisfy the licensing requirements of the state, the business owners, tenants and residents of the downtown area have previously expressed a strong opinion against this type of use in the downtown core.
3. Industrial/Mixed Use/Business Park zones. These zones are intended for industry, professional business, or commercial uses that directly service these uses or the residential uses therein.

Question: What are the locational requirements of the State of Washington in issuing a marijuana retailers license and can the City adopt locational requirements that are either more or less restrictive?

Answer: A retail marijuana store must be a minimum 1000 feet of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or game arcade that allows minors to enter. Recent legislation allows local governments to pass an ordinance to allow for a reduction in the 1000-foot buffer requirements to 100 feet around all entities except elementary and secondary schools and public playgrounds. The City may adopt by Ordinance additional locational standards or requirements.

Question: What about medical marijuana sales?

Answer: Under the 2015 State Legislature, medical marijuana sales are essentially consolidated into the marijuana retail licensing requirements and in addition would be subject to any zoning requirements of the imposed upon retail sales of marijuana.

RECOMMENDATION

That Planning Commission conducted a public hearing on September 15, 2015, deliberated, and forwarded on a recommendation to City Council to adopt Option 1 as provided below.

Staff recommends three options for consideration. Option 2 would prohibit the establishment of Retail Marijuana stores in the City of Camas. Options 1 and 3 are affirmative in providing for Marijuana Retail stores, with Option 3 being the more limiting option.

Option 1 (PC Option):

Amend the Camas Municipal Code to allow the retail sales of marijuana in the Community Commercial (CC) and Regional Commercial (RC) zoning districts as shown below.

Amend CMC 18.07.030 Table 1:

18.07.030 Table 1—Commercial and industrial land uses.

KEY:

P = Permitted Use

C = Conditional Use

X = Prohibited Use

T = Temporary Use

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
Commercial Uses									
Machine shop ⁶	X	X	C	C	C	C	P ⁵	C	P
Marijuana processor	X	X	X	X	X	X	X	X	X
Marijuana Producer	X	X	X	X	X	X	X	X	X
Marijuana Retailer ⁹	X	X	X P	X P	X	X	X	X	X

Notes:

~~9. This section shall be in effect through November 30, 2015.~~

Option 2 (No Retail Marijuana Option):

Amend the Camas Municipal Code to simply prohibit the retail sales of marijuana within the City of Camas based upon community values/preferences and the record previously established under Ordinance 2712.

Amend CMC 18.07.030 Table 1:

18.07.030 Table 1—Commercial and industrial land uses.

KEY:

P = Permitted Use

C = Conditional Use

X = Prohibited Use

T = Temporary Use

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
Commercial Uses									
Machine shop ⁶	X	X	C	C	C	C	P ⁵	C	P
Marijuana processor	X	X	X	X	X	X	X	X	X
Marijuana Producer	X	X	X	X	X	X	X	X	X
Marijuana Retailer ⁹	X	X	X	X	X	X	X	X	X

Notes:

~~9. This section shall be in effect through November 30, 2015.~~

Option 3 (PC Option/Plus):

Amend the Camas Municipal Code to allow the retail sales of marijuana in the Community Commercial (CC) and Regional Commercial (RC) zoning districts as shown below.

Amend CMC 18.07.030 Table 1:

18.07.030 Table 1—Commercial and industrial land uses.

KEY:

P = Permitted Use

C = Conditional Use

X = Prohibited Use

T = Temporary Use

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
Commercial Uses									
Machine shop ⁶	X	X	C	C	C	C	P ⁵	C	P
Marijuana processor	X	X	X	X	X	X	X	X	X
Marijuana Producer	X	X	X	X	X	X	X	X	X
Marijuana Retailer ⁹	X	X	X P	X P	X	X	X	X	X

Notes:

~~9. This section shall be in effect through November 30, 2015.~~

9. A) Must be sited a minimum 1000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or game arcade to which is not restricted to persons twenty-one years or older as defined in WAC 314-55-010 on June 20, 2015; B) The business shall post clear signage in a conspicuous location near each public entrance stating the minors may not enter the premises unless accompanied by a parent or legal guardian, and ; C) No Marijuana Retailer subject to this note shall be located within 3 miles of an existing lawfully established Marijuana Retailer. All measurements under (A) and (C) shall be measured from the nearest property line of the property on which the use is proposed to the nearest property line of an existing business utilizing Clark County GIS.

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

WAC 314-55-010 Definitions. Following are definitions for the purpose of this chapter. Other definitions are in RCW 69.50.101.

(1) "Applicant" or "marijuana license applicant" means any person or business entity who is considered by the board as a true party of interest in a marijuana license, as outlined in WAC 314-55-035. However, for purposes only of determining an application's priority under RCW 69.50.331 (1)(a), only the person or business entity (sole proprietorship, partnership of any type, limited liability company, privately or publicly held corporation, or nonprofit corporation) that is applying for the license will be considered the applicant.

(2) "Batch" means a quantity of marijuana-infused product containing material from one or more lots of marijuana.

(3) "Business name" or "trade name" means the name of a licensed business as used by the licensee on signs and advertising.

(4) "Child care center" means an entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours licensed by the Washington state department of early learning under chapter 170-295 WAC.

(5) "Consultant" means an expert who provides advice or services in a particular field, whether a fee is charged or not. A consultant who is in receipt of, or has the right to receive, a percentage of the gross or net profit from the licensed business during any full or partial calendar or fiscal year is a true party of interest and subject to the requirements of WAC 314-55-035. A consultant who exercises any control over an applicant's or licensee's business operations is also subject to the requirements of WAC 314-55-035(4).

(6) "Elementary school" means a school for early education that provides the first four to eight years of basic education and recognized by the Washington state superintendent of public instruction.

(7) "Employee" means any person performing services on a licensed premises for the benefit of the licensee.

(8) "Financier" means any person or entity, other than a banking institution, that has made or will make an investment in the licensed business. A financier can be a person or entity that provides money as a gift, loans money to the applicant/business and expects to be paid back the amount of the loan with or without interest, or expects any percentage of the profits from the business in exchange for a loan or expertise.

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

(10) "Intermediate product" means marijuana flower lots or other material lots that have been converted by a marijuana processor to a marijuana concentrate or marijuana-infused product that must be further processed prior to retail sale.

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

(12) "Licensee" or "marijuana licensee" means any person or entity that holds a marijuana license, or any person or entity who is a true party of interest in a marijuana license, as outlined in WAC 314-55-035.

(13) "Lot" means either of the following:

(a) The flowers from one or more marijuana plants of the same strain. A single lot of flowers cannot weigh more than five pounds; or

(b) The trim, leaves, or other plant matter from one or more marijuana plants. A single lot of trim, leaves, or other plant matter cannot weigh more than fifteen pounds.

(14) "Marijuana strain" means a pure breed or hybrid variety of Cannabis reflecting similar or identical combinations of properties such as appearance, taste, color, smell, cannabinoid profile, and potency.

(15) "Medical marijuana" is defined by rule of the department of health.

(16) "Member" means a principal or governing person of a given entity((7)) including, but not limited to: LLC member/manager, president, vice-president, secretary, treasurer, CEO, director, stockholder, partner, general partner, limited partner. This includes all spouses of all principals or governing persons named in this definition and referenced in WAC 314-55-035.

((16)) (17) "Paraphernalia" means items used for the storage or use of usable marijuana, marijuana concentrates, or marijuana-infused products, such as, but not limited to, lighters, roach clips, pipes, rolling papers, bongs, and storage containers. Items for growing, cultivating, and processing marijuana, such as, but not limited to, butane, lights, and chemicals are not considered "paraphernalia."

((17)) (18) "Pesticide" means, but is not limited to: (a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus, except virus on or in a living person or other animal which is normally considered to be a pest; (b) any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; and (c) any spray adjuvant. Pesticides include substances commonly referred to as herbicides, fungicides, insecticides, and cloning agents.

((18)) (19) "Perimeter" means a property line that encloses an area.

((19)) (20) "Plant canopy" means the square footage dedicated to live plant production, such as maintaining mother plants, propagating plants from seed to plant tissue, clones, vegetative or flowering area. Plant canopy does not include areas such as space used for the storage of fertilizers, pesticides, or other products, quarantine, office space, etc.

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

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

((22)) (23) "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.

((+23+)) (24) "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government.

((+24+)) (25) "Residence" means a person's address where he or she physically resides and maintains his or her abode.

((+25+)) (26) "Secondary school" means a high and/or middle school: A school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington state superintendent of public instruction.

((+26+)) (27) "Selling price" means the same meaning as in RCW 82.08.010, except that when the product is sold under circumstances where the total amount of consideration paid for the product is not indicative of its true value. Selling price means the true value of the product sold as determined or agreed to by the board. For purposes of this subsection:

(a) "Product" means marijuana, marijuana concentrates, usable marijuana, and marijuana-infused products; and

(b) "True value" means market value based on sales at comparable locations in the state of the same or similar product of like quality and character sold under comparable conditions of sale to comparable purchasers. In the absence of such sales of the same or similar product, true value means the value of the product sold as determined by all of the seller's direct and indirect costs attributed to the product.

((+27+)) (28) "Unit" means an individually packaged marijuana-infused solid or liquid product meant to be eaten or swallowed, not to exceed ten servings or one hundred milligrams of active tetrahydrocannabinol (THC), or Delta 9.

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

WAC 314-55-020 Marijuana license qualifications and application process. Each marijuana license application is unique and investigated individually. The board may inquire and request documents regarding all matters in connection with the marijuana license application. The application requirements for a marijuana license include, but are not necessarily limited to, the following:

(1) Per RCW 69.50.331, the board shall send a notice to cities and counties, and may send a notice to tribal governments or port authorities regarding the marijuana license application. The local authority has twenty days to respond with a recommendation to approve or an objection to the applicant, location, or both.

(2) Applicants for a new marijuana producer, processor, or retailer license and those who apply to change their location must display a sign provided by the WSLCB on the outside of the premises to be licensed notifying the public that the premises are subject to an application for a marijuana license. Posting notices must occur within seven days of submitting the location confirmation form for new licenses or the change of location application for existing licensees. The WSLCB may check for compliance with these requirements at its discretion. The sign must:

(a) Not be altered. The licensee must post the sign sent by the WSLCB without changing, adding, or subtracting from the text;

(b) Be conspicuously displayed on, or immediately adjacent to, the premises subject to the application and in the location that is most likely to be seen by the public;

(c) Be of a size sufficient to ensure that it will be readily seen by the public, at a minimum these signs must be eight and one-half by eleven inches;

(d) Be posted within seven business days of the date the notice is sent to the applicant by the WSLCB;

(e) Be posted for fourteen consecutive days.

(3) The WSLCB will use a priority system to determine the order that marijuana retailers are licensed. Within priority categories, applications will not be ranked and will be processed in order of submission.

(a) **First priority is given to applicants who:**

(i) Applied to the WSLCB for a marijuana retail license prior to July 1, 2014. To meet this qualification, the applicant must provide the WSLCB a copy of the master business license from department of revenue business licensing services showing the applicant applied for a retail marijuana license prior to July 1, 2014;

(ii) Owned or were employed by a collective garden before January 1, 2013. To meet this qualification, the applicant must provide the WSLCB a copy of the master business license from department of revenue business licensing services showing the applicant owned a collective garden prior to January 1, 2013, or a pay stub or tax information indicating that the applicant was employed by a collective garden prior to January 1, 2013;

(iii) Have maintained a state business license and municipal business license, as applicable in the relevant jurisdiction. To meet this qualification, the applicant must provide the WSLCB a copy of the master business license from department of revenue business licensing services and copies of municipal business licenses from January 1, 2013, through the date of application; and

(iv) Have had a history of paying all applicable state taxes and fees. To meet this qualification, the applicant must provide the WSLCB evidence from the department of revenue that the entity is up to date on all applicable state taxes since January 1, 2013, and that they have paid all applicable fees to the WSLCB for all businesses they are engaged in since January 1, 2013.

(b) **Second priority is given to applicants who:**

(i) Owned or were employed by a collective garden before January 1, 2013. To meet this qualification, the applicant must provide the WSLCB a copy of the master business license from department of revenue business licensing services showing the applicant owned a collective garden prior to January 1, 2013, or a pay stub or tax information indicating that the applicant was employed by a collective garden prior to January 1, 2013;

(ii) Have maintained a state business license and municipal business license, as applicable in the relevant jurisdiction. To meet this qualification, the applicant must provide the WSLCB a copy of the master business license from department of revenue business licensing services and copies of municipal business licenses from January 1, 2013, through the date of application; and

(iii) Have had a history of paying all applicable state taxes and fees. To meet this qualification, the applicant must provide the WSLCB evidence from the department of revenue that the entity is up to date

on all applicable state taxes since January 1, 2013, and that they have paid all applicable fees to the WSLCB for all businesses they are engaged in since January 1, 2013, for all businesses they are engaged in since January 1, 2013.

(c) Third priority is given to all other applicants who do not meet the qualifications and experience identified for priority one or two.

(4) All marijuana retail applicants must meet the qualifications required by the WSLCB before they will be granted a license regardless of priority.

(5) The board will verify that the proposed business meets the minimum requirements for the type of marijuana license requested.

((+3+)) (6) The board will conduct an investigation of the applicants' criminal history and administrative violation history, per WAC 314-55-040 and 314-55-045.

(a) The criminal history background check will consist of completion of a personal/criminal history form provided by the board and submission of fingerprints to a vendor approved by the board. The applicant will be responsible for paying all fees required by the vendor for fingerprinting. These fingerprints will be submitted to the Washington state patrol and the Federal Bureau of Investigation for comparison to their criminal records. The applicant will be responsible for paying all fees required by the Washington state patrol and the Federal Bureau of Investigation.

(b) Financiers will also be subject to criminal history investigations equivalent to that of the license applicant. Financiers will also be responsible for paying all fees required for the criminal history check. Financiers must meet the three month residency requirement.

((+4+)) (7) The board will conduct a financial investigation in order to verify the source of funds used for the acquisition and startup of the business, the applicants' right to the real and personal property, and to verify the true party(ies) of interest.

((+5+)) (8) The board may require a demonstration by the applicant that they are familiar with marijuana laws and rules.

((+6+)) (9) The board may conduct a final inspection of the proposed licensed business, in order to determine if the applicant has complied with all the requirements of the license requested.

((+7+)) (10) Per RCW 69.50.331 (1)(b), all applicants applying for a marijuana license must have resided in the state of Washington for at least ((three)) six months prior to application for a marijuana license. All partnerships, employee cooperatives, associations, non-profit corporations, corporations and limited liability companies applying for a marijuana license must be formed in Washington. All members must also meet the ((three)) six month residency requirement. Managers or agents who manage a licensee's place of business must also meet the ((three)) six month residency requirement.

((+8+)) (11) Submission of an operating plan that demonstrates the applicant is qualified to hold the marijuana license applied for to the satisfaction of the board. The operating plan shall include the following elements in accordance with the applicable standards in the Washington Administrative Code (WAC).

((+9+)) (12) As part of the application process, each applicant must submit in a format supplied by the board an operating plan detailing the following as it pertains to the license type being sought. This operating plan must also include a floor plan or site plan drawn

to scale which illustrates the entire operation being proposed. The operating plan must include the following information:

Producer	Processor	Retailer
Security	Security	Security
Traceability	Traceability	Traceability
Employee qualifications and training	Employee qualifications and training	Employee qualifications and training
Transportation of product including packaging of product for transportation	Transportation of product	Transportation of product
Destruction of waste product	Destruction of waste product	Destruction of waste product
Description of growing operation including growing media, size of grow space allocated for plant production, space allocated for any other business activity, description of all equipment used in the production process, and a list of soil amendments, fertilizers, other crop production aids, or pesticides, utilized in the production process	Description of the types of products to be processed at this location together with a complete description of all equipment to include all marijuana-infused edible processing facility equipment and solvents, gases, chemicals and other compounds used to create extracts and for processing of marijuana-infused products	
Testing procedures and protocols	Testing procedures and protocols	
	Description of the types of products to be processed at this location together with a complete description of processing of marijuana-infused products	
	Description of packaging and labeling of products to be processed	
		What array of products are to be sold and how are the products to be displayed to consumers

After obtaining a license, the license holder must notify the board in advance of any substantial change in their operating plan. Depending on the degree of change, prior approval may be required before the change is implemented.

~~((10))~~ (13) Applicants applying for a marijuana license must be current in any tax obligations to the Washington state department of revenue and other state agencies, as an individual or as part of any entity in which they have an ownership interest. Applicants must sign an attestation that, under penalty of denial or loss of licensure, that representation is correct.

~~((11))~~ (14) The issuance or approval of a license shall not be construed as a license for, or an approval of, any violations of local rules or ordinances including, but not limited to: Building and fire codes, zoning ordinances, and business licensing requirements.

~~((12))~~ (15) Upon failure to respond to the board licensing and regulation division's requests for information within the timeline provided, the application may be administratively closed or denial of the application will be sought.

AMENDATORY SECTION (Amending WSR 14-06-108, filed 3/5/14, effective 4/5/14)

WAC 314-55-050 Reasons the board may seek denial, suspension, or cancellation of a marijuana license application or license. Following is a list of reasons the board may deny, suspend, or cancel a marijuana license application or license. Per RCW 69.50.331, the board has broad discretionary authority to approve or deny a marijuana license application for reasons including, but not limited to, the following:

(1) Failure to meet qualifications or requirements for the specific marijuana producer, processor, or retail license, as outlined in this chapter and chapter 69.50 RCW.

(2) Failure or refusal to submit information or documentation requested by the board during the evaluation process.

(3) The applicant makes a misrepresentation of fact, or fails to disclose a material fact to the board during the application process or any subsequent investigation after a license has been issued.

(4) Failure to meet the criminal history standards outlined in WAC 314-55-040.

(5) Failure to meet the marijuana law or rule violation history standards outlined in WAC 314-55-045.

(6) The source of funds identified by the applicant to be used for the acquisition, startup and operation of the business is questionable, unverifiable, or determined by the board to be gained in a manner which is in violation by law.

(7) Denies the board or its authorized representative access to any place where a licensed activity takes place or fails to produce any book, record or document required by law or board rule.

(8) Has been denied or had a marijuana license or medical marijuana license suspended or canceled in another state or local jurisdiction.

(9) Where the city, county, tribal government, or port authority has submitted a substantiated objection per the requirements in RCW 69.50.331 (7) and (9).

(10) The board shall not issue a new marijuana license if the proposed licensed business is within one thousand feet of the perimeter of the grounds of any of the following entities. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the entities listed below:

(a) Elementary or secondary school;

(b) Playground;

(c) Recreation center or facility;

(d) Child care center;

(e) Public park;

(f) Public transit center;

(g) Library; or

(h) Any game arcade (where admission is not restricted to persons age twenty-one or older).

(11)(a) A city or county may by local ordinance permit the licensing of marijuana businesses within one thousand feet but not less than one hundred feet of the facilities listed in subsection (10) of this section except elementary and secondary schools, and playgrounds.

(b) If a licensee applies for a marijuana license at a location less than one thousand feet of a recreation center or facility, child care center, public park, public transit center, library, or game ar-

cade, the licensee must provide the WSLCB with a copy of the local ordinance that describes the distance required by the city or county where the facility will be located.

~~((12))~~ (12) Has failed to pay taxes or fees required under chapter 69.50 RCW or failed to provide production, processing, inventory, sales and transportation reports to documentation required under this chapter.

~~((13))~~ (13) Failure to submit an attestation that they are current in any tax obligations to the Washington state department of revenue.

~~((14))~~ (14) Has been denied a liquor license or had a liquor license suspended or revoked in this or any other state.

~~((15))~~ (15) The operating plan does not demonstrate, to the satisfaction of the board, the applicant is qualified for a license.

~~((16))~~ (16) Failure to operate in accordance with the board approved operating plan.

~~((17))~~ (17) The board determines the issuance of the license will not be in the best interest of the welfare, health, or safety of the people of the state.

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

WAC 314-55-075 What is a marijuana producer license and what are the requirements and fees related to a marijuana producer license?

(1) A marijuana producer license allows the licensee to produce, harvest, trim, dry, cure, and package marijuana into lots for sale at wholesale to marijuana processor licensees and to other marijuana producer licensees. A marijuana producer can also produce and sell marijuana plants, seed, and plant tissue culture to other marijuana producer licensees. Marijuana production must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors. Outdoor production may take place in nonrigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight obscure wall or fence at least eight feet high. Outdoor producers must meet security requirements described in WAC 314-55-083.

(2) The application fee for a marijuana producer license is two hundred fifty dollars. The applicant is also responsible for paying the fees required by the approved vendor for fingerprint evaluation.

(3) The annual fee for issuance and renewal of a marijuana producer license is one thousand dollars. The board will conduct random criminal history checks at the time of renewal that will require the licensee to submit fingerprints for evaluation from the approved vendor. The licensee will be responsible for all fees required for the criminal history checks.

(4) The board will initially limit the opportunity to apply for a marijuana producer license to a thirty-day calendar window beginning with the effective date of this section. In order for a marijuana producer application license to be considered it must be received no later than thirty days after the effective date of the rules adopted by the board. The board may reopen the marijuana producer application

window after the initial evaluation of the applications received and at subsequent times when the board deems necessary.

(5) Any entity and/or principals within any entity are limited to no more than three marijuana producer licenses.

(6) The maximum amount of space for marijuana production (~~is initially limited to two million square feet, to be increased based on marketplace demand, but not to exceed eight and one-half million square feet without board approval~~) will be imposed at a later date. Applicants must designate on their operating plan the size category of the production premises and the amount of actual square footage in their premises that will be designated as plant canopy. There are three categories as follows:

(a) Tier 1 - Less than two thousand square feet;

(b) Tier 2 - Two thousand square feet to ten thousand square feet; and

(c) Tier 3 - Ten thousand square feet to thirty thousand square feet.

(7) The board may reduce a licensee's or applicant's square footage designated to plant canopy for the following reasons:

(a) If the amount of square feet of production of all licensees exceeds the maximum (~~of two million~~) square feet the board will reduce the allowed square footage by the same percentage.

(b) If fifty percent production space used for plant canopy in the licensee's operating plan is not met by the end of the first year of operation the board may reduce the tier of licensure.

(8) If the total amount of square feet of marijuana production exceeds (~~two million~~) the maximum square feet, the board reserves the right to reduce all licensee's production by the same percentage or reduce licensee production by one or more tiers by the same percentage.

(9) The maximum allowed amount of marijuana on a producer's premises at any time is as follows:

(a) Outdoor or greenhouse grows - One and one-quarter of a year's harvest; or

(b) Indoor grows - Six months of their annual harvest.

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

WAC 314-55-077 What is a marijuana processor license and what are the requirements and fees related to a marijuana processor license? (1) A marijuana processor license allows the licensee to process, dry, cure, package, and label usable marijuana, marijuana concentrates, and marijuana-infused products for sale at wholesale to marijuana processors and marijuana retailers.

(2) A marijuana processor is allowed to blend tested usable marijuana from multiple lots into a single package for sale to a marijuana retail licensee providing the label requirements for each lot used in the blend are met and the percentage by weight of each lot is also included on the label.

(3) A marijuana processor licensee must obtain approval from the liquor control board for all marijuana-infused products, labeling, and packaging prior to offering these items for sale to a marijuana retailer. The marijuana processor licensee must submit a picture of the

product, labeling, and packaging to the liquor control board for approval.

If the liquor control board denies a marijuana-infused product for sale in marijuana retail outlets, the marijuana processor licensee may request an administrative hearing per chapter 34.05 RCW, Administrative Procedure Act.

(4) Marijuana-infused edible products in solid form must meet the following requirements:

(a) If there is more than one serving in the package, each serving must be packaged individually in childproof packaging (see WAC 314-55-105(7)) and placed in the outer package.

(b) The label must prominently display the number of servings in the package.

(c) Marijuana-infused solid edible products must be homogenized to ensure uniform disbursement of cannabinoids throughout the product.

(d) All marijuana-infused solid edibles must prominently display on the label "This product contains marijuana."

(5) Marijuana-infused edible products in liquid form must meet the following requirements:

(a) If there is more than one serving in the package, a measuring device must be included in the package with the product.

(b) The label must prominently display the number of servings in the package and the amount of product per serving.

(c) Marijuana-infused liquid edibles must be homogenized to ensure uniform disbursement of cannabinoids throughout the product.

(d) All marijuana-infused liquid edibles must prominently display on the label "This product contains marijuana."

(6) A marijuana processor is limited in the types of food or drinks they may infuse with marijuana. Marijuana-infused products that are especially appealing to children are prohibited. Marijuana-infused edible products such as, but not limited to, gummy candies, lollipops, cotton candy, or brightly colored products, are prohibited.

(a) To reduce the risk to public health, potentially hazardous foods as defined in WAC 246-215-01115 may not be infused with marijuana. Potentially hazardous foods require time-temperature control to keep them safe for human consumption and prevent the growth of pathogenic microorganisms or the production of toxins. Any food that requires refrigeration, freezing, or a hot holding unit to keep it safe for human consumption may not be infused with marijuana.

(b) Other food items that may not be infused with marijuana to be sold in a retail store are:

(i) Any food that has to be acidified to make it shelf stable;
(ii) Food items made shelf stable by canning or retorting;
(iii) Fruit or vegetable juices (this does not include shelf stable concentrates);

(iv) Fruit or vegetable butters;
(v) Pumpkin pies, custard pies, or any pies that contain egg;
(vi) Dairy products of any kind such as butter, cheese, ice cream, or milk; and

(vii) Dried or cured meats.

(c) Vinegars and oils derived from natural sources may be infused with dried marijuana if all plant material is subsequently removed from the final product. Vinegars and oils may not be infused with any other substance, including herbs and garlic.

(d) Marijuana-infused jams and jellies made from scratch must utilize a standardized recipe in accordance with 21 C.F.R. Part 150, revised as of April 1, 2013.

(e) Per WAC 314-55-104, a marijuana processor may infuse dairy butter or fats derived from natural sources and use that extraction to prepare allowable marijuana-infused solid or liquid products meant to be ingested orally, but the dairy butter or fats derived from natural sources may not be sold as stand-alone products.

(f) The liquor control board may designate other food items that may not be infused with marijuana.

(7) The recipe for any marijuana-infused solid or liquid products meant to be ingested orally must be kept on file at the marijuana processor's licensed premises and made available for inspection by the liquor control board or its designee.

(8) The application fee for a marijuana processor license is two hundred fifty dollars. The applicant is also responsible for paying the fees required by the approved vendor for fingerprint evaluation.

(9) The annual fee for issuance and renewal of a marijuana processor license is one thousand dollars. The board will conduct random criminal history checks at the time of renewal that will require the licensee to submit fingerprints for evaluation from the approved vendor. The licensee will be responsible for all fees required for the criminal history checks.

(10) A marijuana processor producing a marijuana-infused solid or liquid product meant to be ingested orally in a processing facility as required in WAC 314-55-015(10) must pass a processing facility inspection. Ongoing annual processing facility compliance inspections may be required. The liquor control board will contract with the department of agriculture to conduct required processing facility inspections. All costs of inspections are borne by the licensee and the hourly rate for inspection is sixty dollars. A licensee must allow the liquor control board or their designee to conduct physical visits and inspect the processing facility, recipes and required records per WAC 314-55-087 during normal business hours or at any time of apparent operation without advance notice. Failure to pay for the processing facility inspection or to follow the processing facility requirements outlined in this section and WAC 314-55-015 will be sufficient grounds for the board to suspend or revoke a marijuana license.

(11) The board will initially limit the opportunity to apply for a marijuana processor license to a thirty-day calendar window beginning with the effective date of this section. In order for a marijuana processor application license to be considered it must be received no later than thirty days after the effective date of the rules adopted by the board. The board may reopen the marijuana processor application window after the initial evaluation of the applications that are received and processed, and at subsequent times when the board deems necessary.

(12) A currently licensed marijuana producer may submit an application to add a marijuana processor license at the location of their producer license providing they do not already hold three processor licenses.

(13) Any entity and/or principals within any entity are limited to no more than three marijuana processor licenses.

~~((+13))~~ (14) Marijuana processor licensees are allowed to have a maximum of six months of their average usable marijuana and six months average of their total production on their licensed premises at any time.

~~((+14))~~ (15) A marijuana processor must accept returns of products and sample jars from marijuana retailers for destruction, but is not required to provide refunds to the retailer. It is the responsi-

bility of the retailer to ensure the product or sample jar is returned to the processor.

NEW SECTION

WAC 314-55-080 Medical marijuana endorsement. Existing retail license holders and applicants for an initial retail license may apply for a medical endorsement.

(1) A medical marijuana endorsement added to a marijuana retail license allows the marijuana retail licensee to:

(a) Sell marijuana for medical use to qualifying patients and designated providers; and

(b) Provide marijuana at no charge, at their discretion, to qualifying patients and designated providers.

(2) **To maintain a medical marijuana endorsement in good standing, a marijuana retailer must:**

(a) Follow all rules adopted by the department of health regarding marijuana in chapters 246-70, 246-71, and 246-72 WAC;

(b) Have at least one medical marijuana consultant certificate holder on staff with an active credential issued by the department of health under chapter 246-72 WAC;

(c) Prohibit the use of marijuana by anyone, including qualifying patients, at the retail outlet at all times;

(d) Maintain at all times a representative assortment of marijuana products necessary to meet the needs of qualified patients and designated providers. Beginning with the second renewal cycle, not less than twenty-five percent of a marijuana retail outlet's inventory, excluding paraphernalia, must consist of products meeting the requirements of chapter 246-70 WAC. Failure to maintain adequate inventory of such products may result in revocation of the medical marijuana endorsement;

(e) Not market marijuana concentrates, usable marijuana, or marijuana-infused products in a way that make them especially attractive to minors;

(f) Demonstrate the ability to enter qualifying patients and designated providers in the medical marijuana authorization data base established by the department of health;

(g) Agree to enter qualifying patients and designated providers into the data base and issue recognition cards in compliance with the department of health rules found in chapter 246-71 WAC;

(h) Keep copies of the qualifying patient's or designated provider's recognition card or equivalent records to document the validity of tax exempt sales;

(i) **Train employees on the following:**

(i) Procedures regarding the recognition of valid authorizations and the use of equipment to enter qualifying patients and designated providers into the medical marijuana authorization data base;

(ii) Identification of valid recognition cards; and

(iii) Recognition of strains, varieties, THC concentration, CBD concentration, and THC to CBD ratios of marijuana concentrates, usable marijuana, and marijuana-infused products available for sale when assisting qualifying patients and designated providers at the retail outlet.

(3) **A marijuana retailer holding a medical marijuana endorsement may sell products with a THC concentration of 0.3 percent or less.** The licensee may also provide these products at no charge to qualifying patients or designated providers who hold a valid recognition card.

(4) **Unlicensed practice of medicine.** No owner, employee, or volunteer of a retail outlet holding a medical marijuana endorsement may:

(a) Offer or undertake to diagnose or cure any human or animal disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or mental, real or imaginary, by use of marijuana products or any other means or instrumentality; or

(b) Recommend or suggest modification or elimination of any course of treatment that does not involve the medical use of marijuana products.

(5) Failure to comply with subsection (4) of this section may result in suspension or revocation of the medical marijuana endorsement.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-081 Who can apply for a marijuana retailer license?

(1) The WSLCB may accept applications for marijuana retail licenses at time frames published on its web site at lcb.wa.gov. Using estimated consumption data and population data obtained from the office of financial management (OFM) population data, the liquor control board will determine the maximum number of marijuana retail locations per county at a later date.

~~((The number of retail locations will be determined using a method that distributes the number of locations proportionate to the most populous cities within each county. Locations not assigned to a specific city will be at large. At large locations can be used for unincorporated areas in the county or in cities within the county that have no retail licenses designated. Once the number of locations per city and at large have been identified, the eligible applicants will be selected by lottery in the event the number of applications exceeds the allotted amount for the cities and county. Any lottery conducted by the board will be witnessed by an independent third party.~~

~~(2) The number of marijuana retail licenses determined by the board can be found on the liquor control board web site at www.liq.wa.gov.~~

~~(3)) (2) Any entity and/or principals within any entity are limited to no more than three retail marijuana licenses ((with no multiple location licensee allowed more than thirty three percent of the allowed licenses in any county or city.~~

~~(4) The board will initially limit the opportunity to apply for a marijuana retailer license to a thirty day calendar window beginning with the effective date of this section. In order for a marijuana retailer license application to be considered it must be received no later than thirty days after the effective date of the rules adopted by the board. The board may reopen the marijuana retailer application window after the initial evaluation of the applications received and at subsequent times when the board deems necessary)).~~

CERTIFICATION OF ENROLLMENT

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2136

Chapter 4, Laws of 2015

64th Legislature
2015 2nd Special Session

MARIJUANA--REFORMS--TAXATION

EFFECTIVE DATE: 7/1/2015 - Except Section 503, Part V which becomes effective 10/1/2015; Sections 203 and 1001, which become effective 7/1/2016; and Sections 302, 503, 901, 1204, and 1601 and Part XV which become effective 7/24/15.

Passed by the House June 26, 2015
Yeas 59 Nays 38

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate June 27, 2015
Yeas 36 Nays 7

BRAD OWEN

President of the Senate

Approved June 30, 2015 3:58 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2136** as passed by House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

June 30, 2015

**Secretary of State
State of Washington**

Passed Legislature - 2015 2nd Special Session

2015 Regular Session

READ FIRST TIME 04/01/15.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Intent and Tax Preference Performance Statement

2E2SHB 2136.SL

1 while continuing efforts towards disbanding the unregulated marijuana
2 markets. The legislature further finds that ongoing evaluation on the
3 impact of meaningful marijuana tax reform for the purpose of
4 stabilizing revenues is crucial to the overall effort of protecting
5 the citizens and resources of this state. The legislature further
6 finds that a partnership with local jurisdictions in this effort is
7 imperative to the success of the legislature's policy objective. The
8 legislature further finds that sharing revenues to promote a
9 successful partnership in achieving the legislature's intent should
10 be transparent and hold local jurisdictions accountable for their use
11 of state shared revenues. Therefore, the legislature intends to
12 reform the current tax structure for the regulated legal marijuana
13 system to create price parity with the large medical and illicit
14 markets with the specific objective of increasing the market share of
15 the legal and highly regulated marijuana market. The legislature
16 further intends to share marijuana tax revenues with local
17 jurisdictions for public safety purposes and to facilitate the
18 ongoing process of ensuring a safe regulated marijuana market in all
19 communities across the state.

20 (b) The legislature further finds marijuana use for qualifying
21 patients is a valid and necessary option health care professionals
22 may recommend for their patients. The legislature further finds that
23 while recognizing the difference between recreational and medical use
24 of marijuana, it is also imperative to distinguish that the
25 authorization for medical use of marijuana is different from a valid
26 prescription provided by a doctor to a patient. The legislature
27 further finds the authorization for medical use of marijuana is
28 unlike over-the-counter medications that require no oversight by a
29 health care professional. The legislature further finds that due to
30 the unique characterization of authorizations for the medical use of
31 marijuana, the policy of providing a tax preference benefit for
32 patients using an authorization should in no way be construed as
33 precedent for changes in the treatment of prescription medications or
34 over-the-counter medications. Therefore, the legislature intends to
35 provide qualifying patients and their designated providers a retail
36 sales and use tax exemption on marijuana purchased or obtained for
37 medical use when authorized by a health care professional.

38 (2)(a) This subsection is the tax preference performance
39 statement for the retail sales and use tax exemption for marijuana
40 purchased or obtained by qualifying patients or their designated

1 providers provided in sections 207(1) and 208(1) of this act. The
2 performance statement is only intended to be used for subsequent
3 evaluation of the tax preference. It is not intended to create a
4 private right of action by any party or be used to determine
5 eligibility for preferential tax treatment.

6 (b) The legislature categorizes the tax preference as one
7 intended to accomplish the general purposes indicated in RCW
8 82.32.808(2)(e).

9 (c) It is the legislature's specific public policy objective to
10 provide qualifying patients and their designated providers a retail
11 sales and use tax exemption on marijuana purchased or obtained for
12 medical use when authorized by a health care professional.

13 (d) To measure the effectiveness of the exemption provided in
14 this act in achieving the specific public policy objective described
15 in (c) of this subsection, the department of revenue must provide the
16 necessary data and assistance to the state liquor and cannabis board
17 for the report required in RCW 69.50.535.

18 PART II

19 Marijuana Excise Tax, Exemptions, and Distribution of Revenues

20 **Sec. 201.** RCW 69.50.334 and 2013 c 3 s 7 are each amended to
21 read as follows:

22 (1) The action, order, or decision of the state liquor
23 ((control)) and cannabis board as to any denial of an application for
24 the reissuance of a license to produce, process, or sell marijuana,
25 or as to any revocation, suspension, or modification of any license
26 to produce, process, or sell marijuana, ((shall)) or as to the
27 administrative review of a notice of unpaid trust fund taxes under
28 section 202 of this act, must be an adjudicative proceeding and
29 subject to the applicable provisions of chapter 34.05 RCW.

30 ((+1)) (2) An opportunity for a hearing may be provided to an
31 applicant for the reissuance of a license prior to the disposition of
32 the application, and if no opportunity for a prior hearing is
33 provided then an opportunity for a hearing to reconsider the
34 application must be provided the applicant.

35 ((+2)) (3) An opportunity for a hearing must be provided to a
36 licensee prior to a revocation or modification of any license and,
37 except as provided in subsection ((+4)) (6) of this section, prior
38 to the suspension of any license.

1 ~~((+3))~~ (4) An opportunity for a hearing must be provided to any
2 person issued a notice of unpaid trust fund taxes under section 202
3 of this act.

4 (5) No hearing ~~((shall))~~ may be required under this section until
5 demanded by the applicant ~~((or))~~, licensee, or person issued a notice
6 of unpaid trust fund taxes under section 202 of this act.

7 ~~((+4))~~ (6) The state liquor ~~((control))~~ and cannabis board may
8 summarily suspend a license for a period of up to one hundred eighty
9 days without a prior hearing if it finds that public health, safety,
10 or welfare imperatively require emergency action, and it incorporates
11 a finding to that effect in its order. Proceedings for revocation or
12 other action must be promptly instituted and determined. An
13 administrative law judge may extend the summary suspension period for
14 up to one calendar year from the first day of the initial summary
15 suspension in the event the proceedings for revocation or other
16 action cannot be completed during the initial one hundred eighty-day
17 period due to actions by the licensee. The state liquor ~~((control))~~
18 and cannabis board's enforcement division shall complete a
19 preliminary staff investigation of the violation before requesting an
20 emergency suspension by the state liquor ~~((control))~~ and cannabis
21 board.

22 NEW SECTION. Sec. 202. A new section is added to chapter 69.50
23 RCW under the subchapter heading "article V" to read as follows:

24 (1) Whenever the board determines that a limited liability
25 business entity has collected trust fund taxes and has failed to
26 remit those taxes to the board and that business entity has been
27 terminated, dissolved, or abandoned, or is insolvent, the board may
28 pursue collection of the entity's unpaid trust fund taxes, including
29 penalties on those taxes, against any or all of the responsible
30 individuals. For purposes of this subsection, "insolvent" means the
31 condition that results when the sum of the entity's debts exceeds the
32 fair market value of its assets. The board may presume that an entity
33 is insolvent if the entity refuses to disclose to the board the
34 nature of its assets and liabilities.

35 (2)(a) For a responsible individual who is the current or a
36 former chief executive or chief financial officer, liability under
37 this section applies regardless of fault or whether the individual
38 was or should have been aware of the unpaid trust fund tax liability
39 of the limited liability business entity.

1 (b) For any other responsible individual, liability under this
2 section applies only if he or she willfully failed to pay or to cause
3 to be paid to the board the trust fund taxes due from the limited
4 liability business entity.

5 (3)(a) Except as provided in this subsection (3)(a), a
6 responsible individual who is the current or a former chief executive
7 or chief financial officer is liable under this section only for
8 trust fund tax liability accrued during the period that he or she was
9 the chief executive or chief financial officer. However, if the
10 responsible individual had the responsibility or duty to remit
11 payment of the limited liability business entity's trust fund taxes
12 to the board during any period of time that the person was not the
13 chief executive or chief financial officer, that individual is also
14 liable for trust fund tax liability that became due during the period
15 that he or she had the duty to remit payment of the limited liability
16 business entity's taxes to the board but was not the chief executive
17 or chief financial officer.

18 (b) All other responsible individuals are liable under this
19 section only for trust fund tax liability that became due during the
20 period he or she had the responsibility or duty to remit payment of
21 the limited liability business entity's taxes to the board.

22 (4) Persons described in subsection (3)(b) of this section are
23 exempt from liability under this section in situations where
24 nonpayment of the limited liability business entity's trust fund
25 taxes was due to reasons beyond their control as determined by the
26 board by rule.

27 (5) Any person having been issued a notice of unpaid trust fund
28 taxes under this section is entitled to an administrative hearing
29 under RCW 69.50.334 and any such rules the board may adopt.

30 (6) This section does not relieve the limited liability business
31 entity of its trust fund tax liability or otherwise impair other tax
32 collection remedies afforded by law.

33 (7) The definitions in this subsection apply throughout this
34 section unless the context clearly requires otherwise.

35 (a) "Board" means the state liquor and cannabis board.

36 (b) "Chief executive" means: The president of a corporation or
37 for other entities or organizations other than corporations or if the
38 corporation does not have a president as one of its officers, the
39 highest ranking executive manager or administrator in charge of the
40 management of the company or organization.

1 (c) "Chief financial officer" means: The treasurer of a
2 corporation or for entities or organizations other than corporations
3 or if a corporation does not have a treasurer as one of its officers,
4 the highest senior manager who is responsible for overseeing the
5 financial activities of the entire company or organization.

6 (d) "Limited liability business entity" means a type of business
7 entity that generally shields its owners from personal liability for
8 the debts, obligations, and liabilities of the entity, or a business
9 entity that is managed or owned in whole or in part by an entity that
10 generally shields its owners from personal liability for the debts,
11 obligations, and liabilities of the entity. Limited liability
12 business entities include corporations, limited liability companies,
13 limited liability partnerships, trusts, general partnerships and
14 joint ventures in which one or more of the partners or parties are
15 also limited liability business entities, and limited partnerships in
16 which one or more of the general partners are also limited liability
17 business entities.

18 (e) "Manager" has the same meaning as in RCW 25.15.005.

19 (f) "Member" has the same meaning as in RCW 25.15.005, except
20 that the term only includes members of member-managed limited
21 liability companies.

22 (g) "Officer" means any officer or assistant officer of a
23 corporation, including the president, vice president, secretary, and
24 treasurer.

25 (h)(i) "Responsible individual" includes any current or former
26 officer, manager, member, partner, or trustee of a limited liability
27 business entity with unpaid trust fund tax liability.

28 (ii) "Responsible individual" also includes any current or former
29 employee or other individual, but only if the individual had the
30 responsibility or duty to remit payment of the limited liability
31 business entity's unpaid trust fund tax liability.

32 (iii) Whenever any taxpayer has one or more limited liability
33 business entities as a member, manager, or partner, "responsible
34 individual" also includes any current and former officers, members,
35 or managers of the limited liability business entity or entities or
36 of any other limited liability business entity involved directly in
37 the management of the taxpayer. For purposes of this subsection
38 (7)(h)(iii), "taxpayer" means a limited liability business entity
39 with unpaid trust fund taxes.

1 (i) "Trust fund taxes" means taxes collected from buyers and
2 deemed held in trust under RCW 69.50.535.

3 (j) "Willfully failed to pay or to cause to be paid" means that
4 the failure was the result of an intentional, conscious, and
5 voluntary course of action.

6 **Sec. 203.** RCW 69.50.357 and 2015 c 70 s 12 are each amended to
7 read as follows:

8 (1) Retail outlets (~~((shall sell no))~~) may not sell products or
9 services other than marijuana concentrates, useable marijuana,
10 marijuana-infused products, or paraphernalia intended for the storage
11 or use of marijuana concentrates, useable marijuana, or marijuana-
12 infused products.

13 (2) Licensed marijuana retailers (~~((shall))~~) may not employ persons
14 under twenty-one years of age or allow persons under twenty-one years
15 of age to enter or remain on the premises of a retail outlet.
16 However, qualifying patients between eighteen and twenty-one years of
17 age with a recognition card may enter and remain on the premises of a
18 retail outlet holding a medical marijuana endorsement and may
19 purchase products for their personal medical use. Qualifying patients
20 who are under the age of eighteen with a recognition card and who
21 accompany their designated providers may enter and remain on the
22 premises of a retail outlet holding a medical marijuana endorsement,
23 but may not purchase products for their personal medical use.

24 (3)(a) Licensed marijuana retailers must ensure that all
25 employees are trained on the rules adopted to implement this chapter,
26 identification of persons under the age of twenty-one, and other
27 requirements adopted by the state liquor and cannabis board to ensure
28 that persons under the age of twenty-one are not permitted to enter
29 or remain on the premises of a retail outlet.

30 (b) Licensed marijuana retailers with a medical marijuana
31 endorsement must ensure that all employees are trained on the
32 subjects required by (a) of this subsection as well as identification
33 of authorizations and recognition cards. Employees must also be
34 trained to permit qualifying patients who hold recognition cards and
35 are between the ages of eighteen and twenty-one to enter the premises
36 and purchase marijuana for their personal medical use and to permit
37 qualifying patients who are under the age of eighteen with a
38 recognition card to enter the premises if accompanied by their
39 designated providers.

1 (4) Licensed marijuana retailers (~~shall~~) may not display any
2 signage (~~in a window, on a door, or on the outside of the premises~~
3 ~~of a retail outlet that is visible to the general public from a~~
4 ~~public right-of-way, other than a single sign no larger than one~~
5 ~~thousand six hundred square inches identifying the retail outlet by~~
6 ~~the licensee's business or trade name. Retail outlets that hold~~
7 ~~medical marijuana endorsements may include this information on~~
8 ~~signage.~~

9 ~~(5) Licensed marijuana retailers shall not display marijuana~~
10 ~~concentrates, useable marijuana, or marijuana-infused products in a~~
11 ~~manner that is visible to the general public from a public right-of-~~
12 ~~way.~~

13 ~~(6))~~ outside of the licensed premises, other than two signs
14 identifying the retail outlet by the licensee's business or trade
15 name. Each sign must be no larger than one thousand six hundred
16 square inches, be permanently affixed to a building or other
17 structure, and be posted not less than one thousand feet from any
18 elementary school, secondary school, or playground.

19 (5) No licensed marijuana retailer or employee of a retail outlet
20 ~~(shall)~~ may open or consume, or allow to be opened or consumed, any
21 marijuana concentrates, useable marijuana, or marijuana-infused
22 product on the outlet premises.

23 ~~((7))~~ (6) The state liquor and cannabis board (shall) must
24 fine a licensee one thousand dollars for each violation of any
25 subsection of this section. Fines collected under this section must
26 be deposited into the dedicated marijuana ((fund)) account created
27 under RCW 69.50.530.

28 **Sec. 204.** RCW 69.50.369 and 2013 c 3 s 18 are each amended to
29 read as follows:

30 (1) No licensed marijuana producer, processor, researcher, or
31 retailer (~~shall~~) may place or maintain, or cause to be placed or
32 maintained, an advertisement of marijuana, useable marijuana,
33 marijuana concentrates, or a marijuana-infused product in any form or
34 through any medium whatsoever:

35 (a) Within one thousand feet of the perimeter of a school
36 grounds, playground, recreation center or facility, child care
37 center, public park, or library, or any game arcade admission to
38 which is not restricted to persons aged twenty-one years or older;

(b) On or in a public transit vehicle or public transit shelter;
or

(c) On or in a publicly owned or operated property.

(2) Merchandising within a retail outlet is not advertising for the purposes of this section.

(3) This section does not apply to a noncommercial message.

(4) The state liquor ~~((control))~~ and cannabis board ~~((shall))~~ must fine a licensee one thousand dollars for each violation of subsection (1) of this section. Fines collected under this subsection must be deposited into the dedicated marijuana ~~((fund))~~ account created under RCW 69.50.530.

Sec. 205. RCW 69.50.535 and 2014 c 192 s 7 are each amended to read as follows:

~~(1) ((There is levied and collected a marijuana excise tax equal to twenty-five percent of the selling price on each wholesale sale in this state of marijuana by a licensed marijuana producer to a licensed marijuana processor or another licensed marijuana producer. This tax is the obligation of the licensed marijuana producer.~~

~~(2) There is levied and collected a marijuana excise tax equal to twenty-five percent of the selling price on each wholesale sale in this state of marijuana concentrates, useable marijuana, and marijuana-infused products by a licensed marijuana processor to a licensed marijuana retailer. This tax is the obligation of the licensed marijuana processor.~~

~~(3))~~ (a) There is levied and collected a marijuana excise tax equal to ~~((twenty-five))~~ thirty-seven percent of the selling price on each retail sale in this state of marijuana concentrates, useable marijuana, and marijuana-infused products. This tax is ~~((the obligation of the licensed marijuana retailer, is))~~ separate and in addition to general state and local sales and use taxes that apply to retail sales of tangible personal property, and is not part of the total retail price to which general state and local sales and use taxes apply. The tax must be separately itemized from the state and local retail sales tax on the sales receipt provided to the buyer.

(b) The tax levied in this section must be reflected in the price list or quoted shelf price in the licensed marijuana retail store and in any advertising that includes prices for all useable marijuana, marijuana concentrates, or marijuana-infused products.

1 ~~((4))~~ (2) All revenues collected from the marijuana excise
2 ~~((taxes))~~ tax imposed under ~~((subsections (1) through (3) of))~~ this
3 section ~~((shall))~~ must be deposited each day in ~~((a depository~~
4 ~~approved by the state treasurer and transferred to the state~~
5 ~~treasurer to be credited to))~~ the dedicated marijuana ~~((fund))~~
6 account.

7 ~~((5))~~ (3) The ~~((state liquor control board shall))~~ tax imposed
8 in this section must be paid by the buyer to the seller. Each seller
9 must collect from the buyer the full amount of the tax payable on
10 each taxable sale. The tax collected as required by this section is
11 deemed to be held in trust by the seller until paid to the board. If
12 any seller fails to collect the tax imposed in this section or,
13 having collected the tax, fails to pay it as prescribed by the board,
14 whether such failure is the result of the seller's own acts or the
15 result of acts or conditions beyond the seller's control, the seller
16 is, nevertheless, personally liable to the state for the amount of
17 the tax.

18 (4) The definitions in this subsection apply throughout this
19 section unless the context clearly requires otherwise.

20 (a) "Board" means the state liquor and cannabis board.

21 (b) "Retail sale" has the same meaning as in RCW 82.08.010.

22 (c) "Selling price" has the same meaning as in RCW 82.08.010,
23 except that when product is sold under circumstances where the total
24 amount of consideration paid for the product is not indicative of its
25 true value, "selling price" means the true value of the product sold.

26 (d) "Product" means marijuana, marijuana concentrates, useable
27 marijuana, and marijuana-infused products.

28 (e) "True value" means market value based on sales at comparable
29 locations in this state of the same or similar product of like
30 quality and character sold under comparable conditions of sale to
31 comparable purchasers. However, in the absence of such sales of the
32 same or similar product, true value means the value of the product
33 sold as determined by all of the seller's direct and indirect costs
34 attributable to the product.

35 (5)(a) The board must regularly review the tax level((s))
36 established under this section and make recommendations, in
37 consultation with the department of revenue, to the legislature as
38 appropriate regarding adjustments that would further the goal of
39 discouraging use while undercutting illegal market prices.

1 (b) The state liquor and cannabis board must report, in
2 compliance with RCW 43.01.036, to the appropriate committees of the
3 legislature every two years. The report at a minimum must include the
4 following:

5 (i) The specific recommendations required under (a) of this
6 subsection;

7 (ii) A comparison of gross sales and tax collections prior to and
8 after any marijuana tax change;

9 (iii) The increase or decrease in the volume of legal marijuana
10 sold prior to and after any marijuana tax change;

11 (iv) Increases or decreases in the number of licensed marijuana
12 producers, processors, and retailers;

13 (v) The number of illegal and noncompliant marijuana outlets the
14 board requires to be closed;

15 (vi) Gross marijuana sales and tax collections in Oregon; and

16 (vii) The total amount of reported sales and use taxes exempted
17 for qualifying patients. The department of revenue must provide the
18 data of exempt amounts to the board.

19 (c) The board is not required to report to the legislature as
20 required in (b) of this subsection after January 1, 2025.

21 (6) The legislature does not intend and does not authorize any
22 person or entity to engage in activities or to conspire to engage in
23 activities that would constitute per se violations of state and
24 federal antitrust laws including, but not limited to, agreements
25 among retailers as to the selling price of any goods sold.

26 **Sec. 206.** RCW 69.50.540 and 2013 c 3 s 28 are each amended to
27 read as follows:

28 ~~((All marijuana excise taxes collected from sales of marijuana,~~
29 ~~useable marijuana, and marijuana infused products under RCW~~
30 ~~69.50.535, and the license fees, penalties, and forfeitures derived~~
31 ~~under chapter 3, Laws of 2013 from marijuana producer, marijuana~~
32 ~~processor, and marijuana retailer licenses shall every three months~~
33 ~~be disbursed by the state liquor control board as follows:~~

34 (1)) The legislature must annually appropriate moneys in the
35 dedicated marijuana account created in RCW 69.50.530 as follows:

36 (1) For the purposes listed in this subsection (1), the
37 legislature must appropriate to the respective agencies amounts
38 sufficient to make the following expenditures on a quarterly basis:

1 (a) Beginning July 1, 2015, one hundred twenty-five thousand
2 dollars to the department of social and health services to design and
3 administer the Washington state healthy youth survey, analyze the
4 collected data, and produce reports, in collaboration with the office
5 of the superintendent of public instruction, department of health,
6 department of commerce, family policy council, and state liquor
7 ((control)) and cannabis board. The survey ((shall)) must be
8 conducted at least every two years and include questions regarding,
9 but not necessarily limited to, academic achievement, age at time of
10 substance use initiation, antisocial behavior of friends, attitudes
11 toward antisocial behavior, attitudes toward substance use, laws and
12 community norms regarding antisocial behavior, family conflict,
13 family management, parental attitudes toward substance use, peer
14 rewarding of antisocial behavior, perceived risk of substance use,
15 and rebelliousness. Funds disbursed under this subsection may be used
16 to expand administration of the healthy youth survey to student
17 populations attending institutions of higher education in Washington;

18 ((+2)) (b) Beginning July 1, 2015, fifty thousand dollars to the
19 department of social and health services for the purpose of
20 contracting with the Washington state institute for public policy to
21 conduct the cost-benefit evaluation and produce the reports described
22 in RCW 69.50.550. This appropriation ((shall)) ends after production
23 of the final report required by RCW 69.50.550;

24 ((+3)) (c) Beginning July 1, 2015, five thousand dollars to the
25 University of Washington alcohol and drug abuse institute for the
26 creation, maintenance, and timely updating of web-based public
27 education materials providing medically and scientifically accurate
28 information about the health and safety risks posed by marijuana use;

29 ((+4)) (d) An amount not ((exceeding)) less than one million two
30 hundred fifty thousand dollars to the state liquor ((control board as
31 is necessary for administration of chapter 3, Laws of 2013;

32 (5) Of the funds remaining after the disbursements identified in
33 subsections (1) through (4) of this section)) and cannabis board for
34 administration of this chapter as appropriated in the omnibus
35 appropriations act;

36 (e) Twenty-three thousand seven hundred fifty dollars to the
37 department of enterprise services provided solely for the state
38 building code council established under RCW 19.27.070, to develop and
39 adopt fire and building code provisions related to marijuana

processing and extraction facilities. The distribution under this subsection (1)(e) is for fiscal year 2016 only;

(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:

(a) ~~((Fifteen percent))~~ (i) Up to fifteen percent to the department of social and health services division of behavioral health and recovery for ~~((implementation and maintenance))~~ the development, implementation, maintenance, and evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance-use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women; PROVIDED, That:

~~((i))~~ (A) Of the funds ~~((disbursed))~~ appropriated under (a)(i) of this subsection for new programs and new services, at least eighty-five percent must be directed to evidence-based ~~((and cost-beneficial))~~ or research-based programs and practices that produce objectively measurable results and, by September 1, 2020, are cost-beneficial; and

~~((ii))~~ (B) Up to fifteen percent of the funds ~~((disbursed))~~ appropriated under (a)(i) of this subsection for new programs and new services may be directed to ~~((research-based and))~~ proven and tested practices, emerging best practices, or promising practices.

(ii) In deciding which programs and practices to fund, the secretary of the department of social and health services ~~((shall))~~ must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute.

(iii) For the fiscal year beginning July 1, 2016, and each subsequent fiscal year, the legislature must appropriate a minimum of twenty-five million five hundred thirty-six thousand dollars under this subsection (2)(a);

(b) ~~((Ten percent))~~ (i) Up to ten percent to the department of health for the following, subject to (b)(ii) of this subsection (2):

1 (A) Creation, implementation, operation, and management of a
2 marijuana education and public health program that contains the
3 following:

4 (~~((i))~~) (I) A marijuana use public health hotline that provides
5 referrals to substance abuse treatment providers, utilizes evidence-
6 based or research-based public health approaches to minimizing the
7 harms associated with marijuana use, and does not solely advocate an
8 abstinence-only approach;

9 (~~((ii))~~) (II) A grants program for local health departments or
10 other local community agencies that supports development and
11 implementation of coordinated intervention strategies for the
12 prevention and reduction of marijuana use by youth; and

13 (~~((iii))~~) (III) Media-based education campaigns across
14 television, internet, radio, print, and out-of-home advertising,
15 separately targeting youth and adults, that provide medically and
16 scientifically accurate information about the health and safety risks
17 posed by marijuana use; and

18 (B) The Washington poison control center.

19 (ii) For the fiscal year beginning July 1, 2016, and each
20 subsequent fiscal year, the legislature must appropriate a minimum of
21 nine million seven hundred fifty thousand dollars under this
22 subsection (2)(b);

23 (c)(i) Up to six-tenths of one percent to the University of
24 Washington and four-tenths of one percent to Washington State
25 University for research on the short and long-term effects of
26 marijuana use, to include but not be limited to formal and informal
27 methods for estimating and measuring intoxication and impairment, and
28 for the dissemination of such research.

29 (ii) For the fiscal year beginning July 1, 2016, and each
30 subsequent fiscal year, the legislature must appropriate a minimum of
31 one million twenty-one thousand dollars to the University of
32 Washington and a minimum of six hundred eighty-one thousand dollars
33 to Washington State University under this subsection (2)(c);

34 (d) Fifty percent to the state basic health plan trust account to
35 be administered by the Washington basic health plan administrator and
36 used as provided under chapter 70.47 RCW;

37 (e) Five percent to the Washington state health care authority to
38 be expended exclusively through contracts with community health
39 centers to provide primary health and dental care services, migrant

1 health services, and maternity health care services as provided under
2 RCW 41.05.220;

3 (f)(i) Up to three-tenths of one percent to the office of the
4 superintendent of public instruction to fund grants to building
5 bridges programs under chapter 28A.175 RCW.

6 (ii) For the fiscal year beginning July 1, 2016, and each
7 subsequent fiscal year, the legislature must appropriate a minimum of
8 five hundred eleven thousand dollars to the office of the
9 superintendent of public instruction under this subsection (2)(f);
10 and

11 (g) ((The remainder to the general fund.)) At the end of each
12 fiscal year, the treasurer must transfer any amounts in the dedicated
13 marijuana account that are not appropriated pursuant to subsection
14 (1) of this section and this subsection (2) into the general fund,
15 except as provided in (g)(i) of this subsection (2).

16 (i) Beginning in fiscal year 2018, if marijuana excise tax
17 collections deposited into the general fund in the prior fiscal year
18 exceed twenty-five million dollars, then each fiscal year the
19 legislature must appropriate an amount equal to thirty percent of all
20 marijuana excise taxes deposited into the general fund the prior
21 fiscal year to the treasurer for distribution to counties, cities,
22 and towns as follows:

23 (A) Thirty percent must be distributed to counties, cities, and
24 towns where licensed marijuana retailers are physically located. Each
25 jurisdiction must receive a share of the revenue distribution under
26 this subsection (2)(g)(i)(A) based on the proportional share of the
27 total revenues generated in the individual jurisdiction from the
28 taxes collected under RCW 69.50.535, from licensed marijuana
29 retailers physically located in each jurisdiction. For purposes of
30 this subsection (2)(g)(i)(A), one hundred percent of the proportional
31 amount attributed to a retailer physically located in a city or town
32 must be distributed to the city or town.

33 (B) Seventy percent must be distributed to counties, cities, and
34 towns ratably on a per capita basis. Counties must receive sixty
35 percent of the distribution, which must be disbursed based on each
36 county's total proportional population. Funds may only be distributed
37 to jurisdictions that do not prohibit the siting of any state
38 licensed marijuana producer, processor, or retailer.

1 (ii) Distribution amounts allocated to each county, city, and
2 town must be distributed in four installments by the last day of each
3 fiscal quarter.

4 (iii) By September 15th of each year, the state liquor and
5 cannabis board must provide the state treasurer the annual
6 distribution amount, if any, for each county and city as determined
7 in (g)(i) of this subsection (2).

8 (iv) The total share of marijuana excise tax revenues distributed
9 to counties and cities in (g)(i) of this subsection (2) may not
10 exceed fifteen million dollars in fiscal years 2018 and 2019 and
11 twenty million dollars per fiscal year thereafter.

12 For the purposes of this section, "marijuana products" means
13 "useable marijuana," "marijuana concentrates," and "marijuana-infused
14 products" as those terms are defined in RCW 69.50.101.

15 NEW SECTION. Sec. 207. A new section is added to chapter 82.08
16 RCW to read as follows:

17 (1) Beginning July 1, 2016, the tax levied by RCW 82.08.020 does
18 not apply to:

19 (a) Sales of marijuana concentrates, useable marijuana, or
20 marijuana-infused products, identified by the department of health
21 under RCW 69.50.--- (section 10, chapter 70, Laws of 2015) to be
22 beneficial for medical use, by marijuana retailers with medical
23 marijuana endorsements to qualifying patients or designated providers
24 who have been issued recognition cards;

25 (b) Sales of products containing THC with a THC concentration of
26 0.3 percent or less to qualifying patients or designated providers
27 who have been issued recognition cards by marijuana retailers with
28 medical marijuana endorsements;

29 (c) Sales of marijuana concentrates, useable marijuana, or
30 marijuana-infused products, identified by the department of health
31 under RCW 69.50.--- (section 10, chapter 70, Laws of 2015) to have a
32 low THC, high CBD ratio, and to be beneficial for medical use, by
33 marijuana retailers with medical marijuana endorsements, to any
34 person;

35 (d) Sales of topical, noningestible products containing THC with
36 a THC concentration of 0.3 percent or less by health care
37 professionals under RCW 69.51A.--- (section 35, chapter 70, Laws of
38 2015);

1 (e)(i) Marijuana, marijuana concentrates, useable marijuana,
2 marijuana-infused products, or products containing THC with a THC
3 concentration of 0.3 percent or less produced by a cooperative and
4 provided to its members; and

5 (ii) Any nonmonetary resources and labor contributed by an
6 individual member of the cooperative in which the individual is a
7 member. However, nothing in this subsection (1)(e) may be construed
8 to exempt the individual members of a cooperative from the tax
9 imposed in RCW 82.08.020 on any purchase of property or services
10 contributed to the cooperative.

11 (2) From the effective date of this section until July 1, 2016,
12 the tax levied by RCW 82.08.020 does not apply to sales of marijuana,
13 marijuana concentrates, useable marijuana, marijuana-infused
14 products, or products containing THC with a THC concentration of 0.3
15 percent or less, by collective gardens under RCW 69.51A.085 to
16 qualifying patients or designated providers, if such sales are in
17 compliance with chapter 69.51A RCW.

18 (3) Each seller making exempt sales under subsection (1) or (2)
19 of this section must maintain information establishing eligibility
20 for the exemption in the form and manner required by the department.

21 (4) The department must provide a separate tax reporting line for
22 exemption amounts claimed under this section.

23 (5) The definitions in this subsection apply throughout this
24 section unless the context clearly requires otherwise.

25 (a) "Cooperative" means a cooperative authorized by and operating
26 in compliance with RCW 69.51A.--- (section 26, chapter 70, Laws of
27 2015).

28 (b) "Marijuana retailer with a medical marijuana endorsement"
29 means a marijuana retailer permitted under RCW 69.50.--- (section 10,
30 chapter 70, Laws of 2015) to sell marijuana for medical use to
31 qualifying patients and designated providers.

32 (c) "Products containing THC with a THC concentration of 0.3
33 percent or less" means all products containing THC with a THC
34 concentration not exceeding 0.3 percent and that, when used as
35 intended, are inhalable, ingestible, or absorbable.

36 (d) "THC concentration," "marijuana," "marijuana concentrates,"
37 "useable marijuana," "marijuana retailer," and "marijuana-infused
38 products" have the same meanings as provided in RCW 69.50.101 and the
39 terms "qualifying patients," "designated providers," and "recognition
40 card" have the same meaning as provided in RCW 69.51A.010.

1 NEW SECTION. **Sec. 208.** A new section is added to chapter 82.12
2 RCW to read as follows:

3 (1) From the effective date of this section until July 1, 2016,
4 the provisions of this chapter do not apply to the use of marijuana,
5 marijuana concentrates, useable marijuana, marijuana-infused
6 products, or products containing THC with a THC concentration of 0.3
7 percent or less, by a collective garden under RCW 69.51A.085, and the
8 qualifying patients or designated providers participating in the
9 collective garden, if such use is in compliance with chapter 69.51A
10 RCW.

11 (2) Beginning July 1, 2016, the provisions of this chapter do not
12 apply to:

13 (a) The use of marijuana concentrates, useable marijuana, or
14 marijuana-infused products, identified by the department of health
15 under RCW 69.50.--- (section 10, chapter 70, Laws of 2015) to be
16 beneficial for medical use, by qualifying patients or designated
17 providers who have been issued recognition cards and have obtained
18 such products from a marijuana retailer with a medical marijuana
19 endorsement.

20 (b) The use of products containing THC with a THC concentration
21 of 0.3 percent or less by qualifying patients or designated providers
22 who have been issued recognition cards and have obtained such
23 products from a marijuana retailer with a medical marijuana
24 endorsement.

25 (c)(i) Marijuana retailers with a medical marijuana endorsement
26 with respect to:

27 (A) Marijuana concentrates, useable marijuana, or marijuana-
28 infused products; or

29 (B) Products containing THC with a THC concentration of 0.3
30 percent or less;

31 (ii) The exemption in this subsection (2)(c) applies only if such
32 products are provided at no charge to a qualifying patient or
33 designated provider who has been issued a recognition card. Each such
34 retailer providing such products at no charge must maintain
35 information establishing eligibility for this exemption in the form
36 and manner required by the department.

37 (d) The use of marijuana concentrates, useable marijuana, or
38 marijuana-infused products, identified by the department of health
39 under RCW 69.50.--- (section 10, chapter 70, Laws of 2015) to have a
40 low THC, high CBD ratio, and to be beneficial for medical use,

1 purchased from marijuana retailers with a medical marijuana
2 endorsement.

3 (e) Health care professionals with respect to the use of products
4 containing THC with a THC concentration of 0.3 percent or less
5 provided at no charge by the health care professionals under RCW
6 69.51A.--- (section 35, chapter 70, Laws of 2015). Each health care
7 professional providing such products at no charge must maintain
8 information establishing eligibility for this exemption in the form
9 and manner required by the department.

10 (f) The use of topical, noningestible products containing THC
11 with a THC concentration of 0.3 percent or less by qualifying
12 patients when purchased from or provided at no charge by a health
13 care professional under RCW 69.51A.--- (section 35, chapter 70, Laws
14 of 2015).

15 (g) The use of:

16 (i) Marijuana, marijuana concentrates, useable marijuana,
17 marijuana-infused products, or products containing THC with a THC
18 concentration of 0.3 percent or less, by a cooperative and its
19 members, when produced by the cooperative; and

20 (ii) Any nonmonetary resources and labor by a cooperative when
21 contributed by its members. However, nothing in this subsection
22 (2)(g) may be construed to exempt the individual members of a
23 cooperative from the tax imposed in RCW 82.12.020 on the use of any
24 property or services purchased by the member and contributed to the
25 cooperative.

26 (3) The definitions in section 207 of this act apply to this
27 section.

28 NEW SECTION. **Sec. 209.** The provisions of RCW 82.32.805 and
29 82.32.808(8) do not apply to the exemptions in sections 207 and 208
30 of this act.

31 NEW SECTION. **Sec. 210.** A new section is added to chapter 69.50
32 RCW to read as follows:

33 (1)(a) Except as provided in (b) of this subsection, a retail
34 sale of a bundled transaction that includes marijuana product is
35 subject to the tax imposed under RCW 69.50.535 on the entire selling
36 price of the bundled transaction.

37 (b) If the selling price is attributable to products that are
38 taxable and products that are not taxable under RCW 69.50.535, the

1 portion of the price attributable to the nontaxable products are
2 subject to the tax imposed by RCW 69.50.535 unless the seller can
3 identify by reasonable and verifiable standards the portion that is
4 not subject to tax from its books and records that are kept in the
5 regular course of business for other purposes including, but not
6 limited to, nontax purposes.

7 (2) The definitions in this subsection apply throughout this
8 section unless the context clearly requires otherwise.

9 (a) "Bundled transaction" means:

10 (i) The retail sale of two or more products where the products
11 are otherwise distinct and identifiable, are sold for one nonitemized
12 price, and at least one product is a marijuana product subject to the
13 tax under RCW 69.50.535; and

14 (ii) A marijuana product provided free of charge with the
15 required purchase of another product. A marijuana product is provided
16 free of charge if the sales price of the product purchased does not
17 vary depending on the inclusion of the marijuana product provided
18 free of charge.

19 (b) "Distinct and identifiable products" does not include
20 packaging such as containers, boxes, sacks, bags, and bottles, or
21 materials such as wrapping, labels, tags, and instruction guides,
22 that accompany the retail sale of the products and are incidental or
23 immaterial to the retail sale thereof. Examples of packaging that are
24 incidental or immaterial include grocery sacks, shoeboxes, and dry
25 cleaning garment bags.

26 (c) "Marijuana product" means "useable marijuana," "marijuana
27 concentrates," and "marijuana-infused products" as defined in RCW
28 69.50.101.

29 (d) "Selling price" has the same meaning as in RCW 82.08.010,
30 except that when product is sold under circumstances where the total
31 amount of consideration paid for the product is not indicative of its
32 true value, "selling price" means the true value of the product sold.

33 (e) "True value" means market value based on sales at comparable
34 locations in this state of the same or similar product of like
35 quality and character sold under comparable conditions of sale to
36 comparable purchasers. However, in the absence of such sales of the
37 same or similar product, "true value" means the value of the product
38 sold as determined by all of the seller's direct and indirect costs
39 attributable to the product.

NEW SECTION. **Sec. 211.** A new section is added to chapter 69.50
RCW to read as follows:

(1) Marijuana producers, processors, and retailers are prohibited from making sales of any marijuana or marijuana product, if the sale of the marijuana or marijuana product is conditioned upon the buyer's purchase of any service or nonmarijuana product. This subsection applies whether the buyer purchases such service or nonmarijuana product at the time of sale of the marijuana or marijuana product, or in a separate transaction.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Marijuana product" means "useable marijuana," "marijuana concentrates," and "marijuana-infused products," as those terms are defined in RCW 69.50.101.

(b) "Nonmarijuana product" includes paraphernalia, promotional items, lighters, bags, boxes, containers, and such other items as may be identified by the state liquor and cannabis board.

(c) "Selling price" has the same meaning as in RCW 69.50.535.

(d) "Service" includes memberships and any other services identified by the state liquor and cannabis board.

PART III

Marijuana Business: Buffers and Licensee Residency

Sec. 301. RCW 69.50.331 and 2015 c 70 s 6 are each amended to read as follows:

(1) For the purpose of considering any application for a license to produce, process, research, transport, or deliver marijuana, useable marijuana, marijuana concentrates, or marijuana-infused products subject to the regulations established under section 502 of this act, or sell marijuana, or for the renewal of a license to produce, process, research, transport, or deliver marijuana, useable marijuana, marijuana concentrates, or marijuana-infused products subject to the regulations established under section 502 of this act, or sell marijuana, the state liquor and cannabis board must conduct a comprehensive, fair, and impartial evaluation of the applications timely received.

(a) The state liquor and cannabis board must develop a competitive, merit-based application process that includes, at a minimum, the opportunity for an applicant to demonstrate experience

1 and qualifications in the marijuana industry. The state liquor and
2 cannabis board (~~shall~~) must give preference between competing
3 applications in the licensing process to applicants that have the
4 following experience and qualifications, in the following order of
5 priority:

6 (i) First priority is given to applicants who:

7 (A) Applied to the state liquor and cannabis board for a
8 marijuana retailer license prior to July 1, 2014;

9 (B) Operated or were employed by a collective garden before
10 January 1, 2013;

11 (C) Have maintained a state business license and a municipal
12 business license, as applicable in the relevant jurisdiction; and

13 (D) Have had a history of paying all applicable state taxes and
14 fees;

15 (ii) Second priority (~~shall~~) must be given to applicants who:

16 (A) Operated or were employed by a collective garden before
17 January 1, 2013;

18 (B) Have maintained a state business license and a municipal
19 business license, as applicable in the relevant jurisdiction; and

20 (C) Have had a history of paying all applicable state taxes and
21 fees; and

22 (iii) Third priority (~~shall~~) must be given to all other
23 applicants who do not have the experience and qualifications
24 identified in (a)(i) and (ii) of this subsection.

25 (b) The state liquor and cannabis board may cause an inspection
26 of the premises to be made, and may inquire into all matters in
27 connection with the construction and operation of the premises. For
28 the purpose of reviewing any application for a license and for
29 considering the denial, suspension, revocation, or renewal or denial
30 thereof, of any license, the state liquor and cannabis board may
31 consider any prior criminal conduct of the applicant including an
32 administrative violation history record with the state liquor and
33 cannabis board and a criminal history record information check. The
34 state liquor and cannabis board may submit the criminal history
35 record information check to the Washington state patrol and to the
36 identification division of the federal bureau of investigation in
37 order that these agencies may search their records for prior arrests
38 and convictions of the individual or individuals who filled out the
39 forms. The state liquor and cannabis board (~~shall~~) must require
40 fingerprinting of any applicant whose criminal history record

1 information check is submitted to the federal bureau of
2 investigation. The provisions of RCW 9.95.240 and of chapter 9.96A
3 RCW (~~((shall))~~) do not apply to these cases. Subject to the provisions
4 of this section, the state liquor and cannabis board may, in its
5 discretion, grant or deny the renewal or license applied for. Denial
6 may be based on, without limitation, the existence of chronic illegal
7 activity documented in objections submitted pursuant to subsections
8 (7)(c) and (~~((+9))~~) (10) of this section. Authority to approve an
9 uncontested or unopposed license may be granted by the state liquor
10 and cannabis board to any staff member the board designates in
11 writing. Conditions for granting this authority (~~((shall))~~) must be
12 adopted by rule.

13 (c) No license of any kind may be issued to:

14 (i) A person under the age of twenty-one years;

15 (ii) A person doing business as a sole proprietor who has not
16 lawfully resided in the state for at least (~~((three))~~) six months prior
17 to applying to receive a license;

18 (iii) A partnership, employee cooperative, association, nonprofit
19 corporation, or corporation unless formed under the laws of this
20 state, and unless all of the members thereof are qualified to obtain
21 a license as provided in this section; or

22 (iv) A person whose place of business is conducted by a manager
23 or agent, unless the manager or agent possesses the same
24 qualifications required of the licensee.

25 (2)(a) The state liquor and cannabis board may, in its
26 discretion, subject to the provisions of RCW 69.50.334, suspend or
27 cancel any license; and all protections of the licensee from criminal
28 or civil sanctions under state law for producing, processing,
29 researching, or selling marijuana, marijuana concentrates, useable
30 marijuana, or marijuana-infused products thereunder (~~((shall))~~) must be
31 suspended or terminated, as the case may be.

32 (b) The state liquor and cannabis board (~~((shall))~~) must
33 immediately suspend the license of a person who has been certified
34 pursuant to RCW 74.20A.320 by the department of social and health
35 services as a person who is not in compliance with a support order.
36 If the person has continued to meet all other requirements for
37 reinstatement during the suspension, reissuance of the license
38 (~~((shall-be))~~) is automatic upon the state liquor and cannabis board's
39 receipt of a release issued by the department of social and health
40 services stating that the licensee is in compliance with the order.

1 (c) The state liquor and cannabis board may request the
2 appointment of administrative law judges under chapter 34.12 RCW who
3 shall have power to administer oaths, issue subpoenas for the
4 attendance of witnesses and the production of papers, books,
5 accounts, documents, and testimony, examine witnesses, and to receive
6 testimony in any inquiry, investigation, hearing, or proceeding in
7 any part of the state, under rules and regulations the state liquor
8 and cannabis board may adopt.

9 (d) Witnesses (~~((shall))~~) must be allowed fees and mileage each way
10 to and from any inquiry, investigation, hearing, or proceeding at the
11 rate authorized by RCW 34.05.446. Fees need not be paid in advance of
12 appearance of witnesses to testify or to produce books, records, or
13 other legal evidence.

14 (e) In case of disobedience of any person to comply with the
15 order of the state liquor and cannabis board or a subpoena issued by
16 the state liquor and cannabis board, or any of its members, or
17 administrative law judges, or on the refusal of a witness to testify
18 to any matter regarding which he or she may be lawfully interrogated,
19 the judge of the superior court of the county in which the person
20 resides, on application of any member of the board or administrative
21 law judge, (~~((shall))~~) compels obedience by contempt proceedings, as in
22 the case of disobedience of the requirements of a subpoena issued
23 from said court or a refusal to testify therein.

24 (3) Upon receipt of notice of the suspension or cancellation of a
25 license, the licensee (~~((shall))~~) must forthwith deliver up the license
26 to the state liquor and cannabis board. Where the license has been
27 suspended only, the state liquor and cannabis board (~~((shall))~~) must
28 return the license to the licensee at the expiration or termination
29 of the period of suspension. The state liquor and cannabis board
30 (~~((shall))~~) must notify all other licensees in the county where the
31 subject licensee has its premises of the suspension or cancellation
32 of the license; and no other licensee or employee of another licensee
33 may allow or cause any marijuana, marijuana concentrates, useable
34 marijuana, or marijuana-infused products to be delivered to or for
35 any person at the premises of the subject licensee.

36 (4) Every license issued under this chapter (~~((3, Laws of 2013~~
37 ~~shall be))~~) is subject to all conditions and restrictions imposed by
38 this chapter (~~((3, Laws of 2013))~~) or by rules adopted by the state
39 liquor and cannabis board to implement and enforce this chapter (~~((3,~~
40 ~~Laws of 2013))~~). All conditions and restrictions imposed by the state

1 liquor and cannabis board in the issuance of an individual license
2 (~~shall~~) must be listed on the face of the individual license along
3 with the trade name, address, and expiration date.

4 (5) Every licensee (~~shall~~) must post and keep posted its
5 license, or licenses, in a conspicuous place on the premises.

6 (6) No licensee (~~shall~~) may employ any person under the age of
7 twenty-one years.

8 (7)(a) Before the state liquor and cannabis board issues a new or
9 renewed license to an applicant it (~~shall~~) must give notice of the
10 application to the chief executive officer of the incorporated city
11 or town, if the application is for a license within an incorporated
12 city or town, or to the county legislative authority, if the
13 application is for a license outside the boundaries of incorporated
14 cities or towns.

15 (b) The incorporated city or town through the official or
16 employee selected by it, or the county legislative authority or the
17 official or employee selected by it, (~~shall have~~) has the right to
18 file with the state liquor and cannabis board within twenty days
19 after the date of transmittal of the notice for applications, or at
20 least thirty days prior to the expiration date for renewals, written
21 objections against the applicant or against the premises for which
22 the new or renewed license is asked. The state liquor and cannabis
23 board may extend the time period for submitting written objections.

24 (c) The written objections (~~shall~~) must include a statement of
25 all facts upon which the objections are based, and in case written
26 objections are filed, the city or town or county legislative
27 authority may request, and the state liquor and cannabis board may in
28 its discretion hold, a hearing subject to the applicable provisions
29 of Title 34 RCW. If the state liquor and cannabis board makes an
30 initial decision to deny a license or renewal based on the written
31 objections of an incorporated city or town or county legislative
32 authority, the applicant may request a hearing subject to the
33 applicable provisions of Title 34 RCW. If a hearing is held at the
34 request of the applicant, state liquor and cannabis board
35 representatives (~~shall~~) must present and defend the state liquor
36 and cannabis board's initial decision to deny a license or renewal.

37 (d) Upon the granting of a license under this title the state
38 liquor and cannabis board (~~shall~~) must send written notification to
39 the chief executive officer of the incorporated city or town in which
40 the license is granted, or to the county legislative authority if the

1 license is granted outside the boundaries of incorporated cities or
2 towns.

3 (8)(a) Except as provided in (b) through (d) of this subsection,
4 the state liquor and cannabis board ((shall)) may not issue a license
5 for any premises within one thousand feet of the perimeter of the
6 grounds of any elementary or secondary school, playground, recreation
7 center or facility, child care center, public park, public transit
8 center, or library, or any game arcade admission to which is not
9 restricted to persons aged twenty-one years or older.

10 (b) A city, county, or town may permit the licensing of premises
11 within one thousand feet but not less than one hundred feet of the
12 facilities described in (a) of this subsection, except elementary
13 schools, secondary schools, and playgrounds, by enacting an ordinance
14 authorizing such distance reduction, provided that such distance
15 reduction will not negatively impact the jurisdiction's civil
16 regulatory enforcement, criminal law enforcement interests, public
17 safety, or public health.

18 (c) A city, county, or town may permit the licensing of research
19 premises allowed under RCW 69.50.--- (section 1, chapter 71, Laws of
20 2015) within one thousand feet but not less than one hundred feet of
21 the facilities described in (a) of this subsection by enacting an
22 ordinance authorizing such distance reduction, provided that the
23 ordinance will not negatively impact the jurisdiction's civil
24 regulatory enforcement, criminal law enforcement, public safety, or
25 public health.

26 (d) The state liquor and cannabis board may license premises
27 located in compliance with the distance requirements set in an
28 ordinance adopted under (b) or (c) of this subsection. Before issuing
29 or renewing a research license for premises within one thousand feet
30 but not less than one hundred feet of an elementary school, secondary
31 school, or playground in compliance with an ordinance passed pursuant
32 to (c) of this subsection, the board must ensure that the facility:

33 (i) Meets a security standard exceeding that which applies to
34 marijuana producer, processor, or retailer licensees;

35 (ii) Is inaccessible to the public and no part of the operation
36 of the facility is in view of the general public; and

37 (iii) Bears no advertising or signage indicating that it is a
38 marijuana research facility.

39 (9) Subject to section 1601 of this act, a city, town, or county
40 may adopt an ordinance prohibiting a marijuana producer or marijuana

processor from operating or locating a business within areas zoned primarily for residential use or rural use with a minimum lot size of five acres or smaller.

(10) In determining whether to grant or deny a license or renewal of any license, the state liquor and cannabis board (~~shall~~) must give substantial weight to objections from an incorporated city or town or county legislative authority based upon chronic illegal activity associated with the applicant's operations of the premises proposed to be licensed or the applicant's operation of any other licensed premises, or the conduct of the applicant's patrons inside or outside the licensed premises. "Chronic illegal activity" means (a) a pervasive pattern of activity that threatens the public health, safety, and welfare of the city, town, or county including, but not limited to, open container violations, assaults, disturbances, disorderly conduct, or other criminal law violations, or as documented in crime statistics, police reports, emergency medical response data, calls for service, field data, or similar records of a law enforcement agency for the city, town, county, or any other municipal corporation or any state agency; or (b) an unreasonably high number of citations for violations of RCW 46.61.502 associated with the applicant's or licensee's operation of any licensed premises as indicated by the reported statements given to law enforcement upon arrest.

PART IV

Consumption of Marijuana in a Public Place

Sec. 401. RCW 69.50.445 and 2013 c 3 s 21 are each amended to read as follows:

(1) It is unlawful to open a package containing marijuana, useable marijuana, (~~or a~~) marijuana-infused products, or marijuana concentrates, or consume marijuana, useable marijuana, (~~or a~~) marijuana-infused products, or marijuana concentrates, in view of the general public or in a public place.

(2) For the purposes of this section, "public place" has the same meaning as defined in RCW 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

(3) A person who violates this section is guilty of a class 3 civil infraction under chapter 7.80 RCW.

1 **PART V**

2 **Transportation of Marijuana Products**

3 NEW SECTION. **Sec. 501.** A new section is added to chapter 69.50
4 RCW to read as follows:

5 (1) A licensed marijuana producer, marijuana processor, marijuana
6 researcher, or marijuana retailer, or their employees, in accordance
7 with the requirements of this chapter and the administrative rules
8 adopted thereunder, may use the services of a common carrier subject
9 to regulation under chapters 81.28 and 81.29 RCW and licensed in
10 compliance with the regulations established under section 502 of this
11 act, to physically transport or deliver marijuana, useable marijuana,
12 marijuana concentrates, and marijuana-infused products between
13 licensed marijuana businesses located within the state.

14 (2) An employee of a common carrier engaged in marijuana-related
15 transportation or delivery services authorized under subsection (1)
16 of this section is prohibited from carrying or using a firearm during
17 the course of providing such services, unless:

18 (a) Pursuant to section 502 of this act, the state liquor and
19 cannabis board explicitly authorizes the carrying or use of firearms
20 by such employee while engaged in the transportation or delivery
21 services;

22 (b) The employee has an armed private security guard license
23 issued pursuant to RCW 18.170.040; and

24 (c) The employee is in full compliance with the regulations
25 established by the state liquor and cannabis board under section 502
26 of this act.

27 (3) A common carrier licensed under section 502 of this act may,
28 for the purpose of transporting and delivering marijuana, useable
29 marijuana, marijuana concentrates, and marijuana-infused products,
30 utilize Washington state ferry routes for such transportation and
31 delivery.

32 (4) The possession of marijuana, useable marijuana, marijuana
33 concentrates, and marijuana-infused products being physically
34 transported or delivered within the state, in amounts not exceeding
35 those that may be established under section 502(3) of this act, by a
36 licensed employee of a common carrier when performing the duties
37 authorized under, and in accordance with, this section and section
38 502 of this act, is not a violation of this section, this chapter, or
39 any other provision of Washington state law.

1 NEW SECTION. **Sec. 502.** A new section is added to chapter 69.50
2 RCW to read as follows:

3 (1) The state liquor and cannabis board must adopt rules
4 providing for an annual licensing procedure of a common carrier who
5 seeks to transport or deliver marijuana, useable marijuana, marijuana
6 concentrates, and marijuana-infused products within the state.

7 (2) The rules for licensing must:

8 (a) Establish criteria for considering the approval or denial of
9 a common carrier's original application or renewal application;

10 (b) Provide minimum qualifications for any employee authorized to
11 drive or operate the transportation or delivery vehicle, including a
12 minimum age of at least twenty-one years;

13 (c) Address the safety of the employees transporting or
14 delivering the products, including issues relating to the carrying of
15 firearms by such employees;

16 (d) Address the security of the products being transported,
17 including a system of electronically tracking all products at both
18 the point of pickup and the point of delivery; and

19 (e) Set reasonable fees for the application and licensing
20 process.

21 (3) The state liquor and cannabis board may adopt rules
22 establishing the maximum amounts of marijuana, useable marijuana,
23 marijuana concentrates, and marijuana-infused products that may be
24 physically transported or delivered at one time by a common carrier
25 as provided under section 501 of this act.

26 **Sec. 503.** RCW 69.50.4013 and 2015 c 70 s 14 are each amended to
27 read as follows:

28 (1) It is unlawful for any person to possess a controlled
29 substance unless the substance was obtained directly from, or
30 pursuant to, a valid prescription or order of a practitioner while
31 acting in the course of his or her professional practice, or except
32 as otherwise authorized by this chapter.

33 (2) Except as provided in RCW 69.50.4014, any person who violates
34 this section is guilty of a class C felony punishable under chapter
35 9A.20 RCW.

36 (3)(a) The possession, by a person twenty-one years of age or
37 older, of useable marijuana, marijuana concentrates, or marijuana-
38 infused products in amounts that do not exceed those set forth in RCW

69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.

(b) The possession of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products being physically transported or delivered within the state, in amounts not exceeding those that may be established under section 502(3) of this act, by a licensed employee of a common carrier when performing the duties authorized in accordance with sections 501 and 502 of this act, is not a violation of this section, this chapter, or any other provision of Washington state law.

(4) No person under twenty-one years of age may possess, manufacture, sell, or distribute marijuana, marijuana-infused products, or marijuana concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization.

(5) The possession by a qualifying patient or designated provider of marijuana concentrates, useable marijuana, marijuana-infused products, or plants in accordance with chapter 69.51A RCW is not a violation of this section, this chapter, or any other provision of Washington state law.

Sec. 504. RCW 18.170.020 and 2007 c 154 s 2 are each amended to read as follows:

The requirements of this chapter do not apply to:

(1) A person who is employed exclusively or regularly by one employer and performs the functions of a private security guard solely in connection with the affairs of that employer, if the employer is not a private security company. However, in accordance with section 501 of this act, an employee engaged in marijuana-related transportation or delivery services on behalf of a common carrier must be licensed as an armed private security guard under this chapter in order to be authorized to carry or use a firearm while providing such services;

(2) A sworn peace officer while engaged in the performance of the officer's official duties;

(3) A sworn peace officer while employed by any person to engage in off-duty employment as a private security guard, but only if the employment is approved by the chief law enforcement officer of the jurisdiction where the employment takes place and the sworn peace officer does not employ, contract with, or broker for profit other

persons to assist him or her in performing the duties related to his or her private employer; or

(4)(a) A person performing crowd management or guest services including, but not limited to, a person described as a ticket taker, usher, door attendant, parking attendant, crowd monitor, or event staff who:

((a)) (i) Does not carry a firearm or other dangerous weapon including, but not limited to, a stun gun, taser, pepper mace, or nightstick;

((b)) (ii) Does not wear a uniform or clothing readily identifiable by a member of the public as that worn by a private security officer or law enforcement officer; and

((c)) (iii) Does not have as his or her primary responsibility the detainment of persons or placement of persons under arrest.

(b) The exemption provided in this subsection applies only when a crowd has assembled for the purpose of attending or taking part in an organized event, including preevent assembly, event operation hours, and postevent departure activities.

Sec. 505. RCW 69.50.4014 and 2003 c 53 s 335 are each amended to read as follows:

Except as provided in RCW 69.50.401(2)(c) or as otherwise authorized by this chapter, any person found guilty of possession of forty grams or less of ((marihuana)) marijuana is guilty of a misdemeanor.

PART VI

Funding for Marijuana Health Awareness Program

Sec. 601. RCW 66.08.050 and 2014 c 63 s 3 are each amended to read as follows:

The board, subject to the provisions of this title and the rules, must:

(1) Determine the nature, form and capacity of all packages to be used for containing liquor kept for sale under this title;

(2) Execute or cause to be executed, all contracts, papers, and documents in the name of the board, under such regulations as the board may fix;

(3) Pay all customs, duties, excises, charges and obligations whatsoever relating to the business of the board;

1 (4) Require bonds from all employees in the discretion of the
2 board, and to determine the amount of fidelity bond of each such
3 employee;

4 (5) Perform services for the state lottery commission to such
5 extent, and for such compensation, as may be mutually agreed upon
6 between the board and the commission;

7 (6) Accept and deposit into the general fund-local account and
8 disburse, subject to appropriation, federal grants or other funds or
9 donations from any source for the purpose of improving public
10 awareness of the health risks associated with alcohol and marijuana
11 consumption by youth and the abuse of alcohol and marijuana by adults
12 in Washington state. The board's alcohol awareness program must
13 cooperate with federal and state agencies, interested organizations,
14 and individuals to effect an active public beverage alcohol awareness
15 program;

16 (7) Monitor and regulate the practices of licensees as necessary
17 in order to prevent the theft and illegal trafficking of liquor
18 pursuant to RCW 66.28.350;

19 (8) Perform all other matters and things, whether similar to the
20 foregoing or not, to carry out the provisions of this title, and has
21 full power to do each and every act necessary to the conduct of its
22 regulatory functions, including all supplies procurement, preparation
23 and approval of forms, and every other undertaking necessary to
24 perform its regulatory functions whatsoever, subject only to audit by
25 the state auditor. However, the board has no authority to regulate
26 the content of spoken language on licensed premises where wine and
27 other liquors are served and where there is not a clear and present
28 danger of disorderly conduct being provoked by such language or to
29 restrict advertising of lawful prices.

30 **PART VII**

31 **Cannabis Health and Beauty Aid Exemption**

32 NEW SECTION. **Sec. 701.** A new section is added to chapter 69.50
33 RCW to read as follows:

34 (1) Cannabis health and beauty aids are not subject to the
35 regulations and penalties of this chapter that apply to marijuana,
36 marijuana concentrates, or marijuana-infused products.

(2) For purposes of this section, "cannabis health and beauty aid" means a product containing parts of the cannabis plant and which:

(a) Is intended for use only as a topical application to provide therapeutic benefit or to enhance appearance;

(b) Contains a THC concentration of not more than 0.3 percent;

(c) Does not cross the blood-brain barrier; and

(d) Is not intended for ingestion by humans or animals.

PART VIII

Signage and Public Notice Requirements

NEW SECTION. **Sec. 801.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Applicants for a marijuana producer's, marijuana processor's, marijuana researcher's or marijuana retailer's license under this chapter must display a sign provided by the state liquor and cannabis board on the outside of the premises to be licensed notifying the public that the premises are subject to an application for such license. The sign must:

(a) Contain text with content sufficient to notify the public of the nature of the pending license application, the date of the application, the name of the applicant, and contact information for the state liquor and cannabis board;

(b) Be conspicuously displayed on, or immediately adjacent to, the premises subject to the application and in the location that is most likely to be seen by the public;

(c) Be of a size sufficient to ensure that it will be readily seen by the public; and

(d) Be posted within seven business days of the submission of the application to the state liquor and cannabis board.

(2) The state liquor and cannabis board must adopt such rules as are necessary for the implementation of this section, including rules pertaining to the size of the sign and the text thereon, the textual content of the sign, the fee for providing the sign, and any other requirements necessary to ensure that the sign provides adequate notice to the public.

(3)(a) A city, town, or county may adopt an ordinance requiring individual notice by an applicant for a marijuana producer's, marijuana processor's, marijuana researcher's, or marijuana

1 retailer's license under this chapter, sixty days prior to issuance
2 of the license, to any elementary or secondary school, playground,
3 recreation center or facility, child care center, church, public
4 park, public transit center, library, or any game arcade admission to
5 which is not restricted to persons aged twenty-one years or older,
6 that is within one thousand feet of the perimeter of the grounds of
7 the establishment seeking licensure. The notice must provide the
8 contact information for the liquor and cannabis board where any of
9 the owners or operators of these entities may submit comments or
10 concerns about the proposed business location.

11 (b) For the purposes of this subsection, "church" means a
12 building erected for and used exclusively for religious worship and
13 schooling or other activity in connection therewith.

14 PART IX

15 Marijuana-Infused Products and Concentrates

16 **Sec. 901.** RCW 69.50.101 and 2015 c 70 s 4 are each amended to
17 read as follows:

18 ~~((Unless the context clearly requires otherwise, definitions of~~
19 ~~terms shall be as indicated where used in this chapter:))~~ The
20 definitions in this section apply throughout this chapter unless the
21 context clearly requires otherwise.

22 (a) "Administer" means to apply a controlled substance, whether
23 by injection, inhalation, ingestion, or any other means, directly to
24 the body of a patient or research subject by:

25 (1) a practitioner authorized to prescribe (or, by the
26 practitioner's authorized agent); or

27 (2) the patient or research subject at the direction and in the
28 presence of the practitioner.

29 (b) "Agent" means an authorized person who acts on behalf of or
30 at the direction of a manufacturer, distributor, or dispenser. It
31 does not include a common or contract carrier, public
32 warehouseperson, or employee of the carrier or warehouseperson.

33 (c) "Commission" means the pharmacy quality assurance commission.

34 (d) "Controlled substance" means a drug, substance, or immediate
35 precursor included in Schedules I through V as set forth in federal
36 or state laws, or federal or commission rules.

(e)(1) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(2) The term does not include:

(i) a controlled substance;

(ii) a substance for which there is an approved new drug application;

(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent conduct with respect to the substance is pursuant to the exemption; or

(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

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

(g) "Department" means the department of health.

(h) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(i) "Dispenser" means a practitioner who dispenses.

(j) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(k) "Distributor" means a person who distributes.

(l) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the

1 official homeopathic pharmacopoeia of the United States, or any
2 supplement to them; (2) controlled substances intended for use in the
3 diagnosis, cure, mitigation, treatment, or prevention of disease in
4 individuals or animals; (3) controlled substances (other than food)
5 intended to affect the structure or any function of the body of
6 individuals or animals; and (4) controlled substances intended for
7 use as a component of any article specified in (1), (2), or (3) of
8 this subsection. The term does not include devices or their
9 components, parts, or accessories.

10 (m) "Drug enforcement administration" means the drug enforcement
11 administration in the United States Department of Justice, or its
12 successor agency.

13 (n) "Electronic communication of prescription information" means
14 the transmission of a prescription or refill authorization for a drug
15 of a practitioner using computer systems. The term does not include a
16 prescription or refill authorization verbally transmitted by
17 telephone nor a facsimile manually signed by the practitioner.

18 (o) "Immediate precursor" means a substance:

19 (1) that the commission has found to be and by rule designates as
20 being the principal compound commonly used, or produced primarily for
21 use, in the manufacture of a controlled substance;

22 (2) that is an immediate chemical intermediary used or likely to
23 be used in the manufacture of a controlled substance; and

24 (3) the control of which is necessary to prevent, curtail, or
25 limit the manufacture of the controlled substance.

26 (p) "Isomer" means an optical isomer, but in subsection ((+z+))
27 (bb)(5) of this section, RCW 69.50.204(a) (12) and (34), and
28 69.50.206(b)(4), the term includes any geometrical isomer; in RCW
29 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any
30 positional isomer; and in RCW 69.50.204(a)(35), 69.50.204(c), and
31 69.50.208(a) the term includes any positional or geometric isomer.

32 (q) "Lot" means a definite quantity of marijuana, marijuana
33 concentrates, useable marijuana, or marijuana-infused product
34 identified by a lot number, every portion or package of which is
35 uniform within recognized tolerances for the factors that appear in
36 the labeling.

37 (r) "Lot number" (~~((shall))~~) must identify the licensee by business
38 or trade name and Washington state unified business identifier
39 number, and the date of harvest or processing for each lot of

1 marijuana, marijuana concentrates, useable marijuana, or marijuana-
2 infused product.

3 (s) "Manufacture" means the production, preparation, propagation,
4 compounding, conversion, or processing of a controlled substance,
5 either directly or indirectly or by extraction from substances of
6 natural origin, or independently by means of chemical synthesis, or
7 by a combination of extraction and chemical synthesis, and includes
8 any packaging or repackaging of the substance or labeling or
9 relabeling of its container. The term does not include the
10 preparation, compounding, packaging, repackaging, labeling, or
11 relabeling of a controlled substance:

12 (1) by a practitioner as an incident to the practitioner's
13 administering or dispensing of a controlled substance in the course
14 of the practitioner's professional practice; or

15 (2) by a practitioner, or by the practitioner's authorized agent
16 under the practitioner's supervision, for the purpose of, or as an
17 incident to, research, teaching, or chemical analysis and not for
18 sale.

19 (t) "Marijuana" or "marihuana" means all parts of the plant
20 *Cannabis*, whether growing or not, with a THC concentration greater
21 than 0.3 percent on a dry weight basis; the seeds thereof; the resin
22 extracted from any part of the plant; and every compound,
23 manufacture, salt, derivative, mixture, or preparation of the plant,
24 its seeds or resin. The term does not include the mature stalks of
25 the plant, fiber produced from the stalks, oil or cake made from the
26 seeds of the plant, any other compound, manufacture, salt,
27 derivative, mixture, or preparation of the mature stalks (except the
28 resin extracted therefrom), fiber, oil, or cake, or the sterilized
29 seed of the plant which is incapable of germination.

30 (u) "Marijuana concentrates" means products consisting wholly or
31 in part of the resin extracted from any part of the plant *Cannabis*
32 and having a THC concentration greater than ((~~sixty~~)) ten percent.

33 (v) "Marijuana processor" means a person licensed by the state
34 liquor and cannabis board to process marijuana into marijuana
35 concentrates, useable marijuana, and marijuana-infused products,
36 package and label marijuana concentrates, useable marijuana, and
37 marijuana-infused products for sale in retail outlets, and sell
38 marijuana concentrates, useable marijuana, and marijuana-infused
39 products at wholesale to marijuana retailers.

(w) "Marijuana producer" means a person licensed by the state liquor and cannabis board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

(x) "Marijuana products" means useable marijuana, marijuana concentrates, and marijuana-infused products as defined in this section.

(y) "Marijuana-infused products" means products that contain marijuana or marijuana extracts, are intended for human use, are derived from marijuana as defined in subsection (t) of this section, and have a THC concentration no greater than ~~((0.3))~~ ten percent ~~((and no greater than sixty percent))~~. The term "marijuana-infused products" does not include either useable marijuana or marijuana concentrates.

~~((+y))~~ (z) "Marijuana researcher" means a person licensed by the state liquor and cannabis board to produce, process, and possess marijuana for the purposes of conducting research on marijuana and marijuana-derived drug products.

(aa) "Marijuana retailer" means a person licensed by the state liquor and cannabis board to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.

~~((+z))~~ (bb) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts, isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

(2) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(3) Poppy straw and concentrate of poppy straw.

(4) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives or ecgonine or their salts have been removed.

(5) Cocaine, or any salt, isomer, or salt of isomer thereof.

(6) Cocaine base.

(7) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(8) Any compound, mixture, or preparation containing any quantity of any substance referred to in subparagraphs (1) through (7).

~~((aa))~~ (cc) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes opium, substances derived from opium (opium derivatives), and synthetic opiates. The term does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

~~((bb))~~ (dd) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

~~((cc))~~ (ee) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

~~((dd))~~ (ff) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

~~((ee))~~ (gg) "Practitioner" means:

(1) A physician under chapter 18.71 RCW; a physician assistant under chapter 18.71A RCW; an osteopathic physician and surgeon under chapter 18.57 RCW; an osteopathic physician assistant under chapter 18.57A RCW who is licensed under RCW 18.57A.020 subject to any limitations in RCW 18.57A.040; an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010 subject to any limitations in RCW 18.53.010; a dentist under chapter 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject to any limitations in RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

1 (2) A pharmacy, hospital or other institution licensed,
2 registered, or otherwise permitted to distribute, dispense, conduct
3 research with respect to or to administer a controlled substance in
4 the course of professional practice or research in this state.

5 (3) A physician licensed to practice medicine and surgery, a
6 physician licensed to practice osteopathic medicine and surgery, a
7 dentist licensed to practice dentistry, a podiatric physician and
8 surgeon licensed to practice podiatric medicine and surgery, a
9 licensed physician assistant or a licensed osteopathic physician
10 assistant specifically approved to prescribe controlled substances by
11 his or her state's medical quality assurance commission or equivalent
12 and his or her supervising physician, an advanced registered nurse
13 practitioner licensed to prescribe controlled substances, or a
14 veterinarian licensed to practice veterinary medicine in any state of
15 the United States.

16 ((~~ff~~)) (hh) "Prescription" means an order for controlled
17 substances issued by a practitioner duly authorized by law or rule in
18 the state of Washington to prescribe controlled substances within the
19 scope of his or her professional practice for a legitimate medical
20 purpose.

21 ((~~gg~~)) (ii) "Production" includes the manufacturing, planting,
22 cultivating, growing, or harvesting of a controlled substance.

23 ((~~hh~~)) (jj) "Retail outlet" means a location licensed by the
24 state liquor and cannabis board for the retail sale of marijuana
25 concentrates, useable marijuana, and marijuana-infused products.

26 ((~~ii~~)) (kk) "Secretary" means the secretary of health or the
27 secretary's designee.

28 ((~~jj~~)) (ll) "State," unless the context otherwise requires,
29 means a state of the United States, the District of Columbia, the
30 Commonwealth of Puerto Rico, or a territory or insular possession
31 subject to the jurisdiction of the United States.

32 ((~~kk~~)) (mm) "THC concentration" means percent of delta-9
33 tetrahydrocannabinol content per dry weight of any part of the plant
34 *Cannabis*, or per volume or weight of marijuana product, or the
35 combined percent of delta-9 tetrahydrocannabinol and
36 tetrahydrocannabinolic acid in any part of the plant *Cannabis*
37 regardless of moisture content.

38 ((~~ll~~)) (nn) "Ultimate user" means an individual who lawfully
39 possesses a controlled substance for the individual's own use or for
40 the use of a member of the individual's household or for

1 administering to an animal owned by the individual or by a member of
2 the individual's household.

3 ~~((mm))~~ (oo) "Useable marijuana" means dried marijuana flowers.
4 The term "useable marijuana" does not include either marijuana-
5 infused products or marijuana concentrates.

6 ~~((nn))~~ (pp) "Designated provider" has the meaning provided in
7 RCW 69.51A.010.

8 ~~((oo))~~ (qq) "Qualifying patient" has the meaning provided in
9 RCW 69.51A.010.

10 ~~((pp))~~ (rr) "CBD concentration" has the meaning provided in RCW
11 69.51A.010.

12 ~~((qq))~~ (ss) "Plant" has the meaning provided in RCW 69.51A.010.

13 ~~((rr))~~ (tt) "Recognition card" has the meaning provided in RCW
14 69.51A.010.

15 PART X

16 Medical Use of Marijuana

17 **Sec. 1001.** RCW 69.51A.--- and 2015 c 70 s 26 are each amended to
18 read as follows:

19 (1) Qualifying patients or designated providers may form a
20 cooperative and share responsibility for acquiring and supplying the
21 resources needed to produce and process marijuana only for the
22 medical use of members of the cooperative. No more than four
23 qualifying patients or designated providers may become members of a
24 cooperative under this section and all members must hold valid
25 recognition cards. All members of the cooperative must be at least
26 twenty-one years old. The designated provider of a qualifying patient
27 who is under twenty-one years old may be a member of a cooperative on
28 the qualifying patient's behalf.

29 ~~((Cooperatives may not be located within one mile of a~~
30 ~~marijuana retailer. People))~~ Qualifying patients and designated
31 providers who wish to form a cooperative must register the location
32 with the state liquor and cannabis board and this is the only
33 location where cooperative members may grow or process marijuana.
34 This registration must include the names of all participating members
35 and copies of each participant's recognition card. Only qualifying
36 patients or designated providers registered with the state liquor and
37 cannabis board in association with the location may participate in

growing or receive useable marijuana or marijuana-infused products grown at that location.

(3) No cooperative may be located in any of the following areas:

(a) Within one mile of a marijuana retailer;

(b) Within the smaller of either:

(i) One thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or any game arcade that admission to which is not restricted to persons aged twenty-one years or older; or

(ii) The area restricted by ordinance, if the cooperative is located in a city, county, or town that has passed an ordinance pursuant to RCW 69.50.331(8); or

(c) Where prohibited by a city, town, or county zoning provision.

(4) The state liquor and cannabis board must deny the registration of any cooperative if the location (~~is within one mile of a marijuana retailer~~) does not comply with the requirements set forth in subsection (3) of this section.

~~((+3))~~ (5) If a qualifying patient or designated provider no longer participates in growing at the location, he or she must notify the state liquor and cannabis board within fifteen days of the date the qualifying patient or designated provider ceases participation. The state liquor and cannabis board must remove his or her name from connection to the cooperative. Additional qualifying patients or designated providers may not join the cooperative until sixty days have passed since the date on which the last qualifying patient or designated provider notifies the state liquor and cannabis board that he or she no longer participates in that cooperative.

~~((+4))~~ (6) Qualifying patients or designated providers who participate in a cooperative under this section:

(a) May grow up to the total amount of plants for which each participating member is authorized on their recognition cards, up to a maximum of sixty plants. At the location, the qualifying patients or designated providers may possess the amount of useable marijuana that can be produced with the number of plants permitted under this subsection, but no more than seventy-two ounces;

(b) May only participate in one cooperative;

(c) May only grow plants in the cooperative and if he or she grows plants in the cooperative may not grow plants elsewhere;

1 (d) Must provide assistance in growing plants. A monetary
2 contribution or donation is not to be considered assistance under
3 this section. Participants must provide nonmonetary resources and
4 labor in order to participate; and

5 (e) May not sell, donate, or otherwise provide marijuana,
6 marijuana concentrates, useable marijuana, or marijuana-infused
7 products to a person who is not participating under this section.

8 ((+5+)) (7) The location of the cooperative must be the domicile
9 of one of the participants. Only one cooperative may be located per
10 property tax parcel. A copy of each participant's recognition card
11 must be kept at the location at all times.

12 ((+6+)) (8) The state liquor and cannabis board may adopt rules
13 to implement this section including:

14 (a) Any security requirements necessary to ensure the safety of
15 the cooperative and to reduce the risk of diversion from the
16 cooperative;

17 (b) A seed to sale traceability model that is similar to the seed
18 to sale traceability model used by licensees that will allow the
19 state liquor and cannabis board to track all marijuana grown in a
20 cooperative.

21 ((+7+)) (9) The state liquor and cannabis board or law
22 enforcement may inspect a cooperative registered under this section
23 to ensure members are in compliance with this section. The state
24 liquor and cannabis board must adopt rules on reasonable inspection
25 hours and reasons for inspections.

26 NEW SECTION. Sec. 1002. A new section is added to chapter 42.56
27 RCW to read as follows:

28 (1) Registration information submitted to the state liquor and
29 cannabis board under RCW 69.51A.--- (section 26, chapter 70, Laws of
30 2015) including the names of all participating members of a
31 cooperative, copies of each member's recognition card, location of
32 the cooperative, and other information required for registration by
33 the state liquor and cannabis board is exempt from disclosure under
34 this chapter.

35 (2) The definitions in this section apply throughout this section
36 unless the context clearly requires otherwise.

37 (a) "Cooperative" means a cooperative established under RCW
38 69.51A.--- (section 26, chapter 70, Laws of 2015) to produce and

process marijuana only for the medical use of members of the cooperative.

(b) "Recognition card" has the same meaning as provided in RCW 69.51A.010.

PART XI

Dedicated Marijuana Account

Sec. 1101. RCW 69.50.530 and 2013 c 3 s 26 are each amended to read as follows:

~~((1) There shall be a fund, known as the dedicated marijuana fund, which shall consist of all marijuana excise taxes, license fees, penalties, forfeitures, and all other moneys, income, or revenue received by the state liquor control board from marijuana-related activities. The state treasurer shall be custodian of the fund.~~

~~(2))~~ The dedicated marijuana account is created in the state treasury. All moneys received by the state liquor ((control)) and cannabis board, or any employee thereof, from marijuana-related activities ((shall)) must be deposited ((each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the dedicated marijuana fund.

~~(3) Disbursements from the dedicated marijuana fund shall be on authorization of the state liquor control board or a duly authorized representative thereof))~~ in the account. Unless otherwise provided in this act, all marijuana excise taxes collected from sales of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products under RCW 69.50.535, and the license fees, penalties, and forfeitures derived under this chapter from marijuana producer, marijuana processor, marijuana researcher, and marijuana retailer licenses, must be deposited in the account. Moneys in the account may only be spent after appropriation.

PART XII

Synthetic Cannabinoids and Bath Salts

NEW SECTION. **Sec. 1201.** A new section is added to chapter 69.50 RCW to read as follows:

(1) It is an unfair or deceptive practice under RCW 19.86.020 for any person or entity to distribute, dispense, manufacture, display

1 for sale, offer for sale, attempt to sell, or sell to a purchaser any
2 product that contains any amount of any synthetic cannabinoid. The
3 legislature finds that practices covered by this section are matters
4 vitally affecting the public interest for the purpose of applying the
5 consumer protection act, chapter 19.86 RCW. Violations of this
6 section are not reasonable in relation to the development and
7 preservation of business.

8 (2) "Synthetic cannabinoid" includes any chemical compound
9 identified in RCW 69.50.204(c)(30) or by the pharmacy quality
10 assurance commission under RCW 69.50.201.

11 NEW SECTION. **Sec. 1202.** A new section is added to chapter 69.50
12 RCW to read as follows:

13 It is an unfair or deceptive practice under RCW 19.86.020 for any
14 person or entity to distribute, dispense, manufacture, display for
15 sale, offer for sale, attempt to sell, or sell to a purchaser any
16 product that contains any amount of any cathinone or methcathinone as
17 identified in RCW 69.50.204(e) (3) and (5). The legislature finds
18 that practices covered by this section are matters vitally affecting
19 the public interest for the purpose of applying the consumer
20 protection act, chapter 19.86 RCW. Violations of this section are not
21 reasonable in relation to the development and preservation of
22 business.

23 **Sec. 1203.** RCW 69.50.204 and 2010 c 177 s 2 are each amended to
24 read as follows:

25 Unless specifically excepted by state or federal law or
26 regulation or more specifically included in another schedule, the
27 following controlled substances are listed in Schedule I:

28 (a) Any of the following opiates, including their isomers,
29 esters, ethers, salts, and salts of isomers, esters, and ethers
30 whenever the existence of these isomers, esters, ethers, and salts is
31 possible within the specific chemical designation:

32 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
33 piperidinyl]-N-phenylacetamide);

34 (2) Acetylmethadol;

35 (3) Allylprodine;

36 (4) Alphacetylmethadol, except levo-alphacetylmethadol, also
37 known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

38 (5) Alphameprodine;

1 (6) Alphamethadol;
2 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)
3 ethyl-4-piperidyl] propionanilide); (1-(1-methyl-2-phenylethyl)-4-(N-
4 propanilido) piperidine);
5 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
6 piperidinyl]-N-phenylpropanamide);
7 (9) Benzethidine;
8 (10) Betacetylmethadol;
9 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
10 piperidinyl]-N-phenylpropanamide);
11 (12) Beta-hydroxy-3-methylfentanyl, some trade or other names: N-
12 [1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-
13 phenylpropanamide;
14 (13) Betameprodine;
15 (14) Betamethadol;
16 (15) Betaprodine;
17 (16) Clonitazene;
18 (17) Dextromoramide;
19 (18) Diampromide;
20 (19) Diethylthiambutene;
21 (20) Difenoxin;
22 (21) Dimenoxadol;
23 (22) Dimepheptanol;
24 (23) Dimethylthiambutene;
25 (24) Dioxaphetyl butyrate;
26 (25) Dipipanone;
27 (26) Ethylmethylthiambutene;
28 (27) Etonitazene;
29 (28) Etoxeridine;
30 (29) Furethidine;
31 (30) Hydroxypethidine;
32 (31) Ketobemidone;
33 (32) Levomoramide;
34 (33) Levophenacylmorphane;
35 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
36 piperidyl]-N-phenylprop anamide);
37 (35) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
38 piperidinyl]-N-phenylpropanamide);
39 (36) Morpheridine;
40 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);

1 (38) Noracymethadol;
2 (39) Norlevorphanol;
3 (40) Normethadone;
4 (41) Norpipanone;
5 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
6 phenethyl)-4-piperidinyl] propanamide);
7 (43) PEPAP(1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
8 (44) Phenadoxone;
9 (45) Phenampromide;
10 (46) Phenomorphan;
11 (47) Phenoperidine;
12 (48) Piritramide;
13 (49) Proheptazine;
14 (50) Properidine;
15 (51) Propiram;
16 (52) Racemoramide;
17 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-
18 propanaminde);
19 (54) Tilidine;
20 (55) Trimeperidine.
21 (b) Opium derivatives. Unless specifically excepted or unless
22 listed in another schedule, any of the following opium derivatives,
23 including their salts, isomers, and salts of isomers whenever the
24 existence of those salts, isomers, and salts of isomers is possible
25 within the specific chemical designation:
26 (1) Acetorphine;
27 (2) Acetyldihydrocodeine;
28 (3) Benzylmorphine;
29 (4) Codeine methylbromide;
30 (5) Codeine-N-Oxide;
31 (6) Cyprenorphine;
32 (7) Desomorphine;
33 (8) Dihydromorphine;
34 (9) Drotebanol;
35 (10) Etorphine, except hydrochloride salt;
36 (11) Heroin;
37 (12) Hydromorphenol;
38 (13) Methyldesorphine;
39 (14) Methyldihydromorphine;
40 (15) Morphine methylbromide;

- 1 (16) Morphine methylsulfonate;
- 2 (17) Morphine-N-Oxide;
- 3 (18) Myrophine;
- 4 (19) Nicocodeine;
- 5 (20) Nicomorphine;
- 6 (21) Normorphine;
- 7 (22) Pholcodine;
- 8 (23) Thebacon.

9 (c) Hallucinogenic substances. Unless specifically excepted or
10 unless listed in another schedule, any material, compound, mixture,
11 or preparation which contains any quantity of the following
12 hallucinogenic substances, including their salts, isomers, and salts
13 of isomers whenever the existence of those salts, isomers, and salts
14 of isomers is possible within the specific chemical designation. For
15 the purposes of this subsection only, the term "isomer" includes the
16 optical, position, and geometric isomers:

17 (1) Alpha-ethyltryptamine: Some trade or other names:
18 Etryptamine; monase; a-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)
19 indole; a-ET; and AET;

20 (2) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names:
21 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA;

22 (3) 4-bromo-2,5-dimethoxyphenethylamine: Some trade or other
23 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl
24 DOB; 2C-B, nexus;

25 (4) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-
26 dimethoxy-a-methylphenethylamine; 2,5-DMA;

27 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);

28 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine: Other name:
29 2C-T-7;

30 (7) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-a-
31 methylphenethylamine; paramethoxyamphetamine, PMA;

32 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;

33 (9) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other
34 names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and
35 "STP";

36 (10) 3,4-methylenedioxy amphetamine;

37 (11) 3,4-methylenedioxymethamphetamine (MDMA);

38 (12) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-
39 ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA,
40 MDE, MDEA;

1 (13) N-hydroxy-3,4-methylenedioxyamphetamine also known as
2 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-hydroxy
3 MDA;
4 (14) 3,4,5-trimethoxy amphetamine;
5 (15) Alpha-methyltryptamine: Other name: AMT;
6 (16) Bufotenine: Some trade or other names: 3-(beta-
7 Dimethylaminoethyl)-5-hydroxindole; 3-(2-dimethylaminoethyl)-5-
8 indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;
9 mappine;
10 (17) Diethyltryptamine: Some trade or other names: N,N-
11 Diethyltryptamine; DET;
12 (18) Dimethyltryptamine: Some trade or other names: DMT;
13 (19) 5-methoxy-N,N-diisopropyltryptamine: Other name: 5-MeO-DIPT;
14 (20) Ibogaine: Some trade or other names: 7-Ethyl-6,6 beta,
15 7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyndo (1',2' 1,2)
16 azepino (5,4-b) indole; Tabernanthe iboga;
17 (21) Lysergic acid diethylamide;
18 (22) Marihuana or marijuana;
19 (23) Mescaline;
20 (24) Parahexyl-7374: Some trade or other names: 3-Hexyl-1-
21 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-
22 dibenzo[b,d]pyran; synhexyl;
23 (25) Peyote, meaning all parts of the plant presently classified
24 botanically as Lophophora Williamsii Lemaire, whether growing or not,
25 the seeds thereof, any extract from any part of such plant, and every
26 compound, manufacture, salts, derivative, mixture, or preparation of
27 such plant, its seeds, or extracts; (interprets 21 U.S.C. Sec. 812
28 (c), Schedule I (c)(12));
29 (26) N-ethyl-3-piperidyl benzilate;
30 (27) N-methyl-3-piperidyl benzilate;
31 (28) Psilocybin;
32 (29) Psilocyn;
33 (30) Tetrahydrocannabinols, meaning tetrahydrocannabinols
34 naturally contained in a plant of the genus Cannabis (cannabis
35 plant), as well as synthetic equivalents of the substances contained
36 in the plant, or in the resinous extractives of Cannabis, species,
37 and/or synthetic substances, derivatives, and their isomers with
38 similar chemical structure and pharmacological activity such as the
39 following:

(i) 1 - cis - or trans tetrahydrocannabinol, and their optical isomers, excluding tetrahydrocannabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the United States Food and Drug Administration;

(ii) 6 - cis - or trans tetrahydrocannabinol, and their optical isomers;

(iii) 3,4 - cis - or trans tetrahydrocannabinol, and its optical isomers; or

(iv) That is chemically synthesized and either:

(a) Has been demonstrated to have binding activity at one or more cannabinoid receptors; or

(b) Is a chemical analog or isomer of a compound that has been demonstrated to have binding activity at one or more cannabinoid receptors;

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

(31) Ethylamine analog of phencyclidine: Some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

(32) Pyrrolidine analog of phencyclidine: Some trade or other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;

(33) Thiophene analog of phencyclidine: Some trade or other names: 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP;

(34) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or other name is TCPy.

(d) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

(1) Gamma-hydroxybutyric acid: Some other names include GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate;

(2) Mecloqualone;

(3) Methaqualone.

(e) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Aminorex: Some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4, 5-dihydro-5-phenyl-2-oxazolamine;

(2) N-Benzylpiperazine: Some other names: BZP, 1-benzylpiperazine;

(3) Cathinone, also known as 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;

(4) Fenethylline;

(5) Methcathinone: Some other names: 2-(methylamino)-propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432, its salts, optical isomers, and salts of optical isomers;

(6) (+-)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

(7) N-ethylamphetamine;

(8) N,N-dimethylamphetamine: Some trade or other names: N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenoethylene.

The controlled substances in this section may be added, rescheduled, or deleted as provided for in RCW 69.50.201.

Sec. 1204. RCW 69.50.430 and 2015 c 265 s 36 are each amended to read as follows:

(1) Every adult offender convicted of a felony violation of RCW 69.50.401 through 69.50.4013, 69.50.4015, 69.50.402, 69.50.403, 69.50.406, 69.50.407, 69.50.410, or 69.50.415 (~~shall~~) must be fined one thousand dollars in addition to any other fine or penalty imposed. Unless the court finds the adult offender to be indigent, this additional fine (~~shall~~) may not be suspended or deferred by the court.

(2) On a second or subsequent conviction for violation of any of the laws listed in subsection (1) of this section, the adult offender (~~shall~~) must be fined two thousand dollars in addition to any other fine or penalty imposed. Unless the court finds the adult offender to be indigent, this additional fine (~~shall~~) may not be suspended or deferred by the court.

1 (3) In addition to any other civil or criminal penalty, every
2 person who violates or causes another to violate RCW 69.50.401 by
3 distributing, dispensing, manufacturing, displaying for sale,
4 offering for sale, attempting to sell, or selling to a purchaser any
5 product that contains any amount of any synthetic cannabinoid, as
6 identified in RCW 69.50.204, must be fined not less than ten thousand
7 dollars and not more than five hundred thousand dollars. If, however,
8 the person who violates or causes another to violate RCW 69.50.401 by
9 distributing, dispensing, manufacturing, displaying for sale,
10 offering for sale, attempting to sell, or selling any product that
11 contains any amount of any synthetic cannabinoid, as identified in
12 RCW 69.50.204, to a purchaser under the age of eighteen, the minimum
13 penalty is twenty-five thousand dollars if the person is at least two
14 years older than the minor. Unless the court finds the person to be
15 indigent, this additional fine may not be suspended or deferred by
16 the court.

17 NEW SECTION. Sec. 1205. A new section is added to chapter 69.50
18 RCW to read as follows:

19 In addition to any other civil or criminal penalty, every person
20 who violates or causes another to violate RCW 69.50.401 by
21 distributing, dispensing, manufacturing, displaying for sale,
22 offering for sale, attempting to sell, or selling to a purchaser any
23 product that contains any amount of any cathinone or methcathinone,
24 as identified in RCW 69.50.204, must be fined not less than ten
25 thousand dollars and not more than five hundred thousand dollars. If,
26 however, the person who violates or causes another to violate RCW
27 69.50.401 by distributing, dispensing, manufacturing, displaying for
28 sale, offering for sale, attempting to sell, or selling any product
29 that contains any amount of any cathinone or methcathinone, as
30 identified in RCW 69.50.204, to a purchaser under the age of
31 eighteen, the minimum penalty is twenty-five thousand dollars if the
32 person is at least two years older than the minor. Unless the court
33 finds the person to be indigent, this additional fine may not be
34 suspended or deferred by the court.

35 **PART XIII**

36 **Restricting Certain Methods of Selling Marijuana**

NEW SECTION. **Sec. 1301.** A new section is added to chapter 69.50
RCW to read as follows:

(1) A retailer licensed under this chapter is prohibited from operating a vending machine, as defined in RCW 82.08.080(3) for the sale of marijuana products at retail or a drive-through purchase facility where marijuana products are sold at retail and dispensed through a window or door to a purchaser who is either in or on a motor vehicle or otherwise located outside of the licensed premises at the time of sale.

(2) The state liquor and cannabis board may not issue, transfer, or renew a marijuana retail license for any licensee in violation of the provisions of subsection (1) of this section.

PART XIV

Marijuana Clubs

NEW SECTION. **Sec. 1401.** A new section is added to chapter 69.50
RCW to read as follows:

(1) It is unlawful for any person to conduct or maintain a marijuana club by himself or herself or by associating with others, or in any manner aid, assist, or abet in conducting or maintaining a marijuana club.

(2) It is unlawful for any person to conduct or maintain a public place where marijuana is held or stored, except as provided for a licensee under this chapter, or consumption of marijuana is permitted.

(3) Any person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW.

(4) The following definitions apply throughout this section unless the context clearly requires otherwise.

(a) "Marijuana club" means a club, association, or other business, for profit or otherwise, that conducts or maintains a premises for the primary or incidental purpose of providing a location where members or other persons may keep or consume marijuana on the premises.

(b) "Public place" means, in addition to the definition provided in RCW 66.04.010, any place to which admission is charged or for which any pecuniary gain is realized by the owner or operator of such place.

PART XV

Marijuana Research Licenses

Sec. 1501. RCW 69.50.--- and 2015 c 71 s 1 are each amended to read as follows:

(1) There shall be a marijuana research license that permits a licensee to produce, process, and possess marijuana for the following limited research purposes:

(a) To test chemical potency and composition levels;

(b) To conduct clinical investigations of marijuana-derived drug products;

(c) To conduct research on the efficacy and safety of administering marijuana as part of medical treatment; and

(d) To conduct genomic or agricultural research.

(2) As part of the application process for a marijuana research license, an applicant must submit to the life sciences discovery fund authority a description of the research that is intended to be conducted. The life sciences discovery fund authority must review the project and determine that it meets the requirements of subsection (1) of this section. If the life sciences discovery fund authority determines that the research project does not meet the requirements of subsection (1) of this section, the application must be denied.

(3) A marijuana research licensee may only sell marijuana grown or within its operation to other marijuana research licensees. The state liquor (~~control~~) and cannabis board may revoke a marijuana research license for violations of this subsection.

(4) A marijuana research licensee may contract with the University of Washington or Washington State University to perform research in conjunction with the university. All research projects, not including those projects conducted pursuant to a contract entered into under RCW 28B.20.502(3), must be approved by the life sciences discovery fund authority and meet the requirements of subsection (1) of this section.

(5) In establishing a marijuana research license, the state liquor (~~control~~) and cannabis board may adopt rules on the following:

(a) Application requirements;

(b) Marijuana research license renewal requirements, including whether additional research projects may be added or considered;

(c) Conditions for license revocation;

1 (d) Security measures to ensure marijuana is not diverted to
2 purposes other than research;

3 (e) Amount of plants, useable marijuana, marijuana concentrates,
4 or marijuana-infused products a licensee may have on its premises;

5 (f) Licensee reporting requirements;

6 (g) Conditions under which marijuana grown by marijuana
7 processors may be donated to marijuana research licensees; and

8 (h) Additional requirements deemed necessary by the state liquor
9 (~~control~~) and cannabis board.

10 (6) The production, processing, possession, delivery, donation,
11 and sale of marijuana in accordance with this section and the rules
12 adopted to implement and enforce it, by a validly licensed marijuana
13 researcher, shall not be a criminal or civil offense under Washington
14 state law. Every marijuana research license (~~shall~~) must be issued
15 in the name of the applicant, (~~shall~~) must specify the location at
16 which the marijuana researcher intends to operate, which must be
17 within the state of Washington, and the holder thereof (~~shall~~) may
18 not allow any other person to use the license.

19 (7) The application fee for a marijuana research license is two
20 hundred fifty dollars. The annual fee for issuance and renewal of a
21 marijuana research license is one thousand dollars. Fifty percent of
22 the application fee, the issuance fee, and the renewal fee must be
23 deposited to the life sciences discovery fund under RCW 43.350.070,
24 or, if that fund ceases to exist, to the general fund.

25 **Sec. 1502.** RCW 28B.20.502 and 2015 c 71 s 2 are each amended to
26 read as follows:

27 (1) The University of Washington and Washington State University
28 may conduct scientific research on the efficacy and safety of
29 administering marijuana as part of medical treatment. As part of this
30 research, the University of Washington and Washington State
31 University may develop and conduct studies to ascertain the general
32 medical safety and efficacy of marijuana, and may develop medical
33 guidelines for the appropriate administration and use of marijuana.

34 (2) The University of Washington and Washington State University
35 may, in accordance with RCW 69.50.--- (section 1, chapter 71, Laws of
36 2015), contract with marijuana research licensees to conduct research
37 permitted under this section and RCW 69.50.--- (section 1, chapter
38 71, Laws of 2015).

1 (3) The University of Washington and Washington State University
2 may contract to conduct marijuana research with an entity licensed to
3 conduct such research by a federally recognized Indian tribe located
4 within the geographical boundaries of the state of Washington.

5 **Sec. 1503.** RCW 43.350.030 and 2015 c 71 s 3 are each amended to
6 read as follows:

7 In addition to other powers and duties prescribed in this
8 chapter, the authority is empowered to:

9 (1) Use public moneys in the life sciences discovery fund,
10 leveraging those moneys with amounts received from other public and
11 private sources in accordance with contribution agreements, to
12 promote life sciences research;

13 (2) Solicit and receive gifts, grants, and bequests, and enter
14 into contribution agreements with private entities and public
15 entities other than the state to receive moneys in consideration of
16 the authority's promise to leverage those moneys with amounts
17 received through appropriations from the legislature and
18 contributions from other public entities and private entities, in
19 order to use those moneys to promote life sciences research. Nonstate
20 moneys received by the authority for this purpose shall be deposited
21 in the life sciences discovery fund created in RCW 43.350.070;

22 (3) Hold funds received by the authority in trust for their use
23 pursuant to this chapter to promote life sciences research;

24 (4) Manage its funds, obligations, and investments as necessary
25 and as consistent with its purpose including the segregation of
26 revenues into separate funds and accounts;

27 (5) Make grants to entities pursuant to contract for the
28 promotion of life sciences research to be conducted in the state.
29 Grant agreements (~~shall~~) must specify deliverables to be provided
30 by the recipient pursuant to the grant. The authority shall solicit
31 requests for funding and evaluate the requests by reference to
32 factors such as: (a) The quality of the proposed research; (b) its
33 potential to improve health outcomes, with particular attention to
34 the likelihood that it will also lower health care costs, substitute
35 for a more costly diagnostic or treatment modality, or offer a
36 breakthrough treatment for a particular disease or condition; (c) its
37 potential for leveraging additional funding; (d) its potential to
38 provide health care benefits or benefit human learning and
39 development; (e) its potential to stimulate the health care delivery,

1 biomedical manufacturing, and life sciences related employment in the
2 state; (f) the geographic diversity of the grantees within
3 Washington; (g) evidence of potential royalty income and contractual
4 means to recapture such income for purposes of this chapter; and (h)
5 evidence of public and private collaboration;

6 (6) Create one or more advisory boards composed of scientists,
7 industrialists, and others familiar with life sciences research;

8 (7) Review and approve or disapprove marijuana research license
9 applications under RCW 69.50.--- (section 1, chapter 71, Laws of
10 2015);

11 (8) Review any reports made by marijuana research licensees under
12 state liquor (~~((control))~~) and cannabis board rule and provide the
13 state liquor (~~((control))~~) and cannabis board with its determination on
14 whether the research project continues to meet research
15 qualifications under RCW 69.50.---(1) (section 1, chapter 71, Laws of
16 2015); and

17 (9) Adopt policies and procedures to facilitate the orderly
18 process of grant application, review, and reward.

19 **Sec. 1504.** RCW 42.56.--- and 2015 c 71 s 4 are each amended to
20 read as follows:

21 Reports submitted by marijuana research licensees in accordance
22 with rules adopted by the state liquor (~~((control))~~) and cannabis board
23 under RCW 69.50.--- (section 1, chapter 71, Laws of 2015) that
24 contain proprietary information are exempt from disclosure under this
25 chapter.

26 **PART XVI**

27 **Miscellaneous Provisions**

28 **Sec. 1601.** RCW 69.50.342 and 2015 c 70 s 7 are each amended to
29 read as follows:

30 (1) For the purpose of carrying into effect the provisions of
31 chapter 3, Laws of 2013 according to their true intent or of
32 supplying any deficiency therein, the state liquor and cannabis board
33 may adopt rules not inconsistent with the spirit of chapter 3, Laws
34 of 2013 as are deemed necessary or advisable. Without limiting the
35 generality of the preceding sentence, the state liquor and cannabis
36 board is empowered to adopt rules regarding the following:

1 (a) The equipment and management of retail outlets and premises
2 where marijuana is produced or processed, and inspection of the
3 retail outlets and premises where marijuana is produced or processed;

4 (b) The books and records to be created and maintained by
5 licensees, the reports to be made thereon to the state liquor and
6 cannabis board, and inspection of the books and records;

7 (c) Methods of producing, processing, and packaging marijuana,
8 useable marijuana, marijuana concentrates, and marijuana-infused
9 products; conditions of sanitation; safe handling requirements;
10 approved pesticides and pesticide testing requirements; and standards
11 of ingredients, quality, and identity of marijuana, useable
12 marijuana, marijuana concentrates, and marijuana-infused products
13 produced, processed, packaged, or sold by licensees;

14 (d) Security requirements for retail outlets and premises where
15 marijuana is produced or processed, and safety protocols for
16 licensees and their employees;

17 (e) Screening, hiring, training, and supervising employees of
18 licensees;

19 (f) Retail outlet locations and hours of operation;

20 (g) Labeling requirements and restrictions on advertisement of
21 marijuana, useable marijuana, marijuana concentrates, cannabis health
22 and beauty aids, and marijuana-infused products for sale in retail
23 outlets;

24 (h) Forms to be used for purposes of this chapter and chapter
25 69.51A RCW or the rules adopted to implement and enforce these
26 chapters, the terms and conditions to be contained in licenses issued
27 under this chapter and chapter 69.51A RCW, and the qualifications for
28 receiving a license issued under this chapter and chapter 69.51A RCW,
29 including a criminal history record information check. The state
30 liquor and cannabis board may submit any criminal history record
31 information check to the Washington state patrol and to the
32 identification division of the federal bureau of investigation in
33 order that these agencies may search their records for prior arrests
34 and convictions of the individual or individuals who filled out the
35 forms. The state liquor and cannabis board (~~shall~~) must require
36 fingerprinting of any applicant whose criminal history record
37 information check is submitted to the federal bureau of
38 investigation;

39 (i) Application, reinstatement, and renewal fees for licenses
40 issued under this chapter and chapter 69.51A RCW, and fees for

1 anything done or permitted to be done under the rules adopted to
2 implement and enforce this chapter and chapter 69.51A RCW;

3 (j) The manner of giving and serving notices required by this
4 chapter and chapter 69.51A RCW or rules adopted to implement or
5 enforce these chapters;

6 (k) Times and periods when, and the manner, methods, and means by
7 which, licensees (~~shall~~) transport and deliver marijuana, marijuana
8 concentrates, useable marijuana, and marijuana-infused products
9 within the state;

10 (l) Identification, seizure, confiscation, destruction, or
11 donation to law enforcement for training purposes of all marijuana,
12 marijuana concentrates, useable marijuana, and marijuana-infused
13 products produced, processed, sold, or offered for sale within this
14 state which do not conform in all respects to the standards
15 prescribed by this chapter or chapter 69.51A RCW or the rules adopted
16 to implement and enforce these chapters.

17 (2) Rules adopted on retail outlets holding medical marijuana
18 endorsements must be adopted in coordination and consultation with
19 the department.

20 NEW SECTION. Sec. 1602. RCW 69.50.425 (Misdemeanor violations—
21 Minimum penalties) and 2015 c 265 s 35, 2002 c 175 s 44, & 1989 c 271
22 s 105 are each repealed.

23 NEW SECTION. Sec. 1603. (1) Subject to appropriation, if, in
24 addition to any distributions required by section 206 of this act,
25 funding of at least six million dollars per fiscal year for fiscal
26 years 2016 and 2017 is not provided by June 30, 2015, in the omnibus
27 appropriations act for distribution to local governments for
28 marijuana enforcement, this section is null and void. The
29 appropriation in the omnibus appropriations act must reference this
30 section by bill and section number. Distributions to local
31 governments are based on the distribution formula in subsection (2)
32 of this section.

33 (2)(a) The distribution amount allocated to each county,
34 including the portion for eligible cities within the county, is
35 ratably based on the total amount of taxable sales of marijuana
36 products subject to the marijuana excise tax under RCW 69.50.535 in
37 the prior fiscal year within the county, including all taxable sales
38 attributable to the incorporated areas within the county.

1 Distribution amounts allocated to each county, and eligible cities
2 within the county, must be distributed in four installments by the
3 last day of each fiscal quarter as follows.

4 (b) Sixty percent must be distributed to each county, except
5 where there is no eligible city with taxable sales of marijuana
6 products in the prior fiscal year, in which case the county must
7 receive one hundred percent of the distribution amount allocated to
8 the county as determined in (a) of this subsection. A county in which
9 the producing, processing, or retailing of marijuana products is
10 prohibited in the unincorporated area of the county is not entitled
11 to a distribution and the distribution amount must be distributed
12 instead to the eligible cities within the county as provided in (c)
13 of this subsection.

14 (c) After making any distribution to counties as provided in (b)
15 of this subsection, the treasurer must distribute the remaining
16 amount to eligible cities within the counties. The share to each
17 eligible city within a county must be determined by a division among
18 the eligible cities within each county ratably based on total sales,
19 from the prior fiscal year, of all marijuana products subject to the
20 marijuana excise tax under RCW 69.50.535 within the boundaries of
21 each eligible city located within the county. "Eligible city" means
22 any city or town in which sales of marijuana products are
23 attributable to a marijuana retailer, as defined in RCW 69.50.101,
24 located within the boundaries of the city or town.

25 (d) By September 15th of each year, the state liquor and cannabis
26 board must provide the state treasurer the annual distribution
27 amount, if any, for each county and city as determined in subsection
28 (2) of this section.

29 NEW SECTION. **Sec. 1604.** If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other
32 persons or circumstances is not affected.

33 NEW SECTION. **Sec. 1605.** (1) Except as provided otherwise in
34 this section, this act is necessary for the immediate preservation of
35 the public peace, health, or safety, or support of the state
36 government and its existing public institutions, and takes effect
37 July 1, 2015.

1 (2) Except for section 503 of this act, part V of this act takes
2 effect October 1, 2015.

3 (3) Sections 203 and 1001 of this act take effect July 1, 2016.

4 (4) Sections 302, 503, 901, 1204, and 1601 of this act and part
5 XV of this act are necessary for the immediate preservation of the
6 public peace, health, or safety, or support of the state government
7 and its existing public institutions, and take effect July 24, 2015.

Passed by the House June 26, 2015.

Passed by the Senate June 27, 2015.

Approved by the Governor June 30, 2015.

Filed in Office of Secretary of State June 30, 2015.

--- END ---



STAFF REPORT
CAMAS MUNICIPAL CODE – SMOKE SHOPS

FILE #MC15-07
OCTOBER 20, 2015

To: Bryan Beel, Chair
Planning Commission

Public Hearing: October 26, 2015

From: Phil Bourquin, Community Development Director

Compliance with state agencies: Notice of the public hearing before Planning Commission was published in the Camas Post Record on October 20, 2015 and posted at Camas City Hall, the Camas Post Office and Camas Public Library.

SUMMARY

With the legalization of marijuana within Washington State, many cities including the City of Camas have witnessed an increased interest in the sale paraphernalia that can be used in conjunction with tobacco or marijuana use. While the City of Camas has or is addressing marijuana retail sales, marijuana production and marijuana processing under its zoning regulations, there is currently no zoning regulation defining or regulating the sales of paraphernalia related to tobacco or marijuana use. Lacking a clear definition of a smoke shop, the City has interpreted and applied its code to date to be permissive of the use in all commercial zones under a broad umbrella and general category of retail commercial uses.

City Council in response from concerns from the public regarding the establishment and location of a smoke shop in proximity to Crown Park, Liberty Middle School, Hayes Freedom High School, and Helen Baller Elementary School, directed Staff to bring forward for public discussion smoke shops as a category of use to be potentially regulated under local zoning controls.

Pursuant to Camas municipal Code 2.32.010, the role of the Planning Commission is to act a research and fact finding agency for the City and serves in an advisory capacity to the city council and mayor. The Planning Commission held a public hearing on September 15, 2015, to accept public testimony on the subject, deliberate and to forward on a recommendation to City Council.

DISCUSSION

1. In determining what zoning districts are appropriate for a given use, the Camas Municipal provides a summary of the zones and the differing characteristics of each:

18.05.050 - Commercial and industrial zones.

The purpose of the commercial, industrial, and high technology zones are to provide services and employment primarily to residents. These areas are zoned according to the services they provide. As a result, each zone has different characteristics as summarized below:

- A. NC Neighborhood Commercial. This zone provides for the day-to-day needs of the immediate neighborhood. This zone is intended to be small, but fairly numerous throughout the city.

Convenience goods (e.g., food, drugs and sundries), along with personal services (e.g., dry cleaning, barbershop or beauty shop), are common goods and services offered.

- B. CC Community Commercial. This zone provides for the goods and services of longer-term consumption, and tend to be higher-priced items than the neighborhood commercial zone district. Typical goods include clothing, hardware and appliance sales. Some professional services are offered, e.g., real estate office or bank. Eating and drinking establishments may also be provided. This zone tends to vary in size, but is larger than the neighborhood commercial zone.
 - C. RC Regional Commercial. This zone provides apparel, home furnishings, and general merchandise in depth and variety, as well as providing services for food clusters and some recreational activities. Regional commercial is the largest of the commercial zones and is designed to serve the region or a significant portion of the region's population.
 - D. DC Downtown Commercial. This zone is designated as a large community commercial area, providing a large range of goods and services. This area is designed to promote commercial diversification to serve the immediate residential and office uses in the surrounding areas. Compact development is encouraged that is supportive of transit and pedestrian travel, through higher building heights and floor area ratios than those found in other commercial districts.
 - E. LI Light Industrial. This zone provides for uses that are more compatible with commercial, residential, or multifamily uses. Typical uses in this zone include assembly and manufacturing of electronic and precision instruments. More intensive industry, e.g., metal fabrication, is excluded.
 - F. LI/BP Light Industrial/Business Park. This zone provides for uses such as, offices related to industrial usage, research and development, limited commercial, and associated warehousing uses, including the provision of employee recreation opportunities. Development in campus-like setting with generous landscaping, well-designed buildings and near major traffic corridors is anticipated.
 - G. HI Heavy Industrial. This zone provides for a wide range of industrial and manufacturing uses. Types of activities in this zone include assembly, manufacturing, fabrication, processing, bulk handling and storage, research facilities, associated warehousing, and heavy trucking.
 - H. MX Mixed Use. This zone provides for a wide range of commercial and residential uses. Compact development is encouraged that is supportive of transit and pedestrian travel.
2. The Community Commercial (CC) and Regional Commercial (RC) zones are generally located in proximity to collector or arterial roadways and permit the broadest list of retail uses of the commercial zoning districts. In contrast, the Neighborhood Commercial (NC) Zone is intended to be located to serve immediate neighborhoods and be fairly numerous throughout the City.

3. The Downtown Commercial zone includes the historic downtown area of Camas that is considered Camas' living room. The downtown is a destination for family and community events, includes a public library, restaurants a theater.
4. Industrial/Mixed Use/Business Park zones. These zones are intended for industry, professional business, or commercial uses that directly service these uses or the residential uses therein.
5. Under state law (RCW 69.50.331) retail marijuana stores must be a minimum 1000 feet of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or game arcade that allows minors to enter. The siting standards address public concerns with the increased potential for visibility and sales to minors and increased acceptance and interest by minors. Applying a similar standard to "smoke shops" would seemingly place reasonable restrictions on the location of smoke shops while still providing for a reasonable number and location for potential shops to locate.

RECOMMENDATION

The Planning Commission has forward on a recommendation to City Council regarding the definition of a "smoke shop" and zoning and siting standards related thereto. Underlined text represents proposed additions to the existing code while ~~strikethrough text~~ represents proposed deletions of the code.

Further Staff recommends that any amendment to CMC 18.07.030 Table 1, note 9 be reconciled with any amendments related to marijuana retail sales.

1. Proposed amendments to CMC 18.03.030-Definitions for Land Uses:

* * *

"E-cigarette" shall mean any electronically actuated device or inhaler meant to simulate cigarette smoking that uses a heating element to vaporize a liquid solution, popularly referred to as "juice", and that causes the user to exhale any smoke, vapor, or substance other than that produced by unenhanced human exhalation. The juice used in e-cigarettes typically contains nicotine, and for this reason e-cigarettes and their juice fall under the classification of tobacco products and tobacco paraphernalia.

* * *

"Smoke Shop/Head Shop" shall mean any premises where the primary use (fifty percent or more of the net floor area of a business) is dedicated to the display, sale, distributions, delivery, offering, furnishing, or marketing of tobacco, tobacco products or tobacco paraphernalia.

* * *

"Tobacco paraphernalia" shall mean any paraphernalia, equipment, device, or instrument that is primarily designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco, tobacco products, marijuana, marijuana products, or other controlled substances as defined by the State of Washington.

Items or devices classified as tobacco paraphernalia include but are not limited to the following: pipes, punctured metal bowls, bongs, water bongs, electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material. Lighters and matches shall be excluded from the definition of tobacco paraphernalia.

“Tobacco product” shall mean any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from the tobacco plant, or otherwise derived, which is intended to enable human consumption of the tobacco or nicotine in the product, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. For the purposes of this chapter, the term “tobacco product” excludes any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose.

2. Proposed amendments to CMC 18.07.030 Table 1:

18.07.030 Table 1—Commercial and industrial land uses.

KEY:

P = Permitted Use

C = Conditional Use

X = Prohibited Use

T = Temporary Use

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
Commercial Uses									
<u>Smoke Shop (9)</u>	X	X	P	P	X	X	X	X	X

Notes:

~~9. This section shall be in effect through October 31, 2015.~~

9. Must be sited a minimum 1000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or game arcade to which is not restricted to persons twenty-one years or older. Further, a Smoke Shop shall post clear signage in a conspicuous location near each public entrance stating the minors may not enter the premises unless accompanied by a parent or legal guardian.

Exhibit List
Zoning of Smoke Shops
File No. MC15-07

Planning Commission Hearing Date: September 15, 2015

- Exhibit 001 Abilene Texas, Ordinance No.23-2013 regulating head shops (3 pages)
- Exhibit 002 City of Pico Rivera, California, Ordinance No. 1078 (4 pages)
- Exhibit 003 Web Article, *Reduce Drug Paraphernalia – NCPC*
- Exhibit 004 The Oregonian, *Vancouver considers ordinance to keep bongs, pipes hidden at convenience stores*, dated February 10, 2012 (2 pages)
- Exhibit 005 Article, Rocklin, California, temporary ban on smoke shops (4 pages)
- Exhibit 006 Fayetteville Observer Article, Fayetteville North Carolina, *Proposed ordinance targets tobacco shops in Fayetteville*. January 2, 2015. (2 pages)
- Exhibit 007 Tri-City Beat Article, *Fremont cracks down on head shops*, April 28, 2015
- Exhibit 008 North Coastal Prevention Coalition in Vista California, FAQ head shops (3 pages)
- Exhibit 009 Open Post, Monrovia, California, *City Bans New Headshops With Urgency Ordinance*, May 1, 2012 (3 pages)
- Exhibit 010 Article by Aaron Rugar, *Moorehead Drug paraphernalia law...*, May 24, 2012 (2 pages)
- Exhibit 011 Rohnert Park, California, Ordinance No. 813, April 28, 2009 (11 pages)
- Exhibit 012 Covina, California, Code Chapter 17.61 Smoke shops and Tobacco stores (4 pages)
- Exhibit 013 Holtom City, Texas, Ordinance No. 0-2014-032-03 regarding smoke shops and smoke lounges, October 13, 2014 (6 pages)

AN ORDINANCE AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; CALLING A PUBLIC HEARING; AND DECLARING THE PASSAGE AN EMERGENCY NECESSARY TO IMMEDIATELY PRESERVE THE PUBLIC WELFARE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, part known as the "Land Development Code," of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

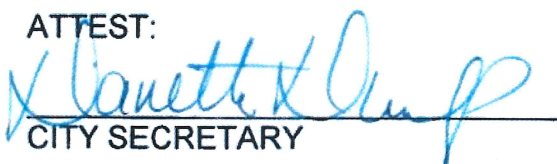
PART 3: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

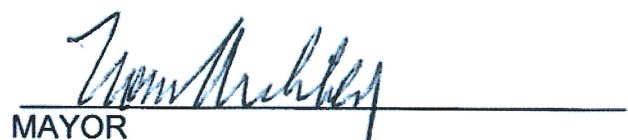
PART 4: That the Council finds that the adoption of this ordinance relates to the immediate preservation of public welfare due to the potential negative consequences on public health and safety of delaying this decision, thus requiring only one reading of this ordinance upon affirmative vote of at least five council members.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 25th day of May, 2013, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 13th day of June, 2013, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance passed as an emergency measure, becomes effective immediately after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

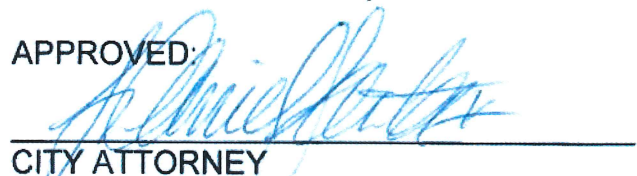
PASSED ON FIRST AND FINAL READING THIS 13th day of June, A.D. 2013.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

ORDINANCE NO. 23-2013

EXHIBIT "A"

AMEND: Section 2.4.2.1 The Land Use Matrix

ADD: Add the 'head shop' use to the Land Use Matrix

LEGEND: P-Permitted, Blank-Not Permitted, C-Conditional Use Permit, TP-Requires a Temporary Permit, M-Conditions Apply See Ch.2 Art.5 Div.3

Permitted Uses	Agricultural Open Space	Rural Residential RR-5 & RR1	Residential Single-Family	Residential Single-Family Palio Home	Residential Townhouse	Residential Medium Density	Residential Multi-Family	Manufactured/Mobile Home	College & University	Neighborhood Office	Office	Neighborhood Retail	General Retail	Medical Use	Central Business	Mixed Use	General Commercial	Heavy Commercial	Light Industrial	Heavy Industrial	Parking Requirements (also refer to Chapter 4, Article 2, Division 1)
	AO	RR	RS	PH	TH	MD	MF	MH	CU	NO	O	NR	GR	MU	CB	MX	GC	HC	LI	HI	
Trade - Retail Uses																					
Head Shop	<input checked="" type="checkbox"/>																	P	P	P	1,500 SF

AMEND: Section 2.4.3.3 All Other Uses with Specific Requirements

ADD: Add regulations for head shops to subsection (a) Specific Requirements

(a) Specific Requirements.

(27) HEAD SHOP:

- (a) All structures housing a head shop (as defined in Chapter 5 of this LDC) shall be located as follows:
- (1) At least six hundred feet (600') from the property boundary line of any lot in a College University zoning district;
 - (2) At least six hundred feet (600') from the property boundary line of any residentially zoned lot or any lot used for church, park, or hospital purposes;
 - (3) At least one thousand feet (1,000') of another structure housing a head shop; and
 - (4) At least two thousand five hundred feet (~~2,000~~2,500') from any lot used for school purposes.

SCHOOL

Measurements are to be in a straight line in all directions from the structure housing the head shop to the nearest property line on any lot in the College-University zoning district, any residentially zoned district, any lot used for church, school, or hospital purposes, any park, or any structure housing a head shop.

- (b) The measurements for a structure shall be taken from the furthest point that a structure extends in any direction, including overhanging roofs and all other projections or portions of said structure.
- (c) Should a head shop be located in conjunction with other buildings in a manner where the head shop is clearly separated from other portions of the structure, (for example, a head shop store in a shopping center) the head shop's measurements shall be taken from the

boundaries of the space in which the store is housed or confined (not the entire shopping center, motel, or structure).

- (d) Should a head shop be located in conjunction with other buildings in a manner where the store is situated above the ground level of a multi-story structure and is clearly separate from other activities within the structure (for example, an head shop store on an upper level of an office tower or hotel), the head shop's measurements shall be taken from the entry to that portion of the structure housing the store, thence to the nearest point of egress (elevator or stairs), thence to the nearest ground floor exit, thence in a straight line to the nearest point on any lot in a residential district or a College University district, or any lot or tract used for church, school, hospital or park purposes, and any structure housing a head shop.
- (e) Each applicant for a head shop must submit a Site Plan setting out the dimension and locations for such store. The applicant shall sign a certified and notarized statement attached to the Site Plan that the proposed head shop store complies with the requirements set forth herein above. It shall be the duty of the applicant to prepare the Site Plan and to assure compliance with the distance requirements.

GRAND FATHERLY (f) **Amortization:** A head shop in operation prior to the effective date of this ordinance which does not conform to the regulations pertaining to head shops shall be considered to be a non-conforming use that may continue for four ~~6~~(4) months from the effective date of this ordinance.

AMEND: Section 5.1.1.3 Land Use Definitions

ADD: Add a definition for head shops to subsection (a) Land Use Definitions & Matrix Correlation

(a) Land Use Definitions & Matrix Correlation.

- (86) **HEAD SHOP:** Any retail establishment open to the public that presents, displays, or offers for sale paraphernalia, items, equipment, or products commonly used, intended to be used, or commonly known to be used, for the ingestion, inhalation, preparation, or injection of illegal substances, to include any device which has been fabricated, constructed, altered, adjusted, or marked especially for use in the smoking or ingestion of marijuana, hashish, cocaine, methamphetamine, any other "controlled substance," "controlled substance analogue," "synthetic controlled substance," or substance or chemical that mimics the effect of THC such as synthetic cannabinoids or other controlled substances, or any other substance that violates local, State, or Federal law, and is adapted to that purpose by virtue of a distinctive feature or combination of features associated with drug paraphernalia, notwithstanding that it might also be possible to use the device for some other purpose.

-END-

ORDINANCE NO. 1078

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, EXTENDING THE TERMS AND PROVISIONS OF ORDINANCE NO. 1077 DECLARING A MORATORIUM ON THE ACCEPTANCE, PROCESSING OR ISSUANCE OF ANY ZONING PERMIT, USE PERMIT, BUILDING PERMIT, OCCUPANCY PERMIT, OR OTHER ENTITLEMENT FOR DRUG PARAPHERNALIA RETAILERS AND HEAD SHOPS WITHIN CITY LIMITS FOR A PERIOD OF ONE YEAR.

THE CITY COUNCIL OF THE CITY OF PICO RIVERA DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that on May 28, 2013, it adopted Ordinance No. 1075, an Ordinance of the City Council of the City of Pico Rivera declaring a moratorium on the acceptance, processing or issuance of any zoning permit, use permit, building permit, occupancy permit, or other entitlement for establishment and operation for electronic cigarettes retailers, drug paraphernalia retailers, head and smoke shops within city limits, and setting forth facts constituting the same as an urgency ordinance.

SECTION 2. On June 25, 2013, the City Council voted to extend the moratorium for 45 additional days adopting Ordinance No. 1077 and continued the public hearing.

SECTION 3. The City Council finds that it is imperative that the moratorium be separated between drug paraphernalia, head and smoke shops and electronic cigarettes and grant the extension of one year for Ordinance 1077.

SECTION 4. The City Council finds that in accordance with the terms and provision of Ordinance No. 1075 and Ordinance No. 1077, planning division staff commenced studies pertaining to the proper conditions and regulations for electronic cigarette retailers, drug paraphernalia retailers, smoke and head shops and a written report describing the measures taken and to be taken to alleviate the conditions that led to the adoption of Ordinance No. 1075 and subsequently Ordinance No. 1077 is set forth in the staff report accompanying the Ordinances, which are incorporated by reference. Said reports are approved and issued by the City Council pursuant Government Code Section 65858(d).

SECTION 5. The City Council finds that in accordance with the terms and provisions of Section 65858 of the Government Code and following notice given in the time and manner required by law, it held a public hearing on the extension of Ordinance No. 1075 on June 25, 2013 and adopted Ordinance No. 1077 and requested to continue the public hearing. After hearing all applicable evidence, the City Council finds that the conditions and findings cited in Ordinance No. 1075 and Ordinance No. 1077 continue to exist and that further studies by staff are necessary to develop the proper land use regulations for the establishment and operation of drug paraphernalia retailers, head and smoke shops.

SECTION 6. The City Council hereby finds that it can be seen with certainty that there is no possibility the adoption of this Ordinance, and extension of the moratorium hereby, may have a significant effect on the environment, because the moratorium will impose greater limitations on development in the City, and will thereby serve to reduce potential significant adverse

environmental impacts. It is therefore, exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061 (b) (3) of the California Code of Regulations.

SECTION 7. Imposition of Moratorium.

1. In accordance with the authority granted the City under Government Code Section 65858, from and after the date of this ordinance, no use permit, variance, building permit, or any other applicable entitlement for use, including but not limited to the issuance of a business license, shall be approved or issued for the establishment or operation drug paraphernalia retailer, head shop and smoke shop for a period of one year.
2. For purposes of this ordinance “**drug paraphernalia retailer**” shall be consistent with the California Health and Safety Code Section 11014.5 and shall mean a business that makes available (wholesale or retail), trades, loans, or barter any of the following:
 - a. Kits designed for use or marketed for use in planning, propagating, cultivating, growing, or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived.
 - b. Kits designed for use or marketed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
 - c. Isomerization devices designed for use or marketed for use in increasing the potency of any species of plant which is a controlled substance.
 - d. Testing equipment designed for use or marketed for use in identifying, or in analyzing the strength, effectiveness, or purity of controlled substances.
 - e. Scales and balances designed for use or marketed for use in weighing or measuring controlled substances.
 - f. Containers and other objects designed for use or marketed for use in storing or concealing controlled substances.
 - g. Hypodermic syringes, needles and other objects designed for use or marketed for use in parenterally injecting controlled substances into the human body.
 - h. Objects designed for use or marketed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body. such as: carburetion tubes and devices; smoking and carburetion masks; roach clips, meaning objects used to hold burning material. such as a marijuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoons, and cocaine vials; chamber pipes; carburetor pipes; electric pipes; air-driven pipes; chillums; bongs; ice pipes or chillers.
3. For purposes of this ordinance “**Head Shop or Smoke Shop**” shall mean a business that sells (wholesale or retail), trades loans or barter drug-related paraphernalia or any item whether useful for non-drug related purposes or not, which is displayed, grouped with other items, advertised, or promoted in a manner to reasonably suggest its usefulness in the growing, harvesting, processing manufacturing, preserving, inhaling, injecting or ingesting of marijuana, hashish, cocaine, any controlled substance, new age herbs, or other recreational drugs.

*INTERIM
ORDINANCE*

4. This ordinance is an interim ordinance adopted as an urgency measure pursuant to the authority granted to the City of Pico Rivera under Government Code Section 65858 and is for immediate preservation of the public safety, health and welfare. The facts constituting the urgency are:
- a. The City of Pico Rivera currently does not have locally established laws, rules or regulations consistent with state law to control drug paraphernalia, head and smoke shops and the possible effects on the health of persons and the environment;
 - b. The City of Pico Rivera is experiencing inquiries of drug paraphernalia, head and smoke shops which if approved would frustrate the purpose of further study;
 - c. The City of Pico Rivera Municipal Code is not consistent with the California Health and Safety Code Section 11014.5 which prohibits drug paraphernalia and by including drug paraphernalia to the moratorium will further strengthen state law in the City;
 - d. The City of Pico Rivera wishes to include head and smoke shops and other current mechanisms used for drugs; including paraphernalia that may not be intended for drug use but that can be used for such purposes.
5. Therefore the City Council hereby declares an extension to the existing moratorium and ordains the Ordinance No. 1077 be extended for a term of one year, terminating on August 26, 2014, subject to all of the terms and provision contained in Ordinance No. 1077.

SECTION 8. In order to protect the public health, safety and welfare, it is necessary to enact this Ordinance as an urgency measure to go into effect immediately upon its adoption, and to enact this Ordinance, after giving notice, holding public hearings and two readings thereof, and thereafter to wait thirty days for the Ordinance to become effective would be detrimental to the public health, safety and welfare, in that during the interim period further such inquiries may be received and without proper criteria and regulations to evaluate secondary impacts. It is therefore necessary that this Ordinance go into effect immediately upon its adoption by at least a four-fifths vote of the City Council.

SECTION 9. The City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that the provisions of this Ordinance are severable, and if, for any reason, any sentence, paragraph or section of this ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 10. No person shall violate any provision, or fail to comply with any of the requirements of this ordinance, and any person violating any provision, or failing to comply with

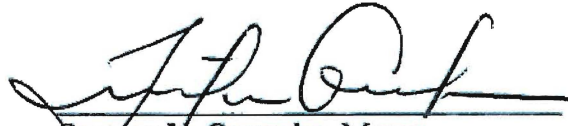
ORDINANCE NO. 1078

Page 4 of 4

any provision of this ordinance shall be subject to any and all penalties as set forth under the Pico Rivera Municipal Code shall apply to violations of the provisions of this ordinance.


SECTION 11. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published or posted as prescribed by law. This Ordinance shall take effect immediately upon expiration of the 45 day moratorium enacted under Ordinance No. 1077. This Ordinance and the provisions set forth herein shall be effective for a period of one year and shall expire on August 26, 2014.

APPROVED AND ADOPTED this 23rd day of July, 2013 by members of the City Council of the City of Pico Rivera, voting as follows:


Gustavo Y. Camacho, Mayor

ATTEST:

APPROVED AS TO FORM:


Anna M. Jerome, Assistant City Clerk


Arnold M. Alvarez-Glasman, City Attorney

AYES: Archuleta, Armenta, Camacho
NOES: Salcido, Tercero
ABSENT: None
ABSTAIN: None

Reduce Drug Paraphernalia

Advocate for restrictions on the placement and business practices of headshops/smokeshops and other establishments that sell merchandise commonly used as drug paraphernalia.

‘Head Shop’ ordinance

In 2002, NCPC observed that two new retail stores that sell drug paraphernalia opened in the city of Oceanside. These stores had been allowed to sell drug paraphernalia by stating that the paraphernalia’s intended use was related to tobacco, a claim that enabled them to circumvent established laws.

In an effort to stop the proliferation of these stores, NCPC staff, board members, and concerned residents worked with the City of Oceanside, including the Oceanside City Council, to adopt an ordinance in 2003 that classified businesses that sold tobacco/drug paraphernalia as adult businesses requiring a conditional use permit. The ordinance language specified the presence of “tobacco/drug paraphernalia” and established a distance requirement that mandated that stores selling such items be a minimum of 1,000 feet away from any school, church, or other place where children congregate. Additionally, these stores must also be a minimum of 1,000 feet away from any regulated business. This made it difficult to find any suitable location in the city of Oceanside for such businesses.

As a result of this ordinance, two such businesses in Oceanside have closed down and, while several stores have attempted to open, no additional ones have been successful. Two stores were granted grandfather privileges since they had opened prior to the ordinance being adopted, and remained open. Unfortunately, other cities in the county that lack such an ordinance have substantially more ‘smoke shops’ selling drug paraphernalia. Although the cities of Carlsbad and Vista do not have ordinances similar to that of Oceanside, they have adopted internal business licensing procedures to increase scrutiny and oversight of business operations which have curtailed drug paraphernalia sales. This has not been the case in many other cities. The City of Escondido, in north inland San Diego County with a population of 137,000 has gone from 6 smoke shops in 2005 to 8 in 2009; and the City of El Cajon, in east County with a population of 93,000 currently has six smoke shops. Throughout the county, the number of smoke-shops has ranged from approximately 75 in 2005 to 87 in 2009.

Later in 2004, we became aware of drug paraphernalia being sold at street fairs, swap meets, and outdoor concerts in Oceanside. In response, NCPC members took photos at these events and presented them to City officials. As a result, the council approved an amendment to the City’s ordinance to clarify that the sale of any tobacco/drug paraphernalia needs to be done within a store front, and is not permitted outdoors. This has resulted in a much friendlier family environment at outdoor activities.

Through our community assessments in 2007, we discovered several variety stores that cater to the Hispanic community in the city of Vista selling similar drug paraphernalia, such as bongs. The city had an administrative policy addressing this problem. It was found that these businesses were in violation of that policy. In response, cease and desist orders were sent to offending businesses—resulting in those businesses ceasing in the sale of drug paraphernalia. As an aside, these same variety stores were also found to be selling weapons including large knives designed for fighting and other violent uses. As a result of our efforts, the sale of these dangerous items was also stopped.

Vancouver considers ordinance to keep bong, pipes hidden at convenience stores



By Special to The Oregonian

Follow on Twitter

on February 10, 2012 at 11:00 AM, updated February 10, 2012 at 12:00 PM

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Faith Cathcart/The Oregonian

Advocacy groups have encouraged Vancouver and Clark County governments to restrict the sale of drug paraphernalia in convenience stores. Vick's Market, in an effort to keep the items out of children's sight, has created a separate smoke shop.

It soon might be a little harder to know whether you local convenience store carries glass bong, pipes and other drug paraphernalia.

The Vancouver city attorney's office is working on a draft ordinance that would require convenience stores to keep drug paraphernalia out of sight and in a secure area -- and to sell it only to people 18 and older.

The **City Council** could consider the ordinance as early as March. It's currently being reviewed by Clark County's government.

"We like the county to join in ordinances to have uniformity throughout the urban area," says city attorney Ted Gathe.

The ordinance would be a victory for **PREVENT!**, a local substance-abuse-prevention coalition, which has been pursuing restrictions on the sale of drug paraphernalia for two years. The organization made a presentation to the Vancouver City Council in January, where it urged the council to pass an ordinance that would prohibit children from buying paraphernalia. Tacoma and Spokane have passed similar ordinances.

Supporters of the proposed ordinance say the presence of drug paraphernalia in convenience stores - typically marketed as tobacco pipes and often displayed near candy and gum -- sends a message to children "about what is acceptable."

"By allowing drug paraphernalia, we're saying it's OK (to use drugs), even though it's illegal," said Tom Breitenbauch, executive director of **Hands Across the Bridge**, an advocacy group for people in recovery. "It's an unspoken message."

Breitenbauch also says recovering addicts can be triggered when they see paraphernalia, tempting them to go back to drugs.

But the Vancouver City Council has been hesitant to regulate the sale of bong and similar items, which are considered paraphernalia only when they have the residue of an illegal drug in them. Otherwise, the sale of bong, pipes and other such objects is perfectly legal.

Vancouver city councilors told the PREVENT! coalition to seek the support of the business community and neighborhood associations. "To be quite honest, I'm not sure where our community is (on the issue)," said Councilman Larry Smith. "I would rather hear more from the community."

Sondra Storm, the coalition's director, says PREVENT! has spoken with two dozen neighborhood associations. "We definitely have the support and interest from neighborhood associations, especially the ones with stores that sell drug paraphernalia," she said.

Bud Van Cleve, president of the East Hazel Dell neighborhood association, says there is drug activity in his neighborhood that affects the whole community. As long as paraphernalia is available, he says, it will encourage drug use.

"It's a poison to the community," he said. "We don't need to encourage it."

About 22 percent of convenience stores in Clark County sell drug paraphernalia, according to a survey the coalition conducted of every store that has a tobacco license. Neighborhoods with high poverty rates have a higher prevalence of stores that sell paraphernalia.

"It's a small minority that actually are selling paraphernalia," Storm said. "But of the ones that are, they tend to be concentrated in a couple (areas). There is some unfair exposure going on."

The coalition has asked store owners if they would be willing to stop selling the paraphernalia. "What we've heard," Storm said, "is that we are going to sell it as long as it is legal."

PREVENT! and its youth arm STASHA, or Strong Teens Against Substance Hazards and Abuse, are now trying to reach out to other cities in Clark County about drug paraphernalia ordinances.

Smoke Shop Near Schools Prompts Rocklin To Enact Temporary Ban

February 24, 2015 11:12 PM

CALIF ROCKLIN

20

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Related Tags: Rocklin, smoke shops

**Nick Janes**

Nick Janes joined KOVR/KMAX in December 2008 as a reporter.
[Nick...Read More](#)

ROCKLIN (CBS13) — There's an uproar in the city of Rocklin over a proposed smoke shop near not one, but four schools.

The City Council approved a temporary ban on smoke shops near schools on Tuesday night.

So many parents [↗](#) have complained about the proposed shop, the city is considering putting at least a temporary stop to it.

The idea of the Three Monkeys moving [↗](#) into a vacant Rocklin storefront is unpopular with parents like Stephanie Mills because of what's close by.

"I really don't like the idea. I mean, I have two small kids and there's a lot of schools—literally walking distance, there's four schools," she said.

Claim Points

"I just want my right to do business like everyone else. I am going by the law," he said. "The store sells tobacco. Arco, Walgreens, everybody sells tobacco and cigarettes. That's what I am selling. They don't sell

premium cigars but I have the license to sell cigars. Everything is legal.”

But it seems, there’s no selling parents like Amanda Quarry on a smoke shop steps away from schools.

“None of this was here when I was in high school. My kids have a whole lot of options, and I don’t want that to be one of them,” she said.

Seal Beach council restricts new smoke, e-cigarette shops

March 11, 2014 Updated March 12, 2014 10:53 a.m.

BY
**KENDRA
ABLAZA /
STAFF
WRITER**

SEAL BEACH – New smoke shops, including places that sell electronic cigarettes, will only be able to operate in commercial zones under an ordinance approved Monday.

The City Council voted unanimously to update the city's zoning code and implement the restrictions.

FACEBOOK

The ordinance, first introduced at the council's Feb. 24 meeting, was passed without further discussion as an item on the council's consent calendar Monday. It limits the shops to operating in commercial zones.

TWITTER

EMAIL

COMMENTS

The restriction follows the passage of an ordinance Feb. 10 that requires a conditional use permit for the establishment of any smoke shop, defined as a store whose primary use is selling e-cigarettes or tobacco products. That ordinance also limits how and to whom e-cigarettes can be sold at other stores and prohibits smoking lounges.

PRINT

SEND PDF



Councilman Michael Levitt, who represents the 5th district, which includes much of Leisure World, said after the meeting that the restrictions are meant to protect residents from secondhand smoke and appease businesses who don't want the smoke shops nearby.

"Typically, a commercial zone won't be too close to a residential neighborhood, a school or a playground," Levitt said. "Until the federal government comes down and says, 'An e-cigarette is not a tobacco product, and inhaling the vapor as

secondhand smoke is not harmful' ... we're going to go ahead on the basis that we've had."

The ordinance also adds the definition "smoke shop" to the city's zoning code, described as establishments involved in the sale, distribution or exchange of "electronic smoking devices, tobacco products, tobacco paraphernalia, or any combination thereof."

Advocates say e-cigarette devices vaporize liquid cartridges to provide a safer dose of nicotine than cigarettes and other methods of smoking. Officials in Sacramento and Washington, D.C., have not regulated selling or smoking e-cigarettes, so cities, including Long Beach and Los Angeles, have recently been writing their own rules.

Seal Beach was the first Orange County city to regulate e-cigarettes. The city placed a ban on e-cigarette sales in August, which was lifted in February after the council felt it had struck a balance between business interests and health concerns.

Contact the writer: kablaza@lbregister.com

ORANGE
COUNTY

Proposed ordinance targets tobacco shops in Fayetteville

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Staff photo by Andrew Craft

A proposed ordinance targets tobacco shops in the city

Manager Moses Shahban says the majority of items he sells are groceries at the 20/20 Mart on Murchison Road.

[Tobacco shops](#)
[read more](#)

Related Stories

Related: **Capsules of 10 tobacco shops Fayetteville is attempting to close**

Where a store can locate is based on whether it falls into one of three classes created in the law, which essentially regulate higher-end cigar and tobacco stores, stores for which at least 20 percent of retail space is devoted to tobacco products, and those that sell water pipes, bongos, bowls and other smoking apparatus.

Under the proposal, shops would no longer be allowed in neighborhood commercial districts, which are closer to residential

North Carolina

15

Posted: Friday, January 2, 2015 10:32 pm | Updated: 11:33 am, Sat Jan 3, 2015.

By Paige Rentz Staff writer

Fayetteville's tobacco shops have caught the eye of local law enforcement.

A police-driven proposal seeks to more tightly regulate the more than 60 shops, which department leaders say often are targets of robberies and some of which have seen drug activity, shootings and illegal gambling.

The proposed city ordinance would limit where new shops can open and potentially close some in certain areas.

The City Council halted the proposal after a public hearing last month and asked city staff to collect more input from representatives of the shops.

The revised ordinance is on the agenda for the council's Monday work session, but it may not come up for discussion, city planner Craig Harmon said. The council could consider the issue at a future meeting.

If the City Council was to require extensive revisions to the ordinance, it could go back to the Planning Commission before the council takes it up, Harmon said.

Fayetteville police began pushing for the ordinance in 2013 because of crime and high call volumes associated with these types of stores. Between Jan. 1, 2012, and Nov. 30, 2013, there were 13,171 calls for police service within 250 feet of 61 tobacco shops.

Yaya Food Mart on Murchison Road topped the list with 1,033 calls during that time. Matchbox Smoke Shop on Cliffdale Road had the fewest, with 60.

Ten tobacco shops have been identified as potentially subject to closure based on how their property is zoned.

areas. Shops aside from the high-end tobacco shops would not be allowed downtown.

The proposal calls for stores currently located downtown or in neighborhood commercial districts to be amortized, meaning they would be required to close within three years.

The 10 stores below were identified by city staff as potentially facing closure unless they move, seek rezoning, or adjust their operations to be more like a convenience store. Harmon said he does not have a list indicating how each store is classified, and therefore, which aspects of their operations make them subject to the ordinance.

The original list of the city's tobacco shops was compiled by the Police Department, Harmon said. Police spokesmen on Friday could not provide the criteria for their initial list. The planning department, Harmon said, has not removed any shop from the list of those expected to be subject to amortization because staff does not know what the final ordinance will require.

Fremont cracks down on head shops

Posted on April 28, 2009 by Matt Artz

FREMont

CALIF

UPDATE: I was wrong. The council approved the head shop 5-0.

In about an hour, the City Council will decide whether or not to allow a new head shop in the Irvington district. The Planning Commission had refused to grant the prospective business owners a permit because head shops sell stuff like glass pipes that are used to smoke pot.

The permit battle led City Hall to determine whether regular old smoke shops were also selling the stuff without special head shop permit.

Guess what? They were.

It turns out Fremont effectively has eight head shops, only one of which legally sells the glass pipes and other paraphernalia legally. The Devil's Workshop in Niles opened shop before the city passed its head shop ordinance. All of the others are out of compliance.

The city has alerted five of them that they must apply for a head shop permit to continue selling the merchandise. Two of them must stop selling altogether because they are in areas not zoned for head shops.

The violators were:

Cigarette Discounters, 34245 Fremont Blvd.

Mike Smoke Shop, 35766 Fremont Blvd.

Rocky Smoke Shop, 39471 Fremont Blvd.

Fremont Smoke Shop, 40796 Fremont Blvd.

Wonderland Smoke Shop, which is at Fremont and Chapel

Smoke Zone, 46699 Mission Blvd.

Underground Smoke Shop, 3633 Thornton Blvd.

If Fremont hadn't surveyed its smoke shops, it would have been vulnerable to the argument that it was playing tough with potential head shop owners who wanted to play by the rules, while turning a blind eye as other stores sold the stuff without a permit.

My guess is that this ends up giving the council a little extra cover to keep that prospective head shop from opening in Irvington. We'll find out soon enough.

OCEANSIDE,
VISTA,
CA



Organization: North Coastal Prevention Coalition in Vista, CA

Contact: John Byrom

Q: What did you change a law, a regulation, an ordinance, a policy or other?

A: We passed a local ordinance, which reclassifies head shops as adult businesses with all the associated regulations thereof, making it more difficult for new head shops to open, and prohibits youth under the age of 18 from entering head shops.

Q: Where did the idea to make the change originate?

A: Our coalition saw a proliferation of head shops (businesses that sell drug paraphernalia) in the City of San Diego. While we had only one shop in the City of Oceanside, which had opened in the 1970's (Inner World), three more had recently opened for business (The Hole, Outer Limits and Vishions). We did not want to see a similar proliferation of these types of businesses in our city. While we knew we would probably not be successful in eliminating them altogether, we knew we stood a good chance of regulating the ones already in business. Additionally, we believed regulations, along with the required Conditional Use Permit Process, would make it very difficult for any new businesses to open.

Q: What elected or other government officials did you meet with to accomplish this change? And at what point(s) in the process did you meet with them?

A: We presented our findings to the Oceanside Planning Commission, since the issue was one of land use. We felt we were able to provide compelling environmental prevention arguments for considering the merits of an ordinance that would regulate businesses that sold drug paraphernalia. We received a unanimous vote for our proposed Head Shop Ordinance from the Planning Commission.

Last, we brought the proposed ordinance to the Oceanside City Council. With some 20 coalition members in tow, we made our case to City Council members. While we did not all testify, we were anxious to make sure Council members knew how many of us had shown up in favor of this issue. When we asked our supporters to stand up to indicate their support, the entire audience (some 200 individuals) stood up as well. There was, indeed, broad support for our issue. The City Council voted unanimously for the proposed ordinance.

Q: What materials did you use to make your case that the change was necessary and would produce the desired results?

A: Our first step was to discuss the situation with one of our coalition members in the Oceanside Police Department (OPD) to get a law enforcement perspective. OPD discussions were followed by visits to each of the head shops to conduct a thorough assessment of their business practices and the merchandise they carried.

Assessments were followed up with a survey of local teens to ascertain their knowledge and opinion about head shops. Survey results revealed that half of the teens surveyed had been inside of these types of businesses. More than half agreed that individuals should have to be eighteen years old to enter and a majority of the teens agreed that products promoting drug use should not be sold in our city.

With the information we received from OPD, research information on the history of businesses that sell drug paraphernalia and our survey information, we created an issue brief document to inform residents, organizations, and City officials about the issue. We provided city officials in the Planning Department and City Council members with copies of our issue brief.

Q: Through what system/process did you make your change?

A: The change was made through the City Council with the support of the Oceanside Planning Commission.

Q: Who were your allies in making this change?

A: Our allies were coalition members, law enforcement, school boards, districts and PTA's, treatment and recovery.

Q: Who opposed this change?

A: Head shops opposed this change. After the ordinance was implemented, one shop in particular, Inner World, was scrutinized by the city for its attempt to get around the "spirit" of the law, if not the "letter" of the Law by constructing a wall between their two addresses, but only one business license. The ordinance states that you must be 18 to enter the business and though their maneuver does restrict underage individuals from the first address where drug paraphernalia is sold; youth continue to be exposed to the pro-drug messages at the second address.

Q: Did you participate in media advocacy to make your change?

A: We did work with local media outlets to gain community support.

Q: Please describe in detail the outcome of your change.

A: Head shops have been reclassified as adult businesses with all the associated regulations thereof. Head shops, as adult businesses, are restricted from being less than 1,000 feet from other regulated businesses (such as bars, liquor stores and adult bookstores). Head shops must be at least 500 feet from schools, churches, public libraries or public parks. It is illegal for individuals under 18 to go into a head shop in

the City of Oceanside. Any new businesses intending to sell drug paraphernalia is subject to a special use permit process.

The head shop ordinance will make it more difficult for new head shops to open, given the requirements of the ordinance. As of July 2004 we are pleased to report the following updates on Oceanside head shops...

- The Hole went out of business in 2002. We have no information as to the reason.
- Due to continued surveillance of Visions Smoke Shop, a change of address, which might have otherwise gone unnoticed, was immediately reported to the City. A code enforcement officer was dispatched and Visions was found to be in a violation of the ordinance. Rather than pursue a Special Use Permit, Visions closed their doors for business.

City Bans New Head Shops With Urgency Ordinance

An ordinance passed Tuesday will put a moratorium on tobacco shops for 45 days while the council considers whether to ban new head shops permanently.

By **NATHAN MCINTIRE** (Open Post)

May 1, 2012

Share

44

MONROVIA, CA



MORATORIUM

The City Council voted to place a moratorium on new tobacco shops Tuesday in the wake of public uproar over the opening of a new head shop in the heart of .

The urgency ordinance passed in a 4-1 vote with Councilman Tom Adams as the lone dissenter. It bans the issuance of business licenses to new head shops for 45 days while the council considers whether to make the ban permanent.

According to some residents, the moratorium came too late. A new head shop, **O.G. Smoke Shop**, obtained a business license and will take over a storefront at 512 South Myrtle Avenue.

Several residents decried the shop's opening at the council meeting Tuesday, saying that head shops increase the availability of drug paraphernalia like glass pipes and bongs used to smoke marijuana, methamphetamine and other illicit substances.

Pam Fitzpatrick, owner of the toy store in Old Town, said a moratorium should be passed even though it wouldn't keep O.G. out.

"I want to send a message to O.G. Smoke Shop that people don't want them here," she said.

Collin Spencer, listed as the owner of O.G. on its business license, did not return a message seeking comment on this story. The **company's website** boasts that its Azusa location carries "the largest selection of glassware in the SGV. Hand pipes, water pipes, specialty pipes, and hookah pipes."

Before the moratorium passed, Jamie Holes, parent of a student at , said the city should not just wind up confining smoke shops to certain zones. She wanted them banned outright.

"I'm concerned that we may be unsuccessful in dealing with a problem that we're not directly addressing," Holes told the council. "We're asking you to reduce access and availability of drug paraphernalia and synthetic drugs in the community and to our youth."

With the moratorium's passage, the city will now have 45 days before it must

take up the issue again. The ban can be extended to one or two years following a public hearing, City Attorney Craig Steele said. That time would allow the council to determine whether to ban the shops entirely or relegate them to certain zones.

Three smoke shops currently operate in Monrovia, and they will not be affected by the ban, Steele said. But the moratorium does make a “pretty strong community statement about the nature of that type of business in the city and what the council’s feeling is...,” he said.

In voting against the moratorium, Adams clarified that he was only against the use of urgency ordinances and would support a normal ordinance establishing a moratorium.

Moorhead drug paraphernalia law: A look at the precedent-setting ordinance and legal ruling

By Aaron Rupa Thun, May 24 2012 at 8:06 AM

Categories: Drugs, Law

Comments (0)

MINNESOTA

In recent weeks, two cities in the Twin Cities metro -- Stillwater and Hudson, Wisconsin -- have taken steps to criminalize the sale or possession of unused glass pipes and other objects that can be used to inhale controlled substances. Such objects, city officials argue, constitute "drug paraphernalia."



Is there a workable legal distinction between this...

State statute prohibits the use, possession, delivery, and advertisement of drug paraphernalia, but doesn't precisely define what constitutes "drug paraphernalia." In practice, Minnesota cities have historically turned a blind eye as smoke and head shops through the state sold glass pipes, bongs, and other items of that sort.

But last December, the city council in Moorhead took the unusual step of banning "objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing controlled substances," including glass pipes, water pipes, roach clips, and chillums. In February, that broad definition of "drug paraphernalia" withstood a challenge in U.S. District Court, suggesting to cities like Stillwater and Hudson that there is a legal basis for their crackdown on glass pipes.

Given its proximity to North Dakota and the more restrictive drug paraphernalia laws there, Moorhead was something of a hub for head shops -- five stores in town sold everything from glass pipes to grinders to bongs before the "drug paraphernalia" ban went into effect in January.

APPLICATION

A couple weeks after the new ordinance went on the books, Randall Tighe, an attorney representing Moorhead head shop Discontent, filed a federal lawsuit requesting a temporary restraining order to keep police from enforcing the new law. Part of Tighe's argument was that the ordinance caused irreparable harm to Discontent's business. In fact, the shop closed the day the ordinance went into effect.



... and this? Courts haven't yet provided a decisive answer to that question.

But in February, Chief U.S. District Judge Michael Davis denied Tighe's request, ruling that Discontent failed to prove it would suffer irreparable harm under the ordinance.

Two months later, Stillwater approved an almost identical paraphernalia ban and cited Moorhead's ordinance and its ability to withstand a legal challenge as inspirations. Then, earlier this month, Hudson police decided to change their working definition of "drug paraphernalia" to mirror Moorhead's and on Monday confiscated a smoke shop's entire collection of glass pipes.

Hudson Police Chief Marty Jensen said that before the Moorhead ordinance came along, his department worked "under the assumption that [if] the pipe hadn't been used, it wasn't considered drug paraphernalia." Now, it appears there is a legal basis for criminalizing unchristened pipes.

But Tigue, who also represents a Stillwater tobacco store affected by that city's new paraphernalia ban, recently said he plans to challenge that city's new ordinance as well. He suggested that this time around, his legal argument will hinge on the seemingly unenforceable ambiguity between legal tobacco pipes and illegal drug paraphernalia rather than the harm such ordinances do to tobacco stores' business.

"What [cities like Moorhead and Stillwater] have done is gone in and said, 'If you sell any of these pipes, we're going to bust you for it, regardless if you have intent,'" Tigue told the Pioneer Press last month, adding that he doesn't think the new drug paraphernalia bans cropping up throughout the region justify that level of enforcement.

It may soon be for the courts to decide. Head shop owners throughout the state will no doubt be looking on with bated breath.

ORDINANCE NO. 813

CALIF

AN ORDINANCE OF THE CITY OF ROHNERT PARK AMENDING THE MUNICIPAL CODE CHAPTER 8.32 (USE OF TOBACCO IN PUBLIC PLACES); SECTION 17.06.060 (ZONING ORDINANCE – PERMITTED USES) AND ADDING CHAPTER 8.33 (PROHIBITION OF HEAD SHOPS, HOOKAH BARS, TOBACCO VENDING MACHINES AND SELF SERVICE DISPLAYS); FILE NO.: 2008-026MC

WHEREAS, scientific studies have concluded that cigarette smoking causes chronic lung disease, coronary heart disease, stroke, cancer of the lungs, larynx, esophagus, mouth, and bladder, and contributes to cancer of the cervix, pancreas, and kidneys;¹ and

WHEREAS, more than 440,000 people die in the United States from tobacco-related diseases every year, making it the nation's leading cause of preventable death;² and

WHEREAS, the World Health Organization (WHO) estimates that by 2030, tobacco will account for 10 million deaths per year, making it the greatest cause of death worldwide;³ and

WHEREAS, the U.S. Surgeon General has concluded that there is no risk-free level of exposure to secondhand smoke and neither separating smokers from nonsmokers nor installing ventilation systems effectively eliminates secondhand smoke;⁴ and

WHEREAS, the United States Environmental Protection Agency (EPA) has found secondhand smoke to be a risk to public health, and has classified secondhand smoke as a group A carcinogen, the most dangerous class of carcinogen;⁵ and

WHEREAS, the California Air Resources Board has put secondhand smoke in the same category as the most toxic automotive and industrial air pollutants by categorizing it as a toxic air contaminant;⁶ and

WHEREAS, the California Office of Environmental Health Hazard Assessment has included secondhand smoke on the Proposition 65 list of chemicals known to the State of California to cause cancer, birth defects, and other reproductive harm;⁷ and

WHEREAS, exposure to secondhand smoke is the sixth leading cause of preventable death in this country, killing over 53,000 non-smokers each year,⁸ and smoking is the number one cause of lung cancer

¹ U.S. Dep't of Health and Human Services, Centers for Disease Control and Prevention, *Targeting Tobacco Use: The Nation's Leading Cause of Death 2002*.

² U.S. Dep't of Health and Human Services, Centers for Disease Control and Prevention, *Highlights Annual Smoking – Attributable Mortality, Years of Potential Life Lost, and Economic Costs – United States 1995-1999* (2002) MORBIDITY AND MORTALITY WEEKLY REPORT.

³ U.S. Dep't of Health and Human Services, Centers for Disease Control and Prevention, *Reducing Tobacco Use: A Report of the Surgeon General*, 437 (2001).

⁴ U.S. Dep't of Health and Human Services, Centers for Disease Control and Prevention, *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General* 11 (2006).

⁵ U.S. Dep't of Health and Human Services, Centers for Disease Control and Prevention, *Clean Indoor Air Regulations Fact Sheet* (2001).

⁶ Cal. Air Resources Bd., Resolution 06-01, at 5 (Jan. 26, 2006).

⁷ Cal. Env'tl. Prot. Agency, Office of Env'tl. Health Hazard Assessment, *Chemicals Known to the State to Cause Cancer or Reproductive Toxicity* 17, (Aug. 11, 2006).

⁸ S.A. Glantz & W. Parmley, *Passive Smoking and Heart Disease: Epidemiology, Physiology, and Biochemistry*, 83(1) *Circulation* 1 (1991) and *California Environmental Protection Agency, Office of Env'tl. Health Hazard Management, Health Effects of Exposure to Environmental Tobacco Smoke: Final Report* (1997).

deaths;⁹ and

WHEREAS, secondhand smoke exposure adversely affects fetal growth with elevated risk of low birth weight, and increased risk of Sudden Infant Death Syndrome (SIDS) in infants of mothers who smoke;¹⁰ and

WHEREAS, secondhand smoke exposure causes as many as 300,000 children in the United States to suffer from lower respiratory tract infections, such as pneumonia and bronchitis,¹¹ exacerbates childhood asthma, and increases the risk of acute chronic middle ear infection in children;¹² and

WHEREAS, the total cost of smoking in California was estimated to be \$475 per resident or \$3,331 per smoker per year, for a total of nearly \$15.8 billion in smoking-related costs in 1999 alone;¹³ and

WHEREAS, the medical and economic costs to nonsmokers suffering from lung cancer or heart disease caused by secondhand and third hand smoke are nearly \$6 billion per year in the United States;¹⁴

WHEREAS, almost 90% of adult smokers started smoking at or before age 18;¹⁵ and

WHEREAS, with certain exceptions, state law prohibits smoking inside an enclosed place of employment;¹⁶ and

WHEREAS, in 2004 13.2% of California high school students smoke¹⁷; however, in 2006 the rate increased to 15.4%; and

WHEREAS, state law prohibits public school students from smoking or using tobacco products while on campus, while attending school-sponsored activities, or while under the supervision or control of school district employees;¹⁸ and

WHEREAS, state law prohibits smoking in playgrounds and tot lots and also prohibits smoking within twenty feet of the main entrances and exits of public buildings while expressly authorizing local communities to enact additional restrictions.¹⁹

WHEREAS, on March 12, 2009, the Planning Commission conducted a public hearing, reviewed the reports and testimony and recommended to the City Council adoption of the Ordinance.

⁹ U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Targeting Tobacco Use: The Nation's Leading Cause of Death 2002*, 2 (2002).

¹⁰ Cal. Env'tl. Prot. Agency, Office of Env'tl Health Hazard Assessment, *Health Effects of Exposure to Environmental Tobacco Smoke, Final Report ES-5* (1997).

¹¹ U.S. Dep't of Health and Human Services., Centers for Disease Control and Prevention, *Targeting Tobacco Use: The Nation's Leading Cause of Death 2002*, 2 (2002).

¹² U.S. Dep't of Health and Human Services. Centers for Disease Control and Prevention, *Clean Indoor Air Regulations Fact Sheet* (2001).

¹³ Max W, Rice DP, Zhang X, Sung H-Y, Miller L., *The Cost of Smoking in California, 1999*; California Department of Health Services (2002).

¹⁴ American Academy of Actuaries, *Costs Associated with Secondhand Smoke*, October, 2006.

¹⁵ National Household Surveys on Drug Abuse, unpublished data, 1998. *See also*, U.S. Dep't of Health & Human Services. et al., *Preventing Tobacco Use Among Young People: A Report of the Surgeon General*, 101 (1994).

¹⁶ Cal. Lab. Code § 6404.5.

¹⁷ Tobacco Control Section, Cal. Dep't of Health Services, *Youth Smoking* (July 2008).

¹⁸ Cal. Educ. Code § 48901(a).

¹⁹ Cal. Health & Safety Code § 104495 and Cal. Gov't Code § 7597.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROHNERT PARK, CALIFORNIA, does hereby ordain as follows:

SECTION 1. Recitation. That the above recitations are true and correct.

SECTION 2. Findings. The City Council makes the following findings per Rohnert Park Municipal Code, Section 17.25.073, to wit:

- A. That the proposed amendments are consistent with the General Plan land use goal LU-H which encourages land use patterns that maximize residents' accessibility to parks, open space, and neighborhood shopping centers; and
- B. That the proposed amendments are beneficial, and not detrimental to, the public health, safety and welfare in that a decrease in second and third hand smoke will assure that fewer individuals are subjected to dangerous chemicals and toxic air.

SECTION 3. The City Council of the City of Rohnert Park does repeal Ordinance No.: 808 entitled, *"An Urgency Ordinance of the City of Rohnert Park Adopting a Moratorium on Private Smokers' Lounges and Tobacco Shops"* as adopted by the City Council on October 28th, 2008; and extended by Ordinance No. 809 entitled, *"An Ordinance of the City of Rohnert Park Adopting a 10 month 15 day Extension of Time on the Previously Adopted Moratorium on Private Smokers' Lounges and Tobacco Shops,"* that was set to expire on October 27, 2009.

SECTION 4. The City Council of the City of Rohnert Park does ordain the following amendments and additions to the Municipal Code and particularly Chapters 8.32 and 8.33 and Section 17.06.060 as follows:

- A. **Rohnert Park Municipal Code Chapter 8.32 (*Use of Tobacco*) shall be amended to read as follows:**

**Chapter 8.32
Use of Tobacco**

8.32.010 Purpose.

The purpose of this Chapter is to provide for the health, safety, and welfare of individuals residing, working or visiting in the City of Rohnert Park by regulating the location and use of tobacco and tobacco products and their effects on individuals.

8.32.020 Findings.

- A. Numerous studies have determined that tobacco smoke is a major contributor to indoor air pollution.
- B. The Surgeon General of the United States has documented that breathing secondhand smoke is a significant health hazard, particularly to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function.
- C. Breathing secondhand smoke has been determined to be a health hazard by increasing the incidence of lung cancer, bronchitis, and respiratory infection while decreasing exercise tolerance and respiratory function.

- D. Non-smokers who suffer from allergies, respiratory diseases, or the negative effects of breathing secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions.
- E. Persons, particularly employees, have a right to a smoke free environment if they desire.
- F. Secondhand smoke exposure causes as many as 300,000 children in the United State to suffer from lower respiratory tract infections, exacerbates childhood asthma, and increases the risk of acute chronic, middle ear infections.

8.32.030 Definitions.

- A. "Business" means the sole proprietorship, partnership, joint venture, corporation, association, nonprofit or other entity formed for public interest or profit-making purposes or that has an employee as defined in this section.
- B. "Employee" means any person who is employed; retained as an independent contractor by an employer, as defined in this section; or any person who volunteers his or her services for any employer, association, business, nonprofit or volunteer entity.
- C. "Employer" means any person, partnership, corporation, association, nonprofit, or other entity who employs or retains the services of one or more persons or supervises volunteers.
- D. "Enclosed" means closed in by a roof and four walls (with the appropriate openings for egress and ingress). This would include but not be limited to lobbies, lounges, waiting areas, elevators, hallways, restrooms, stairwells, common areas (e.g., laundry and recreation rooms within a multi unit residential development), that are a structural part of the building.
- E. "Food" means any raw or processed substance, beverage (including frozen or liquid water) or ingredient intended to be used as food, drink, confection, or condiment for human consumption.
- F. "Head Shop" means a retail outlet that receives 90% or more of its gross revenues from the sale of paraphernalia related to the consumption of cannabis, other recreational drugs and/or new age herbs. Products typically include but are not limited to, water pipes, bong, roach clips, pipes, rolling papers, rolling machines, and whipped cream chargers containing nitrous oxide.
- G. "Hookah Bar" means a business location that provides for the ingestion, inhalation or consumption of tobacco or tobacco products by way of an apparatus which includes, but is not limited to the following parts: a water vessel, a bowl for holding combustible tobacco or tobacco products and an inhalation hose or tube.
- H. "Multi Unit Residential Development" means a development consisting of residential condominiums, townhouses, rowhouses or apartments, represented by one common property management group or Home Owners Association and providing for-sale, for-lease or for-rent units with complete and independent living facilities for one or more persons.
- I. "Place of Employment" means any area under the control of an employer or business where an employee can be found to frequent during the course of a work day. For example, cafeterias, conference rooms, lobbies, lounges (break rooms), elevators, hallways, restrooms, stairwells, vehicles and work areas.
- J. "Private Smokers' Lounge" means an area that is attached to and incidental to a tobacco store that may be occupied by persons eighteen (18) years of age or older who intend to ingest or inhale any smoking tobacco or tobacco product by means of a pipe, cigar, cigarette or any other method. Private smokers' lounges do not include hookah bars which are prohibited in the City of Rohnert Park pursuant to Municipal Code, Chapter 8.33 (*Prohibition of Head Shops, Hookah Bars, Tobacco Vending Machines and Self-Service Displays*).
- K. "Smoking" means possessing a lighted pipe, cigar or cigarette of any kind, or the lighting of a pipe, cigar or cigarette of any kind, including but not limited to tobacco or tobacco products.

- L. "Tobacco Paraphernalia" means cigarette papers or wrappers, blunt wraps, pipes, holders, cigarette rolling machines or other instruments or things designed for the smoking or ingestion of tobacco or tobacco products.
- M. "Tobacco Product" means any product containing tobacco leaf, including but not limited to, bidis, chewing tobacco, cigarettes, cigars, dipping tobacco, pipe tobacco, snuff, or any other preparation of tobacco.
- N. "Tobacco Store" means a retail or wholesale business, with or without an attached private smokers' lounge, that meets all of the following requirements:
 - 1. Primarily sells tobacco, tobacco products and tobacco paraphernalia. Does not include merchandise that is generally associated with a head shop which is prohibited in the City of Rohnert Park;
 - 2. Generates more than sixty percent (60%) of its gross revenues annually from the sale of tobacco, tobacco products and tobacco paraphernalia;
 - 3. Prohibits any person who is under the age of eighteen (18) years of age from being present or entering the premises unless accompanied by the minor's parent or legal guardian; and
 - 4. Does not sell food (including alcoholic beverages) for consumption on the premises.

8.32.040 Prohibition on Smoking in Enclosed Areas.

- A. Smoking shall be prohibited in the following enclosed areas unless specifically exempted pursuant to section 8.32.060 of this Chapter (*Exceptions*).
 - 1. Any place of employment.
 - 2. Multi unit residential developments as follows:
 - a. Enclosed common areas, including but not limited to a laundry room, lobby or community center;
 - b. At least 75% of the units constructed after June 1, 2009, including private outdoor spaces associated with the units, such as balconies, patios and decks, shall be designated and maintained as non-smoking. Non-smoking units shall be grouped together to the maximum extent practical;
 - c. At least 50% of any units constructed before June 1, 2009, including private outdoor spaces associated with the units, such as balconies, patios and decks, shall be designated and maintained as non-smoking. Non-smoking units shall be grouped together to the maximum extent practical;
 - i. Any existing multi unit residential development has until June 1, 2011 to comply with the provisions herein;
 - ii. Any unit which has been designated non-smoking shall not be subject to the restrictions of this Chapter as long as the unit is occupied continually by the same resident who occupied the unit on June 1, 2009 and until such time the resident voluntarily vacates the unit; and
 - d. Every landlord/property manager shall maintain a list of designated non-smoking units and a site plan identifying the relative position of smoking and non-smoking units. The site plan shall also identify the location of any designated smoking areas. A copy of this list and site plan shall accompany every new lease or agreement for occupancy of a unit within a multi unit residential development. If a copy of the list and site plan do not accompany the lease or agreement then the unit shall be a non-smoking unit.
 - 3. Any elevator, public restroom, service line (i.e. ATM), bus, limousine, taxi cab, train, or other public transportation vehicle.
 - 4. Any vehicle that is occupied by a minor (person under the age of 18 years of age).
 - 5. On the premises of a licensed day care center and in a licensed family day care home.
 - 6. On the premises of a licensed, long-term, health care facility.

8.32.050 Prohibition on Smoking in Unenclosed Areas.

- A. Smoking shall be prohibited in the following unenclosed areas unless regulated by more restrictive state or federal law, in which case the state or Federal law applies; or specifically exempted under section 8.32.060 of this Chapter.
1. The strip of land which is located approximately one hundred (100) feet south of the boundary of University Park Subdivision, immediately adjacent to the north boundary of Rancho Cotati High School, and within the strip from between the eastern most curb of Snyder Lane to the western most property line of Sonoma State University and better known by the Sonoma County Assessor's Office as: APN's 158-230-065; -066, -069 and 158-220-074 and -075.
 2. Multi unit residential development common areas, including but not limited to: pools, walkways, gardens, play areas.
 3. Any service line (i.e., ATM), bus stop, taxi stand or phone booth.
 4. Within twenty (20) feet of the exit, entrance, or operable window of any City owned building, except while actively passing on the way to another destination.
 5. Within twenty (20) feet of the exit, entrance, or operable window of any private building or structure that is posted as nonsmoking, except while actively passing on the way to another destination, except while actively passing on the way to another destination.
 6. Within twenty-five (25) feet of a public playground or tot lot (sandbox) areas.
 7. Any business or place of employment in which food is being consumed or where setup, service, and cleanup functions are occurring, including but not limited to: dining areas, farmers markets, concerts, fairs and other such events.
 8. On the premises of a licensed day care center or licensed family day care home.

8.32.060 Exceptions.

- A. The following are exceptions to the smoking prohibitions in enclosed and unenclosed areas.
1. A private smokers' lounge attached to a tobacco store, subject to the following:
 - i. The tobacco store must have a conditional use permit and be located on a site that is zoned for "C-R" - Regional Commercial land uses;
 - ii. The Tobacco Store shall have a minimum separation of five hundred (500) feet between the use and a school, religious assembly, public facility, multi unit residential development or another Tobacco Store; and
 - iii. The Tobacco Store shall not include a head shop or hookah bar. The City of Rohnert Park prohibits head shops and hookah bars pursuant to Municipal Code, Chapter 8.33 (*Prohibition of Head Shops, Hookah Bars, Tobacco Vending Machines and Self-Service Displays*).
 2. Medical research or treatment sites, if smoking is integral to the research and treatment being conducted.
 3. A private residence, unless expressly prohibited by sections 8.32.040 (*Prohibition on Smoking in Enclosed Areas*) and 8.32.050 (*Prohibition on Smoking in Unenclosed Areas*) e.g., licensed day care facility, licensed health care facility or multi unit residential development.
 4. A portion of the outdoor area of a multi unit residential development may be designated as a smoking area subject to the following provisions:
 - i. Must be located at least 20 feet from any indoor area where smoking is prohibited;
 - ii. Must not include, and must be at least 20 feet from any outdoor area primarily used by children including, but not limited to, areas improved or designated for play or swimming;

- iii. Must have a clearly marked perimeter;
 - iv. Must be identified by conspicuous signs; and
 - v. Must not overlap with any area in which smoking is otherwise prohibited by this Chapter
5. Public sidewalks unless otherwise prohibited.

8.32.070 Duty of Employers and Businesses

- A. No employer or business entity shall knowingly or intentionally permit or engage in the smoking of tobacco or tobacco products in an area that is under the employer's or business entity's control and in which smoking is prohibited.
- B. No employer or business entity shall knowingly or intentionally permit the presence or placement of ash receptacles, such as without limitation, ash trays or cans within an area which is under the control of the employer or business entity and in which smoking is prohibited.
- C. Any employer or business entity that permits a nonemployee access to its place of employment or business on a regular basis has not acted knowingly or intentionally if it has taken the following reasonable steps to prevent smoking by a nonemployee:
 - 1. Posted clear and prominent signs, as follows:
 - a. Where smoking is prohibited throughout the building or structure, a sign stating "No Smoking" shall be posted. The "No Smoking" sign shall be of letters that are a minimum of one inch in height or the international "no smoking" symbol. The sign shall be clearly and conspicuously posted on the exterior of every building or other place where smoking is controlled by this Chapter, by the owner, operator, manager, or other person having control of such building or other place. The sign shall include the distance limitations contained in sections 8.32.050 (A) (4) and (5) of this Chapter as applicable; and
 - b. Where smoking is permitted in designated areas of the building or structure, a sign stating "Smoking Is Prohibited Except in Designated Areas" shall be posted at each entrance to the building or structure.
 - 2. Has requested, when appropriate, that a nonemployee who is smoking refrain from smoking.
- D. Any business, person, or other establishment which sells tobacco products for consumption shall post plainly visible signs at each point of purchase of tobacco products in compliance with the requirements of state law.
- E. It is unlawful for any business, person, or other establishment to sell, offer to sell, or permit to be sold any tobacco product to a minor individual eighteen (18) years of age or younger. Identification shall be requested unless there is reasonable basis to determine that the buyer is not a minor.
- F. Notwithstanding any other provision of this Chapter, any employer, business entity or person who controls any area may declare that any part of such area in which smoking would otherwise be permitted to be a nonsmoking area.

8.32.080 Nonretaliation.

No person or employer shall discharge, refuse to hire, or in any manner, retaliate against any employee or applicant for employment because such employee or applicant exercises any rights afforded by this Chapter.

8.32.090 Violations and Penalties.

- A. Any violation of any prohibition of this Chapter is an infraction, punishable by a fine not to exceed that which is set by Municipal Code Chapter 1.16 (*General Provisions*).

- B. Smoking in any area where smoking is prohibited by this Chapter constitutes a public nuisance and may be abated as such including the application of any of the enforcement remedies provided in the City of Rohnert Park's Municipal Code or under any applicable state or federal statute or pursuant to any other lawful power the City may possess.
- C. Any private person who claims violation of this Chapter may bring a civil action for damages or for injunctive relief in accordance with applicable laws governing such civil actions.

8.32.100 Interpretation.

This Chapter shall not be interpreted or construed to permit smoking where is it otherwise restricted by state or federal law.

8.32.110 Effective Date.

The provisions of this Chapter shall be effective thirty days (30) from and after the date of its adoption and publication or posting as required by law.

8.32.120 Statutory Severability.

If any section, subsection, sentence or clause or phrase of this Chapter is, for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter.

- B. Rohnert Park Municipal Code Title 17 (Zoning) section 17.06.060 (*Permitted Uses-Commercial Zoning Districts*) shall be amended to add the following permitted land use to the "C-R" zoning district:**

17.06.060 Permitted Uses

Land Use Category	C-O	C-N	C-R
Tobacco store (retail or wholesale) and private smoker's lounges when attached to a tobacco store (Regulated by Municipal Code Chapters: 8.32, 8.33).	--	--	C

- C. Rohnert Park Municipal Code Chapter 8.33 (*Prohibition of Head Shops, Hookah Bars, Tobacco Vending Machines and Self Service Displays*) shall be added to read as follows:**

Chapter 8.33 Prohibition of Head Shops, Hookah Bars, Tobacco Vending Machines and Self Service Displays

8.33.010 Purpose.

The purpose of this Chapter is to detail the prohibition of head shops, hookah bars, tobacco vending machines and tobacco self-service displays within the City of Rohnert Park.

8.33.020 Findings.

- A. The Surgeon General of the United States and local public health agencies and private health organizations have found that cigarettes and other tobacco products are easily available to minors from vending machines, tobacco retailers, and shoplifting.

- B. The U.S. Centers for Disease Control have found that at least 434,000 Americans die each year from tobacco-caused diseases. The Surgeon General of the United States and the U.S. Department of Health and Human Services have found that a majority of those Americans who die of tobacco caused diseases became addicted to nicotine in tobacco products as minors.
- C. The National Institute on Drug Abuse has concluded that there is a strong correlation between drug use and violence and that head shops promote the use of illegal or illicit drugs.
- D. Strong legislative action is needed to curtail the wide availability of all types of paraphernalia, tobacco and tobacco products.

8.33.030 Definitions.

- A. "Head Shop" means a retail outlet that receives 90% or more of its gross revenues from the sale of paraphernalia related to the consumption of cannabis, other recreational drugs and/or new age herbs. Products typically include but are not limited to, water pipes, bongs, roach clips, pipes, rolling papers, rolling machines, and whipped cream chargers containing nitrous oxide.
- B. "Hookah Bar" means a business location that provides for the ingestion, inhalation or consumption of tobacco or tobacco products by way of an apparatus which includes, but is not limited to the following parts: a water vessel, a bowl for holding combustible tobacco or tobacco products and an inhalation hose or tube. Hookah bar does not include a private smokers' lounge attached to a tobacco shop.
- C. "Self-Service Display" means the open display of tobacco products or tobacco paraphernalia in a manner that is accessible to the general public without the assistance of the retailer or employee of the retailer.
- D. "Tobacco Paraphernalia" means cigarette papers or wrappers, blunt wrap, pipes, holders of smoking materials of all types, cigarette rolling machines or other instruments or things designed for the smoking or ingestion of tobacco products.
- E. "Tobacco Product" means any product containing tobacco leaf, including but not limited to, bidis, chewing tobacco, cigarettes, cigars, dipping tobacco, pipe tobacco, snuff, or any other preparation of tobacco.
- F. "Vending Machine" means a machine, appliance, or other mechanical device operated by currency, token, debt card, credit card, or any other form of payment that is designed or used for vending purposes.

8.33.040 Distribution and Uses.

- A. It is unlawful for any person, business or other entity to operate a head shop or hookah bar.
- B. It is unlawful for any person, business or other entity to sell, offer to sell, or permit to be sold any cigarette or other tobacco product or paraphernalia from a vending machine.
- C. It is unlawful for any person, business, or other entity to display tobacco products or tobacco paraphernalia by means of a self-service display or to engage in tobacco retailing by means of a self-service display.

8.33.050 Violations and Penalties.

- A. Every act prohibited or declared unlawful by the provisions of this Chapter shall constitute an infraction, and each day or portion thereof that such violation is in existence shall be a new and separate offense as set forth in Chapter 1.25. The fourth and any additional violations within any twelve consecutive month period may be charged as a misdemeanor pursuant to Chapter 1.16 of the Rohnert Park Municipal Code.

- B. Any violation of any provision of this Chapter shall be punished by administrative penalties as prescribed in Chapter 1.25 of the Rohnert Park Municipal Code.
- C. In addition to any other remedy provided by the Rohnert Park Municipal Code or by state law or any other law, the City may commence action or proceedings for the abatement, removal and enjoinder of any violation of this Chapter in the manner provided by law.
- D. In addition to the penalties and remedies set forth above, anyone violating a provision(s) of this Chapter shall be subject to having any other related permits or licenses revoked by the City of Rohnert Park for said violation.

8.33.060 Nonretaliation.

No person or employer shall discharge, refuse to hire, or in any manner, retaliate against any employee or applicant for employment because such employee or applicant exercises any rights afforded by this Chapter.

8.33.070 Interpretation.

This Chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by state or federal law.

8.33.080 Effective Date.

The provisions of this Chapter shall be effective thirty days (30) from and after the date of its adoption and publication or posting as required by law.

8.33.090 Statutory Severability.

If any section, subsection, sentence or clause or phrase of this Chapter is, for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter.

SECTION 5. Environmental Clearance. In accordance with CEQA general rule, Section 15061(b)(3), “[C]EQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” There is no possibility that amendment of the Municipal Code to prohibit smoking in certain areas would have a significant effect on the environment, and thus the adoption of the Ordinance has been determined to be exempt from CEQA review.

SECTION 6. Severability. The City Council hereby declares that every section, paragraph, sentence, clause and phrase of this Ordinance is severable. If any section, paragraph, sentence, clause or phrase of this Ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 7. Effective Date. This ordinance shall be in full force and effective 30 days after its adoption, and shall be published and posted as required by law. Development applications that have been deemed complete pursuant to Government Code Section 65944 shall be processed in accordance with the laws and ordinances which were in effect at the time the application was deemed complete.

This ordinance was introduced on the 14th day of April, 2009, and **DULY AND REGULARLY ADOPTED** this 28th day of April, 2009, by the following vote:

AYES: Three (3) Council Members Mackenzie, Stafford, and Mayor Breeze

NOES: Two (2) Council Members Belforte and Callinan

ABSENT: None (0)

ABSTAIN: None (0)

CITY OF ROHNERT PARK

/s/ Mayor Amie Breeze

ATTEST:

City Clerk Judy Hauff

APPROVED AS TO FORM:

Assistant City Attorney Ben Winig

Covina, CA

Home

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Chapter 17.61 SMOKE SHOPS AND TOBACCO STORES

Sections:

17.61.010 Purpose.

17.61.020 Definitions.

17.61.030 Zoning and land use standards for smoke shops and tobacco stores.

Prior legislation: Ord. 14-2030.

17.61.010 Purpose.

The regulation of smoke shops and tobacco stores is necessary and in the interests of the public health, safety and general welfare because there is the substantial likelihood of the establishment and operation of smoke shops and tobacco stores in the city of Covina. The expansion of smoke shops and tobacco stores in the city would result in undesirable impacts to the community. Among these impacts are increased potential for tobacco sales to minors, greater opportunity for the sale of illegal drug paraphernalia that is marketed as tobacco paraphernalia, and heightened risk of negative aesthetic impacts, blight, and loss of property values of residential neighborhoods and businesses in close proximity to such uses. This chapter contains amendments consistent with good zoning and planning practices to address such negative impacts of smoke shops and tobacco stores while providing a reasonable number of locations and zones for such shops/stores to locate within the city of Covina. (Ord. 14-2031 § 6, 2014.)

17.61.020 Definitions.

"Ancillary sale" shall mean where a grocery store, supermarket, convenience store or similar market uses no more than two percent of its gross floor area, or 200 square feet, whichever is less, for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes or tobacco. For any grocery store, convenience market, retail kiosk or similar use consisting of 250 square feet or less, "ancillary sale" shall mean where no more than five square feet are used for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes or tobacco. The display, sale, distribution, delivery, offering, furnishing, or marketing of e-cigarettes or any other tobacco products or tobacco paraphernalia, regardless of square footage used, is subject to the restrictions of this chapter and shall not constitute ancillary sale" under any circumstances.

"E-cigarette" shall mean any electronically actuated device or inhaler meant to simulate cigarette smoking that uses a heating element to vaporize a liquid solution, popularly referred to as "juice," and that causes the user to exhale any smoke, vapor, or substance

other than that produced by unenhanced human exhalation. The juice used in e-cigarettes typically contains nicotine, and for this reason e-cigarettes and their juice can be classified as both tobacco products and tobacco paraphernalia.

“Smoke shop and tobacco store” shall mean any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a “smoke shop and tobacco store” and shall not be subject to the restrictions in this chapter.

“Tobacco” shall mean any preparation of the nicotine-rich leaves of the tobacco plant, which are cured by a process of drying and fermentation for use in smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body.

“Tobacco paraphernalia” shall mean any paraphernalia, equipment, device, or instrument that is primarily designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco, tobacco products, or other controlled substances as defined in California Health and Safety Code Section 11054 et seq. Items or devices classified as tobacco paraphernalia include but are not limited to the following: pipes, punctured metal bowls, bongs, water bongs, electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material. Lighters and matches shall be excluded from the definition of tobacco paraphernalia.

“Tobacco product” shall mean any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from the tobacco plant, or otherwise derived, which is intended to enable human consumption of the tobacco or nicotine in the product, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. For the purposes of this chapter, the term “tobacco product” excludes any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose. (Ord. 14-2031 § 6, 2014.)

17.61.030 Zoning and land use standards for smoke shops and tobacco stores.

A. Notwithstanding any other provision of this title to the contrary, smoke shops and tobacco stores shall be a conditionally permitted use only in the following zones, subject to the regulations contained in this chapter:

1. C-4 commercial zone (highway).
2. C-5 commercial zone (specified highway).

B. All smoke shops and tobacco stores wishing to operate within the above zones after the effective date of the ordinance codified in this chapter must obtain a conditional use permit (CUP) in accordance with Chapter 17.62 CMC.

C. Additional zoning and land use standards for smoke shops and tobacco stores shall be as follows:

1. Smoke shops and tobacco stores shall not be located within 300 feet, measured property line to property line, from a school (public or private), family day care home, child care facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather.
2. Smoke shops and tobacco stores shall not be located within 500 feet, measured property line to property line, from another smoke shop and tobacco store.
3. It is unlawful for a smoke shop and tobacco store to knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any smoke shop and tobacco store.
4. Smoke shops and tobacco stores shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. At least one such sign shall be placed in a conspicuous location near each public entrance to the smoke shop and tobacco store. It shall be unlawful for a smoke shop and tobacco store to fail to display and maintain, or fail to cause to be displayed or maintained, such signage.

D. Standard conditions of approval for any CUP shall, at minimum, include the following:

1. No smoking shall be permitted on the premises at any time.
2. No sales may be solicited or conducted on the premises by minors.
3. No self-service tobacco, tobacco product, or tobacco paraphernalia displays shall be permitted.
4. No distribution of free or low-cost tobacco, tobacco products or tobacco paraphernalia, as well as coupons for said items, shall be permitted.

E. Smoke shops and tobacco stores that are legally existing on the effective date of the ordinance codified in this chapter may continue to operate as legal nonconforming uses in accordance with Chapter 17.70 CMC and shall not be required to obtain a conditional use permit. However, any change or expansion of the legal nonconforming use may require compliance with this chapter and a conditional use permit, as more particularly set forth in Chapter 17.70 CMC. (Ord. 14-2031 § 6, 2014.)

The Covina Municipal Code is current through Ordinance 15-2038, passed May 19, 2015.

Disclaimer: The City Clerk's Office has the official version of the Covina Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.covinaca.gov/>

City Telephone: (626) 384-5430

Code Publishing Company

ORDINANCE NO. O-2014-032-03

AN ORDINANCE AMENDING ORDINANCE NO. O-2002-032-15, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF HALTOM CITY, TEXAS, BY ADOPTING REGULATIONS FOR SMOKE SHOPS AND SMOKE LOUNGES; PROVIDING A DEFINITION FOR SMOKE SHOP AND SMOKE LOUNGE; PROVIDING FOR THE CLASSIFICATION OF SMOKE SHOPS AND SMOKE LOUNGES IN CERTAIN ZONING DISTRICTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Haltom City is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Haltom City heretofore adopted Ordinance No. O-2002-032-15, as amended, the Zoning Ordinance of the City of Haltom City, Texas, which Ordinance regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, the Planning and Zoning Commission after conducting a public hearing has made its recommendation for the following amendment to the zoning ordinance; and

WHEREAS, after appropriate notice and public hearing, the Planning and Zoning Commission of the City of Haltom City, Texas has forwarded a recommendation to the City Council for amendment of the City's zoning ordinance as set forth herein; and

WHEREAS, notice has been given and public hearings held as required for amendments to the zoning ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HALTOM CITY, TEXAS:

SECTION 1.

Section 28, "Definitions" in Appendix B – Zoning of the Code of Ordinances of the City of Haltom City, Texas, as amended, is hereby amended by adding the following definitions:

Electronic vaping device. Any electronically powered or battery powered device designed to simulate the smoking of tobacco, cigarettes, pipes or cigars. An electronic vaping device includes personal vaporizers, electronic cigarettes (e-cigarettes), electronic pipes (e-pipes), electronic cigars (e-cigars) and any other type of electronic nicotine delivery system or any part thereof.

Smoke lounge. An assembly establishment that is dedicated, in whole or in part, to entertaining smokers of tobacco, electronic vaping devices or other similar substances and includes any establishment that allows either the payment of consideration by a customer to the establishment for on-site delivery of tobacco, tobacco accessories, electronic vaping devices, vapor accessories or similar substances and products to the customer; and, the onsite smoking of such. This definition shall be construed to include establishments known variously as retail tobacco stores, tobacco product shops, hookah cafes, tobacco clubs, tobacco bars, vapor shops/lounges, and similar establishments, but shall not include an establishment which derives more than 50 percent of its gross revenue from food, beverage, or gasoline fuel sales.

Smoke shop. A retail establishment that is dedicated, in whole or in part, to the smoking of tobacco, electronic vaping devices or other similar substances and includes any establishment that allows either the payment of consideration by a customer to the establishment for on-site delivery of tobacco, tobacco accessories, electronic vaping devices, vapor accessories or similar substances and products to the customer; and, the onsite smoking of such. This definition shall be construed to include establishments known variously as retail tobacco stores, tobacco product shops, vapor shops, and similar establishments, but shall not include an establishment which derives more than 50 percent of its gross revenue from food, beverage, or gasoline fuel sales.

SECTION 2.

Section 9, "Use matrix" in Appendix B – Zoning of the Code of Ordinances of the City of Haltom City, Texas, as amended, is hereby amended by adding the following to the table of uses:

KEY:

P = Permitted

C = Conditional

SE = Special Exception

D. Recreation and entertainment uses:	SF-1	SF-2	D	MF-1	MF-2	MHD	TH	O	C-1	C-2	C-3	C-4	C-5	M-1	M-2
Smoke Lounge														P*	

* Refer to Sec. 29.X for distance requirements

G. Retail and service uses:	SF-1	SF-2	D	MF-1	MF-2	MHD	TH	O	C-1	C-2	C-3	C-4	C-5	M-1	M-2
Smoke Shop												P*		P*	

* Refer to Sec. 29.X for distance requirements

SECTION 3.

Section 29, "Supplementary district regulations" in Appendix B – Zoning of the Code of Ordinances of the City of Haltom City, Texas, as amended, is hereby amended by adding the following:

X. Smoke lounges and smoke shops.

1. A person, including an operator, commits an offense if he/she causes or permits the operation or establishment of a smoke lounge or a smoke shop in or within 1,500 feet of an existing:
 - a. Religious institution;
 - b. School;
 - c. Public park;
 - d. A residential district;
 - e. A public library;
 - f. A property line of a lot devoted to a residential use; or
 - g. Another smoke lounge or smoke shop.
2. For the purpose of subsection (1) above, measurement of the distance shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the property line of an existing religious institution, school, smoke lounge, or smoke shop, or from the boundary line of a public park, public library, or residential district, to the nearest property line of the property sought to be used as a smoke lounge or smoke shop.

3. Also for the purposes of subsection (a) above, measurement of the 1,500 foot distance shall also include religious institutions, schools, public parks, residential district, other smoke lounges, or other smoke shops, which are located in an adjacent city, township or rural land area and which are within the 1,500 foot distance of the nearest property line of the property sought to be used as a smoke lounge or smoke shop within the City of Haltom City.
4. A certified survey prepared by a licensed surveyor or licensed engineer showing distance measurements in accordance with this section shall be submitted to the Zoning Administrator as part of the application for building permit or certificate of occupancy. Any certificate of occupancy issued for a building or facility used to conduct a smoke lounge or smoke shop without submission of the required survey shall be null and void.
5. A person commits an offense if he causes or permits the establishment or operation of more than one smoke lounge or smoke shop or a combination of a smoke lounge and a smoke shop on the same property, in the same building or structure, or any portion thereof.
6. A smoke lounge or smoke shop lawfully operating on the effective date of this article that is in violation of the location requirements of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue unless terminated for any reason. A nonconforming use under this subsection shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more smoke lounges or smoke shops are within 1,500 feet of one another and otherwise in a permissible location, the smoke lounge or smoke shop which was first established and continually operating at a particular location is the conforming use and the later-established smoke lounge or smoke shop is nonconforming.
7. A smoke lounge or smoke shop lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the smoke lounge or smoke shop certificate of occupancy, of a religious institution, school, smoke lounge, smoke shop, a public park, public library, residential district, or subsequent designation of a historical/cultural district, within 1,500 feet of the smoke lounge or smoke shop. This provision applies only to the renewal of a certificate of occupancy.

SECTION 4.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Haltom City, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 5.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7.

All rights and remedies of the City of Haltom City are expressly saved as to any and all violations of the provision of the Zoning Ordinance of the Code of Ordinances of the City of Haltom City, Texas, as amended, or any other ordinances regulating zoning and land use that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 8.

The City Secretary of the City of Haltom City is hereby directed to publish in the official newspaper of the City of Haltom City, the caption, penalty clause, publication clause and effective date clause of this ordinance one (1) time within ten (10) days after the first reading of this ordinance as required by Section 10-01 of the Charter of the City of Haltom City.

SECTION 9.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON FIRST READING THIS 13th DAY OF OCTOBER, 2014.

PASSED AND APPROVED ON SECOND READING THIS 27th DAY OF OCTOBER, 2014.


MAYOR

ATTEST:


CITY SECRETARY



APPROVED AS TO FORM AND LEGALITY:


CITY ATTORNEY