



**CITY OF ILWACO  
CITY COUNCIL MEETING  
Monday, January 26, 2015**

**5:00 p.m. PRIVATE SEWER LINES WORKSHOP  
6:00 p.m. REGULAR COUNCIL MEETING  
AGENDA**

**A. Call to order**

**B. Flag Salute**

**C. Roll Call**

**D. Approval of Agenda**

**E. Consent Agenda**

All matters, which are listed within the consent section of the agenda, have been distributed or made available for review to each member of the council prior to the meeting. Items listed are considered routine and will be enacted with one motion unless a council member specifically requests it to be removed from the Consent Agenda to be considered separately. The staff recommends the approval of the following items:

**1. Approval of Minutes (TAB 1)**

- a. January 12, 2015 Regular meeting

**2. Claims & Vouchers (TAB 2)**

- |                                        |             |
|----------------------------------------|-------------|
| a. Checks: 37419 to 37421 + Electronic | \$25,332.31 |
| b. Checks: 37422 to 37450              | \$44,521.98 |
| GRAND TOTAL:                           | \$69,584.29 |

**F. Reports**

**1. Staff Reports (TAB 3)**

- a. Treasurer Report

**2. Council Reports**

**3. Mayor's Report**

**G. Comments of Citizens and Guests Present**

At this time, the mayor will call for any comments from the public on any subject not on the agenda. Please limit your comments to five (5) minutes. The City Council does not take any action or make any decisions during public comment. To request an item be added to a future agenda, please contact the city clerk for the council rules of procedure for agenda items.

**H. Public Hearing – Substantial Development Permit, Ilwaco Tuna Club**

**I. Business**

**J. Discussion**

1. Pollution Liability Insurance (TAB 9) – *Chambreau*
2. Medicinal Marijuana Moratorium (TAB 10) – *City Planner*
3. Pay Raise for Fire Chief & Fire Administrator (TAB 11) – *Jensen/Karnofski*
4. Substantial Development Permit – Ilwaco Tuna Club (TAB 12) – *City Planner*

**K. Correspondence and Written Reports**

**L. Future Discussion/Agendas**

1. Amended Procedures Ordinance --*City Planner*
2. Pursuit of New Agreement with Seaview Sewer District –*Cassinelli*

**M. Adjournment**

**N. Upcoming Meetings**

COUNCIL/COMMISSION	PURPOSE	DAY	DATE	TIME	LOCATION
City Council	Regular Meeting	Monday	02/09/2015	6:00 p.m.	Community Building
City Council	Special Meeting – DOH	Tuesday	02/10/15	1:00 p.m.	Ilwaco Fire Hall
Parks & Rec. Commission	Regular Meeting	Tuesday	02/10/15	6:00 p.m.	Ilwaco Fire Hall
Port/City Meeting	Regular Meeting	Tuesday	02/10/15	5:00 p.m.	Port of Ilwaco Meeting Room
Planning Commission	Regular Meeting <i>(meetings subject to cancellation if there is no business to transact)</i>	Tuesday	03/03/15	6:00 p.m.	Community Building



**CITY OF ILWACO  
CITY COUNCIL MEETING  
Monday, January 12 2015**

**A. Call to order**

Mayor Cassinelli called the meeting to order at 4:30pm

**B. Flag Salute**

The Pledge of Allegiance was recited.

**C. Roll Call**

Present: Councilmembers Jensen, Karnofski, Marshall, Chambreau and Forner; Mayor Cassinelli.

**D. Approval of Agenda**

**ACTION: Motion to approve the agenda (Chambreau/Marshall). 5 Ayes 0 Nays 0 Abstain.**

**E. Approval of Consent Agenda**

Including Checks 37346 to 37358 + electronic totaling \$49,623.99 and Checks 37343, 37359 to 37392 totaling \$24,843.61 and Checks 37344, 37393 to 37418 totaling \$100,487.79 for a grand total of \$174,955.39.

**ACTION: Motion to approve the consent agenda. (Forner/Chambreau). 5 Ayes 0 Nays 0 Abstain.**

**F. Reports**

**1. Staff Reports**

a. Chief Wright provided a written report.

**2. Council Reports**

a. Councilmember Marshall observed the city is beginning to bury the pipes at Discovery Heights.

**3. Mayor's Report**

Mayor Cassinelli introduced Rick Gray as the replacement for Dennis Schweizer at the water plant. Mayor Cassinelli also announced that Nancy McAllister has accepted a seat on the planning commission, with the Council's acknowledgement. This leaves one planning seat still available.

**G. Comments of Citizens and Guests Present**

None.

**H. Business**

**1. Backwash Basin Project**

Mayor Cassinelli stated this was the final voucher to close out the project. Councilmember

Marshall asked if this was the release of retainage because it didn't look like enough funds if it was.

**ACTION: Motion to accept the Backwash Basin project as complete and authorize the mayor to execute the Final Contract Voucher Certificate and proceed with project close out. (Chambreau/Forner) 5 Ayes 0 Nays 0 Abstain**

## **2. Washington State Main Street Program (WSMSP)**

Mayor Cassinelli stated that the city may have better potential for funding improvements downtown and an affiliation that Envision Ilwaco may like. Councilmember Karnofski said Envision Ilwaco may want to attend some of the retreats and meetings. Councilmember Chambreau asked for clarification between the Main Street Community and Washington Main Street Affiliate designations.

**ACTION: Motion to authorize the mayor to execute the 2015 Letter of Agreement for inclusion in the Washington State Main Street Program as an Affiliate Community. (Karnofski/Chambreau) 5 Ayes 0 Nays 0 Abstain**

## **3. Specialty Environmental Insurance Quote**

Councilmember Chambreau called attention to Item 4 of the Sludge Disposal Site Contract which requires the coverage. Councilmember Jensen inquired if the cost seemed high. Councilmember Chambreau answered that the cost to defend against liabilities in comparison to the insurance cost should be weighed, and that the city is obligated by the Sludge Contract to carry the coverage.

**ACTION: Motion to authorize the mayor to enter into an agreement with Colony Insurance Co. for Specialty Environmental insurance coverage. (Chambreau/Jensen) 5 Ayes 0 Nays 0 Abstain**

## **I. Discussion**

### **1. Backwash Basin Project**

**ACTION: Motion to move this item to business at this meeting (Forner/Chambreau) 5 Ayes 0 Nay 0 Abstain**

### **2. Washington State Main Street Program (WSMSP)**

**ACTION: Motion to move this item to business at this meeting (Karnofski/Jensen) 5 Ayes 0 Nay 0 Abstain**

### **3. Specialty Environmental Insurance Quote**

**ACTION: Motion to move this item to business at this meeting (Jensen/Chambreau) 5 Ayes 0 Nay 0 Abstain**

## **J. Executive Session**

### **1. To review the performance of a public employee per RCW 43.30.110 (g)**

Mayor Cassinelli adjourned the regular session at 4:47pm for approximately 15 minutes. At 5:02 Mayor Cassinelli extended the session by another 10 minutes. Mayor Cassinelli closed the executive session at 5:15p.m., and re-opened the regular council meeting at 5:15p.m. Mayor Cassinelli announced that no decisions had been made during the executive session.

**ACTION: Leave as discussion for the next meeting.**

**K. Correspondence and Written Reports**

**L. Future Discussion/Agendas**

1. Amended Procedures Ordinance – *City Planner*
2. Pursuit of New Agreement with Seaview Sewer District – *Cassinelli*

**L. Adjournment**

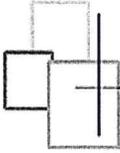
**ACTION: Motion to adjourn the meeting (Chambreau).** Mayor Cassinelli adjourned the meeting at 5:15p.m.

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Mike Cassinelli, Mayor

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Holly Beller, Deputy City Clerk



# Register

Number	Name	Fiscal Description	Amount
<u>37419</u>	Fero, Jimmie W	2015 - January - Second Meeting	\$965.68
<u>37420</u>	Gardner, Daryl W	2015 - January - Second Meeting	\$1,725.81
<u>37421</u>	Schweizer, Dennis	2015 - January - Second Meeting	\$3,394.68
Beller, Holly Celeste	ACH Pay - 1391	Posting Run - 1/15/2015 3:22:37 PM	\$1,259.24
Benson, Austin	ACH Pay - 1392	Posting Run - 1/15/2015 3:22:37 PM	\$1,061.17
Gray, Richard Roy	ACH Pay - 1395	Posting Run - 1/15/2015 3:22:37 PM	\$2,022.23
Gustafson, David M.	ACH Pay - 1396	Posting Run - 1/15/2015 3:22:37 PM	\$1,559.90
Hazen, Warren M.	ACH Pay - 1397	Posting Run - 1/15/2015 3:22:37 PM	\$1,757.74
Mc Kee, David A	ACH Pay - 1398	Posting Run - 1/15/2015 3:22:37 PM	\$1,837.76
Richardson, Troy	ACH Pay - 1399	Posting Run - 1/15/2015 3:22:37 PM	\$1,562.20
Smith, Ariel	ACH Pay - 1406	Posting Run - 1/15/2015 3:22:37 PM	\$1,646.05
Staples, Terri P	ACH Pay - 1402	Posting Run - 1/15/2015 3:22:37 PM	\$394.87
<u>EFT-2</u>	U.S. Treasury Department	2015 - January - Second Meeting	\$6,144.98
			<b>\$25,332.31</b>

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Ilwaco, and that I am authorized to authenticate and certify said claims.

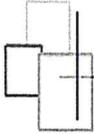
\_\_\_\_\_  
Treasurer

37419 through 37421 and electronic payments totalling \$25,332.31 are approved this 26th day of January, 2015.

\_\_\_\_\_  
Council member

\_\_\_\_\_  
Council member

\_\_\_\_\_  
Council member



# Register

Fiscal 2015

Number	Name	Print Date	Amount
<b>Bank of the Pacific</b>	<b>8023281</b>		
<b>Check</b>			
<u>37422</u>	ALS Environmental	1/26/2015	\$377.00
<u>37423</u>	AlSCO-American Linen Div.	1/26/2015	\$29.81
<u>37424</u>	Arthur J Gallagher Rms, Inc.	1/26/2015	\$233.00
<u>37425</u>	Association of WA Cities	1/26/2015	\$473.00
<u>37426</u>	Blue Tarp Financial	1/26/2015	\$155.57
<u>37427</u>	Centurylink	1/26/2015	\$1,421.18
<u>37428</u>	Charter Communications	1/26/2015	\$80.00
<u>37429</u>	CREST	1/26/2015	\$1,230.00
<u>37430</u>	Custom Products Corporation	1/26/2015	\$383.97
<u>37431</u>	Department of Licensing	1/26/2015	\$30.00
<u>37432</u>	Discovery Benefits	1/26/2015	\$15.00
<u>37433</u>	Gray & Osborne, Inc.	1/26/2015	\$3,454.26
<u>37434</u>	Heather Reynolds, Attorney	1/26/2015	\$1,818.00
<u>37435</u>	I FOCUS Consulting Inc.	1/26/2015	\$412.50
<u>37436</u>	IHI Excavator Sales LLC	1/26/2015	\$147.63
<u>37437</u>	IPFS Corporation	1/26/2015	\$6,087.27
<u>37438</u>	LEAF	1/26/2015	\$129.88
<u>37439</u>	MAC Tools	1/26/2015	\$173.39
<u>37440</u>	Measure-Tech, Inc.	1/26/2015	\$3,176.31
<u>37441</u>	North Coast Truck Parts	1/26/2015	\$43.50
<u>37442</u>	Pacific CO Auditor	1/26/2015	\$66.00
<u>37443</u>	Pacific County Treasurer	1/26/2015	\$200.00
<u>37444</u>	Pitney Bowes	1/26/2015	\$500.00
<u>37445</u>	PUD No 2 of Pacific County	1/26/2015	\$10,568.48
<u>37446</u>	The Watershed Company	1/26/2015	\$9,562.50
<u>37447</u>	USA Blue Book	1/26/2015	\$326.07
<u>37448</u>	WA State Dept. of Ecology	1/26/2015	\$2,975.66
<u>37449</u>	WA State Labor & Industry	1/26/2015	\$32.00
<u>37450</u>	Donna Bolden	1/26/2015	\$150.00
	<b>Total</b>		<b>\$44,251.98</b>
	<b>Total</b>		<b>\$44,251.98</b>
	<b>Grand Total</b>		<b>\$44,251.98</b>

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Ilwaco, and that I am authorized to authenticate and certify said claims.

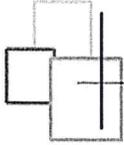
\_\_\_\_\_  
Treasurer

37422 through 37450 totalling \$44,251.98 are approved this 26th day of January, 2015.

\_\_\_\_\_  
Council member

\_\_\_\_\_  
Council member

\_\_\_\_\_  
Council member



# Voucher Directory

Vendor	Number	Reference	Account Number	Description	Amount
<b>ALS Environmental</b>	<b>37422</b>			<b>2015 - January - Second Meeting</b>	
		Invoice - 1/20/2015 9:41:11 AM			
		51-286012			
		401-000-000-534-00-31-01		Chemicals	\$270.00
		409-000-000-535-00-31-02		Chemicals	\$107.00
		<b>Total Invoice - 1/20/2015 9:41:11 AM</b>			<b>\$377.00</b>
	<b>Total 37422</b>				<b>\$377.00</b>
<b>Total ALS Environmental</b>					
<b>AlSCO-American Linen Div.</b>	<b>37423</b>			<b>2015 - January - Second Meeting</b>	
		Invoice - 1/20/2015 9:35:06 AM			
		917640			
		001-000-000-576-80-31-00		Office & Operating Supplies	\$7.45
		101-000-000-543-30-30-00		Office And Operating	\$7.45
		401-000-000-534-00-31-00		Operation & Maintenance	\$7.45
		409-000-000-535-00-31-01		Operations And Maintenance	\$7.46
		<b>Total Invoice - 1/20/2015 9:35:06 AM</b>			<b>\$29.81</b>
	<b>Total 37423</b>				<b>\$29.81</b>
<b>Total AlSCO-American Linen Div.</b>					<b>\$29.81</b>
<b>Arthur J Gallagher Rms, Inc.</b>	<b>37424</b>			<b>2015 - January - Second Meeting</b>	
		Invoice - 1/20/2015 9:52:27 AM			
		Bond-Ariel			
		001-000-000-514-31-00-00		Recording Fees	\$158.00
		<b>Total Invoice - 1/20/2015 9:52:27 AM</b>			<b>\$158.00</b>
		Invoice - 1/20/2015 9:52:28 AM			
		Bond-Holly			
		001-000-000-514-31-00-00		Recording Fees	\$75.00
		<b>Total Invoice - 1/20/2015 9:52:28 AM</b>			<b>\$75.00</b>
	<b>Total 37424</b>				<b>\$233.00</b>
<b>Total Arthur J Gallagher Rms, Inc.</b>					<b>\$233.00</b>
<b>Association of WA Cities</b>	<b>37425</b>			<b>2015 - January - Second Meeting</b>	
		Invoice - 1/20/2015 9:38:48 AM			
		001-000-000-519-70-49-00		Assoc of WA Cities (dues)	\$473.00
		<b>Total Invoice - 1/20/2015 9:38:48 AM</b>			<b>\$473.00</b>
	<b>Total 37425</b>				<b>\$473.00</b>
<b>Total Association of WA Cities</b>					<b>\$473.00</b>
<b>Blue Tarp Financial</b>	<b>37426</b>			<b>2015 - January - Second Meeting</b>	
		Invoice - 1/20/2015 10:17:45 AM			
		31720043			
		001-000-000-576-80-31-00		Office & Operating Supplies	\$31.11
		101-000-000-543-30-30-00		Office And Operating	\$31.12
		401-000-000-534-00-31-00		Operation & Maintenance	\$31.12
		408-000-000-531-38-31-01		Operations & Maintenance	\$31.11
		409-000-000-535-00-31-08		Office Supplies & Customer	\$31.11
		<b>Total Invoice - 1/20/2015 10:17:45 AM</b>			<b>\$155.57</b>
	<b>Total 37426</b>				<b>\$155.57</b>
<b>Total Blue Tarp Financial</b>					<b>\$155.57</b>
<b>Centurylink</b>	<b>37427</b>			<b>2015 - January - Second Meeting</b>	
		Invoice - 1/20/2015 11:06:21 AM			
		001-000-000-514-20-42-00		Communication	\$334.71
		001-000-000-522-10-42-00		Communication	\$380.85
		401-000-000-534-00-42-00		Communications	\$302.88
		409-000-000-535-00-42-00		Communications	\$402.74
		<b>Total Invoice - 1/20/2015 11:06:21 AM</b>			<b>\$1,421.18</b>
	<b>Total 37427</b>				<b>\$1,421.18</b>
<b>Total Centurylink</b>					<b>\$1,421.18</b>
<b>Charter Communications</b>	<b>37428</b>			<b>2015 - January - Second Meeting</b>	
		Invoice - 1/20/2015 9:38:28 AM			

	001-000-000-514-20-42-00	Communication	\$16.00
	001-000-000-576-80-31-00	Office & Operating Supplies	\$12.80
	101-000-000-543-30-30-00	Office And Operating	\$12.80
	401-000-000-534-00-42-00	Communications	\$12.80
	408-000-000-531-38-31-01	Operations & Maintenance	\$12.80
	409-000-000-535-00-42-00	Communications	\$12.80
	<b>Total Invoice - 1/20/2015 9:38:28 AM</b>		<b>\$80.00</b>
<b>Total 37428</b>			<b>\$80.00</b>
<b>Total Charter Communications</b>			<b>\$80.00</b>
<b>CREST</b>			
<b>37429</b>			
	<b>2015 - January - Second Meeting</b>		
	<b>Invoice - 1/20/2015 9:40:29 AM</b>		
	2940		
	001-000-000-558-60-41-00	Planner Services	\$480.00
	<b>Total Invoice - 1/20/2015 9:40:29 AM</b>		<b>\$480.00</b>
	<b>Invoice - 1/20/2015 9:40:53 AM</b>		
	2941		
	001-000-000-558-60-41-00	Planner Services	\$750.00
	<b>Total Invoice - 1/20/2015 9:40:53 AM</b>		<b>\$750.00</b>
<b>Total 37429</b>			<b>\$1,230.00</b>
<b>Total CREST</b>			<b>\$1,230.00</b>
<b>Custom Products Corporation</b>			
<b>37430</b>			
	<b>2015 - January - Second Meeting</b>		
	<b>Invoice - 1/20/2015 9:31:58 AM</b>		
	101-000-000-542-67-30-00	Street Cleaning	\$383.97
	<b>Total Invoice - 1/20/2015 9:31:58 AM</b>		<b>\$383.97</b>
<b>Total 37430</b>			<b>\$383.97</b>
<b>Total Custom Products Corporation</b>			<b>\$383.97</b>
<b>Department of Licensing</b>			
<b>37431</b>			
	<b>2015 - January - Second Meeting</b>		
	<b>Invoice - 1/20/2015 9:43:02 AM</b>		
	Notary		
	001-000-000-514-81-00-00	Licensing Fees	\$30.00
	<b>Total Invoice - 1/20/2015 9:43:02 AM</b>		<b>\$30.00</b>
<b>Total 37431</b>			<b>\$30.00</b>
<b>Total Department of Licensing</b>			<b>\$30.00</b>
<b>Discovery Benefits</b>			
<b>37432</b>			
	<b>2015 - January - Second Meeting</b>		
	<b>Invoice - 1/20/2015 10:17:10 AM</b>		
	509595-IN		
	001-000-000-514-20-31-00	Office & Operating Supplies	\$15.00
	<b>Total Invoice - 1/20/2015 10:17:10 AM</b>		<b>\$15.00</b>
<b>Total 37432</b>			<b>\$15.00</b>
<b>Total Discovery Benefits</b>			<b>\$15.00</b>
<b>Donna Bolden</b>			
<b>37450</b>			
	<b>2015 - January - Second Meeting</b>		
	<b>Invoice - 1/21/2015 2:24:07 PM</b>		
	training		
	101-000-000-543-60-40-00	Safety Training	\$150.00
	<b>Total Invoice - 1/21/2015 2:24:07 PM</b>		<b>\$150.00</b>
<b>Total 37450</b>			<b>\$150.00</b>
<b>Total Donna Bolden</b>			<b>\$150.00</b>
<b>Gray &amp; Osborne, Inc.</b>			
<b>37433</b>			
	<b>2015 - January - Second Meeting</b>		
	<b>Invoice - 1/20/2015 2:02:18 PM</b>		
	14637.0		
	409-000-000-535-00-31-05	Doe Annual Permit	\$1,816.08
	<b>Total Invoice - 1/20/2015 2:02:18 PM</b>		<b>\$1,816.08</b>
	<b>Invoice - 1/20/2015 2:02:20 PM</b>		
	12555.0		
	401-000-000-594-34-41-01	Engineering - Plant	\$1,638.18
	<b>Total Invoice - 1/20/2015 2:02:20 PM</b>		<b>\$1,638.18</b>
<b>Total 37433</b>			<b>\$3,454.26</b>
<b>Total Gray &amp; Osborne, Inc.</b>			<b>\$3,454.26</b>
<b>Heather Reynolds, Attorney</b>			
<b>37434</b>			
	<b>2015 - January - Second Meeting</b>		
	<b>Invoice - 1/20/2015 9:36:04 AM</b>		
	001-000-000-515-30-41-00	Legal Services	\$1,818.00
	<b>Total Invoice - 1/20/2015 9:36:04 AM</b>		<b>\$1,818.00</b>
<b>Total 37434</b>			<b>\$1,818.00</b>
<b>Total Heather Reynolds, Attorney</b>			<b>\$1,818.00</b>
<b>IFOCUS Consulting Inc.</b>			
<b>37435</b>			
	<b>2015 - January - Second Meeting</b>		
	<b>Invoice - 1/20/2015 9:34:31 AM</b>		
	00007862		
	001-000-000-514-20-41-00	Professional Services	\$137.50
	401-000-000-534-00-41-04	Professional Services -	\$137.50

	409-000-000-535-00-41-02	Professional Services -	\$137.50
	<b>Total Invoice - 1/20/2015 9:34:31 AM</b>		<b>\$412.50</b>
<b>Total 37435</b>			<b>\$412.50</b>
<b>Total IFOCUS Consulting Inc.</b>			<b>\$412.50</b>
<b>IHI Excavator Sales LLC</b>			
<b>37436</b>			
		<b>2015 - January - Second Meeting</b>	
	<b>Invoice - 1/20/2015 10:24:47 AM</b>		
	001-000-000-572-50-48-00	Repairs & Maintenance	\$147.63
	<b>Total Invoice - 1/20/2015 10:24:47 AM</b>		<b>\$147.63</b>
<b>Total 37436</b>			<b>\$147.63</b>
<b>Total IHI Excavator Sales LLC</b>			<b>\$147.63</b>
<b>IPFS Corporation</b>			
<b>37437</b>			
		<b>2015 - January - Second Meeting</b>	
	<b>Invoice - 1/20/2015 9:31:08 AM</b>		
	001-000-000-511-60-46-00	Insurances	\$636.73
	001-000-000-522-50-46-00	Insurance	\$824.83
	001-000-000-572-50-46-00	Insurance	\$942.31
	001-000-000-576-80-46-00	Insurance	\$198.45
	101-000-000-543-30-40-01	Insurance	\$121.75
	104-000-000-557-30-46-00	Heritage Museum - Insurance	\$477.24
	401-000-000-534-00-46-00	Insurance	\$1,626.52
	408-000-000-531-38-46-00	Insurance	\$57.83
	409-000-000-535-00-46-00	Insurance	\$1,201.61
	<b>Total Invoice - 1/20/2015 9:31:08 AM</b>		<b>\$6,087.27</b>
<b>Total 37437</b>			<b>\$6,087.27</b>
<b>Total IPFS Corporation</b>			<b>\$6,087.27</b>
<b>LEAF</b>			
<b>37438</b>			
		<b>2015 - January - Second Meeting</b>	
	<b>Invoice - 1/20/2015 9:31:39 AM</b>		
	001-000-000-514-20-31-00	Office & Operating Supplies	\$22.08
	001-000-000-522-10-31-00	Office & Operating Supplies	\$20.78
	101-000-000-543-30-30-00	Office And Operating	\$22.08
	401-000-000-534-00-31-00	Operation & Maintenance	\$22.08
	408-000-000-531-38-31-01	Operations & Maintenance	\$20.78
	409-000-000-535-00-31-01	Operations And Maintenance	\$22.08
	<b>Total Invoice - 1/20/2015 9:31:39 AM</b>		<b>\$129.88</b>
<b>Total 37438</b>			<b>\$129.88</b>
<b>Total LEAF</b>			<b>\$129.88</b>
<b>MAC Tools</b>			
<b>37439</b>			
		<b>2015 - January - Second Meeting</b>	
	<b>Invoice - 1/20/2015 9:45:26 AM</b>		
	101-000-000-543-30-30-02	Small Tools & Equipment	\$41.87
	<b>Total Invoice - 1/20/2015 9:45:26 AM</b>		<b>\$41.87</b>
	<b>Invoice - 1/20/2015 9:45:47 AM</b>		
	101-000-000-543-30-30-02	Small Tools & Equipment	\$131.52
	<b>Total Invoice - 1/20/2015 9:45:47 AM</b>		<b>\$131.52</b>
<b>Total 37439</b>			<b>\$173.39</b>
<b>Total MAC Tools</b>			<b>\$173.39</b>
<b>Measure-Tech, Inc.</b>			
<b>37440</b>			
		<b>2015 - January - Second Meeting</b>	
	<b>Invoice - 1/20/2015 2:45:56 PM</b>		
	14392		
	409-000-000-535-00-31-04	Annual Meter Calibrations	\$266.54
	<b>Total Invoice - 1/20/2015 2:45:56 PM</b>		<b>\$266.54</b>
	<b>Invoice - 1/20/2015 2:45:57 PM</b>		
	14393		
	409-000-000-535-00-31-04	Annual Meter Calibrations	\$861.28
	<b>Total Invoice - 1/20/2015 2:45:57 PM</b>		<b>\$861.28</b>
	<b>Invoice - 1/20/2015 2:45:59 PM</b>		
	14394		
	409-000-000-535-00-31-04	Annual Meter Calibrations	\$464.89
	<b>Total Invoice - 1/20/2015 2:45:59 PM</b>		<b>\$464.89</b>
	<b>Invoice - 1/20/2015 3:04:24 PM</b>		
	14386		
	401-000-000-534-00-31-03	Annual Meter Calibrations	\$1,149.70
	<b>Total Invoice - 1/20/2015 3:04:24 PM</b>		<b>\$1,149.70</b>
	<b>Invoice - 1/20/2015 3:04:25 PM</b>		
	14387		
	401-000-000-534-00-31-03	Annual Meter Calibrations	\$167.36
	<b>Total Invoice - 1/20/2015 3:04:25 PM</b>		<b>\$167.36</b>
	<b>Invoice - 1/20/2015 3:04:27 PM</b>		
	14388		
	401-000-000-534-00-31-03	Annual Meter Calibrations	\$266.54
	<b>Total Invoice - 1/20/2015 3:04:27 PM</b>		<b>\$266.54</b>
<b>Total 37440</b>			<b>\$3,176.31</b>
<b>Total Measure-Tech, Inc.</b>			<b>\$3,176.31</b>
<b>North Coast Truck Parts</b>			

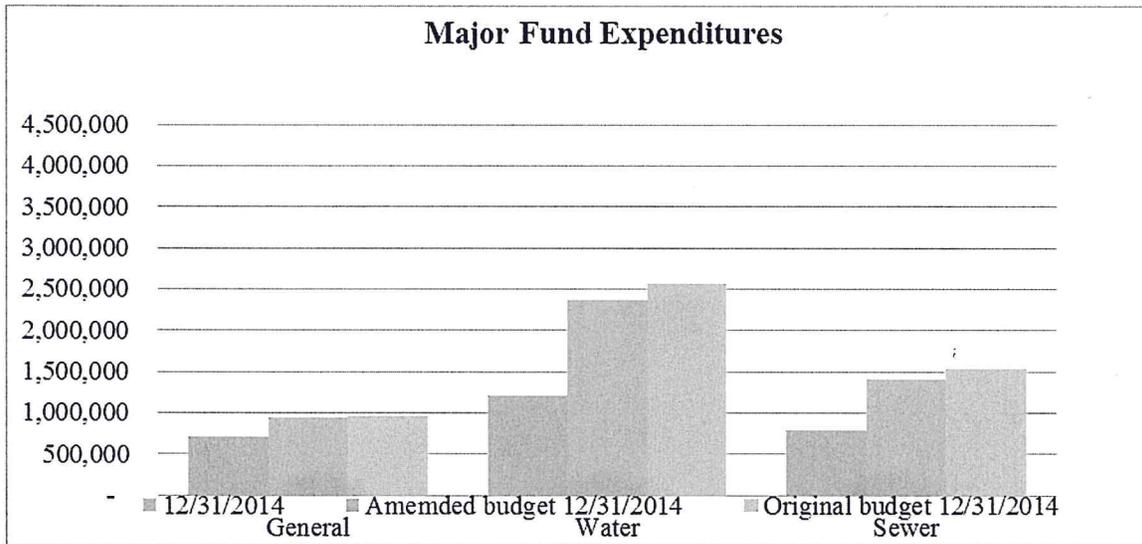
37441	2015 - January - Second Meeting		
	Invoice - 1/20/2015 3:08:17 PM		
	231633		
	101-000-000-543-30-30-00	Office And Operating	\$43.50
	Total Invoice - 1/20/2015 3:08:17 PM		\$43.50
Total 37441			\$43.50
Total North Coast Truck Parts			\$43.50
Pacific CO Auditor			\$43.50
37442	2015 - January - Second Meeting		
	Invoice - 1/20/2015 1:46:55 PM		
	001-000-000-514-31-00-00	Recording Fees	\$66.00
	Total Invoice - 1/20/2015 1:46:55 PM		\$66.00
Total 37442			\$66.00
Total Pacific CO Auditor			\$66.00
Pacific County Treasurer			\$66.00
37443	2015 - January - Second Meeting		
	Invoice - 1/20/2015 10:06:01 AM		
	001-000-000-512-50-40-03	Municipal Court Services	\$200.00
	Total Invoice - 1/20/2015 10:06:01 AM		\$200.00
Total 37443			\$200.00
Total Pacific County Treasurer			\$200.00
Pitney Bowes			\$200.00
37444	2015 - January - Second Meeting		
	Invoice - 1/20/2015 9:33:25 AM		
	001-000-000-514-20-45-00	Postage Meter Rental	\$500.00
	Total Invoice - 1/20/2015 9:33:25 AM		\$500.00
Total 37444			\$500.00
Total Pitney Bowes			\$500.00
PUD No 2 of Pacific County			\$500.00
37445	2015 - January - Second Meeting		
	Invoice - 1/20/2015 11:07:24 AM		
	001-000-000-511-60-47-00	Electricity	\$174.52
	001-000-000-514-20-47-00	Electricity	\$0.00
	001-000-000-522-50-47-00	Electricity	\$1,235.46
	001-000-000-572-50-47-00	Electricity	\$847.27
	001-000-000-575-50-40-00	Community Bldg Other - Electri	\$564.85
	001-000-000-576-80-47-00	Electricity	\$94.32
	101-000-000-542-63-47-00	Street Light Operating	\$684.74
	401-000-000-534-00-47-00	Electricity	\$2,308.51
	409-000-000-535-00-47-01	Electricity	\$4,658.81
	Total Invoice - 1/20/2015 11:07:24 AM		\$10,568.48
Total 37445			\$10,568.48
Total PUD No 2 of Pacific County			\$10,568.48
The Watershed Company			\$10,568.48
37446	2015 - January - Second Meeting		
	Invoice - 1/20/2015 10:21:33 AM		
	001-000-000-558-60-41-00	Planner Services	\$9,562.50
	Total Invoice - 1/20/2015 10:21:33 AM		\$9,562.50
Total 37446			\$9,562.50
Total The Watershed Company			\$9,562.50
USA Blue Book			\$9,562.50
37447	2015 - January - Second Meeting		
	Invoice - 1/20/2015 2:37:24 PM		
	401-000-000-534-00-35-00	Small Tools & Equipment	\$326.07
	Total Invoice - 1/20/2015 2:37:24 PM		\$326.07
Total 37447			\$326.07
Total USA Blue Book			\$326.07
WA State Dept. of Ecology			\$326.07
37448	2015 - January - Second Meeting		
	Invoice - 1/20/2015 9:54:39 AM		
	DOE Permit		
	401-000-000-534-00-31-04	Annual Permit Fees	\$1,596.50
	Total Invoice - 1/20/2015 9:54:39 AM		\$1,596.50
	Invoice - 1/20/2015 9:54:41 AM		
	DOE Permit		
	409-000-000-535-00-31-05	Doe Annual Permit	\$1,379.16
	Total Invoice - 1/20/2015 9:54:41 AM		\$1,379.16
Total 37448			\$2,975.66
Total WA State Dept. of Ecology			\$2,975.66
WA State Labor & Industry			\$2,975.66
37449	2015 - January - Second Meeting		
	Invoice - 1/20/2015 9:48:09 AM		
	001-000-000-522-10-49-00	Miscellaneous	\$32.00
	Total Invoice - 1/20/2015 9:48:09 AM		\$32.00
Total 37449			\$32.00
Total WA State Labor & Industry			\$32.00
Grand Total	Vendor Count	29	\$44,251.98

**TREASURER'S REPORT**  
**Month ending December 31, 2014**

State law requires the city to post prior year expenditures for the first twenty days of the new-year in to the prior year budget. These additional expenditures are included in the attached statements and year ending balances have been posted, however, there will be some final adjustments posted prior to the issuance of the 2014 financial statements.

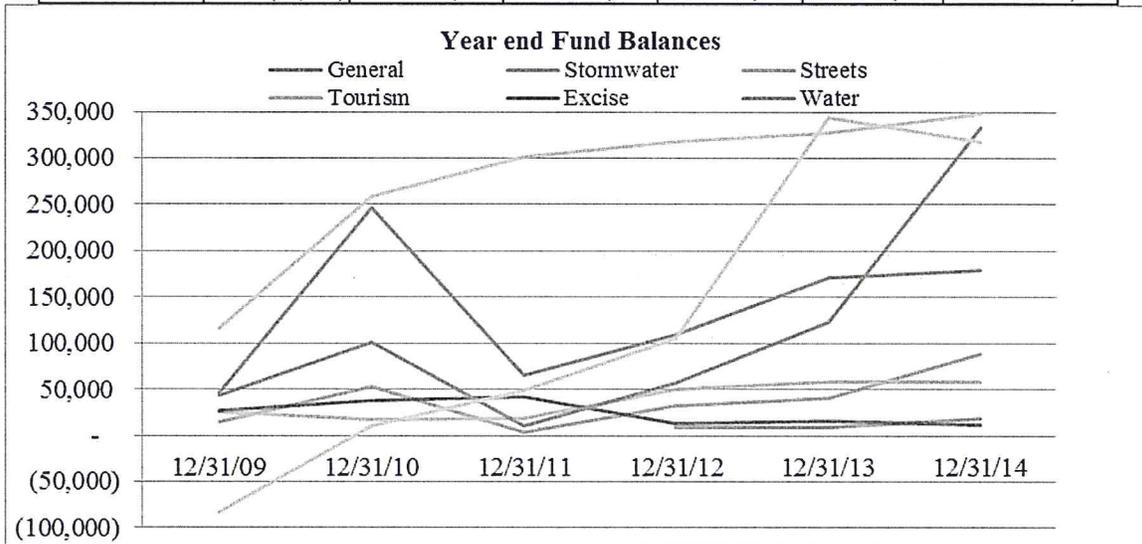
As illustrated in the table below, several amended budget projections for expenditures (excluding ending fund balance) were mostly on target. Other adjustments in expenditures were either offsetting or relatively minor in comparison to the overall budget.

Expenditures	YTD	Amemded budget	Original budget	Budget	
	12/31/2014	12/31/2014	12/31/2014	inc(dec)	% change
General	885,468	952,428	954,840	(2,412)	0%
Streets	775,310	776,259	737,790	38,469	5%
Tourism	29,774	65,789	65,789	-	0%
Water	1,537,776	2,365,230	2,563,296	(198,066)	-8%
Stormwater	66,663	74,835	75,613	(778)	-1%
Sewer	1,109,678	1,407,577	1,534,602	(127,025)	-8%



The stormwater fund is growing as it was only implemented in 2012. The Streets fund is right on track after the completion of the Elizabeth St. project, which is now closed out and nearly all the funds have been received. The Tourism fund includes lodging tax distributions that were made to the city in error that are estimated at \$33k. The Excise reserve was reduced by budgeted contributions to 2012, 2013 & 2014 projects. The largest discrepancy in the water fund is due to the Department of Health money that will be used in the water plant project that is currently underway. Water sales ended the year \$21k lower than projected. The Sewer sales ended \$25k lower than expected. The roof project was put off for another year and that help offset some of the lowered sales. Overall, the fund balances at the end of 2014 have continued to improve when compared to the past.

Cash balance						
	Actual	Actual	Actual	Actual	Actual	Actual
	<u>12/31/2009</u>	<u>12/31/2010</u>	<u>12/31/2011</u>	<u>12/31/2012</u>	<u>12/31/2013</u>	<u>12/31/2014</u>
General	45,907	245,945	65,878	109,562	171,658	179,178
Stormwater				9,310	8,955	18,556
Streets	14,918	52,455	3,046	32,719	41,301	88,743
Tourism	25,992	17,549	18,784	50,613	58,246	59,160
Excise	26,593	37,847	42,660	12,630	16,296	11,729
Water	43,110	101,550	10,239	56,617	123,117	332,491
Bond Rsv	116,187	258,530	301,475	318,077	327,179	347,731
Sewer	(83,072)	11,101	49,141	105,806	343,753	317,949



**Current Overall Cash Position**

The following are the account balances at the Bank of Pacific and Local Government Investment Pool:  
Current Balances as of January 21, 2015

Bank of Pacific	
xxx.3303 Main	\$350,295
xxx.7413	28,337
LGIP	<u>1,032,241</u>
Total Cash	<u>\$1,410,873</u>

Ariel Smith,  
Treasurer

# Expenditure Comparison

Fiscal 2014

Print Display	Description	Current Year			Last Year		
		Amount	Budget	%	Amount	Budget	%
<b>General Fund</b>							
001-000-000-508-80-00-00	Ending Cash &	\$179,179.00	\$195,571.00	92%	\$171,632.98	\$122,992.00	140%
001-000-000-511-30-44-00	Official Publications	\$5,521.51	\$2,500.00	221%	\$3,873.14	\$2,000.00	194%
001-000-000-511-60-10-00	Salaries & Wages	\$18,000.01	\$18,000.00	100%	\$18,004.21	\$18,000.00	100%
001-000-000-511-60-20-00	Personnel Benefits	\$2,026.34	\$2,235.00	91%	\$1,987.26	\$2,235.00	89%
001-000-000-511-60-41-01	IT/Software Services	\$5,153.42	\$5,200.00	99%	\$0.00	\$2,633.00	0%
001-000-000-511-60-43-00	Travel/Meals/Lodging	\$130.00	\$500.00	26%	\$51.42	\$0.00	
001-000-000-511-60-46-00	Insurances	\$7,344.30	\$7,362.00	100%	\$6,638.22	\$7,412.00	90%
001-000-000-511-60-47-00	Electricity	\$1,435.92	\$0.00		\$1,321.43	\$3,000.00	44%
001-000-000-511-60-47-02	City Sewer - Museum	\$477.00	\$1,000.00	48%	\$538.90	\$1,890.00	29%
001-000-000-511-60-48-00	Repair & Maintenance	\$116.88	\$400.00	29%	\$0.00	\$200.00	0%
001-000-000-511-60-49-00	Miscellaneous	\$0.00	\$0.00		\$0.00	\$0.00	
001-000-000-511-60-49-01	Miscellaneous	\$0.00	\$100.00	0%	\$0.00	\$100.00	0%
001-000-000-511-60-51-00	Election Costs	\$7,494.51	\$7,500.00	100%	\$5,894.59	\$6,000.00	98%
001-000-000-512-50-40-02	Municipal Court Services	\$0.00	\$0.00		\$0.00	\$0.00	
001-000-000-512-50-40-03	Municipal Court Services	\$17,250.70	\$17,250.00	100%	\$17,152.31	\$17,250.00	99%
001-000-000-512-50-40-04	Court Remit TO State	\$2,952.83	\$3,500.00	84%	\$4,364.53	\$3,500.00	125%
001-000-000-514-20-10-00	Salaries & Wages	\$37,523.29	\$40,054.00	94%	\$38,521.00	\$40,596.00	95%
001-000-000-514-20-20-00	Personnel Benefits	\$11,755.69	\$11,569.00	102%	\$12,361.23	\$10,809.00	114%
001-000-000-514-20-31-00	Office & Operating	\$7,452.16	\$6,020.00	124%	\$5,778.59	\$5,500.00	105%
001-000-000-514-20-35-00	Small Tools & Equipment	\$0.00	\$0.00		\$0.00	\$500.00	0%
001-000-000-514-20-41-00	Professional Services	\$3,593.19	\$0.00		\$640.72	\$3,000.00	21%
001-000-000-514-20-42-00	Communication	\$4,024.12	\$4,080.00	99%	\$3,437.58	\$4,080.00	84%
001-000-000-514-20-43-00	Travel/Meals/Lodging	\$707.52	\$1,000.00	71%	\$1,665.60	\$1,000.00	167%
001-000-000-514-20-43-01	Training	\$615.00	\$1,500.00	41%	\$286.61	\$1,500.00	19%
001-000-000-514-20-45-00	Postage Meter Rental	\$1,449.76	\$1,452.00	100%	\$842.00	\$1,452.00	58%
001-000-000-514-20-46-00	Insurance	\$193.00	\$0.00		\$590.16	\$0.00	
001-000-000-514-20-47-00	Electricity	\$318.23	\$2,000.00	16%	\$0.00	\$0.00	
001-000-000-514-20-47-01	Garbage Bills	\$3,474.43	\$3,049.00	114%	\$3,175.43	\$3,049.00	104%
001-000-000-514-20-47-02	Water - City Hall	\$616.75	\$500.00	123%	\$1,875.20	\$2,000.00	94%
001-000-000-514-20-47-03	Sewer - City Hall	\$920.72	\$850.00	108%	\$3,843.80	\$5,000.00	77%
001-000-000-514-20-47-04	Storm Drainage	\$301.31	\$300.00	100%	\$301.30	\$300.00	100%
001-000-000-514-20-48-00	Repairs & Maintenance	\$481.23	\$0.00		\$179.17	\$0.00	
001-000-000-514-20-49-00	Miscellaneous	\$0.00	\$0.00		\$4,075.00	\$4,000.00	102%
001-000-000-514-23-41-00	Audit Costs	\$6,767.88	\$8,000.00	85%	\$8,702.28	\$8,000.00	109%
001-000-000-514-30-00-00	Records Services	\$11.25	\$0.00		\$0.00	\$0.00	
001-000-000-514-31-00-00	Recording Fees	\$180.00	\$0.00		\$0.00	\$0.00	
001-000-000-515-30-41-00	Legal Services	\$23,118.19	\$23,000.00	101%	\$16,548.24	\$15,000.00	110%
001-000-000-519-70-49-00	Assoc of WA Cities	\$465.00	\$720.00	65%	\$719.00	\$720.00	100%
001-000-000-519-70-49-01	Pacific Council of	\$1,500.00	\$1,500.00	100%	\$1,500.00	\$1,500.00	100%
001-000-000-519-70-49-03	Pacific County EDC	\$500.00	\$500.00	100%	\$500.00	\$500.00	100%
001-000-000-521-10-50-00	Law Enforcement	\$183,139.98	\$183,140.00	100%	\$183,140.28	\$183,132.00	100%
001-000-000-521-30-40-00	Drug Task Force	\$0.00	\$0.00		\$42.32	\$0.00	
001-000-000-522-10-10-00	Salaries & Wages	\$15,399.86	\$14,963.00	103%	\$15,262.99	\$14,962.00	102%
001-000-000-522-10-20-00	Personnel Benefits	\$9,228.07	\$9,248.00	100%	\$8,935.50	\$8,948.00	100%
001-000-000-522-10-20-01	Board of Volunteer	\$120.00	\$2,100.00	6%	\$570.00	\$2,100.00	27%
001-000-000-522-10-20-02	Life & Disability Insurance	\$4,318.16	\$3,600.00	120%	\$6,989.10	\$3,400.00	206%
001-000-000-522-10-31-00	Office & Operating	\$9,398.10	\$10,730.00	88%	\$6,674.95	\$10,000.00	67%
001-000-000-522-10-31-01	Training/Attendance	\$7,746.00	\$10,650.00	73%	\$12,086.69	\$10,650.00	113%
001-000-000-522-10-32-00	Gasoline	\$708.80	\$1,600.00	44%	\$916.85	\$1,000.00	92%
001-000-000-522-10-35-00	Small Tools & Equipment	\$0.00	\$3,418.00	0%	\$202.91	\$2,600.00	8%
001-000-000-522-10-42-00	Communication	\$5,608.58	\$4,440.00	126%	\$4,422.30	\$4,440.00	100%
001-000-000-522-50-46-00	Insurance	\$12,013.88	\$9,540.00	126%	\$8,923.96	\$9,605.00	93%
001-000-000-522-50-47-00	Electricity	\$6,857.07	\$6,000.00	114%	\$6,062.04	\$5,000.00	121%
001-000-000-522-50-47-01	Water	\$2,260.68	\$1,900.00	119%	\$2,252.20	\$1,500.00	150%
001-000-000-522-50-47-02	Sewer	\$3,582.29	\$2,904.00	123%	\$3,464.99	\$1,140.00	304%
001-000-000-522-50-47-03	Storm Drainage	\$733.68	\$600.00	122%	\$733.68	\$500.00	147%
001-000-000-522-50-48-00	Repair & Maintenance	\$4,171.02	\$13,800.00	30%	\$6,282.90	\$2,800.00	224%
001-000-000-522-60-00-00	Vehicle & Equipment	\$9.09	\$0.00		\$90.48	\$0.00	
001-000-000-523-20-40-00	Correctional Institutions	\$3,387.48	\$3,500.00	97%	\$740.15	\$3,500.00	21%
001-000-000-523-21-00-01	Juvenile Facility	\$0.00	\$50.00	0%	\$0.00	\$50.00	0%
001-000-000-525-60-51-00	Disaster Preparedness	\$5,298.00	\$5,753.00	92%	\$5,753.00	\$5,753.00	100%
001-000-000-528-60-51-00	Dispatch Services	\$22,434.00	\$24,608.00	91%	\$24,607.72	\$24,608.00	100%
001-000-000-553-70-51-00	Air Pollution Control	\$423.00	\$502.00	84%	\$421.00	\$502.00	84%
001-000-000-557-20-41-00	Ilwaco Web Page	\$4,062.50	\$4,000.00	102%	\$620.00	\$1,500.00	41%

Print Display	Description	Amount	Budget	%	Amount	Budget	%
001-000-000-558-60-41-00	Planner Services	\$84,799.43	\$90,000.00	94%	\$10,281.82	\$35,000.00	29%
001-000-000-566-00-51-00	Alcohol Program 2%	\$144.18	\$250.00	58%	\$126.75	\$250.00	51%
001-000-000-572-50-41-00	Custodian Library	\$4,079.03	\$3,900.00	105%	\$4,293.56	\$3,900.00	110%
001-000-000-572-50-46-00	Insurance	\$10,869.03	\$1,781.00	610%	\$1,793.19	\$1,793.00	100%
001-000-000-572-50-47-00	Electricity	\$7,527.58	\$6,500.00	116%	\$8,504.25	\$6,500.00	131%
001-000-000-572-50-47-01	City Water	\$1,869.85	\$1,600.00	117%	\$1,848.63	\$1,200.00	154%
001-000-000-572-50-47-02	City Sewer	\$2,800.42	\$2,500.00	112%	\$2,513.28	\$1,140.00	220%
001-000-000-572-50-47-03	Storm Drainage	\$117.99	\$100.00	118%	\$117.98	\$100.00	118%
001-000-000-572-50-48-00	Repairs & Maintenance	\$2,914.37	\$3,000.00	97%	\$1,319.58	\$500.00	264%
001-000-000-572-50-49-00	Miscellaneous	\$69.10	\$100.00	69%	\$0.00	\$700.00	0%
001-000-000-573-90-30-00	Street Banners	\$0.00	\$0.00		\$726.20	\$0.00	
001-000-000-573-90-49-00	Black Lake Fishing Derby	\$4,200.99	\$4,800.00	88%	\$4,316.85	\$4,800.00	90%
001-000-000-575-50-40-00	Community Bldg Other -	\$4,700.15	\$6,221.00	76%	\$4,740.38	\$6,221.00	76%
001-000-000-575-50-40-01	Community Bldg Other-	\$12.69	\$2,000.00	1%	\$4,312.85	\$1,000.00	431%
001-000-000-575-50-40-04	Community Building	\$0.00	\$9,120.00	0%	\$8,351.00	\$9,182.00	91%
001-000-000-576-80-10-00	Parks Salaries and	\$26,430.49	\$26,222.00	101%	\$17,438.03	\$18,387.00	95%
001-000-000-576-80-20-00	Parks Benefits	\$9,470.83	\$11,965.00	79%	\$6,491.00	\$6,920.00	94%
001-000-000-576-80-31-00	Office & Operating	\$7,295.49	\$6,500.00	112%	\$6,672.17	\$4,500.00	148%
001-000-000-576-80-34-00	Aquatic Weed Treatment	\$1,395.81	\$39,000.00	4%	\$1,036.55	\$39,000.00	3%
001-000-000-576-80-35-00	Small Tools & Equipment	\$12,774.64	\$12,800.00	100%	(\$318.26)	\$32,500.00	-1%
001-000-000-576-80-46-00	Insurance	\$2,288.96	\$2,294.00	100%	\$2,418.27	\$2,310.00	105%
001-000-000-576-80-47-00	Electricity	\$1,123.97	\$2,000.00	56%	\$975.98	\$3,046.00	32%
001-000-000-576-80-47-01	Water-Parks,	\$2,830.06	\$2,400.00	118%	\$3,337.30	\$1,681.00	199%
001-000-000-576-80-47-02	Sewer-Parks, Black Lake	\$2,362.72	\$2,300.00	103%	\$2,921.08	\$2,280.00	128%
001-000-000-576-80-47-03	Storm Drainage	\$1,542.87	\$1,500.00	103%	\$1,599.63	\$2,600.00	62%
001-000-000-576-80-48-00	Repairs & Maintenance	\$6,084.27	\$8,500.00	72%	\$4,652.26	\$5,500.00	85%
001-000-000-576-80-49-00	Miscellaneous	\$2,616.20	\$3,000.00	87%	\$0.00	\$500.00	0%
001-000-000-576-80-49-01	Other	\$0.00	\$10,500.00	0%	\$854.57	\$3,000.00	28%
001-000-000-591-13-71-00	Usda RD #97-09 Bond -	\$18,445.67	\$18,446.00	100%	\$17,599.76	\$17,600.00	100%
001-000-000-591-22-71-00	BOP Fire Station - Prin	\$40,175.56	\$35,479.00	113%	\$43,083.88	\$33,763.00	128%
001-000-000-591-48-71-01	John Deer Mower 8157-	\$11,115.28	\$12,000.00	93%	\$3,706.00	\$6,000.00	62%
001-000-000-591-73-71-00	BOP Community Bldg -	\$17,501.87	\$15,676.00	112%	\$17,103.51	\$15,418.00	111%
001-000-000-592-13-83-00	Usda RD #97-09 Bond -	\$8,082.33	\$8,082.00	100%	\$8,928.24	\$8,928.00	100%
001-000-000-592-22-83-00	BOP Fire Station -	\$37,257.04	\$41,953.00	89%	\$34,348.72	\$43,669.00	79%
001-000-000-592-48-83-00	John Deer Mower 8157-	\$2,135.88	\$500.00	427%	\$1,744.15	\$546.00	319%
001-000-000-592-73-83-00	BOP Community Bldg -	\$11,525.05	\$13,351.00	86%	\$11,923.41	\$13,609.00	88%
001-000-000-594-62-14-00	Governmental Facility	\$23,544.21	\$27,400.00	86%	\$950.00	\$10,000.00	10%
001-000-000-594-64-14-00	Administrative Equipment	\$1,589.17	\$0.00		\$22.58	\$0.00	
001-000-000-594-64-22-01	Fire Equipment	\$0.00	\$5,000.00	0%	\$2,915.38	\$0.00	
001-000-000-594-64-76-00	Parks Vehicles	\$39,002.54	\$25,000.00	156%	\$69,208.00	\$0.00	
<b>Total General Fund</b>		<b>\$1,064,647.10</b>	<b>\$1,147,998.00</b>		<b>\$949,056.44</b>	<b>\$937,451.00</b>	
<b>Streets Fund</b>							
101-000-000-508-80-00-00	Ending Cash &	\$88,744.00	\$94,290.00	94%	\$41,300.73	\$39,731.00	104%
101-000-000-542-30-10-00	Salaries & Wages	\$32,486.18	\$32,541.00	100%	\$28,681.57	\$29,092.00	99%
101-000-000-542-30-20-00	Benefits	\$11,631.91	\$13,846.00	84%	\$10,260.01	\$10,030.00	102%
101-000-000-542-30-31-00	Roadway Operating	\$0.00	\$1,000.00	0%	\$2,177.77	\$2,000.00	109%
101-000-000-542-30-35-00	Roadway Equipment	\$1,508.01	\$1,500.00	101%	\$90.32	\$1,500.00	6%
101-000-000-542-40-32-00	Storm Drainage Supplies	\$0.00	\$0.00		\$218.64	\$0.00	
101-000-000-542-63-47-00	Street Light Operating	\$7,174.35	\$6,005.00	119%	\$6,980.25	\$6,005.00	116%
101-000-000-542-66-31-00	Ice Control Operating	\$1,649.34	\$850.00	194%	\$0.00	\$850.00	0%
101-000-000-542-67-30-00	Street Cleaning	\$978.00	\$0.00		\$987.64	\$1,000.00	99%
101-000-000-542-70-31-00	Roadside Operating	\$4,020.03	\$5,000.00	80%	\$1,639.95	\$1,500.00	109%
101-000-000-543-30-30-00	Office And Operating	\$9,003.02	\$8,000.00	113%	\$3,824.91	\$1,500.00	255%
101-000-000-543-30-30-01	Gasoline & Oil Products	\$2,333.28	\$3,000.00	78%	\$3,238.83	\$1,100.00	294%
101-000-000-543-30-30-02	Small Tools & Equipment	\$1,755.55	\$1,633.00	108%	\$45.79	\$500.00	9%
101-000-000-543-30-40-01	Insurance	\$1,404.24	\$1,384.00	101%	\$1,621.58	\$1,394.00	116%
101-000-000-543-60-40-00	Safety Training	\$439.72	\$0.00		\$0.00	\$133.00	0%
101-000-000-595-10-41-01	Engineering-Brumbach	\$0.00	\$0.00		\$0.00	\$0.00	
101-000-000-595-10-41-04	Engineering - Elizabeth	\$63,037.40	\$584,000.00	11%	\$46,312.96	\$0.00	
101-000-000-595-30-61-00	Brumbach-Construction	\$0.00	\$0.00		\$115,222.65	\$0.00	
101-000-000-595-30-65-00	Roadway Construction	\$521,904.05	\$0.00		\$138,977.25	\$343,284.00	40%
101-000-000-595-40-30-00	Storm Drainage Supplies	\$0.00	\$0.00		\$200.00	\$0.00	
101-000-000-595-61-60-01	Sidewalks	\$104,485.26	\$106,000.00	99%	\$2,812.72	\$54,773.00	5%
101-000-000-597-00-00-01	Contingency	\$0.00	\$0.00		\$0.00	\$10,000.00	0%
101-000-000-597-00-00-03	Transfer TO 001-Bldg.	\$11,500.00	\$11,500.00	100%	\$10,000.00	\$10,000.00	100%
<b>Total Streets Fund</b>		<b>\$864,054.34</b>	<b>\$870,549.00</b>		<b>\$414,593.57</b>	<b>\$514,392.00</b>	
<b>Tourism Fund</b>							
104-000-000-508-80-00-00	Ending Cash &	\$59,160.00	\$22,587.00	262%	\$58,245.94	\$20,917.00	278%
104-000-000-557-30-40-01	Fishing Derby	\$0.00	\$0.00		\$77.50	\$0.00	
104-000-000-557-30-40-03	Miscellaneous	\$0.00	\$0.00		\$3,365.53	\$2,500.00	135%
104-000-000-557-30-41-01	Heritage Museum	\$5,000.00	\$5,000.00	100%	\$5,030.00	\$5,000.00	101%
104-000-000-557-30-41-02	Visitors Bldg. - City	\$769.00	\$769.00	100%	\$769.00	\$769.00	100%
104-000-000-557-30-41-03	Iiwaco Merchants	\$7,500.00	\$7,500.00	100%	\$7,649.64	\$7,500.00	102%
104-000-000-557-30-41-04	Peninsula Visitors Bureau	\$7,500.00	\$7,500.00	100%	\$7,500.00	\$7,500.00	100%
104-000-000-557-30-41-05	Iiwaco Charter	\$1,000.00	\$1,000.00	100%	\$1,000.00	\$1,000.00	100%
104-000-000-557-30-46-00	Heritage Museum -	\$5,504.70	\$5,520.00	100%	\$4,956.72	\$5,557.00	89%
104-000-000-576-80-31-00	Office & Operating	\$0.00	\$0.00		\$141.02	\$0.00	

Print Display	Description	Amount	Budget	%	Amount	Budget	%
104-000-000-597-00-00-00	Contingency	\$0.00	\$36,000.00	0%	\$0.00	\$36,000.00	0%
104-000-000-597-00-00-01	Transfer TO 001	\$2,500.00	\$2,500.00	100%	\$0.00	\$0.00	
<b>Total Tourism Fund</b>		<b>\$88,933.70</b>	<b>\$88,376.00</b>		<b>\$88,735.35</b>	<b>\$86,743.00</b>	
<b>Excise Reserve</b>							
301-000-000-508-80-00-00	Ending Cash &	\$11,730.00	\$12,296.00	95%	\$16,296.38	\$18,630.00	87%
301-000-000-597-00-00-01	Transfer TO 001	\$14,000.00	\$14,000.00	100%	\$5,000.00	\$5,000.00	100%
<b>Total Excise Reserve Fund</b>		<b>\$25,730.00</b>	<b>\$26,296.00</b>		<b>\$21,296.38</b>	<b>\$23,630.00</b>	
<b>Water Fund</b>							
401-000-000-508-80-00-00	Ending Cash &	\$332,491.00	\$409,899.00	81%	\$115,328.55	\$136,016.00	85%
401-000-000-534-00-10-00	Salaries & Wages	\$193,008.91	\$202,761.00	95%	\$178,453.11	\$178,782.00	100%
401-000-000-534-00-20-00	Benefits	\$61,030.38	\$70,230.00	87%	\$56,463.49	\$59,322.00	95%
401-000-000-534-00-31-00	Operation & Maintenance	\$69,489.19	\$50,000.00	139%	\$45,411.18	\$33,900.00	134%
401-000-000-534-00-31-01	Chemicals	\$59,520.58	\$50,000.00	119%	\$41,959.45	\$35,100.00	120%
401-000-000-534-00-31-02	Monthly Excise Tax Pay	\$42,114.82	\$39,478.00	107%	\$35,884.24	\$32,545.00	110%
401-000-000-534-00-31-03	Annual Meter Calibrations	\$1,592.76	\$1,600.00	100%	\$1,432.14	\$2,500.00	57%
401-000-000-534-00-31-04	Annual Permit Fees	\$6,244.85	\$6,000.00	104%	\$5,884.97	\$5,000.00	118%
401-000-000-534-00-31-06	Office & Customer	\$5,699.40	\$6,000.00	95%	\$5,325.79	\$5,700.00	93%
401-000-000-534-00-32-00	Gasoline	\$7,961.62	\$8,000.00	100%	\$8,750.57	\$9,000.00	97%
401-000-000-534-00-35-00	Small Tools & Equipment	\$2,162.66	\$3,000.00	72%	\$2,429.48	\$2,000.00	121%
401-000-000-534-00-35-01	Small Tools & Equipment -	\$0.00	\$0.00		\$4,100.50	\$35,200.00	12%
401-000-000-534-00-41-00	Professional Services	\$17,131.69	\$16,500.00	104%	\$4,687.40	\$15,000.00	31%
401-000-000-534-00-41-03	Professional Services -	\$13,344.63	\$10,000.00	133%	\$7,767.46	\$6,400.00	121%
401-000-000-534-00-41-04	Professional Services -	\$7,872.82	\$7,000.00	112%	\$2,794.70	\$4,000.00	70%
401-000-000-534-00-41-05	Water Comp. Plan-	\$5,790.00	\$0.00		\$0.00	\$0.00	
401-000-000-534-00-42-00	Communications	\$4,701.17	\$4,500.00	104%	\$4,579.18	\$3,500.00	131%
401-000-000-534-00-43-00	Travel/Meals/Lodging	\$1,527.00	\$1,000.00	153%	\$985.84	\$2,000.00	49%
401-000-000-534-00-46-00	Insurance	\$18,761.04	\$18,802.00	100%	\$17,250.57	\$18,930.00	91%
401-000-000-534-00-47-00	Electricity	\$30,241.31	\$31,104.00	97%	\$26,568.66	\$31,104.00	85%
401-000-000-534-00-47-03	Storm Drainage	\$556.87	\$560.00	99%	\$556.87	\$540.00	103%
401-000-000-534-00-48-00	Vehicle	\$7,538.67	\$6,900.00	109%	\$1,917.57	\$1,500.00	128%
401-000-000-534-00-48-01	Water Line Replacement	\$3,416.96	\$5,000.00	68%	\$7,469.62	\$5,000.00	149%
401-000-000-534-00-49-00	Miscellaneous	\$0.00	\$0.00		\$2,060.00	\$0.00	
401-000-000-534-00-49-01	Safety Training	\$680.00	\$500.00	136%	\$175.00	\$0.00	
401-000-000-534-00-49-02	Software Upgrade	\$2,133.10	\$2,133.00	100%	\$0.00	\$1,966.00	0%
401-000-000-591-34-72-00	Principal Pwtf - 94206	\$0.00	\$3,994.00	0%	\$3,993.80	\$3,994.00	100%
401-000-000-591-34-72-01	Principal Pwtf - 04-65104-	\$20,942.49	\$18,000.00	116%	\$16,948.68	\$0.00	
401-000-000-591-34-72-02	Principal DWSRF 11-952-	\$20,475.01	\$0.00		\$0.00	\$0.00	
401-000-000-592-34-80-00	Interest Pwtf - 94206	\$0.00	\$80.00	0%	\$159.75	\$160.00	100%
401-000-000-592-34-83-01	Interest Pwtf - 04-65104-	\$2,113.72	\$983.00	215%	\$2,203.33	\$0.00	
401-000-000-592-34-83-02	Interest DWSRF 11-952-	\$5,959.55	\$0.00		\$0.00	\$0.00	
401-000-000-594-34-41-01	Engineering - Plant	\$35,410.02	\$0.00		\$130,470.65	\$0.00	
401-000-000-594-34-41-02	Engineering - Distribution	\$5,957.00	\$0.00		\$209,862.11	\$0.00	
401-000-000-594-34-62-00	Construction Project -	\$595,923.99	\$770,000.00	77%	\$528,784.79	\$1,732,150.00	31%
401-000-000-594-34-62-01	Construction - Plant	\$30,950.26	\$940,000.00	3%	\$8,646.34	\$970,000.00	1%
401-000-000-594-34-62-02	Construction - Distribution	\$193,525.06	\$0.00		\$176,882.39	\$0.00	
401-000-000-594-62-34-00	Plant Improvements	\$1,598.00	\$23,000.00	7%	\$20,403.50	\$24,000.00	85%
401-000-000-594-64-34-00	Vehicle Purchase	\$3,062.75	\$12,500.00	25%	\$0.00	\$0.00	
401-000-000-594-64-34-01	Equipment	\$22,609.65	\$0.00		\$10,283.60	\$40,000.00	26%
401-000-000-594-64-34-02	Contingency	\$4,000.00	\$0.00		\$0.00	\$0.00	
401-000-000-597-00-00-02	Transfer TO 001	\$12,375.00	\$12,375.00	100%	\$7,500.00	\$7,500.00	100%
401-000-000-597-00-00-03	Transfer TO 403 Usda 91-	\$4,354.00	\$4,354.00	100%	\$4,354.00	\$4,355.00	100%
401-000-000-597-00-00-04	Transfer To403pwtf04-	\$0.00	\$0.00		\$0.00	\$19,152.00	0%
401-000-000-597-00-00-05	Transfer to 101	\$16,000.00	\$16,000.00	100%	\$0.00	\$0.00	
401-000-150-591-34-79-03	New Loan	\$0.00	\$22,877.00	0%	\$0.00	\$0.00	
<b>Total Water Fund</b>		<b>\$1,870,267.93</b>	<b>\$2,775,130.00</b>		<b>\$1,698,729.28</b>	<b>\$3,426,316.00</b>	
<b>Bond Redemption Fund</b>							
403-000-000-591-34-70-01	Pwtf 97-791-007 Principal	\$13,118.25	\$13,118.25	100%	\$13,118.25	\$13,118.00	100%
403-000-000-591-34-70-03	Pwtf 04-691 Principal	\$1,496.23	\$1,496.00	100%	\$1,496.22	\$1,496.00	100%
403-000-000-591-34-70-04	Pwtf 05-691 Principal	\$20,260.48	\$20,260.00	100%	\$0.00	\$20,260.00	0%
403-000-000-591-34-70-05	Pwtf 04-65104-013	\$0.00	\$16,948.68	0%	\$0.00	\$16,949.00	0%
403-000-000-591-34-72-00	Usda 91-01 Principal	\$2,263.59	\$2,263.59	100%	\$2,104.52	\$2,155.00	98%
403-000-000-591-35-72-01	Srf 94-08 Principal Only	\$104,307.88	\$104,308.00	100%	\$104,307.88	\$104,308.00	100%
403-000-000-591-35-72-04	Pwtf - 06-962-0017	\$12,559.00	\$11,898.00	106%	\$12,559.00	\$11,898.00	106%
403-000-000-591-35-72-06	B of P - 2008 - Principal	\$15,817.73	\$14,528.00	109%	\$14,418.99	\$13,820.00	104%
403-000-000-591-35-72-07	PWTF PR09-951-050	\$9,954.47	\$12,910.00	77%	\$30,214.54	\$12,909.00	234%
403-000-000-591-35-78-00	DOE SRF L1300001-	\$130,070.37	\$130,070.00	100%	\$28,163.38	\$20,772.00	136%
403-000-000-591-35-78-01	DOE SRF L1300003 -	\$5,805.18	\$6,235.00	93%	\$0.00	\$0.00	
403-000-000-591-35-78-02	DOE SRF L1300006 -	\$2,203.92	\$2,266.00	97%	\$0.00	\$0.00	
403-000-000-592-34-80-00	Usda 91-01 Interest	\$2,090.41	\$2,090.41	100%	\$2,249.48	\$2,199.00	102%
403-000-000-592-34-80-01	Pwtf 97-791-007 Interest	\$1,574.19	\$1,967.75	80%	\$1,967.74	\$1,968.00	100%
403-000-000-592-34-80-03	Pwtf 04-691 Interest	\$164.58	\$180.00	91%	\$179.54	\$180.00	100%
403-000-000-592-34-80-04	Pwtf 05-691 Interest	\$4,862.51	\$5,268.00	92%	\$0.00	\$5,268.00	0%
403-000-000-592-34-80-05	Pwtf 04-65104-013	\$0.00	\$2,034.32	0%	\$0.00	\$2,203.00	0%
403-000-000-592-34-80-07	PWTF PR09-951-050	\$99.54	\$128.00	78%	\$5,466.82	\$259.00	
403-000-000-592-35-80-04	Pwtf - 06-962-0017	\$816.34	\$1,660.00	49%	\$879.13	\$1,666.00	53%
403-000-000-592-35-80-05	PWTF PC13-961-054	\$1,219.98	\$0.00		\$24.99	\$0.00	

Print Display	Description	Amount	Budget	%	Amount	Budget	%
403-000-000-592-35-80-06	B of P - 2008 - Interest	\$13,829.07	\$15,120.00	91%	\$15,227.81	\$15,828.00	96%
403-000-000-592-35-83-00	DOE SRF L1300001-	\$85,596.33	\$85,597.00	100%	\$79,669.97	\$86,228.00	92%
403-000-000-592-35-83-01	DOE SRF L1300003 -	\$24,441.38	\$26,382.00	93%	\$0.00	\$0.00	
403-000-000-592-35-83-02	DOE SRF L1300006 -	\$225.85	\$318.00	71%	\$0.00	\$0.00	
<b>Total Bond Redemption Fund</b>		<b>\$452,551.43</b>	<b>\$477,047.00</b>		<b>\$312,048.26</b>	<b>\$333,484.00</b>	
<b>Bond Reserve Fund</b>							
404-000-000-508-80-00-00	Ending Cash &	\$347,731.55	\$347,731.93	100%	\$327,178.55	\$327,179.00	100%
<b>Total Bond Reserve Fund</b>		<b>\$347,731.55</b>	<b>\$347,731.93</b>		<b>\$327,178.55</b>	<b>\$327,179.00</b>	
<b>Stormwater Fund</b>							
408-000-000-508-80-00-00	Ending Cash And	\$18,556.56	\$11,120.00	167%	\$8,955.27	\$11,406.00	79%
408-000-000-531-00-31-03	Storm Drainage Cleaning	\$0.00	\$0.00		\$1,012.88	\$900.00	113%
408-000-000-531-38-10-00	Salaries & Waqes	\$14,603.59	\$15,066.00	97%	\$11,817.89	\$12,458.00	95%
408-000-000-531-38-20-00	Benefits	\$4,950.52	\$5,274.00	94%	\$4,158.71	\$3,799.00	109%
408-000-000-531-38-31-01	Operations &	\$6,310.16	\$8,600.00	73%	\$8,738.92	\$7,000.00	125%
408-000-000-531-38-31-02	Excise Tax	\$1,317.43	\$1,600.00	82%	\$1,483.56	\$1,600.00	93%
408-000-000-531-38-32-00	Gas/Oil Products	\$996.45	\$1,000.00	100%	\$1,145.68	\$515.00	
408-000-000-531-38-35-00	Small Tools	\$587.67	\$0.00		\$0.00	\$0.00	
408-000-000-531-38-46-00	Insurance	\$667.02	\$692.00	96%	\$600.58	\$697.00	86%
408-000-000-591-38-72-01	Strmwater -Principial	\$3,445.56	\$3,446.00	100%	\$3,308.51	\$3,309.00	100%
408-000-000-591-38-72-02	Pw-04-691 Principal	\$1,496.23	\$1,496.00	100%	\$1,496.23	\$1,496.00	100%
408-000-000-591-38-72-03	Pw-05-691-023 Principal	\$20,260.48	\$20,260.00	100%	\$20,260.91	\$20,260.00	100%
408-000-000-592-31-83-01	Strmwater - Interest	\$1,273.32	\$1,273.00	100%	\$1,410.37	\$1,410.00	100%
408-000-000-592-31-83-02	Pw-04-691 Interest	\$164.58	\$165.00	100%	\$179.55	\$180.00	100%
408-000-000-592-31-83-03	Pw-05-691-023 Interest	\$4,862.52	\$4,863.00	100%	\$5,267.72	\$5,268.00	100%
408-000-000-594-31-64-00	Drainage Construction	\$227.46	\$5,600.00	4%	\$5,549.04	\$5,600.00	99%
408-000-000-597-00-00-03	Transfer TO 001-Bldg.	\$5,500.00	\$5,500.00	100%	\$5,000.00	\$5,000.00	100%
<b>Total Stormwater Fund</b>		<b>\$85,219.55</b>	<b>\$85,955.00</b>		<b>\$80,385.82</b>	<b>\$80,898.00</b>	
<b>Sewer Fund</b>							
409-000-000-508-80-00-00	Ending Cash &	\$317,949.00	\$337,690.00	94%	\$351,342.10	\$268,714.00	131%
409-000-000-535-00-10-00	Salaries And Waqes	\$145,970.54	\$147,673.00	99%	\$125,858.16	\$127,363.00	99%
409-000-000-535-00-20-00	Emplovee Benefits	\$50,997.14	\$53,739.00	95%	\$45,367.37	\$47,168.00	96%
409-000-000-535-00-31-00	Operation & Maintenance	\$0.00	\$0.00		\$0.00	\$0.00	
409-000-000-535-00-31-01	Operations And	\$24,517.96	\$22,000.00	111%	\$21,664.66	\$9,000.00	241%
409-000-000-535-00-31-02	Chemicals	\$18,065.14	\$15,000.00	120%	\$13,736.60	\$21,000.00	65%
409-000-000-535-00-31-03	Excise Tax	\$14,058.51	\$15,440.00	91%	\$15,423.40	\$15,841.00	97%
409-000-000-535-00-31-04	Annual Meter Calibrations	\$1,929.58	\$2,000.00	96%	\$2,020.13	\$4,120.00	49%
409-000-000-535-00-31-05	Doe Annual Permit	\$4,432.88	\$4,500.00	99%	\$4,122.88	\$2,600.00	159%
409-000-000-535-00-31-06	Screen Panels And	\$6,787.90	\$6,800.00	100%	\$0.00	\$1,800.00	0%
409-000-000-535-00-31-07	Lab Supplies	\$65.00	\$0.00		\$625.04	\$2,600.00	24%
409-000-000-535-00-31-08	Office Supplies &	\$4,435.58	\$5,000.00	89%	\$4,033.02	\$3,855.00	105%
409-000-000-535-00-32-00	Gas/oil Products	\$4,959.16	\$5,000.00	99%	\$4,260.02	\$7,000.00	61%
409-000-000-535-00-35-00	Small Tools	\$587.67	\$3,000.00	20%	\$602.45	\$3,000.00	20%
409-000-000-535-00-41-00	Attorney Fees	\$4,708.00	\$5,000.00	94%	\$0.00	\$0.00	
409-000-000-535-00-41-01	Professional Services -	\$17,844.09	\$15,000.00	119%	\$29,152.86	\$18,000.00	162%
409-000-000-535-00-41-02	Professional Services -	\$10,238.15	\$12,000.00	85%	\$8,463.61	\$9,000.00	94%
409-000-000-535-00-41-04	Professional Services -	\$0.00	\$0.00		\$0.00	\$7,500.00	0%
409-000-000-535-00-42-00	Communications	\$4,912.09	\$5,410.00	91%	\$4,552.41	\$5,410.00	84%
409-000-000-535-00-43-01	Travel/meals & Lodqing	\$0.00	\$0.00		\$93.96	\$2,500.00	4%
409-000-000-535-00-43-02	Training	\$485.66	\$500.00	97%	\$0.00	\$3,500.00	0%
409-000-000-535-00-45-00	Spray Sludge Disposal	\$38,482.34	\$38,000.00	101%	\$24,483.36	\$28,000.00	87%
409-000-000-535-00-46-00	Insurance	\$13,860.17	\$13,894.00	100%	\$12,837.68	\$13,988.00	92%
409-000-000-535-00-47-01	Electricity	\$57,424.60	\$59,000.00	97%	\$56,054.61	\$62,000.00	90%
409-000-000-535-00-47-02	Water	\$5,617.19	\$5,500.00	102%	\$6,294.51	\$4,000.00	157%
409-000-000-535-00-47-03	Sewer	\$7,445.19	\$7,200.00	103%	\$9,305.60	\$5,700.00	163%
409-000-000-535-00-47-04	Garbage Services	\$1,464.85	\$1,600.00	92%	\$1,882.15	\$2,600.00	72%
409-000-000-535-00-47-05	Storm Drainage	\$445.59	\$584.00	76%	\$445.56	\$584.00	76%
409-000-000-535-00-48-01	Repairs And Maintenance	\$13,670.86	\$14,000.00	98%	\$9,127.87	\$9,336.00	98%
409-000-000-535-00-48-02	Annual Pipe Clean/tv	\$13,840.44	\$14,000.00	99%	\$622.54	\$6,000.00	10%
409-000-000-535-00-48-03	Miscellaneous	\$2,133.10	\$2,200.00	97%	\$5,150.00	\$3,000.00	172%
409-000-000-538-00-35-00	Small Tools & Equipment	\$0.00	\$0.00		\$0.00	\$0.00	
409-000-000-538-00-48-03	Spray Sludge Disposal	\$0.00	\$0.00		\$0.00	\$0.00	
409-000-000-538-00-64-00	Machinery & Equipment	\$0.00	\$0.00		\$0.00	\$0.00	
409-000-000-594-63-35-00	Sewer Line	\$9,604.18	\$10,000.00	96%	\$9,885.64	\$25,333.00	39%
409-000-000-594-63-35-01	First Street Sewer	\$0.00	\$0.00		\$89,266.51	\$0.00	
409-000-000-594-63-35-02	Engineering - Collection	\$11,970.80	\$295,000.00	4%	\$63,873.93	\$376,000.00	17%
409-000-000-594-63-35-03	First Avenue Sewer Line -	\$0.00	\$0.00		\$797,593.70	\$794,000.00	100%
409-000-000-594-63-35-04	Treatment Plant Roof	\$0.00	\$0.00		\$3,164.15	\$65,000.00	5%
409-000-000-594-64-35-00	Software Upgrade	\$0.00	\$0.00		\$0.00	\$1,966.00	0%
409-000-000-594-64-35-01	Machinery & Equipment	\$3,542.23	\$60,000.00	6%	\$6,723.49	\$5,500.00	122%
409-000-000-594-64-35-02	Vehicle Purchase -Grit	\$5,357.15	\$0.00		\$0.00	\$0.00	
409-000-000-594-64-35-03	Pump	\$120,573.12	\$68,000.00		\$0.00	\$80,000.00	0%
409-000-000-594-64-35-04	Add'l Machinery &	\$0.00	\$5,000.00	0%	\$0.00	\$0.00	
409-000-000-597-00-00-02	Transfer TO 001-Bldg.	\$20,275.00	\$20,275.00	100%	\$7,500.00	\$7,500.00	100%
409-000-000-597-00-00-04	Wwtp - TO 403 Srf	\$352,650.91	\$355,170.00	99%	\$212,141.23	\$211,308.00	100%
409-000-000-597-00-00-05	Wwtp - TO 403 Pwtf	\$15,912.42	\$16,086.00	99%	\$15,110.98	\$15,086.00	100%
409-000-000-597-00-00-08	TO 404 Wwtp Usda 2004	\$0.00	\$0.00		\$6,137.00	\$6,137.00	100%

Print Display	Description	Amount	Budget	%	Amount	Budget	%
409-000-000-597-00-00-10	TO 403 Wwtp Pwtf 06-	\$13,375.34	\$13,564.00	99%	\$13,438.13	\$13,564.00	99%
409-000-000-597-00-00-11	TO 403 Wwtp Pwtf Red05	\$25,122.99	\$25,528.00	98%	\$25,527.78	\$25,528.00	100%
409-000-000-597-00-00-12	TO 403 Wwtp Pwtf Red04	\$1,660.81	\$1,676.00	99%	\$1,675.76	\$1,676.00	100%
409-000-000-597-00-00-13	WWTP to 403 PWTF	\$10,054.01	\$13,038.00	77%	\$10,153.58	\$13,168.00	77%
409-000-000-597-00-00-14	TO 404 Wwtp B of P	\$2,965.00	\$2,965.00	100%	\$2,965.00	\$2,965.00	100%
409-000-000-597-00-00-15	TO 403 Wwtp-B of P	\$29,646.80	\$29,648.00	100%	\$29,646.80	\$29,648.00	100%
409-000-000-597-00-00-16	Wwtp - TO 404 Srf	\$17,588.00	\$17,588.00	100%	\$0.00	\$0.00	
<b>Total Sewer Fund</b>		<b>\$1,427,627.14</b>	<b>\$1,745,268.00</b>		<b>\$2,052,326.23</b>	<b>\$2,369,558.00</b>	

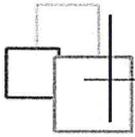
# Revenue Comparison

Current Periods: Fiscal 2014

Print Display General Fund	Description	Current Year			Last Year		
		Amount	Budget	%	Amount	Budget	%
001-000-000-308-80-00-00	Beginning Cash &	\$171,632.98	\$171,633.00	100%	\$109,536.74	\$109,562.00	100%
001-000-000-311-10-00-00	General Property Taxes	\$142,541.56	\$147,000.00	97%	\$143,519.31	\$141,373.00	102%
001-000-000-313-11-00-00	Local Sales & Use Taxes	\$168,607.76	\$185,000.00	91%	\$136,946.34	\$135,000.00	101%
001-000-000-316-10-00-00	Business & Occupation	\$69,124.34	\$75,000.00	92%	\$52,841.76	\$58,000.00	91%
001-000-000-316-40-01-00	Garbage 6% Utility Tax	\$15,629.10	\$15,200.00	103%	\$15,267.28	\$13,800.00	111%
001-000-000-316-40-02-00	Cable 6% Utility Tax	\$9,694.40	\$12,000.00	81%	\$8,644.77	\$10,000.00	86%
001-000-000-316-40-03-00	Telephone 6% Utility Tax	\$29,004.40	\$35,000.00	83%	\$36,606.45	\$30,000.00	122%
001-000-000-316-40-04-00	Electric 6% Utility Tax	\$70,098.12	\$75,000.00	93%	\$69,065.26	\$75,000.00	92%
001-000-000-316-40-05-00	Water Utility Tax	\$61,263.38	\$63,000.00	97%	\$51,253.27	\$51,772.00	99%
001-000-000-316-40-06-00	Sewer Utility Tax	\$45,487.73	\$49,455.00	92%	\$44,236.53	\$47,400.00	93%
001-000-000-316-40-07-00	Storm Drainage Utility Tax	\$4,557.17	\$4,320.00	105%	\$4,480.60	\$4,320.00	104%
001-000-000-316-40-08-00	Fire Hydrant Fee	\$98.83	\$0.00		\$3.28	\$0.00	
001-000-000-316-81-00-00	Gambling Tax	\$661.26	\$1,000.00	66%	\$1,210.06	\$2,000.00	61%
001-000-000-317-20-00-00	Local Leasehold Excise	\$30,334.75	\$30,000.00	101%	\$22,839.63	\$20,000.00	114%
001-000-000-317-20-01-00	General Excise Local Imp.	\$0.00	\$0.00		(\$161.50)	\$0.00	
001-000-000-317-40-00-00	Timber Harvest Excise Tax	\$121.68	\$0.00		\$85.42	\$0.00	
001-000-000-321-99-00-00	Other Business Licenses	\$40,993.17	\$37,000.00	111%	\$38,918.75	\$37,000.00	105%
001-000-000-322-10-00-01	Building Permit Fees	\$6,153.39	\$7,560.00	81%	\$9,980.81	\$7,560.00	132%
001-000-000-322-90-00-00	Land Use Permit Fees	\$0.00	\$0.00		\$0.00	\$0.00	
001-000-000-322-90-00-01	Zoning Fees	\$6,440.88	\$5,000.00	129%	\$8,241.41	\$5,000.00	165%
001-000-000-331-97-03-60	Fema Grant	\$0.00	\$0.00		\$2,294.37	\$0.00	
001-000-000-334-03-12-00	DOE Aquatic Weed Grant	\$1,514.00	\$39,000.00	4%	\$5,870.35	\$39,000.00	15%
001-000-000-334-03-13-00	DOE Shoreline Master	\$23,031.67	\$40,000.00	58%	\$0.00	\$25,000.00	0%
001-000-000-335-00-91-00	PUD Privilege Tax	\$8,626.06	\$9,000.00	96%	\$8,842.83	\$8,000.00	111%
001-000-000-336-06-21-00	Criminal Justice - Violent	\$1,028.47	\$1,500.00	69%	\$1,000.00	\$235.00	426%
001-000-000-336-06-25-00	Criminal Justice -	\$1,543.63	\$2,000.00	77%	\$1,446.02	\$1,500.00	96%
001-000-000-336-06-26-00	Criminal Justice - Special	\$895.58	\$900.00	100%	\$841.47	\$795.00	106%
001-000-000-336-06-51-00	DUI & Other Criminal	\$169.24	\$300.00	56%	\$170.79	\$200.00	85%
001-000-000-336-06-94-00	Liquor Excise Tax	\$1,143.30	\$1,200.00	95%	\$630.00	\$809.00	78%
001-000-000-336-06-95-00	Liquor Board Profits	\$8,975.25	\$8,357.00	107%	\$8,449.36	\$8,638.00	98%
001-000-000-337-00-01-00	PCOG For Fire Station	\$25,000.00	\$25,000.00	100%	\$25,000.00	\$25,000.00	100%
001-000-000-337-00-02-00	PCOG For Community	\$18,979.00	\$18,979.00	100%	\$18,979.00	\$18,979.00	100%
001-000-000-341-81-00-00	Photocopying	\$20.40	\$100.00	20%	\$15.85	\$100.00	16%
001-000-000-341-96-00-00	Other General	\$274.95	\$0.00		\$1,712.20	\$0.00	
001-000-000-342-20-00-00	Fire Protection Services	\$4,978.54	\$5,000.00	100%	\$3,163.96	\$2,000.00	158%
001-000-000-353-10-00-00	Traffic Infraction Penalties	\$0.00	\$0.00		\$72.61	\$0.00	
001-000-000-353-10-03-01	Municipal Court Fines	\$7,588.65	\$5,000.00	152%	\$5,611.07	\$3,605.00	156%
001-000-000-353-70-00-00	Non-Traffic Infraction	\$49.41	\$0.00		\$64.82	\$100.00	65%
001-000-000-361-11-00-00	Investment Interest	\$157.15	\$2,400.00	7%	\$138.30	\$500.00	28%
001-000-000-361-40-00-00	Other Interest	\$158.33	\$40.00	396%	\$17.11	\$0.00	
001-000-000-362-40-00-00	Space & Facility Rental	\$391.00	\$0.00		\$0.00	\$0.00	
001-000-000-362-50-00-04	Community Building - Rent	\$4,272.50	\$3,250.00	131%	\$3,961.00	\$1,250.00	317%
001-000-000-362-50-01-00	Community Building -	\$12,706.39	\$13,000.00	98%	\$15,677.49	\$11,500.00	136%
001-000-000-362-90-00-00	Community Building -	\$22.50	\$0.00		\$0.00	\$5,000.00	0%
001-000-000-367-19-00-00	Black Lake Fish Derby	\$4,997.00	\$5,000.00	100%	\$4,431.00	\$4,800.00	92%
001-000-000-367-19-00-01	Ilwaco Park Fund	\$2,500.00	\$0.00		\$2,500.00	\$0.00	
001-000-000-369-10-00-00	Sale of Scrap And Junk	\$5,382.50	\$0.00		\$2,895.25	\$0.00	
001-000-000-369-80-00-00	Cash Adjustment	\$0.10	\$0.00		\$0.00	\$0.00	
001-000-000-386-83-08-00	Trauma Care	\$145.55	\$170.00	86%	\$151.82	\$170.00	89%
001-000-000-386-83-31-00	Auto Theft	\$280.17	\$220.00	127%	\$319.57	\$220.00	145%
001-000-000-386-83-32-00	Brain Trauma	\$51.50	\$40.00	129%	\$73.84	\$40.00	185%
001-000-000-386-88-00-00	ST Gen Fund 54	\$11.49	\$0.00		\$0.00	\$0.00	
001-000-000-386-91-00-00	ST Gen Fund 40	\$1,205.09	\$1,300.00	93%	\$1,277.20	\$1,300.00	98%
001-000-000-386-92-00-00	ST Gen Fund 50	\$667.46	\$700.00	95%	\$673.83	\$700.00	96%
001-000-000-386-97-00-00	JIS Account	\$541.53	\$225.00	241%	\$565.16	\$225.00	251%
001-000-000-391-90-00-00	Proceeds from Other Debt	\$0.00	\$0.00		\$48,694.00	\$0.00	
001-000-000-397-00-00-01	Transfer From 101-Bldg.	\$11,500.00	\$11,500.00	100%	\$10,000.00	\$10,000.00	100%
001-000-000-397-00-00-02	Transfer From 401-Bldg.	\$12,375.00	\$12,375.00	100%	\$7,500.00	\$7,500.00	100%
001-000-000-397-00-00-03	Transfer From 409-Bldg.	\$20,275.00	\$20,275.00	100%	\$7,500.00	\$7,500.00	100%
001-000-000-397-00-00-07	Transfer from 408	\$5,500.00	\$5,500.00	100%	\$5,000.00	\$5,000.00	100%

Print Display	Description	Amount	Budget	%	Amount	Budget	%
001-000-000-397-00-00-08	Transfer from 301	\$2,500.00	\$2,500.00	100%	\$0.00	\$0.00	
001-000-000-398-00-00-00	Insurance Recoveries	\$2,718.62	\$0.00		\$0.00	\$0.00	
<b>Total General Fund</b>		<b>\$1,064,621.93</b>	<b>\$1,147,999.00</b>		<b>\$949,056.44</b>	<b>\$937,453.00</b>	
<b>Streett Fund</b>							
101-000-000-308-80-00-00	Beginning Cash &	\$41,300.73	\$41,301.00	100%	\$32,718.79	\$32,719.00	100%
101-000-000-311-10-00-00	General Property Tax	\$61,089.25	\$65,000.00	94%	\$61,508.27	\$60,589.00	102%
101-000-000-313-18-62-00	Pcoq .09 - (2008)	\$26,653.00	\$26,653.00	100%	\$0.00	\$0.00	
101-000-000-334-03-82-00	TIB - School Street	\$10,147.95	\$0.00		\$92,478.10	\$92,478.00	100%
101-000-000-334-03-83-00	TIB - Brumbach	\$269.94	\$0.00		\$123,773.38	\$150,692.00	82%
101-000-000-334-03-84-00	TIB - Sidewalks	\$91,964.05	\$97,099.00	95%	\$562.88	\$52,035.00	1%
101-000-000-334-03-85-00	TIB - Elizabeth	\$504,591.73	\$511,320.00	99%	\$43,997.27	\$71,500.00	62%
101-000-000-336-00-87-00	Motor Vehicle Fuel Tax	\$19,389.93	\$19,176.00	101%	\$19,432.49	\$19,319.00	101%
101-000-000-337-00-00-00	MV Fuel Tax - County	\$58,529.00	\$60,000.00	98%	\$35,061.00	\$35,061.00	100%
101-000-000-337-00-00-01	Other Local Distributions	\$20,000.00	\$20,000.00	100%	\$0.00	\$0.00	
101-000-000-339-22-20-00	Arra Grant	\$107.23	\$0.00		\$0.00	\$0.00	
101-000-000-361-11-00-00	Investment Interest	\$11.28	\$0.00		\$61.39	\$0.00	
101-000-000-397-00-00-01	Transfer from 301	\$14,000.00	\$14,000.00	100%	\$5,000.00	\$5,000.00	100%
101-000-000-397-00-41-00	Transfer IN -401	\$16,000.00	\$16,000.00	100%	\$0.00	\$0.00	
<b>Total Streets Fund</b>		<b>\$864,054.09</b>	<b>\$870,549.00</b>		<b>\$414,593.57</b>	<b>\$519,393.00</b>	
<b>Tourism Fund</b>							
104-000-000-308-80-00-00	Beginning Cash &	\$58,245.94	\$58,246.00	100%	\$50,612.90	\$50,613.00	100%
104-000-000-313-31-00-00	Hotel-Motel Tax	\$30,648.98	\$30,000.00	102%	\$38,061.46	\$36,000.00	106%
104-000-000-361-11-00-00	Investment Interest	\$39.09	\$130.00	30%	\$60.99	\$130.00	47%
<b>Total Tourism Fund</b>		<b>\$88,934.01</b>	<b>\$88,376.00</b>		<b>\$88,735.35</b>	<b>\$86,743.00</b>	
<b>Excise Reserve</b>							
301-000-000-308-80-00-00	Beginning Cash &	\$16,296.38	\$16,296.00	100%	\$12,630.45	\$12,630.00	100%
301-000-000-317-34-00-01	Real Estate Excise Tax	\$0.00	\$0.00		\$0.00	\$0.00	
301-000-000-318-34-00-00	Real Estate Excise Tax -	\$9,421.91	\$10,000.00	94%	\$8,647.48	\$11,000.00	79%
301-000-000-361-11-00-00	Investment Interest	\$11.68	\$0.00		\$18.45	\$0.00	
<b>Total Excise Reserve Fund</b>		<b>\$25,729.97</b>	<b>\$26,296.00</b>		<b>\$21,296.38</b>	<b>\$23,630.00</b>	
<b>Water Fund</b>							
401-000-000-308-80-00-00	Beginning Cash &	\$115,328.55	\$115,329.00	100%	\$56,516.82	\$56,617.00	100%
401-000-000-333-66-46-00	Indirect Federal Grant from	\$0.00	\$0.00		\$15,434.71	\$30,000.00	51%
401-000-000-334-04-00-01	State Grant - Department	\$79,765.43	\$940,000.00	8%	\$121,960.79	\$940,000.00	13%
401-000-000-343-40-00-00	Water Sales	\$764,079.86	\$785,000.00	97%	\$654,276.82	\$647,149.00	101%
401-000-000-343-40-00-01	Other Utilities	\$232.33	\$0.00		\$373.05	\$0.00	
401-000-000-343-40-00-02	Other Rev Sources	\$22,741.20	\$21,000.00	108%	(\$361.17)	\$0.00	
401-000-000-361-11-00-00	Investment Interest	\$208.58	\$0.00		\$14,541.15	\$12,000.00	121%
401-000-000-379-00-00-00	Water Connections	\$0.00	\$0.00		\$0.00	\$0.00	
401-000-000-379-00-00-01	Water Connections	\$12,316.34	\$12,500.00	99%	\$12,863.02	\$7,500.00	172%
401-000-000-391-80-00-00	Intergovernmental Loan	\$875,492.89	\$901,300.00	97%	\$821,230.29	\$1,732,150.00	47%
401-000-000-395-10-00-00	Proceeds From Sales of	\$3.19	\$0.00		\$1,893.80	\$900.00	210%
<b>Total Water Fund</b>		<b>\$1,870,168.37</b>	<b>\$2,775,129.00</b>		<b>\$1,698,729.28</b>	<b>\$3,426,316.00</b>	
<b>Bond Redemption Fund</b>							
403-000-000-397-00-00-00	Intertie Loan Usda 91-01	\$4,354.00	\$4,354.00	100%	\$4,354.00	\$4,354.00	100%
403-000-000-397-00-00-03	Transfer-Sewer Pwtf97-	\$14,692.44	\$15,086.00	97%	\$15,085.99	\$15,086.00	100%
403-000-000-397-00-00-04	Transfer From Sewer-Pwtf	\$0.00	\$0.00		\$0.00	\$13,564.00	0%
403-000-000-397-00-00-05	Transfer-Sewer Pwtf 04-691	\$1,660.81	\$1,676.00	99%	\$1,675.76	\$1,676.00	100%
403-000-000-397-00-00-06	Transfer-Sewer Pwtf 05-	\$25,122.99	\$25,528.00	98%	\$0.00	\$25,528.00	0%
403-000-000-397-00-00-07	Transfer-Sewer DOE	\$248,343.03	\$250,862.00	99%	\$107,833.35	\$107,000.00	101%
403-000-000-397-00-00-08	Transfer from Sewer PC13-	\$1,219.98	\$0.00		\$24.99	\$0.00	
403-000-000-397-00-70-02	Transfer From Sewer Srf	\$104,307.88	\$104,308.00	100%	\$104,307.88	\$104,308.00	100%
403-000-000-397-00-70-05	Tran From Wat Pwtf04-	\$0.00	\$18,983.00	0%	\$0.00	\$19,152.00	0%
403-000-000-397-00-72-04	Tran From Sewer Pwtf06-	\$13,375.34	\$13,564.00	99%	\$13,438.13	\$0.00	
403-000-000-397-00-72-06	Trans From Sewer-B of P	\$29,646.80	\$29,648.00	100%	\$29,646.80	\$29,648.00	100%
403-000-000-397-00-72-07	Trans From Sewer PWTF	\$10,054.01	\$13,038.00	77%	\$35,681.36	\$13,168.00	271%
<b>Total Bond Redemption</b>		<b>\$452,777.28</b>	<b>\$477,047.00</b>		<b>\$312,048.26</b>	<b>\$333,484.00</b>	
<b>Bond Reserve</b>							
404-000-000-308-80-00-00	Beginning Cash & Invest	\$327,178.55	\$327,179.00	100%	\$318,076.55	\$318,077.00	100%
404-000-000-397-35-70-01	Wwtp-SRF Reserve-	\$4,668.00	\$4,668.00	100%	\$0.00	\$0.00	
404-000-000-397-35-70-02	Wwtp Srf Reserve- First	\$12,920.00	\$12,920.00	100%	\$0.00	\$0.00	
404-000-000-397-35-70-03	Wwtp 2004-Usda Reserve	\$0.00	\$0.00		\$6,137.00	\$6,137.00	100%
404-000-000-397-35-72-06	Wwtp 2008 Reserve-B of	\$2,965.00	\$2,965.00	100%	\$2,965.00	\$2,965.00	100%
<b>Total Bond Reserve Fund</b>		<b>\$347,731.55</b>	<b>\$347,732.00</b>		<b>\$327,178.55</b>	<b>\$327,179.00</b>	
<b>Stormwater Fund</b>							
408-000-000-308-80-00-00	Beginning Cash &	\$8,955.27	\$8,955.00	100%	\$3,897.91	\$3,898.00	100%
408-000-000-343-10-00-00	Storm Drainage	\$76,249.53	\$77,000.00	99%	\$76,473.96	\$77,000.00	99%

Print Display	Description	Amount	Budget	%	Amount	Budget	%
408-000-000-361-11-00-00	Investment Interest	\$14.75	\$0.00		\$13.95	\$0.00	
<b>Total Stormwater Fund</b>		<b>\$85,219.55</b>	<b>\$85,955.00</b>		<b>\$80,385.82</b>	<b>\$80,898.00</b>	
<b>Sewer Fund</b>							
409-000-000-308-80-00-00	Beginning Cash &	\$351,342.10	\$351,442.00	100%	\$111,119.00	\$111,219.00	100%
409-000-000-343-60-00-00	Sewer Service Charges	\$745,977.03	\$770,000.00	97%	\$764,407.74	\$790,000.00	97%
409-000-000-343-61-00-00	Seaview Sewer District	\$173,548.29	\$191,639.00	91%	\$136,540.93	\$197,847.00	69%
409-000-000-343-62-00-00	Seaview - SRF Loan	\$94,282.06	\$94,282.00	100%	\$66,034.41	\$65,192.00	101%
409-000-000-361-11-00-00	Investment Income	\$502.31	\$0.00		\$572.35	\$0.00	
409-000-000-361-40-00-00	Other Revenue Sources	\$25,672.46	\$500.00	5134%	\$13,665.61	\$500.00	2733%
409-000-000-372-00-00-00	Insurance Recovery	\$0.00	\$0.00		\$15,253.40	\$15,500.00	98%
409-000-000-379-00-00-00	Sewer Connections	\$12,400.00	\$18,600.00	67%	\$6,200.00	\$18,600.00	33%
409-000-000-391-80-00-00	Intergovernmental Loan	\$6,123.33	\$295,000.00	2%	\$908,091.50	\$834,000.00	109%
409-000-000-391-80-00-01	Loan Proceeds	\$17,679.72	\$23,804.00	74%	\$29,795.19	\$336,000.00	9%
409-000-000-395-10-00-00	Proceeds Surplus Property	\$0.00	\$0.00		\$646.10	\$700.00	92%
<b>Total Sewer Fund</b>		<b>\$1,427,527.30</b>	<b>\$1,745,267.00</b>		<b>\$2,052,326.23</b>	<b>\$2,369,558.00</b>	



## Cash and Investment Activity

Period: 2014 - December

Fund		Beginning Cash	Beginning Investments	Activity In	Activity Out	Ending Cash	Ending Investments	Ending Balance
001	General Fund Current Expense	\$171,657.98	\$0.00	\$893,458.95	\$885,938.10	\$179,178.83	\$0.00	\$179,178.83
101	City Streets	\$41,300.73	\$0.00	\$822,753.36	\$775,310.34	\$88,743.75	\$0.00	\$88,743.75
104	Tourism	\$58,245.94	\$0.00	\$30,688.07	\$29,773.70	\$59,160.31	\$0.00	\$59,160.31
301	Excise Reserve	\$16,296.38	\$0.00	\$9,433.59	\$14,000.00	\$11,729.97	\$0.00	\$11,729.97
401	Water	\$115,428.55	\$0.00	\$1,754,839.82	\$1,537,776.93	\$332,491.44	\$0.00	\$332,491.44
402	Water & Sewer Equip Reserve	\$0.12	\$0.00	\$0.00	\$0.00	\$0.12	\$0.00	\$0.12
403	Water & Sewer Bond Redemption	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
404	Water & Sewer Bond Reserve	\$327,178.55	\$0.00	\$20,553.00	\$0.00	\$347,731.55	\$0.00	\$347,731.55
408	Stormwater	\$8,955.27	\$0.00	\$76,264.28	\$66,662.99	\$18,556.56	\$0.00	\$18,556.56
409	Sewer	\$351,442.10	\$0.00	\$1,076,325.76	\$1,109,818.70	\$317,949.16	\$0.00	\$317,949.16
631	Payroll Clearing Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
632	Claims Clearing Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
999	Lgip Investment	(\$808,704.97)	\$808,704.97	\$383,536.48	\$383,536.48	(\$1,032,241.45)	\$1,032,241.45	\$0.00
		<b>\$281,800.65</b>	<b>\$808,704.97</b>	<b>\$5,067,853.31</b>	<b>\$4,802,817.24</b>	<b>\$323,300.24</b>	<b>\$1,032,241.45</b>	<b>\$1,355,541.69</b>

**CITY OF ILWACO**  
**CITY COUNCIL AGENDA ITEM BRIEFING**

- A. Meeting Dates: Council Workshop: Public Hearing:  
Council Discussion Item: 01/26/15 Council Business Item:
- B. Issue/Topic: **POLLUTION LIABILITY INSURANCE QUOTE**
- C. Sponsor(s):  
1. Chambreau 2.
- D. Background (overview of why issue is before council):  
1. The City of Ilwaco should obtain insurance coverage for general pollution liability.
- E. Discussion (specific details relevant to the issue, pros/cons, alternatives and any other decision-making details):  
1. There are a total of ten Coverage Sections available under the Pollution Legal Liability Select (PLL Select) premium, each with varying aggregate limits, terms, and premiums.
- F. Impacts:  
1. Fiscal: Varies upon coverage options chosen  
2. Legal:  
3. Personnel:  
4. Service/Delivery:
- G. Planning Commission:  Recommended  N/A  Public Hearing on
- H. Staff Comments:
- I. Time Constraints/Due Dates:
- J. Proposed Motion: **I move to authorize the Mayor to obtain pollution liability insurance.**



AIG Property Casualty Insurance Agency, Inc.

December 11, 2014

Parker Bunbury  
ENVIRONMENTAL RISK MANAGERS INC  
124 E SUPERIOR STREET  
WAYLAND, MI 49348

Phone: 231-218-1118  
Fax:  
Email: parker@estrategist.com

**RE: CITY OF ILWACO**

120 1ST AVE N  
ILWACO, WA 98624-9137

**POLLUTION LEGAL LIABILITY SELECT (PLL Select®)**  
**SUBMISSION NUMBER: 00698153816**  
**PREMIUM INDICATION: 000398476-001**

Dear Parker:

We are pleased to offer the following **PLL Select** premium indication for the above-captioned account for the location(s) listed below in Section IV. Coverage is offered using the AIG SPECIALTY INSURANCE COMPANY, Form #104827 (05/14). *Coverage will only be offered for those coverage sections listed below in Section II.*

**SECTION I - Coverages:**

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The following Coverage Sections are available on the PLL Select:

- Coverage A- ON-SITE CLEAN-UP OF PRE-EXISTING CONDITIONS**
- Coverage B- ON-SITE CLEAN-UP OF NEW CONDITIONS**
- Coverage C- THIRD-PARTY CLAIMS FOR OFF-SITE CLEAN-UP RESULTING FROM PRE-EXISTING CONDITIONS**
- Coverage D- THIRD-PARTY CLAIMS FOR OFF-SITE CLEAN-UP RESULTING FROM NEW CONDITIONS**
- Coverage E- THIRD-PARTY CLAIMS FOR BODILY INJURY AND PROPERTY DAMAGE**
- Coverage F- EMERGENCY RESPONSE COSTS**
- Coverage G- THIRD-PARTY CLAIMS FOR NON-OWNED LOCATIONS**
- Coverage H- THIRD-PARTY CLAIMS FOR COVERED OPERATIONS**
- Coverage I- THIRD-PARTY CLAIMS RESULTING FROM THE TRANSPORTATION OF CARGO**
- Coverage J- BUSINESS INTERRUPTION EXPENSES**

CITY OF ILWACO  
Submission Number: 00698153816  
Premium Indication: 000398476-001  
Issue Date: December 11, 2014

CIQ018  
Page 1 of 5

**SECTION II - Premium Options for Coverages, Limits, Deductibles and Terms:**

Commission %: 10

Option	Coverages	Each Incident Limit	Coverage Section Aggregate Limit	Deductible/SIR Amount	Term (Yrs)	Premium
1	B D E G I J	\$1,000,000	\$1,000,000	\$50,000	1	\$24,779
	J	Limit \$1,000,000	Deductible	3 Days	Policy Aggregate	\$1,000,000

Option	Coverages	Each Incident Limit	Coverage Section Aggregate Limit	Deductible/SIR Amount	Term (Yrs)	Premium
2	B D E G I J	\$1,000,000	\$1,000,000	\$50,000	3	\$43,858
	J	Limit \$1,000,000	Deductible	3 Days	Policy Aggregate	\$1,000,000

Option	Coverages	Each Incident Limit	Coverage Section Aggregate Limit	Deductible/SIR Amount	Term (Yrs)	Premium
3	B D E G I J	\$2,000,000	\$2,000,000	\$50,000	1	\$33,823
	J	Limit \$2,000,000	Deductible	3 Days	Policy Aggregate	\$2,000,000

Option	Coverages	Each Incident Limit	Coverage Section Aggregate Limit	Deductible/SIR Amount	Term (Yrs)	Premium
4	B D E G I J	\$2,000,000	\$2,000,000	\$50,000	3	\$59,866
	J	Limit \$2,000,000	Deductible	3 Days	Policy Aggregate	\$2,000,000

Option	Coverages	Each Incident Limit	Coverage Section Aggregate Limit	Deductible/SIR Amount	Term (Yrs)	Premium
5	B D E G I J	\$3,000,000	\$3,000,000	\$50,000	1	\$40,328
	J	Limit \$3,000,000	Deductible	3 Days	Policy Aggregate	\$3,000,000

Option	Coverages	Each Incident Limit	Coverage Section Aggregate Limit	Deductible/SIR Amount	Term (Yrs)	Premium
6	B D E G I J	\$3,000,000	\$3,000,000	\$50,000	3	\$71,379
	J	Limit \$3,000,000	Deductible	3 Days	Policy Aggregate	\$3,000,000

Option	Coverages	Each Incident Limit	Coverage Section Aggregate Limit	Deductible/SIR Amount	Term (Yrs)	Premium
7	B D E G I J	\$5,000,000	\$5,000,000	\$50,000	1	\$52,035
	J	Limit \$5,000,000	Deductible	3 Days	Policy Aggregate	\$5,000,000

Option	Coverages	Each Incident Limit	Coverage Section Aggregate Limit	Deductible/SIR Amount	Term (Yrs)	Premium
8	B D E G I J	\$5,000,000	\$5,000,000	\$50,000	3	\$92,102
	J	Limit \$5,000,000	Deductible	3 Days	Policy Aggregate	\$5,000,000

\*Add Surplus Lines Tax and Filing Fee if eRMI Files Taxes\*

**Coverage F: Each Incident Limit: \$250,000**

**Coverage F: Aggregate Limit: \$1,000,000**

**Coverage F: Deductible: \$50,000**

The Premium amount(s) stated above does not include the premium for Terrorism Risk Insurance Act Coverage. Please see the attached Disclosure Statement regarding Terrorism Risk Insurance Act Coverage and the premium for such coverage. In the event that you choose to purchase Terrorism Risk Insurance Act Coverage along with one of the options above, the total premium shall be the premium shown above for the option chosen plus the Terrorism Risk Insurance Act Coverage premium shown on the attached Disclosure Statement for that option.

\* As per Section V. LIMITS OF LIABILITY AND DEDUCTIBLE, Paragraph D. Maximum for all Business Interruption Expenses.

\*\* The Premium amount(s) stated above does not include surplus lines tax, or surplus lines fees.

For multi-year policies, the limit of liability stated in the chart above is shared over the policy term indicated. The limit of liability is not an annual limit of liability and is therefore not reinstated each year within the policy term.

### **SECTION III - Additional Policy Information:**

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Policy Period: From: TBD To: TBD  
Continuity Date: Policy Inception Date  
Indoor Air Quality Retroactive Date: Policy Inception Date

**Additional Information:**

### **SECTION IV - Insured Property(ies):**

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See Schedule of Insured Properties

### **SECTION V - Policy Form Modifications:**

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The AIG SPECIALTY INSURANCE COMPANY, Form #104827 (05/14) Form will be modified as follows:

- Notice of Loss/Notice of Claim, Form#91968 (12/06)
- PLL Select 2010 AIGSIC Declarations, Form#104831 (11/13)
- Terrorism Excl W/Cert Acts Exception Purchased End, Form#97637 (03/08)  
Used if TRIA is accepted
- Cargo Coverage Endorsement, Form#105691 (06/10)
- Coverage E - New Conditions Only Endorsement, Form#105291 (04/10)
- Coverage G - New Conditions Only Endorsement, Form#105282 (04/10)
- Coverage I - New Conditions Only Endorsement, Form#105289 (04/10)
- Crisis Response And Crisis Management Endorsement, Form#109874 (09/11)
- Illicit Abandonment Exclusion Endorsement, Form#105352 (04/10)
- Mat Chng In Use Of Insd Prop - Intended Use End, Form#108733 (05/11)
- Pier Network Provider Deductible Reduction End, Form#113017 (10/12)
- Schedule Of Approved Crisis Management Firms Endor, Form#109876 (09/12)

- Specific Deed Restriction Amendatory Endorsement, Form#105318 (04/10)
- Terrorism Excl - All (Incl Cert Acts Of Terrorism), Form#97640 (03/08)  
Used if TRIA is rejected
- Underground Storage Tank Exclusion Endorsement, Form#105340 (04/10)
- Schedule of Insured Properties, Form#MNSCPT (12/14)

## **SECTION VI - Services:**

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At AIG, we enhance the coverage of every environmental insurance policy by giving insureds complimentary access to the following tools and programs proven to help manage environmental risk, mitigate environmental losses, and conduct loss control:

### **PIER (Pollution Incident and Environmental Response)**<sup>®</sup>

Policyholders have access to pre-screened crisis management specialists who respond in a timely manner to environmental incidents at pre-negotiated rates. Environmental insurance policyholders are automatically enrolled in this program.

### **Claims Expertise**

Our pollution claims operation, with 80+ claims specialists, is the largest in the industry.

### **RiskTool Advantage**<sup>®</sup>

The complimentary, web-based system brings together a myriad of information that a company needs to manage Environmental, Health and Safety (EH&S) programs in one virtual "reference desk."

### **Transportation Loss Control Programs**

We provide a number of transportation-related programs for insureds that reinforce positive driving behavior and potential improvements in loss reduction. These programs include preventive driving sessions and mock Department of Transportation audits.

### **Environmental Portal**<sup>®</sup>

Portal is secure, Internet-based system that allows our clients to track environmental insurance policies for multiple site portfolios.

AIG is committed to the achievement of effective risk management objectives for clients as well as providing them access to incident response assistance in the event of a pollution-release event.

## **SECTION VII - Subject To Information:**

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If the terms and conditions of this indication are acceptable, please provide us with a completed copy of the "Broker Responsible for Surplus Lines Filings Agreement". If coverage is bound, the premium must be remitted to AIG SPECIALTY INSURANCE COMPANY within thirty (30) days of effective date or fifteen (15) days from billing, whichever is later. It is your responsibility to follow applicable state surplus lines laws and, in particular, to see that the appropriate surplus lines tax (and stamping fee, if applicable) is collected and paid.

In addition to the above-mentioned documentation, this indication is subject to the receipt and satisfactory review and acceptance of the following items prior to binding, unless otherwise specified:

- The original Signed AIG Pollution Legal Liability Application including all applicable attachments.
- Receipt and review of the Named Insured's Financial Statements, including the notes sections from the past two fiscal years.
- A copy of the current valued loss runs.
- Full addresses (APN or tax parcel numbers) for all properties listed on the SOV

- Copy of the insureds Biosolid Site Application Permit
- Most recent BioSolid Sampling data
- Completed and Signed Broker Responsible for Surplus Lines Form
- Email stating whether TRIA is rejected or accepted

NOTICE: PLEASE READ CAREFULLY THE ATTACHED POLICYHOLDER DISCLOSURE STATEMENT UNDER TERRORISM RISK ACT OF 2002, AS AMENDED. IF CERTIFIED ACTS OF TERRORISM COVERAGE UNDER TERRORISM RISK INSURANCE ACT OF 2002, AS AMENDED, IS REJECTED BY THE INSURED, YOU OR YOUR INSURANCE BROKER ON YOUR BEHALF MUST REJECT SUCH COVERAGE IN WRITING TO THE COMPANY PRIOR TO BINDING. IF SUCH COVERAGE IS ACCEPTED BY THE INSURED, YOU OR YOUR BROKER MUST ADVISE THE COMPANY IN WRITING PRIOR TO BINDING.

If this indication is accepted and bound, the policy will be issued by AIG SPECIALTY INSURANCE COMPANY, 175 Water Street, New York, NY 10038.

NOTICE: THIS INSURER IS NOT LICENSED IN THE STATE OF NEW YORK AND IS NOT SUBJECT TO ITS SUPERVISION.

This premium indication is valid for 30 days from the date of this proposal, or by the Expiration Date of the current policy, whichever is sooner.

Please notice that these conditions are not necessarily in compliance with conditions requested in your submission. We will not be obligated to provide coverage not addressed in this indication even though they may have been requested in your submission.

We appreciate the opportunity to present the above proposal to you for your client. Should you have any comments, questions, or specific items to be clarified, please feel free to contact me. AIG strives to offer you the most innovative and responsive solutions to your clients' environmental liability concerns.

This indication and all the terms, conditions and provisions contained within this letter are work product that was developed by or on behalf of, and is owned by the issuing company identified above. The Broker and the entity(s) to whom this letter is provided by the Company agree that they will hold this indication and the terms, conditions and provisions contained within this letter confidential and that they will not share this indication or the terms, conditions and provisions contained within this letter with any person or entity which (1) sells insurance, or (2) is not sent this letter directly by the Company, unless such person or entity agrees that it will not provide this indication or any of the terms, conditions and provisions contained within this letter to any person or entity which sells insurance. In the event that the Broker or any of the entity(s) to whom this letter is provided by the Company do not agree with this provision, please return all originals and copies of this indication to the Company.

**IMPORTANT THIS AGREEMENT MUST BE COMPLETED BY THE  
BROKER RESPONSIBLE FOR SURPLUS LINES FILINGS (Property & Casualty)**

**DATE:** December 11, 2014

**TO:** Parker Bunbury  
ENVIRONMENTAL RISK MANAGERS INC  
124 E SUPERIOR STREET  
WAYLAND, MI 49348

**RETURN TO:** TREVOR SALMAN  
AIG  
121 SPEAR STREET  
TWO RINCON CENTER  
SAN FRANCISCO, CA 94105

**RE:** Insured: CITY OF ILWACO

Policy #: \_\_\_\_\_

Effective Dates: From: \_\_\_\_\_ To: \_\_\_\_\_

This policy is written on a surplus lines basis by: AIG SPECIALTY INSURANCE COMPANY

In the insured's home state of \_\_\_\_\_ (see attached definition of home state).

As the producing broker, it is **your** responsibility to arrange for the payment of the state tax and/or stamping fee on **100%** of the premium for this policy.

Please return a copy of this letter within **10 business days** of receipt with your acknowledgment that you have arranged for the filing and payment of the surplus lines tax and/or stamping fee in accordance with the state regulation.

\*Please list licensed resident surplus lines broker:

Individual's name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Firm address: \_\_\_\_\_

New Jersey SLA # (Transaction Number) assigned to this policy (if the insured's home state is NJ) \_\_\_\_\_

Surplus lines license No.: \_\_\_\_\_ (for the insured's home state)

Tax and/or fee paid:

STATE: \_\_\_\_\_

TAXES, OTHER \_\_\_\_\_

FEE: \_\_\_\_\_

FEES, OTHER \_\_\_\_\_

TAX: \_\_\_\_\_

ASSESSMENTS, OTHER \_\_\_\_\_

By: \_\_\_\_\_

Producing Broker signature

\_\_\_\_\_

Producing broker (Print Name)

Date: \_\_\_\_\_

The producing broker agrees that, upon request by the company or any insurance regulator, the broker will provide a copy of the surplus lines licenses referenced above as well as any documentation supporting the payment of surplus lines taxes hereunder.

## DEFINITIONS

### HOME STATE -

- (A) In general. - Except as provided in subparagraph (B), the term "home state" means, with respect to an insured -
- (i) the state in which an insured maintains its principal place of business or, in the case of an individual, the individual's principal residence; or
  - (ii) if 100 percent of the insured risk is located out of the state referred to in clause (i), the state to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated.
- (B) Affiliated Groups. - If more than 1 insured from an affiliated group are named insureds on a single non-admitted insurance contract, the term "home State" means the home State, as determined pursuant to subparagraph (A), of the member of the affiliated group that has the largest percentage of premium attributed to it under such insurance contract.

**AFFILIATE** - The term "affiliate" means, with respect to an Insured, any entity that controls, is controlled by, or is under common control with the Insured.

**AFFILIATED GROUP** - The term "affiliated group" means any group of entities that are all affiliated.

**CONTROL** - An entity has "control" over another entity if -

- (A) the entity directly or indirectly or acting through 1 or more other persons owns, controls or has the power to vote 25 percent or more of any class of voting securities of the other entity; or
- (B) the entity controls in any manner the election of a majority of the directors or trustees of the other entity.

**PRINCIPAL PLACE OF BUSINESS** - The term "principal place of business" means, with respect to determining the home state of the Insured:

- (A) the state in which an Insured maintains its headquarters and the Insured's high level officers direct, control and coordinate the business activities; or
- (B) if the Insured is a company which maintains outside any state its headquarters where the Insured's high level officers direct, control and coordinate the business activities, (for example a foreign company headquartered in a foreign country), then the state where the largest percentage of the risk resides, i.e. the state to which the greatest percentage of the Insured's taxable premium for the insurance contract is allocated.

**PRINCIPAL RESIDENCE** - "Principal residence" means, with respect to determining the Home State of the insured,

- (a) the state where the insured resides for the greatest number of days during a calendar year; or
- (b) if the insured's principal residence is located outside any state, the state to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated.

**STATE** - The term "state" includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the U.S. Virgin Islands, and American Samoa.

**POLICYHOLDER DISCLOSURE NOTICE OF  
TERRORISM RISK INSURANCE ACT (TRIA) COVERAGE**

You are hereby notified that under the federal Terrorism Risk Insurance Act, as amended, that you have a right to purchase insurance coverage for losses resulting from acts of terrorism, *as defined in Section 102(1) of the Act*. The term "act of terrorism" means any act that is certified by the Secretary of the Treasury - in concurrence with the Secretary of State, and the Attorney General of the United States - to be an act of terrorism; to be a violent act or an act that is dangerous to human life, property or infrastructure; to have resulted in damage within the United States, or outside of the United States in the case of certain air carriers or vessels or the premises of a United States mission; and to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

YOU SHOULD KNOW THAT WHERE COVERAGE IS PROVIDED BY THIS POLICY FOR LOSSES RESULTING FROM CERTIFIED ACTS OF TERRORISM, SUCH LOSSES MAY BE PARTIALLY REIMBURSED BY THE UNITED STATES GOVERNMENT UNDER A FORMULA ESTABLISHED BY FEDERAL LAW. HOWEVER, YOUR POLICY MAY CONTAIN OTHER EXCLUSIONS WHICH MIGHT AFFECT YOUR COVERAGE, SUCH AS AN EXCLUSION FOR NUCLEAR EVENTS. UNDER THE FORMULA, THE UNITED STATES GOVERNMENT GENERALLY REIMBURSES 85% OF COVERED TERRORISM LOSSES EXCEEDING THE STATUTORILY ESTABLISHED DEDUCTIBLE PAID BY THE INSURANCE COMPANY PROVIDING THE COVERAGE. THE PREMIUM CHARGED FOR THIS COVERAGE IS PROVIDED BELOW AND DOES NOT INCLUDE ANY CHARGES FOR THE PORTION OF LOSSES THAT MAY BE COVERED BY THE FEDERAL GOVERNMENT UNDER THE ACT.

YOU SHOULD ALSO KNOW THAT THE TERRORISM RISK INSURANCE ACT, AS AMENDED, CONTAINS A \$100 BILLION DOLLAR CAP THAT LIMITS U.S. GOVERNMENT REIMBURSEMENT AS WELL AS INSURERS' LIABILITY FOR LOSSES RESULTING FROM CERTIFIED ACTS OF TERRORISM WHEN THE AMOUNT OF SUCH LOSSES IN ANY ONE CALENDAR YEAR EXCEEDS \$100 BILLION. IF THE AGGREGATE INSURED LOSSES FOR ALL INSURERS EXCEED \$100 BILLION, YOUR COVERAGE MAY BE REDUCED.

Unless you, or your insurance broker on your behalf, REJECTS in writing to the Company, Terrorism Coverage under the Federal Act, you will be covered for Terrorism as defined in the Act and your prospective premium for that coverage is based upon which coverage option you choose (Coverage options setting forth limits, policy term, etc. are set forth in the attached letter of indication). The premium stated herein does not include any surplus lines taxes or fees that may be applicable, which are the responsibility of the insured. It is the broker's responsibility to follow applicable state surplus lines laws and, in particular, to see that the appropriate premium tax (and stamping office fee, if applicable) is collected from you and paid.

Option 1 Terrorism Act Premium: \$1,115.00	Option 6 Terrorism Act Premium: \$3,212.00
Option 2 Terrorism Act Premium: \$1,974.00	Option 7 Terrorism Act Premium: \$2,342.00
Option 3 Terrorism Act Premium: \$1,522.00	Option 8 Terrorism Act Premium: \$4,145.00
Option 4 Terrorism Act Premium: \$2,694.00	Option 9 Terrorism Act Premium:
Option 5 Terrorism Act Premium: \$1,815.00	Option 10 Terrorism Act Premium:

**Alternative Offers for policyholders who reject Terrorism Insurance Coverage in accordance with the Act.**

If you decided to **REJECT** the Terrorism Insurance Coverage in accordance with the Act, then we would like you to consider alternative terrorism coverage options. If you wish to elect one of these options, you must **REJECT** the coverage under the Federal Act (as stated above) and opt instead for a Terrorism Sublimit Endorsement. Please note that under this coverage sublimit, terrorism may include that which is defined as terrorism under the Act as well as acts of terrorism that may not be covered under the Act or it may include terrorism as defined under the Act solely.

If you would like to consider one of these alternative options of terrorism coverage, please so indicate in writing to the Company, i) the amount of the sublimit and ii) the coverage option listed below for which you would like the Company to provide a prospective premium quotation:

Option A: Under this Option, it is understood that the sublimit applies to coverage for Terrorism as defined by the Act as well as acts of terrorism that may not be covered under the Act.

Option B: Under this Option, it is understood that the sublimit applies to coverage for Terrorism as defined by the Act only, and no coverage exists for non TRIA acts.

Option C: Under this Option, it is understood that the sublimit applies to non TRIA acts only, and no coverage exists for TRIA acts.

ENDORSEMENT NO.

This endorsement, effective 12:01 AM,

Forms a part of Policy No:

Issued to:

By:

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**TERRORISM EXCLUSION WITH CERTIFIED ACTS OF TERRORISM EXCEPTION PURCHASED**  
**ENDORSEMENT**

This Policy is amended by the addition of the following Exclusion:

The Company has no obligation to make any payment or to provide or to pay for a defense under this Policy due to or arising directly or indirectly as a result of or in connection with **Terrorism**.

**Terrorism** means the use or threatened use of force or violence against person or property, or commission of an act dangerous to human life or property, or commission of an act that interferes with or disrupts an electronic or communication system, undertaken by any person or group, whether or not acting on behalf of or in connection with any organization, government, power, authority or military force, when the effect is to intimidate, coerce or harm a government, the civilian population or any segment thereof, or to disrupt any segment of the economy.

This Exclusion does not apply to a certified "act of terrorism" which is defined by Section 102. Definitions, of the Terrorism Risk Insurance Act of 2002, as amended by the Terrorism Risk Insurance Program Reauthorization Act of 2007 as follows:

**ACT OF TERRORISM -**

- (A) **CERTIFICATION** - The term "act of terrorism" means any act that is certified by the Secretary (of the Treasury), in concurrence with the Secretary of State, and the Attorney General of the United States -
- (i) to be an act of terrorism;
  - (ii) to be a violent act or an act that is dangerous to --
    - (I) human life;
    - (II) property; or
    - (III) infrastructure;
  - (iii) to have resulted in damage within the United States, or outside of the United States in the case of --
    - (I) an air carrier or vessel (described in TRIA)
    - (II) the premises of a United States mission; and
  - (iv) to have been committed by an individual or individuals acting as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.
- (B) **LIMITATION** -- No act shall be certified by the Secretary as an act of terrorism if --
- (i) the act is committed as part of the course of a war declared by the Congress, except that this clause shall not apply with respect to any coverage for workers' compensation; or
  - (ii) property and casualty insurance losses resulting from the act, in the aggregate, do not exceed \$5,000,000.
- (C) **DETERMINATIONS FINAL** - Any certification of, or determination not to certify, an act as an act of terrorism under this paragraph shall be final, and shall not be subject to judicial review.

**ENDORSEMENT NO.** (Continued)

(D) **NONDELEGATION** - The Secretary may not delegate or designate to any other officer, employee, or person, any determination under this Paragraph of whether, during the effective period of the Program, an act of terrorism has occurred.

All other terms, conditions, and exclusions shall remain the same.

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**AUTHORIZED REPRESENTATIVE**  
or countersignature (in states where applicable)

ENDORSEMENT NO.

SPECIMEN

This endorsement, effective 12:01 AM,

Forms a part of Policy No:

Issued to:

By:

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**CARGO COVERAGE ENDORSEMENT**

It is hereby agreed that Section **VIII. DEFINITIONS**, Paragraph **C. Cargo** is deleted in its entirety and replaced with the following:

- C. Cargo** means goods, products, or waste transported for delivery to or from an **Insured Property** by the **Named Insured** or by a carrier on behalf of the **Named Insured** provided the **Named Insured** or carrier is properly licensed to transport such goods, products, or waste.

All other terms, conditions, and exclusions shall remain the same.

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**AUTHORIZED REPRESENTATIVE**  
or countersignature (in states where applicable)

ENDORSEMENT NO.

This endorsement, effective 12:01 AM,

Forms a part of Policy No:

Issued to:

By:

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**COVERAGE E - NEW CONDITIONS ONLY ENDORSEMENT**

It is hereby agreed that Section I. **INSURING AGREEMENTS, 1. COVERAGES:**, **COVERAGE E - THIRD-PARTY CLAIMS FOR BODILY INJURY AND PROPERTY DAMAGE** is deleted in its entirety and replaced with the following:

**COVERAGE E - THIRD-PARTY CLAIMS FOR BODILY INJURY AND PROPERTY DAMAGE RESULTING FROM NEW CONDITIONS**

To pay on behalf of the **Insured**, **Loss** that the **Insured** becomes legally obligated to pay as a result of a **Claim** for **Bodily Injury** or **Property Damage** resulting from a **Pollution Condition** on, under or migrating from or through the **Insured Property**, that first commenced on or after the **Continuity Date** shown below, provided such **Claim** is first made against the **Insured** and reported to the Company in writing during the **Policy Period** in accordance with Section III. of the Policy, or during the **Extended Reporting Period** if applicable.

For purposes of coverage provided by this Endorsement, the following **Continuity Date** applies to Coverage E:

**Continuity Date:** Policy Incep

All other terms, conditions, and exclusions shall remain the same.

\_\_\_\_\_  
**AUTHORIZED REPRESENTATIVE**  
or countersignature (in states where applicable)

ENDORSEMENT NO.

This endorsement, effective 12:01 AM,

Forms a part of Policy No:

Issued to:

By:

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

COVERAGE G - NEW CONDITIONS ONLY ENDORSEMENT

It is hereby agreed that Section I. **INSURING AGREEMENTS, 1. COVERAGES;** **COVERAGE G - THIRD-PARTY CLAIMS FOR NON-OWNED LOCATIONS** is deleted in its entirety and replaced with the following:

**COVERAGE G - THIRD-PARTY CLAIMS FOR NON-OWNED LOCATIONS RESULTING FROM NEW CONDITIONS**

To pay on behalf of the **Insured, Loss** that the **Insured** becomes legally obligated to pay as a result of a **Claim** for **Bodily Injury** or **Property Damage** of parties other than the owners, operators or contractors of the **Non-Owned Location**, or their employees, or **Clean-Up Costs** resulting from **Pollution Conditions** on, under or migrating from the **Non-Owned Location** that first commenced on or after the **Continuity Date** shown below, provided such **Claim** is first made against the **Insured** and reported to the Company in writing during the **Policy Period** in accordance with Section III. of the Policy, or during the **Extended Reporting Period** if applicable.

For purposes of coverage provided by this Endorsement, the following **Continuity Date** applies to Coverage G:

**Continuity Date:** Policy Incep

All other terms, conditions, and exclusions shall remain the same.

\_\_\_\_\_  
**AUTHORIZED REPRESENTATIVE**  
or countersignature (in states where applicable)

ENDORSEMENT NO.

SPECIMEN

This endorsement, effective 12:01 AM,

Forms a part of Policy No:

Issued to:

By:

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

COVERAGE I - NEW CONDITIONS ONLY ENDORSEMENT

It is hereby agreed that Section I. **INSURING AGREEMENTS, 1. COVERAGES;** **COVERAGE I - THIRD-PARTY CLAIMS RESULTING FROM THE TRANSPORTATION OF CARGO** is deleted in its entirety and replaced with the following:

**COVERAGE I - THIRD-PARTY CLAIMS RESULTING FROM THE TRANSPORTATION OF CARGO**

To pay on behalf of the **Insured**, **Loss** that the **Insured** becomes legally obligated to pay as a result of a **Claim** for **Bodily Injury, Property Damage or Clean-up Costs** resulting from a **Pollution Condition** caused by **Transportation of Cargo** that first commenced on or after the **Continuity Date** shown below, provided such **Claim** is first made against the **Insured** and reported to the Company in writing during the **Policy Period**, or during the **Extended Reporting Period** if applicable. Provided, however, this Coverage shall not be utilized to evidence financial responsibility of any **Insured** under any federal, state, provincial or local law.

For the purposes of coverage provided by this Endorsement, the following **Continuity Date** applies to Coverage I:

**Continuity Date:** Policy Incep

All other terms, conditions, and exclusions shall remain the same.

\_\_\_\_\_  
**AUTHORIZED REPRESENTATIVE**  
or countersignature (in states where applicable)

ENDORSEMENT NO.

This endorsement, effective 12:01 AM,

Forms a part of Policy No:

Issued to:

By:

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

CRISIS RESPONSE<sup>®</sup> AND CRISIS MANAGEMENT ENDORSEMENT

It is hereby agreed that:

1. The following is added to Section I. **INSURING AGREEMENTS, 1. COVERAGES:**

**CRISISRESPONSE<sup>®</sup> AND CRISIS MANAGEMENT**

1. **Advancement of CrisisResponse<sup>®</sup> Costs during a Crisis Management Event**

The Company will pay **CrisisResponse<sup>®</sup> Costs** on behalf of the **Insured** that may be associated with **Loss** covered by this Policy arising from a **Crisis Management Event** first commencing during the **Policy Period**.

The Company will advance **CrisisResponse<sup>®</sup> Costs** that may be associated with **Loss** covered by this Policy directly to third parties.

2. **Crisis Management Insurance**

The Company will pay **Crisis Management Loss** on behalf of the **Insured** arising from a **Crisis Management Event** first commencing during the **Policy Period**.

A **Crisis Management Event** shall first commence at the time during the **Policy Period** when a **Responsible Insured** first becomes aware of a **Pollution Condition** that gives rise to a **Crisis Management Event** and shall end at the earliest of the time when the Company determines that a crisis no longer exists or when the **CrisisResponse<sup>®</sup>** limit of insurance and/or the crisis management limit of insurance, whichever applies, as described in Section V. **LIMITS OF LIABILITY AND DEDUCTIBLE**, as amended by this Endorsement, has been exhausted.

3. Any advancement of **CrisisResponse<sup>®</sup> Costs** or payment of **Crisis Management Loss** that the Company makes under the coverage provided by this coverage section will not be a determination of the Company's obligations under this Policy, nor create any duty to defend any **Claim** under any other part of this Policy.

2. The following are added to Section VIII. **DEFINITIONS:**

**Crisis Management Event** means an event that in the good faith opinion of a **Responsible Insured**, in the absence of **Crisis Management Services**, has been associated with or may reasonably be associated with:

1. **Loss** covered by this Policy; and
2. Significant adverse regional or national news media coverage.

**Crisis Management Firm** means any public relations firm or crisis management firm approved by the Company that is hired by the **Insured** to perform **Crisis Management Services** in connection with a **Crisis Management Event**. Attached to and forming a part of this Policy is a Schedule of firms that have been pre-approved by the Company and may be hired by the **Insured** without further approval by the Company.

ENDORSEMENT NO. CONTINUED

**Crisis Management Loss** means the following amounts incurred during a **Crisis Management Event**:

1. Amounts for the reasonable and necessary fees and expenses incurred by a **Crisis Management Firm** in the performance of **Crisis Management Services** for the **Insured** solely arising from a covered **Crisis Management Event**; and
2. Amounts for reasonable and necessary printing, advertising, mailing of materials, or travel by the **Named Insured's** directors, officers, employees or agents or a **Crisis Management Firm** incurred at the direction of a **Crisis Management Firm**, solely arising from a covered **Crisis Management Event**.

**Crisis Management Services** means those services performed by a **Crisis Management Firm** in advising the **Insured** on minimizing potential harm to the **Insured** from a covered **Crisis Management Event** by maintaining and restoring public confidence in the **Insured**.

**CrisisResponse<sup>®</sup> Costs** means the following reasonable and necessary expenses incurred during a **Crisis Management Event** directly caused by a **Crisis Management Event**, provided that such expenses have been pre-approved by the Company and may be associated with **Loss** that would be covered by this Policy:

1. Medical expenses;
2. Funeral expenses;
3. Psychological counseling;
4. Travel expenses;
5. Temporary living expenses;
6. Expenses to secure the scene of a **Crisis Management Event**; and
7. Any other expenses pre-approved by the Company.

**CrisisResponse<sup>®</sup> Costs** does not include defense costs or **Crisis Management Loss**.

3. The following is added to the end of Section V. **LIMITS OF LIABILITY AND DEDUCTIBLE**, Paragraph F. **Deductible**:

**Crisisresponse<sup>®</sup> And Crisis Management**

Subject to Paragraphs V.A. through V.E. above, this Policy is to pay covered **CrisisResponse<sup>®</sup> Costs** and/or **Crisis Management Loss** in excess of the Deductible amount stated in Item 3. of the Declarations, up to but not exceeding the limits set forth in Paragraph V.A. above; provided that payment of Deductible amounts for **CrisisResponse<sup>®</sup> Costs** and/or **Crisis Management Loss** shall erode the Deductible amount applicable to that particular **Each Incident** for all other Coverages under this Policy.

The **Insured** shall promptly reimburse the Company for advancing any element of **Loss** falling within the Deductible.

4. The following is added to the end of Section V. **LIMITS OF LIABILITY AND DEDUCTIBLE**, Paragraph A. **Policy Aggregate Limit**:

The Company's total liability for all **CrisisResponse<sup>®</sup> Costs** and/or **Crisis Management Loss** shall not exceed \$250,000 combined, regardless of the number of **Crisis Management Events** first commencing during the **Policy Period**. The Company will have no obligation to advance **CrisisResponse<sup>®</sup> Costs** or to pay **Crisis Management Loss** from the earliest of the time when the Company determines that a **Crisis**

ENDORSEMENT NO. CONTINUED

**Management Event** has ended or when this \$250,000 limit of liability has been exhausted. **CrisisResponse**<sup>®</sup> Costs and/or **Crisis Management Loss** shall not be included as **Loss** and do not reduce the available Limit of Liability.

5. The following is added to Section III. **NOTICE REQUIREMENTS AND CLAIM PROVISIONS**, Paragraph A. **NOTICE OF A POLLUTION CONDITION, EMERGENCY RESPONSE COSTS, CLAIM OR AN INTERRUPTION:**

5. The **Insured** must report any **Crisis Management Event** to the Company within twenty-four (24) hours of the time that a **Responsible Insured** first becomes aware of a **Pollution Condition** that gives rise to a **Crisis Management Event** or as soon as practicable to be eligible for the advancement of **CrisisResponse**<sup>®</sup> Costs and the payment of **Crisis Management Loss**.

Notice of a **Crisis Management Event** may be given by calling 1-877-244-3100. If notice is given by telephone, written notice will be given as soon as practicable thereafter. Written notice should include:

- a. How, when and where the **Crisis Management Event** is taking or took place;
  - b. The names and addresses of any injured persons and any witnesses; and
  - c. The nature and location of any injury or damage arising out of the **Crisis Management Event**.
6. There shall be no requirement that the **Insured** obtain prior written approval from the Company before incurring any **Crisis Management Loss**, provided that the **Crisis Management Firm** selected by the **Insured** to perform the **Crisis Management Services** has been approved by the Company. If the **Insured** chooses to retain a firm that does not appear in the Schedule attached to and forming a part of this Policy, the **Insured** must obtain the Company's consent, which shall remain in the Company's sole discretion, prior to retaining the services of such firm.
7. Any payments for **Crisis Management Loss** or advancement of **CrisisResponse**<sup>®</sup> Costs that the Company makes under this Policy:
- a. Shall not be deemed to be a determination of the insured's liability with respect to any **Claim** or **Loss** under the Policy; and
  - b. Shall not create any duty to defend any **Claim** or to investigate any **Claim** or **Pollution Condition** arising from a **Crisis Management Event**, nor any coverage obligations under this Policy.
8. If the Crisis Management Insurance provided by this Policy and any other insurance issued to the **Named Insured** by the Company or any of its affiliated companies shall apply to the same crisis the maximum limit of insurance under all insurance available shall not exceed the highest applicable limit of insurance available under any one policy or endorsement.
9. In the event of a dispute between the **Insured** and us as to whether a **Crisis Management Event** has occurred, the **Insured** may, at its own cost, retain the services of an approved **Crisis Management Firm** and/or advance **CrisisResponse**<sup>®</sup> Costs. Provided, however, if the **Insured** elects to retain an approved **Crisis Management Firm** or to advance **CrisisResponse**<sup>®</sup> Costs, the Company shall have no obligation to reimburse the **Insured** under this Policy for such costs or expenses. The right to reimbursement shall be arbitrated pursuant to the rules of the American Arbitration Association in New York, New York or in the state indicated in Item 1. of the Declarations of this Policy as the address of the **Named Insured**.

All other terms, conditions, and exclusions shall remain the same.

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AUTHORIZED REPRESENTATIVE  
or countersignature (in states where applicable)

ENDORSEMENT NO.

This endorsement, effective 12:01 AM,

Forms a part of Policy No:

Issued to:

By:

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ILLCIT ABANDONMENT EXCLUSION ENDORSEMENT

It is hereby agreed that Section **VIII. DEFINITIONS**, Paragraph **CC. Pollution Condition**, is deleted in its entirety and replaced with the following:

**CC. Pollution Condition** means the discharge, dispersal, release or escape of any solid, liquid, gaseous or thermal irritant or contaminant, including, but not limited to, smoke, vapors, soot, fumes, acids, alkalis, toxic chemicals, hazardous substances, low-level radioactive material, electromagnetic fields, medical waste including infectious and pathological waste and waste materials into or upon land, or any structure on land, the atmosphere or any watercourse or body of water, including groundwater, provided such conditions are not naturally present in the environment in the amounts or concentrations discovered. **Pollution Condition** also means Legionella pneumophila or **Microbial Matter** in any structure on land and the atmosphere contained within that structure, provided that such **Pollution Condition** commences on or after the Indoor Air Quality Retroactive Date shown in Item 7. of the Declarations Page.

All other terms, conditions, and exclusions shall remain the same.

\_\_\_\_\_  
AUTHORIZED REPRESENTATIVE  
or countersignature (in states where applicable)

ENDORSEMENT NO.

This endorsement, effective 12:01 AM,

Forms a part of Policy No.:

Issued to:

By:

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**MATERIAL CHANGE IN USE OF INSURED PROPERTY(IES) - INTENDED USE ENDORSEMENT**

It is hereby agreed that:

1. Section II. EXCLUSIONS, 1. COMMON EXCLUSIONS - APPLICABLE TO ALL COVERAGES, Paragraph B. CHANGE IN INTENDED USE OR OPERATIONS is deleted in its entirety and replaced with the following:

**CHANGE IN INTENDED USE OR OPERATIONS:**

Based upon or arising from a change in use or operations which is materially different from the Intended Use listed below:

Intended Use: Those uses listed on SOV referenced on Schedule of Insured Properties

2. Section VI. CONDITIONS, Paragraph G. Cancellation, Subparagraph 3. is deleted in its entirety and replaced with the following:
3. A change in use or a change in operations which is materially different from the Intended Use listed in Paragraph 1. above on this Endorsement. Solely with respect to this Paragraph 3. and solely with respect to such change in use or change in operations on or under a particular **Insured Property(ies)**, the Company shall have the right to cancel coverage only with respect to that **Insured Property(ies)** where such change in use or operations has taken place.

All other terms, conditions, and exclusions shall remain the same.

\_\_\_\_\_  
**AUTHORIZED REPRESENTATIVE**  
or countersignature (in states where applicable)

ENDORSEMENT NO.

This endorsement, effective 12:01 AM,

Forms a part of Policy No:

Issued to:

By:

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

PIER NETWORK PROVIDER DEDUCTIBLE REDUCTION ENDORSEMENT

It is hereby agreed that:

1. The following is added to Section **V. LIMITS OF LIABILITY AND DEDUCTIBLE**, Paragraph **F. Deductible**, Subparagraph 1. Coverages A through I:

If the **Named Insured** utilizes a **PIER Network Provider** in response to an incident which results in **Emergency Response Costs** covered under Coverage F, and such **Emergency Response Costs** are incurred by a **PIER Network Provider**, the **Named Insured's** Deductible obligation shall be reduced by 50% subject to a maximum reduction of \$25,000, and such reduced Deductible amount shall apply among all the coverage sections applicable to the **Loss for Each Incident**. In order for this Deductible reduction to apply, the **Named Insured** must provide proof of use of a **PIER Network Provider** including, at a minimum, a copy of the executed written contract between the **PIER Network Provider** and the **Named Insured** and a copy of the invoice(s) for such services which have been rendered under the aforementioned executed written contract in response to **Emergency Response Costs**. This provision does not alter the **Insured's** reporting obligations under Section **III.** of the Policy.

2. The following is added to Section **VIII. DEFINITIONS**:

**PIER Network Provider** means an environmental or emergency response contractor that is a member of the Company's PIER (Pollution Incident and Environmental Response)<sup>®</sup> program.

All other terms, conditions, and exclusions shall remain the same.

---

**AUTHORIZED REPRESENTATIVE**  
or countersignature (in states where applicable)

ENDORSEMENT NO.

This endorsement, effective 12:01 AM,

Forms a part of Policy No:

Issued to:

By:

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**SCHEDULE OF APPROVED**  
**CRISIS MANAGEMENT FIRMS ENDORSEMENT**

It is hereby agreed that the following public relations and non-public relations firms are approved crisis response vendors and are added to Section VII. DEFINITIONS, Crisis Management Firm:

FIRM ADDRESS	CONTACT INFORMATION	EMERGENCY TELEPHONE	SERVICES OFFERED
<b><u>The Abernathy MacGregor Group, Inc.</u></b>			
501 Madison Ave. New York, NY 10022	<b>Rhonda Barnat</b> Managing Director (212) 371-5999 Office (917) 912-6378 Cell (212) 752-0723 Fax (646) 478-8740 Home <a href="mailto:rb@abmac.com">rb@abmac.com</a>	<b>(917) 912-6378</b>	Public Relations, Crisis Management services.  Serving clients in the US, UK, Germany, France, Italy, Switzerland, The Netherlands, Hong Kong, Spain, Latin America and China.
611 W. Sixth Street, Suite 1880 Los Angeles, CA 90017	<b>Ian D. Campbell</b> Vice Chairman (213) 630-6550 Office (213) 422-7958 Cell (213) 489-3443 Fax (818) 957-5650 Home (818) 541-0954 Home Fax <a href="mailto:idc@abmac.com">idc@abmac.com</a>	<b>(818) 750-4392</b> <b>(917) 940-3476</b>	
<b><u>Ann Barks Public Relations</u></b>			
896 Cross Gates Boulevard Slidell, LA 70461	<b>Ann W. Barks</b> Owner (985) 847-0750 Direct (985) 290-8304 Cell <a href="mailto:abarkspr@bellsouth.net">abarkspr@bellsouth.net</a>	<b>(985) 290-8304</b>	Public Relations, Crisis Management services.  Serving clients in the Gulf Coast region (Alabama, Florida, Georgia, Louisiana, Mississippi and Texas).

**Gladstone International, Inc.**

1278 Glenneyre St.  
Laguna Beach, CA  
92651

**Joan Gladstone** (949) 633-9900  
**President and CEO**  
(949) 475-6979 Office  
(949) 475-6978 Fax  
(949) 633-9900 Cell  
[jgladstone@gladstonepr.com](mailto:jgladstone@gladstonepr.com)

Public Relations,  
Crisis Management  
services, Media  
Training.  
Serving the  
Western US region.

**Bright Light Marketing Group**

1001 Bishop Street,  
Suite 900  
Honolulu, Hawaii  
96813-3429

**Charlene Lo Chan**  
Executive Vice President and Chief  
Operating Officer  
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Managing Consultant  
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(516) 661-0308 Cell  
(516) 536-5845 Other

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<p>355 Alhambra Circle, Suite 800 Miami, Florida 33134</p>	<p><b>Bruce S. Rubin</b> Senior Counselor (305) 448-2640 Direct (305) 807-2704 Cell (305) 448-5027 Fax <a href="mailto:Bruce.rubin@rbbpr.com">Bruce.rubin@rbbpr.com</a></p>	<p>(305) 807-2704  Serving clients in the US.</p>
<p><b><u>Sard Verbinnen &amp; Co.</u></b></p>	<p><b>George Sard</b> Chairman and CEO (212) 687-8080 Office (212) 687-8344 Fax <a href="mailto:gsard@sardverb.com">gsard@sardverb.com</a></p>	<p>(917) 750-4392  Public Relations, Crisis Management services.  Serving clients in the US.</p>
<p>475 Sansome Street, Suite 1750 San Francisco, CA 94111</p>	<p><b>Paul Kranhold</b> Managing Director (415) 618-8750 Office (415) 568-9580 Fax <a href="mailto:pkranhold@sardverb.com">pkranhold@sardverb.com</a></p>	<p>Public Relations, Crisis Management services.</p>
<p><b><u>Sitrick and Company, Inc.</u></b></p>	<p><b>Jeffrey S. Lloyd, Ph. D.</b> Managing Director (212) 660-6393 Direct (212) 573-6100 Office (310) 963-2850 Cell (212) 573-6165 Fax <a href="mailto:jeff_lloyd@sitrick.com">jeff_lloyd@sitrick.com</a></p>	<p>(310) 358-1011  Serving clients in the US.</p>
<p>1840 Century Park East, Suite 800 Los Angeles, CA 90067</p>	<p><b>Michael S. Sitrick</b> Chairman and CEO (310) 788-2850 Direct (310) 788-2855 Fax <a href="mailto:mike_sitrick@sitrick.com">mike_sitrick@sitrick.com</a></p>	<p>Public Relations, Crisis Management services.</p>

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10165-2112

**Richard Torrenzano** (917) 539-4000  
Chairman and CEO  
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**THE FOLLOWING NON-PUBLIC RELATIONS FIRMS ARE APPROVED CRISIS RESPONSE VENDORS**

FIRM ADDRESS	CONTACT INFORMATION	EMERGENCY TELEPHONE	SERVICES OFFERED
<b><u>Bill Tibbo &amp; Associates</u></b>			
411 Borland Court Newmarket, Ontario, L3X 1E4	<b>Bill Tibbo</b> Corporate Clinical Consultant and Disaster Management Specialist (888) 355-9788 Toll Free (416) 716-8057 Cell <a href="mailto:bill@billtibbo.com">bill@billtibbo.com</a>	(905) 868-4174	Psychological Counseling, Medical Case Management, Medical Cost Projection and Containment services.
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3200 Highland Ave. Downers Grove, IL 60515	<b>Dr. Michael Lacroix</b> (914) 223-4463 Cell (786) 513-7690 Fax <a href="mailto:jxlacroix@cvty.com">jxlacroix@cvty.com</a>	(888) 552-5378	Psychological Counseling, Medical Case Management, Medical Cost Projection and Containment services.
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**National Director of Client Services**  
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 (800) 550-0095 Office  
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**Vice President**  
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All other terms, conditions, and exclusions shall remain the same.

**AUTHORIZED REPRESENTATIVE**  
or countersignature (in states where applicable)

ENDORSEMENT NO.

This endorsement, effective 12:01 AM,

Forms a part of Policy No:

Issued to:

By:

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**SPECIFIC DEED RESTRICTION AMENDATORY ENDORSEMENT**

It is hereby agreed that:

1. The following is added to Section II. **EXCLUSION, 1. COMMON EXCLUSIONS - APPLICABLE TO ALL COVERAGES:**

**DEED RESTRICTION / ENGINEERING CONTROL:**

Arising from any **Insured's** material violation of or non-compliance with any deed restriction, activity or land use limitation or engineering control that is or is to be implemented on the **Insured Property**, or arising from any **Insured's** material violation of NPDS Waste Discharge Permit No. WA0023159, and any amendments thereto, associated with the **Insured Property**.

2. The following is added to Section VI. **CONDITIONS:**

By acceptance of this Policy, the **Named Insured** agrees to comply with NPDS Waste Discharge Permit No. WA0023159, and any amendments thereto, associated with the **Insured Property**. Furthermore, the **Named Insured** understands and acknowledges that this Policy is issued in reliance upon such agreement.

All other terms, conditions, and exclusions shall remain the same.

\_\_\_\_\_  
**AUTHORIZED REPRESENTATIVE**  
or countersignature (in states where applicable)

ENDORSEMENT NO.

This endorsement, effective 12:01 AM,

Forms a part of Policy No:

Issued to:

By:

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**TERRORISM EXCLUSION - ALL TERRORISM (CERTIFIED AND NON- CERTIFIED ACTS OF TERRORISM)**  
**EXCLUSION ENDORSEMENT**

This Policy is amended to include the following Exclusion:

The Company has no obligation to make any payment or to provide or to pay for a defense under this Policy due to or arising directly or indirectly as a result of or in connection with **Terrorism**. **Terrorism** means the use or threatened use of force or violence against person or property, or commission of an act dangerous to human life or property, or commission of an act that interferes with or disrupts an electronic or communication system, undertaken by any person or group, whether or not acting on behalf of or in connection with any organization, government, power, authority or military force, when the effect is to intimidate, coerce or harm a government, the civilian population or any segment thereof, or to disrupt any segment of the economy.

The defined term **Terrorism** shall specifically include, but is not limited to, the following definition of a certified "act of terrorism" as defined by the Terrorism Risk Insurance Act of 2002, as amended by the Terrorism Risk Insurance Program Reauthorization Act of 2007 (collectively, "TRIA") as follows:

**ACT OF TERRORISM, -**

- a. **CERTIFICATION** - The term "act of terrorism" means any act that is certified by the Secretary (of the Treasury), in concurrence with the Secretary of State, and the Attorney General of the United States -
  - i. To be an act of terrorism;
  - ii. To be a violent act or an act that is dangerous to:
    1. human life;
    2. property; or
    3. infrastructure;
  - iii. to have resulted in damage within the United States, or outside of the United States in the case of:
    1. an air carrier or vessel (described in TRIA); or
    2. the premises of a United States mission; and
  - iv. to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.
- b. **LIMITATION** - No act shall be certified by the Secretary as an act of terrorism if:
  - i. The act is committed as part of the course of a war declared by the Congress, except that this clause shall not apply with respect to any coverage for workers' compensation; or
  - ii. Property and casualty insurance losses resulting from the act, in the aggregate, do not exceed \$5,000,000.
- c. **DETERMINATION FINAL** - Any certification of, or determination not to certify, an act as an act of terrorism under this Paragraph shall be final, and shall not be subject to judicial review.

ENDORSEMENT NO. (Continued)

- d. **NONDELEGATION** - The Secretary may not delegate or designate to any other officer, employee, or person, any determination under this Paragraph of whether, during the effective period of the Program, an act of terrorism has occurred.

All other terms, conditions, and exclusions shall remain the same.

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**AUTHORIZED REPRESENTATIVE**  
or countersignature (in states where applicable)

ENDORSEMENT NO.

This endorsement, effective 12:01 AM,

Forms a part of Policy No:

Issued to:

By:

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**UNDERGROUND STORAGE TANK EXCLUSION ENDORSEMENT**

It is hereby agreed that:

1. Section II. EXCLUSIONS, 1. COMMON EXCLUSIONS - APPLICABLE TO ALL COVERAGES, Paragraph F. IDENTIFIED UNDERGROUND STORAGE TANK is deleted in its entirety and replaced with the following:

**F. IDENTIFIED UNDERGROUND STORAGE TANK:**

Arising from a **Pollution Condition** resulting from any **Underground Storage Tank(s)**. Coverage is available only for those **Underground Storage Tank(s)** specifically approved in writing by the underwriter and scheduled in the Policy by endorsement.

2. Section VIII. DEFINITIONS, Paragraph JJ. **Underground Storage tank** is deleted in its entirety and replaced with the following:

**JJ. Underground Storage Tank** means any one or combination of tanks, including underground pipes connected thereto, that has or has had at least ten (10) percent of its volume beneath the surface of the ground. **Underground Storage Tank** does not include:

1. Septic tanks, sump pumps or oil/water separators;
2. A tank that is enclosed within a basement, cellar, shaft or tunnel, if the tank is upon or above the surface of the floor; or
3. Storm-water or wastewater collection systems.

All other terms, conditions, and exclusions shall remain the same.

---

**AUTHORIZED REPRESENTATIVE**  
or countersignature (in states where applicable)

ENDORSEMENT NO.

This endorsement, effective 12:01 AM:

Forms a part of policy no.:

SPECIMEN

Issued to:

By:

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**SCHEDULE OF INSURED PROPERTIES**

It is hereby agreed that the following location(s) is (are) included in Item 5 of the Declarations as **INSURED PROPERTY(S)**, subject to all of the terms and conditions of the Policy.

**Item 5: INSURED PROPERTY(S):**

Those locations listed in the spreadsheet entitled SOV 2014 2015.xls sent to the Company by the Broker on December 5, 2014 and on file with the Company.

Parcel Numbers:

10112611049:	TAX LOT 49 LESS RIGHT OF WAY IN 26-10-11
10112612014:	TAX LOT 14 INCLUDING VACANT ROAD; TAX LOT 16 LESS RIGHT OF WAY IN 26-10-11
10112612018:	TAX LOT 18 INCLUDING VACANT ROAD IN 26-10-11
10112612024:	TAX LOT 24 AND 25 IN 26-10-11
10112613010:	TAX LOT 10 EAST OF HIGHWAY AND NORTH OF ROAD IN 26-10-11
10112443003:	TAX LOT 3 IN 24-10-11
10112444000:	SE ¼ OF SE ¼ LESS ROAD AND METES AND BOUNDS IN 24-10-11
10103032000:	NORTHWEST ¼ OF SOUTHWEST ¼ IN 30-10-10
10112522007:	INC RR R/WSEC 24/25

All other terms, conditions and exclusions remain the same.

\_\_\_\_\_  
Authorized Representative  
or countersignature (where required by law)





120 First Avenue North  
PO Box 548 • Ilwaco, WA 98624  
Phone: 360.642.3145  
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www.ilwaco-wa.gov

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To: City of Ilwaco Council  
From: Ryan E. Crater, City Planner  
Date: January 15, 2015  
Subject: Medical Marijuana Uses

---

### WHY IS THIS BEFORE COUNCIL

Staff (City Planner) has recently been receiving calls from citizens seeking to potentially operate medical marijuana dispensaries within the City of Ilwaco. Currently, the Ilwaco Development Regulations are silent with regards to where these uses can locate and under what controls. At the present time an applicant can apply to operate and locate a medical marijuana operation (collective garden and dispensary) in any zoning districts within the City. Without having any formal controls or development regulations to review these uses under the City would lack the ability to properly control medical marijuana uses. Currently, the only measure of control to review, regulate and potentially approve these uses under is through a Conditional Use Permit (CUP).

Staff is presenting this staff report to request that City Council consider taking actions to allow Staff and the Planning Commission to develop reasonable regulations to present to City Council for review and potentially approve to allow the City to properly locate and regulate these uses within the City. It will also allow City Council to review each proposed application under a specific set of rules, thereby helping you make better decision in your roll of approving CUP under the development regulations.

### BACKGROUND

In November of 1998, the voters of the State of Washington approved Initiative 692 (codified as chapter 69.51A RCW). The intent of I-692 was that "qualifying patients with terminal or debilitating illnesses who, in the judgment of their physicians, would benefit from the use of medical marijuana, shall not be found guilty of a crime under state law," but that nothing in the law "shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of marijuana for non-medical purposes."

In 2011, the Washington State Legislature passed ESSSB 5073, which was codified in chapter 69.51A RCW. This bill provided that qualifying patients or their designated care providers are presumed to be in compliance with the medical use of marijuana, and not subject to criminal or civil sanctions, penalties, and/or consequences, if they possess no more than 15 cannabis plants, no more than 24 ounces of usable cannabis, and as long as they met certain other qualification.

Under ESSSB 5073, cities and counties may adopt and enforce requirements for zoning, business licensing, health and safety and business taxes relating to the "production, processing, or dispensing of cannabis or cannabis products within their jurisdiction."

## **MEDICAL MARIJUANA**

Medical marijuana under I-692, includes both "collective gardens" and "dispensaries". Thus far, the City of Ilwaco has not taken any action regarding medical marijuana from a zoning perspective, following the passage and codification of I-692 under chapter 69.51A RCW. Other jurisdictions throughout the state have sought to ban not only dispensaries, but collective gardens as well, while others have moved to establish moratoriums. Some jurisdiction have enacted zoning regulations to allow these uses, but in a controlled and specified manner.

## **EXISTING CONDITIONS (I-502)**

The City of Ilwaco has addressed marijuana from a land use perspective regarding I-502 uses (Recreational Marijuana). Recreational marijuana is regulated under Chapter 15.60 of the Ilwaco Municipal Code for the production, processing and retail of marijuana projects. These regulations are not applicable to regulating medical marijuana.

## **DEVELOPMENT REGULATIONS**

Currently, the City of Ilwaco development regulations do not address medical marijuana uses nor do they provide sufficient direction to address the uses allowed under I-692 within the City. This creates an issue regarding the processing, reviewing and final determinations of an application for proposed medical marijuana uses under the development regulations.

The Ilwaco development regulations are more of a performance code vs. a prescriptive code. Meaning: Prescriptive code tells you what you can do, where, how, and if it is not listed the proposed use is not allowed; Performance code allows an applicant the opportunity to seek a CUR should a specific use not be listed within the desired zoning district. This has both benefits and drawbacks.

The drawbacks can come from unique uses such as medical marijuana that pose a potentially significant risk to being allowed to operate under an approved CUP, but lacking sufficient regulations to control the proposed use. It also leaves the City Planner, Planning Commission, and City Council without any clear direction contained within the development code to address, review and make a final determination for these types of uses under a CUP. It also leaves a void in the application review and approval process to review and potentially approve these uses using clear standards and guidelines.

Staff recommends that City Council take action to place a temporary moratorium on medical marijuana uses within the City until the Staff and the Planning Commission have time to prepare and provide draft regulations to City Council for your consideration. The moratorium should exclude medical marijuana uses of a personal nature by which an individual both grows and consumes medical marijuana for their own person and in their own home.

#### **OPTIONS TO CONSIDER**

1) **Do nothing:** The City could decide not to adopt any regulations related to medical marijuana uses. This would create a scenario in which the City would rely on the existing CUP process to review, approve / not approve potential application requests lacking clear and specific guidelines and/or policies. This would leave the City with no specific review standards and development regulations to control these potential uses under the CUP process in addition to potentially allowing them to locate within any zoning district.

2) **Temporary moratorium:** The City could enact a temporary moratorium for medical marijuana uses within the City. A moratorium is an emergency measure intended to provide the City with enough time to develop appropriate regulations regarding these medical marijuana uses. Prior to the moratorium expiring, City Council could move to extend the moratorium, enact proposed regulations (Option 3) or at the expiration of the moratorium do nothing (Option 1).

3) **Regulate:** The City could identify zones in which medical marijuana operations could be located, as well as reasonable development standards such as setbacks, screening, security, lighting, odor prevention, and signage. Enacting development regulations would provide a clear direction to City Staff, Planning Commission and City Council when reviewing and processing permit applications for medical marijuana uses.

#### **STAFF RECOMMENDATION**

Staff recommends that City Council take action to enact regulations to properly control medical marijuana collective gardens and dispensaries within the City. Staff further

recommends that City Council allow the Planner and Planning Commission to work together to prepare proposed regulations for City Council to consider.

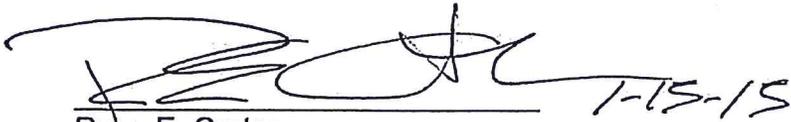
Staff further recommends that City Council enact certain development regulations related to security, lighting, signage, odor control and outside appearance, and that Council adopts a series of definitions that would apply to these two distinct medical marijuana uses.

Staff believes that establishing reasonable policies regulating these uses within the City will protect the public health, safety and welfare of our citizens. Appropriate land use regulations will allow the City to locate these uses appropriately and allow for reasonable controls to be placed on medical marijuana collective gardens and dispensaries. Both I-502 and I-692 marijuana uses are emerging land uses within the State of Washington. There will likely be lessons learned and examples of both good and bad regulations in other jurisdictions. Staff does not recommend that City Council place itself in a position of testing the waters either by not regulating these uses or by placing a large burden on an applicant by enacting extreme land use restrictions on these uses. The City should seek to place reasonable restrictions on medical marijuana uses and over time review enacted regulations as this new land use matures over time, which will put the City in a better position to either increase or relax restrictions if needed. The approach will place the City of Ilwaco in a respectful position to State law, and will allow potential applicants a reasonable expectation regarding City development regulations for these uses.

Many jurisdictions have already adopted medical marijuana use regulations, which both the Planning Commission and City Planner can use as guidance in developing similar regulations. MRSC has issued a Model Ordinance prepared by Carol Morris, Morris Law, P.C., Seabeck, WA, regarding zoning regulations for the cultivation of medical marijuana for personal use and in collective gardens. This model ordinance can be used and edited to meet the needs of the City of Ilwaco and our citizens. The model ordinance is silent on medical marijuana dispensaries, but MRSC provides links to other jurisdictions who have adopted regulations for dispensaries that we can review and consider for Ilwaco. The City Planner and Planning Commission can work together using existing reference material to draft proposed regulations for City Council to consider.

In closing, I have provided you with a reference report that was obtained through MRSC's webpage site on Medical Marijuana. The report was prepared by Carol A. Morris who owns Morris Law, P.C. which focuses on the representation of municipalities in land use litigation. I found that this report provided a good amount of detailed information regarding medical marijuana and its applicability to local land use regulations to bring Council Members up to speed on this subject. The report includes both recreational marijuana (I-502) and medical marijuana (I-692) land uses. The report

should provide each Council Member with enough information to help each of you make an educated decision regarding potential regulations for medical marijuana uses.

A handwritten signature in black ink, appearing to read 'R. Crater', with a date '1-15-15' written to the right of the signature.

Ryan E. Crater  
City Planner - Ilwaco

**(Updated 6/11/13)**

## **MARIJUANA USES LOCAL REGULATION**

by

**Carol A. Morris**

Carol Morris owns Morris Law, P.C. ([carol\\_a\\_morris@msn.com](mailto:carol_a_morris@msn.com)) which focuses on the representation of municipalities in land use litigation. Carol is also a panel attorney for the Association of Washington Cities Risk Management Services Agency (RMSA), hired by the insurance pool since 1994 to represent cities in land use litigation. She answers the AWC-RMSA sponsored land use hotline, which is a free service to cities in the insurance pool. From 1989 to the present, Carol has been a city attorney for seven cities as well as assistant city attorney, or special legal counsel in primarily land use matters, for over 35 other cities and counties.

## MARIJUANA USES LOCAL REGULATION

### I. Background.

A. Federal Law. The Controlled Substances Act (CSA), makes it unlawful to manufacture, distribute, dispense or possess any controlled substance except in the manner authorized by the CSA.<sup>1</sup> All controlled substances are categorized into five schedules, based on the drugs' accepted medical uses, potential for abuse and their psychological/physical effects on the body.<sup>2</sup> Each schedule corresponds with controls on the manufacture, distribution, registration, labeling, packaging, production quotas, drug security, recordkeeping, as well as use of the listed substances.<sup>3</sup>

Marijuana is classified as a Schedule I drug.<sup>4</sup> Drugs with a high potential for abuse, lack of any accepted medical use and absence of any accepted safety for use in medically supervised treatment are labeled Schedule I.<sup>5</sup> The inclusion of marijuana on Schedule I reflects the federal government's determination that "marijuana has no currently accepted medical use at all."<sup>6</sup> While there have been repeated efforts to reclassify marijuana, it remains a Schedule 1 drug.<sup>7</sup> By classifying it as a Schedule I drug, the manufacture, distribution or possession of marijuana became a criminal offense (with one exception for research studies).<sup>8</sup> It is also illegal under the CSA to open, use, lease or maintain any place for the purpose of manufacturing, distributing or using any controlled substance.<sup>9</sup>

### B. State Law.

1. *Washington's Uniform Controlled Substances Act (USCA)* makes it unlawful to manufacture, deliver or possess with intent to manufacture or deliver, a controlled substance.<sup>10</sup> Marijuana is listed as a Schedule I drug.<sup>11</sup>

2. *Medical Marijuana Initiative.* In November of 1998, the voters of the State of Washington approved Initiative 692 (codified as chapter 69.51A RCW). The

<sup>1</sup> 21 U.S.C. Section 841(a)(1).

<sup>2</sup> 21 U.S.C. Section 811, 812.

<sup>3</sup> 21 U.S.C. Section 821-830; CFR Section 1301 *et seq.*

<sup>4</sup> 21 U.S.C. Section 812(c).

<sup>5</sup> 21 U.S.C. Section 812(b)(1).

<sup>6</sup> *United States v. Oakland Cannabis Buyers' Co-op*, 532 U.S. 483, n. 5, 121 S.Ct. 1711, 149 L.Ed.2d 722 (2001). July 11, 2012).

<sup>7</sup> See, *Alliance for Cannabis Therapeutics v. DEA*, 15 F.3d 1131, 1133 (D.C. Cir. 1994).

<sup>8</sup> 21 U.S.C. Section 823(f); 841(a)(1), 844(a).

<sup>9</sup> 21 U.S.C. Section 856(a)(1).

<sup>10</sup> RCW 69.50.401.

<sup>11</sup> RCW 69.50.204(c)(22).

intent of Initiative 692 was that "qualifying patients with terminal or debilitating illnesses who, in the judgment of their physicians, would benefit from the medical use of marijuana, shall not be found guilty of a crime under state law," but that nothing in the law "shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of marijuana for non-medical purposes."<sup>12</sup>

3. *Legislature's Adoption of chapter 69.51A RCW, Medical Cannabis.* In 2011, the Washington State Legislature passed ESSSB 5073, which was codified in chapter 69.51A RCW. This bill provided that qualifying patients or their designated care providers are presumed to be in compliance with the medical use of marijuana, and not subject to criminal or civil sanctions, penalties, and/or consequences, if they possess no more than 15 cannabis plants, no more than 24 ounces of usable cannabis, and as long as they met certain other qualifications.

This bill directed employees of the state Departments of Health and Agriculture to authorize and license commercial businesses that produce, process or dispense cannabis. In addition, the bill required that the Department of Health develop a secure registration system for licensed producers, processors and dispensers. The Governor vetoed these provisions, together with many others relating to dispensaries and all of the definitions in the bill.<sup>13</sup>

The bill's provisions relating to individual cultivation of medical cannabis and cultivation in collective gardens were not vetoed. An individual qualifying patient may cultivate up to 15 cannabis plants in his/her own residence (or possess up to 24 ounces of usable cannabis). There are other limits for qualifying patients who are also designated providers.<sup>14</sup> Up to ten qualifying patients may create and participate in collective gardens for the purpose of producing, processing, transporting and delivering cannabis for medical use.<sup>15</sup> A collective garden may not contain more than 15 plants per patient up to a total of 45 plants per garden, and the garden may not contain more than 24 ounces of usable cannabis per patient, up to a total of 72 ounces of usable cannabis.<sup>16</sup>

Under the bill, cities, towns and counties may adopt and enforce requirements for zoning, business licensing, health and safety and business taxes relating to the "production, processing, or dispensing of cannabis or cannabis products within their jurisdiction."<sup>17</sup> Additional protection from state prosecution exists in the bill: "no civil or criminal liability may be imposed by any court on cities, towns, and counties or their municipalities and their officers and employees for actions taken in good faith under chapter 69.51A RCW, within the scope of their assigned duties."<sup>18</sup>

<sup>12</sup> RCW 69.51A.005, 69.51A.020.

<sup>13</sup> See, letter from Christine Gregoire, Governor, April 29, 2011, re: ESSSB 5073.

<sup>14</sup> See, RCW 69.51A.040.

<sup>15</sup> RCW 69.51A.085.

<sup>16</sup> *Id.*

<sup>17</sup> RCW 69.51A.130.

<sup>18</sup> RCW 69.51A.130. Of interest is *Qualified Patients Association, et al. v. City of Anaheim*, 187 Cal. App. 4<sup>th</sup> 734, 760, 115 Cal.Rptr. 3d 89 (2010):

The Governor's veto has resulted in significant problems with interpretation of chapter 69.51A RCW. There is a general assumption that medical marijuana dispensaries could be prohibited by local jurisdictions, given the veto on definitions and corresponding provisions relating to the State Department of Health's regulation of dispensaries. Although the provisions relating to collective gardens and individual cultivation/possession were not vetoed, the definitions of "qualified patient" and "designated provider" were, causing more confusion. The bill's definitions of these terms provided an affirmative defense to charges of state law cannabis violations to qualified patients and designated providers who were on a State registry that was never established (because it was included in another vetoed section of the bill).

4. *Initiative 502*. In 2012, the Washington voters passed I-502, which directs the Washington State Liquor Control Board (LCB) to regulate marijuana by licensing and taxing producers, processors and retailers. The regulatory scheme requires the LCB to adopt rules before December of 2013<sup>19</sup> to address the methods for producing, processing and packaging of the marijuana, to establish security requirements for retail outlets, retail outlet locations and hours of operation, labeling requirements, method of transport of marijuana throughout the state, etc. A tax is also levied on marijuana-related activities, and a fund consisting of marijuana excise taxes, license fees, penalties and other income received by the state LCB from marijuana-related activities is created. The money in this fund is dedicated to various identified uses. The THC concentration for various offenses is established, and possession of limited amounts of marijuana by persons 21 years of age or older is decriminalized.

Here is a brief summary of the licensing aspects of I-502 that are of interest to local governments:

(a) How many recreational marijuana retailers can be licensed in any county? The LCB shall, in consultation with the Washington Office of Financial Management, determine the maximum number of retail outlets that may be licensed in each county, taking into consideration (a) population distribution; (b) security and safety issues; and (c) the provision of adequate access to licensed sources of usable marijuana to discourage purchases from the illegal market.<sup>20</sup>

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[A] city's compliance with state law in the exercise of its regulatory, licensing, zoning or other power with respect to the operation of medical marijuana dispensaries that meet state law requirements would not violate conflicting federal law. . . . The fact that some individuals or collectives or cooperatives might choose to act in the absence of state criminal law in a way that violates federal law does not implicate the city in any such violation. As we observed in *Garden Grove* [*City of Garden Grove v. Superior Court*, 157 Cal. App.4<sup>th</sup> 355, 368, 68 Cal. Rptr. 3d 656, 663 (2007)], governmental entities do not incur aider and abettor or direct liability by complying with their obligations under the state medical marijuana laws.

<sup>19</sup> The Liquor Control Board has developed their draft rules, which are now available for public comment.

<sup>20</sup> RCW 69.50.345(2).

(b) Will the local jurisdiction be notified before a license for any recreational marijuana use is considered? The LCB will give notice to the city, town or county of the LCB's receipt of license application for premises located in their respective jurisdictions.<sup>21</sup> The city, town or county has 20 days to file written objections with the LCB against the applicant or against the premises for which the new or renewed license is requested.<sup>22</sup>

(c) Will there be a hearing on whether the license should issue? The LCB may hold a hearing, and if the LCB makes an initial decision to deny the license or renewal based on the city, town or county's written objections, the applicant may request a hearing.<sup>23</sup>

(d) What weight will the LCB give the local jurisdiction's written objections? The LCB shall give "substantial weight" to the objections from the municipality, "based on chronic illegal activity associated with the applicant's operation 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."<sup>24</sup>

(e) Will the LCB notify the local jurisdiction of its decision on a license? If the license is granted, notice will be sent to the city, town or county.<sup>25</sup>

(f) Are there any prohibitions on siting, or is this left to the local jurisdiction? No license shall be issued for a recreation marijuana licensed use within 1,000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center, or facility, child care center, public park, public transit center, or library, or any game arcade, admission to which is not restricted to persons aged 21 or older.<sup>26</sup>

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<sup>21</sup> RCW 69.50.331(7)(a).

<sup>22</sup> RCW 69.50.331(7)(b).

<sup>23</sup> RCW 69.50.331(7)(c).

<sup>24</sup> RCW 69.50.331(9). As defined in I-502, "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.

<sup>25</sup> RCW 69.50.331(7)(d).

<sup>26</sup> RCW 69.50.331(8).

(g) What about marijuana advertising? Any licensed marijuana producer, processor or retailer is prohibited from placing or maintaining any advertisement of marijuana (or marijuana product in any form) within 1,000 feet of the perimeter of a school grounds, playground, recreation center or facility, child care center, public park or library, or any game arcade, admission to which is not restricted to persons aged 21 or older, on or in a public transit vehicle or public transit shelter or on or in a publicly owned or operated property.<sup>27</sup>

5. Liquor Control Board's Draft Rules. Marijuana was the largest cash crop in the United States during 2003-2005, with a \$35.8 billion average production value.<sup>28</sup> During those years, it was the second largest cash crop in Washington, with a \$1 billion average production value (apples had a value of \$1.145 billion). Now that marijuana is legal in Washington, these numbers are likely to increase. However, LCB's projected schedule for adoption of Rules and licensing of marijuana producers, processors and retailers demonstrates that the LCB may intend to proceed with rulemaking and issuance of licenses without environmental review or SEPA compliance.<sup>29</sup>

The LCB is asking for comment on the draft rules before June 10, 2013. There are other issues affecting municipalities besides SEPA to be raised in comments that should be submitted to the LCB.<sup>30</sup>

## II. Preemption.

A. Federal Law. No state can authorize violations of federal law. The CSA supersedes state regulation of marijuana, even when it is used for medicinal purposes.<sup>31</sup>

1. Ogden Memo. In 2009, the U.S. Department of Justice "provided clarification and guidance to federal prosecutors in States that have enacted laws authorizing the medical use of marijuana," that certain marijuana users and providers would be a lower priority for prosecution than others.<sup>32</sup> (The "Ogden Memo" states that prosecution of "individuals with cancer or other serious illnesses who use marijuana as part of a recommended treatment regimen consistent with applicable state law, or those caregivers in clear and unambiguous compliance with existing state law who provide

<sup>27</sup> RCW 69.50.369.

<sup>28</sup> [www.drugscience.org](http://www.drugscience.org)

<sup>29</sup> These activities are not exempt under SEPA. WAC 197-11-055(3)(b), WAC 197-11-800(13).

<sup>30</sup> A copy of a draft comment letter with additional detail is available from Carol Morris at [carol\\_a\\_morris@msn.com](mailto:carol_a_morris@msn.com).

<sup>31</sup> *Gonzales v. Raich*, 545 U.S. 1, 125 S.Ct. 2195, 2198, 162 L.Ed.2d 1 (2005). In *Raich I*, the US Supreme Court held that the "CSA's categorical prohibition of the manufacture and possession of marijuana as applied to the intrastate manufacture and possession of marijuana for medical purposes pursuant to California law [does not] exceed Congress' authority under the Commerce Clause." 545 US. at 9, 15; see also, *Raich v. Gonzales* ('*Raich II*'), 500 F.3d 850 (9<sup>th</sup> Cir. 2007).

<sup>32</sup> See: David W. Ogden, Dep. Atty. Gen., U.S. Dept. of Just., *Investigations and Prosecutions in states: Authorizing the Medical Use of Marijuana* ("Ogden Memo") (October 19, 2009) (available at [www.justice.gov/opa/documents/medical-marijuana.pdf](http://www.justice.gov/opa/documents/medical-marijuana.pdf)).

such individuals with marijuana, is unlikely to be an efficient use of federal resources..."<sup>33</sup>

2. *June 2010 JOD Memo.* Another Justice Department memo was sent to U.S. attorneys in June of 2010, clarifying that dispensaries and licensed growers could be prosecuted for violating federal drug and money laundering laws.<sup>34</sup> A spokesman for the U.S. Attorney in Los Angeles said the crackdown is aimed at stores that "are selling marijuana at a profit, which is also a violation of California law."<sup>35</sup> The California director of the Drug Policy Alliance complained that the Obama administration had "betrayed the promise it originally made to leave patients and their caregivers alone."<sup>36</sup>

3. Here in Washington, local county commissioners asked the federal government whether such enforcement efforts would extend to their activities implementing the State's laws on medical marijuana. The response:

[A]nyone who knowingly carries out the marijuana activities contemplated by Washington state law, as well as anyone who facilitates such activities, or conspires to commit such violations, is subject to criminal prosecution as provided in the CSA. That same conclusion would apply with equal force to the proposed activities of the Board of . . . County Commissioners and . . . County employees.<sup>37</sup>

In the same letter, the county commissioners were warned that such persons may also be subject to money laundering statutes, and that the CSA provides for forfeiture of real property and other tangible property used to facilitate the commission of such crimes, as well as the forfeiture of all money derived from, or traceable to, such activity.<sup>38</sup>

4. *Federal Response to I-502?* Nothing yet.

## B. State law.

1. *Medical Marijuana.* At least seventeen states have now adopted laws allowing the medical use of marijuana and six states have similar legislation pending.<sup>39</sup> The issue whether state laws allowing the medical use of marijuana are

<sup>33</sup> *Id.*

<sup>34</sup> See, *USA Today*, article dated 10/10/11, "Feds Target Medical Marijuana Dispensaries in California."

<sup>35</sup> *Id.*

<sup>36</sup> *Id.* This quote was attributed to Stephen Gutwillip, California Director of the Drug Policy Alliance.

<sup>37</sup> Letter from Joseph T. Rannazzisi, Deputy Assistant Administrator, Office of Division Control, U.S. Department of Justice, Drug Enforcement Administration, dated January 17, 2012, addressed to Board of Clark County Commissioners.

<sup>38</sup> *Id.*

<sup>39</sup> Alaska, Arizona, California, DC, Delaware, Hawaii, Maine, Michigan, Montana, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Washington, <http://medicalmarijuana.procon.org>. According to this website, the states vary in the amount of usable cannabis possession limits (from 1 oz. (Alaska) to 24 oz. (Washington and Oregon) as well as the number of plants (from 6 plants to 24 plants (Oregon)).

preempted by or conflict with the CSA has not yet been addressed in a reported decision in Washington.<sup>40</sup>

Some California courts have held that state medical marijuana laws are not in conflict with the CSA because they do not legalize medical marijuana.<sup>41</sup> These decisions recognize that while the CSA preempts state laws that positively conflict, the California medical marijuana law "simply decriminalizes for the purposes of state law certain conduct related to medical marijuana."<sup>42</sup> Recently, the California Supreme Court decided to supersede and accept review of decisions rendered in four significant medical marijuana cases, including a case in which a local ordinance was invalidated as preempted under the CSA.<sup>43</sup>

More recently, the California Supreme Court held that the California medical marijuana law did not preempt the City of Riverside, California's ban on medical marijuana dispensaries.<sup>44</sup> In this decision, the court held that nothing in California law "expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land, including the authority to provide that facilities for the distribution of medical marijuana will not be permitted to operate within its borders."<sup>45</sup> (While this may also be true for the Washington medical marijuana laws, there are certain aspects of I-502 or recreational marijuana, that are not contemplated by the court's decision in this case, such as Washington State licensing.)

In Michigan, the City of Wyoming sought to ban medical marijuana uses by adopting a zoning ordinance which provided that "uses not expressly permitted under this article are prohibited in all districts. Uses that are contrary to federal law, state law

<sup>40</sup> In *Cannabis Action Coalition v. City of Kent*, King County Superior Court Cause No. 12-2-19726-1 KNT, the City prevailed on summary judgment in a challenge to its ban on medical marijuana activities. This case is currently on appeal. *John and Jane Does 1-13 v. Seattle*, King County Superior Court Cause No. 11-2-42621-1SEA, was dismissed on a technicality and either was refiled or will shortly be refiled. In this case, the plaintiffs alleged, among other things, that Washington's medical marijuana laws, specifically the section providing authority for cities to regulate on the basis of zoning, business licensing and taxing, do not provide a basis for Seattle to regulate marijuana, since it was part of an "overall regulatory scheme which was vetoed by the Governor leaving Sec. 1102 an orphan." Complaint for Declaratory Relief, In. 15-16, p.8.

<sup>41</sup> California's Compassionate Use Act "does not conflict with federal law because on its face it does not purport to make legal any conduct prohibited by federal law; it merely exempts certain conduct by certain persons from the California drug laws." *Qualified Patients Assn. v. City of Anaheim*, 187 Cal.App.4<sup>th</sup> 734, 760, 115 Cal.Rptr.3d 89 (2010).

<sup>42</sup> *County of San Diego v. San Diego NORML*, 165 Cal. App. 4<sup>th</sup> 798, 81 Cal.Rptr.3d 461 (2008).

<sup>43</sup> See, *Medical Marijuana Cases Have Courts Exhibiting Multiple Personalities, Flurry of Conflicting Rulings on Medical Marijuana Sets Up Landmark California Review*, posted March 13, 2012 by Peter Hecht of McClatchy Newspapers. In one of these cases, the court ambiguously held that only those ordinances that distinguished between "not making an activity unlawful and making the activity lawful" would be upheld. *Pack v. Superior Court*, 199 Cal.App.4<sup>th</sup> 1070, 132 Cal.Rptr.3d 633 (10-4-11); *opinion superseded and review granted*, 268 P.3d 1063 (1-18-12); *dismissed as moot* 146 Cal.Rptr.3d 271, 283 P.3d 1159 (8-22-12). After review was granted in *Pack*, the City repealed the ordinance and replaced it with another which imposed a complete and immediate ban on collectives in the City.

<sup>44</sup> *City of Riverside v. Inland Empire Patients Health and Wellness Center* 56 Cal.4<sup>th</sup> 729 (2013) (2013 WL 1859214).

<sup>45</sup> *Id.*

or local ordinance are prohibited.”<sup>46</sup> The City argued that this ordinance was valid even if it was preempted by state law allowing medical marijuana, because the federal CSA preempted the state law. In a decision that has been accepted for review by the Michigan Supreme Court, the City’s ban was invalidated because it conflicted both with the state law and the CSA.

(a) *Does Washington’s medical marijuana law conflict with the CSA?* No Washington appellate court has made a decision on this issue.

(b) *Can Washington cities, towns and counties adopt bans on medical marijuana uses?*<sup>47</sup> The City of Kent adopted a ban on medical marijuana uses, which was challenged and upheld at the superior court level. There has been no decision yet from the Court of Appeals in this case. Any municipality considering a ban on medical marijuana uses should keep in mind that even if Kent’s ban on medical marijuana uses is upheld, it will not affect recreational marijuana uses. I-502 allows the Liquor Control Board to license recreational marijuana producers, processors and retailers in cities, towns and counties throughout Washington.

(c) *Are Washington cities preempted from adopting zoning or business licensing requirements on medical marijuana (individual cultivation or collective gardens)?*<sup>48</sup> Not if they are carefully drafted. Here is the authority delegated by the State to local jurisdictions in RCW 69.51A.140:

Cities and towns may adopt and enforce any of the following pertaining to the production, processing, or dispensing of cannabis or cannabis products within their jurisdiction: Zoning requirements, business licensing requirements, health and safety requirements and business taxes. Nothing in chapter 181, Laws of 2011 is intended to limit the authority of cities and towns to impose zoning requirements or other conditions upon licensed dispensers, so long as such requirements do not preclude the

<sup>46</sup> *Ter Beek v. City of Wyoming*, 823 N.W.2d 864 (2012), *appeal granted*, 828 N.W.2d 381 (2013).

<sup>47</sup> On the issue of banning medical marijuana uses, consider *Staffin v. County of Shasta*, 2013 WL 1896812 (E.D. Cal. 2013), in which the plaintiffs alleged that the county began a harassment program in furtherance of a de facto policy to ban all types of medical marijuana uses, and later adopted a moratorium on such uses. The plaintiffs opened a collective/dispensary, and the county brought an enforcement action to close it. In a subsequent damage action, the plaintiffs alleged a number of both federal and state law claims (but the court declined to rule on the latter). As to the plaintiffs’ claim that the county violated the Contract Clause by using red tape to drive the plaintiffs out of business, the court first identified the contracts at issue as relating to the distribution or cultivation of medical marijuana. Because marijuana is contraband under federal law, the court ruled that “under federal law for the purpose of Contract Clause analysis, no valid agreement exists.” The plaintiffs’ due process claim that 33 pounds of marijuana had been seized and never returned was dismissed because the court held that “no person can have a legally protected interest in contraband per se,” and “marijuana is contraband per se under federal law.” Again, keep in mind that the state claims were not addressed in this case.

<sup>48</sup> This Article presumes that medical marijuana dispensaries are prohibited under ESSSB 5073 because all of the regulations central to the operation of such dispensaries, were vetoed by the Governor.

possibility of siting licensed dispensers within the jurisdiction. If the jurisdiction has no commercial zones, the jurisdiction is not required to adopt zoning to accommodate licensed dispensers.<sup>49</sup>

Under Const. art. 11, sec. 11, cities and towns have the right to enact ordinances prohibiting the same acts prohibited by state law so long as the state enactment was not intended to be exclusive and the city ordinance does not conflict with the general law of the state.<sup>50</sup> As explained by the Washington Supreme Court (in a case in which the plaintiff alleged that a drug loitering law was preempted by RCW 69.50.603 of the Uniform Controlled Substances Act (UCSA)):

An ordinance must yield to a statute on the same subject on either of two grounds: if the statute preempts the field, leaving no room for concurrent jurisdiction, or if a conflict exists between the two that cannot be harmonized. . . .

Preemption occurs when the Legislature states its intention expressly, or by necessary implication, to preempt the field. . . . [Where there is no expressly stated intention to preempt the field]:

[T]he court may look to the purposes of the statute and to the facts and circumstances upon which the statute was intended to operate. If, however, the Legislature 'affirmatively expresses its intent, either to occupy the field or to accord concurrent jurisdiction, there is no room for doubt.<sup>51</sup>

It is likely that challenges will be made to medical marijuana local ordinances based on preemption under RCW 69.50.608 of the USCA.<sup>52</sup> The Washington Supreme Court has held that RCW 69.50.608 "expressly preempts the field of setting penalties for violations of the [USCA]."<sup>53</sup> However, the Court interpreted RCW 69.50.608 to "expressly contemplate the existence of 'ordinances relating to controlled substances that are consistent with the USCA,' and to "grant concurrent jurisdiction to local governments."<sup>54</sup>

A direct and irreconcilable conflict with a statute violates Const. art. 11, sec. 11. "In determining whether an ordinance is in conflict with the general laws, the test is whether the ordinance permits or licenses that which the statute forbids and vice

<sup>49</sup> There is no definition of "licensed dispensers" in chapter 69.51A RCW, the Governor vetoed many provisions in ESSSB 5073 relating to dispensers, including the definitions.

<sup>50</sup> *Tacoma v. Luvene*, 118 Wn.2d 826, 833, 827 P.2d 1374 (1992). See also, *Preemptive Effect of Uniform Controlled Substances Act on Local Ordinances*, 33 A.L.R.6<sup>th</sup> 293.

<sup>51</sup> *Id.*, 118 Wn.2d at 833.

<sup>52</sup> See, *John and Jane Does 1-13 v. Seattle*, King County Cause No. 11-2-42621-1SEA.

<sup>53</sup> *Id.*, 118 Wn.2d at 834. See also, *State v. Fisher*, 132 Wash. App. 26, 31, 130 P.3d 382 (2006) (county code prohibiting possession of drug paraphernalia neither conflicted with nor was preempted by the Uniform Controlled Substances Act).

<sup>54</sup> *Id.*

versa.”<sup>55</sup> As an example of a conflict between state law and local ordinance, consider whether cities and towns may ban collective gardens as nuisances, which are allowed under RCW 69.51A.085. Another state law provides that “nothing which is done or maintained under the express authority of a statute can be deemed a nuisance.”<sup>56</sup>

The conflict must be direct and irreconcilable with the statute, and the ordinance must yield to the statute if the two cannot be harmonized.<sup>57</sup> “If the ordinance and statute can be harmonized, then the statute should not be construed as restricting the city or town’s power to enact measures relating to controlled substances.”<sup>58</sup>

(d) *Can a municipality adopt an ordinance allowing medical marijuana uses, and then, once the Washington courts issue a decision upholding a ban on medical marijuana uses, adopt a ban?* This would mean that any existing medical marijuana uses would likely argue that they had attained legal nonconforming status prior to adoption of the ban.<sup>59</sup>

According to the Washington courts, “[i]t is clear that local governments have the authority to preserve, regulate and even, within constitutional limitations, terminate nonconforming uses.”<sup>60</sup> While it “would be unconstitutional to subject nonconforming uses to immediate termination,” it is a “valid exercise of police power to terminate nonconforming uses that have been abandoned or by providing a reasonable

<sup>55</sup> *Bellingham v. Schampera*, 57 Wn.2d 106, 111, 356 P.2d 292, 92 A.L.R.2d (1960).

<sup>56</sup> RCW 7.48.160. When considering any of the cases involving nuisance and bans on medical marijuana dispensaries in California, keep in mind the differences between the Washington medical marijuana law and California’s. Another obvious problem with the California cases is that many are inconsistent, on appeal and awaiting final decisions. See, *City of Lake Forest v. Evergreen Holistic Collective*, 203 Cal.App.4<sup>th</sup> 1413 (2012) review granted and opinion superseded 275 P.3d 1266 (5-16-12); *County of Los Angeles v. Hill*, 121 Cal.Rptr.3d 722, 192 Cal.App.4<sup>th</sup> 861 (2011).

<sup>57</sup> *Brown v. Yakima*, 116 Wn.2d 556, 560, 807 P.2d 353 (1991).

<sup>58</sup> *Tacoma v. Luvene*, 118 Wn.2d 826, 835.

<sup>59</sup> An factual scenario that likely has occurred in many cities, towns and counties in Washington is presented in *City of Corona v. Naulls*, 166 Cal.App.4<sup>th</sup>, 83 Cal.Rptr.3d 1 (2008), in which a medical marijuana dispensary owner applied and received a business license from the city without disclosing that the business was a medical marijuana dispensary. The city later adopted a moratorium on medical marijuana uses, and the business operator claimed that he was “grandfathered” in as a legal nonconforming use because he had been legally operating prior to the moratorium. The court held that because medical marijuana dispensaries were not identified in the municipal code as a permitted use, the business was operating as an illegal use, constituting a nuisance per se.

<sup>60</sup> *Rhod-A-Zalea & 35<sup>th</sup>, Inc. v. Snohomish County*, 136 Wash.2d 1, 8, 959 P.2d 1024 (1998) (as quoted in *Cradduck v. Yakima County*, 166 Wash. App. 435, 448, 271 P.3d 289 (2012)).

amortization period.<sup>61</sup> "As a general matter, an amortization period is insufficient only if it puts a business in an impossible position due to a shortage of relocation sites."<sup>62</sup>

Although there is no Washington case on this subject, the California courts have addressed a similar issue – whether a city violated the constitutional rights of a legally operating medical marijuana collective and dispensary, by adopting an ordinance changing the permissible locations for operating dispensaries, and requiring compliance within four years.<sup>63</sup> Even though the lawsuit for damages against the city was moot (the feds closed the business down), the court went on to decide that the operator had acquired a vested right in the dispensary.<sup>64</sup> The plaintiff was able to show that his due process rights were violated under the facts of this case, because there were no other available sites for him to relocate.

## 2. Recreational Marijuana.

(a) *Does Washington's I-502 allowing recreational marijuana uses conflict with the CSA?* No Washington court has made a decision on this issue. Because the adoption of recreational marijuana initiatives in Washington and Colorado in 2012 were the first, there are no decisions to analyze from other states.

(b) *Can Washington cities, towns and counties adopt bans on recreational marijuana uses?* The LCB will soon be issuing licenses for recreational uses in Washington towns, cities and counties under criteria that do not even require consideration of a municipality's local zoning regulations. Under I-502, the LCB may issue a license even if the municipality files written objections to the license. So this question is really whether a municipality will prevail in an action to enforce its ordinance banning a recreational marijuana use, once the operator obtains a license from the LCB.

Again, as a partial recap of the rules applicable to resolve a preemption issue, "a state statute preempts an ordinance on the same subject if the statute occupies the field, leaving no room for concurrent jurisdiction, or if a conflict exists such that the statute and the ordinance may not be harmonized."<sup>65</sup> "An ordinance is constitutionally

<sup>61</sup> *Rhod-A-Zalea*, 136 Wash.2d at 8, *Craddock*, 166 Wash. App. at 448. Reasonable amortization provisions have been upheld in a number of cases. See, *World Wide Video of Washington, Inc. v. City of Spokane*, 125 Wash. App. 289, 308, 103 P.3d 1265 (2005); *Northend Cinema, Inc. v. Seattle*, 90 Wash.2d 709, 585 P.2d 1153 (1978). In *Seattle v. Martin*, 54 Wash.2d 541, 544, 342 P.2d 602 (1959), the court adopted a balancing test to determine the reasonableness of the termination period: "whether the harm or hardship to the user outweighs the benefit to the public to be gained from termination of the use." Applying this test to the termination of the ability of theaters in certain zones to show adult films, the court upheld Seattle's 90 day amortization period in *Northend Cinema*.

<sup>62</sup> *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186, 1200 (2004).

<sup>63</sup> *Santa Barbara Patients' Collective Health Cooperative v. City of Santa Barbara*, \_\_\_ F.Supp.2d \_\_\_ (2012) (2012 WL 5964353).

<sup>64</sup> Keep in mind that there is a different vested rights doctrine in California, and that this operator obtained a vested rights through issuance of a permit to build the dispensary and by incurring substantial costs in good faith reliance of that permit. *Santa Barbara*, \_\_\_ F. Supp.2d at p. 10.

<sup>65</sup> *Lawson v. City of Pasco*, 168 Wash.2d 675, 679, 230 P.3d 1038 (2010).

invalid if it directly and irreconcilably conflicts with the statute.<sup>66</sup> If the two may be harmonized, however, no conflict may be found.<sup>67</sup> The issue here is whether I-502's regulations allowing the LCB to issue licenses to recreational marijuana uses would be inconsistent with a municipality's ban on recreational marijuana uses.

Municipalities considering such bans should review a Washington case involving an ordinance involving a ban on motorized personal watercraft on marine waters.<sup>68</sup> In this case, the argument was made that the ban was preempted because state law required registration of watercraft as a precondition to use (or permission to engage in an activity), as well as raise tax revenues. However, the court upheld the ban on motorized personal watercraft, finding that:

[T]he Legislature must *expressly* indicate an intent to preempt a particular field. In this case, the registration statute does not contain language preempting the regulation of this activity to the State. See RCW 46.08.020. We 'will not interpret a statute to deprive a municipality of the power to legislate on particular subjects unless that clearly is the legislative intent.'<sup>69</sup>

In addition to the preemption analysis, the ordinance banning motorized personal watercraft had to pass muster under the county's "police power" authority, or article XI, section 11 of the state constitution: "A law is a reasonable regulation if it promotes public safety, health or welfare and bears a reasonable and substantial relation to accomplishing the purpose proposed."<sup>70</sup> So, the ordinance had to promote the health, safety, peace, education or welfare of the people.<sup>71</sup> Next, the requirements of the ordinance had to bear some reasonable relationship to accomplishing the purpose underlying the statute. Once an ordinance is found to serve a "legitimate public purpose," the courts will examine whether it uses means that are reasonably necessary to achieve that purpose.<sup>72</sup> Finally, the court will determine whether the ordinance violates substantive due process, or whether it is "unduly oppressive."<sup>73</sup>

If the LCB issues a license to a marijuana producer, processor or retailer, can the town, city or county adopt an ordinance banning such uses or deny a state licensee a city or town business license? Obviously, it will depend on the reason for the denial, but some municipalities may argue that a denial is possible because marijuana is prohibited under federal law.<sup>74</sup> The state licensee, however, will probably argue that the State

<sup>66</sup> *Brown v. Yakima*, 116 Wash.2d 556, 561, 807 P.2d 353 (1991).

<sup>67</sup> *Lawson*, 168 Wash.2d at 682.

<sup>68</sup> *Weden II v. San Juan County*, 135 Wash.2d 678, 958 P.2d 273 (1998).

<sup>69</sup> *Weden II*, 135 Wash.2d at 695 (emphasis in original).

<sup>70</sup> *Id.*, 135 Wash.2d at 700, citing *City of Seattle v. Montana*, 129 Wash.2d 583, 591, 919 P.2d 1218 (1996).

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*, at 701.

<sup>73</sup> *Id.* at 706.

<sup>74</sup> Review RCW 35A.82.020 applicable to code cities: It allows the code city to issue business licenses for "all occupations, trades and professions and any other lawful activity: PROVIDED that no license or

occupies the field with regard to licensing of recreational marijuana uses, and that a municipality is preempted from adopting a ban which prohibits what I-502 allows.

(b) Can a town, city or county adopt zoning regulations<sup>75</sup> that further supplement the 1,000 foot distance/separation requirements in I-502, to prohibit recreational marijuana uses in certain zones?<sup>76</sup> The first step in determining whether or not zoning for recreational marijuana uses is needed is to identify all of the "sensitive uses" that trigger the 1,000 separation requirement. Then, after the municipality has a good idea where these recreational marijuana uses can legally locate, the municipality should determine whether further regulation is required.

(c) What if a city would like to adopt comprehensive plan policies or development regulations addressing marijuana uses? SEPA must be followed in the adoption of new development regulations, unless categorically exempt.<sup>77</sup> What information is available on the environmental impacts of the recreational marijuana uses? At this time, it appears that the LCB has not performed SEPA on its rules, and we do not know whether it will comply with SEPA. Therefore, the State may not be providing any information on the environmental impacts of these recreational marijuana uses. Should the city wait until the LCB finishes its rule making, before adopting any comp plan policies/ordinances to address recreational marijuana uses?<sup>78</sup> It appears that once the LCB finishes rule making, it will begin issuing licenses for the recreational marijuana uses. If a municipality waits too long, it may not have any regulations in place at the time the LCB issues a license, and may not be able to use such regulations as part of its "written objections" to any license.

### III. Local Response to Marijuana Laws.

A. Moratoria and Interim Zoning, Generally.<sup>79</sup> A moratorium is an emergency measure adopted without public notice or public hearings, designed to preserve the status quo while the city or town officials consider new regulations to respond to new or changing circumstances not addressed in current laws. During the period of the

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permit to engage in any such activity or place shall be granted to any who shall not first comply with the general laws of the state." Also, "no license or excise shall be required where the same shall have been preempted by the state . . ."

<sup>75</sup> Under RCW 69.51A.140, cities and towns can adopt and enforce zoning regulations relating to the production, producing or dispensing of cannabis.

<sup>76</sup> Apparently, this 1,000 foot distance/separation requirement proved to be too onerous. HB 2000 proposed to reduce it to 500 feet and to establish the procedures for measurement. This bill did not pass.

<sup>77</sup> WAC 197-11-800(19).

<sup>78</sup> This is another reason municipalities should submit comments to the LCB demanding that they follow SEPA in rulemaking and the issuance of recreational marijuana licensing. In addition, the LCB should adopt rules requiring that the applicant for a license submit a SEPA checklist, which should be immediately transmitted to the municipality, to use in the preparation of "written objections" to individual licenses.

<sup>79</sup> For a complete explanation of moratoria and interim zoning, complete with sample ordinances, contact Carol Morris at [carol\\_a\\_morris@msn.com](mailto:carol_a_morris@msn.com) for a copy of the Article "Moratoria Handbook for Municipalities," commissioned by the Association of Washington Cities Risk Management Services Agency.

moratorium, no applications for building permits or other development permits for medical marijuana dispensaries may be submitted.

Cities and towns may adopt interim zoning in response to an emergency situation to regulate use of land pending amendments to the zoning code.<sup>80</sup> Interim zoning is:

[A] process whereby a governmental body in response to an emergency situation temporarily establishes an ordinance to classify or regulate uses of land pending . . . revision of the existing zoning code . . .<sup>81</sup>

B. Medical Marijuana Moratoria. Cities and towns may adopt moratoria to address medical marijuana uses.<sup>82</sup>

After the adoption of chapter 69.51A RCW, many municipalities adopted moratoria on medical marijuana dispensaries and collective gardens. The duration of the moratorium should be based on the city/town's need for time to consider, draft and adopt new regulations to address the secondary land use impacts of the use. Moratoria should not be adopted and renewed again and again ("rolling moratoria") in order to prevent a use from locating in the municipality.<sup>83</sup>

To be clear – there is doubt whether the existing provisions of chapter 69.51A RCW authorize medical marijuana dispensaries. A municipality is probably safe in assuming that a medical marijuana dispensary is a prohibited use and denying business licenses for such dispensaries.

There is some ambiguity in the medical marijuana laws regarding the definitions relating to collective gardens, which was successfully argued to the court by the City of Kent to support Kent's ban on medical marijuana uses. Some municipalities may choose to adopt/continue moratoria or adopt similar bans based on this argument. However, a municipality considering this course of action should carefully weigh the consequences, considering the adoption of I-502. A municipality's rolling moratorium or ban on medical marijuana could be challenged in court, which will result in legal fees and possible invalidation. Even if upheld, it will not prevent the LCB from issuing licenses for recreational marijuana production, processing and retailing in the same municipality that adopted a ban on medical marijuana.

<sup>80</sup> Interim zoning is adopted under the same authority and procedures as moratoria. GMA cities: RCW 36.70A.390; code cities: RCW 35A.63.220; other cities and towns: RCW 35.63.200.

<sup>81</sup> *Smith v. Skagit County*, 75 Wn.2d 715, 723, 453 P.2d 832 (1969).

<sup>82</sup> Washington: cities and towns planning under the Growth Management Act: RCW 36.70A.390. Non-code cities and towns that do not plan under GMA: RCW 35.63.200. Code cities not planning under GMA: RCW 35A.63.220. Court cases from other states: *City of Claremont v. Kruse*, 177 Cal.App.4<sup>th</sup> 1153, 100 Cal.Rptr.3d 1 (2009) (Moratorium on medical marijuana dispensaries was not expressly preempted by California's medical marijuana laws, nor was it impliedly preempted. The moratorium came within the city's authority to prohibit uses that may conflict with plans or zoning, pending a study.)

<sup>83</sup> See, *Biggers v. Bainbridge Island*, 162 Wn.2d 683, 169 P.3d 14 (2007).

C. Medical Marijuana Interim Zoning. An interim zoning ordinance may be more appropriate to address collective gardens than a moratorium because: (a) RCW 69.51A.085 expressly allows collective gardens; and (b) many of the land use impacts of collective gardens are already known (many ordinances relating to collective gardens are available to review, together with information supporting the existence of secondary land use impacts). So, rather than adopting a moratorium, a municipality could adopt an interim zoning ordinance for collective gardens and they would be allowed immediately. While the interim zoning ordinance is in place, the municipality could hold hearings and follow the standard process for adoption of "permanent" zoning for collective gardens. Model ordinances are also available for cities and towns through the author of this article.

D. Recreational Marijuana. Production, processing, possession, delivery, distribution and sale of the maximum amounts of marijuana established by law, are not criminal or civil offenses under Washington law, *as long as they are performed by a person with a valid license (or his/her employee).*<sup>84</sup> The LCB has issued their draft Rules that describe the licensing procedure, but until the Rules are adopted, no licenses can issue. Therefore, recreational marijuana uses cannot legally operate at this time, and municipalities may want to adopt moratoria to preserve the status quo until the LCB issues licenses.

During the period of the moratoria, municipalities should be plotting out the application of the 1,000 foot rule (separation between recreational marijuana uses and sensitive uses defined in the draft Rules)<sup>85</sup> "on the ground," to determine where recreational marijuana uses cannot locate. Then, the municipality should be considering the possible secondary land use impacts associated with such uses to perform SEPA on comprehensive plan amendments and development regulations. For example, a large-scale growing operation will likely consume large amounts of water and other environmental impacts.

If the municipality intends to raise the appropriateness of the location of the proposed recreational marijuana use to the LCB as "written objections" against the use, the municipality needs to have zoning in place when the LCB begins issuing licenses. Then, if the LCB notifies the municipality that an application for a license has been received, the municipality should determine whether the proposed operation is within a prohibited area, and transmit this information to the LCB as part of the "written objection" procedure.

#### IV. **Official/Officer/Employee Liability.**

Some city/town officials are worried that by adopting regulations that allow medical marijuana uses under certain limited circumstances, the city/town officials and

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<sup>84</sup> RCW 69.50.366, 69.50.363, 69.50.360.

<sup>85</sup> Draft Rules, WAC 314-55-010(11).

staff will be subject to federal prosecution under the CSA.<sup>86</sup> There is immunity for their actions under state law. (RCW 69.51A.130(2): "No civil or criminal liability may be imposed by any court on cities, towns and counties or other municipalities and their officers and employees for actions taken in good faith under [chapter 69.51A RCW] and within the scope of their assigned duties.") Although the federal government seemed to be warning municipal officials that they could be federally prosecuted after adoption of the medical marijuana laws, the U.S. Attorney General has not yet provided a response to Washington's recreational marijuana laws.

The conservative approach would be to adopt ordinances that do not require permits or licenses.<sup>87</sup> The adopted ordinance could describe where the marijuana users can locate and where they are prohibited. With regard to collective gardens and individual cultivation of medical marijuana, the ordinance could also describe prohibited activities on site and other physical limitations (fencing, lights, etc.) on the use. The circumstances under which the city or town would initiate an enforcement action would also be described. If there is no permit or license involved, it is less likely that a court or the federal government would find that the municipality has "authorized" any marijuana use. This type of ordinance might allow the municipal officials or employees to claim immunity under federal law (21 U.S.C. Sec. 885(d)), which provides:

**(d) Immunity of Federal, State, local and other officials.** Except as provided in sections 2234 and 2235 of Title 18 [relating to illegal procurement and execution of search warrants], no civil or criminal liability shall be imposed by virtue of this subchapter upon any duly authorized Federal officer lawfully engaged in the enforcement of this subchapter, or upon any duly authorized officer of any State, territory, political subdivision thereof, the District of Columbia, or any possession of the United States, who shall be lawfully engaged in the enforcement of any law or municipal ordinance relating to controlled substances.

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<sup>86</sup> See, *County of San Diego v. San Diego NORML*, 165 Cal.App.4<sup>th</sup> 798, 81 Cal.Rptr.3d 461 (2008). This is a lawsuit brought by several California counties against the State and others, asking the court for a declaration that the counties were not required to comply with the California medical marijuana laws. The court held that "because major portions of the [state's medical marijuana law] neither impose obligations on nor inflict direct injury to Counties, we reject the Counties' effort to obtain an advisory opinion declaring the *entirety of the* [state's medical marijuana law] invalid under preemption principles." *Id.* 165 Cal. App.4<sup>th</sup> at 818. Specific portions of the state's medical marijuana laws, such as the requirements that counties process applications, maintain records and issue identification cards to those persons entitled to obtain medical marijuana. *Id.*, at 825. "Because the CSA law does not compel the states to impose criminal penalties for marijuana possession, the requirement that counties issue cards identifying those against whom California has opted not to impose criminal penalties does not positively conflict with the CSA." *Id.*, at 826.

<sup>87</sup> An example of this type of regulation is the manner in which most cities regulate home occupations. No permit is required, but the zoning code limits home occupations to certain zones, and lists the conditions on the use. If the city is informed of or discovers a violation, the city initiates a zoning enforcement action.

Only two cases were found involving this statute and immunity claimed by a state/local official.<sup>88</sup> While neither case is on point, the statute would appear to provide immunity to a city or town official/officer/employee who is engaged in an enforcement action relating to marijuana. Whether it would provide immunity in a federal medical marijuana enforcement action is an open question.

## V. What Should We Include In Our Regulations for Medical Cannabis?

### A. Cultivation of Medical Cannabis/Marijuana for Individual Use.

1. Identification. Chapter 69.51A RCW provides that an individual qualifying patient or designated provider may cultivate medical cannabis for personal use within his/her private residence, which allows the qualifying patient or designated provider to: (a) possess no more than fifteen (15) cannabis plants; (b) possess no more than twenty-four (24) ounces of usable cannabis; (c) possess no more cannabis product than what could reasonably be produced with no more than twenty-four (24) ounces of usable cannabis; or (d) possess a combination of usable cannabis and cannabis produce that does not exceed a combination total representing possession and processing of no more than twenty-four (24) ounces of usable cannabis.<sup>89</sup> If a person is both a qualifying patient and a designated provider for another patient, the person may possess no more than twice the amounts described this section, whether the plants, usable cannabis, and cannabis product are possessed individually or in combination between the qualifying patient and his or her designated provider. (This does not list all of the limitations on such use in chapter 69.51A RCW. This summary is only meant to provide sufficient information to distinguish between cultivation of medical cannabis for personal use, as opposed to cultivation of medical cannabis in a collective garden, for purposes of this discussion.)

<sup>88</sup> In *US v. Rosenthal*, 454 F.3d 943 (2006), the City of Oakland adopted an ordinance which purported to provide immunity to medical cannabis provider associations under Sec. 885(d) of Title 21 to the USC. *Id.*, at 945. Under the ordinance, the city manager designates a "medical cannabis provider association, and that entity would then designate individuals to help distribute medical cannabis to seriously ill persons." *Id.* Rosenthal was designated to be an agent of this association, and to cultivate marijuana plants for distribution to authorized medical cannabis users. He was given a letter which specifically stated that he was a "duly authorized officer of the City of Oakland and immune from civil and criminal liability." *Id.* The court didn't buy the argument that Rosenthal was "lawfully engaged in the enforcement of the Oakland ordinance by ensuring legal distribution of marijuana to seriously ill Californians." *Id.*, at 948. The court found that: "Cultivating marijuana for medical use does not constitute 'enforcement' within the meaning of Sec. 885(d)." *Id.*

In *State of Oregon v. Kama*, 178 Or.App. 561, 39 P.3d 866 (2002), the defendant was charged with possession of marijuana, but the charges were later dismissed when it was shown that the defendant had a medical condition that qualified him for the lawful medical use of marijuana under the State's medical marijuana laws. The defendant brought a motion against the City of Portland, demanding that the City return his marijuana, but the City refused, asserting that it "would constitute delivery of a controlled substance in violation of federal law." *Id.* 178 Or. App. at 463. The court agreed with the defendant's argument that federal law expressly made law enforcement personnel immune from any civil or criminal liability arising out of their handling of controlled substances as part of their official duties. *Id.*, at 564.

<sup>89</sup> See, RCW 69.51A.040.

2. Zoning Code Standards. Here are some ideas for the types of zoning standards for individual cultivation of medical cannabis for personal use that should be considered:

- (a) How large should the area be within the residence?
- (b) Should there be a wattage limitation on the cannabis cultivation lighting?
- (c) Should there be a prohibition on the use of gas products (CO2, butane, etc.) for cultivation?
- (d) Should there be a prohibition on medical cannabis cultivation and sales as home occupations in all zones?
- (e) Should there be a prohibition on exterior evidence of medical cannabis cultivation either within or outside the residence from the right-of-way?
- (f) Should there be a requirement that the qualified patient or designated provider both reside in the residence where the medical cannabis cultivation occurs?
- (g) Should there be a requirement that the residence maintain a kitchen, bathrooms, and primary bedrooms for their intended use and not be used primarily for medical cannabis cultivation?
- (h) Should there be a requirement that the medical cannabis cultivation area be in compliance with the current, adopted edition of the Washington State Building Code provisions regarding natural ventilation or mechanical ventilation (or its equivalents)?
- (i) Should there be a requirement that the medical cannabis cultivation area not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes?

B. *Cultivation of Medical Cannabis/Marijuana in Collective Gardens.*

1. Identification. A collective garden is authorized under RCW 69.51A.085, which allows qualifying patients to share responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use such as, for example, a location for a collective garden; equipment, supplies and labor necessary to plant, grow and harvest cannabis; cannabis plants, seeds and cuttings, equipment supplies and labor necessary for proper construction plumbing, wiring and ventilation of a garden of cannabis plants.

Qualifying patients may create and participate in collective gardens for the purpose of producing, processing, transporting and delivering cannabis for medical use subject to the following conditions: (1) no more than ten qualifying patients may participate in a single collective garden at any time; (2) a collective garden may contain no more than fifteen plants per patient, up to a total of forty-five plants; (3) a collective garden may contain no more than twenty-four ounces of usable cannabis per patient, up to a total of seventy-two ounces of usable cannabis; and (4) a copy of each qualifying patient's valid documentation or proof of registration with the registry established in state law, including a copy of the patient's proof of identity, must be available at all times on the premises of the collective garden.; and (5) no usable cannabis from the collective garden may be delivered to anyone other than one of the qualifying patients participating in the collective garden.

2. Zoning Code Standards. Here are some questions to consider when deciding what zoning restrictions should be adopted for collective gardens:

(a) *Location.*

- (1) Should the collective gardens be allowed indoors *only*, or indoors *and* outdoors?
- (2) Should the collective gardens be confined to only one zoning district in the city or town?
- (3) Should the collective gardens be allowed in all zoning districts in the city or town?
- (4) Should the collective gardens be prohibited from residential zones?

(See standards for medical marijuana cultivation in residential zones adopted by the City of Arcata, California,<sup>90</sup> which requires that the residence maintain a kitchen, bathroom, primary bedrooms for their intended uses (not growing marijuana); a prohibition on cultivation and sales in residential zones as a home occupation or accessory use; a prohibition on sales of medical marijuana by the qualified patients, and a limitation on the square footage of the cultivation area in the home (not to exceed 50 square feet). Arcata also imposes limits on the cultivation of medical marijuana in agricultural or industrial zones (cultivation must occur within a self-contained structure that is ventilated and contains a one-hour fire wall; no on-site displays of medical marijuana, the facility must comply with environmental regulations for storm water pollution, wastewater diversion, greenhouse gas reduction and energy efficiency.

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<sup>90</sup> *City of Arcata Zoning Standards for Medical Marijuana: An example of comprehensive regulation*, Nancy Diamond, City of Arcata City Attorney, League of California Cities Spring Conference, May, 2010.

- (5) Should there be separation and distance limitations on collective gardens?
- Should collective gardens be separated a certain distance from other collective gardens?
  - Should collective gardens be separated a certain distance from "sensitive uses" such as schools and youth oriented facilities?
- (6) Should there be both – should collective gardens be limited to one zone (e.g., industrial) in the city or town, and should the collective gardens be separated a certain distance from other collective gardens or sensitive uses in that one zone?

(b) *Secondary Land Use Impacts.*

(1) Light.

- (i) Cannabis grown indoors may require the use of lights, may overload circuits and cause a risk of fire.
- (ii) Cannabis grown outdoors may use lights to deter theft, which may impact neighbors.
- (iii) A lack of lighting around the property may hide criminal activity.

(2) Odor.

- (i) There may be a strong smell of cannabis plants growing outdoors which may become an attractive nuisance – alerting persons to the presence of growing plants. This could create the risk of burglary, robbery.
- (ii) The strong smell of cannabis growing outdoors may be offensive to neighbors.
- (iii) Consider separating collective gardens a certain distance from each other to prevent odor impacts?

- (3) Noise. Is there a lighting system powered by diesel or gas generators?
- (4) Security.
  - (i) Should the property be completely fenced to prevent theft/criminal activity?
  - (ii) Should there be lockable gates to prevent unauthorized entry?
  - (iii) Should there be an alarm system?
  - (iv) Should there be bars on the windows to prevent unauthorized entry?
  - (v) Should the collective garden be prohibited from residential zones if security is an issue?
- (5) Size Limits.
  - (i) Should the area of cultivation in a collective garden be limited to prevent an entire home from being transformed from residence to grow operation?
  - (ii) Should collective gardens be separated from other collective gardens so that negative impacts are not magnified?
  - (iii) Should there be only one collective garden per parcel?
- (6) Signs. Should signs designating the site as a collective garden be prohibited to reduce theft?

**VII. Public Record Requests.** One issue that will arise in cities and counties that adopt a business licensing or permit scheme is whether the information requested for a complete application is subject to disclosure under the Public Records Act (chapter 42.56 RCW) or will be provided to law enforcement personnel. (This article will not address the Public Records Act issues.) If there is no permit or business license scheme for collective gardens, it is less likely that people may ask for public records from the city (permit applications, permit application materials, business license

applications, as examples) in order to discover the location of collective garden for purposes of joining, theft, vandalism.<sup>91</sup>

**VIII. Options for Municipalities:** Here are the options for municipalities to discuss with their attorneys.

A. *Do Nothing.*

1. Medical Marijuana. If the municipality does nothing, then medical marijuana collective gardens and individual cultivation may locate/take place throughout the municipality, in any zone, indoors or outdoors. The municipality probably will be able to prohibit medical marijuana dispensaries, based on the lack of authorization under state law. If the municipality does not wish to take any affirmative action (by way of the adoption of any new regulations), it still may have an argument that a particular use is prohibited under the zoning code, based on general language which prohibits anything not specifically allowed.<sup>92</sup>

2. Recreational Marijuana. If the municipality does nothing, and the LCB notifies the municipality that it plans to issue a license for a recreational marijuana use in the municipality, then the municipality may or may not decide to file any written objections to the use. The written objections may include information about the location of the use, and whether it is within 1,000 feet of the identified sensitive uses in I-502. Or, the municipality may comment on the appropriateness of the proposed siting of the use (whether it is consistent with general zoning requirements). As another alternative, the municipality may be submitting written objections based on the definition of "chronic illegal activity" in I-502.

Some municipalities may decide to simply allow the recreational uses without additional zoning regulations. For example, if a land use permit for a retailing operation is submitted, the municipality may require that it be located in a commercial zone allowing similar uses. No additional zoning regulations are required, even if the use is not specifically identified as permitted in a specific zone, because the municipality can use the interpretation process to determine whether an unidentified use may be allowed in any zone. However, this procedure will not work if the zoning code has language which provides that any use not identified as a permitted use is prohibited.

B. *Adopt a moratorium.*

1. Medical Marijuana. Some municipalities may decide to adopt moratoria on medical marijuana uses based on the uncertainty in the law (lack of definitions, the fact that marijuana is prohibited under federal law, the municipality's decision to wait for the court decision on a medical marijuana ban in Kent case). Municipalities continuing to renew moratoria should carefully discuss this course of

<sup>91</sup> Consult chapter 42.56 RCW for more information about whether such documents are disclosable under the Public Records Act.

<sup>92</sup> See, *City of Monterey v. Carrnshimba*, 215 Cal.App.4<sup>th</sup> 1068, 156 Cal.Rptr.3d 1 (2013).

action with their attorneys. State law (including SEPA) must be followed when adopting and continuing such moratoria.<sup>93</sup>

2. Recreational Marijuana. Because recreational marijuana producers, processors and retailers cannot legally operate until they receive a license from the LCB, municipalities may adopt moratoria on these recreational marijuana uses, to be in effect until the LCB begins issuing licenses. During the moratorium, the municipality should be reviewing the zoning ordinance map to determine where the recreational marijuana uses can locate, to determine whether additional zoning regulations for such uses are needed. Municipalities wishing to adopt or continue a moratorium after this point in time should carefully discuss this course of action with their attorneys. There is a high probability that if a municipality has a moratorium in place when recreational marijuana licenses issue, and the municipality has no plans to terminate it, the moratorium could be challenged. State law (including SEPA) must be followed when adopting and continuing such moratoria.

C. *Adopt interim zoning.*

1. Medical Marijuana. Municipalities may decide to adopt interim zoning allowing medical marijuana uses (excluding dispensaries) during the period allowed by law, and to concurrently work on the adoption of "permanent" zoning regulations. The zoning code standards to consider in the regulation of medical marijuana are listed in this Article. State law (including SEPA) must be followed when adopting and renewing such interim zoning.<sup>94</sup>

2. Recreational Marijuana. Because recreational marijuana producers, processors and retailers cannot legally operate until they receive a license from the LCB, adoption of interim zoning is not necessary. Municipalities not desiring to adopt a moratorium may instead use this period of time (until the LCB adopts rules and issues licenses), to work on the drafting and adoption of "permanent" zoning on recreational marijuana uses.

D. *Adopt "Permanent" Zoning.*

1. Medical Marijuana. Municipalities may adopt "permanent" zoning regulations allowing medical marijuana uses (excluding dispensaries). This Article describes some of the zoning code standards that may be used in such "permanent" zoning. In order to adopt such standards, the municipality must follow all applicable laws (including SEPA).

2. Recreational Marijuana. Municipalities may decide to adopt "permanent" zoning regulations allowing recreational marijuana production, processing

<sup>93</sup> RCW 35.63.200 (cities and towns governed by Title 35 RCW); RCW 35A.63.220 (code cities governed by Title 35A RCW); and RCW 36.70A.390 (cities, towns and counties planning under GMA).

<sup>94</sup> *Id.*

or retailing, or use existing development standards. All applicable laws must be followed, including SEPA.

D. *Impose a Ban.*

1. Medical Marijuana. Municipalities wishing to ban medical marijuana uses (other than medical marijuana dispensaries) should contact the City of Kent's attorneys to discuss the progress of the challenge to Kent's ban on medical marijuana uses through the courts. However, any municipality considering a ban on medical marijuana uses should consider that it will not affect recreational marijuana uses.

2. Recreational Marijuana. Municipalities wishing to ban recreation marijuana uses need to discuss this course of action with their attorneys. This type of a ban will likely be challenged.

E. *Adopt Business Licensing Regulations.* Even if a municipality hasn't adopted any regulations specific to marijuana uses, it may be that there are existing marijuana uses, and they have obtained a business license by identifying their business as involving something other than the cultivation, production, processing, delivery or sale of marijuana (recreational or medical).

1. Medical Marijuana. Municipalities wishing to adopt business licensing regulations relating to medical marijuana should discuss this course of action with their attorneys. The City of Seattle will likely have information on this subject, because it is or was involved in litigation with plaintiffs alleging that in order to apply for a business license for a marijuana use, the plaintiffs were required to admit to the operation of a medical marijuana collective garden. According to the plaintiffs, filling out a license application necessarily includes an admission by the plaintiffs that they participate in a crime under Federal law (the possession and distribution of medical marijuana).<sup>95</sup> The plaintiffs argued that providing such information "constitutes an admission of guilt that may be used against that individual in a subsequent criminal prosecution," violating their right against self-incrimination.<sup>96</sup>

2. Recreational Marijuana. Municipalities should consider whether they need more information to process a business license than that provided by an applicant for a license issued by the LCB. If not, the municipality could request copies of the application materials submitted to the LCB without running into the problems identified above for medical marijuana licensing.

<sup>95</sup> *John and Jane Does 1-13 v. Seattle*, King County Superior Court Cause No. 11-2-42621-1 SEA, line 14-18, p. 6. Although this lawsuit was dismissed on a technicality, the plaintiffs are pursuing their claims in a second lawsuit.

<sup>96</sup> The plaintiffs cite to *Grosso v. United States*, 88 S.Ct. 709, 390 U.S. 62 (1968).

F. *Adopt a Tax on Marijuana Uses.*

1. Medical Marijuana. Qualified Patients and Designated Providers who cultivate medical marijuana for their individual use or in collective gardens cannot legally sell the medical marijuana. If medical marijuana dispensaries are prohibited, then there are no sales of medical marijuana to tax.

2. Recreational Marijuana. Municipalities seeking to impose additional taxes (other than business license taxes) on recreational marijuana producers, processors and retailers should discuss this issue with their attorneys.

**Conclusion.** This memo is not intended to be, nor should it be construed as, legal advice. If you have any questions on this subject, contact your municipality's attorney.

**CITY OF ILWACO  
ORDINANCE NO. XXX**

**AN ORDINANCE OF THE CITY OF ILWACO, WASHINGTON, ADOPTING A MORATORIUM ON THE ESTABLISHMENT OF MEDICAL CANNABIS DISPENSARIES AND COLLECTIVE GARDENS.**

**WHEREAS**, Initiative Measure No. 692, approved November 3, 1998, created an affirmative defense for "qualifying patients" to the charge of possession of cannabis; and

**WHEREAS**, the initiative and current Chapter 69.51A RCW are clear that nothing in its provisions are to be "construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of marijuana for non-medical purposes;" and

**WHEREAS**, the Washington State Department of Health opines that it is "not legal to buy or sell" medical cannabis and further opines that "the law [Chapter 69.51A RCW] does not allow dispensaries," leaving enforcement to local officials; and

**WHEREAS**, the City acknowledges the right of qualified health care professionals to recommend the medical use of cannabis, acknowledges the affirmative defense available to qualifying patients from the possession of cannabis as well as the right of patients to designate a "designated provider" who can "provide" rather than sell cannabis to "only one patient at any one time;" and

**WHEREAS**, the 2011 State Legislature passed E2SSB 5073 ("the Act") and the Governor has signed the bill but has vetoed several sections of the bill; and

**WHEREAS**, E2SSB 5073 was effective on July 22, 2011; and

**WHEREAS**, the Act authorizes "collective gardens" which would authorize certain qualifying patients the ability to produce, grow and deliver cannabis for medical use; and

**WHEREAS**, the acceptance of development applications proposing medical cannabis dispensaries and collective gardens development may allow development that is incompatible with nearby existing land uses and lead to erosion of community character and harmony; and

**WHEREAS**, despite the Governor's veto of certain Sections of E2SSB 5073, it is appropriate to impose a moratorium on medical cannabis dispensaries, so the City Council can determine whether further regulation is necessary.

**WHEREAS**, the City Council finds that it is in the public interest that any zoning and development regulations are consistent with both federal and state law; and

**WHEREAS**, the City Council deems it to be in the public interest to establish a zoning moratorium pending local review of the anticipated changes in the law; and

**WHEREAS**, pursuant to RCW 36.70A.390 a public hearing must be held within 60 days of the passage of this Ordinance;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ILWACO, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1.** Findings. The recitals set forth previously are hereby adopted as the Ilwaco City Council's findings in support of the moratorium imposed by this ordinance.

**Section 2.** Pursuant to the provisions of RCW 36.70A.390, a zoning moratorium is hereby enacted in the City of Ilwaco prohibiting the establishment, location, operation, licensing, maintenance, or continuation of any medical cannabis collective garden or any medical marijuana dispensary, whether for profit or not for profit, asserted to be authorized or actually authorized under E2SSB 5073, Chapter 181, Laws of 2011, Chapter 69.51A RCW, or any other laws of the State of Washington. No building permit, occupancy permit, or other development permit or approval shall be issued for any of the purposes or activities listed above, and no business license shall be granted or accepted while this moratorium is in effect. Any land use approvals, business licenses or other permits for any of these operations that are issued as a result of error or by use of vague or deceptive descriptions during the moratorium are null and void, and without legal force or effect.

**Section 3.** A "Medical Cannabis Dispensary" means any business, agency, organization, cooperative, network, consultation operation, or other group, or person, no matter how described or defined, including its associated premises and equipment, which has for its purpose or which is used to grow, select, measure, package, label, deliver, sell, or otherwise transfer (for consideration or otherwise) cannabis for medical use. A person who is the designated provider for only one qualified patient during any 15 day period and who complies with Chapter 69.51A RCW, shall not be deemed a medical cannabis dispensary for the purposes of this moratorium.

**Section 4.** A "Medical Cannabis Collective Garden" is an area or garden where qualifying patients engage in the production, processing, transporting, and delivery of cannabis for medical use as set forth in the Act and subject to the limitations therein.

**Section 5.** Medical cannabis dispensaries and medical cannabis collective gardens as defined in this Ordinance are hereby designated as prohibited uses in the City of Ilwaco and a moratorium related to these uses is hereby established. No business license shall be issued to any person or entity for a medical cannabis dispensary medical cannabis collective garden, which are hereby defined to be prohibited uses under the Ordinances of the City of Ilwaco.

**Section 6.** Term of Moratorium. The moratorium imposed by this ordinance shall continue in effect for a period of six (6) months, unless repealed, extended or modified by the City Council after a public hearing and the entry of appropriate findings of fact as required by RCW 35A.63.220, provided, however, that the moratorium shall automatically expire upon the effective date of zoning regulations adopted by the City Council to address the establishment, location, operation, licensing, maintenance, or continuation of any medical cannabis collective garden or any medical marijuana dispensary within the City of Ilwaco.

**Section 7.** Public Hearing. A public hearing shall be scheduled within sixty (60) days of the effective date of this ordinance, in accordance with RCW 35A.63.220 and RCW 36.70A.390.

**Section 8.** Referral to staff and Planning Commission. City staff and/or the city planner are hereby authorized and directed to study existing zoning and propose regulations regarding the establishment, location, operation, licensing, maintenance, or continuation of any medical cannabis collective garden or any medical marijuana dispensary. Any proposed regulations shall be referred to the Ilwaco Planning Commission for review and recommendation to the City Council for inclusion in the zoning ordinances of the City of Ilwaco.

**Section 9.** Ordinance to be transmitted to Department of Commerce. Pursuant to RCW 36.70A.106, a copy of this interim ordinance shall be transmitted to the Washington State Department of Commerce.

**Section 10.** Severability. If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 11.** Declaration of emergency. The City Council hereby declares that an emergency exists necessitating that this ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the council, and that the same is not subject to a referendum (RCW 35A.12.130). Without an immediate moratorium on the City's acceptance of development applications for the production, processing and/or retail sales of marijuana could locate and develop in a manner incompatible with the codes eventually adopted by the City. Therefore, the moratorium must be imposed as an emergency measure to protect the public health, safety and welfare.

**Section 12.** Publication. This ordinance shall be published by an approved summary consisting of the title.

**Section 13.** Effective Date. This ordinance shall take effect and be in full force and effect immediately upon passage as long as it is approved by a majority plus one of the entire membership of the City Council, as required by RCW 35A.12.130; provided, however, that

unless extended by act of the City Council, this ordinance shall automatically expire six (6) months following its adoption.

**PASSED BY THE CITY COUNCIL OF THE CITY OF ILWACO, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS XX DAY OF \_\_\_\_\_, 2015**

\_\_\_\_\_  
Mike Cassinelli, Mayor

ATTEST:

\_\_\_\_\_  
Holly Beller, Deputy City Clerk

VOTE	Jensen	Karnofski	Marshall	Chambreau	Fornier	Cassinelli
Ayes						
Nays						
Abstentions						
Absent						

PUBLISHED:  
EFFECTIVE:

**CITY OF ILWACO**  
**CITY COUNCIL AGENDA ITEM BRIEFING**

A. Meeting Dates: Council Workshop: Public Hearing:  
Council Discussion Item:01/26/15 Council Business Item:

B. Issue/Topic: **Pay Raise for Fire Chief & Fire Administrator**

C. Sponsor(s):

1. Jensen
2. Karnofski

D. Background (overview of why issue is before council):

1. As a result of an increase to the pay table, the fire department staff received a 1% increase at the beginning of 2014. In 2013, the pay table was increased by 2%. Since the fire department staff had not been formally assigned a grade/step on the pay scale, in 2013 they were assigned grade/steps resulting in a 4% increase which was 2% more than other staff received. For 2015, there was not an overall increase to the pay table. The chief and administrator are currently at the top of the steps within their grade and receiving 25% and 5.5%, respectively, of the pay grade/step due to the part time nature of the positions. The chief has requested an increase for 2015.

E. Discussion (specific details relevant to the issue, pros/cons, alternatives and any other decision-making details)

1. Fire Chief Williams is currently at a Grade 8, Step 10
2. Fire Administrator Forner is currently at a Grade 7, Step 10.
3. Since there was not an overall increase to the pay table and the fire chief and administrator have reached the maximum steps in their grade level, a promotion would be required to move them to a new rate.

F. Impacts:

1. Fiscal: The increase of approximately \$150 per month has not been incorporated in the 2015 budget and would require an additional revenue source or reduction in other General Fund expenditures.
2. Legal:
3. Personnel:
4. Service/Delivery:

G. Planning Commission:  Recommended  N/A  Public Hearing on

H. Time Constraints/Due Dates:

I. Proposed Motion: **I move to (Approve/Deny) an increase to the pay percentage for Fire Chief Williams from 25% to 28.5%, and Fire Administrator Forner from 5.5% to 9%, within their current pay grade and steps to allow for a 2015 pay raise.**



## Occupational Employment Statistics

### Occupational Employment and Wages, May 2013

#### 33-2011 Firefighters

Control and extinguish fires or respond to emergency situations where life, property, or the environment is at risk. Duties may include fire prevention, emergency medical service, hazardous material response, search and rescue, and disaster assistance.

[National estimates for this occupation](#)

[Industry profile for this occupation](#)

[Geographic profile for this occupation](#)

#### National estimates for this occupation: [Top](#)

Employment estimate and mean wage estimates for this occupation:

Employment (1)	Employment RSE (3)	Mean hourly wage	Mean annual wage (2)	Wage RSE (3)
302,870	0.8 %	\$23.21	\$48,270	1.0 %

Percentile wage estimates for this occupation:

Percentile	10%	25%	50% (Median)	75%	90%
Hourly Wage	\$10.56	\$14.95	\$21.92	\$29.58	\$38.67
Annual Wage (2)	\$21,960	\$31,110	\$45,600	\$61,520	\$80,430

#### Industry profile for this occupation: [Top](#)

Industries with the highest published employment and wages for this occupation are provided. For a list of all industries with employment in this occupation, see the [Create Customized Tables](#) function.

Industries with the highest levels of employment in this occupation:

Industry	Employment (1)	Percent of industry employment	Hourly mean wage	Annual mean wage (2)
<a href="#">Local Government (OES Designation)</a>	275,240	5.02	\$23.53	\$48,940
<a href="#">Other Support Services</a>	11,290	3.89	\$15.02	\$31,240
<a href="#">Federal Executive Branch (OES Designation)</a>	7,530	0.38	\$23.28	\$48,420
<a href="#">State Government (OES Designation)</a>	5,490	0.25	\$24.07	\$50,060
<a href="#">Other Ambulatory Health Care Services</a>	680	0.25	\$15.45	\$32,140

Industries with the highest concentration of employment in this occupation:

Industry	Employment (1)	Percent of industry employment	Hourly mean wage	Annual mean wage (2)
<a href="#">Local Government (OES Designation)</a>	275,240	5.02	\$23.53	\$48,940

<u>Other Support Services</u>	11,290	3.89	\$15.02	\$31,240
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<u>State Government (OES Designation)</u>	5,490	0.25	\$24.07	\$50,060
<u>Other Ambulatory Health Care Services</u>	680	0.25	\$15.45	\$32,140

Top paying industries for this occupation:

<b>Industry</b>	<b>Employment (1)</b>	<b>Percent of industry employment</b>	<b>Hourly mean wage</b>	<b>Annual mean wage (2)</b>
<u>Scientific Research and Development Services</u>	360	0.06	\$34.09	\$70,900
<u>Architectural, Engineering, and Related Services</u>	30	(7)	\$28.21	\$58,680
<u>Investigation and Security Services</u>	60	0.01	\$27.18	\$56,540
<u>Petroleum and Coal Products Manufacturing</u>	40	0.04	\$27.07	\$56,310
<u>Aerospace Product and Parts Manufacturing</u>	(8)	(8)	\$25.35	\$52,730

### Geographic profile for this occupation: [Top](#)

States and areas with the highest published employment, location quotients, and wages for this occupation are provided. For a list of all areas with employment in this occupation, see the [Create Customized Tables](#) function.



States with the highest employment level in this occupation:

State	Employment (1)	Employment per thousand jobs	Location quotient (9)	Hourly mean wage	Annual mean wage (2)
<u>California</u>	28,990	1.97	0.86	\$34.44	\$71,630
<u>Texas</u>	26,050	2.39	1.04	\$22.52	\$46,850
<u>Florida</u>	23,750	3.19	1.39	\$24.81	\$51,610
<u>Ohio</u>	17,580	3.43	1.50	\$20.54	\$42,730
<u>Illinois</u>	16,950	2.97	1.30	\$22.35	\$46,490



States with the highest concentration of jobs and location quotients in this occupation:

State	Employment (1)	Employment per thousand jobs	Location quotient (9)	Hourly mean wage	Annual mean wage (2)
<u>Maine</u>	2,280	3.92	1.71	\$15.46	\$32,160
<u>Massachusetts</u>	12,070	3.70	1.62	\$25.68	\$53,420
<u>Alaska</u>	1,150	3.57	1.56	\$23.34	\$48,550
<u>Rhode Island</u>	1,620	3.54	1.55	\$22.39	\$46,570
<u>Ohio</u>	17,580	3.43	1.50	\$20.54	\$42,730



Top paying States for this occupation:

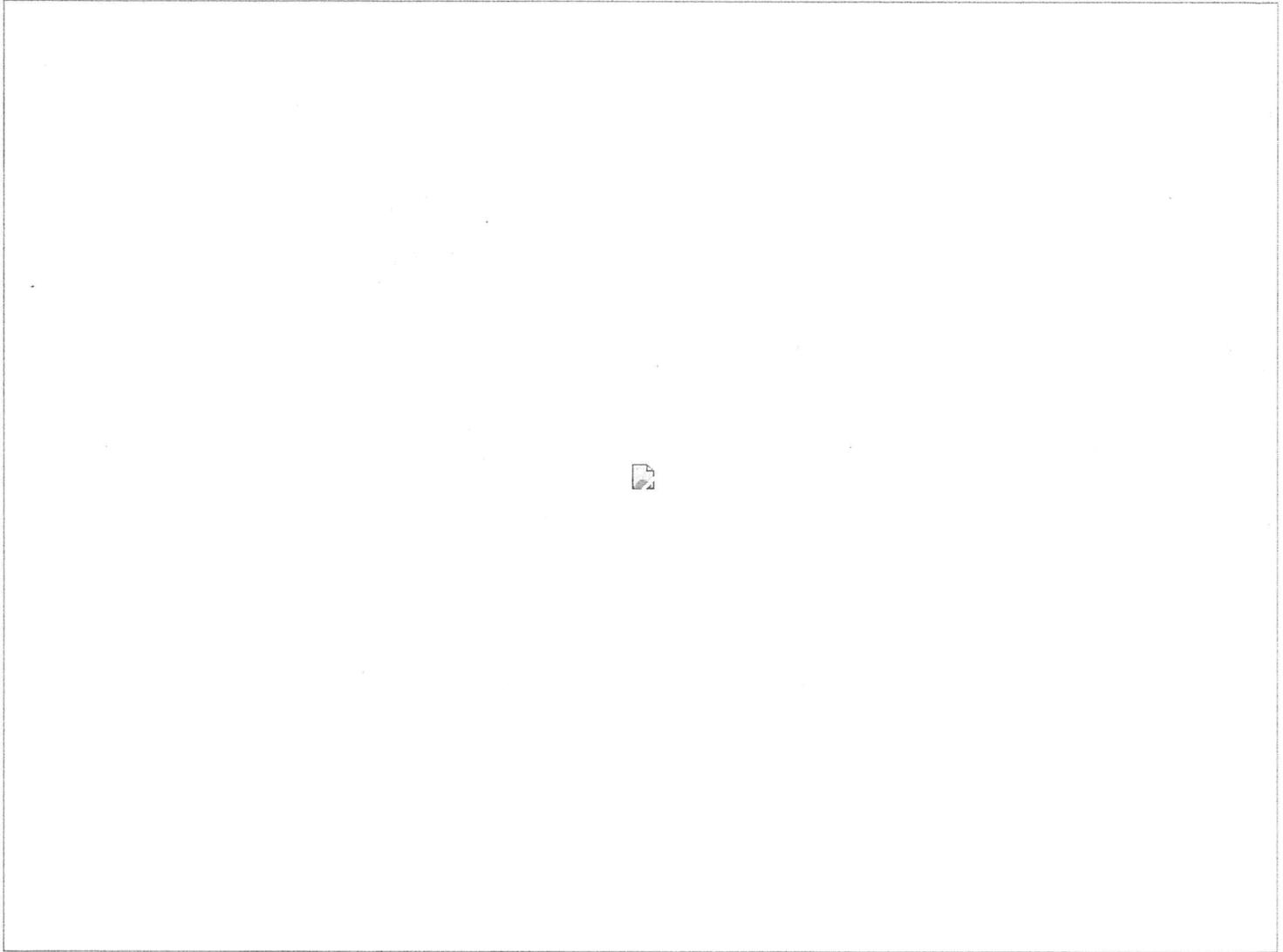
State	Employment (1)	Employment per thousand jobs	Location quotient (9)	Hourly mean wage	Annual mean wage (2)
<u>New Jersey</u>	4,170	1.09	0.48	\$36.12	\$75,130
<u>New York</u>	13,040	1.51	0.66	\$34.85	\$72,480
<u>California</u>	28,990	1.97	0.86	\$34.44	\$71,630
<u>Washington</u>	7,770	2.75	1.20	\$30.99	\$64,450
<u>Oregon</u>	3,010	1.84	0.80	\$27.53	\$57,250



Metropolitan areas with the highest employment level in this occupation:

Metropolitan area	Employment (1)	Employment per thousand jobs	Location quotient (9)	Hourly mean wage	Annual mean wage (2)
<u>Chicago-Joliet-Naperville, IL Metropolitan Division</u>	10,090	2.73	1.19	\$25.00	\$52,000
<u>New York-White Plains-Wayne, NY-NJ Metropolitan Division</u>	9,460	1.80	0.79	\$39.07	\$81,260
<u>Los Angeles-Long Beach-Glendale, CA Metropolitan Division</u>	7,240	1.82	0.80	\$40.78	\$84,820
<u>Atlanta-Sandy Springs-Marietta, GA</u>	5,770	2.50	1.10	\$17.95	\$37,330
<u>Dallas-Plano-Irving, TX Metropolitan Division</u>	5,760	2.68	1.17	\$25.25	\$52,510
<u>Houston-Sugar Land-Baytown, TX</u>	5,280	1.91	0.84	\$23.55	\$48,990
<u>Boston-Cambridge-Quincy, MA NECTA Division</u>	5,020	2.87	1.26	\$28.15	\$58,540
<u>Phoenix-Mesa-Glendale, AZ</u>	3,890	2.19	0.96	\$22.09	\$45,950

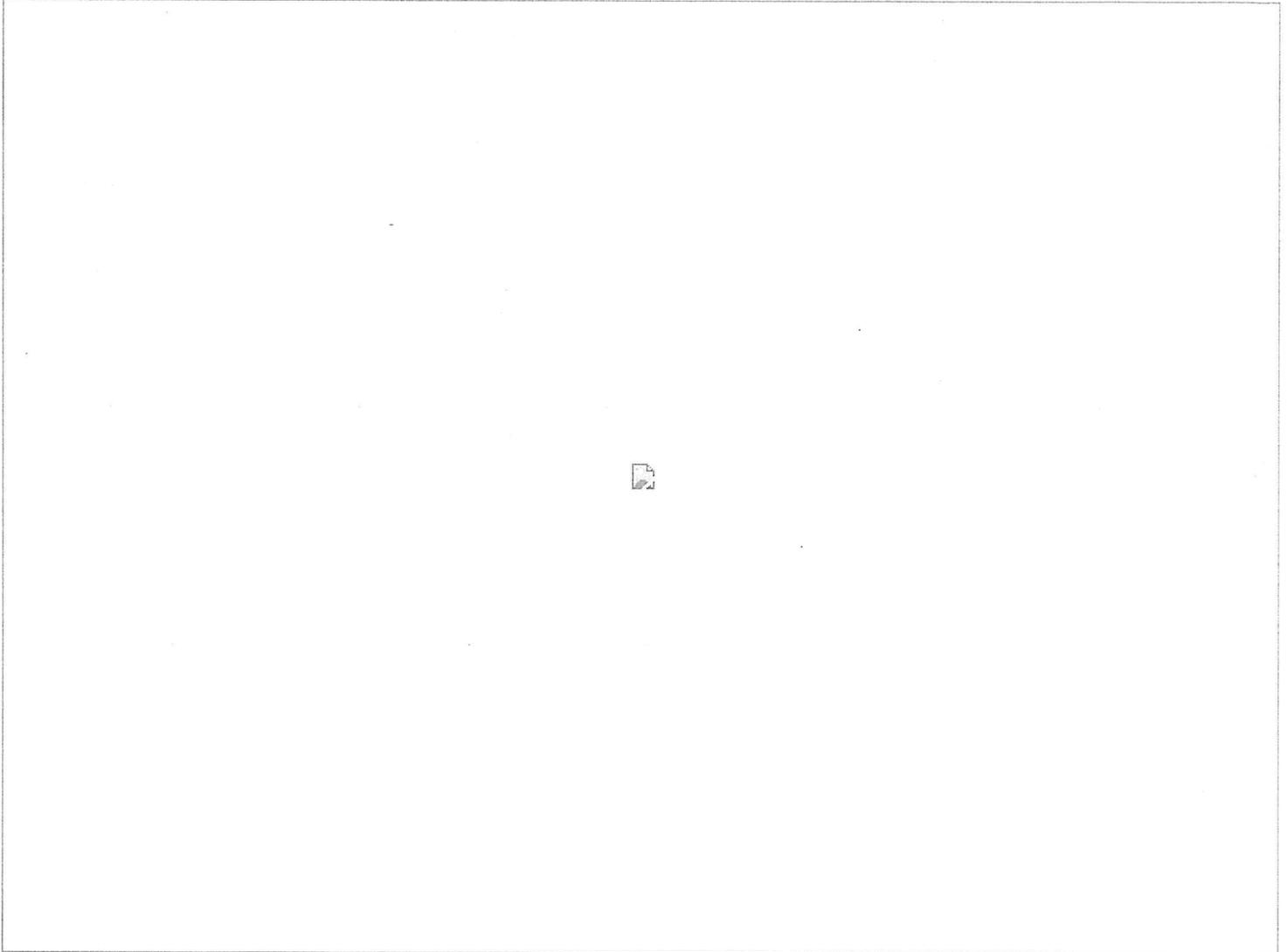
<u>Minneapolis-St. Paul-Bloomington, MN-WI</u>	3,840	2.14	0.94	\$16.41	\$34,130
<u>Washington-Arlington-Alexandria, DC-VA-MD-WV Metropolitan Division</u>	3,740	1.58	0.69	\$26.78	\$55,710



Metropolitan areas with the highest concentration of jobs and location quotients in this occupation:

Metropolitan area	Employment (1)	Employment per thousand jobs	Location quotient (9)	Hourly mean wage	Annual mean wage (2)
<u>Prescott, AZ</u>	630	11.63	5.09	\$17.90	\$37,220
<u>Lake Havasu City - Kingman, AZ</u>	450	10.19	4.46	\$15.74	\$32,730
<u>Hinesville-Fort Stewart, GA</u>	130	7.73	3.38	\$19.92	\$41,440
<u>Palm Coast, FL</u>	140	7.44	3.26	\$14.99	\$31,190
<u>Leominster-Fitchburg-Gardner, MA</u>	340	7.20	3.15	\$22.81	\$47,440
<u>Yuba City, CA</u>	260	6.90	3.02	(8)	(8)

<u>Flagstaff, AZ</u>	350	6.16	2.70	\$21.01	\$43,690
<u>Yakima, WA</u>	490	6.12	2.68	\$13.82	\$28,750
<u>Yuma, AZ</u>	360	6.04	2.64	\$22.38	\$46,550
<u>South Bend-Mishawaka, IN-MI</u>	750	6.04	2.64	\$20.28	\$42,180



Top paying metropolitan areas for this occupation:

<b>Metropolitan area</b>	<b>Employment (1)</b>	<b>Employment per thousand jobs</b>	<b>Location quotient (9)</b>	<b>Hourly mean wage</b>	<b>Annual mean wage (2)</b>
<u>San Francisco-San Mateo- Redwood City, CA Metropolitan Division</u>	2,840	2.72	1.19	\$43.33	\$90,140
<u>Oakland-Fremont-Hayward, CA Metropolitan Division</u>	1,600	1.60	0.70	\$42.32	\$88,030
<u>San Jose-Sunnyvale-Santa Clara, CA</u>	1,060	1.14	0.50	\$42.16	\$87,700

<u>Los Angeles-Long Beach-Glendale, CA Metropolitan Division</u>	7,240	1.82	0.80	\$40.78	\$84,820
<u>Atlantic City-Hamilton, NJ</u>	330	2.50	1.09	\$39.42	\$82,000
<u>Newark-Union, NJ-PA Metropolitan Division</u>	970	1.01	0.44	\$39.19	\$81,510
<u>New York-White Plains-Wayne, NY-NJ Metropolitan Division</u>	9,460	1.80	0.79	\$39.07	\$81,260
<u>Tacoma, WA Metropolitan Division</u>	1,040	3.97	1.74	\$37.39	\$77,780
<u>Miami-Miami Beach-Kendall, FL Metropolitan Division</u>	3,370	3.29	1.44	\$36.72	\$76,370
<u>Santa Ana-Anaheim-Irvine, CA Metropolitan Division</u>	1,690	1.16	0.51	\$35.39	\$73,620

Nonmetropolitan areas with the highest employment in this occupation:

Nonmetropolitan area	Employment (1)	Employment per thousand jobs	Location quotient (9)	Hourly mean wage	Annual mean wage (2)
<u>Kansas nonmetropolitan area</u>	1,320	3.42	1.50	\$15.53	\$32,310
<u>Western Central North Carolina nonmetropolitan area</u>	1,170	4.62	2.02	\$13.12	\$27,280
<u>Other Ohio nonmetropolitan area</u>	960	3.53	1.55	\$16.23	\$33,750
<u>Southwest Maine nonmetropolitan area</u>	870	4.56	2.00	\$12.94	\$26,920
<u>North Arizona nonmetropolitan area</u>	850	13.30	5.82	\$14.71	\$30,600

Nonmetropolitan areas with the highest concentration of jobs and location quotients in this occupation:

Nonmetropolitan area	Employment (1)	Employment per thousand jobs	Location quotient (9)	Hourly mean wage	Annual mean wage (2)
<u>North Arizona nonmetropolitan area</u>	850	13.30	5.82	\$14.71	\$30,600
<u>Northwest Massachusetts nonmetropolitan area</u>	270	9.77	4.28	\$13.91	\$28,920
<u>Mother Lode Region of California nonmetropolitan area</u>	350	9.15	4.00	\$21.65	\$45,040
<u>North Central Massachusetts nonmetropolitan area</u>	210	9.11	3.99	\$19.47	\$40,500
<u>Northern Mountains Region of California nonmetropolitan area</u>	490	8.00	3.50	(8)	(8)

Top paying nonmetropolitan areas for this occupation:

Nonmetropolitan area	Employment (1)	Employment per thousand jobs	Location quotient (9)	Hourly mean wage	Annual mean wage (2)
<u>North Coast Region of California nonmetropolitan area</u>	400	4.31	1.89	\$27.81	\$57,850
<u>Southwestern Washington</u>	110	1.71	0.75	\$26.70	\$55,540

<u>nonmetropolitan area</u>					
<u>Southern Oregon &amp; Linn County nonmetropolitan area</u>	310	3.17	1.39	\$26.58	\$55,290
<u>Railbelt / Southwest Alaska nonmetropolitan area</u>	280	3.85	1.68	\$26.56	\$55,240
<u>Northwestern Washington nonmetropolitan area</u>	(8)	(8)	(8)	\$25.83	\$53,730

About May 2013 National, State, Metropolitan, and Nonmetropolitan Area Occupational Employment and Wage Estimates

These estimates are calculated with data collected from employers in all industry sectors, all metropolitan and nonmetropolitan areas, and all states and the District of Columbia. The top employment and wage figures are provided above. The complete list is available in the [downloadable XLS files](#).

The percentile wage estimate is the value of a wage below which a certain percent of workers fall. The median wage is the 50th percentile wage estimate--50 percent of workers earn less than the median and 50 percent of workers earn more than the median. [More about percentile wages](#).

(1) Estimates for detailed occupations do not sum to the totals because the totals include occupations not shown separately. Estimates do not include self-employed workers.

(2) Annual wages have been calculated by multiplying the hourly mean wage by a "year-round, full-time" hours figure of 2,080 hours; for those occupations where there is not an hourly mean wage published, the annual wage has been directly calculated from the reported survey data.

(3) The relative standard error (RSE) is a measure of the reliability of a survey statistic. The smaller the relative standard error, the more precise the estimate.

(7) The value is less than .005 percent of industry employment.

(8) Estimate not released.

(9) The location quotient is the ratio of the area concentration of occupational employment to the national average concentration. A location quotient greater than one indicates the occupation has a higher share of employment than average, and a location quotient less than one indicates the occupation is less prevalent in the area than average.

Other OES estimates and related information:

[May 2013 National Occupational Employment and Wage Estimates](#)

[May 2013 State Occupational Employment and Wage Estimates](#)

[May 2013 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates](#)

[May 2013 National Industry-Specific Occupational Employment and Wage Estimates](#)

[May 2013 Occupation Profiles](#)

[Technical Notes](#)

**Last Modified Date:** April 1, 2014

**CITY OF ILWACO  
ORDINANCE NO. 834**

**AN ORDINANCE OF THE CITY OF ILWACO, WASHINGTON, ADOPTING SALARY CLASSIFICATIONS & ESTABLISHING THE 2015 PAY TABLE.**

**WHEREAS**, the City of Ilwaco is committed to a policy that places every employee on a pay scale; and

**WHEREAS**, the city must be financially responsible in implementing compensation plan changes; and

**WHEREAS**, the City Council has determined that it will have the final approval on all pay policy issues; and

**WHEREAS**, no change in any employee personnel status (rate of pay) is intended by this action.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ILWACO, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1.** The City Council of the City of Ilwaco, Washington, adopts the City of Ilwaco Position Grades and Brief Descriptions, attached hereto as Exhibit "A."

**Section 2.** Each employee's pay shall remain unchanged through this action even though the position grade title may be modified.

**Section 3.** Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

**Section 4.** Referendum and Effective Date. This Ordinance, being an exercise of a power specifically delegated to the city legislative body, is not subject to referendum, and shall take effect and is in full force five (5) days after its passage, approval and publication of an approved summary of the title as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF ILWACO, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 27<sup>TH</sup> DAY OF OCTOBER, 2014**

Mike Cassinelli, Mayor

ATTEST:

Ariel Smith, City Clerk

VOTE	Jensen	Mulinix	Marshall	Chambreau	Forner	Cassinelli
Ayes	x	x	x	x	x	
Nays						
Abstentions						
Absent						

PUBLISHED: November 5, 2014

EFFECTIVE: November 10, 2015

**Exhibit "A"**  
**City of Ilwaco**  
**Position Grades and Brief Descriptions**

<b>Administrative Position</b>	<b>Grade</b>	<b>Level</b>
<b>Non-Exempt Positions</b>		
Office Assistant 3	3	Office assistant
Office Assistant 4	4	Office assistant/billing clerk
Office Assistant 5	5	Senior office assistant/billing clerk
Deputy City Clerk 5	5	Deputy city clerk
Deputy City Clerk 6	6	Deputy city clerk
Deputy City Clerk 7	7	Deputy city clerk
Deputy City Clerk 8	8	Senior deputy city clerk
<b>Exempt Positions</b>		
City Clerk 8	8	City clerk
City Clerk 9	9	City clerk
City Clerk 10	10	City clerk
City Clerk 11	11	Senior city clerk
Treasurer 8	8	City treasurer
Treasurer 9	9	City treasurer
Treasurer 10	10	City treasurer
Treasurer 11	11	Senior city treasurer
Treasurer 12	12	Senior city treasurer

**Office Assistant 3:** Office assistant. Entry-level position. Receives work direction, guidance and supervision from senior office staff members. Develops office skills and experience with guidance from others. Assists with utility billing.

**Office Assistant 4:** Office assistant/billing clerk. Performs many tasks independently. Proficient with word processing and spreadsheets. Expected to handle routine city business on the telephone and with visitors. Able to do most utility billing tasks.

**Office Assistant 5:** Senior office assistant/billing clerk. Performs most tasks independently without guidance or supervision. Determines own priorities. Proficient with word processing, spreadsheet and databases. Configures new computers for printing, simple networking and email and application installation. Does utility billing independently. Supervises others, as necessary.

**Deputy City Clerk 5:** Deputy city clerk. Entry-level position. Performs or is capable of performing all duties equivalent to Office Assistant 5. Receives work direction, guidance and supervision from the city clerk, city treasurer or mayor in matters involving the city clerk's duties.

**Deputy City Clerk 6:** Deputy city clerk. Performs some city clerk tasks independently, with minimum guidance or supervision, as assigned by the city clerk, city treasurer or mayor. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules. Writes grant applications.

**Deputy City Clerk 7:** Deputy city clerk. Performs many city clerk tasks independently, with minimum guidance or supervision, as assigned by the city clerk, city treasurer or mayor. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules. Writes grant applications.

**Deputy City Clerk 8:** Senior deputy city clerk. Performs most city clerk tasks independently without guidance or supervision, as assigned by the city clerk, city treasurer or mayor. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules. Writes grant applications.

**City Clerk 8:** City clerk. Entry-level position. An administrative position with primary duties that includes exercising discretion and independent judgment with respect to matters of significance. Performs some city clerk tasks independently with guidance and supervision. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules. Writes grant applications. *Note: A change in position from Assistant Clerk 7 to City Clerk 7 would normally be accompanied by a two step, in-grade increase and a change from non-exempt status to exempt status.*

**City Clerk 9:** City clerk. An administrative position with primary duties that includes exercising discretion and independent judgment with respect to matters of significance. Performs most city clerk tasks independently with minimum guidance or supervision. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules. Writes grant applications.

**City Clerk 10:** City clerk. An administrative position with primary duties that includes exercising discretion and independent judgment with respect to matters of significance. Performs all duties of the city clerk without guidance or supervision. Drafts simple legislation that can be enacted into law without undue revision. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules. Writes grant applications. Represents the city in outside meetings, as appropriate.

**City Clerk 11:** Senior city clerk. An administrative position with primary duties that includes exercising discretion and independent judgment with respect to matters of significance. Performs all duties of the city clerk without guidance or supervision. Drafts complex legislation that can be enacted into law without undue revision. Briefs the mayor and City Council on the effect of proposed legislation. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules.

Writes grant applications. Represents the city in outside meetings, as appropriate. Acts as senior advisor to the mayor and City Council in city matters.

**Treasurer 8:** City treasurer. Entry-level position. Performs some treasurer tasks independently with guidance and supervision. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules. Writes grant applications. Trained in accounting and develops experience with accounting software and city transactions and budgeting.

**Treasurer 9:** City treasurer. Performs most treasurer tasks independently with guidance and supervision. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules. Writes grant applications. Trained in accounting and develops experience with accounting software and city transactions and budgeting.

**Treasurer 10:** City treasurer. Performs treasurer tasks independently without guidance or supervision. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules. Writes grant applications. Has some advanced training in accounting and has experience with accounting software and city transactions and budgeting. Prepares and briefs the city budget to the mayor and City Council, including coordinating with department heads. Performs all the duties of the city clerk, if assigned.

**Treasurer 11:** Senior city treasurer. Performs treasurer tasks independently without guidance or supervision. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules. Writes grant applications. Has advanced training in accounting and has experience with accounting software and city transactions and budgeting. Prepares and briefs the city budget to the mayor and City Council, including coordinating with department heads. Represents the city in outside meetings, as appropriate. Acts as senior advisor to the mayor and City Council in city matters. Performs all the duties of the city clerk, if assigned.

**Treasurer 12:** Senior city treasurer. Performs treasurer tasks independently without guidance or supervision. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules. Writes grant applications. Has advanced training in accounting and has experience with accounting software and city transactions and budgeting. Prepares and briefs the city budget to the mayor and City Council, including coordinating with department heads. Represents the city in outside meetings, as appropriate. Acts as senior advisor to the mayor and City Council in city matters. Performs all the duties of the city clerk, if assigned. Experienced and possesses necessary skills for position and/or is highly capable of seeking needed resources.

<b>Field Positions</b>	<b>Grade</b>	
<b>Non-Exempt Positions</b>		
Utility Worker 3	3	Entry level
Utility Worker 4	4	Established (gaining experience)
Utility Worker 5	5	Experienced
Utility Worker 6	6	Experienced (works independently)
Utility Worker 7	7	Lead
Utility Supervisor 8	8	Senior lead
Utility Supervisor 9	9	Senior
Utility Supervisor 10	10	Senior
Utility Supervisor 11	11	Senior
Plant Operator 5	5	Entry level
Plant Operator 6	6	Established (gaining experience)
Plant Operator 7	7	Experienced
Plant Operator 8	8	Experienced (works independently)
Plant Operator 9	9	Senior/lead operator
Plant Operator 10	10	Senior
Plant Operator 11	11	Senior
Mechanic 7	7	Entry level
Mechanic 8	8	Experienced
Mechanic 9	9	Senior
<b>Exempt Positions</b>		
Utility Manager 7	7	Entry level
Utility Manager 8	8	Experienced
Utility Manager 9	9	Experienced
Utility Manager 10	10	Senior
Fire Administrator 7	7	Experienced
Fire Chief 8	8	Senior

**Utility Worker3:** Entry-level utility worker. Receives direction and guidance from others.

**Utility Worker4:** Established utility worker gaining experience. Receives direction and guidance from others.

**Utility Worker5:** Experienced utility worker. Works with some supervision and guidance.

**Utility Worker 6:** Experienced utility worker. Works independently.

**Utility Worker 7:** Lead utility worker/supervisor. Works independently and gives guidance to others. Has responsibility for one utility area (e.g. sewer or water distribution, streets and sidewalks, equipment).

**Utility Supervisor 8:** Utility supervisor. Receives some guidance and supervision from others. Participates in all aspects of utility operations. Sets work priorities and tasking. Ensures quality and efficiency of operations. Makes continual improvements for efficiency and quality of operations. Takes a lead role in configuration management. Prepares the department budgets with guidance.

**Utility Supervisor 9:** Senior utility supervisor. Works independently and supervises others. Ensures quality and efficiency of operations. Makes continual improvements for efficiency and quality of operations. Works closely with the city engineer in planning improvements to city infrastructure. Acts as city liaison for construction projects. Sets priorities and assigns tasks. Ensures effective configuration management. Prepares the department budgets with some guidance.

**Utility Supervisor 10:** Senior utility supervisor. Works independently and supervises others. Ensures quality and efficiency of operations. Makes continual improvements for efficiency and quality of operations. Works closely with the city engineer in planning improvements to city infrastructure. Acts as city liaison for construction projects. Sets priorities and assigns tasks. Ensures effective configuration management. Prepares the department budgets with some guidance.

**Utility Supervisor 11:** Senior utility supervisor. Works independently and supervises others. Ensures quality and efficiency of operations. Makes continual improvements for efficiency and quality of operations. Works closely with the city engineer in planning improvements to city infrastructure. Acts as city liaison for construction projects. Sets priorities and assigns tasks. Ensures effective configuration management. Prepares the department budgets with some guidance. Experienced and possesses necessary skills for position and/or is highly capable of seeking needed resources.

**Plant Operator 5:** Entry-level plant operator. Receives direction and guidance from others. Capable of some plant operations and minor repairs without assistance. Communicates plant status to others. Performs other Public Works duties.

**Plant Operator 6:** Established with at least one year of full-time plant operation experience. Receives direction and guidance from others. Capable of most routine plant operations and minor repairs without assistance. Communicates plant status to others verbally, in writing and through means of computer file transfers. Primary duties are plant operations. Performs other Public Works duties.

**Plant Operator 7:** Experienced plant operator with at least two years of full-time plant operation experience. Receives direction and guidance from others. Capable of most routine plant

operation and minor repairs without assistance. Communicates plant status to others verbally, in writing and through means of computer file transfers. Primary duties are plant operations. Performs other Public Works duties.

**Plant Operator 8:** Experienced plant operator with at least four years of full-time plant operation experience. Receives some direction and guidance from others. Provides some supervision and guidance to others. Capable of plant operations requiring the exercise of judgment, including making process adjustments and moderate repairs without supervision. Communicates plant status to others verbally, in writing and through means of computer file transfers. Primary duties are plant and systems operations.

**Plant Operator 9:** Lead plant operator/plant supervisor with at least five years of full-time plant operation experience. Works independently and supervises others. Capable of plant operations requiring the exercise of judgment, including making any and all process adjustments and complex repairs without supervision. Submits reports to DOH/DOE. Communicates plant status to others verbally, in writing and through means of computer file transfers. Primary duties are systems operations and supervision.

**Plant Operator 10:** Senior plant operator/plant supervisor with at least five years of full-time plant operation experience combined with demonstrated supervisory experience. Works independently and supervises others. Capable of plant operations requiring the exercise of judgment, including making any and all process adjustments and complex repairs at the plant and throughout the entire distribution system without supervision. Submits reports to DOH/DOE. Communicates plant status to others verbally, in writing and through means of computer file transfers. Sets priorities and assists in preparing/managing the budget. Primary duties are systems operations and supervision.

**Plant Operator 10:** Senior plant operator/plant supervisor with at least eight years of full-time plant operation experience combined with demonstrated supervisory experience. Works independently and supervises others. Capable of plant operations requiring the exercise of judgment, including making any and all process adjustments and complex repairs at the plant and throughout the entire distribution system without supervision. Submits reports to DOH/DOE. Communicates plant status to others verbally, in writing and through means of computer file transfers. Sets priorities and assists in preparing/managing the budget. Primary duties are systems operations and supervision.

**Mechanic 7:** Entry-level mechanic. Capable of maintaining vehicles and equipment with some supervision and guidance.

**Mechanic 8:** Experienced mechanic. Capable of maintaining vehicles, equipment and city infrastructure equipment with minimum supervision and guidance. Sets own priorities. Supervises others, as necessary.

**Mechanic 9:** Senior mechanic. Capable of maintaining vehicles, equipment and city infrastructure equipment without supervision. Sets own work schedules and priorities. Supervises others.

**Utility Manager 7:** Entry-level utility manager. Receives guidance and supervision from others. Participates in some aspects of utility operations and management. Sets work priorities and tasking. Ensures quality and efficiency of operations. Participates in configuration management. Assists in developing the department budget.

**Utility Manager 8:** Experienced utility manager. Receives some guidance and supervision from others. Participates in all aspects of utility operations and management. Sets work priorities and tasking. Ensures quality and efficiency of operations. Makes continual improvements for efficiency and quality of operations. Takes a lead role in configuration management. Prepares the department budgets with guidance.

**Utility Manager 9:** Experienced utility manager/director. Works independently. Participates in all aspects of utility operations and management. Sets work priorities and tasking. Ensures quality and efficiency of operations. Makes continual improvements for efficiency and quality of operations. Works closely with the city engineer in planning improvements to city infrastructure. Acts as city liaison for construction projects. Provides management information on status of the city infrastructure and does tradeoff analysis in problem solving and in proposing changes. Ensures effective configuration management. Prepares the department budgets with some guidance.

**Utility Manager 10:** Senior utility manager/director. Participates in all aspects of utility operations and management. Sets work priorities and tasking. Ensures quality and efficiency of operations. Makes continual improvements for efficiency and quality of operations. Works closely with the City Engineer in planning improvements to city infrastructure. Acts as city liaison for construction projects. Provides management information on status of the city infrastructure and does tradeoff analysis in problem solving and in proposing changes. Conceives and effectively executes improvement projects without supervision. Ensures effective configuration management. Prepares the department budget without guidance.

**Fire Administrator 7:** Participates in the development and maintenance of all emergency management plans, support materials, reports and related documents. Conducts directed research, as well as independent internet-based research on a variety of emergency management and related topics. Develops or compiles documents, correspondence and materials, including all programmatic reports required for reimbursement of expenses related to federal, state and other government grants, as well as awards from non-governmental funding sources. Monitors and maintains federal, state, allied organization, professional and county newsletters, reports and related documents as directed. The Fire Administrator shall be paid 5.5% of the assigned grade and step salary on the Exempt Employee Annual Salary Scale for this part-time position.

**Fire Chief 8:** Plans, organizes, directs and evaluates the Ilwaco Volunteer Fire Department, which protects lives and property from fire and hazardous incident damage. Provides timely emergency medical services in the City of Ilwaco and other neighboring municipalities that have contracted for fire protection services. Ensures the department incorporates up-to-date, efficient fire prevention, fire suppression, hazardous incident mitigation and emergency medical technologies into its procedures, equipment and methods. Recruits and trains new volunteer

firefighters. The Fire Chief shall be paid 25% of the assigned grade and step salary on the Exempt Employee Annual Salary Scale for this part-time position.

**CITY OF ILWACO  
ORDINANCE NO. 834 EXHBIT B**

**2015 PAY TABLE (Effective January 1, 2015)**

2015

City of Ilwaco  
Exempt Employee Annual Salary Scale

Step	1	2	3	4	5	6	7	8	9	10
Grade	Years to Step									
		1	1	1	2	2	2	3	3	3
3	22517	23268	24018	24769	25520	26271	27022	27773	28524	29274
4	25276	26119	26962	27804	28647	29490	30332	31175	32018	32860
5	28280	29223	30166	31109	32053	32996	33939	34882	35825	36769
6	31524	32575	33626	34678	35729	36781	37832	38883	39935	40986
7	35031	36198	37365	38533	39700	40867	42034	43202	44369	45536
8	38795	40088	41381	42674	43967	45260	46553	47846	49139	50431
9	42850	44278	45707	47135	48564	49992	51421	52849	54278	55706
10	47188	48760	50333	51906	53479	55051	56624	58197	59770	61342
11	51907	53635	55362	57078	58807	60512	62237	63965	65692	67420
12	57674	59594	61513	63420	65341	67236	69152	71072	72991	74911

2015

City of Ilwaco  
Non-Exempt/Hourly Employee Hourly Rate of Pay Scale

Step	1	2	3	4	5	6	7	8	9	10
Grade	Years to Step									
		1	1	1	2	2	2	3	3	3
3	10.83	11.19	11.55	11.91	12.27	12.63	12.99	13.35	13.71	14.07
4	12.15	12.56	12.96	13.37	13.77	14.18	14.58	14.99	15.39	15.80
5	13.60	14.05	14.50	14.96	15.41	15.86	16.32	16.77	17.22	17.68
6	15.16	15.66	16.17	16.67	17.18	17.68	18.19	18.69	19.20	19.70
7	16.84	17.40	17.96	18.53	19.09	19.65	20.21	20.77	21.33	21.89
8	18.65	19.27	19.89	20.52	21.14	21.76	22.38	23.00	23.62	24.25
9	20.60	21.29	21.97	22.66	23.35	24.03	24.72	25.41	26.09	26.78
10	22.69	23.44	24.20	24.95	25.71	26.47	27.22	27.98	28.74	29.49
11	24.96	25.79	26.62	27.44	28.27	29.09	29.92	30.75	31.58	32.41
12	27.73	28.66	29.58	30.49	31.41	32.32	33.24	34.17	35.09	36.01

**CITY OF ILWACO**  
**CITY COUNCIL AGENDA ITEM BRIEFING**

- A. Meeting Dates: Council Workshop: Public Hearing: 01/26/15  
Council Discussion Item: 01/26/15 Council Business Item:
- B. Issue/Topic: **Substantial Development Permit – Ilwaco Tuna Club & Tackle Store**
- C. Sponsor(s):  
1. Crater 2.
- D. Background (overview of why issue is before council):  
Mike Domeyer (Applicant) is requesting authorization to construct a garage within shoreline jurisdiction to use as a commercial structure. See attached Staff Report for further details.
- E. Discussion (specific details relevant to the issue, pros/cons, alternatives and any other decision-making details):  
The Planning Commission has reviewed the Development Permit application and submits a report to council addressing their conclusions. See attached report from Chairperson Malin.
- F. Impacts:  
1. Fiscal:  
2. Legal:  
3. Personnel:  
4. Service/Delivery:
- G. Planning Commission:  Recommended  Not Recommended  
 Public Hearing on
- H. Staff Comments:
- I. Time Constraints/Due Dates:
- J. Proposed Motion: **I move to (approve or deny) this Substantial Development Permit for the purpose of constructing the commercial structure as described in the Requested Action and under the conditions presented by the City Planner.**



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Fax: 360.642.3155  
info@ilwaco-wa.gov  
www.ilwaco-wa.gov

## SUBSTANTIAL DEVELOPMENT PERMIT SDP2014 - 0001

**DATE:** DECEMBER 22, 2014  
**TO:** PLANNING COMMISSION, CITY OF ILWACO  
**FROM:** RYAN E. CRATER - CITY PLANNER  
**SUBJECT:** ILWACO TUNA CLUB & TACKLE STORE (COMMERCIAL DEVELOPMENT)

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### I. GENERAL INFORMATION

**Permitting Agency:** City of Ilwaco

**Approval Authority:** City Council

**Applicant:** Mike Domeyer

**Land Owner:** Port of Ilwaco

**Project Address:** 215 Howerton Avenue, Ilwaco, WA 98624

**Tax Parcel:** 730310015000 (Part of lot 3, all of lot 4, and part of Lot 5)

**Public Land Survey:** Section 34, Township 10 North, Range 11 West, W.M.

**Public Notice:** Public Notice for the shoreline permit was published on December 10, 2014 and December 17, 2014 with the public comment period ending on January 26, 2015.

**Permit Request:** Substantial Development Permit

**Requested Action:** Mike Domeyer (Applicant) is requesting authorization to construct a garage within shoreline jurisdiction for use as a commercial structure. The applicant is also proposing to install a commercial fish processing station inside of the garage. In addition to the garage a walk in freezer/cooler will be attached to the garage and used for commercial purposes. The applicant also proposes to construct residential space above the garage as part of this project.

### II. SITE INFORMATION

**Site Location:** The project site is located at 215 Howerton Avenue at the Port of Ilwaco in Ilwaco Washington. The existing building is located adjacent to Columbia River / Baker Bay; facing the mooring basin at the Port of Ilwaco. To get to the site from Ilwaco, turn onto Elizabeth Ave SE, then turn right onto Howerton Avenue, Tuna Club (215 Howerton Ave) is the 5<sup>th</sup> building to the left heading west.

**Site Characteristics:** The project is located within a strip of commercial development at the Port of Ilwaco. The immediate uses within the area consist of art galleries, fishing charter boat services, a hotel, residential housing and other similar businesses and developments.

**Adjacent Land Uses:** Adjacent land uses in the area consist of residential housing to the north, Ilwaco Fish to the west, RV Park to the northeast and the City of Ilwaco Sewage Treatment Plant to the northeast. The greater Port area can be described as commercial and residential development.

**Shoreline Master Program (SMP):** The proposed project is located within the jurisdiction of the City of Ilwaco SMP. The proposed project will be implemented within 200 feet of the shoreline and within the FEMA Mapped 100-year floodplain (A2).

**Shoreline Designation:** Urban (Shoreline of Statewide Significance).

**Resource Lands:** No resource lands will be impacted as a result of this project.

### III. PROJECT ANALYSIS AND INFORMATION

**Project Analysis and Information:** The proposed uses by the applicant consist of installation of a fish processing station (Commercial Use), construction of a garage for commercial uses, construction of residential space above the garage, and a walk-in freezer/cooler attached to the garage. The project site is served by city water and sewer and has available parking on site and in the Port of Ilwaco parking lot.

### IV. SHORELINE MASTER PROGRAM

#### FINDINGS:

**Shoreline Designation:** The project is located in an *Urban Environment* designation adjacent to the lower Columbia River Estuary in the Baker Bay subarea. The proposed project is located in an area defined as being a Shoreline of Statewide Significance (Columbia River).

**Urban Environment:** Means those shorelines which have been placed (or designated in the urban environment as defined under WAC 173-16-040(4)(b)(iv) and which are to be managed and regulated to achieve the intent defined therein.

**WAC 173-16-040(4)(b)(iv):** The objective of the urban environment is to ensure optimum utilization of shorelines within urbanized areas by providing for intensive public use and by managing development so that it enhances and maintains shorelines for a multiplicity of urban uses.

**Finding:** The proposed project will be located in an upland shoreline environment. No work is being proposed within the aquatic environment. The proposed project exceeds the \$6,416 substantial development exemption threshold, and therefore requires a review under a Substantial Development Permit.

#### POLICIES AND REGULATIONS

##### SECTION 8 - COMMERCIAL DEVELOPMENT

##### POLICIES

**(8.01)** A thriving local commerce is important for the City's economic well-being, especially because a large source of the City income is from the provision of goods and services to tourists. Shorelines, which invariably have more than simply commercial value, must be protected from becoming overly commercialized. The regulations in this section are meant to achieve this and to ensure that the commercial development which does occur is of high quality.

**Finding:** The proposed project will provide additional goods, services, and additional tourist opportunities within the local community. The proposed project is consistent with the existing commercial development at the Port of Ilwaco, which consist primarily of commercial businesses and buildings. The project is consistent with this policy.



**(8.02)** The guidelines on Commercial Development under WAC 173-16-060 (4) in the Guidelines are made part of this policy statement by reference.

**WAC 173-16-060 (4)** Commercial developments are those uses which are involved in wholesale and retail trade or business activities. Commercial developments range from small businesses within residences, to high-rise office buildings. Commercial developments are intensive users of space because of extensive floor areas and because of facilities, such as parking, necessary to service them.

**GUIDELINES**

**(a)** Although many commercial developments benefit by a shoreline location, priority should be given to those commercial developments which are particularly dependent on their location and/or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.

**Finding:** The proposed project is appropriate for its proposed location. The proposed use of the structure is partially dependent on siting adjacent to the Port of Ilwaco mooring basin to allow for easy access to the applicants commercial fishing vessel. The vessel is used by the applicant to fish tuna commercially, which will then be processed by the applicant in the proposed garage structure. The project is consistent with this guideline.

**(b)** New commercial developments on shorelines should be encouraged to locate in those areas where current commercial uses exist.

**Finding:** The proposed project will be located in a zoning district designated for commercial development. The project is consistent with this guideline.

**(c)** An assessment should be made of the effect a commercial structure will have on a scenic view significant to a given area or enjoyed by a significant number of people.

**Finding:** The proposed project will not impact existing scenic views along the shoreline. The proposed structure will be constructed and attached to an existing structure to the south, which meets existing height regulations in shoreline jurisdiction. The project is consistent with this guideline.

**(d)** Parking facilities should be placed inland away from the immediate water's edge and recreational beaches.

**Finding:** The proposed project is located next to the Port of Ilwaco parking lot. The parking lot was designed to accommodate parking for all commercial uses located at the Port of Ilwaco along Howerton Avenue. No additional parking facilities are required for the proposed use beyond what currently exists. The project is consistent with this guideline.

**REGULATIONS – URBAN ENVIRONMENT**

**(8.80)** Commercial uses are permitted on urban shorelines.

**Finding:** The proposed use is commercial and is permitted on urban shorelines. The use is consistent with this regulation.

**(8.81)** Regulation 8.41 shall apply.



(8.41) Any person proposing to undertake or engage in a commercial use shall apply for a permit.

**Finding:** The applicant has applied for a shoreline permit and is requesting authorization to conduct commercial activities within shoreline jurisdiction. The use is consistent with this regulation.

(8.82) A permit for a commercial use may be granted subject to the following regulations:

(.01) Any commercial structure or facility except one which requires or is dependent on direct, contiguous access to the water shall be set back from the ordinary high water mark by a minimum of 10 feet.

**Finding:** The proposed structures are located greater than 10 feet from the OHWM. The structures are consistent with this standard.

## SECTION 9 - OUTDOOR ADVERTISING, SIGNS AND BILLBOARDS

### POLICIES

(9.01) Signs give direction and information. Outdoor advertising signs and billboards on shorelines should be limited to necessary informational and on-premise signs as defined under the regulations in this section.

**Finding:** The applicant has not proposed to place any signs on the premises, but should they choose to in the future the signs will be subject to the dimensional standards of this section. The applicant is authorized under this permit review to erect a sign on site pending further review and approval by the City of Ilwaco. Erection of a sign proposed by the applicant must be erected within the statutory time limit for shoreline permits (WAC 173-27-090). Additional review under a sign permit application must be obtained to erect a sign within the City of Ilwaco.

(9.02) the guidelines on outdoor advertising, signs and billboards given in WAC 173-16-060 (7) of the Guidelines are made part of this policy statement by reference.

**WAC 173-16-060 (7) Outdoor advertising, signs and billboards.** Signs are publicly displayed boards whose purpose is to provide information, direction, or advertising. Signs may be pleasing or distracting, depending upon their design and location. A sign, in order to be effective, must attract attention; however, a message can be clear and distinct without being offensive. There are areas where signs are not desirable, but generally it is the design that is undesirable, not the sign itself.

### GUIDELINES

(a) Off-premise outdoor advertising signs should be limited to areas of high-intensity land use, such as commercial and industrial areas.

**Finding:** The applicant has not applied for an off-premise sign, but may do so under this permit review within the given time limits of the permit approval. Erection of future signs is subject to additional review and approval by the City of Ilwaco under a sign permit application.

(b) Master programs should establish size, height, density, and lighting limitations for signs.



**Finding:** The Ilwaco SMP has established size, height, density, and lighting limitations for signs erected within shoreline jurisdiction. Additional sign regulations are established under the Ilwaco Municipal Code. Any future proposed signs shall be subject to the more stringent review standards. The applicant has not requested to erect a sign at this time, but may do so under this permit review and approval within the given time limit of a shoreline permit approval. Erection of future signs is subject to additional review and approval by the City of Ilwaco.

(c) Vistas and viewpoints should not be degraded and visual access to the water from such vistas should not be impaired by the placement of signs.

**Finding:** Future signs erected within the time limits of a permit authorization shall not degrade existing vistas and viewpoints in the area.

(d) Outdoor advertising signs (where permitted under local regulations) should be located on the upland side of public transportation routes which parallel and are adjacent to rivers and water bodies (unless it can be demonstrated that views will not be substantially obstructed).

**Finding:** Outdoor advertising signs shall be located on the upland side of the property unless the applicant can demonstrate that views will not be substantially obstructed at the Port of Ilwaco.

(e) When feasible, signs should be constructed against existing buildings to minimize visual obstructions of the shoreline and water bodies.

**Finding:** Signage associated with this use may be erected along Howerton Avenue. All other signage should be placed against the existing building.

## REGULATIONS - URBAN ENVIRONMENT

(9.80) Regulations 9.40 through 9.44 shall apply on urban shorelines. (Not applicable to incorporated areas of Pacific County.)

(9.81) In addition to 9.80 above, the following types of on-premise advertising or identification signs are permitted anywhere on urban shorelines subject to the given regulations:

(.01) Size of sign:

(e) Business and Other Commercial Buildings – The total sign area permitted shall not exceed twelve times the square root of the building frontage. In the case of multiple occupancy of the building, it shall be the owner's responsibility to distribute the permitted sign area between the various occupants. The maximum area of an individual ground sign shall be 50 square feet. Where frontage is on more than one street, only the signs computed with respect to frontage on a street shall face that street. Frontage on a freeway or limited access highway which provides no access to the property cannot be used to compute sign area.

**Finding:** Proposed signage shall be consistent with the dimensional standards contained in section 9.81 (e).



## SECTION 12 - RESIDENTIAL DEVELOPMENT

### POLICIES

**(12.01)** The guidelines on residential development given in WAC 173-16-060 (8) or the guidelines are made part of the policy statement by reference.

**WAC 173-16-060 (8)** The following guidelines should be recognized in the development of any subdivision on the shorelines of the state. To the extent possible, planned unit developments (sometimes called cluster developments) should be encouraged within the shoreline area. Within planned unit developments, substantial portions of land are reserved as open space or recreational areas for the joint use of the occupants of the development. This land may be provided by allowing houses to be placed on lots smaller than the legal minimum size for normal subdivisions, as long as the total number of dwellings in the planned unit development does not exceed the total allowable in a regular subdivision.

### GUIDELINES

**(a)** Subdivisions should be designed at a level of density of site coverage and of occupancy compatible with the physical capabilities of the shoreline and water.

**Finding:** The proposed residential portion of this permit request is not part of a subdivision.

**(b)** Subdivisions should be designed so as to adequately protect the water and shoreline aesthetic characteristics.

**Finding:** The proposed residential portion of this permit request is not part of a subdivision.

**(c)** Subdividers should be encouraged to provide public pedestrian access to the shorelines within the subdivision.

**Finding:** The applicant is not requesting to subdivide the lots.

**(d)** Residential development over water should not be permitted.

**Finding:** The proposed residential development will occur in the upland area. No overwater development is being proposed.

**(e)** Floating homes are to be located at moorage slips approved in accordance with the guidelines dealing with marinas, piers, and docks. In planning for floating homes, local governments should ensure that waste disposal practices meet local and state health regulations, that the homes are not located over highly productive fish food areas, and that the homes are located to be compatible with the intent of the designated environments.

**Finding:** Not applicable.

**(f)** Residential developers should be required to indicate how they plan to preserve shore vegetation and control erosion during construction.



**Finding:** The project site has no existing native vegetation on the premises.

(g) Sewage disposal facilities, as well as water supply facilities, must be provided in accordance with appropriate state and local health regulations. Storm drainage facilities should be separate, not combined with sewage disposal systems.

**Finding:** The proposed project site is currently served by city water and sewer facilities.

(h) Adequate water supplies should be available so that the ground water quality will not be endangered by over pumping.

**Finding:** The proposed use will be connected to the City of Ilwaco municipal water supply. No ground water withdrawal is being proposed.

## REGULATIONS

(12.10) The Act specifically exempts "construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family..." from its permit requirements. However, even though single family homes are not substantial development, the intent of the Act (RCW 90.58.020 and 90.58.100) establishes a basis for regulating them.

**Finding:** Owner-occupied residential construction is an exempt activity per WAC 173-27-040(2)(a). The proposed residential construction is part of a larger project which is subject to review under a substantial development permit; therefore it is being reviewed under this application.

(12.11) Minimum lot areas shall be as specified in the zoning ordinance.

**Finding:** The project is located within a C-2 Low Density Commercial District, which does not specify a minimum lot area.

## REGULATIONS - URBAN ENVIRONMENT

(12.80) Multi-family and single family residences shall be permitted on urban shorelines, subject to the following regulations:

(.01) Minimum lot width at the property line shall not be less than 75% of the square root of the lot area.

**Finding:** The proposed residence shall be located on an existing legally created lot.

(.02) No residential structure shall be constructed closer than 25 feet from the ordinary high water mark.

**Finding:** The proposed residential structure will be located greater than 25 feet from the OHWH. The use is consistent with this regulation.

(12.81) Regulations 12.41 and 12.42 shall apply.

(12.41) Not applicable to the project.

(12.42) Not applicable to the project.



## SECTION 19 - ARCHAEOLOGY AND HISTORY

**Finding:** The proposed project is not located within a known archeological area. The project site is located on fill, which was placed within the Columbia River / Baker Bay in the 1950's. An archeological survey of the construction site is not required under this permit review. Conditions will be placed on the permit that should artifacts be uncovered that all work will stop and the Shoreline Administrator notified.

## SECTION 21 - FLOOD PLAINS

### POLICIES

**(12.01)** Flood plains, which are designated as wetlands subject to the Act, are shoreland areas which have been or are subject to flooding. Within a flood plain there are flood hazard areas subject to periodic inundations severe enough to result in loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and/or impairment of the tax base, all of which adversely affect the public health, safety and general welfare. Man often adds to his own losses due to flooding by building obstructions such as fills, dikes, and levees in a floodplain, thereby causing increased flood heights and velocities, and also by locating uses or themselves vulnerable and not adequately elevated or otherwise protected from flooding. Virtually all of the use activities regulated under section 5 through 25 of this Master Program can suffer losses due to flooding or can increase the hazards of flooding to other uses. It is the policy of this section to minimize those losses in flood plains by:

**(.01)** Restricting or prohibiting uses which are dangerous to health, safety or property in times of floods or cause excessive increases in flood heights or velocities.

**Finding:** The proposed construction will not be dangerous to the health, safety or adjacent properties during flooding events. The proposed construction will not increase flood heights or velocities. The project is consistent with this policy.

**(.02)** Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. The general regulations for carrying out this policy are given below and apply to all use activities and to each of the four environments.

**Finding:** The proposed project will be built in compliance with FEMA construction standards. The project is consistent with this policy.

**(21.02)** Flood hazard areas are those lands inundated by a flood which could be expected to occur on the average of once every 100 years. In areas where the extent of the 100 year flood has not been determined, the flood hazard area will generally be that inundated by the largest flood known to have occurred in the area, whether that flooding be by fresh water or salt water or both. A flood hazard area may also be identified by the presence of one or more of the following soil types: Grehalem, Mukilteo, Nemah, Ocosta, Orcas, Rennie, Salzer, Shalcar, Skamokawa, Yaquina, and tidal or coastal beach soil.

**Finding:** The proposed project is located in the mapped 100 year flood plain in the A2 zone as indicated on FIRM Panel 530127 0001B dated February 1, 1979. The new preliminary FIRM Panel 0720D dated August 30, 2013 that is being proposed by the Flood Insurance Program shown the project area will not be located in the 100 year flood plain.

**(21.03)** For the purposes of this Program, the accreted lands along ocean beaches and areas within cities are not to be considered flood plains.



**Finding:** The project site is located within 200 feet of the Columbia River (Bakers Bay) as well as the currently mapped 100 year flood plain. The proposed project is subject to the policies and regulations of Section 21 of the Ilwaco SMP.

## REGULATIONS

**(21.10)** The effects upon public health, safety and general welfare of any uses proposed for flood hazard areas shall be evaluated in light of the policies given above and of the regulations given under 21.11 to 21.17 below. The permit shall either be granted or denied according to whether or not appropriate precautions designed to minimize losses due to flooding have been taken, those precautions being in addition to conditions applied under other sections of this ordinance.

**(21.11)** In determining the appropriateness of any proposed use in a flood hazard area, the following shall be considered:

**(.01)** The danger to life and property due to increased flood heights or velocities caused by encroachments.

**Finding:** The proposed project will not increase flood heights or velocities within the flood plain. Based on currently existing data, the preliminary FEMA maps that are proposed for adoption sometime in 2015, show the site as being removed from the 100 year floodplain. The proposed project is consistent with this regulation.

**(.02)** The danger that materials may be swept on to other lands or downstream to the injury of others.

**Finding:** The proposed structure will be built to currently adopted FEMA construction standards and verified by the city building inspector. The proposed buildings and associated structures will be secured to a concrete foundation and/or slab. The proposed project is consistent with this regulation.

**(.03)** The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

**Finding:** The project site is connected to existing city water and sewer lines. The proposed project is consistent with this regulation.

**(.04)** The susceptibility of the proposed use and its contents to flood damage and the effect of such damage on the individual owner.

**Finding:** The proposed project will be built to current FEMA building standards and verified by the city building inspector. The project is consistent with this regulation.

**(.05)** The importance of the services provided by the proposed use to the community.

**Finding:** The proposed use will provide fish processing and packaging services to its customers and the general community upon request. The proposed use is consistent with this regulation.

**(.06)** The requirements of the use of a waterfront location.

**Finding:** The applicant uses the Port of Ilwaco mooring basin to dock their commercial fishing vessel. This allows the applicant to have easy access to transport commercially caught fish from the boat to the proposed fish processing station. The proposed use will not displace a future



water-dependent use from locating adjacent to the water. The proposed use is consistent with this regulation.

(.07) The availability of alternative locations not subject to flooding for the proposed use.

**Finding:** The proposed project site is an existing commercial/residential structure at the Port of Ilwaco. Although there may have been alternative locations within the City not subject to flooding, the proposed use is listed as "allowed" for its location under the zoning code. The proposed use also benefits from the close proximity of the mooring basin for easy access to the applicants commercial fishing vessel. The proposed project is consistent with this regulation.

(.08) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

**Finding:** The proposed use is compatible with existing development in the adjacent area. The proposed use is also compatible with anticipated uses in the foreseeable future. Directly adjacent to the project is another fish processing business in addition to others in the area. The proposed use is consistent with this regulation.

(.09) The safety of access to the property in times of flood for ordinary and emergency vehicles.

**Finding:** Should a flood occur within the currently mapped floodplain, the project site will be equally accessible by emergency vehicles similar to other structures in the adjacent area. No special measures are necessary to mitigate for potential access issues during flood events for this project beyond those that currently exist. The proposed project is consistent with this regulation.

(.10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.

**Finding:** According to the Elevation Certificate the base flood elevation for the project site is 9 feet. The lowest existing grade as surveyed is 9.6 feet. Should a 100 year flood event happen it would be anticipated that the velocity of the floodwaters would be minimal compared to V zones, which have high wave action. The expected height of floodwater estimated for the site is 9 feet, so sediment transportation would be minimal based on the projected velocities within an A2 zone.

(.11) The cost of providing governmental services during and after flood conditions including maintenance and repair of public utilities such as sewer, gas, electrical and water systems, and street and bridges.

**Finding:** It is unknown what the estimated cost would be to provide governmental services during and after flooding events for the project site.

(.12) Such other factors which are relevant to the policy of this ordinance.

**Finding:** All other factors that are relevant to the policy of this ordinance have been reviewed within this staff report.

(21.12) Where riverine flooding controls flood heights, no use involving levees, fills, structures or other features which increase the water surface elevation of the regulatory flood more than one (1) foot at any point shall be permitted.



**Finding:** No levees, fills, structures or other features are being proposed under this permit request the will increase the water surface elevation more than one foot is being proposed.

**(21.13)** The first flood and basement floor of any residential or non-residential structure to be constructed, reconstructed, altered or moved in a flood hazard area shall ordinarily be at least one (1) foot above the elevation of the regulatory flood, unless other provisions are made for flood proofing nonresidential structures to the same elevation.

**Finding:** The proposed structure will be built to current FEMA building standards and verified by the City Building inspector during the construction phase. The proposed project is consistent with this standard.

**(21.14)** Flood-proofing shall include, where applicable and reasonable:

**(.01)** Anchorage to resist flotation and lateral movement.

**Finding:** The proposed building will be anchored to the foundation so as not to allow the structure to float or have any lateral movement. The project is consistent with this regulation.

**(.02)** Installation of watertight doors, bulkheads, and shutters, or similar methods of closure.

**Finding:** The proposed structure will be flood proofed according to current FEMA building standards. The project is consistent with this regulation.

**(.03)** Reinforcement of walls to resist water pressures.

**Finding:** The proposed structure will be reinforced as necessary to meet current FEMA building standards. The project is consistent with this regulation.

**(.04)** Use of paints, membranes, or mortars to reduce seepage of water through walls.

**Finding:** The proposed structure will be built to meet current FEMA building standards.

**(.05)** Addition of mass or weight to structures to resist flotation.

**Finding:** No additional mass or weight needs to be installed on the structure or ancillary structures for this project.

**(.06)** Installation of pumps to lower water levels in structures.

**Finding:** No pumps are being proposed to be installed for this project.

**(.07)** Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.

**Finding:** No water supply or waste treatment systems are proposed for this project.

**(.08)** Installation of pumps or comparable facilities for sub-surface drainage systems to relieve external foundation wall and basement flood pressures.

**Finding:** The proposed project does not require pumps be installed to relieve external foundation wall pressure from floodwaters.



**(.09)** Building design and construction to resist rupture or collapse caused by water pressure for floating debris.

**Finding:** The proposed structures will be built to current FEMA building standards and verified by the city building inspector. The proposed project is consistent with this standard.

**(.10)** Installation of valves or controls on sanitary and storm drains which permit the drains to be closed to prevent backup of sewage and storm waters into buildings or structures.

**Finding:** No new sanitary or storm drains are being installed on site for this project. The structure will be tied into existing sewer and storm drains located on site.

**(.11)** Location and installation of all electrical equipment, circuits and electrical applications so that they are protected from inundation by the regulatory flood.

**Finding:** All electrical equipment and components will be placed above base flood elevation and verified by the city building inspector.

**(.12)** Location of storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare at elevations above the height associated with the regulatory flood elevation; or design of such facilities to prevent floatation or storage containers, or damage to storage containers which could result in the escape of toxic materials into flood waters.

**Finding:** The applicant is not proposing to store chemicals, explosives, buoyant materials, flammable liquids or other toxic materials below base flood elevation. The proposed project is consistent with this standard.

**(21.15)** A structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.

**Finding:** The proposed project has been sited to minimize obstruction of floodwater.

**(21.16)** All water systems including individual wells located in flood hazard areas, whether public or private, shall be flood-proofed to a point at or above the regulatory flood (100-year) elevation.

**Finding:** The existing building is currently served by city water.

**(21.17)** The finished elevation of proposed streets shall be such as to allow safe access for ordinary and emergency vehicles in time of flood. Drainage opening shall be sufficient to discharge flood flows without unduly increasing flood heights.

**Finding:** Not applicable to the project.

## **VI. CONDITIONS OF APPROVAL**

The following conditions shall apply to the project:

1. The applicant shall obtain and comply with all applicable federal, state and local permits and requirements.
2. The applicant shall adhere to regulations covering construction practices for substantial development.



3. Applicant shall employ erosion and control methods during construction to prevent exposed soil from eroding from the construction site into adjoining properties and aquatic resources (as necessary).
4. Substantial changes to the plans as submitted will require additional permit review and approval.
5. If any archaeological resources are discovered during the construction phase, all construction activities shall cease and the Shoreline Administrator for the City of Ilwaco shall be notified.
6. No construction materials shall be abandoned on site once construction is completed.
7. Project structural designs shall be in compliance with all applicable state and federal engineering standards or as otherwise allowed by the City Building Inspector.
8. Proposed project shall be subject to time requirements for shoreline permits per WAC 173-27-090.

## **VII. CONCLUSION**

1. The project is in compliance with the Policies and Regulations of the City of Ilwaco's Shoreline Master Program and Substantial Development Permit requirements.

### **Finding of Facts:**

1. The applicant is Mike Domeyer, P.O. Box 55787 Portland, OR 97238.
2. The property owner is the Port of Ilwaco, 165 Howerton Avenue, Ilwaco, WA 98624, which has leased the property to the applicant (Parcel # 730310015000 – Part of lot 3, all of lot 4, and part of lot 5).
3. The project is located at 215 Howerton Avenue, Ilwaco, WA 98624.
4. The project is located in Sections 34, Township 10 North, Range 11 West, W.M.
5. The applicant proposes to construct a 28' x 24' garage, 20' x 10' walk in freezer/cooler, second story residential space (24' x 24'), 4' x 24' 2<sup>nd</sup> story deck, and install a commercial fish cleaning/processing station within the garage.
6. The projects application was determined "Complete" on December 2, 2014.
7. The City of Ilwaco Shoreline Master Program (SMP) designates the shoreline as Urban Environment (Shoreline of Statewide Significance).
8. The project is consistent with the Policies and Regulations for Commercial Development (Section 8) of the City of Ilwaco SMP.
9. The project is consistent with the Policies and Regulations for Outdoor Advertising, Signs and Billboards (Section 9) of the City of Ilwaco SMP.
10. The project is consistent with the Policies and Regulations for Residential Development (Section 12) of the City of Ilwaco SMP.

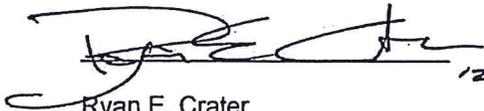


11. The project is consistent with the Policies and Regulations for Archaeology and History (Section 19) of the City of Ilwaco SMP.
12. The project is consistent with the Policies and Regulations for Flood Plains (Section 21) of the City of Ilwaco SMP.
13. The project requires a Substantial Development Permit as the project exceeds the \$6,416.00 threshold (RCW 90.58.030(3) (e) and not all parts are exempt under WAC 173-27-040.
14. The project is consistent with the goals and polices contained within the City of Ilwaco SMP and the Shoreline Management Act for Shorelines of Statewide Significance (RCW 90.58.020).
15. The City of Ilwaco issued a Notice of Application for Shoreline Management to be published in the local paper (Chinook Observer) on December 10 &17, 2014.

#### VIII. SUGGESTED PERMIT REVIEW ACTION

City Planner recommends **APPROVAL** of the Substantial Development Permit request subject to the suggested conditions of approval above.

Questions regarding this staff report can be addressed to Ryan E. Crater, City Planner, (503) 325-0435 ext. 213, or by email at [rcrater@columbiaestuary.org](mailto:rcrater@columbiaestuary.org)

  
12/22/14  
Ryan E. Crater  
City Planner  
Ilwaco

#### IX. PLANNING COMMISSION REVIEW ACTION for CITY OF ILWACO COUNCIL

The Ilwaco City Planning Commission recommends City Council move to APPROVE / DENY the Substantial Development Permit request by the applicant (Mike Domeyer).

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Planning Commission  
City of Ilwaco



## **ATTACHMENTS**

**Attachment 1: Master Permit Application Form**

**Attachment 2: JARPA Application Form (Shoreline Permit)**

**Attachment 3: Determination of Completeness Letter to the Applicant**

**Attachment 4: Notice of Application / Public Hearing**

**Attachment 5: Site Plans**

**Attachment 6: Site location (Map)**



**Attachment 1**  
**Master Permit Application Form**





FOR CITY USE ONLY	
Date Received	9-23-14
Fee Paid	\$1,250
Type of Fee	SEPA / PLAN
<del>Receipt #</del>	CHECK #1067
Received By	EM

### MASTER PLANNING PERMIT APPLICATION FORM

Application form must be accompanied by a submittal checklist for specific type of application and all application fees.

GENERAL INFORMATION	
Type of Application	inclose an existing carport for storage
Name of Project	

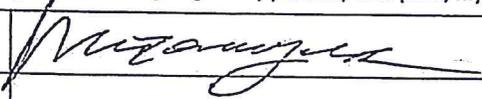
APPLICANT			
Name/Company	Mike Domeyer		
Address	P.O. Box 55787	City/State/Zip	Portland OR 97238
Telephone	503-799-1341 ←	Cell Phone	
Fax		Email	
If owner is different from applicant, what is the legal relationship of the applicant to the owner that entitles the applicant to make applications?			
Applicant's Signature	<i>[Signature]</i>	Date	9-22-2014

REPRESENTATIVE (if different from Applicant)			
Name/Company	Dave Shortzert		
Address	P.O. Box 86	City/State/Zip	Redmond OR 97756
Telephone		Cell Phone	541-948-0545
Fax		Email	ASioregon@msu.com

CONTACT PERSON/ENTITY (designate a single person/entity to receive determinations and notices from the city.)			
Name	X		
Address		City/State/Zip	
Telephone		Cell Phone	
Fax		Email	

OWNER(S) (if different from Applicant)			
Name			
Address			
City/State/Zip			
Telephone		Fax	
Email			
We, the undersigned, grant the applicant permission to use our property in the manner described in this application.			
Owner's Signature		Date	
Owner's Signature		Date	
Owner's Signature		Date	

PROPERTY INFORMATION	
Property Address/Location	215 Howerton SE ILWACO WA
Assessor Parcel Nos.	
Current Zoning	
Current Land Use	COM/RES
Proposed Land Use	

LEGAL/FINANCIAL RESPONSIBILITY			
We, the undersigned, attest under penalty of perjury that the information in this application is true and accurate. We also acknowledge that it is our responsibility to understand and comply with all applicable federal, state and local regulations. Further, we agree that we shall be financially responsible for any and all engineering and planning services or other professional consulting/legal services deemed necessary by the city for the complete permit and plan review. These additional fees, if any, shall be paid in full prior to final signing of any permits, final plats, mylars, etc. (IMC 15-08-065).			
Signature		Date	9-22-2014
Signature		Date	
Signature		Date	

**Attachment 2**  
**JARPA Application Form (Shoreline Permit)**





2010

WASHINGTON STATE

Joint Aquatic Resources Permit Application (JARPA) Form<sup>1</sup>

USE BLACK OR BLUE INK TO ENTER ANSWERS IN WHITE SPACES BELOW.



US Army Corps of Engineers - Seattle District

AGENCY USE ONLY

Date received:

Agency reference #:

Tax Parcel #(s):

Part 1-Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [help]<sup>2</sup>

Part 2-Applicant

The person or organization responsible for the project. [help]

2a. Name (Last, First, Middle) and Organization (if applicable)

Domeyer Mike

2b. Mailing Address (Street or PO Box)

P.O. 55787

2c. City, State, Zip

Portland OR 97238

2d. Phone (1)

2e. Phone (2)

2f. Fax

2g. E-mail

(541) 948-0545

(503) 799-1341

( )

Part 3-Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b. of this application.) [help]

3a. Name (Last, First, Middle) and Organization (if applicable)

David Shurtleff

3b. Mailing Address (Street or PO Box)

P.O. Box 86 Redmond OR 97756

<sup>1</sup>Additional forms may be required for the following permits:

- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- If your project might affect species listed under the Endangered Species Act, you will need to fill out a Specific Project Information Form (SPIF) or prepare a Biological Evaluation. Forms can be found at [http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=mainpage\\_ESA](http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=mainpage_ESA)
- If you are applying for an Aquatic Resources Use Authorization you will need to fill out and submit an Application for Authorization to Use State-Owned Aquatic Lands form to DNR, which can be found at [http://www.dnr.wa.gov/Publications/aqr\\_use\\_auth\\_app.doc](http://www.dnr.wa.gov/Publications/aqr_use_auth_app.doc)
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you think you will need a Shoreline permit, contact the appropriate city or county government to make sure they will accept the JARPA.

<sup>2</sup>To access an online JARPA form with [help] screens, go to

[http://www.epermilling.wa.gov/site/allas\\_resourcecenter/jarpa\\_jarpa\\_form/9984/jarpa\\_form.aspx](http://www.epermilling.wa.gov/site/allas_resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx).

For other help, contact the Governor's Office of Regulatory Assistance at 1-800-917-0043 or [help@ora.wa.gov](mailto:help@ora.wa.gov).

3c. City, State, Zip			
3d. Phone (1)	3e. Phone (2)	3f. Fax	3g. E-mail
541 948-0545	( )	( )	

### Part 4--Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. [\[help\]](#)

- Same as applicant. (Skip to Part 5.)
- Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)
- There are multiple property owners. Complete the section below and fill out JARPA Attachment A for each additional property owner.

4a. Name (Last, First, Middle) and Organization (if applicable)			
4b. Mailing Address (Street or PO Box)			
4c. City, State, Zip			
4d. Phone (1)	4e. Phone (2)	4f. Fax	4g. E-mail
( )	( )	( )	

### Part 5--Project Location(s)

Identifying information about the property or properties where the project will occur. [\[help\]](#)

- There are multiple project locations (e.g., linear projects). Complete the section below and use JARPA Attachment B for each additional project location.

5a. Indicate the type of ownership of the property. (Check all that apply.) <a href="#">[help]</a>			
<input type="checkbox"/> State Owned Aquatic Land (If yes or maybe, contact the Department of Natural Resources (DNR) at (360) 902-1100)			
<input type="checkbox"/> Federal			
<input checked="" type="checkbox"/> Other publicly owned (state, county, city, special districts like schools, ports, etc.)			
<input type="checkbox"/> Tribal			
<input type="checkbox"/> Private			
5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) <a href="#">[help]</a>			
215 Howerton			
5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) <a href="#">[help]</a>			
ILWACO WA 98624			
5d. County <a href="#">[help]</a>			
Pacific			

5e. Provide the section, township, and range for the project location. [help]

¼ Section	Section	Township	Range
	34	10N	11W

5f. Provide the latitude and longitude of the project location. [help]

- Example: 47.03922 N lat. / -122.89142 W long. (NAD 83)

46.306568° N lat. / -124.036993° long.

5g. List the tax parcel number(s) for the project location. [help]

- The local county assessor's office can provide this information.

730310015000, part of lot 3, all of Lot 4, and part of Lot 5

5h. Contact information for all adjoining property owners. (If you need more space, use JARPA Attachment C.) [help]

Name	Mailing Address	Tax Parcel # (if known)

5i. List all wetlands on or adjacent to the project location. [help]

None

5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]

Columbia River / Baker Bay.

5k. Is any part of the project area within a 100-year flood plain? [help]

- Yes  No  Don't know

5l. Briefly describe the vegetation and habitat conditions on the property. [help]

None

5m. Describe how the property is currently used. [help]

Tuna Club + Tackle store DOWNSTAIRS  
SLEEPING ROOMS UPSTAIRS

5n. Describe how the adjacent properties are currently used. [help]

FISH PROCESSING + ~~CAMPING~~ VACUUM SEAL  
VACANT LOT  
VACANT Bldg

5o. Describe the structures (above and below ground) on the property, including their purpose(s). [help]

CONCRETE FOUNDATION / wd FRAME.  
House + TUNA CLUB + Tackle store +  
STORAGE. 2nd FLOOR bedrooms

5p. Provide driving directions from the closest highway to the project location, and attach a map. [help]

ADD SIGBAGE

Part 6-Project Description

Company NAME Tre-Fin Foods

6a. Summarize the overall project. You can provide more detail in 6d. [help]

INCLOSE EXISTING CARPORT FOR GARAGE/STORAGE AND FUTURE FISH CLEANING + STORAGE. ADD MORE BEDROOMS + BATHROOM ABOVE GARAGE. INSTALL 25X12 COOLER + FREEZER FOR STORAGE

6b. Indicate the project category. (Check all that apply) [help]

- Commercial +  Residential
- Institutional
- Transportation
- Recreational
- Maintenance
- Environmental Enhancement

6c. Indicate the major elements of your project. (Check all that apply) [help]

- |                                               |                                               |                                                  |                                                        |
|-----------------------------------------------|-----------------------------------------------|--------------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> Aquaculture          | <input type="checkbox"/> Culvert              | <input type="checkbox"/> Float                   | <input type="checkbox"/> Road                          |
| <input type="checkbox"/> Bank Stabilization   | <input type="checkbox"/> Dam / Weir           | <input type="checkbox"/> Geotechnical Survey     | <input type="checkbox"/> Scientific Measurement Device |
| <input type="checkbox"/> Boat House           | <input type="checkbox"/> Dike / Levee / Jetty | <input type="checkbox"/> Land Clearing           | <input type="checkbox"/> Stairs                        |
| <input type="checkbox"/> Boat Launch          | <input type="checkbox"/> Ditch                | <input type="checkbox"/> Marina / Moorage        | <input type="checkbox"/> Stormwater facility           |
| <input type="checkbox"/> Boat Lift            | <input type="checkbox"/> Dock / Pier          | <input type="checkbox"/> Mining                  | <input type="checkbox"/> Swimming Pool                 |
| <input type="checkbox"/> Bridge               | <input type="checkbox"/> Dredging             | <input type="checkbox"/> Outfall Structure       | <input type="checkbox"/> Utility Line                  |
| <input type="checkbox"/> Bulkhead             | <input type="checkbox"/> Fence                | <input type="checkbox"/> Piling                  |                                                        |
| <input type="checkbox"/> Buoy                 | <input type="checkbox"/> Ferry Terminal       | <input type="checkbox"/> Retaining Wall (upland) |                                                        |
| <input type="checkbox"/> Channel Modification | <input type="checkbox"/> Fishway              |                                                  |                                                        |

Other:

6d. Describe how you plan to construct each project element checked in 6c. Include specific construction methods and equipment to be used. [help]

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year flood plain.

6e. What are the start and end dates for project construction? (month/year) [help]

- If the project will be constructed in phases or stages, use JARPA Attachment D to list the start and end dates of each phase or stage.

Start date: 9/25/14 End date: 6/1/15  See JARPA Attachment D

6f. Describe the purpose of the project and why you want or need to perform it. [\[help\]](#)

Add to The building the ability to  
Service TUNA Club members +  
Public.

6g. Fair market value of the project, including materials, labor, machine rentals, etc. [\[help\]](#)

\$20,000

6h. Will any portion of the project receive federal funding? [\[help\]](#)

- If yes, list each agency providing funds.

Yes  No  Don't know

### Part 7—Wetlands: Impacts and Mitigation

Check here if there are wetlands or wetland buffers on or adjacent to the project area.  
(If there are none, skip to Part 8.) [\[help\]](#)

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [\[help\]](#)

Not applicable

7b. Will the project impact wetlands? [\[help\]](#)

Yes  No  Don't know

7c. Will the project impact wetland buffers? [\[help\]](#)

Yes  No  Don't know

7d. Has a wetland delineation report been prepared? [\[help\]](#)

- If yes, submit the report, including data sheets, with the JARPA package.

Yes  No

7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [\[help\]](#)

- If yes, submit the wetland rating forms and figures with the JARPA package.

Yes  No  Don't know

**7f.** Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [\[help\]](#)

- If yes, submit the plan with the JARPA package and answer 7g.
- If No, or Not applicable, explain below why a mitigation plan should not be required.

Yes    No    Not applicable

**7g.** Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [\[help\]](#)

**7h.** Use the table below to list the type and rating of each wetland impacted; the extent and duration of the impact; and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [\[help\]](#)

Activity (fill, drain, excavate, flood, etc.)	Wetland Name <sup>1</sup>	Wetland type and rating category <sup>2</sup>	Impact area (sq. ft. or Acres)	Duration of impact <sup>3</sup>	Proposed mitigation type <sup>4</sup>	Wetland mitigation area (sq. ft. or acres)

<sup>1</sup> If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.

<sup>2</sup> Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.

<sup>3</sup> Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.

<sup>4</sup> Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: \_\_\_\_\_

**7i.** For all filling activities identified in 7h., describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [\[help\]](#)

7j. For all excavating activities identified in 7h., describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [\[help\]](#)

--

### Part 8—Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, "waterbodies" refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [\[help\]](#)

Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [\[help\]](#)

Not applicable

8b. Will your project impact a waterbody or the area around a waterbody? [\[help\]](#)

Yes  No

8c. Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [\[help\]](#)

- If yes, submit the plan with the JARPA package and answer 8d.
- If No, or Not applicable, explain below why a mitigation plan should not be required.

Yes  No  Not applicable

--

**8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.**

- If you already completed 7g., you do not need to restate your answer here. [\[help\]](#)

**8e. Summarize impact(s) to each waterbody in the table below.** [\[help\]](#)

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name <sup>1</sup>	Impact location <sup>2</sup>	Duration of impact <sup>3</sup>	Amount of material to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected

<sup>1</sup> If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.

<sup>2</sup> Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.

<sup>3</sup> Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

**8f. For all activities identified in 8e., describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody.** [\[help\]](#)

**8g. For all excavating or dredging activities identified in 8e., describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed.** [\[help\]](#)

### Part 9-Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete this section as you can. It is ok if you cannot answer a question.

**9a. If you have already worked with any government agencies on this project, list them here:**

Agency Name	Contact Name	Phone	Date of Contact
		( )	
		( )	
		( )	

**9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 on the Washington Department of Ecology's 303(d) List? [help]**

- If yes, list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: <http://www.ecy.wa.gov/programs/wq/303d/>.

Yes  No

**9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [help]**

- Go to <http://efpub.epa.gov/surf/locate/index.cfm> to help identify the HUC.

**9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help]**

- Go to <http://www.ecy.wa.gov/services/gis/maps/wria/wria.htm> to find the WRIA #.

**9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help]**

- Go to <http://www.ecy.wa.gov/programs/wa/swqs/criteria.html> for the standards.

Yes  No  Not applicable

**9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help]**

- If you don't know, contact the local planning department.
- For more information, go to: [http://www.ecy.wa.gov/programs/sea/sma/laws\\_rules/173-26/211\\_designations.html](http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-26/211_designations.html).

Rural  Urban  Natural  Aquatic  Conservancy  Other \_\_\_\_\_

**9g. What is the Washington Department of Natural Resources Water Type? [help]**

- Go to [http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/tp\\_watertyping.aspx](http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/tp_watertyping.aspx) for the Forest Practices Water Typing System.

Shoreline  Fish  Non-Fish Perennial  Non-Fish Seasonal

?

?

9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [\[help\]](#)

- If no, provide the name of the manual your project is designed to meet.

Yes  No

Name of manual:

9i. If you know what the property was used for in the past, describe below. [\[help\]](#)

RESTAURANT + NIGHTLY RENTALS

9j. Has a cultural resource (archaeological) survey been performed on the project area? [\[help\]](#)

- If yes, attach it to your JARPA package.

Yes  No

9k. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [\[help\]](#)

9l. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [\[help\]](#)

**Part 11—Authorizing Signatures**

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [\[help\]](#)

**11a. Applicant Signature (required) [\[help\]](#)**

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. MD (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. MD (initial)

Michael J. Donohue Applicant Printed Name      [Signature] Applicant Signature      9-22-2014 Date

**11b. Authorized Agent Signature [\[help\]](#)**

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

David Shurtleff Authorized Agent Printed Name      [Signature] Authorized Agent Signature      9/22/14 Date

**11c. Property Owner Signature (if not applicant). [\[help\]](#)**

Not required if project is on existing rights-of-way or easements.

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

\_\_\_\_\_  
Property Owner Printed Name      Property Owner Signature      Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact The Governor's Office of Regulatory Assistance (ORA). People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341.  
ORA publication number: ENV-019-09

## Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at <http://apps.ecy.wa.gov/opas/>.
- Governor's Office of Regulatory Assistance at (800) 917-0043 or [help@ora.wa.gov](mailto:help@ora.wa.gov).
- For a list of agency addresses to send your application, click on the "where to send your completed JARPA" at <http://www.epermitting.wa.gov>.

<p><b>10a. Compliance with the State Environmental Policy Act (SEPA).</b> (Check all that apply.) <a href="#">[help]</a></p> <ul style="list-style-type: none"> <li>• For more information about SEPA, go to <a href="http://www.ecy.wa.gov/programs/sea/sepa/e-review.html">www.ecy.wa.gov/programs/sea/sepa/e-review.html</a>.</li> </ul> <p><input type="checkbox"/> A copy of the SEPA determination or letter of exemption is included with this application.</p> <p><input type="checkbox"/> A SEPA determination is pending with _____ (lead agency). The expected decision date is _____.</p> <p><input type="checkbox"/> I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) <a href="#">[help]</a></p> <p><input type="checkbox"/> This project is exempt (choose type of exemption below).</p> <p style="padding-left: 20px;"><input type="checkbox"/> Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt? _____</p> <p style="padding-left: 20px;"><input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> SEPA is pre-empted by federal law.</p>
<p><b>10b. Indicate the permits you are applying for.</b> (Check all that apply.) <a href="#">[help]</a></p> <p style="text-align: center;"><b>LOCAL GOVERNMENT</b></p> <p><b>Local Government Shoreline permits:</b></p> <p><input type="checkbox"/> Substantial Development    <input type="checkbox"/> Conditional Use    <input type="checkbox"/> Variance</p> <p><input type="checkbox"/> Shoreline Exemption Type (explain): _____</p> <p><b>Other city/county permits:</b></p> <p><input type="checkbox"/> Floodplain Development Permit    <input type="checkbox"/> Critical Areas Ordinance</p> <p style="text-align: center;"><b>STATE GOVERNMENT</b></p> <p><b>Washington Department of Fish and Wildlife:</b></p> <p><input type="checkbox"/> Hydraulic Project Approval (HPA)    <input type="checkbox"/> Fish Habitat Enhancement Exemption</p> <p><b>Washington Department of Ecology:</b></p> <p><input type="checkbox"/> Section 401 Water Quality Certification</p> <p><b>Washington Department of Natural Resources:</b></p> <p><input type="checkbox"/> Aquatic Resources Use Authorization</p> <p style="text-align: center;"><b>FEDERAL GOVERNMENT</b></p> <p><b>United States Department of the Army permits (U.S. Army Corps of Engineers):</b></p> <p><input type="checkbox"/> Section 404 (discharges into waters of the U.S.)    <input type="checkbox"/> Section 10 (work in navigable waters)</p> <p><b>United States Coast Guard permits:</b></p> <p><input type="checkbox"/> General Bridge Act Permit    <input type="checkbox"/> Private Aids to Navigation (for non-bridge projects)</p>

**Attachment 3**  
**Determination of Completeness Letter to the Applicant**





120 First Avenue North  
PO Box 548 • Ilwaco, WA 98624  
Phone: 360.642.3145  
Fax: 360.642.3155  
info@ilwaco-wa.gov  
www.ilwaco-wa.gov

December 2, 2014

Mike Domeyer  
P.O. Box 55787  
Portland, OR 97238

&

Dave Shurtleff  
P.O. Box 86  
Redmond, OR 97756

Re: Determination of Completeness

Dear Applicants,

I have reviewed your permit application and have determined that it is complete. I will be moving forward with preparation of the Staff Report for the Planning Commission to review, which they will provide a recommendation to City Council. Recommendations of the Planning Commission are advisory only and a final decision on your application will be made by the City Council.

Below are the scheduled dates for both the upcoming Public Meeting and Public Hearing:

**Planning Commission Meeting: January 6, 2015**

**Public Hearing (City Council): January 26, 2015**

If you have any questions, please contact me.

 12/2/14

Ryan E. Crater  
Planner – City of Ilwaco  
503-325-0435 Ext. 213

**Attachment 4**  
**Notice of Application / Public Hearing**



# CITY OF ILWACO

## Notice of Application / Public Hearing Shoreline Substantial Development Permit Application – SDP2014-0001

Notice is hereby given that Mike Domeyer applied for a Shoreline Substantial Development Permit on September 23, 2014. The application was determined complete on December 2, 2014.

Any person desiring to express his or her views or wish to be notified of the action taken on this application should notify the City Planner in writing of his or her interest within 30 days of the final date of publication of this notice which is 12/17/2014.

### Written comments can be submitted to:

Planning  
Attn: Ryan E. Crater, City Planner  
PO Box 548  
Ilwaco, WA 98624  
Phone (503) 325-0435 x 213

- Project Description:** The applicant is requesting a "Shoreline Substantial Development Permit" to authorize the construction of a commercial garage. The commercial garage will be used as a fish processing area and storage. The project also includes the installation of a walk-in freezer that will be attached to the commercial garage and the construction of residential space above the commercial garage.
- Applicant:** Mike Domeyer
- Project Location:** 215 Howerton Way, Ilwaco, WA 98624
- Tax Parcel Number:** 73031015000
- Date of Public Notice:** December 10, 2014 and December 17, 2014
- Public Comment Period:** Written comments must be submitted to the City Planner by 4:00 pm on January 26, 2015 (Title 15.08.090 (D)).
- Applications Received:** Master Planning Permit Application w/Site Plan, JARPA Form (Shoreline Permit); received on 9/23/2014.
- Current Zoning:** C-2 Low Density Commercial District
- Environmental Designations:** The site is located within 200-feet of the Ordinary High Water Mark (OHWM) of the Columbia River (Estuary – Bakers Bay), a shoreline of statewide significance. The City of Ilwaco Shoreline Master Program designates this area as "Urban".
- Permit(s) Required:** Shoreline Substantial Development Permit, Floodplain Permit, and Zoning Permit.
- Process:** A Notice of Application will be mailed to all property owners of record, as shown in the most recent Pacific County Assessor's record, and occupants of the addresses of property located within a 300 foot radius of any portion of the boundary of the subject property. The Notice of Application will initiate a 30 day public comment period which an interested person may submit written comments to the address of the City Planner. Once the public comment period has ended, the City Planner will present the application and Staff Report to City Council. The Ilwaco City Council will hold a Public Hearing on this application and make a final determination following the closing of the record.

**Public Meeting:**

**Planning Commission**

**Date of Meeting: January 6, 2015**

**Time of Meeting: 6:00 pm**

**Location of Meeting: Ilwaco Community Building, 158 First Ave N**

**Public Hearing:**

**City Council**

**Date of Hearing: January 26, 2015**

**Time of Hearing: 6:00 pm or soon thereafter.**

**Location of Meeting: Ilwaco Community Building, 158 First Ave N**

**Responsible Official:**

Ryan E. Crater

City Planner

(503) 325-0435 Ext. 213

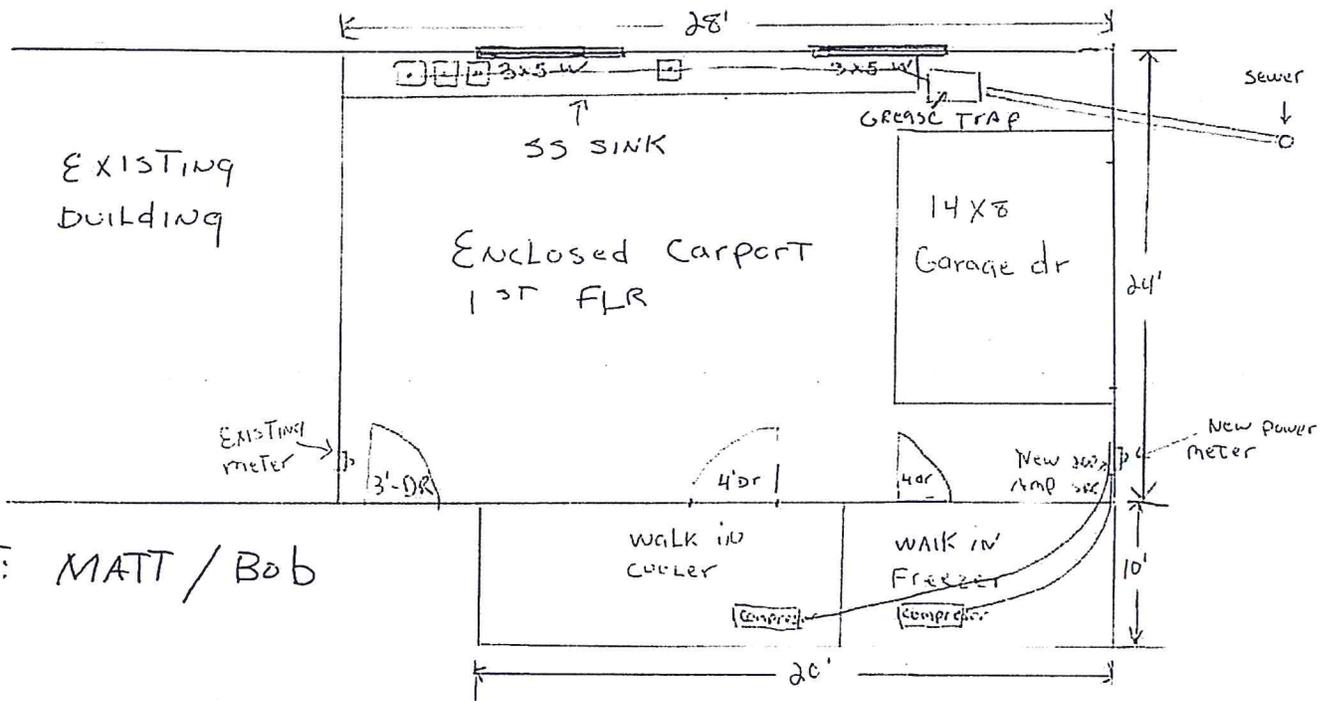
[rcrater@columbiaestuary.org](mailto:rcrater@columbiaestuary.org)

Comments under this notice will be accepted by the City Planner up to the date and time listed above. Any person interested in providing comments on this application may also submit oral or written comments during the Planning Commission meeting and Public Hearing to be held at the dates, times, and location listed above. The comment period covered under this notice will be considered **CLOSED** following the adjournment of the Public Hearing held by City Council. Copies of the staff report will be made available during both the Public Meeting (Planning Commission) and Public Hearing (City Council). Copies of the application materials and other associated documents can be obtained by contacting the City Planner. Any interpretation or decision on this application by the City Planner may be appealed to City Council. An appeal must be filed with the City Council within fourteen (14) days after the date of issuance of any decision or interpretation. A final decision on this application will be made by the City Council following the Public Hearing. The decision of City Council is considered final, which is subject to judicial appeals governed by Chapter 36.70C RCW.

**Attachment 5**  
**Site Plans**

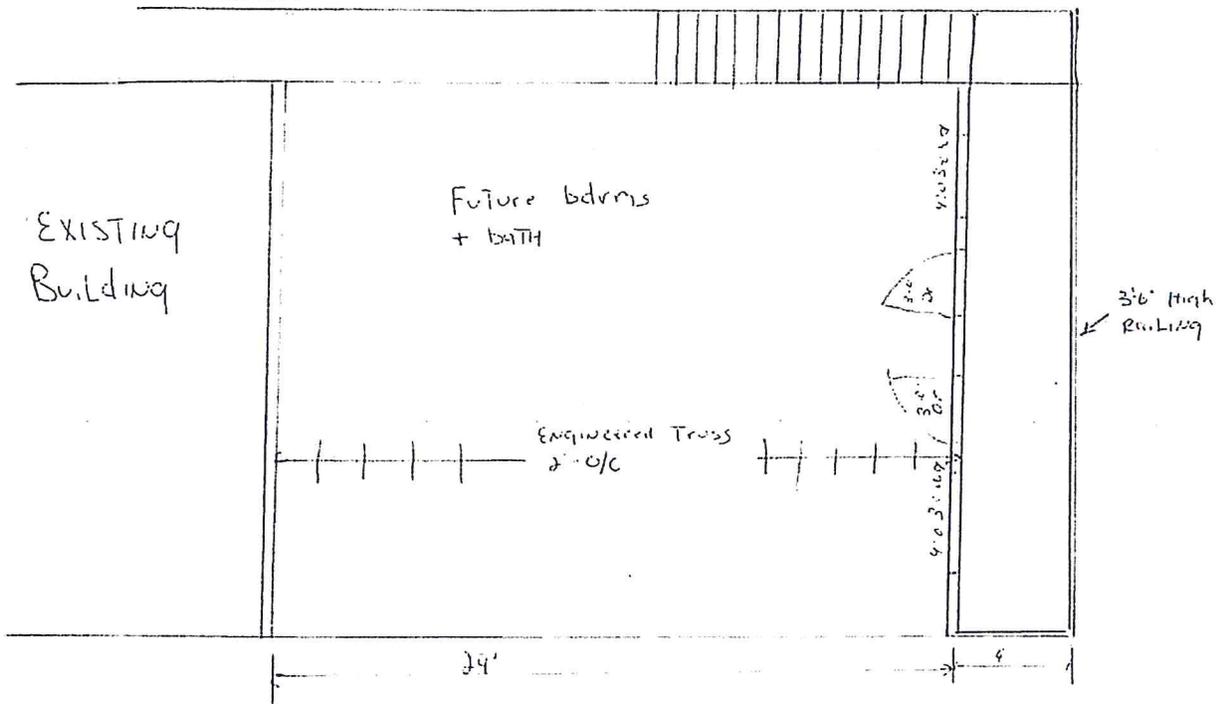


Amended building permit for 215 Howerton way Ilwaco

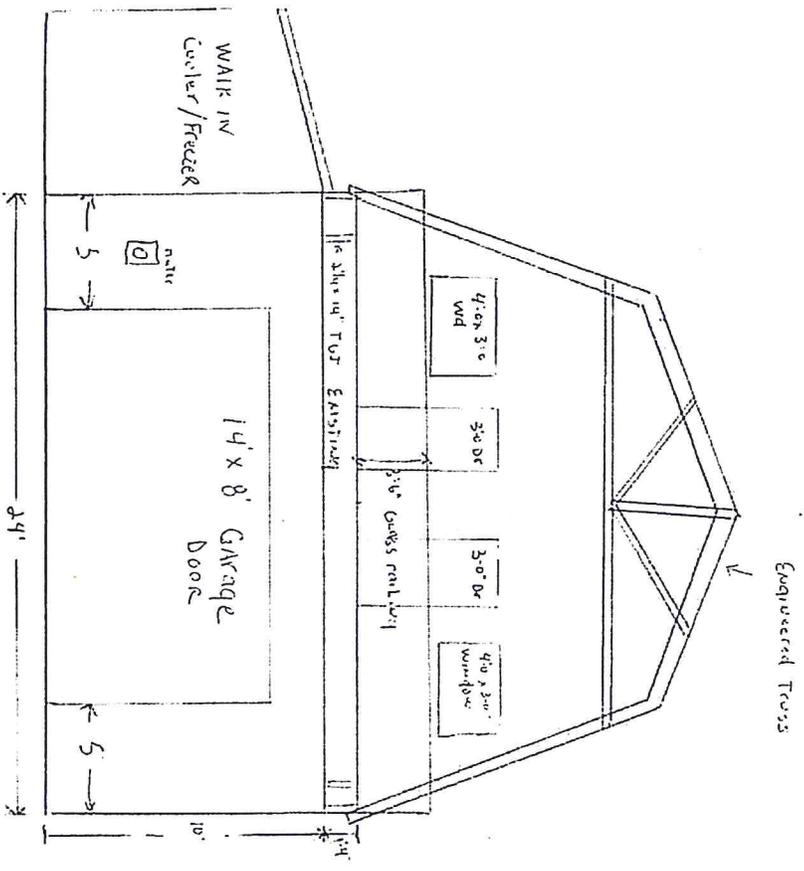


ATT: MATT / Bob

2nd Floor Plan 215 Haverlow way Illinois



FRONT ELEVATION 215 HAWERTON WAY



**Attachment 6**  
**Site location (Map)**



**215 Howerton Avenue**





**CITY OF ILWACO  
PLANNING COMMISSION MEETING  
January 6, 2015**

**A. Call to Order** Chair Malin called the meeting to order at 6:00 p.m.

**B. Roll Call**

1. Present: Nansen Malin and Cheri Diehl. Absent Sherri Buckel. (No Quorum)  
Seat 4 vacant. Seat 5 vacant.
2. Staff: Ryan Crater, City Planner & Holly Beller, Deputy City Clerk

**C. Approval of Minutes**

**ACTION: Motion to approve the Regular Meeting minutes of November 18, 2014. (Diehl/Malin) 0 Ayes 0 Nays 0 Abstain.**

1. Motion to approve will be added to the next agenda due to the lack of quorum.

**D. Comments by Citizens and Guests Present:**

None

**E. Staff Reports:**

None

**F. Commissioner Reports:**

Chair Malin reported that she has been contacted by the Envision Ilwaco group. She would like to know when the meetings are held. Nansen has also had contact with a few potential candidates to the commission.

**G. Old Business**

**1. New Potential Language in IMC for Vacation Rentals**

Chair Malin has research from all the communities in Pacific County relating to their own Vacation Rental code which she will gather and share with the commission. Chair Malin requested the procedures for creating the new code, specifically if there would be public comment periods and notices published. Planner Crater stated that it would be a topic of discussion through the PC until moved to business where there would be a motion and possible workshop with City Council regarding the motion, which would trigger the public comment periods and notices, etc.

**H. New Business**

**1. Substantial Development Permit, Ilwaco Tuna Club & Tackle Store**

Planner Crater stated this permit is for a private club at the Port of Ilwaco. The intended use is for processing fish, social gatherings, and overnight accommodations on the second floor of the building. The commission discussed the location of the building at the port and the floorplan. Chair Malin questioned why the applicant had proceeded with the construction prior to issuance of the permit. Commissioner Diehl asked if there was a fine to the applicant. Ryan Crater explained that the City of Long Beach issued a building

permit, but the applicant had not obtained the proper shoreline permit through the City of Ilwaco. Ryan stated that the applicant was given a stop order but it may have been ignored. Nansen stated that she would like to see the City of Long Beach notify the planner and clerk regarding new building permits. Due to the lack of quorum, both commissioners present recommended to the city council an approval of the application but no motion was made. Chair Malin will prepare a written recommendation to the council.

**I. Adjournment**

**ACTION: Motion to adjourn the meeting (Malin/Diehl).** Chair Malin adjourned the meeting at 6:23 p.m.

---

Nansen Malin, Chair

---

Recorder

## City Clerk

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**From:** Nansen Malin <nansenmalin@gmail.com>  
**Sent:** Wednesday, January 07, 2015 12:05 PM  
**To:** <clerk@ilwaco-wa.gov>  
**Subject:** planning commission report for city council

Planning Commission notes from January 6, 2015 meeting

We did not have a quorum. Nansen Malin and Cheri Diehl were present, along with Holly Beller, city clerk and Ryan Crater, planner.

1. The Substantial Development Permit of Ilwaco Tuna Club & Tackle Store was approved for a yes recommendation to the City Council.
2. The Planning Commission would like to see a better system of communication regarding Ilwaco building permits and notifications between the Long Beach Planning and Ilwaco. This would benefit not only the citizens of Ilwaco, but also future residents/businesses.
3. The Planning Commission is beginning the process of writing language for vacation rentals into the Municipal Code. We discussed the process to include: research, public input/hearings, a workshop with Council and a recommendation to Council.
4. Planning Commission Chair Malin is following up on inquiries regarding filing the vacant Planning Commission seats and will report back to Mayor Cassinelli.

Signed,  
Nansen Malin