

**FIRCREST CITY COUNCIL
REGULAR MEETING AGENDA**

**TUESDAY, SEPTEMBER 27, 2016
7:00 P.M.**

**COUNCIL CHAMBERS
FIRCREST CITY HALL, 115 RAMSDELL STREET**

1. **CALL TO ORDER BY PRESIDING OFFICER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **PRESIDING OFFICER'S REPORT**
 - A. [Proclamation – Dysautonomia Awareness Month](#)
5. **CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA**

(Please sign the **Public Attendance Roster/Public Hearing Sign-Up Sheet** if you wish to speak during the meeting.)
6. **COMMITTEE, COMMISSION & LIAISON REPORTS**
 - A. Water, Sewer, Storm
 - B. Street, Facilities & Equipment
 - C. Public Safety, Court
 - D. Pierce County Regional Council
7. **CONSENT CALENDAR**
 - A. Approval of vouchers/payroll checks
 - B. Approval of minutes: [September 13, 2016 Regular meeting](#)
[September 19, 2016 Special meeting](#)
8. **PUBLIC HEARING 7:15 P.M.**
 - A. [To receive comments on amendments to Fircrest Municipal Code Title 22 regarding marijuana regulations](#)
 - B. [To receive comments on amendments to the Capital Facilities Element of the Comprehensive Plan](#)
9. **UNFINISHED BUSINESS**
10. **NEW BUSINESS**
 - A. [Resolution supporting the naming of the Remembrance Corridor, the placement of an historical marker and the ongoing efforts to preserve the surviving trees – Councilmember George](#)
 - B. [Resolution authorizing the City Manager to execute an agreement with SiteLines Park and Playground Products, Inc. for playground equipment for the Tot Lot – Parks and Recreation Director Grover](#)
11. **CITY MANAGER COMMENTS**
12. **DEPARTMENT HEAD COMMENTS**
13. **COUNCILMEMBER COMMENTS**
14. **EXECUTIVE SESSION**
 - A. Labor negotiations (Not subject to Open Meetings Act)
15. **ADJOURNMENT**

COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON AGENDA

FIRCREST CITY COUNCIL AGENDA SUMMARY

COUNCIL MEETING DATE: September 27, 2016

SUBJECT: Dysautonomia Awareness Month Proclamation

FROM: Rick Rosenblatt, City Manager

Reviewed by: _____ City Manager _____ Finance Director _____ City Attorney

RECOMMENDED MOTION: I move to authorize the Mayor's signature on a proclamation proclaiming October to be Dysautonomia Awareness Month in the City of Firecrest.

PROPOSAL: Council is being asked to approve the Dysautonomia Awareness Month Proclamation.

FISCAL IMPACT: None.

ADVANTAGES: Increased awareness about dysautonomia will help patients get diagnosed and treated earlier, save lives, and foster support for individuals and families coping with dysautonomia in our community

DISADVANTAGES: None.

ALTERNATIVES: Not to participate.

HISTORY: Dysautonomia International is seeking assistance in raising awareness of an important public health matter. October is "Dysautonomia Awareness Month" around the world.

Enclosure: Proclamation

City of Fircrest
Office of the Mayor
PROCLAMATION

WHEREAS, dysautonomia is a group of medical conditions that result in a malfunction of the autonomic nervous system, which is responsible for “automatic” bodily functions such as respiration, heart rate, blood pressure, digestion, temperature control and more; and

WHEREAS, some forms of dysautonomia are considered rare diseases, such as Multiple System Atrophy and Pure Autonomic Failure, while other forms of dysautonomia are common, impacting millions of people in the US and around the world, such as Diabetic Autonomic Neuropathy, Neurocardiogenic Syncope and Postural Orthostatic Tachycardia Syndrome; and

WHEREAS, dysautonomia impacts people of any age, gender, race or background, including individuals living in the City of Fircrest, and some forms of dysautonomia can be very disabling and this disability can result in social isolation, stress on the families of those impacted, and financial hardship; and

WHEREAS, some forms of dysautonomia can result in death, causing tremendous pain and suffering for those impacted and their loved ones; and

WHEREAS, increased awareness about dysautonomia will help patients get diagnosed and treated earlier, save lives, and foster support for individuals and families coping with dysautonomia in our community; and

WHEREAS, Dysautonomia International, a 501(c)(3) non-profit organization that advocates on behalf of patients living with dysautonomia, encourages communities to celebrate Dysautonomia Awareness Month each October around the world; and

WHEREAS, we seek to recognize the contributions of the professional medical community, patients and family members who are working to educate our citizenry about dysautonomia in the City of Fircrest.

NOW, THEREFORE, WE, MAYOR AND COUNCILMEMBERS, of the City of Fircrest, do hereby proclaim October 2016 as

Dysautonomia Awareness Month

in the City of Fircrest, Washington.

Passed this 27th day of September 2016

Matthew Jolibois, Mayor

CITY OF FIRCREST
REGULAR CITY COUNCIL MEETING MINUTES
TUESDAY, SEPTEMBER 13, 2016 **COUNCIL CHAMBERS**
7:00 P.M. **FIRCREST CITY HALL, 115 RAMSDELL STREET**

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Matthew Jolibois called the regular meeting to order at 7:00 P.M. and led the Pledge of Allegiance. Councilmembers Blake Surina, Shannon Reynolds, Brett Wittner, Hunter T. George, Denny Waltier and Jason Medley were present.

COMMITTEE, COMMISSION & LIAISON REPORTS

Parks & Recreation

Surina provided an overview of the following:

- Fall events that were occurring at the Community Center
- Information on the new park structures that will be constructed in the Tot Lot
- Strategies regarding updates to the basketball hoops at Whittier
- Staff is proceeding with finding out where the water leak in the pool might be
- Ideas he had regarding remodeling the Community Center
- Updates and replacements to the big toy in Fircrest Park and a walking path from the Community Center to the play structure
- A letter he wrote to the University of Washington Tacoma's Urban Planning Department requesting assistance from any student or staff that would like to be involved in a project looking at Fircrest's history

Environment, Planning, Building

Waltier called attention to the upcoming public hearing regarding marijuana and stated he was hopeful that the public hearing would be well advertised and that the community is made aware of the issue. Waltier concluded by noting there are discussions underway in Planning and Building regarding future development along South 19th Street and Mildred Street.

Finance, IT

George stated that Rosenblatt and Finance Director Corcoran would be presenting the 2017 Preliminary Budget tonight. George provided an update on the efforts of the Communications Committee to select a company to design the City's new website. He reported that Site Crafting, Inc. and CivicPlus provided bids in response to the Request for Proposals and outlined each company's experience and talents. George highlighted the process used by the Committee in its selection and reported that Site Crafting, Inc. was their choice. George concluded by stating that in addition to an agreement being brought to Council there will also be the necessity for a budget amendment, including \$1,200 for a contingency for necessary changes, with funds from the General Fund Ending Fund Balance.

MOTION

Moved by George, seconded by Wittner, to authorize the City Manager to proceed with negotiating a contract with Site Crafting Inc. for the City's website.

Jolibois invited public comment. None was provided.

VOTE

Ayes: Surina, Reynolds, Wittner, Jolibois, George, Waltier and Medley. Noes: None. Motion carried.

CONSENT CALENDAR

Jolibois requested the City Manager read the consent calendar as follows: approval of Voucher No. 208164 through Voucher No. 208234 in the amount of \$103,215.41; approval of Payroll Check No. 12356 through Payroll Check No. 12360 in the amount of \$5,861.10; approval of Payroll Check No. 12361 through Payroll Check No. 12366 in the amount of \$87,540.21; approval of the August 23, 2016 Regular City Council meeting; setting a public hearing on September 27, 2016 to receive comments on amendments to Fircrest Municipal Code Title 22 regarding marijuana regulations; and setting a public hearing on September 27, 2016 to receive comments on amendments to the Capital Facilities Element of the Comprehensive Plan.

MOTION

Moved by George, seconded by Medley, to approve the consent calendar as read. Ayes: Surina, Reynolds, Wittner, Jolibois, George, Waltier and Medley. Noes: None. Motion carried.

UNFINISHED BUSINESS

Ordinance granting a ten-year nonexclusive franchise to Comcast to provide cable services

City Manager Rosenblatt stated that Council was being asked to adopt an ordinance granting a ten-year franchise to Comcast Cable Communications Management, LLC to provide cable television services. He noted the ordinance had first reading at the August 23, 2016 meeting and is on for final reading tonight.

ORDINANCE NO. 1580

Moved by Medley, seconded by Wittner, to adopt Ordinance No. 1580 granting a ten-year franchise to Comcast Cable Communications Management, LLC to provide cable television services.

Jolibois invited public comment. None was provided.

VOTE

Ayes: Surina, Reynolds, Wittner, Jolibois, George, Waltier and Medley. Noes: None. Motion carried.

NEW BUSINESS

Presentation of the 2017 Preliminary Budget

Rosenblatt presented the budget, as required by law, noting the budget now belongs to Council for decision making. Rosenblatt highlighted the following:

- The budget is balanced – operating revenues cover the operating expenses
- Includes a 2% COLA
- Includes a 10% medical premium contribution by employees
- Includes water, sewer and storm rate increases
- Includes the addition of a storm utility tax
- Includes reimbursement of ½ of a gym membership up to \$25 per month for all employees
- Includes improvements to the Parks storage garage and repairs to the Whittier gazebo roof
- Includes a grant writer (Planning and Building Administrative Assistant increased to full time to fulfill these additional duties)
- Includes improvements to the Public Works facility (carpet, vinyl flooring)

Rosenblatt stated that staff would be asking for consensus for any changes to the preliminary budget and concluded by stating he was hopeful that the budget would be adopted at the November 8th meeting.

Resolution authorizing a subscription and service agreement with eCivis

Rosenblatt reported that Council is being asked to authorize entering into an agreement with eCivis, Inc., that will allow Fircrest staff to access numerous sites to provide for grant applications.

RESOLUTION NO. 1438

Moved by Reynolds, seconded by Medley, to adopt Resolution No. 1438 authorizing the City Manager to execute an agreement with eCivis, Inc., for a subscription to their grant search software and other services from September 14, 2016 through September 13, 2017.

Jolibois stated he spoke with Planning Commissioner Ken Halgren regarding heritage corridor designations, and that the heritage of Fircrest is a story. Jolibois stated that Halgren's opinion is that if the City received the heritage corridor designation, grants would be easy to focus on and target. In response to Jolibois, Rosenblatt indicated he has spoken with Halgren, but wasn't sure that there was a route that would qualify Fircrest as a heritage corridor designation.

Staff responded to Council regarding Fircrest receiving designated as a heritage corridor.

Jolibois invited public comment. None was provided.

VOTE

Ayes: Surina, Reynolds, Wittner, Jolibois, George, Waltier and Medley. Noes: None. Motion carried.

Motion confirming the City Manager's appointment of Joe Harrison to the Civil Service Commission

Keely stated that Council is being asked to confirm the appointment of Joe Harrison to the Civil Service Commission effective September 13, 2016. She reported that appointments to the Civil Service Commission are made by the City Manager subject to confirmation by Council in accordance with the FMC and RCW 41.12. Keely noted that Harrison has served as a Commissioner since 1995 and with this confirmation will continue to provide continuity to the Commission.

MOTION

Moved by Medley, seconded by Wittner, to confirm the City Manager's appointment of Joe Harrison to the Fircrest Civil Service Commission effective September 13, 2016 through September 13, 2022.

Jolibois invited public comment. None was provided.

VOTE

Ayes: Surina, Reynolds, Wittner, Jolibois, George, Waltier and Medley. Noes: None. Motion carried.

CITY MANAGER COMMENTS

Rosenblatt received confirmation that Council would like food from a variety of restaurants for the budget study sessions. Rosenblatt thanked the Eaton Family LLC for their generous contribution to Fircrest for the City of Fircrest to use as a contribution to the City of University Place for the Mildred Street grant match. Rosenblatt received support from Council that a discussion is held at Monday's study session regarding nuisance code language as well as a discussion about drones. George also asked that a discussion is held sometime soon regarding using a hearings examiner.

DEPARTMENT HEAD COMMENTS

Parks and Recreation Director Grover provided an update on the Tot Lot Play Equipment replacement project and the proposals that were submitted in response to the City's Request for Proposals. Grover concluded by reporting that an agreement would be brought forward for the vendor selected to replace the playground equipment at the September 27th regular meeting.

Police Chief Cheesman provided an update on traffic control following the opening of Whittier Elementary, and noted that he met with Principal Basil regarding some of his concerns. Cheesman stated that Kiwanis raised enough money at the Fun Days spaghetti feed to be able to satisfy their donation for the Tot Lot grant project and said he would be submitting a check. Cheesman reported

that Amy Blair, Chief for a Day, judged the pet contest this year. Cheesman concluded by providing a copy of the National Night Out book that was going to be sent to the national organization.

COUNCIL COMMENTS

Council expressed condolences to Medley due to the passing of his father.

Surina reported on attending the grand opening of the movie that was produced by Fircrest residents. He expressed hope that they could be promoted in Fircrest in some way. Surina concluded by stating he would like to bring Fircrest historical memorabilia to a future Council meeting.

Wittner alerted Cheesman and Grover that the Whittier PTA is instituting a Fun Run as a fund raiser in Fircrest. Wittner reported their goal is to have both a 5k and a one mile race.

George thanked Jolibois for creating the Communications Committee and noted it was ironic that the Communications Committee failed to communicate effectively with a couple of its members, noting it won't happen again. George recommended that the Communications Committee get back together and discuss where to go next. George reported that Joenah, the 18-minute movie about bullying that was filmed at the Fircrest pool, has been released. George suggested that information be provided about it on social media. George stated he was asked by a resident of the City about regulations regarding boarding houses and indicated he reached out to Planning and Building Administrator Stahlnecker to see if there was something that could be done, as the resident indicated it is very disruptive to the neighborhood. George stated that Stahlnecker provided him with a copy of the City of Lakewood's regulations regarding boarding houses and noted that she is going to further look into it to see if there is teeth in Fircrest's codes to enforce this kind of situation. George asked that consideration be given to reverse the Council consensus regarding freezing the City Manager's ability to surplus the 2009 police vehicles. George stated that the original policy and Council's original position aren't being followed. George noted he wanted to float a motion for Council consideration; but due to the upcoming Executive Session, requested that when Council convened into Executive Session that it be announced that Council might take action at the conclusion of Executive Session. Responding to Jolibois, George replied the expediency of his request is that Council's position is being undermined in live negotiations; and it is costing money, as apparently money was spent for repairs on one of the 2009 vehicles. George stated he didn't understand why that had occurred. George stated he went along with the prior decision but no longer wished to do so and believes it isn't a good place to be in with Council's position in negotiations.

Waltier thanked George for chairing the Communications Committee and coming up with the plan for a new website. Waltier stated he appreciated George's efforts in working with Stahlnecker and requested that liaisons to the departments are consulted.

Medley congratulated George for his efforts on the Communications Committee and concluded by stating he appreciated everyone's comments.

EXECUTIVE SESSION

At 7:59 P.M. Jolibois reported that Council would take a five-minute recess and convene into Executive Session, not to exceed the hour of 8:50 P.M., to discuss Item 14A – Labor Negotiations. Jolibois noted the City Manager was invited to attend. It was stated that action may occur at the conclusion of the Executive Session.

ADJOURNMENT

Moved by George, seconded by Medley, to adjourn the meeting at 9:02 P.M. Ayes: Surina, Reynolds, Wittner, Jolibois, George, Waltier and Medley. Noes: None. Motion carried.

Matthew Jolibois, Mayor

Lisa Keely, City Clerk

CITY OF FIRCREST
SPECIAL CITY COUNCIL MEETING MINUTES
SEPTEMBER 19, 2016 **COUNCIL CHAMBERS**
7:00 P.M. **FIRCREST CITY HALL, 115 RAMSDELL STREET**

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Matthew Jolibois called the special meeting to order at 6:00 P.M. and led the pledge of allegiance. Councilmembers Blake Surina, Shannon Reynolds, Brett Wittner, Denny Waltier and Jason Medley were present. Hunter T. George was absent. George arrived at 6:05 P.M.

Presentation and discussion on nuisances, outdoor storage of vehicles, public disturbances noises, bed and breakfasts, air bed and breakfasts, boarding houses, drones (unmanned aircraft), improper parking on City property and regulations or possible regulations of these issues

Jolibois stated he brought the issues forward in response to citizen complaints received over the last few years and opened the discussion.

Outdoor Storage of Vehicles and Drones

Discussion continued on complaints that had been received regarding the outdoor storage of vehicles (boats, campers, recreational vehicles) in front yards and the potential for privacy invasion from people that are flying drones. There was further discussion regarding parking vehicles on the front lawn and possible regulations that could be brought forward to prohibit that.

Staff was asked to research regulations from other jurisdictions regarding the prohibition and regulation of drones, the outdoor storage of vehicles, regulations regarding parking on the front lawn and to utilize Municipal Research and Services Center (MRSC) as an additional source for this information.

Public Disturbance Noise

Discussion continued regarding public noise disturbances and a desire to change the code from 10:00 p.m. to 8:00 p.m. for sound emanating from construction activities.

Staff was asked to bring language forward to modify the timeframe for noise emanating from construction activities.

Boarding Houses

Discussion continued on boarding houses in Fircrest, group homes, short term rentals and requiring a business license for rentals.

Staff was asked to research what regulations other jurisdictions have adopted regarding boarding houses, and both long- and short-term rentals.

Measuring Sound

Staff was asked to research why the FMC was modified to remove decibel levels from the code as a means to measure the noise level.

ADJOURNMENT

Moved by Reynolds, seconded by George, to adjourn the meeting at 6:59 P.M. Ayes: Surina, Reynolds, Wittner, Jolibois, George, Waltier and Medley. Noes: None. Motion carried.

Matthew Jolibois, Mayor

Lisa Keely, City Clerk

FIRCREST CITY COUNCIL AGENDA SUMMARY

COUNCIL MEETING DATE: September 27, 2016

SUBJECT: Title 22 Land Development Amendments – Proposed Regulations
Governing Marijuana Uses

FROM: Angelie Stahlnecker, Planning and Building Administrator

Reviewed by: _____City Manager _____Finance Director _____City Attorney

PROPOSAL:

The City of Fircrest proposes to amend zoning regulations contained in Title 22 to provide regulations for marijuana uses, including producers, processors, researchers, retailers and cooperatives. The Planning Commission recommends prohibiting marijuana uses in all zoning designations. The specific text amendments recommended for approval by the Commission are provided in exhibit 1.

PROCEDURAL COMPLIANCE:

The proposed zoning text amendments are classified as a Type 5 legislative proposal, which is subject to public hearing, review and recommendation by the Planning Commission and a final decision by Council -- subsequent to completion of a Council public hearing.

The City published public notices in the Tacoma Daily Index for the August 16, 2016 Planning Commission public hearing and for the September 27, 2016 City Council public hearing. In addition, the City mailed notices to all owners of property in the city prior to the September 27th hearing.

The City prepared an *Environmental Checklist* and issued a *Determination of Nonsignificance* on August 3, 2016. The environmental determination was issued with a 14-day comment/appeal period ending on August 16, 2016. The City did not receive any comments or notice of appeal.

The City submitted a *Notice of Proposed Amendment* with a request of expedited review to the Washington State Department of Commerce on August 11, 2016, which was issued to state agencies for a 10 business day comment period as required pursuant to RCW 36A.70A. The state agency comment period ended on August 25, 2016 and no comments were received.

HISTORY:

In November of 2012, the voters of Washington approved Initiative 502, which allowed the possession of certain amounts of marijuana and set up a system for the State to license and regulate the production, growth, processing, and sales of marijuana. The Citizens of Fircrest approved the initiative by a vote of 1980-1733. The Washington State Liquor and Cannabis Board (LCB) was given the authority to regulate and license potential marijuana businesses.

Attorney General Opinion 2014 No. 2 maintained that local governments retain the right to regulate marijuana uses within their jurisdictions. As the City has not enacted any additional regulations, marijuana uses are currently allowed in commercial and residential zones subject to the State regulations.

In April 2015, the Washington State Legislature enacted the Cannabis Patient Protection Act which established regulations for the previously unregulated medical marijuana system, including creation of marijuana cooperatives.

On June 20, 2016, the City Council held a study session on the sale of marijuana in the City of Fircrest. On August 9, 2016, the City Council voted 5-2 on a motion requesting the Planning Commission set a public hearing and make recommendations on marijuana regulations including considering reduction of marijuana buffers from sensitive sites, evaluating which zoning districts would be most appropriate for the sale of marijuana, and considering setbacks of retail marijuana from residential areas.

The Planning Commission held a study session on July 11, 2016 (see exhibit 2) and a public hearing on August 16, 2016, where four people testified. In addition, one written testimony was received (see exhibit 11). After closing the public hearing, the Planning Commission directed staff by a vote of 3-2 to prepare a draft resolution prohibiting marijuana uses in all zoning districts (see exhibits 3-6). On September 6, 2016, the Planning Commission approved the recommendation to Council by a vote of 4-0 (see exhibits 7-9). For the Commission's findings, please see exhibit 10, Planning Commission Resolution No. 16-05.

FISCAL IMPACT:

The proposed amendments would prohibit marijuana retailers, thereby resulting in a potential loss of revenue to the City, as a marijuana retailer would have the potential to expand the sales tax base as well as make the City eligible for the Marijuana Excise Tax.

ADVANTAGES:

Currently, marijuana retail and cooperatives are allowed subject only to State regulations. The proposed amendments would prevent any potential negatives impacts.

DISADVANTAGES:

As the citizens of Fircrest approved Initiative 502, the amendments could be perceived as in opposition. The amendments would limit potential economic development and make the City ineligible for the Marijuana Excise Tax.

ALTERNATIVES:

The original draft resolution considered by the Planning Commission at the August 16, 2016 Public Hearing proposed allowing marijuana uses in the Commercial Mixed Use District with numerous performance standards (see exhibit 4).

After considering public testimony, the Commission directed staff by a vote of 3-2 to prepare a revised draft resolution prohibiting marijuana uses in all zoning districts. Commissioners on the prevailing side were primarily concerned with potential odors, impacts to adjacent properties and business, no testimonial support and belief it did not serve the best interest of the City. Commissioners on the dissenting side supported allowing it in one location of the City with sufficient performance standards to mitigate negative impacts.

After considering public testimony, if Council wishes to consider allowing retail marijuana, the August 16th draft could be used as a starting point for discussion.

Exhibits:

1. Proposed Code Amendments
2. August 16, 2016 Planning Commission Staff Report
3. August 16, 2016 Draft Amendments
4. July 11, 2015 PowerPoint Presentation
5. August 16, 2016 Preliminary Resolution No. 16-05
6. August 16, 2016 Minutes
7. September 6, 2016 Planning Commission Staff Report
8. September 6, 2016 Preliminary Resolution No. 16-05
9. September 6, 2016 Draft Minutes
10. Planning Commission Resolution No. 16-05
11. Public Comment Received

- **Prohibit Marijuana uses in Neighborhood Commercial Zone, FMC 22.46.007**

22.46.007 Prohibited uses.

The following uses are prohibited:

- (a) Drive-up or drive-through facility.
- (b) Off-street parking facility which provides greater than 120 percent of the minimum required number of parking stalls specified in FMC 22.60.003.
- (c) Tavern, night club, or sports entertainment facility as defined by the Washington State Liquor and Cannabis Board.
- (d) Adult entertainment establishment.
- (e) Second-hand store, other than antique store.
- (f) Delivery service, unless the place of business is located abutting a street classified as a principal arterial in the Fircrest comprehensive plan.
- (g) Marijuana uses, including producers, processors, researchers, and retailers.

- **Prohibit Marijuana uses in Commercial Mixed Use Zone, FMC 22.50.007**

22.50.007 Prohibited uses.

The following uses are prohibited:

- (a) Automobile wrecking yard.
- (b) Impound yard.
- (c) Junk or salvage yard.
- (d) Mini-storage or mini-warehouse (outdoor).

(e) Marijuana uses, including producers, processors, researchers, and retailers.

- **Add section to Specific Use and Structure Regulations, FMC 22.58 to prohibit marijuana uses, including cooperatives, in all zoning districts.**

FMC 22.58.030 Marijuana Uses

- (a) Marijuana producers, marijuana processors, marijuana researchers, and marijuana retailers as defined in RCW 69.50 and WAC 314-55, are prohibited in all zoning districts.
- (b) Marijuana cooperatives, as defined in RCW 69.51A.250 and WAC 314-55-410, are prohibited in all zoning districts.
- (c) Marijuana uses are not allowed as an accessory use or as a home occupation.

Recreational Marijuana

Planning Commission Discussion

July 11, 2016

CASE NO.	16-10
EXHIBIT NO.	2
DATE ENTERED:	9-27-16

Initiative 502

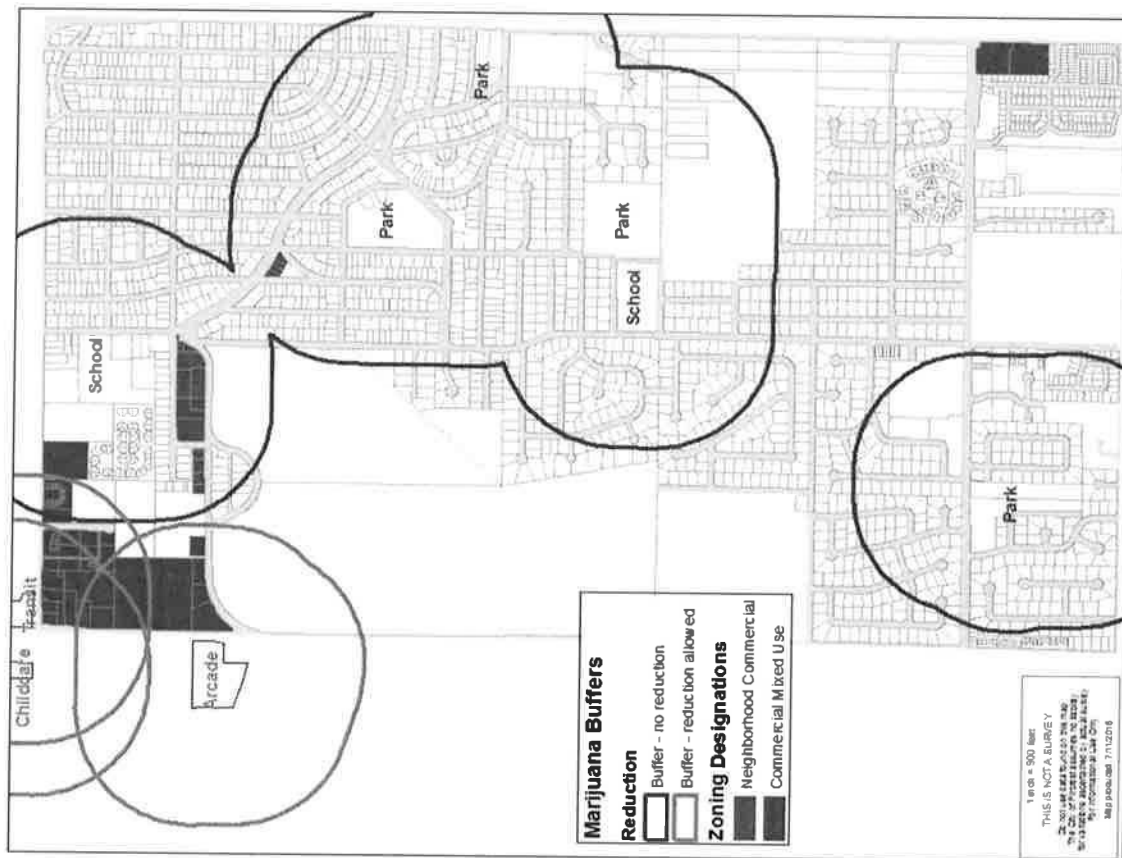
- State voters approved in 2012
- Allowed producers, processors, and retailers
- Licenses issued by Liquor Cannabis Board (LCB)
- Buffers of 1000' from sensitive areas (schools, playgrounds, recreational centers, child care centers, public parks, public transit centers, libraries, and game arcades)

What about Federal law?

- 2014, 2015 Congress approved bi-partisan budget amendment prohibiting DOJ funds for marijuana enforcement
- Currently, Federal Attorney General stated will not interfere with state regulations as long as youth access, violence, diversion to other states, etc. is addressed.
- Drug Enforcement Agency reviewing status of marijuana with the potential of reducing its status from a Scheduled 1 controlled substance or removing it entirely
- State Attorney General and others discourage prohibiting/blocking retail marijuana based on Federal law

What about Fircrest?

- Fircrest voters approved Initiative 502 - 1980 to 1733
- As no specific prohibition stated, retail outlets allowed in Fircrest
- Part of County's at-large allotment (17)
- State buffers eliminate most of commercial/residential areas
- Buffers could change base on State or adjacent jurisdiction decisions



Co-ops

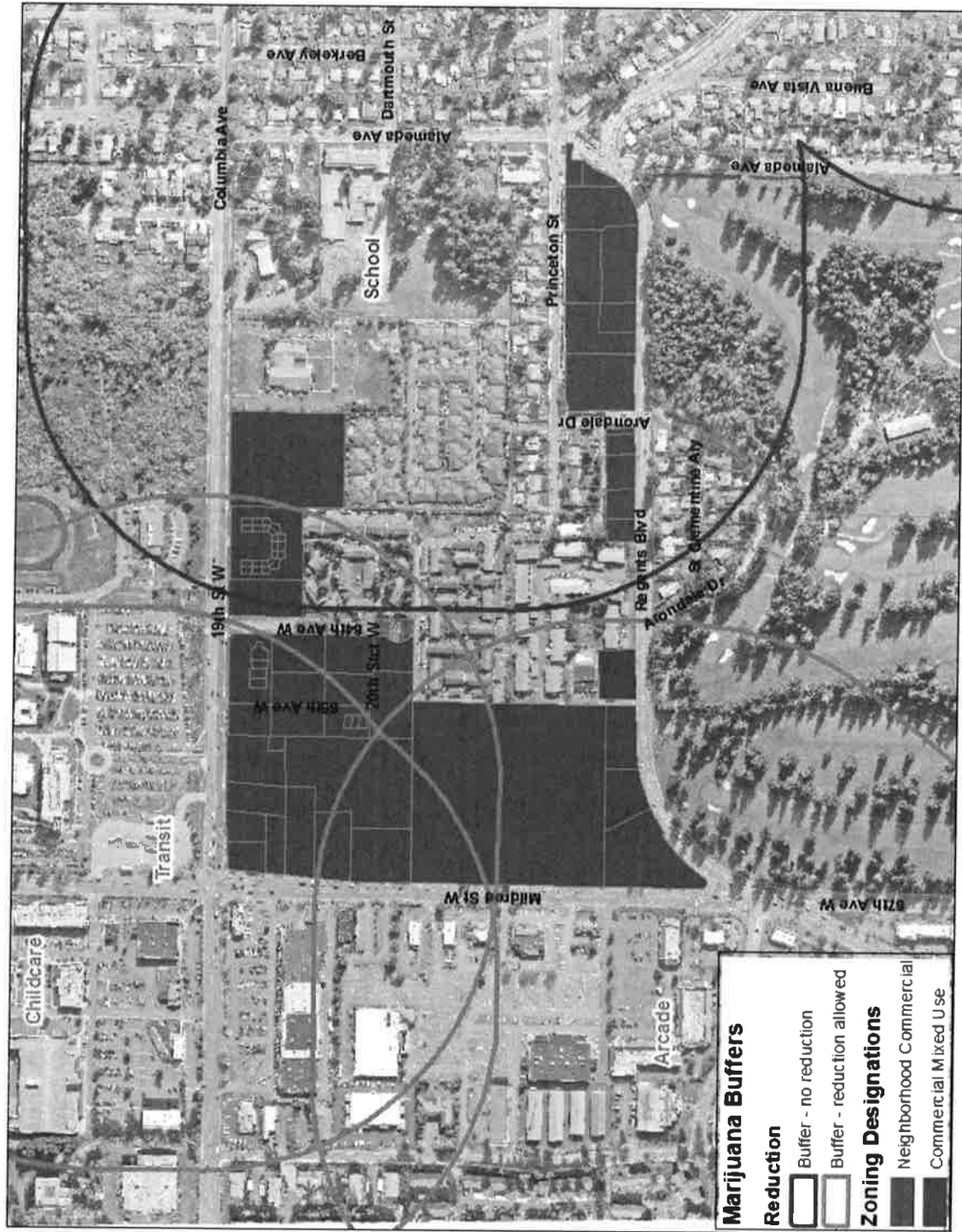
- July 1, 2016 - “Collective gardens” or “Green Cross” Stores eliminated
- Replaced with Cooperatives
- Cooperatives are located in Residential Zones
- Restrictions
 - Must be located in the residence of one of the participants
 - Maximum of four qualifying patients or providers
 - Maximum of 60 plants and possess up to 72 ounces of usable marijuana
 - Cannot be sold to others
 - Local governments can prohibit
 - May not be within sensitive buffer or 1 mile of licensed marijuana retailer

Items to Consider:

- Residential Zones – Permit or Prohibit Co-ops?
- Neighborhood Commercial – Permit or Prohibit?
- Commercial Mixed Use – Permit or Prohibit?

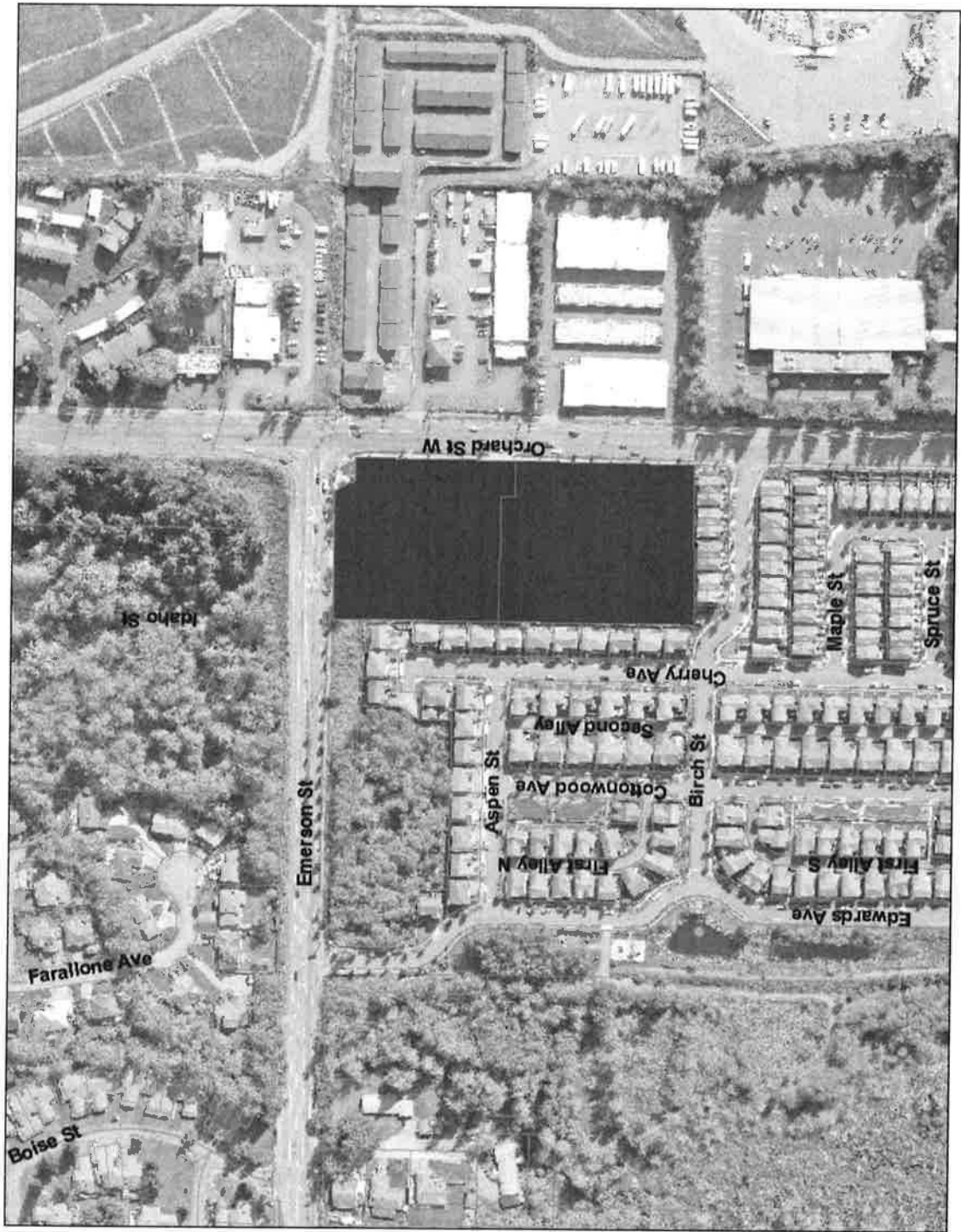
If recreational retail permitted:

- Reduce Buffer?
 - If yes, how much?
 - Which areas?



If recreational retail permitted:

- Reduce Buffer?
 - If yes, how much?
 - Which areas?
- Limit #?
- Limit distances between stores?
- Limit distances from residential zones?
- Other performance standards to research (odors, security)?



City of Tacoma

- Cap of 16
- Buffers from sensitive areas:
 - Reduced transit centers to 100 feet
 - Reduced allowable areas to 500 feet in Downtown
 - All other areas maintained 1000 feet
- No dispersion between stores
- All retail stores must also be medically endorsed
- Allowed medical coops, maintaining state buffers

City of University Place

- City Attorney proposed lifting ban
- Estimating revenue for 1 store to be \$40,000 - \$60,000
- Expected to direct planning commission to study ban

Revenue

- An excise tax of 37% is collected
- Sales: \$885 million for FY 2016 (avg. daily \$2.7 million)
- Excise Tax: \$169.5 million FY 2016
- \$6 million distributed to local governments for marijuana enforcement
- DOR also collects sales tax



115 RAMSDELL STREET • FIRCREST, WASHINGTON 98466-6999 • (253) 564-8901 • FAX (253) 566-0762

FIRCREST PLANNING/BUILDING DEPARTMENT STAFF REPORT

CASE NUMBER 16-10 Proposed Regulations for Marijuana Uses

August 16, 2016 Planning Commission Meeting

BACKGROUND:

In November of 2012, the voters of Washington approved Initiative 502, which allowed the possession of certain amounts of marijuana and set up a system for the State to license and regulate the production, growth, processing, and sales of marijuana. The Citizens of Fircrest approved the initiative by a vote of 1980-1733. The Washington State Liquor and Cannabis Board (LCB) was given the authority to regulate and license potential marijuana businesses.

Attorney General Opinion 2014 No. 2 maintained that local governments retain the right to regulation marijuana uses within their jurisdictions. As the City has not enacted any additional regulations, marijuana uses are currently allowed in commercial and residential zones subject to the State regulations.

In 2014 and 2015, Congress approved a bi-partisan budget amend prohibiting Department of Justice funds to go towards marijuana enforcement and the Federal Attorney General has stated they will not interfere with state regulations allowing marijuana use as long as youth access, violence, and diversions to other states is addressed.

In April 2015, the Washington State Legislature enacted the Cannabis Patient Protection Act which established regulations for the previously unregulated medical marijuana system, including creation of marijuana cooperatives.

On June 20, 2016, the City Council held a study session on the sale of marijuana in the City of Fircrest. On August 9, 2016, the City Council voted 5-2 on a motion requesting the Planning Commission set a public hearing and make recommendations on marijuana regulations including considering reduction of marijuana buffers from sensitive sites, evaluating which zoning districts would be most appropriate for the sale of marijuana, and considering setbacks of retail marijuana from residential areas.

The Planning Commission held a study session on July 11, 2016 which included a PowerPoint presentation (see exhibit 2) and requested a public hearing be scheduled on August 16, 2016.

PROPOSAL:

Based on City Council and Planning Commission input and direction, staff has prepared a draft set of amendments for public review (see exhibit 1). The proposed code amendments would:

- Amend the CMU zone to allow the sale of retail marijuana
- Prohibit marijuana uses in the NC zone
- Prohibit marijuana cooperatives in all zones
- Establish performance standards for marijuana use under new Section 22.58.030
- Maintain the 1000' buffers for sensitive sites
- Require a 1000' buffer between marijuana retailers
- Require all marijuana retailers to have a medical endorsement

PROCESS:

The City prepared an Environmental Checklist and issued a *Determination of Nonsignificance* on August 3, 2016. The environmental determination was issued with a 14-day comment/appeal period ending on August 16, 2016. The City did not receive any comments or notice of appeal.

The City submitted a *Notice of Proposed Amendment* with a request of expedited review to the Washington State Department of Commerce on August 11, 2016, which was issued to state agencies for a 10 business day comment period as required pursuant to RCW 36A.70A. The state agency comment period will end on August 25, 2016 prior to the City Council's public hearing proposed for September. Any comments received will be provided to the City Council.

Upon completion of a public hearing, the Commission should forward its recommendations to Council, which will conduct its own public hearing before making a final decision.

ANALYSIS:

Allocation: The LCB has allocated 17 at large licenses to Pierce County, of which Fircrest would be a part of. Although, these licenses have been issued, that does not preclude a business from relocating nor does it prevent the LCB from increasing the number of allocations (which they have discussed). The current draft recommends a 1000' buffer between retailers, the Planning Commission could opt to set a maximum number of stores allowed instead.

Buffers: Currently, existing State buffers eliminate most of the City's commercial and residential area, except for the Emerson Courtyard area. The State law allows a local jurisdiction to reduce buffers to as low as 100 feet around all entities except elementary schools, secondary schools, and public playgrounds. A representative from the LCB has stated that when adjoining jurisdictions buffers differ, the more stringent one will apply. Buffers at both the state level and adjacent jurisdictions could change in the future. In addition, the Planning Commission could consider buffers from additional sensitive sites, including residential zones/neighborhoods.

Zoning: Due to the close proximity of retailers, the need for cooperatives is minimal and staff is recommending prohibiting them in all zones. Due to its potential for serving residents and the surrounding community, it would see more appropriate to allow retail stores in the CMU, while prohibiting it in the NC which is intended to serve the local needs of nearby residents.

Performance Standards: Draft performance standards have been proposed in an effort to minimize potential negative effects on adjacent businesses and properties. The planning commission after holding the public hearing may wish to add-to or amend these proposals.

RECOMMENDATION:

Staff recommends the Planning Commission review the draft amendments, consider incorporating possible revisions based on public comment at the August 16, 2016 public hearing requested by the City Council to consider the reduction of the marijuana buffer zone, the zoning districts most appropriate for marijuana uses, and the potential setbacks from residential areas, as well as, any additional performance standards requirements.

A preliminary resolution supporting the approval of the proposed amendments is provided in exhibit 3 for Commission consideration.

Angelie Stahlnecker

Angelie Stahlnecker
Planning and Building Administrator

August 10, 2016

Date

Amendments to Zoning Code Regulations for Marijuana Uses August 16, 2016

- **Prohibit marijuana uses in the Neighborhood Commercial (NC) zone**

22.46.007 Prohibited uses.

The following uses are prohibited:

- (a) Drive-up or drive-through facility.
- (b) Off-street parking facility which provides greater than 120 percent of the minimum required number of parking stalls specified in FMC 22.60.003.
- (c) Tavern, night club, or sports entertainment facility as defined by the Washington State Liquor and Cannabis Board.
- (d) Adult entertainment establishment.
- (e) Second-hand store, other than antique store.
- (f) Delivery service, unless the place of business is located abutting a street classified as a principal arterial in the Fircrest comprehensive plan.
- (g) Marijuana uses, including producers, processors, researchers, and retailers.

- **Allow retail marijuana in the Commercial Mixed Use (CMU) zone**

22.50.002 Permitted uses.

Uses permitted subject to site plan approval in accordance with Chapter 22.72 FMC and administrative design review approval in accordance with Chapter 22.66 FMC:

- (a) Retail sales store including, but not limited to, the sale or rental of the following items: antiques, appliances (new), art and art supplies, bicycles, books, building materials, clothing, fabrics, floor coverings, flowers, food, gifts, groceries, hardware, hobby and craft supplies, home furnishings, jewelry, lawn and garden equipment and supplies, newspapers, office equipment and supplies, paint, music, pets and pet supplies, pharmaceuticals, photography supplies and processing, sporting goods, stationery, toys, vehicle parts (new/remanufactured), videos and wallpaper.
- (b) Commercial service including, but not limited to: beauty and hair care, consulting, copying, dry cleaning, fitness/health studios, funeral services, laundry and cleaning (self-service), locksmithing, optical, pet grooming, post office or substation, printing, studio photography, real estate sales, repair of products listed in subsection (a) of this section, security, signs, tailoring, telecommunication sales, title, travel agency service, upholstery and vehicle detailing.
- (c) Food-serving establishment including, but not limited to, bakery, cafeteria, coffee shop, confectionery, delicatessen, espresso stand, ice cream or yogurt shop, restaurant and other sit-down, self-service, or take-out establishments.
- (d) Commercial office including, but not limited to: medical, dental, optometric, business and professional offices.
- (e) Culturally enriching use including, but not limited to: art gallery, dance studio, library, museum, live theater venue and senior center.

- (f) Laboratory, including but not limited to: medical, dental and optical.
- (g) Civic, labor, social and fraternal organization.
- (h) Veterinary clinic, with treatment and storage of animals within an enclosed building.
- (i) Entertainment facility, including but not limited to: arcade, bowling alley, indoor miniature golf course, indoor movie theater, indoor skating rink, racquetball court and tennis court.
- (j) Hotel and motel.
- (k) Financial institution, including but not limited to: bank, savings and loan, and credit union.
- (l) Religious institution.
- (m) Family group home, including adult family home.
- (n) Multifamily dwelling.

(o) Marijuana retailers licensed by the Washington State Liquor and cannabis Board (subject to compliance with FMC 22.58.030).

(op) Necessary public or quasi-public utility building, structure or equipment, unstaffed and less than or equal to 500 square feet in gross floor area (subject to compliance with landscape standards in Chapter 22.62 FMC). Excludes substation. (Ord. 1562 § 28, 2015; Ord. 1325 § 2, 2003; Ord. 1311 § 12, 2002; Ord. 1246 § 11, 2000).

- **Establish regulations and standards for marijuana uses by adding a new section to FMC 22.58 Specific Use and Structure Regulations.**

FMC 22.58.030 Marijuana Uses

(a) Establishments licensed by the State of Washington Liquor and Cannabis Board as marijuana retailers are permitted only in specified zoning districts.

(b) Marijuana retail uses are not allowed as an accessory use or as a home occupation.

(c) Marijuana producers, marijuana processors, and marijuana researchers, as defined in RCW 69.50 and WAC 314-55, are prohibited in all zoning districts.

(d) Marijuana cooperatives, as defined in RCW 69.51A.250 and WAC 314-55-410, are prohibited in all zoning districts.

(e) Marijuana retail uses shall be designed to include controls and features to prevent odors from travelling off-site and being detected from a public place, public right-of-way, or properties owned or leased by another person or entity.

(f) Marijuana retail uses shall not include drive-through, exterior, or off-site sales.

(g) Marijuana products and/or marijuana paraphernalia shall not be visible from outside the building in which the marijuana retail use is located.

(h) All marijuana retail uses must have a State license and medical endorsement in accordance with RCW 69.50 and WAC 314-55 in order to obtain a City business license.

(i) As provided in RCW 69.50.331 and WAC 314-55.050, marijuana retail uses shall not be allowed to locate within 1,000 feet of an elementary school, secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or any game arcade (where admission is not restricted to persons age twenty-one or older). For purposes of this standard, these uses are defined in WAC 314-55.

(j) Marijuana retail uses shall not be permitted within 1,000 feet of any other recreational marijuana facility.

(k) The methodology for measuring the distances shall be the shortest straight line from the closest parcel line in which the state licensed marijuana retail use is located to the closest parcel line of the uses in this subsection.

(l) Allow inspection of the site and facilities by City personnel including law enforcement for compliance with all applicable permits and licenses at any time during regular business hours.

CITY OF FIRCREST PLANNING COMMISSION
RESOLUTION NO. 16-04
Case No. 16-10

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF FIRCREST, WASHINGTON, RECOMMENDING ADOPTION OF
AMENDMENTS TO TITLE 22 LAND DEVELOPMENT PERTAINING
TO REGULATION OF MARIJUANA USES.**

WHEREAS, in November 2012, Initiative 502 regarding marijuana was approved by the voters of Washington State, including the majority of Fircrest voters, legalized the licensing and regulating of recreational marijuana; and

WHEREAS, in October 2013, the Washington State Liquor Control Board adopted rules regarding the licensing and operation of marijuana businesses; and

WHEREAS, the Washington State Attorney General issued an opinion, AGO 2014 No. 2, which opined that I-502 did not preempt local jurisdictions from regulating marijuana uses consist with state statutes and to protect the public health, welfare, and safety; and

WHEREAS, in April 2015, the Washington State Legislature enacted the Cannabis Patient Protection Act, establishing new regulations for medical marijuana; and

WHEREAS, on August 9, 2016, the Fircrest City Council approved by motion to direct the Planning Commission and staff to develop recommendations through a public review process; and

WHEREAS, the City issued a Determination of Nonsignificance on August 3, 2016 with a 14-day comment period, and no adverse comments were received; and

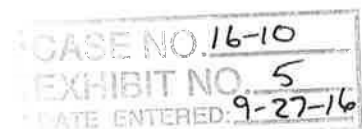
WHEREAS, The City submitted a *Notice Proposed Amendment* with a request of expedited review to the Washington State Department of Commerce on August 11, 2016, which was issued to state agencies for a 10 business day comment period as required pursuant to RCW 36A.70A; and

WHEREAS, a public hearing was conducted by the Planning Commission on August 16, 2016 to consider public testimony and comment on proposed amended regulations; and

WHEREAS, after consideration of public testimony, the Planning Commission voted to recommend approval of amendments that would allow marijuana retail use in the Commercial Mixed Use (CMU) District, prohibit marijuana uses in all other districts, and that would establish performance standards for marijuana uses; and

WHEREAS, the Planning Commission has adopted the following findings in support of approval of the proposed development regulation amendments in consideration of the factors listed in Section 22.78.004 FMC, prior to final action:

1. The proposed code amendments will be consistent with the goals, objectives and policies of the comprehensive plan in that they will support economic development in a manner that protects other properties from unacceptable impacts associated with such businesses.
2. The proposed amendments will promote, rather than detract from, the public health, safety, morals and general welfare. Proposed regulations will require



all retailers to obtain a medical endorsement, restrict the retail location from sensitive sites, and require performance standards. Likewise, permitting marijuana retailers in the CMU district, while prohibiting it in other zones, will minimize potential incompatibilities and impacts.

THEREFORE BE IT RESOLVED that the Planning Commission of the City of Fircrest hereby recommends to the City Council that it:

1. Amend FMC 22.46.007 to read as follows:

22.46.007 Prohibited uses.

The following uses are prohibited:

- (a) Drive-up or drive-through facility.
- (b) Off-street parking facility which provides greater than 120 percent of the minimum required number of parking stalls specified in FMC 22.60.003.
- (c) Tavern, night club, or sports entertainment facility as defined by the Washington State Liquor and Cannabis Board.
- (d) Adult entertainment establishment.
- (e) Second-hand store, other than antique store.
- (f) Delivery service, unless the place of business is located abutting a street classified as a principal arterial in the Fircrest comprehensive plan.
- (g) Marijuana uses, including producers, processors, researchers, and retailers.

2. Amend FMC 22.50.002 to read as follows:

22.50.002 Permitted uses.

Uses permitted subject to site plan approval in accordance with Chapter 22.72 FMC and administrative design review approval in accordance with Chapter 22.66 FMC:

- (a) Retail sales store including, but not limited to, the sale or rental of the following items: antiques, appliances (new), art and art supplies, bicycles, books, building materials, clothing, fabrics, floor coverings, flowers, food, gifts, groceries, hardware, hobby and craft supplies, home furnishings, jewelry, lawn and garden equipment and supplies, newspapers, office equipment and supplies, paint, music, pets and pet supplies, pharmaceuticals, photography supplies and processing, sporting goods, stationery, toys, vehicle parts (new/remanufactured), videos and wallpaper.
- (b) Commercial service including, but not limited to: beauty and hair care, consulting, copying, dry cleaning, fitness/health studios, funeral services, laundry and cleaning (self-service), locksmithing, optical, pet grooming, post office or substation, printing, studio photography, real estate sales, repair of products listed in subsection (a) of this section, security, signs, tailoring, telecommunication sales, title, travel agency service, upholstery and vehicle detailing.
- (c) Food-serving establishment including, but not limited to, bakery, cafeteria, coffee shop, confectionery, delicatessen, espresso stand, ice cream or yogurt shop, restaurant and other sit-down, self-service, or take-out establishments.
- (d) Commercial office including, but not limited to: medical, dental, optometric, business and professional offices.
- (e) Culturally enriching use including, but not limited to: art gallery, dance studio, library, museum, live theater venue and senior center.

- (f) Laboratory, including but not limited to: medical, dental and optical.
- (g) Civic, labor, social and fraternal organization.
- (h) Veterinary clinic, with treatment and storage of animals within an enclosed building.
- (i) Entertainment facility, including but not limited to: arcade, bowling alley, indoor miniature golf course, indoor movie theater, indoor skating rink, racquetball court and tennis court.
- (j) Hotel and motel.
- (k) Financial institution, including but not limited to: bank, savings and loan, and credit union.
- (l) Religious institution.
- (m) Family group home, including adult family home.
- (n) Multifamily dwelling.

(o) Marijuana retailers licensed by the Washington State Liquor and cannabis Board (subject to compliance with FMC 22.58.030).

(op) Necessary public or quasi-public utility building, structure or equipment, unstaffed and less than or equal to 500 square feet in gross floor area (subject to compliance with landscape standards in Chapter 22.62 FMC). Excludes substation. (Ord. 1562 § 28, 2015; Ord. 1325 § 2, 2003; Ord. 1311 § 12, 2002; Ord. 1246 § 11, 2000).

3. Amend FMC 22.58 by adding a new section to read as follows:

FMC 22.58.030 Marijuana Uses

(a) Establishments licensed by the State of Washington Liquor and Cannabis Board as marijuana retailers are permitted only in specified zoning districts.

(b) Marijuana retail uses are not allowed as an accessory use or as a home occupation.

(c) Marijuana producers, marijuana processors, and marijuana researchers, as defined in RCW 69.50 and WAC 314-55, are prohibited in all zoning districts.

(d) Marijuana cooperatives, as defined in RCW 69.51A.250 and WAC 314-55-410, are prohibited in all zoning districts.

(e) Marijuana retail uses shall be designed to include controls and features to prevent odors from travelling off-site and being detected from a public place, public right-of-way, or properties owned or leased by another person or entity.

(f) Marijuana retail uses shall not include drive-through, exterior, or off-site sales.

(g) Marijuana products and/or marijuana paraphernalia shall not be visible from outside the building in which the marijuana retail use is located.

1 (h) All marijuana retail uses must have a State license and medical endorsement in
2 accordance with RCW 69.50 and WAC 314-55 in order to obtain a City business
3 license.

4 (i) As provided in RCW 69.50.331 and WAC 314-55.050, marijuana retail uses shall
5 not be allowed to locate within 1,000 feet of an elementary school, secondary school,
6 playground, recreation center or facility, child care center, public park, public transit
7 center, library, or any game arcade (where admission is not restricted to persons age
8 twenty-one or older). For purposes of this standard, these uses are defined in WAC
9 314-55.

10 (j) Marijuana retail uses shall not be permitted within 1,000 feet of any other
11 recreational marijuana facility.

12 (k) The methodology for measuring the distances shall be the shortest straight line
13 from the closest parcel line in which the state licensed marijuana retail use is located
14 to the closest parcel line of the uses in this subsection.

15 (l) Allow inspection of the site and facilities by City personnel including law
16 enforcement for compliance with all applicable permits and licenses at any time
17 during regular business hours.

18 **MOVED AND ADOPTED** by the Planning Commission of the City of Fircrest on the 16th
19 day of August 2016, by the following vote:

20 YES: ()

21 NOES: ()

22 ABSENT: ()

23 ABSTAIN: ()

24 APPROVED:

25 _____
26 Karen Patjens
27 Chair, Fircrest Planning Commission

28 ATTEST:

29 _____
30 Angelie Stahlnecker
31 Planning/Building Administrator

32 _____
Date

**CITY OF FIRCREST PLANNING COMMISSION
REGULAR MEETING MINUTES**

August 16, 2016
6:00 PM

Fircrest City Hall
115 Ramsdell Street

CALL TO ORDER

Chair Karen Patjens called the regular meeting of the Fircrest Planning Commission to order at 6:00 p.m.

ROLL CALL

Commissioners Kathy L. McVay, Jerry Foss, Karen Patjens, Kenneth Halgren, and Arne Michaelsen were present. Absent: None. Excused: None. Staff present: Principal Planner Jeff Boers and Planning and Building Administrator Angelie Stahlnecker.

APPROVAL OF MINUTES

The minutes for the meeting of July 11, 2016 were presented for approval.

Moved by Foss and seconded by Michaelsen to approve the minutes. Ayes: Kathy L. McVay, Jerry Foss, Karen Patjens, Kenneth Halgren and Arne Michaelsen. Noes: None. Absent: None. Excused: None. Motion carried.

CITIZEN COMMENTS

None.

NEW BUSINESS

None.

OLD BUSINESS

Public Hearing – Case 16-10 Marijuana Regulations

Karen Patjens opened the public hearing for Case 16-10, proposed regulations for marijuana uses at 6:01 p.m.

Planning and Building Administrator Angelie Stahlnecker presented the staff report for the proposal, including the following:

- Proposed amendment to the Commercial Mixed Use zone to allow the sale of retail marijuana
- Proposed amendment to the Neighborhood Commercial zone to prohibit all marijuana uses

CASE NO 16-10
EXHIBIT NO 6
DATE ENTERED: 9-29-16

- The addition of a new section to prohibit marijuana cooperatives in all zones and to establish performance standards for marijuana use under new Section 22.58.030
- The draft recommends a 1000 foot buffer between retails, but the Planning Commission could consider a retail limit
- The draft recognizes the State's buffers, the Planning Commission could recommend reducing those buffers and/or consider a buffer from residential neighborhoods

Patjens invited public comment.

Corbin Edwards, 1576 Woodside Court, stated he would prefer it be banned, but also raised concern over odors suffered by adjacent businesses.

Karen Reynolds, 1576 Woodside Court, stated concern over impacts of retail marijuana and would like it prohibited.

David Viafore, 1120 Paradise Parkway, stated there was no public testimony in support, encouraged the Planning Commission to recommend what they felt was best for the City, and suggested they consider making retail marijuana subject to a conditional use permit.

John Bechtholt, 1021 Crestwood Lane, stated he didn't feel retail marijuana fits with the family oriented community, did not support reducing buffers, and worried about the liability for City.

Patjens closed the public hearing at 6:30 p.m.

Discussion included the following:

- Clarification of what the City Council was requesting the Planning Commission to consider
- The impacts of reducing versus maintaining State buffers
- Clarification of residential neighborhood buffers
- Concerns over odors affecting other businesses or pedestrians
- The draft proposal would require retailers to obtain a medical endorsement
- Cannot limit to medical marijuana, as a medical marijuana endorsement can only be added onto a retail marijuana license
- The Planning Commission has not received any testimony or comments from proponents of retail marijuana
- Concerns that marijuana uses do not serve the best interest of the City
- Consideration of requiring a conditional use permit and establishing CUP approval criteria for marijuana sales
- Concern over banning outright instead of recommending performance standards that could limit negative impacts
- Without any recommendations, marijuana uses would be allowed outright subject to State law

Moved by McVay to direct staff to amend the draft resolution to move marijuana retailers from Permitted Uses to Conditional Uses in the Commercial Mixed Use. No second. Motion died.

Moved by Foss and seconded by Halgren to direct staff to prepare a draft resolution to prohibit marijuana uses in all zones. Ayes: Jerry Foss, Kenneth Halgren and Arne Michaelsen. Noes: Kathy L. McVay and Karen Patjens. Absent: None. Excused: None. Motion carried.

Revised documentation will be brought back at the September 6th meeting for formal action.

2016 Comprehensive Plan Amendments

Karen Patjens opened the public hearing for Case 16-08, 2016 Comprehensive Plan Amendments at 6:55 p.m.

Planning and Building Administrator Angelie Stahlnecker presented the staff report for the proposal to amend the Comprehensive Plan by updating the Capital Improvement Program in the Capital Facilities Element. An amended version was handed out which reflected updates submitted by Public Works.

Patjens invited public comment.

No Comments were made.

Patjens closed the public hearing at 7:00 p.m.

Discussion included the following:

- The fluctuation of sewer and water rate revenue listed reflects the portion expected to be needed that year, not the total projected revenue.
- Projected revenues reflect the proposed revenue rate study
- Does not preclude the City from apply for grants or looking for other revenue sources

Moved by McVay and seconded by Foss to adopt Resolution No. 16-04, a resolution of the Planning Commission of the City of Fircrest, Washington recommending adoption of amendments to the the Capital Facilities Element of the City of Fircrest Comprehensive. Ayes: Kathy L. McVay, Jerry Foss, Karen Patjens, Kenneth Halgren and Arne Michaelsen. Noes: None. Absent: None. Excused: None. Motion carried.

Moved by Foss and seconded by Michaelsen to adjourn the meeting at 7:02 p.m. Ayes: Kathy L. McVay, Jerry Foss, Karen Patjens, Kenneth Halgren, and Arne Michaelsen. Noes: None. Absent: None. Excused: None. Motion carried.


Jerry Foss, Planning Commission Vice-Chair


Angelie Stahlnecker, Planning/Building Administrator



115 RAMSDELL STREET • FIRCREST, WASHINGTON 98466-6999 • (253) 564-8901 • FAX (253) 566-0762

FIRCREST PLANNING/BUILDING DEPARTMENT STAFF REPORT

CASE NUMBER 16-10 ***Proposed Regulations for Marijuana Uses***

September 6, 2016 Planning Commission Meeting

BACKGROUND:

In November of 2012, the voters of Washington approved Initiative 502, which allowed the possession of certain amounts of marijuana and set up a system for the State to license and regulate the production, growth, processing, and sales of marijuana. The Citizens of Fircrest approved the initiative by a vote of 1980-1733. The Washington State Liquor and Cannabis Board (LCB) was given the authority to regulate and license potential marijuana businesses.

Attorney General Opinion 2014 No. 2 maintained that local governments retain the right to regulation marijuana uses within their jurisdictions. As the City has not enacted any additional regulations, marijuana uses are currently allowed in commercial and residential zones subject to the State regulations.

In April 2015, the Washington State Legislature enacted the Cannabis Patient Protection Act which established regulations for the previously unregulated medical marijuana system, including creation of marijuana cooperatives.

On June 20, 2016, the City Council held a study session on the sale of marijuana in the City of Fircrest. On August 9, 2016, the City Council voted 5-2 on a motion requesting the Planning Commission set a public hearing and make recommendations on marijuana regulations including considering reduction of marijuana buffers from sensitive sites, evaluating which zoning districts would be most appropriate for the sale of marijuana, and considering setbacks of retail marijuana from residential areas.

The Planning Commission held a study session on July 11, 2016 which included a PowerPoint presentation and requested a public hearing be scheduled. On August 16, 2016 the Planning Commission held a public hearing and directed staff by a vote of 3-2 to prepare a draft resolution prohibiting marijuana uses in all zoning districts.

PROPOSAL:

Based on City Council and Planning Commission input and direction, staff has prepared a draft set of amendments for public review (see exhibit 1). The proposed code amendments would:

- Prohibit marijuana retailers, producers, processors, and researchers in all zoning districts.
- Prohibit marijuana cooperatives in all zoning districts

PROCESS:

The City prepared an Environmental Checklist and issued a *Determination of Nonsignificance* on August 3, 2016. The environmental determination was issued with a 14-day comment/appeal period ending on August 16, 2016. The City did not receive any comments or notice of appeal.

The City submitted a *Notice of Proposed Amendment* with a request of expedited review to the Washington State Department of Commerce on August 11, 2016, which was issued to state agencies for a 10 business day comment period as required pursuant to RCW 36A.70A. The state agency comment period ended on August 25, 2016 and no comments were received.

Upon completion of a public hearing, the Commission should forward its recommendations to Council, which will conduct its own public hearing before making a final decision.

RECOMMENDATION:

Staff recommends the Planning Commission review the draft amendments and consider incorporating possible revisions. A preliminary resolution supporting the approval of the draft amendments is provided in exhibit 1 for Commission consideration.

I move to adopt Resolution No. 16-05, a resolution of the Planning Commission of the City of Fircrest, Washington recommending adoption of amendments to Title 22 Land Development prohibiting marijuana uses in all zoning districts.

Angelie Stahlnecker

Angelie Stahlnecker
Planning and Building Administrator

August 31, 2016

Date

**CITY OF FIRCREST PLANNING COMMISSION
RESOLUTION NO. 16-05
Case No. 16-10**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF FIRCREST, WASHINGTON, RECOMMENDING ADOPTION OF
AMENDMENTS TO TITLE 22 LAND DEVELOPMENT PROHIBITING
MARIJUANA USES IN ALL ZONING DISTRICTS.**

WHEREAS, in November 2012, Initiative 502 regarding marijuana was approved by the voters of Washington State, legalized the licensing and regulating of recreational marijuana; and

WHEREAS, the Washington State Attorney General issued an opinion, AGO 2014 No. 2, which opined that I-502 did not preempt local jurisdictions from regulating and/or prohibiting marijuana uses consist with state statutes and to protect the public health, welfare, and safety; and

WHEREAS, in April 2015, the Washington State Legislature enacted the Cannabis Patient Protection Act, establishing new regulations for medical marijuana; and

WHEREAS, on August 9, 2016, the Fircrest City Council approved by motion to direct the Planning Commission and staff to develop recommendations through a public review process; and

WHEREAS, the City issued a Determination of Nonsignificance on August 3, 2016 with a 14-day comment period, and no adverse comments were received; and

WHEREAS, The City submitted a *Notice of Proposed Amendment* with a request of expedited review to the Washington State Department of Commerce on August 11, 2016, which was issued to state agencies for a 10 business day comment period as required pursuant to RCW 36A.70A and no comments were received; and

WHEREAS, unless the City acts to address marijuana uses, such uses will be able to located in the City of Fircrest, subject to the LCB regulations; and

WHEREAS, Washington courts have consistently upheld local ordinances banning an activity when state law regulates the activity but does not grant an unfettered right or entitlement to engage in that activity; and

WHEREAS, a public hearing was conducted by the Planning Commission on August 16, 2016 to consider public testimony and comment on proposed amended regulations; and

WHEREAS, after consideration of public testimony, the Planning Commission by a vote of 3-2 directed staff to prepare a resolution recommending amendments that would prohibit marijuana uses in all zoning districts, and determined the prohibition is justified and in the best interests of the City; and

WHEREAS, the Planning Commission has adopted the following findings in support of approval of the proposed development regulation amendments in consideration of the factors listed in Section 22.78.004 FMC, prior to final action:

1. The proposed code amendments will be consistent with the goals, objectives and policies of the comprehensive plan in that they will support the City's goal to ensure that development is compatible with the existing community fabric.

- 1
- 2 2. The proposed amendments will promote, rather than detract from, the public
- 3 health, safety, morals and general welfare in that they will deter negative
- 4 impacts associated with marijuana production, processing and sales.

5 **THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Fircrest

6 hereby recommends to the City Council that it:

- 7 1. Amend FMC 22.46.007 to read as follows:

8 **22.46.007 Prohibited uses.**

9 The following uses are prohibited:

- 10 (a) Drive-up or drive-through facility.
- 11 (b) Off-street parking facility which provides greater than 120 percent of the minimum
- 12 required number of parking stalls specified in FMC 22.60.003.
- 13 (c) Tavern, night club, or sports entertainment facility as defined by the Washington
- 14 State Liquor and Cannabis Board.
- 15 (d) Adult entertainment establishment.
- 16 (e) Second-hand store, other than antique store.
- 17 (f) Delivery service, unless the place of business is located abutting a street classified
- 18 as a principal arterial in the Fircrest comprehensive plan.
- 19 (g) Marijuana uses, including producers, processors, researchers, and retailers.

- 20 2. Amend FMC 22.50.007 to read as follows:

21 **22.50.007 Prohibited uses.**

22 The following uses are prohibited:

- 23 (a) Automobile wrecking yard.
- 24 (b) Impound yard.
- 25 (c) Junk or salvage yard.
- 26 (d) Mini-storage or mini-warehouse (outdoor).
- 27 (e) Marijuana uses, including producers, processors, researchers, and retailers.

- 28 3. Amend FMC 22.58 by adding a new section to read as follows:

29 **FMC 22.58.030 Marijuana Uses**

- 30 (a) Marijuana producers, marijuana processors, and marijuana researchers, as
- 31 defined in RCW 69.50 and WAC 314-55, are prohibited in all zoning districts.
- 32 (b) Marijuana cooperatives, as defined in RCW 69.51A.250 and WAC 314-55-410,
- are prohibited in all zoning districts.
- (c) Marijuana uses are not allowed as an accessory use or as a home occupation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

MOVED AND ADOPTED by the Planning Commission of the City of Fircrest on the 6th day of September 2016, by the following vote:

YES: ()

NOES: ()

ABSENT: ()

ABSTAIN: ()

APPROVED:

Jerry Foss
Vice - Chair, Fircrest Planning Commission

ATTEST:

Angelie Stahlnecker
Planning/Building Administrator

Date

**CITY OF FIRCREST PLANNING COMMISSION
REGULAR MEETING MINUTES**

September 6, 2016
6:00 PM

Fircrest City Hall
115 Ramsdell Street

CALL TO ORDER

Vice-Chair Jerry Foss called the regular meeting of the Fircrest Planning Commission to order at 6:00 p.m.

ROLL CALL

Commissioners Kathy L. McVay, Jerry Foss, Kenneth Halgren, and Arne Michaelsen were present. Absent: None. Excused: Karen Patjens. Staff present: Planning and Building Administrator Angelie Stahlnecker and Administrative Assistant Abbie Maenhout

APPROVAL OF MINUTES

The minutes for the meeting of August 16, 2016 were presented for approval.

Moved by McVay and seconded by Foss to approve the minutes. Ayes: Kathy L. McVay, Jerry Foss, Kenneth Halgren and Arne Michaelsen. Noes: None. Absent: None. Excused: Karen Patjens. Motion carried.

CITIZEN COMMENTS

None.

CONTINUING BUSINESS

Case 16-10 Marijuana Regulations

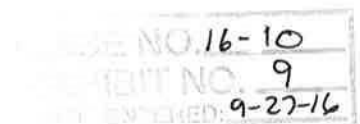
Jerry Foss reopened Case 16-10, amendments to Title 22, proposed regulations for marijuana uses.

Planning and Building Administrator Angelie Stahlnecker identified changes based on Planning Commission direction from the August 16, 2016 meeting.

The proposed code amendments would:

- Prohibit marijuana retailers, producers, processors, and researchers in all zoning districts.
- Prohibit marijuana cooperatives in all zoning districts.

McVay stated that she will support the Planning Commission recommendation but would have preferred the original proposal which allowed retail marijuana in a single area.



Moved by McVay and seconded by Michaelsen to adopt Resolution No. 16-05, a resolution of the Planning Commission of the City of Fircrest, Washington recommending adoption of amendments to Title 22 Land Development prohibiting Marijuana uses in all zoning districts. Ayes: Kathy L. McVay, Jerry Foss, Kenneth Halgren and Arne Michaelsen. Noes: None. Absent: None. Excused: Karen Patjens. Motion carried.

NEW BUSINESS

None.

Moved by McVay and seconded by Michaelsen to adjourn the meeting at 6:05 p.m. Ayes: Kathy L. McVay, Jerry Foss, Kenneth Halgren, and Arne Michaelsen. Noes: None. Absent: None. Excused: Karen Patjens. Motion carried.

Karen Patjens, Planning Commission Chair

Angelie Stahlnecker, Planning/Building

**CITY OF FIRCREST PLANNING COMMISSION
RESOLUTION NO. 16-05
Case No. 16-10**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF FIRCREST, WASHINGTON, RECOMMENDING ADOPTION OF
AMENDMENTS TO TITLE 22 LAND DEVELOPMENT PROHIBITING
MARIJUANA USES IN ALL ZONING DISTRICTS.**

WHEREAS, in November 2012, Initiative 502 regarding marijuana was approved by the voters of Washington State, legalized the licensing and regulating of recreational marijuana; and

WHEREAS, the Washington State Attorney General issued an opinion, AGO 2014 No. 2, which opined that I-502 did not preempt local jurisdictions from regulating and/or prohibiting marijuana uses consist with state statutes and to protect the public health, welfare, and safety; and

WHEREAS, in April 2015, the Washington State Legislature enacted the Cannabis Patient Protection Act, establishing new regulations for medical marijuana; and

WHEREAS, on August 9, 2016, the Fircrest City Council approved by motion to direct the Planning Commission and staff to develop recommendations through a public review process; and

WHEREAS, the City issued a Determination of Nonsignificance on August 3, 2016 with a 14-day comment period, and no adverse comments were received; and

WHEREAS, The City submitted a *Notice of Proposed Amendment* with a request of expedited review to the Washington State Department of Commerce on August 11, 2016, which was issued to state agencies for a 10 business day comment period as required pursuant to RCW 36A.70A and no comments were received; and

WHEREAS, unless the City acts to address marijuana uses, such uses will be able to located in the City of Fircrest, subject to the LCB regulations; and

WHEREAS, Washington courts have consistently upheld local ordinances banning an activity when state law regulates the activity but does not grant an unfettered right or entitlement to engage in that activity; and

WHEREAS, a public hearing was conducted by the Planning Commission on August 16, 2016 to consider public testimony and comment on proposed amended regulations; and

WHEREAS, after consideration of public testimony, the Planning Commission by a vote of 3-2 directed staff to prepare a resolution recommending amendments that would prohibit marijuana uses in all zoning districts, and determined the prohibition is justified and in the best interests of the City; and

WHEREAS, the Planning Commission has adopted the following findings in support of approval of the proposed development regulation amendments in consideration of the factors listed in Section 22.78.004 FMC, prior to final action:

1. The proposed code amendments will be consistent with the goals, objectives and policies of the comprehensive plan in that they will support the City's goal to ensure that development is compatible with the existing community fabric.

- 1
2 2. The proposed amendments will promote, rather than detract from, the public
3 health, safety, morals and general welfare in that they will deter negative
4 impacts associated with marijuana production, processing and sales.

5 **THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Fircrest
6 hereby recommends to the City Council that it:

- 7 1. Amend FMC 22.46.007 to read as follows:

8 **22.46.007 Prohibited uses.**

9 The following uses are prohibited:

- 10 (a) Drive-up or drive-through facility.
11 (b) Off-street parking facility which provides greater than 120 percent of the minimum
12 required number of parking stalls specified in FMC 22.60.003.
13 (c) Tavern, night club, or sports entertainment facility as defined by the Washington
14 State Liquor and Cannabis Board.
15 (d) Adult entertainment establishment.
16 (e) Second-hand store, other than antique store.
17 (f) Delivery service, unless the place of business is located abutting a street classified
18 as a principal arterial in the Fircrest comprehensive plan.
19 (g) Marijuana uses, including producers, processors, researchers, and retailers.

- 20 2. Amend FMC 22.50.007 to read as follows:

21 **22.50.007 Prohibited uses.**

22 The following uses are prohibited:

- 23 (a) Automobile wrecking yard.
24 (b) Impound yard.
25 (c) Junk or salvage yard.
26 (d) Mini-storage or mini-warehouse (outdoor).
27 (e) Marijuana uses, including producers, processors, researchers, and retailers.

- 28 3. Amend FMC 22.58 by adding a new section to read as follows:

29 **FMC 22.58.030 Marijuana Uses**

- 30 (a) Marijuana producers, marijuana processors, and marijuana researchers, as
31 defined in RCW 69.50 and WAC 314-55, are prohibited in all zoning districts.
32 (b) Marijuana cooperatives, as defined in RCW 69.51A.250 and WAC 314-55-410,
33 are prohibited in all zoning districts.
34 (c) Marijuana uses are not allowed as an accessory use or as a home occupation.

1 **MOVED AND ADOPTED** by the Planning Commission of the City of Fircrest on the 6th
2 day of September 2016, by the following vote:

3 YES: (4) McVay, Foss, Halgren, Michaelson

4 NOES: ()

5 ABSENT: (1) Patjens

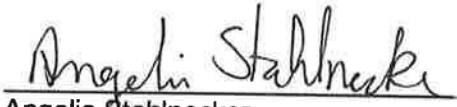
6 ABSTAIN: ()

7 APPROVED:

8 

9 Jerry Foss
10 Vice - Chair, Fircrest Planning Commission

11 ATTEST:

12 

13 Angelie Stahlnecker
14 Planning/Building Administrator

15 September 7, 2016
16 Date

CITY OF FIRCREST

AUG 16 2016

RECEIVED

Please, please do not
put "Pot STORES" in
our nicc, beautiful
Fircrest!!!!
Thank you,

#2565

Ms. Dorothy Moehring
1306 Mar Vista Dr.
Fircrest, WA 98466-6526



CASE NO. 16-10
EXHIBIT NO. 11
DATE ENTERED: 9-27-16

FIRCREST CITY COUNCIL AGENDA SUMMARY

COUNCIL MEETING DATE: September 27, 2016

SUBJECT: 2016 Comprehensive Plan Amendments, Capital Facilities Element

FROM: Angelie Stahlnecker, Planning and Building Administrator

Reviewed by: _____ City Manager _____ Finance Director _____ City Attorney

SUGGESTED MOTION: None. This is a public hearing only. Adoption of the plan will occur at a subsequent City Council meeting.

PROPOSAL: The City of Fircrest proposes to amend the City's Comprehensive Plan by updating the Capital Improvement Program of the Capital Facilities Element as shown in Exhibit 5.

AMENDMENT PROCESS AND HISTORY: The proposed zoning text amendments are classified as a Type 5 legislative proposal, which is subject to public hearing, review and recommendation by the Planning Commission and a final decision by Council -- subsequent to completion of a Council public hearing.

The Planning Commission held a public hearing on August 16, 2016 and voted unanimously to recommend to Council approval of the draft Plan amendments. For the record of the Commission's review, findings and recommendation, please see the attached Planning Commission Staff Report, the Planning Commission Resolution No. 16-04, and the minutes from the August 16th meeting (see exhibits 1-3).

PROCEDURAL COMPLIANCE: The City prepared an *Environmental Checklist and issued a Determination of Environmental Nonsignificance* for the 2016 Amendments to the Fircrest Comprehensive Plan on August 3, 2016. The environmental determination was issued with a 14-day comment/appeal period ending on August 16, 2016. The City did not receive any comments or notice of appeal.

The City submitted a 60-day *Notice of Proposed Amendment* to the Washington State Department of Commerce on August 10, 2016. The state agency comment period will end on October 10, 2016, which means the earliest Council may take action on the proposed amendments is October 11, 2016. As of the date this report was prepared, the City had not received any comments. If comments are received prior to the September 27th hearing or comment deadline, they will be provided to Council for consideration.

FISCAL IMPACT: The proposed amendments will have no direct fiscal impact. However, the amended six-year capital improvement schedules identify projected timing and possible funding

sources for specific capital projects during 2017-2023. The 6-year schedule is for planning purposes only and does not commit the City to fund the proposed projects.

ADVANTAGES: The proposed amendments will update the Comprehensive Plan to ensure consistency with the Growth Management Act as amended, the Puget Sound Regional Council VISION 2040 growth strategy and multicounty planning policies, and the updated Pierce County Countywide Planning Policies. Inclusion of projects in the 6-year Capital Improvement Program is a requirement for several Federal, State and Regional funding grants and loans.

DISADVANTAGES: None noted.

ALTERNATIVES: None proposed.

Exhibits:

- 12. August 16, 2016 Planning Commission Staff Report
- 13. Planning Commission Resolution No. 16-04
- 14. August 16, 2016 Minutes
- 15. Preliminary Ordinance
- 16. Exhibit A, Draft Amendments of the Comprehensive Plan

Exhibit 1



115 RAMSDELL STREET • FIRCREST, WASHINGTON 98466-6999 • (253) 564-8901 • FAX (253) 566-0762

FIRCREST PLANNING/BUILDING DEPARTMENT STAFF REPORT

CASE NUMBER 16-08
2016 Comprehensive Plan Amendments

August 16, 2016 Planning Commission Meeting

PROPOSAL:

The City of Fircrest proposes to update the City's Comprehensive Plan by updating the Capital Improvement Program of the Capital Facilities Element.

AMENDMENT PROCESS:

The Planning Commission's action on a comprehensive plan amendment takes the form of a recommendation to the City Council, which makes the final decision. Upon completion of a public hearing on this matter, the Commission should forward its recommendations to Council, which will conduct its own public hearing before making a final decision.

On March 21, 2016, the City of Fircrest advertised for amendment requests as required by FMC Chapter 23.06 and RCW 36.70A.130. No private applications were received.

ENVIRONMENTAL DETERMINATION:

The City prepared an Environmental Checklist and issued a *Determination of Nonsignificance/Incorporation by Reference of Environmental Documents, Adoption of Existing Environmental Documents for the 2016 Amendments* to the Fircrest Comprehensive Plan on August 3, 2016. The environmental determination was issued with a 14-day comment/appeal period ending on August 16, 2016. The City did not receive any comments or notice of appeal.

DEPARTMENT OF COMMERCE NOTIFICATION:

The City submitted a 60-day *Notice of Intent to Adopt a Plan Amendment* to the Washington State Department of Commerce on August 10, 2016. The state agency comment period will end on October 10, 2016 prior to the City Council's projected adoption date of October 11, 2016. As of the date this report was issued, the City had not received any comment. If comments are received prior to the October 10th hearing or comment deadline, they will be provided to the Commission, or Council, for consideration.

PROPOSAL SUMMARY:

The proposed 2016 Plan amendment updates the 6-year Capital Improvement Program, including

facility improvement tables for Transportation, Water, Sewer, Stormwater Management, and Parks and Recreation.

ANALYSIS:

Fircrest Municipal Code

The proposal consists of comprehensive plan text and map amendments, which are Type V application proposals. The review and approval criteria are provided below:

FMC 23.06.070 Review and approval criteria.

The City Council may adopt any comprehensive plan amendment if it (1) is in the public interest and complies with the Growth Management Act, and (2) is in the public interest and not contrary to the public health, safety and welfare. In making this determination, the Council shall weigh the following factors:

- (a) Consistency with the adopted Fircrest comprehensive plan;
- (b) Consistency with pertinent plans for adjacent jurisdictions and countywide planning policies;
- (c) Eliminates conflicts with existing elements or policies;
- (d) Establishes a logical, compatible extension of existing land use designations;
- (e) Clarifies or amplifies existing policy or accommodates new policy directives of the city council;
- (f) A change of conditions has occurred within the neighborhood or community since adoption of the comprehensive plan, this title, and amendments thereto, to warrant a determination that the proposed amendment is in the public interest.

Review of Criteria for Comprehensive Plan Amendments

In order for the Planning Commission to recommend approval of a comprehensive plan amendment to the City Council, the criteria under FMC 23.06.070 must be met. Staff believes that the proposal meets the criteria as follows (staff comment in *italics*):

- (a) The proposed amendment is consistent with the adopted comprehensive plan.

The proposed capital facilities amendments are consistent with Capital Facilities Goal CF1, to provide and maintain adequate public facilities to meet the needs of existing and new development and Goal CF4, to provide needed public facilities within the City's ability to fund or within the City's authority to require others to provide.

- (b) The proposed amendment is consistent with pertinent plans for adjacent jurisdictions and countywide planning policies.

The proposed capital facility amendments address capital improvements that are fully contained within Fircrest jurisdiction and are not inconsistent with plans for adjacent jurisdictions or countywide planning policies.

- (c) The proposed amendment eliminates conflicts with existing elements or policies.

The proposed capital facility amendments do not conflict with existing elements or policies.

- (d) The proposed amendment establishes a logical compatible extension of existing land use designations.

No land use designation changes are proposed.

- (e) The proposed amendment clarifies or amplifies existing policy or accommodates new policy directives of the City Council.

The proposed amendments support a continuation of existing policies and provides consistency with other planning documents..

- (f) A change of conditions has occurred within the neighborhood or community since adoption of the comprehensive plan, this title, and amendments thereto, to warrant a determination that the proposed amendment is in the public interest.

The proposed amendments address future projections, are consistent with Fircrest citizens' vision for the future, and will be in the public interest.

RECOMMENDATION:

Staff recommends the Planning Commission consider public comment at the August 16, 2016 public hearing, consider the findings and conclusions in the preliminary resolution (Exhibit 2), and adopt the following motion recommending approval of the proposal:

I move to adopt Resolution No. 16-04, a resolution of the Planning Commission of the City of Fircrest, Washington recommending adoption of amendments to the Six-Year Capital Improvement Program contained in the Capital Facilities Element of the City of Fircrest Comprehensive.

Angelie Stahlnecker

Planning and Building Administrator

August 10, 2016

Date

Exhibit 2

CITY OF FIRCREST PLANNING COMMISSION RESOLUTION NO. 16-05 Case No. 16-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FIRCREST, WASHINGTON, RECOMMENDING ADOPTION OF AMENDMENTS TO THE SIX-YEAR CAPITAL IMPROVEMENT PROGRAM CONTAINED IN THE CAPITAL FACILITIES ELEMENT OF THE CITY OF FIRCREST COMPREHENSIVE PLAN.

WHEREAS, the Fircrest Planning Commission is authorized, under Section 23.08.110 FMC, to study, promulgate, develop and update coordinated plans, including a Comprehensive Plan, for the physical development of the city as deemed necessary in the interest of the public health, safety, morals and the general welfare of the community; and to such end it may make recommendations to the City Council regarding the regulations of and restrictions on the use of land, the location, construction and use of buildings, and other related matters which are or might properly be incorporated into city ordinances dealing with zoning, building, plats and subdivisions, parks and annexation; and

WHEREAS, the City is required to periodically review and update its Comprehensive Plan, as needed, to ensure consistency with the Growth Management Act, Puget Sound Regional Council VISION 2040 Growth Strategy, and the Pierce County Countywide Planning Policies; and

WHEREAS, the City submitted a *Notice of Intent to Adopt* to the Washington State Department of Commerce on August 11, 2016, which was issued to state agencies for a 60-day comment period as required pursuant to RCW 36A.70 RCW; and

WHEREAS, the City issued a *Determination of Nonsignificance/Incorporation by Reference of Environmental Documents, Adoption of Existing Environmental Documents* for the 2016 Amendments to the Fircrest Comprehensive Plan on August 3, 2016 with a 14-day comment period ending August 16, 2016, and no adverse comments were received; and

WHEREAS, the Planning Commission conducted a public hearing on August 16, 2016 to accept public testimony and comment on the proposed amendments; and

WHEREAS, the Planning Commission adopted the following findings in support of approval of the proposed Comprehensive Plan Amendments, in consideration of the factors listed in Section 23.06.070 FMC, prior to final action:

- a) The proposed capital facilities amendments are consistent with Capital Facilities Goal CF1, to provide and maintain adequate public facilities to meet the needs of existing and new development and Goal CF4, to provide needed public facilities within the City's ability to fund or within the City's authority to require others to provide.
- b) The proposed capital facility amendments address capital improvements that are fully contained within Fircrest jurisdiction and are not inconsistent with plans for adjacent jurisdictions or countywide planning policies.

- c) The proposed capital facility amendments do not conflict with existing elements or policies.
- d) No changes to the existing land use designations are being proposed.
- e) The proposed amendments support a continuation of existing policies and provides consistency with other planning documents.
- f) The proposed amendments address future projections, are consistent with Fircrest citizens' vision for the future, and will be in the public interest.

THEREFORE BE IT RESOLVED that the Planning Commission of the City of Fircrest hereby recommends to the City Council the adoption of the proposed amendments as follows:

Section 1. The Comprehensive Plan is hereby amended by adopting the Six-Year Capital Improvement Program contained in the Capital Facilities Element attached hereto.

MOVED AND ADOPTED by the Planning Commission of the City of Fircrest on the 16th day of August, 2016 by the following vote:

YES: (5) McVay, Foss, Patjens, Halgren, Michaelson

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

APPROVED:

Karen Patjens
Chair, Fircrest Planning Commission

ATTEST:

Angelie Stahlnecker
Planning/Building Administrator

Date

Exhibit 3

CITY OF FIRCREST PLANNING COMMISSION REGULAR MEETING MINUTES

August 16, 2016
6:00 PM

Fircrest City Hall
115 Ramsdell Street

CALL TO ORDER

Chair Karen Patjens called the regular meeting of the Fircrest Planning Commission to order at 6:00 p.m.

ROLL CALL

Commissioners Kathy L. McVay, Jerry Foss, Karen Patjens, Kenneth Halgren, and Arne Michaelsen were present. Absent: None. Excused: None. Staff present: Principal Planner Jeff Boers and Planning and Building Administrator Angelie Stahlnecker.

APPROVAL OF MINUTES

The minutes for the meeting of July 11, 2016 were presented for approval.

Moved by Foss and seconded by Michaelsen to approve the minutes. Ayes: Kathy L. McVay, Jerry Foss, Karen Patjens, Kenneth Halgren and Arne Michaelsen. Noes: None. Absent: None. Excused: None. Motion carried.

CITIZEN COMMENTS

None.

NEW BUSINESS

None.

OLD BUSINESS

Public Hearing – Case 16-10 Marijuana Regulations

Karen Patjens opened the public hearing for Case 16-10, proposed regulations for marijuana uses at 6:01 p.m.

Planning and Building Administrator Angelie Stahlnecker presented the staff report for the proposal, including the following:

- Proposed amendment to the Commercial Mixed Use zone to allow the sale of retail marijuana
- Proposed amendment to the Neighborhood Commercial zone to prohibit all marijuana uses
- The addition of a new section to prohibit marijuana cooperatives in all zones and to establish performance standards for marijuana use under new Section 22.58.030
- The draft recommends a 1000 foot buffer between retails, but the Planning Commission could consider a retail limit
- The draft recognizes the State's buffers, the Planning Commission could recommend reducing those buffers and/or consider a buffer from residential neighborhoods

Patjens invited public comment.

Corbin Edwards, 1576 Woodside Court, stated he would prefer it be banned, but also raised concern over odors suffered by adjacent businesses.

Karen Reynolds, 1576 Woodside Court, stated concern over impacts of retail marijuana and would like it prohibited.

David Viafore, 1120 Paradise Parkway, stated there was no public testimony in support, encouraged the Planning Commission to recommend what they felt was best for the City, and suggested they consider making retail marijuana subject to a conditional use permit.

John Bechtholt, 1021 Crestwood Lane, stated he didn't feel retail marijuana fits with the family oriented community, did not support reducing buffers, and worried about the liability for City.

Patjens closed the public hearing at 6:30 p.m.

Discussion included the following:

- Clarification of what the City Council was requesting the Planning Commission to consider
- The impacts of reducing versus maintaining State buffers
- Clarification of residential neighborhood buffers
- Concerns over odors affecting other businesses or pedestrians
- The draft proposal would require retailers to obtain a medical endorsement
- Cannot limit to medical marijuana, as a medical marijuana endorsement can only be added onto a retail marijuana license
- The Planning Commission has not received any testimony or comments from proponents of retail marijuana
- Concerns that marijuana uses do not serve the best interest of the City
- Consideration of requiring a conditional use permit and establishing CUP approval criteria for marijuana sales

- Concern over banning outright instead of recommending performance standards that could limit negative impacts
- Without any recommendations, marijuana uses would be allowed outright subject to State law

Moved by McVay to direct staff to amend the draft resolution to move marijuana retailers from Permitted Uses to Conditional Uses in the Commercial Mixed Use. No second. Motion died.

Moved by Foss and seconded by Halgren to direct staff to prepare a draft resolution to prohibit marijuana uses in all zones. Ayes: Jerry Foss, Kenneth Halgren and Arne Michaelsen. Noes: Kathy L. McVay and Karen Patjens. Absent: None. Excused: None. Motion carried.

Revised documentation will be brought back at the September 6th meeting for formal action.

2016 Comprehensive Plan Amendments

Karen Patjens opened the public hearing for Case 16-08, 2016 Comprehensive Plan Amendments at 6:55 p.m.

Planning and Building Administrator Angelie Stahlnecker presented the staff report for the proposal to amend the Comprehensive Plan by updating the Capital Improvement Program in the Capital Facilities Element. An amended version was handed out which reflected updates submitted by Public Works.

Patjens invited public comment.

No Comments were made.

Patjens closed the public hearing at 7:00 p.m.

Discussion included the following:

- The fluctuation of sewer and water rate revenue listed reflects the portion expected to be needed that year, not the total projected revenue.
- Projected revenues reflect the proposed revenue rate study
- Does not preclude the City from applying for grants or looking for other revenue sources

Moved by McVay and seconded by Foss to adopt Resolution No. 16-04, a resolution of the Planning Commission of the City of Fircrest, Washington recommending adoption of amendments to the Capital Facilities Element of the City of Fircrest Comprehensive. Ayes: Kathy L. McVay, Jerry Foss, Karen Patjens, Kenneth Halgren and Arne Michaelsen. Noes: None. Absent: None. Excused: None. Motion carried.

Moved by Foss and seconded by Michaelsen to adjourn the meeting at 7:02 p.m. Ayes:

Kathy L. McVay, Jerry Foss, Karen Patjens, Kenneth Halgren, and Arne Michaelson.
Noes: None. Absent: None. Excused: None. Motion carried.

Jerry Foss, Planning Commission Vice-Chair

Angelie Stahlnecker, Planning/Building Administrator

Exhibit 4

CITY OF FIRCREST ORDINANCE NO.

AN ORDINANCE OF THE CITY OF FIRCREST, WASHINGTON, AMENDING ORDINANCE 1569, SECTION 1 AND FMC 23.04.020 AMENDING THE CITY OF FIRCREST COMPREHENSIVE PLAN CAPITAL FACILITIES ELEMENT.

WHEREAS, the City is required to periodically review and update its Comprehensive Plan, as needed, to ensure consistency with the Growth Management Act, Puget Sound Regional Council VISION 2040 Growth Strategy, and the Pierce County Countywide Planning Policies; and

WHEREAS, the City submitted a *Notice of Intent to Adopt* to the Washington State Department of Commerce on August 11, 2016, which was issued to state agencies for a 60-day comment period as required pursuant to RCW 36A.70 RCW; and

WHEREAS, the City issued a *Determination of Environmental Nonsignificance* for the 2016 Amendments to the Fircrest Comprehensive Plan on August 3, 2016 with a 14-day comment period ending August 16, 2016, and no adverse comments were received; and

WHEREAS, the Fircrest Planning Commission is authorized, under Section 23.08.110 FMC, to study, promulgate, develop and update coordinated plans, including a Comprehensive Plan, for the physical development of the city as deemed necessary in the interest of the public health, safety, morals and the general welfare of the community; and to such end it may make recommendations to the City Council regarding the regulations of and restrictions on the use of land, the location, construction and use of buildings, and other related matters which are or might properly be incorporated into city ordinances dealing with zoning, building, plats and subdivisions, parks and annexation; and

WHEREAS, the Planning Commission conducted a public hearing on August 16, 2016 to accept public testimony and comment on the proposed amendments; and

WHEREAS, the Planning Commission adopted the following findings in support of approval of the proposed Comprehensive Plan Amendments, in consideration of the factors listed in Section 23.06.070 FMC, prior to final action:

1. The proposed capital facilities amendments are consistent with Capital Facilities Goal CF1, to provide and maintain adequate public facilities to meet the needs of existing and new development and Goal CF4, to provide needed public facilities within the City's ability to fund or within the City's authority to require others to provide.
2. The proposed capital facility amendments address capital improvements that are fully contained within Fircrest jurisdiction and are not inconsistent with plans for adjacent jurisdictions or countywide planning policies.

3. The proposed capital facility amendments do not conflict with existing elements or policies.
4. No changes to the existing land use designations are being proposed.
5. The proposed amendments support a continuation of existing policies and provides consistency with other planning documents.
6. The proposed amendments address future projections, are consistent with Fircrest citizens' vision for the future, and will be in the public interest.

WHEREAS, the City Council conducted a public hearing on September 27, 2016, to accept public testimony and comment on the proposed amendments; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF FIRCREST DO ORDAIN AS FOLLOWS:

Section 1. Ordinance 1569, §1, and FMC 23.04.020 are hereby amended to read as follows:

The 2016 amendments to the Fircrest Comprehensive Plan as shown in Exhibit "A" attached to Ordinance No. _____, and incorporated in this section by reference, are hereby adopted pursuant to the Growth Management Act, Chapter 36.70A RCW, and codified within this title.

Section 2. Severability. If any section, sentence, clause or phrase of this title shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this title.

Section 3. Publication and Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the city. This ordinance shall be effective five (5) days after such publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON,
at a regular meeting thereof this 11th day of October 2016.

APPROVED:

Matthew Jolibois, Mayor

ATTEST:

Lisa Keely, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

Publication Date:

Effective Date:

Exhibit A

Draft Amendments to the Comprehensive Plan Capital Facilities Element September 27, 2016

Transportation Facility Improvements

Revenues	2017	2018	2019	2020	2021	2022	2023	TOTAL	2024-2036	20 Year Total
<i>The following revenue sources may be available to the City to be used for part or all of the Capital Appropriations identified</i>										
Light Funds from the sale of the Light Utility	50,000	50,000	50,000					150,000		150,000
Property Tax										
Real Estate Excise Tax- To be used as deemed necessary by the City Council to fund improvements	50,000	50,000	50,000	50,000	50,000	50,000	50,000	350,000	700,000	1,050,000
State/Federal Grant	539,000	1,592,000	560,000	624,000	648,000	320,000		4,283,000	1,760,000	6,043,000
Local Match Funds for Grants – From REET or Rate Revenue	31,000	248,000	140,000	156,000	102,000	80,000		757,000	440,000	1,197,000
Utility Funds for grind and overlay with utility work									500,000	500,000
Developer Contributions									1,000,000	1,000,000
Total Revenues	670,000	1,940,000	800,000	830,000	800,000	450,000	50,000	5,540,000	4,400,000	9,940,000
Capital Appropriations	2017	2018	2019	2020	2021	2022	2023	TOTAL	2024-2036	20 Year Total
1. Major Pavement Patching: Citywide	50,000	50,000	50,000	50,000	50,000	50,000	50,000	350,000	700,000	1,050,000
2. Alameda Avenue: Regents Blvd to Columbia St/South 19 th	230,000							230,000		230,000
3. Alameda Avenue: Greenway to Regents Blvd		1,840,000						1,840,000		1,840,000
4. Alameda Avenue: Emerson to Rosewood Ln (<i>curb, gutter, sidewalk on east side, bike lane designation</i>)			450,000					450,000		450,000
5. Alameda Avenue: 42nd to Emerson (<i>curb, gutter, and sidewalk on west side, and bike lane designation</i>)			250,000					250,000		250,000
6. 44th Street: 67th Ave to 62nd Ave (<i>curb gutter and sidewalk on north side</i>)				400,000				400,000		400,000
7. Regents: Alameda Ave to 67 th Ave (<i>grind and overlay</i>)				0	750,000			750,000		750,000
8. Emerson Street: Alameda Avenue to Woodside Drive (<i>planter strip and sidewalk on south side</i>)				380,000				380,000		380,000
9. Emerson – Woodside to 67 th (<i>Retaining walls and entry islands</i>)						400,000		400,000		400,000
10. Traffic Signal Safety Improvement Program –	340,000							340,000		340,000

signalization Improvements										
11. LED Street Light Replacement	50,000	50,000	50,000					150,000		150,000
12. Grind and Overlay: Various City Streets									1,500,000	1,500,000
13. Sidewalk Gap Completion and Replacement									950,000	950,000
14. Regents Blvd. and Alameda Avenue (<i>channelization and restriping for bike lanes shared facilities</i>)									250,000	250,000
15. New development roadway improvements									1,000,000	1,000,000
Total Capital Appropriations	670,000	1,940,000	800,000	830,000	800,000	450,000	50,000	5,540,000	4,400,000	9,940,000

Sewer Facility Improvements

Revenues	2017	2018	2019	2020	2021	2022	2023	TOTAL
<i>The following revenue sources may be available to the City to be used for part or all of the Capital Appropriations identified.</i>								
Sewer Rate Revenue	371,000	346,000	341,000	471,000	271,000	446,000	325,550	2,571,550
Real Estate Excise Tax - To be used as deemed necessary by the City Council to fund improvements								0
Public Works Trust Fund Loan								0
Washington State Department of Ecology Loan								0
Capital Contributions - Tap Fees	4,000	4,000	4,000	4,000	4,000	4,000	4,000	28,000
Bond Issue								
Total Revenues	375,000	350,000	345,000	475,000	275,000	450,000	329,550	2,599,550

Capital Appropriations	2017	2018	2019	2020	2021	2022	2023	TOTAL
1. Drake Street Lift station upgrades		300,000						300,000
2. Alameda Lift station upgrades	350,000							350,000
3. 44 th (Fordham) lift station upgrades			75,000					75,000
4. Estate Place Lift station roadway/generator/control panel			100,000					100,000
5. Condition 4 repair evaluation	25,000							25,000
6. Crestwood Lane (Cond 4)		50,000						50,000
7. 200 Block Alameda; 45th St Ct (Cond. 4)			170,000					170,000
8. 1000 Block Fairway/Electron (Cond. 4)				475,000				475,000
9. 900 Block Alameda (Cond. 4)					275,000			275,000
10. 400 Block Contra Costa (Cond. 4)						450,000		450,000
11. 300 Block Contra Costa (Cond. 4)							175,000	175,000
12. 200 Block Contra Costa (Cond. 4)							154,550	154,550
Total Capital Appropriations	375,000	350,000	345,000	475,000	275,000	450,000	329,550	2,599,550

Stormwater Management Facility Improvements

Revenues	2017	2018	2019	2020	2021	2022	2023	TOTAL
<i>The following revenue sources may be available to the City to be used for part or all of the Capital Appropriations identified.</i>								
Rate Revenues	20,000	20,000	20,000	20,000	20,000	20,000	20,000	140,000
Real Estate Excise Tax - To be used as deemed necessary by the City Council to fund improvements								
WSDOE grants monies	225,000	225,000	225,000	225,000	225,000	108,750		1,233,750
Local Match Funds for Grants – From REET or Rate Revenue	75,000	75,000	75,000	75,000	75,000	36,250		411,250
Total Revenues	320,000	320,000	320,000	320,000	320,000	165,000	20,000	1,785,000

Capital Appropriations	2017	2018	2019	2020	2021	2022	2023	TOTAL
1. Upgrades to existing stormwater conveyance and treatment system	20,000	20,000	20,000	20,000	20,000	20,000	20,000	140,000
2. Storm Water Quality outfall projects, SQ1 to SQ11 (2 per yr.)	300,000	300,000	300,000	300,000	300,000	145,000		1,645,000
Total Capital Appropriations	320,000	320,000	320,000	320,000	320,000	165,000	20,000	1,785,000

Water Facility Improvements

Revenues	2017	2018	2019	2020	2021	2022	2023	TOTAL
<i>The following revenue sources may be available to the City to be used for part or all of the Capital Appropriations identified.</i>								
Rate Revenues	421,000	196,000	271,000	86,000	86,000	41,000	41,000	1,142,000
Real Estate Excise Tax - To be used as deemed necessary by the City Council to fund improvements								
Capital Contributions - Tap Fees	4,000	4,000	4,000	4,000	4,000	4,000	4,000	28,000
Bond Issue								
Local Match Funds for Grants – From REET or Rate Revenue								
Total Revenues	425,000	200,000	275,000	90,000	90,000	45,000	45,000	1,170,000

Capital Appropriations	2017	2018	2019	2020	2021	2022	2023	TOTAL
1. 8" Water Main on Ramsdell Ave from Alta Vista to Contra Costa	425,000							425,000
2. Recoat exterior of the "High Tank" reservoir		200,000						200,000
3. 12" Water Main on Summit Ave from Princeton St to Columbia St			275,000					275,000
4. 8" Water Main on Farallone from Stanford Street to Golden Gate Avenue				45,000				45,000
5. 8" Water Main on Eldorado Avenue from Princeton St to Columbia St				45,000				45,000
6. 8" Water Main Replacement of Old & Undersized Mains					90,000	45,000	45,000	180,000
Total Capital Appropriations	425,000600	200,000	275,000	90,000	90,000	45,000	45,000	1,170,000

Parks and Recreation Improvements

Revenues	2017	2018	2019	2020	2021	2022	2023	TOTAL
<i>The following revenue sources may be available to the City to be used for part or all of the Capital Appropriations identified.</i>								
State/Federal Grants	532,800			540,000				\$1,072,800
General Fund								
General Obligation Bonds			3,062,200	23,291,000		167,000		26,520,200
Donations								
Real Estate Excise Tax - To be used as deemed necessary by the City Council to fund improvements								
Local Match Funds for Grants (44 th & Alameda fund)	59,200			60,000				\$119,200
Total Revenues	592,000		3,062,200	23,891,000		167,000		\$27,712,200.00

Capital Appropriations	2017	2018	2019	2020	2021	2022	2023	TOTAL
1. Fircrest Park Parking and Pathways	377,000							\$377,000
2. Tot Lot Paved Paths and Parking (grant 2017)	215,000							\$215,000
3. Tot Lot Restroom Shelter			324,000					\$324,000
4. Tot Lot Improvements			218,200					\$218,200
5. Fircrest Park Sports Fields Improvements			1,320,000					\$1,320,000
6. Fircrest Park Playground Development			1,200,000					\$1,200,000
7. Whittier Park Drainage Improvements				600,000				\$600,000
8. Masko Park Misc. Improvements				131,000				\$131,000
9. Alice Peers Park Reader Board				60,000				\$60,000
10. Whittier Park Lighting and Electrical				600,000				\$600,000
11. Masko Park Landscape & Irrigation						130,000		\$130,000
12. Concrete Stair/Walk Connections to City Hall						37,000		\$37,000
13. Recreation Center Renovation/Replacement				9,500,000				\$9,500,000
14. Fircrest Park Pool Replacement				13,000,000				\$13,000,000
Total Capital Appropriations	\$592,000		\$3,062,200	\$23,891,000		\$167,000		\$27,712,200.00

FIRCREST CITY COUNCIL AGENDA SUMMARY

COUNCIL MEETING DATE: September 27, 2016

SUBJECT: Boulevard of Remembrance

FROM: Rick Rosenblatt, City Manager

Reviewed by: _____ City Manager _____ Finance Director _____ City Attorney

SUGGESTED MOTION: I move to adopt Resolution No. _____ supporting the naming of the Remembrance Corridor, the placement of an historical marker, and the ongoing efforts to preserve the surviving trees.

PROPOSAL: Council is being asked to support the naming of the “Remembrance Corridor,” the placement of an historical marker, and the on-going efforts to preserve the surviving trees. Representative Muri is going through the formal Washington Transportation Commission naming process, which requires gathering support from community leaders and legislators. Many have responded and the Transportation Commission is satisfied to see all the support.

FISCAL IMPACT: None to the City of Fircrest.

ADVANTAGES: With enough support, this memorialization would be installed alongside a stretch of highway running through Joint Base Lewis McChord and the many communities that are home to our military and veterans.

DISADVANTAGES: None.

ALTERNATIVES: The City could choose to not support the Boulevard of Remembrance.

HISTORY: Recently, a 92 year old constituent requested assistance in fulfilling Pierce County Resolution R89-164. This 1989 resolution was part of a significant historical preservation effort undertaken by our county leaders to preserve surviving trees on I-5 that were planted in 1928 to honor and commemorate our fallen World War I Veterans, organizations, and women who contributed to the war effort. However, part of the resolution was never completed. According to the resolution, in section 1 and 2, the WSDOT was requested to:

- preserve and maintain the surviving trees along the “Boulevard of Remembrance” located appx. 6 miles along I-5, from Ponders corner and Ft. Lewis, to the Nisqually River and
- place a substantial marker describing the importance of the memorial.

Representative Muri has been working with constituents and WSDOT to complete this memorialization. WSDOT reviewed this project and is making room to install some sort of signage, in dedication to this resolution. It is significant to see this specific memorialization alongside a stretch of highway that runs through Joint Base Lewis McChord and the many communities that are home to our military and veterans. This signage will start on I-5 at mile post 116 (Mounts Road exit) to mile post 125 (McChord exit).

Attachments: Resolution

**CITY OF FIRCREST
RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON, SUPPORTING THE NAMING OF THE
REMEMBRANCE CORRIDOR, THE PLACEMENT OF AN
HISTORICAL MARKER, AND THE ON-GOING EFFORTS TO
PRESERVE THE SURVIVING TREES**

WHEREAS, in 1928, the Tacoma Garden Club established a plan to commemorate those who served in World War I; and

WHEREAS, individual citizens and organizations in Pierce County funded the placement of 500 northern scarlet, English, and red oak trees; and

WHEREAS, this tree-lined memorial boulevard was planted along the Pacific Highway (now I-5) from the Nisqually River to Ponders Station; and

WHEREAS, each tree memorializes an individual, organization, or military unit that served during World War I; and

WHEREAS, many of the trees are visibly marked by a copper plaque set in stone recording the name of the honored person or organization; and

WHEREAS, those honored and commemorated represented all areas of the nation; and

WHEREAS, on March 16, 1928, the “Boulevard of Remembrance” was formally dedicated by local and state leaders; and

WHEREAS, in the decades that followed, a large portion of the memorial was destroyed by expanding roadways and freeway construction, thereby reducing the number of trees on the “Boulevard of Remembrance” from 500 to 66; and

WHEREAS, in the 1980s, a group of local preservationists, including Charlotte Medlock (b. 1925), waged a successful campaign to save the 66 surviving trees; and

WHEREAS, in 1989, Pierce County Resolution R89-164 recognized the importance of preserving the “Boulevard of Remembrance” as a visible commemoration of the sacrifices many bore in the defense of our nation; and

WHEREAS, the 66 remaining trees located along I-5, from the Nisqually River to Ponders Corner and Fort Lewis, continue to honor our World War I veterans, organizations, and other individuals who contributed to the war effort; and

WHEREAS, this stretch of highway runs through Joint Base Lewis McChord and communities which are home to many military members and veterans, and

WHEREAS, through a collaborative effort of local and state leaders, a request has been made to the Washington State Department of Transportation to officially name the area of I-5 from mile post 116 (Mounts Road exit), to mile post 125 (McChord exit) the “Remembrance Corridor;” and

WHEREAS, a further request has been made for the placement of a “Remembrance Corridor” sign at the entrance of this area, as well as a historical marker, accessible for public viewing, describing the history and significance of the memorial; and

WHEREAS, the House of Representatives of the state of Washington supports the naming of the “Remembrance Corridor,” the placement of an historical marker, and the on-going efforts to preserve the surviving trees;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST:

Section 1. The City of Fircrest supports the naming of the “Remembrance Corridor,” the placement of an historical marker, and the on-going efforts to preserve the surviving trees.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, at a regular meeting thereof this 27th day of September 2016.

APPROVED

Matthew Jolibois, Mayor

ATTEST:

Lisa Keely, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

FIRCREST CITY COUNCIL AGENDA SUMMARY

COUNCIL MEETING DATE:

September 27, 2016

SUBJECT:

Resolution authorizing the City Manager to execute a professional services agreement with SiteLines Park and Playground Products Inc. to provide professional services.

FROM:

Parks and Recreation Director Grover

Reviewed by:

RR

City Manager

MT

Finance Director
Acting

MB

City Attorney

RECOMMENDED MOTION: I move to adopt Resolution No. _____ authorizing the City Manager to execute an agreement with SiteLines Park and Playground Products Inc. to provide professional services for the supply and installation of play equipment for the Gene Goodwin Memorial Tot Lot.

PROPOSAL: Council is being asked to authorize the City Manager to execute an agreement with SiteLines Park and Playground Products Inc. to provide professional services for the supply and installation of play equipment for the Gene Goodwin Memorial Tot Lot.

FISCAL IMPACT: The Lump Sum Fee for the professional services agreement is \$47,832.62.

ADVANTAGES: After thorough staff evaluation and community input from over 40 community members, SiteLines emerged as the top design for playground equipment for the Gene Goodwin Tot Lot. SiteLines is the exclusive Washington representative for GameTime, which is the world's largest manufacturer of commercial quality playground equipment crafted for parks and schools. Their design is a nature themed play area that includes a large number of play-value components. SiteLines' design met all of the specified needs with interactive kinetic & inclusive ADA play options, all of which are ASTM, CPSC and IPEMA safety certified.

DISADVANTAGES: Other than cost, none are identifiable at this time.

ALTERNATIVES: Forego the professional services agreement, extend the grant process and solicit new vendors with new RFP specifications.

HISTORY: The City of Fircrest applied for and received a matching grant from the Washington State Recreation and Conservation Office. The City will use this grant to renovate portions of the Gene Goodwin Memorial Tot Lot. This grant will enable the City to replace the red and tan worn out play structure with a new structure that offers the latest elements in recreational play and safety. The structure will be tailored for children aged two to five.

Attachments:

Resolution

Professional Services Agreement with Exhibits

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

**CITY OF FIRCREST
RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON, AUTHORIZING THE CITY
MANAGER TO EXECUTE A PROFESSIONAL SERVICES
AGREEMENT WITH SITELINES PARK AND PLAYGROUND
PRODUCTS INC. TO PROVIDE PROFESSIONAL SERVICES**

WHEREAS, the City of Fircrest has need of services for the supply and installation of play equipment for the Gene Goodwin Memorial Tot Lot; and

WHEREAS, SiteLines Park and Playground Products Inc. has the required experience and expertise to provide such services; and

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST:

Section 1. The City Manager is hereby authorized and directed to execute the agreement with SiteLines Park and Playground Products Inc. for professional services for the supply and installation of play equipment for the Gene Goodwin Memorial Tot Lot Park not to exceed (\$48,000).

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON**, at a regular meeting thereof this 27th day of
September, 2016.

APPROVED

Matthew Jolibois, Mayor

ATTEST:

Lisa Keely, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

Professional Services Agreement

1. **Date and Parties:** This Agreement is entered into between the City of Fircrest, hereinafter referred to as "City" and SiteLines Park and Playground Products Inc., hereinafter referred to as "Professional".
2. **General Recitals:** The purpose of this Agreement is for Professional to design proposals for the supply and installation of play equipment for the Gene Goodwin Memorial Tot Lot in Fircrest, Washington.
3. **Term:** The term of this Agreement shall be from September 27, 2016 to December 16, 2016, and may be extended or modified by mutual consent of the parties.
4. **Termination of Agreement:** This Agreement may be terminated by either party, with or without cause, upon seven (7) days' written notice served to the other party by registered mail. In such case, Consultant shall be compensated by the City for all work performed to the date of termination.
5. **Products and Meetings:** The Professional shall provide the services as specified in the attached Exhibit A and Exhibit B.
6. **Payment:** The Professional shall be compensated as outlined in Exhibit A and Exhibit B.
7. **Notices:** Any notice required or permitted herein shall be deemed properly given at the time personally delivered or mailed postage prepaid and first class to the following addresses, or such other addresses as the City or Professional may designate in the future:

If to the City:

With a copy to:

City Manager
City of Fircrest
115 Ramsdell Street
Fircrest, WA 98466

City Clerk
City of Fircrest
115 Ramsdell Street
Fircrest, WA 98466

If to the Consultant:

Lindsey Erwin
GameTime, c/o SiteLines Park and Playground Products Inc.
4818 Evergreen Suite 200
Everett, WA 98203

8. **Discrimination and Compliance with Laws:** Professional agrees to not discriminate against any employee or applicant for employment or any other person in the performance of this Agreement because of race, creed, color, national origin, marital status, sex, age,

disability, or other circumstance prohibited by federal, state or local law or ordinance, except for a bona fide occupational qualification.

- a. Professional shall comply with all federal, state and local laws and ordinances applicable to the work to be done under this Agreement.
 - b. Violation of this section shall be a material breach of this Agreement and grounds for cancellation, termination or suspension by the City, in whole or in part, and may result in ineligibility for further work for the City.
9. **Limits of Liability:** Professional agrees to hold the City, its elected officials, officers, employees, agents and volunteers harmless from any and all claims, demands, losses, actions and liabilities to or by any and all persons or entities. This agreement includes both personal Injury, Bodily Injury, Death or Property Damage as well as other loss or damage.
10. **General Liability Insurance:** shall purchase and maintain a \$1,000,000 General Liability insurance policy protecting the City of Fircrest, its elected officials, officers, and its employees, directors, officers, agents, volunteers and members and naming the City of Fircrest as a Primary Non-contributory Additional Insured. A Certificate of Insurance will be supplied. Limits on the policy do not relieve the Contractor from uninsured or additional liability.
11. **Sole Contract Between Parties:** This Agreement is the sole written contract between the parties. Any prior written or oral understanding shall merge with this Agreement. It shall be amended only upon express written consent of the parties hereto.

Dated this ____ day of _____, 2016.

CITY OF FIRCREST

By: _____
City Manager

PROFESSIONAL

By: _____
SiteLines Park and Playground Products Inc.,

Exhibit A

Request for Bid Proposals

Gene Goodwin Memorial Tot Lot Play Structure

Scope of Work

Gene Goodwin Tot Lot – 611 Contra Costa Avenue

City Budget: \$48,000

Current footprint is approximately – 1000 square feet

- Design and install playground equipment
- Design and install new ADA ramp from sidewalk into fall material
 - Installation of ADA entrance from sidewalk into fall material that easily accesses transition area on play structure.
- Install new fall material
 - Fall material to meet IPEMA specifications.
- Replace or repair any sod, irrigation, curb, sidewalk or any other item that may be damaged during construction.

Safety Standard Requirements

- All playground equipment must meet the most current requirements:
 - American Society for Testing and Materials (ASTM) Specifications for Playground Equipment for Public Use.
 - Consumer Product Safety Commission (CPSC) Public Playground Safety Handbook.
 - International Play Equipment Manufacturers Association (IPEMA) Certified American Disabilities Act Accessibility Guidelines

Play Equipment Budget

Maximum expenditure of all cost related to this proposal (design, equipment, and installation) is \$48,000, including tax, installation and delivery.

Planned Schedule

RFP advertised	July 22, 2016
Proposals Due	August 19, 2016
Panel selection for public process	August 31, 2016
Community Input for top companies	September 7, 2016
Interviews with top companies if needed	Week of September 12, 2016
Award/Proposal selection	September 16, 2016
City Council award of bid	September 27, 2016
Playground installation	Begins week of October 17, 2016

Exhibit B

Gene Goodwin Memorial Tot Lot Play Structure

SiteLines Quote #62296

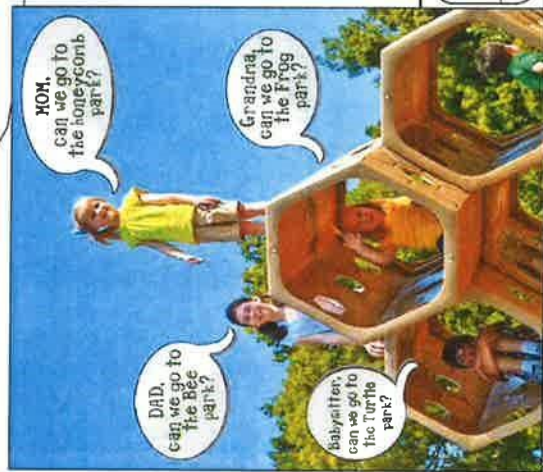
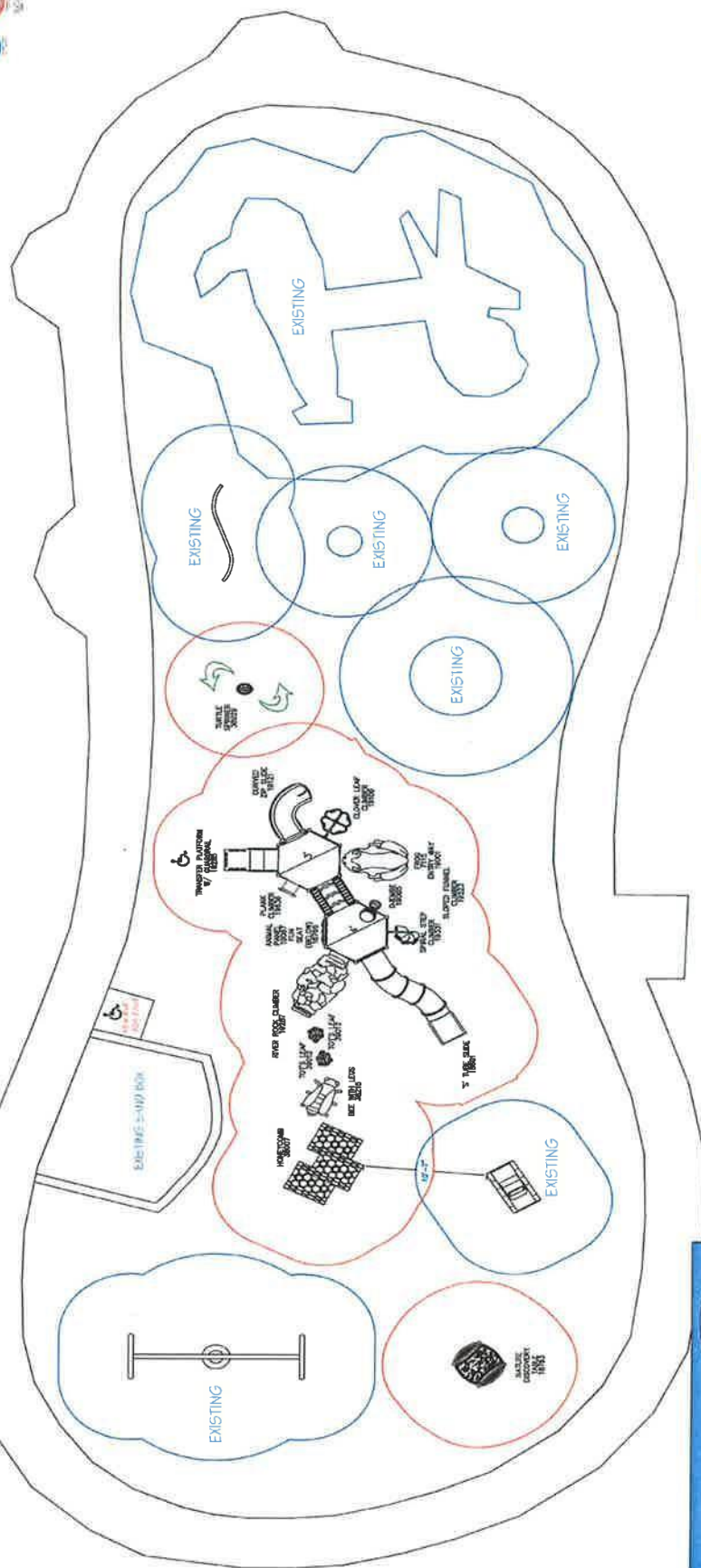
GENE GOODWIN MEMORIAL

TOT LOT



Figueret, VA

GENE GOODWIN MEMORIAL TOT LOT



GENE GOODWIN
MEMORIAL TOT LOT
FIRCREST, WA

This unit includes play events and
routes of travel specifically designed
from the 2010 ADAAG and
American with Disabilities Act
Standards for Accessible Design.

Total Elevated Play Components
Total Elevated Components Accessible By Ramp
Total Elevated Components Accessible By Transfer
Total Accessible Ground Level Components Shown
Total Different Types Of Ground Level Components

This play
equipment is
designed for
children ages
2-5

Minimum Area Required:
Scale: 1" = 5'-0"
This drawing can be
scaled only when in
an 8 1/2" x 11" format.

Drawn by:
SLB
Date:
AUGUST 15, 2015
Drawing Name:
S081516GM

NOTES: See related drawings
should be placed in the use zones of all
equipment, as specified for each type of
equipment, and in depth to meet the
requirements of the 2010 ADAAG and
American with Disabilities Act
Consumer Product Safety Commission
ASTM standard F 1487 and Canadian
Standard CAN/CSA 2.414



A PLACORE Company

GameTime, C/O SiteLines Park & Playground
Products, Inc. Corporate & Billing Office: 4818
Evergreen Way, #200, Everett WA 98203
800-541-0869 | 425-355-5655 | fax 425-347-3056

QUOTE
#62296

08/15/2016

Gene Goodwin Memorial Tot Lot @ Fircrest Park

Fircrest Parks & Recreation
Attn: Jeff Grover
115 Ramsdell St.
Fircrest, WA 98466
Phone: 253-238-4160
Jgrover@cityoffircrest.com

Project #: P54305
Ship To Zip: 98466

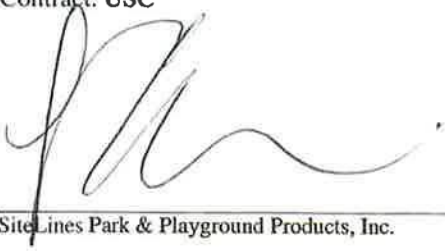
Qty	Part #	Description	List \$	% Disc.	Selling \$	Ext. Selling \$
1	178749	Game Time - Owner's Kit			\$50.00	\$50.00
1	EWFCY	GT-Impax - 75 CY = 1500 SF @ 12" Compacted Depth (includes DELIVERY)			\$2,240.00	\$2,240.00
1	INSTALL	Installer - Full Installation - <i>Includes: New Concrete ADA Ramp 4'x4', install of equipment, install of 75 CY EWF</i>			\$12,600.00	\$12,600.00
1	7115	Game Time - Frog			\$5,398.00	\$5,398.00
6	12024	Game Time - 3 1/2" Uppt Ass'Y Alum 9'	\$233.00	35.00	\$151.45	\$908.70
6	12025	Game Time - 3 1/2" Uppt Ass'Y Alum 10'	\$256.00	35.00	\$166.40	\$998.40
1	18601	Game Time - 4' 'S' Tube Slide	\$2,538.00	35.00	\$1,649.70	\$1,649.70
1	18763	Game Time - Nature Discovery Table - 36"	\$1,387.00	35.00	\$901.55	\$901.55
1	18766	Game Time - Fun Seat 36"	\$245.00	35.00	\$159.25	\$159.25
1	19001	Game Time - Entry Way	\$272.00	35.00	\$176.80	\$176.80
1	19067	Game Time - Animal Panel	\$829.00	35.00	\$538.85	\$538.85
1	19085	Game Time - Djembe	\$512.00	35.00	\$332.80	\$332.80
1	19106	Game Time - Clover Leaf (3' & 3'-6")	\$1,334.00	35.00	\$867.10	\$867.10
1	19121	Game Time - Curved Zip Slide	\$1,160.00	30.00	\$812.00	\$812.00
1	19223	Game Time - Sloped Funnel Climber	\$1,973.00	35.00	\$1,282.45	\$1,282.45
1	19285	Game Time - Transfer Platform w/ Guardrail 3'	\$1,781.00	35.00	\$1,157.65	\$1,157.65
1	19287	Game Time - River Rock Climber	\$1,432.00	35.00	\$930.80	\$930.80
2	19289	Game Time - Two Piece Hex Deck	\$2,061.00	35.00	\$1,339.65	\$2,679.30
1	19331	Game Time - Spiral Step Climber 4' & 4'6"	\$1,331.00	35.00	\$865.15	\$865.15
1	19636	Game Time - Plank Climber 3'	\$733.00	35.00	\$476.45	\$476.45
1	38007	Game Time - Honeycomb (3 cell)	\$3,129.00	30.00	\$2,190.30	\$2,190.30
1	38029	Game Time - Turtle Spinner	\$633.00	30.00	\$443.10	\$443.10
1	38215	Game Time - Bee with Legs (inground)	\$2,702.00	6.00	\$2,539.88	\$2,539.88
2	39012	Game Time - Tot's Leaf	\$300.00	30.00	\$210.00	\$420.00

Gene Goodwin Memorial Tot Lot @ Fircrest Park

**QUOTE
#62296**

08/15/2016

Contract: USC



SubTotal:	\$40,618.23
Tax:	\$4,109.93
Freight:	\$3,104.46
Total Amount:	\$47,832.62

SiteLines Park & Playground Products, Inc.

***** **PLEASE MAKE YOUR ORDER PAYABLE TO "GAMETIME"** *****

----- U.S. COMMUNITIES SPECIAL CONDITIONS -----

U.S. Communities is a nationally-recognized purchasing cooperative that has been authorized by state statute for use by all publicly-funded and non-profit agencies in Alaska, Oregon, and Washington. Pricing shown above is special U.S. Communities contract pricing with all available discounts taken, as set forth by Master Contract #110179 of the U.S. Communities/GameTime purchasing contract. The full contract and original RFP can be viewed at www.uscommunities.org/gametime/. Your purchase order must be made to **GAMETIME** and sent to SiteLines for order processing. Invoicing will come directly from GameTime, and payments will be made to GameTime, P.O. Box 11407, Birmingham AL 35246-1187.

Gene Goodwin Memorial Tot Lot @ Fircrest Park

QUOTE
#62296

08/15/2016

----- ENGINEERED WOOD FIBER SURFACING SPECIAL CONDITIONS -----

- * GTImpax Engineered Wood Fiber Safety Surfacing is IPEMA-certified and meets the requirements of ASTM and CPSC for impact attenuation and ADA accessibility.
- * Freight charge is calculated based on mileage to jobsite, not quantity. Variations in delivery location, quantity, or requests for split shipments may result in changes to the per-square-foot or per-cubic-yard price.
- * **IMPORTANT!** Once delivery date is scheduled, postponements or cancellations made less than three business days prior to the scheduled delivery date will be subject to a \$350 cancellation fee. Please advise of any scheduling changes as early as possible.
- * Approximately 30% additional engineered wood fiber is recommended to account for natural settling and compaction. Mechanical compaction is recommended for instant accessibility.
- * Geotextile fabric and wear mats (sold separately) are recommended to reduce trenches beneath all swings and slide exitways. A drainage system with drainage strips is recommended for sites with poor drainage. Use of a complete GTImpax-brand underlayment package (geotextile fabric, drain strips, and wear mats) will provide a 25-year product warranty; Call SiteLines for pricing and information. Delivery of underlayments (if applicable) will be made separately from the delivery of the bulk engineered wood fiber. Underlayment installation should be completed before the surfacing bulk delivery.
- * For proper surfacing drainage, a 1% slope on the subbase is required; subbase slopes greater than 1% will require additional engineered wood fiber. Call SiteLines for pricing.
- * **PLEASE NOTE IMPORTANT SITE ACCESS REQUIREMENTS:** If the play area is accessible by an over-the-road semitruck (75' long x 14' tall, requiring 12' wide access and adequate space for the truck to turn around), bulk material will be unloaded directly into the play area. If area is not accessible due to size or ground conditions, material will be unloaded in the nearest location designated by customer and approved by driver (to be hauled in by customer), or customer must make an advance request for delivery in smaller trucks (NOTE: multiple trucks will increase freight charge). Bulk material unloading shall be handled by driver; installation shall be Buyer's responsibility.
- * For installation by Buyer, estimated labor required for distribution of bulk engineered wood fiber is two people for approximately 90 minutes per 1,000 square feet with the use of a front-end loader or Bobcat.
- * Blown-in installation services are available in some areas for an additional charge; call for availability (lead time is typically longer than for standard trucks). Hoses can extend up to 300' feet; please specify distance to back of play area at time of order. Blown-in installation may not ensure instant accessibility. Additional mechanical compaction may be required.

BULK ENGINEERED WOOD FIBER DELIVERY ADDRESS, IF DIFFERENT THAN DELIVERY ADDRESS FOR OTHER MATERIALS:

COMPANY: _____

ATTN: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

DELIVERY CONTACT NAME: _____

PHONE: _____ FAX: _____

INITIAL HERE to confirm that there a clear route of access for a 75' longsemi-sized truck to approach the play area for unloading and then to turn around for exiting site, including clearance under power lines. If full-sized clear route does not exist, call SiteLines to discuss site access limitations, as smaller trucks may be required.

For blowing services, specify distance between truck parking and farthest point of the play area: _____ feet

Gene Goodwin Memorial Tot Lot @ Fircrest Park

QUOTE
#62296

08/15/2016

----- INSTALLATION TERMS & CONDITIONS -----

GameTime, div. of Playcore Inc is a licensed contractor in Washington (SITELPP052M7/GAMET**952D2) and Alaska (CONS38035) and offers manufacturer-certified installation services for an additional charge as shown. Installation shall be performed by Factory-Certified GameTime Installers. Below is a breakdown of responsibilities for a standard installation:

SITELINES TO PROVIDE:

- 1) Tool & equipment for installation of equipment
- 2) Marking of footing holes for equipment locations
- 3) Hole augering (additional charge will apply if jackhammering is required for existing concrete, asphalt, etc.)
- 4) Equipment assembly according to manufacturer's written instructions
- 5) Concrete supply & installation for equipment footings
- 6) Installation-related clean-up

CUSTOMER TO PROVIDE:

- 1) **Meeting of delivery truck, delivery acceptance, and truck unloading**
- 2) Equipment inventory and inspection (report any shortages, damages, or other discrepancies to SiteLines within (3) days following delivery)
- 3) Equipment storage and/or temporary fencing prior to and during installation; hauling of equipment to jobsite if stored off-site
- 4) Jobsite prep work for flat, clear sub-grade with a 1% slope; removal of any existing safety surfacing such as pea gravel or wood chips
- 5) Call for Utility Locates to ensure that no utility, irrigation, or drain lines exist below play equipment use zone or the delivery truck route (5 days prior to digging, call in WA: 1-800-424-5555 / Alaska, call 811)
- 9.) Access to water and power sources for installers
- 7) On-site dumpster or other disposal accommodations for pallets and packaging materials. A \$300 disposal fee may be charged is no dumpster is provided.
- 8) Location to dispose of excess dirt from footing holes.. If no on-site location is available, additional hauling and disposal fees may apply.
- 9) Local building permits, (if required)
- 10) Audit, inspection, and routine maintenance after installation

PLEASE NOTE THE FOLLOWING:

- * If state prevailing wages, or Davis Bacon wages apply, please advise SiteLines at time of quotation. (Post-order notification of prevailing wage requirements, or a requirement for Performance and Payment Bond will result in adjustment of final amount due.)
- * Additional charges apply for equipment that is to be installed over existing asphalt or concrete, existing surfacing, or unusual soil conditions. Please advise SiteLines of any of these conditions at time of quotation.
- * Buyer shall be responsible for unknown conditions such as buried utilities, irrigation, tree stumps, bedrock, or any concealed materials or conditions that may result in additional labor or material costs.
- * Additional charges apply for wheelbarrowing of wood fiber surfacing if delivery truck cannot back directly up to play area; charges are based on quantity ordered, distance between delivery area & play area. Mechanical compaction of the wood fiber is not included but is available as an option at an additional cost. Please advise SiteLines of site limitations or the need for compaction at time of quotation.
- * If no on-site location to dispose of the material from footing holes is available, additional hauling charges will apply.
- * Once ordered, any changes, additions, or deletions must be submitted in writing to SiteLines. Change order approval not guaranteed; additional charges may apply.
- * *Please plan to have your site ready one week prior to your scheduled installation date to avoid unforeseen problems or weather delays. Any delays caused by the site not being ready at the start of installation may result in postponement of the installation until the next available date on the installer's calendar.*

PLEASE PROVIDE THE FOLLOWING INFORMATION TO ASSIST OUR INSTALLERS:

1) The nearest cross streets to the jobsite's construction entrance: _____ and _____

2) Once at the jobsite, the specific location of the work area (ex: behind the gym, west of the basketball court, etc.):

3) Is the work taking place within 15' of any overhead power lines? _____

4) Primary owner's/contractor's contact for installation:

Name _____ Phone _____ Cell _____ Fax _____

Gene Goodwin Memorial Tot Lot @ Fircrest Park

QUOTE
#62296

08/15/2016

----- GAMETIME GENERAL TERMS & CONDITIONS -----

QUOTATION ACCEPTANCE: This quotation is subject to the policies in the current GameTime Park and Playground catalog and the terms and conditions stated herein. Acceptance of this proposal indicates your agreement to these terms and conditions, regardless of form of your purchase order, unless otherwise agreed to in writing by both parties.

PRICING: We will be pleased to honor this quote for **30 DAYS** after issue date, for fabrication and shipment immediately following your order. (see estimated delivery lead time below). Orders placed after this date or requested for delayed delivery are subject to possible pricing increase.

ORDER PLACEMENT: Requirements for order placement are a signed purchase agreement, and color selections. Please complete the order information and acceptance portions of this quotation or issue a signed purchase order on your agency's letterhead, payable to **GAMETIME** (be sure to reference this quote number and provide all information requested herein) and forward it to SiteLines' corporate office for processing. **Purchases in excess of \$1,000.00 require your written purchase order.** Once ordered, any items cancelled, returned, or refused are subject to a 25% restocking fee; all freight from & to factory is Buyer's responsibility. Partial cancellations and/or modifications may also result in increased per-unit prices on remaining items. Some products are made-to-order and are not subject to cancellation or return. Buyer shall verify all quantities prior to order placement; GameTime and SiteLines bear no responsibility for incorrect quantities being ordered..

EXCLUSIONS: Unless specifically included herein, this quotation excludes the following: building permits, site prep work and landscaping; removal of existing equipment; receiving, offloading, & inventory of equipment; storage of goods prior to installation; transfer of equipment from storage site to installation site; equipment assembly and installation; mounting hardware; safety surfacing; containment borders; drainage provisions.

Performance and payment bonds are NOT included on this quote unless otherwise noted; if a bond is required, bonding costs are 3% of the contract amount (after taxes, if applicable) and the bond cost will be added to the final invoice.

FREIGHT CHARGES: Line item prices are **FOB: FACTORY** unless otherwise noted. Freight costs are based on weight, volume, & destination, for combined shipment of all items to a single destination. Split shipments or revised quantities may result in increased freight charges. If the destination zip code differs from the one listed or if one was not supplied at time of quote, the cost of freight may change.

SHIPMENT: Including transit time, the current estimated lead time is **5-7 WEEKS** from receipt of your completed order (slightly longer for Alaska deliveries). Lead times do not begin until all required order information is received and accepted by SiteLines and after credit has been approved by GameTime. All equipment is delivered unassembled unless otherwise noted.

RECEIPT OF GOODS: IMPORTANT: Offloading, inventory, inspection, and storage shall be the responsibility of the Buyer. Freight carrier will call 24 hours in advance to notify you of your delivery date. Upon arrival, truck driver will bring goods to the end of the truck container; offloading to ground is Buyer's responsibility. For large or bulky orders, Buyer may wish to have a forklift and/or additional manpower on hand. For delivery in a truck equipped with a liftgate, call for revised quote prior to submitting order; additional charges will apply. Once offloaded, Buyer shall check the delivered items against the delivery receipt provided by the driver, noting any shortages or damages on the receipt before signing for the delivery. **IMPORTANT! Any shortages or damages not noted on the delivery receipt shall be the Buyer's responsibility.** SiteLines can assist you with your claim against the carrier; please notify SiteLines of any shortages or damages within three business days following delivery.

SAFETY COMPLIANCE: All eligible GameTime equipment and GT-Impax safety surfacing has been designed to meet US CPSC and ASTM safety standards, and has been awarded third-party IPEMA certification for compliance. Validation of compliance can be found at www.IPEMA.org.

WARRANTIES: Manufacturers' standard product warranties apply and cover equipment replacement and freight costs only; labor is not included. SiteLines offers no additional warranties.

TAXES: All orders delivering in Washington are subject to applicable sales tax unless a tax exempt certificate or reseller permit is provided at the time of order placement.

PAYMENT TERMS: Tax-supported Government Agencies: Payment due net 30 days after ship date. All other organizations: Payment required with order by check or credit card (VISA, MC and American Express accepted). Payment terms may be granted to some customers with excellent credit history; completion of GameTime's credit application and approval by GameTime's credit manager is required. 50% deposit will be required for made-to-order custom products and Dynamo products; a 35% deposit will be required for ThemeScapes products. A 1.5% per month finance charge will be imposed on all past due accounts. GameTime products may be invoiced separately from other products & services and shall be payable separately from those services and in advance of project completion. Retainage may not be withheld.

Should you have any questions, please call our office at 800-541-0869 (AK & WA only) or 425-355-5655 or contact your local sales representative. Thank you for choosing SiteLines, and we look forward to the opportunity to serve you.

Gene Goodwin Memorial Tot Lot @ Fircrest Park

QUOTE
#62296

08/15/2016

QUOTE ACCEPTANCE: *Acceptance of this proposal shall be made by an authorized agent of your company and indicates your agreement to the terms and conditions stated herein. Please complete and return all pages to SiteLines' corporate office for order processing.*

ACCEPTANCE OF QUOTATION:

Signature: _____

Printed Name: _____

Title: _____

Date: _____

P.O. #: _____

Order Information:

Bill To: _____

Address: _____

City, State, Zip: _____

Billing Contact: _____

Billing Phone: _____

Billing Fax: _____

E-Mail: _____

Federal Tax ID #: _____

Ship To: _____

Attn: _____

Address: _____

City, State, Zip: _____

Contact: _____

Phone: _____

Cell phone: _____

E-Mail: _____

Project Owner: _____

Organization: _____

Attn: _____

Address: _____

City, State, Zip: _____

Jobsite Location: _____

Organization: _____

Attn: _____

Address: _____

City, State, Zip: _____

SEND OWNER'S MANUAL TO (no P.O. boxes): ☐ BILLING ADDRESS ☐ SHIPPING ADDRESS ☐ OWNER

DESIRED EQUIPMENT DELIVERY DATE (subject to current delivery lead times): _____

Gene Goodwin Memorial Tot Lot @ Fircrest Park

QUOTE
#62296

08/15/2016

----- COLOR SELECTIONS: -----

Colors can be viewed in the current GameTime catalog or by going online to "<http://www.gametime.com/products/colors/playPalettes.asp>" for pre-designed color palettes or "<http://www.gametime.com/products/colors/colors.asp>" for individual colors. If you'd like to preview your color scheme, use the online color wizard tool at "<http://www.gametime.com/products/colors/chooser.asp>".

Enter desired color palette name: _____

- or -

Enter individual color selections for checked options:

(Not all orders will require all of the following selections. Fill in the appropriate color choices for your order)

___ Upright posts (metal): _____

___ Decks & steps (TuffClad): _____

___ Accent rails & climbers (metal): _____

___ Rock Climber (plastic, Deep Granite, or Sandstone): _____

___ Rock Climber handholds: Primary (red/green/blue), Natural (green/beige), All Red, All Green, or All Blue: _____

___ Roofs (metal or plastic): _____

___ Crawl tubes & tube slides (plastic): _____

___ Slides & panels (plastic): _____

___ HDPE panels (polyethylene): _____

___ Talk Tubes (metal): _____

___ Swing frames (metal): _____

___ Swing hangers - 5" O.D. frames only (metal): _____

___ Other Free-standing item(s): _____

___ Colored PlayCurbs (plastic): _____