



Town of Yacolt
Town Council Agenda
Monday, August 06, 2018
7:00 PM
Town Hall

Call to Order

Flag Salute

Roll Call

Late Changes to the Agenda

Minutes of Previous Meeting(s)

1. Approve Minutes from 7/16/2018 Meeting

Make a motion to approve minutes from 7/16/2018 regular meeting.

Citizen Communication

Anyone requesting to speak to the Council regarding items not on the agenda may come forward at this time. Comments are limited to 3 minutes. Thank you.

Old Business

2. Bill Rowe - information from state auditors

3. Yacolt Library-Holland Christie - Partnering for additional security cameras

4. Executive Session- potential litigation for debt collection, Town practices and procedures, and performance review of personnel

New Business

5. CRESA-Comprehensive Emergency Management Plan (CEMP) which has been revised for 2018. CRESA staff is asking for any feedback on this plan by Friday, September 7.

6. RESOLUTION # 570- CLARK REGIONAL NATURAL HAZARD MITIGATION PLAN.

Updating Resolution #549 by replacing text in line item 6.) "Authorizes the Town of Yacolt, Clerk Treasurer, Cindy Marbut to make any required FEMA revisions to Clark Regional Natural Hazard

Mitigation Plan required by FEMA for final approval." to read "Authorizes the Town of Yacolt Clerk, to make any required FEMA revisions to Clark Regional Natural Hazard Mitigation Plan required by FEMA for final approval.

Make a motion to approve Resolution #570 amending Resolution #549.

7. New Business Licensing Requirements

By the end of this year, every city that issues business licenses will implement changes required by legislation passed in 2017 (EHB 2005).

Information only...new draft ordinance will be brought before council for approval by Oct 1st, 2018

8. Zone Districts- discuss zoning issues in reference to the Town's commercial zones.

Background summary: Over the course of the last two months, staff has identified a number of apparent irregularities in Yacolt's Zoning Code, (YMC 18). In general, they involve the gray area that exists when describing appropriate uses for property in the Town's Commercial and Light Manufacturing Zones. Given the Town's small size and the limited availability of property in these Zoning Districts, staff questions whether certain commercial uses having industrial characteristics should be conditionally allowed in the Town's Light Manufacturing Districts. Conversely, should certain industrial uses having commercial characteristics be conditionally allowed in the Town's Commercial Districts? More broadly, would the Town benefit from an updated description of the uses that may be considered permissible or potentially viable in either District?

Some of these questions arose in the context of a proposed application by BCYX Railroad for construction of a maintenance and storage facility on land currently zoned C-2 – Community Commercial. The Town's staff and consultants have worked diligently with BCYX Railroad to find a suitable land use procedure for the project. Most of the existing procedures described in the Yacolt Municipal Code seemed to be a poor fit for the Railroad's plans. Yacolt's Code assumes that facilities involving or requiring railway lines would be located in the Town's Light Manufacturing District, (which is the Town's equivalent of an 'industrial' zone.) But all of the Town property that includes railway lines is zoned C-2 – Community Commercial. In other words, the Zoning Code appears to plan for industrial kinds of uses on property that includes industrial kinds of attributes, such as access to railway lines. But paradoxically, all of the Town's railway property is zoned commercial, where industrial uses are generally prohibited.

The Zoning Code was adopted well before the employment or experience of anybody currently associated with Town government. At this time, staff does not know the history or basis for

these zoning decisions. They may have been justified by reasons that staff has not yet discovered in historical records. But if these and similar irregularities were never intended, the Council may wish to consider whether thoughtful changes to the current use tables would benefit the general welfare of the community and expand worthwhile opportunities for development.

If the Council directs, staff is prepared to investigate the history of the existing use Tables and develop suggestions for possible revisions before the Council's next public meeting. The Council could then review those suggestions together with its own ideas for revisions at the next public Council meeting.

The current Code Tables that describe possible uses in these Zoning Districts can be found in YMC 18.30 and 18.35. Both sections of the Code are attached for the Council's convenience. As further background, an opinion letter from the Town Attorney regarding the BCWX Railroad situation is also attached."

Mayor's Comments

Attorney's Comments

Council's Comments

Public Works Department Report

Town Clerk's Report

9. 2019 Budget Suggestions-Information for budget preparation

Pay Bills on Behalf of the Town

Adjourn

**Town of Yacolt
202 W. Cushman St.
Yacolt, WA 98675**

DRAFT

July 16, 2018

Town Council Meeting (Regular Meeting)

Call to Order:

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

Flag Salute

Roll Call:

PRESENT: Mayor Myers and Council members Boget, Bryant, Moseley, Rowe-Tice

ABSENT: Council member Noble

PRESENT: Clerk Salisbury, Public Works Director Ross, Assistant Clerk Younce

MOTION: Council member Boget moved to excuse Council member Noble's absence.

SECOND: Council member Rowe-Tice

AYES: Council members Boget, Bryant, Moseley, Rowe-Tice

ABSENT: Council member Noble

VOTE: Motion carried

1. Minutes of the previous meeting:

Draft Minutes were presented for the July 2, 2018 regular meeting

MOTION: Council member Boget moved to accept the minutes of the July 2, 2018 regular meeting.

SECOND: Council member Moseley

AYES: Council members Boget, Bryant, Moseley, Rowe-Tice

ABSENT: Council member Noble

VOTE: Motion carried

Late Changes to the Agenda:

None

Citizen Communication:

None

Old Business

2. Bill Rowe Compensation:

Compensation for Bill Rowe was discussed. Item was tabled until the next meeting.

New Business

3. Bowe Brothers:

The Bowe brothers were thanked for their outstanding performance on the 4th of July

4. Recognition for our volunteers

5. Friends of the Yacolt Library:

Concerns with vandalism was discussed along with possible solutions.

6. Update on National Night Out

Mayors Comments:

Mayor Myers updated everyone on how good the 4th of July parade went.

Attorney's Comments:

Not present

Council Comments:

Council member Bryant thanked the volunteers again for their hard work.

Public Works Report:

Wood should be ready for Welcome sign soon.

Town Clerk's Report:

Updated date for next year's Bigfoot run. Asked for ideas for a parade theme for next year.

Pay Bills on behalf of the Town:

MOTION: Council member Rowe-Tice moved to pay the bills on behalf of the Town.

SECOND: Council member Moseley

AYES: Council members Boget, Bryant, Moseley, Rowe-Tice

ABSENT: Council member Noble

Vote: Motion carried

Adjourn:

Mayor Myers adjourned the meeting at 7:35 p.m.

Dawn Salisbury

From: Fenton, Crystal (SAO) <fentonc@sao.wa.gov>
Sent: Wednesday, July 25, 2018 11:00 AM
To: Dawn Salisbury
Subject: RE: Client Helpdesk Request 86561 Confirmation

Hi Dawn,

It looks like it was answered on 7/17/18. I'm guessing it may have gone to a junk email box or was stopped by a spam filter. Here's a copy of the response.

Thanks for checking,
Crystal

Your request # 86561 for Town of Yacolt has been resolved.

Your question was:

The town has an elderly gentleman that has been voluntarily mowing for the town for over the last 5 years or so. He is not able to mow as often as he needs a new oxygen machine. At our last council meeting it was approved to hire a seasonal helper and an audience member wanted to know why we could afford to hire a seasonal helper but can't help the resident that has been volunteering for years. I have looked into the RCW's and he meets the poor and infirm rule but the MRSC representative stated we would have to then help all the poor and infirm under that rule. My question is....Is there any way the town can legally help this gentleman to honor him for all of his volunteer efforts.

=====
Our response is as follows:

Good afternoon,

Our Office does not have the constitutional or statutory authority to provide legal advice or perform original legal research. We would suggest you contact your legal counsel for further legal advice or with specific legal questions on this matter.

However, I will provide you with some information to consider in your discussion with your attorney.

The City should take into account the following information while considering compensation of an individual who is not employed by the City.

When using public funds, you always want to think about whether or not there is a public municipal purpose for the activity, and if there is gifting intent. You also want to evaluate activity based on consistency with City policy.

Expenditures of public funds should have a public purpose. The City is responsible for identification of the public purpose. If there is no public purpose, then it is considered a gift of public funds which is prohibited by Article 8 Section 7 of the WA State Constitution. As advised by the Attorney General's Office, the State Auditor's Office uses the framework below when determining whether transactions represent a gift of public funds. Using this framework, if the City can demonstrate that the activity carries out a fundamental purpose of the City, then it may be allowable. The City should perform its own analysis using the following framework and maintain documentation of the analysis to support its conclusion.

Framework:

(1) Does the transaction involve the transfer of money or property to a private individual, association, company or corporation? If yes, then continue.

(2) Is the expenditure for one of the recognized exceptions below? If no, then continue.

(a) Intergovernmental transfer

(b) Necessary support for poor or infirm

(c) Promotional hosting (for ports and agricultural commodity commissions)

- (d) Residential energy conservation
- (e) Nonrecourse revenue bonds
- (f) Investment of pension/ industrial insurance trust funds

(3) Are the funds being expended to carry out a fundamental purpose of the government? If no, then continue.

(4) Are the funds being expended to carry out a public or proprietary purpose of the government? If no, then there is a gift of public funds. If yes,

(a) is the transfer without consideration and with donative intent? If yes, then there is a gift of public funds. If no, then look to (b).

(b) is the consideration legally sufficient? If yes, then there is no gift of public funds. If no, then:

(c) is there a bargained-for act or forbearance which the local government receives in exchange for the expenditure? If no, then there is a gift of public funds.

(5) In relation to (4) above, unless the consideration is "grossly inadequate" and there is evidence of donative intent, there is no gift of public funds. The receipt of fair market value for the expenditure is not necessary, however, the public entity must receive some quantifiable economic benefit.

Please let me know if you have any questions.

=====

If you have additional follow-up questions, please reference this request number when you contact us again. A copy of this response is provided to your audit team to ensure that we are consistent and efficient when working with you.

Sincerely,
Iryna Khleborod

Disclaimer: Answers are informational only and are based on the specific circumstances presented. As laws and circumstances change, or additional facts are presented, the answer is subject to change. The information provided by the Washington State Auditor's client helpdesk is not a legal or a binding opinion.

Neither the State of Washington nor any agency, officer, or employee of the State of Washington warrants the accuracy, reliability or timeliness of any information in the Public Access System and shall not be liable for any losses caused by such reliance on the accuracy, reliability, or timeliness of such information. Portions of such information may be incorrect or not current. Any person or entity that relies on any information obtained from the System does so at his or her own risk.

From: Dawn Salisbury <dawn.salisbury@townofyacolt.com>
Sent: Wednesday, July 25, 2018 10:51 AM
To: Fenton, Crystal (SAO) <fentonc@sao.wa.gov>
Subject: FW: Client Helpdesk Request 86561 Confirmation

I have not had a response on this question. Can anyone help me?

Thank you,
Dawn Salisbury
Clerk, Town of Yacolt
(360) 686-3922

From: Pat McCarthy, State Auditor [<mailto:WASStateAuditorSubscriptions@sao.wa.gov>]
Sent: Thursday, July 12, 2018 2:25 PM
To: dawn.salisbury@townofyacolt.com
Subject: Client Helpdesk Request 86561 Confirmation



July 23, 2018

CRESA Stakeholders:

As the Emergency Management Organization for our community, CRESA is required by WAC 118-30-70, to create and maintain a Comprehensive Emergency Management Plan (CEMP). The CEMP identifies the potential hazards we face in Clark County and what we are currently doing, and plan to do, in relation to Preparation, Mitigation, Response and Recovery from these types of hazards and incidents. Plan components include the base plan (attached here), functional annexes, and individual city annexes.

As directed by the Washington Emergency Management Division, CRESA is required to update this plan every five years. This 2018 version reflects the lessons learned, best practices, and changes to our program since the last plan was approved in 2013.

The attached plan will be presented to the CRESA Administrative Board for review and approval at our regular Board Meeting on Thursday, October 4, 2018. If you have any comments or input related to the plan, please contact CRESA by September 7, 2018 so that we may incorporate any feedback.

Questions and comments can be directed to Emergency Management Division Manager, Scott Johnson. Scott can be reached at 360-992-6286 or scott.johnson@clark.wa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Fuller", with a long horizontal line extending to the right.

Dave Fuller
CRESA Director

Clark Regional Emergency Service Agency

Comprehensive Emergency Management Plan

This plan is applicable to the City of Battle Ground, City of Camas, City of La Center, City of Ridgefield, City of Vancouver, City of Washougal, Town of Yacolt, the Cowlitz Indian Tribe, and the unincorporated communities, areas and neighborhoods of Clark County.



To review a copy of this plan or for further information, please contact:

Clark Regional Emergency Service Agency

ATTN: Emergency Management
710 West 13th Street
Vancouver, WA 98660
Phone: (360) 992-6286

Summary and Applicability

Introduction

This plan is the result of local government and state officials recognizing that a comprehensive plan is needed to enhance local jurisdictions abilities to manage emergency/disaster situations. This plan was prepared by the Clark Regional Emergency Services Agency (CRESA). For the purpose of clarity, the term Clark County, as used in this plan, refers to the geographic area of the county.

Applicability

This plan applies to CRESA and its partners, public and private, in Clark County. These include the governing bodies of unincorporated Clark County and the Cities of Battle Ground, Camas, La Center, Ridgefield, Vancouver, Washougal, the Cowlitz Indian Tribe, and the Town of Yacolt.

Comprehensive Approach

Dealing with disasters and emergencies is an ongoing and complex undertaking. Lives are saved and property damage minimized by implementing preparedness and mitigation measures before a disaster occurs, by timely and effective response during disasters, and by both short and long term recovery assistance after the occurrence of a disaster.

This process is called Comprehensive Emergency Management to emphasize the interrelationship of activities, functions, and expertise necessary to deal with emergencies. The Clark County Emergency Management System is comprised of all departments, agencies and organizations that have statutory responsibilities, or are directly involved with supporting the Emergency Management System. CRESA coordinates and facilitates this process.

Management Responsibilities

Senior public officials within Clark County have emergency management responsibilities that are outlined in this plan. Assignments are made within the framework of current capabilities and existing organizational responsibilities. CRESA is responsible for the coordination of emergency management activities within Clark County to include planning, training and exercises.

CRESA and its partners will use the National Response Framework, the National Incident Management System and Incident Command System (ICS) to mitigate against, plan and prepare for, response to and recovery from incidents in Clark County.

The plan describes the centralized direction of requests for assistance and the understanding that the governmental jurisdiction most affected by an emergency is required to fully involve itself in the emergency prior to requesting assistance.

Specific emergency management guidance for situations requiring special knowledge, technical expertise, and resources may be addressed in separate annexes attached to the plan. Examples of this type of situation are emergencies resulting from hazardous chemical releases, multi casualty incidents or evacuations.

Conclusion

The plan provides general all-hazards management guidance, using existing organizations, to allow the entities within Clark County to meet their responsibilities before, during and after an emergency

Promulgation Document/Signature Page

I am pleased to present the 2018 update of the Clark Regional Emergency Services Agency (CRESA) Comprehensive Emergency Management Plan (CEMP) Plan. This Plan addresses the mitigation, recovery, preparedness and response efforts that CRESA will undertake to help our community in times of need.

It supersedes all previous editions, conforms to and supports the Washington State Comprehensive Emergency Management Plan and the National Incident Management Systems. This plan was developed in cooperation with community partners and agencies in Clark County government and the cities of Battle Ground, Camas, La Center, Ridgefield, Vancouver, Washougal, the Cowlitz Indian Tribe, and the Town of Yacolt.

The signed original of this plan is on file and at CRESA. Distribution to partners will be by digital means.

This plan is effective from the date of signature of the CRESA Director

Dave Fuller, Director CRESA

Date

RECORD OF CHANGES

Date of Change	Change or Update	Initials of CRESA Director

Distribution

Chair, Clark County Board of County Councilors
Clark County Manager
Clark County Sheriff
Clark County Prosecutor
Clark County Assessor
Clark County Auditor
Clark County Clerk
Clark County Treasurer
Chief, Clark County Fire District 3
Chief, Clark County Fire District 6
Chief, Clark County Fire District 11
Chief, Clark County Fire District 13
Chief, East County Fire and Rescue
City Manager City of Battle Ground
City Manager City of Camas
Mayor City of La Center
City Manager City Ridgefield
City Manager City of Vancouver
City Manager City of Washougal
Manager Town of Yacolt
Tribal Chair, Cowlitz Indian Tribe
Chair, CRESA Administrative Board
CRESA website at <http://cresa911.org/emergency-management/response-plans/>

Comprehensive Emergency Management Plan (CEMP)

Base Plan Table of Contents

A. Introduction

1. Mission
2. Purpose
3. Scope
4. Situation Overview
5. Focus
6. Authorities
7. Community Partnerships
8. Document Handling Instructions

B. Planning Assumptions and Considerations

1. Emergency/Disaster Conditions and Hazards
2. Planning Assumptions

C. Phases of Emergency Management Activities

1. Prevention
2. Preparedness
3. Response
4. Recovery
5. Mitigation

D. Levels of Emergency

1. CEMP Activation Levels

E. Concept of Operations

1. General
2. Direction and Control
3. Emergency Operations Center and Support Structure
4. Continuity of Government
5. Emergency Declaration/Proclamation Process

F. Roles and Responsibilities

1. Preparedness Responsibilities- All Partners
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3. Role of Senior Public Officials
4. Role of Department/Agency Directors
5. Role of Primary Response Agencies
6. Role of Private Community Partners
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G. Administration, Finance and Logistics

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2. Administration
3. Finance
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F. Preparedness and Plan Maintenance

1. Review
2. Revision

Attachments

Emergency Support Function Annex Matrix

1. Transportation
2. Communications, Information Systems & Warning

3. Public Works & Engineering
 4. Fire Fighting
 5. Emergency Management
 6. Mass Care, Housing & Human Services
 7. Resource Support
 8. Public Health & Medical Services
 9. Search & Rescue
 10. Hazardous Material Response Plan
 11. Agriculture, Natural Resources & Animal Rescue
 12. Energy
 13. Public Safety, Law Enforcement & Security
 14. Long Term Community Recovery (See Section 5-Recovery)
 15. Public Information
- Hazard and Situation Summary (Contained in the 2016 Clark Regional Natural Hazard Mitigation Plan)

A. INTRODUCTION.

1. MISSION

1.1 The primary mission of emergency management in Clark County is to provide a coordinated effort for all supporting county and city departments/agencies/organizations in the mitigation of, preparation for, response to, and recovery from injury, damage and suffering resulting from either a localized or widespread disaster. While CRESA is the focal point for emergency management activities within Clark County; emergency management responsibilities extend beyond CRESA, to all city/county government departments/agencies, and ultimately, to each individual citizen.

1.2 It is important to note that a basic responsibility for emergency planning and response also lies with individuals and heads of households along with in-resident caregivers. When the situation exceeds the capabilities of individuals, families and volunteer organizations, a city/county/town emergency may exist. It is then the responsibility of government to undertake comprehensive emergency management activities to protect life and property from the effects of disasters. Local government has the primary responsibility for emergency management activities. When an emergency exceeds local government's capability to respond, CRESA will request mutual aid assistance from counties and/or state government; the federal government may provide assistance to the state when requested, if possible. In addition, assistance and aid from private sector and voluntary organizations may be requested.

1.3 While the routine functions of most city and county agencies are not of an emergency nature, pursuant to this plan, all officers and employees of the cities and county will plan to meet emergencies threatening life or property. This entails a day-to-day obligation to assess and report the impact of an emergency or disaster event. It requires monitoring conditions and analyzing information that could signal the onset of one of these events. Disasters will require city and county departments to perform extraordinary functions. In these situations, every attempt will be made to preserve organizational integrity and assign tasks, which parallel the norm. However, it may be necessary to draw on people's basic capacities and use them in areas of greatest need. Day-to-day functions that do not contribute directly to the emergency operation may be curtailed or suspended for the duration of any emergency. Resources that would normally be required to perform those functions may be redirected to accomplish emergency tasks.

1.4 The objective of the Clark County Emergency Management System is to protect citizens, property and the environment. During emergencies and disasters, Clark County agencies will endeavor to:

- 1.4.1** Save lives, treat the injured, warn the public to avoid further casualties; evacuate people from the effects of the emergency; shelter and care for those evacuated to include animals.
- 1.4.2** Protect property from destruction; take action to prevent further loss; provide security for property, especially in evacuated areas; prevent contamination to the environment.
- 1.4.3** Restore essential utilities, restore community infrastructure, and help restore the economic foundation of the community.
- 1.4.4** CRESA will assist in the coordination and facilitation of building an emergency management system that will support these activities within the community.

2. PURPOSE

2.1 CRESA coordinates the development and revisions of the Comprehensive Emergency Management Plan (CEMP). The CEMP uses the National Incident Management System (NIMS) and is an all-hazards plan that provides the structure and mechanism for policy and operational coordination for incident management. Consistent with the model provided in the National Response Framework and NIMS, the CEMP can be partially or fully implemented in the context of a threat, in anticipation of a threat, or in response to a significant incident or event. Selective implementation through the activation of one or more of the Emergency Support Functions (ESFs) or Annexes allows maximum flexibility in responding to and recovering from an incident, meeting the unique operational and information-sharing requirements of the situation at hand, and enabling effective interaction between various agencies.

2.2 CRESA, in cooperation with municipalities, departments and other members of the community, endeavors to prevent/mitigate, prepare for, respond to, and recover from natural and man-made disasters which threaten the lives, safety, or property of the citizens within Clark County by:

- 2.2.1** Identifying major natural and man-made hazards which threaten life, property and/or the environment that are known or thought to exist.
- 2.2.2** Providing an efficient, comprehensive organizational structure for emergency response personnel.
- 2.2.3** Assigning emergency management responsibilities and tasks.
- 2.2.4** Describing predetermined actions (responsibilities, tasks) to be taken by local government departments, municipalities and other cooperating organizations and institutions to eliminate or mitigate the effects of these threats and to respond effectively and recover from an emergency or disaster.
- 2.2.5** Managing emergency operations within Clark County by coordinating the use of resources available from governments, private industry, civic and volunteer organizations, and when needed, state and federal agencies.
- 2.2.6** Providing for effective assignment and utilization of local government employees.
- 2.2.7** Documenting the current capabilities and existing resources of local government departments and other cooperating organizations and institutions.
- 2.2.8** Providing for the continuity of the local government during and after an emergency or disaster.
- 2.2.9** Providing for the rapid and orderly start of recovery, restoration and rehabilitation of persons and property affected by emergencies.
- 2.2.10** Coordinate the creation of a planning team comprised of department representatives as identified and utilized through this plan for the continuing review and revision of the plan. This includes exercise planning and evaluation as well as reviewing and offering recommendations on Clark County Emergency Management Initiatives.

2.3 This plan applies to all local officials, departments, agencies, and tribes. The primary audience for the document includes senior and elected officials, EOC staff, department and agency heads and their senior staff members, special districts, leaders of local volunteer organizations that support emergency operations and others who may participate in our mitigation, preparedness, response, and recovery efforts.

3. SCOPE

3.1 This plan describes the basic strategies, assumptions and mechanisms through which CRESA will conduct preparedness and mitigation activities to guide and support local emergency management efforts through response and recovery. This plan adopts a functional

approach that groups the types of assistance to be provided under Emergency Support Functions (ESFs) which address needs at the local level. Each ESF is headed by a lead agency, which has been selected based on its authorities, resources, and capabilities in the functional area. The Emergency Support Functions serve as the primary mechanism through which assistance is managed in an affected area.

3.2 This plan provides direction to local government agencies, departments, and divisions on their role in emergency management. It directly applies to local government employees with emergency management responsibilities. These personnel should use this plan to understand their responsibilities, determine how they will prepare for and respond to emergencies, and identify what department-specific plans, procedures, and other implementing instructions are needed. This plan also provides emergency management guidelines for other local government entities, non-governmental organizations, and the private sector in order to ensure an integrated response to emergencies in the area.

3.3 CRESA and its partners will work cooperatively with other governmental authorities at all levels and all jurisdictions both internal and external, the military, tribal authorities, volunteer organizations, private businesses and individual citizens in preparing for, mitigating the impacts of, preventing when possible, responding when necessary, and recovering from any emergency or disaster that may impact Clark County. CRESA will ensure these activities are consistent with the Washington State CEMP and the National Planning Frameworks

3.4 The magnitude and type of an emergency or disaster will determine the type of response, the resources used and the agencies and organizations involved. The activation of this plan, in whole or in part, will be based on that magnitude.

3.5 This plan emphasizes the preparedness, planning, response, and recovery phases of emergency management. The hazard mitigation phase is addressed separately in the *Clark County Natural Hazard Mitigation Plan*

4. SITUATION OVERVIEW

4.1 Located in South West Washington State, Clark County's 656 square miles house a 2017 population of 471,000; making it Washington State's fifth most populated county and home to the fourth most populated city, Vancouver. Bordered to the South and West by the Columbia River and the State of Oregon, Clark County is bordered on the North by Cowlitz County and to the East by Skamania County. Clark County is home to two National Wildlife Refuges, one national forest, and one national park. Federally recognized tribes with a presence in Clark County include the Cowlitz Indian Tribe.

4.2 Clark County Hazards

4.2.1 Emergencies or disasters may occur in Clark County at any time causing human suffering, injury, disease, emotional crisis, death, public and private property damage, environmental damage, loss of essential services, economic impacts to businesses, families and individuals, and disruption to local and state governments and other governmental entities.

4.2.2 In 2016 CRESA conducted a Natural Hazard Identification and Vulnerability Analysis (HIVA). This HIVA found that natural hazards in Clark County include avalanches, earthquakes, wild land fires, floods, landslides, severe storms, and volcanoes. Natural hazards have a high probability of occurrence in Clark County and historically have a larger impact.

4.2.3 Technological or human caused hazards in Clark County include: pipeline incidents; dam failures; hazardous material, chemical incidents; communicable disease outbreaks (epidemic and pandemic); animal, crop, and plant diseases; infestation outbreaks; and terrorism (including cyber-terrorism and weapons of mass destruction). Among these hazards, only hazardous material incident pose a high probably of occurrence. This is due to the two pipelines, two interstate highways, one interstate river and one interstate rail line that transit Clark County.

4.2.4 Clark County Hazards and Vulnerabilities

EVENT	PROBABILITY	VULNERABILITY	RISK RATING
Earthquake	High	High	High
Flood	High	Moderate	High
HazMat	High	Moderate	High
Severe Weather (Local)	High	High	High
Airplane Crash	Moderate	Low	Moderate
Drought	High	Moderate	Moderate
Energy Emergency	Moderate	Moderate	Moderate
Wild land Fire	Moderate	Moderate	Moderate
Landslide	High	Low	Moderate
Public Health Emergency	High	Moderate	Moderate
Terrorism	Low	Moderate	Moderate
Cyber Security	Moderate	Moderate	Moderate
Dam Failure	Low	Low	Low
Tornado	High	Low	Low
Volcano	Low	Moderate	Low

4.3 Capability Assessment summaries

4.3.1 The capability of Clark County agencies to mitigate the impacts of, prevent when possible, prepare for, respond to, and recover from incidents is constrained by the inherent limits to resources, be they physical, financial, or personal.

4.3.2 Clark County's capability begins with the various codes and ordinances that establish the various departments which will respond to incidents in Clark County. All of which have a major role to play in many, if not all, of the emergencies that may impact Clark County.

4.3.3 Each governmental department's focus is to maintain operational capability in the operation of public institutions. This is exemplified through their standard operating procedures, emergency procedures and continuity of operations plans.

4.3.4 Cities and towns within Clark County as well as county agencies are also part of Clark County's overall ability to respond to emergencies. These agencies include fire districts, school districts, and utility districts. Not-for-profit organizations, search and rescue organizations, and individual businesses contribute support during emergencies. Religious institutions and individual citizens also respond both lending moral support and supplying manpower during the post response cleanup.

4.4 Limitations

4.4.1 It is the policy of CRESA to coordinate community efforts to mitigate against, prepare for, respond to and recover from all natural, technological and manmade emergencies and

disasters. Organizations and jurisdictions that have statutory responsibility also have emergency management responsibilities, and those actions may be beyond CRESA's ability to manage or control.

4.4.2 No guarantee is implied by this plan. Because local government assets and systems may be damaged, destroyed, or overwhelmed, the jurisdictions within Clark County will make reasonable efforts to respond based on the situation, using information and resources available at the time.

4.4.3 Adequate funding is needed to support this plan and its programs. The performance of assigned tasks and responsibilities will be dependent on appropriations and funding to support this plan. Lack of funding may degrade the services described under this plan. The inability of departments/agencies to carry out their responsibilities as indicated in both the Basic Plan and Emergency Functions due to lack of staff and funding may lower the threshold to issue an "emergency declaration".

4.4.4 This plan is intended to serve as a guide and provide organizational structure to promote the health, safety and welfare of the general public during and after an emergency. This plan may not address all events in every instance as it is impossible to anticipate every aspect of a given emergency.

4.4.5 The decision to implement all or any portion of this plan, including the means by which to implement it in an emergency, rests in the sole discretion of the individual jurisdictions.

4.4.6 The rapid growth of Clark County increases the overall vulnerability of the community. Population growth strains government resources and increases the public's exposure to natural and human-caused hazards. Though an accurate count is not available, Clark County has a significant number of vulnerable people who may require special assistance or accommodation in order to prepare for, respond to, recover from, or protect against disasters. These include community members, who may have:

4.4.6.1 Cultural, or language, barriers that inhibit effective interaction with emergency management.

4.4.6.2 Functional limitations and barriers relating to physical, sensory, cognitive, and developmental disabilities.

4.4.6.3 Chronic medical or behavioral health conditions.

4.4.6.4 Needs related to life in residential settings, such as assisted living facilities or correctional facilities.

4.4.6.5 Needs related to isolation because of poverty, geography, or transiency.

4.4.7 Clark County is on the Washington-Oregon border, adjacent to the City of Portland, which is a major metropolitan center. In a regional disaster this may cause special resource management challenges, since many resources will come from the Portland metropolitan area. Clark County may easily become isolated from Portland or Clark County may have to compete for resources with the Portland metropolitan area.

5. FOCUS

5.1 This plan establishes official policies, program strategies and planning assumptions for disaster preparedness, response, mitigation, and recovery.

5.2 This plan will define responsibilities for all Clark County Jurisdictions and municipal departments and non-profit agencies through an “Emergency Support Function (ESF) approach” to planning and operations.

5.3 This plan provides an all-hazards organizational structure to emergency operations, and establish basic direction and control for all levels of a disaster in a manner consistent with the NIMS and the NRF.

5.4 This plan assigns specific functional responsibilities to appropriate departments and agencies, as well as private sector groups and volunteer organizations. It will also define the means of coordinating with state and federal partners to maximize resource utilization.

5.5 This plan will be supplemented by function-specific standard operating guidelines (SOGs), agency policies, and operational plans of the responsible organizations that are referenced throughout the document.

6. AUTHORITIES

6.1 The ordinances, agreements, laws and regulations cited below represent the legal foundation for the CRESA Emergency Management Program

6.2 Jurisdictional Authorities

6.2.1 Clark County Code Chapter 2.48A Emergency Management;

6.2.2 Battle Ground Municipal Code Chapter 2.74;

6.2.3 Camas Municipal Code Chapter 8.56;

6.2.4 Ridgefield Municipal Code Chapter 2.44;

6.2.5 Vancouver Municipal Code Chapter 2.12;

6.2.6 Washougal Municipal Code Chapter 2.48

6.2.7 Town of Yacolt Ordinance 443

6.2.8 CRESA Inter-local Agreement dtd January, 2001

6.2.9 Cowlitz Tribal Constitution

6.3 State Authorities

6.3.1 Chapter 118-30 Washington Administrative Code (WAC).

6.3.2 Chapter 34.05 Revised Code Washington (RCW) Administrative Procedures Act.

6.3.3 Chapter 35.33.081 and 35.33.101 RCW as amended.

6.3.4 Chapter 38.52 RCW Emergency Management

6.3.5 Chapter 38.56 RCW Intrastate Mutual Aid System

6.3.6 Washington State Comprehensive Emergency Management Plan

6.3.7 Substitute Senate Bill 5046.PL, amendment for Limited English Proficiency

6.3.8 49.60, Discrimination - Human Rights Commission

6.3.9 Chapter 118-40 WAC

6.3.10 Chapter 118-04, WAC

6.4 Federal Authorities

6.4.1 Public Law 110-325, (42 USC 12101) (122 Stat. 3553)

6.4.2 Presidential Executive Order 13347, Individuals with Disabilities in Emergency Preparedness, July 2004

6.4.3 Public Law 88-352 Civil Rights Act of 1964, as amended

6.4.4 Public Law 93-288 and 100-707, The Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, as amended by the 106-390, Disaster Mitigation Act of 2000, and the 113-2, Sandy Recovery Improvement Act (SRIA) of 2013

6.4.5 Public Law 109-308, Pets Evacuation and Transportation Standards (PETS) Act, 2006

6.4.6 Public Law 110-325, The ADA Amendments Act of 2008, amending the Americans with Disabilities Act (ADA) of 1990

6.4.7 Presidential Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, August 2000

6.5 References

- 6.5.1** Washington State Comprehensive Emergency Management Plan, 2016
- 6.5.2** Washington State Enhanced Hazard Mitigation Plan, October 2013
- 6.5.3** Washington State Intrastate Mutual Aid System (WAMAS) Operations & Deployment Guide, July 9, 2015
- 6.5.4** Washington State Threat & Hazard Identification & Risk Assessment (THIRA), 2015
- 6.5.5** FEMA National Planning Frameworks
- 6.5.6** FEMA National Prevention Framework, May 2013
- 6.5.7** FEMA National Protection Framework, July 2014
- 6.5.8** FEMA National Mitigation Framework, May 2013
- 6.5.9** FEMA National Response Framework, May 2013
- 6.5.10** FEMA National Disaster Recovery Framework, September 2011
- 6.5.11** FEMA Comprehensive Preparedness Guide 101, Developing and Maintaining Emergency Operations Plans, Version 2, November 2010
- 6.5.12** Clark County Natural Hazard Mitigation Plan dtd 31 August 2016
- 6.5.13** Clark County Comprehensive Emergency Management Plan (2013)

7. COMMUNITY PARTNERSHIPS

7.1 CRESA is committed to providing services and support to all communities within Clark County. These include individuals, families, and households; cultural communities; the private and nonprofit sectors; faith-based organizations; and local, tribal, state, and Federal governmental partners. In line with that commitment, and as a recipient of federal funding, CRESA will not discriminate or deny services on the basis of race, color, national origin, religion, sex, age, or disability. In addition, no special treatment will be extended to any person or group in an emergency or disaster over and above what would normally be expected in the way of local government services.

7.2 Activities pursuant to the Federal/State Agreement for major disaster recovery will be carried out in accordance with Title 44, Code of Federal Regulations (CFR), and Section 205.16. - Non-discrimination. Federal disaster assistance is conditional on full compliance with this rule.

7.3 Involving all community partners in the Emergency Management process is a means by which community members, residents, businesses, non-profit organizations, emergency management practitioners, organizational and community leaders, and government officials at all levels can collectively identify and assess the needs of their respective communities and, determine the best ways to organize and strengthen their assets, capacities, and interests. Included within these larger communities, are communities comprised of people with Access and Functional Needs (AFN), people covered under the Americans with Disabilities Act (ADA), and people with Limited English Proficiency (LEP), as well as culturally diverse populations.

7.4 The term Access and Functional Needs (AFN) has replaced “special needs,” “vulnerable,” “high-risk” and similar terms. People with access or functional needs are those who may have additional needs before, during or after an incident in functional areas including but not limited to: maintaining health, independence, communication, transportation, support, services, self-determination, and medical care. Individuals in need of additional response assistance may include people who have disabilities, who live in institutionalized settings, who are older adults, who are children, who are from diverse cultures, who have Limited English Proficiency or who are non-English speaking, or who are transportation disadvantaged.

7.5 CRESA will work with LEP community partners to provide meaningful access for persons with LEP. This access may entail providing language assistance services, including oral interpretation and written translation, of pre disaster preparedness information as well as life safety information during events. CRESA will follow the guidelines provided in RCW 38.52.070 in developing and carrying out these efforts.

7.6 Each ESF will address how LEP and AFN will be integrated into all phases of emergency management as applicable to its respective responsibilities.

7.7 The Pets Evacuation and Transportation Standards (PETS) Act amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure state and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency. The PETS Act becomes operational upon a presidential disaster declaration. ESF 6 (Mass Care, Emergency Assistance, Temporary Housing and Human Services) and ESF 11 (Agriculture and Natural Resources) address pets, service animals, and livestock.

8. DOCUMENT HANDLING INSTRUCTIONS

8.1 This plan and its supporting plans, procedures, and implementing instructions are public documents and are subject to public disclosure. Requests for this document should be forwarded to CRESA, who will track plan holders and ensure that they are appropriately included in the distribution of any future plan revisions.

8.2 Any emergency management-related documents that include information that is exempt from public disclosure should be maintained separately from this plan. This may include, but is not limited to, plans, procedures, implementing instructions, or contact lists that include personal information (exempt under RCW 42.56.230); or that relate to preventing or responding to criminal or terrorist acts (exempt under RCW 42.56.420).

B PLANNING ASSUMPTIONS AND CONSIDERATIONS

1. EMERGENCY/DISASTER CONDITIONS AND HAZARDS

1.1 Washington State experiences significant impacts from natural hazards including floods, storms, wild land fires, earthquakes, and volcanoes. Beyond natural hazards, there are technological hazards, including nuclear power plant incidents, chemical weapon stockpiles, dam failures, and hazardous material spills. Clark County is subject to many of these hazards directly and indirectly as a result of fulfilling mutual aid agreements, and potentially as the result of evacuee influx from other disaster areas. All of these hazards require analysis and determination by state, county, and city officials in order to organize resources so loss can be prevented or minimized.

1.2 The Hazard Identification and Vulnerability Analysis for Clark County is addressed in the Hazard Identification and Vulnerability Analysis Plan and the *Clark County Natural Hazard Mitigation Plan*.

2. PLANNING ASSUMPTIONS.

The following planning assumptions were considered in the development of this plan:

- 2.1** A disaster may occur with little or no warning, and may escalate rapidly.
- 2.2** Disaster effects may extend beyond municipal and county boundaries.
- 2.3** Many areas of the state may experience simultaneous casualties, property loss, disruption of normal life support system, and loss of regional, economic, physical, and social infrastructures.
- 2.4** Emergency response personnel may become casualties and experience damage to their homes and personal property. They may become “victims” of the disaster as well.
- 2.5** The Emergency Management structure in Washington State is based on a bottom-up approach to response and recovery resource allocation: local EOC, to the state EOC, and to the federal government, with each level exhausting its resources prior to elevation to the next level.
- 2.6** In the event of a large scale incident, Emergency Management support from agencies outside Clark County may not start arriving until 3 to 5 days after the incident, and may not be able to provide relief for up to 14 days. Community members with the resources should plan on 14 days of self-sufficiency, those with limited resources should prepare to the greatest extent they can.
- 2.7** Effective disaster preparedness requires continual public awareness and education programs, and encourages citizens will take appropriate action.
- 2.8** Businesses are encouraged to develop internal disaster plans that will integrate, and be compatible with, county resources and this plan.
- 2.9** Jurisdictions and agencies that are involved within the emergency management system will develop/update their continuity of operation plans to include a communications plan.
- 2.10** Evacuation and shelter strategies will be based on public cooperation.
- 2.11** Though an accurate count is not available, Clark County has a significant number of people who may have limited proficient with the English language, both written and spoken; as well as people with disabilities, access and functional needs.
- 2.12** Declarations of a Local State of Emergency by Executive Heads will include a notification to the CRESA Director and should be done in consultation with the CRESA Director.
- 2.13** State and federal resources and disaster funds may be available in emergency situations affecting Clark County. Although this plan defines procedures for coordinating such assistance, it is essential for Clark County to be prepared to carry out disaster response and short-term actions on an independent basis.
- 2.14** Clark County will continue to be exposed to the hazards noted as well as others that may develop in the future.
- 2.15** Local government officials recognize their responsibilities for the safety and well-being of the public and will assume their responsibilities in the implementation of this plan.
- 2.16** The rapid growth of Clark County increases the overall vulnerability of the community. Population growth strains government resources and increases the public’s exposure to natural and human-caused hazards.
- 2.17** Clark County is on the Washington-Oregon border, adjacent to the City of Portland, which is a major metropolitan center. In a regional disaster this may cause special resource management challenges, since many resources will come from the Portland metropolitan area. Clark County may easily become isolated from Portland or Clark County may have to compete for resources with the Portland metropolitan area.
- 2.18** Clark County may be isolated from the region in a disaster. Clark County has only three highway corridors connecting it to the region, Interstate 5, SR-14, and Interstate 205.

Clark County is connected to the Portland Metropolitan region by only two road bridges, the Glenn Jackson Bridge and the Interstate Bridge.

- 2.19** The potential exists for emergencies or disasters to occur outside of Clark County and Washington State to negatively impact Clark County.
- 2.20** Any hazards listed in the HIVA may produce secondary hazards. For example, earthquakes may cause fires, hazardous materials releases, and landslides.
- 2.21** Municipal departments will have facility emergency plans. The purpose of the facility emergency plan is to ensure the immediate health and safety of employees and other building or campus occupants in an emergency.
- 2.22** Municipal departments and agencies will, within their capabilities, prepare for disasters to ensure continuity of government and the continuity of department operations. Departments will identify mission-critical functions and develop and test contingency plans for the failure of those systems.
- 2.23** Emergency plans and procedures have been prepared by those emergency response agencies responsible for fulfilling emergency support functions.
- 2.24** Some emergencies or disasters will occur with enough warning that appropriate notification will be issued to ensure some level of preparation. Other situations will occur with no advanced warning allowing no time for preparation.
- 2.25** Municipalities, agencies and departments will be unable to satisfy all emergency resource requests during a major emergency or disaster and will need to establish priorities for response and recovery.
- 2.26** Communications systems will be overloaded and may suffer damage.
- 2.27** In a major disaster the area may be overwhelmed with donated goods and services. There may also be an influx of unaffiliated volunteers.
- 2.28** Existing distribution systems will be maintained as the primary means for continuing operation of Clark Counties economic and private sector systems. Normal business procedures may require modification to provide essential resources and services.
- 2.29** State and federal assistance may be available for disaster response and recovery operations under provisions of the state's Comprehensive Emergency Management Plan, the Federal Response Plan, and the Robert T. Stafford Disaster Relief Act.
- 2.30** This plan is not intended to limit or restrict initiative, judgment, or independent action required to provide appropriate and effective emergency and disaster mitigation, preparedness, response, and recovery.

C. PHASES OF EMERGENCY MANAGEMENT

1. PREVENTION.

1.1 Prevention involves actions to prohibit, disrupt, pre-empt or avert a potential emergency/disaster. This includes homeland security and law enforcement efforts to prevent terrorist attacks. Examples of prevention actions include:

- 1.1.1** Collection, analysis and application of intelligence and other information
- 1.1.2** Taking actions, such as inspections and surveillance, to support infrastructure protection
- 1.1.3** Conduct public health surveillance and testing processes, immunizations, and isolation or quarantine public health threats
- 1.1.4** Deter, detect, and take decisive action to eliminate threats

2. PREPAREDNESS.

2.1 Preparedness encompasses the full range of deliberate, critical tasks and activities necessary to build, sustain, and improve the operational capability to prevent, protect against,

respond to and recover from emergencies/disasters. Preparedness, in the context of an actual or potential incident, involves actions to enhance readiness and minimize impacts. This includes hazard mitigation measures to save lives and protect property from the impacts of terrorism, natural disasters and other events.

2.3 Preparedness consists of almost any pre-disaster action that will improve the safety or effectiveness of disaster response. Preparedness consists of those activities that have the potential to save lives, lessen property damage, and increase individual and community control over the subsequent disaster response. Departments/agencies within Clark County will remain vigilant to crises within their areas of responsibility. All departments/agencies shall prepare for disasters by developing a detailed Standard Operating Guide (SOG) to accomplish the extraordinary tasks necessary to integrate the department/agency's total capabilities into a city/county disaster response. Disaster SOGs must complement this plan.

2.4 Departments/agencies should ensure that their employees are trained to implement emergency and disaster procedures and instructions. Departments/agencies should validate their level of emergency readiness through internal drills and participation in exercises conducted with CRESA. Other government jurisdictions within and outside city/county boundaries should also be encouraged to participate in these exercises. Exercise results should be documented and used in a continuous planning effort to improve the county's emergency readiness posture. This joint, continuous planning endeavor should culminate in revisions to this plan in the constant attempt to achieve a higher state of readiness for an emergency or disaster response.

2.5 Examples of preparedness activities include:

- 2.5.1** Pre-deployment of response resources
- 2.5.2** Evacuation and protective sheltering
- 2.5.3** Implementation of structural and non-structural mitigation measures
- 2.5.4** Use of risk assessment, predictive and plume modeling tools
- 2.5.5** Private sector implementation of business and continuity of operations plans

3. RESPONSE.

3.1 Response includes activities to address the immediate and short-term actions to preserve life, property, environment, and the social, economic, and political structure of the community. The active use of resources to address the immediate and short-term effects of an emergency or disaster constitutes the response phase and is the focus of department/agency emergency and disaster standard operating guidelines, mutual-aid agreements, and this plan.

3.2 Emergency and disaster incident response actions are designed to minimize suffering, loss of life, and property damage, environmental impact and speed recovery. They include initial damage assessment, emergency and short-term medical care, and the return of vital life-support systems to minimum operating conditions. When any department/agency within Clark County receives information about a potential emergency or disaster, it will conduct an initial assessment to determine the need to alert others, and set in motion appropriate actions to reduce risk and potential impacts.

3.3 Emergency response activities will be as described in department/agency SOGs and may involve activating organizations Emergency Operations Center (EOC) and/or the Department Operations Center (DOC) for coordination of support. Departments/agencies/organizations will strive to provide emergency public information, the saving of lives and property, supplying basic

human needs, maintaining or restoring essential services, and protecting vital resources and the environment. Responses to all emergencies and disasters will be guided by this plan and its support agency plans. Response activities may include providing:

- 3.3.1** Emergency shelter, housing, food, water and ice
- 3.3.2** Search and rescue
- 3.3.3** Emergency medical and mortuary services
- 3.3.4** Public health and safety
- 3.3.5** Emergency restoration of critical services (electric power, water, sewer, telephone)

4. RECOVERY.

4.1 Recovery involves actions, and the implementation of programs, needed to help individuals and communities return to normal. Recovery programs are designed to assist victims and their families, restore institutions to sustain economic growth and confidence, rebuild destroyed property, and reconstitute government operations and services. There is no definite point at which response ends and recovery begins. However, generally speaking, most recovery efforts will occur after the emergency organization is deactivated and departments/agencies have returned to pre-disaster operation, and will be integrated with day-to-day functions. Recovery programs include mitigation components designed to avoid damage from future incidents. Recovery actions may include:

- 4.1.1** Repair and replacement of disaster damaged public facilities (roads, bridges, municipal buildings, schools, hospitals, qualified non-profits)
- 4.1.2** Debris cleanup and removal
- 4.1.3** Temporary housing and other assistance for disaster victims and their families
- 4.1.4.** Low-interest loans to help individuals and businesses with long-term rebuilding and mitigation measures
- 4.1.5** Restoration of public services (electric power, water, sewer, telephone)

5. MITIGATION.

5.1 Mitigation activities provide a critical foundation across the emergency management spectrum from prevention through response and recovery. Mitigation is any action(s) to prevent or lessen the effects of a disaster. These efforts will save the most lives, prevent damage and reduce costs. County and city departments/agencies/organizations will enforce all public safety mandates, including land use management and building codes; and recommend legislation required to improve the emergency readiness of Clark County to the appropriate governing bodies. Examples of key mitigation activities include the following:

- 5.1.1** Ongoing public education and outreach activities designed to reduce loss of life and destruction of property.
- 5.1.2** Structural retrofitting to deter or lessen the impact of incidents and reduce loss of life, destruction of property and impact on the environment.
- 5.1.3** Code enforcement through such activities as zoning regulation, land management, and building codes.
- 5.1.4** Encouraging citizens to purchase flood insurance and the buy-out of properties subjected to frequent flooding, etc.

D LEVELS OF EMERGENCY

1. CEMP ACTIVATION LEVELS

1.1 To aid in preparedness and coordination, the CEMP establishes levels of emergencies outlined in the table below. These levels categorize the severity of an incident and describe general actions associated with each level as the magnitude of the event increases. The levels are intended to provide guidelines to help detail planning efforts and provide a consistent approach for reporting and coordination during an event.

1.2 The Levels mirror the Incident typing levels in the National Incident Management System (NIMS) and have a range of five to one (5 to 1) and are scalable, recognizing that an incident may start out at a low level event and escalate, or a significant event may immediately start off at a high level. Likewise, as an event tapers off, the level is lowered and resources begin to demobilize. During an event, different teams or agencies may be at different levels.

1.3 The CEMP Activation Levels will be incorporated into Standard Operating Guidelines to outline specific actions. When established for an incident, the levels provide decision-making aid for activating and deploying resources.

1.4 CEMP ACTIVATION LEVELS TABLE

Level	Description	General Actions
5	<ul style="list-style-type: none">No imminent threat	<ul style="list-style-type: none">Normal day-to-day operationsSteady-state reporting and monitoringMinor incidents controlled by first response agenciesEOC activated with Duty Officers
4	<ul style="list-style-type: none">Heightened threatLocalized incidentPotential Countywide Incident	<ul style="list-style-type: none">Localized incidents controlled by first response agenciesContinued monitoringUse of department/agencies authorities & resources to assess and deter threatsWeather advisoriesAlerting teamsWarning orderEOC activated with CRESA StaffPre-deployment of teams
3	<ul style="list-style-type: none">Incident of Countywide significance at EOC level	<ul style="list-style-type: none">County level monitoring and countywide involvementCountywide assets deployedEOC activated with limited support staff
2	<ul style="list-style-type: none">Imminent terrorist threatCountywide or Regional IncidentPotential Catastrophic Incident	<ul style="list-style-type: none">County level assets deployedEOC activated with all support staffConsideration of requesting of essential and extensively state assets through DEM

Level	Description	General Actions
1	<ul style="list-style-type: none"> Catastrophic Incident 	<ul style="list-style-type: none"> Deployment of appropriate essential and extensively state and federal assets EOC activated with all additional staff

E. CONCEPT OF OPERATIONS

1. GENERAL

1.1 Inter-agency resource support, information coordination, and situational awareness analysis takes place at the Clark Regional Emergency Operations Center (CREOC). The CREOC serves Clark County government, and the Cities of Battle Ground, Camas, La Center, Ridgefield, Vancouver, Washougal, the Cowlitz Indian Tribe, and Yacolt. The CREOC is maintained by CRESA and is activated when needed to support agency partners.

1.2 When the severity of the situation dictates and local resources are, or are about to become, depleted, the CREOC will coordinate resource support with other cities, special districts, and partnering organizations. If response exceeds the capabilities within Clark County, the CREOC will request assistance from Washington State Emergency Management. Assistance may be requested with or without a formal declaration of emergency. The CREOC will coordinate state or federal resources as necessary.

1.3 Each jurisdiction is responsible for identifying the need for an emergency proclamation. CRESA may recommend that jurisdictions issue a proclamation and can provide guidance in the development of the proclamation.

1.4 Mutual aid agreements are encouraged between agencies. Mutual aid should be requested and employed prior to requesting additional resources from other agencies, jurisdictions, or the State.

1.5 The CRESA director is responsible for coordinating actions to increase emergency readiness in the event that advance information of a potential threat is received, and for providing immediate warning of an impending natural disaster, if available.

2. DIRECTION AND CONTROL

2.1 The direction and control of all emergency incidents in Clark County will be done in accordance with the National Incident Management System.

2.2 The various executive authorities within the county have authority and responsibility for emergency management in accordance with RCW 38.52 and have assigned agency and department directors the direction and control authority over specific emergency incidents. For the purposes of incident management, these department and agency directors are referred to as 'agency administrators'. Agency administrators are responsible for coordinating with incident command and, as appropriate, the CRESA Director, to ensure that the incident management organization is adequate.

2.3 Executive authorities and agency administrators are responsible for the creation and implementation of policy before, during and after emergencies. CRESA assists in the creation and implementation of this policy by providing personnel resources and subject matter expertise.

2.4 During all phases of emergency management, policy making decisions that impact a single jurisdiction will be made by the executive authority of that jurisdiction, utilizing the decision making process authorized for that jurisdiction. CRESA will provide personnel resources, subject matter expertise and coordination as requested. This includes decisions involving public safety and maintaining of public order.

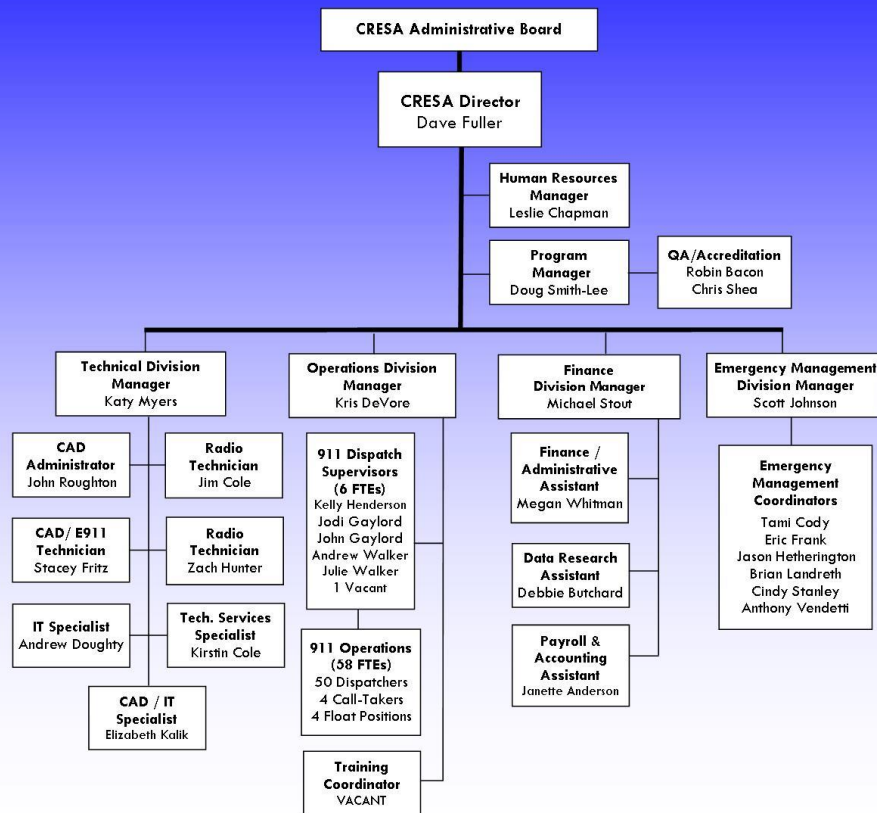
2.5 During all phases of emergency management, policy making decisions that impact multiple jurisdictions will be made through the use of the NIMS Multi Agency Coordination Group (MAC) structure. CRESA will provide staff support with subject matter expertise and coordination of this MAC with the twin goals of respecting the individual authority of each partner jurisdiction and working toward the best result for all involved jurisdictions. This includes decisions involving public safety and maintaining of public order.

3. EMERGENCY OPERATIONS CENTER AND SUPPORT STRUCTURES

3.1 Under the terms of its inter-local agreement, CRESA serves as the regional emergency management services for all incorporated and unincorporated areas of Clark County and the seven cities within the county. CRESA is governed by an Administrative Board comprised of nine members including the Clark County Manager or designee, Vancouver City Manager or designee, Clark County Sheriff or designee, Small Cities Representative appointed by the small city mayors, Police Representative appointed by the Law Enforcement Council, Vancouver Fire Department Representative, Fire Chief Representative appointed by the Clark County Fire Chiefs Association, Public EMS Provider Representative, and a Citizen Representative employed in the field of finance.

3.2 CRESA Organizational Chart

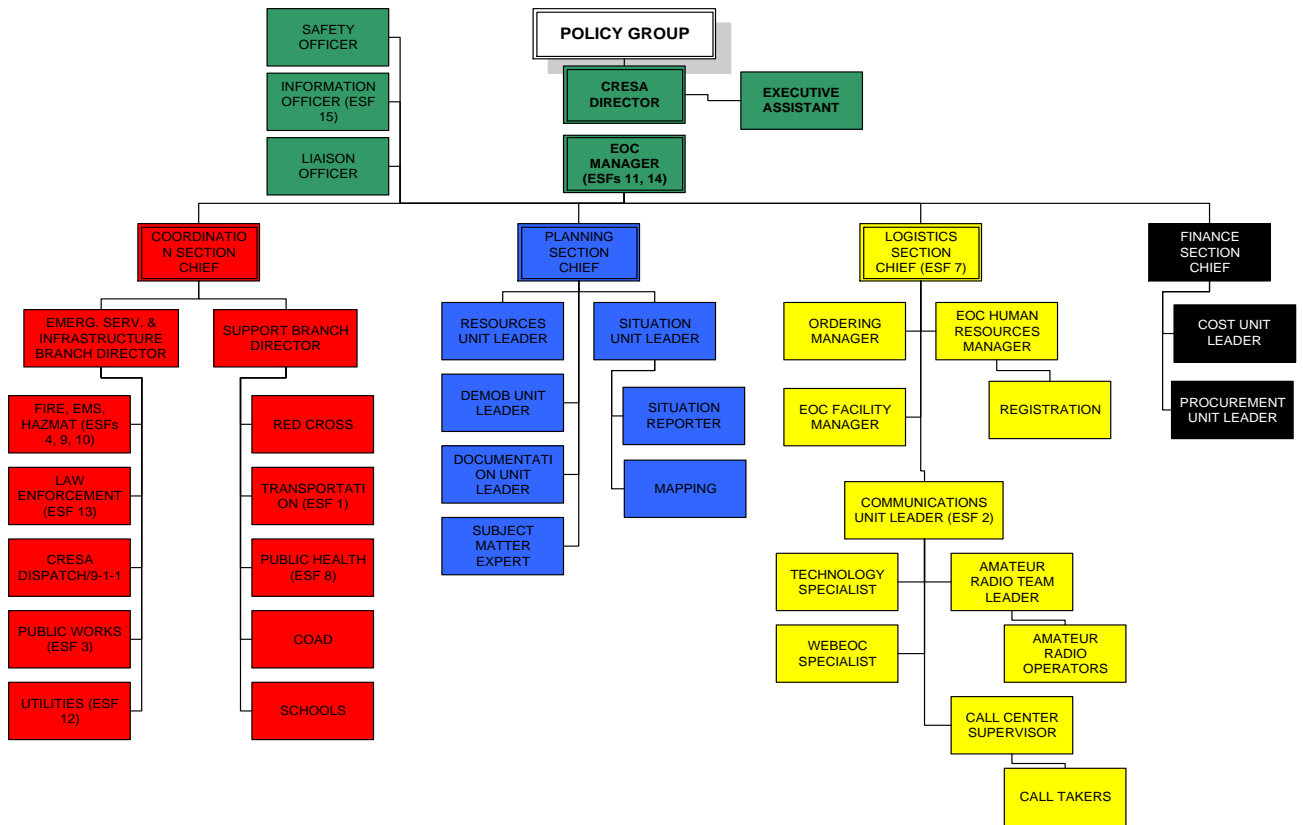
Clark Regional Emergency Services Agency ORGANIZATIONAL CHART



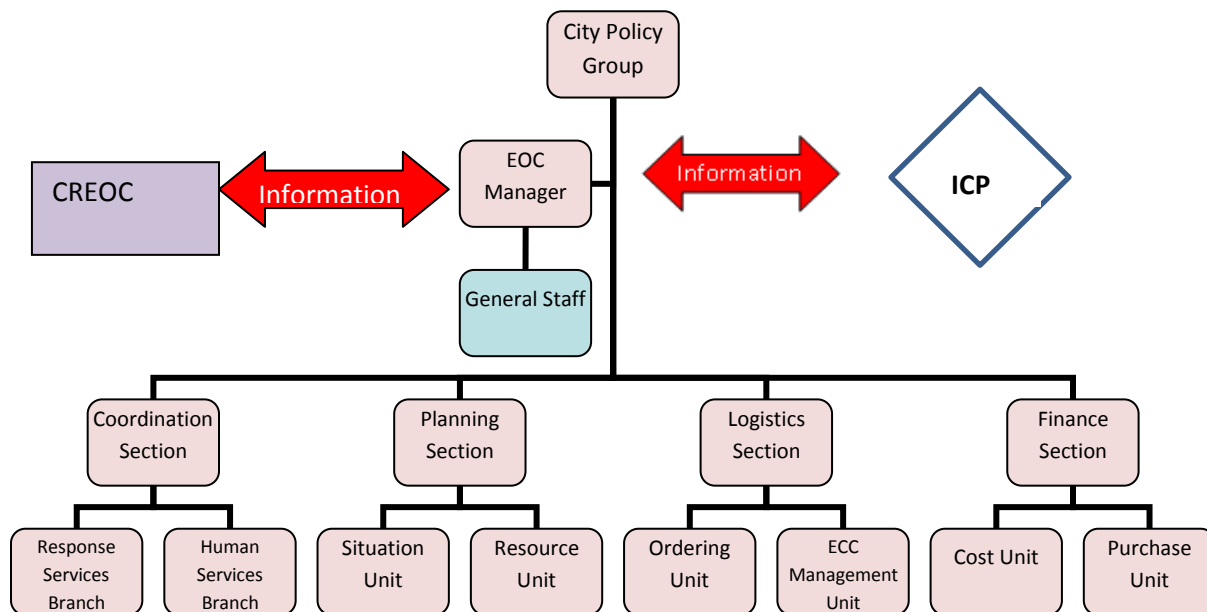
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3.3 The Clark Regional Emergency Operations Center is the central facility for the coordination of information, establishment of situational awareness, and resource support for Clark County. During activation in support of a single jurisdiction, the policy group role would be filled and staffed by the executive head of that jurisdiction. During activation in support of multiple jurisdictions the policy group role would be filled by a Multi-Agency Coordination Group comprised of executive heads of the impacted jurisdictions.

3.4 The primary EOC for CRESA is located at 710 W.13th St, Vancouver WA. Alternate locations include the Public Safety Center, 505 NW 179th St, Ridgefield, WA (West Side); and Battle Ground Police Department, 507 SW 1st St, Battle Ground WA (East Side). Should all of these locations be unavailable the EOC will be activated at a suitable location and that location sent to city EOC's within Clark County, regional partners and the WA State EOC.



3.5 Individual city and county governments may manage their resources from Emergency Operations Centers (EOC). The EOC is a central facility where internal municipal emergency operations are managed and where municipal resources are mobilized to support response and recovery operations.



3.6 Individual departments of city and county government and partnering agencies may manage their resources from Department Operation Centers (DOC). The DOC is a central facility where internal department emergency operations are managed and where department resources are mobilized to support response and recovery operations.

3.7 Dispatch Centers are central communication points where field personnel and other resources are tracked and deployed to incidents. Examples of dispatch centers are Clark Public Utilities Dispatch, CRESA Dispatch, Clark County Public Works Dispatch, and Vancouver Public Works Dispatch. Dispatch centers are often adjacent to or co-located with DOCs.

3.8 Detailed procedures for the CREOC can be found in the *CREOC Operations Manual*. In regard to CREOC readiness, CRESA will -

- 3.8.1** Develop and maintain a staffing plan.
- 3.8.2** Establish and implement training standards.
- 3.8.3** Develop and implement general, interagency procedures for CREOC operation.
- 3.8.4** Provide general training in CREOC operations.
- 3.8.5** Ensure the readiness of facility, equipment, and supplies.

3.9 Partnering agencies providing staff to the CREOC are responsible for providing personnel to the EOC in support of the staffing plan; and ensuring that assigned personnel have the resources needed to fulfill their specific function in the CREOC, such as communications equipment, agency plans, procedures, contact lists, and resources lists, etc.

3.10 Partnering agencies are also responsible for helping to develop and implement procedures for the agency's specific function in the CREOC.

3.11 The CREOC may be activated by the CRESA Duty Officer to meet current or anticipated needs or upon request by any incident commander or agency administrator. This may be done by contacting the CRESA Duty Officer.

3.12 Following the decision to activate, the CRESA Duty Officer is responsible for notifying staff to report to the CREOC.

3.13 The CRESA Duty Officer will serve as the initial EOC Manager and is responsible for establishing EOC objectives and for coordinating with participating agencies to fulfill these objectives.

3.14 Agency representatives working in the CREOC will report to the EOC Manager or his/her delegates and will work within the CREOC organizational structure.

3.15 Typically, agency representatives will be in the CREOC to provide connectivity and reach-back to their agencies for additional resources.

3.16 CREOC activation levels will correspond to CEMP activation levels.

3.17 CRESA Emergency Management houses the Region 4 Homeland Security Office and the associated staff. In the event of an EOC activation in Skamania County, Wahkiakum County or Cowlitz County the CRESA Emergency Manager will push support staff to the impacted county to assist in EOC operation in that county as needed.

3.18 Liaison Officers between the CREOC and partner EOC will be assigned on an as needed basis and will serve primarily as a communications conduit between EOC managers. Secondary duties include general EOC support in the impacted jurisdiction. CREOC Liaison Officers are not intended to replace designed agency representatives, nor serve as a substitute for formal communication channels.

4. CONTINUITY OF GOVERNMENT

4.1 Succession of Authority ensures that a community's ability to respond to an emergency must not be restrained by the absence of an elected official or key department head. Therefore, to ensure continuity of government, each local government in the county will develop a Continuity of Government Succession List. This list will designate who will be the decision-maker if an elected official or department head is not available. Lines of succession to each department head will be determined by the appropriate governing body or by the departments' Standard Operating Guidelines.

4.2 A copy of each partner jurisdiction's line of succession will be maintained by the CRESA duty officer.

4.3 Because preservation of records is a vital component of government continuity; all jurisdictions will develop plans and procedures to guarantee the preservation of vital public records, to include their reconstitution if necessary, during and after emergencies.

4.4 In general, vital public records include: those considered absolutely essential to the continued operation of local government; considered absolutely essential to the ability to fulfill its responsibilities to the public; required to protect the rights of individuals and essential to restoration of life support services. Documentation of actions taken during an emergency or disaster is a legal requirement.

4.5 Specific vital public records could include: vital statistics, deeds, corporation papers, operational plans, planning records, resource data, authorities, personnel and payroll rosters, succession lists, supply and equipment lists, laws, charters and financial records.

4.6 All appointments and work assignments in an emergency situation need to be documented to support recovery. To support this, jurisdictions will submit documents containing emergency related needs, as requested by CRESA, for situational reports and recovery documentation.

4.7 Continuity of Operations Plan (COOP) development is an effort within individual departments and agencies to ensure the continued performance of minimum essential functions during a wide range of potential emergencies. A COOP provides comprehensive procedures, and provisions for alternate facilities, personnel, resources, interoperable communications, and vital records and databases.

4.8 COOP establishes policy and guidance to ensure the execution of the mission-essential functions for each department and agency in the event that an emergency threatens or incapacitates operations and the relocation of selected personnel and functions of any essential facility is required. Specifically COOPs are designed to:

- 4.8.1** Ensure that departments are prepared to respond to emergencies, recover from them, and mitigate against their impacts.
- 4.8.2** Ensure that departments are prepared to provide critical services in an environment that is threatened, diminished, or incapacitated.
- 4.8.3** Provide a means of information coordination within government to ensure uninterrupted communications within the internal organization of the government and externally to all identified critical customers.
- 4.8.4** Provide timely direction, control, and coordination to governmental leadership and other critical customers upon notification of a credible threat or before, during, and after an event.
- 4.8.5** Establish and enact time-phased implementation procedures to activate various components of this plan to provide sufficient operational capabilities relative to the event or threat to Clark County jurisdictions.
- 4.8.6** Facilitate the return to normal operating conditions as soon as practical, based on circumstances and the threat environment.
- 4.8.7** Ensure that Departmental COOP Plans are viable and operational and are compliant with all guidance documents.
- 4.8.8** Ensure that Departmental COOP Plans are fully capable of addressing all types of emergencies or "all hazards" and that mission-essential functions are able to continue with minimal or no disruption during emergencies.

4.9 The objectives of COOP planning are to ensure that a viable capability exists to continue essential government functions across a wide range of potential emergencies, specifically when the primary facility is either threatened or inaccessible. The objectives of the COOP include:

- 4.9.1** Ensuring the continuous performance of essential functions/operations during an emergency.
- 4.9.2** Protecting essential facilities, equipment, records, and other assets.
- 4.9.3** Reducing or mitigating disruptions to operations.
- 4.9.4** Reducing loss of life, minimizing damage and losses.
- 4.9.5** Identify and designate principals and support staff to be relocated.
- 4.9.6** Facilitate decision-making for execution of the Plan and the subsequent conduct of operations.
- 4.9.7** Achieve a timely and orderly recovery from the emergency and resumption of full service to all customers.
- 4.9.8** Be maintained at a high-level of readiness.

- 4.9.9** Be capable of implementation, both with and without warning.
- 4.9.10** Be operational no later than 12 hours after activation.
- 4.9.11** Take maximum advantage of existing local, state or federal government infrastructures.

5. Emergency Declaration/Proclamation Process.

5.1 The executive heads of government at the local level (mayor, city manager, or board of county councilors) may declare or proclaim a local state of emergency in accordance with the provisions of their local codes, charters, or ordinances.

5.2 The decision to declare an emergency may be based on the recommendation of the CRESA Director, the CRESA Emergency Manager, or the CRESA duty Officer.

5.3 The decision to declare an emergency may also be made when in the opinion of the executive head, a condition exists, or may exist that will, or may, result in, the death or injury of persons or the destruction of or damage to property to such extent as to require extraordinary and immediate measures to protect the public health, safety and welfare.

5.4 If the policy making body is in session, request they declare the existence of, or probable existence of, an emergency.

5.5 If the policy making body is not in session, the executive head should issue such declaration, subject to policy making body ratification and confirmation, modification or rejection as soon as practicable. Such ratification and confirmation, modification or rejection should be by a majority of the body then present and voting

5.6 Such declaration of emergency may be in addition to, or as an alternative to, the proclamation of state of emergency by the Governor.

5.7 The executive head should terminate the declaration of emergency when order has been restored in the affected area of the jurisdiction.

5.8 The CRESA Director, the CRESA Emergency Manager, or the CRESA duty Officer should be informed of all emergency declarations or proclamations issued in Clark County and shall be the primary point of contact between the declaring jurisdiction and the Washington State Department of Emergency Management

F. ROLES AND RESPONSIBILITIES.

1. PREPAREDNESS RESPONSIBILITIES- All Partners

1.1 Many county and municipal departments may have emergency-related functions in addition to their normal daily functions. Each department director is responsible for the development and maintenance of their respective emergency management plan and procedures for each division and section, and performing such functions as may be required to effectively respond to and recover from any disaster affecting their respective areas of responsibility. Specifically, the following common responsibilities are assigned to each department listed in this plan:

- 1.1.1** Develop and maintain an emergency plan for their department.
- 1.1.2** Develop and maintain a Continuity of Operations Plan (COOP) for their department.
- 1.1.3** Create and maintain a department notification plan and template.

- 1.1.4 Establish department and individual responsibilities (as indicated in this plan); identify emergency tasks.
- 1.1.5 Work with other departments to enhance cooperation and coordination, and eliminate redundancy. Departments having shared responsibilities should work to complement each other.
- 1.1.6 Establish education and training programs so that each division, section, and employee will know exactly where, when and how to respond.
- 1.1.7 Develop site specific plans for department facilities as necessary.
- 1.1.8 Provide for the security and protection of departmental records and equipment.
- 1.1.9 Ensure that employee job descriptions reflect their emergency duties.
- 1.1.10 Train staff to perform emergency duties/tasks as outlined in the CEMP or individual department plans.
- 1.1.11 Identify, categorize and inventory all available department resources.
- 1.1.12 Develop procedures for mobilizing and employing additional resources.
- 1.1.13 Ensure communication capabilities with the EOC.
- 1.1.14 Fill positions in the EOC as requested by the CRESA Director in accordance with this plan.
- 1.1.15 Prepare to provide internal logistical support to department operations during the initial emergency response phase.
- 1.1.16 Coordinate, where appropriate, to ensure that each building or facility is prepared and secured before a disaster strikes.

2. RESPONSE RESPONSIBILITIES- All Partners

2.1 Response refers to those activities undertaken during an incident to support life safety, incident stabilization and infrastructure/environmental protection. The following common responsibilities are assigned to each department listed in this plan.

- 2.1.1 Upon receipt of an alert or warning, initiate notification actions to employees on assigned response duties.
- 2.1.2 Suspend or curtail normal business activities as appropriate.
- 2.1.3 Recall essential off-duty employees as appropriate.
- 2.1.4 Send non-critical employees home as appropriate.
- 2.1.5 Secure and evacuate departmental facilities as appropriate.
- 2.1.6 As requested, augment the EOC effort to warn the public through use of vehicles equipped with public address systems, sirens, employees going from door to door, etc.
- 2.1.7 Keep the EOC informed of field activities, and maintain a communications link to the EOC.
- 2.1.8 Activate a control center to support and facilitate department response activities, maintain events log, and report information to the EOC.
- 2.1.9 Report damage and status of critical facilities to the EOC.
- 2.1.10 If appropriate or requested, send a representative to the EOC.
- 2.1.11 During response and recovery phases of an incident, Department Directors may be assigned to support the EOC function not otherwise assigned during normal everyday operation.
- 2.1.12 Ensure staff members tasked to work in the EOC have the authority to commit resources and set policies.
- 2.1.13 Coordinate with the EOC to establish protocols for interfacing with county, state, and/or federal responders.
- 2.1.14 Provide released News releases and other public information to the EOC.

- 2.1.15** Submit reports to the EOC detailing departmental emergency expenditures and obligations.

3. Role of Senior Public Officials

3.1 City Council Members, County Counselors and Elected Executive Heads as defined by RCW 38.52.010

- 3.1.1** Provide policy guidance to county administrator, city manager, department heads and, as appropriate, incident commanders.
- 3.1.2** Establish emergency spending authorities as needed.
- 3.1.3** In close coordination with public information officers, ensure that essential information is communicated to the public.
- 3.1.4** Appropriate money to meet disaster-related needs, in accordance with RCW 36.40.180 & RCW 38.52.070(b).
- 3.1.5** Provide liaison with local, state, and Federal elected officials.
- 3.1.6** Issue or terminate emergency proclamation.
- 3.1.7** Adopt emergency ordinances and policies.
- 3.1.8** Fill vacancies caused by the disaster.

3.2 County Manager

- 3.2.1** Ensure continuity of government
- 3.2.2** Provide oversight of Clark County emergency management activities.
- 3.2.3** Coordinate efforts to resume or restore mission critical county services when impacted by an emergency (i.e., continuity of operations).
- 3.2.4** Coordinate with the CRESA Director for emergencies that impact Clark County,
- 3.2.5** Inform CRESA of disaster conditions in Clark County.
- 3.2.6** Keep BOCC informed of response activities. Prepare emergency ordinances and policies for board action.
- 3.2.7** Evaluate effectiveness of emergency response activities.
- 3.2.8** Discontinue non-critical county functions to free up resources to support disaster operations.
- 3.2.9** In coordination with public information officers, provide emergency information to the public.

3.3 City Manager

- 3.3.1** Ensure continuity of government.
- 3.3.2** Provide overall direction and control of City emergency management activities.
- 3.3.3** Keep the Mayor and City Council informed of response activities. Prepare emergency city ordinances and policies for City Council action.
- 3.3.4** Evaluate effectiveness of emergency response activities.
- 3.3.5** Issue emergency proclamation in accordance with city code.
- 3.3.6** Issue emergency orders in accordance with city code
- 3.3.7** Seek ratification of emergency proclamation and orders from city council as soon as practicable.
- 3.3.8** Discontinue non-critical City functions to free up resources to support emergency operations.
- 3.3.9** In coordination with public information officers, provide emergency information to the public.

3.4 Auditor/Finance Director

- 3.4.1** Provide guidance to County/City departments for documenting disaster-related purchases and expenditures.
- 3.4.2** Coordinate the preparation of cost recovery documentation and be the county's agent for the reimbursement of those costs.
- 3.4.3** Coordinate the compilation of disaster response and recovery related labor, equipment, material, and service costs for post-disaster reporting purposes.

3.5 Assessor

- 3.5.1** Provides for evaluation of property damaged or destroyed during a disaster.
- 3.5.2** Provides information regarding ownership and values.

3.6 Court Clerk

- 3.6.1** Coordinate security and safe keeping of Superior Court records.
- 3.6.2** Provides staff, as available and required, to support emergency court operations during emergencies/disasters.
- 3.6.3** Coordinate restoration of the services of the Clerk's office in support of court operations.
- 3.6.4** Provide for continuity of court operations.
- 3.6.5** Continue to operate the county courts as efficiently as possible in order to maintain due process of law in civil and criminal justice matters.

5. Role of Department/Agency Directors

5.1 Many county and municipal departments may have emergency-related functions in addition to their responsibilities per WAC 11-30-060

5.2 Community Development or Equivalent

- 5.2.1** Determine priority order for conducting building safety inspections.
- 5.2.2** Conduct building safety inspections of County/City property and facilities to determine if buildings and sites are safe for use or if entry should be restricted or prohibited.
- 5.2.3** Conduct building safety inspections of major structures within the jurisdiction to determine if buildings and sites are safe for use or if entry should be restricted or prohibited.
- 5.2.4** Provide an emergency permitting and inspection program for the repair and reconstruction of damaged buildings and sites during the recovery period.
- 5.2.5** Coordinate the abatement of dangerous buildings, structures, and sites.
- 5.2.6** Serve as the lead agency for addressing the emergency needs of domestic animals, through the Animal Protection and Control Division, including supporting the evacuation, care, and shelter of domestic animals.
- 5.2.7** Assist in monitoring and reporting environmental and other hazards.

5.3 Community Services or Equivalent

- 5.3.1** Assist with the coordination and provision of disaster mental health services.
- 5.3.2** Ensure the continuity of care of clients.
- 5.3.3** Participate in efforts to assist low income persons.
- 5.3.4** Participate in efforts to assess human needs after a disaster.
- 5.3.5** Participate in efforts to coordinate long-term shelter needs.

5.3.6 Participate in efforts of human service organizations in disaster response and recovery.

5.4 General Services or Equivalent

5.4.1 Assess the impact of the emergency on County/City facilities.

5.4.2 Coordinate the restoration or relocation of County/City offices, to ensure continuation of government operations.

5.4.3 Coordinate the use of County/City facilities to support emergency response and recovery operations.

5.4.4 Coordinate insurance resources to support restoration and recovery of government operations.

5.5 Health Department (County)

5.5.1 Serve as the lead agency for the management of public health emergencies in accordance with RCW 70.05.

5.5.2 Provide technical support to preventive medical and health services providers.

5.5.3 Coordinate information and resources with health care system organizations.

5.5.4 Implement measures to control communicable diseases.

5.5.5 Detect and identify possible environmental health and communicable disease threats posing a danger to the general public health of the community.

5.5.6 Coordinate public health services at mass care facilities.

5.5.7 Provide for the recording and preservation of death certificates.

5.5.8 Provide public health emergency public information.

5.6 Human Resource Departments

5.6.1 Provide for recruitment, allocation, and general management of labor forces required during emergency operations.

5.6.2 Provide for the identification, recruitment, and allocation of employees for emergency operations in coordination with department directors

5.6.3 Plan for, and develop procedures to call back into service selected employees on vacation or days off.

5.6.4 In coordination with department directors, coordinate special human services assistance to employees (e.g., through Employee Assistance Programs)

5.6.5 Establish liaison, and coordinate with the Washington State Department of Employment Security, cities and other public entities in order to determine and allocate personnel resources.

5.7 Medical Examiner (County)

5.7.1 Assume overall responsibility for the care, identification, and disposition of the dead and notification of next-of-kin during and after disasters.

5.7.2 Determine the cause and manner of death and provides Health Department Vital Records Office for issuance of the death certificate.

5.7.3 Establish and maintain Standard Operating Procedures for death investigations, body transport, identification and disposition of human remains, and death notification of families.

5.7.4 Coordinate the maintenance and implementation of the Mass Fatality Plan.

5.7.5 Identify and maintain level of essential emergency supplies and protective equipment to implement initial response elements of Mass Fatality Plan.

- 5.7.6** Request additional personnel and material resources required to support mass fatalities operations from the Clark Regional EOC.
- 5.7.7** Coordinate activities and personnel of private mortuaries involved in mass fatality response or recovery functions.
- 5.7.8** Provide information about fatalities and about the status of medical examiner's office operations to the EOC and to the public information officer.
- 5.7.9** Provide information in support of disaster welfare inquiry operations.

5.8 Information Technology and Services or Equivalent

- 5.8.1** Coordinate the backup of and protection of jurisdictional data.
- 5.8.2** Direct the restoration of jurisdictional information systems.
- 5.8.3** Provide emergency repair, installation, support, maintenance, and training services for computer and data resources in support of emergency operations.
- 5.8.4** Coordinate internet resources in support of emergency operations, including the expansion of bandwidth to accommodate emergency internet use.
- 5.8.5** Direct efforts to prevent, prepare for, respond to, and recover from attacks against information infrastructure, particularly computer virus attacks.
- 5.8.6** Coordinate grant resources in support of disaster recovery efforts.

5.9 Parks & Recreation or Equivalent

- 5.9.1** Coordinate the use of department facilities and properties in support of emergency response and recovery operations, to include:
 - 5.9.1.1** Shelters
 - 5.9.1.2** Mass care and feeding
 - 5.9.1.3** Disaster Recovery Centers
 - 5.9.1.4** Logistics staging areas
 - 5.9.1.5** Casualty collection points
 - 5.9.1.6** Volunteer reception centers
 - 5.9.1.7** Points of dispensing (treatment, pharmaceuticals)
 - 5.9.1.8** Community points of distribution (for commodities)

5.10 Assessment and GIS or Equivalent

- 5.10.1** Coordinate and compile essential damage assessment information as requested.
- 5.10.2** Assess property damage and provide assessments to the Emergency Operations Center.
- 5.10.3** Provide property information to support the disaster recovery process.
- 5.10.4** Provide GIS services, including onsite services and printed mapping products to incident managers and to the EOC upon request.
- 5.10.5** As required, participate in efforts to provide property tax relief to damaged properties.

5.11 CRESA Director

- 5.11.1** Direct the emergency management program for Clark County and its cities.
- 5.11.2** Provide mass public warning and notification.
- 5.11.3** Ensure appropriate notification of all impacted agencies.
- 5.11.4** Inform executive head(s) of emergency conditions.
- 5.11.5** Advise executive head(s) on the need for an emergency proclamation and prepare the proclamation, emergency policies, or ordinances.
- 5.11.6** Appoint an EOC Manager.

- 5.11.7 Evaluate the effectiveness of EOC operations.
- 5.11.8 Coordinate efforts to receive state and federal assistance for local recovery.
- 5.11.9 Coordinate participation of Clark County jurisdictions in the Public Assistance Program.

5.12 Jurisdiction Emergency Management Coordinators

- 5.12.1 Coordinate the comprehensive emergency management activities for jurisdiction, in conjunction with CRESA.
- 5.12.2 Serve as the single point of contact between CRESA and your jurisdiction.
- 5.12.3 Coordinate the implementation of this plan and any additional or supporting emergency management plans and procedures for your jurisdiction.

6. Role of Primary Responders

6.1 Fire/EMS Agencies

- 6.1.1 Serve as lead agencies in the provision of fire suppression and control, and life safety services within respective fire protection jurisdictions, and support other fire protection agencies if they are signatories to a mutual aid agreement.
- 6.1.2 Conduct rescue operations.
- 6.1.3 Maintain inventories of firefighting staffing and equipment.
- 6.1.4 Provide initial and continuing situation assessment information of major incidents to CRESA, CREOC, as appropriate.
- 6.1.5 Coordinate fire service resources and activities during disaster operations.
- 6.1.6 Collect situation reports of initial assessment information and ongoing operations from the field and relay information to CRESA and/or the CREOC,
- 6.1.7 Collect and relay information to the appropriate EOC including available and committed staffing and equipment, and operational needs.
- 6.1.8 Coordinate requests for regional and state mobilization of needed resources.
- 6.1.9 Coordinate recovery/replacement of emergency vehicles
- 6.1.10 Coordinate mobilization of emergency transportation services.
- 6.1.11 Coordinate resource lists with the CREOC.
- 6.1.12 Lead agency for ESF 4 Fire Fighting and support agency for ESF-6, Mass Care/Shelter, and ESF 8 Medical

6.2 Law Enforcement Agencies

- 6.2.1 Coordinate crime prevention and detection programs and the apprehension of criminals.
- 6.2.2 Provide crowd and traffic control, emergency aid, and safety programs.
- 6.2.3 Prevent and control civil disorder.
- 6.2.4 Provide security to the EOC, shelters, food and water distribution staging areas, and transportation, as needed.
- 6.2.5 Provide personnel and equipment to assist in the rapid dissemination of warnings and emergency information.
- 6.2.6 Provide for the self-protection, monitoring, and reporting of environmental and other hazards, including radiological and unexploded ordinance (bombs), by department field forces.
- 6.2.7 Provide for the use of available personnel and equipment to support emergency communications requirements.
- 6.2.8 Coordinate search and rescue operations.

- 6.2.9** Provide resources to conduct real time or “windshield” surveys, immediately following a disaster event.
- 6.2.10** Report damage to facilities, equipment, or personnel to the EOC.
- 6.2.11** Provide representatives to the EOC as required.
- 6.2.12** Provide public information officers or support personnel to the Joint Information Center (JIC) as required.
- 6.2.13** Assist in collecting information and compiling data for operational reports necessary to emergency operations.
- 6.2.14** Coordinate recovery/replacement of emergency vehicles
- 6.2.15** Coordinate mobilization of emergency transportation services.
- 6.2.16** Coordinate resource lists with the CREOC.
- 6.2.17** Lead agency for ESF 9 Search and Rescue and 13 Public Safety and support agency for ESF-6, Mass Care/Shelter, and ESF 8 Medical

6.3 Public Works and Utilities Departments

- 6.3.1** Provide public works facilities, personnel, vehicles, heavy equipment, and supplies to assist in emergency response and recovery.
- 6.3.2** Assist with real time or “windshield” surveys upon request of fire agencies.
- 6.3.3** Provide additional equipment and manpower, as available, to assist first responders with traffic control.
- 6.3.4** Remove debris from roadways to permit vehicle access or movement and temporary repair of lightly damaged roads and bridges.
- 6.3.5** Inspect roads and bridges to determine damage and safety.
- 6.3.6** Report damage to public works facilities to the EOC.
- 6.3.7** Coordinate and provide for the repair, construction, or restoration of damaged or destroyed county roads, bridges, and other transportation facilities
- 6.3.8** Manage road closure information for all jurisdictional roads and provide it to the EOC.
- 6.3.9** Coordinate with public safety agencies and EOCs in the emergency restoration of critical transportation routes.
- 6.3.10** Assist in the planning, construction, and upgrading of emergency public shelters by providing personnel, equipment, and engineering support.
- 6.3.11** Provide equipment, manpower, and technical support to flood control operations on public property within the county.
- 6.3.12** Manage sandbag resources for their respective jurisdictions
- 6.3.13** Coordinate recovery/replacement of vehicles and equipment used in support of emergencies.
- 6.3.14** Coordinate mobilization of services in support of emergencies.
- 6.3.15** Coordinate resource lists with the CREOC
- 6.3.16** Lead agency for ESF 3 Public Works and Engineering

7. Role of Community Partners

7.1 American Red Cross

- 7.1.1** Supports shelter operations including the provisions of first aid and the feeding of shelter residents.
- 7.1.2** Supports the feeding of emergency workers in the field.

7.1.3 Support agency for ESF-6, Mass Care/Shelter, ESF 7 Resource Support, ESF 8 Medical and Mortuary Services; ESF 14 Long Term Community Recovery

7.2 Animal Services

7.2.1 Coordinate disaster care of animals.

7.2.2 Support agency for ESF-11 Agriculture, Natural Resources and Animal Rescue

7.3 Chamber of Commerce and the Business Community

7.3.1 Provide representation to the Disaster Recovery Team, when requested.

7.3.2 Support agency for ESF 7 Resource Support, ESF 14 Long Term Recovery, ESF 15 Public Information.

7.4 Communication Providers

7.4.1 Forwards disaster-related emergency information and requests to the EOC.

7.4.2 Dispatches resources as requested by the EOC or incident commanders.

7.4.3 Support agency for ESF 2 Communications, Information Systems & Warning

7.5 Community Mental Health

7.5.1 Responds to the humanitarian and personal needs of disaster victims by referring them to appropriate agencies, organizations or individuals.

7.5.2 Support agency for ESF-6, Mass Care/Shelter; ESF-8, Health, Medical and Mortuary Services..

7.6 Health Care Facilities

7.6.1 Provide care for mass casualty victims.

7.6.2 Coordinate with American Red Cross.

7.6.3 Provide shelter care as needed.

7.6.4 Support agency for ESF-6, Mass Care/Shelter; and ESF-8 Health, Medical, and Mortuary Services

7.7 Private/Public Utilities

7.7.1 Advise on gas shortage and distribution, shortage impact predictions, and service restoration.

7.7.2 Advise power outage and distribution, outage impact predictions and service restoration.

7.7.3 Maintain communications with the EOC.

7.7.4 Support agency for ESF-12, Energy; and ESF-14 Long Term Recovery.

7.8 C-Tran

7.8.1 Provide bus transportation resources.

7.8.2 Serve as Transportation Operations Center (Command Post + Dispatch Center) when needed.

7.8.3 Provide Support in the CREOC.

7.8.4 Uses transportation communication links to provide damage assessment information.

7.8.5 Coordinate recovery/replacement of vehicles transporting people in support of emergencies.

7.8.6 Coordinate mobilization of transportation services in support of emergencies.

7.8.7 Coordinate resource lists with the CREOC.

7.8.8 Support agency for ESF 1 Transportation

7.9 Public and Private Schools/Educational Service District

- 7.9.1** Develop district building hazard mitigation and emergency response plans in accordance with state and district policy.
- 7.9.2** Coordinate facilities for public shelter by providing agreements between local school districts and the American Red Cross, or other community groups.
- 7.9.3** Provide buses for emergency transportation.
- 7.9.4** Provide school situation reports to the EOC.
- 7.9.5** Support agency for ESF-6, Mass Care/Shelter, ESF 14 Long Term Recovery.

7.10 Waste Management Operations

- 7.10.1** Provides debris and garbage disposal operations.
- 7.10.2** Resolves storm and surface water issues.
- 7.10.3** Support agency for ESF-10, Hazardous Materials; ESF-14 Long Term Recovery

7.11 Volunteer Organizations Active in Disasters

- 7.11.1** Coordinate humanitarian services to disaster victims including the provisions of shelter, food and clothing, crisis counseling, spiritual support and other individual and family assistance.
- 7.11.2** Coordinate the referral of volunteer labor and services to disaster victims.
- 7.11.3** Coordinate the management of donated goods including receipt, sorting, storage, distribution and disposal.
- 7.11.4** Coordinate assistance to the business community.
- 7.11.5** Coordinate the disaster care of animals.
- 7.11.6** Support agency for ESF-6, Mass Care/Shelter; ESF-7, Resource Support; ESF-8, Health, Medical and Mortuary Services; ESF-11 Agriculture, Natural Resources and Animal Rescue, ESF 14 Long Term Recovery

8. Role of Washington State Government

8.1 All Washington State offices, departments, agencies, institutions of higher education (as defined in RCW 28B.10.016), boards, commissions, and councils within state government have a role in supporting the state of Washington mitigation, preparedness (including prevention and protection), response, and recovery phases of emergency management under the state's CEMP. These activities may include but are not limited to:

- 8.1.1** Preparing and maintaining a safe and prepared work place.
- 8.1.2** Conducting appropriate terrorism prevention and protection activities.
- 8.1.3** Conducting individual and family preparedness training.
- 8.1.4** Training staff to support agency and local disaster response activities, as appropriate.
- 8.1.5** Training staff to meet the requirements of assigned primary or support ESF responsibilities within the SEOC, and to understand and use federal ESF support to supplement and complement state response and recovery activities.
- 8.1.6** Identifying and protecting essential processes, information, records, and data, along with cyber systems and technology used for transmission and storage.
- 8.1.7** Identifying key personnel and developing staffing notification and activation procedures for emergency situations.
- 8.1.8** Providing applicable preparedness training to local government counterparts.
- 8.1.9** Establishing or participating in an exercise program designed to test plans,

processes, systems, and staff knowledge in order to minimize the impacts of an emergency or disaster.

- 8.1.10** Establishing, testing, training, exercising, and maintaining the agency's internal emergency management program for continuity of government and operations, preparedness, response, recovery, and restoration activities.
- 8.1.11** Establishing corrective action programs for improvement of agency plans, processes, systems, and staff knowledge.
- 8.1.12** Organizing, training, and staffing internal emergency operations centers during an emergency or disaster, as appropriate.
- 8.1.13** Developing emergency operating procedures and checklists.
- 8.1.14** Identifying personnel with essential skills to support the SEOC by providing representation for authorizing state resources or actions as per RCW 38.52.030(3).
- 8.1.15** Supporting the State Critical Infrastructure Program.
- 8.1.16** Conducting preparedness assessments annually, and provide a report to EMD.
- 8.1.17** Coordinating and supporting the CEMP, ESFs and Annexes as identified.
- 8.1.18** Promoting physical access, program inclusion, and effective and meaningful communication for the whole community. This includes individuals with disabilities and Limited English Proficiency (LEP).
- 8.1.19** Other activities as requested by the Governor.

G. ADMINISTRATION, FINANCE AND LOGISTICS

1. General

1.1 Emergencies and disasters put a strain on the normal finances and administration of government operations and resources. The acquisition and distribution of resources outside the normal procurement process is attainable once CRESA determines that the incident is an emergency and activates the Emergency Operations Center. Long-term consequences for the financial well-being of the jurisdiction are often a consideration in an incident of a large magnitude.

1.2 The CEMP provides guidance for emergency fiscal and administrative procedures and for the acquisition of emergency resources.

2. Administration

2.1 Each city in Clark County and the government of Clark County have determined the basic structure of their daily, and emergency operations. They will attempt to maintain administrative and operational continuity as much as possible. The possibility of shift changes, scheduling overtime, working staff out of class, hiring temporary workers and letting contracts for work while they may only occasionally be done, are all part of the normal processes that they are accustomed to using. The decision to make these additions to regular operations is determined by the severity of the incident and the need for customized response. Not every emergency or disaster requires the suspension of all normal daily activity.

2.2 Depending on the size of the disaster and the jurisdictions involved, non-essential administrative activities may be suspended. Essential activities should be identified in the individual jurisdictions COOPs.

3. Mutual Aid

3.1 Some incidents exceed the ability of individual jurisdictions to handle. In these cases a number of factors may come into play. Some jurisdictions have pre-arranged contracts for certain services in emergencies. MOUs or MOAs may already be in existence or could be signed at this time to bring resources into the county. There may be a request for assistance through any mutual aid agreements individual jurisdictions have with other local jurisdictions or through the Omnibus Mutual Aid Agreement at the state level. These requests may go through the state EOC. If the incident goes beyond the state's capability to assist, the Emergency Management Assistance Compact (EMAC) may be used to request resources from other states.

4. Volunteers and Donations Management

4.1 Volunteers and donations play a critical role in the response and recovery period. CRESA has a cadre of registered volunteers that can be used to support operations. While many are trained search and rescue personnel, and SAR operations may be part of a response, any volunteer may be required to work in other roles that support incident objectives. Registered volunteers are accustomed to working in a structured environment with supervision and tend to fit well into response activities that fit their skill level.

4.2 Spontaneous volunteers, wanting to help, can be used for many tasks. While volunteers are encouraged to pre-register through a recognized volunteer organization, many will want to volunteer on the spur of the moment. A volunteer reception center will be set up to register and vet spontaneous volunteers. This center will operate under the CRESA EOC Operations Section, Community Organization Active in Disaster Branch. Each spontaneous volunteer will be given temporary Emergency Worker Credentials per WAC 118-04 in order to work. All volunteers working on emergency work or relief will need to work as part of an integrated ICS structure and in conjunction with traditional responders. Whenever possible, spontaneous volunteers will work under the supervision of affiliated volunteers.

5. Finance

5.1 Each jurisdiction is responsible for tracking, compiling and submitting accurate and complete disaster-related estimated expenditures to the CREOC Finance Section Chief throughout the response and recovery period. These will be used to assist with the development of the Supplemental Justification and the Preliminary Damage Assessments that goes to the state to aid in the state's application for federal assistance under the Stafford Act.

5.2 Resource acquisition and distribution is divided into pre-incident which is usually preventative although some may be in anticipation of a specific event, incident specific and post-incident recovery.

5.3 As gaps are noticed in Clark County's resources for response, the Clark County Policy Group, comprised of the executive heads, or designees, from the City of Battle Ground, City of Camas, City of La Center, City of Ridgefield, City of Vancouver, City of Washougal, Cowlitz Indian Tribe, the Town of Yacolt, and Clark County government will meet to prioritize those assets that have been designated as regional. This prioritization will be done based on information provided by the CREOC Operations Section

5.4 Pre-incident resource acquisition is usually funded by grants or other identified sources. These follow the normal rules for purchases as set down in directives and/or as specified in the grant.

5.5 Incident specific acquisitions may be purchased outright, come through local agency mutual aid (WAMAS), pre-arranged contracts, or EMAC requests submitted through WA EMD.

5.6 For large purchases, when it is necessary to procure resources that cannot be done expeditiously through the normal bid process, a Proclamation of Emergency signed by the Executive Authority allows the normal bid process to be temporarily suspended. This allows for the expenditure of appropriated funds.

5.7 The CRESA Director, CRESA Emergency Manager, and CRESA Duty Officer have the authority to deem an incident an emergency and activate the Emergency Operations Center. The determination of an emergency allows for the enactment of RCW 38.52 which allows for the exemption from established bidding and procurement processes when protecting and saving lives and property are imminent concerns.

5.8 In the recovery process following a disaster declaration under the Stafford Act, the Director of CRESA is deemed Clark County's Applicant Agent. As Applicant Agent, the Director of CRESA or their designated Alternate Applicant Agent is authorized to approve recovery paperwork submitted by the partner agencies for public assistance reimbursement under a Stafford Act Presidential Declaration.

5.9 Once a disaster declaration is approved, each department will develop, in conjunction with representatives from the state and federal governments, their project worksheets for the costs and damages incurred.

6. Logistics

6.1 Response and recovery operations requiring the acquisition and distribution of resources are handled in a similar fashion. Resource acquisition and distribution must be first requested either by a field operative, such as an incident commander or in anticipation of an event by a person in authority. For requests that are not during an activation of the CREOC, the requested resource may be deployed by the CRESA Director, CRESA Emergency Manager, and CRESA Duty Officer.

6.2 During CREOC activations, resource distribution will be done through the Logistics Section of the CREOC under the direction of the CREOC Manager in support of the Logistics Section Chief and the CREOC Plan. When there are multiple competing resource requests for a limited supply of resources, their acquisition and distribution will be prioritized by the CREOC Manager taking into account the recommendations of the Operations Section Chief and the operations plan. The prioritization of these requests can be influenced by the type of incident, competing requests and the separate threats posed relative to life safety, the impacts on property and the environment, environmental factors such as weather, availability and location of the resource relative to the incident site and the means of distribution.

6.3 All resources distributed for response and recovery will be tracked. Whenever possible, upon demobilization, resources will be returned to their original condition.

6.4 As an inter-local agency CRESA has no NIMS typed resources, and does not control, manage, task or assign assets. All NIMS typed assets in Clark County are under the control of their owner agency/jurisdiction and are released for use by those agencies/jurisdictions on a

case by case basis or through MOU/MOA. CRESA maintains, and updates annually, a manual database of NIMS typed resources within Clark County that have been identified as potentially available. This data base is maintained on an internal server and downloaded periodically to an offsite server.

6.5 When the incident extends beyond the capabilities of local control and is expected to go into multiple operational periods (Type 2 and Type 1 incident), mutual aid assistance can be obtained from the Washington State Intrastate Mutual Aid System (WAMAS), Emergency Management Assistance Compact (EMAC –State to State) or Pacific Northwest Emergency Management Compact (PNEMA – WA, OR, ID, AK, BC and Yukon). When the CREOC is activated, all mutual aid rendered under the State of Washington, will be coordinated through the CREOC per RCW 38.56.

6.6 As an inter-local agency CRESA has no MOU/MOA's for resource support, and does not control, manage, task or assign MOU/MOA's. All MOU/MOA's in Clark County are under the control of their owner agency/jurisdiction. CRESA expects that partner agency staff assigned to the EOC Operations Section will be familiar with applicable MOU/MOAs.

F. PREPAREDNESS AND PLAN MAINTENANCE

1. CRESA maintains the CEMP in coordination with partners in Clark County. The CEMP is updated periodically as required to incorporate new directives, legislative changes, and procedural changes based on lessons learned from exercises and actual events.

2. Review

2.1 Annual Review - This plan is to be reviewed annually. The review may be adjusted to comply with future guidance from the Washington State Emergency Management Division. CRESA will coordinate the initial review of the basic plan. A lead agency or agencies will coordinate review of specific, applicable ESFs. CRESA will brief departmental emergency planning liaisons on their reviews and on any proposed changes.

2.2 Post Activation Review - The basic plan and applicable ESFs will be reviewed within six months of Level 2 EOC activation. Any lessons learned will be recommended for incorporation to the director. Review following activation will satisfy annual review if annual review is scheduled to occur within the twelve-month period following the activation.

3. Revision

3.1 Generally, CRESA will submit revisions to this plan to the CRESA Admin Board for approval of significant changes. However, minor revisions, such as those that clarify existing portions of the plan, reflect changes in state or federal requirements, or that adjust responsibilities to better reflect organizational capabilities or structure, may be made if both of the following conditions are met:

3.1.1 The revisions have been reviewed by emergency planning liaisons; and cannot be construed as establishing or changing jurisdictional policy

3.1.2 Emergency support functions (ESFs) delineate how the responsibilities listed in the plan are to be carried out. ESFs can be subject to frequent and significant change due to new procedures, policies, or technologies, or lessons learned, and to accommodate new organizations or organizational structures. Accordingly, they may be revised by the functional lead agency or agencies, with the concurrence of applicable support agencies,

provided they are consistent with the basic plan and neither change nor establish policy.

ATTACHMENTS

Attachment 1 The Emergency Support Functions (ESF).

Each ESF Annex identifies the primary and support agencies pertinent to the ESF. Several ESFs incorporate multiple components, with primary agencies designated for each component to ensure seamless integration of and transition between preparedness, response, and recovery activities. The ESFs provide the structure for coordinating interagency support for a response to an incident.

ESF	Focus	Primary/Support Agencies
ESF #1 Transportation	Transportation safety; restoration/recovery of transportation infrastructure; movement restrictions; damage and impact assessment	Joint Primary Clark County Public Works City of Vancouver Public Works Impacted City Public Works C-TRAN Support Clark County public works agencies City of Vancouver Transportation Services Human Services Council Clark County school districts Law enforcement agencies CREOC logistics section
ESF #2 Communications	Coordination with telecommunications and information technology industries; restoration and repair of telecommunications infrastructure; protection, restoration and sustainment of information resources	Primary CRESA Support Fire Departments and Districts Law Enforcement Clark County Information Services Clark County General Services ARES/RACES (Amateur Radio)
ESF #3 Public Works & Engineering	Infrastructure protection and emergency repair; infrastructure restoration; engineering services and construction management; emergency contracting support for life-saving and life-sustaining services	Primary Clark County Public Works City of Vancouver Public Works Impacted City Public Works Support Clark County public works agencies Clark County Community Development City of Vancouver Development Review Services Clark County General Services City of Vancouver Facilities, Risk, and Property Services Clark County Public Health Clark County fire agencies Vancouver-Clark Parks & Recreation
ESF #4 Fire Fighting	Coordination of firefighting activities; support to wild land, rural and urban firefighting operations	Primary Clark County Fire Agencies Washington State Department of Natural Resources Support Clark County Fire Chief's Association Clark County Fire Resource Coordinator

		Clark County Fire Mobilization Officers CRESA 911/Dispatch
ESF#5 Emergency Management	Coordination and support of incident; issuance of mission assignments; resource support; planning	Primary CRESA Support Chief Elected Officials Local Government Agencies Local Government Departments COAD
ESF#6 Mass Care	Mass Care; Emergency Assistance; Disaster housing; human services	Primary CRESA Support Chief Elected Officials Local Government Agencies Local Government Departments COAD
ESF #7 Logistics Management and Resource Support	Comprehensive incident logistics planning and sustainment capability; resource support	Primary CRESA Support Chief Elected Officials Local Government Agencies Local Government Departments COAD
ESF #8 Public Health and Medical Services	Public Health; Medical; Mental Health Services; Mass Fatality Management	Primary Clark County Public Health Support Peace Health Legacy Health Services Independent Medical clinics OHSU Healthcare Advisory Group American Red Cross Clark County Community Services Clark County Medical Examiner Fire/EMS agencies
ESF#9 Search and Rescue	Life-Saving assistance; search and rescue operations	Primary Clark County Sheriff Support CRESA Clark County Fire/EMS agencies Clark County law enforcement agencies COAD
ESF #10 Hazmat Plan	Hazardous Material Response, environmental short- and long- term clean up	Primary LEPC Support CRESA Chief Elected Officials Local Government Agencies Local Government Departments Clark County Fire/EMS agencies Clark County law enforcement agencies COAD
ESF #11 Agriculture, Natural Resources & Animal Rescue	Coordinate rapid response for assistance in animal rescue Nutritional assistance; Animal and Plant disease and pest response; food safety and security; Natural and cultural resources and historical properties	Primary Clark County Animal Control Clark County Public Health Support CRESA

	protection and restoration	Chief Elected Officials Local Government Agencies Local Government Departments COAD
ESF #12 Energy	Emergency infrastructure assessment, repair and restoration; energy industry utilities coordination	Primary Clark Public Utilities Support CRESA Chief Elected Officials Local Government Agencies Local Government Departments Bonneville Power Administration
ESF #13 Public Safety and Security	Facility and resource security; security planning and technical resource assistance; public safety and security support; support to access, traffic, crowd control, and evacuation	Primary Clark County Sheriff Support Clark County law enforcement agencies C-Trans Clark County public works agencies CRESA Chief Elected Officials Local Government Agencies Local Government Departments COAD
ESF#14 Long Term Recovery	Social and economic community impact assessment; Analysis and review of mitigation program implementation	Primary CRESA Support Chief Elected Officials Local Government Agencies Local Government Departments COAD
ESF #15 Public Information	Emergency Public Information and action guide; Media and community relations	Primary CRESA Support Chief Elected Officials Local Government Agencies Local Government Departments

RESOLUTION #549

A RESOLUTION OF THE TOWN OF YACOLT, WASHINGTON, TOWN COUNCIL AUTHORIZING THE ADOPTION OF THE CLARK REGIONAL NATURAL HAZARD MITIGATION PLAN

WHEREAS, all of Clark County has exposure to natural hazards that increase the risk to life, property, environment and the County's economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre- and post-disaster hazard mitigation programs; and

WHEREAS; a coalition of Clark County, Cities, Towns and Special Purpose Districts with like planning objectives has been formed to pool resources and create consistent mitigation strategies within the Clark Regional planning area; and

WHEREAS, the coalition has completed a planning process that engaged the public, assessed the risk and vulnerability to the impacts of natural hazards, developed a mitigation strategy consistent with a set of uniform goals and objectives, and created a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Town Council :

- 1.) Adopts in its entirety, Volume 1 and the introduction, chapter 6 the Town of Yacolt jurisdictional annex,(Attachment A) and the appendices of Volume 2 of the Clark Regional Natural Hazard Mitigation Plan (NHMP).
- 2.) Will use the adopted and approved portions of the NHMP to guide pre- and post-disaster mitigation of the hazards identified.
- 3.) Will coordinate the strategies identified in the NHMP with other planning programs and mechanisms under its jurisdictional authority.
- 4.) Will continue its support of the Hazard Mitigation Working Group and continue to participate in the Planning Partnership as described by the NHMP.
- 5.) Will help to promote and support the mitigation successes of all NHMP Planning Partners.
- 6.) Authorizes the Town of Yacolt, Clerk Treasurer, Cindy Marbut to make any required FEMA revisions to Clark Regional Natural Hazard Mitigation Plan required by FEMA for final approval.

PASSED AND ADOPTED on this 19th day of December, 2016, by the following vote:

Town of Yacolt
Resolution # 549

AYES: Listek, Whitway & Myers

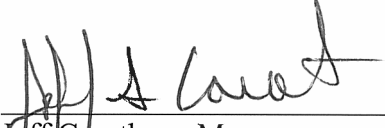
NAYS: Ø

ABSENT: Tester, Hancock

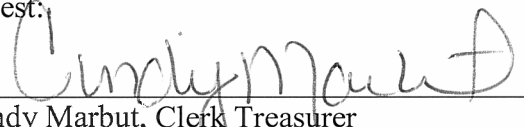
ABSTAIN: Ø

RESOLVED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 19th day of December, 2016.

This Resolution is effective immediately upon adoption.



Jeff Carothers, Mayor

Attest:


Cindy Marbut, Clerk Treasurer

RESOLUTION #570

A RESOLUTION OF THE TOWN OF YACOLT, WASHINGTON, TOWN COUNCIL AUTHORIZING THE ADOPTION OF THE CLARK REGIONAL NATURAL HAZARD MITIGATION PLAN

WHEREAS, all of Clark County has exposure to natural hazards that increase the risk to life, propriety, environment and the County's economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre- and post-disaster hazard mitigation programs; and

WHEREAS; a coalition of Clark County, Cities , Town s and Special Purpose Districts with like planning objectives has been formed to pool resources and create consistent mitigation strategies within the Clark Regional planning area; and

WHEREAS, the coalition has completed a planning process that engaged the public, assessed the risk and vulnerability to the impacts of natural hazards, developed a mitigation strategy consistent with a set of uniform goals and objectives, and created a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Town Council:

- 1.) Adopts in its entirety, Volume 1 and the introduction, chapter 6 the Town of Yacolt jurisdictional annex, (Attachment A) and the appendices of Volume 2 of the Clark Regional Natural Hazard Mitigation Plan (NI-IMP).
- 2.) Will use the adopted and approved portions of the NIIMP to guide pre- and post-disaster mitigation of the hazards identified.
- 3.) Will coordinate the strategies identified in the NIIMP with other planning programs and mechanisms under its jurisdictional authority.
- 4.) Will continue its support of the Hazard Mitigation Working Group and continue to participate in the Planning Partnership as described by the NHMP.
- 5.) Will help to promote and support the mitigation successes of all NHMP Planning Partners.
- 6.) Authorizes the Town of Yacolt Clerk to make any required FEMA revisions to Clark Regional Natural Hazard Mitigation Plan required by FEMA for final approval.

PASSED AND ADOPTED on this 6th day of August 2018, by the following vote:

Town of Yacolt
Resolution #570

AYES: _____

NAYS: _____

ABSENT: _____

RESOLVED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 6th day of August 2018.

This Resolution is effective immediately upon adoption.

Vince Myers, Mayor

Attest:

Dawn Salisbury, Clerk

Model Business License Threshold Final Version

June 2018

Model business license threshold options: (cities would adopt one of the options)

1. Threshold Exemption:

To the extent set forth in this section, the following persons and businesses shall be exempt from the registration, license and/or license fee requirements as outlined in this chapter:

- (1) Any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than \$2,000 (or higher threshold as determined by city) and who does not maintain a place of business within the city shall be exempt from the general business license requirements in this chapter. The exemption does not apply to regulatory license requirements or activities that require a specialized permit.

2. Threshold with Fee-free License/Registration-only Option:

For purposes of the license by this chapter, any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than \$2,000 (or higher threshold as determined by city) and who does not maintain a place of business within the city, shall submit a business license registration to the Director or designee. The threshold does not apply to regulatory license requirements or activities that require a specialized permit.

[City would list this fee-free license in its business license rates section as \$0 or no fee.]

Engaging in business model definition:

"Engaging in business"

(1) The term "engaging in business" means commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

(2) This section sets forth examples of activities that constitute engaging in business in the City, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimus business activities in the City without having to pay a business license fee. The activities listed in this section are illustrative only and are not intended to narrow the definition of "engaging in business" in subsection (1). If an activity is not listed, whether it constitutes engaging in business in the City shall be determined by considering all the facts and circumstances and applicable law.

(3) Without being all inclusive, any one of the following activities conducted within the City by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a business license.

(a) Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the City.

(b) Owning, renting, leasing, using, or maintaining, an office, place of business, or other establishment in the City.

(c) Soliciting sales.

(d) Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.

(e) Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.

(f) Installing, constructing, or supervising installation or construction of, real or tangible personal property.

(g) Soliciting, negotiating, or approving franchise, license, or other similar agreements.

(h) Collecting current or delinquent accounts.

(i) Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.

(j) Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.

(k) Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.

(l) Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.

(m) Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the City, acting on its behalf, or for customers or potential customers.

(n) Investigating, resolving, or otherwise assisting in resolving customer complaints.

(o) In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.

(p) Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.

(4) If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the City but the following, it need not register and obtain a business license.

(a) Meeting with suppliers of goods and services as a customer.

(b) Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.

(c) Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.

(d) Renting tangible or intangible property as a customer when the property is not used in the City.

(e) Attending, but not participating in a "trade show" or "multiple vendor events". Persons participating at a trade show shall review the City's trade show or multiple vendor event ordinances.

(f) Conducting advertising through the mail.

(g) Soliciting sales by phone from a location outside the City.

(5) A seller located outside the City merely delivering goods into the City by means of common carrier is not required to register and obtain a business license, provided that it engages in no other business activities in the City. Such activities do not include those in subsection (4).

The City expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the license fee under the law and the constitutions of the United States and the State of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts.

Is Your City Ready for the New Business Licensing Requirements?

Category: Licensing and Regulation , Business Licenses and Taxes

EHB 2005, which was passed last year by the legislature, is intended to simplify the administration of municipal general business licenses for the applicant and improve the business climate. The legislation required three distinct actions by those cities and towns with either business licenses requirements and/or local B&O tax regulations. These legislative actions are detailed in this blog post.

Business License Cities and Towns

EHB 2005 required cities and towns with business license regulations to establish a workgroup that would create a model business license with a minimum threshold and a definition of “engaging in business” by July 2018. The model business license created by the workgroup will be adopted by all cities who have business licensing regulations by January 1, 2019.

The City Business License workgroup has been meeting since last August to draft language for a model business license ordinance that includes both of the legislative requirements of defining the meaning of “engaging in business” and setting a minimum threshold. The results of this work have been released in draft form by the Association of Washington Cities (AWC) to all of its members earlier this month and it is important for cities to review and provide feedback on this draft.

The draft model business license language addresses:

General business licenses, not regulatory licenses or other local B&O taxes;

A new uniform definition of engaging in business; and

Registration with no fee for businesses without a location in the city/town under a specified threshold. The current draft proposal sets this minimum threshold of \$1,000 per year

EHB 2005 also requires all cities and towns with business licenses to administer their business licensing through the state’s business license system (BLS) by 2027 or through the FileLocal system by 2020. Information on each system is as follows

The FileLocal system administers licenses and/or all local taxes and has 5 city partners (Seattle, Tacoma, Bellevue, Everett, and Lake Forest Park). It is adding several new cities during calendar year 2018.

B&O Tax Cities

EHB 2005 required that a task force on local B&O tax service apportionment under RCW 35.102.130 be established in order to report to the legislature by October 2018. A task force was formed and consists of 3 city representatives, 3 business representatives, and 1 member from the Department of Revenue who serves as a non-voting chair.

Business License Deadlines

Due to the fact that 82% of cities and towns in Washington State have a business license requirement of some form, the focus of this blog is to bring attention to some of the deadlines associated with these new business licensing requirements.

Adoption of the new model business license ordinance: January 1, 2019, is the deadline for cities to adopt the new model ordinance, with one exception: For those BLS partner cities, the model business license ordinance will need to be adopted in October in order to meet the 75-day Notice of Changes to business license fees required by the BLS. This equates to October 17, 2018, if the city is changing any of its fee structure on January 1, 2019.

City Business Licenses and Fees

Overview

Most individuals or companies that conduct business in Washington State must obtain a state business license from the Business Licensing Service.

In addition, most cities also require a separate business license in order to legally conduct business within their jurisdiction. For cities, business licenses can serve several different functions, including monitoring business activities operating within the city's jurisdiction, regulating certain types of business activities to ensure public safety and code compliance, and generating revenue.

Businesses that operate in multiple jurisdictions need to obtain licenses from each of these individual jurisdictions. Businesses have complained that this process is too burdensome, so in 2017 the state legislature adopted EHB 2005 to address their concerns and simplify the administration of municipal general business licenses. Below is a discussion of key considerations for local governments that adopt or have adopted general business licensing requirements within their jurisdiction.

Summary of EHB 2005 Deadlines

EHB 2005, codified in chapter 35.90 RCW, has created several changes to city business licensing requirements, as explained further on this page. These changes require cities to take specific actions by certain dates within a limited timeline. Here is a list of significant deadlines:

October 17, 2018: Deadline for current BLS partner cities to adopt the new model business license provisions.

January 1, 2019: Deadline for all other cities with a general business license requirement to adopt the new model business license provisions.

July 1, 2020: Deadline for cities to partner with FileLocal. Any city that does not partner with FileLocal by this time will only be able to partner with BLS.

December 31, 2022: Deadline for all cities that did not partner with FileLocal to partner with BLS. Cities will be gradually brought onboard by BLS beginning in 2018.

You can read more about these requirements below, and AWC is also hosting a free webinar on August 8, 2018 at 10 AM to explain the changes to its members.

Legal Authority

The general authority for cities to impose business licenses, fees, and regulations can be found in:

RCW 35.22.280(32) – First class cities may "grant licenses for any lawful purpose, to fix by ordinance the amount to be paid therefor, and to provide for revoking the same..."

RCW 35.23.440(8) – Second class cities may "fix and collect a license tax for the purposes of revenue and regulation, upon all occupations and trades, and all and every kind of business authorized by law..."

RCW 35.27.370(9) – Towns may "license, for the purposes of regulation and revenue, all and every kind of business, authorized by law and transacted and carried on in such town..."

RCW 35A.82.020 – Code cities may "exercise the authority authorized by general law for any class of city to license and revoke the same for cause, to regulate, make inspections and to impose excises for regulation or revenue in regard to all places and kinds of business, production, commerce, entertainment, exhibition, and upon all occupations, trades and professions and any other lawful activity..."

General Business Licenses and Model Ordinance

RCW 35.90.010(4) defines a "general business license" as "a license, not including a regulatory license or a temporary license, that a city requires all or most businesses to obtain to conduct business within that city."

Any city or town may require a general business license for any person or company "engaging in business" within city limits. This includes businesses that are physically located within the city, as well as businesses that are physically located elsewhere but engage in business within the city. However, cities may not require licenses for entities that are not "engaging in business" within the jurisdiction (RCW 35.90.060).

Many cities charge a flat or tiered fee for general business licenses. These fees are generally designed to recover the administrative costs of registering the businesses, such as issuing the licenses and maintaining the files. The fees charged should be fair and bear a reasonable relation to the costs.

Chapter 35.90 RCW requires all cities and towns with general business licensing requirements to adopt a uniform "model ordinance" identifying what types of commercial activity are and are not subject to business licensing requirements. The provisions of the model ordinance only address general business licensing; they do not address temporary licenses (such as seasonal businesses or special event permits), regulatory licenses (see below), or local business and occupation (B&O) taxes.

The model ordinance has two required components:

Cities and towns may only impose licensing requirements upon individuals or companies "engaging in business within the city," as defined in the model ordinance. The ordinance also sets forth examples of activities that are considered "engaging in business," as well as business activities that do not require licensing. The definition is based on the model ordinance for B&O taxes.

For businesses that engage in business within the city but are not physically located within the city, the ordinance establishes a minimum dollar threshold below which the businesses must be partially or fully exempted from licensing requirements. The minimum threshold of business activity in the ordinance is \$2,000, although cities may adopt a higher threshold if desired. Below this threshold, cities must either:

Exempt these businesses from the licensing requirements entirely, or

Require licensing, but at no cost to the businesses.

See the complete text of the model ordinance for the exact language. The model ordinance may not be amended more frequently than once every four years, unless changes are required to comply with new state legislation or court decisions.

Current BLS partner cities must adopt the language from the model ordinance by October 17, 2018 (RCW 35.90.070) and provide notification to BLS in order to maintain its business licensing program on January 1, 2019. The statute requires that notice be received by BLS a minimum of 75 days prior to effective date for "all changes that affect in any way who must obtain a license, who is exempt from obtaining a license, or the amount or method of determining any fee for the issuance or renewal of the license." Both provisions of the model ordinance will require the 75 day notification to BLS.

Any city or town that does not adopt the model ordinance by the deadline is prohibited from enforcing its general business licensing requirements until it adopts the model ordinance provisions.

Aside from the model ordinance provisions, cities and towns may adopt any other business license provisions as they see fit, including, but not limited to:

Fees and thresholds (provided that they comply with the model ordinance)

Approval process and conditions

License terms and expiration dates

Penalties

Suspension, revocation, and appeals

Exemptions (again, provided that they comply with the model ordinance)

Business License Exemptions

Some cities have chosen to exempt certain business types from general business licensing requirements entirely, or else to require a business license but to charge no fee for the license. Examples include, but are not limited to:

Nonprofit and religious organizations

Minors engaged in babysitting, newspaper delivery, lemonade stands, lawn mowing, and similar activities

Private ambulance operators

Common carrier delivery of goods and services

Farmers selling their own produce

Businesses below a certain income threshold

Businesses that only do casual or isolated sales

However, these individuals and businesses may still be subject to state business licensing requirements.

In addition, for out-of-town businesses that engage in business within the city below a minimum threshold as discussed above, EHB 2005 requires cities to exempt those businesses from the business licensing and/or business license fees, as discussed earlier.

Business Licensing Portals: BLS and FileLocal

Many cities currently issue their own business licenses directly. However, there are also two "one-stop" licensing portals that serve multiple jurisdictions: the Business Licensing Service (BLS, part of the state Department of Revenue) and FileLocal (created by an interlocal agreement between several larger cities in the Puget Sound region).

In an attempt to streamline the licensing process for businesses that operate in more than one city, chapter 35.90 RCW requires all cities to partner with BLS or FileLocal over the next few years. Once this legislation is fully implemented, businesses will be able to obtain local business licenses for any city in the state through BLS and/or FileLocal.

The deadline for partnering with FileLocal is July 1, 2020 – meaning that businesses must be able to use FileLocal to renew or apply for their business license in your jurisdiction by that date. All other cities are being gradually brought onboard with BLS between January 1, 2018 and December 31, 2022, in conjunction with the BLS Local Business Licensing Partnership Plan. (The 2027 deadline was moved up to 2022 when the legislature appropriated additional funding to BLS in the 2018 Supplemental Budget ESSB 6032, Section 135.)

However, cities will still retain the ability to set their own business license fees and thresholds with BLS or FileLocal.

Regulatory Business Licenses

Some cities also impose additional regulatory licenses and fees upon certain classes of business that, in their analysis, require additional regulation and oversight for code enforcement or public safety purposes.

RCW 35.90.010(6) defines a "regulatory business license" as "a license, other than a general business license, required for certain types of businesses that a city has determined warrants additional regulation..."

Examples of business types that some cities have chosen to impose regulatory business license requirements upon include, but are not limited to:

Adult entertainment

Amusement device operators

Debt collectors

Door-to-door salespersons

Fireworks stands

Heavy manufacturing

Home-based businesses

Live entertainment

Marijuana-related businesses

Massage parlors

Mobile food vendors

Private ambulance services

Short-term rentals

Taxicab and other for-hire vehicle operators

Towing companies

Trade show operators

Revenue-Generating Licenses and Head Taxes

Some cities raise revenue by charging business license fees on a sliding scale based on criteria such as number of employees or number of employee hours worked (sometimes known as a "head tax") or the square footage of the business. See the examples later on this page.

Examples of EHB 2005 Model Business License Ordinances

As noted earlier, cities and towns must update their general business license ordinances to include the model provisions by October 17, 2018 for current BLS partner cities and by January 1, 2019 for all other cities. As cities and towns begin adopting new ordinances, we will post a few examples here.

If and when your jurisdiction adopts the model ordinance provisions, please consider sending a copy of your ordinance to our librarian Gabrielle Nicas.

Last Modified: July 18, 2018

DAVID W. RIDENOUR

Attorney at Law

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Vancouver, WA 98663

360.906.1556
Fax: 360.906.1558
davidwr@copper.net

Via e-mail only to dawn.salisbury@townofyacolt.com

July 12, 2018

Dawn Salisbury
Town Clerk
Town of Yacolt
P.O. Box 160
Yacolt, WA 98675

Re: Building Application for "Railroad Maintenance and Storage Facility"
Applicant - "Chelatchie Prairie Railroad"
My file number: **252-01**

Dear Dawn:

The Town of Yacolt has requested my opinion regarding land-use issues that have surfaced with regard to an application by the "Chelatchie Prairie Railroad", (hereafter "*Applicant*"), to build a "maintenance and storage facility" within the Town's boundaries. The Town would like to assist the Applicant but is uncertain how to characterize the proposed use of the property. The Town is also uncertain about which of several possible land-use processes is appropriate for the project. The Town and the Applicant currently propose to treat the building as a 'permissible expansion of a legal existing non-conforming use'. Alternately, the Town has considered asking the Applicant to file a conditional use permit application.

After reviewing available documents and Title 18 of the Yacolt Municipal Code, (YMC), I have reached the following tentative conclusions: 1). The Applicant should be allowed to process all required permits simultaneously if it desires; 2). There is no apparent factual basis to describe the proposed structure or use as a continuation of any legal non-conforming structure or use; 3). The proposed use does not satisfy the Town's criteria for location in a Commercial Zoning District; and, 4). The proposed structure and use would be most appropriately located within the Town's Light Manufacturing District. Since the proposed site for the structure is currently zoned C-2 – 'Community

Commercial’, the Applicant’s only practical option may be to consider petitioning the Yacolt Town Council for a rezone of the property under YMC 18.90.

My comments on these subjects are offered as a starting point to assist the Town and the Applicant. They are based on limited facts and the criteria available to me at this time. I was asked to provide some direction for staff with only a few hours notice, and with very little background information to support a proper legal opinion. For these reasons, the Town should treat this opinion as a work in progress, and invite the Applicant to supplement its supporting information wherever it believes additional data would be helpful to the Town’s decision-making process.

In forming my opinions, I reviewed the following documents:

1. SEPA Environmental Checklist, dated July, 2016;
2. Chelatchie Prairie Railroad Maintenance and Storage Facility Site Plan and Non-Conforming Use Application, dated April, 2017;
3. SEPA Determination of Non-Significance, (stating a publication date of June 21, 2017);
4. Clark County GIS Property Information, (current); and,
5. Lease Agreement, (date uncertain);
6. Conditional Use Permit Application, dated June 21, 2018.

Statement of Facts

State business organization records contain no record of a “Chelatchie Prairie Railroad”. However “Battle Ground, Yacolt, and Chelatchie Prairie Railroad” is an active Washington-licensed non-profit corporation. The company calls itself the “BYCX” for short.

The Tax Assessor’s Parcel Number for the subject property is 300011-000. That tax parcel number apparently identifies an entire 33-mile short rail line from a point well South of Yacolt to the railway’s termination point in Chelatchie. See, Exhibits A, B, and C. Clark County GIS (online) indicates that the subject property is entirely owned by Clark County General Services. A search of title records on the parcel reveals no recorded documents conveying the subject property to BYCX or any related entity.¹

Among the materials provided to IBCC by the Applicant is a Lease between Clark County and BCYX. See, Exhibit D. The Lease has not been recorded. The Lease confirms that Clark County owns the 33-mile railway system. Clark County leased the entire rail line to a railroad company in 2004. That railroad company assigned its interest to Portland Vancouver Junction Railroad (“PVJR”) in 2012. PVJR then sub-leased a portion of the property, (the North Line), back to Clark County which then entered a sub-sub-lease of the property to BCYX, apparently in 2012.² BCYX has no ownership interest in the property, and its lease rights may be terminated upon certain conditions.³ Clark County will own the proposed building and improvements upon completion.

BYCX operates a passenger excursion train from May through December out of Yacolt, but has no covered storage for its railcars in Yacolt, or indoor location to maintain its equipment. BYCX proposes to construct such a building on its property North of E. Yacolt Road. The property is

¹ Two deeds were located conveying portions of the rail line to an entity called US-6, LLC. However, the parcels conveyed appear to be unrelated to the Applicant’s project.

² The North Line begins at Heisson, and extends North roughly 14 miles through Yacolt to its termination point in Chelatchie.

³ The Lease appears to have been renewed in 2016, but unfortunately is still dated 2006.

currently zoned C-2, Community Commercial.

The Applicant began working on the project informally with the Town in late 2016. A document entitle Non-conforming Use Permit Application was apparently submitted to the Council in April of 2017, though I have no information on what Council action was taken, if any. See, Exhibit E. A SEPA Determination of Non-Significance was issued in mid-2017. No documents have been provided to demonstrate whether permits were issued, or whether the permit and SEPA processes complied with the various land-use, permitting, and notice provisions of the YMC.

Due to the passage of time, the Applicant is now working with the Town to conduct the land-use and permit procedures with a fresh start. The Applicant filed a Conditional Use Permit Application on June 21, 2018, but the precise purpose of the application is not clear. A preliminary pre-application meeting is scheduled for Wednesday, July 12, 2018.

The proposed structure is a 225' x 50' metal shop building with an additional 200' x 20' covered area along one side. The building is predominantly a "car barn" intended to house railroad engines and cars for maintenance and protection from the weather. Two rail lines will enter and terminate inside the building. The 200' awning will accommodate a third rail spur.

The intended primary use of the structure will be for maintenance and storage of railroad cars and locomotives. The building will include a small office space and bathrooms. Eventually, the Applicant hopes to move ticketing and boarding operations to the new facility. (Ticketing and boarding currently take place on the South side of E. Yacolt Road where a small building exists.) See, Exhibit F.

The proposed building will be located North of E. Yacolt Road. According to the Application, "The site is currently used by the group for temporary storage of tools and equipment in 2 steel containers. Previously when the rail line was extended to this site, a station for passengers and a dock for shipment of freight occupied the site along with maintenance buildings and a water tank." Exhibit E at 2. The Applicant's explanation continues:

The proposed building will house both the historic BYCX rail cars and railroad engines. Currently the group does maintenance in a small building near the end of the line. It has no storage area for cars. The current shop is not large enough for many of the heavy maintenance projects required to keep the equipment in compliance with Federal Railway Administration requirements and state laws. Most work will occur on weekends when volunteers are available. Typically, the crew will range from 2 to 5 volunteers at any one time. The building will be used year around. The building will have restrooms and an office/meeting area on the south end of the building.

Exhibit E at 2.

All property adjacent to the location of the proposed structure is zoned C-2 Community Commercial. However, the site is bordered by a new residential subdivision to the Northeast, (Yacolt Crossings), which was developed following issuance of a conditional use permit for the subdivision.

Legal Authority

Given the limited amount of time to prepare this letter, I focused my review primarily on Yacolt's Municipal Code. Citations will generally be to YMC 18 – Zoning.

Discussion

1. Public Hearing Procedures Should be Combined if Desired by Applicant.

The Town is generally required to process an applicant's permits simultaneously and with a single public hearing, rather than in a sequential manner, especially when the public hearing process is invoked. "Whenever possible, the town shall integrate the public notice required under this section with existing notice procedures for the town's nonexempt permit(s) or approval(s) required for the proposal." YMC 16.05.170(C), (combining SEPA determinations with other land use public hearing procedures.)

Once the Town decides on the proper procedural approach for this Application, it should be up to the Applicant whether to seek all approvals at the same time or not. If the Applicant wants to speed up the process by holding all necessary public hearings at the same time, the Town is obligated to comply. The purpose of these rules is to avoid unduly delay and prejudice the Applicant.

2. Is the Subject Parcel a Legal Lot for Development?

At this time, I am aware of no information that would lead to the conclusion that the parcel identified for improvement is anything other than a legal lot, (aside from concerns regarding zoning). Though the final application(s) will be reviewed to ensure that the project meets all standards of Yacolt's Zoning Code, the State Building Code, and other applicable regulations, the site proposed for this project appears to be a legal lot.

3. Is the Proposed Use a Lawful Continuation or Expansion of an Existing Legal Non-Conforming Use?

Non-conforming uses are defined and described in YMC 18.50.010(B) as uses "in which the activity is inconsistent with the allowances or procedures of the underlying zoning district." Legal non-conforming status is explained in YMC 18.50.020, as a non-conforming use that was "legally established at a prior date at which time they were in conformance with applicable standards. Such uses, structures, or lots may be maintained or potentially altered subject to the provisions of this chapter." YMC 18.50.020(A).

A legal non-conforming use is deemed abandoned under circumstances described in the Code at YMC 18.50.050:

A. Discontinuation of Legal Nonconforming Status.

1. Nonconforming uses shall be considered abandoned and discontinued in terms of legal nonconforming status if the legal nonconforming use ceases for a period of six months or more, or is changed to a conforming use.
2. A nonconforming use not involving a structure or one involving a structure (other than a sign) having an assessed value of less than \$200.00 shall be discontinued with two years from the date of the passage of the ordinance codified in this title.

"The burden of establishing that any nonconformity is a legal nonconformity as defined in this chapter shall be borne by the owner or proponent of such nonconformity." YMC 18.50.030

Yacolt's current zoning code was adopted in 1997. Thus the determination of a legal non-conforming use requires evidence of a continuous use that exists today, that existed when the current zoning laws went into effect in 1997, and for which compliance with the former zoning code can be demonstrated.

The analysis in Applicant's case is somewhat confusing because the tax lot itself is shaped to accommodate the railway line. It is generally narrow, and more than 30 miles long. As the Applicant points out, historical uses and structures may have existed on this same tax lot. However, a tax parcel designation is not controlling in land-use 'legal lot' determinations, and seems particularly inappropriate here.

In other words, there is likely little or no connection between the specific use of the property South of E. Yacolt Road, and the use intended for a different part of the railway line, North of E. Yacolt Road. It is more fitting to understand the use of the particular property where improvements are being proposed. According to the Applicant, "The site is currently used by the group for temporary storage of tools and equipment in 2 steel containers. Previously when the rail line was extended to this site, a station for passengers and a dock for shipment of freight occupied the site along with maintenance buildings and a water tank." Exhibit E at 2.

Based on the information provided to date:

1. No pre-existing (before 1997) non-conforming use has been demonstrated by the Applicant.
2. No evidence has been provided by the Applicant that the property was used as a railroad car maintenance and storage building at the time Ordinance #371, the Zoning Ordinance, was adopted.
3. No evidence has been provided by the Applicant that a qualifying pre-existing use was "legal", in that it complied with the zoning laws that existed in Yacolt prior to 1997.
4. Regardless of the above issues, the Applicant's own materials demonstrate that any similar non-conforming use of this property in the past was discontinued at some point well before the current application process. Rules for expansions of legal non-conforming uses apply to "existing uses", not historical uses. *See*, YMC 18.50.050.
5. Finally, the existing uses that are described South of E. Yacolt Road are not sufficiently similar to the new use proposed for the property North of E. Yacolt Road. It would likely be deemed unreasonable to allow 'ticketing and boarding' uses to bootstrap development of a structure that is designed predominantly for heavy railroad equipment maintenance and storage.

There is further analysis that can be done on this issue, and I am open to considering the Applicant's thoughts on this matter. But short of presenting facts or law that I have not considered, it appears there is virtually no basis for treating the subject property as the continuation of an existing, legal non-conforming use or structure.

4. Does the Yacolt Municipal Code Identify an Appropriate Zoning District for the Proposed Use?

The Applicant and some members of the Town staff have raised the question of whether the project might be permissible in the C-2 Zoning District subject to approval of a conditional use permit. The C-2 Zoning District allows certain uses that some argue might include the proposed railroad car maintenance barn. Those uses might include "equipment service and repair shops", "vehicle repair

shops (located entirely within an enclosed building)”, and “vehicle towing and storage services”. YMC 18.30.050, (Table 5A).

By contrast, the purpose of the Town’s Light Manufacturing District is tailored specifically to uses and activities that “require reasonable accessibility to the highway network and/or rail system”. YMC 18.35.010. Even more compelling is the mention of railroad facilities in the Table of permitted uses as a conditional use: “Railroad tracks and facilities within 300 feet of residential zone”. YMC 18.35.020, (Table 6A).

The Town’s obligation when interpreting the Code is to give the words their plain meaning, and to reasonably construe the entirety of the Zoning Code as a whole to avoid irrational results. Put simply, commercial zones are primarily for “commerce”. The uses expected there typically revolve around retail services and sales. The primary uses involve retail and wholesale business and transactions, and goods and services, generally involving retail customers. People might bring their cell phones or computer equipment into a service and repair shop in a commercial district. People do not bring their full-scale locomotives to a repair shop in normal experience.

A ‘railroad facility’, on the other hand, conjures a distinct meaning. A facility is a building. A railroad facility located near railroad tracks is intuitively an industrial use, being primarily for the maintenance and storage of heavy railroad equipment. While the Applicant points out that retail customers are also expected to use the facility at times, it is clear from the Application materials as a whole that an industrial use is the main use to be served. It is true that the public will at times use this structure, too. But again, that fact should not be used as a boot-strap to allow a use that is otherwise prohibited. Incidentally, the boarding of trains, too, is a use and activity that requires “reasonable accessibility to the... rail system”. YMC 18.35.010.

In short, the Town’s Light Manufacturing District is Yacolt’s equivalent of an industrial zone. Based on my review of the Application and the YMC to this point, Yacolt’s Light Manufacturing District is the only zoning district that appears to suit this particular project.

5. Does the Applicant Have an Option to Apply for a Suitable Permit for the Project?

Since the only suitable site for the Applicant’s project is in a C-2 Commercial Zone, the only alternative solution at this time appears to be a petition for a re-zone of that property under YMC 18.90 to Light Manufacturing. The process can begin with a petition by the Applicant that will be followed by a decision of the Town Council following a full public hearing process. The Town must be cautious to a number of concerns during such a process, including the need to avoid impermissible spot-zoning, and the need to coordinate with Clark County on Growth Management Act concerns. If a re-zone is considered, the Town should also be mindful of the project’s proximity to residential housing to the Northeast. A legal opinion on those matters is outside the scope of this preliminary letter.

6. Other Issues to Consider.

Please provide a copy of Ordinance #569 to the Applicant, since the Town’s new Critical Areas Codes were adopted earlier this year.

Conclusion

Please excuse any editorial mistakes in this letter. I have tried to include as much information as possible to begin a record of the Town's analysis of these issues. I am happy to discuss these issues with staff or with the Applicant. Please feel free to share this letter with the Applicant so its members may consider my opinions. I am willing to listen to opposing and alternative views. If there is anything else I can do for you on this matter in the meantime, please feel free to contact me. Thank you.

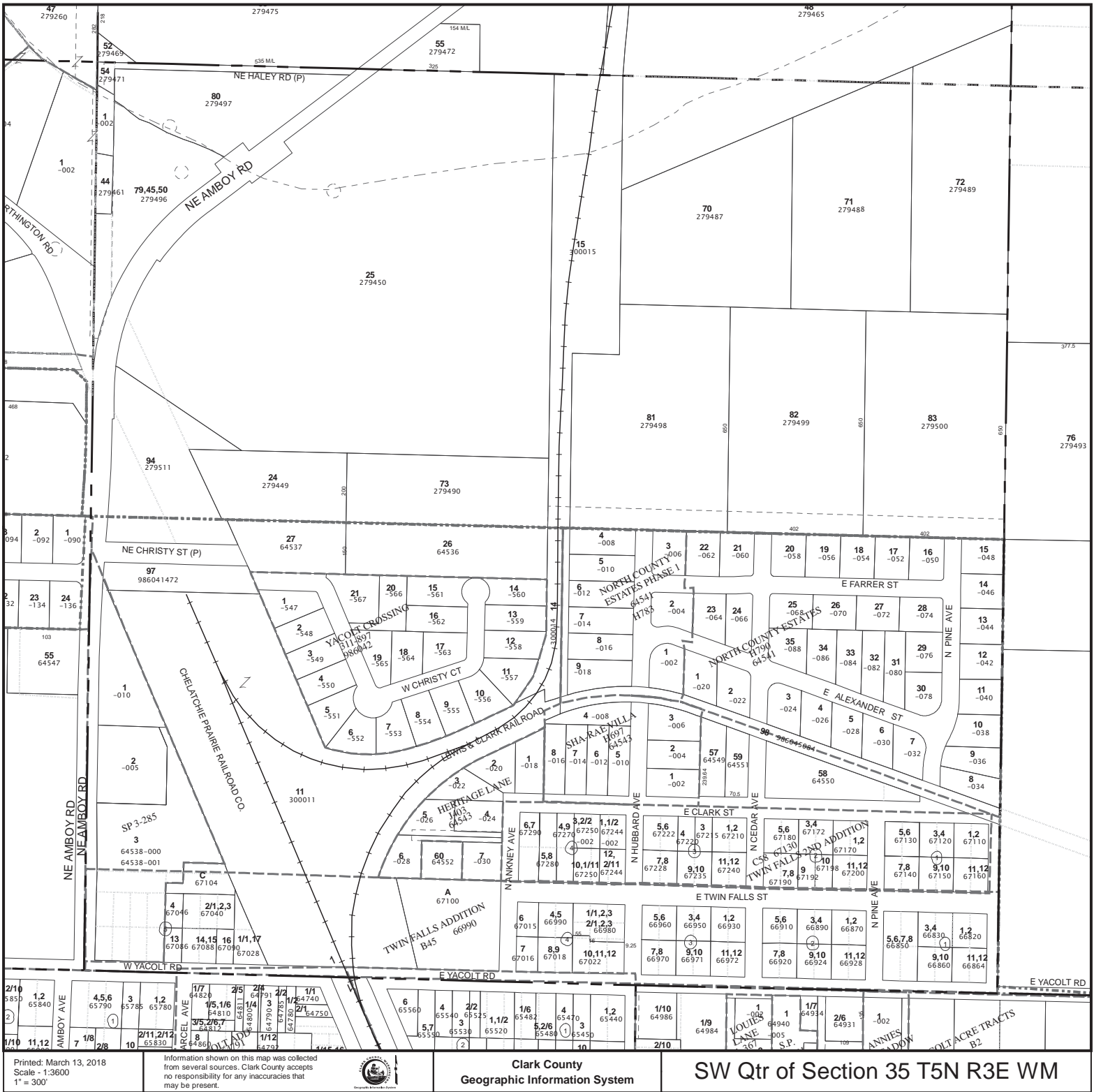
Very truly yours,

/s/

David W. Ridenour
/dwr

enclosures

cc: Vince Myers, Mayor, (w/ *enclosures*, by *e-mail only* to vince.myers@townofyacolt.com)
Amy Boget, Council Member, (w/ *enclosures*, by *e-mail only* to amy.boget@townofyacolt.com)
Bill Ross, Public Works Director, (w/ *enclosures*, by *e-mail only* to bill.ross@townofyacolt.com)
Devin Jackson, Town Engineer, (w/ *enclosures*, by *e-mail only* to devin@jacksoncivil.com)



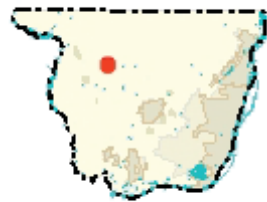
Printed: March 13, 2018
Scale: 1"=360'
1" = 300'

Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.



Clark County
Geographic Information System

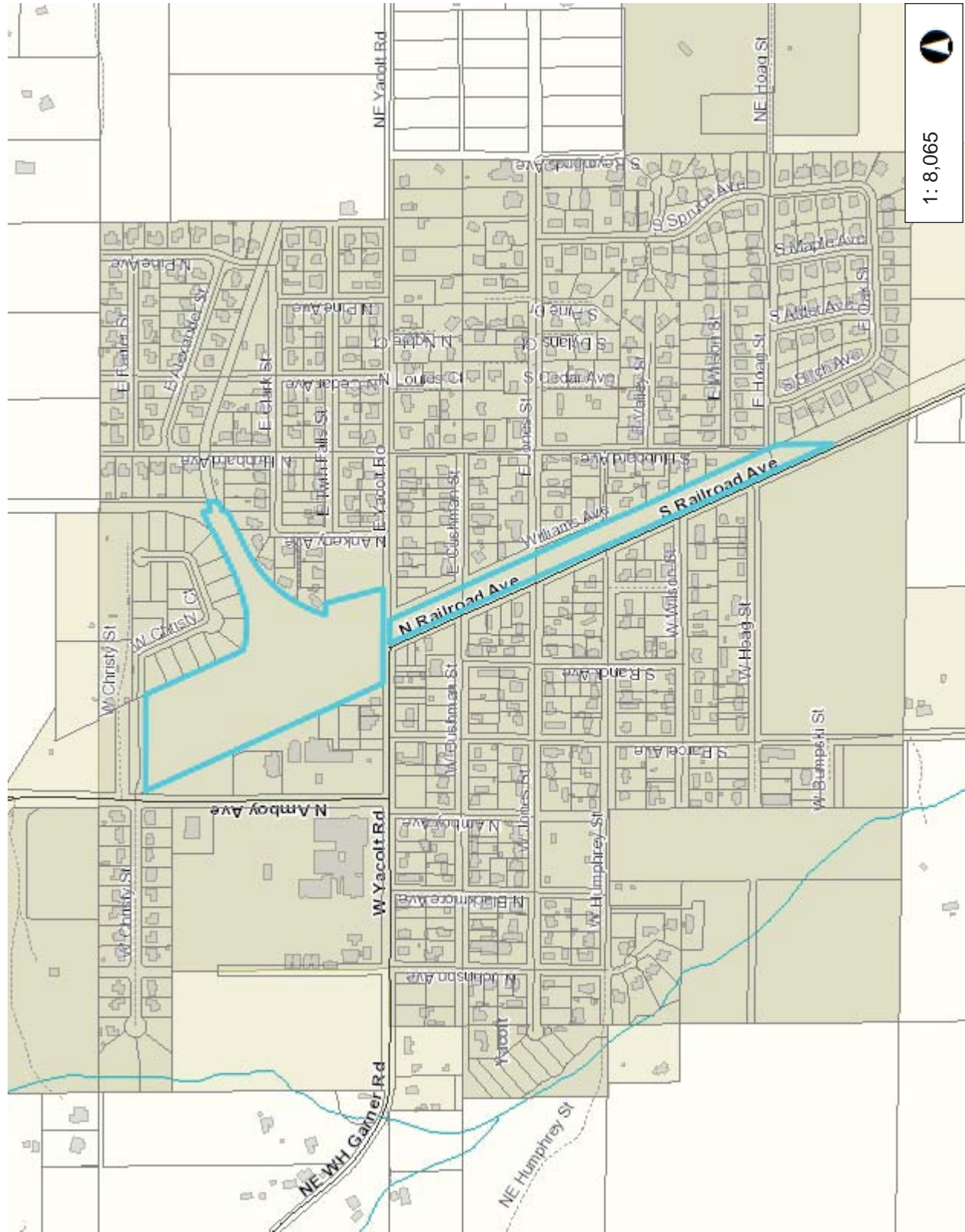
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Legend

- Building Footprints
Taxlots
Cities Boundaries
Urban Growth Boundaries

Notes:



1,344.2	0	672.12	1,344.2 Feet
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This map was generated by Clark County's "MapsOnline" website. Clark County does not warrant the accuracy, reliability or timeliness of any information on this map, and shall not be held liable for losses caused by using this information.

CLARK COUNTY STAFF REPORT

DEPARTMENT: Public Works/Chelatchie Prairie Railroad

DATE: November 8, 2016

REQUESTED ACTION: Authorize the County Manager to sign the North Line Sublease Agreement between Clark County and the Battle Ground, Yacolt and Chelatchie Prairie Railroad Association

 X Consent Hearing County Manager

PUBLIC WORKS GOALS:

- ☒ Provide safe and efficient transportation systems in Clark County
- ☐ Create and maintain a vibrant system of parks, trails and green spaces
- ☒ Continue responsible stewardship of public funds
- ☒ Promote family-wage job creation and economic development to support a thriving community
- ☐ Maintain a healthy, desirable quality of life
- ☐ Increase partnerships and foster an engaged, informed community
- ☐ Cultivate a nimble, responsive work force
- ☐ Make Public Works a great place to work

BACKGROUND

This represents an update to the expiring lease with the same association. The segment of the Clark County Chelatchie Prairie Railroad from Milepost 18.7 to Milepost 33.1 will be subleased to the Battle Ground, Yacolt and Chelatchie Prairie Railroad Association for a term of eleven (11) years with two optional renewal terms of five (5) years each to operate passenger excursion trains and other ancillary passenger-related activities. Clark County will retain freight rights.

COUNCIL POLICY IMPLICATIONS

This request has no council policy implications.

ADMINISTRATIVE POLICY IMPLICATIONS

This request has no administrative policy implications.

COMMUNITY OUTREACH

The Railroad Advisory Board concurs with the sublease agreement.

BUDGET IMPLICATIONS

This request has no budget implications.

DISTRIBUTION:

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>

Attachments: Sublease Agreement

JJB

Jerry Barnett, PE
Railroad Coordinator
Public Works

Heath H. Henderson

Heath H. Henderson, PE
Public Works Director/County Engineer

[Signature]

APPROVED:
CLARK COUNTY, WASHINGTON
BOARD OF COUNTY COUNCILORS

DATE: NOV. 8, 2016

SR# SR 230-16



APPROVED: _____
Mark McCauley, County Manager

DATE: _____

NORTH LINE SUBLEASE AGREEMENT
By and between Clark County, Washington
and the Battle Ground, Yacolt and Chelatchie Prairie Railroad Association
Dated June 6, 2006

This North Line Sublease Agreement ("Sublease Agreement") and its attachments are by and between Clark County ("County"), a Washington municipal corporation, and the Battle Ground, Yacolt, and Chelatchie Prairie Railroad Association, ("BYCX"), a Washington

("The Parties").

WHEREAS, Clark County is the owner of the lines of standard gauge railroad and other related properties and property rights from North Vancouver (MP 0.0) in Vancouver, Washington, to Chelatchie, Washington, (Approximately MP 33.1), including several spur lines, yard and passing tracks and connections (*See Attachments*); and

WHEREAS, in a Lease Agreement dated December 20, 2004, Clark County leased an interest in the entire rail line, associated facilities and structures, operating rights and track maintenance responsibilities to a common carrier railroad, and subsequently in February 2012 this lease was assigned to a different common carrier railroad, now known as Portland Vancouver Junction Railroad (PVJR), for the purposes of operating and maintaining freight railroad, management of associated properties, and development of a dinner train; and

WHEREAS, the assignment of the lease to PVJR included related agreements, and a Memorandum of Understanding dated September 20, 2005, to allow a leaseback of the North Line to the County, with a coordinating sublease of the North Line from the County to BYCX, for the purposes of using, upgrading, and maintaining the track and operating a passenger excursion train and/or other passenger-related programs was one such ~~related agreement~~; and

WHEREAS, CCC 2.33A.160 limits leases of county property to no longer than ten (10) years unless the Board of County Councilors determines the extension of any lease beyond that ten (10) years is in the public's best interest; and

WHEREAS, the Board determines a lease of eleven (11) years is in the public's best interest;

NOW, THEREFORE, in consideration of the following mutual promises, covenants and agreements, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties do hereby agree to the following SUBLEASE AGREEMENT:

Section SL1. *Definition of the Premises Subject to Sublease.*

The portion of the track and related properties to be subleased shall be the segment of the rail located north of the derail devices (to be relocated) in Heisson, to the end of the line in Chelatchie Prairie, from Milepost 18.7 to Milepost 33.1, and includes the following, to the extent that it pertains to the Rail Services defined herein: rights-of-way, track, track materials, wires, pipes, conduits, poles, guys, bridges, switches, buildings, shops, culverts, signals, scales and related structures, fixtures, easements, licenses, improvements, all ancillary and direct or contiguous rail operating yards, facilities,

plants, appurtenances located on or adjacent to the railway, and all real property and property rights necessary. This portion of the track shall herein be referred to as the "North Line."

Section SL2. *Term of Leaseback.*

County agrees to sublease BYCX, and BYCX agrees to lease from County, on the terms and conditions set forth in this Agreement, the North Line, for an initial term of eleven (11) years from the effective date of this Agreement, with two optional renewal terms of five (5) years each, at the sole and exclusive option of BYCX, for a total of twenty-one (21) additional years, unless and until otherwise terminated as provided herein.

Section SL3. *Scope of Sublease - Use Limited to Passengers.*

This Leaseback governs operating rights on the North Line of passenger excursion trains and other ancillary passenger-related activities on the North Line, together with the coordinating responsibilities defined herein, except the rights retained by County in Section SL4 below.

Section SL4. *County's Retained Rights.*

(a) *Right of Access.* County reserves unto itself or its agents, assigns, or designees, the right of access to the North Line, and any property or facility adjoining the North Line, as necessary to conduct freight and passenger operations defined herein, when exercised in a manner that does not unreasonably interfere with BYCX's intended use of the North Line, as described in subsection (d) below. County also reserves the right to allow its agents, assigns, or designees to develop a Track Upgrade Program and Dinner Train Program on the North Line.

(b) *Freight Rights.* County's agents, assigns, or designees shall exclusively serve all freight customers, and retains all federal Surface Transportation Board common carrier freight rights and obligations. BYCX shall assist and cooperate as necessary in affixing signatures or providing documentation necessary for any permits, applications, notices, pleadings, affidavits, or licenses required by local, state, and federal agencies. The right to collect rents, licensing or usage fees, or any other income whatsoever from the Railroad Freight Service shall inure solely to the benefit of County or its assigns.

(c) *Track Upgrade and Dinner Train.* BYCX acknowledges that PVJR intends to begin track upgrades and operation of a dinner train on the North Line, and that PVJR reserved the right to do so in their leaseback agreement with County. The scheduling of track upgrades and dinner train operations shall be subject to the conditions defined in section (d) below.

(d) *Right to Resolve Scheduling Conflicts.* This section governs scheduling priorities. In the event PVJR and BYCX are attempting to simultaneously operate trains or vehicles on the North Line, or make upgrades or conduct maintenance on the North Line that would interfere with passenger or freight train operations, PVJR shall be responsible to establish and operate a dispatch system and track repair and upgrade protocol to resolve any conflicts. The system shall meet all dispatch standards required by the Federal Railroad Administration and Surface Transportation Board, and the policy shall endeavor to give priority to BYCX and all scheduled passenger movements for any existing printed or publicized passenger schedules to the extent possible and practicable. PVJR shall avoid unscheduled or non-emergency track upgrades or repairs that will conflict with passenger schedules. Ultimate priority for scheduling of track work or freight operations shall remain with PVJR in the

event of an unforeseen, safety-related, or emergency-related conflict.

(e) *Right to Inspect.* County retains the right to inspect any and all of the Premises, upon twenty-four (24) hours' notice and at County's sole expense, for the purpose of verifying compliance with the terms and conditions of this Sublease Agreement.

(f) *Right to Amend.* County retains the right to amend this Agreement to address liability once the building is occupied or the use of the premises has changed.

Section SL5. *Termination.*

(a) *Termination for Cause.* County reserves the right to immediately cancel and terminate this Agreement in the event of:

- A material violation of this Agreement, which includes any breach of this Agreement that is deemed "material" because it substantially affects the outcomes of the rights of the parties, either economically or in the performance of duties required under this agreement.
- Any illegal behavior by action or inaction by BYCX, its employees, agents, volunteers, or association members, that causes the filing by a governmental entity or agency of a complaint, notice, order, citation, lien, or other penalty, because the behavior constitutes a violation of local, state, or federal ordinances, administrative procedures, statutes, rules, or codes.
- A Single Major Infraction, as defined in Section SL6.1
- Repetitive Minor Infractions, as defined in Section SL6. For purposes of this section, the term "repetitive" means either: (1) three infractions that remain unremedied after written notice of the infraction and a 30-day cure period, with termination becoming immediate upon the 30th day following the third infraction; or (2) five infractions, regardless of cure, that occur within a six-month period, with termination becoming immediate upon the occurrence of the fifth infraction. Cure shall require inspection of any repairs that must be made by the applicable governing authority, payment of any associated fines or fees, and a policy change and/or acknowledgement by the violator that prevents similar action or inaction from reoccurring. In the event no inspection is required, adequate cure shall be determined by County, which determination shall not be unreasonably withheld. Multiple minor infractions in one notification arising out of a single action, inaction, or occurrence shall constitute the same occurrence and shall be deemed a single minor infraction.

(b) *Termination Without Cause.* The County may, upon 11 months' advance written notice to BYCX, terminate this Sublease Agreement, but only in the event PVJR

exercises its 12-month advance notice termination option with County. The notice shall include PVJR's statement that PVJR intends to begin North Line track upgrades, expanded freight service, or dinner train services. If PVJR's track upgrades, expanded freight service, or dinner train services do not actually commence within the 12 month advance notice period, and the termination notice is deemed null and void by County, then County's notice to BYCX shall also become null and void. This provision shall not be subject to arbitration or mediation.

(c) *Termination by Expiration.* This Sublease shall terminate upon the expiration of the initial Term, unless BYCX notifies County in writing that BYCX is exercising either the first or second renewal terms, as applicable. Unless County is notified by BYCX in writing at least 45 days prior to expiration of the then current term, the Sublease shall terminate upon expiration of the term.

(d) *Termination and Renegotiation.* At the option of BYCX, in the event County's Master Lease with PVJR is terminated, this Sublease may be renegotiated between the parties, and the terms of this Sublease shall control during negotiations. If the parties are unable to reach a mutual agreement, this Sublease shall control and remain in full force and effect.

(e) *Delivery Upon Termination.* Upon termination of this Sublease for any reason, BYCX agrees to quit and deliver the rights granted herein back to County, and County agrees to take possession of the Leased Premises. Termination of this Leaseback shall not relieve either party hereto from any liability that may have attached or accrued prior to or at the date of termination of this Sublease and shall not deprive either party hereto of its rights to enforce any such liability or of the benefits of any covenants or obligations in this Sublease.

Section SL6. *Adverse Action or Inaction Constituting a Violation.*

For purposes of the tables below, "GCOR" refers to the General Code of Operating Rules, Fifth Edition, Effective April 3, 2005, and any amendments made to it during the course of this Agreement. To the extent a new edition is adopted by PVJR which amends, deletes, or adds rules, the new or amended rule shall be included in the table for which it is most closely related to similar rules in substance, not by rule number.

(a) *Minor Infractions.* Minor Infractions shall be those enumerated in Exhibit A.

(b) *Major Infractions.* Major Infractions shall be those enumerated in Exhibit B.

Section SL7. *Covenants.*

BYCX covenants that (1) it will not use, or allow others to use, the Premises for the storage, manufacture, reprocessing or disposal of hazardous or toxic substances as defined by state and federal law without County's prior written consent, provided that nothing in this clause shall be construed as limiting BYCX's right to store, manufacture, reprocess or dispose of hazardous materials or toxic substances in the ordinary course of business consistent with railroad industry standards; and (2) it shall comply with all federal, state, local, fire and police requirements, regulations, ordinances and laws respecting the premises, operations, and activities thereon; and (3) for the entire term of this Sublease, it will provide and maintain the insurance described in Section SL12.

County covenants that (1) it has all requisite governmental power and authority to enter into this Agreement; and (2) the execution and performance of this Sublease does not violate any known rule, regulation, order, writ, injunction or decree of any court or administrative body; and (3) no fees will be paid by BYCX to County and no compensation will be due for the uses for rail operations described herein over the North Line.

Section SL8. *Maintenance.*

(a) *Freight.* BYCX shall perform or cause to be performed all normal maintenance necessary to maintain the North Line as of the Sublease commencement date, which the parties agree is in at least a Federal Railroad Administration (FRA)-compliant condition that is suitable for 10 mile per hour freight service, for FRA Excepted Track. Under no circumstances shall track improvement and maintenance activities be permitted that degrade or remove portions of the North Line track. This requirement does not extend to the portion of track from MP 20 and the derail at roughly MP 17.7. Should this section of track become accessible during the term of this lease, BYCX will maintain that portion of the track to the same FRA standards as required for the remainder of the track.

(b) *Passengers.* BYCX shall be permitted, at its sole option, to perform or allow upgrades to the track to accommodate passenger excursions. Under no circumstances shall track improvement and maintenance activities be permitted that degrade or remove portions of the North Line track. In the event of such upgrades, the upgrades and all ongoing normal maintenance shall be maintained to an FRA-compliant condition suitable for passenger excursions upon FRA Class I track. All work shall be performed only after BYCX obtains any required permits, and if the work must be performed by a licensed contractor under any local, state, or federal law, shall be performed only by the required person or entity. Compliance with these standards shall be achieved before the track is used for passenger excursion service, including the relocation of derails from Battle Ground to Heisson.

(c) *Railroad Ties.* County and BYCX shall work cooperatively to remove certain scrap ties currently placed alongside the tracks of the north line in various locations. BYCX shall remove and transport the ties to a commonly agreed central location, and County shall subsequently supply the equipment and all other means necessary for further transport and removal of scrap ties to the appropriate disposal facility. The total number of ties paid for by the County shall not exceed the equivalent of 700 full-sized ties. No changed out crossties are to remain on the RR grade or the stockpiling of changed out crossties on County property. The disposal of used crossties must be accomplished per government rules and regulations.

In no event shall BYCX's maintenance obligations under this Leaseback obligate them to perform any maintenance, repairs or restoration of the North Line that is beyond the scope of normalized maintenance for a rail line in the conditions set forth, nor for extraordinary damage to the North Line due to acts of God or freight use by PVJR.

Section SL9. *Regulatory Requirements.*

BYCX shall comply with all applicable Federal Railroad Administration and Surface Transportation Board regulations, Washington Utilities and Transportation Commission regulations, environmental regulations, hazardous material regulations, and federal, state, and local laws,

regulations, and ordinances. All documentation related to such compliance, including but not limited to, track inspections, locomotive inspections, engineer certifications, or employee or volunteer member safety education requirements, shall be made available for inspection to County upon reasonable advance notice.

Section SL10. *Indemnifications.*

BYCX shall comply or cause others to comply in all material respects with all laws, ordinances, rules, regulations, final orders and decrees applicable to the North Line for the operations included in this Leaseback, and shall indemnify, defend, protect and hold harmless County from and against any fines or penalties levied as a result of said noncompliance.

BYCX agrees to release, indemnify, defend and hold harmless County, its officers, officials, employees and agents from and against any and all liability, loss, damage, expense, action and claim, including reasonable attorneys' fees (together, "Losses") incurred by BYCX, its officers, employees and agents, that arise out of or are connected to: (i) the performance of rail operations, maintenance, and other activities performed by BYCX or its authorized agents or sublessees; or (ii) a breach of any covenants, representations or warranties set forth in this Sublease; or (iii) a breach of the maintenance requirements set forth herein. This indemnification shall include any and all bodily injury claims brought by employees, volunteers, passengers, contractors, or other users of the services of BYCX, to the extent such injuries occurred in connection with the performance of rail operations over the Premises. However, BYCX shall not be responsible for, and shall have no obligation to indemnify, defend or hold harmless County with respect to any Losses that arise out of or are connected to the gross negligence or willful misconduct of County, its agents, employees, successors, parent companies, officers, directors, or assigns, or that result from the exacerbation of an act, omission or condition that causes a failure to exercise due care in mitigating the effect of such act, omission or condition.

County shall be responsible for and agrees to release, indemnify, defend and save harmless BYCX, its officers, directors, employees, elected officials, and agents from and against any and all Losses incurred by County, its officers, directors, elected officials, employees and agents that arise out of or are connected to the freight operations that PVJR maintains rights to operate under their separate Leaseback, and any act, omission or condition arising out of or related to the gross negligence or willful misconduct of County, its officers, directors, employees, and agents.

If each party bears some responsibility for the same claim, each party's responsibility to address and resolve the claim shall be in proportion to the extent of its role in contributing to the Claim.

Section SL11. *Warranties.*

BYCX represents and warrants as of the date of execution of this Agreement as of the Transfer Date and thereafter during the Term (except to the extent expressly provided otherwise below) the following:

- (a) It shall have the full power and authority to enter into this Agreement.
- (b) All approvals and other proceedings required to be taken by or on the part of BYCX to authorize the signators to enter into this Agreement and its Exhibits have been or will be duly taken by the Transfer Date.

- (c) This Agreement has been executed and delivered in accordance with its terms and conditions, and constitutes a valid and legally binding obligation, enforceable in accordance with its terms, except as such enforceability may be limited by: (i) bankruptcy, insolvency, reorganization, and similar laws; and (ii) the remedy of specific performance and injunctive and other forms of equitable relief may be subject to equitable defenses and to the discretion of the court before which any proceeding therefore may be brought.
- (d) No provision of this Agreement or any Exhibit hereto conflicts with, violates or contravenes any statute, law, rule, regulation, order, writ, injunction or decree or other determination of any court, authority or governmental body as of the date hereof, and no provision of this Agreement or any Exhibit hereto will conflict with, violate or contravene any mortgage, lien, lease or agreement. nor is any provision hereof or any Exhibit hereto voidable or unenforceable (nor will it be such) by reason of any provision of, or lack of consent under, any indenture or agreement or instrument to which the parties are bound or affected.
- (e) No third party beneficiary is intended. This Agreement shall not be deemed to confer upon or give any party except BYCX and the County any remedy, claim, liability, reimbursement, cause of action or other right. It is understood that notwithstanding the Leaseback by and between County and PVJR, that BYCX's rights and responsibilities are specifically limited to those described herein.

Section SL12. *Notices.*

Forms and Timing of Notice. All notices or other communications shall be valid in the following forms:

- (a) Hard copy, in writing, sent by U.S. mail, certified return receipt requested, postage prepaid, upon delivery; or
- (b) Hard copy, in writing, delivered in person at the location and to the persons specified herein, upon delivery; or
- (c) Electronic copy, delivered via facsimile or email, with confirmation of delivery produced by the facsimile or email system, but not deemed "delivered" until actually received by the intended recipient; or
- (d) Hard copy, in writing, delivered by national courier service such as UPS or Federal Express, with signature required, upon delivery.

Location for Delivery. Delivery as specified above must be made to the persons specified herein, or to their duly authorized representative, unless notice of a change of address is given pursuant to the provisions of this section.

For Clark County
PO Box 5000
Vancouver, WA 98666-5000
Attention: Clerk of the Board of County Councilors



For BYCX
1207 NE 2nd Circle
Battle Ground, WA 98604
Attention: Douglas Auburg

For PVJR
14205 SE 36th St.
Suite 100
Bellevue, WA 98006
Attention: Eric Temple

Section SL13. *Insurance.*

BYCX shall be required to provide general liability, automobile liability, and property damage insurance in an amount not less than \$1 million. The coverage for general liability insurance shall increase to an amount not less than \$4 million during any passenger-related programs operating on the North Line. The County reserves the right to increase the coverage amount for general liability insurance to an amount not greater than \$5 million for passenger-related programs utilizing a steam locomotive. These coverages shall include a Contractual Liability Endorsement and shall be required to protect the County, the PVJR, and BYCX. The County and PVJR, its agents and employees, shall be named as additional insured with the right to written notice of cancellation. The maximum amount of the deductible for each of the coverages shall be \$5,000, except that this maximum amount can be increased with prior written approval of the County.

Section SL14. *Miscellaneous Provisions.*

(a) *Governing Law.* This Agreement and any attached Exhibits shall be construed and enforced in accordance with the laws of the state of Washington, except to the extent inconsistent with, or governed by, any other laws of the United States of America or rules or regulations thereunder. Venue shall be Clark County.

(b) *Amendment.* No modification or amendment to this Agreement or any of its Exhibits shall be effective unless and until such modification, addition or amendment is reduced to a writing executed by authorized officers or agents of each party.

(c) *Severability.* In the event any section, subsection, sentence, clause, or phrase contained herein shall be determined, declared, or adjudged invalid, illegal, unconstitutional, or otherwise unenforceable, no determination, declaration, or adjudication shall in any manner affect the other sections, subsections, sentences, clauses, or phrases of this Agreement, which shall remain in full force and effect as if the section, subsection, sentence, clause, or phrase declared, determined or adjudged invalid, illegal, unconstitutional, or otherwise unenforceable was not originally a part thereof, unless the invalidity of such provision has the effect of substantially impairing the benefits of this transaction or frustrating the intent of the Agreement.

(d) *Titles.* The headings and titles to provisions contained herein are for convenience only, and do not modify or affect the rights and the duties of the parties to this Agreement.

(e) *Entire Agreement.* This Agreement, and the Exhibits hereto, represent the entire agreement between the parties, and all previous communications, understandings, or agreements between the parties are hereby abrogated and withdrawn except as provided herein.

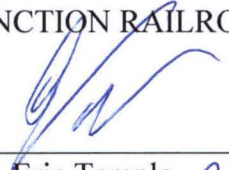
(f) *Counterparts.* This Sublease may be executed simultaneously in counterparts, each of which shall be deemed an original, but both of which together shall constitute one and the same instrument. By executing this Sublease in counterparts and sending them to the other party via facsimile, the sending party intends to be bound.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date first appearing above.

BYCX: BATTLE GROUND, YACOLT, CHELATCHIE PRAIRIE RAILROAD
ASSOCIATION

By: _____
Name: _____
Its: _____

PVJR: PORTLAND VANCOUVER JUNCTION RAILROAD LLC:

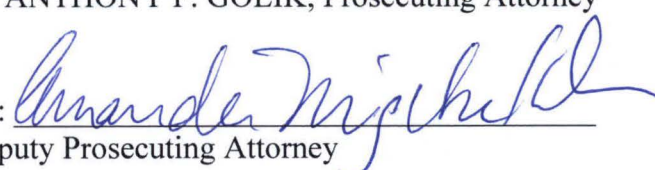
By:  _____
Name: Eric Temple *President*
Its: _____

10/6/2016

COUNTY: BOARD OF COUNTY COUNCIL, CLARK COUNTY, WASHINGTON


Mark McCauley, County Manager

APPROVED AS TO FORM ONLY: ANTHONY F. GOLIK, Prosecuting Attorney

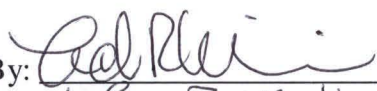
By: 
Deputy Prosecuting Attorney

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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date first appearing above.

BYCX: BATTLE GROUND, YACOLT, CHELATCHIE PRAIRIE RAILROAD ASSOCIATION

By: 
Name: TED R. WILLIAMS
Its: PRESIDENT,

PVJR: PORTLAND VANCOUVER JUNCTION RAILROAD LLC:

By: _____
Name: Eric Temple
Its: _____

COUNTY: BOARD OF COUNTY COUNCIL, CLARK COUNTY, WASHINGTON

Mark McCauley, County Manager

APPROVED AS TO FORM ONLY: ANTHONY F. GOLIK, Prosecuting Attorney

By: _____
Deputy Prosecuting Attorney

Chelatchie Prairie Railroad Maintenance and Storage Facility

Site Plan and non-conforming use application

April 2017

Submitted to: Town of Yacolt

Town Hall

202. W Cushman St

Yacolt, WA 98675

Applicant: Chelatchie Prairie Railroad

PO Box 1271

Battleground, WA 98604

Project Manager: Doug Auburg

360 608 3802, cdauburg@wa-net.com

I. Executive Summary for Chelatchie Prairie Railroad Maintenance and Storage Facility

The nonprofit volunteer group, Chelatchie Prairie Railroad also known as BYCX (Battleground Yacolt and Chelatchie Prairie Railroad), received a grant from Washington State to further its mission of history preservation of Clark County. Considering its goal, the railroad needs covered space for maintenance and storage of its historic equipment. The railroad proposes to build a 12,250-sf steel shop building (car barn) to enclose 2 separate rail tracks. The railroad leases the railroad right of way (the site of the building) from Clark County under a long-term lease. The rail use was established when the rail line was built many years ago.

The building will be built approximately 125 feet north of West Yacolt Rd near its intersection with the railroad track, approximate address being 100 West Yacolt Road. The site is currently used by the group for temporary storage of tools and equipment in 2 steel containers. Previously when the rail line was extended to this site, a station for passengers and a dock for shipment of freight occupied the site along with maintenance buildings and a water tank.

The building will house both the historic BYCX rail cars and railroad engines. Currently the group does maintenance in a small building near the end of the line. It has no storage area for cars. The current shop is not large enough for many of the heavy maintenance projects required to keep the equipment in compliance with Federal Railway Administration requirements and state laws. Most work will occur on weekends when volunteers are available. Typically, the crew will range from 2 to 5 volunteers at any one time. The building will be used year around. The building will have restrooms and an office/meeting area on the south end of the building.

II. Site Description/Setting

1. **Zoning/Permitted Use:** Current city zoning is community commercial (C 2) as is all adjacent property. This zone is intended to allow for uses that provide goods and services to the local population. This facility will be the main facility for BYCX which provides the service of railroad rides and entertainment to the local population from May through December.
2. **Site Description/Setting:** The site is in downtown Yacolt on West Yacolt Road near its intersection with the railroad track. The site has previously been graded for a similar prior use by the railroad many years ago, when the mill was active at Chelatchie Prairie. Given the previous use, most of the site is just bare ground or grass covered except for a few trees in the extreme northwest corner.
3. **Project Description:** The site is currently used by BYCX for limited parking and temporary maintenance facilities. The proposed building will be a shop/storage facility. In addition to the building, 3 rail lines will be brought to the site with 2 entering the building and one being adjacent to the building on the west side. The use is storage/warehouse which requires 1 space/2000 sf of floor area. The 6

parking stalls required already exist in the current gravel lot. The current driveway cuts will be kept and should be adequate for the needs of the shop. No other site improvements are proposed.

III. Applicable Review Criteria

Section 3: Establishment of Zone Districts and Maps

1. The site is zoned community commercial (C-2) per the City of Yacolt. The use is non-conforming but allowed if it can meet the commercial zoning criteria.
2. Zoning requirements:
 - a. Building height shall not exceed 35ft. Proposed 32 ft.
 - b. Lot Size: the lot size is more than 2 acres with the building in the center of the site and therefore larger than minimum lot sizes set in the ordinances.
 - c. Off Street Parking: 6 parking stalls will be provided per zoning requirements for storage warehouse requirements of 1 space per 2000sf. The building set back from the street will be about 125 feet to allow for loading and unloading.
 - d. Landscaping: Given the site faces a street and adjacent properties are also zoned commercial, the 5-ft. wide "General" L1 landscaping standard applies of the sides of the site and the 10-ft. wide "Low Screen" L 2 along the street. See the plans for the landscape plan.

Section 5: Commercial Districts

See section 3

Section 9: Nonconforming Uses, Structures and Lots

- A. Purpose.
 1. This section allows for uses which do not confirm to the existing zoning by nature of applicable standards and regulations changing.
 2. Non-conformity for this project is in its use.
- B. Establishment of legal nonconforming status was confirmed with the use of the property for the last century as railroad use.
- E. Legal nonconforming uses.
 2. Expansion or alteration of legal nonconforming uses and associated structures.
 - b. Non-conforming uses and associated structures may undergo expansion or alteration, subject to compliance with all the criteria listed below. Conditions of approved can be applied. Site plan approval is required. Plans are submitted with the proposed site plan.

The proposed structure will not increase the extent of adverse impacts to the surrounding area and its character, or increase the extent of adverse impacts to future development likely to occur in the surrounding area. The building is consistent with the rail use and replaces preexisting rail structures on the site. The adjacent commercial uses are partially dependent on the expansion of the rail use as they provide services to the rail use. Our structure is setback from the street more than the underlying zone requirements, and will provide off street parking to not impact other adjacent uses. The expansion is on the existing railroad ROW and no expansion off that lot is anticipated.

Section 15: Public Hearing and notices

Project application is subject to review by the city council. The use is non-conforming, but the project can conform to the underlying zone. See Section 3 above.

Section 18: Fees

The Project can comply with ordinance 371 as a non-conforming use by meeting the conditions of the existing zoning.

SEPA ENVIRONMENTAL CHECKLIST

A. Background

1. Name of proposed project: Chelatchie Prairie Railroad (BYCX) Maintenance Facility
2. Name of applicant: Chelatchie Prairie Railroad (BYCX)
3. Address and phone number of applicant and contact person:
Doug Auburg, PO Box 1271, Battleground, WA 98604 360-608-3802
4. Date checklist prepared:
3/31/17
5. Agency requesting checklist:
City of Yacolt, WA
6. Proposed timing or schedule (including phasing, if applicable):
Construction is to start in April 2017 with phase 1, with completion in 6 months. Phase 2 has no firm timeline
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
The initial phase of work is for the construction of the building shell with fire sprinklers and electrical. Phase 2 of the work will be pouring the floor of the building, fencing, septic system installation, and a side shed roof.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
We have had the soils work done to determine septic feasibility. In addition, we have tested for storm water infiltration. No other information will be prepared.
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. No
10. List any government approvals or permits that will be needed for your proposal, if known.
The use is non-conforming use so we are submitting for approval to the Town of Yacolt. We obtained a septic permit, and a statement of water availability from the PUD. We will be required to have a building permit.
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The phase one is a metal shop building 50 x 225 with 2 rail lines extended into the building to allow for maintenance and storage of rolling stock including an area with restrooms and an office. Phase two is a metal lean to building on the west side of the phase one structure for storage of more cars and engines.

12. Location of the proposal.

100 W Yacolt Rd, Yacolt, WA 98675. The lot includes all of the Clark County railroad ROW at this location including land within the railroad wye.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site: Flat
- b. What is the steepest slope on the site (approximate percent slope)? Less than 1 % grade
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? The soil is a sandy material from eruptions of Mt St Helen.
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. Site is flat with no possibility of unstable soils
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. No fills are proposed for the site. The site was graded for a previous building that was removed years ago, so the site is already prepared
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. There is minimal chance for erosion given how flat the site is.
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? The building will cover 11,250 sf. There are no other impervious surfaces proposed.
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: Standard erosion control measures will be used as needed.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. There will normal construction equipment emissions during construction. The facility is for the railroad therefore there will be the normal emissions from the train engines and small gas engines of the maintenance of way equipment. Since the railroad typically only runs on weekends for a limited time of the year the quantity of emissions is limited.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. None known.

c. Proposed measures to reduce or control emissions or other impacts to air, if any: Our equipment is equipped with normal emission controls.

3. Water

a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. There are no known water bodies in the area.
- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? There are no water bodies.
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. There are no water bodies or wetlands in the area of the project.
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. There are no withdrawals or diversion of surface water planned.
- 5) Does the proposal lie within a 100-year floodplain? The site is not in a 100-year floodplain.
- 6) Does the proposal involve any discharges of waste materials to surface waters? We are not discharging waste materials to surface waters.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? There are no known wells on the site. Water will be obtained from Clark County PUD.
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals: . . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. Domestic sewage will be collected from 2 restrooms within the building and put in an engineered septic system consisting of a septic tank, a holding tank, a pump facility and drain field. The system is designed for 100 people for use in the passenger rail operations. If any oil is generated from the shop operations, it will be treated prior to being discharged to the septic system or it will be contained and hauled offsite to an approved disposal facility. When our engines are parked within the building we will use absorbent mats to contain any leakage. This is the common accepted method for containment of this type of equipment. When the mats are full they will be hauled off site for disposal at an approved site.

c. Water runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? We have the normal runoff of the building roof. The roof water will be discharged onto splash blocks to soak into the sandy soil. There will be a storm water facility along the west side of the site. The site is graded to the west and therefor any storm water from the site will flow to the storm water facility.
- 2) Could waste materials enter ground or surface waters? There will be no waste materials allowed to enter the ground or surface water.
- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? The site was previously graded many years ago to allow for a slope to the west side so this work will not affect current drainage.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: A storm water basin will be constructed along the west side of the site.

4. Plants

a. Check the types of vegetation found on the site:

- ☒ deciduous tree: alder, maple, aspen, other
- ☒ evergreen tree: fir, cedar, pine, other
- ☒ shrubs
- ☒ grass
- ☐ pasture
- ☐ crop or grain
- ☐ Orchards, vineyards or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered? There is little vegetation in the area of the building construction, mainly grass.

b. List threatened and endangered species known to be on or near the site. There are no know threatened or endangered species on the site given the little vegetation on site and given it is downtown Yacolt with a commercial zoning.

- c. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: The zoning requires that trees and low shrubs be installed along the frontage of Yacolt Road and along part of the west side of the site. Trees will be certified street type trees. There is currently no vegetation in the area of the construction.
- d. List all noxious weeds and invasive species known to be on or near the site. None.

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Birds: hawk, crow, songbirds, blue jay. Mammals: deer, racoon, possum, fox, coyote. Fish: none.
- b. List any threatened and endangered species known to be on or near the site. None known
- c. Is the site part of a migration route? None known
- d. Proposed measures to preserve or enhance wildlife. None proposed
- e. List any invasive animal species known to be on or near the site. Possum

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. We will have electric lighting. The office area will use a heat pump for heat. The shop area will have propane heaters. The shop machines will be electric.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. The building is in the center of a large site and therefore cannot cast a shadow on an adjacent structure.
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts. The building will have R-17 insulation mainly to control moisture on the inside of the building. The building will not be heated except for when work is being done inside, normally only on weekends. The office/restroom area will have code compliant insulation.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.
 - 1) Describe any known or possible contamination at the site from present or past uses. The site was used by the railroad for spurs for rail car sorting and a station building when there was passenger trains to Yacolt. We have inspected old photos of the site and did not notice any fuel storage facilities, only an elevated water tank for the steam engines. Any development of the site was removed apparently around 1950 as the mill at

Chelatchie did not need any of the spurs or buildings. There are no signs of foundations or any other development on site except for the water tank footings.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. There are no hazards known on the site. There are no hazardous liquid or gas lines in the area. Yacolt does not have natural gas.
- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. The operations of the railroad include fueling the diesel engine with fuel and the steam engine with recycled oil. The diesel is delivered from a commercial fueling truck to the engine directly. The used oil for the steam engine is kept in rail tank cars after being received from local recycling sources. No permanent tanks are envisioned. Oil for the equipment used as part of our ongoing operations will come in sealed containers and any used oil will be captured to be used in the steam engine. For potential spills and leaks from the engines, absorbing mats will be used and replaced as necessary. An oil water separator will be installed if a service pit is installed under the rails and there is a possibility of oil/diesel leakage. The cleaned water from that would be drained into our septic system.
- 4) Describe special emergency services that might be required. The building will be protected from fire by a dry line fire sprinkler system connected to the PUD water line.
- 5) Proposed measures to reduce or control environmental health hazards. Members and staff will be instructed on how to contain and mitigate spills. A shower will be available for rinsing off from spills that pose a threat to health as well as an eye washout station.

b. Noise

- 1) What types of noise exist in the area which may affect your project. Yacolt is a very quiet city and therefore there are no noises that would affect our project.
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis. The operation of the railroad makes a certain amount of noise but that is primarily associated with horns and whistle used for safety reasons as required by Federal law. During construction, work will be done during the day unless there is an emergency.
- 3) Proposed measures to reduce or control noise impacts. The railroad understands that it is operating in the city and respects the neighbors. Most operations from the maintenance building will be inside the building so that will most noise from the operation of the shop.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? The site is currently being used for railroad operations with temporary structures on site. Given the use will not change, this project will not affect adjacent properties.
- b. Has the project site been used as working farmlands or working forest lands? No, it has been in railroad use for 100 years.
- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? There are no adjacent farm or forest operations
- c. Describe any structures on the site. There are no structures on site.
- d. Will any structures be demolished? There are no structures on site
- e. What is the current zoning classification of the site? Neighborhood Commercial
- f. What is the current comprehensive plan designation of the site? Commercial
- g. If applicable, what is the current shoreline master program designation of the site? N/A
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. There are no known critical areas at this site
- i. Approximately how many people would reside or work in the completed project? The shop will have about 5 people on average over weekends mainly. It is mostly for storage but will also have some mechanic and restoration work.
- j. Approximately how many people would the completed project displace? None
- k. Proposed measures to avoid or reduce displacement impacts. N/A

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans. This proposal continues the use of the property, railroad services.
- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance. There are no ag or forest lands adjacent.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. No housing is proposed for this site.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. There are no housing units on site
- c. Proposed measures to reduce or control housing impacts. N/A

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? The proposed building is a steel framed metal clad building with colored cladding and roof. The height will be about 32 ft. at the peak of the roof.
- b. What views in the immediate vicinity would be altered or obstructed? This project does not block any views.
- d. Proposed measures to reduce or control aesthetic impacts. The metal cladding color will be red.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? The only exterior lights will be lights mounted to the outside of the building at about 20 ft. high for security purposes, therefore they will be on timers to run at night only. Interior lighting will mostly be contained to the inside of the structure.
- b. Could light or glare from the finished project be a safety hazard or interfere with views? The night lighting/security lighting will be designed to be the minimum to provide safety at the site.
- c. What existing off-site sources of light or glare may affect your proposal? The only other lighting in the area is from the street lights which also enhance the security and safety of the site.
- d. Proposed measures to reduce or control light and glare impacts. There should be no impact from the interior or exterior lighting.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? There are baseball and softball fields to the north of the site. The building will not be near those uses.
- b. Would the proposed project displace any existing recreational uses? The project will provide more opportunities to enjoy the history of the area with the expansion of the railroad use.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant. There will be no negative impacts to recreation in the area.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe. The site has been submitted for verification of historic preservation needs and nothing of historic significance was found.
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. The site has been run through the historic preservation list and nothing was found of significance.
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. The department of archeology and historic preservation was engaged.
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. No resources were found.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. The site plans detail the streets and access.
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? C-Tran offers several stops a day in Yacolt within blocks of the site.
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? There are no parking spaces being eliminated for construction of the building. There is existing parking for the six required spaces on the existing gravel lot.
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe

(indicate whether public or private). No public street improvements will be constructed as part of this proposal.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? The proposal is from the existing operator of the adjacent railroad line which operates weekend rail tours.
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? Since this building is primarily for storage there will be little traffic generated from its use. There will be no regular delivery of materials by trucks.
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? No
- h. Proposed measures to reduce or control transportation impacts. The existing use of the site will just be continued in the new building so there will be little additional traffic.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? Fire and police protection will be needed but not at an increased level to the existing use.
- b. Proposed measures to reduce or control direct impacts on public services. The building will have fire sprinklers to minimize potential fire hazards.

16. Utilities

- a. Circle utilities currently available at the site: All of these services are available at the site. electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, propane (delivered)
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. Clark PUD will provide 240/3 phase electricity and water (6-inch line for fire sprinklers). Phone and cable will be installed by a specialty subcontractor. The water main in the street has to be tapped so the street will be dug up for that. The power will be bored under the street. The rest of the digging will be on the site.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of signee _____ Doug Auburg _____

Position and Agency/Organization _____ Vice President of Chelatchie Prairie Railroad _____

Date Submitted: _____

Google Maps 207 N Railroad Ave



Image capture: Jun 2016 © 2018 Google

Yacolt, Washington
Google, Inc.

Street View - Jun 2016

**TOWN OF YACOLT
MUNICIPAL
CODE**

**A Codification of the General Ordinances
of the Town of Yacolt, Washington**

**Codified, Indexed, and Published by
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2017



18.25.150 Signs.

Signs shall be permitted according to the provisions of Chapter 18.85 YMC. [Ord. 371 § 4(B)(7), 1997.]

Chapter 18.30**COMMERCIAL DISTRICTS****Sections:**

- 18.30.010 Purpose.
- 18.30.020 Uses.
- 18.30.030 Accessory uses.
- 18.30.040 Height regulations.
- 18.30.050 Lot requirements.
- 18.30.060 Off-street parking and loading.
- 18.30.070 Landscaping.
- 18.30.080 Signs.
- 18.30.090 Special provisions.
- 18.30.100 Multiple-family residential apartments.
- 18.30.110 Single-family residences.

18.30.010 Purpose.

A. Neighborhood Commercial (C1) District. This district is intended to provide for medium-sized shopping and service facilities. These centers shall range from 10,000 square feet to three acres. They are intended to provide for the shopping and service needs of the immediate urban neighborhood in which they are found.

B. Community Commercial (C2) District. This district is intended to recognize existing retail and service commercial development patterns that occur as small centers or strips. Most uses provide goods and services to the local population. [Ord. 371 § 5(A), 1997.]

18.30.020 Uses.

The uses set out in Table 5A are examples of uses allowable in the commercial zone districts. The review of all proposed commercial uses is mandatory.

Table 5A

<p>“P” – Permitted uses; “C” – Conditional uses which may be permitted subject to the approval of a conditional use permit; “X” – Uses specifically prohibited.</p>		
	C1	C2
A. Residential.		
1. New single-family dwelling units as provided in Chapter 18.25 YMC.	C	C
2. Existing residences without any increase in density.	P	P
3. Caretaker or manager residence when incorporated as an integral part of a use permitted outright or by conditional use.	C	C
4. Duplexes or two-family dwellings; triplexes, four-plexes, or other multifamily dwellings; dwelling groups; apartment houses; townhouses; or other multifamily dwellings (subject to the provisions of YMC 18.30.100)	C	C
B. Retail Sales – Food.		
1. Markets in excess of 25,000 sq. ft. of gross floor area.	C	C
2. Markets – 5,000 to 25,000 sq. ft. of gross floor area.	P	P
3. Markets – <5,000 sq. ft. of gross floor area.	P	P
4. Delicatessen.	P	P
5. Meat and fish markets.	C	P
6. Fruit and vegetable markets.	C	P
7. Dairy products, including egg and poultry stores.	C	P
8. Other specialized food stores.	C	P
9. Bakery – where baked foods manufactured elsewhere are sold on the premises.	C	P
10. Bakery – manufacturing where on-site baked foods are sold on the premises (<5,000 sq. ft. of gross area).	C	P
11. Bakery – manufacturing where on-site baked foods are sold on the premises (5,000 sq. ft. or more gross floor area).	C	P
C. Retail Sales – Apparel and Accessories.		
1. Apparel and accessory stores – men’s, women’s, and children’s.	P	P
2. Shoe stores.	P	P
3. Tailor shops.	C	P
4. Furrier shops.	C	P
D. Retail Sales – General Merchandise.		
1. Department stores, major (over 50,000 sq. ft. of gross floor area).	C	C
2. Department stores, junior (under 50,000 sq. ft. of gross floor area).	C	C

Table 5A (Continued)

“P” – Permitted uses; “C” – Conditional uses which may be permitted subject to the approval of a conditional use permit; “X” – Uses specifically prohibited.		
	C1	C2
3. Limited price (e.g., 5 and 10 variety stores).	C	P
4. Mail order houses (principal use).	C	P
5. General merchandise stores.	C	P
6. Specialty stores including building/home improvement/hardware and drug/variety/garden center (located in an enclosed building).	C	P
E. Retail Sales – Restaurants, Drinking Places.		
1. Restaurants.	C	P
2. Restaurants – Take out.	C	C
3. Drinking places, alcoholic beverages (with or without entertainment).	C	C
4. Restaurants – Portable building (coffee, nonalcoholic beverages, ready-made, prepackaged food sales).	P	P
F. Retail Sales – Furniture, Home Furnishings, and Home Equipment.		
1. Household furniture, home furnishing and home equipment stores.	C	P
2. Household appliance stores.	C	P
3. Radio, television, and music stores.	C	P
G. Retail Sales – Automotive and Related.		
1. Motor vehicle dealers, new and used.	C	C
2. Tire, battery, and accessory stores.	C	C
3. Service stations.	C	C
4. Boat, marine supplies, and trailers.	C	C
5. Motorcycles.	C	P
6. Auto parts, new or remanufactured.	C	P
7. Mobile home and/or recreational vehicle dealers, new and used.	C	C
8. Car washes.	C	C
H. Retail Sales – Building Material and Farm Equipment.		
1. Lumber and other building materials stores and yards, with only incidental cutting and planing of products sold.	C	C
2. Heating and plumbing equipment, including incidental fabrication (operated entirely within an enclosed building).	C	P
3. Paint, glass, and wallpaper store.	C	P

Table 5A (Continued)

<p>“P” – Permitted uses; “C” – Conditional uses which may be permitted subject to the approval of a conditional use permit; “X” – Uses specifically prohibited.</p>		
	C1	C2
4. Electrical supplies store.	C	P
5. Hardware store.	C	P
6. Farm equipment and implement dealer.	C	C
I. Retail Sales – Miscellaneous Stores.		
1. Antiques, stamp, and coin shops.	C	P
2. Bicycles.	C	P
3. Book and stationery.	C	P
4. Camera and photographic supplies.	C	P
5. Drug and proprietary.	C	P
6. Fabric (yard goods).	C	P
7. Farm and garden supplies, including nurseries.	C	P
8. Florists.	C	P
9. Fuel dealers.	C	C
10. Gift, novelty and souvenirs.	C	P
11. Hay, grain, and feed stores.	C	C
12. Ice dealers.	C	C
13. Jewelry.	C	P
14. Liquor.	C	P
15. News and magazine dealers.	C	P
16. Secondhand stores (providing that merchandise displayed and sold is from within an entirely enclosed building).	C	P
17. Sporting goods.	C	P
18. Tobacco and smoker supplies.	C	P
19. Yarn shops.	C	P
J. Retail Sales – Products (Custom Fabricated, Processed, Assembled, Installed, Repaired, or Printed on the Premises within an Entirely Enclosed Building).		
1. Cabinet shops.	C	C
2. Electrical shops.	C	C
3. Plumbing shops.	C	C
4. Sheet metal shops.	C	C

Table 5A (Continued)

<p>“P” – Permitted uses; “C” – Conditional uses which may be permitted subject to the approval of a conditional use permit; “X” – Uses specifically prohibited.</p>		
	C1	C2
5. Welding shops.	C	C
6. Electroplating shops.	C	C
7. Heating and air-conditioning shops.	C	C
8. Sign shops.	C	C
9. Upholstery shops.	C	C
10. Printing, publishing, and lithographic shops.	C	C
11. Radio and television repair shops.	C	P
12. Home appliance repair shops.	C	C
K. Services – Personal.		
1. Laundry, cleaning and dyeing plants.	C	C
2. Self-service laundries and cleaning places.	C	P
3. Laundry and cleaning drop and pick-up places.	C	P
4. Pressing, alteration and garment repair.	P	P
5. Barber and beauty shops.	P	P
6. Shoe repair shops.	P	P
7. Photographic studios.	C	P
8. Clothing rental establishments.	C	P
9. Transportation terminals.	C	C
10. U.S. Post Offices.	C	C
11. Mortuaries.	C	C
L. Services – Business.		
1. Adjustment and collection agencies.	C	P
2. Advertising agencies, including commercial artists.	C	P
3. Auto, truck and trailer rental or repair.	C	C
4. Business and management services.	C	P
5. Car washes.	C	C
6. Credit agencies.	C	P
7. Duplicating, addressing, blueprinting, photocopying, mailing and stenographic services.	C	P

Table 5A (Continued)

<p>“P” – Permitted uses; “C” – Conditional uses which may be permitted subject to the approval of a conditional use permit; “X” – Uses specifically prohibited.</p>		
	C1	C2
8. Employment agencies.	C	P
9. Equipment rental agencies.	C	C
10. Equipment service and repair shops.	C	C
11. Offices housing personnel who provide special services to business.	C	P
12. Off-street parking facilities.	C	P
13. Services to buildings (including dwellings), cleaning and exterminating.	C	C
14. Telephone answering services.	C	P
15. Miscellaneous business services, including auctioneers, bondsmen, drafting, detective agencies, notary public, and other like services.	C	P
16. Moving and storage.	C	C
17. Vehicle repair shops (located entirely within an enclosed building).	C	C
18. Mini-warehouses.	C	P
19. Auction barns.	C	C
20. Vehicle towing and storage services.	C	C
M. Services – Finance, Insurance, and Real Estate.		
1. Financial and banking institutions.	C	P
2. Insurance and bond carriers, agents, brokers, and services.	C	P
3. Real estate brokers, agents, and services.	C	P
4. Branch banks.	C	P
N. Services – Lodging Places.		
1. Hotels.	C	C
2. Motels.	C	C
3. Travel trailer and camper parks.	C	C
O. Services – Medical and Health.		
1. Hospitals.	C	C
2. Medical and dental laboratories.	C	C
3. Sanitaria, convalescent, and rest homes.	C	C
4. Orthopedic equipment and supplies, rental, sales, and service.	C	P

Table 5A (Continued)

“P” – Permitted uses; “C” – Conditional uses which may be permitted subject to the approval of a conditional use permit; “X” – Uses specifically prohibited.		
	C1	C2
5. Animal hospitals and veterinary clinics.		
Outside animal activities.	C	C
Inside animal activities only.	C	C
6. Ambulance services.	P	P
7. Residential care homes.	C	C
8. Residential care facilities.	C	C
9. Congregate care facilities.	C	C
10. Low-cost animal vaccination clinic.	C	C
P. Services – Professional Office such as Accounting, Architectural, Engineering and Law.		
1. Clinic, outpatient.	C	P
2. Professionals, other.	C	P
Q. Services – Amusement.		
1. Amusement centers.	C	C
2. Art galleries.	C	P
3. Billiard and pool parlors.	C	P
4. Bowling alleys.	C	P
5. Carnivals (temporary) and circuses (temporary).	C	C
6. Dance studios and dance schools.	C	P
7. Golf, miniature.	C	P
8. Skating rinks, ice and/or roller.	C	P
9. Racquet clubs.	C	C
10. Theaters, indoor.	C	C
11. Sports facilities, including stadium and arena facilities.	C	C
12. Skateboard facilities, indoor.	C	C
13. Outdoor public entertainments, amusements, or assemblies.	C	C
14. Athletic and health clubs.	C	C
R. Services – Educational.		
1. Nurseries, commercial day-care centers, preschools.	C	P
2. Mini day-care centers.	C	P

Table 5A (Continued)

“P” – Permitted uses; “C” – Conditional uses which may be permitted subject to the approval of a conditional use permit; “X” – Uses specifically prohibited.		
	C1	C2
3. Family day-care centers (only single-family residences).	C	P
4. Libraries.	C	P
5. Vocational schools.	C	P
6. Music schools.	C	P
7. Public parks, parkways, recreation facilities, trails, and related facilities.	P	P
S. Services – Membership Organizations.		
1. Business and professional.	C	P
2. Civic, social and fraternal.	C	P
3. Charitable.	C	P
4. Labor.	C	P
5. Political.	C	P
6. Religious, not including churches.	C	P
7. Churches.	C	C
T. Public Services and Facilities.		
1. Buildings and other structures such as city hall, police, and fire stations.	C	C
2. Educational institutions.	C	C
3. Sewer, water and utility transmission lines.	P	P
4. Zoos, museums, historic and cultural exhibits and the like.	C	C
5. Utility substation facilities.	C	C
U. Food and Fiber Production.		
1. Agriculture.	C	C
2. Silviculture.	C	C

[Ord. 563 § 2(f), 2017; Ord. 549 § 1(e), 2016; Ord. 538 § 1, 2016; Ord. 515 § 2(c), 2014; Ord. 485 § 1, 2011; Ord. 482, 2011; Ord. 432 § 5, 2004; Ord. 371 § 5(B), Table 5A, 1997.]

18.30.030 Accessory uses.

A. The following accessory uses are permitted in all commercial districts: on-site hazardous waste treatment and storage facilities, subject to Washington State siting criteria (RCW 70.105.210).

B. Outdoor storage of equipment or materials is permitted outside buildings if not expressly prohib-

ited and if such storage complies with the applicable development standards. [Ord. 371 § 5(C), 1997.]

18.30.040 Height regulations.

No building or structure with the exception of storage sheds shall be hereafter erected, enlarged or

structurally altered to exceed 35 feet in height. No storage sheds shall be hereafter erected, enlarged or structurally altered to exceed 10 feet in height. The height of storage sheds shall be measured at the

peak of the roof. [Ord. 399, 2000; Ord. 371 § 5(D), 1997.]

18.30.050 Lot requirements.

For lot requirements, see Table 5B.

Table 5B

	C1	C2
A. Minimum square feet of new zoning district.	10,000	10,000
B. Minimum square lot area.	10,000	10,000
C. Minimum front yard setback (feet).	25	0
D. Minimum side yard setback (feet).		
1. Abutting all single-family residential uses.	5	0
2. Not abutting one of above.	5	None
E. Minimum rear yard (only if adjacent to a residential district).	25	10 feet plus an additional 1/2 foot for each foot the building exceeds 20 feet in height
F. Minimum landscaped area (type subject to Chapter 18.75 YMC).	15%/L1	15%/L1

[Ord. 549 § 1(f), 2016; Ord. 371 § 5(E), Table 5(B), 1997.]

18.30.060 Off-street parking and loading.

Off-street parking and loading shall be provided as required in Chapter 18.70 YMC. [Ord. 371 § 5(F), 1997.]

18.30.070 Landscaping.

Landscaping shall be provided as required in Table 12A of Chapter 18.75 YMC. [Ord. 371 § 5(G), 1997.]

18.30.080 Signs.

Signs shall be permitted according to the provisions of Chapter 18.85 YMC. [Ord. 371 § 5(H), 1997.]

18.30.090 Special provisions.

When a commercial district abuts a residential district, the minimum side yard setback shall be 20 feet, plus an additional one-half foot for each foot the building exceeds 20 feet in height. Also see Chapter 18.75 YMC for additional landscape/buffer width requirements abutting a residential zone. [Ord. 371 § 5(I), 1997.]

18.30.100 Multiple-family residential apartments.

Duplexes or two-family dwellings; triplexes, four-plexes, or other multifamily dwellings; dwelling groups; apartment houses; townhouses; or other multifamily dwellings are permitted in the C1 neighborhood commercial district and the C2 community commercial district as a conditional use. The following provisions apply to the location of such multifamily dwellings in the C1 and C2 districts:

A. Lot Requirements.

1. **Lot Area.** Minimum lot area shall be 6,000 square feet for the first unit, an additional 2,000 square feet (1,500 square feet if the size of an existing lot is less than 8,000 square feet for duplexes) for the second unit, and a minimum of 1,000 square feet of land for each additional dwelling unit over two units.

2. **Front Yard.** Minimum front yard setback shall be 20 feet.

3. **Side Yard.** Minimum side yard setback on each side of the residential dwelling shall be five

feet, except on corner lots, where the street side yard setback shall be 20 feet.

4. **Rear Yard.** Minimum rear yard shall have a depth of five feet. The rear yard shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.

5. **Lot Coverage.** Maximum lot coverage by buildings and structures shall be 50 percent of the total lot area.

6. **Local Health Officer Authority.** Where a public sewer system is not available, the local health officer shall have final authority to approve, approve with conditions, or deny any development application for a multifamily residential structure (listed above) in a C1 or C2 zoning district. No building or development permit for such multifamily residential structure may be issued by the town except in compliance with the conditions described in a recommendation for approval from the local health officer, who shall determine the minimum lot size, minimum land area, lot coverage criteria, dwelling density, soil condition standards, or such other standards and requirements as the local health officer is authorized by law or regulation to determine, as such law or regulation is now enacted or may hereafter be amended. [Ord. 563 § 2(g), 2017; Ord. 371 § 5(J), 1997.]

18.30.110 Single-family residences.

The regulations and minimum requirements for single-family residences in any residential zoning classification described in Chapter 18.25 YMC, as amended, shall apply as minimum standards to the location of any single-family residence in any commercial zoning district of the town, except as those regulations and minimum requirements may be changed in the discretion and judgment of the town council and expressed in the conditional use permit. [Ord. 549 § 1(g), 2016.]

Chapter 18.35

LIGHT MANUFACTURING DISTRICT (ML)

Sections:

- 18.35.010 Purposes.
- 18.35.020 Uses.
- 18.35.030 Accessory uses.
- 18.35.040 Lot requirements.
- 18.35.050 Off-street parking and loading.
- 18.35.060 Landscaping.
- 18.35.070 Signs.
- 18.35.080 Performance standards.
- 18.35.090 Single-family residences.
- 18.35.100 Multiple-family residential apartments.

18.35.010 Purposes.

A. **Light Manufacturing District (ML).** The light manufacturing district is intended to provide sites for activities which require processing, fabrication, storage and wholesale trade. Generally, these activities require reasonable accessibility to the highway network and/or rail system. [Ord. 564 § 2(b), 2017; Ord. 371 § 6(A), 1997.]

18.35.020 Uses.

Table 6A lists examples of allowable uses in the ML district. Review of all proposed manufacturing uses is mandatory.

Table 6A

<p>“P” – Permitted uses; “C” – Conditional uses which may be permitted subject to the approval of a conditional use permit; “X” – Uses specifically prohibited.</p>	
	ML
A. Services – Retail, Amusements.	
1. Veterinary or dog and/or cat hospital, and kennels or boarding places.	C
2. All types of automobile, motorcycle, truck and equipment sales, service, repair and rental.	C
3. Boat building, sales and repair.	C
4. Fuel oil distributors.	X
5. Retail or combination retail/wholesale lumber and building materials yards.	P
6. Mobile home, trailer sales, storage and rental.	P
7. Blacksmith shops.	P
8. Race tracks, auto or motorcycle.	X
9. Railroad tracks and facilities within 300 feet of residential zone.	C
B. Assembly – Manufacture of Products.	
1. Assembly and fabrication of sheet metal products.	P
2. Assembly, manufacture, compounding or treatment of articles or merchandise from the following previously prepared material: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, lacquer, leather, paper, plastics, precious or semiprecious metals or stones, shell textiles, tobacco, wood (excluding sawmills, lumber mills and planing mills), yarns and paint.	C
3. Manufacture, compounding, processing, packaging, or the treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food and beverage products.	P
4. Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay.	P
5. Manufacture and maintenance of electric and neon signs, billboards or commercial advertising structures.	P
6. Manufacture of musical instruments, toys, novelties, rubber or metal stamps.	P
7. Manufacture of optical goods, scientific and precision instruments and equipment.	P
8. Manufacture of artificial limbs, hearing aids, dentures, surgical instruments and dressings, and other devices employed by the medical and dental professions.	P
9. Manufacture and/or assembly of communication equipment and electronic equipment and supplies.	P
10. Printing, publishing and bookbinding.	P
11. Manufacture of asbestos products.	X
12. Manufacture of cable, transmission.	P

Table 6A (Continued)

<p>“P” – Permitted uses; “C” – Conditional uses which may be permitted subject to the approval of a conditional use permit; “X” – Uses specifically prohibited.</p>	
	ML
13. Manufacture of cans.	X
14. Manufacture of candles.	X
15. Manufacture of guns.	C
16. Manufacture of ammonia.	X
17. Manufacture of anti-knock compounds for gasoline.	X
18. Manufacture of carborundum (abrasives).	X
19. Manufacture of cellulose and cellulose products.	X
20. Manufacture of insecticide and fungicide.	X
21. Manufacture of paper and byproducts of paper.	P
22. Manufacture of paint, oil (linseed), shellac, turpentine, lacquer or varnish.	X
23. Manufacture of phenol or phenol products.	X
24. Manufacture of roofing paper or shingles, asphalt.	X
25. Manufacture of acid.	X
26. Manufacture and storage of explosives.	X
C. Processing and Storage.	
1. Spinning or knitting of cotton, wool, flax or other fibrous materials.	P
2. Wholesale business, storage buildings and warehouses.	C
3. Cold storage plants, including storage and office.	P
4. Processing uses such as bottling plants, creameries, laboratories, blueprinting and photocopying, tire retreading, recapping and rebuilding.	P
5. Storage or sale yard for building materials, contractors' equipment, house mover, delivery vehicles, transit storage, and used equipment in operable condition.	C
6. Brewery, distillery or winery.	C
7. Junkyards or wrecking yards.	C
8. Grain elevator and flour milling.	X
9. Sawmills, lumber mills, planing mills and molding plants.	X
10. Animal or boneblack processing.	X
11. Junk, rags, paper or metal salvage, storage or processing.	X
12. Rolling, drawing or alloying ferrous and nonferrous metals.	X
13. Rubber, treatment or reclaiming plant.	X

Table 6A (Continued)

<p>“P” – Permitted uses; “C” – Conditional uses which may be permitted subject to the approval of a conditional use permit; “X” – Uses specifically prohibited.</p>	
	ML
14. Slaughterhouse.	X
15. Distillation of bones.	X
16. Major petroleum storage and/or refining.	X
17. Fat rendering.	X
18. Incinerator or reduction of garbage, offal, dead animals or refuse.	X
D. Aggregate Products.	
1. Stone, marble and granite monument works.	X
2. Manufacture of brick, tile or terra cotta.	X
3. Manufacture of clay products.	X
4. Concrete mixing plant.	X
5. Manufacture of concrete products.	X
6. Crusher, stone or rock.	X
7. Manufacture of cement, lime, gypsum or plaster of Paris.	X
8. Manufacture of concrete products entirely within an enclosed building.	C
9. Surface mining and quarries, subject.	X
E. Other.	
1. Welding shop.	P
2. Existing residential uses, without any increase in density, and dwelling unit for caretaker on the property.	P
3. Administrative, educational, and other related activities and facilities in conjunction with a permitted use.	P
4. Agriculture.	P
5. Silviculture.	P
6. Off-site hazardous waste treatment and storage facilities, subject to state siting criteria (RCW 70.105.210).	P
7. Airports and helicopters, subject.	C
8. Truck terminal.	X
9. Duplexes or two-family dwellings; triplexes, four-plexes, or other multifamily dwellings; dwelling groups; apartment houses; townhouses; or other multifamily dwellings (subject to the provisions of YMC 18.35.100).	C
10. Single-family residences (subject to the provisions of YMC 18.35.090).	C

Table 6A (Continued)

“P” – Permitted uses; “C” – Conditional uses which may be permitted subject to the approval of a conditional use permit; “X” – Uses specifically prohibited.	
	ML
F. Public Services and Facilities.	
1. Buildings and other structures such as police and fire substations.	P
2. Educational institutions.	C
3. Sewer, water and utility transmission lines.	P
4. Residential care facilities and homes.	X
5. Congregate care facilities.	X
6. Utility substation facilities.	C

[Ord. 564 § 2(b), 2017; Ord. 563 § 2(h), 2017; Ord. 515 § 2(d), 2014; Ord. 371 § 6(B), 1997.]

18.35.030 Accessory uses.

On-site hazardous waste treatment and storage facilities shall be permitted in the ML district, subject to Washington State siting criteria (RCW 70.105.210). [Ord. 564 § 2(b), 2017; Ord. 371 § 6(C), 1997.]

18.35.040 Lot requirements.

Table 6B lists examples of allowable uses in the ML district. New lots and structures and additions to structures subject to this title shall comply with the standards for lots, building height, setbacks and building separation described in Table 6B.

Table 6B

1. Minimum lot area	10,000 sq. feet
2. Minimum lot width	100 feet
3. Minimum lot depth	100 feet
4. Height limit	None
5. Minimum building setback*	
a. Front/street side	20 feet
b. Side (interior)	10 feet
c. Rear	15 feet
6. Maximum building coverage	50 percent
7. Minimum landscaped area/type	20 percent/L1*

* Additional setbacks and/or landscape requirements may apply, particularly adjoining residential uses or zones. See Chapter 18.75 YMC.

[Ord. 564 § 2(b), 2017; Ord. 371 § 6(D), 1997.]

18.35.050 Off-street parking and loading.

Off-street parking and loading shall be provided as required in Chapter 18.70 YMC. [Ord. 564 § 2(b), 2017; Ord. 371 § 6(E), 1997.]

18.35.060 Landscaping.

Landscaping and buffers shall be provided as required in Table 12, Chapter 18.75 YMC. [Ord. 564 § 2(b), 2017; Ord. 371 § 6(F), 1997.]

18.35.070 Signs.

Signs shall be permitted according to the provisions of Chapter 18.85 YMC. [Ord. 564 § 2(b), 2017; Ord. 371 § 6(G), 1997.]

18.35.080 Performance standards.

No land or structure shall be used or occupied within this district unless there is continuing compliance with the following minimum performance standards:

A. Maximum permissible noise levels shall be as determined by Chapter 173-60 WAC, as amended, and applicable provisions of this title.

B. Smoke and Particulate Matter. Air emissions must be approved by the Southwest Air Pollution Control Authority or its successor.

C. Heat and Glare. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building. Exterior lighting shall be designed to shield surrounding streets and land uses from nuisance and glare. [Ord. 564 § 2(b), 2017; Ord. 371 § 6(H), 1997.]

18.35.090 Single-family residences.

Single-family residences are permitted as a conditional use in the light manufacturing district (ML). The regulations and minimum requirements for single-family residences in any residential zoning classification described in Chapter 18.25 YMC, as amended, shall apply as minimum standards to the location of any single-family residence in the light manufacturing zoning district of the town, except as those regulations and minimum requirements may be changed in the discretion and judgment of the town council and expressed in the conditional use permit. [Ord. 564 § 2(b), 2017; Ord. 549 § 1(h), 2016.]

18.35.100 Multiple-family residential apartments.

Duplexes or two-family dwellings; triplexes, four-plexes, or other multifamily dwellings; dwelling groups; apartment houses; townhouses; or other multifamily dwellings are permitted in the ML light manufacturing district as a conditional use. The following provisions apply to the location of such multifamily dwellings in the ML district:

A. Lot Requirements.

1. Lot Area. Minimum lot area shall be 6,000 square feet for the first unit, an additional 2,000 square feet (1,500 square feet if the size of an existing lot is less than 8,000 square feet for duplexes) for the second unit, and a minimum of 1,000 square feet of land for each additional dwelling unit over two units.

2. Front Yard. Minimum front yard setback shall be 20 feet.

3. Side Yard. Minimum side yard setback on each side of the residential dwelling shall be five feet, except on corner lots, where the street side yard setback shall be 20 feet.

4. Rear Yard. Minimum rear yard setback shall be five feet. The rear yard setback shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.

5. Lot Coverage. Maximum lot coverage by buildings and structures shall be 50 percent of the total lot area.

6. Local Health Officer Authority. Where a public sewer system is not available, the local health officer shall have final authority to approve, approve with conditions, or deny any development application for a multifamily residential structure (listed above) in the ML zoning district. No building or development permit for such multifamily residential structure may be issued by the town except in compliance with the conditions described in a recommendation for approval from the local health officer, who shall determine the minimum lot size, minimum land area, lot coverage criteria, dwelling density, soil condition standards, or such other standards and requirements as the local health officer is authorized by law or regulation to determine, as such law or regulation is now enacted or may hereafter be amended. [Ord. 564 § 2(b), 2017; Ord. 563 § 2(i), 2017.]



2019

~~1944~~ BUDGET
SUGGESTIONS

To view all of MRSC's budgeting resources,
visit mrsc.org/budgeting

2019 Budget Suggestions

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Introduction

Welcome to MRSC's 2019 Budget Suggestions publication! As always, we try to provide you with timely and relevant information to help you develop your budget document, within the constraints we face in obtaining the information from the various federal and state agencies. This is a big budget year for local government, as both annual and biennial budgets are being adopted. Remember that the statutory requirements are absolute minimums, and starting your budget process early is key.

We are proud to say that this is the 75th edition of Budget Suggestions! This publication was first published for the 1944 budget year by our predecessor organization, the Bureau of Government Research at the University of Washington (in conjunction with AWC), and since 1970 it has been published under the MRSC name. Be sure and read the "Looking Back in Time: 1944 Budget Suggestions" article for a brief glimpse into what was happening in our state 75 years ago.

Over the years, Budget Suggestions has become an annual summer tradition, a trademark publication that we are proud to produce for local governments. In this anniversary year, we hope to exceed your expectations, and we hope to continue producing this popular budget tool for another 25 years to make it a nice round 100!

Over the past few years we have greatly expanded the budget information available on the MRSC website. Throughout the publication, you will see links to our website for tips, suggestions, and budgeting information. Many of the basic budget concepts and procedures remain unchanged from year to year – such as information on fund types and statutory (RCW) requirements – so we have moved most of that information from Budget Suggestions to our website. This publication now focuses primarily on forecasting of state shared revenues, economic indicators, and state legislation that may impact your budget forecast and development.

In addition, we're expanding our use of technology to explain and simplify the budget process. Two years ago we developed the [State Shared Revenue Estimator](#), which allows you to select your entity's name and automatically populate your per capita state shared revenue projections for the upcoming year. Last year we launched an [Outlook calendar](#) for cities that allows you to download the key dates for the budget process – including RCW links, required procedures, helpful tips, and links to our website and other useful resources – directly to your Outlook calendar. For those new to the budget process, we hope it was and will continue to be an invaluable tool.

We continue to focus on [Financial Management Policies](#). Adopting financial policies for fiscal areas such as fund balance, reserves, asset and debt management, cost allocation, and purchasing are all key components of a fiscally healthy entity. An annual review and update of your financial policies should be a part of your pre-budget process to ensure that they are still relevant and meet your jurisdiction's objectives.

You can view all of these resources and more at mrsc.org/budgeting.

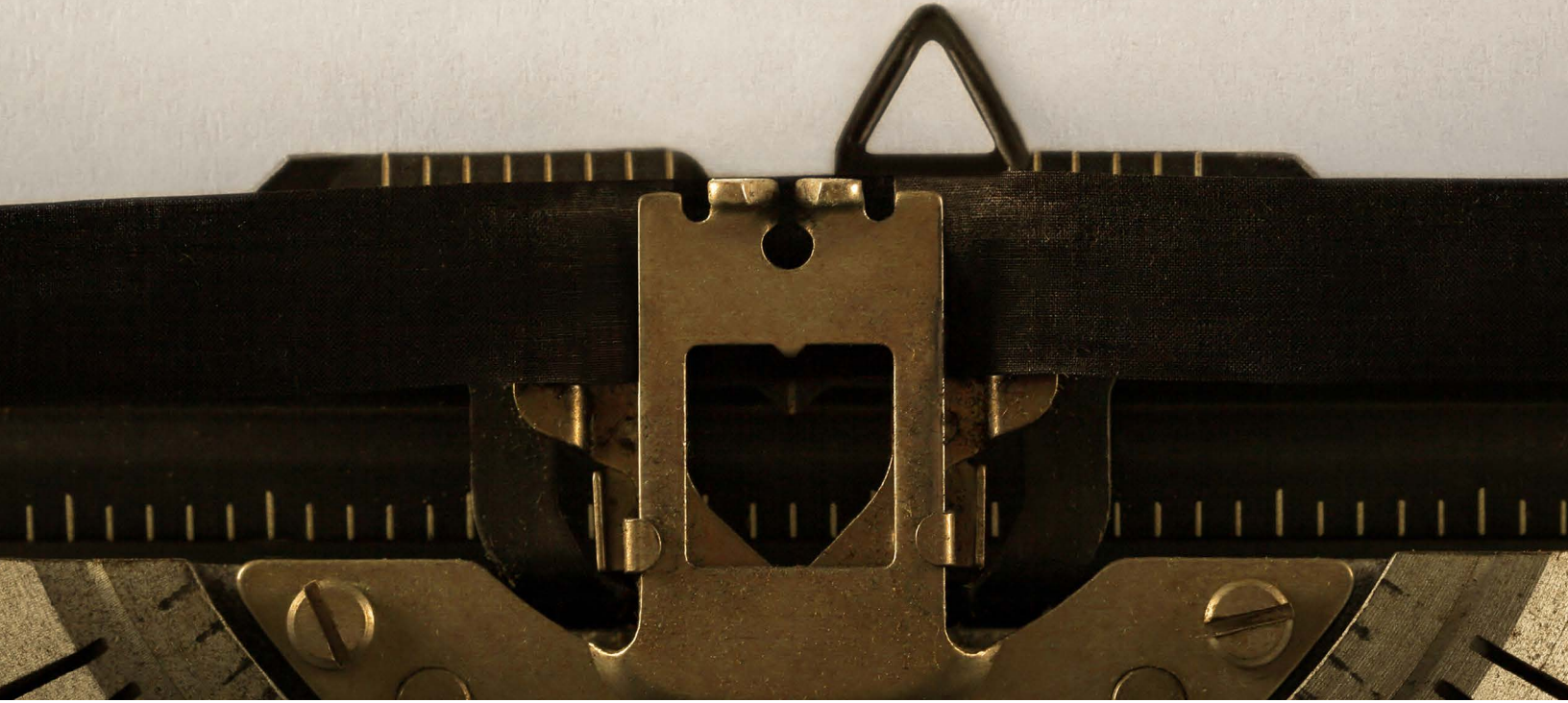
Budget Suggestions is a team effort. Toni Nelson, our Finance Consultant, is the primary author of this publication. Steve Hawley, Senior Communications Coordinator, edited the publication and wrote the chapter on 1944 Budget Suggestions. Marissa Roesijadi, Graphic Designer, designed and assembled the final publication.

If you have any comments about this publication or our online budget resources, we'd love to hear them! Please send your comments to Toni Nelson at tnelson@mrsc.org.

Happy budgeting!

Looking Back in Time

1944 BUDGET SUGGESTIONS



MRSC has served local governments in Washington since 1934 – almost 85 years! – and we are proud to say that this is the 75th anniversary of Budget Suggestions.

The very first Budget Suggestions was published on August 3, 1943, providing guidance for the 1944 budget year, and focused just on cities. World War II was raging, and D-Day was still another 10 months away, but the tide had begun to turn in favor of the Allies.

Back then, MRSC was known as the University of Washington Bureau of Governmental Research (BGR), and our work was closely intertwined with the Association of Washington Cities (AWC), which had been formed around the same time. So close, in fact, that we shared staff members, supplies, the same office on the UW campus in Seattle – and even, until just a few years earlier, the same director (Chester Biesen, the author of 1944 Budget Suggestions).¹

In 1943, the most recent census showed Washington's population was just 1.7 million – less than a quarter of the current 7.3 million. Commercial aviation was in its infancy, and the Port of Seattle had just begun construction on a new Seattle-Tacoma Airport. Redmond – now home to Microsoft – was a small farming community of just 530 people.

Richland, another farming town, had less than 300 residents – that is, until the Army moved in a few months before Budget Suggestions was published and quietly seized the area. Property owners were paid appraised

value and given a month to leave, although some farmers were allowed to stay until their crops were harvested. The federal government razed the town and built the Hanford site, which produced plutonium for the atomic bombs that would be dropped two years later on Japan. (The Town of Richland was formally disincorporated in 1948, only to be reincorporated 10 years later, once federal ownership ended, as the much larger City of Richland that we know today.)

Meanwhile, almost 13,000 state residents of Japanese heritage – most of them American citizens – had been forcibly removed to “internment camps” further inland over unfounded and racially-driven national security fears. The first displacements took place on Bainbridge Island, which now has a memorial to the event. (According to the memorial’s website, local newspapers such as *The Bainbridge Review* opposed the internment and spoke out in support of the Japanese immigrants and their descendants.) Families had just days to leave, and many had to sell their properties and possessions at a fraction of their value. They were then imprisoned for more than three years until the war’s end, but not a single person was ever charged.

All this time, BGR and AWC were producing a number of publications on wartime topics such as civil defense, local blackout ordinances, and the newly implemented Victory Tax (a 5% federal payroll tax on all employees), as well as advising cities to prepare a backlog of public works projects to help cushion against the expected post-war economic shock when soldiers returned home and war manufacturing shut down.

But amid all this turmoil, local governments still had to provide basic services, too. BGR and AWC also wrote about more mundane topics such as livestock control, sick leave, reserve funds, financial statistics, and garbage collection. (All of those topics, incidentally, can be found on the MRSC website to this very day – in a much more modern context, of course.)

And local governments still had to develop their annual budgets. Well, maybe not Richland... but everyone else had to adopt an annual budget. (Biennial budgets wouldn’t be authorized until 1985 for cities and 1995 for counties.)

And that’s where Budget Suggestions came in. Here are some of the tips BGR and AWC provided to city officials to help them develop their 1944 budgets:

Encourage department heads to make as many war-time economies as possible.

Study legislative program of the Association of Washington Cities--note new revenues not hitherto available made possible by the 1943 Legislature.

When the opportunity affords, let your state legislators and Governor know you appreciate the attention given the problems of local government at the 1943 legislative session. Without their help the present favorable financial position of municipalities would not have been possible.

Refrain from reducing taxes. Get out of debt--place finances on a cash basis--economize-- transfer all possible surpluses to cumulative reserve funds to be used for post-war employment and public improvements. Reducing taxes during the war emergency is a direct contribution to inflation.

Prohibition had ended a decade earlier, and “wet” cities were receiving a share of the profits and tax revenues. Liquor revenues were difficult to forecast due to wartime rationing, which reduced sales and profits, but an extra 10% war tax on liquor was expected to more than make up the difference.

"We have based the following estimates in our 1942 business, figuring what our profits will be if we have 58% as much liquor to sell in 1944 as we had in 1942. The reduction of liquor sales will lower our profits approximately \$3,300,000 but with other revenue (beer tax, wine tax, license fees, etc.) remaining the same, the Board will have \$5,800,000 to distribute in the calendar year 1944, which is 82% of what the cities received in 1942. The new 10% war tax will yield an additional \$2,240,000 which is 31 per cent of the 1942 Liquor Board distributions. On this basis each city will receive from Liquor Board profits and from the new 10% war tax 113% of the amount received in 1942. Of course, you understand that each month we pay this war liquor tax into the State Treasury, but, according to law, it is only distributed by the State Treasurer once every six months.

Per capita revenue distributions were based on the last federal census, which meant the population figures were only updated every 10 years, plus periodic adjustments to account for cities newly incorporated since the last census.

Distribution is made monthly by the State Treasurer on the basis of the last Federal census, provided, cities incorporated thereafter are to be included, using their incorporation figure as official population.

But that was about to change. The 1940 Census numbers were already outdated – in just three years, there had been a massive influx of soldiers, sailors, wartime manufacturing workers, and their accompanying families that stressed housing markets and stretched public services, particularly in places like Tacoma and Bremerton.

To help address these challenges, AWC had successfully lobbied during the 1943 legislative session for a new special war appropriation to cities. The state allocated \$1 million per year—approximately \$14.4 million in today's dollars—with half distributed to all cities on a per capita census basis and half going to "war center" cities that had experienced at least 3% population growth since the 1940 Census.

5. SPECIAL STATE APPROPRIATIONS FOR WAR EMERGENCY

- a. \$500,000 is distributed on basis of 1940 census, including newly incorporated cities (1,059,414), or about 47¢ per capita. Distribution of this appropriation made in accordance with Chapter 81, Laws of 1943 on January 1, 1944 (or before). Moneys to be placed in a special "state aid fund" to be used only for police and fire protection, health and sanitation, libraries, parks, and civilian defense.
- b. \$500,000 to war center cities, or municipalities having an increase of more than 3% in population since 1940. Distribution, as provided by Chapter 81, Laws of 1943, is made on basis of increase in population as determined by special census board estimates, newly incorporated cities to be included. Two payments to be made in 1944-- (1) April 1 and (2) October 1. Place moneys in "state aid fund" and use only for police and fire protection, health and sanitation, libraries, parks, and civilian defense.

In order to measure this post-census population growth, the legislature created a new three-person Washington State Census Board at the University of Washington, comprised of one appointee from UW, one from Washington

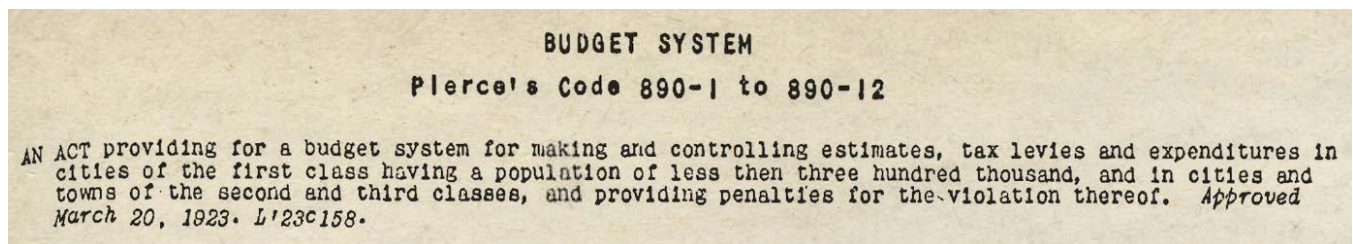
State College (now WSU), and one from the State Planning Council (abolished in 1945 and incorporated into what eventually became the Department of Commerce). The Census Board relied heavily on data like school enrollment, vital statistics (births, marriages, and deaths), utility hookups, housing stock, payroll data, and ration books to create population ratios and generate quick and inexpensive population estimates every six months.²

In doing so, Washington became the first state in the country to introduce post-census population estimates. In 1945, the state began distributing all shared revenues based on post-census estimates made by the Census Board. The Census Board remained in existence until 1967, when its functions were transferred to the state and eventually to the current Office of Financial Management.

Cities were still classified as first, second, third, or fourth class – the Optional Municipal Code wouldn't take effect until 1969 – and all city budgets had to be adopted by early October, not the current deadline of December 31.

5. October—first Monday: Council conducts public hearing on budget for period not to exceed five days--upon completion of hearing fix and determine each item of budget and adopt by ordinance. Transmit copy of budget to Division of Municipal Corporations. By ordinance fix amount of tax levies and certify them to county commissioner.

Complicating matters, there was no uniform statutory code. Instead, local officials had to rely on one of two codes compiled by different individuals – either Pierce's Code or Remington's Revised Statutes. The legislature had declared both codes to be official, but they used very different numbering systems, which made statutory citations rather complicated.³ 1944 Budget Suggestions included the Pierce's Code budget laws in the appendix. The Revised Code of Washington (RCW) was finally adopted in 1950, simplifying legal citations.



After the original 1944 Budget Suggestions, there was a three-year gap. The next Budget Suggestions wouldn't be published until 1947 (providing guidance for the 1948 budget year), but we've been publishing it every summer since then.

It's interesting to look back at 1944 Budget Suggestions and think about how different things were and how much has changed since then. But some things are still the same, such as MRSC's steadfast support of local governments throughout the state. We look forward to serving you and helping you develop your budgets for another 75 years!

² Swanson, David A. The Washington State Census Board and Its Demographic Legacy. Cham, Switzerland: Springer International Publishing, 2016.

³ Kunsch, Kelly. "Statutory Compilations of Washington." University of Puget Sound Law Review 12, no. 2 (1989): 285-308.

Want to read the entire 1944 Budget Suggestions document?

We've posted it to our website! The document contains six pages of suggestions, plus an appendix listing the complete city budgeting laws in effect at the time. [Read 1944 Budget Suggestions](#)

The Budget Process

2019 Budget Calendar for Cities and Towns

The annual budget preparation procedures and deadlines for cities are found in [chapter 35A.33 RCW](#) (code cities) and [chapter 35.33 RCW](#) (all other cities and towns except Seattle) and outlined below. The procedures and deadlines are the same for biennial budgets, although the statutory citations are different (see page 8).

The pre-budget items listed below are recommendations only and are not required by statute. The rest of the items are statutory deadlines only – cities and towns can take these steps earlier than listed or adopt different deadlines for some of these steps by ordinance or charter. For more information on public hearing requirements, see page 10.

We recommend that each city and town develop a timeline that best meets its needs, assures compliance with the statutes, and provides sufficient time to prepare this vital plan.

For recent examples of budget preparation calendars created by cities and towns, as well as a downloadable calendar that will load all of this information directly into your Outlook calendar, see our webpage [2019 Budget Calendar for Cities and Towns](#).

For a detailed explanation of the budget requirements, as well as some helpful practice tips, see our webpage [Budget Preparation Procedures for Cities and Towns](#).

March—August	Pre-Budget Items Council retreat Update and/or adopt financial policies Public hearings for capital facility plan updates Public forums or community outreach (ex: community priorities) Mayor/Manager communicates budget objectives to staff
September	Sept 10 Budget request to all department heads. Sept 10–23 Department heads prepare estimates of revenues and expenditures. Clerk prepares estimates for debt service and all other estimates. Sept 24 Budget estimates from department heads filed with clerk Sept 25 Implicit price deflator calculated (only applies to cities of 10,000+ population)
October	Oct 1 Clerk provides estimates filed by department heads to Mayor/Manager showing complete financial program. Mayor/Manager provides Council with estimates of revenues from all sources including estimates prepared by clerk for consideration of setting property tax levy. Mid-October to Mid-November (suggested) Public hearing on revenue sources including possible increases in property tax.
November	Nov 2 Mayor/Manager prepares preliminary budget and budget message. Files with clerk and council. Nov 2–20 Publication notice of preliminary budget and final hearing. Nov 2–29 Public hearing(s) on preliminary budget. Public hearing on revenue sources for levy setting. Nov 19 Copies of budget available to public Nov 30 Property tax levies set by ordinance and filed with the County
December	Dec 3 Final budget hearing Dec 31 Budget adoption

2019 Budget Calendar for Counties

The budget preparation procedures and deadlines for counties are found in [chapter 36.40 RCW](#) and outlined below. The procedures and requirements are the same for both annual and biennial budgets, although biennial budgets have an additional mid-biennium review and adjustment period as discussed on page 9.

The pre-budget items listed below are included as recommendations only and are not required by statute. The rest of the items are statutory deadlines only; the board of commissioners may alter the dates for some of these budget processes to conform to the optional alternative preliminary budget hearing date in December ([RCW 36.40.071](#)).

Many counties have adopted alternative dates, and we recommend that each county develop a timeline that best meets its needs, assures compliance with the statutes, and provides sufficient time to prepare this vital financial plan.

For more information on public hearing requirements, see page 11.

For recent examples of budget preparation calendars created by counties, see our webpage [2019 Budget Calendar for Counties](#). For a detailed explanation of the budget requirements, as well as some helpful practice tips, see our webpage [Budget Preparation Procedures for Counties](#).

March—June	Pre-Budget Items Strategic planning sessions to develop goals and priorities Update and/or adopt financial policies Public hearings for capital facility plan updates for GMA planning counties Capital improvement plan updates for partially planning GMA counties Communicate budget objectives to county departments and elected offices
July	July 9* County auditor or chief financial officer (CFO) notifies all officials of the request for budget
August	Before Aug 13* Auditor or CFO prepares estimates for debt service and all other estimates not called for in the notification to officials. Aug 13* Budget estimates from all officials filed with auditor or CFO.
September	Sept 4* Preliminary county budget prepared by auditor or CFO is submitted to the commissioners. Sept 17* Notice of public hearing on budget and tax levies. Copies of budget available to the public. Sept 25 Implicit price deflator calculated (only applies to counties of 10,000+ population)
October/November	Oct 1* Final budget hearing by board of commissioners. Nov 30 County legislative authority to certify to the county assessor the amount of taxes to be levied upon property in the county.
December	Dec 3 Alternate final budget hearing on preliminary budget. Dec 31 Budget adoption

** Dates may be altered if County is using alternate budget calendar*

Biennial Budgets

CITIES AND TOWNS

Any cities and towns may begin budgeting on a biennial (two-year) basis if desired (see [Ch. 35A.34 RCW](#) for code cities and [Ch. 35.34 RCW](#) for all other cities and towns). By statute, the biennial fiscal period must start on January 1 of an odd-numbered year and end on December 31 of the following even-numbered year.

The next biennial budget period is 2019-2020, which means all cities and towns that budget on a biennial basis will be preparing their budget this year.

The calendar for developing a biennial budget is identical to the annual budget calendar shown on page 6. In addition, the city or town must review and modify the budget by ordinance sometime between September 1 and December 31, 2019 ([RCW 35.34.130/RCW 35A.34.130](#)).

Any city or town that currently budgets on an annual basis and wants to switch to a biennial budget process must pass an ordinance to that effect no later than June 30 of the preceding even-numbered year, six months before the beginning of the fiscal biennium ([RCW 35A.34.040/RCW 35.34.040](#)). **Any city wishing to switch to a biennial process that did not adopt an ordinance by June 30, 2018, may not begin budgeting on a biennial basis until the 2021-2022 biennium at the earliest.**

Any city or town may also revert from a biennial budget process to an annual budget process by repealing the ordinance that established the biennial process ([RCW 35A.34.040/RCW 35.34.040](#)). The repeal must take effect at the end of a fiscal biennium; cities and towns may not abandon the biennial budget process halfway through the biennium. During the final (even-numbered) year of the biennium, the city or town would then prepare and adopt an annual budget to take effect January 1 of the following (odd-numbered) year.

For more information, including a list of cities and towns using a biennial budget process, examples of resolutions adopting or abandoning a biennial budget process, and examples of biennial budget preparation calendars, see our webpage on [Biennial Budgeting](#).

For information on public hearing requirements, see pages 10 and 12.

Mid-Biennium Review and Adjustment Dates for Cities and Towns

September 1-December 31, 2019: Mid-biennial review and modification must be completed no sooner than September 1 and no later than December 31. Public hearing and public notice are required and modifications, if any, must be adopted by ordinance. Copies of the mid-biennial review must be transmitted to the State Auditor's Office and MRSC (representative for AWC) after adoption.

November 30, 2019: Deadline for cities/towns using a biennial budget to certify to the county assessor the amount of property taxes to be levied for the second year of the biennium. Any city/town that misses this deadline may not increase its 2020 levy above its 2019 level.

COUNTIES

Any county may adopt a biennial budget ([RCW 36.40.250](#)). Unlike cities, counties may start the biennium on January 1 of any year.

The calendar for developing a biennial budget is identical to the annual budget calendar shown on page 7. In addition, each county adopting a biennial budget must provide for a mid-biennial budget review and modification for the second year of the budget cycle. The modification must be adopted by resolution or ordinance. No exact deadline is provided, but in practice the budget should be reviewed and modified by the end of the first year of the biennial budget cycle.

To switch from an annual budget process to a biennial budget process, a county must adopt a resolution or ordinance to that effect. Unlike cities, the county statute gives no indication of when this ordinance or resolution must be passed. Practically speaking, it probably needs to be done no later than April 1 so that the request for budget proposals to county officials and department heads can outline the change and allow sufficient time to prepare the estimates that are due to the auditor in August.

The statute also provides an option for counties to adopt a biennial budget for some funds – with the same mandatory mid-biennium adjustment – and an annual budget for others.

Any county may revert to an annual budget process by repealing the ordinance that established the biennial process. The repeal must take effect at the end of a fiscal biennium; counties may not abandon the biennial budget process halfway through the biennium. During the final year of the biennium, the county would then prepare and adopt an annual budget to take effect January 1 of the following year.

For more information, including a list of counties using a biennial budget process, examples of resolutions adopting or abandoning a biennial budget process, and examples of biennial budget preparation calendars, see our webpage [Biennial Budgeting](#).

For information on public hearing requirements, see pages 11–12.

Mid-Biennium Review and Adjustment Dates for Counties

November 30: Deadline for board of county commissioners to certify to the county assessor the amount of property taxes to be levied for the coming fiscal year, regardless of whether the county is using an annual or biennial budget process. Any county that misses this deadline may not increase its levy above its current level.

December 31: Suggested deadline for mid-biennium review and modification. While [RCW 36.40.250](#) requires a mid-biennium review and modification it does not provide specific deadlines for this procedure but refers the County to the State Auditor for requirements. The State Auditor’s office through its publication of BARS for both GAAP and Cash Basis entities does not currently prescribe any specific requirements for this biennial requirement. Our office recommends using the same public hearing and public notice process that is used for a supplemental budget appropriation ([RCW 36.40.100](#))

Budget Hearings

One question we get asked every year is, “How many public hearings are required for the budget process?” So this year, we’re addressing the issue here in Budget Suggestions.

CITIES AND TOWNS

By MRSC’s analysis, each city or town must hold at least three public hearings during the budget preparation process. The minimum statutory requirements are addressed below, but please note that some cities may have adopted additional public hearing requirements by policy.

Public Hearing #1: Property Taxes/Revenue Sources

Recommended timeline: mid-October to mid-November.

Statutory deadline: Prior to levy certification (no later than November 30). See [RCW 84.55.120](#).

The legislative body must hold a public hearing on revenue sources for the coming year’s budget, including consideration of possible increases in property tax revenues, prior to the property tax certification deadline, which is November 30. Public notice is required, but beyond the requirement to publish in the official newspaper of the city/town there are no additional publication requirements stated in statute.

After the hearing, a city/town may choose to pass an ordinance at the same meeting establishing the property tax levy in terms of total dollars and percent increase from the previous year. This ordinance may cover a period up to two years, but in practice most jurisdictions – even biennial budget jurisdictions – hold a revenue hearing every year.

Because of the importance of revenue forecasting as a precursor to presenting a structurally balanced budget, we suggest that the property tax hearing precede the preliminary budget hearing (see below). This would place the property tax hearing sometime between mid-October and mid-November.

Public Hearing #2: Preliminary Budget Hearing

Statutory deadline: Prior to final budget hearing; typically held during November. See [RCW 35.33.057/RCW 35A.33.055](#) (annual budgets) and [RCW 35.34.090/RCW 35A.34.090](#) (biennial budgets).

The legislative body, or a committee thereof, must schedule preliminary budget “hearings on the budget or parts thereof” prior to the final budget hearing, which must be on or before the first Monday in December, and may require the presence of department heads to give information regarding estimates and programs. Public notice is required, but beyond the requirement to publish in the official newspaper of the city/town there are no additional publication requirements stated in statute.

Since the statutory language references “hearings” as plural, it has long been MRSC’s opinion that more than one preliminary budget hearing is required. However, since the statute also states that the hearings may be “on the budget or parts thereof,” we also conclude that cities and towns may count the property tax/revenue hearing outlined above as one of the required preliminary hearings. This means cities and towns must hold at least one preliminary budget hearing in addition to the property tax/revenue hearing.

Public Hearing #3: Final Budget Hearing

Statutory deadline: Must begin by Monday, December 3, 2018 and conclude no later than Friday, December 7, 2018. See [RCW 35.33.071/RCW 35A.33.070](#) (annual budgets) and [RCW 35.34.110/RCW 35A.34.110](#) (biennial budgets).

The legislative body must conduct a final budget hearing on or before the first Monday in December. The hearing may be continued from day-to-day, but no later than December 7 (the 25th day prior to the next fiscal year).

Notice of the final budget hearing must be published once a week for two consecutive weeks in the official newspaper. See [RCW 35.33.061/RCW 35A.33.060](#) (annual budgets) and [RCW 35.34.100/RCW 35A.34.100](#) (biennial budgets).

COUNTIES

By MRSC's analysis, each county must hold at least two public hearings during the budget process. The minimum statutory requirements are addressed below, but please note that some counties may have adopted additional public hearing requirements by policy.

Public Hearing #1: Property Taxes/Revenue Sources

Statutory deadline: Prior to levy certification (no later than November 30) and prior to final budget hearing. See [RCW 36.40.071](#).

The legislative body must hold a public hearing on revenue sources for the coming year's budget ([RCW 84.55.120](#)), including consideration of possible increases in property tax revenues, prior to the property tax certification deadline, which is November 30. Public notice is required, but beyond the requirement to publish in the official newspaper of the county there are no additional requirements stated in statute.

After the hearing, a county may choose to pass an ordinance at the same meeting establishing the property tax levy in terms of total dollars and percent increase from the previous year. This ordinance may cover a period up to two years, but in practice most jurisdictions – even biennial budget jurisdictions – hold a revenue hearing every year.

Public Hearing #2: Final Budget Hearing

Statutory deadline: Must begin on Monday, October 1, 2018 (or Monday, December 3 if county has adopted alternate budget dates pursuant to [RCW 36.40.071](#)) and conclude within 5 days. See [RCW 36.40.070/RCW 36.40.071](#).

The legislative body must meet on the first Monday in October, or alternatively the first Monday in December if using the alternate budget dates, for the budget hearing. Notice of the final budget hearing must be published once each week for two consecutive weeks, immediately following adoption of the preliminary budget, in the county's official newspaper ([RCW 36.40.060](#)).

Officials in charge of county offices, departments, services, and institutions must appear at the hearing and may, at the appropriate time, be questioned concerning their budget estimates by the commissioners or any taxpayer.

The hearing may be continued from day-to-day but may not exceed a total of five days. Upon conclusion of the hearing, the legislative body must fix and determine each budget item separately and must adopt the budget by resolution.

BUDGET HEARINGS FOR BIENNIAL BUDGET MID-BIENNIUM ADJUSTMENTS

Cities and counties that have adopted a biennial budget process must provide for a mid-biennial budget review and modification (see pages 8–9).

Cities/Towns

By MRSC’s analysis, each city or town must hold at least two public hearings for the mid-biennium review and adjustment. Some cities may have adopted additional public hearing requirements by policy.

The biennial budget statutes state that cities “shall provide for public hearings on the proposed budget modification” and “shall provide for publication of notice of hearings consistent with publication of notices for adoption of other city or town ordinances.” See [RCW 35.34.130/RCW 35A.34.130](#).

Because “hearings” is plural, it is our interpretation that at least two public hearings are required. However, as with the initial budget development, the property tax/revenue hearing ([RCW 84.55.120](#)) can count as one of the hearings. After the revenue hearing, cities must hold at least one additional public hearing on the mid-biennium review and adjustment.

Counties

[RCW 36.40.250](#) provides counties with the authority to adopt a biennial budget and states that there must be a “mid-biennium review and modification for the second year of the biennium.” However, the statute goes on to state that “[t]he state auditor shall establish requirements for preparing and adopting the mid-biennium review and modification for the second year of the biennium.”

The state auditor provides limited guidance through its BARS manuals for the budget process and there are no additional requirements or guidance for the mid-biennium review. MRSC recommends that those counties with a biennial budget follow the same requirements as outlined above for cities.

PUBLIC HEARINGS FOR BUDGET AMENDMENTS

After the budget is adopted, cities, towns, and counties may amend the budget at any time. It’s especially important to monitor budget appropriation levels as local government reaches the end of its budget cycle. Cities, towns, and counties must have sufficient budget appropriations available for all expenditures including open period expenditures. Budget amendments, if any, must be adopted on or before December 31.

Most budget amendments do not require public hearings under state law, although some jurisdictions may have adopted public hearing requirements by policy.

Cities, towns, and counties are not required to hold public hearings on budget amendments related to “nondebtable” emergencies – see [RCW 35.33.081/RCW 35A.33.080](#) (city/town annual budgets), [RCW 35.34.140/RCW 35A.34.140](#) (city/town biennial budgets), and [RCW 36.40.180](#) (counties). Public hearings are also not required for expenditures of unanticipated revenues, transfers within a single fund, or budget reductions. These types of amendments must be made by ordinance but do not require a public hearing.

However, public hearings are required for increasing expenditures for other “public emergencies” that are not considered “nondebtable” – see [RCW 35.33.091/RCW 35A.33.090](#) (city/town annual budgets), [RCW 35.34.150/RCW 35A.34.150](#) (city/town biennial budgets), and [RCW 36.40.140](#) (counties). For cities and towns, the public notice requirements are not specifically outlined in statute. MRSC recommends following the same notice requirements of the preliminary budget hearing. Counties must publish notice of the hearing, as well as a resolution stating the facts of the emergency and the estimated amount of money required to meet it, once in official county newspaper at least one week before the hearing.

Demographic and Economic Indicators

Population Estimates

Population estimates are of particular importance to cities and counties, as they not only indicate whether the population is growing and how quickly, but they also form the basis for the distribution of many state shared revenues (see page 32).

The Office of Financial Management (OFM) is responsible for determining populations of all cities, towns, and counties every year as of April 1. Those estimates are certified to the secretary of state on or before July 1 and distributed to the state agencies responsible for making allocations or payments to local governments. The updated distribution rates then take effect on January 1 of the following year.

According to [OFM's April 1, 2018 population estimates](#), the state's total population is about 7.43 million, an increase of more than 117,000 people (1.6%) over the past year. While this growth is high by historical standards, it is a little lower than the increase recorded last year.

Most of this increase – almost 84,000 people, or 71% – continues to be driven by migration as more people move into Washington than move out. However, net migration has dropped more than 9% in the past year. The remaining increase – almost 34,000 people, or 29% – is attributable to natural increase (births minus deaths). Natural increase has dropped by about 6% in the past year.

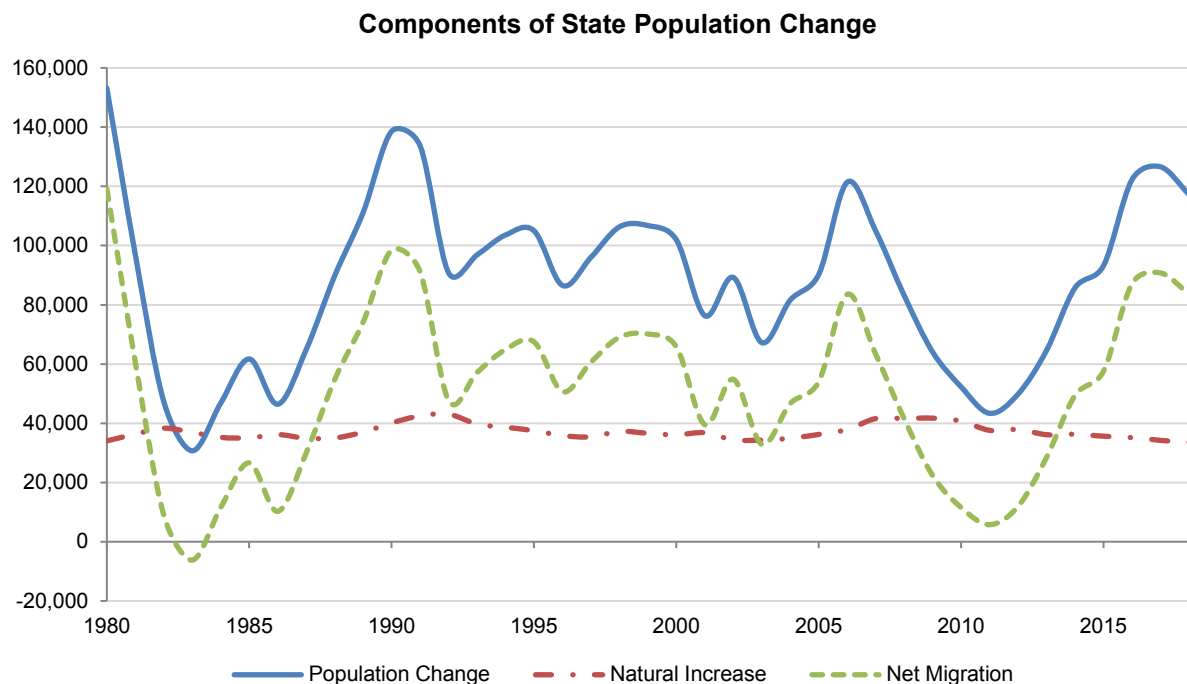


Image credit: Washington State Office of Financial Management

As OFM notes, “population growth remains concentrated in the five largest metropolitan counties – Clark, King, Pierce, Snohomish, and Spokane, [but] momentum has shifted to [other counties].” The five largest counties accounted for 70% of population growth, with other metropolitan counties accounting for 22% and nonmetropolitan counties accounting for 8%.

About 4.83 million people (65%) live in cities and towns, with the remaining 2.59 million (35%) living in unincorporated areas. The majority of the population growth last year was concentrated in cities and towns, which grew by a total of 1.76% compared to growth of 1.31% in unincorporated counties. Annexations accounted

for an increase of 6,300 in the incorporated population – largely due to Vancouver’s Van Mall North annexation – and a corresponding decrease in the unincorporated population.

To see your jurisdiction’s total population and recent changes, refer to OFM’s [April 1, 2018 population estimates](#) or our [Tax and Population Data webpage](#).

State shared revenue distributions are adjusted quarterly to reflect shifts in population due to annexations that may have taken effect during that time. These numbers are typically small and do not have a significant impact on state shared revenues for most jurisdictions. The more significant impact is on “core revenues” such as property taxes and sales taxes, which will increase for the cities and towns affected and decrease for affected counties. See page 28 for more information on core revenues and page 32 for annexation adjustments applicable to state shared revenues.

Economic Factors

There are several economic factors that, for many, are instinctively incorporated into the budget forecasting process, especially if using judgmental forecasting and/or historical trend analyses. In particular, economic conditions may have an impact on revenue projections, especially in jurisdictions that are heavily dependent upon retail sales tax.

Major components of economic modeling in the budget process include inflation, employment, population growth, and the prevalence or concentration of particular industries within the local jurisdiction.

STATE AND NATIONAL ECONOMIES

The state and national economies are generally regarded to be very strong right now, as noted by the [June 2018 Economic and Revenue Update](#) from the Washington State Economic and Revenue Forecast Council (ERFC), but there are major questions and potential economic threats looming that local governments need to keep in mind.

Monthly job growth remains strong and unemployment rates are extremely low. The ERFC report notes that Washington's current unemployment rate is 4.7%, which is approaching the all-time record low of 4.6% set in 2007. However, we should note that local context matters a lot, and the county unemployment rates published by the Employment Security Department ranged from a low of 3.4% to a high of 12.0% as of May 2018. We recommend that you consider your [county unemployment rates](#) when using unemployment as a factor for budget projections.

The current economic expansion has now lasted for 9 years under two presidents – the second-longest expansion in recorded American history dating back to the 1850s. (The record is exactly 10 years, from March 1991 to March 2001, and if the current expansion continues we would surpass that mark in July 2019.)

But there are also many clouds gathering on the horizon. Arguably the biggest are the growing trade disputes and tariffs between the United States and most of our major trading partners – including China, Canada, Mexico, and the European Union – that could have a significant negative impact on Washington's export-heavy economy. There are reports that Washington's agriculture industry in particular is already being affected.

Other potential concerns include geopolitical risks with Russia, North Korea, and other countries; rising oil and gas prices; federal immigration debates that could adversely impact agriculture, construction, technology, and other industries; and recent interest rate hikes by the Federal Reserve (with more anticipated), which will increase the cost of borrowing. And of course, there is the fact that historically no economic expansion has ever lasted longer than 10 years.

No one knows how all of these complex and overlapping issues will play out, and ERFC is still forecasting continued economic growth at least through 2020. However, with so much uncertainty, combined with historical trends, local governments should not be surprised if a recession occurs within the next 1-2 years and should consider all of these factors when developing their long-term forecasts.

CONSUMER PRICE INDEX

The Consumer Price Index (CPI) is one of the most widely used measures of inflation, and along with the Implicit Price Deflator (IPD), it is one of the two most frequently watched economic indicators for local governments in Washington State.

The CPI is a measure of the average change in prices paid over time for a fixed “market basket” of goods and services. The CPI reflects the spending patterns of two groups:

- The CPI for **urban consumers (CPI-U)** measures the percentage change in prices faced by urban consumers and represents approximately 93% of the nation’s population. It is based on the expenditures of almost all residents of urban or metropolitan areas, including urban wage earners and clerical workers.
- The CPI for **urban wage earners and clerical workers (CPI-W)**, sometimes referred to as the “blue collar measure,” is a subset of the CPI-U. Its market basket reflects the expenditures of urban households that derive more than half their income from clerical and hourly wage jobs, covering approximately 29% of the population.

National CPI updates are published every month by the Bureau of Labor Statistics (BLS). BLS also publishes metropolitan indexes for certain areas, including a Seattle index that is published every two months.

However, BLS recommends the use of the national CPI-U or CPI-W indexes for all contract adjustments, due to the fact that the metro indexes are published less frequently and are based on a smaller sample, making them more volatile and subject to measurement error.

None of these indexes measure price changes in rural areas – but realizing that towns and counties in rural areas need some indicator to use, we recommend using one of the national indexes.

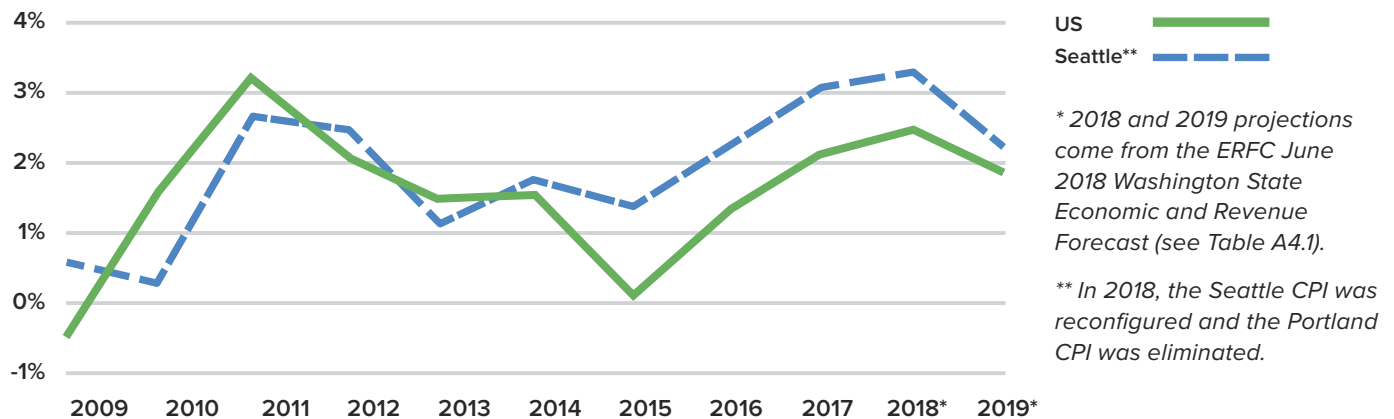
For those jurisdictions that do rely on a metro index, BLS has implemented major geographic changes to the CPI for the first time in 20 years. Effective January 1, 2018, the former Seattle-Tacoma-Bremerton index (which included King, Pierce, Island, Kitsap, and Thurston counties) is now the Seattle-Tacoma-Bellevue index (which has been modified to include only the three largest counties of King, Pierce, and Snohomish counties; Island, Kitsap, and Thurston counties are longer included).

In addition, the Portland-Salem index, which also included Clark County and was used by some local governments in Washington, has been eliminated. Any local government that used the Portland-Salem index for inflation indexing will need to adopt a different index.

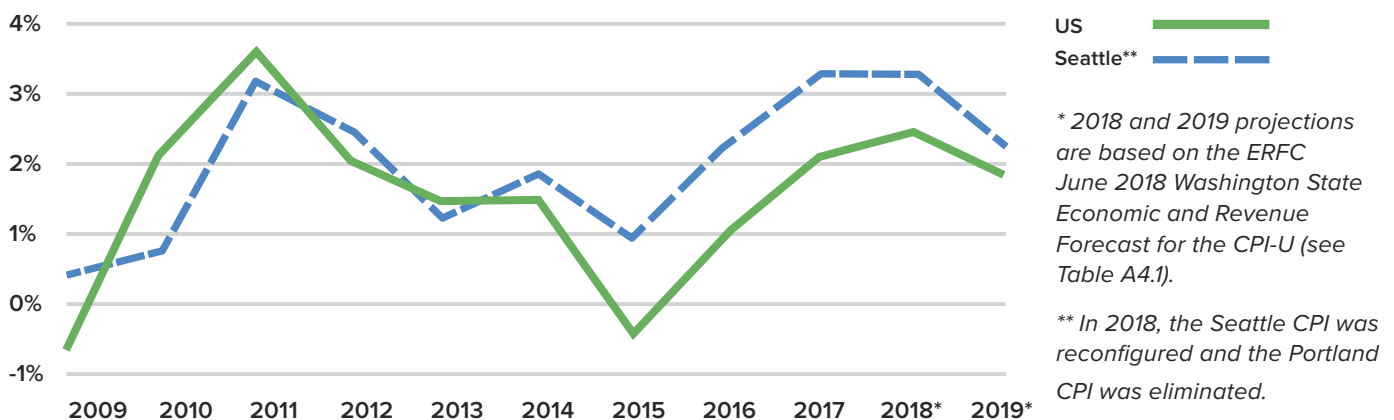
The charts on the following page show the annual average change for the CPI-U and CPI-W indexes over the last 10 years. As previously mentioned, BLS does not recommend the use of the metro indexes due to volatility.

For more information, including the most recent data releases, see our [Consumer Price Index](#) webpage.

CPI-U Annual (Calendar Year) Change and Projections, 2009–2019



CPI-W Annual (Calendar Year) Change and Projections, 2009–2019



IMPLICIT PRICE DEFLATOR

The implicit price deflator (IPD) for personal consumption expenditures is the other major inflation index followed by local governments in Washington, and it is primarily of interest to taxing jurisdictions with a population of 10,000 or more.

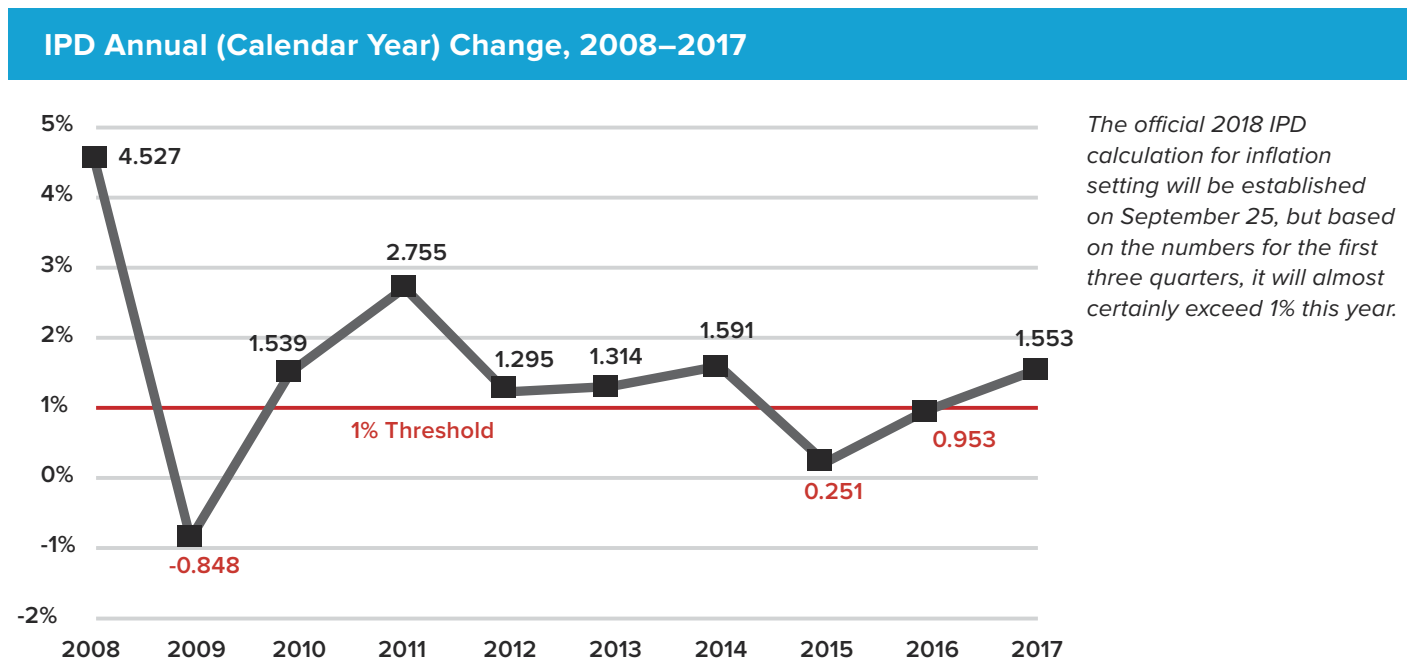
The IPD is published quarterly by the federal Bureau of Economic Analysis, with monthly estimates, and it became an integral part of the process of setting property tax increases after the passage of Initiative 747 in 2001. Taxing districts with a population of 10,000 or more may increase their total annual levy amount by 1% or the percentage increase of the IPD, whichever is less – which can be a big deal in years when the IPD falls below one percent.

However, if the IPD falls below the one percent cap, a taxing district with a population of 10,000 or more can still increase its levy amount beyond the IPD increase and up to the full 1% if it adopts a resolution or ordinance declaring a “substantial need” to increase the levy above the IPD rate.

Taxing districts with a population under 10,000 are not impacted by the IPD and may increase their total annual

The IPD number used for the property tax levy setting is officially declared by the Department of Revenue (DOR) on September 25 ([RCW 84.55.005](#)), and over the past few years the IPD number used has been the first estimate for the second quarter, which is typically the August publication. The September BEA release usually occurs after the September 25 statutory date, but this year the BEA release date is set for the morning of September 25, so the September release will determine the official IPD rate.

The chart below shows the change in the IPD in the past 10 years. The IPD data shown for each year was used to set property tax levies for the subsequent levy year.



At this time, the IPD appears safely above 1% for 2018, which means cities and counties with a population over 10,000 should be able to increase their 2019 levy amounts the full 1% without having to declare a finding of substantial need. However, each June the BEA conducts an annual update of the data that includes the last three years of quarterly IPD numbers. This means that the national income and product accounts (NIPAs) where the IPD is calculated ([Section 1 - Table 1.1.9](#)) will be adjusted to reflect new and improved methodologies and incorporate new source data. This year is a comprehensive update year of the NIPA accounts (completed once every 5 years), and therefore the IPD rate may be quite a bit different from the rate we have been seeing so far this year. BEA has published an article entitled [Preview of the 2018 Comprehensive Update to the National Income and Product Accounts](#) that describes the major changes that will be introduced.

One way or another, we will publish the official IPD figure in our blog and e-newsletters in late September. Make sure you are signed up for our [In Focus: Finance](#) newsletter so we can send you the information as soon as it is released.

For more information – including examples of substantial need findings in the unlikely event that the IPD does fall below one percent this year – see our [Implicit Price Deflator](#) webpage.

New Legislation

Recent Legislation That May Affect Your Budget

In the past, we have focused only on the most recent legislative session in Budget Suggestions. However, this year we are including several bills that have been adopted in prior sessions, since there are several pieces of legislation from previous years that will start having a fiscal impact in 2019.

MARKETPLACE FAIRNESS ACT – EHB 2163

[EHB 2163](#), enacted in 2017, had a few different components with varying effective dates:

- 1. Capture the retail sales tax lost from internet and remote sales (Parts 1 and 2 of EHB 2163).** This legislation should have a direct impact on local governments by increasing their projected sales tax income effective January 1, 2018, and preliminary estimates indicate that local governments are seeing some results. The DOR and several local government representatives met last December to discuss concerns about monitoring and tracking of remote sellers and marketplace facilitators. The [SST meeting minutes](#) provide some insight into the best ways to monitor these remote sales revenues. (Note: The U.S. Supreme Court recently ruled in [South Dakota v. Wayfair](#) allowing states and local governments the ability to require vendors with no physical presence in the state to collect sales tax.)
- 2. Eliminate the sales and use tax exemption for bottled water and narrow a use tax exemption for self-produced fuel (biomass) (Part 1 of EHB 2163).** This portion took effect August 1, 2017. Bottled water sales have been strong for many years and local governments should already be seeing increases in sales tax due to the elimination of this tax exemption.
- 3. Eliminate streamlined sales tax (SST) mitigation payments to local governments (Part 4 of EHB 2163).** The Marketplace Fairness Act is also phasing out the streamlined sales tax (SST) mitigation payments that many cities and counties have received since 2008. SST mitigation helped compensate jurisdictions for sales tax revenues that were lost when the state switched from an origin-based to a destination-based sales tax for delivered goods. Transit agencies were eliminated last year, while the remaining cities, counties, and public facility districts are being phased out between January 1, 2018 and September 30, 2019.

As jurisdictions receive increased sales tax revenues from internet and remote sales, their SST mitigation payments are reduced by a corresponding amount, and all mitigation payments will cease as of October 1, 2019. The estimated loss of annual income for cities and counties is \$14.1 million, while DOR has projected the increased local revenues from internet sales for 2019 at \$47.3 million (although there have been some conflicting estimates from other agencies).

In many cases, DOR expects the increased sales tax revenues from remote sales to more than offset the elimination of the SST mitigation payments. The number of number of local governments receiving payments has fallen from 51 on March 30, 2018 (for activity during Q4 2017) to 26 on June 29 (for activity during Q1 2018; see [June 2018 SST Mitigation payments](#)), with total quarterly payments falling from \$3.5 million to \$2.5 million.

However, there are a few cities where the expiration of SST mitigation payments will have a significant budgetary impact beginning October 1, 2019. In particular, the cities of Kent, Auburn, Tukwila, Issaquah, Fife, Woodinville, Sumner, Spokane Valley, Burlington, and Lynnwood were the primary recipients of the June 2018 distribution. These jurisdictions, plus a few others that received smaller distributions, are anticipated to lose a combined \$10 million annually once SST mitigation expires. Interestingly enough, none of the counties seem to have an ongoing net revenue impact.

BUSINESS LICENSE AND TAX SIMPLIFICATION – EHB 2005

[EHB 2005](#), enacted in 2017, is the result of a city task force created in 2016 ([HB 2959](#)) and working through the Association of Washington Cities (AWC) to evaluate options to simplify local business taxes and licensing, particularly for businesses that operate within multiple jurisdictions. The result is that cities and towns with general business license requirements must partner with either the state Business Licensing Service (BLS) system or the FileLocal system over the next few years to administer their business license programs.

It also requires that cities and towns adopt mandatory provisions from the model business license ordinance drafted by the AWC/city task force. These mandatory provisions must be adopted by October 17, 2018 by all cities currently partnering with the state BLS and by January 1, 2019 for all other cities and towns. See our blog post [Cities and Towns Must Update General Business License Ordinances ASAP!](#), as well as our new webpage on [City Business Licenses and Fees](#), for an in-depth review and discussion of this topic.

With nearly 230 cities issuing local business licenses, many of you will be busy with reviewing your current ordinances, including adding the new mandatory provisions and updating other provisions where you see changes are needed.

PAID FAMILY & MEDICAL LEAVE – SB 5975

[SB 5975](#) was enacted in 2017, but its provisions become effective January 1, 2019, when many local government entities will begin paying premiums to the [Employment Security Department](#) (ESD). The [Paid Family and Medical Leave program](#) is a state-run insurance program that is funded through premiums paid by both the employer and the employee. Local government employers with 50 or fewer employees are exempt from paying the employer share of the premium, but it's important to note that all employers will be required to collect and remit the employee share of the premium and report employee wages, hours worked, and additional information each quarter, similar to the unemployment reporting requirement of the ESD.

The total premium is 0.4% of gross wages paid with approximately 63% paid by the employee and 37% by those local government employers with 50 or more employees. Employers have the option to pay the employees' share of the premium as an additional employee benefit.

One-third of the premium goes to family leave benefits, while the other two-thirds goes to medical leave. Any city or county that offers a "voluntary plan" that meets or exceeds the state requirements may be exempted from the state plan and the employer/employee premiums for the family and/or medical leave portions as long as the voluntary plan is approved by the state. In addition, any collective bargaining agreement that was in existence on October 19, 2017 is not subject to the family and medical leave requirements until the agreement is re-opened, re-negotiated, or expires.

If you are a city, town, or county with 50 or more employees – note that this is not FTEs, but rather the total number of employees regardless of hours worked – you will have an additional employee cost starting in January 2019 that will need budget consideration.

SICK LEAVE AND STATE MINIMUM WAGE – I-433

[Initiative 1433](#) (I-1433) was passed by the voters in 2016 and has varying effective dates. The minimum wage went into effect last year and increases each year as follows:

Year	Minimum Wage
2017	\$11.00
2018	\$11.50
2019	\$12.00
2020	\$13.50
2021 and beyond	Plus CPI-W increase

As you can see, the largest single-year increase will occur in 2020. After that, the increases will be much more modest and tied to the CPI-W rate.

The initiative also provided for a paid sick leave benefit. Effective January 1, 2018, all employers, including local governments, were required to provide employees with a minimum of one hour of paid sick leave for every 40 hours worked. Local governments should make sure their personnel policies are updated to reflect the changes in sick leave benefits. For a more information on I-1433, see our MRSC blog post [Paid Sick Leave and Initiative 1433](#) and the [Department of Labor and Industries I-1433](#) webpage.

Both the annual minimum wage increase and sick leave benefits now required for all employees will need to be considered when developing your budget.

OPTIONAL PROPERTY TAX EXEMPTION FOR LEVY LID LIFTS – HB 2597

[HB 2597](#) is effective June 7, 2018 and amends [RCW 84.55.050](#) to extend the existing state property tax exemption under [RCW 84.36.381](#) – for qualifying senior citizens, disabled veterans, and other people who are disabled – to also apply to city and county levy lid lifts if desired by the local jurisdiction. If your jurisdiction is planning a levy lid lift and you want to exempt these individuals, you must state the exemption in the ballot measure placed before the voters.

1.5% PERS 1 COLA – SB 6340

During the recession, the statutory cost-of-living adjustments (COLAs) that retirees had been receiving were repealed. [SB 6340](#) makes a one-time COLA of 1.5% for PERS 1 retirees effective July 1, 2018. The annual increase for each recipient is capped at \$62.50 per month or \$750 per year. Employers will fund the cost of this benefit through a supplemental contribution rate increase starting September 1, 2018. There will be no impact on employee rates. PERS Plan 1 UAAL contribution rates will increase to 0.10%.

PTSD PRESUMPTION OF COVERAGE FOR FIRST RESPONDERS – SSB 6214

[SSB 6214](#) is effective June 7, 2018 and adds the presumption of coverage of post-traumatic stress disorders (PTSD) as an occupational disease in certain situations for some first responders and for law enforcement officers and firefighters when:

- The person is hired after June 7, 2018,
- PTSD develops or manifests itself after the individual served at least 10 years, and
- The person submits to a psychological examination by a licensed psychiatrist or psychologist as a condition of employment that rules out the presence of pre-employment PTSD. (If the employer does not provide a psychological exam and the employee meets the other requirements, the presumption of coverage also applies.)

The legislation also precludes PTSD coverage if it the PTSD is attributed to disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or other similar action taken in good faith by an employer.

The legislation does not have immediate impacts on budgets being prepared for 2019, but the extension of coverage for PTSD may result in future impacts to industrial insurance rates if negatively impacted by multiple cases of PTSD.

Proposed Initiatives

The deadline for submitting signatures to the Secretary of State's Office to place an initiative on the November general election ballot was July 6. Each initiative requires almost 260,000 valid signatures, and the Secretary of State's office recommends submitting at least 325,000 due to duplicate and invalid signatures.

Three initiatives submitted signatures by the July 6 deadline and appear likely to make the ballot. All three initiatives could potentially impact local government budgets, either directly or indirectly.

In addition, there is I-940, a 2017 initiative to the legislature regarding law enforcement de-escalation and deadly force. The legislature adopted an amended version of this initiative during the 2018 session, but it is now tied up in court and voters may end up voting on the original initiative in November after all. One way or another, I-940 is unlikely to have a significant impact on local government budgets at this time.

Petitions were also circulating for other initiatives, including I-1600 to establish universal healthcare in Washington and I-1608 to make collective bargaining negotiations between government agencies and their employees open to the public. However, these campaigns did not submit signatures by the July 6 deadline. The backers of I-1608 in particular, regarding public union negotiations, have indicated that they are likely to try again for the 2019 general election.

I-1631 – ESTABLISHING A CARBON FEE

Initiative 1631 would establish a fee of \$15 per metric ton for carbon emissions effective January 1, 2020, although certain industries would be exempted. Revenues would be spent on projects to reduce greenhouse gas emissions.

According to the [ballot measure summary](#):

This measure would impose pollution fees on certain large emitters of greenhouse gas pollutants based on rules determining carbon content, starting in 2020. A public board would supervise spending the revenues on reducing pollution, promoting clean energy, and addressing climate impacts to the environment and communities. Utilities could receive credits for approved investments. Indian tribes would consult on projects directly impacting their land. There would be periodic reporting on the measure's effectiveness.

The fee would rise by \$2 per ton every year, plus the rate of inflation, until certain greenhouse gas reduction goals are achieved, at which point the fee would increase at the rate of inflation.

While the initiative does not directly mention local governments, it would certainly have a financial impact. Gasoline prices would go up an estimated 14 cents per gallon in 2020, with additional increases each year after that. The broader impacts to local businesses and the state economy, which could also impact local governments, are unclear. It is also unclear whether or to what extent local governments would benefit from the revenues raised.

While we obviously cannot predict whether this measure will pass or fail, a somewhat similar measure, Initiative 732, was rejected by voters in 2016 with about 40% of the vote. While the 2016 measure was intended to be revenue-neutral and would have lowered the state's portion of the sales tax rate, I-1631 is not revenue-neutral and would not lower the state's sales tax rate.

I-1634 – NO MORE LOCAL GOVERNMENT SODA TAXES

Initiative 1634 would prohibit local governments from imposing any new tax, fee, or other assessment specifically on groceries. Existing taxes or fees imposed prior to January 15, 2018 would still be allowed but could not be increased.

According to the [ballot measure summary](#):

This measure would prohibit new or increased local taxes, fees, or assessments on raw or processed

foods, beverages, or their ingredients, intended for human consumption except alcoholic beverages, marijuana products, and tobacco, unless they are generally applicable and meet specified requirements. Collection of local sales and use taxes, and of taxes, fees, and assessments on such raw or processed foods or beverages, or any ingredients thereof, that were in effect January 15, 2018, may continue.

Although it is billed as an affordable grocery measure, in reality this initiative is funded by soda and energy drink companies in an attempt to prevent other local governments from following Seattle's "soda tax" model. Effective January 1, Seattle imposed a tax of 1.75 cents per fluid ounce on sodas and sweetened drinks, with certain exceptions, which works out to 21 cents per 12-ounce can or 35 cents per 20-ounce bottle. The city is using the revenue for a variety of purposes, including better access to healthy and affordable food, a college scholarship endowment program, preschool facilities, expanded access to food banks and meal programs, and health and nutrition programs. The tax brought in more than \$4 million in the first quarter, exceeding the city's expectations. For more information on Seattle's tax, see our blog post [My Can of Coke Costs What?!!!](#)

If this initiative passes, it will not affect Seattle's soda tax or any other similar measures adopted prior to January 15, 2018 (although we are not aware of any jurisdictions besides Seattle that have adopted such a measure). However, it will prevent other cities or counties from imposing similar fees in the future.

This measure will have no impact on sales tax revenues. Groceries are already exempted from sales taxes under [RCW 82.08.0293](#). However, soft drinks, bottled water, prepared food, and dietary supplements are taxable, and sales taxes will continue to apply to those items regardless of the outcome of this initiative.

I-1639 – REGULATING FIREARMS AND SEMIAUTOMATIC RIFLES

[Initiative 1639](#) would place limitations on firearms and particularly semi-automatic weapons.

According to the [ballot measure summary](#):

This measure would require increased background checks, firearm safety training, and waiting periods before semiautomatic assault rifles may be purchased or delivered. It would impose age limitations on who may purchase and possess certain firearms, including prohibiting purchases by persons under age 21. It would require certain secured firearm storage or trigger-locks, and criminalize noncompliant firearm storage if it results in unauthorized use. It would enact other firearm-related requirements, including certain warnings, recordkeeping, and fees.

If passed, this measure would likely impose some costs upon local law enforcement agencies for firearms training programs and enforcement. However, it would also authorize the Department of Licensing to require firearms dealers to charge a fee up to \$25 for each purchase or transfer of a semiautomatic rifle to help offset the administrative costs, including costs incurred by city and county agencies, of enforcing this law. The fee may be adjusted at the beginning of each state biennium, not to exceed the percentage increase in the CPI-U, CPI-W, or a successor index.

It is worth noting that the two most recent firearm regulation initiatives – I-594 in 2014, which expanded background checks, and I-1491 in 2016, which established extreme risk protection orders – both passed with overwhelming support.

However, this initiative has also faced several legal challenges from groups attempting to keep it off the ballot. So far the legal challenges have failed, and while the Secretary of State has expressed concerns about the way the text was presented on the petition sheets, she has stated that she does not have the legal authority to reject them. Further lawsuits are expected.

Revenue Forecasts

Core Revenues

Historically, the revenue component of Budget Suggestions has been focused solely on state shared revenues that are forecast on a per capita basis. But because revenue projections are such a critical component of budget development, we are also going to speak to the “core revenues” of local government – namely property taxes, retail sales taxes, and (for cities and towns) business and occupation (B&O) taxes including utility taxes.

Core revenues comprise the largest sources of income for the general fund, and while we cannot forecast those revenues for you, we do have resources to help you forecast these revenue sources accurately (or within a reasonable margin of error).

PROPERTY TAXES

Property taxes are, for most entities, the single largest revenue stream, but they can be a bit tricky to forecast. When forecasting property tax revenues it is important to consider the available options.

Cities and counties with a population under 10,000 may not increase their total levy amount more than 1% annually, known as the “levy lid” (excluding levies for new construction or increases in state-assessed utility valuations).

Cities and counties with a population of 10,000 or more are restricted to the lesser of 1% or the rate of inflation, whichever is lower. Inflation, as defined in [RCW 84.55.005](#), means the percentage change in the implicit price deflator (IPD) for the most recent 12-month period, as calculated on September 25. However, there is an exception – if the percentage change in the IPD is below 1% on September 25, these jurisdictions may adopt resolutions of “substantial need” to increase the levy amount to the maximum lid limit of 1%. As mentioned earlier in the Economic Factors section, it is extremely unlikely that the IPD will fall below 1% this year, so a “substantial need” finding should be unnecessary. For more information on the IPD, see page 18 or our [Implicit Price Deflator webpage](#).

However, local governments can exceed the 1% levy lid if they have banked capacity available under [RCW 84.55.092](#). (If your jurisdiction did not take the maximum 1% increase in years past, it may have banked capacity available). For more information on property taxes, including banked capacity, see our [Property Tax in Washington State webpage](#).

Local governments may also exceed the 1% levy lid for one or more years if they have not reached their statutory levy rate limit through a “levy lid lift.” This option requires voter approval with a simple majority of votes. The deadline to submit a levy lid lift to voters for 2019 levies is August 7, 2018, so any jurisdictions that may have missed this deadline will not be able to increase the levy lid until 2020 at the earliest. For more information, see our [Levy Lid Lifts webpage](#).

It is important to plan levy lid lifts and other revenue sources requiring voter approval well in advance – see Key Dates for Voted Revenue Increases on page 31.

Your local county assessor plays a vital role in certifying the assessed valuations that will be used to set your levies for the forthcoming year ([RCW 84.48.130](#)). Typically, the county assessors will distribute property tax information during the second half of September each year. This information consists of assessed valuations, new construction valuations, and state utility values, as well as each jurisdiction’s current levy amounts, current levy rates, and maximum statutory levy rate.

The county assessor will provide you with a [levy limit worksheet](#) specific to your jurisdiction that will form the basis of your property tax levy projection and will include estimates of assessed valuations for new construction and state utilities to help you with forecasting the levy amount to be set for collection in the coming budget year. The assessor’s office can also assist you with determining whether you have banked capacity available.

To assist with your understanding of the various components and timelines associated with the development of the property tax levy, the Department of Revenue (DOR) has created a [property tax calendar for 2018](#) which explains the process, the various state and local government entities responsible for its development, and when you may expect to receive important property tax forecasting information.

For historical property tax and assessed valuation data for cities, towns, or counties dating back to 2010, see our [Tax and Population Data webpage](#). This data can be helpful when developing long-term forecasts and trend analyses.

RETAIL SALES TAX

The retail sales tax typically represents the second largest revenue source in the general fund budget. Smaller entities often use historical data as their basis for projecting these revenues, while larger jurisdictions will use more sophisticated forecasting models.

Our [Tax and Population Data webpage](#) contains some useful data regarding sales tax distributions. In particular, our tax and population trends show the sales tax distributions received by each city, town, and county every year dating back to 2010. However, recent legislative changes have made sales tax forecasting more challenging, at least temporarily.

Cities and counties received a boost in sales tax revenues starting January 1, 2018 thanks to the Marketplace Fairness Act passed by the state legislature last year, which extended sales taxes to many internet and remote sales that were not taxed previously and eliminated the sales tax exemption for bottled water. (See page 21.) However, as noted earlier, SST mitigation payments will also be phased out by October 1, 2019.

To determine the impact of this legislation and assist with future sales tax projections, it will be important to monitor sales tax revenues being reported and remitted to your entity. Cities and counties can access sales tax reports via the [My DOR Partner Portal](#). Whatever your forecast method, it's important to document your methodology and discuss it with the budget team.

It is also important to note that each jurisdiction has different sales tax rates, and different jurisdictions may use the money for different purposes. So we've created a new tool this year (also on our [Tax and Population Data webpage](#)) showing the current sales tax rates and components for every city, town, and county. Not only do we provide the total sales tax rate for each jurisdiction, but we also show you where the money is going – for instance, how much is going to the state, how much is the “first half” and “second half” going to the city or county, how much is going to the city or county for public safety purposes, how much is going to transit districts, etc.

And of course, each of these sales taxes has its own statutory requirements regarding how the money must be used, what jurisdictions are eligible, the expiration date (if any), revenue distribution (some sales tax distributions must be shared between cities and counties), and more. Make sure you understand the fine print.

If your jurisdiction is considering a sales tax increase for the upcoming budget year, know that most sales tax increases require voter approval with a simple majority vote. Additionally, the timing and implementation of sales tax changes is regulated by [RCW 82.14.055](#):

- Sales tax changes may only take effect on January 1, April 1, or July 1. Note that beginning in 2017, sales tax changes may no longer take effect on October 1.
- Sales tax changes cannot take effect until at least 75 days after DOR receives notice of the change.

For more information on the timing of voted sales tax increases, see Key Dates for Voted Revenue Increases on [page 31](#).

B&O AND UTILITY TAXES

Business and occupation (B&O) and utility taxes have become core resources for many cities and towns. When forecasting these revenues, it is important to know whether utilities are increasing their rates or whether local businesses are expanding or contracting. Just like the sales tax projections, it's important to document your forecasting methodology and discuss the results with the budget team.

VOTED REVENUE INCREASES AND KEY DATES

If your jurisdiction is considering a voted revenue increase in the next year or two, you must plan ahead and keep the various statutory requirements and deadlines in mind.

To place an item on the ballot for the February or April special elections, your jurisdiction must adopt a resolution at least 60 days before the election date. For the primary election, you must adopt the resolution no later than the Friday immediately before the first day of regular candidate filing. And for the general election, you must adopt the resolution no later than the date of the primary election. (See [RCW 29A.04.321](#) for counties and [RCW 29A.04.330](#) for cities/towns.) For the 2018-2019 deadlines, see the chart on the next page.

You should also consider whether your measure requires a simple majority (50% plus one) or a supermajority (60%) in order to pass, as well as whether there are minimum validation (voter turnout) requirements.

Validation – which is only required for bonds and certain property taxes – refers to the minimum voter turnout required for passage, expressed as a percentage of the voter turnout in the most recent general election. Validation is not a problem for most jurisdictions in most years, but it can create difficulties in low-turnout special elections or in years immediately following high-turnout elections. For instance, some jurisdictions struggled with validation in 2017 following the 2016 presidential election. However, validation is not likely to be an issue for most jurisdictions in 2019 and 2020.

To see how voted measures have fared in other jurisdictions dating back to November 2011, refer to our [Local Ballot Measure Database](#). You can use this tool to find ballot measures using one or more of the following categories:

- Type of measure (such as levy lid lifts, bonds, transportation benefit district sales taxes, etc.)
- Subject (such as fire, transportation, parks and recreation, etc.)
- Jurisdiction type (such as city or county)
- County

For instance, you could use the database to search for all recent levy lid lifts, all county public safety sales tax measures, all city park and recreation bond measures in Spokane County, or any number of other combinations.

On the following page are some key dates to remember. If your jurisdiction does not meet the August 7, 2018 deadline for filing a resolution for the general election, you will not be able to send a ballot measure to voters until the February 2019 special election at the earliest, which means any proposed property tax increases would not take effect until 2020 and any proposed sales tax increases would not take effect until July 1, 2019 or later.

If your jurisdiction is considering a voted revenue increase in the next year or two, you must plan ahead and keep the various statutory requirements and deadlines in mind.

Key Dates for Voted Revenue Increases				
Election	Deadline to file resolution	Election date	Approved sales tax changes take effect	Approved property tax changes take effect
2018 Primary	<i>Already passed</i>	August 7, 2018	January 1, 2019	2019
2018 General	August 7, 2018	November 6, 2018	April 1, 2019	2019
2019 Feb. Special	December 14, 2018	February 12, 2019	July 1, 2019	2020
2019 Apr. Special	February 22, 2019	April 23, 2019	January 1, 2020*	2020
2019 Primary	May 10, 2019	August 6, 2019	January 1, 2020	2020
2019 General	August 6, 2019	November 5, 2019	April 1, 2020	2020

*Beginning in 2017, sales tax rates no longer change on October 1

State Shared Revenues

The State of Washington distributes a number of “state shared revenues” to cities, towns, and counties. Some of these revenues are distributed to all entities on a strictly population-based (per capita) basis, while others are based on different factors and/or are only distributed to jurisdictions that meet certain criteria.

Forecasting state shared revenues can be somewhat tricky. First of all, the state fiscal year begins July 1 and ends June 30, while all local governments in Washington use a calendar year budget (January 1 to December 31). As a result, legislation can and often does impact shared revenue distributions halfway through the local government budget year.

Secondly, it is impossible to predict what the legislature will do – in recent years, it has added new distributions (increased gas taxes, multimodal transportation, and marijuana excise taxes), reduced distributions (marijuana excise taxes, which were later restored), and attempted to eliminate distributions (the fire insurance premium tax, which was preserved by the governor’s veto). When creating long-range forecasts, remember that these resources are vulnerable at any time, especially if state revenues start decreasing in the event of a recession.

And finally, some of the revenue distributions can vary significantly from year to year based on certain formulas.

We have provided our best estimates of the state shared revenue distributions for 2019 and 2020 based on the second year of the 2017-2019 state biennial budget (July 1, 2018 to June 30, 2019) and what we believe to be conservative estimates for the next state biennium. For those distributions that are done on a strictly per capita basis, we have provided per capita estimates (see the summary tables on pages 48–49). You can also view the total estimated per capita distributions, tailored to your specific jurisdiction, in our online [2019 State Shared Revenue Estimator](#).

Shared revenues are distributed on the last business day of the month. Some are distributed monthly and others quarterly, while the fire insurance premium tax is distributed on an annual basis. (See the State Shared Revenue Distribution Calendar on page 47.)

Population and Annexation Adjustments

State shared revenues are allocated by the state biennial budget and mid-biennium adjustment process. Historically, these shared revenues vary depending upon the legislative process, the economy, and other political factors. Changes in distributions (if any) begin each year on July 1. The distribution rates are then updated each year on January 1 to reflect the most recent population estimates developed by OFM in the previous calendar year.

In addition, OFM also makes quarterly adjustments to account for any new annexations. Cities that annex qualify for state shared revenue distributions on their new population base starting the first day of the quarter after the effective date of the OFM-approved annexation, and distributions for other cities, towns, and counties may be adjusted slightly each quarter as a result.

Each year for Budget Suggestions, our per capita estimates are based on the April 1 OFM population estimates (see page 14) adjusted for any completed or anticipated annexations occurring after April 1.

However, the recent and pending annexations currently listed on the [OFM Central Annexation Tracking](#) webpage will have a negligible impact on population this year. As a result, we will be using the April 1, 2018 OFM population numbers, without adjustment, for calculating the 2019 per capita state shared revenues. This results

It should be noted that 2019 shared revenue distributions can still be impacted by annexations that are not yet in OFM's tracking system.

	Official April 1, 2018 Population Estimate	Adjustments for Annexations after April 1	Population Estimate for 2019 Budget Suggestions
Incorporated Cities/Towns	4,836,485	+ 0	= 4,836,485
Unincorporated Counties	2,591,085	- 0	= 2,591,085

TRANSPORTATION DISTRIBUTIONS

All cities, towns, and counties receive three separate transportation distributions. The first is the motor vehicle fuel tax (MVFT), which is distributed as a percentage of the total fuel taxes collected statewide. The other two, the “increased motor vehicle fuel tax” and “multi-modal” distributions, were created in 2015 by 2ESSB 5987 and consist of direct transfers from the state transportation fund, so those allocations are not impacted by actual fuel tax collections.

MVFT and increased MVFT distributions must be used for highway purposes, while the multi-modal funds may be used for any transportation purpose.

Motor Vehicle Fuel Tax

Fuel taxes in Washington are assessed as cents per gallon, so motor vehicle fuel tax (MVFT) revenues – and therefore the MVFT distributions to cities and counties – depend on the number of gallons sold, not the dollar value of the sales.

Transportation and revenue forecasts are released each quarter by the Washington State Department of Transportation (WSDOT). Each year, we use the calendar year second quarter as the basis for forecasting the MVFT distributions for cities and counties. The [June 2018 forecast](#) provides a forecast span of 10 years plus a look back of 2 years and uses multiple factors in the process.

The key conclusions drawn from the June forecast is that overall transportation revenues for the current biennium (2017-19) are expected to exceed the prior 2015-17 biennium by 10.5% and that the 10-year trend projects a modest but steady increase of 1.4% per year in transportation revenues due primarily to increased gas tax collections and the enhanced driver's license forecasts.

The primary variables affecting fuel consumption include gasoline and diesel fuel price projections, Washington personal income, and inflation. In particular, gasoline tax collections are negatively related to the price of gasoline, meaning that as gas prices rise, consumption and tax revenues fall. WSDOT projects that annual fuel prices will increase 7% for 2018, followed by a decrease of 3% in 2019 and a very modest increase of less than 1% in 2020. Other factors affecting gasoline sales and tax collections include unemployment rates, fuel efficiency, and sales of alternative fuel vehicles such as electric cars.

Cities and towns receive MVFT distributions on a per capita basis under [RCW 46.68.090\(2\)\(g\)](#), (4)(a), and (5)(a), less state adjustments found in [RCW 46.68.110\(1\)](#) and (2) and the Small City Pavement and Sidewalk account.

For counties, MVFT revenues are distributed under [RCW 46.68.090\(2\)\(h\)](#) and (4)(b) and (5)(b), less state adjustments found in [RCW 46.68.120\(1\)](#) and (3) and withholding for the County Road Administration Board (CRAB) as required by [RCW 46.68.090\(2\)\(h\)](#). The distribution formula includes annual road costs and “need” in addition to population. Distributions are calculated by CRAB according to the requirements stated [RCW 46.68.120\(4\)](#). The distribution percentages are set at the annual board meeting of CRAB each year after the release date of Budget Suggestions, so therefore we are unable to provide distribution amounts for counties. CRAB will notify counties directly of the allocations for the next fiscal period. CRAB also posts [County Data tables](#) on its website for past distributions.

both cities and counties, it is worth noting that the tax revenue forecasts provided by WSDOT are updated

each quarter and often vary slightly from earlier projections. Last year the actual gas taxes collected were 1% lower than initially projected, while this year actual gas tax collections are 1.65% higher than projected in 2018 Budget Suggestions. It is important to factor these variables into your revenue projections.

Motor Vehicle Fuel Tax	
Eligible jurisdictions	All cities, towns, and counties
Estimated 2019 distribution	Cities: \$20.73 per capita Counties: <i>No estimate provided. Determined by CRAB formula based on population, annual road costs, and annual monetary needs.</i>
Payments received	At the end of every month
Revenue must be used for	Highway purposes

Editor's Note: Brian Calkins, the Transportation Economist for the Budget and Financial Analysis Division of the Department of Transportation, has been providing the fuel tax forecasts for many years. Brian will be retiring this summer and we want to both thank him and wish him all the best.

Increased Motor Vehicle Fuel Tax and Multi-Modal Funds

Counties, cities, and towns received a share of the multi-modal funds and the increase in fuel tax as a result of [2ESSB 5987](#). The legislation, adopted in 2015, provided for direct distributions to be phased in from FY 2016–2017. Beginning with FY 2018, 2ESSB 5987 provides over \$25 million annually to counties, cities, and towns, allocated as follows:

- Increased MVFT: \$11,719,000 per year
- Multi-modal funds: \$13,393,000 per year

These revenues are split equally between cities and counties. City distributions are based on population, while county distributions are established by the same CRAB formula as the MVFT described earlier ([RCW 46.68.120\(4\)](#)) and set at the annual CRAB board meeting in late July, following the release date of Budget Suggestions.

Increased Motor Vehicle Fuel Tax	
Eligible jurisdictions	All cities, towns, and counties
Estimated 2019 distribution	Cities: \$1.21 per capita Counties: <i>No estimate provided. Determined by CRAB formula based on population, annual road costs, and annual monetary needs.</i>
Payments received	Quarterly, at the end of March, June, September, and December
Revenue must be used for	Highway purposes

Multimodal Transportation	
Eligible jurisdictions	All cities, towns, and counties
Estimated 2019 distribution	Cities: \$1.38 per capita Counties: <i>No estimate provided. Determined by CRAB formula based on population, annual road costs, and annual monetary needs.</i>
Payments received	Quarterly, at the end of March, June, September, and December
Revenue must be used for	Any transportation purposes

LIQUOR REVENUES

Liquor revenues have two separate distributions that are received at different times. There is a state shared distribution from the liquor revolving account for licensing fees (this is referred to by the state and others as “liquor profits”), and there is a distribution from the liquor excise tax account that represents a portion of the excise tax collected on liquor sales. The total distribution from liquor profits is the same each year, while the total distribution for liquor excise taxes varies depending on liquor sales.

Reminder: *You must devote at least 2% of your liquor profits and liquor excise tax distributions to an approved alcohol or drug addiction program under [RCW 71.24.555](#) in order to be eligible to receive these distributions.*

Liquor revenue distributions have seen a lot of changes over the past several years. Here are a few of the more significant ones:

- Initiative 1183, passed in November 2011, privatized the distribution and retail sale of liquor effective June 1, 2012. The result of this initiative for local governments was that instead of a calculation based on the profits generated from state-run liquor sales, the revenue distribution for liquor profits is now based on the collection of license fees paid by retailers and distributors.
- State legislation in 2012 created a permanent diversion of \$10 million per year (\$2.5 million per quarter) of city and county money from the liquor excise tax fund to the state general fund ([RCW 82.08.170\(3\)](#)). The permanent deduction in liquor excise tax distributions is applied to cities and counties in the same proportionate share as the distribution of liquor excise tax – 80% to cities and 20% to counties – resulting in an annual loss of \$8 million to cities and towns and \$2 million to counties.
- The legislature has changed the share of liquor excise taxes remitted to cities and counties from 35% in the 2013-2015 state budget to 22.5% in 2015-2017 and back again to 35% in the current 2017-2019 biennium.

These fluctuations have made long term forecasting of this state shared revenue a challenge.

Liquor Excise Taxes

The formula works as follows:

1. 35% of liquor excise tax collected is deposited in the “liquor excise tax fund” for distribution to cities, towns, and counties ([RCW 82.08.160\(1\)](#)).
2. \$2.5 million each quarter (\$10 million a year) is deducted from the liquor excise tax fund and remitted to the state general fund ([RCW 82.08.170\(3\)](#)).
3. Of the remaining amount, 80% is distributed to cities (based on population) and 20% is distributed to counties (based on the unincorporated population).

The June 2018 forecasts by the ERFC project an increase in liquor excise tax collections, resulting in increased distributions. The revised forecast for 2018 distributions is \$24,020,743 for cities and \$5,427,047 for counties.

For calendar year 2019 the ERFC estimates liquor excise tax revenues that are to be deposited into the liquor excise tax fund at \$40,977,508. After deductions, the total distributions are estimated to be \$24,782,007 for cities and \$5,600,019 for counties.

It’s important to note that the distributions to cities and counties occur with a lag of one quarter after the collections are made by the state. So this difference in timing makes state estimates and our estimates hard to compare. When comparing distributions by the state treasurer’s office to the ERFC forecasts there is usually a variation of plus or minus 2%.

Liquor Excise Taxes

Eligible jurisdictions	All cities, towns, and counties
Estimated 2019 distribution	Cities: \$5.14 per capita Counties: \$2.17 per capita (unincorporated population)
Payment received	Quarterly at the end of January, April, July, and October
Revenue must be used for	At least 2% must be used for an approved alcohol or drug addiction program. The remaining 98% may be used for any purpose.

Editor's Note: The liquor excise tax forecasts are the work of Lance Carey of the Washington State Economic and Revenue Forecast Council (ERFC).

Liquor Board Profits

Initiative 1183 not only privatized liquor sales in Washington, but it also changed the types of liquor revenues collected by the state. The state is now collecting revenue in the form of license fees from distributors and retailers, rather than profits from the state-run liquor stores. However, the Liquor and Cannabis Board (LCB) continues to call these funds “liquor profits.” A portion of these collections go to cities, counties, and border jurisdictions. Codified as [RCW 66.24.065](#), it reads:

The distribution of spirits license fees under [RCW 66.24.630](#) and [66.24.055](#) through the liquor revolving fund to border areas, counties, cities, towns, and [MRSC] must be made in a manner that provides that each category of recipients receive, in the aggregate, no less than it received from the liquor revolving fund during comparable periods prior to December 8, 2011. An additional distribution of ten million dollars per year from the spirits license fees must be provided to border areas, counties, cities, and towns through the liquor revolving fund for the purpose of enhancing public safety programs.

The “comparable periods prior to December 8, 2011” were determined by the Office of Financial Management (OFM) to be December 2010, March 2011, July 2011, and September 2011. The liquor profit revenue for cities, counties, and border areas for those four quarters was \$39,438,000. To this amount, LCB adds the \$10 million to enhance public safety programs for a total liquor profits distribution of \$49,438,000 each year. Of that amount, 0.3%, which equals \$148,314, is distributed to border cities and counties based on traffic totals, crime statistics, and per capita law enforcement spending. The remaining \$49,289,686 is distributed as follows:

- Cities receive 80%, or \$39,431,748 annually, distributed proportionately by population.
- Counties receive 20%, or \$9,857,936 annually, distributed proportionately by unincorporated population.

As noted in the statute, \$10 million of the \$49,438,000 – just under 20.23% – must be spent on “enhancing public safety programs.” We recommend that each city or county split its distribution so that it can account separately for the portion that must be spent on public safety. To calculate the portion that must be used for public safety purposes, multiply your distribution by 20.23%, or 0.2023. In addition, at least 2% of your distribution must be used for an approved alcohol or drug addiction program under [RCW 71.24.555](#).

When forecasting liquor profits beyond next year’s budget it’s important to note that the total local distributions (\$39,431,748 for cities and \$9,857,936 for counties) will remain the same from year to year unless the legislature amends the statute. The initiative did not include any measures to account for inflation. We have incorporated a per capita ratio value in the rate tables at the end of this chapter and the ratio values will vary slightly each year due to changes in population prepared by OFM.

Liquor Profits

Eligible jurisdictions	All cities, towns, and counties that do not prohibit the sale of liquor
Estimated 2019 distribution	Cities: \$8.16 per capita Counties: \$3.81 per capita (unincorporated population) <i>Border cities and counties get extra distributions based on traffic totals, crime rate, and per capita law enforcement spending</i>
Payment received	Quarterly at the end of March, June, September, and December
Revenue must be used for	At least 20.23% must be used for public safety programs, and an additional 2% must be used for an approved alcohol or drug addiction program. The remaining 77.77% may be used for any purpose.

CRIMINAL JUSTICE REVENUES

Cities and Towns

There are two separate criminal justice distributions for cities, created by [RCW 82.14.320](#) and [82.14.330](#). Each program originally (in state fiscal year 2000) appropriated a total of \$4.6 million, to be increased each July by the “fiscal growth factor” set forth in [RCW 43.135.025](#). The fiscal growth factor is the average annual growth in state personal income for the prior ten fiscal years, and the distributions have now grown to total \$9,356,692 (as of 2018) for each of these two separate criminal justice resources. The amount to be distributed for 2019 will be \$9,730,959 for each program.

Criminal justice revenues created by [RCW 82.14.320](#) – the “Criminal Justice – High Crime” distributions – are distributed partially based on crime rates and we cannot forecast them. The cities that may qualify for these funds know who they are and are aware of the problems they have in forecasting these revenues.

City Criminal Justice — High Crime

Eligible jurisdictions	Any city or town with a crime rate over 125% of the annual statewide average that also meets the other requirements of RCW 82.14.320(2)
Estimated 2019 distribution	<i>No estimate provided. Determined by population, crime rates, and other factors.</i>
Payment received	Quarterly at the end of January, April, July, and October
Revenue must be used for	Criminal justice purposes; may not replace or supplant existing criminal justice funding

Criminal justice funds created by [RCW 82.14.330](#) have four different components for distribution:

- **Population:** 16%, or \$1,556,953, is distributed to all cities and towns on a per capita basis, with each city receiving a minimum of \$1,000 no matter how small its population.
- **Special Programs:** 54%, or \$5,254,718, is distributed to all cities and towns on a strictly per capita basis to be used for innovative law enforcement strategies, programs to help at-risk children or child abuse victims, and programs to reduce the level of domestic violence or to provide counseling for domestic violence victims. While these funds must be spent in these specific areas, there is no requirement for how much must be spent in each area. The city’s entire distribution could be spent in only one of these areas if the city wishes.
- **Contracted Services:** 10%, or \$973,096, goes to cities that contract with another governmental agency for the majority of their law enforcement services. Cities that qualify for this distribution must notify the Department of Commerce (DOC) by **November 30, 2018** to receive 2019 distributions. Cities are responsible for notifying DOC for any changes regarding these contractual relationships. However, any cities that are added to or removed from this list will only impact distributions for the next calendar year, and no adjustments will be made retroactively.

- **Violent Crime:** 20%, or \$1,946,192, goes to cities with a three-year average violent crime rate (per 1,000 population) above 150% of the three-year statewide average. No city may receive more than \$1.00 per capita.

Below is a summary of the four distributions under [RCW 82.14.330](#). These are the labels under which the state treasurer's office makes the quarterly distributions. We have also included the per capita distributions (the 16% "Criminal Justice – Population" and the 54% "Criminal Justice – Special Programs") in the revenue forecast tables on pages 48–49.

City Criminal Justice—Population

Eligible jurisdictions	All cities and towns
Estimated 2019 distribution	\$0.33 per capita; minimum distribution of \$1,000 per city/town.
Payment received	Quarterly at the end of January, April, July, and October
Revenue must be used for	Criminal justice purposes; may not replace or supplant existing criminal justice funding

City Criminal Justice—Special Programs

Eligible jurisdictions	All cities and towns
Estimated 2019 distribution	\$1.09 per capita
Payment received	Quarterly at the end of January, April, July, and October
Revenue must be used for	Innovative law enforcement strategies, programs for child abuse victims/at-risk children, or domestic violence programs

City Criminal Justice—Contracted Services

Eligible jurisdictions	Any city or town that contracts with another local government agency for the majority of its law enforcement services
Estimated 2019 distribution	<i>No estimate provided. Determined by population and number of cities that contract for law enforcement.</i>
Payment received	Quarterly at the end of January, April, July, and October
Revenue must be used for	Criminal justice purposes; may not replace or supplant existing criminal justice funding

City Criminal Justice—Violent Crime

Eligible jurisdictions	Any city or town with a violent crime rate over 150% of the three-year statewide average.
Estimated 2019 distribution	<i>No estimate provided. Determined by crime rate and population; no city may receive more than \$1.00 per capita.</i>
Payment received	Quarterly at the end of January, April, July, and October
Revenue must be used for	Criminal justice purposes; may not replace or supplant existing criminal justice funding

Counties

Counties receive state shared criminal justice funds from the state general fund under the provisions of [RCW 82.14.310](#). The initial appropriation, made by the state in fiscal year 2000, was \$23.2 million and has grown to \$47.2 million in 2018. This distribution from the state general fund is increased each July by the “[fiscal growth factor](#),” the same as the cities. The county funding formula includes population, the crime rate of the county, and the annual number of criminal cases filed in superior court. Because revenues are not distributed on a strictly per capita basis, we cannot provide a per capita forecast. The amount to be distributed for 2019 will be \$49,077,881.

County Criminal Justice	
Eligible jurisdictions	All counties
Estimated 2019 distribution	<i>No estimate provided. Determined by population, crime rate, and number of criminal cases filed in superior court.</i>
Payment received	Quarterly at the end of January, April, July, and October
Revenue must be used for	Criminal justice purposes; may not replace or supplant existing criminal justice funding

MARIJUANA EXCISE TAX

[HB 2136](#) was adopted during the 2015 legislative session and amended the state’s marijuana regulatory and taxation system. Taxation collections and distribution were codified in [RCW 69.50.530](#), [.535](#), and [.540](#) and provided for revenue sharing with cities and counties, but the formula is a bit complicated.

The state distributes a portion of the marijuana excise taxes to the Liquor and Cannabis Board (LCB) and various state agencies and programs on a quarterly basis. At the end of the state fiscal year (June 30), the state treasurer must transfer any remaining unappropriated marijuana excise tax revenues into the general fund.

Originally, the formula stated that beginning in state fiscal year 2018 (July 1, 2017 - June 30, 2018), if marijuana excise tax collections deposited into the general fund in the prior fiscal year exceeded \$25 million, then the legislature must appropriate an amount equal to 30% of those general fund deposits to cities, towns, and counties, up to a maximum of \$15 million per year in fiscal years 2018 and 2019 and \$20 million annually thereafter. However, the legislature also stated its intent for maximum distributions in subsequent fiscal biennia of no more than \$15 million per fiscal year ([RCW 69.50.540 \(2\)\(g\)\(i\)-\(iv\)](#)).

The state biennial budget for 2017-2019 ([SSB 5883](#)) amended [RCW 69.50.540](#) and lowered the cap for fiscal years 2018 and 2019 to \$6 million annually – a reduction of 60% – with a caveat:

“If the February 2018 forecast of state revenues for the general fund in the 2017-19 fiscal biennium exceeds the amount estimated in the June 2017 revenue forecast by over eighteen million dollars after adjusting for changes directly related to legislation adopted in the 2017 legislative session, the total share of marijuana excise tax revenue distributed to counties and cities [will reset the cap to \$15 million annually for fiscal years 2018 and 2019, with the intent to reset all subsequent caps to \$6 million annually].”

Moving forward to 2018: the February 2018 ERFC forecast of state revenues exceeded the June 2017 forecast, and the 2018-2019 supplemental budget that was passed by the legislature restored the full \$15 million annual distribution for FY 2017-2019, removing the caveat entirely and ultimately rendering the February 2018 forecast moot. The legislature also stated an intent to maintain the \$15 million distribution after 2019 (although obviously that can be altered in any future legislative session). As a result of all these changes, on March 31, 2018 the state made a one-time “catch-up” payment of \$4.5 million to restore the previously cut distributions and returned the FY 2018 distribution to the original \$15 million.

The LCB's [Marijuana Dashboard shows](#) excise tax collections for fiscal year 2017 were almost \$315 million. Current forecasts for total excise taxes and fees for fiscal year 2018 are over \$346.8 million, with \$117.3 million deposited in the general fund before distributions to local governments. (See the [June 2018 Washington State Economic and Revenue Forecast, Table 3.18](#), prepared by the Economic Revenue and Forecast Council.) As a result, cities and counties will receive the full \$15 million distribution over the next fiscal year.

The \$15 million is distributed as follows:

- 30%, or \$4.5 million – the “retail share” – goes to cities, towns, and counties where licensed marijuana retailers are physically located and in proportional share to the total revenues generated.
- 70%, or \$10.5 million – the “per capita share” – is distributed on a per capita basis to all cities, towns, and counties that allow the siting of marijuana producers, processors, and retailers. Cities, towns, and counties that prohibit marijuana producers, processors, or retailers are not eligible. Of this amount:
 - \$6,300,000 (60%) goes to eligible counties based on each county’s total proportional population (*note that this is total population, unlike the other state shared distributions which are calculated based on unincorporated population*)
 - \$4,200,000 (40%) goes to eligible cities and towns on a per capita basis.

Some jurisdictions will receive both the per capita and retail distributions, while others may receive only one or the other, and jurisdictions that completely prohibit marijuana businesses will receive neither. Below are a few hypothetical scenarios:

Hypothetical Marijuana Excise Tax Distribution Scenarios	Eligible for per capita share?	Eligible for retail share?
Jurisdiction allows marijuana production, processing, and retail and has at least one retailer located within the jurisdiction.	Yes	Yes
Jurisdiction prohibits marijuana entirely and as a result has no retailers located within the jurisdiction.	No	No
Town took no action to prohibit marijuana, but is small enough that no marijuana businesses can locate there under state law due to the buffer requirements.	Yes	No
Jurisdiction prohibits marijuana producers and processors but allows retailers and has at least one retailer located within the jurisdiction.	No	Yes
Jurisdiction currently prohibits new marijuana businesses but has existing retailers that are grandfathered in.	No	Yes
Jurisdiction prohibits marijuana retail and has no retailers but allows marijuana production and processing.	No	No

Each year by September 15, the LCB must provide the state treasurer with the annual distribution amount for each county and city. Payments (if any) are distributed four times per year on the last day of each fiscal quarter (September 30, December 31, March 31, and June 30). The State Treasurer’s Office distributes both the “per capita” and “retail” shares together using the same BARS code.

The distributions that you receive in September will form the basis for your budget projections for the forthcoming budget year. However, any distributions after June 2019 will come from the 2019-2021 state biennial budget and could potentially be changed by the legislature.

Forecast

We have (tentatively) produced an estimate of the per capita distributions using the information from our [Marijuana Regulation in Washington State](#) webpage and ordinance database. Please note that this is a “big picture, point-in-time” estimate of the local regulatory environment as it exists in July 2018 (see below). While we work hard to keep our marijuana database up-to-date, this is still an evolving area and these numbers are subject to change.

The per capita distributions will be calculated based on the population of cities and counties that do not prohibit marijuana. If a city or county decides to repeal a previously adopted prohibition or removes a moratorium – or, on the other hand, imposes a new moratorium or prohibition – this will impact the distribution rates.

City Marijuana Policies as of July 2018	Est. Number	Est. Population
Cities/towns that partially or fully prohibit marijuana	85	1,231,010
Cities/towns that do not prohibit marijuana	196	3,605,475
TOTAL	281	4,836,485

County Marijuana Policies as of July 2018	Est. Number	Est. Total Population*
Counties that partially or fully prohibit marijuana	10	1,323,060
Counties that do not prohibit marijuana	29	6,104,510
TOTAL	39	7,427,570

*County marijuana excise tax distributions are distributed on the basis of total population, not unincorporated population

Based on the population estimates of those cities and counties that do not prohibit marijuana, we have generated a 2019 “per capita” estimate of \$1.17 for eligible cities and towns and \$1.03 for eligible counties. Again, these numbers could fluctuate. We are unable to provide an estimate of the “retail share,” which is dependent upon marijuana retail sales within each jurisdiction and the state as a whole.

Marijuana Excise Taxes “Per Capita Share”	
Eligible jurisdictions	All cities, towns, and counties that do not prohibit the siting of any state-licensed marijuana producer, processor, or retailer
Estimated 2019 distribution	Cities: \$1.17 per capita Counties: \$1.03 per capita (<i>total population, not unincorporated</i>)
Payments received	Quarterly at the end of March, June, September, and December. Will be distributed together with retail share using same BARS code.
Revenue must be used for	The notes in RCW 69.50.540 reference RCW 69.50.101 and the stated intent of I-502, which states that marijuana legalization will “[allow] law enforcement resources to be focused on violent and property crimes [and generate] new state and local tax revenue for education, health care, research, and substance abuse prevention.”

Marijuana Excise Taxes “Retail Share”	
Eligible jurisdictions	All cities, towns, and counties with at least one marijuana retailer physically located within the jurisdiction
Estimated 2019 distribution	<i>No estimate provided; depends upon the jurisdiction’s proportional share of statewide marijuana retail sales.</i>
Payments received	Quarterly at the end of March, June, September, and December. Will be distributed together with per capita share using same BARS code.
Revenue must be used for	Same as “per capita share” above

CITY-COUNTY ASSISTANCE DISTRIBUTIONS

[RCW 82.45.060](#) imposes an excise tax of 1.028% on each sale of real property within Washington State. A portion of this tax (1.6%) must be deposited in the city-county assistance account that is created in [RCW 43.08.290](#) for the purpose of providing assistance for certain cities and counties that meet the qualifications of the statute (see the formulas in the tables below). These funds were originally intended to mitigate the loss of the motor vehicle excise tax (MVET) that was distributed to local governments as a means of equalization of sales tax.

The formula used to allocate city funding is based on a sales and property tax equalization formula and the 2005 MVET backfill levels. The maximum distribution for any eligible city was originally capped at \$100,000, to be increased each year by the increase in the July implicit price deflator (IPD) for personal consumption expenditures. The **2018 cap is \$124,258**.

City Assistance Distributions	
Population	Distributions Formula
Cities/towns under 5,000 population <i>Only eligible if per capita assessed value is less than 2x the statewide average for all cities</i>	Greater of 55% sales tax equalization on “first half” local sales tax; 55% property tax equalization based on per capita assessed values per \$1,000 assessed value; or 2005 MVET backfill.
Cities over 5,000 population <i>Only eligible if per capita assessed value is less than the statewide average for all cities</i>	Greater of 50% sales tax equalization on “first half” local sales tax; or 55% property tax equalization based on per capita assessed values per \$1,000 assessed value

Any city that incorporates after August 1, 2005 is not eligible for funding.

If there are not enough revenues to fund the city distributions as outlined above, then they will each be reduced proportionately. If there are more revenues than necessary to fund the above distributions, the excess is to be distributed proportionately on the basis of population among those cities that have qualified for city-county assistance and impose the full second half-cent of the sales and use tax under [RCW 82.14.030\(2\)](#).

The county formulas are shown on the next page. Unlike cities, there are no eligibility restrictions.

County Assistance Distributions	
Population	Distributions Formula
All counties with unincorporated population over 100,000	<p>Greater of \$250,000 (to be increased each year by the increase in the July IPD for personal consumption expenditures, which produces an amount of \$299,526 in 2018); or</p> <p>An amount equal to 65% of the statewide per capita average collected from the first half-cent of the sales and use tax with respect to taxable activity in the unincorporated areas of all counties in the previous fiscal year</p>
<p>All counties with unincorporated population under 100,000</p> <p><i>For counties under 15,000 unincorporated population, also see below</i></p>	<p>Greater of 50% sales tax equalization on “first half” local sales tax; or</p> <p>55% property tax equalization based on per capita assessed values per \$1,000 assessed value</p>
Counties with unincorporated populations under 15,000	<p>Greater of Distribution for counties with unincorporated populations under 100,000 (see above); or</p> <p>The amount the county received in “backfill” for FY 2005 under section 716, Ch. 276, Laws of 2004 (amended state budget).</p>

If there are not enough revenues to fund the county distributions as outlined above, then they will each be reduced proportionately. If there are more revenues than necessary to fund the above distributions, the excess is to be distributed proportionately on the basis of the unincorporated population among those counties that have qualified for city-county assistance funding and impose the full second half-cent of the sales and use tax under [RCW 82.14.030\(2\)](#).

Certification and distribution dates

The Department of Revenue (DOR) must certify the amounts to be distributed each year by October 1, with preliminary estimates available by September 1.

Funds are required to be distributed quarterly on January 1, April 1, July 1, and October 1. In order for these distribution dates to be met, the transfers are made on the last day of the previous month in conjunction with the regular remittance of revenues from the State Treasurer’s Office (OST) to local governments. As a result, the January 1 remittance is received on December 31, which is part of the current budget cycle for cities, towns, and counties instead of being received in the next budget period. This means that, for budgeting purposes, cities and counties are dealing with two different certification years.

Here’s how it works: when you pass your budget for 2019 later this year, you will know the amount for which you are certified for 2019, but keep in mind that the first payment from that certification will arrive in December and will become part of the current year’s revenues. The amount you forecast for 2019 will depend on the October 1, 2018 certification, less the January distribution (received December 31), plus your “guesstimate” of your January 2020 distribution (certified October 1, 2019 and received December 31, 2019).

City-County Assistance Distribution Certification and Payment Dates

		Statutory Date for Distribution	Actual Payment Date	Certification Date
2018 BUDGET	1st Quarter	April 1, 2018	March 30, 2018	October 1, 2017
	2nd Quarter	July 1, 2018	June 29, 2018	October 1, 2017
	3rd Quarter	October 1, 2018	September 28, 2018	October 1, 2017
	4th Quarter	January 1, 2019	December 31, 2018	October 1, 2018
2019 BUDGET	1st Quarter	April 1, 2019	March 29, 2019	October 1, 2018
	2nd Quarter	July 1, 2019	June 28, 2019	October 1, 2018
	3rd Quarter	October 1, 2019	September 30, 2019	October 1, 2018
	4th Quarter	January 1, 2020	December 31, 2019	October 1, 2019

Forecasts

Historical. The city-county assistance fund receives its revenues from the sales of real property, so when the real estate market is active – as it is now – funds are frequently sufficient to distribute. However, revenues decrease when there is a downturn in the economy, as was the case during the Great Recession and subsequent years. During that time cities and counties received a decreased distribution. Because of the weighted formula, there was enough to fully fund the counties during many of those years, but cities received only a proportion of their certified amounts.

Early in the Great Recession period the state operating budget provided transfers from the Public Works Assistance account that fully funded counties but reduced city distributions by 33%. In the subsequent budget cycle, the transfer from Public Works was eliminated leaving cities further behind and counties struggling to make up the loss of revenues. Over the past several years, cities have not reached their full certificated level and have fallen as low as receiving only 55%.

Real estate sales have been brisk throughout the state resulting in increased distributions, at least until the next downturn in the economy. As with other state shared revenues, this resource can also be impacted by the actions of the state legislature.

2018 Update. The total certification amount for 2018 was \$9.5 million for cities and \$5.3 million for counties. Of this amount, both cities and counties received their January distribution in calendar year 2017 (see distribution table) and you have now received the April and July distributions. According to the June 2018 ERFC forecast of real estate excise tax receipts, cities and counties are currently expected to receive \$5.586 million from the real estate excise tax in the October distribution, which is paid out at the end of September. That would bring the total so far for 2018 to \$19.1 million. There will be one more payment this calendar year – the January 2019 distribution, which cities and counties will receive at the end of December.

To update your forecast for 2018, you can go to the Department of Revenue (DOR) [City-County Assistance webpage](#) and click on [2018 City and County Distributions](#). These spreadsheets show the amounts for which each city and county were certified in 2018. Don't forget to adjust the estimated total for the distribution date differences explained in the table above.

The preliminary estimates for City-County Assistance distributions in 2019 will be available sometime in September. They will be posted on the DOR [City-County Assistance webpage](#) under “**2019 City and County Distribution Estimates.**”

The June forecast provided by ERFC are estimating that the January 2019 distribution (December 2018 payment) be \$2,173,000 each for cities and counties. That would make the statewide total for the four payments for the

2018 budget year equal \$18.6 million. For the first time in over a decade both cities and counties will receive 100% of their certification plus an additional distribution based on the formula in [RCW 82.14.030\(2\)](#).

2019 Forecast. As previously mentioned the DOR will release the estimates in September. The June 2018 ERFC forecasts indicate continued growth throughout the 2019 and 2020 forecast period. Both counties and cities should receive their full certification amounts.

The June forecasts from ERFC currently show \$8.157 million each for cities and counties. You can calculate what your entity's percentage share will be by taking the amount in the column labeled "ESSB 6050 Amount" of the 2018 City and County Distributions for your entity and dividing it by the city or county total at the bottom of the column. Multiply that by \$8.157 million to get your estimated dollar amount for 2019. This methodology assumes that your share of the last payment in 2018 (which will come from the October 1, 2018 certification) will be the same percentage amount as the first three payments and this is a reasonably good assumption for most entities.

Impact of Marketplace Fairness Act and SST Mitigation Elimination

The Marketplace Fairness Act has created a number of changes impacting local sales tax distributions and SST mitigation payments, as discussed on page 21. This will result in an increase in sales tax distributions for all cities and counties, but it will also result in the elimination of all SST mitigation payments effective October 1, 2019. The Department of Revenue does not expect the elimination of SST mitigation payments to have a significant impact on city-county assistance distributions.

However, for jurisdictions that currently receive city-county assistance but do not receive SST mitigation, or whose increased sales tax revenues will more than compensate for the loss of SST mitigation payments, there may be an increase in per capita sales tax revenues which could affect eligibility or distribution amounts. On the flip side, there are some jurisdictions that will be severely impacted by the loss of SST mitigation payments but will remain ineligible for assistance under the formulas above due to their assessed property values or per capita sales tax ratios.

Creating Your Estimates

If you cannot wait until the release of the preliminary certification in September to make your budget estimate for 2019, then take your entity's percentage share of the 2018 certification and multiply it by the estimated pot of city or county revenue for 2019, of \$8.156 million. Keep in mind that this method will only put you in the ballpark. The September and October numbers will be the more reliable estimates, especially if you are one of those jurisdictions close to the limits on the distribution formula provided at the beginning of this discussion.

To give you an example, let's say you are a city with a population of 5,000 or less and your per capita sales tax on the first half-cent in the qualifying period was \$63.00, just slightly less than \$66.91 (the 55% equalization amount). You were certified for a distribution this year, 2018, but if your per capita sales tax increases beyond the 55% equalization amount of \$66.91, you might not qualify for assistance in a subsequent year.

Another wrinkle in revenue forecasting is the timing of the preliminary certification. [RCW 43.08.290\(6\)\(d\)](#) states, in part:

By September 1, 2010, and September 1st of every year thereafter, the department of revenue must make available a preliminary certification of the amounts to be distributed under this section...

A component of releasing the ESSB 6050 distributions is having the Implicit Price Deflator (IPD) for personal consumption expenditures, and what the drafter of the legislation did not realize is that the July IPD for personal consumption expenditures is not published until the third week of September. Therefore the "preliminary" certification is not available on September 1. As mentioned, the October release by DOR will be your most accurate estimate for next year's distributions.

FIRE INSURANCE PREMIUM TAX

[RCW 41.16.050](#) requires each municipality having a regularly organized full-time fire department with paid firefighters to establish a firefighters' pension fund. This fund is to consist of all bequests, gifts, or donations given or paid to the municipality for the firefighters' pension fund; a proportional share of the state tax on fire insurance premiums; property taxes collected under the provisions of [RCW 41.16.060](#); interest on the investments of the fund; and any contributions made by firefighters themselves.

The state collects a 2% tax on the premiums of all insurance policies written. Of the tax collected on fire policies and the fire component of homeowner's and commercial multi-peril policies, 25% is distributed to cities and fire districts that have firefighters' pension funds.

The moneys received from the tax on fire insurance premiums under [RCW 41.16.050](#) are distributed in the proportion that the total number of paid firefighters in the individual jurisdictions bear to the total number of paid firefighters in the state. This calculation is known as the "ratio value." Each year, on or before January 15, cities, towns, and fire districts must certify to the State Treasurer their number of paid firefighters and the Office of Insurance Commissioner (OIC) certifies the fire insurance premiums collected by March 31. These moneys are then distributed to the local jurisdictions at the end of May.

The fire insurance premiums certified for distribution by OIC for 2018 was \$4,829,347.99, and the number of paid firefighters reported on January 15 was 4,539. This equates to a ratio value for 2018 of \$1,063.97 per paid firefighter. This is almost identical to our forecast last year (0.1% lower than our estimate of \$1,065.98). On May 31, distributions were made to 43 cities and two fire districts.

2019 Projection

While this appropriation has been the subject of debate in past legislative sessions, and as recently as last year, the short 2018 legislative session did not turn its attention to this state shared revenue, and current revenue indicators from the Economic Revenue Forecast Council (ERFC) are that revenues are exceeding forecasts by a small but comfortable margin.

The 2017-19 state operating budget fully funded this appropriation and we have developed an estimated ratio value for the 2019 distribution. Our estimate is based upon an assumption that premiums for fire policies and the fire insurance component of homeowner's and commercial multi-peril policies will continue to increase, and we have adjusted the factor to reflect rising interest rates and increased returns on investments for the insurance industry. We have also projected that the number of paid firefighters will modestly increase during this current period of economic growth.

Fire Insurance Premium Tax	
Eligible jurisdictions	All cities and fire districts with a regularly organized full-time fire department with paid firefighters
Estimated 2019 ratio value	\$1,056.63 per paid firefighter
Payment received	In one lump sum on May 31, 2019
Revenue must be used for	Firefighters' pension fund

We want to remind our readers that these forecasts are estimates only. The actual figures will be calculated in 2019 based on the number of paid firefighters reported, fire insurance loss experience, and premiums paid.

SHARED REVENUE DISTRIBUTION CALENDAR

Shared revenues are distributed on the last business day of the month. Some are distributed monthly and others quarterly, while the fire insurance premium tax is distributed on an annual basis. See the chart below for a quick guide to when you will receive each distribution.

Shared Revenue Distribution Calendar												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gas Tax	●	●	●	●	●	●	●	●	●	●	●	●
Increased Gas Tax			●			●			●			●
Multimodal Distribution			●			●			●			●
Liquor Excise Tax	●			●			●			●		
Liquor Profits			●			●			●			●
Marijuana Excise Tax			●			●			●			●
Criminal Justice	●			●			●			●		
Fire Insurance Premium Tax					●							
City/County Assistance			●			●			●			●

PER CAPITA SHARED REVENUE FORECAST TABLES FOR CITIES

The tables below include projections and estimates for both the 2019 and 2020 budget years. These are based upon current information that we have received from various state agencies. Variables considered were changes in population, known increases to certain revenues such as the fiscal growth factor for Criminal Justice, and revenue projections provided by WSDOT and ERFC for motor vehicle fuel taxes and liquor excise taxes.

Next year's legislative session will include the state's biennial budget. The Governor's Office and all of the state agencies are already working on this process and the Governor's budget will be released in December. It's hard to predict what may occur with state shared revenues and the following forecasts, but you can rely on MRSC to keep you informed on any significant changes that could impact your budgets.

Total Per Capita Distributions to All Cities and Towns 2015 to 2020

	2015	2016	2017	2018 Revised	2019 Forecast	2020 Forecast
Gas Tax	93,461,035	95,737,763	96,393,238	98,998,988	100,255,037	101,743,764
Multi-Modal Distribution		4,687,500	4,910,750	6,696,500	6,696,500	6,696,500
Increased Gas Tax		1,367,250	2,734,500	5,859,500	5,859,500	5,859,500
Liquor Profits	39,431,748	39,431,748	39,431,748	39,431,748	39,431,748	39,431,748
Liquor Tax	12,252,803	21,358,589	22,803,066	24,020,743	24,782,007	25,910,542
Marijuana - Per Capita Share Only			840,000	5,460,000	4,200,000	4,200,000
Criminal Justice—Special Programs	4,228,233	4,651,287	4,852,222	5,052,613	5,254,718	5,497,486
Criminal Justice—Population	1,252,810	1,378,159	1,437,696	1,497,071	1,556,953	1,628,885
TOTAL	\$150,626,629	\$168,612,296	\$173,403,220	\$187,017,163	\$188,036,463	\$190,968,425

Estimated Per Capita Distributions for Each City/Town 2015 to 2020

	2015	2016	2017	2018 Revised	2019 Forecast	2020 Forecast
Gas Tax	20.78	20.98	20.66	20.83	20.72	20.71
Multi-Modal Distribution		1.03	1.05	1.41	1.38	1.36
Increased Gas Tax	0.30	0.60	0.92	1.23	1.21	1.19
Liquor Profits	8.57	8.47	8.35	8.30	8.16	8.02
Liquor Tax	2.72	4.57	4.88	5.05	5.14	5.27
Marijuana - Per Capita Share Only ¹			0.24	1.53	1.17	1.16
Criminal Justice—Special Programs	0.95	1.02	1.04	1.07	1.09	1.12
Criminal Justice—Population ²	0.28	0.30	0.31	0.32	0.33	0.34
TOTAL	\$33.60	\$36.97	\$37.45	\$39.74	\$39.20	\$39.17

1. Marijuana excise funds may only be distributed to cities/towns that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer. Changes to local ordinances can potentially impact the per capita distribution amounts.

2. Minimum distribution of \$1,000 per city/town, regardless of population.

See our online [State Shared Revenue Estimator](#) for a forecast tailored to your specific jurisdiction.

PER CAPITA SHARED REVENUE FORECAST TABLES FOR COUNTIES

The tables below include projections and estimates for both the 2019 and 2020 budget years. These are based upon current information that we have received from various state agencies. Variables considered were changes in population, known increases to certain revenues such as the fiscal growth factor for Criminal Justice, and revenue projections provided by WSDOT and ERFC for motor vehicle fuel taxes and liquor excise taxes.

Next year's legislative session will include the state's biennial budget. The Governor's Office and all of the state agencies are already working on this process and the Governor's budget will be released in December. It's hard to predict what may occur with state shared revenues and the following forecasts, but you can rely on MRSC to keep you informed on any significant changes that could impact your budgets.

Total Per Capita Distributions to All Counties 2015 to 2020

	2015	2016	2017	2018 Revised	2019 Forecast	2020 Forecast
Liquor Profits	9,857,936	9,857,936	9,857,936	9,857,936	9,857,936	9,857,936
Liquor Tax	2,543,700	4,858,654	5,077,720	5,427,047	5,600,019	5,830,120
Marijuana - Per Capita Share Only			1,260,000	8,190,000	6,300,000	6,300,000
TOTAL	\$12,401,636	\$14,716,590	\$16,195,656	\$23,474,983	\$21,757,955	\$21,988,056

Estimated Per Capita Distributions for Each County 2015 to 2020

	2015	2016	2017	2018 Revised	2019 Forecast	2020 Forecast
Liquor Profits ¹	4.02	3.98	3.92	3.86	3.81	3.79
Liquor Tax ¹	1.02	1.91	2.02	2.12	2.17	2.24
Marijuana - Per Capita Share Only ²			0.21	1.32	1.03	1.02

1. Liquor distributions are based on unincorporated population.

2. Marijuana distributions are based on total population. Funds may only be distributed to counties that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer. Changes to local ordinances can potentially impact the per capita distribution amounts.

See our online [State Shared Revenue Estimator](#) for a forecast tailored to your specific jurisdiction.

Timely Budget Articles

Assessing Your Budget Document

Each year as an opening exercise for the annual AWC Municipal Budgeting and Financial Management workshop, we have the participants complete this assessment checklist of their current budget document. For many, this brief exercise often starts the evolution of the budget document from just numbers on a page to a budget document that reveals a story about your jurisdiction.

The questions have been developed over the years from experts in the area of municipal budgeting. It is intended to give you ideas that will enhance the budget document, but it is not the only evaluation tool available. In fact, the GFOA has a [Distinguished Budget Presentation Award Program \(Budget Awards Program\)](#) that goes into much further detail.

But this assessment tool is intended to help you evaluate and make small steps over the course of several years to improve the content of your comprehensive budget document, with the goal of providing your reader with a more transparent and easily understood budget document.

This tool is located on our website at mrsc.org/budgeting, but we thought it might be a great way to close out the 2019 Budget Suggestions publication—our **75th anniversary edition**.

HAPPY BUDGETING!!



BUDGET DOCUMENT ASSESSMENT

Point Range	Assessment Question	Score
0 - 2	Does the budget include a table of contents and a glossary of terms?	
0 - 2	Does the budget describe the organization? (such as an org. chart)	
0 - 4	Does the budget message address major strategic issues (assumptions, trends, problems and opportunities)?	
0 - 2	Does it include a clear mission or “broad goals” statement?	
0 - 3	Does the budget include goals for the year / biennium - including how they connect to strategic long term goals?	
0 - 3	Are relevant financial policies included and referenced?	
0 - 3	Does the budget include a summary of major revenues, and expenditures for the at least a three year period (prior year actual, current year, and proposed budget)?	
0 - 5	Is the overall financial plan clear? Is there a forecast of at least 3 years?	
0 - 4	Is there a chart showing staffing by department which provides historical information (comparative) such as FTE’s?	
0 - 4	Does the budget document discuss reserves (policy, targets, levels, planned uses, plans to restore)?	
0 - 4	Is there a description of the programs and activities provided that includes measurable objectives? Are they related to the goals?	
0 - 3	Does the budget discuss current debt levels by debt types (general obligation, revenue, assessment) including comparisons to legal limits?	
0 - 4	Does the budget include a list of capital projects for the year? Does it discuss how the improvements will impact future operating budgets?	
0 - 2	Does the budget convey its messages clearly such as with graphs, tables or other means throughout the document?	
0 - 2	Is the overall budget format easy to follow and use?	
0 - 4	Would a citizen or an elected official feel this is a user-friendly budget?	
0 - 2	Does the budget document provide the reader with opportunities to gain further information?	
53 possible	TOTAL	

General Comments and purpose regarding this assessment – The order of the questions typically represents the order this information is found in budget documents. The following is a description of the ideals for each section.

Does the budget include a table of contents and a glossary of terms? <i>A simple table of contents should be included. A glossary of terms unique to budgeting and to your particular organization should also be included. An index is a bonus.</i>
Does the budget describe the organization? (such as an org. chart). <i>An organization chart of the entire government is needed but often not enough to describe the organization to an “outsider”. Add defining narrative to help bridge the gap.</i>
Does the budget message address major strategic issues (assumptions, trends, problems and opportunities)? <i>The most important element of your budget is your message. Here you can incorporate other elements (see below) but should be sure to tell your story. Describe what you emphasized (and what you de-emphasized) in this budget and why! Talk about more than numbers.</i>
Does it include a clear mission or “broad goals” statement? <i>What is the purpose of your organization? If you haven’t discussed it and written it down, there is likely confusion on that point. Be sure to include it in the budget!</i>
Does the budget include goals for the year / biennium - including how they connect to strategic long term goals? <i>A great budget message element. Describe what things of significance you hope to accomplish during the budget period.</i>
Are relevant financial policies included and referenced? <i>At a minimum discuss reserve, revenue, budget and expenditure policies. Don’t include (but you can make reference to) non-budget policies (such as purchasing or investments). Describe where this budget might deviate from your policy guidance (or clearly state that it is consistent with policy).</i>
Does the budget include a summary of major revenues, and expenditures for the at least a three year period (prior year actual, current year, and proposed budget)? <i>Include fund balances as well. This is your “financial plan”. Fewer, simple charts are best! Graphs are great but need some captions to interpret them – and make your points.</i>
Is the overall financial plan clear? Is there a forecast of at least 3 years? <i>Along with the financial summary, include a forecast of the major operating funds. Keep to high level account descriptions (avoid too much detail). Summarize into thousands.</i>
Is there a chart showing staffing by department which provides historical information (comparative) such as FTE’s? <i>Staffing is often the most significant cost. Also, this can help provide insight into how the government is organized.</i>
Does the budget document discuss reserves (policy, targets, levels, planned uses, plans to restore)? <i>Fund balance changes of more than 10% should be explained. Uses of fund balance in your budget should be explained as well.</i>
Is there a description of the programs and activities provided that includes measurable objectives? Are they related to the goals? <i>“Narratives” take many forms. Basically describe what you are doing, why you are doing it and who is the customer. This can be organized by department, fund, program or community priority.</i>
Does the budget discuss current debt levels by debt types (general obligation, revenue, assessment) including comparisons to legal limits? <i>Debt or other legal / financial obligations can be a significant budgetary and financial issue. Transparency is the key – but again at a summary level. What debt exists and why? How does it compare to legal limits and ability to pay?</i>
Does the budget include a list of capital projects for the year? Does it discuss how the improvements will impact future operating budgets? <i>Capital budgets are challenging to present in clear and simple ways. However a few schedules of sources and uses of funds, along with descriptions of your largest projects works well. Be sure to discuss operating budget impacts.</i>
Does the budget convey its messages clearly such as with graphs, tables or other means throughout the document? <i>Budgets can be intimidating – work to avoid jargon, long-running paragraphs of text, too many details and other potential distractions.</i>
Is the overall budget format easy to follow and use? <i>Consider a “highlights” or other ways to convey the most important points. Most casual readers will look at the message and a few additional pages. Use this limited attention well!</i>
Would a citizen or an elected official feel this is a user-friendly budget? <i>A “budget in brief” or some other summary is often helpful. Put the hot-button issues right up front. Be clear about what you are proposing – in simple terms.</i>
Does the budget document provide the reader with opportunities to gain further information? <i>Provide references to your web site, other documents, staff contacts, and other ways that someone can find out more about the budget or a related topic.</i>