



AGENDA

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SHORELINE CITY COUNCIL SPECIAL MEETING

Monday, April 29, 2013
5:45 p.m.

Conference Room 104 · Shoreline City Hall
17500 Midvale Avenue North

TOPIC/GUESTS: Council Operations

SHORELINE CITY COUNCIL BUSINESS MEETING

Monday, April 29, 2013
7:00 p.m.

Council Chamber · Shoreline City Hall
17500 Midvale Avenue North

	<u>Page</u>	<u>Estimated Time</u>
1. CALL TO ORDER		7:00
2. FLAG SALUTE/ROLL CALL		
3. REPORT OF THE CITY MANAGER		
4. COUNCIL REPORTS		
5. PUBLIC COMMENT		
<i>Members of the public may address the City Council on agenda items or any other topic for three minutes or less, depending on the number of people wishing to speak. The total public comment period will be no more than 30 minutes. If more than 15 people are signed up to speak, each speaker will be allocated 2 minutes. When representing the official position of a State registered non-profit organization or agency or a City-recognized organization, a speaker will be given 5 minutes and it will be recorded as the official position of that organization. Each organization shall have only one, five-minute presentation. Speakers are asked to sign up prior to the start of the Public Comment period. Individuals wishing to speak to agenda items will be called to speak first, generally in the order in which they have signed. If time remains, the Presiding Officer will call individuals wishing to speak to topics not listed on the agenda generally in the order in which they have signed. If time is available, the Presiding Officer may call for additional unsigned speakers.</i>		
6. APPROVAL OF THE AGENDA		7:20
7. CONSENT CALENDAR		7:20
(a) Minutes of Business Meeting of April 15, 2013	<u>1</u>	
8. ACTION ITEMS		

- | | | | |
|-----|---|-----------|------|
| (a) | Adoption of Ordinance No. 660 Amending the Categorical Exemptions for Minor New Construction Under the Environmental Policy Act; and Amending Section 20.30.560 of the Shoreline Municipal Code | <u>4</u> | 7:20 |
| (b) | Approval of Ordinance No. 653 Banning the Use of Plastic Carryout Bags | <u>16</u> | 7:40 |

9. ADJOURNMENT 8:10

The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2231 in advance for more information. For TTY service, call 546-0457. For up-to-date information on future agendas, call 801-2236 or see the web page at www.shorelinewa.gov. Council meetings are shown on Comcast Cable Services Channel 21 and Verizon Cable Services Channel 37 on Tuesdays at 12 noon and 8 p.m., and Wednesday through Sunday at 6 a.m., 12 noon and 8 p.m. Online Council meetings can also be viewed on the City's Web site at <http://shorelinewa.gov>.

CITY OF SHORELINE

**SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING**

Monday, April 15, 2013
7:00 p.m.

Council Chamber - Shoreline City Hall
17500 Midvale Avenue North

PRESENT: Mayor McGlashan, Deputy Mayor Eggen, Councilmember Hall, Councilmember McConnell, Councilmember Winstead, Councilmember Salomon, and Councilmember Roberts

ABSENT: none

1. CALL TO ORDER

At 7:02 p.m., the meeting was called to order by Mayor McGlashan, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor McGlashan led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

(a) Proclamation of Earth Day

Mayor McGlashan read the proclamation declaring Earth Day in the City of Shoreline. Tim Thomas, Manager of the Shoreline Bartell's store, accepted the proclamation and thanked the City for this recognition.

(b) Recognition of Outgoing Parks, Recreation and Cultural Services/Tree Board Members

Mayor McGlashan and Dick Deal, PRCS Director, presented outgoing PRCS Board Members with tokens of the City's appreciation for their service. Outgoing members include Bill Clements, Carolyn Ballo, Joseph Neiford, and Boni Biery. Former Councilmember Rich Gustafson was present and also provided remarks. Carolyn Ballo, Bill Clements, and Boni Biery were present and thanked the City for the recognition.

3. REPORT OF THE CITY MANAGER

Debbie Tarry, Assistant City Manager, provided reports and updates on various City meetings, projects, and events.

4. COMMUNITY GROUP PRESENTATION

(a) Shoreline/North Seattle Relay for Life - American Cancer Society

John Barrett, Shoreline resident and event chair for Shoreline/North Seattle Relay for Life, provided a presentation on the American Cancer Society's Relay for Life Event and requested City sponsorship of the event. Councilmembers asked questions, made comments, and thanked Mr. Barrett for the presentation.

5. PUBLIC COMMENT

a) Nancy Moreyra, Shoreline, on behalf of the Ballinger Neighborhood Association, commented on a neighborhood proposal regard the development of the Brugger's Bog Maintenance Facility.

6. APPROVAL OF THE AGENDA

Upon motion by Councilmember McConnell, seconded by Councilmember Roberts and unanimously carried, the agenda was approved.

7. CONSENT CALENDAR

Upon motion by Councilmember Hall, seconded by Councilmember Winstead and unanimously carried, the following Consent Calendar items were approved:

(a) Minutes of Special Meeting of April 1, 2013 Minutes of Business Meeting of April 1, 2013

(b) Adoption of Resolution No. 343 Amending Resolution. No. 341 Supporting the 2014-2020 King County EMS Levy

(c) Adoption of Ordinance No. 658 Amending the City's Commute Trip Reduction Plan

8. ACTION ITEM

(a) Approval of Ordinance No. 657 Vacating a Portion of 30th Avenue NE North of NE 149th Street

Miranda Redinger, Senior Planner, provided the staff report on an application to vacate a portion of 30th Avenue NE, which was proposed via the petition method. She outlined the criteria for approval of street vacations and recommended that Council adopt Ordinance No. 657.

Councilmember McConnell moved adoption of Ordinance No. 657. Councilmember Hall seconded the motion.

There was brief discussion about aspects of the subject parcel such as property transfer, redevelopment, zoning, and environmental issues.

A vote was taken on the motion to adopt Ordinance No. 657, Vacating a Portion of 30th Avenue NE North of NE 149th Street, which carried 7-0.

9. STUDY ITEM

(a) 2012 Police Service Report

Shawn Ledford, Police Chief, provided the 2012 Police Services Report. His report included statistics and trends regarding various crimes, including residential burglaries, vehicle prowls, and auto thefts. He also discussed cost comparisons, service calls, average response time, communications, the e-alert system, investigations, crime prevention, community policing, and school safety.

The Council responded to Chief Ledford's presentation with questions and comments on various topics, including school safety, lockdown scenarios, level of service, burglaries, traffic accidents and citations, ticket revenue, jail transports, overtime, and major accident reconstruction (MAR).

10. ADJOURNMENT

At 8:30 p.m., Mayor McGlashan declared the meeting adjourned.

Scott Passey, City Clerk

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 660 Amending the Categorical Exemptions for Minor New Construction Under the Environmental Policy Act; and Amending Section 20.30.560 of the Shoreline Municipal Code		
DEPARTMENT:	Planning & Community Development		
PRESENTED BY:	Jeff Forry, Permit Services Manager		
ACTION:	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion
	<input type="checkbox"/> Discussion	<input type="checkbox"/> Public Hearing	

PROBLEM/ISSUE STATEMENT

The State Legislature has amended the Washington State Environmental Policy Act (SEPA) to allow local agencies to increase the exemption thresholds that trigger required environmental review for minor new construction. Effective July 10, 2012, the Washington State Legislature passed Senate Bill (SB) 6406 which mandated that the Department of Ecology (DOE) update SEPA rules (WAC197-11). The bill and subsequent rule making was undertaken to streamline the regulatory process and achieve program efficiencies while maintaining current levels of natural resource protection; increase SEPA thresholds; and integrate the SEPA process with provisions of the Growth Management Act (GMA). DOE began “rule making “on October 24, 2012 and completed the first phase of the process on December 28, 2012. The new rules took effect on January 31, 2013. The new thresholds must be formally adopted by the City Council before the City can utilize them.

The following table provides a summary of the SEPA thresholds:

	Existing and Proposed Thresholds for Minor New Construction		
Project Type	Existing City Exemptions	State Interim Regulations – SB6406 (Used by the City until expiration 1/31/2013)	Adopted Final Regulations(WAC) Exemptions (Ordinance No. 660)
Single family	4 dwelling units	20 dwelling units	30 dwelling units
Multifamily	4 dwelling units	20 dwelling units	60 dwelling units
Office, school, commercial, recreational, service, storage building,	4,000 square feet and 20 parking spaces	20,000 square feet and 40 parking spaces	30,000 square feet and 90 parking spaces

parking facilities			
Landfill or excavation	500 cubic yards	500 cubic yards	1,000 cubic yards

The purpose of tonight's meeting is to discuss any remaining issues, deliberate, and consider adoption of Ordinance No. 660 (Attachment A) to amend the City's environmental procedures (Shoreline Municipal Code Chapter 20.36).

The Council last discussed the proposed amendments at its April 08, 2013 meeting.

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2013/staffreport040813-8a.pdf>

RESOURCE/FINANCIAL IMPACT

No financial impacts are anticipated.

RECOMMENDATION

Staff recommends Council adopt Ordinance No. 660 to amend the environmental review thresholds for minor new construction in SMC 20.30.560 as proposed and eliminate the automatic environmental review requirement for activities in critical areas and their buffers.

Approved By: City Manager ***JU*** City Attorney ***IS***

BACKGROUND

SEPA provides a framework to condition or deny a proposal when mitigations are not provided for in policies adopted by the City and incorporated into regulations, plans, or codes. The environmental review process in SEPA is designed to work with other regulations to provide a comprehensive review of a proposal. Most regulations focus on particular aspects of a proposal, while SEPA requires the identification and evaluation of probable significant impacts for all elements of the environment. Combining the review processes of SEPA and other laws reduces duplication and delay by combining study needs, comment periods and public notices, and allowing agencies, applicants, and the public to consider all aspects of a proposal at the same time.

The City's environmental procedures have built in redundancies given that the City's current thresholds are below the level mitigations provided in local, state, and federal regulations.

To support Council Goal No. 1, Strengthen Shoreline's Economic Base, procedural redundancies should be eliminated. By implementing efforts to make the permit process predictable, timely, and competitive efficiencies are achieved in the permit process that will provide for a more focused review of proposals.

The state legislature has provided agencies the flexibility to evaluate local environmental procedures. By raising the thresholds for environmental review of minor new construction the City can reduce the redundancies created by the current procedures.

On March 21, 2013 the Planning Commission conducted a public hearing on the amendments. The Commission voted to recommend approval as proposed.

DISCUSSION

In ESSB 6406 the state legislature directed that the Department of Ecology (DOE) evaluate the rule-based categorical exemptions in WAC 197-11 (SEPA Rules). The bill established two phases of rule making that included:

1. Increase the rule-based categorical exemptions to Chapter 43.21C RCW found in WAC 197-11-800 and
2. Update the environmental checklist. The environmental checklist is a standardized tool that possesses questions regarding a proposals effect on elements of the environment. Staff uses the response to the questions to evaluate the proposal against the mitigations provided in adopted regulations.

The legislature established an expiration date for this section of the bill which would limit DOE's ability to continue the rule-making mandated by the bill past July 31, 2014. The categorical exemptions were to be updated by December 31, 2012. The rule-making process that established new maximum exemption thresholds was completed and the new rule went into effect January 28, 2013. The exemption thresholds will not be

affected by the expiration date. The second phase, updating the checklist, of the rule-making is scheduled to be completed by December 31, 2013.

In the first phase DOE defined new optional flexible thresholds for local agencies. An agency's ability to employ the highest thresholds is based on its status as a community planning under the Growth Management Act (GMA).

Maximum Threshold Comparison Cities vs. Counties			
Fully Planning GMA Counties			All Other Counties
Project Types	Incorporated and Unincorporated UGAs (Proposed in Ordinance No. 660)	Other Unincorporated Areas	Incorporated and Unincorporated Areas
Single Family	30 dwelling units	20 dwelling units	20 dwelling units
Multifamily	60 dwelling units	25 dwelling units	25 dwelling units
Office, School, etc,	30,000 square feet and 90 parking spaces	12,000 square feet and 40 parking spaces	12,000 square feet and 40 parking spaces
Landfill or Excavation	1,000 cubic yards	1,000 cubic yards	1,000 cubic yards

Cities fully planning under GMA, including Shoreline, were provided the most flexibility. This is the basis for the staff's recommendation.

As DOE concluded, and staff concurs, minor new construction less than the exemption level has a relatively low chance of significant impact when appropriate mitigations are provided in the rules and regulations implemented through the permit process. Given the extensive investment that the City is making and will continue to make in comprehensive plans and development regulations it is staff's belief that the local, state, and federal regulations employed during the City's environmental review process provide the appropriate level of mitigation for the impacts of development at or below the proposed thresholds for minor new construction.

ALTERNATIVES:

The following alternatives are available to Council with regard to proposed Ordinance No. 660:

1. *Adopt* – Council can adopt Ordinance No. 660, which would establish the exemption thresholds stated in the ordinance.
2. *Reject* – Council can reject Ordinance No. 660, which would keep the status quo in place and maintain the lowest available exemption thresholds.
3. *Adopt exemption thresholds between the lowest and highest allowed exemption thresholds* – Council can amend the proposed exemption thresholds of Ordinance No. 660.

Staff recommends that Council adopt Ordinance No. 660 as proposed.

STAKEHOLDER INPUT

Prior to amending thresholds, agencies must provide a 21 day comment period for state and local agencies and the public. The comment period ended April 18, 2013. Comments were received from the Department of Archeology and Historic Preservation (DAHP) and the Washington Trust for Historic Preservation. Both recommended strengthening the City’s review procedures with the adoption of higher thresholds. Staff has contacted DAHP and the City is in the process of pursuing a data sharing agreement with the State. Staff anticipates completion of this process by the end of May. This will provide full access to their data to supplement project review. The City’s current review procedures include methods to identify and evaluate historic buildings and structures; DAHP provides a decision tree for evaluating proposals and it is being incorporated into the review procedures for consistency. The tree provides triggering thresholds and courses of action for staff evaluating proposals that might necessitate a consultation with tribes and DAHP.

RESOURCE/FINANCIAL IMPACT

No financial impacts are anticipated.

RECOMMENDATION

Staff recommends Council adopt Ordinance No. 660 to amend the environmental review thresholds for minor new construction in SMC 20.30.560 as proposed and eliminate the automatic environmental review requirement for activities in critical areas and their buffers.

ATTACHMENTS

- Attachment A – Ordinance No. 660
- Attachment B – Agency Comments

ORDINANCE NO. 660

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE CATEGORICAL EXEMPTIONS FOR MINOR NEW CONSTRUCTION UNDER THE ENVIRONMENTAL POLICY ACT; AND AMENDING SECTION 20.30.560 OF THE SHORELINE MUNICIPAL CODE

WHEREAS, WAC 197-11-800(c) permits cities, towns or counties to raise the exempt levels for environmental review under the State Environmental Policy Act (SEPA) up to the maximum specified in WAC 197-11-800(d); and

WHEREAS, City staff drafted amendments to the Development Code to adopt expanded thresholds for minor construction; and

WHEREAS, the Planning Commission held a Public Hearing and formulated its recommendation to Council on the proposed amendments on March 21, 2013; and

WHEREAS, this action is exempt from environmental review pursuant to WAC 197-11-800(19) and no SEPA Threshold Determination was not issued; and

WHEREAS, the proposed amendments were submitted to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology, and the public on March 27, 2013 for comment pursuant WAC 197-11-800(1)(c)(iii); and

WHEREAS, no substantive comments were received from state agencies or the Department of Ecology; and

WHEREAS, the Council finds that project-level public comment opportunities are provided for proposals included in these increased exemption levels in Chapter 20.30 SMC; and

WHEREAS, the Council finds that the requirements for environmental analysis, protection and mitigation have been adequately addressed for the development exempted; and

WHEREAS, the Council finds that the amendments adopted by this ordinance are consistent with and implement the Shoreline Comprehensive Plan and comply with the adoption requirements of the Growth Management Act, Chapter 36.70A. RCW; and

WHEREAS, the Council finds that the amendments adopted by this ordinance meet the criteria in Title 20 for adoption of amendments to the Development Code; now therefore

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

20.30.560 Categorical exemptions – Minor new construction.

The following types of construction shall be exempt, except when: 1) ~~when~~ undertaken wholly or partly on lands covered by water; 2) ~~the proposal would alter the existing conditions within a critical area~~; 3) a rezone is requested; or 4) ~~3~~ any license governing emissions to the air or discharges to water is required.

A. The construction or location of: ~~any residential structures of four dwelling units.~~

1. Any residential structures up to thirty dwelling units.
2. A multifamily structure with up to sixty dwelling units.

B. The construction of an office, school, commercial, recreational, service or storage building with ~~4,000~~ 30,000 square feet of gross floor area, and with associated parking facilities designed for ~~20~~ 90 automobiles.

C. The construction of a parking lot designed for ~~20~~ 90 automobiles. This exemption includes stand-alone parking lots.

D. Any landfill or excavation of ~~500~~ 1,000 cubic yards throughout the total lifetime of the fill or excavation not associated with an exempt project in sections, A, B, or C and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations there under. (Ord. 591 § 1 (Exh. A), 2010; Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 238 Ch. III § 9(h), 2000).

April 17, 2013

Mr. Jeff Forry
Permit Services Manager
City of Shoreline
17500 Midvale Avenue N
Shoreline, WA 98133

In future correspondence please refer to:
Log: 041713-14-KI
Property: City Shoreline Notice Intent
Re:

Dear Mr. Forry:

Thank you for contacting the Washington State Department of Archaeology and Historic Preservation (DAHP). The raising of SEPA exemption thresholds could very likely impact cultural resources including archaeological resources, human remains and burials and historic and abandoned cemeteries which have legal protections under state statutes (RCW 27.53, RCW 27.44, RCW 68.50 and RCW 68.60). Exemptions from SEPA review do not negate compliance with state law and parties are still held responsible for inadvertent discoveries and damage to archaeological resources and human remains. Inadvertent discoveries of cultural resources during construction often lead to cost overruns and prolonged work stoppages. In order to assist the City of Shoreline in predicting and preventing such scenarios with regard to the raising exemption thresholds we recommend the following procedures and processes for review of exempted projects:

- The City of Shoreline should become a data sharing partner with DAHP.
- The location of exempted project would be checked against the DAHP database and archaeological predictive model.
- For exempted projects inside or within 500 feet of a DAHP resources polygon, a cultural resources survey should be required or the project materials should be sent to DAHP for review and recommendation for cultural resources survey
- For projects within the High Probability and Moderate Probability zones on the DAHP Statewide Predictive Model (included as part of the DAHP data sharing agreement) require a cultural resources survey and/or send to DAHP for review and recommendation for a cultural resources survey
- Develop an inadvertent discovery plan that can be included in permits for projects that do not trigger the above processes



Thank you for the opportunity to review and comment. We look forward to assisting you in implementing the above processes and developing an inadvertent discovery plan.

Sincerely,



Gretchen Kaehler
Assistant State Archaeologist
(360) 586-3088
gretchen.kaehler@dahp.wa.gov

cc. Hank Gobin, Cultural Resources, Tulalip Tribe
Laura Murphy, Archaeologist, Muckleshoot Tribe
Dennis Lewarch, THPO, Suquamish Tribe
Rhonda Foster, THPO, Squaxin Island Tribe
Steven Mullen-Moses, Cultural Resources, Snoqualmie Tribe
Chris Moore, Washington Trust for Historic Preservation
Allyson Brooks, SHPO, DAHP



April 17, 2013

City of Shoreline
Attn: Jeff Forry
17500 Midvale Avenue N
Shoreline, WA 98133

RE: Proposed SEPA Changes

Dear Mr. Forry,

On behalf of the Washington Trust for Historic Preservation, please accept these comments regarding the City of Shoreline's proposal to raise thresholds for minor new construction that would be exempt from review through the State Environmental Policy Act (SEPA). The Washington Trust is a statewide, nonprofit advocacy organization dedicated to safeguarding the historic and cultural resources of Washington. Given this role, we have been engaged in the rulemaking process undertaken by the Department of Ecology resulting in the increased exemption thresholds for minor new construction.

Of primary concern is the responsibility of local jurisdictions to adopt increased thresholds based on findings as defined in WAC 197-11-800(1)(c)(i): Documentation that the requirements for environmental analysis, protection and mitigation for impacts to elements of the environment have been *adequately addressed* (italics added). Per the Element and Regulation Matrix prepared by the city, the Historic and Cultural Preservation environmental element is adequately addressed based on the city's Landmark Designation and Preservation process (codified with an inter-local agreement with King County's Landmark Program) and through federal and state regulations that address cultural/archaeological resources.

What remains unclear, however, is whether the city's landmark ordinance is integrated with the SEPA process, or remains independent from SEPA review. For example, if a SEPA checklist is submitted for a project, is information on the checklist, specifically related to Question #13, cross-referenced with the city's list of designated historic structures or a city-wide inventory of known historic sites? Does city staff refer to WISAARD, the database maintained by the Department of Archaeology & Historic Preservation (DAHP), to confirm whether the property under review possesses historic significance?

The point is an important one – as thresholds increase, the number of projects that come under SEPA review will decrease. Correspondingly, the potential to unknowingly impact historic

resources in an adverse manner becomes greater: with respect to cultural resources, it is not so much the size of the proposed project as it is the location. Without a process to acknowledge, identify and confirm the presence of historic resources at a proposed project site, the city runs the risk of doing unintentional damage.

Given the above, prior to adopting increased thresholds, the Washington Trust recommends the City of Shoreline implement certain policies to reduce potential negative impacts to historic resources. Specifically, the city should:

- Enter into a data-sharing agreement with DAHP. While city staff can use the WISAARD database to look up historic structures, the Statewide Predictive Model for the presence of archaeology sites can only be accessed after a data-sharing agreement is in place;
- Determine whether a proposed project will affect a building or structure that is more than 45 years old;
- If a building is over 45 years old, determine whether it is listed in or eligible for listing in any historic register.

If efforts to collect the above information indicate historic and cultural resources will not be adversely affected, the project can reasonably move forward as exempt from SEPA review. If it is determined that historic and cultural resources will be affected, the city should condition the permit to avoid, minimize, and/or mitigate any adverse impacts. In implementing the measures noted above, the risk of unintentionally impacting cultural resources in a negative way will be greatly reduced. Thank you for your consideration and please do not hesitate to contact me with any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Chris Moore".

Chris Moore
Field Director

Cc: Gretchen Kaehler, Assistant State Archaeologist, DAHP

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 653 Regulating the Distribution of Plastic Carryout Bags and Requiring Retail Establishments to Collect a Pass-through Charge from Customers Requesting Recyclable Paper Carryout Bags
DEPARTMENT:	City Manager's Office
PRESENTED BY:	John Norris, CMO Management Analyst
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion

PROBLEM/ISSUE STATEMENT:

In February, the Council provided direction to staff to bring back an ordinance regulating plastic and paper carryout bags provided by Shoreline retailers to their customers. Council also provided direction to model this ordinance on the City of Seattle's ordinance that regulates retail carryout bags. This staff report provides information about the proposed ordinance drafted by staff, Ordinance No. 653 (Attachment A), and information about implementation of the proposed regulations.

RESOURCE/FINANCIAL IMPACT:

The resource and financial impacts of regulating carryout bags are unknown at this time. It is possible that there may be an impact on retail sales in Shoreline if these carryout bag regulations are implemented. However, it is unknown what the magnitude of the impacts would be, if any, or if the impacts would be positive or negative. In brief discussions with other local cities that have enacted carryout bag regulations, although not supported by any data, retail sales seem to be unaffected. As well, even if retail sales or retail sales tax dropped after implementation of the regulations, it would be impossible to conclusively establish a direct causal link between the carryout bag regulations and the reduction in retail sales.

RECOMMENDATION:

Staff recommends that Council adopt Ordinance No. 653.

Approved by: City Manager **JU** City Attorney **IS**

BACKGROUND:

In April 2012, the Council discussed the policy considerations of employing carryout bag regulations in Shoreline. This entailed a discussion of the environmental reasons why such regulations would align with the City's Environmental Sustainability Strategy and why such regulations might make good policy sense with regard to the Council's desire for environmental stewardship of the community and region. The April 9, 2012 staff report can be viewed at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/Council/Staffreports/2012/Staffreport040912-9b.pdf>.

In February 2013, the Council continued the discussion regarding carryout bag regulations, including what type of regulatory model should be employed. This discussion also provided the opportunity to relay stakeholder outreach information obtained from both citizens and businesses. At the conclusion of the meeting, the Council provided direction to staff to bring back an ordinance regulating plastic and paper carryout bags provided by Shoreline retailers to their customers modeled on the City of Seattle's ordinance that regulates retail carryout bags. The February 4, 2013 staff report can be viewed at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2013/staffreport020413-8a.pdf>.

To implement Council's direction, staff has drafted Ordinance No. 653, which is attached to this staff report as Attachment A. This staff report provides an overview of the ordinance and information about implementation of the proposed regulations.

PROPOSED ORDINANCE NO. 653:

The following section provides the highlights of proposed Ordinance No. 653:

- **Effective Date.** If adopted, Ordinance No. 653 would become effective five days after passage and publication. However, the code chapter that the ordinance would create would not become effective until January 1, 2014. Thus, the regulations would not go into effect until this date. This provides the City eight months to educate citizens, business and consumers about the carryout bag regulations.
- **Definitions.** The definition section of the ordinance provides definitions for a carryout bag, plastic carryout bag, recyclable paper carryout bag, pass-through charge, and retail establishment. Most importantly, the carryout bag definition explains what is not considered a carryout bag.
- **Carryout Bag Regulations.** The regulations section of the ordinance states that plastic carryout bags are banned in Shoreline and paper carryout bags (large, 'grocery-sized' bags) can be provided if a five cent pass-through charge is collected per bag and the paper bag is made up of at least 40% post-consumer recycled materials and displays the minimum percent of post-consumer content on the outside of the bag. The requirement that paper bags be partially made of recyclable material and must incur a five cent charge does not apply to smaller

paper carryout bags. Retailers must also indicate on the customer's receipt the number of paper bags purchased, if any. The carryout bag regulations do not apply to food banks; this is the only type of retail establishment that is exempt.

- **Low Income Exemption of Pass-through Charge.** Retailers are exempted from collecting the pass-through charge for recyclable paper bags from anyone with a voucher or electronic benefits card issued under the:
 - Women, Infants and Children (WIC) support program,
 - Temporary Assistance to Needy Families (TANF) support program,
 - Supplemental Nutrition Assistance Program (SNAP), also known as Basic Food, or the
 - Washington State Food Assistance Program (FAP).
- **Penalty.** Retailers can be assessed a civil penalty in the amount \$250 if they do not comply with these regulations or if they penalize, discipline or discriminate against any employee performing any duty necessary to comply with these regulations.

ORDINANCE IMPLEMENTATION PLAN:

As noted earlier, if Ordinance No. 653 is adopted, the City would have roughly eight months to educate citizens, business and consumers about the carryout bag regulations. These eight months will be critical to provide the City enough time to effectively communicate how the new regulations will work, who will be affected by the regulations, and what the regulation exemptions are.

Citizen/Consumer Communication Strategy

To educate citizens on the new regulations, the City will utilize its primary communication channels to deliver this message. This will start with two Currents articles - one in June announcing the new regulations and one in November providing a reminder that the regulations will be going into effect January 1, 2014. Additionally, the City will create a webpage on the City's website dedicated to the regulations that will serve as a clearinghouse for all information about the regulations. Staff will also publicize the new regulations through the City's Facebook page and via press releases to local media.

Business Communication Strategy

In addition to citizen-based communication, staff will mail a packet of information to every non home-based business in Shoreline. This packet will include a cover letter explaining what the regulations are and when they will become effective, a flyer that provides the highlights of the regulations, and a more detailed set of Frequently Asked Questions (FAQs) that provides answers to many detailed questions about how the regulations will work and will be enforced. Although these business materials have not yet been created, staff will use the City of Seattle materials created for business consumption as models. The City of Seattle Flyer and Retailer FAQs are attached to this staff report as Attachments B and C respectively.

In addition to this initial packet of information, all business receiving the information packet will also receive a reminder postcard in November/December reminding them that the regulations will become effective January 1st. As well, staff will reach out to the Northwest Grocery Association, the Washington Food Industry Association, the Washington Retail Association and the Shoreline Chamber of Commerce to make sure that all of these industry trade groups are aware of the regulations and to pass along information about the regulations to their members in Shoreline.

Enforcement Strategy

Shoreline's enforcement strategy for the carryout bag regulations will be complaint-based and will focus on education. Although Ordinance No. 653 does allow for a \$250 civil infraction that can be levied against retailers who do not comply with the regulations, this enforcement measure will be reserved for retailers who willfully refuse to comply with the regulations after communication and interaction with City code enforcement staff.

Business communication and enforcement will be managed by the City's Customer Response Team (CRT). Citizens, consumers or retailers that want to relay concerns about businesses not complying with the regulations can contact the City at the City's main service request phone number (206-801-2700) to provide this information. Similar to the City of Seattle, staff recommends employing a policy that will allow retailers that do not have other locations outside Shoreline (non-chain retailers) to be able to use up their back-inventory of plastic carryout bags after the regulations become effective. For chain retailers or retailers with multiple retail businesses that have other locations outside of Shoreline where there are no carryout bag regulations, retailers would be required to send their back inventory of plastic carryout bags to those other locations by January 1. If the City is made aware, CRT will work with businesses that are using up their back-inventory to make sure that they are not abusing this flexible implementation policy.

Issues with Increased Rates of Shoplifting

An additional question that Councilmembers have raised regarding the proposed regulations is in regards to the potential increase in shoplifting rates. According to Seattle Public Utilities survey data, 21.1% of survey respondents stated that increased shoplifting was at least a small problem since Seattle's bag regulations went into effect. However, only 8.1% of the total respondents said shoplifting was a "big problem". As well, 59.6% of respondents stated that shoplifting was not a problem (the remaining 19.3% stated that this issue was not applicable to their store). Thus, although increased shoplifting was cited as a problem by some surveyed stores in Seattle, this is not the experience of the majority of stores.

Regardless of how pervasive a problem this may or may not be in Shoreline, any increase in shoplifting should be taken seriously. To address this, the City's business communication strategy will speak to this potential problem and alert retailers to be on the watch for increased levels of shoplifting. Shoreline Police will also be made aware that this may be a potential outcome of the carryout bag regulations for some retailers.

To review the Seattle Public Utilities business survey, including shoplifting information, the survey can be found at the following link:
http://www.seattle.gov/util/groups/public/@spu/@conservation/documents/webcontent/01_025117.pdf.

ALTERNATIVES:

The following alternatives are available to Council with regard to proposed Ordinance No. 653:

1. *Adopt* – Council can adopt Ordinance No. 653, which would establish the regulations stated in the ordinance. The new regulations would become effective January 1, 2014.
2. *Reject* – Council can reject Ordinance No. 653, which would keep the status quo in place of not having any carryout bag regulations in Shoreline.
3. *Additional Regulatory Model Review/Other Council Direction* – Council can reject Ordinance No. 653, but ask staff to bring back an ordinance that would implement another regulatory model or ask staff to look at alternatives to regulating retail carryout bags that may also meet the sustainability goals of the Council. Additional direction and/or regulatory options would need to be defined by the Council.

RESOURCE/FINANCIAL IMPACT:

The resource and financial impacts of regulating carryout bags are unknown at this time. It is possible that there may be an impact on retail sales in Shoreline if these carryout bag regulations are implemented. However, it is unknown what the magnitude of the impacts would be, if any, or if the impacts would be positive or negative. In brief discussions with other local cities that have enacted carryout bag regulations, although not supported by any data, retail sales seem to be unaffected. As well, even if retail sales or retail sales tax dropped after implementation of the regulations, it would be impossible to conclusively establish a direct causal link between the carryout bag regulations and the reduction in retail sales.

RECOMMENDATION:

Staff recommends that Council adopt Ordinance No. 653.

ATTACHMENTS:

- Attachment A: Proposed Ordinance No. 653
- Attachment B: City of Seattle Carryout Bag Regulations Flyer
- Attachment C: City of Seattle Carryout Bag Retailer FAQs

ORDINANCE NO. 653

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
REGULATING THE DISTRIBUTION OF PLASTIC CARRYOUT BAGS
AND REQUIRING RETAIL ESTABLISHMENTS TO COLLECT A PASS-
THROUGH CHARGE FROM CUSTOMERS REQUESTING
RECYCLABLE PAPER CARRYOUT BAGS**

WHEREAS, the Washington State Legislature in RCW 70.95.010(8)(a) established waste reduction as the first priority for the collection, handling, and management of solid waste; and

WHEREAS, the Washington State Legislature in RCW 70.95.010(4) found that it is "necessary to change manufacturing and purchasing practices and waste generation behaviors to reduce the amount of waste that becomes a governmental responsibility"; and

WHEREAS, the Washington State Legislature in RCW 70.95.010(6)(c) found that it is the responsibility of city and county governments "to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies"; and

WHEREAS, it is the City's desire to implement effective waste reduction strategies, conserve resources, reduce greenhouse gas emissions, waste, litter and marine litter and pollution and to protect the public health and welfare; and

WHEREAS, there is a need to conserve energy and natural resources and control litter, and less reliance on plastic carryout bags provided by retail establishments works toward those goals; and

WHEREAS, even though paper carryout bags are made from renewable resources and are less of a litter and particularly marine litter problem than plastic carryout bags, they nevertheless require significant resources to manufacture, transport and recycle or dispose of; and

WHEREAS, costs associated with the use, recycling and disposal of paper and plastic carryout bags in Shoreline creates burdens on the City's solid waste disposal system, including in the case of plastic carryout bags machine down time and contamination of recycled paper at the City's solid waste recycling and disposal facility; and

WHEREAS, to reduce the use of plastic and paper carryout bags in the City, it is necessary to regulate such use; and

WHEREAS, it is in the best interest of the health, safety and welfare of the people of the City of Shoreline that regulation require a pass-through charge on the use of recyclable paper carryout bags in order to encourage greater use of reusable bags, to reduce the cost of solid waste disposal by the City, and to protect the environment;

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

Section 1. New Chapter. Effective January 1, 2014, a new chapter of the Shoreline Municipal Code, Chapter 9.25, *Retail Carryout Bag Regulations*, is hereby adopted to read as follows:

9.25.010 Chapter and purpose.

This chapter provides regulations for retail carryout bags provided by retail establishments for their customers' use. The purpose of these regulations is to help create an environmentally sustainable community and to protect the public health and welfare through implementing an effective waste reduction strategy, reducing greenhouse gas emissions, waste, litter and marine litter and pollution, and conserving energy and natural resources.

9.25.020 Definitions.

The definitions in this section apply throughout the chapter unless the context clearly requires otherwise.

A. "Carryout bag" means a bag that is provided by a retail establishment at the check stand, cash register, point of sale or other point of departure to a customer for the purpose of transporting food or merchandise out of the establishment. Carryout bags do not include:

1. Bags used by customers inside stores to package bulk items such as fruit, vegetables, nuts, grains, candy, greeting cards, or small hardware items, such as nails and bolts, or to contain or wrap frozen foods, meat or fish, whether prepackaged or not, or to contain or wrap flowers or potted plants, or other items where dampness may be a problem, or to contain unwrapped prepared foods or bakery goods, or to contain prescription drugs, or to safeguard public health and safety during the transportation of prepared take-out foods and prepared liquids intended for consumption away from the retail establishment; or
2. Newspaper bags, door-hanger bags, laundry-dry cleaning bags, or bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags.

B. "Paper carryout bag" means any carryout bag made from paper.

C. "Pass-through charge" means a charge to be collected by retailers from their customers when providing recyclable paper bags, and retained by retailers to offset the cost of bags and other costs related to the pass-through charge.

D. "Plastic carryout bag" means any carryout bag made from plastic or any material marketed or labeled as "biodegradable" or "compostable" that is less than 2.25 mils thick.

E. "Recyclable Paper carryout bag" means any carryout bag made from paper that has a manufacturer's stated capacity of one-eighth barrel (882 cubic inches) or larger and meets the following requirements:

1. Contains a minimum average of 40 percent post-consumer recycled materials, and
2. Displays the minimum percent of post-consumer content on the outside of the bag.

F. "Retail establishment" means any person, corporation, partnership, business venture, entertainment facility, government agency, street vendor or vendor at public events or festivals or organizations that sell or provide merchandise, goods or materials including, without limitation, clothing, food, beverages, household goods, or personal items of any kind directly to a customer. Examples include but are not limited to clothing stores, jewelry stores, grocery stores, pharmacies, home improvement stores, home decor stores, liquor stores, convenience stores, gas stations, restaurants, food vending trucks, farmers markets and temporary vendors of food and merchandise at street fairs and festivals. Food banks and other food assistance programs are not considered to be retail establishments for the purposes of this section.

9.25.030 Carryout Bag Regulations.

- A. No retail establishment in the City shall provide a plastic carryout bag to any customer.
- B. No retail establishment in the City shall provide a paper carryout bag with a manufacturer’s stated capacity of one-eighth barrel (882 cubic inches) or larger that is not a recyclable paper carryout bag, and retail establishments shall collect a pass-through charge of not less than five-cents for each recyclable paper carryout bag provided.
- C. It shall be a violation of this section for any retail establishment to pay or otherwise reimburse a customer for any portion of the recyclable paper carryout bag pass-through charge; provided that retail establishments may not collect a pass-through charge from anyone with a voucher or electronic benefits card issued under the Women, Infants and Children (WIC) or Temporary Assistance to Needy Families (TANF) support programs, or the federal Supplemental Nutrition Assistance Program (SNAP, also known as Basic Food), or the Washington State Food Assistance Program (FAP).
- D. All retail establishments shall indicate on the customer transaction receipt the number of recyclable paper carryout bags provided to customers and the total amount of the pass-through charge.

9.25.040 Violation - Penalty.

- A. It shall be a violation this ordinance for any retail establishment to fail to comply with any section of this ordinance.
- B. It shall be a violation of this ordinance for any retail establishment to penalize, discipline, or discriminate against any employee for performing any duty necessary to comply with this ordinance.
- C. Violation of any provision of this chapter shall be a civil infraction.
- D. Any retail establishment found guilty of committing a civil infraction shall be assessed a monetary penalty of \$250.00.

Section 2. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force five days after passage and publication.

ADOPTED BY THE CITY COUNCIL ON APRIL 29, 2013.

Mayor Keith A. McGlashan

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Publication Date:
Effective Date:



Plastic Bag Ban



Seattle's Single-Use Plastic Carryout Bag Ban

<p>Plastic Shopping Bags</p> 	<p>Large Paper Shopping Bags</p>  <p>5¢ (Charge required.)</p>	<p>Smaller Paper Bags</p>  <p>FREE (Charge optional.)</p>	<p>Plastic Produce/Bulk Food Bags</p>  <p>ALLOWED</p>
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What the City of Seattle Law Requires:

Beginning July 1, 2012:

- All Seattle retail stores are prohibited from providing customers with single-use plastic carryout (shopping) bags, including those advertised as compostable, biodegradable, photodegradable or similar.
- Retail stores in Seattle may provide customers with any size recyclable paper or reusable carryout bags; however, stores must charge a minimum of 5 cents for paper carryout bags of 1/8 barrel (882 cubic inches) or larger. As a rule of thumb, these are typical grocery bags with a flat bottom greater than 60 square inches.
- Paper bag charge revenue is retained by stores, which at their discretion may charge for smaller sizes or provide them free. All paper bag charges must be shown on customer receipts.
- Bags to which the 5-cent charge applies must contain at least 40 percent post-consumer recycled fiber and display the minimum recycled content on the outside of the bag. Use of recycled fiber and labeling is encouraged for all sizes of bags.
- Bags of plastic 2.25 mil or thicker are deemed reusable and may be provided free or charged for at the store's discretion.



EXEMPTIONS & ADDITIONAL DETAILS

Exemptions & Information

Exemptions from Seattle's Single-Use Plastic Carryout Bag Ban:

- Customers having vouchers or electronic benefit cards from state or federal food assistance programs are exempt from the minimum 5-cent charge for large recyclable paper bags.
- Plastic bags used in stores for bulk items or to protect vegetables, meat, fish and poultry, frozen foods, flowers, deli foods and similar where moisture would be a problem are exempt.
- Plastic bags for take-out orders from restaurants are allowed, though use of recyclable paper bags is encouraged.
- Dry-cleaner, newspaper, and door-hanger bags and plastic bags sold in packages containing multiple bags intended for use as garbage bags or to contain pet waste, or approved compostable food and yard waste bags are exempt.

Bags Still Allowed



Produce/Meat

Bulk Foods



Newspaper

Dry Cleaning



Door Hanger

Take-out Food

Paper Bags

Encouraged: Reusable Carryout Bags

- There is no entirely objective measure for when a carryout bag may be deemed reusable; however, it would be hard to say that a bag that fails within 10 uses is truly reusable within the intent of Seattle's ordinance, and 20 repeat uses would seem a reasonable bench mark.



Seattle
 Public
Utilities

For interpretation services please call 206-684-3000.

如需要口譯服務，請撥電話號碼206-684-3000。

통역 서비스를 원하시면 206-684-3000으로 전화하세요.

Wixii turjubaan afka ah ku saabsan, Fadlan la soo xariir taleefoonka: 206-684-3000.

Para servicios de interpretación por favor llame al 206-684-3000.

Para sa serbisyo ng tagapagpaliwanag, tumawag sa 206-684-3000.

Về dịch vụ phiên dịch xin gọi 206-684-3000.

**City of Seattle
FAQs – Bag Ban for Retailers**

What stores does this apply to?

All retail stores of any kind are prohibited from using lightweight plastic carryout bags, and they must charge customers 5 cents each for any large, grocery sized, carryout bags used.

Are there any exceptions?

Only one. Food banks may use any type of bag.

What should retailers do if they have large stocks of plastic bags that last beyond the July 1, 2012 effective date of the ban?

Retailers are allowed to use up stock on hand. Chain stores with outlets outside of Seattle can ship their bag inventory to those outlets. Smaller stores with stocks likely to last into next year will probably find their customers wondering why they are still using plastic bags. Faced with customer concern, they may choose to donate their remaining stock to a food bank.

What about food vending trucks, farmers' markets, street fairs, festivals and events?

Ordinance 123775 specifically includes all these activities among the kinds of "retail establishments" where the use of lightweight plastic carryout bags is banned. Vendors at farmers' markets may use small bags of any type for vegetables and meat and put these in a paper carryout bag or a customer's reusable bag.

Do I have to charge my customers for all paper bags?

No. Stores (and vendors of all kinds including those at farmers' markets) are required to charge only for larger bags such as typical grocery store carryout bags – technically a bag larger than 882 cubic inches, known as one-eighth barrel in the grocery trade. As a rule of thumb, if a bag has a flat bottom greater than 6 inches by 10 inches, you'll need to charge for it.

Can retailers just "eat the cost" of large paper bags and not charge their customers?

No. The minimum 5 cent charge must be collected. It is meant to be a reminder to customers to shop with reusable bags, and for that reason the number of bags and total cost of recyclable paper bags sold must be shown on the customer's sales slip. The City ordinance requires the charge for all large bags at all stores to ensure a level playing field level among retailers. The law says: "It shall be a violation of this section for any retail establishment to pay [for] or otherwise reimburse a customer for any portion of the pass-through charge."

What about smaller paper bags?

Stores are not required to charge for smaller paper bags but they may at their discretion.

What about low-income customers for whom a bunch of 5-cent bags can mean real money?

Many low-income customers are exempt from the charge. Specifically, no retail store at any time may charge the 5-cent pass-through fee for large recyclable paper bags to customers having vouchers or electronic benefits cards issued under the Women, Infants and Children (WIC) or

Temporary Assistance to Needy Families (TANF) support programs, or the federal Supplemental Nutrition Assistance Program (SNAP, formerly "Food Stamps," also known as Basic Food), or the Washington State Food Assistance Program (FAP).

Do paper bags have to be 100% recyclable?

No problem. Paper is 100% recyclable.

Some cities with bag bans are very prescriptive about the recycled content in paper bags.

What about Seattle?

The only requirement is that larger paper bags – the ones for which a 5 cent charge is required – state that they contain a minimum 40% recycled content.

For those labels, are there any requirements for ink color or type size?

No.

Does the 40% recycled content have to be post-consumer or can it be industrial?

The large bags must contain 40% post-consumer recycled fiber content.

Does the 40% recycled content rule apply to all paper bags?

No. It applies only to the large bags for which the 5 cent charge is required. There is no post-consumer recycled content requirement for smaller bags, but the City encourages retailers to use recycled-content paper bags.

Do stores have to keep track of how many paper bags they sell?

That's not required by the City ordinance and the City will not audit stores. However, the 5 cent charge on large paper bags must be shown on the customer's sales slip.

Is this transaction taxable?

Yes. The Washington State Department of Revenue has confirmed that the 5 cent pass-through charge is subject to sales tax; retail stores are selling the bags.

Why did the City ban lightweight plastic carryout bags but allow heavy-weight, thicker ones?

The thicker, stronger plastic bags – those more than 2.25 mils thick – have special uses for which paper is not a good option or not readily available; for example, very large bags for bedding and other bulky household items.

Are stores required to charge 5 cents for the heavy-weight plastic bags?

No, retailers do not have to charge for the 2.25 mil and thicker bags permitted by the law.

What about hanging-garment bags?

Dry cleaner bags are exempt and garment bags provided by retailers would fall under this exemption.

Is there a requirement for the heavy duty plastic bags to have recycled content?

No, plastic bags that are allowed are not required to have recycled content, though the City encourages the use of recycled content products whenever possible.

Why are to-go food vendors allowed to use plastic bags?

There is a problem with spillage, especially of soups, that this avoids. However, the City encourages restaurants to use paper bags whenever possible.

If restaurants are selling items other than prepared foods are the bags they use still exempt?

No. If the items being purchased are not prepared food which can leak or be spilled (i.e., cook books, t-shirts, bottled salad dressing, etc.), lightweight single-use plastic carryout bags may not be used.

Are grocers' deli counters exempt like restaurants with to-go food?

Yes, prepared on-site foods such as roasted chicken and soups can be placed in protective plastic bags at the deli counter as needed to prevent leaks or spills.

What about bakery goods?

Bags of any kind may be used for individual bakery goods, loaves of bread and other pastries. They are exempt as "in-store" packaging like vegetable and bulk food bags and bags for meat, ice cream and flowers where moisture would be a problem.

Are restaurants, which can still use lightweight plastic bags for to-go food orders, prohibited from using compostable bags for this purpose?

Technically, no. However, the City's ordinance bans the use of "biodegradable" or compostable bags as carryout bags, and Seattle Public Utilities urges restaurants to follow suit. Compostable bags have been developed to line kitchen food waste containers and, in larger sizes, to line curbside food and yard waste bins. Shoppers who receive "biodegradable" or compostable bags as shopping bags are likely by mistake to recycle them with regular plastic bags (newspaper, dry cleaning, packaging, etc.) which can prevent successful remanufacture of the plastic. As little as 1/2 of 1 percent of compostable film bags can make a whole bale of petro-plastic film bags unrecyclable, according to the Association of Postconsumer Plastics Recyclers.

Are dry cleaning bags exempt?

Yes, they are exempt.

Which zip codes does this ordinance apply to?

The ordinance applies only within the City Limits of Seattle. Zip code boundaries in north and south Seattle do not match the City Limits so they are not a guide for where the law applies. Retail businesses within the City will have a City of Seattle business license and the plastic bag ban applies to them.

Are there any restrictions on customers bringing back bags?

No. Customers who re-use bags should benefit from their re-use efforts.

If my store collects plastic bags from customers for recycling, can I reuse the good ones as carryout bags?

No. Customers may bring in and reuse any bag of their own, subject to the policy of the store. However, plastic bags collected from customers cannot be given out to other customers as carryout bags. They must be recycled.

How will this be enforced?

SPU has always taken an educational approach regarding regulations. If citizens call and complain, SPU will send outreach staff to talk to the retailers about the law and explain what's needed to comply. If it becomes clear a retailer is intentionally not complying they may be fined. The fine is \$250 plus statutory charges that bring the total to \$513.

During the transition is SPU going to offer any promotional assistance?

Retailers can download "Point-of-Sale/Point-of-Purchase" artwork. This will quickly tell customers what is required, indicating that the bag ban is a City regulation and not a policy of the individual retailer.

- [Point of purchase card](#) – For retailers who carry paper bags
- [Point of purchase card](#) – For retailers who only have acceptable plastic bags
- [Comprehensive informational flyer](#)

In addition, SPU plans to work with print and broadcast media to stimulate informative coverage of the plastic bag ban, emphasizing the "bring your own bag" message. The utility also has some reusable bags available for use in promotion.

The City also urges retailers to participate, with signs in their parking lots and stores that remind customers to bring their own bags. In this connection, the Washington Food Industry Association has graphic designs available that can be used for parking lot and other signs. These are available on the [Washington Food Industry Association](#) website for download.

What is the plan for informing retailers?

An 8,000 piece mass mailing has been sent out to reach all retail outlets listed in the city's database.

What is the purpose or end result of this legislation?

The fundamental goal is to reduce the use of throw-away plastic products, particularly lightweight plastic bags which are a litter problem and escape into our waterways and oceans where they are harmful to animals and may enter the food chain as they degrade into smaller and smaller – but still plastic – pieces. Paper, of course, is organic and does not present similar problems. But reducing waste means cutting down on the use of paper bags, too. That's why the City urges all retailers to encourage their customers to shop with reusable bags.

Aren't the non-woven polypropylene bags sold as reusable bags by many retailers as much of a problem as the lightweight throwaway bags they're replacing?

No. Once these bags have been reused a couple dozen times their impact is less than that of the many more lightweight plastic bags they've replaced. They carry from two to three times as much as typical throwaway plastic bags which often need to be doubled for strength. That's not a

problem for the reusable bags. They are also recyclable. SPU accepts these types of bags and other polypropylene products in curbside recycling bins and hopes people will recycle them. The value of recycled polypropylene is increasing.

Will any leniency be given on bags that are almost 2.25 mils thick?

No. Should a question arise, retailers should be prepared to show that the bags they are using are 2.25 mils thick or greater. It might be a good idea for retailers to ask bag suppliers to include the thickness of the bag on invoices.

Are there any limitations on lamination?

No, this is not regulated. Paper bags may be made with plastic film laminates. Plastic-coated papers are recyclable in Seattle.

Are there any restrictions on stores, restaurants, or bakeries choosing to charge a fee on all bags?

No, there are no requirements. This decision is up to the business.