



McCleary City Council

PROPOSED AGENDA

February 11, 2009

6:30 Worksession

7:00 Council Meeting

Flag Salute
Roll Call
Minutes
Public Comment
Mayor's Report
Staff Reports:

Busse Nutley, City Administrator
Dan Glenn, City Attorney
Department Heads

Old Business:

New Business: Labor Contract – IBEW Police

Ordinances: Amend Zoning Map: M & M Harbor Properties – C-3 to R-2

Resolutions: Amend Comprehensive Plan: M & M Harbor Properties:
Single Family Residential to Multifamily Residential

Vouchers
Mayor/Council Comments
Public Comment
Executive Session
Adjournment

Americans with Disabilities Act (ADA)
Accommodation is Provided Upon Request

Please Turn Off Cell Phones – Thank You

CITY OF McCLEARY

January 28, 2009
Public Hearing – Rezone
Regular Council Meeting

The regular meeting of the Council was called to order by Mayor Bentley with the flag salute.

Roll Call: Mayor Bentley
Council Members: Vatne, Boling and Lake

Staff Present: Attorney Glenn, Administrator Nutley, Police Chief Crumb, Clerk-Treasurer Rostedt, Building Official Schlenker, Building Inspector Mercer, Facilities Manager Baun, Deputy Clerk Mercer, and Gray and Osborne Engineer Bird

It was moved by Councilman Vatne, seconded by Councilman Boling, to excuse Councilman Hays from this meeting. Carried.

It was moved by Councilman Boling, seconded by Councilman Vatne, to approve the minutes as distributed. Carried.

Mayor Bentley announced that there is an opening on the Planning Commission and that persons interested in filling the position are asked to file a letter of intent with him.

Administrator Nutley reported that the City will be placing hanging baskets in the business area again this year.

Mayor Bentley opened the Public Hearing for a request by M & M Properties, LLC, to amend the comprehensive plan and zoning map to designate their land, at the corner of McCleary and Mox Chehalis Roads, for multi-family residential use. The Planning Commission held a Public Hearing on December 16, 2008, and based upon this, they have recommended to the Council approval of this request. Copies of the minutes of that hearing were available to the Council and the public. Councilwoman Lake revealed that she, as a realtor, sold the property years ago, and would be willing to recuse herself if there were any objections from the public. There were no objections from the Council or those citizens present. Administrator Nutley gave an overview of the issue, and Building Inspector Colin Mercer, presented a photo power point presentation. Monte Hicks, representing M & M Properties, provided additional information as relates to his proposed apartment development. Megan Wilkerson, representing her parents, George and Helen Sherwood who live next door to the proposed project, posed questions to the elected officials and Mr. Hicks. The majority of her questions dealt with the quality of the apartment complex that M & M plans to build and how the complex will be situated on the property to protect her parents' privacy. Following her questions, it was pointed out that the only issue before the Council at this hearing was the question of whether or not the comprehensive plan and the zoning of the property should change. There will be a step by step process if and when the actual project goes forward. The Public Hearing was closed.

It was moved by Councilman Boling, seconded by Councilman Vatne, to authorize the Mayor to sign a contract with Jim Huff for accounting services. Carried.

It was moved by Councilman Vatne, seconded by Councilwoman Lake, to instruct Attorney Glenn to prepare the necessary resolution and ordinance, regarding a change in the Comprehensive Plan and Zoning, for consideration at the next regular meeting. Carried.

Ordinance No. 754 entitled, AN ORDINANCE RELATING TO GOVERNMENTAL OPERATION, ADDING A NEW SECTION TO CHAPTER 13.28 MMC, REPEALING SECTION 12.16.150 MMC & ORDINANCE 94, SECTION 1(14), AS LAST AMENDED BY ORDINANCE 592, SECTION 1 & PROVIDING OF THE MUNICIPAL CODE IN CONFLICT WITH THE PROVISIONS OF THE NEW SECTION, PROVIDING FOR INTERPRETATION, & SETTING AN EFFECTIVE DATE, was introduced. It was moved by Councilman Vatne, seconded by Councilman Boling, that the ordinance be read by first and last lines only. Carried. It was moved by Councilman Vatne, seconded by Councilwoman Lake, that the ordinance be adopted. Carried. All three Council members present voted in the affirmative.

Resolution No. 581, entitled A RESOLUTION RELATING TO THE MUNICIPAL UTILITIES, SETTING FORTH PRACTICES AND PROTOCOLS, & SETTING AN EFFECTIVE DATE, was introduced. It was moved by Councilman Vatne, seconded by Councilman Boling, that the resolution be adopted. Carried.

It was moved by Councilman Vatne, seconded by Councilman Boling, that the vouchers be approved as audited. Carried.

It was agreed that the photos of the past Mayors be hung again in the Council Chambers, and Mayor Bentley was urged to get his photo taken for inclusion.

It was moved by Councilman Vatne, seconded by Councilman Boling, that an executive session of approximately 30 minutes be held on contract negotiations and personnel. Carried. The executive session began at 7:59 PM. At 8:30, Administrator Nutley returned and extended the session for approximately 15 minutes. The session ended at 8:35.

Back in regular session, it was moved by Councilman Vatne, seconded by Councilwoman Lake, to approve the following: In light of prior discussions, will Fire District 5 agree to undertake the joint development of an agreement which will separate the financing, operation, and management of the ambulance service that is governed equally by the four entities with the anticipation that this will be created prior to March 31, 2009? If Fire District 5 cannot agree to take the steps necessary to implement the first option, will it agree to provide a level of service which is affordable by the four entities through a combination of reduction in its professional staffing and the increased use of volunteers from all four entities? If Fire District 5 cannot agree to either course of action on or before our meeting on February 12, 2009, it is likely that McCleary will begin the process of creating its own service, in partnership with Fire District 12 and the City of Elma, if possible. Carried.

It was moved by Councilman Boling, seconded by Councilman Vatne, that the meeting be adjourned. Carried.

STAFF REPORT

To: Mayor and City Council
From: Busse Nutley, City Administrator
Date: January 26, 2009
Re: Current Non-Agenda Activity

Utility Bills

As you know, last month's utility bills were quite a surprise to many customers. We attempted to explain the unusual circumstances in the very small space our (very old and outdated) accounting software allows us to use (even on the larger paper). However, many people are still upset, to say the least.

Although various rate increases raised the bills, they were not significant compared with electricity use. As you know, those rates were not increased. Unfortunately, extremely cold weather, Christmas lights, kids home from school, and a five-week interval for the billing all combined to make this memorable.

Many people thought we had made an error because the billing period showed it was from December 15 to January 15, but we claimed it was for a five-week period. In fact, it is both. A few times each year the calendar creates a month between dates that is much closer to five weeks than four. That was the case for December-January.

In addition, we had the usual share of billing errors with misreads. This will be corrected when we move to electronic reading. That will begin (hopefully) this fall. First, we have to decide on what accounting software we want to purchase, and then make sure it is compatible with the meter-reading software, and vice-versa. We may go out to bid for both systems at the same time, possibly two or three months from now.

Finally, several people indicated they planned to attend the Council meeting to talk with you about their concerns.

Ambulance Service

The issue will be discussed at the Council meeting.

MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary
FROM: DANIEL O. GLENN, City Attorney
DATE: February 9, 2009
RE: LEGAL ACTIVITIES as of FEBRUARY 11, 2009.

THIS DOCUMENT is prepared by the City Attorney for utilization by the City of McCleary and its elected officials and is subject to the attorney-client privileges to the extent not inconsistent with laws relating to public disclosure.

1. **ZONING MATTERS:**

A. The Anticipated Scenario: At the last session, you held a combined public hearing on the two matters relating to zoning issues. One issue was the amendment of the Comprehensive Plan in terms of allowing multi-family housing upon a property which is currently zoned Commercial, on the zoning map, and single family housing, on the Comprehensive Plan map. The ultimate purpose is to make the two maps consistent, one way or another. As I believe I referenced in the last Report, the provisions of RCW 35A.63, which sets out the zoning authority and process for the City, make it clear that it is important to have them consistent **and** that the Comprehensive Plan effectively trumps any inconsistency with the Zoning Code.

Pursuant to your direction, I have prepared documents which, if adopted by you, would modify the Comprehensive Plan and the Zoning Code Control Map. From a procedural standpoint, I would recommend the following:

A. The Resolution amending the Comprehensive Plan attachment should be the first to be acted upon since, under the provisions of the chapter, it is the controlling document. As it stands, it would modify the current provisions to reflect permitted multi-family residential use in the area involved. Various recitals set out the factual background which would lead to and justify that change.

B. Upon adoption of the Resolution, the Ordinance would then be considered. As drafted, it too makes necessary findings and has the effect of modifying the particular property to a multi-family residential zoning classification.

As a side point, neither action constitutes an approval of a project. If the owner decides to go forward with a developmental project, it will have to present the appropriate documentation to the City for specific review. I would note the environmental review done as part of the zoning process might well be used as the environmental review for the project, so long as the project is reasonably consistent in nature with the information provided to the City upon which the review was based.

B. The What If Scenario: In the event the Council were to decide to not adopt the requested changes, I would recommend that you consider taking action to make the Comprehensive Plan and the Zoning Code consistent as to the area. As noted, the two need to be consistent. That would mean either you would adopt a modified version of the Comprehensive Plan resolution designating a commercial classification or a modified version of the Zoning Ordinance designating the parcel single family residential.

2. **DEPOSIT PROTOCOL:** Ms. Rostedt and I have had discussions about the fact that currently, regardless of the amount of funds available for deposit, Staff make a daily deposit with Sterling. Obviously, as she has pointed out the fact, with which I concur, while the advantage is there are no moneys in the City Hall other than the "change" fund, the disadvantage is it not particularly cost effective, especially on those days when there are very few dollars available for deposit. So, we have looked for an alternative which would protect the public interest, meet the SAO's protocols, and be cost effective. We believe we have found such a solution.

I am putting together a resolution under the provisions of RCW 43.09 which would establish a deposit protocol which would mandate no less than weekly deposits, but allow elimination of the daily deposit so long as the funds available for deposit are below a figure you would establish. It will be available for your review prior to your next Council session.

3. **LANDLORD'S RESPONSIBILITY FOR DELINQUENT ACCOUNTS:** As you know, we currently have statutory authority for a "lien" upon a property in the event of unpaid utility services. In reality, the lien is the ability to deny service to the property until the delinquent amount is paid. Not infrequently, this arises when a tenant leaves a residence under an unlawful

detainer situation or simply because they can not afford it. Historically, we have looked at the landlord, who/which made the decision to allow the tenant into the property, as being ultimately liable.

Well, there is an attempt in the current legislative session to reduce, if not eliminate, that ability. I am uncertain how many of you receive the AWC Legislative Newsletter through the internet. In the most recent newsletter, there was the following report. I am going to set out the text of that aspect of the Report. In reading the report, the indication is the block would occur in the event of two conditions. As you will note in reading the summary, they are if we are told that it is a rental and we allow the tenant to set up the account.

You may wish to give Ms. Nutley direction as to what contact, if any, to make with our local elected legislators on this matter.

Utility bill liens

HB 1298/SB 5667, SB 5281

These bills would limit cities and counties from collecting delinquent utility charges from property owners when the tenant contracts for service directly with the utility, and when the property owner notifies the utility that their property is a rental. **HB 1298** was passed out of committee this week, despite AWC and other testimony against it.

However, the Committee Chair assured all interested parties that the bill is a work in progress and he wants to keep the bill alive by moving it. AWC is meeting with proponents of the legislation in search of an acceptable solution to the concern that some cities may be billing landlords for more than just four months of delinquent utility charges. In the meantime, cities opposed to losing the lien authority should contact their house members and let them know that this proposal could have a negative impact on local utility rates.

For more information, contact Luann Daniels at luann@awcnet.org or Victoria Lincoln at victorial@awcnet.org.

As always, this is not meant to be all inclusive. If you have any questions or comments, please direct them to me.

DG/le

STAFF REPORT

To: Council and Mayor
From: Colin Mercer Webmaster 
Date: February 2, 2009
RE: January Website

RE-OCCURRING WEBSITE ACTIVITIES

Council Agenda/ Packet .
Previous Council Meeting approved minutes.
Planning Commission Agenda.
Previous Planning Commission approved minutes.

NEW WEBSITE ACTIVITIES

Post Lemays service delay due to snow.
Post Lemays service delay due to flooding.
Added photos of flooded streets on Public Works Page.
Added photos of Storm Ponds to Storm Water Page.
Created Photo files for separate events on the City Photos Page.
Link to Grays Harbor Emergency Management Road Closures.
Water outage possibility - Lifted Notice.
Rearranged Council Minutes and Agendas into individual years for easier reference.
Posted found dog notice and picture on Police Department page.
Posted found bag notice and picture on Police Department page.
Posted M&M Harbor Properties Council Public Hearing.
Updated connection fees after resolution was passed.
Removed lost dog information after owner claimed the dog.
Posted Planning Commission Meeting Cancellation Notice for 1-20-09 meeting.
Posted all Planning Commission meetings for the year on the events calendar.
Deleted spam comments to "tell us what you think" page.
Removed Public Notice of M&M Public Hearing.
Uploaded the McCleary Fire & Rescue Dance flyer to the website and posted it on the events calendar.

Website Traffic Report

Page Views by Section		
Section	Page Views	Percent of Total
Default Page	1574	32.59%
Events	467	9.67%
City Jobs	391	8.1%
Agendas and Minutes	226	4.68%
City Departments	203	4.2%
City Staff	185	3.83%
Police	166	3.44%
City Photos	142	2.94%
Code, Ordinances & Standards	128	2.65%
Search Results	125	2.59%
Mayor and Council	115	2.38%
FAQ's	109	2.26%
Home	97	2.01%
Bear Festival	90	1.86%
Helpful Links	89	1.84%
Community Center	71	1.47%
Public Facilities	68	1.37%
Water / Wastewater	63	1.3%
Light & Power	63	1.3%
Fire	63	1.3%
Flood Photos 2009	57	1.18%
Administration	54	1.12%
Christmas Photos 2007	50	1.04%
Chamber of Commerce	46	0.95%
Development Services / Building	42	0.87%
2008-09 Budget	40	0.83%
Surveys & Questionnaires	27	0.56%
Tell Us What You Think!	26	0.54%
Municipal Court	25	0.52%
Planning Department	24	0.5%
Public Facilities Survey (Ends March 7th)	3	0.08%
Water Survey (Ends April 30th)	1	0.02%
TOTAL	4829	100%

STAFF REPORT

To: Mayor and City Council
From: Paul Nott, Light & Power
Date: Feb. 3, 2009
Re: Light and Power



	Monthly Statistics	YTD Totals
New Services	0	0
System Outages	2	2
Pole Replacements	0	0
Maintenance Work Orders	5	5
Billable Work Orders	0	0

The Light and Power crew is currently working on the McCleary Grade School project. This is a substantial power system up-grade for the school. It consists of converting the existing single phase 120/240 service to a 3 phase 120/208 and 277/480 service. Due to complications that the school has had to overcome, there have been delays in completing this task. We will be having a scheduled outage at the school on the weekend of the 7th to complete half of the cutover and another outage at a later date to finish the project.

We have a few select danger poles that need to be changed out on the north end which we intend to address in the coming weeks.

We also intend to schedule some time with Busse to explain and visually show her our goals for this year as far as the jobs we intend to complete to keep up with the on-going cutover project. It should be noted that even though our system located south of Simpson Ave. is still on the old 4KV substation, a large percentage of it is rebuilt and "ready and waiting" to be connected to the new 12KV sub. One of our biggest hurdles is simply getting across Simpson and determining the location of the main highline feeder coming into town.

As all of you are aware new construction is at a stand still and therefore reflects on our new service numbers.

STAFF REPORT

To: Mayor and City Council
 From: Mick Schlenker, Building Official *ms*
 Date: February 4, 2009
 Re: January Activity

Building Permit Activity

	January		Total 2009	
	Current	Fees	YTD	Fees
Last Month				
Customer Service	143		143	
Building Permits				
Issued	3	\$595.00	3	\$595.00
Nuisance Letters	0		0	
Inspections				
Performed	68		68	
Plan Reviews	1	Inc in Permit	1	
Stop Work Issued	0		0	
City Projects	0		0	
Complaints	5		5	
Demo Permits	0		0	
Court Issues	0		0	
Fire Projects	0		0	
Cars	0		0	
Abatements	0		0	
Total	220	\$595.00	220	\$595.00

Mayor and Councilmember's, I must give my apology to you for Decembers report. There were no fee activities for the month of December, the numbers for Inspections, Customer Service etc. although they were correct; I some how skipped ahead in my thought process. My mistake, my correction, thank you much Mick.....

Summit II

1. No new permits issued at this time.

Cedar Heights/Kingbuilt Homes

1. I heard they have moved their job shack to Aberdeen for a small job.

Beehive

1. Demo of Two residential buildings is finished removal and surface is back to grade.
2. They may start this summer with new construction of kitchen and more living space. Waiting to see what the economy is going to do.

McCleary School

1. They are looking for a cut over on one of the vault systems for electrical this Friday and Saturday.
2. Jon Hinton is working out some new details for a water line (possible) change.
3. Still finishing on some framing, plumbing and HAVC pick up work.
4. Finishing new roof system on the North side of project.
5. Fire/water sprinkler line has been inspected and passed.
6. Working on floors, rugs, doors, signage and pick up work.
7. The contractor is looking for a final Fire/Building inspection for Thursday (2/19/09) and final Temporary Occupancy on Thursday (2/26/09).
If all goes well, teaching staff will be moving furniture, computers etc. into the building Friday, Saturday, Sunday (2/27/09, 2/28/09 & 2/28/09). School will start back on the following Monday.

Rossvale Plat

1. They are finish up one more house and getting ready for finial Occupancy.

Brookside MH Park

1. Larry has started the demo clean up of the old Brookside Mobil Home Park.

Still working on inspections and finals for small projects around the city.

Thank you

Mick Schlenker
Building Official
City of McCleary
360 495-3667 ext. 5

STAFF REPORT

To: Mayor and City Council
From: Todd Baun
Date: February 4th, 2009
Re: Month of January

Here are the projects I've been working on for January,

- We had flooding on January 7th, 2009 that covered several roads with water. The crew, along with the fire department, Light and Power, and local volunteers, worked a long day and night trying to minimize the impacts of the flooding. It was great to see the community work together. I want to thank everyone and I appreciate all the people that helped out.
- The Recreation and Conservation office is getting ready to start taking applications for trail planning. Applications are due April 1, 2009. I will be working with Nick Bird on the application to the RCO.
- I have been working with Nick Bird and Jon Hinton with preparing the strategies for our two grants (the Simpson sidewalks and the Beerbower Park) that we received. We are getting closer to a final plan and will be updating you soon on the strategy we're going to implement.
- The public works crews are getting back to a normal schedule. We have been out of sync lately repairing items that were damaged during the snow and flood.
- I attended the Grays Harbor County January Flood Debrief on February 4th. Here are some highlights of the meeting.
 1. During emergency/disaster situations, Grays Harbor Emergency Management operates an Emergency Operations Center (EOC).
 2. The EOC becomes the hub of information gathering and dissemination, strategic decision making, resource allocation and incident coordination.
 3. Representatives from law enforcement, fire services and public health, environmental health, EMS, as well as other organizations from throughout the county work together to coordinate the response.
 4. During these events the EOC usually has a radio frequency dedicated to the operations center. The city currently has the fire department with this channel. I think it will be to our advantage to get the public works radios programmed with this channel also.
 5. Since we are in the beginning phases of our own disaster planning, we need to look at the County's Incident Action Plan and have our plan designed to fit into the County's plan.
 6. These emergencies/disasters are putting our NIMS training to use. We need to make sure that we remember how the process works.

If you have any questions, don't be afraid to ask. If you see something that needs attention or have any ideas that you would like me to pursue, my door is always open, so please come and talk to me.

STAFF REPORT

To: Council and Mayor
 From: John Allardin, Maintenance Crew Foreman
 Date: February 05 2008
 RE: January status report



TASK	DESCRIPTION	MONTH		YEAR TO DATE	
		NO.	HOURS	NO.	HOURS
Building maintenance	Park, transit station restrooms, city compound, library, float shed & museum.				17
Meetings and appointments	Safety meeting, interviews, public works meetings, outside agencies and contractors.			6	6
Training	Professional growth classes				
Water leaks	water leaks			1	6
Water complaints	Dirty, smelly or low water pressure.			1	1
Garbage collection	Down town, park, cemetery, city compound and city park trash cans.				8
Grounds maintenance	Gardening, hanging baskets, mowing, raking, baseball field maintenance and pressure washing				20
Motor pool maintenance	Motor pool maintenance in house and contract work			5	4
Pot hole program	patching potholes				
Utilities locates	Locating underground utilities			2	1
Meter reading	Three people task includes meter reading, shut off list and re-reads				48
Flagging traffic	Flagging for Light and Power crew				
Citizen requests	Forms generated by requests from citizens			3	1.5
Valve exercising program	Checking for valve operation, location, and maintaining proper valve operation				
Sanding streets and street sweeping	sweeping streets			1	6
Hydrant flushing program	Maintenance, flushing and exercising hydrants				

**McCLEARY POLICE DEPARTMENT
REPORT TO COUNCIL MEMBERS**

Reporting Date: 01-14-2009 Wednesday

#1

Date of Last Report: 12-03-2008

The below is a list of activities and complaints occurring which were either reported to, generated by, responded to or assisted with by the McCleary Police Department.

SUMMARY OF INCIDENTS

2008 Close out Incidents for the Year: 2690 Incidents, Court generated monies to City: \$45036.26

2009: 97 Incidents ()

13 Traffic Stops.

Speed Infractions-DWLS-with court,-Insurance Violation.

VIOLATIONS REPORTED OR INVESTIGATED

Abuse, Adult or Child	Civil Complaint(s)
Ambulance/9-Fire Response Broadcast	Sex Offense (Adult or Child)
Agency Assist Police	Court Order Service/ Violation)
Harassment	Subject Stop / Pedestrian Stop-
Aid Call	Citizen Assist
Hit & Run	Prowler
Juvi Problem /Found Child/Runaway	Defrauding Public Utility
Alarm(s)	Suspicious= , Vehicle, Circumstances.
Liquor Violation (MIP-minor in possession)	Death Report
Animal Complaint(1 dog bite)	Theft Complaint(s)
Malicious Mischief	DUI
Arrest(s) (Booked)	Threat Complaint(s)
Missing Person/Runaway Report	Disorderly Conduct/person
Arrest(s) (Warrant)	Trespassing Complaint
Man Down-intoxicated sub	Domestic Violence
Motorist assist	Traffic Hazard=/ Reckless / Offence
Arson Report	Unknown Problem
Noise Complaint	HAZMAT
Arrest Juvenile	Verbal Argument/Dispute
Open Window/ -Door	Dog Impounds
Attempted Suicide	DRUGS-VUCSA (Violation Uniform Controlled
Parking Violation/Complaints	Substance Act)
Assault Complaint(s)	Vehicle theft / Prowl / Recovered Stolen.
Possession of Drug Paraphernalia	Fight
Burning Violation(s)	Vehicle = Accident / Disabled- / Abandon
Possession of Stolen Property	Firearm/Weapons complaint
<u>Burglary Complaint(s)</u>	Warrant Service/Transfer
Police Information	Fraud complaint
Controlled Substance Violation(s)	Welfare Check
Public Works Assist (McCleary City)	Found- / Lost Property-
Custody Dispute(s)	911 Hang Up/Open Line
Referral	
Fire Response	

Discussion: Open

3 Responses to the Lateral position

Council Members Present: ALL? Mr. Vessey, Mr. Vatne, Ms. Lake, Mr. Hays, Mr. Boling

Mayor Bentley: Present / Not Present

Officer Reporting : Chief Crumb _____

STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator
Date: February 9, 2009
Re: M & M Harbor Properties, LLC: Comprehensive Plan Change from Single Family to Multi-family Residential, and Rezone from C-3 (Highway Commercial) to R-2 (Multi-family Residential)

Changing the allowed use on the property at the southeast corner of McCleary Road and Mox Chehalis Road was the subject of a public hearing on January 26.

The only public comment consisted of questions that were responded to by the applicant's representative.

Both the staff and the Planning Commission have recommended amending the comprehensive land use plan for multi-family use and to rezone the property to R-2 (Multi-family).

The bases for the recommendations are:

1. New information about the site has been presented. A wetland delineation has been completed for the site. The wetland creates difficulties for the property to be used for commercial purposes.
2. The required access setbacks from the corner of McCleary Road and Mox Chehalis Road allow access only at the northeast corner of the property.
3. The proposed multi-family use would have less impact on neighboring residential uses than commercial activities.

Recommendations

Because of the inconsistency between the comprehensive land use plan and the zoning, a full range of residential and commercial land uses are possible for this property. It is critical, then, to look at the property itself to determine the best use.

Although the southern portion of the property has the best visibility from the on/off ramp, the facts that only the southern part of the property can be developed and that access can only be located at the northeast corner of the property, present arguments against commercial use. Highway Commercial zoning envisions quick and easy access for the traveling public.

The property is bordered on two sides by arterials and on one side by a freeway on/off ramp. This transportation setting indicates that traffic counts are already higher than those expected for single family residential, and would usually indicate that the best use should be commercial. However, the northern portion of the property is unusable and the lot configuration and presence of the wetland dictate that access to the southern part of

the property must be at the northeast corner and along the eastern border. As stated above, this access problem makes commercial use problematic.

Although there are single family homes adjacent to the west and across McCleary Road to the north, transportation issues such as high traffic volume and noise also make the property a difficult single family residential site.

After considering all these issues, the staff and the Planning Commission recommend that the property be planned and zoned for multi-family residential use. Both McCleary Road and Mox Chehalis Road can handle the traffic generated by the additional dwelling units. The access into a multi-family area could be by driveway, minimizing roadway width requirements and therefore, impacts to the wetland. Although the dwelling units would be located near the on/off freeway ramp, noise could be reduced through appropriate landscape screening. This also could enhance the view to the traveling public as they enter the City.

RESOLUTION NO. _____

A RESOLUTION ADOPTING AN AMENDMENT TO THE COMPREHENSIVE PLAN ADOPTED BY RESOLUTION 478, as amended by Resolution 487.

R E C I T A L S:

1. Pursuant to the authority granted in RCW 35A.63, the City has exercised its authority in relation to planning matters.

2. The City determined it appropriate to undertake a review and update of the Comprehensive Plan currently in place as part of the updating of the Zoning Code. Through the adoption of Resolution 478, the City adopted a Comprehensive Plan by reference. It was thereafter amended by Resolution 487.

3. Since that time, the Plan has been amended to reflect modified conditions. In 2008, the City received a request from a property owner asking that a review be undertaken as to the characterization under the plan of a particular area within the City. That request is as shown upon that certain map attached to this Resolution as Exhibit A, incorporated by this reference. The effect would be to modify the classification of the property in question, the legal description of which is attached as Exhibit B, from single family residential to multi-family residential.

4. The matter was referred to the Planning Commission concurrently with a zoning modification which would make the zoning of the area consistent with the requested modification in the Plan. The Planning Commission has such public hearing as required by applicable

law. Upon completion of its hearings and its consideration, the matter was forwarded to the City Council, as required by RCW 35A.63.071.

5. Pursuant to the requirements of RCW 35A.63.072, on January 28, 2009, the Council a public hearing upon the proposed amendment to the Plan. All necessary notices were given and the public was given full opportunity to comment. It has considered all information received in relation to the proposed amendment to Plan and has determined it appropriate to move forward with adoption of the amendment.

6. In making its recommendation to the Council, the Commission noted the documented existence of wetlands upon the area in question, a factor not known at the time of the adoption of the Plan. It further took into consideration in making its recommendation the applicability of the eight factors set out upon the application to the request.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY, THE MAYOR SIGNING IN AUTHENTICATION THEREOF:

SECTION I: The Council makes the following findings:

A. The Plan, if amended as set forth below, complies with the requirements of RCW 35A.63.

B. The Plan meets the present anticipated planning needs of the City.

C. The adoption of the amendment to the Plan is an appropriate and necessary exercise of the planning authority of the City.

D. The conclusions reached by the Planning Commission, as they relate to the matters set forth in Recital 6, are adopted by the Council.

RESOLUTION -B- 2
02/08/2009
aa/1e

CITY OF McCLEARY
100 SOUTH 3RD STREET
McCLEARY, WASHINGTON 98557

SECTION II: That certain portion of the Land Use Element of the Comprehensive Plan previously adopted, designated as Figure 1, Future Land Use Map, a copy of which has been signed by the Mayor at the time of adoption, shall be and is hereby amended as set forth as set forth upon Exhibit A, referenced above. An original of the Exhibit, signed and dated by the Mayor and Clerk-treasurer, shall be attached to the Comprehensive Plan of the City and shall hereafter be deemed controlling over any prior designations.

As amended, the total document shall serve as the Comprehensive Plan of the City for the purposes of and subject to the limitations set forth in RCW 35A.63. A copy of the Plan with attachments, as amended, shall be maintained on file in the Office of the Clerk-treasurer as provided by RCW 35A.63.072.

SECTION III. To the extent not amended by Section III, the Comprehensive Plan adopted pursuant to Resolution #478, as amended by Resolution 487, is hereby reaffirmed as if fully set forth herein.

PASSED THIS _____ DAY OF _____, 2009, by the City Council of the City of McCleary, and signed in authentication thereof this _____ day of _____, 2009.

CITY OF McCLEARY:

WALLACE BENTLEY, Mayor

ATTEST:

DONNIE ROSTEDT, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

RESOLUTION -B- 4
02/08/2009
dg/lw

CITY OF McCLEARY
100 SOUTH 3RD STREET
McCLEARY, WASHINGTON 98557



Comprehensive Plan Change
from Single Family Residential
to Multi-Family Residential

MCCLEARY ROAD

STATE ROUTE 8

MOX CHEHALIS ROAD

3RD STREET

MCCLEARY SCHOOL

Exhibit A

LEGAL DESCRIPTION:

PARCEL No.618051332004

PARCEL A:

THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 18 NORTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN; EXCEPT COUNTY ROADS; ALSO EXCEPT THAT PORTION DESCRIBED AS FOLLOWS;

BEGINNING AT A CONCRETE MONUMENT ON THE EAST LINE WHERE IT INTERSECTS THE SOUTH LINE OF STATE HIGHWAY No. 9; THENCE SOUTH ALONG SAID EAST LINE 180 FEET; THENCE WEST 120 FEET; THENCE NORTH TO THE SOUTH LINE OF STATE HIGHWAY No. 9; THENCE SOUTHEASTERLY ALONG SAID SOUTH LINE TO THE PLACE OF BEGINNING ALSO EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON BY WARRANTY DEED RECORDED MARCH 2, 1961 UNDER AUDITOR'S FILE No. 74674 AND BY WARRANTY DEED RECORDED FEBRUARY 20, 1996 UNDER AUDITOR'S FILE No. 960221044, RECORDS OF GRAYS HARBOR COUNTY; ALSO EXCEPT THAT PORTION DESCRIBED AS FOLLOWS;

BEGINNING AT THE EAST HALF OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 13, WHERE IT INTERSECTS THE SOUTH LINE OF THE OLD OLYMPIC HIGHWAY; THENCE ALONG SAID SOUTH LINE, AS PER RECORD OF SURVEY, RECORDED IN VOLUME 17 OF SURVEYS, PAGE 52 ON AUGUST 19, 1996 UNDER AUDITOR'S FILE No. 960903033, NORTH 56°07' 36" WEST A DISTANCE OF 22.61 FEET TO A 3/4" IRON PIPE; THENCE SOUTH 23°50' 44" WEST A DISTANCE OF 121.46 FEET TO THE TRUE POINT OF BEGINNING OF PARCEL HEREIN DESCRIBED; THENCE CONTINUING SOUTH 23°50' 44" WEST, A DISTANCE OF 134.61 FEET TO A 3/4" IRON PIPE; THENCE SOUTH 88°20' 56" EAST, A DISTANCE OF 46.23 FEET TO A 3/4" IRON PIPE; THENCE NORTH 3°46' 27" EAST, A DISTANCE OF 124.73 FEET TO THE TRUE POINT OF BEGINNING;

ALSO,

BEGINNING AT THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 13, WHERE IT INTERSECTS THE SOUTH LINE OF THE OLD OLYMPIC HIGHWAY; THENCE ALONG SAID SOUTH LINE, AS PER RECORD OF SURVEY RECORDED IN VOLUME 17 OF SURVEYS, PAGE 52 ON AUGUST 29, 1996, UNDER AUDITOR'S FILE No. 960903003, NORTH 56°07' 36" WEST A DISTANCE OF 22.61 FEET TO A 3/4" IRON PIPE, AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 23°50' 44" WEST, A DISTANCE OF 121.46 FEET; THENCE NORTH 3°46' 27" EAST, A DISTANCE OF 138.46 FEET TO SAID SOUTH LINE OF OLD OLYMPIC HIGHWAY, AND A 3/4" IRON PIPE; THENCE ALONG SAID SOUTH LINE 56°07' 36" EAST, A DISTANCE OF 48.18 FEET TO THE TRUE POINT OF BEGINNING;

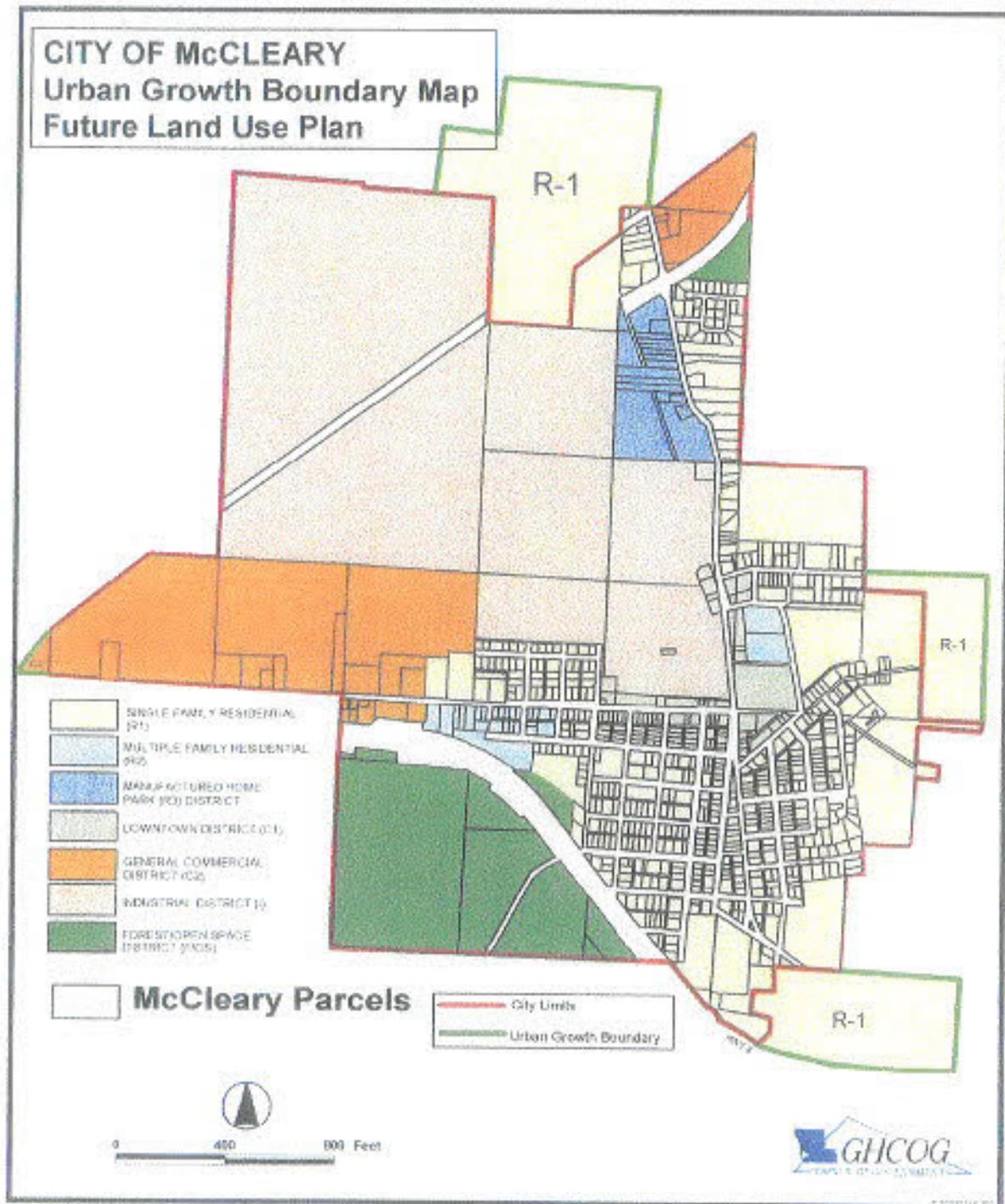
SITUATE IN THE COUNTY OF GRAYS HARBOR, STATE OF WASHINGTON.

PARCEL B:

ALL THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 18 NORTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, WHICH LIES SOUTH OF OLD OLYMPIC HIGHWAY (PRIMARY STATE HIGHWAY No. 9) AND EAST OF THE SINE-McCLEARY ROAD No. 23D;

SITUATE IN THE COUNTY OF GRAYS HARBOR, STATE OF WASHINGTON.

Figure 1: Future Land Use Map



STAFF REPORT

To: City Council
From: Busse Nutley, City Administrator 
Date: February 9, 2009
Re: M & M Harbor Properties, LLC: Comprehensive Plan Change from Single Family to Multi-family Residential, and Rezone from C-3 (Highway Commercial) to R-2 (Multi-family Residential)

Changing the allowed use on the property at the southeast corner of McCleary Road and Mox Chehalis Road was the subject of a public hearing on January 26.

The only public comment consisted of questions that were responded to by the applicant's representative.

Both the staff and the Planning Commission have recommended amending the comprehensive land use plan for multi-family use and to rezone the property to R-2 (Multi-family).

The bases for the recommendations are:

1. New information about the site has been presented. A wetland delineation has been completed for the site. The wetland creates difficulties for the property to be used for commercial purposes.
2. The required access setbacks from the corner of McCleary Road and Mox Chehalis Road allow access only at the northeast corner of the property.
3. The proposed multi-family use would have less impact on neighboring residential uses than commercial activities.

Recommendations

Because of the inconsistency between the comprehensive land use plan and the zoning, a full range of residential and commercial land uses are possible for this property. It is critical, then, to look at the property itself to determine the best use.

Although the southern portion of the property has the best visibility from the on/off ramp, the facts that only the southern part of the property can be developed and that access can only be located at the northeast corner of the property, present arguments against commercial use. Highway Commercial zoning envisions quick and easy access for the traveling public.

The property is bordered on two sides by arterials and on one side by a freeway on/off ramp. This transportation setting indicates that traffic counts are already higher than those expected for single family residential, and would usually indicate that the best use should be commercial. However, the northern portion of the property is unusable and the lot configuration and presence of the wetland dictate that access to the southern part of

the property must be at the northeast corner and along the eastern border. As stated above, this access problem makes commercial use problematic.

Although there are single family homes adjacent to the west and across McCleary Road to the north, transportation issues such as high traffic volume and noise also make the property a difficult single family residential site.

After considering all these issues, the staff and the Planning Commission recommend that the property be planned and zoned for multi-family residential use. Both McCleary Road and Mox Chehalis Road can handle the traffic generated by the additional dwelling units. The access into a multi-family area could be by driveway, minimizing roadway width requirements and therefore, impacts to the wetland. Although the dwelling units would be located near the on/off freeway ramp, noise could be reduced through appropriate landscape screening. This also could enhance the view to the traveling public as they enter the City.

ORDINANCE NO. _____

AN ORDINANCE RELATING TO ZONING, GRANTING A REZONE OF A SPECIFIC SITE, AND SETTING FORTH FINDINGS.

R E C I T A L S:

1. M & M Properties, LLC has applied for rezone of certain property situate within the corporate limits of the City more fully described upon Exhibit #1, attached hereto and incorporated by reference, which currently is assigned Assessor's Parcel Number 618051332004

2. The request is that property be rezoned from classification C-3 to classification R-2.

3. All necessary environmental reviews have been undertaken and have been considered.

4. All necessary notices have been given and all necessary hearings have been held, including those by the Hearing Examiner.

5. The Council has received the report and recommendation of the Planning Commission, recommending that the request be granted. This recommendation was made after the Commissioner carried forth its own hearing, following the giving of required public notice.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL:

ORDINANCE -B- 1
02/08/2009
dg/ls

CITY OF McCLEARY
P. O. BOX 360
McCLEARY, WA 98557

SECTION I: Based upon the information provided to it by the Commission as well as the information generated by its hearing held on January 28, 2009, the Council finds as follows:

A. The parcel is currently zoned C-3.

B. Based upon the information received as to the physical characteristics of the property, including the presence of extensive wetlands, difficulty of reasonable access for commercial use, and mandated setbacks from the intersection, the uses allowed in C-3 are not reasonably feasible for the site.

C. The properties adjoining the site, whether within the corporate limits or within the County, are zoned residential.

D. Circumstances, including the information received from the owner referenced in B, have changed since the zoning of the property which merit the finding that basis for rezoning the property has been met as required by statutory and case law.

E. The rezone would be consistent with the provisions of the Comprehensive Plan, as it exists as of the time of the adoption of this ordinance.

SECTION II: The zoning classification of that certain property more fully described above shall be and is hereby amended to reflect a classification of R-2.

SECTION III: The zoning map of the City shall be amended to reflect the rezone granted by this Ordinance and the same provided to the Assessor, as required by RCW 35A.63.260.

SECTION IV: This Ordinance shall take effect upon the fifth day following date of publication.

PASSED THIS _____ DAY OF _____, 2009, by the City Council of the City of McCleary, and signed in approval therewith this _____ day of _____, 2009.

CITY OF McCLEARY:

WALLACE BENTLEY, Mayor

ATTEST:

DONNIE ROSTEDT, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

STATE OF WASHINGTON)
 : ss.
GRAYS HARBOR COUNTY)

I, DONNIE ROSTEDT, being the duly appointed Clerk-Treasurer of the City of McCleary, do certify that I caused to have published in a newspaper of general circulation in the City of McCleary a true and correct summary of Ordinance Number _____ and that said publication was done in the manner required by law. I further certify that a true and correct copy of the summary of Ordinance Number _____, as it was published, is on file in the appropriate records of the City of McCleary.

DONNIE ROSTEDT

SIGNED AND SWORN to before me this _____ day of _____, 2009, by DONNIE ROSTEDT.

NOTARY PUBLIC IN AND FOR THE STATE OF
WASHINGTON, Residing at:
My appointment expires:

LEGAL DESCRIPTION:

PARCEL No.618051J32004

PARCEL A:

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BEGINNING AT A CONCRETE MONUMENT ON THE EAST LINE WHERE IT INTERSECTS THE SOUTH LINE OF STATE HIGHWAY No. 9; THENCE SOUTH ALONG SAID EAST LINE 180 FEET; THENCE WEST 120 FEET; THENCE NORTH TO THE SOUTH LINE OF STATE HIGHWAY No. 9; THENCE SOUTHEASTERLY ALONG SAID SOUTH LINE TO THE PLACE OF BEGINNING ALSO EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON BY WARRANTY DEED RECORDED MARCH 2, 1961 UNDER AUDITOR'S FILE No. 74674 AND BY WARRANTY DEED RECORDED FEBRUARY 20, 1996 UNDER AUDITOR'S FILE No. 960221044, RECORDS OF GRAYS HARBOR COUNTY; ALSO EXCEPT THAT PORTION DESCRIBED AS FOLLOWS;

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