



McCleary City Council Agenda

09/11/19- 6:30PM

Flag Salute

Roll Call: ___ Pos. 1-Richey, ___ Pos. 2-Huff , ___ Pos. 3- Heller, ___ Pos. 4- Blankenship, ___ Pos. 5- Iversen

Public Hearing			
Mayor Comments			
Public Comment			
Minutes		Tab	A 8/14/2019
Approval of Vouchers			
Staff Reports		Tab	B Chris Coker
		Tab	C Todd Baun
		Tab	D Staff
Old Business		Tab	E CAO- Latest Draft
New Business		Tab	F CCAP Agreement
		Tab	G Ductless Heat Pump Bid
		Tab	H Roof replacement and repair bid
		Tab	I 1st Street Speed Limit
		Tab	J Site Plan Review Committee Draft
		Tab	K Eddie Biers Park Dedication Discussion
		Tab	L 3rd Street Pay item
Ordinances			
Resolutions			
Contracts			
Mayor/Council Comments			
Public Comments			
Adjourn/Recess Meeting			

Please turn off Cell Phones- Thank you

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 La ciudad de McCleary es un proveedor de igualdad de oportunidades y el empleador

TAB - A

CITY OF MCCLEARY
Regular City Council Meeting
Wednesday, August 8, 2019

ROLL CALL AND FLAG SALUTE Councilmembers Richey, Huff, Heller, Blankenship and Iversen were in attendance.

ABSENT None.

STAFF PRESENT Present at the meeting were Director of Public Works Todd Baun, Clerk-Treasurer Wendy Collins, Chief Steve Blumer, Jon Hinton and Attorney Chris Coker.

EXECUTIVE SESSION Mayor Orffer called for a fifteen-minute Executive Session at 7:02 pm per RCW 42.30.110(1)(b) to discuss property acquisition. The Executive Session ended at 7:17 pm. No action was taken.

MAYOR COMMENTS Mayor Orffer will withhold comments until the end of the meeting.

PUBLIC COMMENTS Rena Brennan asked the Council if there is any news regarding the Methodist Church because she is involved in preparing the free Friday lunches. Mayor Orffer stated the Methodist Conference has assured her the lunches can continue until they have a concrete plan of what is happening to the building. The Council will be discussing this topic this evening and she hopes we will have a decision on the church building by the end of the meeting.

Helen Hamilton asked about the Critical Areas Ordinance (COA). She called five different State agencies and not one of them could tell her what Wildcat Creek is designated. They didn't know if it was a category three, two or a one. She wants to know where Todd got the information he used. Todd said everything we have gotten is from State agencies. The Wildcat Creek recommended buffer zones are from the Department of Fish and Wildlife. The recommended classification will be given from the technical specialist, or wetland biologist, that is hired by individuals to assess their property. The City and State do not designate the classifications.

Jenna Amsbury spoke about the homeless camps and panhandling ordinances. She has concerns as to why the City would not just restrict it. All of the churches are close to the school. She spoke to the School Board about her concerns with students walking to school past the bus station and churches where homeless people could be located. She agrees with good regulations and wants the City to require a conditional use permit so the Council knows when one is coming into town. Councilmember Richey agrees with her and he also understands that homelessness is not illegal. He added that these things are already headed to our area and we have to do something, but we also have to follow the law. Jenna agrees and her biggest concern is the closeness of the churches to the school.

A resident asked the Council where the city tent is located and Councilmembers Richey and Iversen stated there are no homeless camps in McCleary. Rena Brennan stated there is a man that comes to the Friday lunches that states he is homeless and lives in a tent. Councilmember Richey said he is sure there is someone in town that is homeless but we do not have a designated homeless camp. Councilmember Iversen added they are trying to be proactive instead of waiting for it to happen and then have to deal with it. Mayor Orffer stated because McCleary doesn't have designated homeless services and doesn't have any beds for homeless people, they technically have more rights and can be on public property at any time. When cities have services then they can have more dictation over where they can and can't be and can control it better. This is our effort of having something in place.

Councilmember Richey said it will be difficult for a church to take on 50 homeless people on their property. Councilmember Iversen added it will also be difficult for any of the small churches to have the resources and people to feed and take in 50 homeless people.

Linda Thompson signed up to speak but decided to wait until the Methodist Church topic comes up later in the agenda. The museum board would like to meet with the Mayor on what is happening with the Carnell house and she understands that goes hand-in-hand with the church conversation. She's hoping they have some answers tonight because it's been over a year.

PUBLIC HEARING None.

MINUTES APPROVED

It was moved by Councilmember Iversen, seconded by Councilmember Richey to adopt the minutes from the July 10, 2019 meeting. Motion Carried 5-0.

VOUCHERS

Accounts Payable checks approved were 46395 - 46473, including EFT's, in the amount of \$66,397.50 and 46321 - 46394, including EFT's in the amount of \$798,586.03.

Payroll checks approved were 46314 - 46417, including EFT's, in the amount of \$219,105.93 and 46182 - 46277, including EFT's in the amount of \$188,503.95.

Bank reconciliations for the month's of June 2019 and July 2019.

It was moved by Councilmember Blankenship, seconded by Councilmember Huff to approve the vouchers. Motion Carried 5-0.

CITY ATTORNEY REPORT

Chris Coker reported resident Libby has paid her utility back charges so all of the accounts that received nonpayment letters have now paid. On her other matter, he filed the suit for abatement on Libby's property in July and he talked to Chief Blumer today and he reported there has been substantial improvement. He stated she did not officially answer the complaint so he was going to start the process of default judgement, but after his discussion with the Chief, he will hold off and see if she continues to comply.

Regarding the Allardin complaint, Attorney Rhodes gave him an update stating he is looking to see if there is any improvement on the property and if there is not, he will be contacting Josh or Chief and his recommendation will be the same process as Libby's and go through the warrant of abatement process.

Councilmember Richey asked Todd if there is a house that he views as a nuisance, does he have to get a call from the general public or can Josh just step up and do something about it? Todd responded that the process is to have people make complaints and the City responds to them. He said we found out last time, when we turned people loose, it caused more headache than it was worth. Councilmember Richey is trying to come up with a better process so houses don't get out of control. He doesn't know how the house behind the Bears Den didn't get dealt with. It is a garbage dump that he happened to see when he walked his daughter to the Bears Den. He was shocked at how bad the house was. He wanted to know if Josh, Todd or Chief Blumer ever drives by that house and asked why none of you can complain about it or any other nuisance house in town? Todd said we can start the process but since Josh has started, we only act if we get a complaint. Mayor Orffer added it was the same way with Paul Morrison. We didn't send him out looking for issues. If we got a call, we sent him out and that hasn't changed. Councilmember Richey said he is not attacking Josh, he just doesn't understand why code enforcement can't take action if they see something.

Councilmember Blankenship asked if we do nothing on the follow up with Libby, and the problem continues, do we have to start the whole process over again? Chris said no, the lawsuit sits there, unless the court dismisses it, however, that usually takes a couple of years. Councilmember Blankenship stated to Todd that the Council was supposed to be getting nuisance updates. Todd said Josh emailed the update to him but he forgot to print it out and give it to the Council. He said there were several nuisances over the past month with mostly overgrown properties at Cedar Heights, Summit Place I and II and a bunch of yards that are also overgrown.

Councilmember Richey asked if we need something in writing to change the current process of having residents complain directly. Mayor Orffer said no, it is something she and Todd can have a conversation about to see if they want to change the process since it is an internal staffing issue. Councilmember Richey said it only makes sense that if we are paying someone's salary to do that job, it only makes sense for them to do it. Todd said that is only part of his job. If the Council wants to create a position of code enforcement officer 24-hours a day, 7-days a week, we can hire a full time code enforcement officer. Councilmember Richey asked if he could just go out once every two-weeks and go through a certain section of town and each two weeks, check another section of town. He thinks that is a reasonable request and doesn't see anything wrong with it.

Councilmember Iversen asked Todd what he meant when he said having the employee drive around looking for nuisances was a problem and found it was better to get complaints from the public. Todd said when Paul first started, in one week, he ended up with 20+ nuisances. To track that many nuisances in one week was a nightmare for us because we do not have a full time code enforcement officer that can do that for us. He can guarantee Josh can go out there tomorrow and find 20 different nuisances. Basically, we toned it down to where we went to citizen and staff complaints and we will deal with them as they come in because it was so overwhelming.

Councilmember Richey said some people are not quick to report and don't want to cause problems with their neighbor. He has an ultra passion for it and wants people to keep their houses cleaned up. He asked if there is a way, if there is a systematically bad house, they could not move on that? Todd said then you get into questioning what someone's opinion is of a systematically bad house, it gets into an area of detail and is different for each person. Councilmember Richey said he will talk with Todd after the meeting so they don't take up any more time. Mayor Orffer said there is some level of judgement that has to come into it, which comes with experience and maturity in their position and Josh is new to this position. Councilmember Richey said he is not attacking Josh at all and believes he is doing a great job in his position, he is just attacking the process. Councilmember Blankenship asked what percentage of time is Josh is spending on code enforcement and Todd said he doesn't know off the top of his head. Mayor Orffer said he is the Public Works Assistant so there is a lot more to his job than just code enforcement. Councilmember Blankenship said it is the same job description as Paul had so he wants to know what percentage of his day is devoted to code enforcement and what is devoted to public works assistant. Todd responded it depends on the day because each day is different. His day is impacted by what type of things walk in the door such as permits, inspections, etc. Councilmember Blankenship does not think it is too much for Councilmember Richey to ask for some type of code enforcement to be done in this town to alleviate some of these problems we are seeing.

Todd said how it ends up working is when we receive a complaint and we go to the person to address it, they ask about other houses they think are problems so we go address those houses, then they complain about other houses with problems and it ends up not being about one complaint, it ends up being about three to four complaints that now have to be dealt with. Mayor Orffer said we will look at the process internally and see if there is a better way to do this and coach Josh through it. Councilmember Blankenship said again he would like to get a copy of the nuisance list.

DIRECTOR OF PUBLIC WORKS
REPORT

Todd Baun provided pictures of three swing sets for the Council. He would like their direction on which one they want him to purchase. Todd prefers the second one because it looks like a better fit for our park. The Council agreed to the choice marked number two.

Mayor Orffer announced budget season has started. She put in her own budget request, which is for a website redesign. Councilmember Blankenship asked for a budget workshop so the Council knows what exactly is in the budget. The set a workshop for October 21st at 6:00 pm at City Hall.

POLICE CHIEF REPORT

None.

CRITICAL AREAS ORDINANCE -
PRE EXISTING USAGE

Councilmember Blankenship asked what the status is with the site review committee process. He remembers Councilmember Huff wanting to be on that committee. It hasn't been talked about since a few meetings ago but he believes the consensus was to adopt Grays Harbor County's language. Todd prefers Lyndon's version because it's simple and reverts back to non conforming use language. Mayor Orffer asked Todd, if you were Helen Hamilton, which one of the versions provided would give you peace to know that you were going to be able to use your property or sale your property to someone else so they can use it? Todd said Lyndon because it's clear regarding what it allows. You can do alterations and maintain your buildings and you can also replace your building if it were to be destroyed by fire.

Councilmember's Iversen and Blankenship agree with the Lyndon version as being the best so Todd will have Chris Coker draft that language into the ordinance. Mayor Orffer asked Todd to have the new language highlighted so they can see just the new changes.

ORDINANCE 849
PANHANDLING

Chris Coker said there are loitering laws already in place. Councilmember Richey asked if the language in the ordinance will prevent someone from standing in front of the grocery store with two bags of garbage sitting in two shopping carts with a sign stating he is homeless and asking for money and appears to be intimidating. Chris responded if he is on private property, the owner can ask him to leave. If someone is sitting off to the side and not interfering with people on public property, you will have a tough time enforcing him to move. Chris stated he threw this ordinance together quickly and said if it is something the Council wants to pursue, they should put together a committee to compare what is already in our code and what should be new language. He asserted Chief Blumer should be part of that committee.

Councilmember Richey wants to get something on the books so people can't just come into town and crap on it. Chris emphasized the Council is passing an ordinance that is already addressed in other ordinances. What he is trying to avoid is having nine versions of the same ordinance. There needs to be some sort of process because he feels like things are getting lost in the shuffle. As the attorney, he can't make policy and decisions so he would rather get one well thought out consensus ordinance as opposed to hit and miss versions.

Councilmember Iversen asked for clarification, if any of the items in this ordinance are addressed elsewhere and Chris replied that some are, for instance, we already have language addressing pedestrian interference and using profane language and disorderly conduct. Councilmember Iversen has a problem with creating things that already exist on the books. Chris said this is not a duplicate of existing things but there are some crossovers in it. Councilmember Richey wants to approve this and put it on the books so we have something. Councilmember Blankenship was told by an Aberdeen Police Officer that their homeless problem is so bad because they did not have anything on the books and now the issue has escalated into what it is today. The Officer highly recommended the McCleary Council get an ordinance on the books to address these issues before they begin. Councilmember Blankenship wants the version he provided to Chris Coker to be the version they vote on instead of the version Chris provided.

It was moved by Councilmember Richey, seconded by Councilmember Iversen to adopt Ordinance 849, AN ORDINANCE OF THE CITY OF McCLEARY, GRAYS HARBOR, WASHINGTON, ADDING A NEW MCCLEARY MUNICIPAL CODE CHAPTER 9.52 ENTITLED "AGGRESSIVE PANHANDLING – PEDESTRIAN INTERFERENCE" TO THE McCLEARY MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE. Roll Call taken in the affirmative. Ordinance Adopted 5-0.

ORDINANCE 850 HOMELESS
ENCAMPMENTS

It was moved by Councilmember Blankenship, seconded by Councilmember Heller to adopt Ordinance 850, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCCLEARY AMENDING MACCLEARY MUNICIPAL CODE CHAPTER 17 BY ADDING A NEW MCCLEARY MUNICIPAL CODE SECTION 17.20.050 ENTITLED "TEMPORARY HOMELESS ENCAMPMENTS" TO REGULATE THE PLACEMENT AND IMPACTS OF THE TEMPORARY HOMELESS ENCAMPMENTS IN THE CITY. Roll Call taken in the affirmative. Ordinance Adopted 5-0.

3RD STREET PAY ITEM

A citizen made a comment regarding the new bike lane. He said he almost hit a kid on a bike in the bike lane. Todd said the bike lane is a shared lane, not a designated lane. Mayor Orffer added that dedicated bike lanes have a stripe down them indicating bikes have the right side of the stripe. McCleary's does not have a stripe, indicating it is a shared lane. **It was moved by Councilmember Blankenship, seconded by Councilmember Huff to authorize the payment of \$215,786.64 to Barcott Construction for the 3rd Street Project. Motion Carried 5-0.**

JANITORIAL SERVICES

The City gave notice to our current janitorial company letting them know we are not going to renew our contract with them. We went out for bid and received two submissions. One is from A2Z Cleaners and the other is Jarae's Janitorial Service. The Council has received both bids. Our current cleaning service charges approximately \$1,100 a month. Staff recommends A2Z, which came in at the monthly cost of \$709.00, however, we are not mandated to take the lowest bid. Councilmember Huff asked if A2Z is the submission they reviewed awhile back and Mayor Orffer confirmed it was. Councilmember Richey confirmed A2Z had a lot of strong references. **It was moved by Councilmember Richey, seconded by Councilmember Iversen to accept the janitorial cleaning bid with A2Z Cleaning. Motion Carried 5-0.**

WINDOW REPLACEMENTS

Tabled. No bids were submitted. Todd will be going back out for bid.

45 FOOT POLES PURCHASE

It was moved by Councilmember Iversen, seconded by Councilmember Blankenship to authorize the purchase of poles for Light & Power to McFarland Cascade in the amount of \$28,720 plus tax. Motion Carried 5-0.

CHEHALIS BASIN
PARTNERSHIP
REPRESENTATION

Todd Baun asked if anyone on the Council would like to volunteer to be the City representative for the Chehalis Basin Partnership. Every city has a representative designated to attend the meetings on behalf of their Council. Jenna Amsbury added they are currently dealing with the Hurst decision and they are working on planning for the whole Chehalis Basin right now. What comes out of that committee will be forced on all of the local entities and impact how they do their watershed planning. If this committee does not come up with something, the Department of Ecology will decide how our area is going to function. She works for the Grays Harbor County and knows a lot about the Hurst decision. Todd affirmed the appointee will be a voting member in the Partnership. Jaron Heller agreed to be the appointee and will attend the meetings and report back to the Council . Mayor Orffer thanked him for volunteering.

METHODIST CHURCH
PURCHASE

Mayor Orffer said the Methodist Conference offered to sell the building to the City for \$100,000. She discussed other ideas with them and they offered to accept the deed for the Carnell house in exchange for the deed to the church in an even exchange. She met with the Carnell family and their other option is for the city to relinquish the deed of the house for \$90,000 making it available to swap for the church. The Finance Committee discussed the ramifications of this purchase and how it may or may not affect the budget. There are dollars available in the budget and those dollars are not at the expense of other projects or staff. There are ways for this to happen. The Methodist Conference also offered terms that would allow us to carry this project out long-term. They are trying to help the City so the City can own the building, because that is the wish of the congregation.

Councilmember Huff attended the church tour and found the chapel to be in good shape but he has concerns about the fellowship hall and some other areas and what the cost is to fix them. He has family that has been involved with the church and he has to leave the emotional side out of it and do what is best for the City. When he has people coming up to him claiming our roads are in despair, our sidewalks are terrible, the cemetery is in bad condition and the park can use some help, he is going to have a really hard time going back to them and saying we understand but we just took on another property. If we have the funds to purchase the church then why don't we have the funds to fix up other things that benefits the community in general, rather than select groups that would benefit by using the church property?

Councilmember Richey stated he feels the exact same way as Councilmember Huff does. He said some of the ideas we have for the church are already met with the community center and a VFW as buildings that can host a wedding or meeting. He doesn't think it's the best decision when we can fix a road running through town instead.

Councilmember Iversen is concerned about our museum and she understands that maybe using the church is not the solution but we also can't ignore our city's artifacts are here in town and if we don't come up with some solution, those will go away and we will never get them back again. Our heritage is very important, so if we are looking at not purchasing the church or Carnell house, we need to look at other solutions for our museum because our heritage is something we can't get back once it's gone. Some people have been in this town for generations and really care about the heritage and she really feels our museum needs a home.

Councilmember Huff found two websites that have federal grants that benefit small museums, unfortunately for 2020, the application process has passed. If we can find a secure and safe spot for the museum items, we can work with the museum on these grants, which range from \$5,000 to \$50,000. He is not sure what the competition is since it is on the federal level but it's worth a shot.

Councilmember Iversen asked if we don't buy the Carnell house, what financial liability do we have? Do we have to fix it up and how much will that cost the City? Mayor Orffer stated her understanding is if the City does not wish to purchase the Carnell house and for them to release the deed without restrictions, then they want the property put up for sale. The relationship and the interest in that house and the responsibility for repairs is ultimately on the Historical Society, but because the City has the deed, we have some level of interest in making sure it happens.

Councilmember Blankenship reads the contract as stating the city's obligation is that it wasn't kept up, which it hasn't been. Our remedy would be to deed it back to the Historical Society, then it becomes an issue between the Historical Society and the Carnell family. The City would be out of it. We are not responsible for repairing that house to a sellable state and we shouldn't be getting involved in selling the house, much like us getting into the business of purchasing a church and having the Historical Society move into the church and the City gets back into this landlord situation. He doesn't think it's the right direction for the City to go. We have other areas in town that need addressed. He stated our remedy is to deed the house back to the Historical Society.

Mayor Orffer said by doing that, then the Historical Society will have to pay property taxes. That is her understanding of why the City agreed to the deed in the first place. Once it's no longer an agency property, property taxes will need to be collected. She does not know if we can deed it directly back to the Historical Society or if it has to be deeded back to the Carnell's. Chris Coker said our remedy is, if the Historical Society is not keeping up its side of the bargain we can deed it back to either the Carnell's or the Historical Society. He thinks our remedy as a City is to deed it back to one of those and wash our hands of it. Councilmember Richey asked if we deed it back to the Historical Society will they still have to pay taxes and Chris Coker said yes, they would start paying taxes.

Linda Thompson said her heart is not set on the church, it is set on getting something in place for the museum. If the City deeds the property back to the Historical Society and they have to pay taxes and utilities, they will have to close. They have no revenue other than yard sales and auctions. She can guarantee, they will close. They appreciate what the City has done in labor to help fix the roof and added the Historical Society will be paying for the materials. Back when they originally opened, there were carpenters and plumbers available to offer help and fix things. That is not longer how things are.

Mayor Orffer said the options are on the table. She is not a voting member but she is allowed to give her thought on the matter. She would personally hate to see the church be gone. It is part of the towns founding and it has an inheritant importance to the city. She hears everything the Council is saying and she understands that there are other places where we can spend money but she doesn't know if we could fix the streets or build a fire station for \$90,000 but she understands it could go along way toward something else. The dilemma we have is how are we being the best stewards of the city's resources. She heard a definition of stewardship this week that she has never heard before and it resonated with her and the definition is, "The commitment of stakeholders to collaborate together to leave something in a better condition than what they found it." That is what this Council is trying to do. They are trying to be good stewards of the city's resources and they want to leave the city a better place than what they found it.

A resident asked what the church could be used for and Mayor Orffer said some of the suggestions were to be used to house the museum, used as a welcome center and/or senior center, to host weddings and meetings and to continue providing Friday lunches for the community. None of these things are going to drive a lot of revenue for the city. The question we have to ask is should the city take on the expense of operating it and maintaining it. Helen Hamilton said the colleges have students that could help write grants and they like small town projects.

The choices are either to purchase the church for \$100,000 or the Carnell house for \$90,000 and swap deeds with the church and they will sell the Carnell house. There are options available for the Friday lunches to move to another facility. Mayor Orffer said her pastor has offered their fellowship hall as a new location.

One resident lives in town and is tired of fighting her neighbors and they have decided they are going to move. She offered her house up to the museum. The Historical Society is concerned they will only have the same budgeting issues of how to maintain the building and pay for property taxes and utilities.

They Council decided not to purchase either building.

WSDOT PROPERTY PURCHASE

The City has received word the neighboring property, which was interested in purchasing the small WSDOT Property, is no longer interested and has agreed to sign the right of way agreement. The property has been budgeted for purchase for many years now and is necessary for future growth. **It was moved by Councilmember Iversen, seconded by Councilmember Huff to authorize the purchase of the property from the Department of Transportation when the proposal comes in for utility staging and lift station for future growth in the amount of \$28,100. Motion Carried 4-1 with Councilmember Blankenship voting against.**

Councilmember Blankenship wants the City to put a stipulation on the property so it can't be sold for 25-years. Mayor Orffer wants to make sure we don't tie the hands of future Council's. The Council amended the vote above by adding to the previous motion. **It was moved by Councilmember Blankenship, seconded by Councilmember Huff to require the City to maintain and hold the deed for the Department of Transportation property for 25 years. Motion Carried 4-1 with Councilmember Iversen voting against.**

AWC DENTAL PLAN

The City pays for dental benefits for all employees through AWC. Wendy Collins said one of her jobs is to review the benefit packages of the employees each year to make sure we are getting the most coverage for the least amount of cost. Last year, the police employees requested to switch to the LEOFF Trust Health and Dental Plan and were approved. The individual cost was higher but the overall cost was less because of the LEOFF1 retiree cost decreasing a significant amount. The non police employees are asking for the Council to approve a better dental plan which costs \$3.84 more per employee per month. The increase in coverage is significant and will allow employees to get their six-month dental checkups without running out of benefit coverage. Currently, the allowable amount for our plan is \$1,000 and preventive dental goes against it. The new plan offers preventative dental that does not go against the total allowable per year and offers \$1,500 per year allowable coverage. Because it is an increase in coverage, it was not an issue with the unions.

Councilmember Blankenship thinks this is a good negotiation bargaining chip. Mayor Orffer asked if the union bargains down to this level. Steve Blumer said yes they do because that is what the police used in their negotiations the last time. Mayor Orffer responded that after the police negotiations were done, we changed plans for the police again because they became aware of another one they wanted. Chief Blumer said that was part of the negotiations and it just never went into affect because it had to be finalized by October of that year. They had to wait before they could have the plan because they missed the deadline. **It was moved by Councilmember Richey, seconded by Councilmember Iversen to authorize the Mayor to sign the AWC Agreement updating the dental plan to Plan J. Motion Carried 4-1 with Councilmember Blankenship voting against.**

NESTING

Jon Hinton was brought in to address nesting and standby storage and fire suppression storage. Fire suppression storage equals 1,500 gallons per minute for 2 hours totaling 180,000 gallons. Standby storage equals 230,000 gallons totaling 1.2 days of average daily demand. Capacity of storage reservoirs equal 650,000 gallons totaling 500,000 gallons + 150,000 gallons. Nesting assumes the City will not have a commercial fire event when both reservoirs have been drawn down due to both well pumps being off line for a day. Gray & Osborne's recommendation is to allow nesting. If nesting is not allowed, we would need to do additional hydraulic analysis to determine how soon additional storage (new reservoir construction) would be needed and would have to revise the water system plan in several areas at additional time and cost to the City. Not nesting may also cause additional fire flow deficiency projects (water mains that need to be increased in size) adding additional design and construction costs to the City's capital improvement budget. **It was moved by Councilmember Richey, seconded by Councilmember Heller to approve nesting for the City of McCleary. Motion Carried 5-0**

FIRST RESPONDER AWARDS

Councilmember Huff brought up first responder awards at the last meeting and he provided a sample for the Council to review. He is considering setting up voting during September and distribute the award during a Council meeting in November.

PUBLIC COMMENT

None.

MEETING ADJOURNED

It was moved by Councilmember Iversen, seconded by Councilmember Heller to adjourned the meeting at 9:50 pm. The next meeting will be Wednesday, September 11, 2019 at 6:30 pm. Motion Carried 5-0.

Approved by Mayor Brenda Orffer and Clerk-Treasurer Wendy Collins.

TAB - B

TAB - C

STAFF REPORT

To: Mayor Orffer
From: Todd Baun, Director of Public Works
Date: September 5, 2019
Re: Current Non-Agenda Activity

2020 Budget

2020 budget season has kicked off. We are starting to put together our capital purchases and capital projects, and starting a very early projection of revenues.

Street Repairs

We have started repairing and patching several of our streets. This will be going for the next several weeks.

Swing Set

We have ordered the swing set and expect it to be delivered within the next couple of weeks.

TAB - D

Building and Planning Staff Report

To: Mayor and City Council
 From: Josh Cooper
 Date: September 5, 2019
 Re: Building and Planning Department Activity.

New Permit Activities from June - August 2019

126 Summit Loop	New Accessory Structure	Total Fee - \$530.10
1529 N 4 th ST	New SFR	Total Fee - \$10,336.97
1523 N 4 th ST	New SFR	Total Fee - \$10,444.77
1163 N Summit RD	Heat Pump	Total Fee - \$118.82
114 S 5 th ST	Ductless Heat Pump	Total Fee - \$99.01
1518 N 5 th ST	Heat Pump	Total Fee - \$87.83
208 S 6 th ST	Ductless Heat Pump	Total Fee - \$87.16
1539 N 5 th ST	Heat Pump	Total Fee - \$95.77
1569 N 4 th ST	Solar Installation	Total Fee - \$76.65
1553 N 4 th ST	Solar Installation	Total Fee - \$76.65
8 Belle Lane	Pole Attachment	Total Fee - \$106.21
519 W Ash ST	Placement Permit	Total Fee - \$97.00
Building Department Related Revenues	Total fees charged from June - August \$65,534.68	Total fees collected from June - August \$27,684.93

Permit Activity Totals

New Homes Permitted for 2019 21	All Permits Issued for 2019 212	Total Fees Charged for 2019 \$290,203.90
New Homes Permitted for 2018 17	All Permits Issued for 2018 57	Total Fees Charged for 2018 \$212,089.41
New Homes Permitted for 2017 11	All Permits Issued for 2017 104	Total Fees Charged for 2017 \$124,686.92
New Homes Permitted for 2016 24	All Permits Issued for 2016 170	Total Fees Charged for 2016 \$249,258.60

Building and Planning Staff Report

Nuisances for June – August 2019

118 East Pine Street (8.16) – Complied

5 Larson Road (8.16) – Complied

341 South 2nd Street (8.16) – Complied

206 East Oak Street (8.16) – Complied

114 West Fir Street (8.16) – Complied

115 South 5th Street (8.16) – Complied

411 West Pine Street – (Notice To Vacate) – Complied

115 South 5th Street (8.16) – Active

Dragt Development Properties (8.16) 16 Empty Parcels – Active

Kulwinder Properties (8.16) 3 Empty Parcels – Complied

TAB - E

ORDINANCE NO. _____

AN ORDINANCE RELATING TO CRITICAL AREAS; ADOPTING DEFINITIONS, AMENDING CERTAIN SECTIONS OF CHAPTER 18.08 MMC, ADDING NEW SECTIONS TO CHAPTER 18.08 MMC, AND PROVIDING FOR INTERPRETATION, SEVERABILITY, AND AN EFFECTIVE DATE.

R E C I T A L S:

1. The Council and Mayor have received the recommendations of the involved City staff as to the updating of the provisions of the Municipal Code relating to critical area delineation, processing, protection, and related matters.

2. All necessary environmental reviews have been completed.

3. It is the intention of the Council to adopt the recommendations as set forth in the following sections.

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

SECTION I: Section 18.08.030 and Section 2, Ordinance 703 are each amended to read as follows:

Definitions.

When used in this Chapter, the following definitions shall apply:

1. Administrator or Director: the (~~City Administrator~~) Director of Public Works or his/her designee.

2. Applicant: any person who files a permit application with the City of McCleary and who is either the owner, beneficial owner, contract purchaser, or authorized agent of such owner of the land on which the proposed activity would be located.

3. Aquifer recharge area: areas with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge.

4. Critical areas: includes the following areas and ecosystems as defined in RCW 36.70A.030 and WAC 365-195-200, as now existing or hereafter amended or succeeded:

- a. Wetlands;
- b. Areas with a critical recharging effect on aquifers used for potable water (referred to herein as “aquifer recharge areas”);
- c. Fish and wildlife habitat conservation areas;
- d. Frequently flooded areas; and e.

Geologically hazardous areas.

5. Fish and wildlife habitat area: land managed for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean cooperative and coordinated land use planning is critically important among counties and cities in

a region. In some cases, intergovernmental cooperation and coordination may show that it is sufficient to assure that a species will usually be found in certain regions across the state. Fish and wildlife habitat conservation areas include areas with which endangered, threatened, and sensitive species have a primary association; waters of the state; state natural area preserves and natural conservation areas; and streams and rivers planted with game fish by a governmental agency.

6. Frequently flooded areas: lands in the flood plain subject to a one percent or greater chance of flooding in any given year. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and the like. The 100-year flood plain designations of the National Flood Insurance Program delineate the presence of frequently flooded areas.

7. Geologically hazardous areas: areas that, because of the susceptibility to erosion, sliding, earthquake, or other geological events, are not generally suited to locating commercial, residential, or industrial development consistent with public health or safety concerns. Geologically hazardous areas have slopes greater than 15% with known erosion, landslides, settling, rockslide, debris flow and/or seismic hazards as defined by the US Department of Agriculture Soil Conservation Service.

8. Wetland or wetlands: areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street,

or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

9. Qualified expert: a person preparing a technical assessment who has expertise appropriate to the relevant critical area. Expertise shall consist of professional credentials and/or certification, any advanced degrees earned in the pertinent scientific discipline from a recognized university, the number of years of experience in the pertinent scientific discipline, recognized leadership in the discipline of interest, formal training in the specific area of expertise, and field and/or laboratory experience with evidence of the ability to produce peer-reviewed publications or other professional literature. Geologists preparing technical assessments shall meet the requirements of a licensed geologist under Chapter 18.220 RCW. A qualified expert for aquifer recharge areas must be a currently licensed Washington State geologist holding a current specialty license in hydrogeology.

SECTION II: Section 18.08.040 and Section 3, Ordinance 703 are each amended to read as follows:

Compliance with critical areas protection.

All public and private land uses in the city of McCleary subject to the provisions of this chapter shall comply with the requirements of this chapter as a condition to the issuance of any permit requested under Titles 15, 16 and 17 of the McCleary Municipal Code. The city shall deny any permit that fails to protect a critical area as required in this chapter, except as provided in Section (~~18.08.040 and~~) 18.08.050 or the issuance of which is otherwise required or authorized by a provision of this chapter.

SECTION III: Section 18.08.050 and Section 4, Ordinance 703 are each amended to read as follows:

Exempt Activities in Critical Areas.

The following uses or activities within a critical area or critical area buffer are exempt from the requirements of this Article to the extent that they are not prohibited by other state or federal laws and do not degrade the critical area:

A. Conservation, enhancement, restoration, or preservation measures or projects;

B. Low intensity, passive recreational uses;

C. Short-term scientific studies and educational uses;

D. Repair and maintenance of existing public roads, bridges, and storm water facilities;

E. Walkways (~~without structures~~) and trails, provided that those pathways are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located only in the outer twenty-five percent (25%) of the wetland buffer area, and located to avoid removal of significant trees. They should be limited to pervious surfaces no more than five (5) feet in width for pedestrian use only. Raised boardwalks utilizing non-treated pilings may be acceptable.;

F. Public parks;

~~GF.~~ Site investigation work necessary for land use applications; and

~~HG.~~ (~~Forest practices governed by RCW 76.09~~) The growing and harvesting of timber, forest products and associated management activities in accordance with the Washington Forest Practices Act of 1974, as amended, and regulations adopted pursuant thereto; including, but not limited to, road construction and maintenance; aerial operations; applications of fertilizers and pesticides; helispots; and other uses specific to growing and

harvesting timber forest products and management activities, except those Forest Practices designated as "Class IV -General Forest Practices" under the authority of the "Washington State Forest Practices Act Rules and Regulations," WAC Chapter 222, as now existing or hereafter amended or succeeded, PROVIDED FURTHER THAT compliance with this chapter is required for all new construction, grading, land clearing, and other uses subject to Section 18.08.080, and any Class IV Conversion Permit issued pursuant to the State Forest Practices Act, which involves conversion to a Permit Required Use.

SECTION IV: Section 18.08.070 and Section 6, Ordinance 703 are each amended to read as follows:

Technical assessments required.

A. Applications for any permit approval under Titles 15, 16 and 17 of the McCleary Municipal Code shall indicate whether any critical area is located on, under, or within ~~(two)~~ three hundred (300) feet of the site. The ~~(administrator)~~ director or designated representative shall visit the site, and in conjunction with a review of the comprehensive land use plan, information provided by the applicant, and any other suitable information, make a determination as to whether or not sufficient information is available to evaluate the proposal. If it is determined that the information presented is not sufficient, the administrator shall notify the applicant to provide additional information in the technical assessments before the issuance of any determination of completeness under Titles 16 and 17 or permit issued under Title 15.

B. It is the responsibility of the applicant to provide the city with appropriate technical assessments prepared by a qualified expert, whose selection is acceptable to the city, to fulfill the requirements of an application for a permit under Titles 16 and 17, or a building permit issued under Title 15. The applicant shall pay all expenses associated with the

preparation of any technical assessment required by the city. Technical assessments shall use the best science available in accordance with RCW 36.70A.172.

SECTION V: Section 18.08.080 and Section 7, Ordinance 703 are each amended to read as follows:

Wetland delineation and protection.

A. Fundamental Goals: The city shall regulate development activities to protect wetlands. Development activities shall not diminish the capacity of wetlands to:

1. Provide flood and storm water control;
2. Recharge the aquifer;
3. Improve surface and ground water quality by trapping sediments, removing nutrients, and providing chemical detoxification;
4. Stabilize the streambed along Wildcat Creek;
5. Preserve or enhance anadromous fisheries; and
6. Protect (~~Jeopardize~~) federally listed endangered and threatened species.

B. Identification and Delineation. Identification of wetlands and delineation of their boundaries pursuant to this Chapter shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplement. All areas within the City meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter. Wetland delineations are valid for five years; after such date the City shall determine whether a revision or additional assessment is necessary.

C. Rating. Wetlands shall be rated according to the Washington Department of Ecology wetland rating system, as set forth in the Washington State Wetland Rating System

for Western Washington: 2014 Update (Ecology Publication #14-06-029, or as revised and approved by the Department of Ecology).

D. The city adopts by reference the following maps and best available science resources for wetlands in the city of McCleary and the urban growth area:

1. National Wetlands Inventory Map, US Fish and Wildlife Service.
2. Soil Survey of Grays Harbor County Area, Pacific County, and Wahkiakum County Washington, Map Sheet 41, USDA, 1986.

~~(3. Washington State Wetlands Identification and Delineation Manual, Washington Department of Ecology, 1997, Publication #96-94;~~

~~4. Washington State Wetland Rating System for Western Washington, Washington Department of Ecology, 1993, Publication #93-74; and 5)~~

E. If the location, designation, or classification of a wetland shown on any map adopted through the ordinance codified in this chapter or the comprehensive land use plan is in conflict with the determination of any field investigation, the latter shall prevail.

F. The city prohibits development activities in wetlands unless:

1. No practical alternative exists for locating the project elsewhere on the property; or
2. The prohibition precludes any reasonable use of the property.

~~A wetland buffer that separates a wetland boundary from a regulated use is mandatory to mitigate adverse impacts of development activities. The following standards shall apply when determining buffer widths:~~

G. A wetland buffer that separates a wetland boundary from a regulated use is mandatory to mitigate adverse impacts of development activities. The following buffer widths have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication #14-06-029, or as revised and approved by Ecology). The adjacent land use intensity is assumed to be high.

1. Buffer widths are measured perpendicularly from the wetland boundary. ~~Buffer widths are determined according to a wetland's rating:~~

- ~~a. Category I wetlands require a buffer width of two hundred feet;~~
- ~~b. Category II wetlands require a buffer width of one hundred feet;~~
- ~~c. Category III wetlands require a buffer width of fifty feet; and~~
- ~~d. Category IV wetlands require a buffer width of twenty-five feet.~~

2. For wetlands that score 5 points or more for habitat function, the buffers in Table F.1 can be used if the following criteria are met:

a. A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife.

b. The corridor must be protected for the entire distance between the wetland and the Priority Habitat by some type of legal protection such as a conservation easement.

c. Presence or absence of a nearby habitat must be confirmed by a qualified biologist. If no option for providing a corridor is available, Table F.1 may be used with the required measures in Table F.2 alone.

e. The measures in Table F.2 are implemented, where applicable, to minimize the impacts of the adjacent land uses.

3. For wetlands that score 3-4 habitat points, only the measures in Table F.2 are required for the use of Table F.1.

4. If an applicant chooses not to apply the mitigation measures in Table F.2, or is unable to provide a protected corridor where available, then Table F.3 must be used.

5. The buffer widths in Table F.1 and F.3 assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.

~~A technical assessment prepared by a qualified expert may reduce the required buffer width if it will not adversely affect the function of the wetland or that the use of other mitigation measures achieves the same result.~~

Table F.1 Wetland Buffer Requirements for Western Washington if
 Table F.2 is Implemented and Corridor Provided

Wetland Category	Buffer width (in feet) based on habitat score			
	3-4	5	6-7	8-9
Category I: Based on total score	75	105	120	150
Category I: Forested	75	105	120	150
Category I: Bogs and Wetlands of High Conservation Value	190			
Category I: Upland	150			
Category II: Based on total score	75	90	120	150
Category II: Vernal pool	150			
Category II: Forested	75	105	120	150
Category III (all)	60	90	120	150
Category IV (all)	40			

Table F.2 Required measures to minimize impacts to wetlands
(Measures are required if applicable to a specific proposal)

Disturbance	Required Measures to Minimize Impacts
Lights	<ul style="list-style-type: none"> · Direct lights away from wetland
Noise	<ul style="list-style-type: none"> · Locate activity that generates noise away from wetland · For activities that generate relatively continuous potentially disruptive noise, such as certain heavy · For activities that generate relatively continuous
Toxic runoff	<ul style="list-style-type: none"> · Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered · Establish covenants limiting use of pesticides within
Stormwater runoff	<ul style="list-style-type: none"> · Retrofit stormwater detention and treatment for roads and existing adjacent development · Prevent channelized flow from lawns that directly enters the buffer
Change in water regime	<ul style="list-style-type: none"> · Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	<ul style="list-style-type: none"> · Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance
Dust	<ul style="list-style-type: none"> · Use best management practices to control dust

Table F.3 Wetland Buffer Requirements for Western Washington if Table F.2 is NOT Implemented or Corridor NOT provided

Wetland Category	Buffer width (in feet) based on habitat score			
	3-4	5	-7	8-9
Category I: Based on total score	100	140	220	300
Category I: Bogs and Wetlands of High Conservation Value	250			300
Category I: Coastal Lagoons	200		220	300
Category I: Interdunal				300
Category I: Forested	100	140	220	300
Category I: Estuarine	200 (buffer width not based on habitat scores)			
Category II: Based on score	100	140	220	300
Category II: Interdunal Wetlands	150		220	300
Category II: Estuarine	150 (buffer width not based on habitat scores)			
Category III (all)	80	140	220	300
Category IV (all)	50			

H. Buffer averaging to improve wetland protection may be permitted when all of the following conditions are met:

1. There are no feasible alternatives to the site design that could be accomplished without buffer averaging.

2. The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a critical areas report from a qualified wetland professional.

3. The total buffer area after averaging is equal to the area required without averaging

4. The buffer at its narrowest point is never less than either $\frac{3}{4}$ of the required width or 75 feet for Category I and II, 50 feet for Category III and 25 feet for Category IV, whichever is greater.

~~If an application for development activities makes it necessary to alter or eliminate a wetland, the applicant shall enhance or replace the wetland based upon a technical assessment and mitigation plan prepared by a qualified expert. Altered wetlands may require enhancement to ensure the same level of wetland function that existed at the time of the permit application. The replacement of eliminated wetlands shall be at a ratio of 1:1, have an equal or greater wetland rating, and be at a location approved by the city.~~

I. Compensatory mitigation for alterations to wetlands shall be used only for impacts that cannot be avoided or minimized and shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with Wetland Mitigation in Washington State—Part 2: Developing Mitigation Plans—Version 1, (Ecology Publication #06-06-011b, Olympia,

WA, March 2006, or as revised), and *Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington)* (Publication #09-06-32, Olympia, WA, December 2009).

J. Mitigation ratios shall be consistent with the following table. Mitigation requirements may also be determined using the credit/debit tool described in *Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report* (Ecology Publication #10-06-011, Olympia, Washington, March 2012, or as revised)

consistent with subsection H of this Chapter.

K. Wetland Mitigation Ratios: Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement
Category I: Bog, Natural Heritage site	Not considered possible	Case by case	Case by case
Category I: Mature Forested	6:1	12:1	24:1
Category I: Based on functions	4:1	8:1	16:1
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

L. A qualified expert shall prepare any wetland technical assessments

required by the city. The report shall include:

1. The exact location of the wetland boundary;
2. An evaluation of wetland functions and values;
3. An analysis of how the proposed use would or would not diminish the wetland protection standards under subsection A of this section; and
4. Recommendations for mitigating adverse environmental impacts on wetland values and functions during construction and post-construction.

18.08.100 Aquifer recharge areas delineation and protection.

A. The city shall regulate development activities in aquifer recharge areas to protect groundwater quality and quantity for use as a potable water source.

B. The city adopts by reference the following best available science resources for delineating aquifer recharge areas in the city of McCleary and the urban growth area:

1. Geohydrology of the Chehalis River Valley, McCleary to Oakville, Grays Harbor County, Washington, Paul Eddy and Robert Carson, Washington Department of Ecology Geohydrologic Monograph No. 3, 1973;

2. Hydrogeologic Characterization for Protection of Wildcat Creek Aquifer, Grays Harbor County, Washington, HartCrowser, April 12, 1994;

3. If the location, designation, or classification of an aquifer recharge area shown on any map adopted by reference under the UDC is in conflict with the determination of any field investigation, the latter shall prevail.

4. Letter from HartCrowser dated January 15, 2003.

5. Water Quality Standards for Groundwater, Chapter 173-200 WAC.

C. A qualified expert who is a licensed geologist shall prepare any technical assessment required by the city for an aquifer recharge area. The report shall include:

1. A characterization of the site and its relationship to the aquifer;

2. A discussion of the effects of the proposed development activities and its ability to meet the establish standards of subsection A of this section; and

3. Recommended mitigation measures to ensure compliance with the standards set forth under subsection A of this section.

(Ord. 703 § 9, 2003)

SECTION VI: Section 18.08.110 and Section 10, Ordinance 703 are each amended to read as follows:

Fish and wildlife habitat conservation areas: delineation and protection.

A. The city shall regulate development activities in fish and wildlife habitat conservation areas to maintain species in suitable habitats within their natural geographic distribution and to prevent isolated subpopulations. In addition, the city shall consider conserving or protecting anadromous fisheries in Wildcat Creek.

B. The city adopts by reference the following maps and best available science resources for fish and wildlife habitat conservation areas in the McCleary urban growth area:

1. Priority Habitat Maps, Washington Department of Fish and Wildlife; and

2. Salmon and Steelhead Limiting Factors, Water Resource Inventory Areas 22 and 23, by Carol Smith and Mark Wenger, Washington Conservation Commission, June 2001.

C. A qualified expert shall prepare any technical assessment required by the city for development activities on parcels located within two hundred feet of a fish and wildlife habitat conservation area. The technical assessment shall include:

1. An analysis and discussion of species or habitats known or suspected to be located within two hundred feet of the site;

2. Evaluation of the effects of the proposed development activities and its ability to meet the established standards of Section 18.08.100(A) of this chapter; and

3. Recommended mitigation measures to ensure compliance with the standards set forth under Section 18.08.100(A). In cases where a fish and wildlife habitat conservation area is on or adjacent to a development site, the following provisions shall apply: ~~a minimum separation of up to fifty feet may be required for regulated uses if the technical assessment indicates the need for such a buffer.~~

a. Types 1 and 2 streams, will be regulated by the City of McCleary Shoreline Master Program.

b. Type 3 streams or other perennial or fish bearing streams that are five to 20 feet wide, a minimum separation of up to 200 feet may be required for regulated uses if the technical assessment indicates the need for such a buffer.

c. Type 3 streams or other perennial or fish bearing streams that are less than five feet wide, a minimum separation of up to 150 (feet) may be required for regulated uses if the technical assessment indicates the need for such a buffer.

d. Type 4 and 5 streams or intermittent streams with low mass wasting potential, a minimum separation of up to 150 feet may be required for regulated uses if the technical assessment indicates the need for such a buffer.

e. Type 4 and 5 streams or intermittent streams with high mass wasting potential, a minimum separation of up to 225 feet may be required for regulated uses if the technical assessment indicates the need for such a buffer.

These widths are measured on each side of the stream, starting at the ordinary high-water line. However, if the stream reach is located in a broad, alluvial valley and able to migrate across the valley, these width measurements begin at the edge of the channel migration zone (the area within which a stream has or may migrate laterally under its current geomorphic regime-it is commonly defined by historic meander limits or meander belt width.

D. The Public Works Director may allow the recommended habitat area buffer width to be averaged in accordance with a critical area report, the most current, accurate, and complete scientific or technical information available, and the management recommendations issued by the Washington State Department of Fish and Wildlife, only if:

1. It will not reduce stream or habitat functions;
2. It will not adversely affect salmonid habitat;
3. It will provide additional natural resource protection, such as buffer enhancement;
4. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and
5. The buffer area width is not reduced by more than 25 percent in any location.

E. The following alterations may be made within the buffer upon approval of a plan by the Public Works Director, when consistent with all other provisions of this chapter:

1. Outdoor recreational activities, including fishing, bird watching, hiking, boating, horseback riding, swimming, canoeing, and bicycling;

2. Flood control activities;

3. Normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas;

4. Minor modification of existing serviceable structures within a buffer zone;

5. Trails, footbridges, and water-related public park facilities;

6. Utility lines and related facilities.

SECTION VII: A new section shall be added to Chapter 18.08 MMC to read as follows:

Existing Non-Conforming Uses

The following provisions shall apply to existing uses and/or buildings and/or structures that do not meet the specific standards of this chapter:

A. The lawful use of any building, structure, land, or premises existing on the effective date of the adoption or amendment of this chapter or authorized under a permit or approval issued, or otherwise vested, prior to the effective date of the adoption or amendment of this chapter may be continued, subject to the provisions for a nonconforming use in MMC 17.36.00

B. Expansion, alteration, and/or intensification of a nonconforming use, building or structure, excluding normal maintenance, is prohibited if such use will produce impacts that degrade the critical area, including but not limited to vegetation clearing; additional impervious surfaces; generation of surface water runoff; discharge, or risk of discharge of pollutants; increased noise, light or glare.

C. Nonconforming structures that are destroyed by fire, explosion, flood, or other casualty may be restored or replaced in kind if there is no alternative that allows for compliance with the standards of this chapter; provided, that the following are met:

1. The reconstruction process is commenced within 36 months of the date of such damage; and

2. The reconstruction does not expand, enlarge, or otherwise increase the nonconformity, except as provided for in subsection B of this section.

SECTION VIII: A new section shall be added to Chapter 18.08 MMC to read as follows:

Temporary Uses.

The Public Works Director shall have the authority to authorize temporary uses pursuant to the terms and conditions of this section. This section provides a process for authorizing certain uses or activities of a nonpermanent nature for a limited duration.

A. The application shall contain those requirements the Public Works Director deems appropriate based on the duration of the use and its potential for environmental impact.

B. Temporary uses shall be consistent with all standards set forth in this Chapter. For any temporary use the city shall impose such other reasonable conditions as may be found necessary to ensure that the activity or use is not incompatible with surrounding conforming uses and will not result in a potential environmental impact.

C. Certificates of Temporary Use shall expire according to the terms set forth in the approval and / or may be revoked by the Public Works Director if terms of the Temporary Use are not followed.

SECTION IX: A new section shall be added to Chapter 18.08 MMC to read as follows:

Reasonable use exceptions.

A. If the application of this Chapter would deny all reasonable use of a site, development may be allowed pursuant to this section which is consistent with the general purposes of this Chapter and the public interest. Nothing in this Chapter is intended to preclude all reasonable use of property.

B. An applicant for a development proposal may file a request for a reasonable use exception which shall be considered by the Public Works Director. Such an application shall contain the following information:

1. A description of the areas of the site which are critical areas and/or resource lands or within setbacks required under this Chapter;
2. A description of the amount of the site which is within setbacks required by other jurisdiction standards;
3. A description of the proposed development, including a site plan;
4. An analysis of the impact that the amount of development would have on the resource lands or critical areas;
5. An analysis of whether any other reasonable use with less impact on the resource lands or critical areas is possible;
6. A design of the proposal so that the amount of development proposed as reasonable use will have the least impact practicable on the resource lands and/or critical areas;

7. Such other information as the Public Works Director determines is reasonably necessary to evaluate the issue of reasonable use as it relates to the proposed development.

C. After review of the application and the completion of any necessary reviews, the Public Works Director may approve the reasonable use exception if the Public Works Director determines all of the following criteria are reasonably met:

1. There is no other reasonable use or feasible alternative to the proposed development with less impact on the resource lands or critical areas;

2. The proposed development does not pose a threat to the public health, safety or welfare on or off the site;

3. Any alteration of the resource lands and/or critical areas shall be the minimum necessary to allow for reasonable use of the property;

4. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant in subdividing the property or adjusting a boundary line thereby creating the undevelopable condition after the effective date of the Chapter; and

5. The proposal mitigates the impact on the resource lands and/or critical areas to the maximum extent possible, while still allowing reasonable use of the site.

SECTION X: A new section shall be added to Chapter 18.08 MMC to read as follows:

Building Setback Lines.

Minor structural intrusions into the area of the building setback identified pursuant to this Chapter may be allowed if the Public Works Director determines that such intrusions will not negatively impact the wetland.

SECTION XI: A new section shall be added to Chapter 18.08 MMC to read as follows:

Signs and Fencing of Wetlands and Buffers.

As a condition of any permit or authorization issued pursuant to this chapter, the Public Works Director may require the outer perimeter of the wetland buffer and/or the clearing limits identified and marked in the field with signs and/or fencing in such a way as to ensure that no unauthorized intrusion will occur. The marking is subject to inspection by the Public Works Director or his/her designee, prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.

As a condition of any permit or authorization issued pursuant to this chapter, the Public Works Director may require the applicant to install permanent signs and/or fencing along the boundary of a wetland or buffer.

SECTION XII: A new section shall be added to Chapter 18.08 MMC to read as follows:

Signs and Fencing of Fish and Wildlife Habitat Conservation Areas.

A. The outer perimeter of the habitat conservation area or buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in such a way as to ensure that no unauthorized intrusion will occur and verified by the Public Works Director or his/her designee prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.

B. As a condition of any permit or authorization issued pursuant to this chapter, the Public Works Director may require the applicant to install permanent signs and/or fencing along the boundary of a habitat conservation area or buffer.

SECTION XIII: A new section shall be added to Chapter 18.08 MMC to read as follows:

General provisions.

A. All development proposals, whether public or private, shall comply with the requirements and purposes of this chapter and the adopted administrative rules. Lots approved for development prior to adoption of this chapter shall be vested. Responsibility for enforcement of this chapter shall rest with the director. For the purposes of this chapter, "development proposals" include proposals which require any of the following: building permit, shoreline substantial development permit, shoreline variance, shoreline conditional use permit, conditional use permit, unclassified use permit, variance, zone reclassification, shoreline environment redesignation planned unit development, subdivision, short subdivision, master plan development, binding site plan, or any subsequently adopted permits or required approvals not expressly exempted from this chapter

B. When sufficient information to evaluate a proposal is not available, the director shall notify the applicant that special studies are required. A special study shall include a site analysis, a discussion of potential impacts, and specific mitigation measures designed to mitigate the potential impacts. A monitoring program may be required to evaluate the effectiveness of the mitigation measures.

C. Prior to accepting a development application tendered pursuant to the zoning code or the subdivision code, the data maps shall be consulted for the purposes of determining

whether or not the property subject to the application is within any area shown as a critical area or resource land. When such areas are encountered, the applicant will promptly be notified and the type(s) of critical or resource areas disclosed. Instructions shall be provided to the applicant on the type of evaluation and site-specific analysis that will be required as a supplement to the application materials necessary to bring the application up to a standard that can be characterized as complete and eligible for processing. If the subject property does not lie within or partly within the critical areas or resource lands as depicted on the data maps, the application will be considered complete, provided the application requirements of the ordinance governing the process at issue are satisfied.

D. From the effective date of the ordinance codified in this chapter, no development application processed under the zoning or platting/subdivision titles shall be approved without a written finding that this chapter has been considered, additional information has been assembled under this chapter or was not required, and that the purpose and intent of this chapter has been accorded substantial consideration.

E. The requirements set forth in this chapter shall be considered as minimum requirements in the processing of development applications under subdivision and zoning titles and represent standards in addition to the requirements set forth in those titles.

F. No site analysis required by this chapter will be considered complete without a detailed resume of the principal author(s) which disclose(s) their technical training and experience and demonstrates their stature as qualified professionals.

Interpretation:

A. In the event that any standard, map, best available science resource adopted by reference in this Chapter is superseded by an updated successor, that successor shall be deemed to

have been adopted automatically by this reference and thereafter shall be utilized in processing, consideration, and approval or denial of any application submitted after such adoption.

B. In the event that an area which is within the Critical Areas classification is also within an area subject to the City's Shoreline Management Plan, the latter shall preempt the application of the Critical Areas provisions.

C. Unless specifically exempted, compliance with this chapter is required for all new construction, grading, land clearing, and other uses subject to Titles 15, 16 and 17 of MMC, and any Class IV Conversion Permit pursuant to the State Forest Practices Act, which involves conversion to a Permit Required Use.

SECTION XIV: Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION XV: This Ordinance shall take effect upon the fifth day following date of publication: PROVIDED THAT Any project which is subject to this Chapter for which a completed application has been submitted to and accepted by the City prior to the effective date of this ordinance shall be governed by the provisions of the Code in effect as of the date the application is deemed complete in keeping with MMC 17.40.040.

SECTION XVI: Corrections by the Clerk-treasurer or Code Reviser. Upon approval of the Mayor and City Attorney, the Clerk-treasurer and the Code Reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations, or ordinance number and section/subsection numbering.

PASSED THIS ____ DAY OF _____, 2019, by the City Council of the City of McCleary, and signed in approval therewith this ____ day of _____, 2019.

CITY OF McCLEARY:

BRENDA ORFFER, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer
APPROVED AS TO FORM:

CHRISTOPHER COKER, City Attorney

STATE OF WASHINGTON)
 : ss.
GRAYS HARBOR COUNTY)

I, WENDY COLLINS, 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.

WENDY COLLINS

SIGNED AND SWORN to before me this _____ day of _____, 2019,
by WENDY COLLINS.

Print Name _____
NOTARY PUBLIC in and for the State
of Washington, residing at _____
Commission expires: _____

TAB - F



August 22, 2019

LIHEAP Vendor;

Enclosed please find the Vendor Agreement for the Low-Income Home Heating Assistance Program (LIHEAP).

Please sign the agreement and return it through mail, e-mail or fax.

Please retain a copy to for your records.

If you have any questions, please call me at 360-500-4509.

Thank you for assisting us in providing services to households in Grays Harbor and Pacific Counties.

Sincerely,

A handwritten signature in cursive script that reads "Debbie Gregg".

Debbie Gregg
LIHEAP Coordinator
Coastal Community Action Program

Email: debbieg@coastalcap.org
Fax: 360-532-4613

LOW-INCOME HOME HEATING ENERGY VENDOR AGREEMENT

OCTOBER 1, 2019 – JUNE 30, 2020 PROGRAM YEAR

This agreement, dated as of October 1, 2019, is entered into by and between Coastal Community Action Program, (Agency), and City of McCleary, supplier of home heating energy, (Vendor).

PURPOSE

Funding for Low-Income Home Energy Assistance Program (LIHEAP) payments is governed by Federal Law 42 U.S.C. 8624: Low-Income Home Energy Assistance Act of 1981, and subsequent amendments. This act requires that certain assurances be satisfied before energy assistance payments are made, on behalf of eligible individuals, to suppliers of home heating energy. This agreement defines the conditions that the Energy Vendor must agree to so that the Agency can make energy assistance payments to the Energy Vendor on behalf of eligible households.

Agency Responsibilities

The agency shall:

1. Accept and review client applications and determine eligibility of households for LIHEAP payments.
2. Follow procedures that minimize the time elapsing between the receipt of LIHEAP funds and their disbursement to vendor.
3. Make payments in a timely manner to the vendor on behalf of eligible households between October 1 and June 30 of the program year for the term of this agreement.
4. Follow sound fiscal management policies, including, but not limited to segregation of LIHEAP funds from other operating funds of the agency.
5. Notify customer and/or vendor of the customer's eligibility and total benefit amount.
6. Incorporate policies that assure the confidentiality of eligible household's energy usage, balance, and payments.
7. Upon request from vendor, provide a statement verifying income of an eligible household for the sole purpose of determining moratorium eligibility, within the statutory guidelines of confidentiality.

Energy Vendor Responsibilities

The Energy Vendor shall:

1. Immediately apply the benefit payment to customer's current/ past due bill, deposit/ reconnect requirements, or delivery of fuel to eliminate the amount owed by the customer for a period determined by the amount of the benefit, or;
2. Apportion the LIHEAP over several billing periods to reduce the amount owed by the customer until the benefit is exhausted, or;
3. Establish a line of credit for the customer to be used at the discretion of the customer until the benefit is exhausted.
4. Notify the customer of the amount of benefit payment applied to the customer's billing.
5. Keep customer records confidential.
6. Maintain records for four (4) years from the date of this agreement, or longer if the energy vendor is notified that a fiscal audit for a specific program year is unresolved.
7. Not treat adversely, or discriminate against any household that receives LIHEAP payments, either in the cost of the goods supplied or the services provided.
8. Upon request of the agency, provide eligible customer's energy consumption history for the sole purpose of determining customer benefit.
9. Comply with the provisions of the State law regarding winter disconnects and pertinent provisions of the Washington Administrative Code related to the winter moratorium, if governed by that ruling.
10. Make records available for review by authorized staff of the agency and Washington State Department of Commerce) and the U.S. Department of Health and Human Services.

Required records for audit purposes.

The vendor will keep records showing the following:

1. Name and address of households who received LIHEAP payments.
2. Amount of assistance accrued to each household.
3. Source of payment, (Energy Assistance, Project Help, etc).
4. Amount of the household's credit balance when the benefit payment establishes a line of credit. This credit balance also needs to show on all customer billing documents.

Credit Balances

In the event that a customer has a credit balance and no longer needs service from the energy vendor, the vendor shall:

1. Forward a check in the amount of any remaining credit balance directly to the customer, or, if directed by the customer, forward a two-party check for this balance to the customer in the customer's name and the name of the new home heating energy vendor.
2. If the customer passes away leaving a credit balance resulting from a LIHEAP payment, the remaining credit becomes part of the customer's estate.

3. The energy vendor shall dispose of all unclaimed credit balances according to customary procedures or applicable Washington State law.

Other Provisions:

Term of Agreement

This agreement is effective from the date of execution.

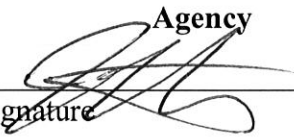
Termination

This agreement may be terminated by either party with a thirty (30) day written notice to the other party. Termination shall not extinguish authorized obligations incurred during the term of the agreement. If LIHEAP funding is withdrawn, reduced, or eliminated by Commerce, the agency has the right to terminate this agreement immediately.

Assignment of Agreement

Neither party may assign the agreement or any of the rights, benefits and remedies conferred upon it by this agreement to a third party without the prior written consent of the other party, which consent shall not be unreasonably withheld.

The vendor and the agency do hereby agree to the conditions set forth in this agreement.

Agency	Vendor
 _____ Signature	_____ Signature
Jason Hosenev _____ Printed Name	_____ Printed Name
Manager _____ Title	_____ Title
Coastal Community Action Program Name of Company	City of McCleary Name of Company
8-23-19 _____ Date	_____ Date

TAB - G

STAFF REPORT

To: Mayor Orffer
From: Todd Baun, Director of Public Works
Date: September 5, 2019
Re: Ductless Heat Pump Bid

We have recently gone out to bid to have ductless heat pumps installed in several office locations. This would replace the cadet heaters, baseboard heaters, and window mounted AC units that we currently have.

This is a budgeted item in the 2019 budget. Staff will review the bids and have a recommendation at the council meeting.

Action Requested:

Please accept the recommended bid and allow the Mayor to sign the contract for the Ductless Heat Pump installations.

TAB - H

STAFF REPORT

To: Mayor Orffer
From: Todd Baun, Director of Public Works
Date: September 5, 2019
Re: Roof replacement and repair bid

We have recently gone out to bid to have some of our roofs recovered and gutters replaced. The public works shop roof and gutters, the roof covering the food bank and public facilities office, fire hall gutters and Light and Power gutters are included in this project..

This is a budgeted item in the 2019 budget. Staff will review the bids and have a recommendation at the council meeting.

Action Requested:

Please accept the recommended bid and allow the Mayor to sign the contract for the roofing and gutter project..

TAB - I

STAFF REPORT

To: Mayor Orffer
From: Todd Baun, Director of Public Works
Date: September 5, 2019
Re: 1st Street Speed Limit

There has been concern about pedestrians and vehicles on 1st Street, between Mommsen Rd and Beck Street. 1st Street in this area has minimal shoulders and large ditches that have water flowing in them year round. With these factors, I would like to reduce the speed limit on that section from 25 MPH to 20 MPH. After researching the subject, we have to “develop procedures” to accomplish any speed reduction or increase on City streets. Below is information that I found on MRSC.

Legislation passed in 2013 provides a simplified process for reducing the speed limit on certain city and town streets (but not on county roads). [HB 1045](#), also known as the Neighborhood Safe Streets Bill, which amends [RCW 46.61.415](#), allows a reduction of the speed limit to 20 M.P.H., without an engineering and traffic investigation, “on a non-arterial highway, or part of a non-arterial highway, that is within a residence district or business district.” Prior to the adoption of this amendment, if a city desired to reduce the speed limit on a residential street, it could only do so if it first conducted an engineering and traffic investigation.

According to the [HB 1045 Final Bill Report](#), such an investigation would consider factors such as the speed of the 85th percentile of drivers on the road, road characteristics, parking practices, pedestrian activity, roadside development and environment, a history of crashes, and other factors. Obviously, such an investigation could be both costly and time-consuming.

Before a city can reduce a speed limit under this new provision, however, it must first “develop procedures” to do so. (The legislation does not detail what those procedures might be, although, I speculate, they might include a requirement for a recommendation by the city engineer or police department, notice, and an opportunity for those who might be affected to provide comment.)

Any speed limit established under this new provision may be canceled within one year of its establishment, and the previous speed limit reestablished, without an engineering and traffic investigation.

I have also attached our current Ordinance that is in our McCleary Municipal Code. This Ordinance appears to be out of date and will need to be updated.

Action Requested:

None at this time. Staff will be providing an updated ordinance and develop procedures for Council to review in a future council meeting.

ORDINANCE NO. 518

AN ORDINANCE RELATING TO SPEED LIMITS;
SPECIFYING PENALTIES; AND REPEALING
ORDINANCES 330 AND 485.

BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE
CITY OF McCLEARY:

SECTION I: The speed limit for travel within those particular public ways more fully described in Attachment Number 1 attached hereto and incorporated by this reference shall be, on and after the effective date of this Ordinance, that speed which is specified adjacent to the street or public way section described.

SECTION II: Any individual who violates the provisions of Section I of this Ordinance or travels upon such public ways or street in such a manner as to be traveling at a speed contrary to the provisions of the Model Traffic Ordinance as it is now or hereafter in effect within the corporate limits of the City shall be subject to punishment in the manner provided by the provisions of the Model Traffic Ordinance, to-wit: commission of an infraction.

SECTION III: Ordinance 330 and Ordinance 485 are each hereby repealed.

SECTION IV: The provisions of this Ordinance shall take effect upon the earlier occurring of five days after the date of publication of this Ordinance or the posting of the appropriate speed limit signs defining the areas described.

ATTACHMENT NUMBER 1

1. Beginning at the West end of Simpson Avenue bridge crossing Wildcat Creek at the West end of the City and continuing East along SR 108/Simpson Avenue to the intersection of Simpson Avenue and Summit Road and further continuing North along SR 108/Summit Road, terminating at mile post 1.22 approximately 600 feet North of said intersection, the speed limit shall be 30 miles per hour. Further, from mile post 1.22, on SR 108/Summit Road, to mile post 1.98, the speed limit shall be 35 miles per hour, and from mile post 1.98 of SR 108/Summit Road to the City Limits at approximately mile post 1.98 of SR 108/Summit Road to the City Limits at approximately mile post 2.21, the speed limit shall be 50 miles per hour.

2. Beginning at the intersection of 7th and Maple Streets and continuing West along Maple Street and terminating at the City limits, the speed limit shall be 20 miles per hour.

TAB - J

ORDINANCE NO. _____

**AN ORDINANCE RELATING TO SITE PLAN REVIEW;
AMENDING ORDINANCE NUMBER 491; AND AMENDING
MCCLEARY MUNICIPAL CODE 15.08**

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

SECTION I: Purpose. The purpose of this Section is to allow for the placement of uses permitted by this Ordinance, through a comprehensive site plan review process, which insures compliance with the adopted plans, policies, and Ordinances of the City ~~Town~~. It is further intended to provide for the examination of development proposals with respect to overall site design and to provide a means for guiding development in logical, safe, and attractive manners.

SECTION II: Applicability.

A. A site plan review and approval shall be required prior to issuance of a building permit when provided under this Section:

~~B. Site plan review and approval shall be required for all non-residential and non-agricultural uses of land, or for the location of any building or multi-family development in which more than four dwelling units would be contained, and shall apply throughout the Town. Approved planned unit developments are exempt from review.~~

1. For original construction of new facilities or structures except single family dwellings, duplexes, or manufactured homes on individual lots
2. For any variance except for a single-family dwelling, duplex, or manufactured home on an individual lot;
3. For a Planned Residential Development, Manufactured Home Park, or Recreational Vehicle Park;
4. A remodel of an existing structure where the remodel is fifty percent or more of the assessed valuation of existing structures. The remodel value shall be calculated according to methodology described in the International Conference of Building Officials (ICBO) building permit valuation tables in use at the time of application. The value of existing structures shall be the most recent value assigned by the county assessor. The fifty percent threshold shall be cumulative over the most recent five years, including calculations of all previously exempt remodels, but shall not include life/safety improvements or normal maintenance not requiring a building permit. Remodels of single-family dwellings and residential duplexes shall be exempt from site plan review

B. Construction and development of projects reviewed through the site plan review process shall be in strict compliance with the approved site plan and conditions attached thereto.

SECTION III: Filing.

A. Applications for site plan review shall be made on forms provided by the ~~Town~~ City and made available at the ~~Office of the Clerk-Treasurer, Town Hall~~ McCleary City Hall.

~~B. An application for site plan review in completed form shall be filed with the Office of the Clerk Treasurer. An application shall not be considered completed if it fails to contain any of the information and material required under Section IX.~~

B. An application, in completed form, shall be filed for site plan review and approval with the building department. An application shall not be in completed form under this section if it fails to contain any of the information and material required under Section IX.

C. Upon receipt of an application, ~~the Office of the Clerk Treasurer~~ the building department shall enter into the site plan review log a general description of the project and a ease project or building permit number. ~~The purpose of this procedure is to provide the opportunity for interested citizens to be aware of site plans under consideration so that they may present written comments.~~

SECTION IV: Application Procedure.

A. Review by Site Plan Review Committee (SPRC).

~~1. The site plan review committee shall consist of the following: the Utilities Coordinator, the town engineer, the fire chief, and the building inspector, or their regularly designated representatives.~~

1. The Site Plan Review Committee (SPRC) shall consist of the following members: the director of public works, who shall serve as chairperson; Senior Lineman, Water/Wastewater Manager; the city engineer; the fire chief; and the building official, or their regularly designated representatives. Four (4) members shall constitute a quorum.

~~2. The site plan review committee, except in cases where the applicant agrees to an extension of time, shall within thirty (30) working days from the date of application, approve, disapprove, or approve with conditions, any site plan submitted to it and accepted for~~

~~review after the filing of application which is accepted by the building official, or designee, as complete review the proposed development and make a recommendation to the director to approve, conditionally approve, or deny the application. Notice of the SPRC's action will be submitted to the building official for subsequent action on the building permit application. Any time required to review an environmental checklist and make a threshold determination and to develop and review an environmental impact statement as required under the provisions of SEPA shall not be included under the time constraints of this subsection.~~

~~In the event a decision is not made in thirty working days, such inaction shall be reported to the Town Council by the Office of the Clerk-Treasurer.~~

3. Approval of the Director.

a. The director shall approve, conditionally approve, or deny an application based upon the recommendation of the SPRC within five (5) working days from the receipt of recommendation.

b. Whenever the director disapproves an application for a site plan, he or she shall set forth, in writing, findings which shall state the reasons for disapproval noting the particular standards, provisions, and policies where the application fails to comply.

c. The decision of the director shall be final unless appealed by any aggrieved person or entity pursuant to Chapter 17.40 in the MMC

~~3. The SPRC shall review a site plan and approve or approve with conditions an application if it finds the site plan conforms to the standards and provisions of the Town as expressed in the various adopted plans and ordinances, including this Ordinance.~~

~~Whenever the SPRC disapproves a site plan, it shall set forth, in writing, its findings which shall specify the reasons for the disapproval.~~

4. Failure to Act. Failure of the city to act within the specified time period shall constitute approval of the site plan application as accepted by the building official, or designee, and the applicant may apply for a building permit. Time required to review an environmental checklist and make a threshold determination and, if appropriate, to develop and review an Environmental Impact Statement under the provisions of State Environmental Policy Act (SEPA) shall not be included in the time limitations of this subsection.

5. ~~The decision of the SPRC director shall be final unless appealed by the process pursuant to Chapter 17.40 in the MMC to the Town Council by affected persons pursuant to Section VII.~~

~~B. Referral to the Town Council. The SPRC shall have the prerogative of refusing to rule on a site plan review if, in the SPRC's opinion, the site plan is sufficiently involved or presents sufficient environmental concerns under R.C.W. 43.21C that it should be reviewed by the Town Council for action.~~

B. The site plan review committee (SPRC) shall have the prerogative of refusing to rule on a site plan review if in the opinion of the SPRC the site plan is sufficiently complex that it should be reviewed by the hearings examiner according to the quasi-judicial process in Chapter 2.30 of the MMC. The SPRC shall decide to transfer review authority to the hearings examiner within fourteen days of the Determination of Completeness, according to Section IX.

SECTION V: Site Plan Review Log--Summary of Action. On the first work day following action of the director or hearings examiner ~~SPRC or Town Council~~ on a site plan, a brief

summary of the action shall be entered into the site plan review log (maintained in the building department Office of the Clerk Treasurer) along with the date indicating the end of the appeal period.

SECTION VI: Decision to be Mailed. The decision of the director or hearings examiner ~~SPRC or Town Council~~ shall be put into writing and mailed to the applicant within five (5) working days following the action.

SECTION VII: Appeal of Decision to Town Council.

~~A. Appeals of all site plan review decisions may be taken to the Town Council by any aggrieved or affected parties. Appeals will be considered only on the basis of whether or not the design aspects of a proposed site plan are consistent with the standards, provisions, and policies of the Town. Regarding the land uses permitted in underlying zoning districts will not be considered. All appeals shall be filed in writing, in duplicate, with the Town Clerk Treasurer within thirty days of the date of the decision being appealed. The filing fee for appeals shall be the same as may from time to time be required for the filing of a variance request in relation to zoning.~~

~~The Town Clerk Treasurer shall send written notification of receipt of the appeal to the applicant and all affected Town departments prior to the date the Town Council will consider the matter.~~

~~B. The Town Council shall, at its next regular meeting following the filing of the appeal, consider the matter or set a date to consider the matter.~~

~~C.— If the Town Council affirms the decision of the SPRC, the Council's action shall be final unless the original applicant or aggrieved or affected parties apply to Superior Court for an extraordinary writ within ten days of the Council's action.~~

~~D.— In considering an appeal, the Town Council shall review the site plan as presented to it; shall receive such additional information as it deems appropriate; and approve, or approve with conditions, if it finds the site plan as ultimately established by it conforms to the standards, provisions, and policies of the Town as expressed in its various plans and ordinances. In the event that it finds it does not so conform to the standards, provisions, and policies of the Town, the Town Council may refer a site plan back to the SPRC, and it shall set forth in writing its findings which shall include the reasons why the site plan does satisfy the particular standards, provisions, or policies which were cited by the SPRC as reasons for disapproval, and the reasons why the SPRC's interpretations are rejected by the Town Council.~~

~~These same provisions shall apply in the event that a site plan has been referred to the Town Council by the SPRC pursuant to the provisions of Section IV, subparagraph B.~~

~~E.— Any action taken by the Town Council which reverses a decision by the SPRC shall be final unless application is made to Superior Court as prescribed in Subsection C of this Section.~~

~~F.— The Town Council shall not consider a site plan different than that considered finally by the SPRC.~~

SECTION VII: Final Approval

A. Expiration. Construction in accordance with an approved site plan must be commenced within one (1) year of the date of approval of the application by the director or the hearing examiner. Otherwise the approval shall expire and be null and void, unless the applicant

files an application for an extension of time thirty (30) days before the expiration of the one (1) year period and the City Council approves the application.

B. Conformance with Approved Site Plan. Conformance with the conditions of any approved site plan shall be determined at the time of final inspection of the last structure to be inspected, and prior to issuance of a final certificate of occupancy. A final certificate of occupancy shall be issued only when all conditions of the approved site plan have been satisfied.

C. Amendment of Site Plan. A site plan application approved by the director or by the hearing examiner may be amended following the same procedures set forth in this Chapter for obtaining original site plan approval, provided, however, that if final approval of an original site plan was given by the hearing examiner then final action on the amendment shall be made by the hearing examiner.

D. Minor Changes in Plans. Minor changes in plans or specifications may be authorized by the building official under the procedure set forth by the building official when a building permit is issued. Minor changes are those which may affect the precise dimensions or siting of buildings, but which do not affect the basic character or arrangement of buildings in the approved plan, nor the density of the development nor the open space requirements. Dimensional adjustments shall not vary more than ten (10) percent from the dimensions on the approved plan.

SECTION VIII: Preliminary Site Plan Conference. Prior to applying for site plan review, a developer may present to the SPRC a preliminary site plan, which shall contain in a rough and approximate manner all of the information required on the site plan application. The purpose of the preliminary site plan is to enable the developer presenting the plan to obtain the advice of the SPR C as to the intent, standards, and provisions of this Section to the plan. Information resented for preliminary site plan discussion shall be considered confidential.

SEXTION IX: Contents of Application. Each application for site plan review shall contain the following information:

A. An environmental checklist when required;

~~B. The title and location of the proposed development, together with the names, addresses, and telephone numbers of the recorded owners of the land and the applicant, and if applicable, the name, address, and telephone number of any architect, planner, designer, or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;~~

B. The title of the proposed development, its location by both address and legal description, together with the applicant's name, address, and telephone number and the owner's name, address, and telephone number if the applicant is not the owner; and, if applicable, the name, address, and telephone number of any architect, planner, designer, or engineer responsible for preparation of the plan and of any authorized representative of the applicant;

C. A reproducible site plan drawn to a scale of not less than one (1) inch equals forty (40) feet on a sheet(s) with minimum dimensions of eight and one-half (8½) inches by eleven (11) inches and maximum dimensions of thirty (30) inches by forty-two (42) inches showing the proposed layout of structures and other site development including the following:

1. The boundaries of the property proposed to be developed and orientation of the property;

2. Location and dimensions of buildings and structures including, but not limited to, buildings, fences, culverts, bridges, roads and streets on the subject property;

3. All proposed and existing buildings and setback lines;

4. Location and layout of off-street parking and loading facilities and pedestrian access separate from vehicular driveways;

5. Location of points of entry and exit for motor vehicles and the internal circulation pattern;

6. All areas, if any, to be preserved as buffers or to be dedicated to a public, private or community use or for open space under the provisions of this or any other city ordinance, information regarding percentage of area covered, location and general types of landscaping. Landscaping shall be designed and installed to define, soften or screen the appearance of off-street parking areas from the public right(s)-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up parking areas. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping the grade changes in character with the general appearance of neighboring areas. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping may include trees, bushes, shrubs, groundcover, perennials, annuals, plants, grading and the use of building and paving materials in an imaginative manner;

7. All existing and proposed or needed easements;

8. Location of walls and fences with an indication of their height and construction;

9. Placement of exterior lighting and the height and type thereof;

10. Location, size, and height of all exterior signs;

11. A grading plan adequate to show all new cuts and fills and changes in drainage prepared as required by the provisions of the city of McCleary Design Standards. Grading plans shall include provisions for drainage and erosion control during construction.
12. The heights of both existing and proposed buildings and structures;
13. Location of refuse facilities including the location and proposed screening of solid waste dumpsters and self-contained, liquid-tight, compacting solid waste containers;
14. The proposed use of buildings shown on the site;
15. The location of all existing and proposed utility structures and lines including connections to the public water and sewer lines;
16. The location and capacity of stormwater drainage systems including roof drains, sub drains, and surface drainage for existing and proposed buildings, structures, streets, driveways and parking lots.
17. The location of existing and proposed fire hydrants within two hundred fifty (250) feet of the proposed buildings or structures;
18. All means of vehicular and pedestrian ingress and egress to and from the site and the size and location of driveways, streets and roads
19. The location and design of off-street parking areas showing their size and locations of internal circulation and parking spaces;
20. The location of all loading spaces including, but not limited to, loading platforms and loading docks where trucks will load and unload;
21. A signature block with space for signatures for the approval of the director and/or Mayor, whichever is appropriate depending on the method of approval;

D. The SPRC may require a map or maps which delineate contours, both existing and proposed, at intervals of two feet, and which locate existing lakes, streams and forested areas;

E. The existing zoning district of the proposed development site and any other zoning district within two hundred feet of the site;

F. The proposed number of dwelling units and number of bedrooms in the development;

G. The proposed number of square feet in gross floor area for each commercial and industrial use

H. A description of each proposed commercial and industrial use

I. Any additional information required for subdivisions, short subdivisions, mineral resource lands, critical areas and any infrastructure designs necessary to assure consistency with the requirements of the city of McCleary

J. Any other information deemed pertinent by the SPRC

~~C. A written description addressing the scope of the project, the nature and size in gross floor area of each use, and the total amount of square feet to be covered by impervious surfaces;~~

~~D. A vicinity map showing site boundaries and existing roads and accesses within and bounding the site;~~

~~E. A site map showing the existing structures, easements, and utilities, including distances to existing operational fire hydrants;~~

~~F.— If requested by the Town Engineer, a topographic map delineating contours, existing and proposed, at intervals acceptable to the Town Engineer and which locates existing streams, lakes, marshes, and other natural features;~~

~~G.— Site plans drawn to a scale acceptable to the Town Engineer showing location and size of uses, buffer areas, yards, open spaces, and landscaped areas;~~

~~H.— A circulation plan drawn to a scale acceptable to the Town Engineer illustrating all access points for the site and the size and location of all driveways, streets and roads, and the location, size, and design of parking and loading areas;~~

~~I.— The application shall show proposed use of structures and gross floor area, off-street parking design, and access roadways to and circulation routes through the site with proposed width and outside turning radius;~~

~~J.— A drainage and stormwater runoff plan, said plan to be prepared and certified by a professional engineer duly authorized to carry forth engineering work within the State of Washington;~~

~~K.— A utility plan, including size and location of all utility lines to be installed, as well as the location of any and all fire protection facilities, including but not limited to fire hydrants;~~

~~L.— All special districts including, but not limited to, fire, school, and sewer districts in which the proposed project shall be located and all such districts within two hundred feet of the proposed development site;~~

~~M.— A plot plan of all proposed landscaping shall be submitted with the site plan for review by the Town;~~

~~N.— Any other information deemed pertinent by the SPRC.~~

~~SECTION X: Amendment of the Site Plan. A site plan granted approval by the SPRC or Town Council may be amended only by the same procedures provided under this Ordinance for original site plan approval.~~

~~SECTION XI X:~~ Variances.

A. The board of adjustment hearing examiner may grant variances from the provisions of this Ordinance as will promote the health , safety, and general welfare. Application for a variance shall follow the procedures laid out in Chapter 17.40.100 in the MMC. shall be made in writing stating fully the reasons for the variance and the provisions of this Ordinance for which the variance is requested. A variance shall be granted only upon the making of findings as to the same criteria as would be applied if this were a request for variance from a zoning requirement.

B. ~~In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, is a violation of this Ordinance and is punishable under its penalty provisions.~~

~~SECTION XII:~~ Performance Bond. It may be required as a condition of approval of a site plan that the applicant furnish a performance bond to the Town to secure the applicant's obligation to complete the provisions and conditions of the site plan as approved.

~~SECTION XIII: Final Approval-Expiration: The final approval of a site plan shall expire within one year of the date of approval by the Town Council if substantial progress has not been made toward implementing the plan: PROVIDED that upon request made to the Town Council prior to the expiration of the one year period, the final approval may be continued for additional one-year periods if the Council deems it appropriate to do so.~~

SECTION XIII: A filing and processing fee in such amount as may be from time-to-time established by Resolution shall be due upon presentation of an application for site- plan review.

SECTION XIII: Upon receipt of a site plan, the SPRC shall develop an estimate as to the amount of money, if any, to be expended by the ~~Town~~ City in the obtaining of professional review services, including but not limited to those provided by the engineering firm designated to act as ~~Town~~ City Engineer. The applicant shall be notified of this sum and shall deposit the same with the Clerk-Treasurer of the ~~Town~~ City. It shall only be upon the deposit of these monies that the SPRC's review shall commence and the ~~30-day~~ 30 working day period established pursuant to the provisions of Section IV be deemed to have started.

SECTION XIV: A filing and processing fee in such amount as may be from time-to-time established by Resolution shall be due upon presentation of an application for site- plan review.

SECTION XV: Upon receipt of a site plan, the SPRC shall develop an estimate as to the amount of money, if any, to be expended by the Town in the obtaining of professional review services, including but not limited to those provided by the engineering firm designated to act as Town Engineer. The applicant shall be notified of this sum and shall deposit the same with the Clerk-Treasurer of the Town. It shall only be upon the deposit of these monies that the SPRC's review shall commence and the 30-day period established pursuant to the provisions of Section IV be deemed to have started.

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

SECTION VIII: Corrections by the Clerk-treasurer or Code Reviser. Upon approval of the Mayor and City Attorney, the Clerk-treasurer and the Code Reviser are authorized to make necessary corrections to this ordinance, including the correction of scrivener or clerical errors, references to other local, state, or federal laws, codes, rules, or regulations, or ordinance number and section/subsection numbering.

PASSED THIS _____ DAY OF _____, 2019, by the City Council of the City of McCleary, and signed in approval therewith this _____ day of _____, 2019.

CITY OF McCLEARY:

BRENDA ORFFER, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

CHRISTOPHER JOHN COKER, City Attorney

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