



McCleary City Council Agenda

07/10/19- 6:30PM

Flag Salute

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

Presentation			
Executive Session			To consider the acquisition of real estate by the City RCW 42.30.110(1)(b) Executive session to last 15 minutes
Public Hearing			
Mayor Comments			
Public Comment			
Minutes		Tab	A 6/12/2019
Approval of Vouchers			
Staff Reports		Tab	B Chris Coker
		Tab	C Todd Baun
		Tab	D Staff
Old Business		Tab	E CAO- Pre-existing usage-
New Business		Tab	F First Responder Appreciation
		Tab	G 3rd Street Pay item
		Tab	H Liquor License
		Tab	I Panhandling/ Homeless Encampments discussion
Ordinances			
Resolutions			
Contracts			
Mayor/Council Comments			
Public Comments			
Adjourn/Recess Meeting			

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

TAB - A

CITY OF MCCLEARY
Regular City Council Meeting
Wednesday, June 12, 2019

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

ABSENT Councilmember Heller was absent. **It was moved by Councilmember Iversen, seconded by Councilmember Huff to excuse his absence. Motion Carried 4-0.**

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

PUBLIC COMMENTS The Bear Festival Princesses handed out pins to the Mayor, City Council and Administrative Staff and invited them to attend the 60th Annual Bear Festival.

Summit Pacific Medical and Wellness Center gave a presentation on the Blue Zones Project.

PUBLIC HEARING At 7:14 pm, the Public Hearing began regarding the Six Year Transportation Improvement Plan (STIP). Councilmember Richey asked what the primary projects are on the list and Todd responded it would be Ash Street, now that the 3rd Street Project is complete. He said funding is based on what is in our street plan. If we do not list a project in our plan, we won't be considered for funding. Councilmember Huff asked why isn't Summit Road a priority with the pedestrian crossing safety concerns and Todd stated Summit Road is busted up into several pieces and the expense of it is another factor of it. The likelihood of us getting a grant for Summit Road and to afford a grant is very slim compared to Ash Street. It is easier for us to get funding for a smaller project.

The Public Hearing closed at 7:20 pm.

EXECUTIVE SESSION None.

MAYOR COMMENTS Mayor Orffer reported the 3rd Street Project is ahead of schedule. She has received a lot of community input and she is aware the project is not a perfect project. She added when it is finished, it will be a beautiful project.

Mayor Orffer announced there are job openings at the City. There is a part time police clerk opening and two summer help positions. The job announcement and application materials are posted on the City's website.

Sue Portschy asked what is the status of the Methodist Church. Mayor Orffer spoke with Rik Jamison and he agreed to send a proposal for the Council's consideration. He shared with her that he has had other people interested in purchasing the building. The Methodist Church Conference approved the Bear Festival to hold their annual breakfast there. She will also ask if they may continue using the church for the Friday lunches.

VOUCHERS Accounts Payable checks approved were 46140 - 46181, including EFT's, in the amount of \$55,740.39.

Payroll checks approved were 46039 - 46139, including EFT's, in the amount of \$188,037.25.

Bank reconciliation for May 2019.

It was moved by Councilmember Iversen, seconded by Councilmember Blankenship to approve the vouchers. Motion Carried 4-0.

MINUTES APPROVED **It was moved by Councilmember Iversen, seconded by Councilmember Blankenship to adopt the minutes from the May 22, 2019 meeting. Motion Carried 4-0.**

CITY ATTORNEY REPORT	Chris Coker suggested sending the outstanding balance of \$219.13 for Libby Tanatchangsang to collections instead of moving forward with a lien. The cost for processing a lien will be higher than the amount owed. The Council agreed the balance should be sent to collections. Councilmember Iversen asked for staff to confirm if the policy allows for the debt to be sent to collections before moving forward. Mayor Orffer confirmed the balance can be sent to collections if there is no policy language speaking otherwise.
	Chris will move forward on the abatement process for the 127 E Hemlock nuisance issue.
DIRECTOR OF PUBLIC WORKS REPORT	Todd Baun expects the 3rd Street Project should have only two to two and a half weeks remaining before it is finished, the striping should be finished by July 8th and the street will be opened in time for Bear Festival.
	Todd reported the city-wide outage went well with the transformer change out.
	Councilmember Huff asked if the Mox-Chehalis intersection area is thinner now because he has received a lot of inquiries. Todd said it is actually wider now. It went from 12 feet to 13.5 feet in lane width and the truck turn radius meets the standard requirement.
	Councilmember Huff asked if the summer helpers will be helping with weed whacking and Todd said yes, they would.
	Todd announced Dollar General has submitted a site plan and is moving forward on building a store in McCleary next to the VFW Hall.
	Todd informed the Council the tree for the Lindsey Baum memorial has been planted.
POLICE CHIEF REPORT	None.
ORDINANCE 848 TRUCK PERMITS	Mayor Orffer thanked Councilmember Blankenship for all of his hard work on this ordinance and thanked Chris Coker for his work on writing the ordinance. It was moved by Councilmember Blankenship, seconded by Councilmember Richey to adopt Ordinance 848 AN ORDINANCE RELATING TO STREET WEIGHT LIMITS AND ROAD USE; REPEALING ORDINANCE NUMBER 777; AMENDING SECTIONS 10.12 AND 10.20 OF McCLEARY MUNICIPAL CODE; AND PROVIDING AN EFFECTIVE DATE. Roll Call taken in the affirmative. Ordinance Adopted 4-0.
RESOLUTION 726 STREET WEIGHT AND ROAD USE	It was moved by Councilmember Blankenship, seconded by Councilmember Richey to adopt Resolution 726 A RESOLUTION AMENDING POLICY IN RELATION TO STREET WEIGHT LIMITS; AND AMENDING RESOLUTION NUMBER 641 AND ALL OTHER RESOLUTIONS IN CONFLICT THEREWITH. Resolution Adopted 4-0.
POLE PURCHASE	It was moved by Councilmember Iversen, seconded by Councilmember Huff to authorize the pole purchase for \$27,295 plus tax from McFarland Cascade in Tacoma. Motion Carried 4-0.
ANNUAL FINANCIAL REPORT	The annual financial report is required each year. Wendy Collins asked the Council to approve the report, which was submitted online at the State Auditor's website in May. It was moved by Councilmember Blankenship, seconded by Councilmember Iversen to approve the 2018 Annual Financial Report. Motion Carried 4-0.
FIREWORKS BOOTH APPROVAL	It was moved by Councilmember Richey, seconded by Councilmember Huff to authorize the approval of the fireworks stand for Olympic Christian Center. Motion Carried 4-0.
3RD STREET PAY APPROVAL	It was moved by Councilmember Richey, seconded by Councilmember Huff to authorize the payment of \$486,084.20 to Barcott Construction for the 3rd Street Project. Motion Carried 4-0.
CRITICAL AREAS WORKSHOP	Mayor Orffer sent an initial response to Helen Hamilton regarding her letter she submitted at the last meeting. Mrs. Hamilton will be receiving a response addressing all of her questions. Councilmember Blankenship asked if the site plan review will be discussed at the workshop because we need to fix the site plan review process before we fix the critical areas ordinance. The workshop will include both the site plan review process and the critical areas ordinance updates. The workshop is scheduled for Thursday, June 20, 2019 from 6:30 pm to 8:30 pm in the City Council Chambers.

SURPLUS ITEMS The Fire Department has old surplus items that are expired. In the past, they have been donated to third world countries because they cannot be used in the United States after they have expired. **It was moved by Councilmember Richey, seconded by Councilmember Iversen to authorize the surplus of the fire equipment. Motion Carried 4-0.**

NESTING OF STORAGE WATER The City has to have a certain amount of water storage for both fire protection and for consumption. If we keep our storage separately, we will not have enough storage to meet the required amount. If we combine our storage, which is called "nesting", we will have the proper storage for both fire protection and consumption. If the City agrees to nesting, it will give us more time to plan for a larger water storage solutions in the future. Todd said this could get us by for another ten years. Councilmember Iversen wants to know what the engineer means when he refers to "near term" in his report. Todd Baun said it will hold up the water plan for another month. With no other questions, Mayor Orffer will have Todd get a response for Councilmember Iversen for the next meeting.

SIX YEAR TRANSPORTATION IMPROVEMENT PLAN **It was moved by Councilmember Iversen, seconded by Councilmember Blankenship to adopt Resolution 727 A RESOLUTION ADOPTING A SIX-YEAR STREET PLAN FOR THE CITY OF McCLEARY. Resolution Adopted 4-0.**

A2Z CLEANING PROFESSIONALS Todd reported, in August 2017, the City hired a cleaning company from the RFP responses. Two companies gave bids that were out of our realm for cost. Todd went to the State Contract System and we received several back from them. The City picked the current company. They are not doing a good job and there are security issues with them not securing the buildings as directed. A resident recently reported they left the community center door wide open. A proposal was submitted by A2Z Cleaning Professionals and the cost is \$27 more per month. Mayor Orffer said the new contract is a local company with comparable pricing. Councilmember Huff would like the City to go out for bid to see if we get more interest. Councilmember Iversen and Richey believe the references listed on A2Z are really good so the company must be a solid company. Chris Coker said it is prudent to go out for bid. Councilmember Blankenship asked if we go out for bid, do we have to take the lowest bid and Chris stated that with service bids, we do not have to accept the lowest bid. We can choose who we want because it's not a public work bid. The Council agreed to go out for bid again. Councilmember Blankenship asked Todd what is going on with the IT Services and Todd said it is out for bid.

BROWN & KYSAR, INC. ELECTRICAL ENGINEERING Todd said he got the contract late today. He has been working with Chris Coker on it. He would like the Council to approve the contract since the previous contract has expired and we do not have an electrical engineer. He doesn't want to wait another month. Councilmember Iversen asked if there is a copy of the contract changes and Todd said he had changes from Chris and sent those to B&K and he just got the contract back from B&K's legal advisor around 5:00 today. Councilmember Blankenship would like to review the changes before approving it. Mayor Orffer asked Todd to print out the changes for the Council. After reviewing, the Council agreed to approve the contract. **It was moved by Councilmember Iversen, seconded by Councilmember Richey to authorize the Mayor to sign the contract with BKI Brown & Kysar, Inc., for electrical engineering. Motion Carried 4-0.**

TRANSFER INVESTMENT FUNDS APPROVAL The 3rd Street Project is a reimbursable project. When the contractor submits an invoice for payment, they must be paid without delay. The City in turn, submits the paid invoices for reimbursement. Due to the cost of the project, Wendy Collins asked the Council to authorize her to transfer \$1,500,000 from the LGIP investment pool to the City's bank account to cover the contractors invoices. When the City has received all of the reimbursements, Wendy will transfer the money back to the LGIP investment pool. **It was moved by Councilmember Richey, seconded by Councilmember Huff to authorize Wendy Collins to temporarily transfer \$1,500,000 from the Local Government Investment Pool to the City's Umpqua Checking account until reimbursements are received and then transfer the money back to the LGIP account. Motion Carried 4-0.**

PUBLIC COMMENT Mayor Orffer announced Congressman Derrick Kilmer and Representative Mike Chapman will both be attending the Bear Festival and will be serving bear stew.

Councilmember Iversen asked if the Council will get the opportunity for a walk-through at the new mental health facility before they open. Mayor Orffer believes that is possible. They have run into a few snags with the construction but plan to be open later this summer.

At the close of the meeting, Councilmember Blankenship wanted to remind staff that he submitted in his proposal that the truck permit revenue should be receipted with 80% going to Streets, 15% to Police and 5% to Administrative.

MEETING ADJOURNED

It was moved by Councilmember Richey, seconded by Councilmember Blankenship to adjourn the meeting at 8:55 pm. The next meeting will be Wednesday, July 10, 2019 at 6:30 pm. Motion Carried 4-0.

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: July 5, 2019
Re: Current Non-Agenda Activity

3rd Street Project

Construction is almost complete. The road is scheduled to be open on the afternoon of July 8th. The only items that will need to be completed, is hydro seeding, plantings, street lighting, school zone signage and a crosswalk beacon. The lights and signs should be on site and installed by the end of the month. The hydro seeding and planting will be completed in the fall, when growing of plants and grass is not as difficult as in the middle of summer.

TAB - D

TAB - E

STAFF REPORT

To: Mayor Orffer
From: Todd Baun, Director of Public Works
Date: July 5, 2019
Re: Critical Areas Ordinance (CAO) Pre-existing usage

From the workshop on June 27th, I have gathered and attached information about the pre-existing usages that other agencies use. I have attached Thurston County, City of Lynden, and Bainbridge Island. As you review, they are all 3 different in the amount of detail that they provide for the Pre-existing (non-conforming) rules in a Critical Area.

Please review and let us know if there is any language that you prefer or if you would like to see more options.

Below is the current language in the draft CAO

Pre-existing Uses.

Uses legally existing as of the date of adoption of this ordinance may continue operation pursuant to the following provisions and procedures. The purpose of these provisions is to assure that pre-existing uses are brought into compliance with the provisions of this chapter over time and to the highest degree possible. These provisions shall not be construed to mean that a preexisting use must cease. The following procedures and requirements are hereby established in relation to such pre-existing uses:

A. Legal Pre-existing Use Compliance Agreements: Upon identification of a legal pre-existing use, the city shall contact the person in control and/or owner in order to develop a compliance plan and time line for bringing the pre-existing use into compliance to the highest degree practicable and which provides an acceptable low level of risk. Such compliance plans shall be developed, implemented, and enforced as follows:

1. The city will negotiate with the person in control of and/or owner the subject property to identify a reasonable time frame and necessary steps to bring the use into compliance with this chapter.
2. To the extent reasonably available to it, technical assistance will be offered to the person in control of and/or the owner of the subject property by state and/or local personnel to enable the person in control and/or owner to bring the use into compliance.
3. The city will require that a written compliance plan be developed and agreed to by the person in control and/or owner setting forth the compliance steps that will be taken and the agreed time frame within which these steps will be completed.
4. Following identification of the preexisting use, the compliance plan shall be agreed to in a reasonable time, as defined by the Public Works Director on a case-by-case basis.

5. Such compliance plan will be in the form of a contract between the city and the person in control and/or owner.

6. No expansion of any non-conforming aspect of the use will be permitted.

7. Failure to meet the terms of the contract, including time frames agreed to, shall constitute a breach of contract subject to all applicable laws. If legal action on the part of the city becomes necessary to enforce the contract, the contract shall provide that the person in control and/or owner shall be liable for all expenses incurred by the City in enforcing the Agreement, including expenses incurred in the litigation, as well as in correcting the non-compliance.

Chapter 24.50 - EXISTING NONCONFORMING USES, STRUCTURES AND LOTS¹¹

24.50.010 - Purpose.

The purpose of this chapter is to establish provisions governing the development and redevelopment of existing uses, structures and lots affected by critical areas that do not conform to this title. Other requirements in the Thurston County Code and/or state/federal law may also apply that further restrict development of nonconforming uses, structures, and lots.

24.50.020 - General rules.

Alteration or expansion of legally established nonconforming structures or uses, including structures or uses that do not require a permit, is allowed subject to all of the following:

- A. Maintenance. All legally established, nonconforming structures can be maintained (e.g., painting and repairs);
- B. Alteration. Legally established nonconforming structures may be altered within their existing building footprint. Additionally, attached decks, porches, and patios may be altered in their existing footprint, excluding the addition of permanent roof structures. If applicable, also see Chapter 24.20 TCC regarding limitations in frequently flooded areas. Legally established, attached nonconforming decks, porches, or patios shall not be enclosed for use as livable space, unless the deck, porch, or patio is already covered by an existing permanent roof structure as determined by the approval authority;
- C. Expansion of conforming portions of a legally established nonconforming structure. If only a portion of the structure is nonconforming (e.g. lies within an important habitat area), expansion of the conforming portion of the structure is permitted provided the expansion does not extend into the critical area or associated buffer; and
- D. Vertical Additions. Expansion of the established nonconforming portion of the structure is prohibited, except for vertical additions consistent with applicable height regulations in the zoning district. Additions shall not be cantilevered to extend beyond the existing structure's footprint (outside wall at the foundation) into a critical area or associated buffer. Vertical additions to legally established portions of a nonconforming structure are only allowed within marine bluff or landslide hazard areas, or their buffers, if a geological assessment demonstrates that it will not negatively impact slope stability.
- E. Cantilevered alterations, expansions or additions to nonconforming portions of structures shall not extend beyond the existing building footprint into the critical area or its associated buffer.

24.50.025 - Expansion of impervious surfaces in riparian areas and pond buffers.

The approval authority may allow up to a five hundred square foot expansion of impervious surface, including an existing structure's footprint, within a riparian habitat area or pond buffer if it is determined that:

- A. All new impervious surfaces, which include structures, will be sited at a distance that is greater than or equal to the original structure(s) setback from the water body;
- B. The expansion would occur at least one hundred feet from a Type "S" or "F" stream and Type "N" stream draining to a Type "S" or "F" stream or marine waters;
- C. The area proposed for the expansion was lawfully developed prior to [the effective date of this ordinance] or, if not, the unlawful development was not caused by the present landowner or did not occur within the past seven years;
- D. If the riparian habitat area or pond buffer on the site between the water body and the primary structure has been degraded, the degraded area, or a portion of the degraded area equal to the size of the expansion, whichever is less, will be restored with native vegetation. The degraded

area chosen must be the area nearest the most sensitive habitat as determined by the approval authority;

- E. The expansion, coupled with any proposed mitigation, would be at least as effective in protecting all of the riparian habitat or pond buffer's functions as under current conditions;
- F. The proposed expansion would be consistent with the Shoreline Master Program for the Thurston Region, as amended, the impervious surface limits in the applicable zoning district, and other applicable provisions of this title;
- G. The applicant provides a performance surety consistent with Chapter 24.70 TCC to ensure survival or replacement of plants used in the restoration;
- H. No previous expansion has been allowed pursuant to this subsection; and
- I. The applicant will record a document with the subject property's title indicating that no further expansion of the structure's footprint or impervious surface is allowed within the riparian habitat area or pond buffer on the property.

24.50.030 - Alteration, expansion, repair, and maintenance—Frequently flooded areas.

Repair, maintenance, alteration, or expansion of a lawfully established nonconforming structure in frequently flooded areas shall only be allowed in the one-hundred-year floodplain, channel migration hazard area, or a high groundwater hazard area no development zone (NDZ) when consistent with all of the following:

- A. **Alteration Within Existing Footprint.** Alteration, repair, and maintenance of a legally established nonconforming structure are allowed within the existing building footprint (outside wall at the foundation) including attached decks, porches, and patios. However, within the floodway, repair, maintenance, alteration, expansion or improvements to a structure shall not increase the ground floor area, and the cost of repairs shall not exceed fifty percent of the structure's market value as determined by an accredited appraisal or the Assessor's valuation, at the owner's option. The value shall be determined based on the value of the structure either before the repair, maintenance, alternation, or expansion is started, or if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary or safety codes or to structures identified as historic buildings is not subject to the value limit above. The cumulative value of all past known alterations, repairs, and expansions conducted on or after July 24, 2013, shall be included when determining the cost of a proposed project;
- B. **Vertical Addition.** Expansion of the nonconforming portion of a structure (i.e., the portion of the structure in the critical area) is prohibited with the exception of vertical additions consistent with applicable height regulations in the zoning district and the value limits specified in subsection "A" of this section. However, such additions shall not be cantilevered to extend beyond the existing structure's footprint into a flood or channel migration hazard area;
- C. **Enclosing Decks, Porches, and Patios.** Enclosing legally established nonconforming decks, porches, or patios for use as livable space is not permitted, unless the deck, porch, or patio is already covered by an existing, permitted, permanent roof structure, as determined by the approval authority consistent with the value limits specified in subsection "A" of this section; and
- D. **Expansion of Conforming Portions of the Structure.** If only a portion of the structure is nonconforming, expansion of the conforming portion of the structure is permitted provided the expansion does not extend into the critical area consistent with Chapter 14.38 TCC.

24.50.035 - Intensification.

An intensification of a legally established nonconforming use is permitted provided that it is consistent with all of the following:

- A. The use is contained within the existing or expanded (per this title for nonconforming structures and uses) structure, or an area that has been legally used to accommodate the use;
- B. It is not different in kind from the legally existing nonconforming use; and it would not cause increased harm to the critical area, or increase the risk associated with the hazard, as determined by the approval authority;
- C. Intensification of a legally established nonconforming use shall not exacerbate flood or channel migration hazards, or pose an increased risk of water contamination in the event the site is inundated with flood waters, as determined by the approval authority;
- D. Intensification of legally established nonconforming uses shall not increase the net amount of impervious surface within a critical area and its associated buffer; and
- E. The approval authority may require use of best management practices to avoid potential impacts associated with the more intensive use.

24.50.040 - Destruction and restoration.

Restoration or rebuilding of legally established nonconforming structures and/or related appurtenances damaged or destroyed by accident, fire, explosion, act of God, or public enemy may be allowed pursuant to the applicable requirements of this chapter, and the Shoreline Master Program for the Thurston Region, as amended, provided that:

- A. Restoration or replacement of legally established nonconforming structures and/or related appurtenances shall not be allowed in the floodway;
- B. The structure may be restored or rebuilt in a nonconforming manner to the same extent (e.g. building footprint, impervious surface and square footage) that, but no more than, the pre-existing structure was nonconforming, as determined by the approval authority, unless the nonconforming structure is located in a one-hundred-year floodplain, one-hundred-year channel migration hazard area, or high groundwater flood hazard area NDZ, where restoration or reconstruction of a nonconforming structure is only permitted in accordance with Chapter 14.38 TCC. The cumulative value of all past known restorations or replacements conducted on or after July 24, 2013, shall be included when determining the cost of a proposed project;
- C. The building permit application for repair or reconstruction shall be submitted within twenty-four months of the occurrence of damage or destruction;
- D. The building or structure is not voluntarily destroyed; and
- E. If the building or structure is proposed to be relocated from the original building site, then the original building site and other degraded areas immediately adjacent to the building site shall be restored with native vegetation as a condition of the relocation, as required by the approval authority. Important wildlife habitats and areas regulated by the Shoreline Master Program, as amended, may have additional vegetation requirements.

24.50.050 - Discretionary replacement or relocation of nonconforming structures.

Discretionary replacement of legally established nonconforming structures and/or related appurtenances may be allowed pursuant to the applicable requirements of this chapter, and the Shoreline Master Program for the Thurston Region, as amended, provided that:

- A. Discretionary replacement of legally established nonconforming structures within frequently flooded areas, one-hundred-year channel migration hazard areas, and high groundwater flood hazard area NDZ is prohibited;
- B. There is no alternative outside of the critical area and associated buffer, or there is not minimally sufficient buildable area (not to exceed three thousand five hundred square feet) on the property outside the critical area and associated buffer to accommodate the building/structure, as determined by the approval authority;

- C. The replacement of a nonconforming structure and/or related appurtenances shall be prohibited if located within the shoreline management jurisdiction, unless otherwise permitted by the Shoreline Master Program, as amended;
- D. If there is no alternative location outside of the critical area and associated buffer to accommodate the structure, then replacement/relocation would occur consistent with this section and provisions for the development of existing lots in TCC Section 24.50.060 and TCC Section 24.50.065, if applicable;
- E. When possible and practical, driveways, patios, and walkways located within a critical area buffer shall be made of pervious materials and roof top runoff shall be dispersed and directed into bioretention facilities. See Chapter 15.05 TCC for additional requirements. In geologic hazard areas, the approval authority may require stormwater to be treated, tight lined and/or infiltrated, as warranted, to avoid destabilizing a slope or bluff (See TCC Section 24.15.170); and
- F. If a structure is relocated, the original building site and other degraded habitat immediately adjacent to the original building site shall be restored. The applicant shall submit a restoration plan that employs native trees and vegetation. The applicant shall provide a performance surety consistent with Chapter 24.70 TCC to insure that the vegetation used in the restoration project survives or is replaced.

24.50.060 - Development of existing lots—Critical areas excluding frequently flooded areas.

Existing lots with critical areas and their associated buffers, excluding frequently flooded areas, for which a complete application for a short plat, large lot subdivision, or subdivision, as defined in Chapter 18.08 TCC, was submitted before July 24, 2013, and other legally existing lots may be developed as follows with a critical area review permit:

- A. Except for seismic, volcanic, and mine hazard areas, all new construction of structures, facilities, utilities, access driveways and appurtenances shall be located outside of the critical area and the associated buffer unless otherwise permitted in this title;
- B. New development may be permitted on legal lots containing wetlands or buffers, consistent with other applicable provisions of this title.
- C. No new development or construction of structures, facilities, utilities, access driveways and appurtenances shall create a public safety risk, as determined by the approval authority;
- D. Enhancement or restoration (mitigation) of the affected critical area or associated buffer shall be required to offset the impacts of the proposed development, as approved by the approval authority;
- E. If a legal lot has less than three thousand five hundred square feet of buildable area outside of the critical area and its associated buffer, to accommodate the single family residential development including the primary structure, ordinary appurtenances, landscaping, and accessory structures, the approval authority may, with a critical area review permit, allow development to occupy a portion of the critical area buffer to the minimum extent necessary to provide a development site totaling no more than three thousand five hundred square feet provided:
 1. The development site shall be located in the outer fifty percent of the standard critical area buffer, except for wetlands and riparian habitat areas, where the development site shall be located in the outer twenty-five percent of the standard buffer. Development in the critical area and the inner fifty percent of the associated critical area buffer—or inner seventy-five percent of wetland and riparian area buffers—will require a reasonable use exception;
 2. The applicant shall demonstrate that due to physical constraints (e.g., topography, soil conditions, or the site's configuration), another configuration would not allow the development to occur without intrusion or with less intrusion into the critical area or buffer than the proposal;

3. The location and scale of existing development on surrounding properties shall not be the basis for granting or determining the location, scale and impact of a single family use allowed under this section;
4. The encroachment into the critical area buffer shall be consistent with other requirements of this section for development on existing lots, requirements for a critical area review permit, and shall not have an adverse impact on species of concern, as determined by the approval authority;
5. Site development, including clearing, grading, construction of structures, utilities, related appurtenances, and landscaping shall occupy the minimum area necessary to accommodate the use;
6. Native tree and vegetation removal shall only be permitted to the minimum extent necessary to accommodate the proposed development, and shall not create a public safety risk;
7. A revegetation plan consistent with this title for disturbed areas shall be submitted with the development application, and shall be completed prior to final occupancy or use;
8. Landscaping shall not extend more than fifteen feet from the primary structure toward the important habitat or wetland;
9. Any new structures within a critical area buffer shall be sited to avoid the creation of hazard trees;
10. The approval authority may establish a construction setback to avoid encroachment into portions of the buffer not authorized for development, consistent with TCC Section 24.01.030;
11. The approval authority may authorize use of additional area to the minimum extent necessary in a critical area buffer to accommodate an onsite sewage disposal system or well, consistent with other requirements of this title, only if there is no alternative;
12. The use of this single-family residential exception shall not be a result of a self-created hardship such as subdividing the property, adjusting a boundary line, or other actions thereby creating the undevelopable conditions after July 24, 2013, or a self-created hardship created under the applicable standards of Chapter 17.15 TCC after February 1, 1994; and

F. All other development or construction of primary structures, accessory structures, and appurtenances in the critical area and associated buffer is prohibited.

24.50.065 - Development of existing lots—Frequently flooded areas.

Existing, undeveloped lots within one-hundred-year channel migration hazard areas, frequently flooded areas and their associated buffers, for which a complete application for a short plat, large lot subdivision, or subdivision, as defined in Chapter 18.08 TCC, was submitted before July 24, 2012 and other legally existing lots may be developed as follows:

- A. All new structures, facilities, utilities and appurtenances shall be located out of the one-hundred-year floodplain and area that falls below the base flood elevation;
- B. All new nonresidential structures, facilities, utilities and appurtenances shall be located out of the high groundwater flood hazard area;
- C. No new construction of structures, facilities, utilities and appurtenances shall create a public safety risk, as determined by the approval authority, and new construction shall be consistent with Chapter 14.38 TCC; and
- D. Construction of structures, utilities and appurtenances located in the high groundwater hazard area restricted development zone shall meet the following:

1. All new residential structures shall be constructed to have the lowest floor, materials, and systems susceptible to flood damage, including mechanical support systems, located a minimum of two vertical feet above the base flood elevation;
2. All new non-residential construction shall be elevated a minimum of two vertical feet above the base flood elevation; and
3. Structures shall be located where they are least likely to be flooded.

24.50.070 - Replacement of mobile or manufactured home—Discretionary.

A mobile or manufactured home with nonconforming placement may be replaced with a new or improved manufactured home subject to applicable county regulations. However, if the size of the structure is increased by more than six hundred square feet, it shall conform to TCC Section 24.50.050. Mobile or manufactured homes may only be increased in size once pursuant to this section.

Lynden:

16.16.100 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 LMC 19.35.

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 18 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

Chapter 19.35 - NONCONFORMING USES

19.35.010 - Existing nonconforming uses—Continuation authorized.

Any nonconforming use, as defined in the definitions of Chapter 17.01, which lawfully existed at the time of the final passage of the ordinance codified in this title, is permitted to continue and to be maintained and operated.

19.35.020 - Essential use alteration—Limitation.

A nonconforming use may be changed or altered only to uses within the same classification or to a use in a classification of higher priority in accordance with the essential use classification established in the established districts of the ordinance codified in this title.

19.35.030 - Nonconforming bulk only—Alteration—Variance required.

A nonconformer as to bulk, but not as to use, may be substantially altered, renovated, enlarged or reconstructed only through the granting of a variance as provided in this title.

19.35.040 - Enlargement or expansion—Conformance required.

A building or structure containing a nonconforming use shall not be enlarged or expanded unless the use is brought into conformance with the provisions of this title.

19.35.050 - Maintenance not to be construed as alteration.

Regular and ordinary maintenance shall not be construed as enlargement, expansion, change, alteration, renovation or reconstruction as used in this chapter.

19.35.060 - Vacancy—Use discontinuance when.

A nonconforming use which has been discontinued for a period of one year or more shall not be reactivated nor operated, nor shall an occupancy permit be granted to such discontinued use. In such instances, an occupancy permit shall be granted only when the use has been brought into conformity with the provisions of this title. When a building or structure is vacant, the use therein shall be deemed discontinued.

19.35.070 - Deterioration or destruction—Use discontinuance when.

When a building or structure containing a nonconforming use is destroyed or deteriorates to the extent to fifty percent or more, as determined by the building inspector, such nonconforming use shall be discontinued and any subsequent use of the property shall be in conformance with the provisions of this title.

Bainbridge Island:

16.20.050 Standards for existing development

A. Existing Structures and Related Improvements. Structures and related improvements that were legally built or vested prior to the effective date of the ordinance codified in this chapter that do not meet the requirements of this chapter may continue to exist in their present form, and may be altered, including remodeled, reconstructed, or expanded, if such alteration complies with the provisions of this section and all other applicable sections of this chapter.

B. Existing buildings that were legally built or vested prior to the effective date of the ordinance codified in this chapter may be altered only one time within the lifetime of the structure, and:

1. The expansion of the footprint is outside a landslide hazard area or landslide hazard area setback unless required for safety or seismic upgrades;
2. Any expansion of the footprint is located only within a critical area buffer. No expansion of the footprint is allowed within a wetland or fish and wildlife habitat conservation area;
3. Any expansion of the footprint within a critical aquifer recharge area is located outside the aquifer recharge protection area pursuant to BIMC 16.20.100.E.
4. Cantilevers over critical areas are not allowed;
5. The expansion of the footprint at ground level does not exceed 500 square feet;
6. Any expansion of the footprint is used only as indoor living space or to accommodate accessibility;
7. Any expansion of the footprint is no closer to the critical area than the existing footprint; and
8. If a building is harmed or destroyed by more than 50 percent of its square footage, the building must be reconstructed in compliance with the requirements of this chapter.

C. Existing property improvements other than buildings, including driveways, parking areas, yards and landscaped areas, play areas, storage areas, decks less than five feet in height, patios, and similar improvements that were legally established or vested prior to the effective date of the ordinance codified in this chapter may be altered if:

1. Any alteration is in substantially the same location as the original property improvement;
2. Any expansion of the footprint is located only within the required buffer. No expansion of the footprint is allowed within the critical area itself and cantilevers over critical areas are not allowed;
3. Any expansion of the footprint is no closer to the critical area than the existing footprint; and
4. Any expansion of the footprint within a critical aquifer recharge area is located outside the aquifer recharge protection area pursuant to BIMC 16.20.100.E.

D. Buffer modifications pursuant to BIMC 16.20.110 and 16.20.140 shall not be granted for existing development.

E. Alterations permitted by this section must comply with other applicable city code or land use review requirements and require submittal of a critical areas permit application in accordance with the permit and review procedures required for the affected critical area(s).

TAB - F

TAB - G

TAB - H



NOTICE OF LIQUOR LICENSE APPLICATION

WASHINGTON STATE LIQUOR AND CANNABIS BOARD

License Division - P.O. Box 43098
Olympia, WA 98504-3098
Customer Service: (360) 664-1600
Fax: (360) 753-2710
Website: <http://lcb.wa.gov>

TO: MAYOR OF MC CLEARY
RE: NEW APPLICATION

RETURN TO: localauthority@sp.lcb.wa.gov
DATE: 6/21/19

UBI: 604-061-421-001-0003

License: 428675 - 1D County: 14
Tradename: AL CARBON

Address: 200 W SIMPSON AVE
MCCLEARY WA 98557-9651

APPLICANTS:

SOFIA MEXICAN RESTAURANT LLC

RAMOS, ALFONSO
1971-05-25
MICHEL-EFIGENIO, ANA MACRINA
(Spouse) 1974-10-19

Phone No.: 253-310-8189 ALFONSO RAMOS

Privileges Applied For:
SPIRITS/BR/WN REST LOUNGE +

As required by RCW 66.24.010(8), the Liquor and Cannabis Board is notifying you that the above has applied for a liquor license. You have 20 days from the date of this notice to give your input on this application. If we do not receive this notice back within 20 days, we will assume you have no objection to the issuance of the license. If you need additional time to respond, you must submit a written request for an extension of up to 20 days, with the reason(s) you need more time. If you need information on SSN, contact our CHRI desk at (360) 664-1724.

- | | YES | NO |
|---|--------------------------|--------------------------|
| 1. Do you approve of applicant? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Do you approve of location? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. If you disapprove and the Board contemplates issuing a license, do you wish to request an adjudicative hearing before final action is taken? | <input type="checkbox"/> | <input type="checkbox"/> |
| (See WAC 314-09-010 for information about this process) | | |
| 4. If you disapprove, per RCW 66.24.010(8) you MUST attach a letter to the Board detailing the reason(s) for the objection and a statement of all facts on which your objection(s) are based. | | |

DATE

SIGNATURE OF MAYOR,CITY MANAGER,COUNTY COMMISSIONERS OR DESIGNEE

TAB - I

CITY OF MCCLEARY
McCleary, Washington

ORDINANCE _____

AN ORDINANCE OF THE CITY OF MCCLEARY, WASHINGTON, ADDING A NEW CHAPTER _____
ENTITLED AGGRESSIVE PANHANDLING – PEDESTRIAN INTERFERENCE – PUBLIC CAMPING TO THE
MCCLEARY MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

WHEREAS, the city has a compelling interest in protecting its citizens and its most vulnerable residents and visitors from threatening, intimidating or harassing behavior caused by coercive solicitations, in preserving the quality of life and in protecting and preserving public health, safety and welfare.

WHEREAS, coercive solicitation causes fear and intimidation upon citizens, and harms tourism and businesses; and

WHEREAS, the City Council finds that it is important to the general welfare of the citizens and residents of the city to protect and preserve the public safety of pedestrians and to insure the safe and efficient movement of pedestrian and vehicle traffic in public places. The city council further finds that public rights of way serve the primary purpose of enabling pedestrian and vehicular traffic to safely and efficiently move about from place to place and that public rights of way have become increasingly congested and should be maintained to serve their primary purposed. Protect the citizens of McCleary from fear and intimidation accompanying coercive solicitation, to promote tourism and business and to preserve the quality of urban life while providing safe and appropriate venues for constitutionally protected activities.

WHEREAS, the city has an interest in discouraging the use of public parks as temporary living quarters.

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

Section 1. MMC Chapter _____ entitled “AGGRESSIVE PANHANDLING – PEDESTRIAN INTERFERENCE – PUBLIC CAMPING” is added to read as follows:

Chapter _____

AGGRESSIVE PANHANDLING – PEDESTRIAN INTERFEERENCE – PUBLIC CAMPING

Sections:

X.XX.XXX Purpose.

X.XX.XXX Definitions.

X.XX.XXX Pedestrian Interference.

X.XX.XXX Aggressive Panhandling – Prohibited.

X.XX.XXX Penalty

X.XX.XXX Purpose.

The purpose of this chapter is to regulate and punish acts of coercive and aggressive panhandling/solicitation, and acts of begging that occur at locations or under circumstances specified herein which create an enhanced sense of fear or intimidation in the person being solicited, or pose a risk to traffic and/or public safety.

X.XX.XXX Definitions.

The following definitions apply in this chapter:

- (1) “Aggressive Panhandling/Solicitation” means to beg with the intent to intimidate or coerce another person into giving money or goods.
- (2) “Coerce” or “coercive” means to do any of the following with intent:
 - a. To approach, speak or gesture to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with a commission of a criminal act upon the person, another person or property in the person’s possession; or
 - b. To approach within one foot of a person for the purpose of making a solicitation without obtaining said person’s initial consent; or
 - c. To persist in a solicitation after the person solicited has given a negative response; or
 - d. To block the passage of a person, pedestrian traffic, a vehicle or vehicular traffic while making a solicitation; or
 - e. To engage in conduct that would reasonably be construed as intended to compel or force a person being solicited to accede to demands; or
 - f. To make any false or misleading representation in the course of making a solicitation.
- (3) “Intimidate” means to engage in conduct which would make a reasonable person fearful or feel compelled.
- (4) “Panhandling/Solicitation” means: any means of asking, begging, requesting, or pleading made in person, orally or in a written or printed manner, directed to another person, requesting an immediate donation of money, contribution, financial aid, charity, gifts of items or service of value, or the purchase of an item or service for an amount far exceeding

its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation.

- (5) "Obstruct pedestrian or vehicular traffic" means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional right to picket or to legally protest, shall not constitute obstruction of pedestrian or vehicular traffic.
- (6) "Public property" means an area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, sidewalks and streets open to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.
- (7) "Public transportation facility" means a facility or designated location that is owned, operated, or maintained by a city, county, county transportation authority, public transportation benefit area, regional transit authority, or metropolitan municipal corporation within the state for the purpose of facilitating bus and other public transportation.

X.XX.XXX Pedestrian interference.

A person is guilty of pedestrian interference if, in a public place, he or she intentionally:

- (1) Obstructs pedestrian or vehicular traffic; or
- (2) Aggressively Panhandles

X.XX.XXX Aggressively Panhandles – Prohibited.

- (1) It shall be unlawful for a person to Aggressively Panhandle/Solicitation.
- (2) To use profane, offensive, or abusive language, which is inherently likely to provoke an immediate violent reaction.
- (3) To use violent or threatening gestures toward a person.

X.XX.XXX Restricted Areas

Begging shall be deemed a violation of this section under the following conditions:

- (A) Within 25 feet of an ATM machine or financial institution;
- (B) Within 15 feet of any (1) occupied handicapped parking space, or (2) bus stop, train station or in any public parking lot or structure or walkway dedicated to such parking lot or structure;
- (C) Before sunrise or after sunset at any public transportation facility or on any public transportation vehicle or
- (D) While a person is under the influence of alcohol or controlled substances.

(E) It is unlawful for any person to park any motor vehicle or trailer or place a tent or any other structure or material on public property for the purpose of sleeping therein or thereon or maintaining the same as a temporary or permanent residence.

X.XX.XXX Penalty

(1) First Offense. Pedestrian interference is a misdemeanor. Aggressive Panhandling/Solicitation is a misdemeanor. Any person violating this chapter shall be punished by a fine not to exceed \$1000 or by imprisonment and jail for not more than 90 days or by both such fine and imprisonment.

(2) Second Offense. Every person who violates any of the provisions of this chapter a second time within a five-year period shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment. One hundred dollars of the fine and one day of imprisonment shall not be suspended or deferred.

(3) Third or Subsequent Offense. Every person who violates any of the provisions of this chapter a third or more times within a five-year period shall be guilty of a misdemeanor, punishable by a fine of not more than \$1000 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment. Five hundred dollars of the fine and five days imprisonment shall not be suspended or deferred.

Section 2. Severability. If any section, clause, and/or phrase of this Ordinance is held invalid by a court of competent jurisdiction, such invalidity and/or unconstitutionality shall not affect the validity and/or constitutionality of any other section, clause, and/or phrase of the Ordinance.

Section 3. Effective Date. This Ordinance shall be effective five days from its adoption and publication as required by law.

CITY OF MCCLEARY
McCleary, Washington

ORDINANCE _____

TEMPORARY HOMELESS ENCAMPMENTS

X.XX.XXX Purpose.

X.XX.XXX Definitions

X.XX.XXX Application for Temporary Homeless Encampment Permit.

X.XX.XXX Requirements for Approval and Operation.

X.XX.XXX Revocation of Permit.

X.XX.XXX Purpose.

The purpose of this chapter is to regulate homeless encampments within the City of McCleary in compliance with the requirements of RCW 35.21.915. The standards and requirements in this chapter are the minimum necessary to protect the public health and safety and do not substantially burden the decisions or actions of religious organizations regarding the location of housing or shelter for homeless persons on property owned by such religious organizations.

X.XX.XXX Definitions

The following definitions apply in this chapter:

(1). "Host" means a property owner or local religious organization that hosts a Temporary Homeless Encampment on its property; has an agreement with a managing agency to provide basic services and support for the residents of a Temporary Homeless Encampment; acts as liaison with the surrounding community; and joins with the managing agency in an application for a Temporary Homeless Encampment Permit. A host may be the same entity as the managing agency.

(2). "Managing agency" means an organization or property owner that is responsible for organizing and managing a Temporary Homeless Encampment. A managing agency may be the same entity as the host.

(3). "Temporary homeless encampment" means a temporary encampment for homeless persons on property owned or controlled by a religious organization, whether within buildings located on the property or elsewhere on the property outside of buildings.

(4). “Sponsoring Agency” means the Host Agency or another agency that assists the Host Agency and that joins in an application for a Temporary Homeless Encampment Permit and assumes responsibility for providing basic services and support to Temporary Homeless Encampment residents, such as hot meals and coordination of other needed donations and services.

(5). The RCW 35A.21.360 definition of “religious organization” is incorporated by reference into this chapter.

(6). The International Fire Code definitions of “tent,” “canopy,” and “membrane structure” are incorporated by reference into this chapter.

X.XX.XXX Application for Temporary Homeless Encampment Permit.

A. No more than one Temporary Homeless Encampment shall be permitted in the City at any one time and no more than one Temporary Homeless Encampment shall be permitted in the City within a calendar year due to the limitations on City resources and services that are necessary to support Temporary Homeless Encampment; the City further finds that these limitations on resources and services would cause public health, safety and welfare impacts if more than one Temporary Homeless Encampment was authorized at a time.

B. A Temporary Homeless Encampment is an allowed use only on property owned or controlled by a religious organization that is acting as either the Host Agency or the Sponsoring Agency, or both, for the Temporary Homeless Encampment.

C. An application for a Temporary Homeless Encampment Permit shall be submitted to the Public Works Director or his/her designee on a form approved by the Public Works Director. The application shall contain, at a minimum, all of the following information:

1. The name, address, and telephone number of the Host Agency, and the telephone number and email address for a designated representative of the Host Agency; and

2. The name, address, and telephone number of the Sponsoring Agency, and the telephone number and email address for a designated representative of the Sponsoring Agency; and

3. The proposed location of the Temporary Homeless Encampment and information as to whether the Temporary Homeless Encampment will be located inside a building or outside a building on property owned or controlled by the Host Agency; and

4. The date on which Temporary Homeless Encampment is proposed to move onto the proposed location and the date on which the Temporary Homeless Encampment is proposed to vacate the proposed location; and

5. The maximum number of residents proposed; and

6. A site plan showing the proposed location of the facilities required by this chapter; and

7. A statement demonstrating how the Temporary Homeless Encampment will meet the requirements of this chapter.

D. The application for a Temporary Homeless Encampment Permit must be accompanied by an application fee established by resolution of the City Council. The application fee shall be based on actual costs associated with the review and approval of the application. The application shall not be considered complete unless and until the application fee is paid.

E. An application for a Temporary Homeless Encampment Permit must be filed at least thirty days before the date on which the Temporary Homeless Encampment is proposed to move onto the proposed location, provided, that the Public Works Director may agree to a shorter period in the case of an emergency beyond the control of the Host Agency and Sponsoring Agency.

F. An application for a Temporary Homeless Encampment Permit shall be processed as a Conditional Use Permit under MMC 17.40.110.

G. The Public Works Director shall coordinate review of the Temporary Homeless Encampment permit with appropriate City staff and with other appropriate public agencies, including but not limited to, Public Health – Grays Harbor County and the McCleary Fire Department. The Public Works Director may issue the Temporary Homeless Encampment Permit if the application demonstrates that:

1. The Temporary Homeless Encampment will not be materially injurious to the public health, safety, and welfare or materially injurious to the property or improvements in the immediate vicinity.

2. All of the requirements of this chapter are met.

H. The sponsoring agency and host shall provide a written indemnification and hold harmless agreement stating that the city is not responsible for the actions, inactions, or omissions of the host, managing agency, or of any resident of the temporary homeless encampment. The managing agency and host shall indemnify, defend, and hold the city, its officials, officers, employees, agents, and volunteers, past and present, harmless from any and all claims of liability of any nature whatsoever for the injury to or death of any person or damage to any property, real or personal, including attorney's fees, arising out of or occasioned in any manner by reason of the following: (a) the actions, inactions or omissions of the managing agency, host, or any encampment resident; and (b) the city's lawful entry into the temporary homeless encampment to enforce this chapter.

I. The sponsoring agency and/or host shall provide a certificate of liability insurance for at least one million dollars pertaining to the temporary homeless encampment and naming the city as the insured.

J. Decisions of the Public Works Director granting, granting with conditions, or denying a Temporary Homeless Encampment Permit shall be subject to appeal as provided in MMC 17.40.090.

X.XX.XXX Requirements for Approval and Operation.

A. A temporary Homeless Encampment must meet all of the following requirements in addition to any other requirements imposed by this chapter:

1. The property or building must be of sufficient size to accommodate the proposed number of tents and residents and the on-site facilities required by this section.

2. Adequate provision must be made for the provision of drinking water, disposal of human waste, disposal of garbage and other solid waste, and the provision of other services, including, but not limited to, the following facilities:

a. Sanitary portable toilets or other restroom facilities in the number required to meet health regulations for the residents and staff of the Temporary Homeless Encampment; and

b. Hand washing stations by the toilets or restrooms and by food service areas; and

c. Refuse receptacles meeting the requirements of the City's solid waste hauler; and

d. A food service tent or other food service building or facility meeting health department requirements; and

e. A management tent or other management office or facility providing administrative and security services and readily identifiable to residents and visitors.

3. The Temporary Homeless Encampment shall meet all setbacks for the zoning district in which the property is located, provided, that where the Temporary Homeless Encampment abuts property containing residential uses, the Temporary Homeless Encampment shall be set back twenty feet from the property line or the minimum setback provided in the MMC, whichever is greater.

4. A six-foot tall sight obscuring fence shall be provided around the perimeter of the Temporary Homeless Encampment unless the Public Works Director determines that there is sufficient vegetation, topographic variation, or other site conditions to provide equivalent screening of the use from adjacent properties.

5. Any and all exterior lighting for the Temporary Homeless Encampment shall meet the requirements of the zoning district in which the property is located.

6. The maximum number of residents within a Temporary Homeless Encampment shall not exceed 50.

7. Parking for at least five (5) vehicles shall be provided.

8. No children under the age of 18 shall be allowed in the Temporary Homeless Encampment. If a child under the age of 18 attempts to reside at the Temporary Homeless Encampment, the Sponsoring Agency or the Host Agency shall immediately contact Child Protective Services.

9. No animals shall be permitted in the Temporary Homeless Encampment, except for documented service animals.

10. The Sponsoring Agency and/or the Host Agency shall submit a code of conduct for the Temporary Homeless Encampment and a statement describing how the code of conduct will be enforced. The code of conduct shall, at a minimum, contain the following:

- a. A prohibition on the possession or use of illegal drugs or alcohol.
- b. A prohibition on the possession of guns, knives with blades in excess of three inches, and weapons of all kinds.
- c. A prohibition on violence.
- d. A prohibition on open flames.
- e. A prohibition on trespassing into private property in the surrounding neighborhood.
- f. A prohibition on loitering in the surrounding neighborhood.
- g. Hours during which quiet is to be observed.

11. A transportation plan must be submitted by the Sponsoring Agency and/or the Host Agency providing for access to transit. All Temporary Homeless Encampments must be located within one-half mile of transit service.

12. The Temporary Homeless Encampment must comply with all regulations of Washington State, the City of McCleary, and Public Health – Grays Harbor County. The Temporary Homeless Encampment shall comply with the requirements of the International Fire Code and Washington Cities Electrical Code as adopted by the City of McCleary. The Sponsoring Agency and Host Agency shall permit inspections at all reasonable times by appropriate public officials from the agencies enforcing these codes for code compliance.

13. The Sponsoring Agency and/or Host Agency shall take all reasonable and legal steps to obtain verifiable identification from prospective residents of the Temporary Homeless Encampment. A resident log of all people residing at the Temporary Homeless Encampment shall be maintained on site. When signing the log, prospective encampment residents shall provide a State of Washington Driver's License, State of Washington Identification Card, a driver's license or identification card issued by another state, or other similar document that confirms a person's identity. The Sponsoring Agency and/or Host Agency shall be responsible for verifying that the log is being properly kept and that the required identification is being provided.

14. The Sponsoring Agency and/or Host Agency shall use the identification to obtain sex offender and warrant checks from the appropriate agency. If the warrant and sex offender check reveal that a prospective resident or existing resident is a sex offender who is required to register with the police or that the prospective resident has an outstanding warrant, the Sponsoring Agency and/or Host Agency shall reject the prospective resident or evict the existing resident.

15. Adequate access for fire and emergency medical apparatus shall be provided.

16. Adequate separation between tents and other structures shall be maintained in order to limit fire exposure and provide for emergency exiting by residents.

17. Temporary Homeless Encampment Permits may be approved for a time period not to exceed 90 days. No Temporary Homeless Encampment shall be permitted on any single property for more than 90 days in any calendar year.

Modification for Emergencies.

The provisions herein shall not apply when for the preservation of public health and safety the situation necessitates a need for emergency management planning and the application of MMC 2.48.

X.XX.XXX Revocation of Permit.

1. The Public Works Director may revoke a Temporary Homeless Encampment Permit for violation of any of the requirements of MMC 17.40.110. A decision of the Public Works Director to revoke a Temporary Homeless Encampment Permit may be appealed to the hearing examiner as provided in Chapter 17.40.090 MMC. The decision of the Public Works Director to revoke a Temporary Homeless Encampment Permit shall be stayed during any appeal to the hearing examiner, but the stay will be lifted if the hearing examiner upholds the revocation. The decision of the land use hearing examiner shall be final unless appealed to superior court within ten days or within such other time period as may be mandated by applicable state law.

2. Upon revocation of the Temporary Homeless Encampment Permit, all residents of the encampment must vacate the premises within forty-eight hours of revocation. The host shall be required to remove all physical evidences of the use and to restore or replant any required vegetation within one week of revocation.

3. Nothing contained in this chapter is intended to, nor shall be construed to, impose upon the city any duty that can become the basis of a legal action for injury or damage.