



McCleary City Council Agenda

January 10th, 2018 6:30 PM

Flag Salute

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

Public Hearing	<input type="checkbox"/>		Temporary zoning to permanent zoning
Mayor Comments	<input type="checkbox"/>		
Public Comment	<input type="checkbox"/>		
Minutes	<input type="checkbox"/>	Tab	A Dec 13th
Approval of Vouchers	<input type="checkbox"/>		

Staff Reports	<input type="checkbox"/>	Tab	B Dan Glenn
	<input type="checkbox"/>	Tab	C Todd Baun
	<input type="checkbox"/>	Tab	D Staff Reports

Old Business	<input type="checkbox"/>	Tab	E Fire District 5 Ambulance Services
	<input type="checkbox"/>	Tab	F Draft CAO update
	<input type="checkbox"/>	Tab	G Draft Development Incentives
	<input type="checkbox"/>	Tab	H Mobile Home Code Update

New Business	<input type="checkbox"/>	Tab	I Mayor Pro-Tem
	<input type="checkbox"/>	Tab	J Finance Committee
	<input type="checkbox"/>	Tab	K Evergreen Consulting Group Contract
	<input type="checkbox"/>	Tab	L Connections Contract

Ordinances	<input type="checkbox"/>	Tab	M Temporary zoning to permanent zoning
Resolutions			

Mayor/Council Comments

Public Comments

Executive Session

Adjournment or Recess Meeting

Previously Tabled Items

Please turn off Cell Phones- Thank you

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

The City of McCleary is an equal opportunity provider and employer.

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

TAB - A

CITY OF MCCLEARY
Regular City Council Meeting and Council Workshop
Wednesday, December 13, 2017

ROLL CALL AND FLAG SALUTE Councilmembers Richey, Peterson, Ator and Blankenship were in attendance.

ABSENT Councilmember Orffer was absent. **It was moved by Councilmember Ator, seconded by Councilmember Blankenship to excuse Councilmember Orffer's absence. Motion Carried 4-0.**

STAFF PRESENT Present at the meeting were Todd Baun, Wendy Collins, Chief Blumer and Dan Glenn.

PUBLIC HEARING None.

EXECUTIVE SESSION None.

MINUTES APPROVED **It was moved by Councilmember Ator, seconded by Councilmember Richey to approve the minutes from the meetings held on November 8, 13 and 29, 2017. Motion Carried 4-0.**

VOUCHERS Accounts Payable checks approved were 43528 - 43602 including EFT's in the amount of \$217,814.83.

Payroll checks approved were 43498 - 43665 including EFT's in the amount of \$265,038.30

Bank reconciliation for November 2017.

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

MAYOR COMMENTS Mayor Schiller commended Wendy Collins for a clean financial audit and gave kudos to Todd Baun and Steve Blumer for a good accountability audit in their departments. Mayor Schiller reviewed the accomplishments of the City employees over the past year. He thanked them all for their hard work and dedication to the City.

CITY ATTORNEY REPORT Dan Glenn provided a written report for the Council.

DIRECTOR OF PUBLIC WORKS REPORT Todd Baun provided a written report for the Council.

RESOLUTION 710 PAYROLL POLICY AND UPDATE TO THE CASH HANDLING POLICY To complete the requested policies by the State Auditors Office, Wendy Collins provided a payroll policy for consideration by the Council and also updated the previously adopted cash handling policy. Both policies are addressed in Resolution 710. **It was moved by Councilmember Ator, seconded by Councilmember Richey to adopt Resolution 710 A RESOLUTION IN RELATION TO CONFIRMING PROTOCOLS FOR PAYMENT OF CLAIMS. Resolution Adopted 4-0.**

COPY MACHINE CONTRACT The City's current copier is close to the end of its contact and has required recent repairs. Paul Morrison researched copiers and found one on the Washington State contract, which will save the City approximately \$46.00 per month. The new copier is also faster and has updated technology for versatility. **It was moved by Councilmember Ator, seconded by Councilmember Blankenship to authorize the Mayor to sign the Operational Lease with the State of Washington. Motion Carried 4-0.**

SKILLINGS CONNOLLY TIME EXTENSION The design contract for the 3rd Street Improvements Project is due to expire on December 31, 2017. Skillings Connolly requests an extension of the contract for time only by moving the completion date to March 31, 2018. **It was moved by Councilmember Ator, seconded by Councilmember Richey to authorize the Mayor to sign the Contract Time Extension, Supplement 8 with Skillings Connolly. Motion Carried 4-0.**

AED/FIRST AID EQUIPMENT PURCHASE	The Public Works crew identified several first aid and safety needs that are required and/or needed for the City to be compliant with safety standards, including L&I and OSHA. Todd Baun provided a list of items and cost from the U.S. Communities contract, which is a national cooperative purchasing program we are a part of. It was moved by Councilmember Ator, seconded by Councilmember Peterson to authorize the Mayor to sign the Purchase Order for the first aid and safety equipment as listed in the staff report request. Motion Carried 4-0.
GREATER GRAYS HARBOR ANNUAL AGREEMENT	It was moved by Councilmember Ator, seconded by Councilmember Blankenship to authorize the Mayor to sign the annual 2018 agreement with Greater Grays Harbor, Inc., in the amount of \$1,200.00. Motion Carried 4-0.
TEMPORARY ZONING TO PERMANENT ZONING	It was moved by Councilmember Ator, seconded by Councilmember Peterson to set a Public Hearing regarding making permanent the provisions of Ordinance 834. Motion Carried 4-0.
SWEARING IN OF NEW CITY COUNCILMEMBERS	<p>Wendy Collins swore-in the newly elected Councilmembers. Joy Iverson was sworn-in for Position 5, Brycen Huff was sworn-in for Position 2 and Jaron Heller was sworn-in for Position 3.</p> <p>Also sworn-in were Councilmember Ben Blankenship for Position 4 and Mayor Schiller for Mayor. Both were elected to continue in their current positions.</p> <p>Mayor Schiller, Councilmembers and City Employees all welcomed the new Councilmembers and look forward to working with each of them in the coming year.</p>
RESOLUTION 711 HONORING DUSTIN RICHEY	It was moved by Councilmember Ator, seconded by Councilmember Peterson to adopt Resolution 711 EXPRESSING APPRECIATION TO DUSTIN RICHEY FOR HIS SERVICE UPON THE CITY COUNCIL. Motion Carried 4-0.
RESOLUTION 712 HONORING LARRY PETERSON	It was moved by Councilmember Ator, seconded by Councilmember Blankenship to adopt Resolution 712 RECOGNIZING LARRY PETERSON'S ROLE IN MAKING MCCLEARY A BETTER PLACE TO LIVE AND TO WORK. Motion Carried 4-0.
RESOLUTION 713 HONORING PAM ATOR	It was moved by Councilmember Ator, seconded by Councilmember Blankenship to adopt Resolution 713 RECOGNIZING THAT PAM ATOR IS ENDING HER SERVICE AS A MEMBER OF THE CITY COUNCIL, AT LEAST FOR AWHILE. Motion Carried 4-0.
PUBLIC COMMENT	Mayor Schiller asked everyone to please stay and enjoy coffee and cupcakes in celebration of the outgoing Councilmembers.
EXECUTIVE SESSION	None.
MEETING ADJOURNED	It was moved by Councilmember Ator, seconded by Councilmember Peterson to adjourn the meeting at 7:12 pm and to cancel the meeting on December 27, 2017. The next meeting will be Wednesday, January 10, 2018 at 6:30 pm. Motion Carried 4-0.

Approved by Mayor Brent Schiller and Clerk-Treasurer Wendy Collins.

TAB - B

MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary
FROM: DANIEL O. GLENN, City Attorney
DATE: January 4, 2018
RE: LEGAL ACTIVITIES as of JANUARY 10, 2018

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

Happily, it has been a very quiet month since the last meeting. Thus, the report will be shorter than normal and thus will not be much of an assistance in going to sleep.

1. **ZONING CODE FINALIZATION:** As a matter of what might be over cautiousness, there will be a public hearing on the matter of finalization of the ordinance adopted as an emergency ordinance. There may or may not be public comment. However, after the public hearing I would recommend adoption of the ordinance which was adopted as an emergency ordinance, but which, if adopted, will become the provisions governing the location of hospitals and residential treatment facilities.

As an associated point, the litigation brought by Great Rivers BHO remains alive but on hold. Hopefully we will be able to resolve the issues without any further major expense.

2. **COMMITTEES & MAYOR PRO TEM POSITION:**

A. **Committees:** Under the provisions of RCW 35A.12 and the associated statutes, the number of committees, their size, and their membership are decisions of the Council. To my knowledge, the only committee which is theoretically existent is a finance committee pursuant to a recommendation of the State Auditor a few years ago.

In terms of Council committees, the Mayor may make suggestions both as to committees to be created and membership,

but you have the call. The duration of membership is within the discretion of the Council. While some cities have an annual or biennial review of the committees' constituency, historically when a committee exists, McCleary has followed a process that you are on the committee until you no longer desire to so serve.

B. Mayor pro tem selection: The process is the same as with committees, the choice is in the discretion of a majority of the Council. As to the term, it is my memory that our history is the selection has been made annually, however a biennial process would not be unusual for Code cities. As the past has shown and Council Member Orffer can affirm, the position carries with it the duties of being ready to assume the task of mayor upon an intermittent basis when the Mayor is absent.

3. PENDING ORDINANCES:

A. Critical Areas & Development Incentives: From a discussion with Todd, it is my understanding that Paul and he have completed their review of the drafts I developed and provided. Thus, he indicated that copies will be provided to you for your review prior to requesting action.

As much of a distraction as it can be, the Critical Areas ordinance is likely the one to which the most interest should be directed. That is not only because it is one which covers many areas affecting activities within the City, but also because it has been pending for a period coming up on four years. (As I have mentioned in prior Reports, the prior building official had started work upon an update, but when he left to begin working for another city, it apparently "fell to the roadside." The draft has been reviewed by the responsible staff at the WADOE but still, when adopted, it will be sent to them for their final approval.

B. Manufactured Home Siting: I have partially completed a draft of this ordinance. Council Member Blankenship and I have discussed the alternatives. Based upon a review of how other cities have handled the matter, the approach taken by the City of Black Diamond continues to appear to be the most practical and effective approach. Thus, you will have a draft "morphed" from that approach for initial review. Since zoning is involved, it likely will have to go to the hearing examiner for review and recommendation.

4. CONTRACT FOR EMS SERVICES WITH FD #5: A contract draft will be provided which is the result of somewhat extended discussions. The monetary amount is more than we would prefer to pay, but less than the District would like to be paid. Provision is also made for annual adjustments during the five year term

with a cap both as to the minimum and maximum adjustments. The CPI tool to be used is modified from that used in the past and will be only the "All City" CPI. That is based upon a discussion with Ms. Nelson, MRSC's fiscal consultant, who suggested that given the fact that the second component used in the past was going to be changed from Seattle/Tacoma/Bremerton to Seattle/Tacoma/Bellevue, inclusions of that group could result in greater increase. Provision is also included clarifying the matter of the location of District's equipment/unit at the City Fire Department.

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

DG/le

TAB - C

STAFF REPORT

To: Mayor Schiller
From: Todd Baun, Director of Public Works
Date: January 5th, 2018
Re: Current Non-Agenda Activity

IT Request for Proposals

I have been working on getting the IT request for proposals ready will have a recommendation for Council at the January 24th meeting.

GH County all hazards plan

I have been working on the City's portion of the Grays Harbor County all hazards plan update.

Net Metering

We are continuing on working with WSU, Town of Steilacoom and Mason PUD 3 to get information, policies, and forms together to get our Net Metering program started.

Council Chambers Touch-up

The City public works crew and Brad have been working on the Council chambers since the last council meeting. They have done an outstanding job to make a tired room look great again.

TAB - D

Building and Planning Staff Report

To: Mayor and City Council

From: Paul Morrison

Date: January 1st, 2018

Re: December, Building and Planning Department Activity.

New Permit Activities for December 2017

125 Wildcat Drive	Ductless Heat Pump	Total Fee \$ 87.70
400 West Simpson Avenue	Ductless Heat Pump	Total Fee \$ 176.96
Building Department Related Revenues	Total fees charged for December \$ 264.66	Total fees collected for December \$ 1,227.63

Permit Activity Totals

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
New Homes Permitted for 2015 2	All Permits Issued for 2015 52	Total Fees Charged for 2015 \$ 52,499.28
New Homes Permitted for 2014 3	All Permits Issued for 2014 89	Total Fees Charged for 2014 \$ 59,695.93
New Homes Permitted for 2013 3	All Permits Issued for 2013 79	Total Fees Charged for 2013 \$ 69,743.57
New Homes Permitted for 2012 6	All Permits Issued for 2012 97	Total Fees Charged for 2012 \$ 123,164.28
New Homes Permitted for 2011 1	All Permits Issued for 2011 37	Total Fees Charged for 2011 \$ 24,803.65

Nuisances for the Month of December:

- 1060 North Summit Road (8.16)
- 560 North Summit Road (8.16)
- 204 West Fir (8.20)
- 200 Wildcat Drive (8.20)
- 412 South 3rd Street (8.20)
- 413 South 3rd Street (8.20)
- 115 South 5th (8.20)
- 126 South 5th Street (8.20)
- 221 South Main (8.20)
- 108 North 10th Street (8.20)
- 222 West Oak Street (8.16)
- 503 South Main Street (8.16)

STAFF REPORT

To: Mayor Schiller
From: Paul Nott, Light & Power
Date: January 4, 2018
Re: December Report



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

The end of the year total were as such:

New Services;	29
System Outages;	28
Pole Replacements;	7
Maintenance Work Orders;	48
Billable Work Orders;	32

This last month consisted of 1 more new service, 2 outages and 4 maintenance work orders. The crew also worked on decorating the City for Christmas. Preparations typically take approximately a week. Luckily, the take down is a lot quicker.

Our outages were; 1 due to wind and the other was a single customer secondary fault.

The New Year will bring more cut over work, the Third Street project and maybe some underground primary replacement on the north end.

Hopefully everyone had a great holiday and a safe 2018.

If you have any questions feel free to contact us...

City Of McCleary Police Report: Chief Steve Blumer
 Reporting Officer: Chief Blumer
 Month Of December
 2017
 City Mayor: Brent Schiller

City Council Members:
 Position 1: Brenda Orffer
 Position 2: Brycen Huff
 Position 3: Jaron Heller
 Position 4: Ben Blankenship
 Position 5: Joy Iversen



Violent & Property Crimes

Murder	
Rape	
Assault	
Robbery	
Harassment / Domestic	7
Theft	2
Trespass	1
Stalking	
Found Property	4
Warrant Arrest	3
Burglary	1

TOTAL 18

Other Emergent Calls

FIRE	20
Suicide	1
Missing Person	3
Disorderly Conduct	5
Drug Incidents	
Man Down	1
911	1
Alarm	
Display	
Sex offense	
TOTAL	31

Traffic Stops and Violations

DUI	1
Accident	4
Stolen Vehicle/Recovery	
Abandon Vehicle	3
Parking Enforcement	
Motorist Assist	2
Fatal Accident	
Subject Stop	
Traffic Stop	21
Reckless	4
Vehicle prowl	

TOTAL 35

Other Non Emergent Calls

Noises Complaints	
Code Enforcement	6
Agency Assist	6
Police Referral	7
Citizen Assist	
Suspicious	20
Juvenile	
Welfare Check	4
Other	7
Fraud	1
Court Order	1
TOTAL	52

Total Calls For The Month 136

TAB - E

STAFF REPORT

To: Mayor Schiller
From: Todd Baun- Director of Public Works
Date: January 5, 2018
Re: Fire District 5 Ambulance Services

The Mayor will have an update on the Ambulance service contact with Fire District 5.

TAB - F

STAFF REPORT

To: Mayor Schiller
From: Todd Baun, Director of Public Works
Date: January 5th, 2018
Re: Critical Areas Ordinance (CAO) Update

Local governments are required to periodically update their critical areas ordinance (CAO). When a critical areas ordinance is out of date, it can negatively affect the ability of the city from receiving much-needed grants or loans. I have attached our last update was Ordinance #703 in July of 2003.

Counties and cities are required to include the best available science in developing policies and development regulations to protect the functions and values of critical areas (RCW 36.70A.172). All jurisdictions are required to review, evaluate, and, if necessary, revise their critical areas ordinances according to an update schedule.

I have also attached our draft version that Paul M., Dan, and myself have been working on for the past several months.

Action Requested:

No Action. This is for your information for action in the upcoming months.

ORDINANCE NO. 703

AN ORDINANCE RELATING TO CRITICAL AREAS;
ADOPTING DEFINITIONS, ESTABLISHING
PROCEDURES; ADDING NEW SECTIONS TO CHAPTER
18 OF THE MUNICIPAL CODE; AND PROVIDING AN
EFFECTIVE DATE.

R E C I T A L S:

1. The Council and Mayor have received the recommendations of the Planning Commission and staff as to the implementation of an ordinance relating to critical area delineation, processing, protection, and related matters.

2. It is the intention of the Council to adopt the recommendations.

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

SECTION I: Purpose: It is not the intent of this Chapter to deny a reasonable use of public or private property, but to assure that land development occurs in a manner that will protect critical areas, which includes wetlands, aquifer recharge areas, geologically hazardous areas, and fish and wildlife habitat conservation areas. Furthermore, this Chapter is

intended to meet the requirements established by Sections 36.70A.060(2), 36.70A.172, and 36.70A.175 of the Revised Code of Washington.

SECTION II: Definitions:

1. Administrator: the City Administrator, 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: an area with a critical recharging effect on an aquifer that is vulnerable to contamination and is used as a sole source of potable water supply. Aquifer recharge areas are those areas designated pursuant to:

- a. The Federal Safe Drinking Water Act;
- b. Regulation of Public Ground Waters, Chapter 90.44 RCW;
- c. Water Pollution Control, Chapter 90.48 RCW;
- d. Water Resources Act, Chapter 90.54 RCW;
- e. Groundwater Management Areas, Chapter 173-100 WAC;

and

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

4. Critical areas: includes the following areas and ecosystems as defined in RCW 36.70A.030 and WAC 365-195-200:

a. Wetlands;

b. Areas with a critical recharging effect on aquifers used for potable water;

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.

SECTION III: Compliance with Critical Areas

Protection: All public and private land uses in the City of McCleary shall comply with the requirements of this chapter as a

condition to any permit requested under Title 15, 16, and 17 of the McCleary City Code. The City shall deny any permit that fails to protect a critical area as required in this Chapter, except as provided in Section 18.04 and 18.05.

SECTION IV: 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;
- F. Public parks;
- G. Site investigation work necessary for land use applications; and
- H. Forest practices governed by RCW 76.09.

SECTION V: Emergency Work in Critical Areas: The Mayor may authorize emergency work in critical areas without a permit if that official determines an imminent threat to public

health or safety will occur before completion of normal permit procedures. Emergency work shall be limited to abating the emergency only and restoration of the critical area, if possible, shall follow the emergency.

SECTION VI: Technical Assessments Required:

A. Applications for any permit approval under Title 15, 16, and 17 of the McCleary City Code shall indicate whether any critical area is located on or within 200 feet of the site. The Administrator 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 Title 16 and 17 or permit issued under Title 15.

B. It shall be 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 Title 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 VII: Wetland Delineation and Protection:

A. 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. Jeopardize federally listed endangered and threatened species.

B. 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. If the location, designation, or classification of a wetland shown on any map adopted by reference through this ordinance or the Comprehensive Land Use Plan is in conflict with the determination of any field investigation, the latter shall prevail.

C. 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.

D. 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:

1. Buffer widths are measured perpendicularly from the wetland boundary;

2. Buffer widths are determined according to a wetland's rating:

a. Category I wetlands require a buffer width of 200 feet;

b. Category II wetlands require a buffer width of 100 feet;

c. Category III wetlands require a buffer width of 50 feet; and

d. Category IV wetlands require a buffer width of 25 feet.

3. 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.

E. 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.

F. 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 Section VII(A) of this Chapter; and
4. Recommendations for mitigating adverse environmental impacts on wetland values and functions during construction and post-construction.

SECTION VIII: Geologically Hazardous Areas Delineation and Protection:

A. The City shall regulate development activities in geologically hazardous area to protect the public's health, safety, and welfare. Development activities in geologically hazardous areas shall:

1. Minimize erosion and movement of sediment;
2. Preserve or replace vegetation in erosion hazard areas;
3. Prevent increased surface water discharge to adjacent properties;
4. Prevent decreased slope stability on adjacent properties; and

5. Design or mitigate projects in geologically hazardous areas to eliminate unsafe conditions to on- and off-site property owners.

B. The City adopts by reference the following maps and best available science resources for delineating geologically hazardous areas in the City of McCleary and the Urban Growth Area:

1. Soil Survey of Grays Harbor County Area, Pacific County, and Wahkiakum County Washington, Map Sheet 41, USDA, 1986;

2. Geologic Map of the South Half of the Shelton and South Half of the Copalis Beach Quadrangles, Washington, Washington Division of Geology and Earth Resources, 1987; and

3. If the location, designation, or classification of a geologically hazardous 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.

C. A qualified expert shall prepare any technical assessment required by the City for a geologically hazardous area. The report shall:

1. Determine the exact boundaries of all geologically hazardous areas affecting the site and the impact of the proposed development on the standards set forth under Section VII(A) of this Chapter; and

2. Recommend mitigation measures to ensure compliance with the standards set forth under Section VIII(A) or, if mitigation is not possible, recommendations for adequate buffers from the hazard or hazards to protect public health, safety, and welfare.

SECTION IX: 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; and

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 Section IX(A) of this Chapter; and
3. Recommended mitigation measures to ensure compliance with the standards set forth under Section IX(A).

SECTION X: 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:

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

b. Salmon and Steelhead Limiting Factors, Water Resource Inventory Areas 22 & 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 200 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 (200') of the site;

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

3. Recommended mitigation measures to ensure compliance with the standards set forth under Section IX(A). In cases where a fish and wildlife habitat conservation area is on or adjacent to a development site, a minimum separation of up to fifty feet (50') may be required for regulated uses if the technical assessment indicates the need for such a buffer.

SECTION XI: Surety for Mitigation Improvements: The City may require the applicant to submit a surety for the construction and/or maintenance of any mitigation measures

required under this Chapter for a period not to exceed three years. The value of a construction surety shall be not less than one-hundred and twenty-five (125) percent of the contract cost for the mitigation improvement as estimated by the City Engineer. The value of a maintenance surety shall be not less than fifteen (15) percent of the total value of the mitigation improvement as estimated by the City Engineer. The surety shall meet the approval of the City Attorney.

SECTION XII: Sections I through XII of this ordinance shall constitute new sections in Chapter 18.08 of the Municipal Code.

SECTION XIII: 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 nor the application or validity of the challenged portion to any other situation or matter to which it applies.


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 XIV: This Ordinance shall take effect upon the fifth day following date of publication of a synopsis thereof.

PASSED THIS 23rd DAY OF JULY, 2003, by the City Council of the City of McCleary, and signed in approval therewith this 23rd day of July, 2003.

CITY OF McCLEARY:


WALLACE BENTLEY, Mayor

ATTEST:


DONNIE ROSTEDT, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

STATE OF WASHINGTON)
 : ss.
GRAYS HARBOR COUNTY)

I, DONNIE ROSTEDT, being the duly appointed Clerk-Treasurer of the City of McCleary, do certify that I caused to have published in a newspaper of general circulation in the City of McCleary a true and correct summary of Ordinance Number 703 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 703, as it was

ORDINANCE - 17
07/23/2003
DG/le

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

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, ESTABLISHING PROCEDURES; ADDING NEW SECTIONS TO CHAPTER 18 OF THE MUNICIPAL CODE; 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 1: 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: an area with a critical recharging effect on an aquifer that is vulnerable to contamination and is used as a sole source of potable water supply. Aquifer recharge areas are those areas designated pursuant to:

- a. The Federal Safe Drinking Water Act;
- b. Regulation of Public Ground Waters, Chapter 90.44 RCW;
- c. Water Pollution Control, Chapter 90.48 RCW;
- d. Water Resources Act, Chapter 90.54 RCW;
- e. Groundwater Management Areas, Chapter 173-100 WAC; and
- f. Water Quality Standards for Groundwater, Chapter 173-200

WAC.

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;
- 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.

SECTION II: Section 18.08.055 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;

G. Site investigation work necessary for land use applications; and

H. (~~(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.

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

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.

B. Development Proposals within Interrupted Stream or Wetland

Buffers:

Adjacent areas that may be physically separated from a stream or wetland due to existing, legally established structures or paved areas may be exempted from the prescribed buffer widths if proven scientifically to be functionally isolated from the stream or wetland. The director will require the applicant to provide a site assessment and functional analysis documentation report by a qualified critical area consultant that demonstrates the interrupted buffer area is functionally isolated. The director shall consider the hydrologic, geologic, and/or biological habitat connection potential and the extent and permanence of the physical separation.

SECTION IV: A new section shall be created in Chapter 18.08 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 V: 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 VI: A new section shall be added to Chapter 18.08 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 VII: 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 VIII: 18.08.040 and Section 3, Ordinance 703 are 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 City 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 IX: Section 18.08.050 and Section 4, Ordinance 703 are amended to read as follows:

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

1. Conservation, enhancement, restoration, or preservation measures or projects.

2. Low intensity, passive recreational uses.

3. Short-term scientific studies and educational uses.

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

5. 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 upon approval of the Director.

6. (~~((Public parks. 7.))~~) Site investigation work necessary for land use applications. (~~(and)~~)

~~((8)). Forest practices governed by RCW 76.09))~~

7. 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": 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 X: 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 City Code shall indicate whether any critical area is located on 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 XI: 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

	Buffer width (in feet) based on habitat score			
Wetland Category	3-4	5	6-7	8-9
Category I:	75	90	120	150

Based on total score				
Category I: Forested	75	90	120	150
Category I: Bogs and Wetlands of High Conservation Value	190			
Category I: Alkali	150			
Category II: Based on total score	75	90	120	150
Category II: Vernal pool	150			
Category II: Forested	75	90	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	A. Direct lights away from wetland
Noise	B. Locate activity that generates noise away from wetland C. If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source D. For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
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 150 ft of wetland · Apply integrated pest management
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 · Use Low Intensity Development techniques (for more information refer to the drainage ordinance and manual)
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

Disturbance	Required Measures to Minimize Impacts
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 using vegetation appropriate for the ecoregion; · Place wetland and its buffer in a separate tract or protect with a conservation easement
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	6-7	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.

SECTION XII: Section 18.08.110 and Section 11, Ordinance 703 are each emended 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 XIII: A new section shall be added to Chapter 18.08 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 XIV: There shall be added to Chapter 18.08 a new section 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 XV: 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 XVI: 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 of acceptance of the completed application.

SECTION XVII: 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 _____, 2017,
by the City Council of the City of McCleary, and signed in approval therewith this
_____ day of _____, 2017.

CITY OF McCLEARY:

BRENT SCHILLER, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

TAB - G

STAFF REPORT

To: Mayor Schiller
From: Todd Baun, Director of Public Works
Date: January 5th, 2018
Re: Development Incentives

Dan, Ben, Paul and I have been looking at possible development incentives the city could provide to for builders in the City. We have found that there is several potential incentives that we could legally provide. Below and attached is information that I have found. I have also provided a draft that was previously provided to Council. Please review and we will be coming back to this subject in the next few months. In the meantime, let us know if you have any questions on any of these incentives or if you have any ideas on possible incentives.

RCW 36.70A.540**Affordable housing incentive programs—Low-income housing units.**

(1)(a) Any city or county planning under RCW [36.70A.040](#) may enact or expand affordable housing incentive programs providing for the development of low-income housing units through development regulations or conditions on rezoning or permit decisions, or both, on one or more of the following types of development: Residential; commercial; industrial; or mixed-use. An affordable housing incentive program may include, but is not limited to, one or more of the following:

- (i) Density bonuses within the urban growth area;
- (ii) Height and bulk bonuses;
- (iii) Fee waivers or exemptions;
- (iv) Parking reductions; or
- (v) Expedited permitting.

(b) The city or county may enact or expand such programs whether or not the programs may impose a tax, fee, or charge on the development or construction of property.

(c) If a developer chooses not to participate in an optional affordable housing incentive program adopted and authorized under this section, a city, county, or town may not condition, deny, or delay the issuance of a permit or development approval that is consistent with zoning and development standards on the subject property absent incentive provisions of this program.

(2) Affordable housing incentive programs enacted or expanded under this section shall comply with the following:

(a) The incentives or bonuses shall provide for the development of low-income housing units;

(b) Jurisdictions shall establish standards for low-income renter or owner occupancy housing, including income guidelines consistent with local housing needs, to assist low-income households that cannot afford market-rate housing. Low-income households are defined for renter and owner occupancy program purposes as follows:

- (i) Rental housing units to be developed shall be affordable to and occupied by households with an income of fifty percent or less of the county median family income, adjusted for family size;
- (ii) Owner occupancy housing units shall be affordable to and occupied by households with an income of eighty percent or less of the county median family income, adjusted

for family size. The legislative authority of a jurisdiction, after holding a public hearing, may establish lower income levels; and

(iii) The legislative authority of a jurisdiction, after holding a public hearing, may also establish higher income levels for rental housing or for owner occupancy housing upon finding that higher income levels are needed to address local housing market conditions. The higher income level for rental housing may not exceed eighty percent of the county area median family income. The higher income level for owner occupancy housing may not exceed one hundred percent of the county area median family income. These established higher income levels are considered "low-income" for the purposes of this section;

(c) The jurisdiction shall establish a maximum rent level or sales price for each low-income housing unit developed under the terms of a program and may adjust these levels or prices based on the average size of the household expected to occupy the unit. For renter-occupied housing units, the total housing costs, including basic utilities as determined by the jurisdiction, may not exceed thirty percent of the income limit for the low-income housing unit;

(d) Where a developer is utilizing a housing incentive program authorized under this section to develop market rate housing, and is developing low-income housing to satisfy the requirements of the housing incentive program, the low-income housing units shall be provided in a range of sizes comparable to those units that are available to other residents. To the extent practicable, the number of bedrooms in low-income units must be in the same proportion as the number of bedrooms in units within the entire development. The low-income units shall generally be distributed throughout the development and have substantially the same functionality as the other units in the development;

(e) Low-income housing units developed under an affordable housing incentive program shall be committed to continuing affordability for at least fifty years. A local government, however, may accept payments in lieu of continuing affordability. The program shall include measures to enforce continuing affordability and income standards applicable to low-income units constructed under this section that may include, but are not limited to, covenants, options, or other agreements to be executed and recorded by owners and developers;

(f) Programs authorized under subsection (1) of this section may apply to part or all of a jurisdiction and different standards may be applied to different areas within a jurisdiction or to different types of development. Programs authorized under this section may be modified to meet local needs and may include provisions not expressly provided in this section or [RCW 82.02.020](#);

(g) Low-income housing units developed under an affordable housing incentive program are encouraged to be provided within developments for which a bonus or incentive is provided. However, programs may allow units to be provided in a building located in the general area of the development for which a bonus or incentive is provided; and

(h) Affordable housing incentive programs may allow a payment of money or property in lieu of low-income housing units if the jurisdiction determines that the payment achieves a result equal to or better than providing the affordable housing on-site, as long as the payment does not exceed the approximate cost of developing the same number and quality of housing units that would otherwise be developed. Any city or county shall use these funds or property to support the development of low-income housing, including

support provided through loans or grants to public or private owners or developers of housing.

(3) Affordable housing incentive programs enacted or expanded under this section may be applied within the jurisdiction to address the need for increased residential development, consistent with local growth management and housing policies, as follows:

(a) The jurisdiction shall identify certain land use designations within a geographic area where increased residential development will assist in achieving local growth management and housing policies;

(b) The jurisdiction shall provide increased residential development capacity through zoning changes, bonus densities, height and bulk increases, parking reductions, or other regulatory changes or other incentives;

(c) The jurisdiction shall determine that increased residential development capacity or other incentives can be achieved within the identified area, subject to consideration of other regulatory controls on development; and

(d) The jurisdiction may establish a minimum amount of affordable housing that must be provided by all residential developments being built under the revised regulations, consistent with the requirements of this section.

[[2009 c 80 § 1](#); [2006 c 149 § 2](#).]

ORDINANCE NO. _____

AN ORDINANCE RELATED TO DEFERRAL OF PAYMENT OF IMPACT FEES AND SYSTEM DEVELOPMENT CHARGES, ADDING A NEW CHAPTER TO TITLE 13, PROVIDING FOR AN EFFECTIVE DATE AND SEVERABILITY.

R E C I T A L S:

1. RCW 35.92.025 authorizes, and the City Council has previously determined, through adoption of such provisions, it is reasonable and in the public interest to enact and impose utility systems development charges, commonly referred to as connection fees. They have been imposed for the purpose of recovering a fair share of the costs of providing existing utility system infrastructure to serve new customers or revised uses of existing customers. Such charges achieve the purpose of reimbursing the City's utilities for the cost of construction of available capacity for electrical, sanitary sewer, and water facilities to serve those properties, which as part of their development and use, create direct or indirect needs for those facilities.

2. Based upon review of actions by other municipalities of this State, it has been determined the deferral of payment of certain fees until either a certificate of occupancy was issued, or a sale on a property closed, has been beneficial in encouraging the construction of residential units

and non-residential projects, as well as expansions of existing non-residential development occurring, all of which benefitted those City's residential and non-residential development inventory, provided employment opportunities, and resulted in increased revenue for government services.

3. Based upon the information provided to it by Staff, the City Council finds as follows:

A. That adoption of such a program will not only provide flexibility to applicants for residential and non-residential development on the timing of payment of certain fees and system development charges, but also that the provisions will be beneficial to the future of the City.

B. That it is in the interest of the public health, safety and welfare to adopt this ordinance to promote continued economic development in the City

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

Section 1: Deferral of Payment of Connections Fees:

A. Residential Properties: For residential development including for new development, redevelopment, or a change in use, prior to issuance of a permit application, the applicant may elect to agree to record a lien against title to the property on forms prepared and provided by the City that requires payment of electrical, water, and sanitary sewer development charges which would otherwise be due and owing at

the time of request for the connection of the respective utility by providing for automatic payment through escrow of these development charges in the event of payment at the time of the closing of the sale of the structure.

1. Such forms may require personal guarantee of payment of the obligation by the applicant or the applicant's principal.

2. Such deferred charges shall be due and payable upon the earlier occurring of the sale of the permitted structure, final inspection or issuance of certificate of occupancy, or _____ months from the date of issuance of the original building permit.

3. Failure to timely pay shall result in the following:

a. Written notification of the failure to timely pay shall be sent by regular and certified mail, return receipt requested, to the most current available contact information on file with the City.

b. If 30 days after the City has sent the responsible party written notification of the obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions, including suspension of utility services to the property.

c. For the purposes of applying enforcement and collection action, the responsible party shall constitute the

property owner or any party which executed the request for deferral or guaranteed the same, the property or properties for which a permit or permits issued pursuant to the application shall constitute the property as to which the violation by non-compliance is occurring, and the non-payment of any amount remaining unpaid shall constitute a violation occurring on the permitted property or properties under these sections.

d. If not so authorized by the documents executed at the time of the request for deferral, any unpaid charges that are outstanding 30 days from the date the charges are due shall, as provided by the agreement upon which the deferral was agreed to and applicable law, including RCW 35.67.190, constitute a lien against the property or properties for which a permit or permits had been issued in the amount of the unpaid charges plus interest in such amount as may be allowed by law, including RCW 35.67.200, upon the deferred amount from the date of issuance of the permit. In addition to any other enforcement actions authorized by this ordinance, the City may take the following actions until such time as all outstanding electrical, water, and sanitary sewer development/connection charges are paid in full:

1. Record a lien against the permitted property or properties in the amount of the unpaid charges;
2. Immediately suspend any permits previously issued for the property, properties, or unit associated with the

current development activity and shall limit the granting of any future permits for the lot or unit; and

3. Discontinue or deny service of the covered utilities to the property, properties, or unit.

B. Nonresidential Properties: For nonresidential development composed of new development, redevelopment, or a change in use of nonresidential properties, including commercial office and retail uses, light and heavy manufacturing uses, but excluding warehousing and distribution uses, prior to the issuance of any permit application and following the execution of a payment agreement on forms prepared and provided by the city, the applicant may elect to pay electrical, water, and sewer connectio charges otherwise due no later than prior to issuance of certificate of occupancy or ____ months from the date of issuance of the original building permit, whichever comes first. Breach of the commitments entered by the applicant, including a failure to pay in a timely manner, shall allow the City to take the enforcement actions set forth in Section I.A.3.

If 30 days after the city has sent the responsible party written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions of set forth in Section I.A.3 of this ordinance.

SECTION II: For ease of access and general application to the utilities governed by Title 13 MMC, Section I shall be codified as a new chapter in Title 13 of the Municipal Code.

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

SECTION V: 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 _____,
2017, by the City Council of the City of McCleary, and signed

in approval therewith this _____ day of _____,
2017.

CITY OF McCLEARY:

BRENT SCHILLER, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, 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 _____, 2017, by WENDY COLLINS.

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

TAB - H

STAFF REPORT

To: Mayor Schiller
From: Todd Baun, Director of Public Works
Date: January 5th, 2018
Re: Mobile Home Code Update

Councilmember Blankenship had asked to have information regarding mobile home placements. Previously, a question was brought up about mobile homes going into an R-1 zone. After further research, he found you can't restrict them from going in. He thinks this is something the Council might want to discuss.

Dan has partially completed a draft of this ordinance. Council Member Blankenship and Dan have had discussions about the alternatives the City can require for mobile homes.

This subject will also be brought up in the next few months and since zoning is more than likely involved, it likely will have to go to the hearing examiner for review and recommendation before any changes can be made.

TAB - I

STAFF REPORT

To: Mayor Schiller
From: Todd Baun, Director of Public Works
Date: January 5th, 2018
Re: Mayor Pro Tem

RCW 35A.13.035**Mayor pro tempore or deputy mayor.**

Biennially at the first meeting of a new council, or periodically, the members thereof, by majority vote, may designate one of their number as mayor pro tempore or deputy mayor for such period as the council may specify, to serve in the absence or temporary disability of the mayor; or, in lieu thereof, the council may, as the need may arise, appoint any qualified person to serve as mayor pro tempore in the absence or temporary disability of the mayor. In the event of the extended excused absence or disability of a councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability.

[[2009 c 549 § 3020](#); [1969 ex.s. c 81 § 1](#).]

TAB - J

STAFF REPORT

To: Mayor Schiller
From: Todd Baun, Director of Public Works
Date: January 5th, 2018
Re: Finance Committee

Each year we have 2 council members on our finance committee. Our finance committee meets before the 1st council meeting every month. We go over the current state of the budget and upcoming expenditures.

Here is more information about committees from MRSC.

Council committees are policy review and discussion arms of the city/county council that have been created to assist the council in examining issues that may come before it in greater depth and detail. Committees study issues and develop recommendations for consideration by the council. Committees do not take binding action on behalf of the city/county.

Two types of committees exist at the local level:

- **Standing committees** are permanent bodies with jurisdiction over specific ongoing policy areas such as finance and public safety.
- **Ad hoc committees** are temporary committees established to investigate and advise on more short-term issues and problems.

While there is no statute that specifically addresses the establishment and operation of internal city council committees, MRSC believes the authority for this can be found in [RCW 35A.12.120](#), which provides, in part: "The council shall determine its own rules and order of business and may establish rules for the conduct of council meetings and the maintenance of order." Under this authority, the city council may enact rules and regulations to govern the conduct and operations of the city council. This authority includes the ability to determine if and when standing committees will be utilized, what the committees will be, how they will conduct their business, and how their members will be appointed.

TAB - K

STAFF REPORT

To: Mayor Schiller
From: Todd Baun- Director of Public Works
Date: January 5, 2018
Re: Contract with Evergreen Consulting Group

The City has been working Evergreen Consulting Group for the past several years and it has gone extremely well.

I have provided a contract and budget with Evergreen Consulting Group. This will not cost the City any money out of pocket, since the City receives “performance payments” from BPA to cover internal customer administrative costs incurred in support of energy savings activities.

Action Requested:

Please discuss and allow the Mayor to sign the contract with Evergreen Consulting Group.

City of McCleary (CMC)
Commercial and Residential Energy Efficiency Programs
Technical Assistance proposal from Evergreen Consulting Group (ECG)
January 1, 2018 through December 31, 2018
1/4/18

Scope:

Provide program management and operation support for CMC's Commercial and Residential Energy Efficiency Programs.

Included in the management and operations of the program are the following elements:

- Providing technical energy efficiency program assistance to CMC's customers (at the direction of Todd Baun or Paul Morrison) at their sites in the CMC service area for up to two days a month. The technical assistance can consist of conducting commercial lighting audits, pre and post verifications of commercial lighting projects, pre and post verifications of residential weatherization and ductless heat pump projects and other site verifications as requested by Todd Baun or Paul Morrison for CMC's customer energy efficiency projects. It will also include preparing proposals for CMC customers including recommending energy efficient lighting, consulting with Trade Allies to encourage their participation in CMC's programs.
- Preparing customer agreements (CMC's agreement), ensuring they are signed and customers are instructed as to the necessary documentation for Incentives from CMC once the energy efficiency project is completed.
- Assembling the completed packages of paper work including the customer agreement, pre and post verifications, customer invoices, disposal forms and incentive request forms. These completed packages will be provided to CMC management.
- There will be a monthly tracking report presented to CMC management.
- CMC will be responsible to issue the incentive checks to the customer and ECG will enter completed projects into the BPA reporting system.
- Evergreen will submit monthly invoices to CMC for Evergreen's Labor and other expenses.

The on site technical assistance will be provided typically by Andy Gerde or other Evergreen Lighting Specialists with backup from Mike Porter.

Agreed to the above:

Agreed to the above:

City of McCleary

Evergreen Consulting Group, LLC

Date

Date

To City of McCleary
 From: Evergreen Consulting Group LLC
 Time Period: January 1, 2018 to December 31, 2018

<u>Evergreen Consulting Team</u>	<u>Hourly Rate</u>
Matt Gibbs, Program Director	\$ 138
Mike Porter, Program Manager	\$ 118
Andy Gerde, Lighting Specialist	\$ 105

Task Description:	Evergreen Consulting Group Hours			Costs		
	Matt	Mike	Andy	Directs	Directs - Notes	Total Cost Labor+Directs
Monthly site visit to CMcC service area for pre & post lighting, ductless heat pump, weatherization inspections and trade ally support (up to 1 day/month)			60	\$ 300	Lodging/travel/meals	\$ 6,600.00
Office followup with cust & trade allies-review audits, approve & notify trade allies's (1 hr /month)			12			\$ 1,260.00
Supervision, project file completion, project tracking & followup with trade allies		36				\$ 4,248.00
Directing project	3					\$ 414.00
Completed projects submitted to CMcC for BPA submittal (2 per month)		24				\$ 2,832.00
	3	60	72	\$ 300		\$ 15,354.00

Budget Assumptions:

CMcC pays incentives to customers & Evergreen enters data in BPA system

TAB - L

STAFF REPORT

To: Mayor Schiller
From: Todd Baun, Director of Public Works
Date: January 5th, 2018
Re: Connections Contract

This is a renewal of our long time contract with the Children's Advocacy Center (CAC) of Grays Harbor. The CAC is has now changed their name to Connections: A Center For Healthy Families!

This is taken from the Connections Website.

“The Justice Program provides support to families and professionals as they navigate the child abuse system. We are a place for children, who may have been abused, to tell their story. Our multidisciplinary team includes prosecutors, law enforcement, advocates, Child Protective Services investigators, medical and mental health professionals to ensure that children and families are treated with dignity and respect as they navigate our systems. We support children and non-offending family members.”

Chief Blumer can provide more information about this program if you have any questions.

Action Requested:

Please allow the Mayor to sign the contract with Connections.

MUNICIPAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into this day by and between the **CITY OF McCleary**, a municipal corporation, hereinafter referred to as the “**CITY**”, and **CONNECTIONS**, hereinafter referred to as the “**AGENCY**”.

WITNESSETH: It is hereby covenanted and agreed as follows:

WHEREAS, the **CITY** desires to have certain services performed, as hereinafter set forth, requiring specialized skills and other support capabilities; and

WHEREAS, the **AGENCY** represents that it is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise where required, to perform the services set forth in this contract;

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, the parties hereto agree as follows:

1. **SERVICES.** The **AGENCY** shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance, as are identified as **AGENCY** responsibilities throughout this Agreement. The **AGENCY** agrees to provide child assault criminal investigation consultation when requested, forensic child victim interviews when requested, training to law enforcement personnel when requested, full case investigations when requested, suspect interviews when requested, investigation related documentation and reports, court related testimony and child and family support services.
2. **REPORTING REQUIREMENTS.** The **AGENCY** shall submit periodic reports as required by the **CITY**, which may include, but not be limited to, a fiscal year, revenue and expenditure report, and final evaluation report.
3. **DURATION OF AGREEMENT.** The effective date of this Agreement shall be **January 1, 2018** and shall terminate on **December 31, 2018**. The Agreement may be extended or amended upon mutual agreement between the parties hereto and pursuant to the terms and conditions of this Agreement.
4. **COMPENSATION AND METHOD OF PAYMENT.** The **CITY** shall compensate the **AGENCY** for the services performed under this Agreement in an amount of **\$4,000** payable in one annual or in four quarterly installments. The **AGENCY** will provide up to **87** hours of service for this fee. The **AGENCY** will provide a quarterly report denoting hours used and the balance remaining.

5. **ESTABLISHMENT AND MAINTENANCE OF RECORDS.** The AGENCY agrees to return all records to the referring agency within three to five days of the completion of the interview. The AGENCY WILL to maintain accounting procedures, and practices, which accurately reflect all direct and indirect costs related to the performance of this Agreement. The AGENCY material relevant to this Agreement for three (3) years after its expiration.

6. **COMPLIANCE WITH LAWS.** The AGENCY, in performance of this Agreement, agrees to comply with all applicable Federal, State, and local laws or ordinances, including standards for licensing, certification, and operation of facilities, programs, and accreditation, and licensing of individuals and any other standards or criteria as described in this Agreement to assure quality of services.

7. **NON-DISCRIMINATION.** AGENCY agrees not to discriminate against any client, employee, or applicant for employment or for services because of race, creed, national origin, marital status, sex, age, or disability except for a bona fide occupational qualification with regard to, but not limited to, the following: employment upgrading, demotion or transfer, recruitment or any recruitment advertising, a layoff or termination, rates of pay or other forms of compensation, selection for training, or rendition of services. During the performance of this agreement AGENCY shall comply with federal and state nondiscrimination statutes and regulations, including the Americans with Disabilities Act of 1990, as amended.

8. **INDEMNIFICATION/HOLD HARMLESS.** The Contractor shall defend, indemnify, and hold the City, its officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses, or suits, including attorneys' fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Contractor and the City, its officers, officials, employees, and volunteers, the Contractor's liability hereunder shall be only to the extent of the Contractor's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Contractor's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been *mutually negotiated* by the parties. The *provisions* of this section shall survive the expiration or termination of this Agreement.

9. **TERMINATION.** If the AGENCY fails to comply with the terms and conditions of this Agreement, the CITY may pursue such remedies as are legally available including, but not limited to, the suspension or termination of this Agreement. Either party may terminate this Agreement upon giving 30 days notice in writing of intent to terminate.

10. **RECAPTURE OF FUNDS.** In the event that the AGENCY fails to expend funds under this Agreement in accordance with State law, or Federal law where applicable, and/or the provisions of this Agreement, or fails to perform any and all tasks under this Agreement, the CITY reserves the right to recapture CITY funds in an amount equivalent to the extent of the noncompliance.

Such right of recapture shall exist for a period not to exceed three (3) years following contract termination.

11. **NOTICE AND CONTRACT ADMINISTRATION.** The contract administrator for the CITY for this Agreement shall be the **Chief of Police**. Any official notice that either party hereto desires to give the other shall be deemed delivered upon deposit thereof in the United States mail by certified mail, return receipt requested, with postage thereon fully prepaid, addressed as follows:

CITY: CITY OF McCleary
POLICE DEPARTMENT
100 S. Third Street
McCleary, WA 98557
Attention: **Chief Steve Blumer**

AGENCY: Connections
514 Broadway Avenue East
Montesano, WA 98563
Attention: **Sue Bucy, Executive Director**

Either party may change the addresses above specified hereto by giving written notice thereof to the other pursuant to this paragraph.

12. **ENTIRE AGREEMENT.** The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties.

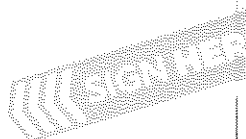
DATED: _____

CONNECTIONS

By _____
Margaret Carthum, Board President

CITY OF McCleary

By _____
Brett Schiller, Mayor



TAB - M

ORDINANCE NO. _____

AN ORDINANCE RELATING TO ZONING, AFFIRMING THE AMENDING OF SECTIONS 17.12.030 and 17.36.020 MMC IMPLEMENTED BY ORDINANCE 834 UPON AN INTERIM BASIS, AND PROVIDING FOR SEVERABILITY AND CORRECTION.

R E C I T A L S :

1. The provisions of the City's Uniform Development Code, as codified in Title 17 of the Municipal Code, govern the land use within the corporate limits.

2. Pursuant to Ordinance 830, certain changes were made to the definitional provisions of Section 17.12.010 by the clarification of the definition of a hospital and the addition of the definition of a residential treatment facility. This was done so as to insure consistency of application with applicable state laws, rules and regulations, as now existing or hereafter amended or succeeded. Thereafter, the matter of specific zoning provisions in relation to the utilization of those definitional authorization was referred to the Hearing Examiner who conducted the necessary hearing and submitted his recommendations to the Council and Mayor.

3. Pursuant to the authority granted by RCW 35A.63.220, the Council adopted and the Mayor signed an emergency ordinance adopting changes to the City's Zoning Code in relation

to the covered matter as recommended by the Hearing Examiner, a copy of whose report is attached as Exhibit #1.

4. Ordinance 834, adopted on July 26, 2017, provided for interim zoning and land use controls applicable to hospitals and residential treatment facilities as defined in Ordinance 830.

5. Following the provision of required public notice, a hearing was held at the August 23 meeting of the City Council to allow public comment upon the action.

6. The City has completed review of the adoption of final regulations concerning residential treatment facilities and ~~other mental health uses and finds that the regulations adopted~~ in Ordinance 834 are appropriate for permanent adoption.

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

SECTION I: The chart set forth in Section 17.20.030 and Section I, Ordinance 709, as last amended by Section I, Ordinance 810, and temporarily amended by Section I, Ordinance 834, shall be amended in the following respects:

Residential treatment facilities shall be shown as a conditional use in the following zones: R-1, R-2, R-3, C-1, C-2, and C-3.

SECTION II: Section 17.40.100 and Section I, Ordinance 709, as last amended by Section 2, Ordinance 738 and temporarily amended by Section I, Ordinance 834, are each amended to read as follows:

A. Certain uses possess unique and special characteristics with respect to the location, design, size, method of operation, circulation, and/or demand on public facilities. The Table of Land Uses in Section 17.20.030 lists such uses as conditional uses. The conditional use permit process reviews these uses to assure their compatibility with neighboring properties as well as to Section 17.40.070(A) of this chapter to prevent or control:

1. Environmental hazards and pollution;
2. Traffic hazards and congestion;
3. Street and road capacities in the surrounding area;
4. Location and amount of off-street parking;
5. Visual and auditory impacts;
6. Obtrusive visual blight; and/or
7. Any other unusual impact associated with the proposed conditional use.

B. A request for a conditional use permit shall be commenced by the filing of a written application with the office of the clerk-treasurer. The application shall meet the requirements set by the provisions of this code and shall be accompanied by the payment of such fees and costs as may be required by applicable provisions of this code and any implementing resolution. The land use hearing examiner shall conduct a public hearing on the conditional use permit

application at least fifteen days after the city gives public notice. The permit application shall meet the following conditions for approval:

1. The use will not cause or allow conditions that create general nuisances or hazards to life or property;

2. The use conforms to the comprehensive plan; and

3. The use meets all conditions and requirements of the zone in which it proposes to locate, the ordinance in general, and other city laws and requirements.

C. In granting any conditional use permit, the land use hearing examiner may attach conditions to the permit necessary to mitigate any possible adverse impacts, including, but not limited to, those set forth in sub-section H.

D. 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.

E. Subsequent Invalidity.

1. A conditional use permit shall become invalid if not exercised within the time prescribed in such permit, or, if the date is not specified, within one year of the effective date thereof. A conditional use permit shall be deemed to have been exercised by (a) the obtaining of and compliance with any necessary building permit, including substantial completion of

any required construction or, for uses not requiring a building permit, either by substantial completion of any anticipated construction and/or by commencement of the use.

In either event, if all necessary construction is not completed within twelve months of the issuance of the permit or such other date as may be set forth in the permit and an extension is not requested as provided by subsection F of this section, the permit shall be deemed to have become invalid.

2. Conditional use permits shall become invalid if the approved use is abandoned or discontinued for any continuous period of one year or more.

3. Any conditional use permit issued for a specific time period shall become null and void after the expiration of that time period unless an extension for a time certain is requested in the manner authorized under subsection F of this section.

F. Extensions.

1. A conditional use permit which would otherwise become invalid for noncompliance with subsection (E)(1) of this section may be extended for a period of up to one additional year upon approval of the city council so long as the holder of the conditional use permit files the written request for such extension with the office of the clerk-treasurer prior to the expiration of the permit. The request shall specify the bases for

the necessity of the extension and the period of extension sought. For conditional use permits granted between January 1, 2005, and December 31, 2005, the holder may file the request for the extension at any time until October 1, 2006; provided, that such extension as may be granted shall be retroactive to the date of the expiration of the original permit.

2. A conditional use permit covered under the provisions of subsection (E)(3) of this section which would otherwise become invalid due to expiration of the granted term may be extended for such period as may be deemed appropriate by action of the city council under such conditions as may be deemed appropriate by the council so long as the holder of the conditional use permit files the written request for such extension with the office of the clerk-treasurer prior to the expiration of the permit. The request shall specify the bases for the necessity of the extension and the period of extension sought.

3. The filing of any request for extension sought under either of the prior subsections shall not be deemed filed unless it meets the requirements set by the provisions of this code and is accompanied by the payment of such fees and costs as may be required by applicable provisions of this code and any implementing resolution. If an extension sought under either of the prior subsections is not granted, then the permit shall be deemed invalid as of the date of the denial of the request for

extension; provided, that if a judicial appeal is taken of a decision made in relation to such request, it shall be taken within the time limits established by subsection B of this section and the permit shall remain valid until the exhaustion of such appeal.

G. The original applicant of an approved conditional use permit may transfer it to any successors in interest and all special requirements shall continue in effect as long as the use continues. The land use hearing examiner may limit the right of transfer of the conditional use permit as a requirement of approval.

H. In recognition of the unusual characteristics of the particular use, as to applications for conditional use permits for the following uses, if issued the permit shall specifically require the following criteria to be met:

1. As to hospitals, the following:

a. The location shall be upon a collector or arterial street,

b. The structure shall not exceed a height of thirty-five (35) feet, and

c. The front, side and rear yard setbacks shall be one foot for each one foot of building height or the minimum setbacks for the zoning district within which it will be located, whichever requirement is greater.

2. As to residential treatment facilities, the following:

a. Shall not be located within 300 feet of a similarly licensed facility,

b. No resident shall be released from residency without having motorized transport present for utilization to transport the resident to a location no closer than 300 feet of the facility unless the resident's regular residential location is a lesser distance.

c. Shall have such security facilities and staffing as are deemed reasonably necessitated by such use taking into consideration the size of the structure, the nature of the condition being treated, and the number of residents.

I. A permit, other than for off-street parking, issued pursuant to the provisions of this section which would otherwise become invalid under subsection E may be extended in the same manner as is provided for extension of a conditional use permit through utilization of and conditioned upon compliance with the process and requirements set forth in Section 17.40.110(F) of this chapter.

SECTION III: 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 IV: 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 _____, 2018, by the City Council of the City of McCleary, and signed in approval therewith this _____ day of _____, 2018.

CITY OF McCLEARY:

BRENT SCHILLER, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, 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 _____, 2018, by WENDY COLLINS.

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