



McCleary City Council

AGENDA

July 22, 2015

7:00 City Council Meeting

- **Flag Salute**
- **Roll Call**
- **Public Comment**
- **Public Hearing**

- **Minutes:** - Approval (Tab A)
- **Mayor's Comments:** - Discussion
- **Staff Reports:** - Dan Glenn, City Attorney (Tab B)
- Todd Baun Staff Report (Tab C)
- **Old Business:** -
- **New Business:** - Multi Hazard Mitigation Plan Development (Tab D)
- Zoning Amendment (Tab E)
- Cedar Heights Storm Pond (Tab F)
- Dynamic Collectors Amendment (Tab G)
- **Ordinances:** - Water Use Restriction Ordinance (Tab H)
- **Resolutions:** - Vehicle & Equipment Surplus (Tab I)

- **Approval of Vouchers**
- **Mayor/Council Comments**
- **Public Comment**
- **Executive Session**
- **Adjournment**

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

Please Turn Off Cell Phones – Thank You

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

CITY OF MCCLEARY
Regular City Council Meeting
Wednesday, June 24, 2015

ROLL CALL AND FLAG SALUTE	Councilmember's Reed, Schiller Catterlin, Peterson and Ator were in attendance.
ABSENT	None.
STAFF PRESENT	Present at the meeting were Todd Baun, Wendy Collins, George Crumb, Dan Glenn, Paul Nott and Pierce Ridgway.
PUBLIC HEARING	The Public Hearing opened at 7:00 pm on the 6-Year Transportation Improvement Program. No public comments were made. The hearing closed at 7:02 pm.
PUBLIC COMMENT	<p>Aimee Rowland, President of the Bear Festival, thanked the mayor, council and city employees for all of their hard work and support to make the festival successful. The royalty presented the elected officials and staff with bear festival buttons so they can come enjoy a bowl of bear stew during the festival.</p> <p>Gary Atkins wanted to give out his email address to set up a committee with town members to talk about what they can do to get the town back on track and what to do about the police department. Anyone interested can contact him at garyatkins1969@gmail.com. Councilmember Schiller offered to turn over his town meeting information to him to use and Mr. Atkins said he would gladly include them in his meeting plans.</p>
EXECUTIVE SESSION	At 7:08 pm Councilmember Schiller asked for an executive session to last ten minutes per RCW42.30.11, subsection (f) and subsection (i) with no action to be requested. He asked to have the Mayor sit out on one of the topics and Dan Glenn told him he could not exclude the Mayor. Councilmember Schiller said the Mayor can attend both topics then and the Mayor chose to sit out of both sessions and asked Dan Glenn to attend and represent him. The executive session ended at 7:18 pm. No action taken.
MINUTES APPROVED	It was moved by Councilmember Ator, seconded by Councilmember Reed to approve the minutes from the May 27, 2015 meeting. Motion Carried 5-0.
CITY ATTORNEY REPORT	Dan Glenn provided a written report for the Council and is available if they have any questions.
MAYOR'S COMMENTS	<p>Mayor Dent reported there will be a hearing with the Hearing Examiner at 1:30 pm on July 1st for an amendment to the current zoning.</p> <p>Mayor Dent wanted to congratulate Todd Baun and the outside people who worked with him for applying and receiving an approval letter from Vicky Cummings at the Grays Harbor Council of Governments. We've been awarded \$785,274 to work on Third Street improvements.</p>
DIRECTOR OF PUBLIC WORKS REPORT	<p>Todd Baun reported the Department of Transportation will be sweeping our streets on July 2nd and he has provided an agreement for the Council to approve and sign.</p> <p>Mr. Baun has a purchase order for the cutover project that also needs to be authorized by the Council so he can move forward on the project.</p> <p>Todd wanted to recognize Robert Duncan because he has been working for the City for 20 years now.</p>
ACCIDENT PREVENTION DISCUSSION	It was moved by Councilmember Schiller, seconded by Councilmember Catterlin to adopt the City of McCleary Accident Prevention Program. Motion Carried 5-0.
GHC HAZARD MITIGATION PLAN PARTICIPATION	Tabled.
BEAR FESTIVAL AGREEMENT	Each year the Bear Festival President submits an agreement stating their requests for usage of City property, facilities, streets, support, etc. They again, have submitted an agreement to the Council for authorization in an effort to have a successful festival. It was move by Councilmember Catterlin, seconded by Councilmember Reed to accept the Agreement with the Bear Festival. Motion Carried 5-0.

INTERLOCAL FORFEITURE PROCEEDINGS	It was moved by Councilmember Ator, seconded by Councilmember Schiller to adopt the Interlocal Forfeiture Proceedings Agreement. Motion Carried 5-0.
STORMWATER RATE RESOLUTION	Tabled.
BPA AMENDMENT NO. 2 ENERGY CONSERVATION AGREEMENT	Agreement No. 2 extends the expiration date of the Energy Conservation Agreement by two years to September 30, 2017. It was moved by Councilmember Catterlin, seconded by Councilmember Peterson to authorize the Mayor to sign the BPA Amendment No. 2. Motion Carried 5-0.
3RD STREET IMPROVEMENTS SUPPLEMENTAL AGREEMENT NO. 3	It was moved by Councilmember Catterlin, seconded by Councilmember Peterson to approve Supplemental Agreement No. 3, which adds Jeffrey B. Glander & Associates to the contract for the Third Street Improvement Project and to provide landscape architect services at a cost of \$7,000. Motion Carried 5-0.
BUDGET AMENDMENT ORDINANCE	Dan Glenn said this ordinance would tie in with the levy ordinance and would fund the police until the outcome of the levy in November. The ordinance would allow the \$150,000 that was removed from the budgeted expenditures in the law enforcement line to be put back in the expenditure line. It was moved by Councilmember Ator, seconded by Councilmember Reed to adopt a supplemental budget ordinance. Roll call taken in the negative with Councilmember's Catterlin, Peterson and Schiller voting in the negative and Councilmember's Ator and Reed voting in the affirmative. Ordinance Failed 3-2.
ORDINANCE NO. 809 POLICE LEVY	It was moved by Councilmember Schiller, seconded by Councilmember Ator to adopt Ordinance 809, an ordinance directing submission to the voters of the City of McCleary of a proposition to be voted on the 3rd day of November 2015, to authorize funds for the purpose of more adequately funding the police department. Roll Call taken in the affirmative with Councilmember's Schiller, Ator and Reed voting in the affirmative and Councilmember's Peterson and Catterlin voting in the negative. Ordinance Adopted 3-2.
	Councilmember Schiller asked to add a stipulation to Ordinance 809 that the council has a contingency plan after the fact, that if this levy does not pass, we will have some type of backup plan and not go another year and try to do this again in 2016. If this levy fails, we make a motion to move forward and work with the county to get some type of thing. We did the levy last year and we screwed up by giving two options so we give it back to the voters again to make a decision. If it fails again, we have an automatic plan to move right into an agreement with the county and make some type of contract with another contracting agency to take over police services because we cannot go another year. Councilmember Catterlin asked if this was a motion and Councilmember Schiller said yes, so it was seconded by Councilmember Catterlin. Motion Carried 5-0.
RESOLUTION 676 6-YEAR TRANSPORTATION IMPROVEMENT PROGRAM (STIP)	It was moved by Councilmember Catterlin, seconded by Councilmember Schiller to adopt Resolution 676 for the 6-Year Transportation Improvement Program. Motion Carried 5-0.
WA STATE DEPT. OF TRANSPORTATION STREET SWEEPING AGREEMENT	It was moved by Councilmember Peterson, seconded by Councilmember Catterlin to authorize the WSDOT agreement for street sweeping. Councilmember Schiller abstained from voting. Motion Carried 4-0.
LIGHT & POWER MATERIAL PURCHASE ORDER	It was moved by Councilmember Catterlin, seconded by Councilmember Peterson to authorize the purchase of materials for the light and power department. Mayor Dent asked for roll call. Roll call taken in the affirmative with Councilmember's Ator, Schiller, Catterlin and Peterson voting in the affirmative and Councilmember Reed voting in the negative. Motion Carried 4-1.
APPROVAL OF VOUCHERS	Accounts Payable vouchers/checks approved were 39616 - 39648 including EFT's in the amount of \$52,274.08 and 39673 - 39722 including EFT's in the amount of \$137,078.87. Payroll checks approved were 39289 - 39725 including EFT's in the amount of \$145,576.91 and 39524-39615 including EFT's in the amount of \$147,173.21.
	It was moved by Councilmember Ator, seconded by Councilmember Reed to approve the vouchers. Motion Carried 5-0.

PUBLIC COMMENT

Gary Atkins said he was made aware there is a loop hole in the garbage service. He said according to the bylaws of the garbage contract, if someone in town writes a letter and says you can use their garbage can, you don't have to pay for your own garbage service. He thought this is why there are houses with so much garbage piling up. He said Colin Mercer read this to him today. Dan Glenn will review the contract with Colin.

Councilmember Schiller asked if he could get a copy of the new ordinance where he added the language about the levy and seeking contract for another agency if the levy fails. Dan Glenn asked if that was an amendment to the ordinance and Councilmember Schiller said yes. Dan Glenn said that wasn't his intent but, okay, sure. Councilmember Schiller wants to make sure it gets followed up on. He asked to have it drafted up by Dan Glenn.

Brenda Orffer wanted to make sure the Council did not exclusively decide to only look at the County as their option if the levy fails and Councilmember Schiller said he stated, "any other agency", not just the County. She also stated she did a reach out on the city's website and has not received a response and wants to know if we ever received her comments. She has done this on two occasions and did not receive a response either time. She asked if we could check the website to make sure it is functioning properly.

Doug Krikava told the Mayor he seemed to be really struggling, especially tonight, to follow the meeting and he even forgot the names of streets in a town he lived in almost his whole life. He asked the Mayor if he's considered taking a leave of absence until his health got better. Mayor Dent said he is going to physical therapy twice a week and is going back to a doctor in Olympia for a final check on a CAT scan. Mayor Dent called for a motion to adjourn.

MEETING ADJOURNED

It was moved by Councilmember Ator, seconded by Councilmember Reed to adjourn the meeting at 7:51 pm. The next meeting will be Wednesday, July 22, 2015 at 7:00 pm. Motion Carried 5-0.

Mayor Gary Dent: _____

Clerk-Treasurer Wendy Collins: _____

MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary
FROM: DANIEL O. GLENN, City Attorney
DATE: July 17, 2015
RE: LEGAL ACTIVITIES as of JULY 22, 2015

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

1. DYNAMIC COLLECTORS CONTRACT AMENDMENT: As you are aware, the City has contracted with the District Court for prosecution services. It is not unusual for a defendant to fail to timely pay a fine or cost imposed. The City has a contract with Dynamic Collectors to seek payment of unpaid fines and costs. It has been contacted by Ms. Shelton, the District Court Administrator, to let us know their contract, unlike our current contract, provides that the County receives 100% of the interest which has accrued and is collected. (The City's contract apparently provides for receiving only 50% of the interest.) Ms. Shelton has arranged for Dynamic to amend its contract with the City in this particular area to provide the same 100% receipt as the County receives. Other than that, the contract will remain the same.

I recommend that the Mayor be authorized to execute the contract amendment.

2. WATER USE RESTRICTION ORDINANCE: A couple of weeks ago Mr. Baun contacted me in relation to a concern about the disparity between the current water level of the City's wells and the "normal" water level at this time. As you know, unlike Montesano and Elma, our water source does not have the benefit of being "refreshed" by tidal flow, etc.

Given the current absence of any explicit protocols to be used in terms of restricting water use if the situation were to become a clear problem, he asked that I develop for review and

consideration an ordinance allowing the implementation of use restrictions under defined circumstances. As a result of that request, I have provided a draft ordinance. It has been reviewed by Mr. Baun and I believe that the draft provided to you for your review meets his concerns.

As you will note in reviewing the draft, among the goals sought to be achieved is establishing an administrative process by which the restrictions are put into place, involve the Council in the process, set forth criteria for implementing the various levels and, in the event of violations, provide sanctions. I am certain Todd will provide you more factual information as to the bases of his concerns and any thoughts he might have as to additional steps merited by the issue. Obviously, it is a process which one hopes the City never has to invoke, but given the situation he has observed, better to have it in place than to have the situation arise and have no clear protocols available.

3. **MULTI-JURISDICTION HAZARD MITIGATION PLAN GRANT:**

The cities in the County received a contact from Mr. Wallace, the County department head involved, requesting that they commit to involvement in the development of a state-approved plan for dealing with natural disasters and the like. I would note that Mr. Wallace indicated the consultant the County intends to utilize to manage the preparation of the plan is also preparing the grant application

It is likely that having such a plan in place may be a condition precedent to obtaining some funding in the future. That being said, when I received the documents (a "letter of interest" and an agreement) I reviewed them and was concerned about the language of commitment at this stage when the City would not know the extent of fiscal commitment, if any, which would be required, nor the nature of any grant received.

As a result, after discussions with Mr. Wallace I have prepared a draft letter of interest which agrees to consider the matter, but reserves the right to withdraw from involvement after receipt of additional information. At this stage, approval of the Mayor's execution of the letter allows the City to be involved so long as it desires.

4. **COBAIN v CITY OF McCLEARY:** Thanks to the efforts of Mr. Kamerrer, counsel assigned by WCIA to be lead counsel in this case, and the active role of the Authority itself, this case has been resolved and the order of dismissal entered.

5. **SURPLUS EQUIPMENT/VEHICLE DISPOSITION:** Mr. Baun has indicated he will be recommending the surplus and disposition

of certain items of equipment and one of the Department's trucks. Thus, I have prepared a resolution making the necessary findings and setting forth means of disposition. The disposition will be through the procedures set out in the resolution adopted some years ago which provides sequential methods.

6. **ZONING TEXT AMENDMENT STATUS:** The City has received Mr. Aaland's Report and Recommendation in relation to the requested amendment to the text of the zoning code. Since it is a text amendment as contrasted to a change in zoning for a particular area, the process before the Council is a bit different and more simple. A text amendment is handled under the provisions of 17.34.130[D] which sets forth the following procedure upon receipt of the recommendation from the planning agency, which is in this case the Examiner. I have bolded certain pertinent portions of the section.

Upon receipt of the commission's recommendation on the matter heard by the commission, **the city council shall at the next regular meeting of the council either set a time and place of public hearing thereon and order public notice as herein provided, or, if determines that no additional public hearing is necessary, set the matter on for consideration at its next regular council session.** If at the time set for consideration without public hearing, the majority of the council determines it appropriate to schedule a public hearing, such hearing may be scheduled and held as provided for herein. **So long as the council determines it has adequate information from the applicant and/or planning commission to make a decision, the council shall take final action within sixty days after the later of (1) any public hearing held by it or (2) the date of the consideration without public hearing.** The council may its issue decision by passing an amendatory ordinance, by declining to amend, or by referring the matter back to the planning commission for further consideration. To the extent required by law, the council shall issue written findings of fact and conclusions of law in relation to the decision it makes. Written notice of the action taken by the city council shall be transmitted by the clerk-treasurer to the planning commission and/or to the applicant, if the matter was initiated by the filing of an application: provided that, for purposes of an appeal, the date of issuance of the council's decision shall be determined as provided in RCW 36.70C.040(4), as now existing or hereafter amended or succeeded.

Thus, unless you decide that an additional public hearing with published notice is required, you could set the matter on for final consideration at your August meeting. No further testimony would be taken ("a closed record hearing") and a decision made as to whether or not to approve, modify, or reject the matter. You can adopt the Examiner's findings and conclusions if you desire at that time.

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

DG/le

STAFF REPORT

To: Mayor Dent
From: Todd Baun, Director of Public Works
Date: July 17, 2015
Re: Current Non-Agenda Activity

Bear Festival

The Bear Festival came and went with no major issues or complaints. The City staff and crews did a great job with getting the City ready and making it look great.

General Pacific PO

In following the policies set in Resolution 622, Light and Power has to purchase supplies to continue working on the cutover project. The material is going to be used for the section of the project that is on 3rd and Mommsen. Paul has received the quote for materials for a total of \$6233.81. The money is budgeted and will come from Light and Power Capital Outlay system budget. Please authorize the Mayor to sign the Purchase order with General Pacific.

Maple Street Water Line Replacement

The public work crew has completed the new 8" water line on Maple Street. This upgrade is now providing customers with more water along with providing the City with great fire flow for the area.

City Hall Lighting Project

We have started replacing all of our old lighting in City hall, Police Department, Fire Hall, and WWTP. All the current T12 lights are being replaced with LED lighting that uses far less electricity. That translates into the City saving money on its electric bills.

We are paying for these items with funds provided by BPA for energy efficiency. These funds have to be used by Oct. 1st 2015, or we risk losing the funding.

Building Official and PW Planning Assistant job advertisements

Colin Mercer has left the City to pursue other opportunities. Colin did a great job while he was with us for the past 8 years and we wish him good luck with his new opportunities.

With him leaving, it left the City struggling to fill all the duties that he performed for us. We are currently looking for a half time Building Official and a half time PW Planning Assistant. We are hoping to have someone perform both duties, but we may have trouble

finding one person to fill both positions. I will keep you posted on how we will proceed once applications are gone through and interviews are performed.



City of McCleary
Home of the McCleary Bear Festival

100 South 3rd Street, McCleary, WA 98557 • 360.495.3667(phone) 360.495.3097(fax) CityofMcCleary.com

To: Grays Harbor Planning Partnership
310 W. Spruce Street
Montesano, WA 98563
Attn: Charles Wallace

From: D. Gary Dent, Mayor
City of McCleary

RE: Letter of intent: Multi-hazard Mitigation Plan Development

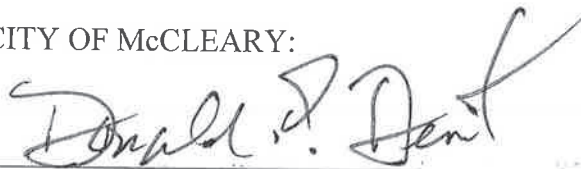
Please be advised that the City of McCleary is desirous of and committed to participating in the update to the Grays Harbor County Multi-Hazard Mitigation Plan. As the Mayor of this jurisdiction, I confirm that the City is interested in participating in the effort to meet Partnership expectations, as outlined in the "Planning Partners Expectations" document provided by the planning team, in order to obtain Disaster Mitigation Act (DMA) compliance for our jurisdiction. Of course, the final decision as to that participation can only be made when the State and Federal response to the County's proposal is received by the County and provided to the City for review.

Chief George Crumb will be our jurisdiction's point of contact for this process and he can be reached at 100 South 3rd Street McCleary, Washington 98557; telephone number 360-495-3107; and e-mail address: Georgec@CityofMcCleary.com. We understand that this designated point of contact's time will be applied to the "in-kind" local match for the grant that is funding this project. To aid in the determination of this local match, we have determined that the hourly rate (base salary only - no benefits included) for our designated point of contact is \$_____ per hour. The funding source for our point of contact's position within our jurisdiction is not through federal funds.

We look forward to this project moving forward for the benefit of all citizens of the County.

Sincerely,

CITY OF McCLEARY:



D. Gary Dent, Mayor

7-13-15

Date

STAFF REPORT

To: Mayor Dent
From: Todd Baun., Director of Public Works
Date: July 16th, 2015
Re: Zoning Amendment

Our Hearing Examiner, Neil Aaland, conducted a required public hearing, on July 1st at 1:30 pm. This hearing was conducted at Councils request for to the Zoning Ordinance Amendment presented to you at the May 27th Council Meeting. Attached you will find the report provided by Mr. Aaland and the associated recommendation. A copy of the staff report provided to Mr. Aaland is also included. To summarize, the recommendation is as follows:

Adopt the recommended changes to the MMC 17.20.030 that add "Medical Clinics, Medical Offices and Pharmacies" to the list of permitted uses in the C-1 zone.

Action Requested:

Please consider requesting Mr. Glenn to prepare the appropriate ordinance to incorporate the recommended revision.

City of McCleary Hearing Examiner
Report and Recommendation

Application: Revise the McCleary Municipal Code (MCC) to add “medical clinics, medical offices and pharmacies” to the list of permitted uses in the C-1 zone

Applicant: City of McCleary
100 South 3rd Street
McCleary, WA 98557

SUMMARY OF RECOMMENDATION: Adopt the recommended changes to MMC 17.20.030 that add “medical clinics, medical offices and pharmacies” to the list of permitted uses in the C-1 zone.

SUMMARY OF RECORD:

Public Hearing:

A public hearing was conducted at 1:30 p.m. on July 1, 2015 at McCleary City Hall. Present for the city were Neil Aaland, Hearing Examiner and Todd Baun, Public Works Director. Mayor Gary Dent was present to observe the hearing. The Examiner summarized the proposal for the record, including the purpose of the hearing and how the hearing process works. Six letters of support have been received and were entered into the record.

Todd Baun summarized the staff report. He looked at past uses in areas zoned C-1. The zoning ordinance is vague on whether these proposed uses would be allowed. He recommends approval of the proposal to clarify whether these uses are allowed, supported by previous uses that existed in the downtown.

Monika Kuhnau, Harbor Architects, 2004 W. 6th Street, Aberdeen represents the development team for a proposed project to build a medical clinic. She did some research on other cities. Every other city in Grays Harbor County allows these facilities as a permitted or conditional use in commercial zones.

Renee Jensen, 600 E. Main Street, Elma is the CEO of the Hospital District. They operate three clinics employing 50 doctors. This change would allow them to offer better facilities. 50% of their patients are not McCleary residents; this central location will bring more business downtown. The bus line isn't near the hospital but is near downtown. They support this change.

Joy Iverson, 571 N. Summit Road, McCleary lives in McCleary with her mother. This will be a great improvement, will be able to access a clinic downtown. The town needs new business, this will help.

Mayor Gary Dent, McCleary supports the proposal.

The written comments of city staff, together with the staff report, letters from the public, and other supporting materials, are incorporated into the record of the hearing.

FINDINGS:

1. MCC Chapter 2.30 establishes the office of the Hearing Examiner and assigns certain responsibilities to the Examiner.
2. MCC Chapter 17.40.130 and ordinance #790 establishes the responsibility and authority of the Hearing Examiner to hear and make recommendations on matters assigned to him by the Mayor and the City Council.
3. The Mayor and the City Council have assigned to the Examiner the responsibility of conducting the required public hearing and making a recommendation to the City Council for a proposal to revise the MMC. The proposal is to add “medical clinics, medical offices and pharmacies” to the list of allowed uses in the C-1 zone.
4. The Hearing Examiner conducted a public hearing for the proposal on July 1, 2015.
5. City staff have provided an affidavit of publication for June 25, 2015 in the Montesano Vidette.
6. Section 17.40.140 of the MCC stipulates the procedure for amending the zoning ordinance. Section A states:

“The City Council may amend the text of the zoning ordinance, including the city of McCleary zoning map, whenever public necessity, convenience, or general welfare require such action and the proposed amendment is consistent with the city of McCleary comprehensive land use plan in accordance with RCW 35.A.63.105.
7. The purpose of the C-1 zone is defined by MMC Section 17.16.040 (D):

“The downtown (C-1) district provides for a wide range of small to medium commercial uses and professional offices concentrated in the historic downtown area of the city. Uses in this district serve the needs of the immediate area as well as tourists to the community. The C-1 district is a compact, intensive activity center that emphasizes pedestrian access to and between businesses.”
8. City staff recommends approval of the proposal.
9. The McCleary comprehensive land use plan includes the following discussion of the C-1 district:

“The C- district provides for a wide range of small to medium retail businesses, eating and drinking establishments, government activities, and professional offices concentrated in the traditional downtown area of the city. Uses in this district serve the needs of the immediate area as well as tourists to the community. The C-1 District is a compact, intensive activity area that emphasizes pedestrian access to and between businesses...”

10. The State Environmental Policy Act (SEPA) requires a threshold determination to be made for revisions to the comprehensive plan and the UDC. A Determination of Non-Significance (DNS) was issued on June 15, 2015. As allowed under WAC 197-11-340 (2), no comment period was provided. No conditions were attached to this DNS.

CONCLUSIONS:

1. Notice of the public hearing was advertised in the Montesano Vidette on June 25, 2015.
2. A threshold determination has been properly issued under SEPA. No significant adverse environmental impacts were identified.
3. The changes to the MCC are consistent with the McCleary Comprehensive Plan (as required by MCC 17.40.130 (A)).
4. The changes to the MCC are supported by the record.

RECOMMENDATION:

Add the following to the table of land uses as permitted uses in the C-1 zone, MCC 17.20.030:


“Medical clinics, medical offices and pharmacies”

NOTICE TO APPLICANTS AND INTERESTED PARTIES:

Under section 2.30.090 of the McCleary Municipal Code, the decision of the examiner shall be final and conclusive, as to any further action or appeal as to those matters in which the examiner's decision is in fact passed on to the mayor and council as a recommendation, on the twenty-first day after the date of the decision. Since this is a recommendation and not a final decision, there is no appeal provided.

This report is the recommendation of the Hearing Examiner to the McCleary City Council. The council may approve, reject or modify this recommendation. Interested parties should contact the Clerk-Treasurer concerning action by the City Council.

Dated this 16th day of July, 2015



Neil L. Aaland, AICP
McCleary Hearing Examiner



City of McCleary

Home of the McCleary Bear Festival

100 South 3rd Street, McCleary, WA 98557 • 360.495.3667(phone) 360.495.3097(fax) CityofMcCleary.com

STAFF REPORT

To: Neil Aaland, Hearing Examiner
From: Todd Baun, Director of Public Works
Date: June 12, 2015
Re: Zoning Amendment- Medical Clinic

Attached you will find a request provided by a local citizen suggesting a minor change to the existing zoning ordinance. The basic premise of the request is to allow “Medical Clinics, Medical Offices and Pharmacies” as permitted uses in the C-1 district in MMC 17.20.

The C-1 district, also called the Downtown district is shown on the attached zoning map. This district is bisected by State Route 108 and 3rd Street. Both State Route 108 and 3rd Street are identified in the Comprehensive Land Use Plan as “City Arterials”, thus indicating a large volume of traffic uses these facilities. These streets are the main thoroughfare into and out of the City.

The purpose of the C-1 zoning district is found in McCleary Municipal Code (MMC) Section 17.16.040(D):

“The downtown (C-1) district provides for a wide range of small to medium commercial uses and professional offices concentrated in the historic downtown area of the city. Uses in this district serve the needs of the immediate area as well as tourists to the community. The C-1 district is a compact, intensive activity center that emphasizes pedestrian access to and between businesses”

The language found in the MMC is a condensed model of the language found in the 2002 Comprehensive Land Use Plan, which is as follows:

“The C-1 District provides for a wide range of small to medium retail businesses, eating and drinking establishments, government activities, and professional offices concentrated in the traditional downtown area of the city. Uses in this district serve the needs of the immediate area as well as tourists to the community. The C-1 District is a compact, intensive activity area that emphasizes pedestrian access to and between businesses. The minimum lot size in the C-1 District is 2,500 square feet.

Staff Report

Mr. Neil Aaland

June 12, 2015

Zoning Amendment- Medical Clinic

Examples of compatible uses requiring a conditional use permit in the Downtown District may include second story residential housing, housing for the elderly, such as senior apartments, assisted living units, or residential care centers, and other public and semipublic uses.”

When reviewing the language in the Municipal Code, which was adopted in 2004, as well as the 2002 Comprehensive Plan, the request to include “Medical Clinics, Medical Offices and Pharmacies” in the C-1 district seems to blend with the term “professional offices” used in both documents.

The existing zoning definitions include a “Medical Clinic”, which is permitted in the General Commercial district (C-2), but is not authorized in the C-1 district. The definition of “Medical Clinic” is as follows:

"Medical clinic" means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

It is our understanding that this request is to allow a medical establishment run by several specialists, working in cooperation and sharing the same facilities, that is devoted to the diagnosis and care of outpatients

Another important item to consider is that a pharmacy was previously in place at the adjacent property at 119 S.3rd Street. The pharmacy was used regularly in the C-1 district since well before the 2002 Comprehensive Plan until its closure in 2005.

Message therapy offices have been and are currently used in the C-1 district. While the City considers them as “professional office” or “personal service”, the argument can be made that they can be considered as a “medical clinic” or “medical office”.

Concerns / Safety Hazards / Mitigation Measures

As this is not a project action, safety hazards and mitigation measures have not been addressed, as these will be addressed during project actions.

Recommendation

After considering all of the above issues, specifically the fact that an office consistent with this request has been used in this district since before the Comprehensive Plan was adopted, and no complaints have resulted, staff is recommending that the request be considered by the Hearing Examiner and City Council for adoption.

Staff Report

Mr. Neil Aaland

June 12, 2015

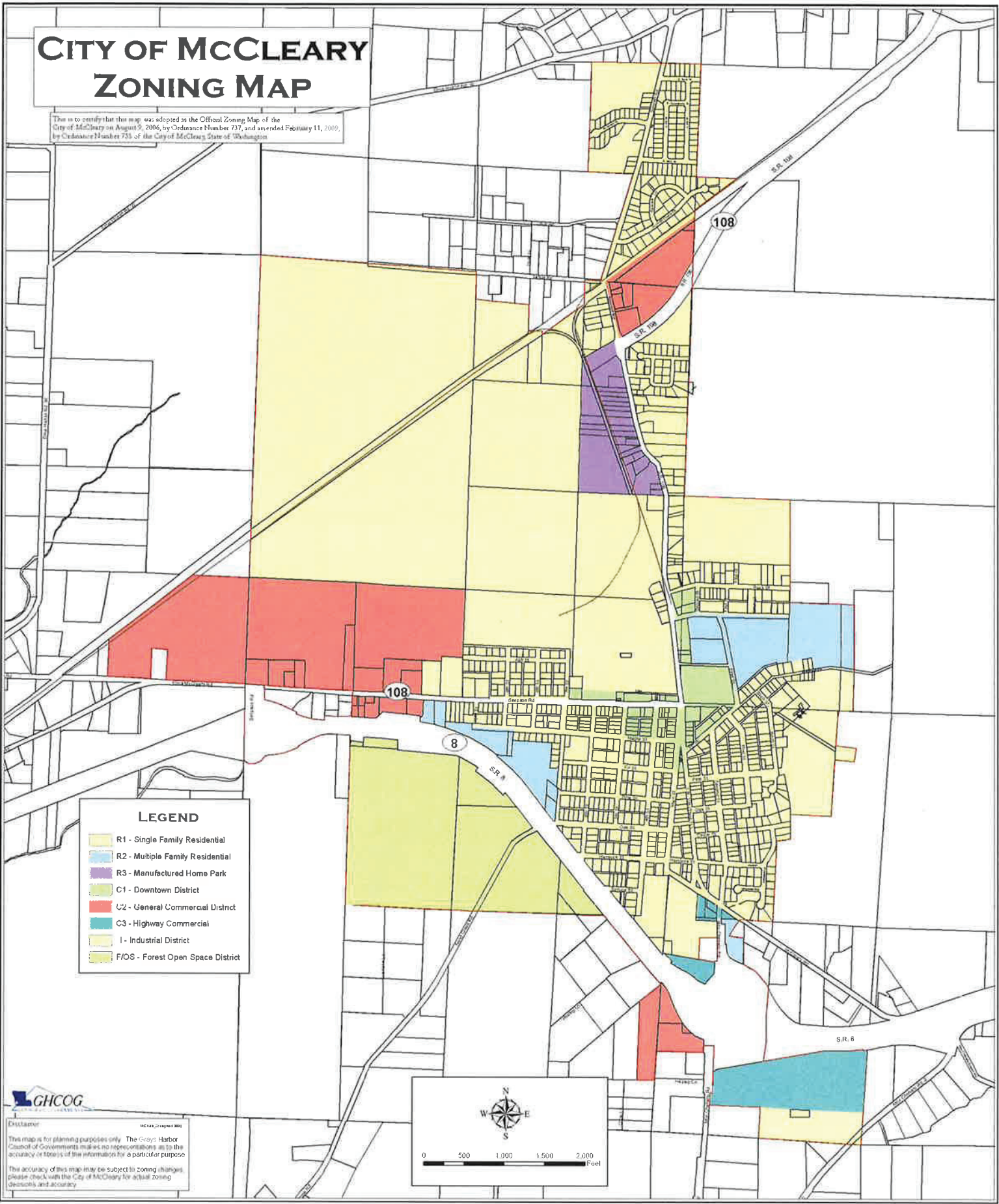
Zoning Amendment- Medical Clinic

Attachments:

1. City zoning map
2. Zoning Amendment Petition
3. SEPA Checklist
4. SEPA Decision

CITY OF McCLEARY ZONING MAP

This is to certify that this map was adopted as the Official Zoning Map of the City of McCleary on August 9, 2006, by Ordinance Number 737, and amended February 11, 2009, by Ordinance Number 755 of the City of McCleary State of Washington.

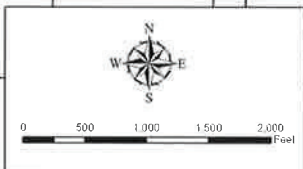


LEGEND

- R1 - Single Family Residential
- R2 - Multiple Family Residential
- R3 - Manufactured Home Park
- C1 - Downtown District
- C2 - General Commercial District
- C3 - Highway Commercial
- I - Industrial District
- FIOS - Forest Open Space District



Disclaimer
 This map is for planning purposes only. The Grays Harbor Council of Governments makes no representations as to the accuracy or timeliness of the information for a particular purpose.
 The accuracy of this map may be subject to zoning changes. Please check with the City of McCleary for actual zoning districts and accuracy.



STAFF REPORT

To: Mayor Dent
From: Todd Baun, Director of Public Works
Date: May 22nd, 2015
Re: Zoning Amendment Referral

A request to modify the existing zoning ordinance has been received. A copy of the request follows this staff report. We have also included MMC Section 17.40.130, regarding amendments to the zoning ordinance for your reference.

This is our second opportunity to implement Ordinance 790, which was adopted in December 2012. You will notice that the language in MMC 17.40.130 directs the Planning Commission to set a public hearing and submit a written recommendation to the Council. Ordinance 790, specifically Section I.F, states that *"In the event that an application involves review and possible amendments to the comprehensive plan and the zoning code of the City, it shall be the responsibility of the planning commission or planning agency (Hearing Examiner), to whichever the matter has been referred by the Mayor and Council, to hold such public hearings as may be required and make recommendations to the Council..."*.

At this time, this topic is not for consideration, but for referral.

Staff Recommendation:

As the planning commission has one active member, and the Hearing Examiner is on call, it will likely be much more efficient to utilize the services of the Hearing Examiner.

Action Requested:

Please consider directing staff to coordinate with the Hearing Examiner to set the public hearing date, facilitate the public hearing, and prepare a written recommendation to Council.

05-22-15A10:05 PAID

May 21, 2015

Attn: City of McCleary

I am requesting an amendment to McCleary Municipal Code **17.20.030 Table of land uses for all zoning districts**. I propose to include Hospitals, medical clinics, medical offices as permitted use in district C-1. Thank you.

Sincerely,



Larry Birindelli
111 W. Elma Hicklin Rd.
McCleary, WA 98557
(360) 470-1367

17.40.130 Amendments.

A. The city council may amend the text of the zoning ordinance, including the city of McCleary zoning map, whenever public necessity, convenience, or general welfare require such action and the proposed amendment is consistent with the city of McCleary comprehensive land use plan in accordance with RCW 35A.63.105.

B. Amendments to the text of the zoning ordinance may be initiated by:

1. One or more owners of property within the corporate boundaries of the city of McCleary;
2. A motion of the city council requesting the planning commission to set the matter for hearing; or,
3. A motion of the planning commission.

C. At the first meeting at which action may be taken occurring after the receipt of the request for amendment by the office of the clerk-treasurer, the commission shall set a date for a public hearing on the request. The hearing shall be set to occur no sooner than twenty days following the date of that meeting: provided that if any applicable law, ordinance, rule, or regulation requires the utilization of different time parameters for the particular hearing, those parameters shall be utilized; provided still further that, the hearing date may be continued from the date set if the commission determines that good cause supports such action.

Upon completion of its hearing, the planning commission shall submit a written recommendation to the city council as to the matters heard by it at its public hearing by filing it with the clerk-treasurer. This recommendation shall be tendered to the city council within sixty days after the close of the record provided that if any applicable law, ordinance, rule, or regulation requires the utilization of different time parameters for the particular submission, those parameters shall be utilized; provided still further that, the timing for submission may occur outside the time frames set forth above or continued from the date otherwise required if the commission determines that good cause supports such action.

Upon receipt of the commission's recommendation, the clerk-treasurer shall place the recommendation upon the agenda for the next regular meeting of the city council for commencement of consideration as set forth in subsection D of this section.

D. Upon receipt of the commission's recommendation on the matter heard by the commission, the city council shall at the next regular meeting of the council either set a time and place of public hearing thereon and order public notice as herein provided, or, if it determines that no additional public hearing is necessary, set the matter on for consideration at its next regular council session. If at the time set for consideration without public hearing, the majority of the council determines it appropriate to schedule a public hearing, such hearing may be scheduled and held as provided for herein. So long as the council determines it has adequate information from the applicant and/or planning commission to make a decision, the council shall take final action within sixty days after the later of (1) any public hearing held by it or (2) the date of the consideration without public hearing. The council may issue its decision by passing an amendatory ordinance, by declining to amend, or by referring the matter back to the planning commission for further consideration. To the extent required by law, the council shall issue written findings of fact and conclusions of law in relation to the decision it makes. Written notice of the action taken by the city council shall be transmitted by the clerk-treasurer to the planning commission and/or to the applicant, if the matter was initiated by the filing of an application: provided that, for purposes of an appeal, the date of issuance of the council's decision shall be determined as provided in RCW 36.70C.040(4), as now existing or hereafter amended or succeeded.

E. The city council's decision shall be final unless an appeal is timely filed and perfected within ten days of the issuance of the notice of the decision provided for under subsection D or, if applicable, within the time period set forth under the provisions of RCW 36.70C, as now existing or hereafter amended or succeeded.

(Ord. 709 § 1 (part), 2004)

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background

1. Name of proposed project, if applicable:

C-1 Zoning Amendment

2. Name of applicant:

City of McCleary

3. Address and phone number of applicant and contact person: [\[help\]](#)

City of McCleary- Contact person: Todd Baun

100 S. 3rd Street

McCleary, WA 98557

360-495-3667

4. Date checklist prepared:

6-11-15

5. Agency requesting checklist:

City of McCleary

6. Proposed timing or schedule (including phasing, if applicable):

Earliest amendment to zoning ordinance will likely occur at the City Council meeting on July 22nd, 2015 at 7:00 PM.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

None at this time.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None known.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None known.

10. List any government approvals or permits that will be needed for your proposal, if known.

Recommendations of proposed modifications (if any) will be provided by the City of McCleary Hearings Examiner to the City Council for consideration. Further action will require adoption of a zoning amendment ordinance.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The existing C-1 zoning does not allow for medical clinics, medical offices, or pharmacies. A request to allow medical clinics, medical offices, or pharmacies for the C-1 zone has been provided to the City.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The C-1 zoning district encompasses the downtown core of McCleary.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)?

6%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Most of the C-1 zoning district is impervious, with the exception of the City Park and undeveloped lots. In areas where excavation has occurred, pockets of gravel and clay have been observed. The national wetland inventory identified hydric soils in the north eastern portion of the district.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

No.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Non project action- N/A

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Non project action- N/A

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Non project action- N/A

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Non project action- N/A

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Vehicular traffic is not planned to increase, as the "Downtown Commercial" district or C-1 district will continue to generate traffic. No other air emissions are anticipated.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None known

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

N/A

3. Water

a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

A tributary to Wildcat Creek, also known locally as "Sam's Canal", runs adjacent to the C-1 district. It is piped underneath a portion of the C-1 district through large diameter culverts.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Non Project Action- N/A

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Non Project Action- N/A

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Non Project Action- N/A

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

A portion of the C-1 zoning district lies within the 100-year floodplain. As this is a non project action, the site plan has been omitted.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Non Project Action- N/A

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Non Project Action- N/A

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

NON PROJECT ACTION- N/A

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Surface water is currently collected by existing catch basins the flows through the City's Stormwater conveyance system and discharged to Sam's Canal.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Non Project Action- N/A

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Non Project Action- N/A

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Non Project Action- N/A

4. Plants

a. Check the types of vegetation found on the site:

- x deciduous tree: alder, maple, aspen, other
 x evergreen tree: fir, cedar, pine, other
 x shrubs
 x grass
 pasture
 crop or grain
 Orchards, vineyards or other permanent crops.
 wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
 water plants: water lily, eelgrass, milfoil, other
 other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Non Project Action- N/A

c. List threatened and endangered species known to be on or near the site.

None Known

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Non Project Action- N/A

e. List all noxious weeds and invasive species known to be on or near the site.

Non Project Action- N/A

5. Animals [help]

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site.

It is presumed that Steelhead, Fall/winter Chum and Chinook utilize Sam's Canal.

c. Is the site part of a migration route? If so, explain.

Part of the Pacific Flyway.

d. Proposed measures to preserve or enhance wildlife, if any:

NON PROJECT ACTION- N/A

e. List any invasive animal species known to be on or near the site.

Non Project Action- N/A

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Non Project Action- N/A

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Non Project Action- N/A

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Non Project Action- N/A

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Non Project Action- N/A

- 1) Describe any known or possible contamination at the site from present or past uses.

Non Project Action- N/A

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

Non Project Action- N/A

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Non Project Action- N/A

- 4) Describe special emergency services that might be required.

Non Project Action- N/A

5) Proposed measures to reduce or control environmental health hazards, if any:

Non Project Action- N/A

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Common commercial noises such as passenger and truck traffic, compressor noise and noise generated by people are common in this district.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Non Project Action- N/A

3) Proposed measures to reduce or control noise impacts, if any:

Non Project Action- N/A

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The C-1 district is the "Downtown Commercial" district.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

The C-1 district has not been used for agriculture since prior to incorporation in 1943.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

Non Project Action- N/A

c. Describe any structures on the site.

Various commercial buildings are located within the C-1 district from restaurants, office space, nail salons, laundry mat, grocery store, etc..

d. Will any structures be demolished? If so, what?

Non Project Action- N/A

e. What is the current zoning classification of the site?

C-1: Downtown Commercial.

f. What is the current comprehensive plan designation of the site?

The C-1 District provides for a wide range of small to medium retail businesses, eating and drinking establishments, government activities, and professional offices concentrated in the traditional downtown area of the city. Uses in this district serve the needs of the immediate area as well as tourists to the community.

g. If applicable, what is the current shoreline master program designation of the site?

N/A

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Yes, portions fo the district have hydric soils and are within the 100-year flood plain.

i. Approximately how many people would reside or work in the completed project?

Non Project Action- N/A

j. Approximately how many people would the completed project displace?

Non Project Action- N/A

k. Proposed measures to avoid or reduce displacement impacts, if any:

NON PROJECT ACTION- N/A

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Proposed changes to the zoning ordinance will be evaluated by the City's Hearing Examiner to ensure compatibility with the existing use then recommend to the City Council for potential action.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

Non Project Action- N/A

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Non Project Action- N/A

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Non Project Action- N/A

- c. Proposed measures to reduce or control housing impacts, if any:

Non Project Action- N/A

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Non Project Action- N/A

- b. What views in the immediate vicinity would be altered or obstructed?

Non Project Action- N/A

- b. Proposed measures to reduce or control aesthetic impacts, if any:

Non Project Action- N/A

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Non Project Action- N/A

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Non Project Action- N/A

- c. What existing off-site sources of light or glare may affect your proposal?

Non Project Action- N/A

d. Proposed measures to reduce or control light and glare impacts, if any:

Non Project Action- N/A

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

Beerbower park is located in the eastern portion of the C-1 district.

b. Would the proposed project displace any existing recreational uses? If so, describe.

Non Project Action- N/A

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Non Project Action- N/A

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.

The "Old McCleary Hotel" is listed as a historic property and is located on the northern portion of the C-1 district. The City "Equipment Shop" is shown as a historic property on the WISAARD and is located in the center of the C-1 district,

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

None Known

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Non Project Action- N/A

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Non Project Action- N/A

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

State Route 108 bisects the C-1 district. An arterial street, 3rd Street, also bisects the district. Local access streets are also utilized in conjunction with the public alley's in the district.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Yes, a Grays Harbor Transit Station is located within the C-1 district.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Non Project Action- N/A

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

NON PROJECT ACTION- N/A

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Non Project Action- N/A

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Non Project Action- N/A

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

Non Project Action- N/A

- h. Proposed measures to reduce or control transportation impacts, if any:

Non Project Action- N/A

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

Non Project Action- N/A

- b. Proposed measures to reduce or control direct impacts on public services, if any.

Non Project Action- N/A

16. Utilities

- a. Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____

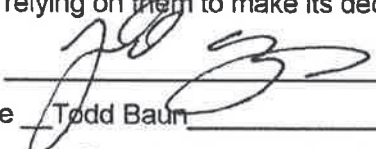
- c. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Non Project Action- N/A

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____



Name of signee Todd Baum

Position and Agency/Organization Director of Public Works; City of McCleary.

Date Submitted: 6-11-15

D. supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal to allow medical clinics, medical offices, or pharmacies within the C-1 District is not anticipated to increase the above listed concerns anymore than the currently permitted uses would.

Proposed measures to avoid or reduce such increases are:

None

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal to allow medical clinics, medical offices, or pharmacies within the C-1 District is not anticipated to increase the above listed concerns anymore than the currently permitted uses would.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

None

3. How would the proposal be likely to deplete energy or natural resources?

The proposal to allow medical clinics, medical offices, or pharmacies within the C-1 District is not anticipated to increase the above listed concerns anymore than the currently permitted uses would.

Proposed measures to protect or conserve energy and natural resources are:

The City offers conservation incentives to businesses and homeowners throughout the electric service area to promote energy conservation. This action will continue to occur, regardless of the proposal outcome.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal to allow medical clinics, medical offices, or pharmacies within the C-1 District is not anticipated to increase the above listed concerns anymore than the currently permitted uses would.

Proposed measures to protect such resources or to avoid or reduce impacts are:

None at this time.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal will be evaluated by the City Hearing Examiner to confirm the use is compatible with existing land uses. In the event the use is not confirmed by City Council, the proposed action will not proceed.

Proposed measures to avoid or reduce shoreline and land use impacts are:

None at this time.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal to allow medical clinics, medical offices, or pharmacies within the C-1 District is not anticipated to increase the above listed concerns anymore than the currently permitted uses would.

Proposed measures to reduce or respond to such demand(s) are:

None at this time.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

No conflicts are anticipated.

**CITY OF MCCLEARY
STATE ENVIRONMENTAL POLICY ACT
DETERMINATION OF NONSIGNIFICANCE
(DNS)**

Proponent/Applicant: City of McCleary
100 South 3rd Street
McCleary, WA 98557
Phone: 360-495-3667

Jurisdiction/Lead Agency: City of McCleary

Responsible Official: Todd Baun.
Director of Public Works
100 South 3rd Street
McCleary, WA 98557
Contact via U.S. Mail or Fax (360) 495-3097

Date of Issuance: June 15th, 2015

Comment Period:

This Determination of Non-significance (DNS) is issued under the State Environmental Policy Act (SEPA) as provided in WAC 197-11-340; a comment period is not required in accordance with WAC 197-11-340(2).

Description of Proposal:

The project is a consideration of a zoning amendment to add "Medical Clinics, Medical Offices and Pharmacies" to the list of permitted uses in the C-1 district.

Location of Proposal:

The C-1 zoning district, also called the Downtown District, is located in the center of the City of McCleary and functions as the downtown core of the city.

Threshold Determination:


The City of McCleary, acting as the SEPA lead agency for this Proposal, has determined that it DOES NOT have a probable significant adverse impact on the environment under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is open to the public on request. A copy of the environmental checklist is on file at McCleary City Hall, 100 South 3rd Street, McCleary, WA 98557.

Determination of Non-Significance
Subject: Zoning Amendment
Date: June 15, 2015
Page 2 of 2

Appeal Process:

The SEPA lead agency has elected to not establish appeals for this proposal. A land use public hearing will be conducted on July 1st, at 1:30 PM. All members of the public are encouraged to attend.

Determination of Non-
Significance Issued by:



Todd Baun
Environmental Review Officer

STAFF REPORT

To: Mayor Dent
From: Todd Baun- Director of Public Works
Date: July 17, 2015
Re: Cedar Heights Storm Pond

Cedar Heights has created its Homeowners Association and had a meeting on July 15th, which I attended at the request of the HOA. At that meeting the HOA members decided that the Homeowners would like to deed their storm pond to the City, with one condition. The one condition that they would like to add is this: They would be not charged the additional rate above the base Stormwater rate that they already pay on a monthly basis.

They feel that prior precedence has been set with the Summit Place 1 storm pond. The City was deeded ownership of that storm pond in 2007 and we have maintained it since then. We also do not charge Summit 1 residences any additional fee above the base storm water rate.

The HOA feels that if they already pay to maintain everyone's storm system, including Summit 1 storm pond, why it would be any different if the City took ownership and maintains the Cedar Heights storm pond.

Action Requested:

Please provide recommendations on how you would like to proceed on this matter.



DYNAMIC COLLECTORS, INC.

790 S MARKET BLVD, CHEHALIS, WA 98532

(360) 748.0420 ◦ (800) 464.3457 ◦ FAX (360) 748.0262

AMENDMENT TO CONTRACT

This amendment (the "Amendment") is made by **DYNAMIC COLLECTORS, INCORPORATED (AGENCY)** and **CITY OF MCCLEARY (CITY)**, parties to the Contract dated 10-1-02.

The Agreement is amended as follows and shall apply to any new accounts turned over, effective the date of this Amendment to Contract:

The CITY authorizes the AGENCY to add interest to accounts at a rate of 12% and to disperse the interest as follows: 100% of accrued interest to the CITY prior to the AGENCY commencing legal action and 100% of interest accrued after the AGENCY has commenced legal action shall be retained by the AGENCY. The AGENCY reserves the right to write-off interest balances under \$5.00, or to stop charging interest on payroll deductions and post-dated check payment plans.

The CITY will receive full payment in order to close a case. The CITY authorizes the AGENCY to either waive or reduce interest as a negotiation tool.

Except as set forth in this Amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this amendment and the Agreement or any earlier amendment, the terms of this amendment will prevail.

The work to be performed under this amendment shall commence on _____, of _____, 2015.

Donald G. Dent, Mayor

City of McCleary

Dated: _____

Kevin Klumper

Dynamic Collectors, Inc.

Dated: _____

STAFF REPORT

To: Mayor Dent
From: Todd Baun- Director of Public Works
Date: July 17, 2015
Re: Water Conservation Ordinance

With our current weather and dry conditions, I have started looking at ways to keep our water system safe. Since the City has nothing on Water Conservation, I have been talking with Dan about this issue of drafting a Water Conservation Ordinance. Dan has drafted an Ordinance that I think will help protect our valuable water.

This issue started to pop up in early June. Kevin and I started reviewing our well outputs, and we were seeing that our current well levels were currently at levels normally seen in late August and September. With this information, we consulted Gray and Osbourn about what we could do to help with our declining water in the well field. They gave us some suggestions on turning down output from the wells and possibly limiting our back washing cycles. Both items were implemented and have helped our wells slowly recover.

The City has also cut our normal irrigation usage in half, stopped flushing hydrants unless necessary and have put a message on our website asking for voluntary water conservation. I have put the website message on page 2 for your information.

Action Requested:

Please allow the Mayor to sign the Ordinance for Water Conservation measures.

With our drier than normal winter, dry warm spring and early summer, the City and our ground water supplies are at risk of overuse. The demand on our aquifer can be greater than the amount supplied by rain and snowmelt. Water conservation is an important measure to help with, due to increases with demand on the City's potable water resource.

Keep in mind that it is often cheaper, easier, and safer to use less water and there are many ways for homeowners to conserve water. It is important for our consumers to use water wisely to assure an adequate supply of water for our community. Following are some conservation measures will help reduce water usage during hot, dry weather:

Outdoor and Lawn watering tips:

- The average lawn requires only one inch of water per week to stay green. Overwatering doesn't improve your lawn's health and results in runoff and water waste. Place a series of shallow containers throughout your lawn. Turn the sprinklers on and water your grass. When you're finished, measure the water in the dishes. Adjust the time until the water is about one inch deep.
- Regularly check and adjust your sprinklers. Water only your lawn and not the driveway, streets and sidewalks.
- In order to reduce the amount of water lost to evaporation, the best time to water your lawn is in the mornings between 6am-9am.
- Mow your lawn with blades set high; grass that is 2"-3" tall promotes a healthier root system and helps retain soil moisture.
- Consider replacing lawn with native plants to use less water, fewer chemicals, and eliminate mowing.
- Apply mulch around plants and trees to retain moisture and inhibit weed growth.
- Use a broom, not a hose, to clean driveways and sidewalks

Indoor water conservation tips:

- Don't use the toilet as a wastebasket. Each flush wastes water.
- Check toilets and faucets for leaks and fix any problems.
- Run your dishwasher only when it's full.
- Wash only full loads of laundry or use the proper water level setting for your load size.
- Don't leave the water running when brushing your teeth or shaving. With the tap running at full force, shaving takes 20 gallons of water, teeth-brushing takes 10.
- Take shorter showers or use less water in your bath. A full bathtub requires about 36 gallons of water. A five-minute shower using a water-conserving showerhead will use just 15 to 25 gallons.
- Consider installing water-efficient toilets, faucets and showerheads as a water-saving investment.

ORDINANCE NO. _____

AN ORDINANCE RELATING TO PUBLIC UTILITIES,
ADDING A NEW CHAPTER TO TITLE 13 OF THE
MUNICIPAL CODE, PROVIDING FOR PENALTIES,
ENFORCEMENT, AND SEVERABILITY.

R E C I T A L S:

1. The Director of Public Works has reported to the Mayor and Council that the source of the City's water supply is currently at a level normally reached in the early Fall.

2. The indication is such an unusual level of availability is associated with the weather of the recent months which has involved much less rainfall than would be normal.

3. A review of the Municipal Code has disclosed no existing provisions authorizing the implementation of measures to control water usage in situations arising from a shortage of supply.

4. As a protective measure for the public good, it is found appropriate to implement the provisions set forth below so that, in the event such action becomes necessary, specific guidelines as to steps to be taken to protect the public health and safety are in place.

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

SECTION I: When, as the result of information provided by the Director of Public Works (the Director), it is deemed necessary in the judgment of the Council to conserve water within the City's domestic water supply system during critical water shortage periods, the Council may by resolution declare an emergency condition and direct the Director to implement any or all of the following actions after publication of notice thereof in a newspaper of general circulation distributed in the city. In the event the Director has determined it necessary to make this recommendation and more than fourteen calendar days must pass before the next regular meeting of the Council, the Mayor may issue a proclamation declaring the emergency which shall remain in place until the Council ratifies, reverses, or modifies the action of the Mayor at its next meeting.

Based upon the information provided to the Council or the Mayor, as the case may be, the resolution or declaration shall define the emergency as a mild, moderate, or severe emergency. Such definition shall govern the steps taken in the implementation of the program. Upon implementation of a program, the public works department shall monitor the supply and demand for domestic water on a daily basis and the Director shall provide reports to the Mayor and Council on a weekly basis of the status of the domestic water system.

SECTION II: Upon adoption of a water supply emergency resolution, the Director shall implement a water consumption

curtailment program corresponding to the emergency level declared by Council. The water curtailment program shall consist of the following measures and any other measures necessary, in the judgment of the Director, to maintain the operational capabilities of the City's water supply system and thus insure the safety and health of those served by it.

A. Stage I-Mild:

1. The public works department shall place a notice of a water supply emergency upon the City's website and any social media service upon which it maintains a "site". It shall also notify the newspapers of general circulation within the City of this situation.

2. The public works department shall prepare and send a water status report to large water users as identified in the city's utility billing system.

3. The Director may take such steps as may be deemed appropriate requesting that domestic water users using city water for irrigation conform to the following landscape watering schedule, such watering to be allowed before 9:00 am and after 6:00 pm:

a. Even-numbered addresses water on even-numbered calendar days.

b. Odd-numbered addresses water on odd-numbered calendar days.

4. The public works department may develop and distribute to customers within the water utility billing system a water conservation guide.

B. Stage II-Moderate: In addition to the following measures, all of the measures indicated in the mild stage water emergency shall apply.

1. A representative of the public works department shall meet with the large water users as identified in the water utility billing system to inform them of the current condition and request a voluntary percentage reduction in their water consumption.

2. Mandatory landscape water restrictions shall be implemented. Landscape watering restriction may include required schedules up to and including prohibition of landscape watering.

3. Washing of streets, sidewalks, driveways, or decks shall be prohibited except as necessary for public health and safety.

4. Washing of boats and vehicles shall be prohibited unless at a commercial car washing facility equipped with water recycling equipment.

5. The filling of swimming pools, spas, and similar artificially created water features is prohibited.

6. Construction operations receiving water from a hydrant shall not use water unnecessarily for any purposes other than those required by regulatory agencies.

7. All restaurants that provide table service shall be requested to post in a conspicuous place a notice of emergency water conditions as provided by the Director and shall refrain from serving water except upon a specific request by a customer.

8. Operators of commercial establishments offering lodgings, including by way of example bed and breakfasts and motels, shall be requested post in each room a notice of emergency water conditions as provided by the Director.

C. Stage III-Severe: In addition to the following measures, all of the measures indicated in the mild stage and moderate stage water emergencies shall apply.

1. All watering of any lawn, yard, city park, landscaping, recreational area, or any other area containing vegetation shall be prohibited.

2. Hydrant permits shall be rescinded and no new permits issued.

3. In the event the above measures do not prevent a shortage of water supply available for the basic function of health and sanitation, the Director may be authorized to implement a rolling system of water system outages as necessary to preserve basic health and sanitation.

SECTION III. Enforcement:

A. Accountability: For the purposes of this ordinance, the legal owner of any premises upon which a violation of this section occurs or, in the case of rented or leased

premises, the legal occupant thereof, shall be deemed accountable for the conduct of all other persons being present thereon or having access to the premises. Any such owner or occupant may be found to have committed a violation of this ordinance upon proof of the commission of a violation of this section and proof that the named individual is the owner or legal occupant of the premises upon which the violation occurred, though the persons claimed to have committed the violation have not been prosecuted or convicted, or have been acquitted.

B. Violations & Penalties:

1. It is unlawful for any person to violate any provision of this ordinance. For the purpose of this section, person includes, in addition to the definition provided in MMC 9.04.160, those accountable for the conduct of others as defined in this section. Notices of infraction or citations, as may be merited under subparagraph 2, may be issued for violations of this ordinance.

2. Any person found to have violated any provision of this ordinance shall be deemed to have committed a civil infraction subject to a civil penalty as set forth in MMC 8.16.230: Provided that, if the same violator has been found to have committed an infraction violation for the same or similar conduct two separate times, with the violations occurring at the same location, involving the same or similar sections of the Municipal Code or other similar codes, and having been issued

within a thirty day period, the third or subsequent violation shall be issued as a citation and shall be deemed to constitute a misdemeanor, punishable as provided in MMC 9.02.030.

C. Discontinuance of Service: If a person accountable for service at a location has been given written notification of violation of the provisions of this ordinance and has failed to timely take reasonable efforts to correct the violation, in addition to the enforcement provisions set forth in the prior subparagraphs, in the Director's discretion, a written notification of intention to discontinue service may be given. It shall be given no less than five business days in advance of the intended date of discontinuance of service. The person may appeal such notification pursuant to the procedure set forth in Sections 5.04.030 and 5.04.040. Such notice of appeal must be filed within three business days of the giving of the notice. All other provisions of the two sections apply, including staying of the actual termination of service.

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

SECTION VI: 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.

SECTION VII: Codification: Sections I through III shall constitute a new chapter in Title 13 of the Municipal Code.

PASSED THIS _____ DAY OF _____,
2015, by the City Council of the City of McCleary, and signed in approval therewith this _____ day of _____,
2015.

CITY OF McCLEARY:

D. GARY DENT, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

ORDINANCE -C- 8
07/15/2015
dc/le

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

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 _____, 2015, by WENDY COLLINS.

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

STAFF REPORT

To: Mayor Dent
 From: Todd Baun., Director of Public Works
 Date: July 16, 2015
 Re: Surplus Vehicles and Equipment

The following items are vehicles and equipment that we no longer use or are broken and unfeasible to repair. We would like to have Dan prepare a resolution to surplus these items. We will auction these items off to the highest bidder.

Make	Model	Year	License	VIN
FORD	Dump truck	1972	D17218	F61ERN89645
Chevrolet	S-10	1988	18474D	1GCCSL4ROJ819Z691
Kubota	B2400 Tractor/mower	1997		70498
Dynapac	2100 E Roller			82574

Action Requested:

Please consider adoption of the resolution presented regarding Surplus Vehicles and Equipment.

RESOLUTION NO. _____

**A RESOLUTION DECLARING CERTAIN VEHICLES AND
EQUIPMENT TO BE SURPLUS AND PROVIDING FOR THE
DISPOSITION THEREOF.**

R E C I T A L S:

1. In his report to the Council, the Public Works Director has reported that certain equipment and vehicles are surplus to the present and anticipated future needs of the City. A list of those items was attached to his report and is attached to this Resolution as Attachment #1.

2. It is the desire and the intent of the Council to declare these items surplus and to provide for the disposition thereof.

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

SECTION I: Those certain items of personal property more fully described in Attachment Number 1, said Attachment being attached hereto and incorporated by this reference, are hereby declared surplus to the present and future needs of the City.

SECTION II: The property so declared surplus shall be disposed of as follows:

A. Pursuant the provisions of Resolution 443 and, to the extent inconsistent therewith, any resolution adopted thereafter by the City setting forth procedures for the disposition of surplus property.

B. As an alternative means of disposal, the items may be disposed of as a portion of any public sale carried forth either by the County of Grays Harbor or any other municipal corporation situate in the County of Grays Harbor, subject to the ability of the City Administrator to establish a minimum amount which will be accepted; said minimum bid amount to be approved by the Mayor.

C. In the event they are not disposed of pursuant to the provisions of paragraphs A and B, then they may be disposed of by negotiated disposition; said negotiations to be carried forth by the Director of Public Works and reported to the Council for approval by the Council prior to the entry into any agreement. Notice of their availability shall be posted upon the City's website and upon the entrance to the City Hall.

PASSED THIS _____ DAY OF JULY, 2015, by the City Council of the City of McCleary, and signed in authentication thereof this _____ day of _____, 2015.

CITY OF McCLEARY:

D. GARY DENT, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

Vehicles and Equipment Surplus July 22nd, 2015

	Make	Model	Year	License	VIN
1	FORD	Dump truck	1972	D17218	F61ERN89645
2	Chevrolet	S-10	1988	18474D	1GCCSL4ROJ819Z691
3	Kubota	B2400 Tractor/mower	1997		70498
4	Dynapac	2100 E Roller			82574

Attachment "1"