



**AGENDA**

**Long Beach City Council Workshop at 5:30 p.m.**  
**Long Beach City Council Meeting**  
**Regular City Council April 15, 2013 at 7:00 p.m.**  
Long Beach City Hall - Council Chambers  
115 Bolstad Avenue West

**5:30 PM CALL TO ORDER**

+ WS 13-08 – Council Candidate Interviews – TAB – A

**7:00 PM CALL TO ORDER; PLEDGE OF ALLEGIANCE; AND ROLL CALL**

Call to order Mayor Andrew, Council Member Linhart,  
And roll call Council Member Perez, Council Member Murry, and Council Member Phillips

**CONSENT AGENDA - TAB – B**

All matters, which are listed within the consent section of the agenda, have been distributed to each member of the Long Beach City Council for reading and study. Items listed are considered routine by the Council and will be enacted with one motion unless a Council Member specifically requests it to be removed from the Consent Agenda to be considered separately. Staff recommends approval of the following items:

- Minutes, April 1, 2013 Regular City Council meeting.
- Payment Approval List for Warrant Registers 52921 - 52962 & 71182 – 71269 for \$274,086.52

+++ **Possible Executive Session to discuss filling Council Seat.**

**BUSINESS**

- AB 13-21 – Public Hearing on Ord 889, 890, 891 & 892 & adoption – TAB – C
- AB 13-22 – Stormwater Bond Ordinance No 893 – TAB – D
- AB 13-20 – Beachdog Contract – TAB – E

**ORAL REPORTS**

• City Council Mayor City Administrator Department Heads

**CORRESPONDENCE AND WRITTEN REPORTS – TAB – F**

- Correspondence – EDC Letter
- Correspondence – Well City Award letter
- Correspondence – PD Report
- Business License – Davidson Construction Inc.; Damascus, OR
- Business License - Coastal Corner Market; 1304 Pacific Ave South

**FUTURE CITY COUNCIL MEETING SCHEDULE**

The Regular City Council meetings are held the 1<sup>st</sup> and 3<sup>rd</sup> Monday of each month at 7:00 PM and may be preceded by a workshop commencing at 6:00 PM.  
May 6 – 7:00 pm - City Council Meeting  
May 20, - 7:00 pm – City Council Meeting

**PUBLIC COMMENT**

At this time, the Mayor will call for any comments from the public on any subject whether or not it is on the agenda for any item(s) the public may wish to bring forward and discuss. Preference will be given to those who must travel. **Please limit your comments to five minutes. The City Council does not take any action or make any decisions during public comment.** To request Council action during the Business portion of a Council meeting, contact the City Administrator at least one week in advance of a meeting.

**ADJOURNMENT**

American with Disabilities Act Notice: The City Council Meeting room is accessible to persons with disabilities. If you need assistance, contact the City Clerk at (360) 642-4421 or advise City Clerk at the meeting.

TAB

A

TAB

A



**CITY COUNCIL  
WORKSHOP BILL  
WS 13-08**

**Meeting Date: April 15, 2013**

<b>AGENDA ITEM INFORMATION</b>		
<b>SUBJECT: Council Candidate interviews</b>	<i>Originator:</i>	
	Mayor	RA
	City Council	
	City Administrator	
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Finance Director	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
<b>COST: N/A</b>	Other:	
<b>SUMMARY STATEMENT: see attached packet</b>		

City of Long Beach WA

March 27, 2013

I am interested in finishing the term on the Long Beach City Council left vacant by

The death of Don Maxson.

I am a registered voter in Pacific County WA and a resident in the city of Long Beach

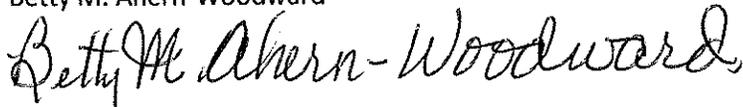
I served a 4 year term as city council in the past

I am over 18 years old

I will be here in the City for the balance of the term through 2013.

I currently own and operate The Bead Shop In Long Beach.

Betty M. Ahern-Woodward

A handwritten signature in cursive script that reads "Betty M. Ahern-Woodward". The signature is written in black ink and is positioned below the printed name.

P.O. Box 388

Long Beach WA 98631

March 13, 2013

City Clerk, Long Beach City Hall  
PO Box 310  
115 Bolstad Avenue W  
Long Beach, WA 98631

Thomas R. Werner  
712 Washington Ave. South  
Long Beach, WA 98631  
Home/Work: (406) 871-7155 cell  
Email: [twerner@centurytel.net](mailto:twerner@centurytel.net)

Subject: Letter of intent, application to City Council position

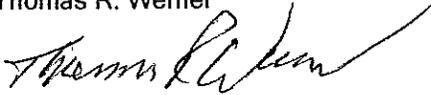
Dear City Clerk,

I'd like to submit this letter of intent and my attached resume for consideration for the Long Beach City Council position. I am a resident of Long Beach and live at the address listed above. I am also a registered voter, Certificate of Registration number 149753.

I have worked for the Aluminum Companies for 40 plus years and have amassed a wide set of professional, support, budgetary, and managerial skills over the years. I have held a variety of positions within Alcoa over the years, from hourly labor to potroom superintendent, I have recently received my degree in Criminal Justice. My strength is that I always learn a job quickly and help to streamline processes and find inefficiencies, I would like to prove myself to be a valued team member. I would like to bring these same skills and strengths to the Long Beach City Council as a member if given the opportunity.

Please feel free to contact me if you have any questions or need additional information. I look forward to participating in the selection process and hope to serve on the Long Beach City Council as a proud member representing the citizens of Long Beach who I am proud to call neighbors.

Thank you for your consideration, sincerely,  
Thomas R. Werner



March 4, 2013

To the Mayor and Long Beach City Council:

My name is Natalie Hanson. I have been a resident of the City of Long Beach for over ten (10) years.

Due to the untimely and unfortunate death of Councilman Don Maxson it is my understanding that his City Council seat is now open. I feel that I am fully qualified and am very interested in filling that position.

I am a past Planning Commissioner for the City of Long Beach. I am a Trustee for the Long Beach Elks Lodge and the designated liaison to the Merchants Association on their behalf. As a member of The Long Beach Lions Club and the American Association of University Women I have been active in the City events and in local government. I have been involved with Sandstans and Holidays at the Beach. I chair the Food 4 Kids Backpack program for the Long Beach Elementary School as well as chairing the Community Thanksgiving and Christmas dinners and have been an active participant with our Veteran Auxiliaries.

As a retired lobbyist for the El Dorado Irrigation District and the California Public Utilities Commission I feel that I have a basic understanding of the utility issues facing our City.

I would appreciate your consideration for appointment to this position until such time as I may run for election.

Thank you in advance for your attention to this request.

*Natalie Hanson*

Natalie Hanson  
201 SE 14<sup>th</sup> Street  
Long Beach, WA 98631  
360-642-8244

To whom it may concern

Hello, my name is Dolan Gardner and I would like to run for city council. I would like to run because I believe it would be interesting. I also believe that I have some ideas that could help our community grow. I am 25 years old and have lived on the peninsula for the last 17 years. I have lived in Long Beach for the last four years and am currently residing in one of Billy Lou's rental homes. I manage the moped business in downtown and this will be my fourth year. If you would like to contact me for more information you can reach me at (360) 244-3251. Thank you for your time and consideration.

Sincerely  
Dolan Gardner

TAB

B

TAB

B

## LONG BEACH CITY COUNCIL MEETING

APRIL 1, 2013

### CALL TO ORDER

Mayor Andrew called the meeting to order and asked for the Pledge of Allegiance.

### ROLL CALL

Gene Miles, City Administrator, called roll with Mayor Andrew, C. Linhart, C. Perez and C. Phillips present. C. Murry was absent.

### CONSENT AGENDA

Minutes, March 18, 2013 Regular City Council meeting  
Payment Approval List for Warrant Registers 52886-52920 & 71128-71181 for \$189,673.98  
**C. Linhart made the motion to approve the consent agenda with C. Phillips seconding the motion. 4 Ayes 0 Nays 1 Absent (C. Murry), motion passed.**

### BUSINESS

AB 13-19      2013 Fireworks Agreement

David Glasson, Finance Director, presented the agenda bill explaining the contract is with Western Display Fireworks and is for \$18,000. **C. Linhart made the motion to approve the agenda bill with C. Perez seconding the motion. 4 Ayes 0 Nays 1 Absent, (C. Murry), motion passed.**

AB 13-20      2013 Agreement with Peninsula Visitor's Bureau

David Glasson, Finance Director, presented the agenda bill explaining this is a final version of the contract for the Tourism Service Contract with the Peninsula Visitor Bureau for \$130,500. **C. Linhart made the motion to approve the agenda bill with C. Perez seconding the motion. 4 Ayes 0 Nays 1 Absent, (C. Murry), motion passed.**

### ORAL REPORTS

C. Linhart, C. Perez, C. Phillips, Mayor Andrew, Gene Miles, City Administrator, David Glasson, Finance Director, Chief Flint Wright and Gayle Borchard, Community Development Director presented oral reports.

### CORRESPONDENCE AND WRITTEN REPORTS

Correspondence – Templin Foundation  
Sales Tax Report – March 2013  
Lodging Tax Report – March 2013  
Business License – Ferrellgas – 1410 Pacific Avenue South  
Business License – V&R Sheetmetal – Outside City Limits  
Business License – Calder Beach House – 412 30<sup>th</sup> Street NW

**PUBLIC COMMENT**

Betty Woodward has heard comments of reservations being made online and then when they get here they do not have reservations. Andi Day, Long Beach Peninsula Visitor's Bureau gave an update on the printing projects.

**ADJOURNMENT**

**C. Linhart made the motion to adjourn at 7:36 p.m. with C. Perez seconding the motion. 4 Ayes 0 Nays 1 Absent, (C. Murry), motion passed.**

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Mayor

ATTEST:

---

City Clerk



# Warrant Register

Check Periods: 2013 - April - First

I, THE UNDERSIGNED DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF LONG BEACH, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.

Council Member \_\_\_\_\_ Council Member \_\_\_\_\_ Council Member \_\_\_\_\_ Finance Director \_\_\_\_\_

Number	Name	Print Date	Clearing Date	Amount
52921	Andrew, Robert E.	4/5/2013		\$394.95
52922	Binion, Jacob	4/5/2013		\$1,284.96
52923	Bledsoe, Linda	4/5/2013		\$781.16
52924	Borchard, Gayle	4/5/2013		\$1,748.28
52925	Busby, Randy Scott	4/5/2013		\$1,621.02
52926	Cutting, Jeffrey G.	4/5/2013		\$2,070.95
52927	Fitzgerald, Rick E.	4/5/2013		\$1,374.84
52928	Gilbertson, Bradley K	4/5/2013		\$1,331.05
52929	Glasson, David R.	4/5/2013		\$2,384.74
52930	Goulter, John R.	4/5/2013		\$1,470.05
52931	Gray, Karen	4/5/2013		\$733.08
52932	Gray, Rick R.	4/5/2013		\$1,683.73
52933	Huff, Timothy M.	4/5/2013		\$1,440.51
52934	Kaino, Kris	4/5/2013		\$1,015.75
52935	Kitzman, Michael	4/5/2013		\$1,965.11
52936	Linhart, Steven P	4/5/2013		\$266.95
52937	Luehe, Paul J	4/5/2013		\$1,511.43
52938	Martin, Kevin R	4/5/2013		\$1,626.86
52939	Meling, Casey K	4/5/2013		\$1,456.34
52940	Miles, Eugene S	4/5/2013		\$2,764.83
52941	Mortenson, Tim	4/5/2013		\$1,855.00
52942	Murry, Del R	4/5/2013		\$266.95
52943	Myers, Ragan S.	4/5/2013		\$1,318.12
52944	Ostgaard, Loretta G	4/5/2013		\$1,311.90
52945	Padgett, Timothy J	4/5/2013		\$1,504.55
52946	Phillips, Gerald S	4/5/2013		\$266.95
52947	Russum, Richard	4/5/2013		\$1,256.37
52948	Turner, Michael S.	4/5/2013		\$792.60
52949	Warner, Ralph D.	4/5/2013		\$1,846.15

Number	Name	Print Date	Clearing Date	Amount
52950	Wright, Flint R	4/5/2013		\$2,264.02
52951	Zuern, Donald D.	4/5/2013		\$1,904.29
52952	AFLAC	4/5/2012		\$375.35
52953	Association of WA Cities	4/5/2012		\$14,827.62
52954	City of Long Beach - Fica	4/5/2012		\$9,420.40
52955	City of Long Beach - FWH	4/5/2012		\$7,348.59
52956	Council Gift Fund	4/5/2012		\$40.00
52957	Dept of Labor & Industries	4/5/2012		\$1,445.73
52958	Dept of Retirement Systems	4/5/2012		\$7,216.83
52959	Dept of Retirement Systems Def Comp	4/5/2012		\$1,158.00
52960	Hartford Life Insurance	4/5/2012		\$325.00
52961	Teamsters Local #58	4/5/2012		\$188.50
52962	United Employee Benefit Trust (UEBT)	4/5/2012		\$6,553.00
71182	Visa	4/1/2013	4/1/2013	\$1,035.78
71183	Gray, Karen	4/1/2013	4/2/2013	\$83.52
71184	Pacific County Auditor	4/1/2013		\$216.00
71185	City of Long Beach	4/1/2013		\$75.00
71186	Tangly Cottage Garden	4/1/2013	4/2/2013	\$1,161.67
71187	Burger, Beverly	4/1/2013		\$1,878.00
71188	STEPHAN DODSON SIGNS	4/1/2013		\$121.28
71189	Gray, Rick	4/2/2013		\$25.25
71190	Pacific County Auditor	4/8/2013		\$72.00
71191	Public Utility District 2	4/10/2013		\$2,660.00
71192	Saw Construction, Inc.	4/11/2013		\$28,028.00
71193	A-1 Redi Mix	4/12/2013		\$48.46
71194	Active Enterprises, Inc.	4/12/2013		\$21.17
71195	Addy Lab, Llc	4/12/2013		\$718.00
71196	Alpine Products Inc	4/12/2013		\$1,057.86
71197	AlSCO-American Linen Div.	4/12/2013		\$61.03
71198	American Messaging	4/12/2013		\$37.74
71199	Arts Auto Parts Inc.	4/12/2013		\$133.92
71200	Astoria Janitor & Paper Supply	4/12/2013		\$320.81
71201	Beachdog.com Inc.	4/12/2013		\$1,251.25
71202	Beckwith & Kuffel	4/12/2013		\$3,855.32
71203	Best Western Plaza Hotel	4/12/2013		\$120.18
71204	BMC WELDING	4/12/2013		\$2,471.53
71205	Cascade Columbia Distribution CO	4/12/2013		\$205.43
71206	Chinook Observer	4/12/2013		\$294.60
71207	City of Long Beach	4/12/2013		\$1,152.94
71208	Coast Rehabilitation Services	4/12/2013		\$292.00
71209	Columbia Ford, Inc.	4/12/2013		\$35,929.61
71210	Columbia Steel Supply	4/12/2013		\$32.28
71211	Cres Comm Services, Inc.	4/12/2013		\$59.18
71212	CURRAN-McLEOD, INC	4/12/2013		\$2,600.00
71213	DAVIS WRIGHT TREMAINE LLP	4/12/2013		\$3,822.00
71214	Day Wireless Systems	4/12/2013		\$2,461.32

Number	Name	Print Date	Clearing Date	Amount
71215	Dennis Company	4/12/2013		\$911.29
71216	DEPARTMENT OF ENTERPRISE SERVICES	4/12/2013		\$125.00
71217	Department of Licensing	4/12/2013		\$18.00
71218	Emerald Recycling	4/12/2013		\$122.75
71219	Englund Marine Supply	4/12/2013		\$991.16
71220	Evergreen Septic Service	4/12/2013		\$2,620.45
71221	Ferguson Enterprises, Inc #3001	4/12/2013		\$1,001.68
71222	Fernhill Holly Farms	4/12/2013		\$285.00
71223	Galls, LLC	4/12/2013		\$566.92
71224	H. D. FOWLER	4/12/2013		\$4,426.98
71225	Hach Company	4/12/2013		\$539.46
71226	Haskin, Katie	4/12/2013		\$1,252.25
71227	IBS, Inc.	4/12/2013		\$61.70
71228	Interstate Battery	4/12/2013		\$290.90
71229	L.N. Curtis & Sons	4/12/2013		\$4,198.81
71230	Lay's Technologies, Llc	4/12/2013		\$91.63
71231	Long Beach Commercial Security	4/12/2013		\$5.39
71232	Loyalty Days	4/12/2013		\$450.00
71233	Midway Printery	4/12/2013		\$225.30
71234	Naselle Rock & Asphalt	4/12/2013		\$2,456.69
71235	Oman & Son Builders	4/12/2013		\$515.61
71236	One Call Concepts, Inc.	4/12/2013		\$42.24
71237	Otak	4/12/2013		\$1,611.00
71238	Pacific Art & Office Supply	4/12/2013		\$12.63
71239	Pacific County Sheriff's	4/12/2013		\$16,535.56
71240	PALL CORPORATION	4/12/2013		\$4,527.60
71241	Peninsula Landscape Supply	4/12/2013		\$142.29
71242	Peninsula Pharmacies	4/12/2013		\$24.36
71243	Peninsula Rotary	4/12/2013		\$285.00
71244	Peninsula Sanitation	4/12/2013		\$2,199.48
71245	Peninsula Visitors Bureau	4/12/2013		\$12,441.67
71246	PENNOYAR, WILLIAM	4/12/2013		\$1,000.00
71247	Quill Corporation	4/12/2013		\$193.12
71248	Radio Shack	4/12/2013		\$189.83
71249	Rosemount Analytical	4/12/2013		\$2,295.84
71250	Sid's Iga	4/12/2013		\$68.35
71251	Sirennet.com	4/12/2013		\$122.02
71252	Snap ON Tools	4/12/2013		\$19.03
71253	South District Court	4/12/2013		\$1,166.67
71254	Sternberg Lanterns, Inc	4/12/2013		\$1,302.00
71255	SUNSET AUTO PARTS, INC	4/12/2013		\$8,096.00
71256	Sutherland, F. r., MD	4/12/2013		\$110.00
71257	Taft Plumbing	4/12/2013		\$383.93
71258	Terex Utilities West	4/12/2013		\$5,257.10
71259	Total Battery & Auto	4/12/2013		\$446.01

Number	Name	Print Date	Clearing Date	Amount
71260	TURNER, MICHAEL S	4/12/2013		\$184.85
71261	Tyco Valves & Controls, LP	4/12/2013		\$1,696.95
71262	U.S Cellular	4/12/2013		\$350.81
71263	Visa	4/12/2013		\$1,968.13
71264	Washington State Patrol	4/12/2013		\$356.00
71265	Wilcox & Flegel	4/12/2013		\$1,491.90
71266	Wilcox & Flegel Oil Co.	4/12/2013		\$1,903.18
71267	World Kite Museum	4/12/2013		\$1,166.67
71268	Wright, Flint	4/12/2013		\$89.00
71269	Xylem Water Solutions U.S.A., Inc	4/12/2013		\$534.69
	<b>Total</b>		<b>Check</b>	<b>\$274,086.52</b>
	<b>Grand Total</b>			<b>\$274,086.52</b>

TAB

C

TAB

C



**CITY COUNCIL  
AGENDA BILL  
AB 13-21**

**Meeting Date: April 15, 2013**

<b>AGENDA ITEM INFORMATION</b>		
<p><b>SUBJECT:</b> Public Hearing on and adoption of Ordinances No. 889, 890, 891, and 892 - Annual Amendments to Titles 10,11,12,and 13, minor revision recommended by the Long Beach Planning Commission</p> <p><b>COST:</b> N/A</p>	<i>Originator:</i>	
	Mayor	
	City Council	
	City Administrator	
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	GB
	Finance Director	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
Other:		
<p><b>SUMMARY STATEMENT:</b> These are ordinances enacting amendments to City code titles 10 - Building Regulations (Ordinance No. 889); 11 - Unified Development (Ordinance No. 890); 12 – Zoning Regulations (Ordinance No. 891); and 13 – Critical Areas Regulations (Ordinance No. 892). The Planning Commission conducted a hearing and made a recommendation (attached). The PC has requested one minor clarifying revision. The Council may conduct another public hearing, and it may also adopt the ordinances once the hearing is closed.</p>		
<p><b>RECOMMENDED ACTION:</b> <i>Conduct a public hearing on Ordinances No. 889 - 892. Adopt the ordinances with the minor PC recommended revision.</i></p>		

**PLANNING COMMISSION RECOMMENDATION**

# City of Long Beach Planning Commission

## MEMORANDUM

**TO:** Long Beach City Council  
**SUBJECT:** Recommendation Regarding Amendment of Titles 10, 11, 12, and 13  
**FROM:** Long Beach Planning Commission  
Wellington Marsh, Chair Kathleen Graham  
Curtis Epping William Stidham  
Lesley Ferguson  
**DATE:** April 9, 2013

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HONORABLE MAYOR AND MEMBERS OF THE COUNCIL:

On behalf of the Planning Commission, it is my privilege to forward our recommendation regarding amendment of Long Beach City code titles 10 – Building Regulations, 11 – Unified Development, 12 – Zoning Regulations, and 13 – Critical Areas Regulations. Pursuant to **sections 11-2A-1(A)** and **11-2B-3(C)** of the Long Beach City code, the Planning Commission has conducted a public hearing on the matter, considered the matter, made findings, and offers the Council our recommendation. Pursuant **section 12-3-3(D)**, the findings made by the Commission are as follows:

- (1) The proposed ordinances are necessary to protect the health, safety, general welfare and orderly development of the community.
- (2) The proposed ordinances are consistent with the City's adopted Comprehensive Plan.
- (3) The proposed ordinances further the implementation of the City's adopted Comprehensive Plan.

It is the Commission's understanding the City Council will consider the matter including this Commission's recommendation, and make the final determination regarding these proposed land use amendments.

The Commission recommends the Council APPROVE the amendments as proposed and ADOPT Ordinance Nos. 889, 890, 891, and 892.

Sincerely,

Wellington Marsh, Chair



**“Codes adopted” was changed in part to read as follows:**

**10-2-1: BUILDING CODES ADOPTED; SPECIFIC SECTIONS NOT ADOPTED:** The model codes listed below, as approved and adopted by the State Building Code Council except as noted, together with any amendments or additions, are hereby adopted by this reference. These codes must apply to all new construction, remodeling, or repairs. Copies of the codes are on file for inspection in the office of the building department of the city.

C. International residential code 20092006;

1. For multi-family residential structures of five (5) or more dwelling units, automatic fire sprinkling systems are required.

**The Planning Commission recommends the following revision to be more consistent with the revision made to 10-2-1:**

**10-2-2: FIRE CODE:**

A. International Fire Code Adopted: The 2009 2006 international fire code is hereby adopted in its entirety for the purpose of describing regulations governing conditions hazardous to life and property, fire, or explosion.

1. The City does not adopt section 903.2.8: **Group R** requiring automatic sprinkler systems in all residential dwellings in its entirety. The City does not require such systems in single and two family residential buildings of four or fewer dwelling units.

**ORDINANCES AS PROPOSED FOR ADOPTION**

## ORDINANCE No. 889

### AN ORDINANCE OF THE CITY OF LONG BEACH, WASHINGTON ADOPTING REVISIONS TO TITLE 10, BUILDING REGULATIONS, AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT

**WHEREAS**, the City Council deems it necessary for the purpose of promoting the public health, safety and general welfare of the City; and

**WHEREAS**, the purpose of the Building Regulations Ordinance of the City of Long Beach, Washington is to promote public health, safety and general welfare, and influence orderly and safe building construction and building uses within the City; and

**WHEREAS**, the City has undertaken a public process to receive input from its citizens, property owners, and decision-makers, as well as state regulatory agencies; and

**WHEREAS**, the City has reviewed and considered all public comments;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LONG BEACH, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

#### **Section 1. Findings**

The City Council of the City of Long Beach hereby adopts the following Findings of Fact:

- (1) The proposed ordinance is necessary to protect the health, safety, general welfare and orderly development of the community.
- (2) The proposed ordinance is consistent with the City's adopted Comprehensive Plan.
- (3) The proposed ordinance furthers the implementation of the City's adopted Comprehensive Plan.

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#### **Section 2. Adoption**

Amendments to Title 10, Building Regulations, attached hereto, are hereby adopted.

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#### **Section 3. Severability**

Should any provision, section, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

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**Section 4. Repeal**

Any existing ordinances that may conflict with this ordinance are hereby repealed.

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**Section 5. Effective Date**

This Ordinance shall be in full force and effect five (5) days from and after its passage, approval, and publication in the manner required by law.

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**Section 6. Adoption Date**

ADOPTED by the City Council of the City of Long Beach, Pacific County, Washington at a regular open public meeting held the 18<sup>th</sup> day of March, 2013.

AYES 0

NAYS 0

ABSENT 0

ABSTENTIONS 0

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Robert Andrew, Mayor

ATTEST:

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David Glasson, City Clerk

## ATTACHMENT TO ORDINANCE No. 889 AMENDMENTS TO TITLE 10: BUILDING REGULATIONS

### 10-1-1 Definitions

**DEVELOPMENT:** The division of a parcel of land into two or more parcels. The construction, conversion, structural alteration, relocation, or enlargement of any structure; any authorized mining, excavation, landfill, or land disturbance; use or extension of land.

**DEVELOPMENT, IN AREAS OF SPECIAL FLOOD HAZARD:** For purposes of Chapter 4 of this title, “development” is any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

**10-2-1: BUILDING CODES ADOPTED; SPECIFIC SECTIONS NOT ADOPTED:** The model codes listed below, as approved and adopted by the State Building Code Council except as noted, together with any amendments or additions, are hereby adopted by this reference. These codes must apply to all new construction, remodeling, or repairs. Copies of the codes are on file for inspection in the office of the building department of the city.

- A. International building code 20092006;
- B. International mechanical code 20092006;
- C. International residential code 20092006;
  - 1. For multi-family residential structures of five (5) or more dwelling units, automatic fire sprinkling systems are ~~required~~required.
- D. Uniform Housing Code 1997;
- E. Uniform ~~International~~ plumbing code 2009 2006;
- ~~FE.~~ Uniform swimming pool, spa, and hot tub code 2006;
- ~~GF.~~ Uniform code for the abatement of dangerous buildings 1997;
- ~~HG.~~ International property maintenance code 2009, adopted by the City independently of the Washington State Building Codes Council;
- ~~IH.~~ Washington state barrier fee regulations;
- ~~JH.~~ Washington state electrical code;

- KJ. Washington state energy code 2009;
- LK. Washington state historic building code; and
- ML. Washington state ventilation and indoor air quality code.

**10-2-2: FIRE CODE:**

- A. International Fire Code Adopted: The 2009 2006 international fire code is hereby adopted in its entirety for the purpose of describing regulations governing conditions hazardous to life and property, fire, or explosion.

1. The City does not adopt section 903.2.8: Group R requiring automatic sprinkler systems in all residential dwellings in its entirety. The City does not require such systems in single- and two-family residential buildings of four or fewer dwelling units.

- B. Applicability:

- 1. The provisions of this section shall apply to all commercial buildings constructed or developed within the city limits, when the buildings will be served by water mains and fire hydrants capable of delivering the required fire flow and installed as required by this section, unless specifically exempted by this section, or unless waived or modified by the fire marshal.
- 2. Decisions of the fire marshal are deemed to be made in the best interest of, and with the concurrence of, an affected fire district in the absence of any credible evidence to the contrary.

**10-4-4: BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD:** The areas of special flood hazard identified by the federal insurance administration in a scientific and engineering report entitled "The Flood Insurance Study For The City of Long Beach" dated February 1979, and any revisions thereto, with an accompanying flood insurance rate map (FIRM) dated August 1, 1979, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study and the FIRM are on file at Long Beach city hall, 115 Bolstad West, Long Beach, WA, and the FIRM can be viewed via the City's GIS system found by following the GIS link at [longbeachwa.gov](http://longbeachwa.gov). The best available information for flood hazard area identification as outlined in subsection 10-4-5B2 of this chapter shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under subsection 10-4-5B2 of this chapter.

**10-4-7: GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION:**

- B. ~~AH Zone Drainage:~~ Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

**10-4-8: SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION:**

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect and below grade crawl spaces will not be considered basements if the following conditions are met:

~~or must meet or exceed the following minimum criteria:~~

- (a) The interior grade of a crawlspace below the BFE must not be more than two feet (2') below the lowest adjacent exterior grade.
  - (b) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the Floor Joist must not exceed four feet (4') at any point.
  - (c) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
  - (d) The velocity of floodwater at the site should not exceed five feet per second (5 fps).
  - (e) Ductwork must either be placed above the BFE or sealed to prevent the entry of floodwaters.
- ~~a. — A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided on different sides of each enclosed area.~~
- ~~b. — The bottom of all openings shall be a maximum of one foot (1') above grade.~~
- ~~e. — Openings may be equipped with screens, louvers, or other coverings or devices provided such openings allow automatic entry and exit of floodwaters.~~
- ~~d. — The interior grade of a crawlspace below the base flood elevation shall not be more than two feet (2') below the lowest adjacent exterior grade.~~
- (f)e. The height of a below-grade crawl space, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall shall not exceed four feet (4') at any point.

## ORDINANCE No. 890

### AN ORDINANCE OF THE CITY OF LONG BEACH, WASHINGTON ADOPTING REVISIONS TO TITLE 11, UNIFIED DEVELOPMENT REGULATIONS, AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT

**WHEREAS**, the City Council deems it necessary for the purpose of promoting the public health, safety and general welfare of the City; and

**WHEREAS**, the purpose of the Unified Development Ordinance of the City of Long Beach, Washington is to promote public health, safety and general welfare, and influence orderly and safe land division and development within the City; and

**WHEREAS**, the City has undertaken a public process to receive input from its citizens, property owners, and decision-makers, as well as state regulatory agencies; and

**WHEREAS**, the City has reviewed and considered all public comments;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LONG BEACH, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

#### **Section 1. Findings**

The City Council of the City of Long Beach hereby adopts the following Findings of Fact:

- (1) The proposed ordinance is necessary to protect the health, safety, general welfare and orderly development of the community.
- (2) The proposed ordinance is consistent with the City's adopted Comprehensive Plan.
- (3) The proposed ordinance furthers the implementation of the City's adopted Comprehensive Plan.

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#### **Section 2. Adoption**

Amendments to Title 11, Unified Development Regulations, attached hereto, are hereby adopted.

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#### **Section 3. Severability**

Should any provision, section, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

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**Section 4. Repeal**

Any existing ordinances that may conflict with this ordinance are hereby repealed.

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**Section 5. Effective Date**

This Ordinance shall be in full force and effect five (5) days from and after its passage, approval, and publication in the manner required by law.

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**Section 6. Adoption Date**

ADOPTED by the City Council of the City of Long Beach, Pacific County, Washington at a regular open public meeting held the 18<sup>th</sup> day of March, 2013.

AYES 0

NAYS 0

ABSENT 0

ABSTENTIONS 0

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Robert Andrew, Mayor

ATTEST:

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David Glasson, City Clerk

## ATTACHMENT TO ORDINANCE No. 890 AMENDMENTS TO TITLE 11: UNIFIED DEVELOPMENT REGULATIONS

### 11-1-7(D): INTERPRETATION:

AGGREIVED PARTY: An individual whose legal rights have been violated or whose financial interests have been directly affected by a City decision.

APPEAL: Process by which an aggrieved party may seek redress.

APPEAL: A challenge of a City decision by a party of record. Decisions by the City Administrator, Community Development Director, or Planning Commission are appealable to the Hearing Examiner; decisions by the Hearing Examiner are appealable to the City Council; decisions by the City Council are appealable to the Pacific County Superior Court.

PARTY OF RECORD: Those who request to be kept informed regarding a City action or those who provide written original comments (but not form letters or petitions) or who testify at a public hearing on a City action. Being a Party of Record entitles a person to appeal a City decision.

### 11-2C-14: APPEALS:

- C. Time Limit; Report: Within ninety (90) days of the filing of an appeal under this section, the appeal proceeding hearing body shall adopt a single report declaring its decision on the appeal. The report shall be provided to the applicant, the appellant, and to any person who, prior to the adoption of the report, requested notice of the decision. The ninety (90) day time period may be extended upon mutual agreement of all parties to the appeal.
- H. Closed Record Appeal Proceedings Hearings: All appeal proceedings hearings where an open record pre-decision hearing was held on the project permit shall be conducted as a closed record appeal proceeding hearing whereby the appeal is heard by the proceeding hearing body on the permit decision record as reported in the official file (see 11-2C-15) and no new evidence or testimony is allowed.

### 11-5-4 (G): DRAINAGE PLANS:

1. Any application for any of the following permits or approvals shall be required to include a drainage plan for review and approval by the City:
  - a. Short or long plat;
  - b. Any project located in the Shoreline Area west of the 1889 Government Meander Line that would alter topography or the amount of impervious cover or ;

- c. Any project where impervious cover exceeds forty percent (40%) of a lot, including incremental additions or alterations.
2. Any drainage plan submitted shall be supplemented with additional information at the request of the City.
3. Submission of a drainage plan may be waived by the City or its designated representative when the applicant is able to show proof that the runoff/drainage:
- a. Will not seriously and adversely impact water quality conditions of any affected receiving bodies of water; or
  - b. Will not alter drainage patterns, increase peak discharge, or cause any other adverse effects in the drainage area.
4. Contents of a Drainage Plan.
- a. Background information shall be provided and proposed improvements for handling future runoff shall be described in as much detail as is required to make the drainage plan understandable and usable.
  - b. At a minimum, the following background information shall be required:
    - i. Depiction of the drainage area on a topographical map, with acreage indicated;
    - ii. The peak discharge and amount of surface water currently entering and leaving the subject property;
    - iii. The peak discharge and amount of runoff which will be generated within the subject property if development as proposed is allowed to proceed;
5. Computation of Stormwater Runoff. The computation of stormwater runoff from any property shall be determined by one of the following two methods:
- a. Rational method, where  $Q = CIA$ .
    - $Q$  = Peak runoff rate in cubic feet per second.
    - $C$  = Runoff coefficient which is the ratio of the maximum rate of runoff per unit area to the average rate of rainfall over the duration of the design storm.
    - $I$  = Average rainfall intensity for the duration of the design storm, expressed in inches per hour.
    - $A$  = Drainage area in acres, including all of the tributary area above the point of interest.

b. Soil Conservation Service (SCS) curve number method, a description of which is found in the "SCS National Engineering Handbook" Section 4: Hydrology, August, 1972.

6. Mandatory Requirements for all Drainage Plans and Improvements.

a. Surface water entering the subject property shall be received at the naturally occurring location and surface water exiting the subject property shall be discharged at the natural location with no diversion at any of these points.

b. The peak discharge from the subject property may not be increased due to the proposed development.

c. Detention facilities must be provided in order to handle all surface water in excess of the peak discharge.

d. Where open channel construction is used to handle drainage within the property, a minimum of fifteen (15) feet will be provided between any structures and the top of the bank of the defined channel.

i. In open channel work the water surface elevation shall be indicated on the plan and profile drawings. The configuration of the finished grades constituting the banks of the open channel shall also be shown on the drawings.

ii. Proposed cross-section of the channel will be shown with stable side slopes with a maximum slope of 2:1 unless paved.

iii. The water surface elevation of the design flow will be indicated on the cross-section.

e. Where a closed system is used to handle drainage within the property, all structures will be a minimum of ten (10) feet from the closed system.

f. Administrative variances from any or all of the foregoing requirements may be permitted only after a determination by the City, employing the following criteria:

i. Capacity of downstream facilities;

ii. Acceptability of receiving bodies of water;

iii. Possibility of adverse effect of detention; and

iv. Capability of maintaining the system.

## ORDINANCE No. 891

### AN ORDINANCE OF THE CITY OF LONG BEACH, WASHINGTON ADOPTING REVISIONS TO TITLE 12, ZONING REGULATIONS, AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT

**WHEREAS**, the City Council deems it necessary for the purpose of promoting the public health, safety and general welfare of the City; and

**WHEREAS**, the purpose of the Zoning Regulations Ordinance of the City of Long Beach, Washington is to promote public health, safety and general welfare, encourage the orderly growth, protect and enhance property values, minimize discordant, unsightly surroundings, avoid inappropriate design, provide for environmental, aesthetic, health, safety and general welfare objectives, while ensuring the comfort, prosperity, beauty and balance of the community as a whole, to promote and enhance construction and maintenance practices that will ensure visual quality throughout the city; and

**WHEREAS**, the City has undertaken a public process to receive input from its citizens, property owners, and decision-makers, as well as state regulatory agencies; and

**WHEREAS**, the City has reviewed and considered all public comments;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LONG BEACH, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

#### **Section 1. Findings**

The City Council of the City of Long Beach hereby adopts the following Findings of Fact:

- (1) The proposed ordinance is necessary to protect the health, safety, general welfare and orderly development of the community.
- (2) The proposed ordinance is consistent with the City's adopted Comprehensive Plan.
- (3) The proposed ordinance furthers the implementation of the city's adopted Comprehensive Plan.

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#### **Section 2. Adoption**

Amendments to Title 12, Zoning Regulations, attached hereto, are hereby adopted.

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**Section 3. Severability**

Should any provision, section, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

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**Section 4. Repeal**

Any existing ordinances that may conflict with this ordinance are hereby repealed.

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**Section 5. Effective Date**

This Ordinance shall be in full force and effect five (5) days from and after its passage, approval, and publication in the manner required by law.

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**Section 6. Adoption Date**

ADOPTED by the City Council of the City of Long Beach, Pacific County, Washington at a regular open public meeting held the 18<sup>th</sup> day of March, 2013.

AYES 0                      NAYS 0                      ABSENT 0                      ABSTENTIONS 0

\_\_\_\_\_  
Robert Andrew, Mayor

ATTEST:

\_\_\_\_\_  
David Glasson, City Clerk

## ATTACHMENT TO ORDINANCE 891 AMENDMENTS TO TITLE 12: ZONING REGULATIONS

### 12-2-1: TERMS DEFINED:

AGGRIEVED PARTY: An individual whose legal rights have been violated or whose financial interests have been directly affected by a City decision.

~~APPEAL: Process by which an aggrieved party may seek redress.~~

ALTERATION: Regarding exterior building changes, the replacement of fifty one (51%) or more of an exterior wall. Alteration is subject to the design review process. Contrast to "Maintenance and Repair." Any change, rearrangement, reduction, diminution or modification of an existing building, structure or site that does not result in an increase in the building envelope or floor area. See also "Structural Alteration."

APPEAL: A challenge of a City decision by a party of record. Decisions by the City Administrator, Community Development Director, or Planning Commission are appealable to the Hearing Examiner; decisions by the Hearing Examiner are appealable to the City Council; decisions by the City Council are appealable to the Pacific County Superior Court.

PARTY OF RECORD: Those who request to be kept informed regarding a City action or those who provide written original comments (but not form letters or petitions) or who testify at a public hearing on a City action. Being a Party of Record entitles a person to appeal a City decision.

**BED AND BREAKFAST:** A ~~residence~~ lodging facility that contains a maximum of ~~six (6)~~ fifteen (15) itinerant rental units, with the owner or manager living on the premises, and that provides a morning meal for guests only. See also "Itinerant Lodging."

**DWELLING:** A building or a portion of a building designed exclusively for residential purposes, ~~including encompassing~~ one-family, two-family and multiple-family ~~dwelling units~~ dwelling units, but not including hotels or motel units having no kitchens. A dwelling may be site built or factory built.

DWELLING UNIT: A house, an apartment, a mobile home, a group of rooms, or a single room, with cooking, sleeping, facilities and sanitary facilities, that is occupied as separate living quarters for exclusive use by a single family maintaining a household. A dwelling unit may be site built or factory built.

### DWELLINGS, TYPES OF:

**Attached Dwelling:** The building encompassing a ~~A~~ one-family dwelling unit with ground-floor outside access, that shares common walls with, and is connected to, two (2)

or more one-family dwelling units, but without openings or interior connections between the separate dwelling units. An attached dwelling could also be described as a townhouse.

**Detached Dwelling:** A dwelling unit that is not attached to any other dwelling by any means. ~~and does not have any roof, wall or floor in common with any other dwelling unit.~~

**Group Dwelling:** Two (2) or more single family dwellings on a single property, each containing not more than one thousand two hundred (1,200) square feet of living area. A group dwelling development may also be referred to as a cottage development, and is distinguished by shared open space within the project. It may include a shared community building and accessory uses as amenities. Individual dwelling units may be condominiums, but the owner of each dwelling unit does not individually own the land on which the unit is situated and the open space and community building are owned in common by all owners.

**Multi-Family Dwelling:** A building ~~containing designed exclusively for occupancy by~~ three (3) or more dwelling units families living independently of each other, and containing three (3) or more housing units separated by common walls. A "group home" is not a "multi-family dwelling".

Seasonal Dwelling: A residential building dwelling unit that is not used as a principal residence and may be occupied weekends and for other periods during the year. In Long Beach many "summer homes" are seasonal dwellings.

**Semi-Detached Dwelling:** A residential; building dwelling unit with ground floor outside access that shares a common wall, without openings, to another single-family dwelling, but without openings or interior connections between the units. Each unit is located on a separate lot.

**Single-Family Dwelling:** A detached building designed exclusively for occupancy by one family and containing one dwelling housing unit.

**Two-Family Dwelling or Duplex:** A building designed exclusively for occupancy by two (2) families living independently of each other, having a common wall, floor or roof, and containing two (2) dwelling housing units.

**FAMILY:** An individual, or two (2) or more persons related by blood or marriage, or domestic partners, or a group of not more than five (5) persons who are not related by blood or marriage, living together in a dwelling housing unit. Exceptions to the limits in this definition may be made at the City's discretion.

**HOUSING UNIT:** ~~A house (whether site built or manufactured), an apartment, a mobile home, a group of rooms, or a single room, with cooking facilities and sanitary facilities, that is occupied as separate living quarters.~~

**ITINERANT LODGING:** A hotel, motel or other facility engaged in the ~~sale~~, rental or provision of lodging facilities for periods of thirty (30) days or less. Also refers to the actual facility for rent, including and not limited to bed and breakfast rooms, condominium hotel units, hotel rooms, motel rooms, RV spaces, camping spaces, time-share units, and vacation rentals.

All itinerant lodging is subject to the city's lodging tax, as required by Chapter 6 of Title 3, Finances and Taxation, of this Code. See also "Bed and Breakfast," "Condominium Hotel," "Hotel," "Motel," "Time-Share" and "Vacation Rental." Contrast to "Long-term Lodging."

~~**LONG TERM LODGING:** A facility engaged in the rental or provision of lodging facilities for periods of thirty one (31) days or more. Also refers to the actual facility for rent. ,including and not limited to bed and breakfast rooms, condominium hotel units, hotel rooms, motel rooms, RV spaces, time-share units, and vacation rentals. All long-term lodging is subject to the city's lodging tax, as required by Chapter 6 of Title 3, Finances and Taxation, of this Code. Contrast to "Itinerant Lodging."~~

**MAINTENANCE AND REPAIR:** Regarding exterior building changes, the replacement of fifty percent (50%) or less of an exterior wall in a calendar year. Maintenance and repair is not subject to the design review process. Contrast to "Alteration."

**MULTI-FAMILY:** A building or lot with three (3) or more dwelling housing units.

## **SIGN TYPES AND SIGN DEFINITIONS**

**Feather:** Also called a "pin". A vertical, flexible staff or pole affixed to the ground or a structure with cloth or other flexible material attached to its length, a maximum of sixteen feet (16') tall and three feet (3') wide. Usually constructed of brightly colored material intended to flutter ion the breeze and draw attention to a business establishment.

**Flag:** Any piece of cloth or other flexible material, attached to a staff, pole, or other structure, with distinctive colors, patterns, or symbolic devices, used as a symbol for a government, corporation, or other organization, public or private. Does not include "pins" or "feathers".

**Pin:** See "feather".

**VISION CLEARANCE TRIANGLE (VCT):** Area at the corner of an intersection of a right-of-way with another right-of-way, alley or driveway, formed by measuring a specific distance along each right-of-way, alley or driveway from the property corner and connecting the two end points to form a triangle. The vision clearance triangle is maintained clear of landscaping, fences and other obstructions of a certain height, generally the area between forty two inches (42") to eight ten feet (8' 10') above the adjacent street level, which would block the visibility of vehicle, bicycle, or pedestrian traffic.

**12-4-5: USE AND DEVELOPMENT STANDARDS APPLICABLE TO ALL DISTRICTS:**

- D. Setbacks between buildings: The setback between buildings situated on the same parcel shall be a minimum of ten feet (10'), or as required by the building code, whichever is more restrictive. However, accessory buildings with a gross floor area of less than one hundred twenty (120) square feet may be placed within five feet (5') of the principal structure.
- E. Setbacks for sheds: Detached accessory structures with a gross floor area of less than one hundred twenty (120) square feet (sheds), the setback between the shed and the fence shall be a minimum of three (3) feet), or as required by the building code, whichever is more restrictive.
- ~~F. E.~~ Public Utilities: Public utility structures or use of land, such as telephone exchanges, utility stations and pumping stations, are permitted in all zones where such location is necessary to its function, subject to review and approval by the city council. This provision shall not be construed to permit other types of governmental or municipal structures, uses or facilities where such a use is a conditional use or is not permitted.
- ~~G. F.~~ Minimum Building Width: Excepting storage sheds, the minimum building width shall be eleven feet (11').
- ~~H. G.~~ Maximum Age of Manufactured and Modular Homes: Except as specifically allowed by the City, the maximum age of a manufactured or modular home being established for the first time within the city is three (3) years.

**12-5E-4: STANDARDS:**

- A. Lots:
1. Lot Size: A minimum of three thousand (3,000) square feet shall be provided for each dwelling unit. For Affordable Housing that meets the requirements of chapter 11, section 18 of this title, the total number of allowed dwelling housing units on a lot may be increased up to fifty percent (50%). On lots platted prior to the effective date hereof, with less than three thousand (3,000) square feet, construction will be permitted for one single-family home where total lot coverage does not exceed sixty percent (60%) and where all setback requirements can be met.

**12-5F-4: STANDARDS:**

- A. Lots:
1. Lot Size: A minimum of three thousand (3,000) square feet shall be provided for each

dwelling unit. For Affordable Housing that meets the requirements of chapter 11, section 18 of this title, the total number of allowed **dwelling housing** units on a lot may be increased up to fifty percent (50%). On lots platted prior to the effective date hereof, with less than three thousand (3,000) square feet, construction will be permitted for one single-family home where total lot coverage does not exceed sixty percent (60%) and where all setback requirements can be met.

**12-6A-2: PERMITTED USES (OT zone):**

A. Principal Uses:

Amusements conducted indoors.

Arts and crafts galleries.

Business, professional offices or financial institutions.

Eating and/or drinking establishments, excluding drive-through facilities.

Itinerant lodging, i.e. hotels, motels, twenty-five (25) or fewer lodging units.

Mixed use: Any combination of the permitted uses listed herein.

Performing arts center seating 100 people or fewer.

Personal services, including, but not limited to, barbershops, tailoring, laundry and dry cleaning, or other service establishments.

Residences shall be allowed on upper floors when parking is provided.

Restaurants, excluding drive-through facilities.

Retail trade establishments such as food stores, drugstores, gift shops, garden stores, variety stores, and appliance stores.

Special events and festivals may be allowed upon approval by the city council.

Theaters, but not including drive-ins.

Vacation rentals.

**12-6A-3: CONDITIONAL USES (OT zone):**

A. Uses:

Community centers.

Custom manufacturing of goods for retail sale on premises, or cottage industries.

Governmental or municipal structures, uses, or facilities.

Itinerant lodging, i.e. hotels and motels, twenty-six (26) or more lodging units.

Mixed use: any combination of uses including at least one conditional use listed herein.

Outdoor merchandising, vending, dining and amusements greater than two hundred (200) square feet may be allowed if such activity is associated with a business operating out of an adjacent building. No businesses shall operate solely in an open air environment.

Performing arts center seating 100 people or more.

Public parking lots.

Parks, recreation areas and facilities.

Quasi-public uses.

Wireless communication facilities, pursuant to the requirements of section 12-11-17 of this title.

#### **12-6B-2: PERMITTED USES:**

A. Principal Uses:

Arts and crafts galleries.

Business, professional offices or financial institutions.

Eating and/or drinking establishments, excluding drive-through facilities.

Itinerant lodging, i.e. hotels, motels, twenty-five (25) or fewer lodging units.

Bed & Breakfasts of 15 units or less

Mixed use: any combination of the permitted uses listed herein.

Personal services, including, but not limited to, barbershops, tailoring, laundry and dry cleaning, or other service establishments.

Residences shall be allowed on upper floors when parking is provided.

Restaurants, excluding drive-through facilities.

Retail trade establishments such as food stores, drugstores, gift shops, garden stores, variety stores, and appliance stores.

Theater, but not including drive-ins.

Special events and festivals may be allowed upon approval by the city council.

Vacation rentals.

Outdoor merchandising, vending and dining, two hundred (200) square feet or less, when such use is associated with a business operating out of an adjacent building.

Parking and loading areas associated with the principal use of the property.

**12-6B-3: CONDITIONAL USES (OTW zone):**

Community centers.

Custom manufacturing of goods for retail sale on premises, or cottage industries.

Governmental or municipal structures, uses, or facilities.

Itinerant lodging, i.e. hotels and motels, twenty-six (26) or more lodging units.

Outdoor merchandising, vending, and dining greater than two hundred (200) square feet may be allowed if such activity is associated with a business operating out of an adjacent building. No businesses shall operate solely in an open air environment.

Performing arts center seating 100 people or more.

Public parking lots

Quasi-public uses.

Parks, recreation areas and facilities.

Resort/conference complexes.

**12-6C-2: PERMITTED USES (RC zone):**

A. Principal Uses:

Adult family home, six (6) or fewer beds.

Arts and crafts galleries.

Bed and breakfast, six (6) or fewer guest rooms.

Building supply, contractors, shops, excluding exterior storage yards.

Business, professional offices or financial institutions.

Day care center, eleven (11) or fewer children.

Itinerant lodging, i.e. hotels and motels, twenty-five (25) or fewer lodging units

Laundromats

Mixed use: Any combination of the permitted uses listed herein.

Personal services, including, but not limited to, barbershops, laundry and dry cleaning, or other service establishments.

Multi-family dwellings, four (4) or fewer units.

Performing arts center seating 100 people or fewer.

Restaurants, with or without drive-through facilities.

Retail trade establishments such as food stores, drugstores, gift shops, garden stores, variety stores and appliance stores.

Single-family dwellings.

Two-family dwellings.

Vacation rentals.

#### **12-6C-4(A)(3)(d)(i) and (ii)**

d. Corner Lots and Multiple Street Frontages: Zero minimum to a maximum of twenty feet (20') along Pacific Avenue; five-foot (5') minimum to Ocean Beach Boulevard; zero minimum to all other street sides.

i. The ground level of the building, to a height of at least eight ten feet (8' 10') but excluding porch columns and railings, shall not be located in a vision clearance triangle, formed by measuring twenty feet (20') along each property line from the intersection of the two streets and connecting the end points of such lines formed by such measurements.

ii. Porch roofs, balconies, canopies, bays, upper floors and similar features shall be permitted to project into the vision clearance triangle, provided the lowest point of the overhang or projection has a clearance of at least eight ten feet (8' 10') above the sidewalk grade on Pacific Avenue, if abutting, or the level of the adjacent street for all other frontages.

#### **12-7A-4: STANDARDS:**

G. Residential Densities:

a. The minimum lot area for each dwelling unit shall be three thousand (3,000) square feet

b. For Affordable Housing that meets the requirements of chapter 11, section 18 of this

title, the total number of allowed dwelling housing units on a lot may be increased up to fifty percent (50%).

**12-8B-4: STANDARDS:**

A. Lots :

1. Lot Size:

- a. The minimum lot size for a single-family dwelling housing unit shall be ten thousand (10,000) square feet.
- b. The minimum lot size for multi-family dwelling housing units shall be ten thousand (10,000) square feet for the first dwelling housing unit, plus two thousand (2,000) square feet for each additional dwelling housing unit. Where multiple principal buildings are constructed on a property, there shall be ten thousand (10,000) square feet of lot area for the first of each subsequent four (4) units, or fraction thereof.

- H. Density: The maximum number of dwelling housing units allowed per building is four (4). More than one two-family and/or multi-family structure may be placed on a lot. Multiple single-family residences are only permitted as group dwellings.

**12-8C-3: CONDITIONAL USES (S3 zone):**

Amusements.

Governmental or municipal buildings, uses, or facilities.

Itinerant lodging, i.e. hotels and motels, twenty-six (26) or more lodging units.

Museums and interpretive facilities.

Outdoor merchandising, vending, and dining greater than two hundred (200) square feet may be allowed if such activity is associated with a business operating out of an adjacent building. No businesses shall operate solely in an open air environment.

Performing arts center.

Public parking lots

Parks, recreation areas and facilities.

Resort/conference complexes.

**12-10A-1: OT, OTW, RC, AC, S3, S3R, S3M, C1 AND C2 DISTRICTS:**

- B. Design Requirements: The following design features are required:
16. In C1 Zone Only: Single-family **dwelling housing** units shall be designed and sited to accommodate their future conversion to nonresidential use.
- C. For lots with more than 50 feet of frontage, one pin for every additional 50 feet is allowed.

**12-11-21: SOLAR ENERGY FACILITIES:**

- A. Purpose: The purpose and intent of this section is to encourage development of home or business scale solar energy in Long Beach while ensuring such development is compatible with the principal use of a property and minimizing impacts to nearby properties.
- B. Permitted Locations of Solar Facilities: Solar panels or arrays are permitted accessory uses to principal uses located in all zones within the City limits. Solar panels or arrays are permitted subject to the requirements of this section of the Long Beach City code and the criteria and standards contained herein.
- C. Design Criteria: Solar panels or arrays are permitted as an accessory use to commercial and residential uses subject to the following conditions:
1. The solar panel or array shall not be located within a required setback, on a structure within a required setback, or within a front yard;
  2. Solar panels or arrays may extend above the building height standard for the zone by a maximum of six (6) feet, provided:
    - a. They are mounted at the minimum height necessary to generate usable energy;
  3. Any solar panel or array shall not cause glare or reflection so as to constitute a hazard to pedestrians and/or vehicular traffic;
  4. Installation of any solar panel or array shall comply with all applicable provisions of the International Building Code, International Residential Code, International Fire Code, and National Electrical Code;
  5. Any solar panel, array, or accessory component located on the ground shall be located in the side or rear yards in residential zones, and screened with a minimum six foot (6') tall, sight-obscuring fence or landscaping in both residential and commercial zones. The Community Development Director may waive or modify the screening requirement under the following circumstances:

- a. Screening would render the solar facility ineffective and there are no suitable alternative locations on site to locate the solar facility where screening is feasible; or
  - b. Where abutting uses will not be adversely affected by an unscreened solar facility system due to existing physical improvements, physiographic features, landscaping and/or other factors.
6. Solar panels or arrays collectors are not considered impervious coverage for the purposes of calculating lot coverage if minimum standards are met, including and not limited to height and setback requirements.
7. A solar facility collector may be added to an existing nonconforming principal building or lot on which it is located without forcing the entire building to be brought up to current code standards.

**12-11-22: SMALL WIND GENERATION FACILITIES:**

- A. Purpose: The purpose and intent of this section is to ensure the public health, safety, and welfare regarding installation and operation of small (less than 10 KW) wind generation facilities, to provide guidance to those who wish to install and operate such facilities, and to ensure such facilities are compatible with the principal use of a property and minimize impacts to nearby properties.
- B. Permitted Locations of Wind Facilities. Small wind mills and turbines (less than 10 KW) are permitted accessory uses to principal uses located in all zones within the City limits. Wind mills and turbines are allowed subject to the requirements of this section of the Long Beach City code and the criteria and standards contained herein.
- C. Permit Application and Project Review Process. Prior to installation of any component of a small wind generation facility, an application shall be made to the City of Long Beach.
- 1. A \$400 fee shall be required.
  - 2. A site map and elevations of the propose installation shall be required.
  - 3. Detailed information on windmill specifications from the manufacturer shall be required, including but not limited to information on height, bulk, and noise generation.
  - 4. The application shall be reviewed by staff to determine if the property meets the minimum requirements for installation of a windmill or turbine as described in 12-11-22(D). If the installation as proposed does not meet minimum requirements, staff shall deny the permit and refund fifty percent (50%) of the application fee.
  - 5. If staff finds that the installation as proposed does meet minimum requirements, the City shall provide notice of the project application, of a minimum two-(2-) week public

comment period, and of a public hearing to be conducted by the City. This notice shall be provided all owners of property located within three hundred feet (300') of the perimeter of the subject property. This notice shall be sent to the relevant owners of record and addresses of record according to the records of the Pacific County Tax Assessor.

a. The Long Beach City Council shall conduct the hearing and make a final decision regarding the application. The Council may approve, approve with conditions, or deny the application.

D. Design Criteria: Small wind generation facilities are permitted as an accessory use to commercial and residential uses and are subject to design review, including the following conditions:

1. The wind generation facility shall not be located within a standard required setback, on a structure within a required setback, or within a front yard, moreover:

a. No small wind generation facility shall be located closer than one hundred and ten percent (110%) of its maximum height to a property line, an above-ground utility, a potentially occupied structure, or a liquid or gaseous fuel source.

2. The maximum height of any wind mill or turbine, measured from the ground at the base of the foundation to the highest vertical point shall not exceed seventy five (75').

3. No wind mill blade at its lowest point shall be closer then fifteen feet (15') to the top of its foundation or the ground, whichever is higher.

4. No wind mill or turbine shall interfere with the view sheds of surrounding properties or cast substantial shadow on same.

5. No wind mill or turbine shall generate noise considered a nuisance noise disturbance pursuant to section 5-5-4: Nuisance Noise Disturbance, of the Long Beach City code.

6. Any connection to the small wind generation facility shall be underground, with the exception of guy wires.

7. No antennae or advertising shall be affixed to or otherwise placed on a windmill or turbine.

8. Installation of any small wind generation facility shall comply with all applicable provisions of the International Building Code, International Residential Code, International Fire Code, and National Electrical Code;

9. Small wind generation facilities are not considered impervious coverage for the purposes of calculating lot coverage if minimum standards are met, including and not limited to height and setback requirements.

10. A small wind generation facility may be added to an existing nonconforming principal building or lot on which it is located without forcing the entire building to be brought up to current code standards.

- E. **Decommissioning; Removal.** Any small wind mill or turbine that is not used or non-functional for a period of six (6) months or greater must be decommissioned, and completely removed from the property on which it is installed.

**12-13-10: VISION CLEARANCE TRIANGLE:** To ensure that landscape materials and fences do not constitute a safety hazard, a vision clearance triangle (VCT) shall be provided at all intersections of public rights-of-way and driveways.

- A. **Height:** Within this area, unobstructed cross visibility at a level between forty two inches (42") and eight ten feet (8' 10') above the adjacent street level shall be maintained. However, trees having limbs or foliage trimmed, except during early growth stages, so as to not extend into the sight area, shall be allowed. Landscaping material shall not be located closer than four feet (4') from the edge or top of the curb line or driveway apron, except for required ground cover.
- B. **Structures:** Freestanding signs are permitted in the VCT only as provided in section 12-14A-18 of this title. This section shall not apply to buildings except where specifically provided for in the development standards of the zone district in which the building is located.
- C. **Dimensions:** The vision clearance triangle for said intersections shall be as follows:
1. At intersections of public rights-of-way, the VCT shall be formed by measuring twenty feet (20') along each property line from the intersection and connecting the end points of such lines formed by such measurement to create a triangle.
  2. At intersections of driveways and alleys with public rights-of-way, the VCT shall be formed by measuring ten feet (10') along the property line from the intersection and ten feet (10') along the driveway or alley connecting the end point of such lines formed by such measurement to create a triangle.

**12-14A-18(B): FREESTANDING SIGNS**

- B. **Freestanding Signs:** The maximum allowable height of a freestanding sign is as set forth in Section 12-14-5 of this title. Freestanding signs may be located in the vision clearance triangle, provided:
1. The lowest edge of the sign shall be at least eight ten feet (8' 10') above the ground;

2. The sign shall be supported by no more than two (2) support columns, each measuring no more than eight inches (8") in diameter and located at least three feet (3') apart; and
3. The support columns shall be located at least four feet (4') from the property line and any driveway and the outermost edges of the sign shall be located at least two feet (2') away from the property line and any driveway.
4. Freestanding signs located outside of the VCT are not subject to these requirements.

**12-14-19: FEATHERS OR PINS:** Each business with permanent signage installed may also install two (2) feathers or pins as defined in Section 12-2-1, Terms Defined.

- A. Maximum height may be sixteen feet (16') from grade.
- B. Maximum width of flexible panel may be three feet (3').

**12-14A-11: SANDWICH BOARD SIGNS:** Sandwich board signs are permitted in the OT, OTW, RC, C1, and C2 zones only, and are subject to the following limitations:

- A. Placement: Such signs may only be placed on private property and are prohibited on public property, including sidewalks, streets (including unpaved right-of-way) and parks. Sandwich board signs shall be removed when the business is not open. Sandwich board signs placed on public property may be immediately removed by the city as a hazard.
- B. Size: Sandwich board signs shall be forty ~~eight~~ two inches (48"42") or less in height and such sign shall not exceed seven ~~six~~ (7 6) square feet per side.
- C. Limitation on Number; Area: Sandwich board signs are limited to one per business. Sandwich board sign area shall not count toward allowable sign area.
- D. Anchoring: Sandwich board signs must be anchored to the ground or weighted in such a manner as to keep them from being tipped over by the wind.

**12-16-6: RECONSTRUCTION:** If a nonconforming building or a nonconforming use is destroyed by fire, explosion, or act of God, to the extent of sixty percent (60%) of its value before destruction, it may be rebuilt only as a conforming building or use, unless otherwise recommended by the planning commission and approved by the city council. A non-conforming building or use, damaged to the extent of less than sixty percent (60%) of its value, may be rebuilt, provided there is no expansion of the non-conformity.

A. Demolition of a damaged non-conforming building must occur within six (6) months of its being initially damaged.

B. Reconstruction of a damaged non-conforming building must be initiated within six (6) months and completed within two (2) years of its being initially damaged.

## ORDINANCE No. 892

### AN ORDINANCE OF THE CITY OF LONG BEACH, WASHINGTON ADOPTING REVISIONS TO TITLE 13, CRITICAL AREAS REGULATIONS, AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT

**WHEREAS**, the City Council deems it necessary for the purpose of promoting the public health, safety and general welfare of the City; and

**WHEREAS**, the purpose of the Critical Areas Ordinance is to establish a means to protect natural resources of the City of Long Beach while providing for development and to establish procedures for development in critical areas; and

**WHEREAS**, the City has undertaken a public process to receive input from its citizens, property owners, and decision-makers, as well as state regulatory agencies; and

**WHEREAS**, the City has reviewed and considered all public comments;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LONG BEACH, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

#### **Section 1. Findings**

The City Council of the City of Long Beach hereby adopts the following Findings of Fact:

- (1) The proposed ordinance is necessary to protect the health, safety, general welfare and orderly development of the community.
- (2) The proposed ordinance is consistent with the City's adopted Comprehensive Plan.
- (3) The proposed ordinance furthers the implementation of the city's adopted Comprehensive Plan.

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#### **Section 2. Adoption**

Amendments to Title 13, Critical Areas Regulations, attached hereto, are hereby adopted.

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**Section 3. Severability**

Should any provision, section, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

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**Section 4. Repeal**

Any existing ordinances that may conflict with this ordinance are hereby repealed.

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**Section 5. Effective Date**

This Ordinance shall be in full force and effect five (5) days from and after its passage, approval, and publication in the manner required by law.

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**Section 6. Adoption Date**

ADOPTED by the City Council of the City of Long Beach, Pacific County, Washington at a regular open public meeting held the 18<sup>th</sup> day of March, 2013.

AYES 0

NAYS 0

ABSENT 0

ABSTENTIONS 0

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Robert Andrew, Mayor

ATTEST:

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David Glasson, City Clerk

## ATTACHMENT TO ORDINANCE 892 AMENDMENTS TO TITLE 13: CRITICAL AREAS REGULATIONS

### 13-1-5: APPLICABILITY:

- A. The City of Long Beach shall not approve any development proposal, as defined below, or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement in, over, or on a critical area or associated buffer, without first assuring compliance with requirements of this chapter. Any cumulative filling, grading, or clearing activity in excess of twenty (20) cubic yards of material per parcel is also subject to requirements of this chapter.

Development proposals that include proposed activity (ies) that requires any of the following, or any subsequently-adopted permits or required approvals not expressly exempted from these regulations:

1. Building Permit
2. Unclassified Use Permit
3. Grading Permit
4. Subdivision
5. Conditional Use Permit
6. Variance Approval
7. Binding Site Plan
8. Short Subdivision
9. Right-of-Way Disturbance Permit
- 9.10. Shoreline Variance
- 10.11. Public Agency or Utility Exception

### 13-2-1: TERMS DEFINED:

**WATERSHED:** An area draining to the surface water systems of Willapa Bay, the Columbia River, and or the Pacific Ocean.

### 13-3-12, GENERAL PROVISIONS:

- E. Land Segregation. Subdivisions, short subdivisions, boundary line adjustments, and planned residential developments of land in critical areas and associated buffers are subject to the following:
1. Land located wholly within a wetland or stream critical area or associated buffer may not be subdivided, except as a critical areas tract as described below.
- H. General Mitigation Requirements.
3. Compensation
    - a. The buffer for a created, restored, or enhanced critical area as compensation for approved alterations shall be the same as the buffer required for the category of the created, restored, or enhanced critical area (i.e., compensation for buffer impacts, other than buffer averaging, shall occur at a minimum ratio of 1:1). For purposes of restoration, creation, or enhancement, buffers shall be fully vegetated with a relatively intact native plant community and shall not include lawns, walkways, driveways, and other mowed or paved areas.
    - ~~h. The buffer for a created, restored, or enhanced critical area as compensation for approved alterations shall be the same as the buffer required for the category of the created, restored, or enhanced critical area. For purposes of restoration, creation, or enhancement, buffers shall be fully vegetated and shall not include lawns, walkways, driveways and other mowed or paved areas.~~
    - ih. Best Available Science. Any approval of mitigation to compensate for impacts to a critical area or its buffer shall be supported by the best available science.
- I. Mitigation Plans
2. The scope and content of a mitigation plan shall be decided on a case-by-case basis. During the review of required critical areas studies/reports, the City shall determine which of the components listed in section c., immediately below, shall be required as part of the mitigation plan. Key factors in this determination shall be the size and nature of the development proposal, the size and nature of the impacted critical areas, and the degree of cumulative impacts on the critical area from other development proposals. Cumulative impacts shall be determined based on the combined effects of past development, the current development proposal, and any reasonably foreseeable development likely to impact the affected critical area.

TAB

D

TAB

D



**CITY COUNCIL  
AGENDA BILL  
AB 13-22**

**Meeting Date: April 15, 2013**

**AGENDA ITEM INFORMATION**

<b>SUBJECT:</b> Stormwater Bond Ordinance, Ordinance No. 893	<i>Originator:</i>	
	Mayor	
	City Council	
	City Administrator	GM
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Finance Director	DG
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	<b>COST:</b> \$550,000	Water/Wastewater Supervisor
	Other:	

**SUMMARY STATEMENT:** AN ORDINANCE OF THE CITY OF LONG BEACH, WASHINGTON, PROVIDING FOR THE ISSUANCE OF A STORMWATER REVENUE BOND IN THE PRINCIPAL AMOUNT OF \$550,000 TO PROVIDE FUNDS TO PAY PART OF THE COST OF THE NORTH END DRAINAGE PROJECT; AUTHORIZING THE SALE OF THE BOND TO CASHMERE VALLEY BANK; AND FIXING THE TERMS AND COVENANTS OF THE BOND.

**RECOMMENDED ACTION:** *Adopt the ordinance.*

CITY OF LONG BEACH, WASHINGTON

ORDINANCE NO. 893

AN ORDINANCE OF THE CITY OF LONG BEACH, WASHINGTON, PROVIDING FOR THE ISSUANCE OF A STORMWATER REVENUE BOND IN THE PRINCIPAL AMOUNT OF \$550,000 TO PROVIDE FUNDS TO PAY PART OF THE COST OF THE NORTH END DRAINAGE PROJECT; AUTHORIZING THE SALE OF THE BOND TO CASHMERE VALLEY BANK; AND FIXING THE TERMS AND COVENANTS OF THE BOND.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LONG BEACH, WASHINGTON, DO ORDAIN as follows:

Section 1.     Definitions. As used in this ordinance, the following words shall have the following meanings:

**“Annual Debt Service”** for the applicable series of Parity Bonds for any year means all the interest, plus all principal, and plus all mandatory redemption and sinking fund installments for that year, less all bond interest payable from the proceeds of any such bonds in that year.

**“Average Annual Debt Service”** means the sum of the Annual Debt Service for the remaining years to the last scheduled maturity of the applicable series of bonds divided by the number of those years, except that for purposes of computing the reserve requirement for the Parity Bonds, the estimated amount of bonds to be redeemed prior to maturity may be taken into account if required under federal arbitrage regulations.

**“Bank”** means Cashmere Valley Bank.

**“Bond”** means the \$550,000 principal amount of the City’s Stormwater Revenue Bond, 2013, issued pursuant to this ordinance.

**“Bond Fund”** means that special fund of the City known as the Stormwater Revenue Bond Fund created by this ordinance for the payment of the principal of and interest on the Parity Bonds.

**“Bond Register”** means the books or records maintained by the Bond Registrar for the purpose of registration of the Bond.

**“Bond Registrar,”** initially, means the Finance Director of the City. At any time following the issuance of the Bond, however, the Finance Director may determine to appoint a different Bond Registrar, including, but not limited to the fiscal agency of the State of Washington. The term “Bond Registrar” also shall include any successor Bond Registrar appointed by the Finance Director as permitted by law.

**“City”** means the City of Long Beach, Washington, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Washington.

**“Code”** means the United States Internal Revenue Code of 1986, as amended, and the applicable rules and regulations promulgated thereunder.

**“Construction Account”** means the account of the City designated by the Finance Director for the purpose of paying costs of the Project.

**“Council”** means the City Council of the City as the same shall be duly and regularly constituted from time to time.

**“Coverage Requirement”** means Net Revenue, together with the collection of ULID Assessments, at least equal to 1.00 times the Maximum Annual Debt Service in any current year on the Parity Bonds outstanding.

**“Debt Service Account”** means the account of that name created in the Bond Fund for the payment of the principal of, premium, if any, and interest on the Parity Bonds.

**“Future Parity Bonds”** means all stormwater revenue bonds of the City issued after the date of the issuance of the Bond, the payment of the principal of and interest on which constitutes a charge or lien on the Revenue of the System and ULID Assessments equal in rank with the charge and lien upon such revenue and assessments required to be paid into the Bond Fund to pay and secure the payment of the principal of and interest on the Bond.

**“Installment Payment Dates”** mean the first days of each [April] and [October], commencing with [October 1, 2013], to and including the Maturity Date of the Bond.

**“Maintenance and Operation Costs of the System”** means the actual and necessary costs of maintaining and operating the System, including reasonable amounts for administration, overhead, insurance and other similar costs, but excluding depreciation, the costs of capital additions, replacements or improvements to the System, debt service, municipal taxes and payments to the City in lieu of taxes.

**“Maturity Date”** means [April 1, 2023].

**“Maximum Annual Debt Service”** means the maximum amount of Annual Debt Service which will mature or come due in the current year or any future year.

**“Net Revenue”** means the Revenue of the System less the Maintenance and Operation Costs of the System.

**“Offer”** means the offer of the Bank to purchase the Bond.

**“Parity Bonds”** means the Bond and any Future Parity Bonds.

**“Project”** means the construction of the North End Drainage Project and other capital stormwater projects approved by the Council.

**“Registered Owner”** means the person named as the registered owner of the Bond in the Bond Register.

**“Reserve Account”** means the account of that name created in the Bond Fund for the purpose of securing the payment of the principal of and interest on the Parity Bonds.

**“Revenue Fund”** means the Stormwater Revenue Fund into which fund the City has pledged and bound itself to pay all of the Revenue of the System as collected.

**“Revenue of the System”** means all earnings, revenue and money received by the City from or on account of the operation of the System, except ULID Assessments, and including the income from investments of money in the Revenue Fund and Bond Fund or from any other investment thereof except the income from investments irrevocably pledged to the payment of revenue bonds pursuant to a plan of retirement or refunding. “Revenue of the System” shall also include federal or state reimbursements of operating expenses that are included as Maintenance and Operation Costs of the System.

**“System”** means the existing stormwater system of the City as added to, extended and improved for as long as any Parity Bonds remain outstanding.

**“ULID”** means a Utility Local Improvement District.

**“ULID Assessments”** means all assessments levied and collected in any ULID of the City created for the acquisition or construction of additions to and extensions and betterments of the System, if such assessments are pledged to be paid into the Bond Fund (less any prepaid assessments permitted by law to be paid into a construction fund or account). ULID Assessments shall include installments thereof and any interest or penalties which may be due thereon.

Section 2. Recitals. The Council finds and determines that:

1. The City now owns, operates and maintains the System as the stormwater system.
2. The City is in need of the North End Drainage Project and it is in the best interest of the City that the City undertake various improvements at the System.
3. The Bank has offered to purchase the Bond according to the terms set forth herein and in their Offer.
4. The Council has determined it to be in the best interests of the City to issue a Stormwater Revenue Bond, 2013 in the aggregate principal amount of \$550,000 (the "Bond") to provide funds for defraying all or a portion of the cost of the Project.
5. Based on the foregoing, it is in the City's best interest to authorize the issuance of the Bond to evidence the City's obligation to authorize the sale and delivery of the Bond to the Bank upon the terms set forth in this ordinance.

Section 3. Findings and Determinations. The Council finds and determines that the Revenue of the System and benefits to be derived from the operation and maintenance of the System at the rates to be charged for utility services from the System will be more than sufficient to meet all Maintenance and Operation Costs of the System and to permit the setting aside into the Bond Fund out of the Revenue of the System amounts sufficient to pay the principal of and interest on the Bond when due. The Council declares that in fixing the amounts to be paid into the Bond Fund under this ordinance it has exercised due regard for Maintenance and Operation Costs of the System and has not obligated the City to set aside and pay into the Bond Fund a greater amount of Revenue of the System than in its judgment will be available over and above such Maintenance and Operation Costs of the System.

Section 4. Authorization and Description of the Bond. For the purpose of paying part of the costs of the Project and financing costs of issuance of the Bond, the City shall now issue and sell the Bond in the principal amount of \$550,000. The Bond shall be designated the “City of Long Beach, Washington, Stormwater Revenue Bond, 2013,” shall be in fully registered form, shall be numbered R-1, and shall be dated the date of its delivery to the Bank, as initial purchaser. The Bond shall bear interest on unpaid principal during the following periods at the following rates (computed on the basis of a 360-day year of twelve 30-day months):

<u>Interest Rate Period</u>	<u>Interest Rate Per Annum</u>
Date of Delivery through and including [April 1, 2016]	[1.90]%
[April 2, 2013] through and including [April 1, 2019]	[3.15]
[April 2, 2019] through and including [April 1, 2022]	[4.80]
[April 2, 2022] through and including the Maturity Date	[5.90]

Principal and interest on the Bond shall be payable in equal semiannual amortized installments on each Installment Payment Date to the Maturity Date or earlier redemption of the Bond; provided, the last payment shall be in an amount equal to the remaining principal and interest due on the Bond. The installment payments are set forth in the Offer, which is attached hereto as Exhibit A (unless such installment payments are otherwise recalculated through earlier prepayment of the Bond as provided by Section 7 of this ordinance).

The Bond shall be payable solely from the Revenue of the System as described herein and shall not be a general obligation of the City.

Section 5. Appointment of Bond Registrar; Registration and Transfer of the Bond. The Finance Director of the City is appointed as Bond Registrar for the Bond. The Bond Registrar shall keep, or cause to be kept, at its principal office, sufficient books for the registration and transfer of the Bond which shall at all times be open to inspection by the City. The Bond Registrar shall serve as the City’s authenticating agent, transfer agent, registrar and

paying agent for the bond and shall comply fully with applicable federal and state laws and regulations respecting the carrying out of those duties. The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver the Bond in accordance with the provisions of the Bond and this ordinance and to carry out all of the Bond Registrar's powers and duties under this ordinance.

The Bond shall be issued only in registered form as to both principal and interest and recorded on the Bond Register. The Bond may be transferred only in whole and only if endorsed in the manner provided thereon and surrendered to the Bond Registrar. Any transfer shall be without cost to the owner or transferee and shall be noted in the Bond Register. The Bond Registrar shall not be obligated to transfer the Bond during the 15 days preceding any Installment Payment Date or prepayment date.

Section 6. Payment of Bond. Installments of principal of and interest on the Bond shall be payable in lawful money of the United States of America and shall be paid by check or draft mailed, or by electronic transfer, by the Bond Registrar on the Installment Payment Date to the registered owner at the address appearing on the Bond Register 15 days prior to the Installment Payment Date, except that the last installment of principal and interest shall be payable upon presentation and surrender of the Bond by the registered owner at the office of the Bond Registrar. Notwithstanding the foregoing, the City may engage in any payment program established by the registered owner from time to time, so long as the City can engage in such program under Washington law. The Bond Registrar shall cancel and destroy the Bond following the surrender and payment in full of the Bond.

Section 7. Optional Prepayment and Notice. The City may, at any time, prepay the entire unpaid principal of the Bond or such lesser portion as the City may determine of the

unpaid principal amount thereof. Upon prepayment of a portion of the principal of the Bond, the amount of the semiannual installments of principal and interest shall remain unchanged but shall be recalculated to reflect the reduction in the principal amount remaining unpaid and the resulting increase in the portion of each installment payment credited to the principal of the Bond. The final Installment Payment Date shall be adjusted to reflect the prepayment and increased amount applied to principal from each installment payment.

Notice of any such optional prepayment shall be given at least 10 days prior to the prepayment date by mailing to the registered owner of the Bond a notice fixing such prepayment date and the amount of principal to be prepaid.

Section 8. Failure to Pay Installments. If any installment of principal and interest is not paid when due, the City shall be obligated to pay interest on that installment at the same rate provided in the Bond from and after its payment date until that installment, both principal and interest, is paid in full.

Section 9. Form and Execution of Bond. The Bond shall be prepared in a form consistent with the provisions of this ordinance and state law, shall be signed by the Mayor and City Clerk, either or both of whose signatures may be in facsimile, and the seal of the City or a facsimile reproduction thereof shall be impressed or printed thereon.

Only the Bond bearing a Certificate of Authentication in the following form, manually signed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance.

CERTIFICATE OF AUTHENTICATION

This Bond is the fully registered City of Long Beach, Washington, Stormwater Revenue Bond, 2013, described in the Bond Ordinance.

By \_\_\_\_\_ *[Specimen]* \_\_\_\_\_

## Bond Registrar

The authorized signing of a Certificate of Authentication shall be conclusive evidence that the Bond so authenticated has been duly executed, authenticated and delivered and is entitled to the benefits of this ordinance.

In case either of the officers who shall have executed the Bond shall cease to be such officer of the City before the Bond so signed shall have been authenticated or delivered by the Bond Registrar, or issued by the City, such Bond may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City as though those who signed the same had continued to be such officers of the City. The Bond may also be signed and attested on behalf of the City by such persons as at the actual date of execution of such Bond shall be the proper officers of the City although at the original date of such Bond any such person shall not have been such officer of the City.

Section 10. Bond Fund; Payments into Bond Fund. The Bond Fund shall be created in the office of the Finance Director, which fund is divided into the Debt Service Account and the Reserve Account. So long as the Bond is outstanding against the Bond Fund, the City shall set aside and pay into the Bond Fund all ULID Assessments on their collection and, out of the Net Revenue, into the Debt Service Account prior to each Installment Payment Date, an amount, together with other money on deposit therein, sufficient to pay the interest or principal and interest next coming due.

When the total amount in the Bond Fund shall equal the total amount of principal and interest for all outstanding Parity Bonds to the last maturity thereof, no further payment need be made into the Bond Fund; provided, however, any such money so paid into the Bond Fund shall be used to retire the Parity Bonds at the earliest possible date.

If there shall be a deficiency in the Debt Service Account in the Bond Fund to meet maturing installments of either principal or interest, as the case may be, such deficiency shall be made up from the Reserve Account by the withdrawal of cash therefrom for that purpose. Any deficiency created in the Reserve Account by reason of any such withdrawal shall then be made up from ULID Assessment payments and the Net Revenue first available after making necessary provisions for the required payments into the Debt Service Account. The money in the Reserve Account shall otherwise be held intact and may be applied against the last Bond payment, except that if the Reserve Account is fully funded, any money in excess of the reserve requirement may be withdrawn and expended for the purpose of prepaying the Bond or for any other lawful System purpose.

The City may provide for the purchase, redemption or defeasance of any Parity Bonds by the use of money on deposit in any account in the Bond Fund as long as the money remaining in those accounts is sufficient to satisfy the required deposits in those accounts for the remaining Parity Bonds outstanding.

All money in the Bond Fund may be kept in cash or deposited in institutions permitted by law in an amount in each institution not greater than the amount insured by a state or the Federal Government, or may be invested in readily marketable securities backed by the full faith and credit of the United States of America maturing (or subject to sale by the City) maturing not later than the date when the funds are required for the payment of principal of or interest on the outstanding Parity Bonds (for investments in the Debt Service Account) or having a guaranteed redemption price prior to maturity and, in no event, maturing later than the last maturity of any remaining outstanding Parity Bonds (for investments in the Reserve Account). Earnings from investments in the Debt Service Account shall be deposited in that account if necessary to pay debt service

and, if not, then into the Revenue Fund. Income from investments in the Reserve Account shall be deposited in that account until the amount therein is equal to the reserve requirement for the Bond or the reserve requirement of all Parity Bonds and thereafter shall be deposited in the Debt Service Account or the Revenue Fund.

The City may create sinking fund accounts or other accounts in the Bond Fund for the payment or securing the payment of Parity Bonds as long as the maintenance of such accounts does not conflict with the rights of the owners of the Parity Bonds.

A series of Future Parity Bonds may establish a reserve account requirement for the issue of Future Parity Bonds. Except for withdrawals therefrom as authorized herein, the Reserve Account shall be maintained at such reserve requirement amount for the Bond at all times so long as the Bond is outstanding.

If the City fails to set aside and pay into the Bond Fund the amounts set forth above, the owner of any of the outstanding Parity Bonds may bring action against the City and compel such setting aside and payment.

Section 11. Revenue Fund; Flow of Funds. The Revenue Fund has been created in the office of the Finance Director as a special fund of the City designated the Stormwater Revenue Fund. All of the Revenue of the System shall be deposited in the Revenue Fund as collected. The Revenue Fund shall be held separate and apart from all other funds and accounts of the City, and the Revenue of the System deposited in the Revenue Fund shall be used only for the following purposes and in the following order of priority:

- (a) To pay the Maintenance and Operation Costs of the System;
- (b) To pay the interest of any Parity Bonds;

(c) To pay the principal of and any sinking fund requirements for any Parity Bonds;

(d) To make all payments, if any, required to be made into the Reserve Account for any Future Parity Bonds;

(e) To pay and secure obligations having a lien upon the Revenue of the System and the money in the Revenue Fund junior and inferior to the lien thereon for the payment of the principal of and interest on any Parity Bonds; and

(f) To retire by redemption or purchase any outstanding revenue obligations of the City, to make necessary additions, betterments, improvements, replacements and repairs to or extension of the System, or for any other lawful City purposes.

Section 12. Pledge of Revenue and Lien Position; Revocation of Right to Issue Prior Lien Bonds. The Net Revenue and ULID Assessments are pledged to the payment of the Parity Bonds, and the Parity Bonds shall constitute a lien and charge upon such Net Revenue and ULID Assessments prior and superior to any other charges whatsoever.

Section 13. General Covenants. The City hereby covenants and agrees with the owners of Parity Bonds at any time outstanding, as follows:

(a) It will establish, maintain and collect such rates and charges for stormwater service so long as the Bond or any of the Parity Bonds are outstanding which will make available for the payment of the principal of and interest on such bonds as the same accrue, together with the collection of other Net Revenue and of ULID Assessments, an amount equal to the Coverage Requirement.

(b) It will at all times maintain and keep the System in good repair, working order and condition, and also will at all times operate the System and the business in connection therewith in an efficient manner and at a reasonable cost.

(c) It will not sell, lease, mortgage, or in any manner encumber or dispose of all of the property of the System unless provision is made for the payment into the Bond Fund of an amount sufficient to pay the principal of and interest on the Parity Bonds then outstanding and that it will not sell, lease, mortgage, or in any manner encumber or dispose of any part of the property of the System that is used, useful and material to the operation thereof, unless provision is made for replacement thereof, or for payment into the Bond Fund of the total amount of revenue received from such disposition which shall not be less than an amount which shall bear the same ratio to the amount of the Parity Bonds then outstanding as the Revenue of the System available for debt service for such outstanding bonds for the twelve months preceding such sale, lease, encumbrance or disposal from the portion of the System sold, leased, encumbered or disposed of bears to the Revenue available for debt service for the outstanding Parity Bonds from the entire System for the same period. Any such money so paid into the Bond Fund shall be used to retire the Parity Bonds at the earliest possible date.

(d) While any of the Parity Bonds remain outstanding, it will keep proper and separate accounts and records in which complete and separate entries shall be made of all transactions relating to the System, and it will furnish the original purchaser or purchasers of the Parity Bonds or any subsequent owner or owners thereof, at the written request of such owner or owners, operating and income statements of the System in reasonable detail covering any calendar year when they are available.

(e) Except as permitted by law, it will not furnish stormwater disposal service to any customer whatsoever free of charge.

(f) It will carry the type of insurance on its System property in the amounts normally carried by private stormwater utility companies engaged in the operation of stormwater systems, and the cost of such insurance shall be considered part of the operating and maintaining of such System or, in lieu thereof, may self-insure or participate in a joint intergovernmental insurance pool assuring the same coverage as is carried by such private stormwater companies.

(g) It will pay all Maintenance and Operation Costs of the System and the debt service requirements of the Parity Bonds and otherwise meet the obligations of the City as set forth in this ordinance.

Section 14. Future Parity Bonds. The City reserves the right to issue Future Parity Bonds if the following conditions are met and complied with at the time of issuance of those additional bonds:

(a) There shall be no deficiency in the Bond Fund.

(b) The ordinance providing for the issuance of the Future Parity Bonds shall provide that all assessments and interest thereon which may be levied in any ULID created for the purpose of paying, in whole or in part, the principal of and interest on those Future Parity Bonds, shall be paid directly into the Bond Fund.

(c) The ordinance providing for the issuance of such Future Parity Bonds shall provide for the payment of the principal thereof and interest thereon out of the Bond Fund.

(d) The ordinance providing for the issuance of such Future Parity Bonds shall provide for the payment of an amount equal to the reserve requirement, if any, for those Future Parity Bonds into the Reserve Account in the Bond Fund from the Future Parity Bond

proceeds or, to the extent that reserve requirement is not funded from Future Parity Bond proceeds, within five years from the date of issue of the Future Parity Bonds from ULID Assessments, if any, levied and first collected for the payment of the principal of and interest on those Future Parity Bonds and, to the extent that ULID Assessments are insufficient, then from Net Revenue in five approximately equal amount payments.

(e) The ordinance authorizing the issuance of such Future Parity Bonds shall provide for the payment of sinking fund requirements into the Bond Fund for any Term Bonds to be issued and for regular payments to be made for the payment of the principal of such Term Bonds on or before their maturity, or, as an alternative, the mandatory redemption of those Term Bonds prior to their maturity date from money in the Debt Service Account.

(f) There shall be on file with the City either:

(i) a certificate of the Finance Director of the City demonstrating that the Net Revenue for any 12 consecutive calendar months out of the immediately preceding 18 calendar months, together with the annual assessments reasonably anticipated to be collected in any ULID created to pay, in whole or in part, those Future Parity Bonds proposed to be issued, shall be equal to the Coverage Requirement for each year thereafter; or

(ii) a certificate of a licensed professional engineer experienced in the design, construction and operation of municipal utilities, or from a certified public accountant, a certificate showing that in his or her professional opinion the Net Revenue for any 12 consecutive calendar months out of the immediately preceding 18 calendar months, together with the annual assessments reasonably anticipated to be collected in any ULID created to pay, in whole or in part, those Future Parity Bonds proposed to be issued, shall be equal to the Coverage Requirement for each year thereafter.

The certificate, in estimating the Net Revenue available for debt service, shall use the historical Net Revenue for any 12 consecutive months out of the 18 months immediately preceding the month of delivery of the Future Parity Bonds. Net Revenue may be adjusted to reflect:

(A) Any changes in rates in effect and not being charged or expressly committed by ordinance to be made in the future;

(B) Income derived from customers of the System that have become customers during the 12 consecutive month period or thereafter adjusted to reflect one year's net revenue from those customers;

(C) Revenue from any customers to be connected to the System who have paid the required connection charges;

(D) Revenue received or to be received which is derived from any person, firm, corporation or municipal corporation under any executed contract for stormwater or other utility service, which revenue was not included in the historical Net Revenue; and

(E) The engineer's or accountant's estimate of the Net Revenue to be derived from customers to connect within 30 days after the date of the certificate to any additions to and improvements and extensions of the System to be paid for out of the proceeds of the sale of the additional Future Parity Bonds or other additions to and improvements and extension of the System then under construction and not fully connected to the facilities of the System when such additions, improvements and extensions are completed.

If Future Parity Bonds proposed to be so issued are for the sole purpose of refunding outstanding stormwater revenue bonds, such certification of coverage shall not be required if the

amount required for the payment of the principal and interest in such year for the refunding bonds is not increased over the amount required for the bonds to be refunded thereby and the maturities of such refunding bonds are not extended beyond the maturities of the bonds to be refunded thereby.

Nothing herein contained shall prevent the City from issuing revenue bonds to refund maturing Parity Bonds for the payment of which money is not otherwise available.

Section 15. Junior Lien Bonds. Nothing in this ordinance shall prevent the City from issuing stormwater revenue bonds or like obligations which are a charge upon the Revenue of the System junior or inferior to the charge thereon of the Parity Bonds or from pledging the payment of assessments into a fund or account created to pay and secure the payment of the principal of and interest on such junior lien bonds or obligations as long as such assessments are levied in a utility local improvement district or districts created in connection with carrying out the improvements to be constructed from the proceeds of the sale of such junior lien bonds or obligations.

Section 16. Application of Bond Proceeds. The Finance Director of the City is hereby authorized to deposit proceeds of the Bond into the Construction Fund to be used to pay the costs of the Project and to pay the costs of issuing the Bond.

Section 17. Refunding or Defeasance of the Bond. The City may issue refunding bonds pursuant to the laws of the State or use money available from any other lawful source to pay when due the principal of and interest on any Bond, or any portion thereof included in a refunding or defeasance plan, and to redeem and retire, refund or defease all of the principal amount of such Bond (hereinafter collectively called the “defeased Bond”) and to pay the costs of the refunding or defeasance. If money and/or noncallable “government obligations” (as

defined by chapter 39.53 RCW) maturing at a time or times and bearing interest in amounts (together with money, if necessary) sufficient to redeem and retire, refund or defease the defeased Bond in accordance with its terms are set aside in a special trust fund or escrow account irrevocably pledged to that redemption, retirement or defeasance of the defeased Bond (hereinafter called the "trust account"), then all right and interest of any Registered Owner of the defeased Bond in the covenants of this ordinance and in the funds obligated to the payment of the defeased Bond shall cease and become void. Any Registered Owner of the defeased Bond shall have the right to receive payment of the principal of and interest on the defeased Bond from the trust account. The City shall include in the refunding or defeasance plan such provisions as the City deems necessary for notice of the defeasance to be given to any Registered Owner of the defeased Bond and to such other persons as the City shall determine, and for any required replacement of a Bond certificate for the defeased Bond. The defeased Bond shall be deemed no longer outstanding, and the City may apply any money in any other fund or account established for the payment or redemption of the defeased Bond to any lawful purposes as it shall determine.

Section 18. Sale of the Bond. The Bond shall be sold to the Bank in accordance with the Offer, which is attached hereto as Exhibit A, and the acceptance of such Offer, and the fee specified therein, is hereby ratified and confirmed. If there are any inconsistencies between the Offer and this ordinance, this ordinance shall govern.

The proper officials of the City are hereby authorized and directed to do all things necessary for the prompt execution and delivery of the Bond and the items required to be delivered to the Bank under the terms of its Offer and for proper use and application of the proceeds of sale thereof.

Section 19. Reporting Requirements. With respect to the Bond, the City is exempt from the official statement and ongoing disclosure requirements of the Securities and Exchange Commission Rule 15c2-12 under the Securities Exchange Act of 1934.

The City hereby covenants and agrees for as long as the Bond remains outstanding, it will provide annually to the Bank copies of its audited annual financial report, each annual budget of the City as they become available, and other information as may be reasonably requested by the Bank.

Section 20. Tax Covenants; Designation of the Bond as a “Qualified Tax-Exempt Obligation.”

(a) *Preservation of Tax Exemption for Interest on the Bond.* The City covenants that it will take all actions necessary to prevent interest on the Bond from being included in gross income for federal income tax purposes, and it will neither take any action nor make or permit any use of proceeds of the Bond or other funds of the City treated as proceeds of the Bond at any time during the term of the Bond which will cause interest on the Bond to be included in gross income for federal income tax purposes. The City also covenants that it will, to the extent the arbitrage rebate requirements of Section 148 of the Code are applicable to the Bond, take all actions necessary to comply (or to be treated as having complied) with those requirements in connection with the Bond, including the calculation and payment of any penalties that the City has elected to pay as an alternative to calculating rebatable arbitrage, and the payment of any other penalties if required under Section 148 of the Code to prevent interest on the Bond from being included in gross income for federal income tax purposes.

(b) *Post-Issuance Compliance.* The Finance Director is authorized and directed to review and update the City’s written procedures to facilitate compliance by the City

with the covenants in this Section 20 and the applicable requirements of the Code that must be satisfied after the date of its issuance to maintain the tax treatment of the Bond and the receipt of interest thereon.

(c) *Designation of the Bond as a “Qualified Tax-Exempt Obligation.”* The City designates the Bond as a “qualified tax-exempt obligation” for the purposes of Section 265(b)(3) of the Code, and makes the following findings and determinations:

(i) the Bond is not a “private activity bond” within the meaning of Section 141 of the Code;

(ii) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds and other obligations not required to be included in such calculation) which the City and any entity subordinate to the City (including any entity that the City controls, that derives its authority to issue tax-exempt obligations from the City, or that issues tax-exempt obligations on behalf of the City) will issue during the calendar year in which the Bond is issued will not exceed \$10,000,000; and

(iii) the amount of tax-exempt obligations, including the Bond, designated by the City as “qualified tax-exempt obligations” for the purposes of Section 265(b)(3) of the Code during the calendar year in which the Bond is issued does not exceed \$10,000,000.

Section 21. Severability. If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the City shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants

and agreements in this ordinance and shall in no way affect the validity of the other provisions of this ordinance.

Section 22. Prior Acts. All acts taken pursuant to the authority of this ordinance but prior to its effective date are hereby ratified and confirmed.

Section 23. Effective Date. This ordinance shall be effective five days from and after its passage, approval and publication as required by law.

PASSED by the Council of the City of Long Beach, Washington, and approved by its Mayor at a regular meeting thereof held this \_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF LONG BEACH, WASHINGTON

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Bond Counsel

CERTIFICATE

I, the undersigned, City Clerk of the City of Long Beach, Washington, (the "City") and keeper of the records of the City Council (the "Council"), hereby certifies as follows:

1. The attached copy of Ordinance No. \_\_\_\_ of the Council (the "Ordinance"), is a full, true and correct copy of an ordinance duly passed at a regular meeting of the Council held at the regular meeting place thereof on \_\_\_\_\_, 2013, as that ordinance appears on the minute book of the City; and the Ordinance will be in full force and effect five days after publication in the City's official newspaper.

2. A quorum of the members of the Council was present through the meeting and a majority of those members present voted in the proper manner for the passage of the Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF LONG BEACH, WASHINGTON

\_\_\_\_\_  
City Clerk

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**CITY COUNCIL  
AGENDA BILL  
AB 13-20  
April 1, 2013**

**Meeting Date:**

**AGENDA ITEM INFORMATION**

<b>SUBJECT: Beachdog Contracts for 2013</b>	<i>Originator:</i>	
	Mayor	
	City Council	
	City Administrator	
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Finance Director	DG
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	<b>COST: \$21,165</b>	Water/Wastewater Supervisor
	Other:	

**SUMMARY STATEMENT:** These are the final versions of the contracts with Beachdog.com to promote the city through the Specials for Service Members and Social Media for 2013.

**RECOMMENDED ACTION:** *Approve and authorize the Mayor to sign*



and



## 2013 Agreement

### Specials For Service Members

**Specials for Service Members Project 2013**  
**Budget: \$1,725.**

**Overview:**

Continue the website and social media built during the 2012 campaign so as to maximize the investment already made.

**Detail:**

Hosting, Domain Name (needed to keep the website functional) .....	\$ 175.
Monitoring and Maintenance of Website, Facebook Page Interactions 60 minutes per week at \$25/hour x 52 weeks .....	\$ 1,250.
Merchant Contact, Update of Participants and Contests online (assumes volunteer assistance from Long Beach Merchants Association) 12 hours annually @ \$25/hour .....	<u>\$ 300.</u>
	<b>\$1,725.</b>

Please note that beachdog.com is offering the City very low rates for this work, a 69% reduction from our shop rate for similar efforts. This is a direct result of the City entering into a year-long contract, enabling us to be extremely efficient in delivering the service.

**Measurement**

Reports to the City document work completed on the site and on facebook.com.  
Analytics serve to determine the value of this established niche tool beyond 2013.

**To begin work:**

**1. Complete and/or verify your business information:**

Business Name	City of Long Beach, Washington		
Mailing Address	PO Box 310 Long Beach, WA 98631		
Physical Address	115 Bolstad Ave W Long Beach, WA 98631		
Business Phone	360-642-4421	Fax	360-642-8841
Email	finance@longbeachwa.gov - billing administrator@longbeachwa.gov - reporting		

**2. Sign:**

*This is to verify that I, representing the City of Long Beach, have the authority to enter into this contract, have thoroughly reviewed and approved the project scope and materials as described above. I agree to the terms and conditions stated. I am a person with final decision-making authority on all phases of this project. I further acknowledge that any mistakes or preference changes may alter the delivery date and/or incur further costs. Payment serves as approval of the completed work.*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Title*

**3. Return to:**

**beachdog.com** PO Box 954 or 1517 Pacific Ave N in Long Beach, WA 98631 or FAX 360.642.4435

**Questions? Contact:**

If you have any questions about the work outlined, or would like to discuss modifications, please contact:

- Ariel Smith, Billing, Project Management: [ariel@beachdog.com](mailto:ariel@beachdog.com) or 360.642.4431
- Keleigh Schwartz, CEO: [woof@beachdog.com](mailto:woof@beachdog.com) or 360.642.4431
- First Available: [webmaster@beachdog.com](mailto:webmaster@beachdog.com) or 360.642.4431



and



## 2013 Agreement

### City of Long Beach Social Media

**City of Long Beach Social Media Project 2013**

**Budget: \$19,440.**

**Overview:**

The purpose of this project is to continue and expand the social media presence of the Long Beach Peninsula. This important for several reasons:

1. Social media continues to pull traffic away from hub sites such as funbeach.com. As a result, it is very important to have a strong presence on the social sites to offset this loss.
2. Social media continues to grow as a source for traffic to funbeach.com and so it is an inexpensive and successful way to move potential visitors from social sites to funbeach.com.
3. Social media sites are important sources of links to funbeach.com, playing a critical role in keeping funbeach.com at the top of the search engines.

Beachdog.com will address the above through the following activities.

1. Continue the social media presence currently known as "Kara Atthebeach"
2. Expand that effort to include Pinterest (an emerging social media quickly growing in popularity in our target demographic; it is now the #4 social media platform), and other social media, as appropriate.
3. Expand the Peninsula's Facebook presence through the development of new pages and groups. These might include topics such as Peninsula Photos, Fun in 98631 and Beach Vacation Share, with additional topics being identified as these are developed. Success of each will determine whether a page is given bare bones maintenance, abandoned, or completely exploited as the year rolls out.

**Budget Detail:**

Development of accounts, pages, custom tabs and third-party tools to gain traffic  
 48 hours \$80/hour ..... \$ 3,840.

Maintenance of Facebook & Pinterest profiles, groups, pages and interactions, with a goal of gaining traffic and conversion to funbeach.com  
 20 hours per week at \$15/hour x 52 weeks ..... \$ 15,600.  
**\$19,440.**

It should be noted that beachdog.com is offering the City an EXTREMELY low rate for the bulk of this project's work, a more than 80% reduction from our shop rate for similar efforts. This is a direct result of the City entering into a year-long contract, enabling us to be extremely efficient in delivering the service. It is also because our company believes very strongly in the value of the project to the Long Beach economy on which we are reliant.

**Measurement:**

1. Measurement requested by the Long Beach Marketing Committee is based on traffic to Facebook and Pinterest, using a return on investment calculation where actions on the part of the online visitor are graded using cash equivalents.
2. Funbeach.com referrer reports document the number of visitors coming to the site from social networks
3. Analytics reports document the number of links to funbeach.com (quality inbound links) from social sites.

4. Google and other search engine ranks of the site are not accurate measurement tools as their algorithms for placement are complex. While quality inbound links are a critical factor, many elements combine for the total ranking score.

**To begin work:**

**1. Complete and/or verify your business information:**

Business Name	City of Long Beach, Washington		
Mailing Address	PO Box 310 Long Beach, WA 98631		
Physical Address	115 Bolstad Ave W Long Beach, WA 98631		
Business Phone	360-642-4421	Fax	360-642-8841
Email	finance@longbeachwa.gov - billing administrator@longbeachwa.gov - reporting		

**2. Sign:**

*This is to verify that I, representing the City of Long Beach, have the authority to enter into this contract, have thoroughly reviewed and approved the project scope and materials as described above. I agree to the terms and conditions stated. I am a person with final decision-making authority on all phases of this project. I further acknowledge that any mistakes or preference changes may alter the delivery date and/or incur further costs.*

\_\_\_\_\_

*Signature*

\_\_\_\_\_

*Date*

\_\_\_\_\_

*Title*

**3. Return to:**

**beachdog.com** PO Box 954 or 1517 Pacific Ave N in Long Beach, WA 98631 or FAX 360.642.4435

**Questions? Contact:**

If you have any questions about the work outlined, or would like to discuss modifications, please contact:

- Ariel Smith, Billing, Project Management: [ariel@beachdog.com](mailto:ariel@beachdog.com) or 360.642.4431
- Keleigh Schwartz, CEO: [woof@beachdog.com](mailto:woof@beachdog.com) or 360.642.4431
- First Available: [webmaster@beachdog.com](mailto:webmaster@beachdog.com) or 360.642.4431

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PACIFIC COUNTY ECONOMIC DEVELOPMENT COUNCIL

"Facilitators of Economic Development"

2013 Board of Directors

Randy Dennis, President  
Dennis Company

Nancy Gorshe  
Vice-Pres. — South  
The Depot Restaurant

Bob Jungar  
Vice-Pres. — North  
City of Raymond

Dian Barker-Sayce  
Treasurer  
The Bank of the Pacific

Lisa Ayers  
Pacific County Commissioner

Doug Miller  
PUD #2  
Tim Russ

Pacific Transit System  
Kim Patten  
WSU Coop Extension

Mike Johnson  
Pioneer Grocery  
Steve Arnold

Weyerhaeuser  
Jeff Harrell

Peninsula Pharmacies  
Doug Ross  
Jessie's Ilwaco Fish, Co.

Geri Marcus  
Ocean Beach Hospital  
Nancy Campiche

Campiche Studios  
Donna Rew  
Port O'Call Ilwaco

Jan Kampbell  
CenturyLink  
Tim Morris

Coast Oyster  
Erin Frasier  
Grays Harbor College

Matt Winters  
The Chinook Observer  
Kirk Church

City of South Bend  
Bob Andrew  
City of Long Beach

Mike Cassinelli  
City of Ilwaco  
Chuck Whiteman

Port of Chinook  
Mary DeLong  
Port of Peninsula

Rebecca Chaffee  
Port of Willapa Harbor  
Jim Neva

Port of Ilwaco

Honorary Directors

Gary Dennis  
Evelyn Wilson  
Sid Snyder  
1926-2012

March 26, 2013

City of Long Beach  
Bob Andrew  
PO Box 310  
Long Beach, WA 98631-0310

Dear Bob:

With your guidance, the Pacific County Economic Development Council (PCEDC) has made great strides in providing services to you, and most importantly our businesses. I would like to thank you for your contributions as a board member. Your support makes it possible for us to continue to define, support and promote policies and activities which contribute to the economic stability of Pacific County.

It is your active participation in many broad-based partnerships that continues to improve our economy, and your continued commitment to doing so in 2013 will ensure the betterment of our economic vitality.

With your continued support and guidance in 2013 we will be able to continue providing activities contributing to our economic stability.

- Provide our businesses with the tools necessary for success.
- Continue to market Pacific County as a competitive place to live, work and play through trade shows, direct mail and ad placement.
- Continue to provide existing businesses with the tools necessary to build successful business ownership.

Your commitment and financial support is important in assisting the PCEDC to effectively further their mission and enables us to provide outreach to your business as well as others in Pacific County.

We're proud of what we've been able to do and we could not have done it without you!

Sincerely,

Cathy Russ  
Executive Director

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ADVOCACY

PROGRAMS  
& SERVICES

TRAINING &  
EDUCATION

JOBNET

City Awards

- Grants & Purchasing
- Publications
- Personnel & Labor
- Relations
- Research
- Resources
- Small City Resources

Programs & Services » City Awards » WellCity Awards

## City Awards

### WellCity Awards

The AWC Employee Benefit Trust's annual **WellCity Awards** recognize members that meet nine best practice standards for employee health promotion. Members of the AWC Employee Benefit Trust are eligible to apply for the award. This includes cities, towns, and non-city entities.

#### WellCity rewards: Trust premium discount

AWC Trust members that earn the 2013 WellCity Award receive a 2% premium discount on Regence BlueShield/Asuris Northwest Health premiums. The discount will be applied to 2014 premiums.

Are you a member of the Employee Benefit Trust? [Login](#) to find out more about the WellCity premium discount.

#### 2013 WellCity recipients

83 Trust-insured cities earned the 2013 WellCity Award. Their commitment to employee health at city hall has earned them a 2% premium discount on their 2014 Regence & Asuris medical premiums.



- |               |                  |  |
|---------------|------------------|--|
| Aberdeen      | Fife             | Orting                                       |
| Airway        | Fircrest         | Port Angeles                                 |
| Heights       | Hoquiam          | Port Orchard                                 |
| Algona        | Kelso            | Port Townsend                                |
| Anacortes     | Kenmore          | Pullman                                      |
| Arlington     | Kennewick        | RiverCom 911                                 |
| AWC           | Lacey            | Riverside Fire Authority                     |
| Auburn        | Lake Forest Park | Sammamish                                    |
| Battle Ground | Lake Stevens     | SeaTac                                       |
| Bellingham    | Lakewood         | Sedro-Woolley                                |
| Bonney Lake   | Long Beach       | Shelton                                      |
| Bothell       | Longview         | Shoreline                                    |
| Buckley       | LOTT Clean Water | Snohomish                                    |
| Burien        | Alliance         | Spokane Valley                               |
| Burlington    | Lynden           | Stanwood                                     |
| Camas         | Maple Valley     | Steilacoom                                   |
| Chelan        | Marysville       | Sumner                                       |
| Cheney        | Medina           | Thurston County Department of Communications |
| Chewelah      | Mercer Island    | Toppenish                                    |
| Clyde Hill    | Mill Creek       | Twisp Public Development Authority           |
| Colfax        | Milton           | Union Gap                                    |
| Colville      | Moses Lake       | WCIA   |
| Concrete      | Mount Vernon     | Washougal                                    |
| Covington     | MRSC             | Wenatchee                                    |
| DuPont        | Mukilteo         | West Richland                                |
| Duvall        | Normandy Park    | Wilbur                                       |
| Eatonville    | North Bend       | Woodinville Water District                   |
| Enumclaw      | Oak Harbor       | Woodland                                     |
|               | Olympia          |  |

#### City Awards Links

- [Civic Service Awards](#)
- [Municipal Excellence Awards](#)
- [WellCity Awards](#)

#### WellCity video

#### Quick Links



Contact Us

- About Us
- Associate membership
- AWC Board of Directors
- Center for Quality Communities

- Cityvision
- CityVoice
- CPI data
- MRSC

- Municipal Excellence Awards
- National League of Cities
- State Legislature
- Your city tools



# Long Beach Police

P.O. Box 795  
Long Beach, WA 98631

lbpdchief@centurytel.net

Phone 360-642-2911  
Fax 360-642-5273

04-01-13

Page 1 of 2

To: Mayor Andrew and Long Beach City Council

From: Chief Flint R. Wright

Ref.: Monthly Report for March 2013

During the month of March the Long Beach Police Department handled the following cases and calls:

## Long Beach

**458** Total Incidents

Aid Call Assists: 5

Alarms: 14

Animal Complaints: 3

Assaults: 6

Assists: 122

(Includes 9 Law Enforcement Agency Assists Outside City Boundaries)

Burglaries: 0

Disturbance: 10

Drug Inv.: 2

Fire Call Assists: 3

Follow Up: 76

Found/Lost Property: 6

Harassment: 7

Malicious Mischief: 12

MIP – Alcohol: 1

MIP – Tobacco: 0

Missing Person: 0

Prowler: 3

Runaway: 4

Security Checks: 65

Suspicious: 28

Thefts: 9

Traffic Accidents: 7

Traffic Complaints: 16

Traffic Tickets: 8

Traffic Warnings: 25

Trespass: 3

Warrant Arrests: 17

Welfare Checks: 6

## Ilwaco

**251** Total Incidents

Aid Call Assists: 2

Alarms: 2

Animal Complaints: 4

Assaults: 4

Assists: 38

Burglaries: 2

Disturbance: 6

Drug Inv.: 1

Fire Call Assists: 2

Follow Up: 62

Found/Lost Property: 1

Harassment: 3

Malicious Mischief: 5

MIP – Alcohol: 1

MIP – Tobacco: 0

Missing Person: 0

Prowler: 0

Runaway: 0

Security Checks: 62

Suspicious: 12

Thefts: 3

Traffic Accidents: 0

Traffic Complaints: 9

Traffic Tickets: 15

Traffic Warnings: 5

Trespass: 3

Warrant Arrests: 3

Welfare Checks: 6

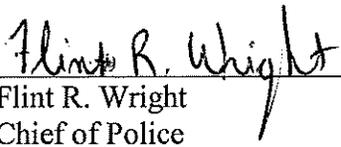
On March 7<sup>th</sup> I was requested to read a story to the kids at the Peninsula Church Center. The director of the day care there thought that it would be good for the kids to have contact with a law enforcement officer in a positive situation. In this day and age too many of our kids come from homes where the police are involved in a not so good way. Whenever the department can have a positive interaction with children it is important that we do so. I read a Dr. Seuss book about "green eggs and ham".

I attended a meeting on the 19<sup>th</sup> with members of the Pacific County Health Department and Sheriff's Department as well as with the Juvenile Court Administrator for the county. We met to discuss the ongoing emphasis to enforce the underage drinking laws. We wanted to make sure that we are all working in the same direction to reduce underage drinking.

The department had firearms range training on March 20<sup>th</sup>. The officers trained with shotguns and patrol rifles.

On March 29<sup>th</sup> Officer Jeff Cutting, along with a deputy from the Pacific County Sheriff's Department and a Washington State Liquor Control agent, conducted alcohol compliance checks on the Peninsula. An underage subject was sent into different establishments to see if they would sell to him. 16 establishments were checked and three did sell to the underage subject. Two of the establishments were in the county and one was in the City of Long Beach. The overtime for this was paid for by a grant. Citations were issued to violators.

On the 30<sup>th</sup> I conducted a "tabletop exercise". The exercise centered on an active shooter at Ilwaco High School. Different representatives from local law enforcement, fire, emergency medical services, dispatch and the school participated. Long Beach Police was represented by Officers Tim Mortenson and Jeff Cutting. Since I wrote the scenario for the event I acted as moderator. The exercise went well and I want to give Elaine from Ilwaco City Hall a special thank you. She represented Ilwaco City Hall for the training and at the end of the exercise pointed out a huge problem with our plan for reunification of parents and students should a shooting or other mass causality event happen. Because of her observation the plan is going to be changed for the better. Her observation and the subsequent change in the plan is exactly why these tabletop exercises are so important.

  
\_\_\_\_\_  
Flint R. Wright  
Chief of Police

Report: AGY064P2  
710-LBL BLS020

State of Washington  
Business Licensing Service  
Agency Requirements Document (ARD)

Date: 04 04 2013  
Page: 1

LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: Profit Corporation  
Legal Entity Name : DAVIDSON CONSTRUCTION INC

UBI Number : 603 181 403 001 0001  
Application ID : 2013 093 4879  
Application Received Date: 04 03 2013

Firm Name : DAVIDSON CONSTRUCTION INC

Fees : \$125.00  
Expiration Date: 04 30 2014

Location Phone/FAX: (503) 720-5525 (000) 000-0000

First Date of Business: 04 04 2013

Location Address : 16861 SE ROYER RD  
DAMASCUS OR 97089 8747

Mail Addr: 16861 SE ROYER RD  
DAMASCUS OR 97089 8747

In City Limits:

Product/Serv Desc: Services  
Services CONSTRUCTION CONTRACTING

Operator Comments:

Square Footage: 0 Applying as Non Profit Business: N  
501(C) Received: \_

Previous Business License: N  
Email Address: jondcinc@gmail.com

Additional Business Activities:

General/Specialty Contractor # DAVIDC1888C2 Unable to verify Contractor license number in the Contractor database.

Account Status: Pending Approval

Zoning	<u>N/A</u>	<u>9B</u>	Date	<u>4/4/13</u>	Fire	Date
Building			Date		Police	Date
Finance			Date		Planning	Date
Comments:						

Report: AGY064P2  
710-IBL BLSDD20

State of Washington  
Business Licensing Service  
Agency Requirements Document (ARD)

Date: 04 05 2013  
Page: 1

LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: Partnership

UBI Number : 603 290 744 001 0001

Legal Entity Name : COASTAL CORNER MARKET

Application ID : 2013 095 0609

Firm Name : COASTAL CORNER MARKET

Application Received Date: 04 04 2013

Location Phone/FAX: (602) 549-1194

Fees : \$125.00

Expiration Date: 04 30 2014

Location Address : 1304 PACIFIC AVE S  
LONG BEACH WA 98631 3868

Business Open Date: 05 01 2013

In City Limits: Y

Mail Addr: 1304 PACIFIC AVE S  
LONG BEACH WA 98631 3868

Product/Serv Desc: Wholesale , Retail  
Wholesale , Retail PRODUCE OLIVE OILS, OLIVES, MIXES, SPICES, KETTLE  
CORN, VINAGERS, COFFEE, TEA

Operator Comments:

Previous Business License: Y

Square Footage: 1900

Applying as Non Profit Business: N  
501(C) Received: N

Conducting Business From Residence: N

Hazardous/Flammable Materials: N

Emergency Contact 1: SAM HAMED

(602) 549-1194

Emergency Contact 2: DIANE HAMED

(602) 549-1194

Email Address: COASTALCORNERMARKET@YAHOO.COM

Additional Business Activities:

Account Status: Pending Approval

Zoning	C1	4/10/13	Fire		Date
Building			Police		Date
Finance			Planning		Date
Comments:					

*Have already spoken  
w/ owners about  
signage.*