



## AGENDA

Long Beach City Council Workshop at 6:00 p.m.

Long Beach City Council Meeting

Regular City Council May 5, 2014 at 7:00 p.m.

Long Beach City Hall - Council Chambers

115 Bolstad Avenue West

### 6:00 PM CALL TO ORDER

+ WS 14-08 – Trolley and Tents review – TAB - A

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

Call to order Mayor Andrew, Council Member Linhart, Council Member Hanson,  
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 7 & 21, 2014 Regular City Council meeting.
- Payment Approval List for Warrant Registers 54090 - 64131 & 76084 – 76157 for \$181,987.27

### BUSINESS

- AB-14-32 – Trolley Rental Rates, Ordinance 898 – TAB - C
- AB 14-33 – Request for Fireworks Stand July 2014 – TAB – D
- AB 14-34 – Set Hearing dates for land Use Amendments – TAB – E
- AB 14-35 – Resolution 14-04, Sensitive Land Use Map- TAB – F
- AB 14-36 - Proclamation Honoring Emergency Medical Services Week 2014 –TAB - G

### ORAL REPORTS

•	City Council	Mayor	City Administrator	Department Heads
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### CORRESPONDENCE AND WRITTEN REPORTS – TAB – H

- Sales and Lodging Tax Report for April
- LBPD Report for April 2014
- Correspondence – Letter from Mayor on South Willapa Bay Trail Application
- Correspondence – Approval of Case No. SUP 2014-03, Special Use Permit
- Business License – Burnard Construction LLC, Astoria, OR
- Business License – Wild Roses, 505 Pacific Ave N
- Business License – Vintage Renew, 304 Pacific Ave S
- Business License – First Class Property Maintenance LLC, Vancouver, WA
- Business License – Inkspressions Tattoos and Piercings, 811 Pacific Ave, Ste 9

### 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 19, 2014 – 7:00 pm – City Council Meeting

June 2, 2014 – 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 - B**

## **LONG BEACH CITY COUNCIL MEETING**

**APRIL 7, 2014**

### **CALL TO ORDER**

Mayor Andrew called the meeting to order at 7:00 p.m. and asked for the Pledge of Allegiance and roll call.

### **ROLL CALL**

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

### **CONSENT AGENDA**

Minutes, March 17, 2014 Regular City Council Meeting

Payment Approval List for Warrant Registers 54001-54041 & 75928-76001 for \$190,194.60

**C. Linhart made the motion to approve the consent agenda with C. Hanson seconding the motion. 5 Ayes 0 Nays, motion passed.**

### **BUSINESS**

**AB 14-28      Special Use Permit for Tents for Summerfest & Farmers Market**

Ragan Myers, Tourism and Event Coordinator presented the agenda bill. She is asking that staff be able to use the stage, field and tents to enhance festivals and events during the festival season on Veterans Field. **C. Linhart made the motion to approve the agenda bill with C. Hanson seconding the motion. 5 Ayes 0 Nays, motion passed.**

**AB 14-29      Fireworks Stand Permit**

David Glasson, Finance Director, presented the agenda bill. The recommended action would be to approve fireworks stands as temporary outdoor merchandising in the OT and S4 zones and declare the 4<sup>th</sup> of July as a festival for fee purposes and authorize the staff to issue special use permits for the stands at locations determined by the City Administrator for up to four stands. **C. Phillips made the motion to approve the agenda bill with C. Perez seconding the motion. 5 Ayes 0 Nays, motion passed.**

### **ORAL REPORTS**

C. Phillips, C. Murry, C. Hanson, C. Linhart, Mayor Andrew, Gene Miles, City Administrator, Chief Wright, Gayle Borchard, Community Development Director, David Glasson, Finance Director and Fire Chief and Ragan Myers presented oral reports.

### **CORRESPONDENCE AND WRITTEN REPORTS**

Correspondence – Sales Tax and Lodging Tax for March

Business License – Pavola Paint Co., LLC; Aberdeen, WA

Business License – Skamokawa Farmstead Creamery, LLC; Skamokawa, WA

Business License – McGinley Counseling, PLLC; 1601 Pacific Ave S., Ste 3

Business License – Asian Touch Massage LLC; 113 Oregon Ave S

Business License -- Mason Technologies Inc.; Deer Park, NY  
Business License -- CCR Smokehouse; 612 Pacific Ave N  
Business License -- Servicemaster by JTS; Portland, OR  
Business License -- Lays Technologies; 600 Pacific Ave N  
Business License -- Sara's Gardens; Seaview, WA

**PUBLIC COMMENT**

None

**ADJOURNMENT**

**C. Linhart made the motion to adjourn at 7:24 p.m. with C. Phillips seconding the motion. 5 Ayes 0 Nays, motion passed.**

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Mayor

ATTEST:

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City Clerk

## LONG BEACH CITY COUNCIL MEETING

APRIL 21, 2014

### CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Andrew called the meeting to order at 7:00 p.m. and asked for the Pledge of Allegiance.

### ROLL CALL

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

### CONSENT AGENDA

Payment Approval List for Warrant Registers 54042-54089 & 76002-76083 for \$219,864.65. **C. Phillips made the motion to approve the consent agenda with C. Linhart seconding the motion. 5 ayes 0 Nays, motion passed.**

### BUSINESS

AB 14-30      Marketing Committee Project requests from Visitor Bureau

The Long Beach Marketing Committee is recommending the council approve 2(two) special projects to be carried out by the Long Beach Peninsula Visitors Bureau as part of the marketing grant of \$20,000. The two projects are distribution of the award winning "Lure Piece" on Washington State Ferries and at Sea-Tac Airport and Alaska Air Magazine ½ page advertisement. **C. Linhart made the motion to approve the agenda bill with C. Hanson seconding the motion. 5 Ayes 0 Nays, motion passed.**

AB 14-31      Bid Award for Surplus City Property

David Glasson, Finance Director, provided a spreadsheet showing who bid and how much was bid on the surplus items. He stated the exercise equipment did not receive any bids and the fire equipment received less than the minimum bid. **C. Phillips made the motion to approve the bids that met the minimum and to the highest bidder and have staff sell the remaining items for the highest price that can be found through additional advertising. C. Linhart seconded the motion. 5 Ayes 0 Nays, motion passed.**

AB 14-32      Trolley Rental Fees, Ordinance 898

**C. Phillips made the motion to postpone this agenda bill with C. Linhart seconding the motion. 5 Ayes 0 Nays, motion passed.**

### ORAL REPORTS

C. Linhart, C. Hanson, C. Murry, C. Perez, Gene Miles, City Administrator, David Glasson, Finance Director and Fire Chief, Ragan Myers, Event Coordinator and Mayor Andrew presented oral reports.

### CORRESPONDENCE AND WRITTEN REPORTS

Correspondence – Police Report for March

Correspondence – Marketing Meeting and VB Materials  
Correspondence – Ragan’s Report  
Correspondence – City submission for Municipal Excellence Award prepared by Ragan  
Business License - None

**PUBLIC COMMENT**

None

**ADJOURNMENT**

**C. Linhart made the motion to adjourn at 7:21 p.m. with C. Perez seconding the motion. 5 Ayes 0 Nays, motion passed.**

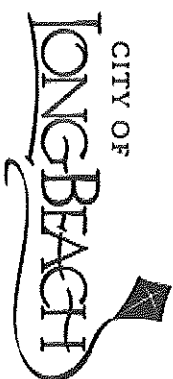
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Mayor

ATTEST:

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City Clerk



## Warrant Register

Check Periods: 2014 - April - Second

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
Name	Paid Date	Closing Date	Amount
54090 Bell, Helen S	4/18/2014	4/21/2014	\$1,009.74
54091 Binion, Jacob	4/18/2014	4/21/2014	\$1,414.15
54092 Bledsoe, Linda	4/18/2014	4/21/2014	\$818.08
54093 Bonney, Matthew T	4/18/2014	4/21/2014	\$1,200.86
54094 Bool, Kristopher A	4/18/2014	4/22/2014	\$849.79
54095 Borchard, Gayle	4/18/2014	4/23/2014	\$1,966.18
54096 Cutting, Jeffrey G.	4/18/2014	4/21/2014	\$1,972.64
54097 Daulton, Alan T	4/18/2014	4/24/2014	\$642.00
54098 Easter, Ryan	4/18/2014	4/18/2014	\$839.60
54099 Fitzgerald, Rick E.	4/18/2014	4/21/2014	\$1,469.73
54100 Gilbertson, Bradley K	4/18/2014	4/21/2014	\$1,428.43
54101 Glasson, David R.	4/18/2014	4/21/2014	\$2,537.27
54102 Goulter, John R.	4/18/2014	4/21/2014	\$1,650.93
54103 Gray, Karen	4/18/2014	4/24/2014	\$778.63
54104 Huff, Timothy M.	4/18/2014	4/21/2014	\$1,466.48
54105 Kirby, Gary E	4/18/2014	4/18/2014	\$1,024.17
54106 Kitzman, Michael	4/18/2014	4/18/2014	\$2,099.37
54107 Luehe, Paul J	4/18/2014	4/18/2014	\$1,372.04
54108 Meining, Casey K	4/18/2014	4/23/2014	\$2,156.67
54109 Miles, Eugene S	4/18/2014	4/18/2014	\$2,530.32
54110 Mortenson, Tim	4/18/2014	4/21/2014	\$2,063.68
54111 Myers, Ragan S.	4/18/2014	4/18/2014	\$1,430.07
54112 Nawn, Rodney J.	4/18/2014	4/22/2014	\$1,427.18
54113 Ostgaard, Loretta G	4/18/2014	4/18/2014	\$1,392.49
54114 Padgett, Timothy J	4/18/2014	4/22/2014	\$1,418.94
54115 Parker, Michael T	4/18/2014	4/21/2014	\$1,693.87
54116 Ross, Steven J	4/18/2014	4/18/2014	\$1,618.17
54117 Russum, Richard	4/18/2014	4/18/2014	\$1,243.42
54118 Warner, Ralph D.	4/18/2014	4/18/2014	\$1,836.64

Execution Time: 11 second(s)

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Register

Page 1 of 3



Number	Name	Print Date	Clearing Date	Amount
54119	Wood, Matthew	4/18/2014	4/21/2014	\$992.65
54120	Wright, Flint R	4/18/2014	4/22/2014	\$2,368.31
54121	Zuern, Donald D.	4/18/2014	4/22/2014	\$2,032.75
54122	Scott, Mark G	4/18/2014		\$1,088.92
54123	AFLAC	4/18/2014		\$219.63
54124	Association of WA Cities	4/18/2014		\$18,575.49
54125	City of Long Beach - Fica	4/18/2014	4/23/2014	\$10,825.44
54126	City of Long Beach - FWH	4/18/2014		\$9,102.62
54127	Dept of Labor & Industries	4/18/2014		\$2,325.70
54128	Dept of Retirement Systems	4/18/2014		\$9,540.46
54129	Dept of Retirement Systems Def Comp	4/18/2014		\$1,333.00
54130	Massmutual Retirement Services	4/18/2014	4/29/2014	\$375.00
54131	Teamsters Local #58	4/18/2014	4/29/2014	\$181.00
76084	Best Western Plus Lincoln Inn & Suites	4/21/2014	4/28/2014	\$91.30
76085	Cutting, Jeff	4/21/2014	4/22/2014	\$67.00
76086	At&t Mobility	4/21/2014	4/29/2014	\$50.93
76087	Long Beach Tavern	4/21/2014	4/29/2014	\$50.76
76088	Gray, Karen	4/21/2014	4/24/2014	\$54.52
76089	CURRAN-MCLEOD, INC	4/23/2014	4/30/2014	\$10,496.00
76090	Miles, Gene	4/23/2014	4/24/2014	\$181.52
76091	Sirenet.com	4/23/2014	4/29/2014	\$459.70
76092	Loyalty Days	4/24/2014	4/30/2014	\$450.00
76093	Meling, Casey	4/25/2014	4/25/2014	\$93.00
76094	City of Long Beach	4/28/2014	4/28/2014	\$150.00
76095	Washington State Parks	4/30/2014		\$175.00
76097	Sandridge RV & Boat Storage	4/30/2014		\$943.00
76098	Dept of Labor & Industries	4/30/2014		\$1,042.93
76099	Employment Security Dept	4/30/2014		\$824.83
76100	Postmaster	4/30/2014		\$323.04
76101	Pacific County Auditor	4/30/2014		\$72.00
76102	Department of Licensing	4/30/2014		\$18.00
76103	Unum Life Insurance	4/30/2014		\$45.60
76104	Cutting, Jeff	5/1/2014		\$122.00
76106	Bonney, Matt	5/2/2014		\$122.00
76107	A-1 Redi Mix	4/21/2014		\$319.09
76108	Active Enterprises, Inc.	4/21/2014		\$3,773.00
76109	Addy Lab, Llc	4/21/2014		\$767.00
76110	AlSCO-American Linen Div.	4/21/2014		\$103.69
76111	Arts Auto Parts Inc.	4/21/2014		\$126.21
76112	Astoria Janitor & Paper Supply	4/21/2014		\$1,021.65
76113	Atlantis Auto Glass	4/21/2014		\$1,000.00
76114	Backflow Management Inc	4/21/2014		\$1,501.25
76115	Bailey's Saw Shop	4/21/2014		\$63.20
76116	Basket Case Greenhouse	4/21/2014		\$439.52
76117	Beach Barons	4/21/2014		\$50.00
76118	Blumenthal Uniforms	4/21/2014		\$332.28

Execution Time: 12 second(s)

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Register

Invoice #	Name	Print Date	Clearing Date	Amount
76120	Borchard, Gayle	4/21/2014		\$142.60
76121	Coast Rehabilitation Services	4/21/2014		\$292.00
76122	Davis, Lynn	4/21/2014		\$95.04
76123	Dept of Labor & Industries	4/21/2014		\$11,580.66
76124	Dijulio Displays	4/21/2014		\$5,076.18
76125	DISCOVERY COAST ER PHYSICIANS	4/21/2014		\$815.40
76126	ECMS, INC	4/21/2014		\$159.95
76127	Evergreen Septic Service	4/21/2014		\$80.00
76128	Ford Electric	4/21/2014		\$708.81
76129	Glasson, David	4/21/2014		\$355.40
76130	Gray, Karen	4/21/2014		\$37.52
76131	Green River Community College/WETRC	4/21/2014		\$560.00
76132	Intermountain Sign & Safety Inc	4/21/2014		\$913.61
76133	Kubel, Jim	4/21/2014		\$79.32
76134	L.N. Curtis & Sons	4/21/2014		\$501.27
76135	Long Beach Commercial Security	4/21/2014		\$268.42
76136	Marsh's Free Museum	4/21/2014		\$60.00
76137	Pacific Public Safety & Communications	4/21/2014		\$1,034.26
76138	Peninsula Sanitation	4/21/2014		\$1,727.02
76139	Penoyar, William	4/21/2014		\$1,000.00
76140	Powell, Sailer & Co., P.S	4/21/2014		\$50.00
76141	Public Utility District 2	4/21/2014		\$8,354.30
76142	Radio Shack	4/21/2014		\$31.76
76143	Reeves Polygraph Service	4/21/2014		\$200.00
76144	Rip Tide Threads	4/21/2014		\$28.03
76145	Sand Dollar Stitchery	4/21/2014		\$26.90
76146	SAW Construction, Inc.	4/21/2014		\$15,738.80
76147	Standard Insurance Co.	4/21/2014		\$1,673.19
76148	STAPLES ADVANTAGE	4/21/2014		\$560.97
76149	Subway	4/21/2014		\$75.46
76150	Tangly Cottage Garden	4/21/2014		\$385.30
76151	TURNER, MICHAEL S	4/21/2014		\$56.10
76152	Verizon Wireless	4/21/2014		\$137.30
76153	Visa	4/21/2014		\$994.65
76154	Wadsworth Electric	4/21/2014		\$190.81
76155	Washington State Criminal Justice Training	4/21/2014		\$35.00
76156	Commission	4/21/2014		
76157	Wilcox & Flegel Oil Co.	4/21/2014		\$67.71
	Wright, Flint	4/21/2014		\$251.00
	<b>Total</b>			<b>\$181,987.27</b>
	<b>Grand Total</b>			<b>\$181,987.27</b>

TAB - C



**CITY COUNCIL  
AGENDA BILL  
AB 14-32**

**Meeting Date: May 5, 2014**

AGENDA ITEM INFORMATION		
<b>SUBJECT: Trolley Rental Fees</b>	<b>Originator:</b>	
	Mayor	
	City Council	
	City Administrator	
	City Attorney	
	City Clerk	
	City Engineer	
	Economic Activities Coordinator	RM
	Finance Director	DG
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
<b>COST: N/A</b>	Water/Wastewater Supervisor	
	Other:	

**SUMMARY STATEMENT:** Attached is Ordinance 898 relating to renting the trolley. Staff has also attached a spreadsheet showing the estimated profit based on Ordinance 898. Staff has removed the section allowing a different rate for in city or out of city rental, along with removing the option of paid advertising in an on the trolley.

**RECOMMENDED ACTION:** Adopt Ordinance 898.

## ORDINANCE No. 898

### AN ORDINANCE OF THE CITY OF LONG BEACH, WASHINGTON ESTABLISHING A FEE STRUCTURE FOR THE PERIODIC RENTAL OF THE TROLLEY FOR PUBLIC USE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, there is a need within the community for transportation during special events, and

WHEREAS, the City of Long Beach has a Trolley available, and

WHEREAS, the City of Long Beach desires to make the Trolley available on the Long Beach Peninsula,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONG BEACH, WASHINGTON, as follows:

#### **SECTION 1. RENTAL RATES**

Rental by groups and organizations:

Base Fee of Two Hundred Twenty Five dollars (\$225.00) for the first two hours.  
Twenty dollars (\$20.00) per hour after the first two hours.  
\$2.00 per mile.

#### **SECTION 2. USES**

Use of the Trolley:

The general use of the trolley shall be for functions and events for the City of Long Beach, or functions and events sponsored by groups or organizations that provide a public benefit.

Use by private individuals, groups or other users will be approved by the City Administrator on a case by case basis and will require a hold harmless agreement and additional insured listing the city. The agreement will also include no alcohol use on the trolley.

#### **SECTION 3. EFFECTIVE DATE**

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

PASSED this 5<sup>th</sup> day of May, 2014.

AYES

NAYS

ABSENT

ABSTENTIONS

\_\_\_\_\_  
MAYOR

Attest:

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

TAB - D



**CITY COUNCIL  
AGENDA BILL  
AB 14-33**

**Meeting Date: May 5, 2014**

**AGENDA ITEM INFORMATION**

<b>AGENDA ITEM INFORMATION</b>	
<b>SUBJECT: Request for Fireworks Stand for July 2014.</b>	<b>Originator:</b>
	Mayor
	City Council
	City Administrator
	City Attorney
	City Clerk
	City Engineer
	Community Development Director
	Finance Director
	Fire Chief
	Police Chief
	Streets/Parks/Drainage Supervisor
<b>COST: N/A</b>	Water/Wastewater Supervisor
	Other:

**SUMMARY STATEMENT:** Attached is a request for a fireworks stand for the 4<sup>th</sup> of July at 7<sup>th</sup> Street South and Pacific Avenue. Rise and Fall Fireworks has submitted the stand location map, proof of insurance and has a city business license.

**RECOMMENDED ACTION:** Approve fireworks stands as temporary outdoor merchandising in the OT and S4 zones and declare the 4<sup>th</sup> of July as a festival for fee purposes and authorize the staff to issue special use permits for the stands at locations determined by the City Administrator for up to four stands.

#### **4.40 Old Town District (OT)**

##### **4.43 Conditional Uses**

(5). Outdoor merchandising vending, and dining. - Outdoor merchandising, vending and dining may be allowed if such merchandising is associated with a business operating out of an adjacent building. No businesses shall operate solely in an open air environment. Special occasions and festivals may be allowed upon approval by the City Council.

#### **4.97 Shoreline Conservancy District (S4):**

##### **4.97.03 Permitted Uses**

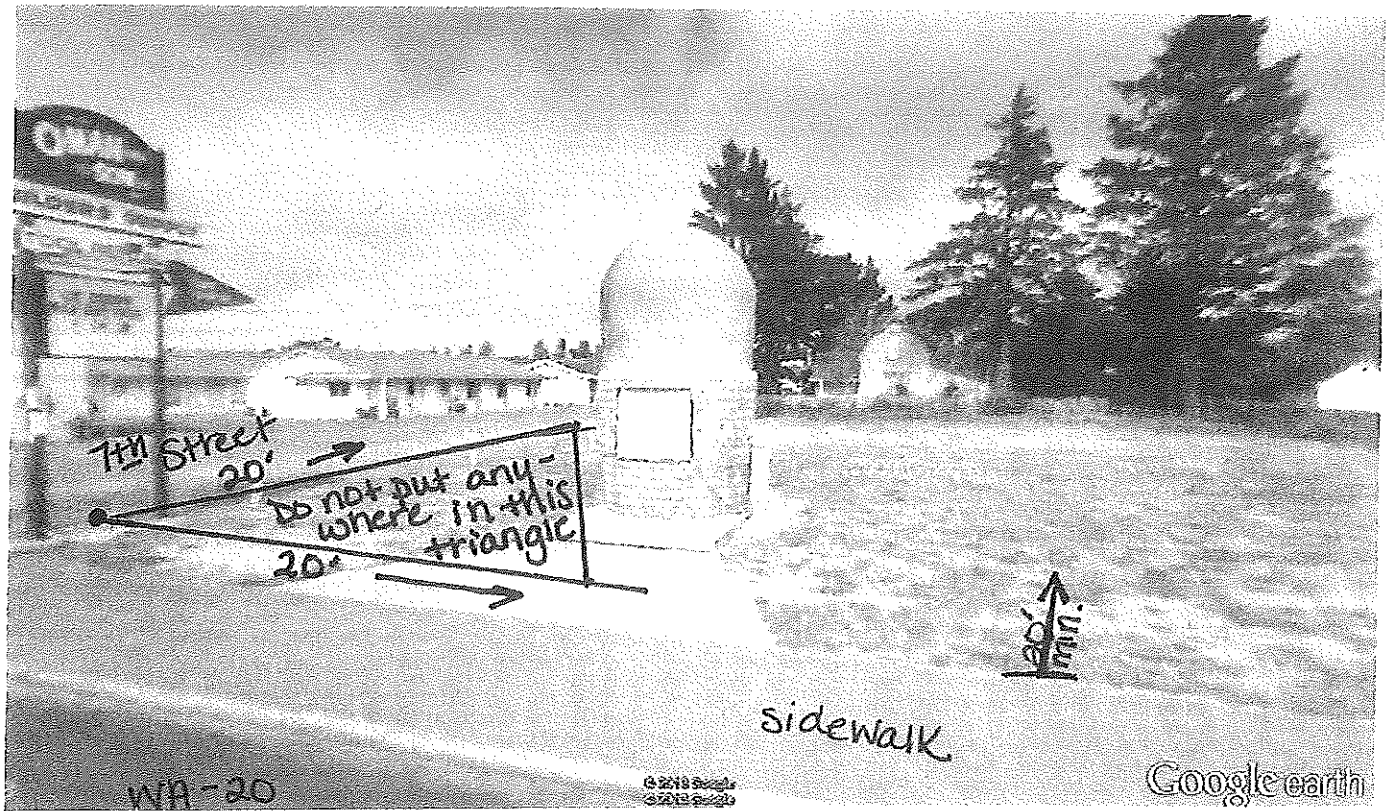
(6). Temporary, mobile open-air food or retail establishments operating as supplements to existing businesses in the OT, OTW, C1, or C2 zones, subject to special approval by the City Council.

**6.13 OUTDOOR MERCHANDISING** The display of goods for sale out-of-doors may be allowed only by a conditional use permit. Limitations on length of time, placement of goods, and screening may be applied. Temporary displays for periods not to exceed 30 consecutive days, or 60 days in a calendar year, may be approved by Special Use Permit of the City Council.

**6.14 SPECIAL USE PERMIT** For events and other activities not specifically addressed by this ordinance, an applicant may apply to the City Council for a Special Use Permit.

Itinerant Vendor - any person, persons, partnerships or corporation who has no permanent physical place of business within city limits, does not make regular stops within the city at the request of local persons or businesses and who desires on an intermittent basis to sell products or services within city limits.





- minimum 20' off of 7th Street
- minimum 20' off of WA-20 (Main Street)
- Do not block visibility off of 7th Street
- Try to put in the same spot as it has been in previous years. I am sending a picture of that as well.

Address: 101 7th St. SE  
Long Beach, WA



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/19/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Arthur J. Gallagher Risk Management Services, Inc. P.O. Box 367 Bellevue WA 98009-0367	<b>CONTACT NAME:</b> Joanne Manion <b>PHONE (A/C, No, Ext):</b> 425-454-3386 <b>FAX (A/C, No):</b> 425-451-3716 <b>E-MAIL ADDRESS:</b>														
<b>INSURED</b> Thunder Fireworks, Inc. 5207 187th Street E. Tacoma WA 98446	<table border="1"><thead><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A: T.H.E. Insurance Company</td><td></td></tr><tr><td>INSURER B:</td><td></td></tr><tr><td>INSURER C:</td><td></td></tr><tr><td>INSURER D:</td><td></td></tr><tr><td>INSURER E:</td><td></td></tr><tr><td>INSURER F:</td><td></td></tr></tbody></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: T.H.E. Insurance Company		INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A: T.H.E. Insurance Company															
INSURER B:															
INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															

## COVERAGES

CERTIFICATE NUMBER: 1727733759

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC		CPP010389800	11/15/2013	11/15/2014	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$N/A		ELP001151000	11/15/2013	11/15/2014	EACH OCCURRENCE \$9,000,000 AGGREGATE \$9,000,000 \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Location: 101 7th Street SE, Long Beach, WA 98631

The City of Long Beach and Elizabeth M. Triplett (property owner) are included as additional insureds but only as respects the operation of the named insured per policy terms and conditions - policy form CG133F 07/95.

## CERTIFICATE HOLDER

## CANCELLATION

City of Long Beach 115 Bolstad Avenue West Long Beach WA 98631	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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TAB - E



**CITY COUNCIL  
AGENDA BILL  
AB 14-34**

**Meeting Date: May 5, 2014**

**AGENDA ITEM INFORMATION**

<b>SUBJECT: Set Hearing Dates for 2014 Land Use Amendments.</b>	<b>Originator:</b>	
	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	
<b>COST: N/A</b>	Other:	

**SUMMARY STATEMENT:** Attached are revisions/additions to the zoning code for year 2014. One is the language on marijuana, one regards business tents, and another is a housekeeping matter regarding vacation rentals. Since the marijuana issues are so important, staff recommends that two public hearings be held.

**RECOMMENDED ACTION:** Schedule 2 public hearings for the 2014 land use amendments at Council's convenience. May 20<sup>th</sup> and June 3<sup>rd</sup> would be the first available dates on a regular Council schedule.

## REGARDING TENTS AND DESIGN REVIEW

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

20. Tents: In the OT, OTW, RC, AC, S3, S3R, and S3M districts, tents may be used to protect the allowed accessory two hundred (200) square feet of outdoor merchandising, vending, dining and (in OT only) amusements. Tents shall be of a "high peak" design, shall be a bright solid or white in color, and may fly a pennant. Tents are considered an accessory structure and their design and location are subject to administrative design review pursuant to Section 12-10-5(A)(6). Each additional tent to a site is subject to design review.

### 12-10A-4: P, PR and S4 Districts

11. Tents for Public Purposes: Tents may be used by the City or non-profits (as allowed by the City) for a public purpose to enhance a public activity, including but not limited to festivals, events, Summerfest, and the farmers' market. Placement of a tent for public purposes must occur with the concurrence of either the City Administrator, a City department head, or the City's events coordinator. Existing tents of any style may be used until the end of their useful lifespans. For location in non-beach less breezy-windy areas, replacement tents shall be of a "high peak" design, shall be a bright solid or white in color, and may fly a pennant. For location in beach areas subject to higher breezes/winds, replacement tents may be standard hip roof styles and shall be bright solid or white in color. Replacement tents are subject to administrative design review pursuant to Section 12-10-5(A)(6), which should be conducted prior to their acquisition.

## REGARDING VACATION RENTALS

### 12-11-9: VACATION RENTAL:

The renting of a home for less than thirty (30) day intervals in the R1, R2, R3, R3R, S1, and R1R zones is prohibited. The renting of a home where a vacation rental is a permitted use or a conditional use shall be subject to the following restrictions:

- B. Number of Guests-Rooms: There shall be a maximum of two (2) guests per legal bedroom plus two (2) guestsfour (4) guest rooms and/or a maximum of ten (10) guests, including children, -with all parking accommodated on site. For example, a three (3) bedroom vacation rental may accommodate a maximum of eight (8) guests.

## REGARDING MARIJUANA-REATED LAND USES

See attached

## **ORDINANCE No. XXX**

(updated in response to comments made by City Council on 4/7/14)

### **AN ORDINANCE OF THE CITY OF LONG BEACH, WASHINGTON ADOPTING REVISIONS TO TITLE 12, ZONING REGULATIONS, REGARDING CULTIVATION OF MEDICAL MARIJUANA (CANNABIS) IN INDIVIDUAL OR IN COLLECTIVE GARDENS, AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT**

---

**WHEREAS**, in 1998, the voters of Washington state passed Initiative 692, legalizing the use, possession, and cultivation of cannabis for patients with a medical certificate, and

**WHEREAS**, medical cannabis is regulated by the state of Washington via RCW 69.51A, and

**WHEREAS**, in April 2011, the Washington state legislature passed Engrossed Second Substitute Senate Bill 5073, allowing for collective gardens whereby up to ten (10) qualifying patients may participate together to produce, process, transport, and deliver cannabis for medical use, and

**WHEREAS**, medical collective cannabis gardens are regulated by the state of Washington via 69.51A.085, and

**WHEREAS**, in November 2012, the voters of Washington state passed Initiative 502, legalizing cannabis for recreational use, and

**WHEREAS**, on August 29, 2013, the U.S. Department of Justice, Office of the Attorney General, issued guidance to all U.S. Attorneys stating that strong and effective state and local regulatory systems including robust controls and procedures on paper and in practice are critical to controlling the threats that legalizing cannabis may pose to public safety, public health, and other law enforcement issues and that such systems must also not undermined federal enforcement priorities, which include preventing the following:

1. Distribution of marijuana to minors
2. Revenue from sale of marijuana going to criminal enterprises, gangs, and cartels
3. Diversion of marijuana from states where it is legal under state law in some form to other states
4. State-authorized marijuana activity being used as a cover or pretext for the trafficking of other illegal drugs or illegal activity
5. Violence and the use of firearms in the cultivation and distribution of marijuana
6. Drugged driving and exacerbation of other adverse public health consequences associated with marijuana use
7. Growing of marijuana on public lands and their attendant public safety and environmental dangers posed by marijuana on public lands
8. Marijuana possession or use on federal property, and

**WHEREAS**, The Attorney General's memo advises U.S. attorneys that in using their prosecutorial discretion to take into consideration not only the size of a marijuana operation, but rather to review facts and operations on a case-by-case basis and weigh all information and evidence, including but not limited to, whether a marijuana operation is demonstrably in compliance with a strong and effective regulatory system, and according to the memo, the prime question in all cases – and in all jurisdictions – should be whether the conduct at issue implicates one or another of the enforcement priorities, and

**WHEREAS**, in November 2013, the Washington State Liquor Control Board issued rules (WAC 314-55) for the application process, qualifications, and requirements to obtain and maintain a marijuana license, the reporting requirements for a marijuana license, and license violations and penalties and these rules appear on paper to constitute a strong and effective state regulatory system. This system has not been tested in practice, and

**WHEREAS**, on November 18, 2013, the Washington State Liquor Control Board opened the application window for Washington producers, processors, and retailers of recreational marijuana and that application window closed December 19, 2013, and

**WHEREAS**, the Washington State Legislature adjourned its 63<sup>rd</sup> session on March 13, 2014, without providing guidance to local communities regarding the regulatory interface between medical marijuana and recreational marijuana, and

**WHEREAS**, ineffective regulation by the City of marijuana cultivation, production, processing, or retailing could have negative consequences on the citizens, businesses, and institutions of Long Beach, including but not limited to the following:

1. Exposure of minor children to drugs
2. Unwanted drug activity at the beach approaches, on City rights-of-way, or on other City- or publicly-controlled properties
3. Unwanted exposure of citizens to drugs
4. Unwanted exposure of business clientele to drugs
5. Strain on policing resources
6. Undermining of federal enforcement priorities, and

**WHEREAS**, the Council has studied the land use and other secondary impacts of cultivation, processing, and selling of cannabis for medical use by individuals and in collective gardens, and for recreational use, and has now drafted a zoning ordinance to address these impacts that constitute a strong and effective regulatory system including robust controls and procedures on paper and - it is anticipated - in practice.

**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 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 \_\_\_\_ day of \_\_\_\_, 2014.



AYES 0

NAYS 0

ABSENT 0

ABSTENTIONS 0

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Robert Andrew, Mayor

ATTEST:

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David Glasson, City Clerk

DRAFT

## CHAPTER 17

### MARIJUANA- (CANNABIS-) RELATED LAND USES

#### Section:

12-17-1: Purpose and Intent

12-17-2: Authority

12-17-3: Definitions

12-17-4: No City Liability—Indemnification

12-17-5: Limitations

**12-17-1: PURPOSE AND INTENT:** The purpose and intent of this chapter is to protect and maintain the public health, safety, and welfare of the city's citizens, and to mitigate potential adverse impacts by regulating the siting and operation of any structure, activity, or land use related to the production, processing, or retailing of marijuana. The city intends this chapter to establish an effective regulatory framework including robust controls and procedures on paper and in practice.

**12-17-2: AUTHORITY:** Pursuant to Washington State Constitution Article XI, Section 11, the City of Long Beach asserts its constitutional authority to make and impose land use regulations, and to enforce within its limits such police, sanitary, and other regulations as are not unreasonable or in conflict with general laws. In addition, since the State of Washington has neither explicitly nor implicitly preempted the city from regulating marijuana-related land uses, the city exerts its authority to do so. Moreover, these land uses have only recently been made legal in the state, and remain illegal in most other states and under federal law, and their former and continuing illegal status may make them operate in a manner substantially different than other land uses whose status has long been legal. For these reasons, the city is both authorized and compelled to regulate marijuana-related land uses.

**12-17-3: DEFINITIONS:** For purposes of this chapter, the following definitions apply:

**CANNABIS:** All parts of the plant cannabis, whether growing or not, except as noted below; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. The term "cannabis" includes cannabis products and useable cannabis. In this code, interchangeable with "marijuana".

**CANNABIS, EXCLUSIONS:** Herein "cannabis" does not include the mature stalks of the plant or fiber produced from the stalks, and any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks - except the resin extracted therefrom - fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

**CANNABIS GARDEN:** The place where cannabis/marijuana is grown, whether by an individual, an entity, or by a collective.

**CANNABIS PRODUCTS:** Products that contain cannabis or cannabis extracts, have a measurable THC concentration greater than three-tenths ( $3/10^{\text{th}}$ ) of one percent (1%), and are intended for human consumption or application, including, but not limited to, edible products, tinctures, and lotions. The term “cannabis products” does not include “useable cannabis” as defined herein. The definition of “cannabis products” as a measurement of THC concentration only applies to the provisions of this zoning ordinance and shall not be considered applicable to any criminal laws related to marijuana or cannabis.

**CANNABIS, USEABLE:** Dried (containing less than fifteen percent (15%) moisture content by weight) flowers of the cannabis plant having a THC concentration greater than three-tenths ( $3/10^{\text{th}}$ ) of one percent (1%). Useable cannabis excludes stems, stalks, leaves, seeds, and roots. The term useable cannabis does not include “cannabis products” as defined herein.

**COLLECTIVE MEDICAL MARIJUANA GARDEN:** Those gardens authorized under RCW 69.51A.085, which allows qualifying patients to produce, process, transport, and deliver cannabis for medical use subject to all of the following specific conditions:

1. No more than ten qualifying patients may participate in a single collective garden at any time;
2. A collective garden may contain no more than fifteen plants per patient up to a maximum of forty-five total plants;
3. A collective garden may contain no more than twenty-four ounces of usable cannabis per qualifying patient up to a maximum of seventy-two total ounces of usable cannabis;
4. A copy of each qualifying patient’s valid documentation or proof of registration with the registry established in state law (now or in the future), including a copy of the patient’s proof of identity, must be available at all times on the premises of the collective garden; and
5. No usable cannabis from the collective garden may be delivered to anyone other than one of the qualifying patients participating in the collective garden.

**CONTROLLED SUBSTANCES ACT (CSA):** Federal law 21 United States Code (U.S.C.) making it unlawful to manufacture, distribute, dispense, or possess any controlled substance except in a manner specifically authorized by the CSA. Marijuana is classified in the CSA as a Schedule I drug.

**CULTIVATION:** Planting, growing, harvesting, drying, or processing of marijuana plants or any part thereof. For medical marijuana only, combines the terms “production” and “processing” as they are used by the WSLCB to describe recreational marijuana practices.

**DAYCARE, CHILD:** Provision of supplemental parental care and supervision

1. for a non-related child or children,
2. on a regular basis,
3. for less than 24 hours a day, and
4. under license by the Washington State Department of Social and Health Services.

The term is not intended to include babysitting services of a casual, non-recurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocated child care by a group of parents in their respective homes.

**DESIGNATED PROVIDER:** A person who:

1. Is eighteen years of age or older;
2. Has been designated in a document signed and dated by a qualifying patient to serve as a designated provider under this ordinance and RCW 69.51A;
3. Is prohibited from consuming marijuana obtained for the personal, medical use of the qualifying patient for whom the individual is acting as designated provider;
4. Is the designated provider to only one qualifying patient at any given time; and
5. Is in compliance with the terms and conditions set forth in RCW 69.51A.040.

A qualifying patient may be the designated provider for one other qualifying patient (and only one other) at a time and be in possession of both patients' cannabis at the same time.

**INDOORS:** Located within a fully enclosed and secure structure that complies with the Washington State Building Code, as adopted by the City of Long Beach, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached.

**LAND USES, SENSITIVE:** A land use to be protected by distance and/or other means from the potential and actual impacts of a marijuana-related land use. For purposes of this chapter, the following definitions are considered sensitive land uses:

**Arcade, Game:** An entertainment venue featuring primarily video games, simulators, and/or other amusement devices from where persons under twenty-one years of age are not restricted. Subset of Amusement.

**Amusement:** An entertainment venue catering to families and/or to children. Examples include and are not limited to game arcades not restricted to those over 21 years of age, movie theaters, miniature golf courses, horse ride rentals, go-cart tracks, and skateboard parks.

**Child Care Center:** An entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours licensed by the Washington State Department of Early Learning.

**Church:** A property, structure, leased portion of a structure, or facility used primarily for religious worship and related religious activities.

**Day Care Facility, Child:** A building or structure in which an agency, person, or persons regularly provide care for a group of children for periods of less than 24 hours a day. Child day care facilities include family day care homes, out-of-home child mini-day care centers, and child day care centers regulated by the Washington State Department of

Social and Health Services, as presently defined and hereafter amended (RCW 74.15, WAC 388-73-422).

**Group Home, Juvenile:** A facility providing sheltered care for those with special needs and who are under twenty one (21) years of age.

**Library:** An organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.

**Park, Public:** An area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government, or metropolitan park district. Does not include trails.

**Playground:** A public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government.

**Preschool Facility:** A school for children who are not old enough to attend kindergarten; a nursery school.

**Recreation Center or Facility:** a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government.

**Residential Treatment Facility:** A facility providing for treatment of drug and alcohol dependency. Also called a rehabilitation or "rehab" center.

**School:** An institution of learning for minors, whether public or private, offering regular course of instruction required by the Washington Education Code, or any child or day care facility. This definition includes, but is not limited to, a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education; it does not include a vocational or professional institution of higher learning, including a community or junior college, college or university.

**School, Elementary:** A school for early education that provides the first four to eight years of basic education and recognized by the Washington state superintendent of public instruction.

**School, Secondary:** a high and/or middle school: A school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington state superintendent of public instruction.

**Transit Center, Public:** A facility located outside of the public right of way that is owned and managed by a transit agency or city, county, state, or federal government for

the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.

**Youth-Oriented Facility:** Elementary school, middle school, high school, public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors. Does not include a daycare or preschool facility.

**LEGAL PARCEL:** A parcel of land for which one legal title exists. Where contiguous legal parcels are under common ownership or control, such legal parcels shall be counted as a single parcel for purposes of this ordinance.

**MARIJUANA:** See “cannabis”.

**MARIJUANA FACILITY:** A place where an entity licensed by the WSLCB may participate in the recreational marijuana industry. Following are the main three types of recreational marijuana facilities licensed by the WSLCB.

**Marijuana Production Facility:** A place where an entity licensed by the WSLCB can plant, grow, and harvest marijuana for sale at wholesale to a licensed marijuana processor.

**Marijuana Processing Facility:** A place where an entity licensed by the WSLCB may process, package, and label usable marijuana and marijuana-infused products for sale at wholesale to a licensed marijuana retailer.

**Marijuana Retail Facility:** A place where an entity licensed by the WSLCB may sell only usable marijuana, marijuana-infused products, and marijuana paraphernalia at retail to persons twenty-one years of age and older.

**MARIJUANA, MEDICAL (OR MEDICINAL) USE:** Production, processing, possession, or administration of marijuana for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating illness subject to the requirements and limitations of Article 17B of the Long Beach city code and those of RCW 69.51A, Medical Cannabis.

**MARIJUANA, RECREATIONAL USE:** Production, processing, possession, or retailing of marijuana for non-medical purposes subject to the requirements and limitations of Article 17A of the Long Beach city code and those of WAC 314-55, Marijuana Licenses, Application Process, Requirements, and Reporting.

**OUTDOORS:** Any location that is not “indoors” within a fully enclosed and secure structure as defined herein.

**PERSON:** An individual or an entity.

**PERSONALLY IDENTIFIABLE INFORMATION:** Information that includes, but is not limited to, data that uniquely identify, distinguish, or trace a person's identity, such as the person's name, or address, either alone or when combined with other sources, that establish the person is a qualifying patient or designated provider.

**PLANT:** An organism having at least three distinguishable and distinct leaves, each leaf being at least three centimeters in diameter, and a readily observable root formation consisting of at least two separate and distinct roots, each being at least two centimeters in length. Multiple stalks emanating from the same root ball or root system shall be considered part of the same single plant.

**PROCESS:** To handle or prepare cannabis for use by a consumer.

**PRODUCE:** To plant, grow, or harvest cannabis.

**PUBLIC PLACE:** Includes streets, alleys, trails and sidewalks; buildings and grounds used for school purposes; premises where goods and services are offered to the public for retail sale; public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages, and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; buses and other public conveyances of all kinds and character, and the depots, stops, and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

**QUALIFYING PATIENT:** A person who:

1. Is a patient of a health care professional;
2. Has been diagnosed by his or her health care professional as having a terminal or debilitating medical condition;
3. Is a resident of the state of Washington at the time of such diagnosis;
4. Has been advised by his or her health care professional about the risks and benefits of the medical use of cannabis;
5. Has been advised by that his or her care professional that he or she may benefit from the medical use of cannabis; and
6. Is otherwise in compliance with the terms and conditions established in chapter 69.51A RCW.

The term "qualifying patient" does not include a person who is actively being supervised for a criminal conviction by a corrections agency or department that has determined that the terms of this ordinance and RCW 69.51A are inconsistent with and contrary to his or her supervision and all related processes and procedures related to that supervision.

**RESIDENCE:** A person's address where he or she physically resides and maintains his or her abode.

**TERMINAL OR DEBILITATING MEDICAL CONDITION:**

1. Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders; or
2. Intractable pain, limited for the purpose of this code to mean pain unrelieved by standard medical treatments and medications; or
3. Glaucoma, either acute or chronic, limited for purposes of this code chapter to mean increased intraocular pressure unrelieved by standard treatments and medications; or
4. Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications; or
5. Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications; or
6. Diseases, including anorexia, which result in nausea, vomiting, cachexia, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard treatments or medications; or
7. Any other medical condition identified as terminal or debilitating by the Washington State Medical Quality Assurance Commission in consultation with the Board of Osteopathic Medicine and Surgery.

**THC CONCENTRATION:** Percent of tetrahydrocannabinol content per weight of useable cannabis or cannabis product.

**UNIFORM CONTROLLED SUBSTANCES ACT (UCSA):** Washington state law Revised Code of Washington (RCW) 69.50 making it unlawful to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance. Marijuana is classified in the USCA as a Schedule I drug.

**VALID DOCUMENTATION:**

1. A statement signed and dated by a qualifying patient's health care professional written on tamper-resistant paper, which states that, in the health care professional's professional opinion, the patient may benefit from the medical use of cannabis; and
2. Proof of identity such as a Washington State driver's license or identicard, as defined in RCW 46.20.035.
3. In the case of a designated provider, the signed and dated document valid for a maximum of one year from the date of signature executed by the qualifying patient who has designated the provider.

**WASHINGTON STATE LIQUOR CONTROL BOARDS (WSLCB):** The state agency that promulgates, enacts, and enforces administrative rules regulating the production, processing, and retailing of recreational marijuana at WAS 314-55. This agency grants licenses for recreational



marijuana land uses after consultation with the local jurisdiction, and also ensures that licensees operate within the limits of their permits.

**12-17-4: NO CITY LIABILITY—INDEMNIFICATION:** Any person or entity operating a marijuana-related land use in the City of Long Beach agrees to the following:

- A. By accepting a permit issued pursuant to this chapter, the licensee waives and releases the City, its officers, elected officials, employees, volunteers, and agents from any liability of any kind that results from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of federal, state or local laws and regulations.
- B. By accepting a permit issued pursuant to this chapter, the licensee agrees to indemnify, defend and hold harmless the City, its officers, elected officials, employees, volunteers, and agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, loss or damage, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in a manner that is subject of the license.
- C. Insurance requirements set forth in WAC 314-55-083 shall be met. The licensee must have a separate policy that covers the City to the same extent as the policy that covers the State of Washington. This liability insurance shall be primary to any insurance that the City may possess and this liability insurance policy shall state this requirement.
- D. Licenses shall be reviewed annually. If an insurance or license deficiency exists, the City may suspend or rescind City-issued permits.

**12-7-5: LIMITATIONS:** The following limitations apply:

- A. Nothing in this title is intended to be, nor should be considered to be, an allowance for more activity pertaining to the production, processing, and selling of marijuana than is permitted by State law and by rules and regulations of the WSLCB.
- B. Nothing in this title is intended to be, nor should be considered to be, a limitation on the City from protesting the granting of a permit or renewal of a permit by the WSLCB.
- C. Nothing in this title shall be construed to supersede Washington State Law prohibiting the acquisition, possession, manufacture, sale or use of medical cannabis or recreational marijuana in any manner not authorized by Chapter 69.51A RCW or Chapter 69.50 RCW. Nothing in this title shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or that creates a nuisance.

## CHAPTER 17

### MARIJUANA-RELATED LAND USES

#### Article A. Licensed Recreational Marijuana-Related Land Uses

##### Section:

12-17A-1: Intent

12-17A-2: Prerequisites

12-17A-3: Location

12-17A-4: Restrictions on, Requirements and Standards of Operation

12-17A-5: Violations

**12-17A-1: INTENT:** The intent of this article is to provide a system of strong and effective robust land use controls applicable to any site, structure, activity, or use related to the production, processing, or retailing of marijuana to be used recreationally and licensed in accordance with WAC 314-55 and not otherwise prohibited under RCW 69.50. This framework is intended to address local issues and preferences while ensuring the public's health, safety, and welfare and also while complying with WAC 314-55, which establishes a statewide regulatory scheme for the production, processing, and retailing of recreational marijuana.

##### **12-17A-2: PREREQUISITES:**

- A. State License a Pre-requisite to Local Consideration. No recreational marijuana land use shall be considered by the City to be established in the City of Long Beach without first being legally licensed by the WSLCB.
- B. Applications and Licenses a Pre-requisite to Establishing a Recreational Marijuana-Related Land Use. Prior to establishing a recreational marijuana land use, the state licensee must do the following:
  - 1. Apply online to and receive a business license. The application must clearly state it is for a recreational marijuana business.
  - 2. On forms made available by the city, make application for and receive a Marijuana Operation License.
    - a. The applicant must pay an application fee of \$400.
    - b. The city will evaluate the proposed land use for land use, zoning, and code compliance.
- C. City Inspections a Pre-requisite to Establishing a Recreational Marijuana-Related Land Use. Prior to the city issuing a Marijuana Operation License, the following must occur:
  - 1. The applicant must make the property available for inspections by city personnel.
  - 2. An inspection by the Long Beach Building Inspector or his/her designee. The inspection must have no negative findings, or any negative findings must be addressed

and the site re-inspected until no negative findings result. The fee for the initial inspection shall be \$250. The fee for each subsequent inspection required to address negative findings shall be \$250.

3. An inspection by the Long Beach Fire Chief or his/her designee. The inspection must have no negative findings, or any negative findings must be addressed and the site re-inspected until no negative findings result. The fee for the initial inspection shall be \$250. The fee for each subsequent inspection required to address negative findings shall be \$250.
4. An inspection by the Long Beach Police Chief or his/her designee. The inspection must have no negative findings, or any negative findings must be addressed and the site re-inspected until no negative findings result. The fee for the initial inspection shall be \$250. The fee for each subsequent inspection required to address negative findings shall be \$250.

**12-17A-3: LOCATION:** A legally licensed and inspection-approved recreational marijuana land use may be sited in Long Beach subject to the following.

- A. Sensitive Land Uses. No marijuana-related land use shall be established on a property located within one thousand (1,000) feet of the nearest property line of any one or more sensitive land use. The distance shall be measured in the most direct route over or across public walks, streets, or other public passageways between the property lines of the proposed business location and the sensitive land use that are nearest one another. The City shall rely upon its Sensitive Land Uses map, adopted by reference herein and as might be amended, to determine whether a proposed recreational marijuana-related land use is located within one thousand (1,000) of a sensitive land use.

1. Preschool, elementary, or secondary school
2. Playground
3. Recreation center or facility
4. Child care center
5. Public park
6. Public transit center
7. Library
8. Game arcade
9. Amusement
10. Church
11. Child day care facility
12. Residential treatment facilities
13. Youth-oriented facilities
14. Juvenile group home

- B. Existing Licensed Marijuana Retail Business. No marijuana-related land use shall be established on a property located within one thousand (1,000) feet of the nearest property line of any existing licensed marijuana retail outlet. The distance shall be measured as described in section 12-17A-3(A).
- C. Marijuana Production Facility. The planting, growing, and harvesting of marijuana by a state-licensed marijuana producer for sale to a state-licensed marijuana processor shall be allowed as a conditional use in the LI (Light Industrial) and C2 (Commercial Retail Warehouse) zoning districts. In addition to the locational requirements of sections 12-17A-3(A) and (B), the property on which the proposed production facility would be located shall be a minimum of two hundred (200) feet from the nearest property on which a residential land use is located.
- D. Marijuana Processing Facility. The handling or preparing of marijuana for sale by a state-licensed marijuana processor to a state-licensed marijuana retailer shall be allowed as a conditional use in the LI (Light Industrial) and C2 (Commercial Retail Warehouse) zoning districts. In addition to the locational requirements of sections 12-17A-3(A) and (B), the property on which the proposed processing facility would be located shall be a minimum of two hundred (200) feet from the nearest property on which a residential land use is located.
- E. Marijuana Retail Facility. The retailing of marijuana by a state-licensed marijuana retailer for use by a consumer 21 years of age or older shall be allowed as a conditional use in the C1 and RC zoning districts. In addition to the locational requirements of sections 12-17A-3(A) and (B), the property on which the proposed retail facility would be located shall not be located on a parcel on which also is located any residential land use or immediately adjacent to (sharing a property line with or directly across the street from) a property on which a residential land use is located.

#### **12-17A-4: RESTRICTIONS ON, REQUIREMENTS AND STANDARDS OF**

**OPERATION:** Following are restrictions on, requirements for, and standards of operation for recreational marijuana-related land uses, including producers, processors, and retailers, located in the City of Long Beach.

- A. State License Required. No person, business, or entity may establish or operate a recreational marijuana production, processing, or retail venture in the City of Long Beach without first obtaining a license from the WSLCB. The application for each license must have first been reviewed by the City of Long Beach before being granted by the WSLCB.
- B. No Delivery Services. No person, business, or entity may operate a recreational marijuana delivery service in the City of Long Beach.
- C. No Nonconforming Status. Notwithstanding the provisions of Chapter 16 (Nonconforming Uses and Structures) of this code, an existing recreational marijuana land use in operation as of the effective date of this chapter shall immediately cease operations and seek legal status via the WSLCB licensing process.

- D. City Recreational Marijuana Operations License Required. Each state- and city-licensed recreational marijuana land use shall pay an annual marijuana operations licensing fee of \$300 at the beginning of each operating year.
1. A recreational marijuana land use shall not operate without a city recreational marijuana operations license.
  2. The city will not prorate or refund recreational marijuana operations license fees.
  3. Failure to acquire an annual recreational marijuana operations license shall result in the recreational marijuana land use being terminated
- E. Annual Inspections Required: Every year, the site shall be inspected by city personnel for structural suitability, fire safety, and security. The cost of these inspections shall be paid for via the annual recreational marijuana operations licensing fee.
- F. Operating Standards: The following restrictions apply to the operation of licensed recreational marijuana land uses.
1. *Odor.* The operation shall not subject occupants of neighboring parcels who are of normal sensitivity to objectionable odors.
  2. *Lighting.* All lights used shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel upon which they are placed.
  3. *Noise.* Operational noise shall not exceed the noise disturbance standards as set forth in Title 10 (Health, Safety and Environment) Chapter 5 (Noise Control ) of the Long Beach City code. Any noise/vibration disturbance shall be abated, whether caused by loud noise or by low-frequency disturbance.
  4. *Visibility.* Marijuana or paraphernalia shall not be on display in any location visible from the public right of way, publicly traveled private roads, a public place, or neighbor's property.
  5. *Signage.* Advertising signage must comply with requirements found at WAC 314-55-155, as may be amended, and may not exceed 11.11 square feet in area. Mandatory cautionary signage must comply with requirements found at WAC 314-55-086, as may be amended.
  6. *Compliance with Codes.* The licensed recreational marijuana operation shall be in compliance with the applicable provisions of the currently adopted edition of the Washington State Building Code.
  7. *Nuisance.* The licensed recreational marijuana operation shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other adverse impacts, or be hazardous due to use or storage of materials, processes, products or waste.
  8. *Security.* Security measures at a licensed recreational marijuana land use shall include, at a minimum, the following:

- a. a burglary alarm system that is professionally monitored and maintained in good working condition;
- b. exterior lighting that illuminates all entry points, but does not scatter light off-site; and
- c. deadbolt locks on all exterior doors.

#### **12-17A-5: VIOLATIONS:**

- A. Failure to Comply. Failure to comply with any restriction, requirement, or standard described herein shall result in revocation of the city recreational marijuana operations license and termination of the recreational marijuana land use.
- B. Nuisance. Nothing in this chapter shall be construed as a limitation on the city's authority to abate any violation which may exist from the otherwise legal production, processing, or retailing of recreational marijuana from any location, including from within a fully enclosed and secure building.
- C. Any violation(s) of this chapter may be enforced as set forth in Title 14 (Enforcement Procedures) or, as applicable, the Uniform Controlled Substances Act, RCW 69.58. In addition, violations of subsections (A) and (B) of this section are deemed to be a public nuisance and may be abated by the city under procedures set forth in Title 5 (Health, Safety and Environment), Chapter 2 (Public Nuisances) of this code or state law for the abatement of public nuisances.

## CHAPTER 17

### MARIJUANA-RELATED LAND USES

#### Article B. Medical Marijuana-Related Land Uses

##### Section:

12-17B-1: Intent

12-17B-2: Prerequisites

12-17B-3: Location

12-17B-4: Restrictions on, Requirements and Standards of Operation

12-17B-5: Violations

**12-17B-1: INTENT:** The intent of this article is to provide robust and effective land use controls on any site, structure, activity, or use related to the limited production, processing, or distribution of marijuana to be used medicinally and not otherwise prohibited under RCW 69.51A (Medical marijuana). This framework is intended to address local issues and preferences while ensuring the public's health, safety, and welfare and also while complying with RCW 69.50 (Uniform controlled substances act) and 69.51A, which establish regulatory schemes for the limited production, processing, and distribution of medical marijuana.

##### **12-17B-2: PREREQUISITES:**

- A. Licenses and Inspections a Pre-requisite: No medical marijuana land use shall be established in the City of Long Beach without first obtaining the following:
1. A medical marijuana operations license.
  2. An inspection by the Long Beach Building Inspector or his/her designee. The inspection must have no negative findings, or any negative findings must be addressed and the site re-inspected until no negative findings result.
  3. An inspection by the Long Beach Fire Chief or his/her designee. The inspection must have no negative findings, or any negative findings must be addressed and the site re-inspected until no negative findings result.
  4. An inspection by the Long Beach Police Chief or his/her designee. The inspection must have no negative findings, or any negative findings must be addressed and the site re-inspected until no negative findings result.

**12-17B-3: LOCATION:** Medical marijuana gardens may be sited in Long Beach subject to the following:

- A. Allowed Zones. Medical marijuana gardens are allowed as a conditional use in the R1-Single-Family Residential, S1-Shoreline Single-Family Residential, RC-Residential Commercial, C1-Commercial, C2-Commercial Retail Warehouse, and LI-Light Industrial.

- B. Outdoor Medical Marijuana Gardens Prohibited. All medical marijuana gardens must be located indoors, in a permanent building or a greenhouse permanently affixed to the ground.
- C. Separation: Medical marijuana gardens shall not be located:
  - 1. on property located within five hundred (500) feet of property on which is located a youth-oriented facility, school, park, church, juvenile group home, or residential treatment facility, measured from nearest property line to nearest property line;
  - 2. within twenty (20) feet of any occupied legal residential structure located on a separate legal parcel or residential accessory structure used primarily by children (a "playhouse"), measured from nearest exterior wall of the medical marijuana garden structure to nearest exterior wall of the residential or residential accessory structure;
  - 3. in a mobile home park, within twenty (20) feet of an occupied mobile home, measured from nearest exterior wall to nearest exterior wall;
  - 4. within one hundred (100) feet of Pacific Highway, measured from nearest property line to nearest right-of-way line; or
  - 5. in any location where marijuana plants are visible from the public right of way, publicly traveled private roads, a public place, or neighbor's property.

#### **12-17B-4: RESTRICTIONS ON, REQUIREMENTS AND STANDARDS OF**

**OPERATION:** Following are the restrictions on, requirements, and standards for medical marijuana gardens located in the City of Long Beach, whether operated by an individual or a collective.

- A. No Nonconforming Status. Notwithstanding the provisions of Chapter 16 (Nonconforming Uses and Structures) of this code, an existing cannabis garden in operation as of the effective date of this chapter shall be brought into full compliance with the provisions of this chapter within one (1) year of the chapter's effective date.
- B. City Application Required. Prior to establishing a medical marijuana garden, the individual or collective operating the garden must make application to the City of Long Beach on forms provided by the city.
  - 1. The applicant must pay an application fee of \$400.
  - 2. The proposed land use will be evaluated for land use, zoning, and code compliance.
  - 3. The applicant must make the property available for inspections by city personnel.
  - 4. The structure proposed to house the land use will be inspected for structural suitability, fire safety, and security. The cost of these three inspections shall be \$250 each, or \$750. If negative findings result from an inspection and re-inspection is required, the cost of re-inspection shall be \$250 per inspection.
- C. City Medical Marijuana Garden Operations License Required. Each medical marijuana garden shall pay an annual licensing fee of \$300 at the beginning of each licensing year.



1. A medical marijuana garden shall not operate without a license.
  2. The city will not prorate or refund medical marijuana garden operations license fees.
  3. Failure to acquire an annual license shall result in the medical marijuana garden operation being terminated.
- D. Annual Inspections Required. Every year, the site shall be inspected by city personnel for structural suitability, fire safety, and security. The cost of these inspections shall be paid for via the annual medical marijuana garden operation licensing fee.
- E. Operating Standards. The following restrictions apply to the operation of medical marijuana gardens, whether operated by an individual or a collective.
1. *Odor.* The cultivation of marijuana shall not subject occupants of neighboring parcels who are of normal sensitivity to objectionable odors.
  2. *Lighting.* All lights used for the cultivation of marijuana shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel upon which they are placed.
  3. *Noise.* The cultivation of medical marijuana shall not exceed the noise disturbance standards as set forth in Title 10 (Health, Safety and Environment) Chapter 5 (Noise Control ) of the Long Beach City code. Any noise/vibration disturbance shall be abated, whether caused by loud noise or by low-frequency disturbance.
  4. *Visibility.* Medical marijuana shall not be grown or on display in any location where marijuana plants are visible from the public right of way, publicly traveled private roads, a public place, or neighbor's property.
  5. *Signage.* There shall be no exterior signage or symbology relating to the medical marijuana garden.
  6. *Gas Prohibited.* The use of gas products (CO<sub>2</sub>, butane, etc.) for medical marijuana cultivation is prohibited. If propane is the main source of heat when a medical marijuana garden is established, it may continue to be used for that purpose.
  7. *Compliance with Codes.* Every medical marijuana garden shall be in compliance with the applicable provisions of the currently adopted edition of the Washington State Building Code.
  8. *Nuisance.* A medical marijuana garden shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other adverse impacts, or be hazardous due to use or storage of materials, processes, products or waste.
  9. *Security.* Security measures at the medical marijuana garden shall include, at a minimum, the following:
    - a. a burglary alarm system that is professionally monitored and maintained in good working condition;
    - b. exterior lighting that illuminates all entry points, but does not scatter light off-site; and

- c. deadbolt locks on all exterior doors.
- F. **Delivery Only Among Collective Members.** No usable cannabis from a collective medical marijuana garden may be delivered to anyone other than one of the qualifying patients participating in the collective. Collective garden employees/volunteers or collective garden members may not sell any marijuana plants or usable marijuana, nor may they exchange them for items of equivalent value, other than other medical marijuana. Delivery may not occur outside Pacific County. Failure to adhere to this requirement may be prosecuted under the Uniform Controlled Substances Act, chapter 69.58 RCW.
- G. **No On-site Sale of Paraphernalia.** There shall be no on-site display or sale of paraphernalia used for the use or consumption of medical marijuana at a medical marijuana garden.
- H. **Restrictions on Allowable Quantities of Medical Marijuana.** The quantity of any medical marijuana at any single location shall conform to the following:
  - 1. RCW 69.51A.040 allows an individual qualifying patient or designated provider to cultivate medical marijuana for personal medical use within his/her private residence, as long as the qualifying patient or designated provider:
    - a. possesses no more than fifteen (15) marijuana plants;
    - b. possesses no more than twenty-four (24) ounces of usable marijuana;
    - c. possesses no more marijuana product than what could reasonably be produced with no more than twenty-four (24) ounces of usable marijuana; or
    - d. possesses a combination of usable marijuana and marijuana product that does not exceed a combination total representing possession and processing of no more than twenty-four (24) ounces of usable marijuana.
  - 2. If a person is both a qualifying patient and a designated provider for another qualifying patient, at any one time they may possess no more than twice the amounts described in subsection (A) of this section, above.












#### **12-17B-5: VIOLATIONS:**

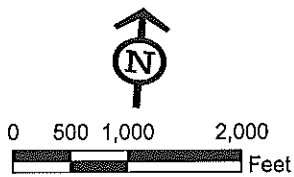
- A. It is a violation of this chapter for any person owning, leasing, occupying or having charge or possession of any parcel of land within any incorporated area of the City of Long Beach to cause or allow such parcel of land to be used for the indoor cultivation of marijuana or cannabis plants for medicinal purposes in excess of the limitations or in non-compliance with the requirements and standards set forth herein.
- B. The cultivation of more than the number of marijuana plants set forth in this chapter on one legal parcel, either indoors or outdoors, within the City, regardless of whether the persons growing the cannabis is/are a "qualified patient," or members of a "collective garden" as defined herein, is hereby prohibited.

- C. Nuisance. Nothing in this chapter shall be construed as a limitation on the city's authority to abate any violation which may exist from the cultivation of cannabis plants from any location, including from within a fully enclosed and secure building.
- D. Any violation(s) of this chapter may be enforced as set forth in Title 14 (Enforcement Procedures) or, as applicable, the Uniform Controlled Substances Act, RCW 69.58. In addition, violations of subsections (A) and (B) of this section are deemed to be a public nuisance and may be abated by the city under procedures set forth in Title 5 (Health, Safety and Environment), Chapter 2 (Public Nuisances) of this code or state law for the abatement of public nuisances.

DRAFT

# State-Required + City-Suggested Sensitive Land Uses

-  City Limits
-  Schools/Child Care/Kid Activities
-  Schools/Child Care/Kid Activities Buffer
-  Parks
-  Parks Buffer
-  Amusements
-  Amusements Buffer
-  Churches
-  Churches Buffer
-  Drug & Alcohol Rehab
-  Drug & Alcohol Rehab Buffer



TAB — F



**CITY COUNCIL  
AGENDA BILL  
AB 14-35**

**Meeting Date: May 5, 2014**

AGENDA ITEM INFORMATION		
<b>SUBJECT: Adopt Resolution 14-04, Sensitive Land Use Map</b>	<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	
<b>COST: N/A</b>	Other:	

**SUMMARY STATEMENT:** *This resolution would adopt the sensitive land uses map previous reviewed and discussed by Council and the public at a Town Hall meeting. The WSLCB has held a lottery for recreational marijuana retail outlets. Since the City desires some additional sensitive land uses to those proposed by the State, the City must adopt this map to lodge a land use challenge to a granted State license. This resolution will adopt the map until such time the city adopts a new ordinance on marijuana-related land uses, currently anticipated in early June, but subject to public review and discussion.*

**RECOMMENDED ACTION:** *Adopt resolution 2014-04.*

## **RESOLUTION 2014-04**

**WHEREAS**, it is the responsibility and duty of City of Long Beach, Washington to protect the health, safety, and welfare of its citizens and visitors, including as it relates to the potential negative effects of recreational marijuana-related land uses located proximate to sensitive land uses; and,

**WHEREAS**, the City Council studied the negative effects of recreational marijuana-related land uses and identified a suite of "sensitive land uses" as those uses that marijuana-related land uses should not be located near; and

**WHEREAS**, as a result of the City Council's study, a map was developed entitled "State-Required and City-Suggested Sensitive Land Uses," a copy being attached hereto, which depicts marijuana-sensitive land uses and reasonable buffers in which recreational marijuana-related land uses should not be sited.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONG BEACH, WASHINGTON**, that the State-Required and City-Suggested Sensitive Land Uses map is hereby adopted and that a copy of said map shall be made available to the public at Long Beach City Hall. Further, this resolution amends all resolutions in conflict herewith.

**Adopted this 5<sup>th</sup> Day of May, 2014.**

AYES \_\_\_\_\_

NAYS \_\_\_\_\_

ABSENT \_\_\_\_\_

\_\_\_\_\_  
MAYOR

Robert Andrew

ATTEST:

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

City Limits

Schools/Child Care/Kid Activities

Schools/Child Care/Kid Activities Buffer

Parks

Parks Buffer

Amusements

Amusements Buffer

Churchs

Churchs Buffer

Drug & Alcohol Rehab

Drug & Alcohol Rehab Buffer





TAB — G

# PROCLAMATION

## A PROCLAMATION HONORING EMERGENCY MEDICAL SERVICES WEEK 2014

**WHEREAS**, emergency medical services is a vital public service; and

**WHEREAS**, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

**WHEREAS**, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

**WHEREAS**, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

**WHEREAS**, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

**WHEREAS**, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; now

**NOW THEREFORE I, Robert Andrew, Mayor of the City of Long Beach, Washington**, do hereby proclaim the week of May 18-24, 2014 as

### EMERGENCY MEDICAL SERVICES WEEK

In Long Beach with the theme, ***EMS: Dedicated for life***, I encourage the community to observe this week with appropriate programs, ceremonies and activities.

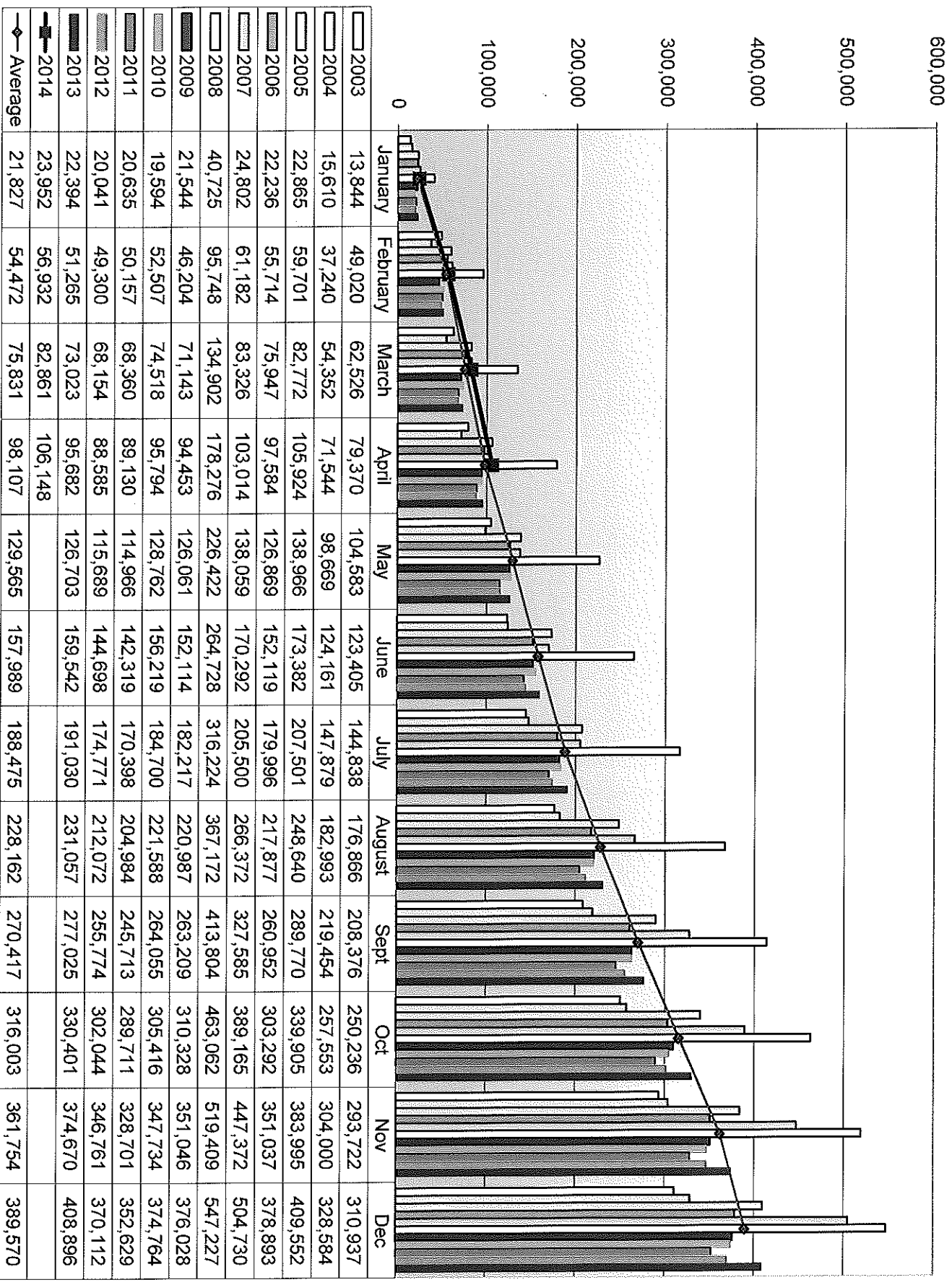
IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Long Beach, Washington to be affixed this 5<sup>th</sup> day of May 2014.

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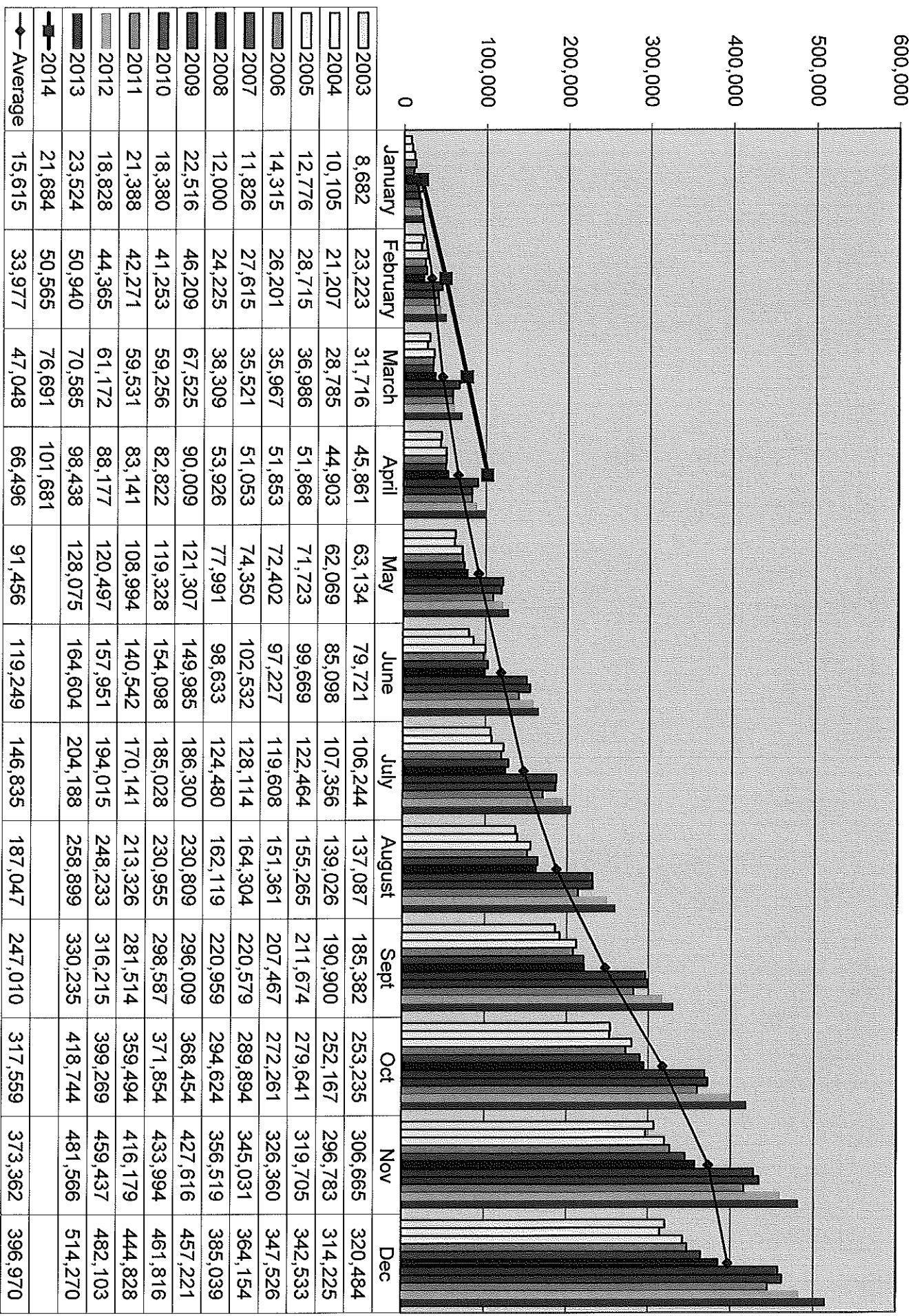
Mayor, Long Beach, Washington

TAB — H

# Sales Tax Collections



# Lodging Tax Collections



# *Long Beach Police*

P.O. Box 795  
Long Beach, WA 98631

lbpdchief@centurytel.net

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

05-01-14

Page 1 of 2

To: Mayor Andrew and Long Beach City Council

From: Chief Flint R. Wright

Ref.: Monthly Report for April 2014

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

## **Long Beach**

**729** Total Incidents  
Aid Call Assists: 0  
Alarms: 6  
Animal Complaints: 3  
Assaults: 10  
Assists: 128  
(Includes 13 Law Enforcement Agency Assists Outside City Boundaries)  
Burglaries: 4  
Disturbance: 10  
Drug Inv.: 5  
Fire Call Assists: 3  
Follow Up: 160  
Found/Lost Property: 16  
Harassment: 13  
Malicious Mischief: 5  
MIP – Alcohol: 0  
MIP – Tobacco: 0  
Missing Person: 2  
Prowler: 3  
Runaway: 1  
Security Checks: 179  
Suspicious: 23  
Thefts: 11  
Traffic Accidents: 8  
Traffic Complaints: 26  
Traffic Tickets: 17  
Traffic Warnings: 67  
Trespass: 6  
Warrant Contacts: 7  
Welfare Checks: 16

## **Ilwaco**

**271** Total Incidents  
Aid Call Assists: 5  
Alarms: 5  
Animal Complaints: 3  
Assaults: 4  
Assists: 57  
Burglaries: 1  
Disturbance: 9  
Drug Inv.: 1  
Fire Call Assists: 0  
Follow Up: 63  
Found/Lost Property: 2  
Harassment: 2  
Malicious Mischief: 3  
MIP – Alcohol: 0  
MIP – Tobacco: 0  
Missing Person: 0  
Prowler: 0  
Runaway: 2  
Security Checks: 82  
Suspicious: 18  
Thefts: 2  
Traffic Accidents: 1  
Traffic Complaints: 3  
Traffic Tickets: 1  
Traffic Warnings: 2  
Trespass: 2  
Warrant Contacts: 0  
Welfare Checks: 3

Loretta attended training March 31<sup>st</sup> – April 4<sup>th</sup>. The title of the course was "Law Enforcement Records". Loretta learned about State and Federal criminal history guidelines, records dissemination, media relations and resources, firearms laws, property and evidence and licensing.

Officer Jeff Cutting attended training on April 7<sup>th</sup>. The training dealt with evidence collection and preservation. The training was part of his certification process for becoming an arson investigator.

On April 11<sup>th</sup> I gave a presentation at Ilwaco High School. I talked about the ups and downs of a career in law enforcement for a career day the school was having.

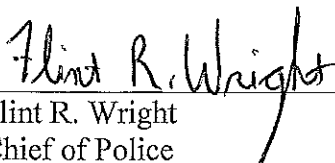
Officer Rodney Nawn graduated from the Washington State Criminal Justice Training Commission Basic Law Enforcement Academy on April 15<sup>th</sup>. He completed 720 hours of training. Officer Mike Parker started the academy on the 23<sup>rd</sup>.

Officer Jeff Cutting attended training on the 22<sup>nd</sup>. The class was an armorer's course put on by Glock. The course gives Jeff the ability to work on the departments handguns.

The prescription drug take back event was held on the 26<sup>th</sup>. Officer Casey Meling conducted this at Sid's. 179 pounds of prescription drugs were turned in either to our office over the last 6 months or at the event itself. The drugs are destroyed by the DEA.

On the 29<sup>th</sup> Officer Casey Meling attended training. The name of the class was "Why Teens Kill". Some of the topics covered were warning signs to look for, how to keep schools safe, dangers police should be aware of and a youth culture update. Considering out current culture this type of training is necessary.

I have given debriefs to the Long Beach Fire Department, Ilwaco Fire Department, Pacific County Sheriff's Department and my own agency on the shooting incident that happened on April 7<sup>th</sup>. One of the things that I learned was that if or when this type of major incident happens again I will want a representative of the fire department and medical responders at the command post right away for communication purposes. These types of incidents really show our emergency responders strengths and also reveal areas that we will always need to improve on.

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



Post Office Box 310  
115 Bolstad Avenue West  
Long Beach, WA 98631  
Telephone 360-642-4421  
FAX 360-642-8841

April 28, 2014

Laura Moxham  
Project Manager  
Recreation and Conservation Office  
1111 Washington Street, SE  
P.O. Box 40917  
Olympia, WA 98504-0917

**RE: South Willapa Bay Trail (Pacific County) Application**

Dear Ms. Moxham,

The Friends of Willapa National Wildlife Refuge (Friends) is a nonprofit organization established to support programs and increase awareness and appreciation of the Willapa National Wildlife Refuge. In partnership with Pacific County, the Friends have applied to the Recreation and Conservation Office to begin Phase 1 of the South Willapa Bay Trail in Long Beach, Washington. This project consists of development of parking on 95th Street, a car-top boat access, a kiosk and informational signs.

Development of this trail will provide a gateway for tens of thousands of visitors for hiking, bird watching, kayaking, photography, environmental education and hunting. This trail would also provide viewing opportunities of high concentrations of shorebirds, waterfowl and raptors and would provide increased access to natural areas.

The City of Long Beach supports this worthwhile project. It will allow our community to share what has been to date a hidden natural, scenic, and bird-watching gem – the south end of Willapa Bay. It will also increase public awareness of the value of Willapa Bay regarding habitat, water quality, and visual resources, among others. Finally, this project will be a splendid natural recreational amenity in an area whose very purpose for being is largely recreation.

Sincerely,

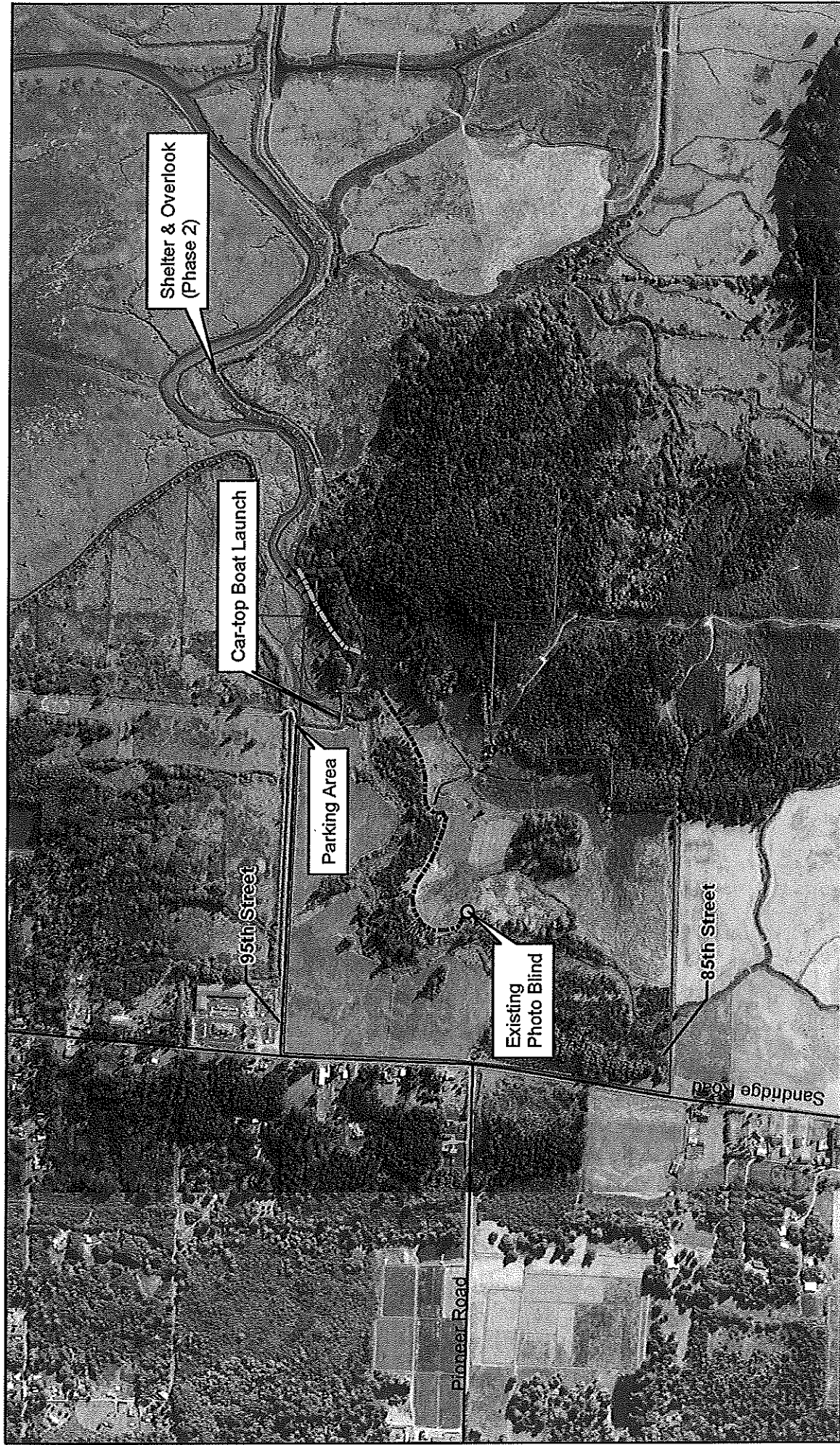
Robert Andrew, Mayor  
City of Long Beach



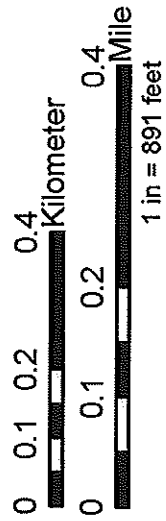


U.S. Fish & Wildlife Service  
**Willapa National Wildlife Refuge**  
Pacific County, Washington

# Proposed South Willapa Bay Trail

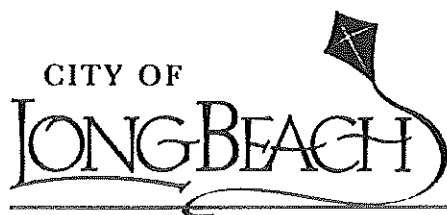


Willapa NWRC - Ilwaco, Washington  
Land Status Current to 08/2011  
Map Date: 3/10/2014  
Base Image: 2011 NAIP 2m & 2012 aerial photo



- Refuge Boundary
- Trail (Phase 1)
- Trail (Phase 2)
- Boardwalk (Phase 2)
- Roads





Post Office Box 310  
115 Bolstad Avenue West  
Long Beach, WA 98631  
Telephone: 360-642-4421  
fax: 360-642-8841

April 28, 2014

Brooke Ostgaard  
Thunder Fireworks and Jake's Fireworks  
3757 North Wenas Road  
Selah, Washington 98942-9701

**RE: Case No. SUP 2014-03, Special Use Permit  
Fireworks Sales at 101 7<sup>th</sup> Street Southeast in the OT-Old Town Zone**

Ms. Ostgaard,


At its regularly-scheduled April 7, 2014 meeting, the Long Beach City Council heard and **CONDITIONALLY APPROVED** your request to sell fireworks in an outdoor setting for the 4<sup>th</sup> of July (allowed June 27<sup>th</sup> through July 11<sup>th</sup>) and for the New Year (allowed December 20, 2014 through January 3, 2015).

The City's approval is subject to the following conditions, which are **mandatory requirements**. If you do not comply with these conditions, the City will rescind your approval and you will have to stop sales:

1. Keep and leave the site clean.
2. Your sales area and signage must be placed so as not to interfere with safe vehicle traffic, in particular, at the corner of 7<sup>th</sup> Street Southeast and Pacific Highway South. Nothing taller than 42" may be located within 20 feet of the property corner, as measured from the back of the side walk. Signage shorter than 42" may be located up to the back of the sidewalk, as long as it does not interfere with traffic. No signage may be placed on the sidewalk or otherwise in State (the highway) or City (7<sup>th</sup> Street) rights-of-way

Congratulations on your approval, and thank you for your continued commitment to Long Beach.

Sincerely,



Gayle Borchard  
Director, Community Development

Report: AGY064P2  
710-IBL BLSD020

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

Date: 04 08 2014  
Page: 1

LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: LLC

UBI Number : 602 863 585 001 0001

Legal Entity Name : BURNARD CONSTRUCTION LLC

Application ID : 2014 098 4128

Firm Name : BURNARD CONSTRUCTION LLC

Fees : \$125.00

Location Phone/FAX: (503) 325-9228

Expiration Date: 04 30 2015

First Date of Business: 04 09 2014

Location Address : 41476 ZIAK GNAT CREEK LN

Mail Addr: 41476 ZIAK GNAT CREEK LN  
ASTORIA OR 97103 8434

ASTORIA OR 97103 8434

In City Limits:

Product/Serv Desc: Services  
Services GENERAL CONTRACTING RESIDENTIAL LT COMMERCIAL NEW  
CONSTRUCTION REMODEL

Operator Comments:

Previous Business License: N

Square Footage: 0

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

Email Address: lee@burnardconstructionllc.com

Additional Business Activities:

General/Specialty Contractor # BURNACT92707

Unable to verify Contractor license number in the Contractor database.

Account Status: Pending Approval

Zoning	4/22/14	Fire	Date
Building	Date	Police	Date
Finance	Date	Planning	Date
Comments:			

4/28/14

Report: AGY064P2  
710-LBL BLS020

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

Date: 04 17 2014  
Page: 1

LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: Sole Proprietor

UBI Number : 603 394 551 001 0001

Legal Entity Name : CECILIA ALICE COHEN

Application ID : 2014 106 5337

Application Received Date: 04 16 2014

Firm Name : WILD ROSES

Fees : \$125.00

Expiration Date: 04 30 2015

Location Phone/FAX: (925) 451-9808

Business Open Date: 05 16 2014

Location Address : 505 PACIFIC AVE N

LONG BEACH WA 98631 3993

Mail Addr: PO BOX 999

LONG BEACH WA 98631 0999

In City Limits: Y

Product/Serv Desc: Retail, Services

Retail, Services PRODUCTS = ORIGINAL OWNER-MADE GLASS ART, JEWELRY,  
BOOKS AND CARDS, TEXTILES, ETC. SERVICES = CLASSES, COMPUTER WORK (TRANSLATIONS, EDITING).

Operator Comments: LANGUAGE ASSIST (Y/N): Y ENGLISH

Previous Business License: N

Square Footage: 230

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

Conducting Business From Residence: Y Customers visiting business premises? Y Per week: 0002 Hazardous/Flammable Materials:

Emergency Contact 1: CECILIA ALICE COHEN  
Emergency Contact 2: NEIL HENRY MCKAMEY

(925) 451-9808  
(925) 451-9808

Email Address: cec235@hotmail.com

Additional Business Activities:

Account Status: Pending Approval

Zoning	Fire	Police	Planning
PC 24	4/12/14		
Building	Date	Date	Date
Finance	Date	Date	Date
Comments:			

4/22 - spoke w/ Mrs. Cohen  
about survey - said  
can in to apply.  
Should glass studios.

4/28/14

Report: AGY064P2  
710-IBL BLS020

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

Date: 03 26 2014  
Page: 1

LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: Sole Proprietor

UBI Number : 603 388 173 001 0001  
Application ID : 2014 085 4951  
Application Received Date: 03 26 2014

Legal Entity Name : BRIA MILLER

*Vintage Renew*

Firm Name : BRIA MILLER

Fees : \$125.00  
Expiration Date: 03 31 2015

Location Phone/FAX: (425) 359-4064

(000) 000-0000

Business Open Date: 04 10 2014

Location Address : 304 PACIFIC AVE

LONG BEACH WA 98631

Mail Addr: 1115 MONTAGUE AVE

DARRINGTON WA 98241 9226

In City Limits: Y

Product/Serv Desc: Retail

Retail HOME FURNISHINGS FURNITURE CHINA AND GIFTS

Operator Comments:

Previous Business License: N

Square Footage: 0

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

Conducting Business From Residence: N

Hazardous/Flammable Materials:

Emergency Contact 1: BRIA MILLER  
Emergency Contact 2: JORDAN CORLEY

(425) 263-0358  
(360) 722-0304

Email Address: vintagerenew@gmail.com

Additional Business Activities:

Account Status: Pending Approval

Zoning	<u>OT</u>	<u>4/1/14</u>	Fire		Date
Building			Police		Date
Finance			Planning		Date
Comments:					

4/1/14 - add ind. review  
fee. by all made #  
so we can discuss  
page

4/28/14  
✓

Report: AGY064P2  
710-LBL BLSD020

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

Date: 03 25 2014  
Page: 1

LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: LLC

Legal Entity Name : FIRST CLASS PROPERTY MAINTENANCE, LLC

Firm Name : FIRST CLASS PROPERTY MAINTENANCE

Location Phone/FAX: (360) 601-1012 (000) 000-0000

Location Address : 9906 NE 86TH ST  
VANCOUVER WA 98662 2110

In City Limits: Y

UBI Number : 603 387 521 001 0001  
Application ID : 2014 084 5101  
Application Received Date: 03 25 2014  
Fees : \$125.00  
Expiration Date: 03 31 2015  
First Date of Business: 03 21 2014  
Mail Addr: 9906 NE 86TH ST  
VANCOUVER WA 98662 2110

Product/Service Desc: Services

Services PROPERTY MAINTENANCE, CONSTRUCTION CLEAN UP, FOREC  
LOSURE CLEAN OUTS AND MAINTENANCE, SWEEPING, VACUUMING, MINOR REPAIRS AND MINOR LANDSCAPING.

Operator Comments:

Previous Business License: N

Square Footage: 0 Applying as Non Profit Business: N  
501(c) Received: -

Email Address: Jazman\_ap@yahoo.com

Additional Business Activities:

General/Specialty Contractor # 603387521

Unable to verify Contractor license number in the Contractor database.

Account Status: Pending Approval

Zoning	N/A	SP	4/14	Fire		Date
Building				Police		Date
Finance				Planning		Date
Comments:						

4/28/14

Report: AGY064P2  
710-IBL BLSD020

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

Date: 04 03 2014  
Page: 1

LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: Sole Proprietor

Legal Entity Name: DANIELLE MARIE AYLWARD

Firm Name: INKSPRESSIONS TATTOOS AND PIERCINGS

Location Phone/FAX: (360) 244-9089 (000) 000-0000

Location Address: 814 PACIFIC AVE S STE 9  
LONG BEACH WA 98631 3545

In City Limits: Y

Product/Serv Desc: Retail, Services  
Retail, Services TATTOOS, PIERCINGS, JEWELRY, T SHIRTS SUNGLASSES A  
ND BALL CAPS

Operator Comments: LANGUAGE ASSIST(Y/N): Y ENGLISH

Previous Business License: N

Square Footage: 0

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

Conducting Business From Residence: N

Hazardous/Flammable Materials:

Emergency Contact 1: DANIELLE MARIE AYLWARD  
Emergency Contact 2: JOHN KEONE AYLWARD

(360) 244-1969  
(360) 244-9088

Email Address: daniellemeadows77@yahoo.com

Additional Business Activities:

Account Status: Pending Approval

Zoning	OS	SP	4/1/14	Fire		Date
Building				Police		Date
Finance				Planning		Date
Comments:						

4/12 - by me  
release - signed

4/28/14