



AGENDA

6:30 p.m. July 20, 2015 City Council Workshop

7:00 p.m. July 20, 2015 City Council Meeting

Long Beach City Hall - Council Chambers

115 Bolstad Avenue West

6:30 p.m. WORKSHOP

WS 15-16 Surplus Property Discussion – TAB A

7:00 p.m. CALL TO ORDER; PLEDGE OF ALLEGIANCE; AND ROLL CALL

Call to order Mayor Andrew, Council Member Linhart, Council Member Perez,
And roll call Council Member Murry, Council Member Hanson, 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, July 20, 2015 Regular City Council meeting.
- Payment Approval List for Warrant Registers 55569 - 55603 & 78324 - 78368 for \$102,276.46
- **AB 15-46 Used Bucket Truck – TAB C**
- **AB 15-47 Staff support for Skate Park research – TAB D**

BUSINESS

- **AB 15-43 PUBLIC HEARING – Revisions to 10 City Code Titles – TAB E**
- **AB 15-44 Dune To Pond Trail – Critical Resources Support – TAB F**
- **AB 15-45 Project Safe Haven contract with FEMA – TAB G**

ORAL REPORTS

- **City Council Mayor City Administrator Department Heads**

CORRESPONDENCE AND WRITTEN REPORTS – TAB H

- **Sales and Lodging Tax summary for July 2015**
- **Correspondence – Not a ban, a better plan minutes July 14, 2015**

FUTURE CITY COUNCIL MEETING SCHEDULE

The Regular City Council meetings are held the 1st and 3rd Monday of each month at 7:00 PM and may be preceded by a workshop.
August 17, 2015 – 7:00 pm – City Council September 8, 2015 – 7:00 pm City Council

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



CITY COUNCIL WORKSHOP BILL

WS 15-16

Meeting Date: August 3, 2015

AGENDA ITEM INFORMATION

SUBJECT: Surplus Property – Landlocked piece between 17th and 18th North, West of Washington Avenue	<i>Originator:</i>	
	Mayor	
	City Council	X
	City Administrator	
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Events Coordinator	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
COST: N/A		

SUMMARY STATEMENT: Daryl Glasson had requested by letter that the City Council consider selling him Tax Lot 74060322000 that is adjacent to his property and land locked. The council agreed to have a workshop to discuss it. Municipal Research has provided the following advice related to surplus property:

May the city sell surplus property to a specific individual (without offering it to all)?

Reviewed: 04/15

Yes. There is no requirement that surplus city property be offered to all, or put up at auction, or that bids be requested. Cities do not have required procedures for the disposal of surplus property as do counties in [chapter 36.34 RCW](#). The property can be sold to a specific individual, if that is what council wishes to do. Though, council should still declare the property surplus to the city's needs and set a price below which it will not be sold. Obviously, if the council has adopted a policy regarding sale of surplus property, that policy should be followed (or changed, if need be).

How does a town go about selling land it owns?

Reviewed: 01/15

The procedure for the sale of surplus real property is driven mostly by local policy. The MRSC webpage, [Sale of Surplus City or Town Property](#), has useful information and sample policies, but, generally, here is what MRSC recommends:

1. Town council passes a resolution declaring the property to be surplus and specifying how the property will be sold.
2. Town ascertains the fair market value for the property so as not to sell the property for less than its worth (thereby avoiding a gift of public funds issue).
3. Proceed with the sale in any commercially reasonable way.

The one caveat to this procedure is that, if the property was originally bought for utility purposes, there is an extra requirement for a public hearing. See [RCW 35.94.040](#).



PACIFIC COUNTY WASHINGTON


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[PAYMENT CART\(0\)](#)

Bruce Walker
PACIFIC County Assessor PO Box 86 South Bend, WA 98586

[Assessor](#) [Treasurer](#) [Appraisal](#) [MapSifter](#)

Parcel

Parcel#:	74060322000	Owner Name:	CITY OF LONG BEACH
DQR Code:	97 - Exempt Property	Address1:	
Situs:		Address2:	P O BOX 310
Map Number:	PORTLAND CORR 22 SE	City, State:	LONG BEACH WA
Status:	EXEMPT FULL YEAR	Zip:	98631
Description:	PORTLAND CORR 22 SE;		
Comment:	EXEMPT		

2015 Market Value		2015 Taxable Value		2015 Assessment Data	
Land:	\$2,000	Land:	\$0	District:	34 -
Improvements:	\$0	Improvements:	\$0	Current Use/DFL:	No
Permanent Crop:	\$0	Permanent Crop:	\$0		
Total	\$2,000	Total	\$0	Total Acres:	0.00000

Ownership

Owner's Name	Ownership %
CITY OF LONG BEACH	100 %

Sales History

No Sales History

Building Permits

No Building Permits Available

Historical Valuation Info

Year	Billed Owner	Land	Inpr.	PermCrop Value	Total	Exempt	Taxable
2015	CITY OF LONG BEACH	\$2,000	\$0	\$0	\$2,000	\$2,000	\$0
2014	CITY OF LONG BEACH	\$2,000	\$0	\$0	\$2,000	\$2,000	\$0
2013	CITY OF LONG BEACH	\$2,000	\$0	\$0	\$2,000	\$2,000	\$0
2012	CITY OF LONG BEACH	\$2,000	\$0	\$0	\$2,000	\$2,000	\$0
2011	CITY OF LONG BEACH	\$2,000	\$0	\$0	\$2,000	\$2,000	\$0

[View Taxes](#)

Parcel Comments

Date	Comment
07/12/02	CANCEL FLOOD CONTROL FOR '02 TAXES PER BOCC & BW
07/12/02	EXEMPT

Property Images

June 27, 2015

Mayor Bob Andrew
City of Long Beach
P O Box 310
Long Beach, WA 98631

Honorable Mayor Andrew:

My property abuts a piece of property owned by the city of Long Beach. This is a land locked property, and is currently being used as a mosquito farm West of my home. The Pacific County assessor values this at \$2,000, and is exempt from paying taxes. I would request that the city sell me the property, as I am the only full time resident with access to the property. The existing drainage should be maintained, and I would be happy to provide the city with access to that ditch. A copy of the aerial picture is below, the assessors information attached.

Thanks for your consideration,

Daryl Glasson

Daryl Glasson



TAB - B

LONG BEACH CITY COUNCIL MEETING

July 20, 2015

CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL

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

ROLL CALL

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

CONSENT AGENDA

Minutes, July 6, 2015 Regular City Council meeting

Payment Approval List for Warrant Registers 55514- 55568 & 78224 - 78323 for \$298,904.81

C. Linhart made the motion to approve Consent Agenda and C. Hanson seconded the motion. 5 Ayes, motion passed.

BUSINESS

AB 15-42 Resolution 2015-11 related to Stanley Field Renovation

Gayle Borchard, Community Development Director, presented the Agenda Bill. The resolution would provide clarity on the uses of Stanley Field; allow staff to share a vision of Stanley Field as a much improved youth athletic facility and present the grant application to the Council. **C. Phillips made the motion to approve Agenda Bill 15-42 and C. Murry seconded the motion. 5 Ayes, motion passed.**

ORAL REPORTS

C. Phillips, C. Perez, C. Hanson, C. Murry, C. Linhart, Mayor Andrew, David Glasson, City Administrator, and Katie Haskin, Columbia-Pacific Farmers' Market Manager presented reports.

CORRESPONDENCE AND WRITTEN REPORTS

- Correspondence- Daryl Glasson property request
- Correspondence- LBPVB June Monthly Destination Marketing report
- Business Licenses- A Sparkling Castle- Outside City Limits
- Business Licenses- DHMM Enterprises- Outside City Limits
- Business Licenses- Finance of America Mortgage LLC – Outside City Limits
- Business Licenses- J.M. Adjustment Services, LLC – Outside City Limits
- Business Licenses- Rosemont Terrace RV Park – 1310 Pacific Avenue North
- Business Licenses- Lisa's Cleaning Service – Outside City Limits
- Business Licenses- Mary Youngblood Sportfishing, LLC – Outside City Limits
- Business Licenses- Kabob House – 612 Pacific Avenue North
- Business Licenses- Pascal Py Construction, Inc. – Outside City Limits
- Business Licenses- MSA Ashford Construction – Outside City Limits
- Business Licenses- Rosalind Catering Services – Outside City Limits
- Business Licenses- Sea Star House Cleaning and Yard Maintenance – Outside City Limits

- Business Licenses- TDX Construction LLC – Outside City Limits
- Business Licenses- Treasure Depot – 811 Pacific Avenue South, Suite 9
- Business Licenses- Windandsea Painting LLC – Outside City Limits

PUBLIC COMMENT

Kathy Gragham- Concern of homeless people living in the trees on 4th North – 5th North.

Ralph Moore- Concerns regarding the Columbia-Pacific Farmers' Market.

Holli Kemmer- Comments on the Columbia-Pacific Farmers' Market and request a Handicap Swing at Culbertson Park.

ADJOURNMENT

The Mayor adjourned the meeting at 7:25 p.m.

Mayor

ATTEST:

City Clerk



Warrant Register

Check Periods: 2015 - July - 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	Clerk/Treasurer	
Number	Name	Print Date	Clearing Date	Amount
55569	Bell, Helen S	7/20/2015		\$1,440.93
55570	Binion, Jacob	7/20/2015		\$2,027.31
55571	Bonney, Matthew T	7/20/2015		\$1,359.24
55572	Booi, Kristopher A	7/20/2015		\$2,060.61
55573	Borchard, Gayle	7/20/2015		\$1,638.83
55574	Church, Kellen M	7/20/2015		\$1,285.48
55575	Cutting, Jeffrey G.	7/20/2015		\$2,031.10
55576	Daulton, Alan T	7/20/2015		\$617.92
55577	Ellyson, Susan R	7/20/2015		\$1,171.65
55578	Fitzgerald, Rick E.	7/20/2015		\$1,974.12
55579	Gilbertson, Bradley K	7/20/2015		\$1,881.53
55580	Glasson, David R.	7/20/2015		\$2,895.14
55581	Goulter, John R.	7/20/2015		\$2,031.39
55582	Gray, Karen	7/20/2015		\$124.78
55583	Grisham, Shawn M	7/20/2015		\$718.11
55584	Haskin, Katie R	7/20/2015		\$958.99
55585	Huff, Timothy M.	7/20/2015		\$1,632.95
55586	Janda, Nicholas J	7/20/2015		\$702.22
55587	Kirby, Gary E	7/20/2015		\$1,224.01
55588	Kitzman, Michael	7/20/2015		\$2,059.98
55589	Luethe, Paul J	7/20/2015		\$2,062.97
55590	Meling, Casey K	7/20/2015		\$2,151.89
55591	Mortenson, Tim	7/20/2015		\$2,272.29
55592	Myers, Ragan S.	7/20/2015		\$1,463.80
55593	Nawn, Rodney J.	7/20/2015		\$2,056.21
55594	Ostgaard, Loretta G	7/20/2015		\$1,328.42
55595	Padgett, Timothy J	7/20/2015		\$1,557.52
55596	Parker, Michael T	7/20/2015		\$1,750.86
55597	Russum, Richard	7/20/2015		\$1,646.81

Execution Time: 8 second(s)

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Register

Number	Name	Print Date	Clearing Date	Amount
55598	Tobin, David M	7/20/2015		\$1,634.04
55599	Warner, Ralph D.	7/20/2015		\$2,372.31
55600	Payroll Vendor	7/20/2015		Void
55601	Wright, Flint R	7/20/2015		\$2,447.90
55602	Zuern, Donald D.	7/20/2015		\$2,229.90
55603	Wood, Matthew T	7/20/2015		\$719.49
78324	Cutting, Jeff	7/20/2015		\$200.00
78325	Back Country Horse Outfitters	7/24/2015		\$700.00
78326	Eron, Judy	7/24/2015		\$100.00
78327	Tye Menser	7/24/2015		\$1,500.00
78328	Pacific County Auditor	7/27/2015		\$192.00
78329	CenturyLink	7/27/2015		\$1,949.24
78330	Dept of Labor & Industries	7/29/2015		\$256.59
78331	Employment Security Dept	7/29/2015		\$838.80
78332	Glasson, David	7/29/2015		\$51.75
78333	Perrine, Barney	7/30/2015		\$50.00
78334	Green, Eartha	7/30/2015		\$2,000.00
78335	Dave Whittaker - Mojo Blasters	7/30/2015		\$400.00
78336	Back Country Horse Outfitters	7/30/2015		\$700.00
78337	NASALLE-GRAYS RIVER SCHOOL DIST	7/30/2015		\$100.00
78338	Postmaster	7/31/2015		\$575.21
78339	A-1 Redi Mix	7/31/2015		\$443.74
78340	ALS ENVIRONMENTAL	7/31/2015		\$324.00
78341	AlSCO-American Linen Div.	7/31/2015		\$61.58
78342	Arts Auto Parts Inc.	7/31/2015		\$250.08
78343	At&t Mobility	7/31/2015		\$100.50
78344	Backflow Management Inc	7/31/2015		\$1,502.50
78345	BMC WELDING	7/31/2015		\$258.72
78346	Calvert Technical Services	7/31/2015		\$4,234.59
78347	Chinook Observer	7/31/2015		\$514.24
78348	Department of Labor & Industries	7/31/2015		\$21.50
78349	Evergreen Septic Inc	7/31/2015		\$2,240.00
78350	Galls, LLC	7/31/2015		\$58.92
78351	K & L Supply, Inc.	7/31/2015		\$1,254.08
78352	Kaino, Kris A.	7/31/2015		\$145.94
78353	L.N. Curtis & Sons	7/31/2015		\$326.79
78354	MAC TOOLS	7/31/2015		\$5.66
78355	Penoyar, William	7/31/2015		\$1,000.00
78356	Planter Box	7/31/2015		\$19.36
78357	Public Utility District 2	7/31/2015		\$7,219.89
78358	Rip Tide Threads	7/31/2015		\$408.97
78359	Snap ON Tools	7/31/2015		\$180.19
78360	Standard Insurance Co.	7/31/2015		\$1,716.42
78361	STAPLES ADVANTAGE	7/31/2015		\$789.21
78362	Traffic Safety Supply Co.	7/31/2015		\$334.01
78363	Unum Life Insurance	7/31/2015		\$57.00

Execution Time: 8 second(s)

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Register

Number	Name	Print Date	Clearing Date	Amount
78364	Verizon Wireless	7/31/2015		\$138.05
78365	Wadsworth Electric	7/31/2015		\$5,988.45
78366	Whitney Equipment Co. Inc	7/31/2015		\$665.53
78367	Wilcox & Flegel Oil Co.	7/31/2015		\$1,781.95
78368	Wirrkala Construction	7/31/2015		\$5,090.30
	Total		Check	\$102,276.46
	Grand Total			\$102,276.46

Execution Time: 9 second(s)

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Register

TAB - C



**CITY COUNCIL
AGENDA BILL**

AB 15-46

Meeting Date:

August 3, 2015

AGENDA ITEM INFORMATION

SUBJECT: *Bucket Truck*

Originator:

Mayor

City Council

City Administrator

City Attorney

City Clerk

City Engineer

Community Development Director

Finance Director

Fire Chief

Police Chief

Streets/Parks/Drainage Supervisor

Water/Wastewater Supervisor

Tourism & Events Coordinator

David Glasson

COST: \$42,500

SUMMARY STATEMENT: During the budget, city crew supervisors requested that the city include a the purchase of a used bucket truck to replace the existing bucket truck. Our mechanic has been scouring the listings for used bucket trucks and has found one that will fit our needs. The city set a budget of \$40,000 to purchase this item. Included are vehicles that Tim thought would meet our needs.

RECOMMENDED ACTION: *Allow staff to finalize purchase of this vehicle.*

David Glasson

From: Timothy Padgett
Sent: Thursday, July 30, 2015 8:48 AM
To: David Glasson
Subject: Fw: Global Rental Co
Attachments: 57-9066570.pdf

From: Janie.Rasmusen@altec.com <Janie.Rasmusen@altec.com>

Sent: Friday, July 24, 2015 6:57 AM

To: Timothy Padgett

Subject: Global Rental Co

Hi Tim,

I received an on line request that you are looking for information on a bucket truck. I have one available in Portland, OR.
Details below:

Unit No	57-9066570
Model	Altec AT37G
Chassis	2008 Ford F550 4x4
Purchase Price	\$44,000
Mileage	118,835
FOB	Portland, OR

Photos

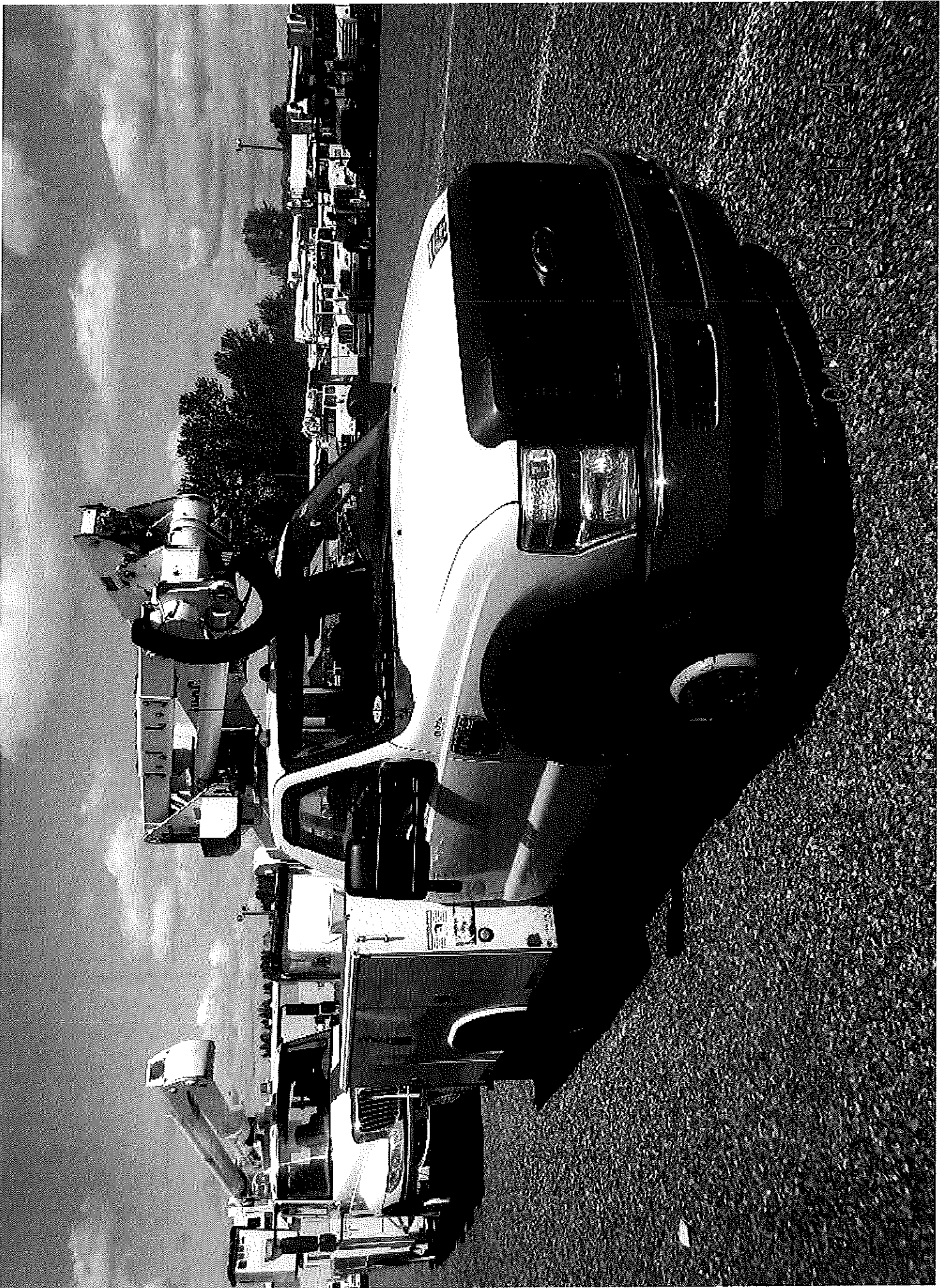
Please let me know if you are interested in this truck. I look forward to your response. Thanks!

Janie Rasmusen
Global Rental Co. Inc.
13817 NE Sandy Blvd.
Portland, OR 97230
tel: 503-253-3900
fax: 503-253-6376
janie.rasmusen@altec.com



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ON 15-2015-18-24



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How can we help you?

866.617.1569 or 888.376.4971

Truck Sales

Parts

Vehicle Details: 2008 ALTEC AT37-G



2008 ALTEC AT37-G

- **Stock #:** 31165367
- **Unit:** ALTEC AT37-G
- **Chassis Mfg:** FORD
- **Mileage:** 143018

Location: Waxahachie, TX

\$39,900.00

VEHICLE SPECIFICATIONS

Stock 31165367
Price \$39,900.00
Chassis Year 2008
Chassis Manufacturer FORD
Chassis Model F550
Chassis Mileage 143018
Chassis VIN 1FDAF56R78EC75767
Fuel Type DIESEL
Engine Model DIESEL;325;
Transmission Type AUTOMATIC
Brake Type HYDRAULIC
GVWR 17950
Drive 4x2
Cab Guard No
Body Type SERVICE
Body Model LGS-108-60
Under CDL Yes

BOOM SPECIFICATIONS

Unit Serial Number 1007DE8917
Unit Manufacturer ALTEC
Unit Model AT37-G
Unit Year 2007
Working Height 42
Unit Mount BEHIND THE CAB
Auxiliary Stabilizer NONE
Main Stabilizer TORSION BAR
Platform SINGLEMAN
Material Handler No
Boom Classification Insulated



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Truck Sales

Parts

Vehicle Details: 2011 ALTEC AT37G



2011 ALTEC AT37G

- **Stock #:** 38873180
- **Unit:** ALTEC AT37G
- **Chassis Mfg:** DODGE
- **Mileage:** 101297

Location: Birmingham, AL

\$62,900.00

VEHICLE SPECIFICATIONS

Stock 38873180

Price \$62,900.00

Chassis Year 2011

Chassis Manufacturer DODGE

Chassis Model 5500

Chassis Mileage 101297

Chassis VIN 3D6WA7EL8BG557881

Fuel Type DIESEL

Engine Model 6.7L CUMMINS ISB;DIESEL;;

Transmission Type AUTOMATIC

Brake Type HYDRAULIC

GVWR 18750

Drive 4x2

Cab Guard No

Body Type SERVICE

Body Model

Under CDL Yes

BOOM SPECIFICATIONS

Unit Serial Number 0311DE12771

Unit Manufacturer ALTEC

Unit Model AT37G

Unit Year 2011

Working Height 42

Unit Mount BEHIND THE CAB

Auxiliary Stabilizer NONE

Main Stabilizer TORSION BAR

Platform SINGLEMAN

Material Handler No

Boom Classification Insulated



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Truck Sales

Parts

Vehicle Details: 2009 ALTEC AT37-G



NEW LISTING

2009 ALTEC AT37-G

- **Stock #:** 38312448
- **Unit:** ALTEC AT37-G
- **Chassis Mfg:** FORD
- **Mileage:** 109616

Location: Birmingham, AL

\$43,900.00

VEHICLE SPECIFICATIONS

Stock 38312448

Price \$43,900.00

Chassis Mfg Ford

Chassis Manufacturer Ford

Chassis Model F550

Chassis Year 2009

Chassis VIN 1F3C33H988D10351

Chassis Description 2009 Ford F550 Super Duty L-Series 3.5L V6

Chassis Color White

Chassis Mileage 109616

Chassis Title Clear

Chassis License AL

Chassis Registration AL

Chassis Tax AL

Chassis Insurance AL

Chassis Maintenance AL

Chassis Inspection AL

Chassis Safety AL

Chassis Emissions AL

Chassis Other AL

Chassis Notes AL

Chassis Remarks AL

Chassis Comments AL

Chassis Details AL

Chassis Information AL

Chassis Data AL

Chassis Status AL

Chassis Location AL

Chassis Contact AL

Chassis Phone AL

Chassis Email AL

Chassis Website AL

BOOM SPECIFICATIONS

Unit Serial Number 1208DE10351

Unit Manufacturer ALTEC

Unit Model AT37-G

Unit Year 2009

Unit Manufacturer ALTEC

Unit Model AT37-G

Unit Year 2009

Unit Description 2009 Altec AT37-G bucket truck

Unit Color White

Unit Mileage 109616

Unit Title Clear

Unit License AL

Unit Registration AL

Unit Tax AL

Unit Insurance AL

Unit Maintenance AL

Unit Inspection AL

Unit Safety AL

Unit Emissions AL

Unit Other AL

Unit Notes AL

Unit Remarks AL

Unit Comments AL

Unit Details AL

Unit Information AL

Unit Data AL

Unit Status AL

Unit Location AL

Unit Contact AL

Unit Phone AL

Unit Email AL

Unit Website AL



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How can we help you?

866.617.1569 or 888.376.4971

Truck Sales

Parts

Vehicle Details: 2008 ALTEC AT37-G



2008 ALTEC AT37-G

- **Stock #:** 36273053
- **Unit:** ALTEC AT37-G
- **Chassis Mfg:** FORD
- **Mileage:** 95969

Location: Birmingham, AL

\$43,900.00

VEHICLE SPECIFICATIONS

Stock 36273053
Price \$43,900.00
Chassis Year 2008
Chassis Manufacturer FORD
Chassis Model F550
Chassis Mileage 95969
Chassis VIN 1FDAF56R38EE10338
Fuel Type DIESEL
Engine Model ;DIESEL;325;
Transmission Type AUTOMATIC
Brake Type HYDRAULIC
GVWR 17950
Drive 4x2
Cab Guard No
Body Type SERVICE
Body Model
Under CDL Yes

BOOM SPECIFICATIONS

Unit Serial Number 0608DE9657
Unit Manufacturer ALTEC
Unit Model AT37-G
Unit Year 2008
Working Height 42
Unit Mount BEHIND THE CAB
Auxiliary Stabilizer NONE
Main Stabilizer TORSION BAR
Platform SINGLEMAN
Material Handler No
Boom Classification Insulated

TAB - D



**CITY COUNCIL
AGENDA BILL
AB 15-47
Meeting Date: August 3, 2015**

AGENDA ITEM INFORMATION

***SUBJECT: Staff Support
for Skate Park.***

Originator:

Mayor

City Council

City Administrator

City Attorney

City Clerk

City Engineer

Community Development Director

Finance Director

Fire Chief

Police Chief

Streets/Parks/Drainage Supervisor

Water/Wastewater Supervisor

Tourism & Events Coordinator

David Glasson

COST: N/A

SUMMARY STATEMENT: The Council held a workshop on July 21, 2015 to gauge the interest in a skate park. The workshop ended with the council and audience wanting to review locations and size requirements for a skate park. This agenda bill will provide staff direction to study potential sites.

RECOMMENDED ACTION: Authorize staff to work on skate park related tasks as assigned by the city administrator.

TAB - E



**CITY COUNCIL
AGENDA BILL
AB 15-43**

Meeting Date: August 3, 2015

AGENDA ITEM INFORMATION		
SUBJECT: Revisions to 10 City Code Titles and Corresponding Ordinances Public Hearing for Amendments to Land Use Titles 11, 12, and 13	<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	
COST: N/A	Tourism & Events Coordinator	
SUMMARY STATEMENT: Attorney Darcey Eilers has reviewed the entire City code and made revisions. The Council has also made revisions and the public has made comments leading to revisions. Those revisions affected 10 titles (Nos. 1, 3, 4, 5, 6, 10, 11, 12, 13, and 14), and 10 ordinances are included, one for each title revised. Most changes were to modernize language and remedy defects or inconsistencies. In one case, Ms. Eilers moved language between titles to add clarity. The public made comments mostly about RV park operation. In no case has a public review or appeal period been shortened, and in several cases they have been lengthened.		
RECOMMENDED ACTION: Approve Ordinance Nos. 912, 913, 914a, 915, 916, 917, 918, 919, 920, and 921.		

City of Long Beach
DETERMINATION OF NONSIGNIFICANCE (DNS)
AND NOTICE OF PUBLIC HEARING

Description of Proposal: Amendment of Unified Development (Title 11), Zoning (Title 12), and Critical Areas (Title 13) ordinances. Proposed amendments address transfer of Long Beach Hearing Examiner appeals from the jurisdiction of the City Council to that of Pacific County Superior Court; transfer of Planning Commission appeals from the jurisdiction of the City Council to that of the Long Beach Hearing Examiner; extension of certain appeals periods; clarification of the showings required for the granting of a variance; vesting; medical marijuana-related land uses in the R1R zone; elimination of Council-granted design exceptions; issues regarding the use of RVs and operation of RV parks; expansion, alteration, or enlargement of nonconforming uses; and above-ground vegetation management in critical areas (mowing).

Comment period: The public may comment in writing on this SEPA Determination of Nonsignificance through July 29, 2015. Please mail your written comments on environmental issues only to:

City of Long Beach
PO Box 310
Long Beach, Washington 98631
Attention: Gayle Borchard

For other opportunities to comment on environmental issues or the merits of the proposal, see "Public Hearings," below.

Location of proposal, including street address, if any: This proposal is within the municipal boundaries of the City of Long Beach

Proponent and Lead Agency: City of Long Beach, a Municipality of the State of Washington. The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 and pursuant to WAC 197-11-340. This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. Copies of the current and proposed zoning code are available to the public for review at Long Beach City Hall.

Public Hearings: A publicly-noticed hearing will be conducted by the Long Beach City Council at its regularly-scheduled business meeting of **August 3, 2015**, which begins at 7 PM. The hearing may be continued without further notice if the date, time and place of the continued hearing are announced. Interested persons may appear and be heard, and are encouraged to also submit their comments in writing at least three days prior to the hearing date. It is the right of any person to comment on the proposed amendments, receive notice of and participate in any hearing, request a copy of the decision once made, and appeal the decision pursuant to city code.

Responsible Official: Gayle Borchard

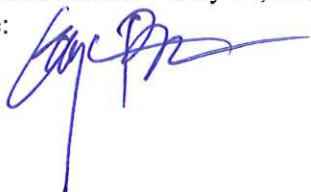
Position/Title: Director, Department of Community Development

Address: P.O. Box 310, 115 West Bolstad, Long Beach, WA 98631

Phone: 360.642.4421

Original Issue Date: July 14, 2015

Signature:



CITY OF LONG BEACH

ENVIRONMENTAL CHECKLIST

pursuant to WAC 197-11-960

Purpose of checklist: The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. The City will this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if probable significant impacts can be made less than significant via mitigation that would avoid, minimize, reduce over time, rectify, or compensate for impacts, or to determine that if proposed project impacts cannot be made less than significant, that an environmental impact statement (EIS) will be prepared to further analyze the proposal.

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

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

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

SUBMIT THIS CHECKLIST WITH YOUR DEVELOPMENT APPLICATION

TO BE COMPLETED BY APPLICANT

- 1 -

TO BE EVALUATED BY THE CITY

CITY OF LONG BEACH COMMUNITY DEVELOPMENT DEPARTMENT
115 BOLSTAD WEST; PO BOX 310, LONG BEACH, WASHINGTON 98631
360/642-4421

A. BACKGROUND

1. Name of proposed project, if applicable:

2015 Land Use Codes Amendments, City of Long Beach, Washington.

2. Name, address, telephone number, and e-mail address of applicant:

**City of Long Beach
115 Bolstad West
PO Box 310
Long Beach, WA 98631**

3. Name, address, telephone number, and e-mail address of contact person, if different than applicant:

**City of Long Beach
115 Bolstad West
PO Box 310
Long Beach, WA 98631
Attention: Gayle Borchard
Director, Community Development**

4. Date checklist prepared: **July 13, 2015**

5. Agency requesting checklist: **City of Long Beach, Washington**

6. Proposed timing or schedule (including phasing, if applicable): **Ordinance passage August 3, 2015.**

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. **No; each year if amendments are made, those amendments stand on their own.**

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. **None beyond this checklist.**

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. **None.**

10. List any and all government approvals or permits that will be needed for your proposal, if known. **Passage of Ordinance Nos. 912 through 921 by the Long Beach City Council.**

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. Your project description should describe all activities related to project construction, operation, and—if applicable—decommissioning, and should describe all physical elements of the proposed project.

This proposal comprises amendments to Titles 11, 12, and 13 of the Long Beach City code; respectively, Unified Development, Zoning, and Critical Areas regulations. These amendments would do the following:

- 1. transfer Long Beach Hearing Examiner appeals from the jurisdiction of the City Council to that of Pacific County Superior Court;**
- 2. transfer Planning Commission appeals from the jurisdiction of the City Council to that of the Long Beach Hearing Examiner;**
- 3. clarify the showings required for the granting of a variance;**
- 4. add vesting language;**

5. **clarify allowable medical marijuana-related land uses in the R1R zone;**
6. **eliminate of Council-granted design exceptions;**
7. **define and address issues regarding the use of RVs and operation of RV parks;**
8. **clarify language regarding expansion, alteration, or enlargement of nonconforming uses; and**
9. **address above-ground vegetation management in critical areas (allows mowing).**

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

The proposed code amendments apply to lands located within the regulatory jurisdiction of the City of Long Beach.

B. ENVIRONMENTAL ELEMENTS AND IMPACTS

NOTE: SECTION B. DOES NOT APPLY TO THIS NON-PROJECT PROPOSAL. SEE SECTION D. FOR ANALYSIS.

1. Earth

a. General description of the site (circle one):

Flat rolling hilly steep slopes mountainous other _____

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

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

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

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

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

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TO BE COMPLETED BY APPLICANT

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TO BE EVALUATED BY THE CITY

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

h. Describe proposed measures to mitigate erosion or other impacts related to the earth, if any:

2. Air

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

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

c. Describe proposed measures to mitigate emissions or other impacts to air, if any:

3. Water

a. Surface Water:

a1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

a2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

a3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

a4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

a5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

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

b. Ground Water:

b1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

b2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: domestic sewage; industrial, and what chemicals it contains; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

c. Water runoff (including stormwater):

c1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

c2) Could waste materials enter ground or surface waters? If so, generally describe.

c3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

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

4. Plants

a. Check the types of vegetation found on the site, and list the specific species:

- ☐ deciduous tree
- ☐ evergreen tree
- ☐ shrubs
- ☐ grass
- ☐ pasture
- ☐ crop or grain
- ☐ orchards, vineyards or other permanent crops.
- ☐ wet soil plants
- ☐ water plants

____ other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?
- c. List threatened and endangered species known to be on or near the site.
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
- e. List all noxious weeds and invasive species known to be on or near the site.

5. Animals

- a. Check the types of wildlife observed on or near the site or are known to be on or near the site, and list the specific species.

____ birds
____ mammals
____ fish
____ amphibians
____ invertebrates

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

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

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

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

6. Energy and Natural Resources

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

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

c. What kinds of energy conservation features are included in the plans of this proposal?

List other proposed measures to reduce or control energy impacts, if any:

7. Environmental Health

a. Environmental Hazards

a1) Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

a2) Describe any known or possible contamination at the site from present or past uses.

a3) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

a4) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

a5) Describe special emergency services that might be required.

a6) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

b1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

b2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

b3) Proposed measures to reduce or control noise impacts, if any:

.....

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TO BE EVALUATED BY THE CITY

CITY OF LONG BEACH COMMUNITY DEVELOPMENT DEPARTMENT
115 BOLSTAD WEST; PO BOX 310, LONG BEACH, WASHINGTON 98631
360/642-4421

8. Land and Shoreline Use

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

b. Has the project site been used as working farmlands or working forest lands? If so, describe.

b1) How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any?

b2) If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

b3) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?

c. Describe any structures on the site.

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

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

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

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

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

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

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

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

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

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

9. Housing

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

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

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

10. Aesthetics

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

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

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

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and Cultural Preservation

TO BE COMPLETED BY APPLICANT

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TO BE EVALUATED BY THE CITY

**CITY OF LONG BEACH COMMUNITY DEVELOPMENT DEPARTMENT
115 BOLSTAD WEST; PO BOX 310, LONG BEACH, WASHINGTON 98631
360/642-4421**

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

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

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

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

14. Transportation

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

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

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

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

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

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

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

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

15. Public Services

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

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

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TO BE COMPLETED BY APPLICANT

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TO BE EVALUATED BY THE CITY

CITY OF LONG BEACH COMMUNITY DEVELOPMENT DEPARTMENT
115 BOLSTAD WEST; PO BOX 310, LONG BEACH, WASHINGTON 98631
360/642-4421

16. Utilities


a. Circle utilities currently available at the site:

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

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

C. SIGNATURE

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

Signature:  _____ Name of signee **Gayle Borchard**

Position **Director, Community Development**

Agency/Organization **City of Long Beach, Washington**

Date submitted **July 14, 2015**

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

It is not necessary to use this sheet for project actions. Note the words “project,” “applicant,” and “property or site” should be read as “proposal,” “proponent,” and “affected geographic area,” respectively.

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

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

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

None of the proposed code amendments would result in an increase in discharges to water or in the production, storage, or release of toxic or hazardous substances. The allowance of medical marijuana gardens in the R1R zone has the potential to result in minor emissions to air of odiferous compounds to adjacent properties or in low-frequency noise at adjacent properties related to ventilation fans.

Proposed measures to avoid or reduce such increases are:

City code Section 12-17B-4 sets forth nine (9) operating standards for medical marijuana garden uses intended to avoid or minimize the environmental and social effects of such a land use. These include the following:

- 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 5, chapter 5](#), "Noise Control", of this 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 (CO₂, 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 gases, 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. Dead bolt locks on all exterior doors.

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

Nothing in the proposed amendments would result in impacts to plants, animals, fish, or marine life beyond those already occurring under current city code.

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

None proposed; none necessary.

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

Nothing in the proposed amendments would result in significant depletion of energy or other natural resources. The indoor growing of medical marijuana uses electrical energy. However, the proposed code amendment adds one (1) allowable zoning district to those already allowed, and the effect would be minor. Medical marijuana has been grown for personal medical use in Washington since at least 1996, and the city does not anticipate numerous new grows from this change in code, but rather the legitimization of existing grows in the R1R zone. Pursuant to a discussion with the city's electric provider, Pacific County PUD No. 2, there may be impacts to local infrastructure from growing medical marijuana (for example, a transformer may need to be up-sized), but measurable effects beyond a local scale are not expected.

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

None proposed; none necessary.

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

None of the proposed code amendments would allow physical changes in environmentally sensitive areas, and no impacts would occur to environmentally sensitive areas.

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

None proposed; none necessary. All development in Long Beach is subject to the protective development standards of its zoning district and the City's Critical Areas regulations; if a project is conditionally approved, protective conditions will apply as well. Depending on its location, development in Long Beach may also be subject to the city's protective Shoreline Master Program.

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

None of the proposed amendments would allow or encourage land or shoreline uses incompatible

with existing plans or existing uses.

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

None proposed; none necessary.

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

The proposed code amendments would not increase demands on transportation; a very minor and less than significant demand on the local electrical utility may occur.

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

None proposed; none necessary.

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

The proposed code amendments would not allow any activity or development that would conflict with local, state, or federal laws or requirements for the protection of the environment.

ORDINANCE No. 912

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

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

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

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

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

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

Section 1. Findings

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

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

Section 2. Adoption

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

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.

Section 4. Repeal

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

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.

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 3rd day of August, 2015.

AYES 0

NAYS 0

ABSENT 0

ABSTENTIONS 0

Robert Andrew, Mayor

ATTEST:

David Glasson, City Clerk

ATTACHMENT TO ORDINANCE No. 912 AMENDMENTS TO TITLE 12: ZONING REGULATIONS

12-2-1: TERMS DEFINED:

CAMPING: A temporary activity of living in a camp, campground, or vehicle. Erecting a tent or shelter or arranging bedding or both for the purpose of, or in such a way as will permit remaining overnight, or parking a trailer, camper, RV, or other vehicle for the purpose of remaining overnight.

RECREATIONAL VEHICLE PARK: Any lot or parcel on which two (2) or more sites are located, established or maintained for itinerant, short-term or long-term occupancy by recreational vehicles or for their storage for a fee ~~as temporary living quarters for recreation or vacation purposes~~. Each non-storage site shall include individual connections for electricity and sanitary services. A recreational vehicle park may also include amenities for the use of the occupants, including but not limited to laundry, showers, game room, recreation, or restaurant.

R1R Single Family Residential

12-5B-3: CONDITIONAL USES:

Churches.

Daycare center, seven (7) or more children.

Governmental or municipal structures, uses, or facilities.

Medical marijuana gardens.

Parks, recreational areas or facilities. (Ord. 849, 8-17-2009)

12-3-4: APPEALS: Appeals of all decisions pertaining to this title are governed by the provisions of section 11-2C-~~13~~ 14 of title 11, Unified Development, of the Long Beach City Code.

12-10-2: SCOPE

- B. Activities exempt from Design Review: The following activities shall be exempt from the requirements of design review:

1. Normal maintenance and repair shall be exempt from the requirements of design review, where there is no change to the exterior appearance of the structure.
2. The replacement of fifty percent (50%) or less of a non-conforming siding material on any single facade shall be considered maintenance. The replacement of more than fifty percent (50%) of the exterior siding material on a single facade shall be considered an alteration and shall comply with the requirements of this chapter including article A.
3. Minor adjustments to dimensions such as railing height or stairs, where necessary to comply with the building code, shall be considered maintenance, provided the design of the replacement feature is otherwise identical to the feature being repaired, and the change is no more than necessary to correct the deficiency.
4. In zones (R1, R1R, R2, R3, R3R, S1 and S2) One accessory building with a gross floor area of one hundred twenty (120) square feet or less may be placed on a lot without meeting the requirements of this chapter, including Article A, provided the structure is placed in the rear of the lot behind the principal building. Additional accessory buildings located in these residential zones, regardless of size and location, shall be subject to all requirements of this chapter. This exemption does not apply to accessory structures located in zones OT, OTW, RC, AC, C1, C2, L1, S3, S3R, S3M, P, PR, or S4.

12-10-3: DESIGN APPROVAL REQUIRED:

~~E. Exceptions: The city council may, at its sole discretion, grant an exception to the city's design requirements for additions or modifications to existing nonresidential buildings that do not conform to the design requirements. Such an exception will be approved upon an affirmative finding that a strict enforcement of said requirements would result in a building appearance or site condition substantially incompatible with the existing building. In considering any request for exception, the city council shall apply the following standards:~~

- ~~1. No exception shall be granted to any noneconforming use.~~
- ~~2. No exception shall be granted to any structure that is in violation of any bulk, density, or setback standard.~~
- ~~3. No exception shall be granted if:~~
 - ~~a. For buildings with an existing floor of one thousand (1,000) square feet or less, the addition exceeds five hundred (500) square feet; or~~
 - ~~b. For buildings with an existing floor area greater than one thousand (1,000) square feet, the proposed addition is greater than fifty percent (50%) of the existing building.~~

4. ~~No property shall receive more than one exception in a calendar year.~~

12-10-9: EXEMPTIONS:

~~The city council may, at its sole discretion, grant an exemption to the city's design requirements for additions or modifications to existing nonresidential buildings that do not conform to the design requirements. Such an exemption will be approved upon an affirmative finding that a strict enforcement of said requirements would result in a building appearance or site condition substantially incompatible with the existing building. In considering any request for exemption, the city council shall apply the following standards:~~

~~A. No exemption shall be granted to any nonconforming use.~~

~~B. No exemption shall be granted to any structure that is in violation of any bulk, density, or setback standard.~~

~~C. No exemption shall be granted if:~~

~~1. For buildings with an existing floor of one thousand (1,000) square feet or less, the addition exceeds five hundred (500) square feet; or~~

~~2. For buildings with an existing floor area greater than one thousand (1,000) square feet, the proposed addition is greater than fifty percent (50%) of the existing building.~~

~~D. No property shall receive more than one exemption.~~

~~E. No exemption shall be granted for accessory structures on a single property.~~

~~F. The addition shall contain at least one common wall to the existing structure. (Ord. 849, 8-17-2009)~~

12-10-8: APPEAL: The decision of the approving authority shall be final unless, within fourteen (14) days from the rendering of the decision, the applicant or any other party with standing files an appeal. Appeals of any administrative or planning commission decision shall be made to the city council~~hearing examiner~~ and shall be an open record hearing. Appeals of any hearing examiner~~city council~~ decision shall be made to Pacific County Superior Court~~Ceourt~~. Appeals to the hearing examiner shall be conducted pursuant to the procedures set forth in section 12-3-4 of this title and section 11-2C-14 of title 11 (Unified Development). The filing of such an appeal within said time limit shall stay the decision of the city until such time as the appeal has been adjudicated

or withdrawn. ~~When any appeal of an administrative decision is made, the city council shall request a recommendation from the planning commission before taking action.~~

12-11-5: RECREATIONAL VEHICLES AND EQUIPMENT, CAMPING:

B. Camping and Use of RVs: No person shall park and occupy a recreational vehicle (RV) nor shall camp, except:

1. At a duly licensed RV park or campground.
2. As a guest of a resident, and then only upon private property, and for a period not to exceed fifteen (15) continuous days, or thirty (30) days total in a calendar year.
3. On private property by the owner for his own use, but not to exceed sixty (60) days in a calendar year. An RV stored on an otherwise vacant lot shall be considered occupied for purposes of this section. An RV connected to water and/or sewer shall also be considered occupied.
4. No more than two (2) RVs may be used on a lot that is not an RV park. Such RVs may be placed upon a lot for not more than sixty (60) days' total use per year. Each day of use of each RV shall be counted as a day of use. Parking and use of more than two (2) RVs on a lot may be permitted by the city council upon an application to the city council for a special use permit.
5. Occupancy of a trailer or other recreational equipment not designed to be temporary living accommodations is not permitted. Occupancy of a boat regardless of whether such vessel contains living accommodations is not permitted.
6. Occupancy of an RV as a manager's unit shall only be permitted in a licensed RV park or campground, ~~or in the C2 or LI zones, subject to approval by the reviewing authority.~~
7. Parking of all vehicles at a site, including one or more RVs must comport to the requirements of Chapter 12 of this title.

C. Camping on Public Property. It is unlawful for any person to camp on any City-owned or City-controlled property, any public park, or any public right-of-way.

12-11-19: RECREATIONAL VEHICLE PARKS; REQUIREMENTS:

A. License Required: No person shall operate a recreational vehicle (RV) park within the corporate limits of the city without first obtaining a business license as required by title 4 (Business and License Regulations), and any necessary approvals required by the zone

district in which the property is located, including a conditional use permit and design review.

B. Allowable Uses and Use Allocation

1. An RV park may include itinerant, short-term, and long term spaces, as well as storage areas as follows:

1a. Itinerant spaces (30 days or less): up to 100% of total spaces; a minimum of 50%.

1b. Short-term spaces (more than 30 days and less than 6 months): a maximum of 50% of total spaces.

1c. Long-term spaces (more than 6 months): a maximum of 50% of total spaces.

1d. Storage (unoccupied): a maximum of 25% of total spaces.

2. Non-conforming Use Allocation. Any non-conforming allocation existing at the time of passage of this ordinance shall be corrected the next time a non-conforming space is occupied. No new non-conforming uses shall be allowed.

3. Sunset Date for Existing Non-conforming Use Allocation. Notwithstanding other sections of this code, all existing RV parks shall be made to conform to the allowable use allocation no later than December 31, 2020.

C. Prohibition on Subletting: The renter(s) of an RV space may not sublet that space to another party.

D. All RVs located in an RV park must have a clear vehicle title.

1. Under no circumstances will an RV be allowed to be placed on blocks.

EB. Recreational or Open Space Development:

1. RV parks with an area of ten (10) acres or less shall be required to develop a minimum of ten percent (10%) of the total area for recreational or open space purposes.

2. RV parks with an area greater than ten (10) acres shall be required to develop a minimum of twenty percent (20%) of the total area for recreational or open space purposes.

3. The required open space may include amenities for the use of guests, such as recreational facilities and picnic areas. It shall not include the area within the individual RV spaces.

FE. Off Street Parking: Parking shall be provided as required by chapter 12 of this title.

GD. Ingress and Egress:

1. Driveways for ingress and egress shall comply with the requirements of section 11-5-1(D) of title 11 (Unified Development) and with the requirements of subsection D3 of section 12-12-2 of this title.

- 2, Street access shall be limited to driveways serving the entire RV park. All access to individual RV spaces shall be from within the property. The access of an RV space directly from the street shall be prohibited.

HE. Interior Circulation and Driveways:

1. Interior driveways shall have a width of not less than fifteen feet (15') for a one-way drive and not less than twenty feet (20') for a two-way drive, exclusive of on-site parking.
2. Driveways and parking surfaces within the park and RV parking sites shall be properly surfaced with gravel or asphalt.

IF. Landscaping: Landscaping shall be provided as required by chapter 13 of this title. Landscaping shall be provided around the perimeter of the site, to provide screening from the street and adjacent properties and to beautify the park.

1. Wherever possible, existing tree cover and natural vegetation shall be maintained.
2. There shall be one (1) tree for every ten (10) RV spaces.

JG. Fences: Fences may be incorporated into the landscaping design. Chain link fences shall not be used on the perimeter of the site, unless approved by the reviewing authority.

KH. Sanitary Facilities: Sanitary facilities and sewer connections shall be provided as required by section 10-2-3 of title 10 (Building Regulations).

12-16-5: EXPANSION OR ALTERATION:

No existing nonconforming structure may be enlarged, expanded in use or reconstructed, except to a conforming use in the district. Ordinary maintenance and repair work may be done in nonconforming uses. (Ord. 849, 8-17-2009)

No existing nonconforming use activity shall be expanded, enlarged, or altered unless the expansion, enlargement, or alteration makes the use more conforming or is required by law.

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, R1R – single family residential restricted, S1 - shoreline single-family

residential, RC - residential commercial, C1 - commercial, C2 - commercial retail warehouse,
and L1 - light industrial.

ORDINANCE No. 913

AN ORDINANCE OF THE CITY OF LONG BEACH, WASHINGTON ADOPTING REVISIONS TO TITLE 1, ADMINISTRATION, AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT

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

WHEREAS, the purpose of the Administration Regulations of the City of Long Beach, Washington, is to define governance of and regulation within the city; and

WHEREAS, the City engaged the services of an attorney to review its codes and make revisions; and

WHEREAS, the City has undertaken a public process to receive input from its citizens, property owners, and decision-makers; and

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

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

Section 1. Findings

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

- (1) The proposed ordinance amendments are necessary to protect the health, safety, and general welfare of the community.
- (2) The proposed ordinance amendments are necessary to ensure the Long Beach city code is internally consistent and also consistent with state codes.

Section 2. Adoption

Amendments to Title 1, Administration, attached hereto, are hereby adopted.

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.

Section 4. Repeal

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

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.

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 3rd day of August, 2015.

AYES 0

NAYS 0

ABSENT 0

ABSTENTIONS 0

Robert Andrew, Mayor
ATTEST:

Helen Bell, City Clerk

ATTACHMENT TO ORDINANCE No. 913

AMENDMENTS TO TITLE 1: ADMINISTRATION

1-6-2: COUNCIL MEETINGS:

- A. Regular Meetings: The city council shall meet on the first and third ~~Wednesdays~~ Mondays of each calendar month, with the meetings to commence at the hour of seven o'clock (7:00) P.M. Should the meeting date fall on a holiday, the meeting shall take place on the following Tuesday.~~the city council may cancel or reschedule the meeting at the city council's sole discretion; notification thereof shall be in accordance to state law¹.~~ (Ord. 785, 9-20-2004)

Footnote 1: RCW 35A.13.170 and 42.30.080.

1-8-3: APPEAL:

Any ~~person~~ party of record aggrieved by the decision of the hearing examiner shall have the right to appeal the decision to the ~~city council~~ Pacific County Superior Court. The appeal shall be in writing and delivered to city hall within ~~fourteen (14)~~ twenty-one (21) calendar days of the hearing examiner's decision. No new evidence will be accepted by the ~~Superior Court~~ city council. The appeal is limited to the record presented to the hearing examiner. (Ord. 793, 2-16-2005)

ORDINANCE No. 914a

AN ORDINANCE OF THE CITY OF LONG BEACH, WASHINGTON ADOPTING REVISIONS TO TITLE 3, FINANCES AND TAXATION, AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT

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

WHEREAS, the purpose of the Finances and Taxation of the City of Long Beach, Washington, is to define the system of managing finance and business practices of the city and to also define an equitable system of taxation; and

WHEREAS, the City engaged the services of an attorney to review its codes and make revisions; and

WHEREAS, the City has undertaken a public process to receive input from its citizens, property owners, and decision-makers; and

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

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

Section 1. Findings

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

- (1) The proposed ordinance amendments are necessary to protect the health, safety, and general welfare of the community.
- (2) The proposed ordinance amendments are necessary to ensure the Long Beach city code is internally consistent and also consistent with state codes.

Section 2. Adoption

Amendments to Title 3, Finances and Taxation, attached hereto, are hereby adopted.

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.

Section 4. Repeal

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

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.

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 3rd day of August, 2015.

AYES 0

NAYS 0

ABSENT 0

ABSTENTIONS 0

Robert Andrew, Mayor
ATTEST:

Helen Bell, City Clerk

ATTACHMENT TO ORDINANCE No. 914a
AMENDMENTS TO TITLE 3: FINANCES AND TAXATION

3-8-4: BUSINESS LICENSE REQUIRED:

- A. License Required:** No person shall engage in or carry on any business, occupation, pursuit or privilege for which a tax is imposed by this chapter without first having obtained, and being the holder of, a valid and subsisting license so to do, to be known as a "business license", hereinafter referred to as "license", issued under the provisions of this chapter as hereinafter provided, and without paying the license fee or tax imposed by this chapter.
- B. Application For License:** Applications for such licenses shall be made to and issued by the finance department upon prescribed forms and giving such information as is deemed reasonably necessary to enable the finance department to administer and enforce this chapter. The fee or tax for a certificate shall be the tax imposed by section 3-8-5 of this chapter. Licenses issued pursuant to the provisions of this chapter shall be personal and nontransferable, and shall be valid as long as the person, firm or corporation to whom the same is issued continues in business and complies with the provisions of this chapter. (Ord. 749, 12-4-2000)

3-8-10: RECORDKEEPING; INSPECTION:

It shall be the duty of every person, firm or corporation required to obtain a business license by ~~this chapter~~ Title 4 to keep and preserve for a period of five (5) years such books and records as will accurately reflect the amount of gross income from which can be determined the amounts of any fee or tax for which there may be liability under the provisions of this chapter. The term "books and records" as used in this section, includes the taxpayer's copies of federal excise tax returns, state of Washington excise tax returns and copies of excise tax audits made by the United States or state of Washington, and furnished to such person, firm or corporation, if any. The taxpayer's books and records shall be opened for examination at all reasonable times by the clerk-treasurer or a duly authorized representative.

3-8-12: TAX CONSTITUTES LIEN:

Any person, firm or corporation subject to this chapter who fails or refuses to apply for a business license pursuant to Title 4, chapter 6, or to make such tax return or to pay such tax when due, or who makes any false statement or representation in or in connection with any such application for a business license or such tax return, or who otherwise violates or refuses or fails to comply with the provisions of this chapter, ~~or~~ with any rule or regulation promulgated hereunder, or with the provisions of Title 4, chapter 6, is guilty of a misdemeanor.

3-10-4: LICENSE REQUIREMENTS:

~~A license shall be required pursuant to title 4, chapter 1 of this code. (Ord. 828, 12-17-2007, eff. 1-1-2008)~~

3-10-12: OVERPAYMENT OF TAX:

A. Any person having paid any tax, original assessment, additional assessment, or corrected assessment of any tax may apply to the ~~director~~ city administrator or his/her designee within the time limitation for refund provided in this section by applying in writing for a correction of the amount paid, in which application the petitioner shall set forth the reasons the amount in which the tax, interest, or penalty should be refunded.

AB. If, upon receipt of ~~an~~ a timely application for a refund, or during an audit or examination of the taxpayer's records and tax returns, the city administrator or his/her designee ~~director~~ determines that the amount of tax, penalty, or interest paid is in excess of that properly due, the excess amount shall be credited to the taxpayer's account or shall be refunded to the taxpayer. Except as provided in subsection ~~B-C~~ of this section, no refund or credit shall be made for taxes, penalties, or interest paid more than ~~four~~ (4)three (3) years prior to the beginning of the calendar year in which the refund application is made or examination of records is completed.

BC. The execution of a written waiver shall extend the time for applying for, or making a refund or credit of any taxes paid during, or attributable to, the years covered by the waiver if, prior to the expiration of the waiver period, an application for refund of such taxes is made by the taxpayer or the city administrator or his/her designee ~~director~~ discovers that a refund or credit is due.

~~CD~~. Refunds shall be made by means of vouchers approved by the city administrator or his/her designee~~director~~ and by the issuance of a city check or warrants drawn upon and payable from such funds as the city may provide.

~~DE~~. Any final judgment for which a recovery is granted by any court of competent jurisdiction for tax, penalties, interest, or costs paid by any person shall be paid in the same manner, as provided in subsection ~~CD~~ of this section, upon the filing with the city administrator or his/her designee~~director~~ a certified copy of the order or judgment of the court.

~~EF~~. 1. The city administrator or his/her designee~~director~~ shall compute interest on refunds or credits of amounts paid or other recovery allowed a taxpayer in accordance with Revised Code of Washington 82.32.060 as it now exists or as it may be amended; or

2. If subsection ~~E1-F.1~~ of this section is held to be invalid, then the provisions of Revised Code of Washington 82.32.060 existing at the effective date hereof shall apply. (Ord. 828, 12-17-2007, eff. 1-1-2008)

3-10-16: ADMINISTRATIVE APPEAL:

Any person, except one who has failed to comply with section 3-10-7 of this chapter, aggrieved by the amount of the fee or tax determined by the city administrator~~director~~ to be required under the provisions of this chapter may; pay the amount due; and appeal from such determination by filing a written notice of appeal with the hearings examiner within thirty (30) days from the date written notice of such amount was mailed to the taxpayer. A fifty dollar (\$50.00) filing fee shall be submitted with the appeal, which filing fee is required to process the appeal. The city clerk shall, as soon as practical, fix a time and place for the hearing of such appeal, and shall cause a notice of the time and place thereof to be delivered or mailed to the parties. The decision of the hearings examiner shall indicate the correct amount of the fee or tax owing. (Ord. 828, 12-17-2007, eff. 1-1-2008)

The decision of the city administrator or his/her designee~~director~~ on an application for refund under Section 3-10-12 shall be final unless the petitioner files written notice of appeal to the hearings examiner within thirty (30) days of the city administrator's or his/her designee's~~director's~~ action. A fifty dollar (\$50.00) filing fee shall be submitted with the appeal, which filing fee is required to process the appeal. The city clerk shall, as soon as practical, fix a time and place for the hearing of such appeal, and shall cause a notice of the time and place thereof to be delivered or mailed to the parties. The decision of the hearings examiner shall affirm, modify, or reverse the decision of the city administrator or his/her designee~~director~~, and the hearings examiner's decision shall be final.

3-10-17: JUDICIAL REVIEW:

The taxpayer or the city may obtain judicial review of the hearings examiner's ~~administrative~~ decision by applying for a writ of review with the ~~Thurston-Pacific~~ County superior court within thirty (30) days from the date of the hearings examiner's decision in accordance with the procedure set forth in chapter 7.16 Revised Code of Washington, other applicable law, and court rules. ~~Review by the superior court shall be on, and shall be limited to, the record on appeal created before the hearing examiner.~~ The city shall have the same right of review from the administrative decision as does a taxpayer. (Ord. 828, 12-17-2007, eff. 1-1-2008)

~~3-10-25: SUSPENSION OR REVOCATION OF BUSINESS LICENSE:~~

~~A. The director, or designee, shall have the power and authority to suspend or revoke any license issued under the provisions of this chapter. The director, or designee, shall notify such licensee in writing by certified mail of the suspension or revocation of his or her license and the grounds therefor. Any license issued under this chapter may be suspended or revoked based on one or more of the following grounds:~~

- ~~1. The license was procured by fraud or false representation of fact;~~
- ~~2. The licensee has failed to comply with any provisions of this title;~~
- ~~3. The licensee has failed to comply with any provisions of this code;~~
- ~~4. The licensee is in default in any payment of any license, fee, or tax owed to the city; or~~
- ~~5. The licensee or employee has been convicted of a crime involving the business.~~

~~B. Any licensee may, within seven (7) days from the date that the suspension or revocation notice was mailed to the licensee, appeal from such suspension or revocation by filing a written notice of appeal setting forth the grounds therefor with the director. A copy of the petition must be provided by the licensee to the director and the city attorney on or before the date the petition is filed with the hearings examiner. The city clerk shall set a date for hearing said appeal and notify the licensee by mail of the time and place of the hearing. After the hearing thereon the hearings examiner shall, after appropriate findings of fact, and conclusions of law, affirm, modify, or overrule the suspension or revocation and reinstate the license, and may impose any terms upon the continuance of the license.~~

~~No suspension or revocation of a license issued pursuant to the provisions of this section shall take effect until seven (7) days after the mailing of the notice thereof by the department, and if appeal is taken as herein prescribed the suspension or revocation shall be stayed pending final action by the hearings examiner. All licenses which are suspended or revoked shall be surrendered to the city on the effective date of such suspension or revocation.~~

~~The decision of the hearings examiner shall be final. The licensee and/or the department may seek review of the decision by the superior court of Washington in and for Thurston County within fourteen (14) days from the date of the decision. If review is sought as herein prescribed the suspension or revocation shall be stayed pending final action by the superior court.~~

~~C. Upon revocation of any license as provided in this section no portion of the license fee shall be returned to the licensee. (Ord. 828, 12-17-2007, eff. 1-1-2008)~~

ORDINANCE No. 915

AN ORDINANCE OF THE CITY OF LONG BEACH, WASHINGTON ADOPTING REVISIONS TO TITLE 4, BUSINESS AND LICENSE REGULATIONS, AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT

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

WHEREAS, the purpose of the Business and License Regulations of the City of Long Beach, Washington, is to ensure all businesses are properly licensed and to define an equitable system of business regulation; and

WHEREAS, the City engaged the services of an attorney to review its codes and make revisions; and

WHEREAS, the City has undertaken a public process to receive input from its citizens, property owners, and decision-makers; and

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

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

Section 1. Findings

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

- (1) The proposed ordinance amendments are necessary to protect the health, safety, and general welfare of the community.
- (2) The proposed ordinance amendments are necessary to ensure the Long Beach city code is internally consistent and also consistent with state codes.

Section 2. Adoption

Amendments to Title 4, Business and License Regulations, attached hereto, are hereby adopted.

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.

Section 4. Repeal

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

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.

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 3rd day of August, 2015.

AYES 0

NAYS 0

ABSENT 0

ABSTENTIONS 0

Robert Andrew, Mayor
ATTEST:

Helen Bell, City Clerk

ATTACHMENT TO ORDINANCE No. 915

AMENDMENTS TO TITLE 4: BUSINESS AND LICENSE REGULATIONS

4-1-2: BUSINESS LICENSE REQUIREMENTS:

- A. License Required: No person or entity shall engage in any business in the city without first having obtained a valid license to do so, pursuant to the terms of this chapter.
-

4-1-3: EXEMPTIONS:

To the extent set forth in this section, the following persons and/or businesses shall be exempt from the ~~itinerant~~ license fee requirements:

- M. A business licensed under the provisions of chapter 6 of this title for utility businesses.
-

4-1-6: SUSPENSION OR REVOCATION OF BUSINESS LICENSE:

- A. The city finance director, or designee, shall have the power and authority to suspend or revoke any license issued under the provisions of this title. Any license issued under this title may be suspended or revoked based on one or more of the following grounds:
1. The license was procured by fraud or false representation of fact;
 2. The licensee has failed to comply with any provisions of this title;
 3. The licensee has failed to comply with any provisions of this code;
 4. The licensee is in default in any payment of any license, fee, or tax owed to the city;
 5. The licensee or employee has been convicted of a crime involving the business.
- B. The city finance director, or designee, shall notify such licensee in writing by certified mail of the suspension or revocation of his or her license and the grounds therefor.
- C. Upon suspension or revocation of any license as provided in this section no portion of the license fee shall be returned to the licensee.
- D. No suspension or revocation of a license issued pursuant to the provisions of this section shall take effect until seven (7) days after the mailing of the notice thereof by the city, and if appeal is taken as herein prescribed the suspension or

revocation shall be stayed pending final action by the hearings examiner. All licenses which are suspended or revoked shall be surrendered to the city on the effective date of such suspension or revocation.

- E. Any licensee may, within seven (7) days from the date that the suspension or revocation notice was mailed to the licensee, appeal from such suspension or revocation by filing a written notice of appeal setting forth the grounds therefor with the city finance director. A copy of the petition must be provided by the licensee to the city finance director and the city attorney on or before the date the petition is filed with the hearings examiner. The city clerk shall set a date for hearing said appeal and notify the licensee by mail of the time and place of the hearing. After the hearing thereon the hearings examiner shall, after appropriate findings of fact, and conclusions of law, affirm, modify, or overrule the suspension or revocation and reinstate the license, and may impose any terms upon the continuance of the license.
- F. The decision of the hearings examiner shall be final. The licensee and/or the city may seek review of the decision by the superior court of Washington in and for Pacific County within thirty (30) days from the date of the decision. If review is sought as herein prescribed the suspension or revocation shall be stayed pending final action by the superior court.

4-4-1: DEFINITIONS:

For the purpose of this ~~chapter title, unless otherwise indicated~~, the following terms shall have the meanings ascribed to them in this section:

BUSINESS: ~~Any person, persons, partnerships, or corporations engaged~~ All activities in merchandising and/or selling a product or service for legal tender or trade engaged in with the object of direct or indirect gain, benefit, or advantage to a person, class, or entity.

OFF SEASON: ~~The period of time in Long Beach outside of the traditional summer season. For the purpose of this chapter, the "off season" shall be September 15 through May 15.~~

PEDDLING: Selling or offering for sale, barter or exchange at retail any goods, wares, merchandise or services of any kind whatsoever by traveling from place to place along the streets of the city or from residence to residence therein, but shall not include solicitation or canvassing for future delivery. "Peddling" may, in some instances, include the activities of an "itinerant vendor" or "transient merchant", as defined herein. If a peddler is also an "itinerant vendor" or "transient merchant", as defined herein, then those provisions shall also be applicable. To the extent that the provisions of this ~~chapter title~~

relative to "peddling" are inconsistent with those relating to "itinerant vendors" and/or "transient merchants", the more restrictive provisions shall apply.

SELLER: A single person, ~~or husband and wife~~ married couple, ~~or and any~~ charitable organization.

SOLICITING: Means and includes any one or more of the following activities:

A. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, insurance, or services of any kind, character or description whatever, for any kind of consideration whatever, all for future delivery; provided, however, that seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication shall not be deemed to be soliciting, and such activities are not regulated by this ~~chapter title~~.

4-6-1: BUSINESS LICENSE REQUIRED:

- A. License Required: No person or entity shall engage in or carry on any business, occupation, act, pursuit, or privilege for which a tax is imposed by Title 3, chapter 8 without first having obtained, and being the holder of, a valid and subsisting license so to do issued under the provisions of this chapter as hereinafter provided, and without also paying the license fee or tax imposed by Title 3, chapter 8.
- B. Application For Utility Business License: Applications for such licenses shall be made to and issued by the city finance department upon prescribed forms and giving such information as is deemed reasonably necessary to enable the finance department to administer and enforce Title 3, chapter 8. The fee or tax for a certificate shall be the tax imposed by Section 3-8-5 of this code. Licenses issued pursuant to the provisions of this chapter shall be personal and nontransferable, and shall be valid as long as the person or entity to whom the same is issued continues in business and complies with the provisions of this chapter and Title 3, chapter 8.
-

ORDINANCE No. 916

AN ORDINANCE OF THE CITY OF LONG BEACH, WASHINGTON ADOPTING REVISIONS TO TITLE 5, HEALTH, SAFETY, AND SANITATION,, AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT

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

WHEREAS, the purpose of the State Environmental Policy Act (SEPA) Rules portion of Title 5 of the city code is to define the requirements and procedures of SEPA in order to create a process for the protection of the environment; and

WHEREAS, the City engaged the services of an attorney to review its codes and make revisions; and

WHEREAS, the City has undertaken a public process to receive input from its citizens, property owners, and decision-makers; and

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

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

Section 1. Findings

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

- (1) The proposed ordinance amendments are necessary to protect the health, safety, and general welfare of the community.
- (2) The proposed ordinance amendments are necessary to ensure the Long Beach city code is internally consistent and also consistent with state codes.

Section 2. Adoption

Amendments to Title 5, Health, Safety, and Sanitation, attached hereto, are hereby adopted.

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.

Section 4. Repeal

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

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.

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 3rd day of August, 2015.

AYES 0

NAYS 0

ABSENT 0

ABSTENTIONS 0

Robert Andrew, Mayor
ATTEST:

Helen Bell, City Clerk

ATTACHMENT TO ORDINANCE No. 916

AMENDMENTS TO TITLE 5: HEALTH, SAFETY, AND SANITATION

5-1-1: GENERAL REQUIREMENTS:

- A. Authority ~~(Washington Administrative Code 173-806-010)~~:
1. The city adopts this chapter under the state environmental policy act (SEPA), Revised Code of Washington 43.21C.120, and the SEPA rules, Washington administrative code 197-11-904.
 2. This chapter contains the city's SEPA procedures and policies.
 3. The SEPA rules, Washington administrative code chapter 197-11, must be used in conjunction with this chapter. (1988 Code § 16.04.010)
- B. Purpose of Section; Adoption by Reference ~~(Washington Administrative Code 173-806-020)~~: This section contains the basic requirements that apply to the SEPA process. The city adopts the following sections of Washington administrative code chapter 197-11 by reference:
- WAC 197-11-040 Definitions
 - 050 Lead agency
 - 055 Timing of the SEPA process
 - 060 Content of environmental review
 - 070 Limitations on actions during SEPA process
 - 080 Incomplete or unavailable information
 - 090 Supporting documents
 - 100 Information required of applicants
- (1988 Code § 16.04.020)
- C. Additional Definitions ~~(Washington Administrative Code 173-806-030)~~: In addition to those definitions contained within Washington administrative code 197-11-700 through 197-11-799, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:
- DEPARTMENT: Any division, subdivision or organizational unit of the city established by ordinance, rule or order.
- EARLY NOTICE: The city's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of nonsignificance [DNS] procedures).
- ORDINANCE: The ordinance, resolution or other procedure used by the city to adopt regulatory requirements.
- SEPA RULES: Washington administrative code chapter 197-11 adopted by the department of ecology. (1988 Code § 16.04.030)
- D. Designation Of Responsible Official ~~(Washington Administrative Code 173-806-040)~~:

1. For those proposals for which the city is the lead agency, the responsible official shall be the city administrator or such other person as designated in writing by the mayor. (1988 Code § 16.04.040; amd. 2007 Code)
2. For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS) and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules that were adopted by reference ~~in Washington administrative code 173-806-020~~.
3. The city shall retain all documents required by the SEPA rules (Washington administrative code chapter 197-11) and make them available in accordance with Revised Code of Washington chapter 42.17. (1988 Code § 16.04.040)

E. Lead Agency Determination and Responsibilities ~~(Washington Administrative Code 173-806-050)~~:

1. The department within the city receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under Washington administrative code 197-11-050 and 197-11-922 through 197-11-940, unless the lead agency has been previously determined or the department or agency is in the process of determining the lead agency.
2. When the city is the lead agency for a proposal, the department receiving the application shall determine the responsible official who shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the EIS.
3. When the city is not the lead agency for a proposal, all departments of the city shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under Washington administrative code 197-11-600. In some cases the city may conduct supplemental environmental review under Washington administrative code 197-11-600.
4. If the city or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of Washington administrative code 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen (15) days of receipt of the determination or the city must petition the department of ecology for a lead agency determination under Washington administrative code 197-11-946 within the fifteen (15) day time period.
5. Departments of the city are authorized to make agreements as to lead agency status or shared lead agency duties for proposal under Washington administrative code 197-11-942 and 197-11-944; provided, that the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.
6. Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify ~~which~~ other agencies

have-with jurisdiction over the proposal. (That is: Which agencies require nonexempt licenses?) (1988 Code § 16.04.050)

- F. Transfer Of Lead Agency Status To State Agency ~~(Washington Administrative Code 173-806-053)~~: For any proposal for a private project whether the city would be the lead agency and for which one or more state agencies have jurisdiction, the city's responsible official may elect to transfer the lead agency duties to a state agency. The state agency with jurisdiction appearing first on the priority listing in Washington administrative code 197-11-936 shall be the lead agency and the city shall be the agency with jurisdiction. To transfer lead agency duties, the city's responsible official must transmit a notice of the transfer together with any relevant information available on the proposal to the appropriate state agency with jurisdiction. The responsible official of the city shall also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal. (1988 Code § 16.04.060)
- G. Time Limits (Washington Administrative Code 197-11-310): The ~~following~~ time limits (expressed in calendar dates) contained in this section shall apply when the city processes licenses for all private projects and those governmental proposals submitted to the city by other agencies~~:-~~. For the purpose of this section, the word "day" shall mean a day upon which the city's administrative offices are open for business. These time estimates shall not be construed to be mandatory. (1988 Code § 16.04.070; amd. 2007 Code)
1. Categorical Exemptions: The city shall identify whether an action is categorically exempt within seven (7) days of receiving a completed application.
 2. Threshold Determinations:
 - a. The city should complete threshold determinations that can be based solely upon review of the environmental checklist for the proposal within fifteen (15) days of the date an applicant's adequate application and completed checklist are submitted.
 - b. When the responsible official requires further information from the applicant or consultation with other agencies with jurisdiction:
 - (1) The city should request such further information within fifteen (15) days of receiving an adequate application and completed environmental checklist;
 - (2) The city shall wait no longer than thirty (30) days for a consulted agency to respond;
 - (3) The applicant shall have 180 days to submit additional information requested before the permit application expires.
 - ~~(4)~~ The responsible official should complete the threshold determination within fifteen (15) days of receiving the requested information from the applicant or the consulted agency.
 - c. When the city must initiate further studies, including field investigations, to obtain the information to make the threshold determination, the city should complete the studies within thirty (30) days of receiving an adequate application and a completed checklist.

d. The city shall complete threshold determinations on actions where the applicant recommends in writing that an EIS be prepared, because of the probable significant adverse environmental impact(s) described in the application, within fifteen (15) days of receiving an adequate application and completed checklist. (1988 Code § 16.04.070)

e. The city may extend the threshold determination to fifteen (15) days after receipt of a changed or clarified proposal, environmental checklist, and/or permit application.

- H. Additional Timing Considerations (~~Washington Administrative Code 173-806-058~~):
1. For nonexempt proposals, the DNS or draft EIS for the proposal shall accompany the city's staff recommendation to any appropriate advisory body, such as the planning commission.
 2. If the city's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the city conduct environmental review prior to submission of the detailed plans and specifications. (1988 Code § 16.04.080)

5-1-2: CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS:

- A. Purpose of Section; Adoption by Reference (~~Washington Administrative Code 173-806-065~~): This section contains the rules for deciding whether a proposal has a probable significant, adverse environmental impact requiring an environmental impact statement (EIS) to be prepared. This section also contains rules for evaluating the impacts of proposals not requiring an EIS. The city adopts the following sections by reference, as supplemented in this ~~section~~ chapter:

WAC 197-11-300 Purpose of this part

-305 Categorical exemptions

-310 Threshold determination required

-315 Environmental checklist

-330 Threshold determination process

-335 Additional information

-340 Determination of nonsignificance (DNS)

-350 Mitigated DNS

-360 Determination of significance (DS/initiation of scoping)

-390 Effect of threshold determination

WAC 197-11-800 Categorical exemptions

-880 Emergencies

-890 Petitioning DOE to change exemptions

(1988 Code § 16.04.090)

- B. Flexible Thresholds for Categorical Exemptions (~~Washington Administrative Code 173-806-070~~): The city establishes the following exempt levels for minor new

construction under Washington administrative code 197-11-800~~(1)(b)~~ based on local conditions:

1. For residential dwelling units in Washington administrative code 197-11-800(1)(b)(i): up to twenty (20) dwelling units;
2. For agricultural structures in Washington administrative code 197-11-800(1)(b)(ii): up to thirty thousand (30,000) square feet;
3. For office, school, commercial, recreational, service or storage buildings in Washington administrative code 197-11-800(1)(b)(iii): up to twelve thousand (12,000) square feet and up to forty (40) parking spaces;
4. For parking lots in Washington administrative code 197-11-800(1)(b)(iv): up to forty (40) parking spaces;
5. For landfills and excavations in Washington administrative code 197-11-800(1)(b)(v): up to five hundred (500) cubic yards. (1988 Code § 16.04.100)

C. Exemption Use ~~(Washington Administrative Code 173-806-080):~~

1. ~~Each department within the city that~~ When the city receives an application for a license or, in the case of governmental proposals, ~~the a department initiating-initiates the-a proposal, the responsible official shall determine if the application and/or proposal~~ is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.
2. In determining whether or not a proposal is exempt, the ~~department responsible official~~ shall make certain the proposal is properly defined and shall identify the governmental licenses required (Washington administrative code 197-11-060). If a proposal includes exempt and nonexempt action, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.
3. If a proposal includes both exempt and nonexempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:
 - a. The city shall not give authorization for:
 - (1) Any nonexempt action,
 - (2) Any action that would have an adverse environmental impact,
 - (3) Any action that would limit the choice of alternatives;
 - b. A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and
 - c. A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved. (1988 Code § 16.04.110)

D. Environmental Checklist ~~(Washington Administrative Code 173-806-090):~~ A completed environmental checklist in the form provided in Washington administrative code 197-11-960 shall be filed at the same time as an application for a

permit, license, certificate, or other approval not specifically exempted in this chapter; except, a checklist is not needed if the city and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The city shall use the environmental checklist to determine the lead agency and, if the city is the lead agency, for determining the responsible official and for making the threshold determination. (1988 Code § 16.04.120)

E. Mitigated DNS ~~(Washington Administrative Code 173-806-100)~~:

1. As provided in this section and Washington administrative code 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarification of, the proposal made by the applicant.
2. An applicant may request in writing early notice of whether a DS is likely under Washington administrative code 197-11-350. The request must:
 - a. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and
 - b. Precede the city's actual threshold determination for the proposal.
3. The responsible official should respond to the request for early notice within seven (7) working days. The response shall:
 - a. Be written;
 - b. State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the city to consider a DS; and
 - c. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarification.
4. As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.
5. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the city shall base its threshold determination on the changed or clarified proposal and should make the determination within fifteen (15) days of receiving the changed or clarified proposal:
 - a. If the city indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city shall issue and circulate a DNS under Washington administrative code 197-11-340(2).
 - b. If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate.
 - c. The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent storm water runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or construct two hundred foot (200') storm water retention pond at Y location are adequate.

- d. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.
6. The mitigated DNS issued under Washington administrative code 197-11-340(2) requires a fifteen (15) day comment period and public notice.
7. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city.
8. If the city's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city should evaluate the threshold determination to assure consistency with Washington administrative code 197-11-340(3)(a) (withdrawal of DNS).
9. The city's written response under subsection E2 of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarifications or changes in its threshold determination. (1988 Code § 16.04.130)
-

5-1-3: ENVIRONMENTAL IMPACT STATEMENT (EIS):

- A. Purpose of Section; Adoption by Reference (~~Washington Administrative Code 173-806-110~~): This section contains the rules for preparing environmental impact statements. The city adopts the following sections by reference, as supplemented by this section:

- WAC 197-11-400 Purpose of EIS
- 402 General requirements
- 405 EIS types
- 406 EIS timing
- 408 Scoping
- 410 Expanded scoping (optional)
- 420 EIS preparation
- 425 Style and size
- 430 Format
- 435 Cover letter or memo
- 440 EIS Contents
- 442 Contents of EIS on nonproject proposals
- 443 EIS contents when prior nonproject EIS
- 444 Elements of the environment
- 448 Relationship of EIS to other considerations
- 450 Cost-benefit analysis
- 455 Issuance of DEIS
- 460 Issuance of FEIS

(1988 Code § 16.04.140; amd. 2007 Code)

- B. EIS Preparation; Additional Considerations ~~(Washington Administrative Code 173-806-120)~~:
1. Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the responsibility of the city administrator. Before the city issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Washington administrative code chapter 197-11.
 2. The DEIS and FEIS or draft and final SEIS shall be prepared by city staff, the applicant, or by a consultant selected by the city or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official shall notify the applicant of the city's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.
 3. The city may require an applicant to provide information the city does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. (1988 Code § 16.04.150)

5-1-4: COMMENTING:

- A. Purpose of Section; Adoption by Reference ~~(Washington Administrative Code 173-806-128)~~: This section contains rules for consulting, commenting and responding on all environmental documents under SEPA, including the rules for public notice and hearings. The city adopts the following sections by reference, as supplemented in this ~~section~~chapter:

- WAC 197-11-500 Purpose of this part
- 502 Inviting comment
- 504 Availability and cost of environmental documents
- 508 SEPA register
- 535 Public hearings and meetings
- 545 Effect of no comment
- 550 Specificity of comments
- 560 FEIS response to comments
- 570 Consulted agency costs to assist lead agency

(1988 Code § 16.04.160)

- B. Public Notice ~~(Washington Administrative Code 173-806-130)~~: Whenever the city issues a DNS under Washington administrative code 197-11-340(2) or a DS under Washington administrative code 197-11-360(3), the city shall give public notice as follows:
1. If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.
 2. If ~~no~~ public notice is required for the permit or approval, the city shall give notice of the DNS or DS by:
 - a. Posting the property, for site specific proposals;

- b. Publishing notice in a newspaper of general circulation in the county, city or general area where the proposal is located.
- 3. Whenever the city issues a DS under Washington administrative code 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in Washington administrative code 197-11-620, notice of the availability of those documents shall be given by:
 - a. Indicating the availability of the DEIS in any public notice required for a nonexempt license; and
 - b. Posting the property, for site specific proposals;
 - c. Publishing notice in a newspaper of general circulation in the county, city or general area where the proposal is located.
- 4. Whenever possible, the city shall integrate the public notice required under this subsection with existing notice procedures for the city's nonexempt permit(s) or approval(s) required for the proposal.
- 5. The city may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense. (1988 Code § 16.04.170)
- 6. Documents which are required to be sent to the department of ecology under the chapter 197-11 WAC will be published in the SEPA register, which will also constitute a form of public notice. However, publication in the SEPA register shall not, in itself, meet compliance with this section.
- C. Consulted Agency Responsibilities ~~(Washington Administrative Code 173-806-140)~~:
 - 1. The city administrator shall be responsible for preparation of written comments for the city in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.
 - 2. The city administrator shall be responsible for the city's compliance with Washington administrative code 197-11-550 whenever the city is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city. (1988 Code § 16.04.180)

5-1-5: EXISTING ENVIRONMENTAL DOCUMENT USE:

- A. Purpose Of Section; Adoption By Reference ~~(Washington Administrative Code 173-806-150)~~: This section contains rules for using and supplementing existing environmental documents prepared under SEPA or national environmental policy act (NEPA) for the city's own environmental compliance. The city adopts the following sections by reference:
 - WAC 197-11-600 When to use existing environmental documents
 - 610 Use of NEPA documents
 - 620 Supplemental environmental impact statement--procedures
 - 625 Addenda--procedures
 - 630 Adoption--procedures
 - 635 Incorporation by reference--procedures
 - 640 Combining documents

(1988 Code § 16.04.190)

5-1-6: SEPA AND AGENCY DECISIONS:

- A. Purpose of Section; Adoption by Reference ~~(Washington Administrative Code 173-806-155)~~: This section contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This subsection also contains procedures for appealing SEPA determinations to agencies or the courts. The city adopts the following sections by reference:
- WAC 197-11-650 Purpose of this part
 - 655 Implementation
 - 660 Substantive authority and mitigation
 - 680 Appeals

(1988 Code § 16.04.200)

- B. Substantive Authority ~~(Washington Administrative Code 173-806-160)~~:
1. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the city.
 2. The city may attach conditions to a permit or approval for a proposal so long as:
 - a. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; and
 - b. Such conditions are in writing; and
 - c. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
 - d. The city has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
 - e. Such conditions are based on one or more policies in subsection B4 of this section and cited in the license or other decision document.
 3. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:
 - a. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in an FEIS or final SEIS prepared pursuant to this chapter; and
 - b. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
 - c. The denial is based on one or more policies identified in subsection B4 of this section and identified in writing in the decision document.
 4. The city designates and adopts by reference the following policies as the basis for the city exercise of authority pursuant to this subsection:

- a. The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs and resources to the end that the state and its citizens may:
- (1) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
 - (2) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
 - (3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
 - (4) Preserve important historic, cultural and natural aspects of our national heritage;
 - (5) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
 - (6) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
 - (7) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
- b. The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment. (1988 Code § 16.04.210)

- C. Appeal to Local Legislative Body: No appeal to the local legislative body shall be allowed. (1988 Code § 16.04.220)

5-1-7: DEFINITIONS:

- A. Purpose of Section; Adoption by Reference (~~Washington Administrative Code 173-806-175~~): This section contains uniform usage and definitions of terms under SEPA. The city adopts the following sections by reference, as supplemented by Washington Administrative Code 173-8026-040:
- | | |
|----------------|-----------------------|
| WAC 197-11-700 | Definitions |
| -702 | Act |
| -704 | Action |
| -706 | Addendum |
| -708 | Adoption |
| -710 | Affected tribe |
| -712 | Affecting |
| -714 | Agency |
| -716 | Applicant |
| -718 | Built environment |
| -720 | Categorical exemption |

- 721 Closed record appeal
- 722 Consolidated appeal
- 724 Consulted agency
- 726 Cost-benefit analysis
- 728 County/city
- 730 Decision maker
- 732 Department
- 734 Determination of nonsignificance (DNS)
- 736 Determination of significance (DS)
- 738 EIS
- 740 Environment
- 742 Environmental checklist
- 744 Environmental document
- 746 Environmental review
- 750 Expanded scoping
- 752 Impacts
- 754 Incorporation by reference
- 756 Lands covered by water
- 758 Lead agency
- 760 License
- 762 Local agency
- 764 Major action
- 766 Mitigated DNS
- 768 Mitigation
- 770 Natural environment
- 772 NEPA
- 774 Nonproject
- 776 Phased review
- 778 Preparation
- 780 Private project
- 782 Probable
- 784 Proposal
- 786 Reasonable alternative
- 788 Responsible official
- 790 SEPA
- 792 Scope
- 793 Scoping
- 794 Significant
- 796 State agency
- 797 Threshold determination
- 799 Underlying governmental action

(1988 Code § 16.04.230; amd. 2007 Code)

~~5-1-8: CATEGORICAL EXEMPTIONS:~~

~~A. Purpose Of Section; Adoption By Reference (Washington Administrative Code 173-806-180): The city adopts by reference the following rules for categorical exemptions, as supplemented in this chapter, including Washington administrative code 173-806-070 (flexible thresholds), 173-806-080 (use of exemptions), and 173-806-190 (critical areas):~~

~~WAC 197-11-800—Categorical exemptions~~

~~-880—Emergencies~~

~~-890—Petitioning DOE to change exemptions~~

~~(1988 Code § 16.04.240; amd. 2007 Code)~~

5-1-~~89~~: AGENCY COMPLIANCE:

A. Purpose of Section; Adoption by Reference (~~Washington Administrative Code 173-806-185~~): This subsection contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating environmentally sensitive areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The city adopts the following sections by reference, as supplemented by Washington administrative code 173-806-045 through 173-806-043 and this section:

WAC 197-11-900 Purpose of this part

-902 Agency SEPA policies

-916 Application to ongoing actions

-920 Agencies with environmental expertise

-922 Lead agency rules

-924 Determining the lead agency

-926 Lead agency for governmental proposals

-928 Lead agency for public and private proposals

-930 Lead agency for private projects with one agency with jurisdiction

-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city

-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies

-936 Lead agency for private projects requiring licenses from more than one state agency

-938 Lead agencies for specific proposals

-940 Transfer of lead agency status to a state agency

-942 Agreements of lead agency status

-944 Agreements on division of lead agency duties

-946 DOE resolution of lead agency disputes

-948 Assumption of lead agency status

(1988 Code § 16.04.250)

- B. Fees ~~(Washington Administrative Code 173-806-200)~~: The city shall require the following fees for its activities in accordance with the provisions of this chapter: (1988 Code § 16.04.260)
1. Threshold Determination: For every environmental checklist, the city shall collect a fee of one hundred dollars (\$100.00) from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee. (1988 Code § 16.04.260; amd. 2007 Code)
 2. Environmental Impact Statement:
 - a. When the city is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the city, the city may charge and collect a reasonable fee from any applicant to cover costs incurred by the city in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.
 - b. The responsible official may determine that the city will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some person or entity other than the city and may bill such costs and expenses directly to the applicant. The city may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the city and applicant after a call for proposals.
 - c. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subdivision B2a or B2b of this section which remain after incurred costs are paid.
 3. The city may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal.
 4. The city may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Revised Code of Washington chapter 42.17. (1988 Code § 16.04.260)

~~C. Severability (Washington Administrative Code 173-806-220): If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected. (1988 Code § 16.04.270)~~

5-1-~~910~~: FORMS:

- A. Adoption by Reference (Washington Administrative Code 173-806-230): The city adopts the following forms and sections by reference:
- WAC 197-11-960 Environmental checklist
 - 965 Adoption notice

- 970 Determination of nonsignificance (DNS)
- 980 Determination of significance and scoping notice (DS)
- 985 Notice of assumption of lead agency status
- 990 Notice of action

(1988 Code § 16.04.280)

5-1-10: SEVERABILITY

- A. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected. (1988 Code § 16.04.270)
-

5-2-2: PUBLIC NUISANCE DECLARED AND DEFINED:

- C. Code Violation as Nuisance. Notwithstanding any other definition of nuisance in this Chapter, a violation of any of the following titles of the Long Beach city code shall constitute a public nuisance and shall be subject to the provisions of Title 14 and to abatement as provided by law: Building Regulations (Title 10); Unified Development Regulations (Title 11), Zoning Regulations (Title 12) or Critical Areas Regulations (Title 13).

ORDINANCE No. 917

AN ORDINANCE OF THE CITY OF LONG BEACH, WASHINGTON ADOPTING REVISIONS TO TITLE 6, POLICE AND PUBLIC SAFETY, AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT

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

WHEREAS, the purpose of the Police and Public Safety title of the city code of City of Long Beach, Washington, is to establish a protective system of police, fire, and animal control, and to enumerate the criminal code and code relative to minors, and other matters; and

WHEREAS, the City engaged the services of an attorney to review its codes and make revisions; and

WHEREAS, the City has undertaken a public process to receive input from its citizens, property owners, and decision-makers; and

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

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

Section 1. Findings

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

- (1) The proposed ordinance amendments are necessary to protect the health, safety, and general welfare of the community.
- (2) The proposed ordinance amendments are necessary to ensure the Long Beach city code is internally consistent and also consistent with state codes.

Section 2. Adoption

Amendments to Title 6, Police and Public Safety, attached hereto, are hereby adopted.

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.

Section 4. Repeal

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

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.

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 3rd day of August, 2015.

AYES 0

NAYS 0

ABSENT 0

ABSTENTIONS 0

Robert Andrew, Mayor
ATTEST:

Helen Bell, City Clerk

ATTACHMENT TO ORDINANCE No. 917 AMENDMENTS TO TITLE 6: POLICE AND PUBLIC SAFETY

6-5-1: PRELIMINARY STATEMENT:

- A. This chapter shall be known as, and may be cited as, the Long Beach criminal code.
- B. The provisions of this criminal code shall apply to any offense committed on or after ~~on~~ the date of adoption of this code.
-

6-5-4: CLASSES OF CRIMES:

Any offense defined by this criminal code for which a sentence of imprisonment is authorized constitutes a violation of city ordinance and is a crime. Crimes are classified as gross misdemeanors or misdemeanors as provided in this code or in each statute adopted by reference. (2007 Code)

6-5-10: THROWING WATER BALLOONS AND EGGS:

- A. Prohibition: It is unlawful to throw or explode any type of water balloon or any other balloon containing a liquid substance, or eggs, at any time, within one hundred feet (100') of either side of Pacific Avenue from the southern right of way of Tenth Street South to the northern right of way of Bolstad Avenue. (1988 Code § 8.04.030)
- B. Violation; Penalty: Any person who violates this section has committed an infraction and shall be subject to penalty as provided in section 1-4-1 of this code. If the violator is under the age of eighteen (18), the parents and/or guardian shall be held liable. (1988 Code § 8.04.050; amd. 2007 Code)

ORDINANCE No. 918

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

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

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

WHEREAS, the City engaged the services of an attorney to review its codes and make revisions; and

WHEREAS, the City has undertaken a public process to receive input from its citizens, property owners, and decision-makers; and

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

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

Section 1. Findings

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

- (1) The proposed ordinance amendments are necessary to protect the health, safety, and general welfare of the community.
- (2) The proposed ordinance amendments are necessary to ensure the Long Beach city code is internally consistent and also consistent with state codes.

Section 2. Adoption

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

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.

Section 4. Repeal

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

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.

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 3rd day of August, 2015.

AYES 0

NAYS 0

ABSENT 0

ABSTENTIONS 0

Robert Andrew, Mayor
ATTEST:

Helen Bell, City Clerk

ATTACHMENT TO ORDINANCE No. 918 AMENDMENTS TO TITLE 10: BUILDING REGULATIONS

10-2-12: APPEALS

Appeals of orders, decisions, or determinations made by the building official or fire marshal relative to the application and interpretation of the City's adopted building codes, set forth in Section 10-2-1, and fire code, set forth in Section 10-2-2, shall be to the hearing examiner. Those parties of record aggrieved by the decision of the building official or fire marshal ~~local administrator~~ may appeal such decision to the hearing examiner as provided in Section 11-2C-14 of this code.

10-2-1: BUILDING CODES ADOPTED:

A. The model codes listed below, as approved and adopted by the state building code council except as noted, together with any amendments or additions, modifications, or recodifications are hereby adopted by this reference. These codes must apply to all new construction, remodeling, or repairs. Copies of the codes are on file for inspection in the office of the building department of the city.

1A. International Building Code – Most current cycle adopted by the State of Washington (includes International Code Council/American National Standards Institute A117.1– Accessible and Useable Buildings and Facilities as well as the International Existing Building Code);

~~B. International Existing Building Code— Most current cycle adopted by the State of Washington;~~

2C. International Residential Code – Most current cycle adopted by the State of Washington, with the following exceptions;

a1. For multi-family residential structures of five (5) or more dwelling units, automatic fire sprinkling systems are required;

b2. Any structure located west of State Route 103 (also identified as Pacific Highway or Pacific Avenue), or in areas of exposure category C or D, shall use asphalt felt as the water-resistive barrier. Products that incorporate asphalt felt as a component layer of protection will be subject to approval by the Long Beach building inspector.

3D. International Mechanical Code – Most current cycle adopted by the State of Washington (includes the Liquefied Petroleum Gas Code (National Fire Protection Association [NFPA] 58) and the National Fuel Gas Code (NFPA 54) for LP Gas;

~~4E.~~ Uniform Plumbing Code – Most current cycle adopted by the State of Washington;

~~5F. Liquefied Petroleum Gas Code (NFPA 54) for LP Gas – Most current cycle adopted by the State of Washington;~~

~~G. Uniform Housing Code 1997, adopted by the City independently of the Washington State Building Code Council;~~

~~5H.~~ Uniform Swimming Pool, Spa, and Hot Tub Code 2006;

~~I. International Property Maintenance Code 2009, adopted by the city independently of the Washington state building code council;~~

~~6J.~~ Washington State barrier fee regulations;

~~7K.~~ National Electrical Code (NFPA 70) – Most current edition as adopted by the State of Washington;

~~8L.~~ International Energy Conservation Code/Washington State Energy Code – Most current cycle adopted by the State of Washington;

~~9M.~~ Washington State Historic Building Code – Most current cycle adopted by the State of Washington; and

~~10N.~~ Washington State Ventilation and Indoor Air Quality Code; (Ord. 889, 4-13-2013)

~~11.~~ Uniform Housing Code 1997, adopted by the City independently of the Washington State Building Code Council;

~~B.~~ The City hereby adopts by this reference the following codes together with any amendments or additions, modifications, or recodifications thereto:

~~1.~~ International Property Maintenance Code 2009, adopted by the city independently of the Washington State Building Code Council;

~~2.~~ Uniform Code for the Abatement of Dangerous Buildings 1997, adopted by the city independently of the Washington State Building Code Council;

10-2-2: FIRE CODE:

~~A.~~ International Fire Code Adopted: The most current edition adopted by the State of Washington 2012 international fire code is hereby adopted in its entirety for the

purpose of describing regulations governing conditions hazardous to life and property, fire, or explosion.

1. The city does not adopt Section 903.2.8: Group R requiring automatic sprinkler systems in all residential dwellings in its entirety. The city does not require such systems in residential buildings of four (4) or fewer dwelling units.

B. Applicability:

1. The provisions of this section shall apply to all buildings constructed or developed within the city limits, when the buildings will be served by water mains and fire hydrants capable of delivering the required fire flow and installed as required by this section, unless specifically exempted by this section, or unless waived or modified by the fire marshal.
2. Decisions of the fire marshal are deemed to be made in the best interest of, and with the concurrence of, an affected fire district in the absence of any credible evidence to the contrary. (Ord. 889, 4-13-2013)

10-2-4: BUILDING PERMITS AND FEES:

A. Permit Requirements:

1. Permit Required: No building or other structure may be erected, moved, added to, or structurally altered without a permit issued by the building official. No building permit may be issued except in conformity with the provisions of this title.
2. Application ~~a~~And Accompanying Documents: All applications for building permits must be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building or alteration. The application must include such other information as lawfully may be required by the building official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this title.
3. Plans Required: One copy of the plans will be returned to the applicant by the building official after marking such copy approved or disapproved and attest to same by having signed such copy. The second copy of the plans will be retained by the building official.

4. Time Limit To Begin Work: If work described in any building permit has not begun within one hundred eighty (180) days from the date of issuance of the permit, the permit will expire, unless an extension(s) has been granted in writing by the building official for periods no more than one hundred eighty (180) days each. The permit will be canceled by the building official, and written notice must be given to the applicant. (Ord. 847, 8-17-2009)

B. Building Permit Fees:

1. The city hereby adopts by reference building permit fees, which are set forth in table 1-A of the 1997 uniform building code as amended and the building valuation data schedule as published in the most current "Building Safety Journal" of the International Code Council and are on file for inspection in the building department at the Long Beach city hall. Values of structures not listed in the schedule herein will be determined by a bid from a licensed contractor. Permit fees for work other than new construction and additions or not otherwise listed, including, but not limited to, alterations, remodeling, mechanical permits and demolition, shall be established by resolution of the city council.

a. All valuations that are less than \$5,000.00 will be doubled for the purpose of calculating permit fees.

2. Additionally, the fees for manufactured house placement are as follows:

Singlewide	\$250.00
Doublewide	\$350.00
Triplewide	\$450.00

3. Once an application is made and fee paid, an applicant may withdraw the application. If at the time of withdrawal plan review is not yet initiated, the city may refund up to fifty percent (50%) of the building permit fee. Once plan review is initiated, the city will retain the entire fee and refund shall not occur. (Ord. 868, 4-4-2011)

4. In accordance with Section 109.4 of the International Building Code, all work commencing before issuance of a building permit will result in a monetary fee of one hundred percent (100%) of the building permit fee in addition to the original permit fee, or a doubling of the fee.

- C. Water and Sewer Connection: No building permits for primary use structures shall be issued without the applicant having first paid water and sewer connection fees and secured a side sewer permit. (Ord. 847, 8-17-2009)

ORDINANCE No. 919

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

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

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

WHEREAS, the city engaged the services of an attorney to review its codes and make revisions; and

WHEREAS, the City has undertaken a public process to receive input from its citizens, property owners, and decision-makers; and

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

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

Section 1. Findings

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

- (1) The proposed ordinance amendments are necessary to protect the health, safety, and general welfare of the community.
- (2) The proposed ordinance amendments are necessary to ensure the Long Beach city code is internally consistent and also consistent with state codes.

Section 2. Adoption

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

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.

Section 4. Repeal

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

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.

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 3rd day of August, 2015.

AYES 0

NAYS 0

ABSENT 0

ABSTENTIONS 0

Robert Andrew, Mayor
ATTEST:

Helen Bell, City Clerk

ATTACHMENT TO ORDINANCE No. 919

AMENDMENTS TO TITLE 11: UNIFIED DEVELOPMENT REGULATIONS

11-2A-1: CITY COUNCIL: In addition to other powers and duties prescribed in this code, the city council is vested with the authority to:

- A. Approve, approve with conditions or modifications, or deny applications for amendments to the comprehensive plan or this title, amendments to Title 12 (Zoning), rezones, and annexation by direct petition, after considering the findings and recommendations of the planning commission.
- B. Review findings and recommendations of the planning commission regarding applications.
- C. Base all decisions on the criteria established in this title or other applicable laws.
- D. Require any applicant granted final plat approval to post a bond or other acceptable security with the city to assure the applicant and/or his successors in interest shall adhere to the approved plat and all conditions attached to the final plat approval.
- E. Review and act upon any recommendations of the community development director or planning commission for amendments to or revisions of the comprehensive plan or the provisions of this title.
- ~~F. Hear appeals from hearing examiner and/or administrative permit decisions as specified in this title.~~
- FG. Perform other duties as outlined in the latest edition of the "City of Long Beach Shoreline Master Program" and the latest edition of the "City of Long Beach Comprehensive Flood Hazard Management Plan".
- GH. Perform other duties as outlined in this title.

11-2C-4: PROJECT REVIEW PROCEDURES: The Community Development Director shall have authority to classify any permit not expressly classified or indicated by this title. Review of a proposed action shall be by one of the following procedures, in increasing order of discretion utilized: minor administrative (ministerial), administrative, hearing examiner, or legislative.

- D. Legislative review shall be conducted in those circumstances where the city council is exercising its authority as a quasi-judicial decision-making body for actions including and not limited to ~~appeals of hearing examiner decisions~~, final

plats, changes to codes, and re-zonings. Substantial to complete discretion may be exercised by the city council as reviewer. Legislative review shall be subject to all permit processing procedures described in Subsection 11-2C-3A of this title.

11-2C-14: APPEALS:

- D. Administrative Decisions. An aggrieved person who is a party of record may appeal any final decision of an administrative official to the hearing examiner ~~(except for administrative design review decisions appealed to the city council under section 12-10-8 of title 12 [Zoning])~~. The appeal must be in writing in accordance with this title and shall be filed with the city clerk within twenty one (21) fourteen (14) calendar days of the date of the action being appealed. If an open record public hearing was not held as part of the administrative approval, then the hearing examiner shall conduct an open record hearing. Otherwise, the appeal to the hearing examiner shall be a closed record appeal.
- ~~1. When an appeal of an administrative design review decision is made subject to procedures of section 12-10-8 of title 12 (Zoning), the city council shall request a recommendation from the planning commission before taking action.~~
- E. Planning Commission Decisions. An aggrieved person who is a party of record may appeal a planning commission decision to the hearing examiner ~~city council~~. The appeal must be in writing in accordance with this title and shall be filed with the city clerk within twenty one (21) fourteen (14) calendar days of the date of the action being appealed. If an open record public hearing was not held as part of the planning commission decision, then the hearing examiner ~~city council~~ shall conduct an open record hearing. Otherwise, the appeal to ~~the city council~~ the hearing examiner shall be a closed record appeal.
- F. Hearing Examiner Decisions. An aggrieved person who is a party of record may appeal a hearing examiner decision to the Pacific County Superior Court or to the appropriate Shorelines Hearings Board or Growth Management Hearings Board ~~city council, if the examiner's decision is not a "final action"~~. The appeal must be in writing in accordance with this title and shall be filed with the city clerk within fourteen (14) twenty-one (21) calendar days of the date of the action being appealed. If an open record public hearing was not held as part of the hearing examiner decision, then the Pacific County Superior Court ~~city council~~ shall conduct an open record hearing. Otherwise, the appeal proceeding of the to the Pacific County Superior Court ~~city council~~ shall be a closed record appeal. In the case of appeals from Administrative Decisions, all decisions under the Shorelines Management Act, and any other decision of the hearing examiner that is designated in the Long Beach Municipal Code as a final action, the appeal is to:
1. Pacific County Superior Court if it is subject to the Land Use Petition Act (RCW 36.70C);

2. The Shorelines Hearings Board if it is a Shorelines Management Act decision;
or
3. To the appropriate Growth Management Hearings Board if it is an action
subject to the Growth Management Act (RCW 36.70A).

11-4C-10: APPEALS: The decision of the hearing examiner on the preliminary plat may be appealed to the Pacific County Superior Court ~~city council~~ in accordance with Section 11-2C-14 of this title.

11-2D-1: VARIANCES:

B. Required Showings, Title 12 Variances: Before any variance may be granted, it shall be shown:

1. Strict application of the bulk, dimensional or performance standards set forth in this title precludes or significantly interferes with a reasonable use of the property not otherwise prohibited.
2. Need for the variance is directly related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the zoning regulations and not, for example, from deed restrictions or the applicant's own actions.
3. The design of the project is compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties.
4. The requested variance does not constitute a grant of special privilege not enjoyed by other properties in the area, and is the minimum necessary to afford relief.
5. The public interest will not suffer any substantial detrimental effect.

6. To grant a variance from the city's design requirements in Title 12, Chapter 10 for additions or modifications to existing nonresidential buildings that do not conform to the design requirements, the hearing examiner must also take the following into consideration:

- a. The hearing examiner must make an affirmative finding that a strict enforcement of the design requirements would result in a building appearance or site condition substantially incompatible with the existing building.

b. No variance from the city's design requirements shall be granted to any nonconforming use.

c. No variance from the city's design requirements shall be granted to any structure that is in violation of any bulk, density, or setback standard.

d. No variance from the city's design requirements shall be granted for accessory structures on a single property.

e. Any proposed addition shall contain at least one common wall to the existing structure.

f.7. No variance from the city's design requirements shall be granted if:

a.1. For buildings with an existing floor of one thousand (1,000) square feet or less, the addition exceeds five hundred (500) square feet; or

b2. For buildings with an existing floor area greater than one thousand (1,000) square feet, the proposed addition is greater than fifty percent (50%) of the existing building.

11-1-7: INTERPRETATION:

- D. Definitions: Unless specifically defined below, words or phrases used in this title shall be interpreted so as to give them the meanings they have in common usage and to give this title its most reasonable application. For purposes of this title, the following words and terms shall have the meanings designated in this section:

VESTING: A land use application is considered under only the land use statutes and ordinances in effect at the time the city deems the application complete.

11-11-11: VESTING OF APPLICATIONS:

A. This section applies in the context of building permit applications (RCW 19.27.095), short subdivision and subdivision applications (RCW 58.17.033), and development agreements (RCW 36.70B.180),

B. An application described herein utilizing vested rights shall be subject to all land use and development statutes, regulations, and ordinances in effect on the vesting date.

C. Applications shall be considered vested on the date a written determination of completeness is mailed (postmarked) or hand delivered to the applicant or the applicant's designee. The community development director's issuance of a written determination of completeness pursuant to 11-2C-8, or the failure of the community

development director to provide such a written notice within twenty-eight (28) days of the date it is mailed or hand delivered, shall cause an application to be conclusively deemed vested.- The applicable date is known as the vesting date.

D. Supplemental information required after vesting of a complete application shall not affect the validity of vesting for such application unless the information is requested because incorrect information is submitted by the applicant and-if the incorrect information would materially affect the final decision on the application.

E. Modifications required by the community development director to a pending application, other than those set forth in subsection D of this section, shall not be deemed a new application and shall not affect vesting.

F. An applicant-requested modification occurring either before or after issuance of the permit shall eliminate vesting, when such modification would result in a substantial change in a project's review requirements, as determined by the community development director. Under such a condition, the application will be deemed a new application. Examples of a substantial change include modifications resulting in a different type of decision (e.g., Administrative to Hearing Examiner), or a change requiring a new SEPA threshold determination. Modifications that reduce the scope of a proposal or reduce environmental impacts would not be considered a substantial change.

G An application that is deemed complete is vested for the specific use, density, and physical development that is identified in the application submittal.

H. Building permits that may subsequently be required to construct or complete a vested land use project shall be considered new applications under the building code and shall be subject to the edition of the building code in place at the time application is made.

I. Nothing herein shall restrict the community development director's authority to impose conditions on project permits pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW and Chapter 197-11 WAC.

J. Nothing herein shall be construed to restrict the community development director's ability, to the extent otherwise permitted by law, to apply new regulations to a project permit or project permit application upon a finding that a change in conditions creates a serious threat to the public health and safety.

K. If the application expires, a new application may be filed with the city but will not be considered vested under the expired application and instead shall be subject to the development regulations in effect on the date of the new application.

ORDINANCE No. 920

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

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

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

WHEREAS, the City engaged the services of an attorney to review its codes and make revisions; and

WHEREAS, the City has undertaken a public process to receive input from its citizens, property owners, and decision-makers; and

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

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

Section 1. Findings

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

- (1) The proposed ordinance amendments are necessary to protect the health, safety, and general welfare of the community.
- (2) The proposed ordinance amendments are necessary to ensure the Long Beach city code is internally consistent and also consistent with state codes.

Section 2. Adoption

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

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.

Section 4. Repeal

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

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.

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 3rd day of August, 2015.

AYES 0

NAYS 0

ABSENT 0

ABSTENTIONS 0

Robert Andrew, Mayor
ATTEST:

Helen Bell, City Clerk

ATTACHMENT TO ORDINANCE No. 920
AMENDMENTS TO TITLE 13: CRITICAL AREAS REGULATIONS

13-3-9: EXEMPTIONS: The following developments, activities, or associated uses are exempt from provisions of this title, provided they are consistent with provisions of other applicable local, state, and federal laws and requirements:

- B. **Vegetation management** that is part of ongoing maintenance of uses, facilities, infrastructure, public rights-of-way, or utilities, provided the vegetation management activity does not expand further into the critical area or its buffer is exempt.
-

ORDINANCE No. 921

AN ORDINANCE OF THE CITY OF LONG BEACH, WASHINGTON ADOPTING REVISIONS TO TITLE 14, ENFORCEMENT, AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT

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

WHEREAS, the purpose of the Enforcement Procedures Ordinance of the City of Long Beach, Washington, is to exercise the City's police power in order to provide for protection of the public health, safety, and welfare of the City of Long Beach, to promote economic development of the City by facilitating enforcement of City codes, and to ensure due process for those Responsible Parties upon whom the City may enforce its codes; and

WHEREAS, the City engaged the services of an attorney to review its codes and make revisions; and

WHEREAS, the City has undertaken a public process to receive input from its citizens, property owners, and decision-makers; and

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

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

Section 1. Findings

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

- (1) The proposed ordinance amendments are necessary to protect the health, safety, and general welfare of the community.
- (2) The proposed ordinance amendments are necessary to ensure the Long Beach city code is internally consistent and also consistent with state codes.

Section 2. Adoption

Amendments to Title 14, Enforcement, attached hereto, are hereby adopted.

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.

Section 4. Repeal

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

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.

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 3rd day of August, 2015.

AYES 0

NAYS 0

ABSENT 0

ABSTENTIONS 0

Robert Andrew, Mayor
ATTEST:

Helen Bell, City Clerk

ATTACHMENT TO ORDINANCE No. 921 AMENDMENTS TO TITLE 14: ENFORCEMENT

14-3-2: ENFORCEMENT METHOD NO. 2: NOTICE OF VIOLATION AND ABATEMENT:

B. The Notice of Violation and Abatement shall contain the following:

1. Statement that if the responsible party to whom the Notice of Violation and Abatement is issued fails to submit a Notice of Appeal within twenty one (21)-fourteen (14)-calendar days of issuance or fails to voluntarily abate the nuisance within the time specified in the Notice of Violation and Abatement, the City may abate the nuisance upon issuance of an abatement order or other written permission to access the site for purposes of abatement from the Pacific County Superior Court;

14-3-3: ENFORCEMENT METHOD NO. 3: NOTICE OF VIOLATION, CIVIL PENALTY AND NOTICE THEREOF, ABATEMENT:

B. The Notice of Violation shall contain the following:

6. Statement that abatement procedures, as described in this chapter, may be implemented if civil penalties reach more than one thousand dollars (\$1,000) upon issuance of an abatement order or other written permission to access the site for purposes of abatement from the Pacific County Superior Court;

14-5-1: ABATEMENT PROCESS:

A. Access. ~~Using any lawful means~~ Upon receiving an abatement order or other written permission to access the subject property from the Pacific County Superior Court, the City may enter upon the subject property or premises and may remove or correct the condition that is subject to abatement. If the owner of the premises does not consent to entry, the City may seek such judicial process as it deems necessary to effect the removal or correction of such condition.

TAB — F



**CITY COUNCIL
AGENDA BILL
AB 15-44**

Meeting Date: August 3, 2015

AGENDA ITEM INFORMATION

SUBJECT: Dune to Pond Trail – Authorize Staff to Acquire Cultural Resources Support

Originator:

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

COST: N/A

Water/Wastewater Supervisor

Tourism & Events Coordinator

SUMMARY STATEMENT: Planning for the Dune to Pond Trail is in full swing. City staff with support of the City Engineer and input from WashDOT have determined that a cultural resources survey (historic/archaeological) is required. As staff reported at the last Council meeting, the City has issued a Request for Qualifications/Proposals (an RFQ/P, attached) and has made that RFQ/P available to the consulting cultural resources management community. The project will soon be advertised in the Seattle and Portland editions of the Journal of Commerce. Responding submittals are due to the City by end of business on August 24, 2015. Staff seeks authorization from Council to select (with the support of the City Engineer) the most qualified cultural team and to enter into negotiations. Any Agreement would be brought to the Council under another agenda bill for review and for authorizing the Mayor to execute.

RECOMMENDED ACTION: Authorize staff to review submittals, select the most qualified consultant, and enter into negotiations. Require staff to bring the negotiated agreement to the Council to authorize execution by the Mayor at a subsequent Council meeting.

**CITY OF LONG BEACH, WASHINGTON
COMMUNITY DEVELOPMENT DEPARTMENT
REQUEST FOR QUALIFICATIONS/PROPOSALS (RFQ/P)
PROPOSED DUNE TO POND TRAIL PROJECT**

CULTURAL RESOURCES SURVEY AND ASSESSMENT AND 4(f) INPUT

July 23, 2015

1.0 INTRODUCTION

The City of Long Beach, Washington, Community Development Department, hereinafter referred to as the City, invites proposals from qualified entities to provide cultural resources surveys, assessments, and 4(f) evaluation input for the proposed Dune to Pond Trail project. The City intends to develop approximately 3,500 linear feet of west-east trending trail across the City, connecting the Discovery Trail and the City's near-ocean boardwalk located on the west side of the City to a new pier to be constructed at Culbertson Park Pond, located on the east side of the City. The proposed project is in part assisted by funds administered by the Washington State Department of Transportation, and originating from the Federal Highway Administration. Work is expected to commence October 15 and be concluded by December 15, 2015.

If you have interest in this solicitation, please advise the City via an e-mail to planner@longbeachwa.gov. Please put "Dune to Pond Trail RFQ/P" in the subject line. If you do not receive a return e-mail within 2 business days, please telephone Gayle Borchard at 360.642.4421. Should there be amendments or additional information regarding this solicitation the City will contact you via e-mail.

1.1 TYPE OF SOLICITATION

This is a qualifications-based selection process, and **cost information is neither requested nor should be provided in your submittal.**

1.2 SUBMITTAL OF RFQ/P

Three (3) complete copies of your RFQ/P must be received by the City of Long Beach **no later than end of business on Monday August 24, 2015.** Faxes, emails, or postmarks are not acceptable; the City must have the actual hard-copy submittal in hand on that date. Please send your RFQ/P to:

Gayle Borchard, Director
City of Long Beach Community Development Department
PO Box 310
115 Bolstad West
Long Beach, WA 98631

ATTENTION: DUNE TO POND TRAIL RFQ/P

1.3 QUESTIONS ON THIS RFQ/P

Please refer any questions regarding the content of this RFQ/P in writing to Gayle Borchard, Director, Community Development, at planner@longbeachwa.gov. Please put "Dune to Pond RFQ/P" in the subject line. If you do not receive a response to your question within two (2) business days, please telephone Ms. Borchard at 360.642.4421.

1.4 THE FINE PRINT

The City reserves the right to reject any and all submittals.

If the City and the highest-ranked prospective Consultant fail to reach a contractual agreement, the City may commence negotiations with the second highest ranked Consultant.

The successful Consultant is required to provide evidence of insurance liability.

The successful Consultant shall maintain a current Long Beach City Business License for the duration of the project, and pay any applicable taxes.

The successful Consultant shall maintain the required professional licenses and registration during the life of the Contract with the City.

The City of Long Beach is an Equal-Employment Opportunity employer.

2.0 PROJECT DESCRIPTION

Please see Attachment A to this RFQ/P

3.0 SUBMITTAL REQUIREMENTS

Responsive submittals shall have three 3 parts:

1. Cover letter; maximum one (1) page
2. Qualifications; maximum three (3) pages + attachments
3. Proposal; maximum five (5) pages + attachments

While there is no page limit on attachments, a submittal that is complete yet concise will be valued.

For the sake of reviewers, text must be 11 point or larger.

Non-responsive submittals shall be rejected.

3.1 COVER LETTER (1 PAGE)

The cover letter must include a guarantee of the contents of the RFQ/P for ninety (90) days, barring a loss of key staff or other unforeseen circumstances beyond the control of the firm or team submitting the RFQ/P.

The cover letter must be signed by the firm Principal assigned to the project (see below).

3.2 QUALIFICATIONS (3 PAGES)

The qualifications portion of the submittal must include the information and items listed below, including main text—which should be concise—and attachments. The Consultant must be able to discern between what should be text and what should be supporting information located in the attachments. Any submittal that includes main text material in the attachments will be considered unresponsive.

1. A description of the firm (or team firms), location of principal offices, number of professional personnel available to work on the project.
2. Examples of recent relevant experience.
3. A minimum of three (3) client references, with contact information.
4. A project organizational diagram identifying project principal, project manager, and key personnel and their project roles.
5. The resume/curriculum vitae of the firm Principal who will commit the resources of the firm and ensure firm performance and client satisfaction.
6. The CV of the project manager who will have primary direct and continued responsibility for the project. This person will be the City's contact on all technical and administrative matters dealing with the project and will handle all day-to-day activities through to completion.
7. The CVs of key personnel/task leaders and a brief description of each of their roles/tasks.

Resumes or CVs should be limited to two a maximum of two (2) pages and detail the most recent and most relevant experience vis-à-vis technical and geographic experience.

3.3 PROPOSAL (5 PAGES)

The proposal portion of the submittal must include the information and items listed below, with the same proviso regarding attachments. The City should be able to easily tell from your proposal the Consultant responsibilities, the approach to work, the schedule, and the deliverables.

1. A task-wise detailed description of work to be performed, with identification of all deliverables.
2. A task-wise schedule identifying tasks, dependencies, and a total time frame to complete the project.
3. A task-wise estimate of the percentage of effort to be expended. No estimate of cost is requested and none should be provided.
4. Briefly describe any exceptions, additions or suggestions that will aid the selection process.

ATTACHMENT

- A Project Description

Dune to Pond Trail Project Description

1. Location

The proposed Dune to Pond Trail would be a new non-motorized multi-modal trail traversing central Long Beach east-west, and connecting the Culbertson Park sports complex, specifically Culbertson Park Pond, on the east with the existing Discovery Trail and boardwalk to the west. The proposed trail can be broken into three logical segments:

1. **Segment 1:** From the City's boardwalk and adjacent Discovery Trail, traversing a deflation plain and beach pine forest to 3rd Street SW;
2. **Segment 2:** Along developed 3rd Streets SW and SE (both residential and commercial development) entirely within existing rights-of-way across town to Culbertson Park;
3. **Segment 3:** From the western edge of Culbertson Park, skirting the park perimeter and terminating at a new pier constructed in Culbertson Park Pond.

Segment 2 would follow 3rd Street, and would be located adjacent to or nearby existing homes and businesses. In this area, existing utilities could pose constraints or otherwise influence trail location.

A conceptual project plan, identifying the location of the proposed project, is attached to this project description.

2. Need and Purpose

2.1 Need

The City of Long Beach has a recreation-dependent economy. While the city is home to numerous high-quality recreational facilities, many reside in isolation from the others. The city needs to create a cohesive system of recreation to facilitate and increase use of its facilities; to reduce vehicle miles traveled to and between facilities; to increase non-motorized transportation opportunities, especially for those with disabilities; and to provide an improved recreational experience for residents and visitors alike. Two major recreational assets located in Long Beach are the Culbertson Park sports complex located on the east side of the city, and the Discovery Trail/city boardwalk facilities. Better linkages between these two major recreational facilities would be a substantial first step to meeting the need described immediately above.

2.2 Purpose

Purposes of the proposed project are as follows:

1. Facilitate cross-town non-motorized transportation;
2. Improve the cohesion to the City's recreational facilities;
3. Facilitate non-motorized movement, especially for those with disabilities;
4. By connecting to the Discovery Trail, improve access between east Long Beach and points beyond the city limits, including but not limited to Seaview, Discovery Heights, Cape Disappointment, and Ilwaco.

In addition, the proposed project would accomplish the following community benefits:

1. Improve health by providing an active recreational and fitness feature;
2. Provide educational opportunities regarding the environment, especially interdunal wetland and forested habitats;
3. Provide educational opportunities regarding the area's history, especially of the Chinook Nation and the Lewis & Clark expedition;
4. Support youth art talent; and
5. Facilitate economic development.

3. Proposed Project Characteristics

Below are described the physical elements and activities required to plan, construct, and operate/maintain the proposed project, including but not limited to technical, economic, and environmental characteristics.

3.1 Project Elements

The Trail. The proposed Dune to Pond Trail would primarily serve as a transportation facility, and would also serve as a recreational, fitness, and interpretive facility. The proposed trail would trend east-west through the City of Long Beach for essentially the City's entire width, about 3,500 linear feet. It will be designed for use by pedestrians, bicyclists, and those with disabilities.

The trail would terminate on its east end in dock/pier located at the edge of and extending into Culbertson Park Pond. The trail would terminate on its west end at the Discovery Trail/boardwalk, and would therefore link two main recreational features in town. The trail would also link two distinctly different environments: a western dunal pine forest/interdunal wetland complex and saline ocean beach environment to an eastern freshwater pond/wetland complex.

The Dune to Pond Trail would be of varying widths, between 6 feet and 10 feet, depending on its location. The travel surface would be existing sidewalk, decomposed granite, asphalt, or wood/simulated wood, depending on its location. Anywhere the trail would cross Waters of the U.S., it will be constructed as a boardwalk on pin piles, or at the pond itself as a pier on pin piles. This would avoid direct impacts to Waters of the U.S., including wetlands; wetland buffer impacts are expected to occur, and would be fully mitigated using standard mitigation methods.

Interpretation. There will be several opportunities for interpretive panels to be placed along the trail. Fresh-water wetlands and small-pond ecology are of interest at and near the Culbertson Park pond; interdunal successional beach pine forest; interdunal wetland and deflation plain ecology toward the west, and dune, beach, and ocean ecology to the far west. There is also the opportunity to explore the contrast between the environment at the west end of the trail and the east end—in 3,500 linear feet there is a substantial change in environment. In addition, the western portion of the proposed trail would connect to the Discovery Trail, and opportunities exist in that location for interpretation regarding both the Lewis and Clark Expedition and First Nations People.

Public Art. Public art installations are planned at several locations along the trail. The city hopes to work with the Ocean Beach School District to identify local students whose senior project is art, and to support them in learning about how to create beautiful, durable, and interpretive public art. The students would create several works of art for installation along the trail, similar to the nearby Willapa Wildlife Refuge's Salmon Trail, a highly successful, fun, and beautiful trail/art experience. The City also hopes to work with the Chinook Nation to include an installation of native art along the environment.

3.2 Project Activities

Planning. Several key activities must occur prior to trail construction. Planning first entails identification of a need and project that addresses that need (see above). Next, a general idea of the proposed project and its location are defined, and opportunities and constraints are mapped. Mapping constraints assists in avoiding environmental impacts or factors that could negatively affect the project. Mapping opportunities assists in defining the routes best suited to address the project need and fulfill its purposes. This mapping is first conceptual, then refined through survey.

Another element of project planning is design. Based on the need for and purpose of the project, informed by identification of opportunities and constraints, and refined by survey data, engineers design a final route and cross sections.

The final element of project planning is permitting, where the engineered route and design are evaluated for their adherence to regulations.

Construction. It is estimated that it will take approximately 4 months to construct, beginning in spring of 2016 (weather permitting), and would generally follow this sequence:

1. Mark constraints/flag environmentally sensitive areas (wetlands, etc.)
2. Stake/flag trail alignment
3. Mark/flag stockpiling areas, if any
4. Install sediment control
5. Clear and grub
6. Grade/roll
7. Improve existing travel surface where needed
8. Install new pier and trail where needed
9. Install interpretive panels
10. Install public artwork
11. Landscape/restore
12. Remove pre-construction flagging and marking

Construction equipment would include at a minimum the following:

- Pile driver Excavator
- Caterpillar Roller/compactor
- Dump trucks Light-duty trucks
- Hand tools

Operation/Maintenance. Operation and maintenance requirements for the Dune to Pond Trail would include the following:

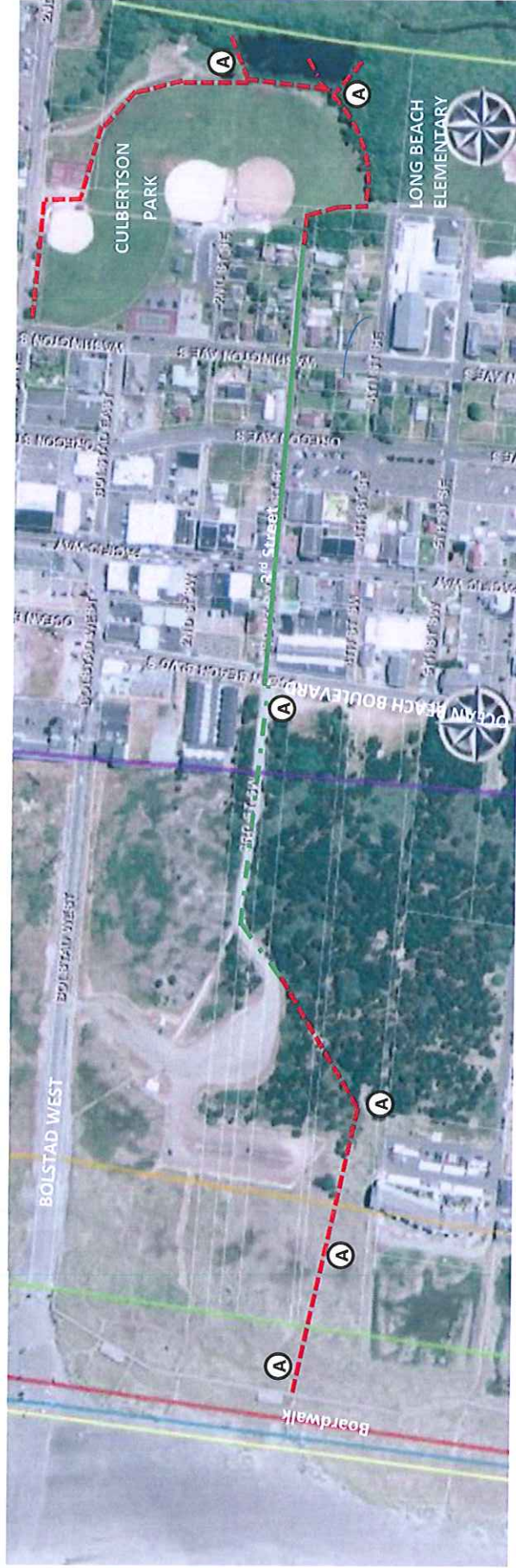
1. Litter/trash clean-up
2. Vegetation management

3. Signage (directional and interpretive) due to weather/vandalism
4. Artwork due to weather/vandalism
5. Access control due to vandalism
6. Replenishment of surfaces (decomposed gravel, asphalt, wood/simulated wood) as needed
7. Drainage features, if/as needed
8. Boardwalks/bridges/pier inspection

4. Environmental Review and Other Regulatory Processes

The project is funded in part with federal monies and therefore is required to undergo environmental review under the National Environmental Policy Act (NEPA). In addition, because this proposed transportation project has the potential to affect recreation lands—and/or depending on the result so of the work solicited by the RFP, historic sites—it is subject to evaluation under Section 4(f) of the Department of Transportation Act of 1966. Other federal environmental and/or regulatory issues or consultations may be identified during the planning phase of the project.

Given its location and nature, the proposed project will require evaluation and possible permitting under the City's Critical Areas Regulations and may require evaluation and permitting subject to the Washington State Shoreline Management Act (SMA) and the city's Shoreline Master Program (SMP). As such, the project will require environmental review pursuant to the Washington State Environmental Policy Act (SEPA). Other state or local environmental and/or regulatory issues may be identified during the planning phase of the project.



- Proposed trail/boardwalk/pier
- Existing trail/boardwalk (may require improvement)
- Existing paved street
- Existing unpaved street
- Art installation

August 26, 2010 version

Concept for an East-West Trail Across Long Beach

Benefits include the following:

- Education regarding fresh water and salt water environments, including habitat and wetlands
- Recreation
- Fitness
- Economic development
- Help establish Long Beach as a pedestrian-friendly community

TAB – G