

## AGENDA – Monday, October 3, 2016 7:00 p.m. City Council Meeting Long Beach City Hall 115 Bolstad Avenue West

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

Call to order

Mayor Phillips, Council Member Linhart, Council Member Caldwell,

And roll call

Council Member Murry, Council Member Hanson and Council Member Kemmer.

#### **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 three 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.

#### **CONSENT AGENDA - TAB A**

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, September 19, 2016 City Council Meeting
- Payment Approval List for Warrant Registers 56594-56622 & 80493-80570 for \$228,517.68

#### **BUSINESS**

- AB 16-50 Ordinance 930 Nonconforming Signs TAB B
- AB 16-51 Ordinance 931 Amendment Marijuana Regulations TAB C
- Ab 16-52 Request from Ocean Beach Hospital for trolley use TAB D

#### DEPARTMENT HEAD ORAL REPORTS

#### CORRESPONDENCE AND WRITTEN REPORTS – TAB E

- Washington State Auditor's Office Entrance Conference materials
- Letter of Support from Jaime Herrera Beutler Project Safe Haven
- Sales and Lodging Tax Reports
- Events Coordinator Staff Reports from July and August
- Budget Calendar

#### FUTURE CITY COUNCIL MEETING SCHEDULE

The Regular City Council meetings are held the 1<sup>st</sup> and 3<sup>rd</sup> Monday of each month at 7:00 PM and may be preceded by a workshop.

October 17, 2016, November 7, 2016, November 21, 2016

#### **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 Administrator at the meeting.

# TAB-A

#### LONG BEACH CITY COUNCIL MEETING

#### September 19, 2016

#### 6:30 p.m.; COUNCIL WORKSHOP

WS 16-19 Marijuana Legislation WS 16-20 Non-Conforming Signs

#### CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL

Mayor Phillips 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 C. Linhart, C. Murry, C. Caldwell, C. Hanson, and C. Kemmer all absent.

#### PUBLIC COMMENT

Don McGuire made a public thank you for the light.

#### CONSENT AGENDA

Minutes, September 6, 2016 City Council Meeting
Payment Approval List for Warrant Registers 56552-56593 & 80429-80492 for \$191,100.80

C. Linhart made the motion to approve the Consent Agenda. C. Hanson seconded the motion. 5 Ayes, 0 Nayes, motion passed.

#### BUSINESS

AB 16-49 Stanley Field Bond Ordinance 929

David Glasson, City Administrator, presented the Agenda Bill. This is the bond issue to help complete Stanley Field that was discussed with the council. The bond is for \$120,000 payable over 7 years with a total interest payment of \$16,361.44. C. Linhart made the motion to Adopt Ordinance 929. C. Murry seconded the motion. 5 Ayes, 0 Nayes, motion passed.

#### DEPARTMENT HEAD ORAL REPORTS

#### CORRESPONDENCE AND WRITTEN REPORTS

- Long Beach Police Department August 2016 Report
- Correspondence- Department of Ecology- Outstanding Performance
- Long Beach Peninsula Visitors Bureau marketing report August 2016

#### **ADJOURNMENT**

The Mayor adjourned the meeting at 7:19 p.m.

	Mayor	
ATTEST:		



# Warrant Register

Ĉheck Periods: 2016 - September - 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.

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<u>56596</u>	Booi, Kristopher A	9/20/2016		\$1,350.01
56597	Campbell, Mathias A	9/20/2016		\$857.20
	Cox, Mallory E			\$351.58
	Daulton, Alan T			\$370.53
	Gilbertson, Bradley K	9/20/2016		\$1,808.84
	Goulter, John R.	9/20/2016		\$1,708.15
	Gray, Karen			\$11.42
	Huff, Timothy M.			\$1,513.51
	Luethe, Paul J	Α.		\$2,396.89
	Miller, Matt W			\$953.33
	Mortenson, Tim			\$2,291.45
	Padgett, Timothy J			\$1,426.71
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	Warner, Ralph D.	9/20/2016	***************************************	\$2,056.31
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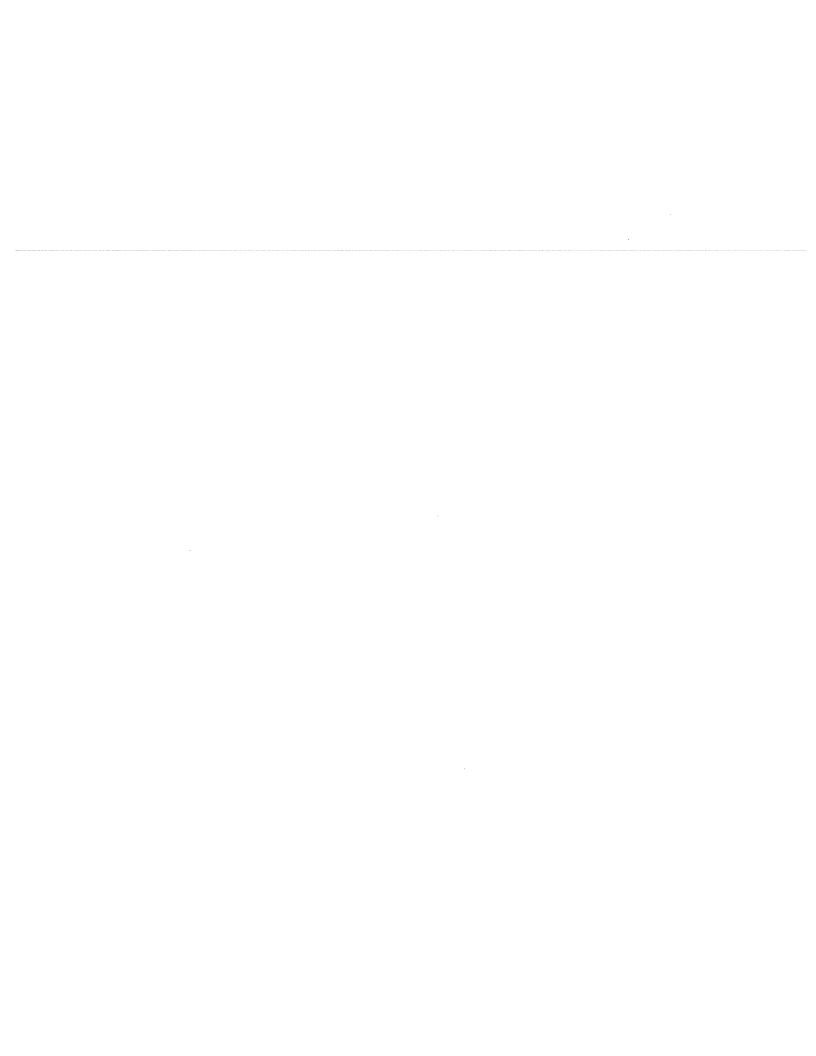
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NEW TOTAL STREET	Coast Rehabilitation Services	Day Wireless Systems	Dept of Ecology	Dufour, Gary	Ellyson, Sue	EverBank	Ferguson Enterprises, Inc #3007	GE Analytical Instruments, Inc	Gilbert, Sidney	Goelz, Doug	H. D. FOWLER	Hach Company	K & L Supply, Inc.	KEYBANK	Liberty Mutual Insurance Company	MAC TOOLS	North Central Laboratories	Ocean Beach Hospital	Pacific County Health & Human Services	Pacific County Sheriff's	Pacific Office Automation	PND Engineers, Inc	Public Utility District 2	Snap ON Tools	Standard Insurance Co.	STAPLES ADVANTAGE	SUNSET AUTO PARTS, INC	Unum Life Insurance	Verizon Wireless	Windswept Properties	Wirkkala Construction	Woods, Pam		
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## TAB - B





### CITY COUNCIL AGENDA BILL

AB 16-50

**Meeting Date:** 

October 3, 2016

AC	GENDA ITEM INFORMATION	
SUBJECT: Ordinance		Originator:
	Mayor	χ.
930 Amending	City Council	
nonconforming signs	City Administrator	
sunset date	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	AS
	Events Coordinator	
	Finance Director	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
COST: N/A	Water/Wastewater Supervisor	
0001. 107.		

**SUMMARY STATEMENT:** The city council held a workshop on this topic on September 19, 2016 and at that time the council decided to move forward with an extension of the sunset date for nonconforming signs set forth in 2006. This ordinance reflects those recommended changes and extends the date to December 31, 2017.

RECOMMENDED ACTION: Adopt Ordinance 930

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#### ORDINANCE No. 930

## AN ORDINANCE OF THE CITY OF LONG BEACH, WASHINGTON AMENDING ORDINANCE 814, ZONING REGULATIONS FOR THE CITY OF LONG BEACH, PROVIDING FOR THE ADMINISTRATION, AND PROVIDING FOR THE ENFORCEMENT OF THE COMPREHENISVE PLAN

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 City wishes to extend the sunset date for nonconforming signs; and

WHEREAS, the City understands the need to prolong this process both to benefit city staff and local merchants; and

WHEREAS, the City has reviewed and considered all public comments relating to this topic;

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, Chapter 14 Signs, Section 12-14-12 per Long Beach Municipal Code, for the purposes of this amendment reference section 9.11 Nonconforming signs 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.	Effective Date		
	e shall be in full force in the manner require		from and after its passage, approval,
Section 5.	Adoption Date		
		the City of Long Beach 3 <sup>rd</sup> day of October, 2016	n, Pacific County, Washington at a
AYES	NAYS	ABSENT	ABSTENTIONS
Jerry Phillips, l	Mayor	_	
ATTEST:			
		_	
Helen Bell, Cit	y Clerk		

#### 9.11 Nonconforming Signs.

A. Any sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height, or size with the regulations of the zone in which such sign is located shall be considered a legal non-conforming use or structure and may continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

- (1) No sign shall be structurally altered unless it is made to conform to this ordinance.
- (2) No billboard or temporary sign shall be considered to be a legal nonconforming sign.
- (3) Property owners with multiple nonconforming signs may replace some or all of the nonconforming signs provided all other requirements of this regulation are met.
- (4) WSDOT and Way finding Signs shall not count against the limit on off-premises signage.
- B. Nonconforming Sign Inventory. The Administrator shall, as soon as practicable, survey the city for signs which do not conform to the requirements of this code. Upon determination that a sign is nonconforming or illegal, the Administrator shall use reasonable efforts to so notify in writing the sign owner and where practicable the owner of the property on which the sign is located. Notification shall include:
  - (1) Whether the sign is nonconforming or illegal;
  - (2) Whether the sign may be eligible for a nonconforming sign permit.
  - (3) Notice that the sign must be removed or made conforming not later than <del>December 31, 2015.</del> December 31, 2017.
  - (4) If the identity of the sign owner cannot be determined after reasonable inquiry, the notice may be affixed in a conspicuous place on the sign or on the business premises with which the sign is associated.

#### C. Nonconforming Sign Permits.

- (1) Eligibility. An on-premises or off-premises nonconforming sign may be issued a nonconforming sign permit. Nonconforming sign permits shall not be issued for illegal, prohibited, or temporary signs.
- (2) Permit Required. A nonconforming sign permit is required for all eligible nonconforming signs in the OT, OTW, C1 and C2 zones. The sign owner shall obtain the permit within 180 days of notification by the city. Applications for a nonconforming sign permit shall contain the name and address of the sign user, the sign owner, and the owner of the property upon which the sign is located, and such other pertinent information as the Administrator may require to ensure compliance with this chapter. The Administrator may waive specific submittal requirements determined to be unnecessary for review of an application.
- (3) Permit Issuance. Any person submitting an application for a nonconforming sign permit shall use the forms provided by the City. The Administrator shall issue nonconforming sign permits upon a determination of eligibility. The Administrator may require the filing of plans or other pertinent information where such information is necessary to determine compliance with this chapter. Appeals shall be filed in accordance with this chapter. Should an appeal be filed, the City shall not take any action until the appeal has been acted upon and the applicant notified of the final disposition.
- (4) Permit Expiration. The nonconforming sign permit shall expire on December 31, 2015. December 31, 2017.

- D. Loss of Legal Nonconforming Status. Nonconforming signs shall either be removed or immediately brought into compliance with this chapter upon the occurrence of one or more of the following events:
  - (1) When a nonconforming sign permit is required but not obtained within 180 days of notice of nonconformance; or
  - (2) Damage of fifty (50) percent or more in the replacement cost of either the nonconforming sign or the structure to which it is affixed; or
  - (3) Failure to maintain the sign in good repair, to include regular painting and rust removal.
- E. Maintenance. Ordinary maintenance and repair of a sign, including a sign face or message change that does not increase the sign face area, shall be permitted without loss of nonconforming status if the cost of the maintenance or repair is less than fifty (50) percent of the cost of replacing the sign.

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#### CITY COUNCIL AGENDA BILL

**AB 16-51** 

**Meeting Date:** 

October 3, 2016

SUBJECT: Ordinance		Originator:
931 Amending Marijuana Regulations and Buffers with city limits	Mayor	
	City Council	
	City Administrator	
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	AS
	Events Coordinator	
	Finance Director	
	Police Chief	
	Streets/Parks/Drainage Supervisor	4
COST: N/A	Water/Wastewater Supervisor	

**SUMMARY STATEMENT:** The city council held a workshop on this topic on September 19, 2016 and at that time the council decided to move forward with an alteration to the buffer requirements within city limits. This ordinance conforms with the state regulations and buffer recommendations, keeping both schools and playgrounds at 1000ft and lowering the buffers to 100ft in other regulated areas.

RECOMMENDED ACTION: Adopt Ordinance 931

#### **ORDINANCE NO. 931**

AN ORDINANCE OF THE CITY OF LONG BEACH, PACIFIC COUNTY, WASHINGTON, AMENDING CHAPTER 12.17 OF THE LONG BEACH CITY CODE AND ORDINANCE NOS. 900 AND 912, RELATING TO LAND USE AND ZONING AND ESTABLISHING RESTRICTIONS ON THE PRODUCTION, PROCESSING, SELLING, OR DELIVERY OF MARIJUANA.

WHEREAS, in 2014, the Long Beach City Council passed Ordinance No. 900, implementing zoning restrictions on businesses involved in the production, processing, sale, and delivery of marijuana, marijuana-infused products, or useable marijuana; and

WHEREAS, state legislation amended Title 69 RCW to create a highly regulated system for the possession, production, processing, distribution, and researching of both recreational and medical marijuana and to permit local jurisdictions to enact reduced buffers for marijuana businesses; and

WHEREAS, the state legislature also enacted provisions eliminating collective gardens and instead authorizing medical marijuana cooperatives, which allow up to four qualifying patients or designated providers to grow up to a maximum of 60 plants in the residence of one of the participants; and

WHEREAS, given the changes in state law, the City Council desires to establish a unified set of local laws regulating all marijuana-related activity in the City while maintaining the robust controls and procedures previously established in Ordinance No. 900; and

WHEREAS, local licensing provisions are necessary to ensure that marijuana-related businesses and cooperatives are operating lawfully within the City;

WHEREAS, buffering and dispersion provisions are necessary to ensure there are sufficient business locations in appropriate areas without creating a concentration of permitted marijuana businesses and to ensure that cooperatives are appropriately located and have limited impacts on neighboring residences and the community; and

WHEREAS, the City Council finds that permitting licensed marijuana producers, processors, and researchers and regulated cooperatives to locate not less than 100 feet from certain protected facilities, such as child care centers and public parks, will not negatively impact the City's civil regulatory enforcement, criminal law enforcement, public safety, or public health; and

WHEREAS, the City Council finds that it is necessary to adopt this ordinance in order to avoid negative impacts on the community, orderly development, and the public health, safety, and welfare associated with medical marijuana cooperatives and state-licensed marijuana producers, processors, retailers, and researchers; and

WHEREAS, the health, safety, and welfare of the community is best served by excluding from certain zones and areas any production, processing, selling, or delivery of marijuana; and

WHEREAS, the City is responding to the changes in state law in a responsible manner that will minimize impacts on the health, safety, and welfare of the community.

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

<u>Section 1.</u> Section 12.17.1 of the Long Beach City Code (LBCC) and the corresponding portions of Ordinance No. 900 § 1 are hereby amended to read as follows, with new text shown by <u>underline</u> and deletions of text shown by <u>strikethrough</u>:

#### 12.17.1 <u>Authority and Purpose and Intent.</u>

Pursuant to article XI, section 11 of the Washington state constitution, chapter 69.50 RCW, chapter 69.51A RCW, and chapter 314-55 WAC, the city of Long Beach asserts its constitutional, statutory, and common law authority to make and impose land use regulations and to enforce within its limits such police, sanitary, and other regulations as are not unreasonable or in conflict with general laws.

The purpose and intent of this chapter is to regulate the siting and operation of any structure, activity, or land use related to the production, processing, or retailing of recreational and medical marijuana in order to protect and maintain the public health, safety, and welfare of the city's citizens, to address local issues and preferences, and to mitigate potential adverse impacts by regulating the siting and operation of any structure, activity, or land use related to the production, processing, or retailing of marijuana. The city intends this chapter to establish an strong and effective regulatory framework including robust controls and procedures on paper and in practice.

Section 2. LBCC 12.17.2 and the corresponding portions of Ordinance No. 900 § 1 are hereby repealed.

Section 3. LBCC 12.17.3 is recodified as LBCC 12.17.2 and that section and the corresponding portions of Ordinance No. 900 § 1 are hereby amended to read as follows:

#### 12.17.2 Definitions.

For purposes of this chapter, the definitions contained in chapter 69.50 RCW, chapter 69.51 RCW, and chapter 314-55 WAC apply, unless otherwise stated or defined herein or unless the context clearly requires otherwise. & The following additional definitions also apply:

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

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

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

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

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

- A. No more than ten (10) qualifying patients may participate in a single collective garden at any time;
- B. A collective garden may contain no more than fifteen (15) plants per patient up to a maximum of forty five (45) total plants;
- C. A collective garden may contain no more than twenty four (24) ounces of usable cannabis per qualifying patient up to a maximum of seventy two (72) total ounces of usable cannabis:
- D. A copy of each qualifying patient's valid documentation or proof of registration with the registry established in state law (now or in the future), including a copy of the patient's proof of identity, must be available at all times on the premises of the collective garden; and
- E. No usable cannabis from the collective garden may be delivered to anyone other than one of the qualifying patients participating in the collective garden.

CANNABIS, USABLE: Dried (containing less than 15 percent moisture content by weight) flowers of the cannabis plant having a THC concentration greater than three tenths (3/10) of one percent (1%). Usable cannabis excludes stems, stalks, leaves, seeds, and roots. The term usable cannabis does not include "cannabis products" as defined herein.

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

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

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

A. For a nonrelated child or children,

- B. On a regular basis,
- C. For less than twenty four (24) hours a day, and
- D. Under license by the Washington state department of social and health services.

#### **DESIGNATED PROVIDER:** A person who:

- A. Is eighteen (18) years of age or older;
- B. Has been designated in a document signed and dated by a qualifying patient to serve as a designated provider under this chapter and Revised Code Of Washington 69.51A;
- C. Is prohibited from consuming marijuana obtained for the personal, medical use of the qualifying patient for whom the individual is acting as designated provider;
- D. Is the designated provider to only one qualifying patient at any given time; and
- E. Is in compliance with the terms and conditions set forth in Revised Code Of Washington 69.51A.040.

A qualifying patient may be the designated provider for one other qualifying patient (and only 1 other) at a time and be in possession of both patients' cannabis at the same time.

#### A. INDOORS: Any location that:

- 1. is Located within a fully enclosed and secure structure that complies with applicable building regulations adopted by the City of Long Beach, including the Washington state building code, as adopted by the city of Long Beach;
- 2. that has a complete roof enclosure supported by connecting walls extending from the ground to the roof; and
- 3. has a foundation, slab, or equivalent base to which the floor is securely attached.
- <u>B.</u> <u>SENSITIVE</u> LAND USES, <u>SENSITIVE</u>: A land use to be protected by distance and/or other means from the potential and actual impacts of a marijuana-related <u>land</u>-uses. For purposes of this chapter, the following <u>definitions</u>-are considered sensitive land uses: <u>elementary school</u>; <u>secondary school</u>; <u>playground</u>; <u>child care center</u>; <u>library</u>; <u>public park</u>; <u>public transit center</u>; <u>church</u>; <u>game arcade</u>; <u>amusement</u>; <u>recreation center or facility</u>; <u>residential treatment facility</u>; <u>or juvenile group home</u>. Those <u>sensitive land uses are defined</u> in WAC 314-55-010 or as follows:
  - 1. Amusement: An entertainment venue catering to families and/or to children. Examples include, and are not limited to, game areades not restricted to those over twenty one (21) years of age, movie theaters, miniature golf courses, golf courses, horse ride rentals, go-cart tracks, and skateboard parks.

- 2. Arcade, Game: An entertainment venue featuring primarily video games, simulators, and/or other amusement devices, from where persons under twenty-one (21) years of age are not restricted. Subset of "amusement" as defined herein.
- 3. Child\_care Ccenter: An entity that regularly provides child daycare and early learning services for a group of children for periods of less than twenty four (24) hours—licensed by the Washington state department of early learning. Supplementing the definition in WAC 213-55-010(4), child care center also includes a nursery school or preschool, meaning a school for children who are not old enough to attend kindergarten.
- 4. Church: A property, structure, leased portion of a structure, or facility used primarily for religious worship and related religious activities.

Daycare Facility, Child: A building or structure in which an agency, person, or persons regularly provide care for a group of children for periods of less than twenty four (24) hours a day. Child daycare facilities include family daycare homes, out of home child mini-daycare centers, and child daycare centers regulated by the Washington state department of social and health services, as presently defined and hereafter amended (RCW 74.15, WAC 388-73-422). The term is not intended to include babysitting services of a casual, non-recurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocated child care by a group of parents in their respective homes.

<u>5.</u> <u>Juvenile</u> Group Home, <u>Juvenile</u>: A facility providing sheltered care for those with special needs and who are under twenty-one (21) years of age.

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

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

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

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

Recreation Center Or Facility: A supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty one (21) years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government.

<u>6.</u> Residential Treatment Facility: A facility providing for treatment of drug and alcohol dependency. Also called a rehabilitation or "rehab" center.

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

School, Elementary: A school for early education that provides the first four (4) to eight (8) years of basic education and recognized by the Washington state superintendent of public instruction.

School, Secondary: A high and/or middle school. A school for students who have completed their primary education, usually attended by children in grades 7 to 12 and recognized by the Washington state superintendent of public instruction.

Transit Center, Public: A facility located outside of the public right of way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.

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

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

#### MARIJUANA: See definition of Cannabis.

- <u>D.</u> MARIJUANA <u>FACILITY BUSINESS</u>: A place where a An entity licensed by the <u>WSLCB-Washington State Liquor and Cannabis Board ("WSLCB") may to participate in the recreational <u>and/or medical marijuana industryies</u>. Following are the main <u>three-four</u> (43) types of <u>recreational marijuana facilities businesses</u> licensed by the WSLCB:</u>
  - 1. Marijuana <u>Producer Production Facility</u>: A place where a An entity licensed by the WSLCB <u>ean-to</u> plant, grow, and harvest marijuana for sale at wholesale to a licensed marijuana processor.

- 2. Marijuana Processor Processing Facility: A place where a An entity licensed by the WSLCB may to process, package, and label usable marijuana and marijuana-infused products for sale at wholesale to a licensed marijuana retailer.
- 3. Marijuana Researcher: An entity licensed by the WSLCB to produce, process, and possess marijuana for the purposes of conducting research on marijuana and marijuana-derived drug products.
- 4. Marijuana Retailer Facility: A place where a An entity licensed by the WSLCB may to sell only usable marijuana, marijuana-infused products, and marijuana paraphernalia at retail to qualified patients and/or to persons twenty-one years of age and older.
- E. MARIJUANA USE: A marijuana business, as defined above, and/or a cooperative registered with the WSLCB.

MARIJUANA, MEDICAL (OR MEDICINAL) USE: Production, processing, possession, or administration of marijuana for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating illness subject to the requirements and limitations of article B of this chapter and those of Revised Code Of Washington 69.51A, medical cannabis.

MARIJUANA, RECREATIONAL USE: Production, processing, possession, or retailing of marijuana for nonmedical purposes subject to the requirements and limitations of article A of this chapter and those of WAC 314-55, marijuana licenses, application process, requirements, and reporting.

<u>F.</u> OUTDOORS: Any location that is not "indoors" within a fully enclosed and secure structure as defined herein.

PERSON: An individual or an entity.

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

PLANT: An organism having at least three (3) distinguishable and distinct leaves, each leaf being at least three (3) centimeters in diameter, and a readily observable root formation consisting of at least two (2) separate and distinct roots, each being at least two (2) centimeters in length. Multiple stalks emanating from the same root ball or root system shall be considered part of the same single plant.

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

PRODUCE: To plant, grow, or harvest cannabis.

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

#### **QUALIFYING PATIENT: A person who:**

- A. Is a patient of a healthcare professional;
- B. Has been diagnosed by his or her healthcare professional as having a terminal or debilitating medical condition;
- C. Is a resident of the state of Washington at the time of such diagnosis;
- D. Has been advised by his or her healthcare professional about the risks and benefits of the medical use of cannabis;
- E. Has been advised by his or her healthcare professional that he or she may benefit from the medical use of cannabis; and
- F. Is otherwise in compliance with the terms and conditions established in chapter 69.51A Revised Code Of Washington.

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

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

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

#### TERMINAL OR DEBILITATING MEDICAL CONDITION:

A. Cancer, human immunodeficiency virus (HIV), multiple selerosis, epilepsy or other seizure disorder, or spasticity disorders; or

- B. Intractable pain, limited for the purpose of this chapter to mean pain unrelieved by standard medical treatments and medications; or
- C. Glaucoma, either acute or chronic, limited for purposes of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications; or
- D. Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications; or
- E. Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications; or
- F. Diseases, including anorexia, which result in nausea, vomiting, cachexia, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard treatments or medications; or
- G. Any other medical condition identified as terminal or debilitating by the Washington state medical quality assurance commission in consultation with the Board Of Osteopathic Medicine And Surgery.

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

#### **VALID DOCUMENTATION:**

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

WASHINGTON STATE LIQUOR CONTROL BOARD (WSLCB): The state agency that promulgates, enacts, and enforces administrative rules regulating the production, processing, and retailing of recreational marijuana at WAC 314-55. This agency grants licenses for recreational marijuana land uses after consultation with the local jurisdiction, and also ensures that licensees operate within the limits of their permits.

<u>Section 4.</u> LBCC 12.17.4 is recodified as LBCC 12.17.3 and that section and the corresponding portions of Ordinance No. 900 § 1 are hereby amended to read as follows:

#### 12.17.3 No City Liability; Indemnification.

Any person or entity operating conducting a marijuana related land use in the city of Long Beach agrees to the following:

- A. By accepting a permit issued pursuant to this chapter, the licensee waives and releases the city, its officers, elected officials, employees, volunteers, and agents from any liability of any kind that results from any arrest or prosecution of business owners, operators, employees, clients, or customers for a violation of federal, state, or local laws and regulations.
- B. By accepting a permit issued pursuant to this chapter, the licensee agrees to indemnify, defend, and hold harmless the city, its officers, elected officials, employees, volunteers, and agents, insurers, and self-insurance pool against all liability, claims, and demands on account of any injury, loss, or damage, including, without limitation, claims arising from bodily injury, loss or damage, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in a manner that is subject of the license.
- C. Insurance requirements set forth in WAC 314-55-083 shall be met. The licensee must have a separate policy that covers the city to the same extent as the policy that covers the state of Washington. This liability insurance shall be primary to any insurance that the city may possess and this liability insurance policy shall state this requirement.
- D. Licenses shall be reviewed annually. If an insurance or license deficiency exists, the city may suspend or rescind city issued permits.
- Section 5. LBCC 12.17.5 is recodified as LBCC 12.17.4 and that section and the corresponding portions of Ordinance No. 900 § 1 are hereby amended to read as follows:

#### 12.17.4 Limitations.

- A. Nothing in this chapter is intended to be, nor should be considered to be, an allowance for more activity pertaining to the production, processing, <u>researching</u>, and selling of marijuana than is permitted by State law and by rules and regulations of the WSLCB.
- B. Nothing in this chapter is intended to be, nor should be considered to be, a limitation on the City from protesting objecting to an application for a license, the granting of a permit, issuance of a license, or renewal of a permit-license by the WSLCB.
- C. Nothing in this chapter shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale, or use of medical cannabis or recreational marijuana in any manner not authorized by Chapter 69.51A RCW or Chapter 69.50 RCW. Nothing in this chapter shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or that creates a nuisance.
- Section 6. LBCC 12.17A.1 and the corresponding portions of Ordinance No. 900 § 1 are hereby repealed.

Section 7. LBCC 12.17A.1 is recodified as LBCC 12.17.5 and that section and the corresponding portions of Ordinance No. 900 § 1 are hereby amended to read as follows:

#### 12.17.5 Prerequisites Licensing.

- A. To establish or operate a marijuana business in the city of Long Beach, a person or entity must obtain and maintain both a city-issued business license and a city-issued marijuana operation license. To establish or operate a cooperative in the city of Long Beach, a person must obtain and maintain a city-issued marijuana operation license.
- B. State License A Prerequisite To Local Consideration: No Only valid state-licensed recreational marijuana <u>businesses</u> land use shall be considered by the city to be established in the city of Long Beach without first being legally licensed by the WSLCB and cooperatives properly registered with the WSLCB may apply for and be eligible to receive the necessary city-issued licenses described herein. The application for each state license must have first been reviewed by the city of Long Beach before being granted by the WSLCB.
- C. Any marijuana-related operation, business, or facility that does not have a valid state license pursuant to chapter 69.50 RCW or that has not properly registered pursuant to chapter 69.51A RCW cannot obtain a city-issued business license or a city-issued marijuana operation license. This prohibition includes, but is not limited to, cooperatives, medical cannabis collective gardens, medical cannabis dispensaries, and any marijuana production, processing, retail, or research business, facility, or operation. Such operations, businesses, or facilities are prohibited in the city.
- BD. Business License Applications And Licenses A Prerequisite To Establishing A Recreational Marijuana Related Land Use: To be eligible to obtain a city-issued business license, the applicant must Prior to establishing a recreational marijuana land use, the state licensee must do the following: 1. Aapply online to receive a business license and follow the normal business license procedures. The application must clearly state it is for a recreational marijuana-related business.
- E. Marijuana Operation License: 2. On forms made available by the city, To be eligible to obtain a marijuana operation license, the applicant must make applyication for and receive a marijuana operation license on forms made available by the City. a. The applicant must pay an application fee of four hundred dollars (\$400.00). b. Before any license is issued, The city will the proposed use will be evaluated the proposed land use for land use, zoning, and code compliance and the applicant must successfully pass inspections described herein evaluating structural suitability, fire safety, and security. Approved licenses may be reviewed annually.
- F. Annual Marijuana Operations Licensing Fee: Each city-licensed marijuana use shall pay an annual marijuana operations licensing fee of three hundred dollars (\$300.00) at the beginning of each operating year. The City will not prorate or refund marijuana operations licensing fees.

- CG. City Inspections A Prerequisite To Establishing A Recreational Marijuana Related Land Use: Prior to the city issuing a marijuana operation license, the applicant must make the property available for the following inspections by city personnel or designees. All fees described herein must be paid in advance of inspection. £The following must occur:
  - 1. The applicant must make the property available for inspections by city personnel.
  - 2.1. An inspection by the Long Beach building inspector or his/her designee. The inspection must have no negative findings, or any negative findings must be addressed and the site reinspected until no negative findings result. The fee for the initial inspection shall be two hundred fifty dollars (\$250.00). The fee for each subsequent inspection required to address negative findings shall be two hundred fifty dollars (\$250.00).
  - 3.2. An inspection by the Long Beach fire chief or his/her designee. The inspection must have no negative findings, or any negative findings must be addressed and the site reinspected until no negative findings result. The fee for the initial inspection shall be two hundred fifty dollars (\$250.00). The fee for each subsequent inspection required to address negative findings shall be two hundred fifty dollars (\$250.00).
  - 4.3. An inspection by the Long Beach police chief or his/her designee. The inspection must have no negative findings, or any negative findings must be addressed and the site reinspected until no negative findings result. The fee for the initial inspection shall be two hundred fifty dollars (\$250.00). The fee for each subsequent inspection required to address negative findings shall be two hundred fifty dollars (\$250.00).
- H. Annual Inspections Required: Every year, the site shall be inspected by city personnel for structural suitability, fire safety, and security. The cost of these inspections shall be paid for via the annual marijuana operations licensing fee.
- I. To obtain a license, insurance requirements set forth in WAC 314-55-082 shall be met. In addition, the city and its employees, agents, and volunteers must be named as an additional insured on all general liability, umbrella, and excess insurance policies to the same extent as the state of Washington. The licensee's insurance policies shall be primary to any insurance that the City may possess and the licensee's insurance policies shall state this requirement.
- J. If an insurance or license deficiency exists, the city may suspend or rescind city-issued permits.
- Section 8. LBCC 12.17A.3 is recodified as LBCC 12.17.6 and that section and the corresponding portions of Ordinance No. 900 § 1 are hereby amended to read as follows:

#### 12.17.6 Location.

A <u>legally validly</u> licensed and inspection approved recreational marijuana land use may be sited in the city of Long Beach subject to the following:

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

- 1. Preschool, elementary, or secondary school.
- 2. Playground.
- 3. Recreation center or facility.
- 4. Childcare center.
- 5. Public park.
- 6. Public transit center.
- 7. Library.
- 8. Game arcade.
- 9. Amusement.
- 10. Church.
- 11. Child daycare facility.
- 12. Residential treatment facilities.
- 13. Youth oriented facilities.
- 14. Juvenile group home.
- B. Existing Licensed Marijuana Retail Business: No marijuana related land use shall be established on a property located within one thousand feet (1,000') of the nearest property line of any existing licensed marijuana retail outlet. The distance shall be measured as described in subsection A of this section.
- A.C. Marijuana Production Facility: The planting, growing, and harvesting of marijuana by a A state-licensed marijuana producer, processor, or researcher for sale to a state licensed

marijuana processor shall be allowed may be located as a conditional use in the L1 (light industrial) and C2 (commercial retail warehouse) zoning districts but is prohibited in all other zoning districts. In addition to the locational requirements of subsections A and B of this section, tThe property on which the proposed producertion, processor, or research facility would is be located shall be a minimum of two hundred feet (200') from the nearest property on which a residential land use is located.

- D. Marijuana Processing Facility: The handling or preparing of marijuana for sale by a state licensed marijuana processor to a state licensed marijuana retailer shall be allowed as a conditional use in the L1 (light industrial) and C2 (commercial retail warehouse) zoning districts. In addition to the locational requirements of subsections A and B of this section, the property on which the proposed processing facility would be located shall be a minimum of two hundred feet (200') from the nearest property on which a residential land use is located.
- <u>B.E.</u> Marijuana Retail Facility: The retailing of marijuana by a <u>A</u> state\_licensed marijuana retailer for use by a consumer twenty one (21) years of age or older shall be allowed may be located as a conditional use in the C1 (commercial) and RC (residential commercial) zoning districts but is prohibited in all other zoning districts. In addition to the locational requirements of subsections A and B of this section, the property on which the <u>A</u> proposed retail facility business would be located shall not be located on a parcel on which also is located any residential land use or immediately adjacent to (sharing a property line with or directly across the street from) a parcel a property on which a residential land use is located.
- C. A state-registered cooperative may be located 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) zoning districts but is prohibited in all other zoning districts.

#### D. Additional Buffer Zones:

- 1. No marijuana use shall be established on a parcel located within one thousand feet (1,000') of a parcel on which any existing state-licensed marijuana retailer is located.
- 2. No state-licensed marijuana producer, processor, retailer, or researcher shall be established within one thousand feet (1,000') of a parcel on which any of the following uses is located: elementary school; secondary school; or playground.
- 3. No state-licensed marijuana producer, processor, retailer, or researcher shall be established within one hundred feet (100') of a parcel on which any of the following uses is located: child care center; library; public park; public transit center; church; game arcade; amusement; recreation center or facility; residential treatment facility; or juvenile group home.

- 4. No state-registered cooperative shall be located within one thousand feet (1,000') of a parcel on which any of the following uses is located: elementary school; secondary school; or playground.
- 5. No state-registered cooperative shall be located within one hundred feet (100') of a parcel on which any of the following uses is located: child care center; library; public park; public transit center; church; game arcade; amusement; recreation center or facility; residential treatment facility; or juvenile group home.
- 6. A state-registered cooperative must be twenty feet (20') or more from any occupied legal residential structure located on a separate parcel or from any residential accessory structure used primarily by children, for example a playhouse, measured from the nearest exterior wall of the structure where the cooperative's operations occur to the nearest exterior wall of the residential structure or residential accessory structure.
- 7. For a state-registered cooperative located in a mobile home park, the structure where the cooperative operates must be within twenty feet (20') of an occupied mobile home, measured from nearest exterior wall of the structure where the cooperative's operations occur to the nearest exterior wall of the mobile home;
- 8. No state-registered cooperative or state-licensed marijuana producer, processor, or researcher can be located within one hundred feet (100') of Pacific Highway, measured from nearest property line to nearest right of way line.
- 9. Unless otherwise stated, the distance shall be measured in the most direct route over or across public walks, streets, or other public passageways between the property lines of the location of the marijuana use and the property lines of the location of the sensitive land use(s) that are nearest one another. The city shall rely upon its sensitive land uses map, adopted by reference herein and as amended in the future, to determine whether a proposed marijuana use is located within one thousand feet (1,000') or one hundred feet (100') of a sensitive land use, except city personnel may also take into account uses or other changes that have occurred since the sensitive land uses map was most recently updated.

<u>Section 9.</u> LBCC 12.17A.4 is recodified as LBCC 12.17.7 and that section and the corresponding portions of Ordinance No. 900 § 1 are hereby amended to read as follows:

#### 12.17.7 Restrictions on, Requirements of, and Standards of Operation.

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

A. Compliance with State Law: Chapter 69.50 RCW, chapter 69.51A RCW, and chapter 314-55 WAC, which establish and regulate a statewide regulatory scheme for the production, processing, and retailing of recreational and medical marijuana, are

incorporated by reference to the extent permitted by law. Marijuana uses must within the city must comply with all applicable state laws and regulations.

- A. State License Required: No person, business, or entity may establish or operate a recreational marijuana production, processing, or retail venture in the city of Long Beach without first obtaining a license from the WSLCB. The application for each license must have first been reviewed by the city of Long Beach before being granted by the WSLCB.
- B. No Delivery Services: No person, business, or entity may operate a recreational marijuana delivery service in the city of Long Beach.
- C. No Nonconforming Status: Notwithstanding the provisions of chapter 16, "Nonconforming Uses And Structures,", of this title, an existing recreational-marijuana land use in operation as of the effective date of this chapter that is not validly licensed or registered with the WSLCB shall immediately cease operations and seek legal status via the applicable WSLCB licensing or registration process.
- D. City Recreational Marijuana Operations License Required: Each state and city licensed recreational marijuana land use shall pay an annual marijuana operations licensing fee of three hundred dollars (\$300.00) at the beginning of each operating year.
  - 1. A recreational marijuana land use shall not operate without a city recreational marijuana operations license.
  - 2. The city will not prorate or refund recreational marijuana operations license fees.
  - 3. Failure to acquire an annual recreational marijuana operations license shall result in the recreational marijuana land use being terminated.
- E. Annual Inspections Required: Every year, the site shall be inspected by city personnel for structural suitability, fire safety, and security. The cost of these inspections shall be paid for via the annual recreational marijuana operations licensing fee.
- <u>D.F.</u> Operating Standards: The following restrictions apply to the <u>city-licensed</u> marijuana uses' operation, including growing, producing, processing, storing, displaying, and/or selling marijuana and any other aspect of the marijuana use licensed by the city-of licensed recreational marijuana land uses:
  - 1. Odor: The operation shall not subject occupants of neighboring parcels who are of normal sensitivity to objectionable odors.
  - 2. Lighting: All lights used shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel upon which they are placed.
  - 3. Noise: Operational noise shall not exceed the noise disturbance standards as set forth in title 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: Marijuana <u>plants</u>, <u>products</u>, or <u>related</u> paraphernalia shall not be <del>on</del> display in any location-visible from the public right of way, publicly-traveled private roads, a public place, or <u>a</u> neighbor's <u>property parcel</u>.

### 5. Signage:

- <u>a. For marijuana businesses</u>, <u>Aa</u>dvertising signage must comply with requirements <u>found at of WAC 314-55-155</u>, as may be amended, and may not exceed 11.11 square feet in area. Mandatory cautionary signage must comply with requirements <u>found at of WAC 314-55-086</u>, as may be amended.
- b. For cooperatives, there shall be no exterior signage or symbology relating to the cooperative or to marijuana.
- 6. Compliance Wwith City Codes: The location, including the property and any structures, of a city-licensed recreational-marijuana operation use shall be in compliance with the applicable provisions of the City's building regulations, the currently adopted edition of the Washington state building code, and all other applicable building-related uniform codes.
- 7. Nuisance: The <u>operation of the city-licensed recreational</u>-marijuana <u>operation use</u> shall not adversely affect the health or safety of the nearby residents <u>or others</u> by creating dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other adverse impacts, <u>and shall not or</u>-be hazardous due to use or storage of materials, processes, products, or waste.
- 8. Security: Security measures <u>for a city-licensed at a licensed recreational</u> marijuana <u>land</u>-use shall include, at a minimum, the following:
  - a. A burglary alarm system that is professionally monitored and maintained in good working condition;
  - b. Exterior lighting that illuminates all entry points, but does not scatter light off site; and
  - c. Dead bolt locks on all exterior doors.

### E. Additional Cooperative-Specific Restrictions:

1. Gas Prohibited: A cooperative is prohibited from using gas products (CO2, butane, etc.) for growing and processing marijuana. If propane is the main source of heat in a domicile when a cooperative is established, it may continue to be used for that purpose.

- No marijuana grown and/or process by a cooperative may be delivered to anyone other than one of the qualifying patients participating in the cooperative. Cooperative members may not sell any marijuana plants or products or exchange any marijuana plants or products for any item(s) of value.
- 3. At a cooperative location, there shall be no on-site display or sale of paraphernalia related to the use or consumption of marijuana.
- 4. All aspects of a cooperative's operation, including but not limited to growing and processing marijuana, must be located indoors, in a permanent building or a greenhouse permanently affixed to the ground. No aspect of a cooperative's operation is permitted outdoors.
- H. Restrictions on Quantities: The quantity of any marijuana plants or products at any single location shall conform to state laws and regulations. The possession or cultivation of more than the authorized number of marijuana plants or products on one parcel, either indoors or outdoors, is prohibited.

Section 10. LBCC 12.17A.5 is recodified as LBCC 12.17.8 and that section and the corresponding portions of Ordinance No. 900 § 1 are hereby amended to read as follows:

### 12.17.8 Violations.

- A. Failure <u>t</u>To Comply: Failure to comply with any restriction, requirement, or standard described herein <u>or with state laws and regulations</u> shall result in <u>the suspension or revocation of the city-issued recreational</u>-marijuana operations license <u>and, if applicable, the city-issued business license</u>. Such a failure to comply <u>and-requires immediate cessation termination</u>-of the <u>recreational</u>-marijuana-land use.
  - 1. The city shall notify the licensee in writing by certified mail that a city-issued marijuana operation license has been revoked or suspended and the ground therefor. Upon receipt of such notice or within three (3) days of the date of mailing, whichever is earlier, the licensee must immediately correct the identified violations or cease all operation of the marijuana use.
  - Failure to correct the identified violations or to cease operation is designated as
     a civil infraction and may be enforced as such, although this designation shall
     not be construed to limit any other enforcement mechanism.
  - 3. A licensee may, within seven (7) days from the date that the license 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 clerk. 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 may impose any terms upon the continuance of the license. 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. The suspension or revocation shall remain in effect during any appeal process.

- B. Improper Use of Land: It is a violation of this chapter for any person or entity owning, leasing, occupying, or having charge or possession of any parcel of land within any incorporated area of the city of Long Beach to cause or allow such parcel of land to be used for marijuana-related purposes in excess of the limitations of or in noncompliance with the requirements and standards set forth herein. Such violations are designated as civil infractions and may be enforced as such, although this designation shall not be construed to limit any other enforcement mechanism.
- B.C. Nuisance: Nothing in this chapter shall be construed as a limitation on the city's authority to abate any <u>nuisance</u> violation which that may exist from the otherwise legal production, processing, or retailing of recreational marijuana from on any location parcel, including from within a fully enclosed and secure building. In addition, all violations of subsections A and B of this section this chapter are deemed to be a public nuisance and may be abated by the city under the procedures set forth in title 5, chapter 2, "Public Nuisances,", of this code or in state law for the abatement of public nuisances.
- C.D. Enforcement: Any violation(s) of this chapter or of state law may be enforced as set forth in title 14, "Enforcement Procedures,", of this code. In addition, a violation of this chapter or of state law may be enforced as a civil infraction where applicable or, where the violation is also a violation of chapters 69.50 and 69.51A RCW or related regulations, prosecuted as set forth in title 6, chapter 5, "Criminal Code, Miscellaneous Offenses," of this code, as applicable, the uniform controlled substances act, Revised Code Of Washington 69.50. Nothing in this chapter shall be construed as a limitation on the city's authority to enforce any other violations of the city code. In addition, violations of subsections A and B of this section are deemed to be a public nuisance and may be abated by the city under procedures set forth in title 5, chapter 2, "Public Nuisances", of this code or state law for the abatement of public nuisances.

Section 11. Article B of Chapter 12.17 LBCC, consisting of LBCC 12.17B.1 through LBCC 12.17B.5, and the corresponding portions of Ordinance No. 900 § 1 and Ordinance No. 912 § 2 are hereby repealed.

Section 12. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five (5) days as required by law.

PASSED by the City Council of the City of Long Beach, Pacific County, Washington and approved by the Mayor at a regular open public meeting held on this 3<sup>rd</sup> day of October, 2016

Jerry Phillips,	Mayor

ATTEST:		
Helen Bell, City Clerk		

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### TAB - D



AGENDA BILL

AB 16-52

**Meeting Date:** 

October 3, 2016

AG	ENDA ITEM INFORMATION	
SUBJECT: Ocean Beach	8 1	Originator:
The second secon	Mayor	
Hospital has requested	City Council	
the use of the Trolley for	City Administrator	
an Oncology Fundraiser	City Attorney	
an eneciety i an area	City Clerk	
¥	City Engineer	
	Community Development Director	
	Finance Director	4
e g	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
COST:	Water/Wastewater Supervisor	2
	Other: Tourism & Events Coordinator	RM

**SUMMARY STATEMENT:** The Ocean Beach Hospital is having an Oncology Fundraiser and would like the City of Long Beach to sponsor the trolley. The trolley would be used to take people from the end of the run, walk, bike at Veterans Field in Long Beach, back to their vehicles at the Ocean Beach Hospital in Ilwaco. The event is taking place on Saturday October 15<sup>th</sup>, 2016. The trolley will be needed from approximately 11:00am to 2:00pm. City Ordinance 898 rental rates states the following; \$225.00 for the first 2 hours of service. \$20.00 per hour after the first two. \$2.00 per mile. Drivers are paid \$20.00 per hour from the time they arrive at the storage unit until they arrive back at the storage unit. The cost for the hospital to rent the trolley would be \$245.00 plus \$2.00 per mile depending on miles driven.

**RECOMMENDED ACTION:** Allow staff to arrange the trolley for Ocean Beach Hospital run, walk, bike event. The City would recommend that the event organizers pay for the cost of the Driver for that event. The cost would be \$20.00 per hour with a 3-hour block rate of \$60.00 dollars.



Public Hospital
District 3 of Pacific County

September 21, 2016

Board of Commissioners

Nancy Gorshe – Chairman
Suzanne Staples
Steven Linhart
Madeline Moore
Ariel Smith

Chief Executive Officer
Larry Cohen

Ocean Beach Hospital

P.O. Drawer H Ilwaco, WA 98624-0258 360-642-3181 Fax 360-642-8070

Ocean Beach Medical Clinic P.O. Drawer N Ilwaco, WA 98624-0319 360-642-3747 Fax 360-642-3361

Naselle Clinic
P.O. Box 188
Naselle, WA 98638-0186
360-484-7161
Fax 360-484-7178

Dear City of Long Beach,

On October 15, 2016 Ocean Beach Hospital and Medical Clinics is having a "Move Against Cancer" bike, run or walk fundraiser. This is a 6k event meant to raise awareness of cancer in our area while raising money for our local patients. Since this event is starting at the hospital and ending at the Veterans' Field in Long Beach we would like to use the "Trolley" to transport people back to their cars after the event. We are also looking at having a location at Black Lake where those participants who want to walk but do not have the 6k stamina can be picked up and dropped off closer to the end. This way they can start and finish even if they can't go all the way on their own.

Given that the intent of this event is to keep cost down we are looking for local businesses and individuals to donate to this event so that the money we raise can all go as intended to the Cancer patients. With this in mind we would like you to consider the use of the "Trolley" for this event at no cost to Ocean Beach Hospital from about 11:00am to 1:00pm.

Thank you for your consideration,

Marianne Baker

Clinical Nurse Manager

## TAB - E

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### Washington State Auditor's Office

### Government that works for citizens

### **Troy Kelley**

**State Auditor** 

Deputy State Auditor Jan Jutte, CPA

Director of Local Audit Kelly Collins, CPA (360) 902-0091 Kelly.Collins@sao.wa.gov

Deputy Director of Local Audit Mark Rapozo, CPA (360) 902-0471 Mark.Rapozo@sao.wa.gov

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Acting Assistant Audit Manager Jennifer Woods, CPA (360) 725-5377 Jennifer.Woods@sao.wa.gov

Audit Lead Beau Villarreal (360) 725-5377 Beau.Villarreal@sao.wa.gov

www.sao.wa.gov

**Entrance Conference: City of Long Beach** 

September 20, 2016

### **About our Office**

The Washington State Auditor's Office's vision is government that works for citizens. Our goal is for government that works better, costs less and earns greater public trust.

The purpose of this meeting is to share our planned audit scope so that we are focused in the most significant areas. We value and appreciate your input.

### **Audit Scope**

Based on our preliminary planning, we will perform the following audits:

• Accountability audit for the fiscal year 2015

We will assess for the management, use and safeguarding of public resources to ensure there is protection from misuse and misappropriation. In addition, we will evaluate whether there is reasonable assurance for adherence to applicable state laws, regulations and policies and procedures.

We plan to evaluate the following areas:

- Open Public Meetings Act
- Cost allocation
- Financial condition
- o Controls over significant accounting systems
- o Payroll
- Controls over fuel
- o Small & attractive assets

### **Expected Communications**

During the course of the audit, we will communicate with David Glasson, City Administrator, on the audit status, any significant changes in our planned audit scope or schedule and preliminary results or recommendations as they are developed.

Please let us know if, during the audit, any events or concerns come to your attention of which we should be aware. We will expect Mr. Glasson to keep us informed of any such matters.

### **Audit Dispute Process**

Please contact the Audit Manager or Deputy Director to discuss any unresolved disagreements or concerns you have during the performance of our audit. At the conclusion of the audit, we will summarize the results at the exit conference. We will also discuss any significant difficulties or disagreements encountered during the audit and their resolution.

### **Audit Survey**

When your report is released you will receive an audit survey from us. We value your opinions on our audit services and hope you provide us feedback.

### **Loss Reporting**

Local governments are required to immediately notify our Office in the event of a known or suspected loss of public resources or other illegal activity. These notifications can be made on our website at <a href="http://portal.sao.wa.gov/saoportal/public.aspx/LossReport">http://portal.sao.wa.gov/saoportal/public.aspx/LossReport</a>.

### **Available Resources**

The Washington State Auditor's Office also has many resources available throughout the year.

### **Local Government Support Team**

This team provides support services to local governments through technical assistance, comparative statistics, training, and tools to help prevent and detect a loss of public funds. Our website and client portal offers many resources, including a client Help Desk that answers auditing and accounting questions. Additionally this team assists with the online filing of your financial statements.

### **Local Government Performance Center**

The Performance Center is a resource for local governments that need to solve problems, reduce costs, and improve the value of their services to citizens. The Center offers training and tools to help local governments improve performance and effectiveness. One tool provided by the Center is the Financial Intelligence Tool or FIT. It is available to the majority of governments that report their financial statements using the BARS cash basis of accounting. You can download FIT through the online Client Portal where you sign in to file your annual report.

FIT is designed to provide understandable information to financial decision makers of any experience level. The financial data that you file online is clearly presented using widely accepted financial guidelines. To learn more about FIT and how to use it, please read a one-page explanation, which can be found at:

www.sao.wa.gov/local/Documents/FIT\_Announcement\_2015.pdf.

### JAIME HERRERA BEUTLER 3RD DISTRICT, SOUTHWEST WASHINGTON

COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES SUBCOMMITTEE ON COMMERCE, JUNICE, SCIENCE, AND RELATED AGENCIES SUBCOMMITTE ON FINANCIAL STRVICES AND GENERAL GOVERNMENT



### Congress of the United States House of Representatives Washington, DC 20515-1602

September 14, 2016

1130 Longworth HOB Washington D.C. 20515 (202) 225-3536

GENERAL O.O. HOWARD HOUSE
750 ANDERSON STREET, SUITE B
VANCOUVER, WA 98661
(360) 695-6292

WWW.JHB.HOUSE.GOV

Mayor Jerry Phillips City of Long Beach PO Box 310 Long Beach, WA 98631

Dear Mayor Phillips,

I am writing to voice my support for the efforts of the City of Long Beach (City) to prepare for the protection of the community in the event of a tsunami inundation should we experience a major earthquake along the Cascadia Subduction Zone. The specter of a catastrophe for the Pacific Northwest coast is all too real if there is a shift in the massive tectonic plates that lie a mere 200 miles off of our shoreline.

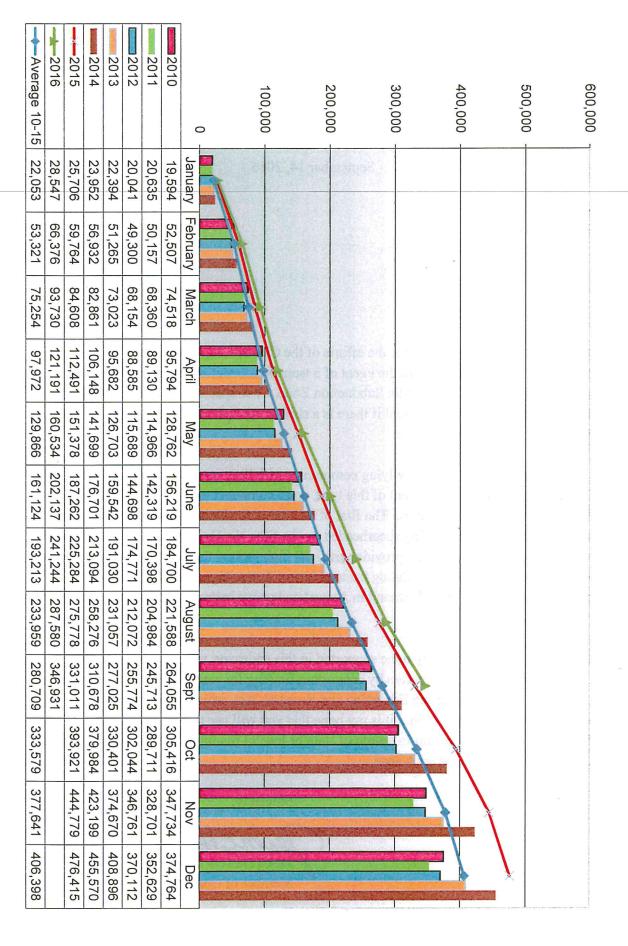
The Long Beach peninsula is a low-lying community with little natural topography that could provide a route of escape in an event of this type, and I commend the City for taking strong initiative to find viable alternatives. The first of its kind in the United States, the Safe Haven Vertical Evacuation Project, being spearheaded by the City, the University of Washington, and several state and federal agencies, provides artificial high ground that has the potential to save many lives in the event of a devastating tsunami event. It was highly instructive to see the proposed siting for this project firsthand in August and gain a better understanding of its viability and potential use.

I believe it is critical for the City to be supported in this endeavor, and I am committed to complement your efforts in Congress by supporting funding for early earthquake detection, and supporting the Tsunami Warning Education and Research Act, which helps fund Washington State's Tsunami Warning System. It is my hope that you will use this letter in support of any funding requests that you submit in search of state or federal funding. You have my best wishes and my pledge for continued assistance.

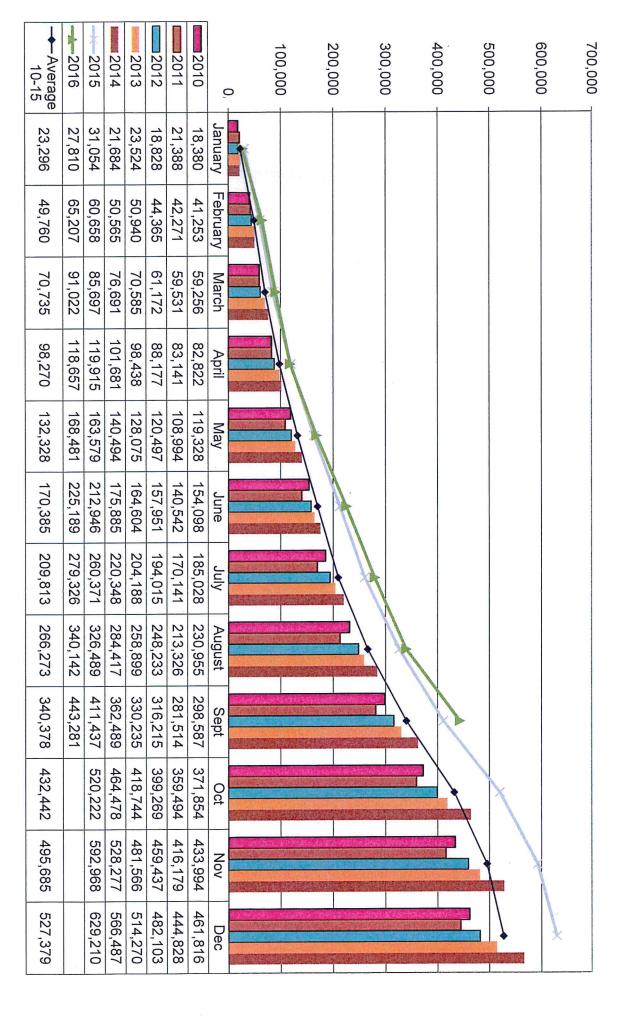
Sincerely,

Jaime Herrera Beutler
Member of Congress

## Sales Tax Collections



# **Lodging Tax Collections**



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### 2016 July Staff Report

### **Tourism & Events Department**

### City of Long Beach, WA.

### Trolley:

- Scheduling Trolley for Groups
- Advertising for Trolley Drivers
- Training Drivers for group tour routes
- Marketing the Trolley to the Community
- Chartered the trolley for the American Cruise Lines on the following dates in July: 3<sup>rd</sup>, 7<sup>th</sup>, 10<sup>th</sup>, 14<sup>th</sup>, 17<sup>th</sup>, 21<sup>st</sup>, 24<sup>th</sup>, 28<sup>th</sup>, & 31<sup>st</sup> Average number of guests 35-43.
- Safety Lights were added to the back of the trolley for Kite Festival Trolley stops to ensure safety of vehicle, drivers, and passengers.
- We are looking into having festival or event advertising in the trolley for 2017.
- Trolley Shuttle service for Rod Run Sept 2016.
- Was approached by the Ilwaco Merchants about having the trolley at the Slow Drags as a participant. Do not have a driver for that day, but will have at the Port of Ilwaco for a static display.

### Long Beach Package Travel / Cruise Ships

- Booked 14 people from the Clark County Park & Rec group for a River Boat Tour & Lunches with 2 local companies.
- Looking to continued partnership with Lor's Tours; tours to the area and eventually small groups.
- Hosted Sports Leisure Vacations for 2 nights = 40 room nights at Inn at the Arch.
- Hosted 2 dozen folks from Sports Leisure for S'mores on the Beach as part of their package.
- Booking rooms for softball teams through Joe Hightower & Long Beach lodging properties.
- Organized scheduled activities for Sports Leisure & assisted with scheduling Sydney Stevens to talk.
- Made plans to attend Spotlight on the Northwest in Albany for Package Travel September 2016.
- Assisting in Site Visit with ACFEA Tour Consultants out of Seattle, Visit TBD.
- Registered for Travel Exchange 2017 to receive early bird rates and booked my lodging. Will be cost sharing the room with a Washington Delegate.
- Working with Jason Lu from China Tours regarding November Site Visit to Long Beach, Washington.

### Festivals & Events:

- Partnered with the Kite Museum, Police Department and Early Readers program and hosted kids at the Museum. Cookies, Goodie Bags and a tour of Flint Police Truck
- Oregon Army Band Concert July 19<sup>th</sup> had a great crowd for a Tuesday night. 150
   +/- in attendance.
- Logistics and planning with Laurie Freedman regarding September 2016 Geo
   Caching Event
- Spoke with Peninsula Saddle Club regarding trail riding in September.
- Logistics Meeting for Jake's Birthday and any last minute needs.
- SandSations had a few things to assist with. See AAR for SandSations for more details. We hosted a Bon Fire on the Beach with S'mores for the first 150 people that showed up. All treat bags were distributed.
- Last minute correspondence with WDOT regarding the 3 upcoming parades.
- Met with a couple regarding Jazz & Oysters and the potential of hosting it at Veterans Field in 2017. NO decisions have been made at this time!
- Was contacted by Jeff Sikes regarding a new event for Long Beach. NW Jeep Beach June 2018.
- Working with WA State Parks regarding special event permits for Beach runs & Kite Festival approval of all activities.
- Assisted with Long Beach Rodeo event signage.
- Logistics for Domestic Violence Run for Crisis Support

### Meetings & Marketing:

- Sent Visitor requested information to a potential guest.
- Attended the Long Beach Merchants Board Meeting
- Meeting with Karl & City regarding SandSations Logistics.
- Meeting with Holli Kemmer (WKM) & City of Long Beach regarding Kite Festival Logistics.
- Ocean Park Chamber Meeting to promote City activities and projects.
- Meeting with Nikki Whittle & Karl Hintz regarding radio advertising for 2017.
- Scheduling the Train Depot for meetings and events.
- Corresponded with Joel Scott regarding the City of Long Beach, WA & Employer Support of Military Members & Guard.

### SummerFest:

- Ordered Product for activities
- Wrote Contracts for Musician & entertainers for SummerFest & the Farmers Market Music
- Social Media for Summerfest

- Scheduling performers for weekends
- Email & phone correspondence with potential entertainers
- Distributed all remailing print media to local establishments
- The Mayor came out & awarded the Sidewalk Chalk Mayor's Choice for July 16<sup>th</sup> & 30<sup>th</sup>
- Since July 1<sup>st</sup>, 2016 the Horse & Wagon has not been operating due to insurance issues.

Respectfully Submitted,

Ragan Myers,

**Tourism & Events Department** 

### 2016 August Staff Report

### **Tourism & Events Department**

### City of Long Beach, WA.

### Trolley:

- Scheduling Trolley for groups.
- Advertising for trolley drivers.
- Training Drivers for group tour routes.
- Marketing the trolley to the community
- Trolley running for Kite Festival & Paddle Boats.

### **Long Beach Package Travel & Cruise Ships:**

- Worked with 50+ travel Program from Clark CO regarding River Boat Tour
- Met & talked with 2 trip planners from Clark Co Park & Rec for future (Day Trips Only)
- Assembled 200 info/goodie bags for groups/Paddle boat guests.
- Met with Group Sales & Marketing for Best Western Long Beach Inn Working on selling Long Beach Package Travel Itineraries. 4-hour site visit of the area.
- Hosted Eastern Star group at Inn at the Arch 10<sup>th</sup> 11<sup>th</sup>
- Hosted Lighthouse Keepers Group at Best Western
- Still hosting Paddle Boat groups on Thursdays and Sundays through October.
- Preparing to attend the Spotlight on the Northwest in September in Albany. Invitation and lead was received at Travel Exchange this year.
- Article going into Group Tour Magazine regarding Beach Communities and Long Beach.
   To come out in October.
- Attended the Clark County Fair and talked with the Clark County Lions Club about having a weekend meet and greet at the Beach (group Lodging) for 2017. We are corresponding at this time.

### **Festivals & Events:**

- Logistics for Kite Festival & Trolley
- Corresponding with Jeff Sikes regarding Jeep Beach Weekend in 2018.
- Logistics for Jake's Birthday & WDOT Parade Approval
- WDOT correspondence for Surf & Saddles Rodeo Parade
- Working with Kim Fields All things Fun Sports on a potential golf tournament. Was also given information on Pickle Ball from Lakewood and Centralia areas.
- Booked 3 Softball Tournaments for Culbertson Park in 2017 with Kim Fields All things fun sports

- Booked 6 Softball Tournaments for Culbertson Park in 2017 with Joe Hightower Long Beach Softball
- Discussed Mer-Retreat with Orchid through Chautauqua Lodge. This event is scheduled for October.
- Correspondence with Peninsula Saddle Club regarding equine trail horse event September.
- Correspondence with American Cancer Society regarding Bark at the Beach event at Veterans Field. Will take the place of Doggie Olympics using the Long Beach Merchants format and materials. Scheduled for September 24<sup>th</sup> and to be held the 4<sup>th</sup> Saturday in September yearly.
- Corresponding with Operation Shore Patrol for their annual beach clean-up. They are staying at Driftwood RV Park (Lodging Tax Revenue). They are having a meet and greet with the Mayor and Change for Good Certificate plus Proclamation. This is scheduled for September 17<sup>th</sup>.
- Corresponding with Laurie Freeman regarding Geo Caching in Long Beach event taking place September 16 18.
- Free By The Sea was looking into a September Beach Run, but has opted to have the event in Ocean Park.
- Approached by the Ocean Beach Hospital in regards to partnering for an Oncology Run to support the hospital.
- Approached by group looking to include a permanent pickle ball court(s) in the community.
- Attended the Clark County Fair and Scouted entertainment (on my own time). Found 2 entertainers for 2017.

### Marketing & Meetings:

• Attended Long Beach Merchants Board meeting to discuss American Cancer Society taking over Doggie Olympics and starting Bark at the Beach.

### SummerFest:

- Ordered product for activities
- Scheduled performers and musicians
- Prepared Contracts for performers & Farmers Market Musicians
- Email and phone correspondence with potential performers for 2017 (Series of Tribute Bands for the Main Stage)
- The Mayor came out and assisted in judging sidewalk chalk art contest August 7<sup>th.</sup>

Respectfully Submitted,

Ragan Myers

# December 2016

Sat					
	n	01	21	24	31
Fi	7	6	16	23	30
Thu	I	8	15	22	29
Wed		7	14	21	28
Tue		9	13	20	27
Mon		5 City Council • Final Budget Hearing • Budget Adoption	12	19	26
Sun		4	11	18	25

# November 2016

Sat					
	<i>ب</i>	12	61	26	
Ī	***************************************	11 Veterans' Day	18 Preliminary Budget Available to the Public	25 Thanksgiving	
Thu	8	10	17	24 Thanksgiving	
Wed	2 Publish Budget Notice	9 Publish Budget Notice	16	23	30 *Property tax must be filed with the county
Tue	1	8	15	22	29
Mon		7 City Council	14	21 City Council *Property Tax Levy must be set *Preliminary Budget Hearing	28
Sun		Q	13	20	27