



## AGENDA – Monday, June 18, 2018

**6:15 p.m. Workshop**

**7:00 p.m. City Council Meeting**

Long Beach City Hall  
115 Bolstad Avenue West

### **6:15 WORKSHOP**

WS 18-14

2018 Code Amendments – TAB A

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

Call to order  
And roll call

Mayor Phillips, Council Member Linhart, Council Member McGuire,  
Council Member Murry, Council Member Cline & 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 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, June 4, 2018 City Council Meeting
- Payment Approval List for Warrant Registers 57884-57936 & 83517-83585 for \$286,403.21

### **BUSINESS**

- AB 18-39 – Ordinance 956 Amending Title 6, Chapter 4, Article 6-4A and 6-4B – TAB C
- AB 18-40 – Jurassic Parliament Contract for Training Workshop – TAB D
- AB 18-41 – AWC Conference Voting Delegates – TAB E
- AB 18-42 – Resolution 2018-09 Authorizing Acceptance of Grant Funds - TAB F
- AB 18-43 – 17<sup>th</sup> ST NW Partial Street Vacation – **PUBLIC HEARING** - TAB G

### **DEPARTMENT HEAD ORAL REPORTS**

### **CORRESPONDENCE AND WRITTEN REPORTS – TAB H**

- AWC Certificate of Municipal Leadership – Tina McGuire
- Parks, Streets, Stormwater Monthly Report – May 2018
- Certificate of Competency – Water Distribution Specialist – Tye Caldwell
- Certificate of Competency – Water Distribution Specialist – Timothy Huff
- WA State Department of Ecology Funding Offer List and Intended Use Plan
- Long Beach Charging Station Dashboard
- Washington Voters Right Act Information
- Wastewater Department Report May 2018
- Water Department Report May 2018

### **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.  
July 2, 2018, July 16, 2018 & August 6, 2018

### **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



**CITY COUNCIL  
WORKSHOP BILL  
WS 18-14**

**Meeting Date: June 18, 2018**

<b>AGENDA ITEM INFORMATION</b>		
<b>SUBJECT: 2018 Code Amendments</b>		<i>Originator:</i>
	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	
<b>COST:</b> Unknown	Water/Wastewater Supervisor	
<p><b>SUMMARY STATEMENT:</b> Discussion on possible code amendments, gathering input from staff and Council.</p> <p><b>Suggested amendments</b></p> <p><b>Zoning Map Amendments –</b></p> <ol style="list-style-type: none"> <li>1. OTW zone and discussion regarding dwelling units on bottom floor</li> <li>2. Permitted and Conditional Uses in the S3 zone</li> <li>3. R3 Property behind Obie's 104 11st ST SE - rezone</li> <li>4. Adding the use of "casino" – S3</li> <li>5. Adding the use of "Distillery/Brew pub" – S3, OT, OTW, RC</li> <li>6. Workforce Housing</li> </ol> <p><b>Building Requirements –</b></p> <ol style="list-style-type: none"> <li>1. Square footage requirements for dwelling unit</li> <li>2. Small Homes definition</li> <li>3. Tiny Homes – refer to RV requirements apply</li> </ol>		

Workshops are public meetings with the purpose of allowing the City Council to discuss topics. No formal decisions are made at workshops. While almost every meeting when a majority of the city council is present is considered a public meeting, that doesn't necessitate the Council allowing public comment. If the Mayor and Council request more information or clarification they may seek input from the audience.

Mayor Phillips,

I am co-owner of a parcel of land that is currently zoned S-3. The parcel is directly to the west of the Neptune Theater at south Ninth and Boulevard. It abuts Shoreview Drive on its west boundary.

Since the inception of the current S-3 zoning for the above described property and other like properties, nothing has happened in terms of development. This fact must be a frustration to the City of Long Beach as well as the individual property owners. No growth has occurred and thus potential revenues have been missed.

My understanding of S-3 zoning does not allow residential usage, i.e. apartment houses or condos—the thinking being that they would primarily be used as residential rather than vacation rental or similar.

I understand that the S-3 properties fronting south 10<sup>th</sup> (Sid Snyder) should probably be used for traditional tourism activities (motels, shops, etc.).

I am specifically talking about parcels that would be east of Shoreview Drive and north of south Ninth Street. It should be recognized that development east of Shoreview Drive and between south 10<sup>th</sup> and Bolstad could be problematic because of wetland areas.

In past zoning activities there was considerable talk about putting higher densities of people close to the downtown core. These efforts have slowed the development of this area because the residential terminology within the zone.

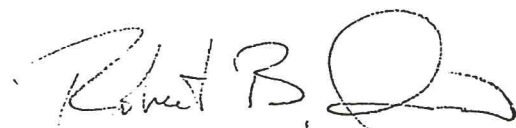
I would like to propose that the zone be allowed to include a condominium type ownership with the ability to be used as a vacation rental/itinerant occupancy. There are people also that do not prefer motel rooms and would enjoy the ability for a more residential-like setting for their vacationing needs.

There is a group of the population that like the idea of owning something at the beach and also have the ability to rent out the unit when the owner is not using the unit. There is no denying that a few of the units could be used as full-time residential. However, the selling and marketing of the building that emphasizes the vacation rental availability would probably attract individuals that would vacation rental.

A vacation rental building would have to be properly managed by a company that is local and with experience in dealing with vacation rentals. This is a critical requirement for the owners and the city. Nobody wants a poorly run facility that cannot take care of problems (plumbing, electrical, etc.) in a timely manner. Happy people keep coming back and tell their friends.

I feel the inclusion of this proposed use would put more people near the downtown core and would increase primetime and off-season tourist rental inventories. Long-term, the area needs to grow and this would be an opportunity accommodate the need for growth.

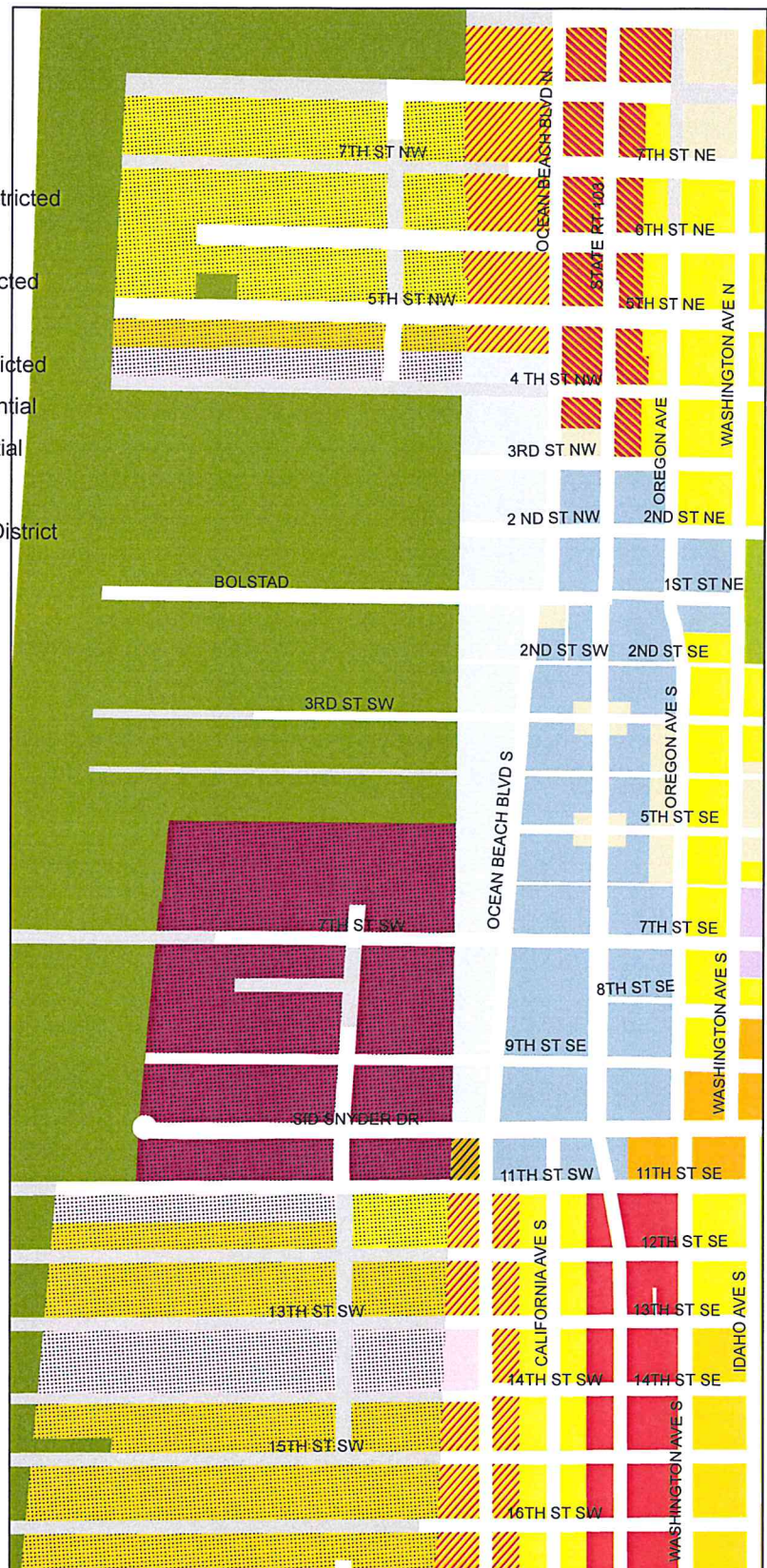
Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Robert B. Q.", with a stylized flourish at the end.



## Legend

- roads
- R1 Single Family Residential
- ROW
- R1R Single Family Residential Restricted
- R2 Two Family Residential
- R2R Two Family Residential Restricted
- R3 Multi-Family Residential
- R3R Multi-Family Residential Restricted
- S1 Shoreline Single Family Residential
- S2 Shoreline Multi-Family Residential
- S3 Shoreline Resort
- S3M Shoreline Resort Mixed-Use District
- S3R Shoreline Resort Restricted
- RC Residential Commercial
- C1 Commercial
- C2 Commercial Retail Warehouse
- AC Accommodations
- L1 Light Industrial
- OT Old Town
- OTW Old Town West
- P Public
- PR Parks & Recreation
- S4 Shoreline Conservancy



# ARTICLE A. OT OLD TOWN DISTRICT

## 12-6A-1: INTENT:

The intent of the OT old town district is to provide a compact retail core that will stimulate foot traffic, promote tourism and serve the needs of visitors, while creating an early twentieth century seashore theme. The OT old town district partially implements the visitor commercial (VC) land use designation of the Long Beach comprehensive plan. (Ord. 849, 8-17-2009)

## 12-6A-2: PERMITTED USES:

### A. Principal uses:

Amusements conducted indoors.

Arts and crafts galleries.

Business, professional offices or financial institutions.

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

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

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

Performing arts center seating ninety nine (99) people or fewer.

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

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

Restaurants, excluding drive-through facilities.

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

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

Theaters, but not including drive-ins.

Vacation rentals. (Ord. 891, 4-13-2013)



**B. Accessory uses and structures:**

Enclosed storage of materials, supplies and equipment associated with the principal use of the property.

Live-work spaces within residential uses.

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

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

Small wind generation facilities, subject to the provisions of section [12-11-22](#) of this title.

Solar energy facilities, subject to the provisions of section [12-11-21](#) of this title. (Ord. 849, 8-17-2009; amd. Ord. 891, 4-13-2013)

**12-6A-3: CONDITIONAL USES:****A. Uses:**

Community centers.

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

Governmental or municipal structures, uses, or facilities.

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

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

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

Parks, recreation areas and facilities.

Performing arts center seating one hundred (100) people or more.

Public parking lots.

Quasi-public uses.

Wireless communication facilities, pursuant to the requirements of section [12-11-17](#) of this title. (Ord. 891, 4-13-2013)



- B. Other Uses: Other uses may be allowed as a conditional use if the hearing examiner determines that such use is similar in intent and impact to a permitted or conditional use. (Ord. 849, 8-17-2009)

## 12-6A-4: STANDARDS:

### A. Lots:

1. Lot size: Two thousand five hundred (2,500) square foot minimum. Construction on lots platted prior to the effective date hereof, with less than two thousand five hundred (2,500) square feet, may be permitted where approved by the city council, upon the recommendation of the planning commission.
2. Lot coverage: No maximum.
3. Setback requirements:
  - a. Pacific Avenue: Five foot (5') maximum setback from Pacific Avenue; except that a setback of up to twenty feet (20') may be permitted by the reviewing authority during design review; provided, that none of the setback area is used for parking, and the area is finished and used for outside display, dining and/or landscaping.
  - b. All other sides: Subject to design review.

### B. Building Height:

1. The maximum height of a building shall be thirty five feet (35').
2. The minimum building height shall be twenty five feet (25'), except that a lower building height may be permitted by the reviewing authority during design review upon an affirmative finding that the lower building height results in a building of similar proportions to abutting buildings.

C. Signs: As provided in [chapter 14](#), including article A, of this title.

D. Parking: As provided in [chapter 12](#) of this title.

E. Design Review: All new construction, additions and exterior alterations shall be subject to design review as provided in [chapter 10](#) of this title.

F. Landscaping: As provided in [chapter 13](#) of this title.

G. Maximum Building Size: Ten thousand (10,000) square feet per floor.

H. Density: No maximum. (Ord. 849, 8-17-2009)

## **ARTICLE B. OTW OLD TOWN WEST DISTRICT**

### **12-6B-1: INTENT:**

The intent of the OTW old town west district is to provide a compact retail core that will stimulate foot traffic, provide lodging, promote tourism and serve the needs of visitors, while creating an early twentieth century seashore theme. Located west of Ocean Beach Boulevard, taller buildings are allowed to take advantage of ocean views. The OTW old town west district partially implements the visitor commercial (VC) land use designation of the Long Beach comprehensive plan. (Ord. 849, 8-17-2009)

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

#### **A. Principal Uses:**

Arts and crafts galleries.

Bed and breakfasts of fifteen (15) units or less.

Business, professional offices or financial institutions.

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

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

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

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

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

Restaurants, excluding drive-through facilities.

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

stores, and appliance stores.

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

Theater, but not including drive-ins.

Vacation rentals. (Ord. 891, 4-13-2013)

B. Sexually Oriented And Adult Businesses: Sexually oriented or adult businesses shall be permitted, subject to design review as set forth in [chapter 10](#), including article A, of this title, and subject to the restrictions set forth in [chapter 15](#) of this title<sup>1</sup>. (Ord. 849, 8-17-2009)

C. Accessory Uses And Structures:

Enclosed storage of materials, supplies and equipment associated with the principal use of the property.

Live-work spaces within residential uses.

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

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

Small wind generation facilities, subject to the provisions of section [12-11-22](#) of this title.

Solar energy facilities, subject to the provisions of section [12-11-21](#) of this title. (Ord. 849, 8-17-2009; amd. Ord. 891, 4-13-2013)

### **12-6B-3: CONDITIONAL USES:**

Community centers.

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

Governmental or municipal structures, uses, or facilities.

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

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

Parks, recreation areas and facilities.



Performing arts center seating one hundred (100) people or more.

Public parking lots.

Quasi-public uses.

Resort/conference complexes. (Ord. 891, 4-13-2013)

## **12-6B-4: STANDARDS:**

### **A. Lots:**

1. Lot size: Two thousand five hundred (2,500) square foot minimum. Construction on lots platted prior to the effective date hereof, with less than two thousand five hundred (2,500) square feet, may be permitted as approved by the city council upon the recommendation of the planning commission.
2. Lot coverage: None specified.
3. Setback requirements: Maximum of twenty feet (20') from Ocean Beach Boulevard if only one building is located on the property. For development with multiple buildings, at least one building shall be set back a maximum of twenty feet (20') from Ocean Beach Boulevard. All other setbacks shall be subject to design review.

### **B. Building Height:**

1. The maximum height of any building or portion of a building within thirty feet (30') of Ocean Beach Boulevard shall be forty five feet (45'). The maximum height for any building or portion of a building set back more than thirty feet (30') from Ocean Beach Boulevard shall be fifty five feet (55').
2. The minimum building height shall be twenty five feet (25'), except that a lower building height may be permitted by the reviewing authority during design review upon an affirmative finding that the lower building height results in a building of similar proportions to abutting buildings.

C. Signs: As provided in [chapter 14](#), including article A, of this title. (Ord. 849, 8-17-2009)

D. Parking: All parking shall be provided pursuant to [chapter 12](#) of this title. (Ord. 870, 4-4-2011)

- E. Design Review: All new construction, additions and exterior alterations shall be subject to design review as provided in [chapter 10](#) of this title.
- F. Landscaping: As provided in [chapter 13](#) of this title.
- G. Maximum Building Size: Ten thousand (10,000) square feet per floor.
- H. Density: No maximum. (Ord. 849, 8-17-2009)

## ARTICLE C. RC RESIDENTIAL COMMERCIAL DISTRICT

### 12-6C-1: INTENT:

The intent of the RC residential commercial zone district is to provide for a mix of residential and commercial uses in a pedestrian oriented neighborhood that is residential in character, while creating a twentieth century seashore look. Commercial uses serve the needs of local residents as well as visitors but exclude certain more intensive activities that might have a negative impact on residences, such as those that emit noise, light, smells or vibrations. Development is encouraged that will provide compatibility between different uses, and facilitate future conversion from one use to another. The RC residential commercial district implements the RC residential commercial land use designation of the Long Beach comprehensive plan. (Ord. 849, 8-17-2009)

### 12-6C-2: PERMITTED USES:

#### A. Principal Uses:

- Adult family home, six (6) or fewer beds.
- Arts and crafts galleries.
- Bed and breakfast, fifteen (15) or fewer guestrooms.
- Building supply, contractors, shops, excluding exterior storage yards.
- Business, professional offices or financial institutions.
- Daycare center, eleven (11) or fewer children.

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

Laundromats.

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

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

Performing arts center seating ninety nine (99) people or fewer.

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

Restaurants, with or without drive-through facilities.

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

Single-family dwellings.

Two-family dwellings.

Vacation rentals. (Ord. 891, 4-13-2013)

B. Sexually Oriented And Adult Businesses: Sexually oriented or adult businesses shall be permitted, subject to design review as set forth in [chapter 10](#), including article A, of this title, and subject to the restrictions set forth in [chapter 15](#) of this title<sup>1</sup>. (Ord. 849, 8-17-2009)

C. Accessory Uses And Structures:

Enclosed storage of materials, supplies and equipment associated with the principal use of the property.

Family daycare home, six (6) or fewer children.

Live-work spaces within residential uses.

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

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

Private garages and private recreational vehicle storage buildings.

Private (noncommercial) greenhouses, woodsheds, and toolsheds.

Small wind generation facilities, subject to the provisions of section [12-11-22](#) of this title.



Solar energy facilities, subject to the provisions of section [12-11-21](#) of this title. (Ord. 849, 8-17-2009; amd. Ord. 891, 4-13-2013)

### **12-6C-3: CONDITIONAL USES:**

Auto repair shops and car washes.

Churches.

Commercial fishing equipment, supplies and repairs (equipment and small engine only).

Cooperative (state registered).

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

Daycare center, twelve (12) or more children.

Eating and drinking establishments, excluding drive-through facilities.

Funeral homes and mortuaries, crematorium.

Governmental or municipal structures, uses or facilities.

Group dwellings.

Group home or residential care facility, fifteen (15) or fewer beds.

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

Marijuana (state licensed) retailer.

Mixed use: Any combination of uses including at least one conditional use.

Multi-family dwellings or a combination of two-family and/or multi-family buildings, resulting in five (5) or more dwelling units.

Nursing homes and convalescent centers, seven (7) or more beds.

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

Parks, recreational areas and facilities.

Public parking lots.

Quasi-public uses.

Recreational vehicle parks on the east side of SR 103 (Pacific Avenue).

Schools.

Wireless communication facilities, pursuant to the requirements of section [12-11-17](#) of this title. (Ord. 849, 8-17-2009; amd. Ord. 900, 6-16-2014; Ord. 931, 10-3-2016)

## **12-6C-4: STANDARDS:**

### **A. Lots:**

1. Lot Size: Lot area shall be a minimum of five thousand (5,000) square feet. Construction on lots platted prior to the effective date hereof, with less than five thousand (5,000) square feet, may be permitted as approved by the city council upon the recommendation of the planning commission.
2. Maximum Lot Coverage: No more than seventy five percent (75%) of any lot shall be covered by structures and/or impermeable surfaces.
3. Setback Requirements:
  - a. Front yard: Zero minimum to a maximum of twenty feet (20') along Pacific Avenue; zero minimum and no maximum to other streets.
  - b. Side yard: Five foot (5') minimum.
  - c. Rear yard: Five foot (5') minimum. (Ord. 849, 8-17-2009)
  - d. Corner lots and multiple street frontages: Zero minimum to a maximum of twenty feet (20') along Pacific Avenue; five foot (5') minimum to Ocean Beach Boulevard; zero minimum to all other street sides.
    - (1) The ground level of the building, to a height of at least eight feet (8') but excluding porch columns and railings, shall not be located in a vision clearance triangle, formed by measuring twenty feet (20') along each property line from the intersection of the two (2) streets and connecting the end points of such lines formed by such measurements.
    - (2) Porch roofs, balconies, canopies, bays, upper floors and similar features shall be permitted to project into the vision clearance triangle, provided the lowest point of the overhang or projection has a clearance of at least eight feet (8') above the sidewalk grade on Pacific Avenue, if abutting, or the level of the adjacent street for all other frontages. (Ord. 891, 4-13-2013)

- B. Building Height: The maximum height of a structure shall be thirty five feet (35'), except the maximum height of an accessory building with a gross floor area of less than two hundred (200) square feet shall be fifteen feet (15').

C. Signs: As provided in [chapter 14](#) of this title.

D. Parking: All parking toward the side or rear of buildings; otherwise as provided in [chapter 12](#) of this title.

E. Design Review: All new construction, additions and exterior alterations shall be subject to design review as provided in [chapter 10](#) of this title.

F. Landscaping: As provided in [chapter 13](#) of this title.

G. Maximum Building Size: Ten thousand (10,000) square feet per floor. The total floor area of all buildings on a lot shall not exceed seventy five percent (75%) of the lot area (a floor area ratio [FAR] of 0.75:1).

H. Density: No maximum. (Ord. 849, 8-17-2009)

## ARTICLE C. S3 SHORELINE RESORT DISTRICT

### 12-8C-1: INTENT:

The intent of the S3 shoreline resort district is to provide for tourist oriented commercial development, providing lodging and tourist serving businesses. The design character of the area is that of coastal resort, drawing on the natural setting of the dunes while protecting, preserving and enhancing significant environmental features. The S3 shoreline resort district partially implements the RES resort land use designation of the Long Beach comprehensive plan and the urban resort environment of the shoreline master program. (Ord. 849, 8-17-2009)

### 12-8C-2: PERMITTED USES:

A. Principal uses:

Arts and crafts galleries.



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

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

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

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

Restaurants, excluding drive-through facilities.

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

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

Theater, but not including drive-ins.

Vacation rentals. (Ord. 849, 8-17-2009)

#### B. Accessory uses and structures:

Laundry, maintenance shop, storage and other support functions associated with the principal use.

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

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

Small wind generation facilities, subject to the provisions of section [12-11-22](#) of this title.

Solar energy facilities, subject to the provisions of section [12-11-21](#) of this title.

Swimming pools, hot tubs, tennis courts and similar facilities for the use of guests. (Ord. 849, 8-17-2009; amd. Ord. 891, 4-13-2013)

#### 12-8C-3: CONDITIONAL USES:

Amusements.

Governmental or municipal buildings, uses, or facilities.

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

Museums and interpretive facilities.

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

Parks, recreation areas and facilities.

Performing arts center.

Public parking lots.

Resort/conference complexes. (Ord. 891, 4-13-2013)

## **12-8C-4: STANDARDS:**

### **A. Lots:**

1. Lot Size: The minimum lot size is ten thousand (10,000) square feet. Construction on lots platted prior to the effective date hereof, with less than ten thousand (10,000) square feet, may be permitted where approved by the city council, upon the recommendation of the planning commission.
2. Lot Coverage: No more than seventy five percent (75%) of any lot shall be covered by structures and/or impermeable surfaces.
3. Setback Requirements: None, except as may be required through design review.

B. Building Height: The maximum height of a building shall be sixty feet (60').

C. Signs: As provided in [chapter 14](#), including article A, of this title.

D. Parking: As provided in [chapter 12](#) of this title.

E. Design Review: All new construction, additions and exterior alterations shall be subject to design review as provided in [chapter 10](#) of this title.

F. Landscaping: As provided in [chapter 13](#) of this title. (Ord. 849, 8-17-2009)

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

- A. **Parking And Storage:** For purposes of these regulations, "major recreational equipment" is defined as including boats and boat trailers, recreational vehicles (RVs) and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. All such equipment shall be stored in rear yards away from street side view or along the side yards. No major recreational equipment shall be parked or stored on any lot except in a carport or enclosed building or behind the nearest portion of a building to a street; provided, however, that such equipment may be parked anywhere on residential premises for periods not to exceed twenty four (24) hours during loading or unloading. Recreational vehicles that are parked or stored within view of the street or on a vacant lot shall be considered occupied, for purposes of subsection B of this section. No major recreational equipment shall be parked or stored on any street or way, whether public or private. (Ord. 849, 8-17-2009)
- 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.
  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 Prohibited:** It is unlawful and an infraction for any person to camp on any city owned or city controlled property, any public park, or any public right of way. (Ord. 912, 8-3-2015)



## Ariel Smith

---

**From:** Matt Bonney  
**Sent:** Friday, June 1, 2018 9:22 AM  
**To:** Ariel Smith  
**Cc:** David Glasson  
**Subject:** minimum rooms and structures

A 2 BR, 1 BA home with a combined kitchen/living area and a laundry room would need the following:

By the 1967 Uniform code:

First bed room is min 120 sqft

BR #2 is 90

Bathroom need 32x60 inches for tub + 30 in wide for toilet +30 inches wide for single vanity sink = 92x60 inches  
= 38.35 SqFt about

Kitchen when combined with living area are minimum 150 sqft (kitchen is 50 sqft when not combined and living room would be min 90)

Laundry room average size is 25 sqft

In 1967 a house could virtually not be smaller than 423 SqFt

1997 Uniform code:

BR 1 min 120 sqft

BR 2 min 70

Bath – no minimum but follows same clearances – 38 sqft

Laundry average 25 sqft (includes water heater)

Kitchen/Living room minimum 70 sqft (no caveat when combined)

In 1997 a house could be as small as 323 sqft

2009 International Code

BR 1 min 120 sqft

BR 2 min 70 sqft

Bath needs to meet minimum fixture clearances - 38 sqft should pan

Laundry and water heater – 25 sqft

Living/Kitchen 70 sqft

2009 still around 323 sqft would be tight

2015 Int'l Code (current)

BR 1 min 70 sqft

BR 2 min 70 SqFt

Bath – same as 2009 – 38 SqFt

Laundry and water heater 25 sqft

Living/Kitchen 70 SqFt

Today a house could be not much smaller than 273 sqft

This is the trend over the last 50 years

I recommend we require that no 1- or 2-family dwelling have a total superficial floor area less than 500 sqft per dwelling unit not including a garage area.

I also called the State Building Code Council to see if there would be a conflict requiring SBCC approval, they were unable to advise since it was not asking for a direct change to the building code, but noted that other jurisdictions were doing similar thing through their zoning codes. to date no one has challenged those ordinances against building code standards.

Also HB1085 takes effect June 7. That would allow us to eliminate minimum room sizes from or reduce the minimum sizes in the model code without SBCC approval. But the intent is to allow for higher density.

Matt Bonney, Building Inspector  
Cities of Long Beach & Ilwaco

360-642-4421 – office  
360-642-8841 – fax

TAB - B



## **LONG BEACH CITY COUNCIL MEETING**

**June 4, 2018**

### **6:15 COUNCIL WORKSHOP**

C. Linhart, C. Cline, C. Murry, C. Kemmer, and C. McGuire were all present.

WS 18-13- 2018 Code Amendments

Discussion on possible code amendments, gathering input from staff and Council.

Suggested amendments:

Special Use Permits- 12-11-14

1. For a temporary use (up to one year) not otherwise mentioned in the LBCC
2. Adding \$100 fee for permit application
3. Limiting quantity, (2) applications per property per year – including conjoined lots
4. Not on public property

Creating Special Event Permit – 12-11-24 – new

1. For an event or short-term use not otherwise mentioned in the LBCC
2. Application fee \$100
3. Duration of event, not to exceed 10 days

Vacation Rental – 12-11-9

1. (F) Require each property to have a City of Long Beach business license
2. (G) Only apply to owners within the OT, OTW, S3, S3R, S3M, C1 & AC zones
3. Requirement of each property having a landline

**No motions were made at this time.**

The Mayor adjourned the workshop at 6:54 p.m.

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

Mayor Phillips called the meeting to order; asked for the Pledge of Allegiance and roll call.

### **ROLL CALL**

David Glasson, City Administrator, called roll with C. Linhart, C. Cline, C. Murry, C. Kemmer and C. McGuire were all present.

### **PUBLIC COMMENT**

No public comments were made.

### **CONSENT AGENDA**

Minutes, May 21, 2018 City Council Meeting

Payment Approval List for Warrant Registers 57857-57883 & 83429-83516 for \$370,386.89

### **BUSINESS**

AB-38 – Ordinance 954 Amending the 2017 Budget

David Glasson, City Administrator, presented the Agenda Bill. The Ordinance presented amends the 2017 budget to include additional, unexpected expenditures in the Capital Improvement, Streets and Sewer Funds.

**C. Linhart made the motion to approve Ordinance 954 amending the 2017 budget. C. Murry seconded the motion; 5 Ayes, motion passed.**

**DEPARTMENT HEAD ORAL REPORTS**

**CORRESPONDENCE AND WRITTEN REPORTS**

- Thank You Letter
- Thank You Letter
- PWB Award Letter
- First Responder Safety Fair
- Sales Tax Collections
- Lodging Tax Collections
- Police Chief's Report for May

**ADJOURNMENT**

The Mayor adjourned the meeting at 7:11 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

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



# Warrant Register

Check Periods: 2018 - June - First

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

Council Member	Council Member	Council Member	Clerk/Treasurer
57884	Bell, Helen S	6/5/2018	6/6/2018
57885	Binion, Jacob	6/5/2018	6/5/2018
57886	Bonney, Matthew T	6/5/2018	6/5/2018
57887	Booi, Kristopher A	6/5/2018	6/5/2018
57888	Caldwell, Tye J	6/5/2018	6/5/2018
57889	Cline, Kevin M	6/5/2018	6/5/2018
57890	Cox, Mallory E	6/5/2018	6/5/2018
57891	Cutting, Jeffrey G.	6/5/2018	6/6/2018
57892	Ellyson, Susan R	6/5/2018	6/6/2018
57893	Fitzgerald, Rick E.	6/5/2018	6/5/2018
57894	Gilbertson, Bradley K	6/5/2018	6/6/2018
57895	Glasson, David R.	6/5/2018	6/6/2018
57896	Goulter, John R.	6/5/2018	6/5/2018
57897	Gray, Karen	6/5/2018	6/6/2018
57898	Haskin, Katie R	6/5/2018	6/6/2018
57899	Huff, Timothy M.	6/5/2018	6/6/2018
57900	Kaino, Kris	6/5/2018	6/5/2018
57901	Kemmer, Holli L	6/5/2018	6/5/2018
57902	Kemmer, Larry L	6/5/2018	6/5/2018
57903	Kirby, Gary E	6/5/2018	6/6/2018
57904	Kitzman, Michael	6/5/2018	6/5/2018
57905	Lefor, Joshua M	6/5/2018	6/5/2018
57906	Linhart, Steven P	6/5/2018	6/6/2018
57907	Luethe, Paul J	6/5/2018	6/5/2018
57908	McGuire, Tina M	6/5/2018	6/6/2018
57909	Melting, Casey K	6/5/2018	6/5/2018
57910	Miller, Matt W	6/5/2018	6/6/2018
57911	Mortenson, Tim	6/5/2018	6/6/2018
57912	Murry, Del R	6/5/2018	6/6/2018

Execution Time: 10 second(s)

Printed by CLBI\HelenB on 6/13/2018 3:39:37 PM  
Register



57913	Myers, Ragan S.	6/5/2018	6/6/2018	\$1,583.20
57914	Ostgaard, Loretta G	6/5/2018	6/5/2018	\$1,323.15
57915	Padgett, Timothy J	6/5/2018	6/5/2018	\$1,559.77
57916	Parker, Michael T	6/5/2018	6/5/2018	\$2,427.66
57917	Phillips, Gerald S	6/5/2018	6/5/2018	\$616.73
57918	Pursell, Whitney J	6/5/2018	6/6/2018	\$1,022.23
57919	Quitner, Jonathan H	6/5/2018		\$971.13
57920	Smith, Ariel I	6/5/2018	6/5/2018	\$2,069.07
57921	Tardiff, Donald W	6/5/2018	6/6/2018	\$1,977.81
57922	Warner, Ralph D.	6/5/2018	6/5/2018	\$975.38
57923	Williams, David L	6/5/2018		\$369.30
57924	Wood, Matthew T	6/5/2018	6/6/2018	\$1,696.38
57925	Wright, Flint R	6/5/2018	6/6/2018	\$2,708.94
57926	Zuern, Donald D.	6/5/2018	6/6/2018	\$2,224.56
57927	AFLAC	6/5/2018		\$467.80
57928	Association of WA Cities	6/5/2018		\$29,392.81
57929	City of Long Beach - Fica	6/5/2018		\$13,608.68
57930	City of Long Beach - FWH	6/5/2018		\$8,784.44
57931	Council Gift Fund	6/5/2018		\$60.00
57932	Dept of Labor & Industries	6/5/2018		\$2,190.32
57933	Dept of Retirement Systems Def Comp	6/5/2018		\$2,625.00
57934	Massmutual Retirement Services	6/5/2018		\$575.00
57935	Teamsters Local #58	6/5/2018		\$174.00
57936	Dept of Retirement Systems	6/5/2018		\$15,448.87
83517	Department of Licensing	6/4/2018	6/6/2018	\$47.25
83518	McGuire, Tina	6/6/2018	6/6/2018	\$760.96
83519	Columbia Ford, Inc.	6/6/2018		\$42,994.69
83520	Custer, Kimberlee	6/6/2018		\$120.00
83521	Public Utility District 2	6/6/2018		\$8,368.95
83522	Rip Tide Threads	6/6/2018		Void
83523	Zuern, Donald	6/7/2018		\$332.40
83524	Traffic Safety Supply Co.	6/6/2018		\$4,418.00
83525	Cutting, Jeff	6/8/2018		\$384.00
83526	Rosewood Entertainment	6/12/2018		\$125.00
83527	Aiken, James	6/13/2018		\$37.24
83528	Brown, Cody	6/13/2018		\$24.83
83529	Campbell, Matt	6/13/2018		\$37.24
83530	Custer, Kimberlee	6/13/2018		\$12.41
83531	Jewell, Kyle	6/13/2018		\$37.24
83532	Nagy, Branden	6/13/2018		\$62.07
83533	Noonan, Jennifer	6/13/2018		\$12.41
83534	Persell, Whitney	6/13/2018		\$12.41
83535	Williams, David	6/13/2018		\$111.72
83536	Rip Tide Threads	6/13/2018		\$152.62
83537	Airgas USA LLC	6/13/2018		\$43.30
83538	Astoria Janitor & Paper Supply	6/13/2018		\$1,529.90

83539	Bailey's Saw Shop	6/13/2018	\$42.18
83540	Beach Batteries	6/13/2018	\$472.14
83541	Brighter Side Marketing	6/13/2018	\$775.00
83542	BSK Associates	6/13/2018	\$800.00
83543	CenturyLink	6/13/2018	\$1,528.06
83544	Charter Communications	6/13/2018	\$254.93
83545	Chinook Observer	6/13/2018	\$368.73
83546	City of Long Beach	6/13/2018	\$1,365.91
83547	Clatsop Power Equipment	6/13/2018	\$49.76
83548	Cottage Bakery	6/13/2018	\$147.25
83549	Davis, Lynn	6/13/2018	\$377.53
83550	Dennis Company	6/13/2018	\$990.51
83551	Dufour, Gary	6/13/2018	\$145.00
83552	Ecological Land Services	6/13/2018	\$2,137.50
83553	Englund Marine Supply	6/13/2018	\$467.67
83554	Evergreen Rural Water of WA	6/13/2018	\$500.00
83555	Evergreen Septic Inc	6/13/2018	\$188.00
83556	Ferguson Enterprises, Inc #3007	6/13/2018	\$2,664.60
83557	Fosse Farms	6/13/2018	\$600.00
83558	GaragesRUS	6/13/2018	\$1,026.95
83559	Gilbert, Shelley	6/13/2018	\$60.00
83560	Goodyear Tire & Rubber Co.	6/13/2018	\$801.39
83561	Gray & Osborne	6/13/2018	\$34,803.78
83562	H. D. FOWLER	6/13/2018	\$223.71
83563	Iron Mountain	6/13/2018	\$118.55
83564	Loyalty Days	6/13/2018	\$6,500.00
83565	MANSFIELD ALARM CO, INC	6/13/2018	\$105.00
83566	Naselle Rock & Asphalt	6/13/2018	\$7,499.05
83567	Oman & Son Builders	6/13/2018	\$706.71
83568	Pacific County Economic Development Council	6/13/2018	\$2,363.15
83569	Pacific County Health & Human Services	6/13/2018	\$99.02
83570	Pacific County Sheriffs	6/13/2018	\$4,434.00
83571	Peninsula Landscape Supply	6/13/2018	\$116.75
83572	Peninsula Sanitation	6/13/2018	\$6,490.24
83573	Penoyar, William	6/13/2018	\$1,000.00
83574	Quill Corporation	6/13/2018	\$157.14
83575	Sid's Iga	6/13/2018	\$38.72
83576	Snap-ON Tools	6/13/2018	\$1,826.32
83577	Solutions Yes	6/13/2018	\$536.87
83578	SUNSET AUTO PARTS, INC	6/13/2018	\$1,524.95
83579	Tse, Brian P	6/13/2018	\$125.00
83580	Visa	6/13/2018	\$2,648.31
83581	Wadsworth Electric	6/13/2018	\$1,720.95
83582	Washington Festivals & Events Assoc	6/13/2018	\$75.00
83583	Weatherby, Cheryl	6/13/2018	\$185.00

83584  
83585

Wilcox & Flegel Oil Co.  
World Kite Museum

6/13/2018  
6/13/2018

	Total	Check
Grand Total	\$286,403.21	\$286,403.21

\$51.55  
\$1,625.00



TAB - C



**CITY COUNCIL  
AGENDA BILL  
AB 18-39**

**Meeting Date: June 18, 2018**

**AGENDA ITEM INFORMATION**

<b>SUBJECT:</b> Ordinance 956 – relating to dogs	<b>Originator:</b>	
	Mayor	
	City Council	
	City Administrator	DG
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Finance Director	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
<b>COST:</b> N/A	Other:	

**SUMMARY STATEMENT:** The City of Long Beach last updated it's dog ordinance prior to the improvements of Stanley Field. The issue came to light due to all the dog feces that were left on the fields. The meeting was well attended by proponents of dogs having a place to recreate as well as city staff citing the concerns of waste on the playing fields. The Council decided to allow dogs in the grassy areas where cars park, but not on the playfields. The existing ordinance allows for an area that doesn't exist at Stanley Field currently. The new code removes reference to that provision.

**RECOMMENDED ACTION: Adopt Ordinance 956**

## ORDINANCE No. 956

### AN ORDINANCE OF THE CITY OF LONG BEACH, WASHINGTON TO AMEND PORTIONS OF CITY OF LONG BEACH CODE, TITLE 6, CHAPTER 4, ARTICLE 6-4A AND 6-4B IN THE ENTIRETY.

**Whereas**, there is the requirements to destroy dogs in the current City Code; and

**Whereas**, the City wishes to place dogs in the South Pacific County Humane Shelter which has a no kill policy; and

**Whereas**, the City understands that most dogs are family members and the City is pet friendly; and

**Whereas**, the South Pacific County Humane Society can not comply with the current City Codes; and

**Whereas**, other portions of the Chapters are in need of updating and revisions:

**Now THEREFORE**, be it ordained by the City Council of the City of Long Beach, Washington, to AMENDED the follows:

#### **Section 1. Amend Chapter 4 - ANIMAL CONTROL**

##### **ARTICLE A. DOGS**

##### **6-4A-1: DEFINITIONS:**

As used in this article:

**ADULT DOG:** Any dog over four (4) months of age.

**ABANDONED ANIMAL:** Means an animal which is either dropped off, left in the street, road, highway, or on any other public or private property; or an animal which is placed in the custody of a veterinarian, boarding kennel owner, or any person for treatment, board or care; and

1. Having been placed in such custody for an unspecified period of time the animal is not removed within fifteen days after notice to remove the animal has been given to the person who placed the animal in such custody or having been so notified the person depositing the animal refuses or fails to pay agreed-upon or reasonable charges for the treatment, board, or care of such animal; or

2. Having been placed in such custody for a specified period of time the animal is not removed at the end of such specified period or the person depositing the animal refuses to pay agreed upon or reasonable charges for the treatment, board, or care of such animal.

**ANIMAL CONTROL OFFICER:** All police officers and any other person, persons or



association appointed or authorized by the mayor or designee and/or the chief of police to enforce the provisions of this chapter. All animal control officers shall report to and follow the orders of the mayor or designee and/or police chief.

ANIMAL SHELTER: means any animal control facility operated by contracted association designated and/or authorized to impound and care for animals held under the authority of this chapter and/or state law. Presently the "South Pacific County Humane Society" is the authorized shelter for Long Beach.

DANGEROUS DOG: means any dog that:

1. Without provocation, has inflicted severe injury on a human being on public or private property; or
2. Without provocation, has killed a domestic animal, or other animal protected by federal, state, or local rules, while off the owner's or keeper's property; or
3. Having been previously found to be potentially dangerous, and the owner having received notice of such, the dog again, without provocation, aggressively bites, attacks, or endangers the safety of humans, domestic animals, or other animals.

DOG: Any mammal of the canine family (*Canis lupus familiaris*).

DOG NUISANCE: A dog is a public nuisance if it:

- A. Bites a person.
- B. Chases vehicles, persons or bike riders or other animals.
- C. Damages or destroys property of persons other than the owner of such dog.
- D. Scatters garbage.
- E. Trespasses on private property of other than the owner of the dog.
- F. Disturbs persons by frequent or prolonged barking.
- G. Is a female in heat and running at large.

DOG RUNNING AT LARGE: A dog off or outside the premises of the owner, not restrained by a rope, line, leash, chain or similar means. If such dog is not restrained by a tether of some kind, then that dog shall be deemed "at large". Furthermore, such tether shall not exceed ten feet (10') in length from the owner's hand to the collar of the dog.

EXOTIC ANIMAL: means an animal of foreign origin and that is not native by birth to this community or not normally tamed and bred for the companionship of humans.

HARBOR: means to have an animal which remains on one's premises, and/or the presumption of ownership of an animal by an occupant of any premises on which the animal remains or to which it customarily returns daily for food and care.

IMPOUNDMENT: Taking physical control of such dog. The moment an animal control officer/police officer is in physical control of a dog at large, such dog is considered impounded, and subject to impoundment fees.

**KENNEL:** Means an establishment wherein a person engages in the business of boarding, breeding, buying, training dogs and/or cats for a fee.

**LIVESTOCK:** means horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules, and any other farm-type animals.

**NUISANCE:** Means, without provocation, excessive barking or other oral noises which unreasonably disturb person(s) or a neighborhood; chasing vehicles; depositing excretory matter on property other than that of the owners; damaging property; running at large; and any potentially dangerous dog.

**OWNER:** Any person who keeps, has custody of, possesses, harbors or exercises control over a dog with the exception of veterinary hospitals or city's shelter or designated shelter.

**POULTRY:** means domesticated birds kept and raised for eggs and/or meat.

**POTENTIALLY DANGEROUS DOG:** Means any dog which, without provocation:

1. Inflicts bites on a human or domestic animal or other animal protected by federal, state, or local rules; or
2. Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or
3. Causes injury or otherwise threatens the safety of humans or domestic animals or other animals protected by federal, state, or local rules, while off the owner's property.

**PROPER ENCLOSURE OF A DANGEROUS DOG:** Means that while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children or their being able to put in any portion of their anatomy so as to expose it to risk of attack by the dog. It is also to be designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

**PROVOCATION:** Includes but are not limited to taunting, teasing, and willfully causing undue pain, and/or unlawful entry upon or into the property of the owner or keeper.

**SEVERE INJURY:** Means any physical injury, including but not limited to broken bones, punctures, bites, and/or lacerations causing scarring, and/or requiring sutures or cosmetic surgery.

**WILD:** means an animal that generally lives in its original natural state and is not normally domesticated.

## **6-4A-2: PROHIBITED ACTIVITIES:**



- A. Allowing Dog To Run At Large: It is unlawful for any owner of a dog to allow such dog to run at large. Certified police department dogs (K-9s) shall be exempted from this provision when under the control and supervision of their handlers.
- B. Allowing Public Nuisance: No owner or person having the care, custody or control of an animal shall fail to exercise proper care and control of his/her animal to prevent it from becoming a nuisance as defined in Section 6-4A-1.
- C. Number Of Dogs Limited: It is unlawful for any person to keep within the corporate limits of the city more than four (4) adult dogs This provision shall not apply to:
  - 1. Licensed kennels;
  - 2. Licensed veterinary clinics;
  - 3. Licensed pet stores; or
  - 4. Animal shelter which is a facility authorized to impound and care for animals held under the authority of this chapter and/or state law. Presently the "South Pacific County Humane Society" is the authorized shelter for Long Beach.
- D. Wild or exotic animals: No person shall have, keep, or maintain in any area of the city a live monkey (nonhuman primate), lion, tiger, bear, mountain lion (a.k.a. cougar), fox, lynx, poisonous reptile or serpent, or any other dangerous, carnivorous, wild, exotic animal, fish, reptile or any hybrid thereof. Any such animal, fish, reptile, or any hybrid thereof may be immediately and permanently impounded.
- E. Rabies Quarantine:
  - 1. In addition to and notwithstanding any other provisions of this chapter, whenever any person has been bitten by any owned or harbored animal and there is no reason to suspect that the animal is rabid, at the discretion of the local health officer or animal control officer, the animal involved may be restricted for ten days of observation in such manner as to prevent contact with other animals or persons except for the caretaker.
  - 2. The department of health or animal control authority may, if there is reason to believe the animal may be rabid, order the animal surrendered to an animal shelter or veterinary hospital. The cost of any such confinement shall be paid by the owner or person having custody of that animal.
  - 3. No person shall knowingly allow an animal confined under the provisions of this chapter to escape, to be sold, to be given away, or otherwise to allow disposal of such animal before the expiration of the quarantine period.

#### **6-4A-3 DOGS ON PUBLIC GROUNDS.**

- A. It shall be unlawful for an owner to allow any dog to stray and/or enter with or without a leash or other means of restraint upon any school ground or playfield.
- B. Notwithstanding the restrictions set forth in subsection (A) of this section, dogs accompanied by their owners may be walked or exercised while on leash in the grass



areas outside the playfields at Culbertson Park, in the area commonly used for overflow parking.

- C. All dogs permitted in the areas designated in subsection (B) of this section shall be on a leash.
- D. Posting of notices to exclude animals will be the responsibility of the parks supervisor.
- E. The regulations under LBCC 6-4A-5 relating to animal waste and the removal and proper disposal of said waste will be strictly enforced.

#### **6-4A-5 ANIMAL WASTE.**

- A. It shall be unlawful for the owner or person having charge of any animal to permit, either willfully or by failure to exercise due care, such animal to commit a public nuisance by defecating in any area of the city other than the premises of the owner or person having charge or control of the animal, unless said owner or person having charge takes immediate steps to remove and properly dispose of said feces.
- B. It shall be unlawful for the owner or person having charge of any animal to take said animal off of the private property of said person without having in the possession of the owner or person having charge of the animal a proper means of disposal for the feces of the animal.
- C. "Disposal" is defined, for the purposes of this section, as the removal of feces by means of a bag, scoop or other device and an eventual disposal in a trash receptacle, or by other means of lawful disposal.

#### **6-4A-6: IMPOUNDMENT AND REDEMPTION:**

- A. Impoundment Authorized; Retrieval; Payment Of Fine:
  - 1. It shall be the duty of all police officers and any person or persons designated as animal control officers to impound all dogs caught running at large anywhere within city limits.
  - 2. It shall be the entire responsibility of the owner to ascertain that the animal has been impounded, and to take measures as needed to redeem said animal. Neither the city nor the officer or agent of the city shall be responsible for failing to notify an owner under this chapter.
  - 3. The animal control officer/police officer is empowered with the right to fine dog owners for violating any portion of this article
  - 4. Citation For Specific Violation: The animal control officer/police officer shall present the owner with a citation for the specific violation of such dog. Furthermore, the animal control officer/police officer shall require positive identification of the person claiming such dog and record such person's name and address along with a brief description of such dog and any tags it may possess.
- B. Redemption of Animals. If at any time before adoption the owner of the animal so impounded shall claim the same, he shall be entitled to possession thereof upon compliance with the following conditions:

1. Payment of an impound fee set by the “South Pacific County Humane Society” which is the authorized shelter for the City of Long Beach;
  2. Acceptance of any citation issued for violation of the provisions of this chapter; provided, that acceptance of the citation shall not be deemed an admission of guilt by the cited party.
  3. The impounded animal must be redeemed by the owner within three (3) days after impoundment. If not redeemed the South Pacific County Humane Society may place the animal up for adoption per the Society’s rules and regulations.
- C. Killing of Dangerous Dog: Any dangerous dog found at large and which cannot be safely taken up and impounded may be slain by an animal control officer/police officer.
- D. Adoption procedures—Fees.  
Animals held for the period prescribed in this section and not redeemed by the owner will become the property of the impounding facility. If, in the discretion of the impounding authority, the animal is adoptable, the authority will carry out the process under their rules, regulations and fees.

#### **6-4A-7: ANIMAL CARE:**

- A. Dogs or cats kept outdoors for more than three hours at one time must be provided with a moisture-proof, wind-proof shelter, the size of which allows the animal to turn around freely, and to easily sit, stand and lie down in a normal position and which keeps the animal clean, dry and comfortable.
- B. Every owner shall provide his or her animal with sufficient good and wholesome food, water, and veterinary care when needed to prevent suffering, and with humane care and treatment.
- C. Any person who, while operating a motor vehicle, strikes a domestic animal shall immediately report such injury or death to the animal’s owner, if known, and contact the animal control officer or police department.
- D. No person shall allow any animal to ride in the back of any moving open-bed vehicle unless that animal is properly secured in a crate or tied in a manner so that it cannot jump or fall out of the vehicle.
- E. No person shall abandon any domestic animal by dropping off or leaving the animal in the street, road, or highway, or on any other public or private property. Puppies or kittens brought in as abandoned shall immediately become property of the city and, at the discretion of the animal control authority, may be made available for adoption.
- F. No person shall willfully provoke, tease, molest, mistreat, or injure any animal.
- G. No animal shall be confined in or on a motor vehicle at any location under such conditions as may endanger the health or well-being of the animal, including but not limited to extreme temperatures, lack of food, water, and adequate ventilation. Any animal control officer or peace officer is authorized to remove any animal from a motor vehicle at any location, when he/she reasonably believes it is confined in the conditions described above. Any such animal shall be impounded and delivered to the animal shelter after the officer leaves written notice of such removal and delivery, including the officer’s name, in a conspicuous, secure location on or within the vehicle.



- H. No owner of any animal shall keep the same on any undeveloped lot within the corporate limits of the city, even if the lot belongs to the owner of that animal, provided the animal is not on that lot temporarily with an owner/camper.
- I. Any unwanted dog or cat may be taken to South Pacific County Humane Shelter by the owner. The owner shall sign a custody release form giving the shelter full custody of the animal. The Shelter will then place the animal for adoption or other appropriate care.
- J. Violations of subsection (A), (B), (D), (E), (F), or (G) of this section shall be an offenses pursuant to 1-4-1 of the Long Beach Code.

#### **6-4A-8: ALLOWING VICIOUS ANIMAL AT LARGE:**

- A. Every person having the care or custody of any animal which he knows or should know possesses any vicious or dangerous tendencies, who shall allow the same to escape or run at large in any place or manner liable to endanger the safety of any person, shall be guilty of an offense under subsection (B) of this section.
- B. Allowing a vicious animal to run at large is a Class 3 offense.
- C. Any person may lawfully kill or destroy any vicious animal when reasonably necessary to protect the person's family, home, animals, property, any other person, or the public safety.

#### **6-4A-9: STATE PROVISIONS ADOPTED BY REFERENCES:**

Chapter 16.52 RCW, Prevention of Cruelty to Animals, is hereby adopted by reference to augment this chapter, with the exception of RCW 16.52.207, "Animal cruelty in the second degree." In the event there is any conflict between Chapter 16.52 RCW and the Long Beach Municipal Code, the Long Beach Municipal Code shall control.

#### **6-4A-10: ANIMAL CRUELTY IN THE SECOND DEGREE-ELEMENTS:**

- A. A person is guilty of animal cruelty in the second degree if, under circumstances not amounting to animal cruelty in the first degree, that person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal.
- B. An owner of an animal is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the owner knowingly, recklessly, or with criminal negligence:
  - 1. Fails to provide the animal with the necessary shelter, rest, sanitation, space or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or
  - 2. Abandons the animal.
- C. Animal cruelty in the second degree is a Civil Infraction and punishable under the Long Beach City Code 1-4-1.

#### **6-4A-11 NONLIABILITY:**

Nothing in this chapter is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the city, its officers, employees or agents, for any injury or damage



resulting from the failure of any person to comply with the terms of this chapter, or by reason or in consequence of any omission in connection with the implementation or enforcement of this chapter on the part of the city by its officers, employees or agents. The provisions of this chapter are intended for the benefit of the public in general and not for any particular individual or individuals.

**6-4A-12: SEVERABILITY:**

If any provision of this chapter or its application to any person or legal entity or circumstances is held invalid by a court of competent jurisdiction, the remainder of this chapter, or the application of the provisions to other persons or legal entities or circumstances, shall not be affected.

**6-4A-13: DANGEROUS OR POTENTIALLY DANGEROUS DOGS; OTHER DANGEROUS PET ANIMALS:**

- A. Definitions: Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

**DANGEROUS DOG:** Any dog that, according to the records of the appropriate authority: 1) has inflicted severe injury on a human being without provocation on public or private property; 2) has killed a domestic animal without provocation while off the owner's property; or 3) has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks or endangers the safety of humans or domestic animals.

**OWNER:** Any person, firm, corporation, organization or department possessing, harboring, keeping, having an interest in, or having control or custody of, an animal.

**POTENTIALLY DANGEROUS DOG:** Any dog that, when unprovoked: 1) inflicts bites on a human or a domestic animal either on public or private property; or 2) chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or otherwise to threaten the safety of humans or domestic animals.

**PROPER ENCLOSURE OF A DANGEROUS DOG:** While on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

**SEVERE INJURY:** Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

B. Classification: The chief of police or designee shall have authority to classify" potentially dangerous dogs" and "dangerous dogs". The chief of police may find and declare an animal potentially dangerous or dangerous if there is probable cause to believe that the animal's action falls within the descriptions that follow. The finding must be in writing and based upon personal observations and testimony that the dog has acted in a manner which may cause it to be classified as a "dangerous dog" or a "potentially dangerous dog".

1. Potentially Dangerous Dog: A dog shall be declared potentially dangerous if, unprovoked, it:
  - a. Inflicts bites on a person or a pet or domestic animal either on public or private property;
  - b. Chases or approaches a person upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack; or
  - c. Has a known propensity to attack unprovoked, or to cause injury, or otherwise to threaten the safety of humans or pets or domestic animals.
2. Dangerous Dog: A dog shall be declared dangerous when, according to the records of the city, the dog has:
  - a. Inflicted severe injury on a person without provocation on public or private property;
  - b. Killed a pet or domestic animal without provocation while off the owner's or keeper's property; or
  - c. Aggressively bitten, attacked or endangered the safety of humans or pets or domestic animals after previously having been found to be potentially dangerous, and the owner or keeper has received written warning.
3. Defense Against Classification: A dog shall not be declared potentially dangerous or dangerous if:
  - a. The threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the property occupied by the owner of the dog;
  - b. The person was tormenting, abusing or assaulting the dog or has, in the past, been observed or reported to have tormented, abused or assaulted the dog;
  - c. The person was committing or attempting to commit a crime;
  - d. Another pet animal or domestic animal had entered the property of the owner of the dog without invitation; or
  - e. The dog, when on a leash, was responding to attack by another pet or domestic animal, whether on or off the owner's property.

C. Declaration Of Potentially Dangerous Dogs:

1. The declaration of potentially dangerous shall be in writing and shall be served on the owner in one of the following methods:
  - a. Certified mail to the owner's last known address;
  - b. Personally; or
  - c. If the owner cannot be located by one of the first two (2) methods, by publication in a newspaper of general circulation.



2. The declaration shall state:
  - a. The description of the dog;
  - b. The name and address of the owner of the dog;
  - c. The location of the dog if it is not in the custody of the owner;
  - d. The facts upon which the declaration of potentially dangerous dog is based and how to avoid the animal being declared dangerous;
  - e. The restrictions placed on the dog as a result of the declaration of potentially dangerous dog; and
  - f. Penalties for violation of the restriction, including the possibility of destruction of the dog.
3. Within fourteen (14) days of the city serving a potentially dangerous dog declaration, the owner may request a hearing. The hearing shall be held within fourteen (14) days of the receipt for request for hearing, unless it is continued for good cause. The city shall notify the owner of the date, time and place for the hearing. The chief of police shall hold a hearing to receive information on the declaration and shall issue an order within five (5) days from the date of hearing. For the purpose of conducting the hearing set forth in this section, the city designates the chief of police. The decision of the chief of police may be appealed to the CITY OF LONG BEACH MUNICIPAL COURT. Such appeal must be in writing, state the name of the person appealing, state that date of the decision appealed from, state briefly the reason for the appeal and state the nature of the relief sought. The notice of appeal must be signed.
4. Any appeal must be filed in writing with the clerk of the municipal court of the city of Long Beach within 10 days of the date of the hearing and the clerk of the court shall forthwith schedule a hearing on the appeal.

D. Control And Confinement Of Potentially Dangerous Dog:

1. The dog must be securely leashed and under the control of a person physically able to control the animal when away from the property of the owner; or
2. While on the property of the owner the dog must be securely restrained by means of a physical device or structure such as a tether, trolley system or other physical control device to humanely confine the dog in a manner which prevents escape from the property.

E. Declaration Of Dangerous Dog:

1. The declaration of a dangerous dog shall be in writing and served on the owner as set forth in subsection C1 of this section. The declaration (or notice) shall state: a) the alleged violation; b) the reasons the city considers the animal dangerous; c) a statement that the dog is subject to registration and controls as set forth in subsection F of this section; d) and an explanation to the owner of the rights and procedure for appealing the dangerous dog decision.
  - a. The notice shall inform the owner that there is an opportunity to meet with the city where the owner may provide orally or in writing reasons or information why the dog



should not be declared dangerous. The notice shall state the date, time and location of the meeting with the city which shall be held prior to the expiration of fifteen (15) days following delivery of the notice to the owner. The owner may propose an alternative meeting, date and time, provided the meeting is scheduled within the fifteen (15) day time period.

b. After a meeting between the owner and the city, the city must issue its final determination, in the form of a written order, within fifteen (15) calendar days from the date of the meeting. In the event the city declares a dog to be dangerous, the order shall include a recital of the authority for the action, a brief statement of the facts that support the dangerous dog determination and the signature of the person who made the determination. The order shall be sent by regular and certified mail, return receipt requested, or delivered in person to the owner at the owner's last known address. For purposes of providing notice, holding a meeting and issuing orders on dangerous dogs, the city hereby appoints the police chief.

2. A dangerous dog determination may be appealed administratively to the city administrator. An appeal must be made within twenty (20) days of receiving the final dangerous dog determination from the city. During the pendency of the appeal, the city may order that the dog be confined and controlled by requiring that the dog be restrained in a proper enclosure, unless, when outside an enclosure, the dog is muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. If, during the pendency of the appeal, the dog is confined by the city or its agent, the owner must pay all costs of confinement.

Before the city administrator, the records of the city and any supplemental material shall be admissible to prove the dog is a dangerous dog, the owner or keeper of the dog may present evidence and examine witnesses with the city having the burden to prove by a preponderance of the evidence that the dog is dangerous. The city administrator shall issue a final decision based upon the record and evidence, including an order to register the dog as dangerous.

3. Any person aggrieved by the decision of the city administrator may file an appeal with the city of Long Beach Municipal Court within 10 days of the date of the administrators decision. Such appeal must be in writing, state the name of the person appealing, state that date of the decision appealed from, state briefly the reason for the appeal and state the nature of the relief sought. The notice of appeal must be signed.

F. Certificate of Registration as Dangerous Dog: The chief of police shall issue a certificate of registration to the owner of a dangerous dog. This certificate shall state the conditions under which the dangerous dog may be kept, to include:

1. Dangerous dogs must be securely muzzled and leashed and under the control of a person physically able to control the dog if the dog is away from the property of the owner;

2. While on the property of the owner, the dog must be securely confined inside a locked building, kennel, pen or other structure having secure sides, bottom, and top, suitable to prevent the entry of young children and designed to prevent the animal from escaping;
  3. The posting of the property with a clearly visible warning sign that there is a dangerous dog on the property;
  4. A surety bond issued by a surety insurer qualified under Revised Code of Washington chapter 48.28, in a form acceptable to the chief of police in the sum of at least two hundred fifty thousand dollars (\$250,000.00), payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurer qualified under Revised Code of Washington title 48 in the amount of at least two hundred fifty thousand dollars (\$250,000.00), insuring the owner for any injuries inflicted by the dangerous dog;
  5. Such other identifying information as may be required by the chief of police;
  6. Certification that the owner is aware of and understands the nature of the dog and the provisions of the law which apply to it; and
  7. Payment of an annual registration fee of one hundred dollars (\$100.00) which fee may be modified by city council resolution.
- G. **Dangerous Dog Confiscation:** Any dangerous dog shall be immediately confiscated by the Chief of Police the city of Long Beach if the: 1) dog is not registered under this section; 2) owner fails to obtain or keep in force the bond and liability insurance required under this section; or 3) the dog is not maintained in accordance with the certificate issued by the city. The owner shall pay all costs of confinement and control. Upon confiscation by the city, a notice shall be served upon the dog owner in person or by regular and certified mail, return receipt requested, specifying the reason for confiscation of the dangerous dog including that the owner is: 1) responsible for payment of the cost of confinement and control; and 2) that the dog will be destroyed in an expeditious and humane manner if the deficiencies for which the dog was confiscated or not corrected within twenty (20) days. Any person aggrieved by the decision of the chief of police may file an appeal with the city of Long Beach Municipal Court within 10 days of the date of the chief of police's decision. Such appeal must be in writing, state the name of the person appealing, state that date of the decision appealed from, state briefly the reason for the appeal and state the nature of the relief sought. The notice of appeal must be signed. The clerk of the court shall forthwith set a date for the hearing and provide notice to the parties.
- H. In addition, the owner is guilty of a gross misdemeanor punishable in accordance with Revised Code of Washington 9A.20.021.
- I. **Other Dangerous Pet Animals:** The chief of police or designee shall have authority to classify other pet animals as dangerous under the same criteria as used in this section for dogs. Such designation will be based on specific actions by the animal such as those noted in subsections B of this section, and the chief of police or designee shall have authority to require the owner or keeper of such pet animal to take certain actions to control or confine the pet animal. Once a pet animal has been declared potentially



dangerous or dangerous, any violations of the provisions of this section will be handled in the same manner as other violations under this section.

- J. Permanent Removal from City: Under special circumstances and subject to the restrictions of Revised Code of Washington chapter 16.08, the owner may be required to permanently remove the dog from the city.

**6-4A-14: VIOLATION; PENALTIES:**

- A. Violations Generally: The owner of any dog taken up at large and/or creating a nuisance shall be fined not less than fifty dollars (\$50.00) for the first offense, not less than one hundred dollars (\$100.00) for the second offense, and not less than two hundred dollars (\$200.00) for any further offenses. The maximum fine shall not exceed two hundred fifty dollars (\$250.00).
- B. Kennel Operation: Any owner in violation of any part of this article, which pertains to kennel licensing, shall be fined not less than one hundred dollars (\$100.00) and not more than two hundred fifty dollars (\$250.00).
- C. Long Beach City Municipal Court shall have jurisdiction to adjudicate infractions and criminal citations issued pursuant to this chapter.
- D. Any person who willfully fails to pay the amount of any citation within 30 days from the date of issuance or 30 days after the adjudication in the City of Long Beach Municipal Court shall be guilty of a misdemeanor and shall be punished by not more than 90 days in jail and by a fine of not more than one thousand dollars (\$1,000.00) or both such incarceration and fine.

**Section 2. Effective Date**

Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**Section 3. Adoption Date**

ADOPTED by the City Council of the City of Long Beach, Pacific County, Washington at a regular open public meeting held the 4<sup>th</sup> day of May, 2015.

AYES

NAYS

ABSENT

ABSTENTIONS

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

ATTEST:

\_\_\_\_\_  
Helen Bell, City Clerk



TAB - D



**CITY COUNCIL  
AGENDA BILL  
AB 18-40**

**Meeting Date: June 18, 2018**

**AGENDA ITEM INFORMATION**

<b>SUBJECT:</b> <i>Proposal from Jurassic Parliament</i>	<b>Originator:</b>	
	Mayor	
	City Council	
	City Administrator	DG
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Finance Director	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
	Other:	
<b>COST:</b> Not to Exceed \$984.00		

**SUMMARY STATEMENT:** Two-hour training workshop via videoconference on running effective City Council meetings using Robert's Rules of Order. The workshop will highlight:

- Best Practices for city council meetings
- Role, rights and responsibilities of chair and members
- Use of main motions and amendments
- Guidelines for effective discussion and making better decisions
- Dealing with difficult people and inappropriate remarks
- Serving the community better using Robert Rules

**RECOMMENDED ACTION:** *Authorize the Mayor to accept the proposal from Jurassic Parliament for the two-hour training on August 6<sup>th</sup>, 2018.*

## **Jurassic Parliament**

P.O. Box 77553

Seattle WA 98177

Tel: 206-542-8422

[www.jurassicparliament.com](http://www.jurassicparliament.com)

June 5, 2018

Mr. David Glasson

City Administrator

City of Long Beach

PO Box 310

Long Beach WA 98361

Via email to [dglasson@longbeachwa.gov](mailto:dglasson@longbeachwa.gov)

Dear David:

This letter confirms our offer to provide training to the City of Long Beach (City).

### **PROPOSAL**

Jurassic Parliament offers to provide a two-hour training workshop via videoconference to the City on Monday, August 6, 2018 in the late afternoon, exact hours to be determined. Attendees will include elected officials and staff from the cities of Long Beach and Ilwaco. There will be a maximum of 16 people at this workshop.

The workshop will have the title "Running Effective City Council Meetings Using Robert's Rules." Ann G. Macfarlane, a professional registered parliamentarian, will provide the training (resume attached). The topics to be covered include:

- Best practices for city council meetings
- Role, rights and responsibilities of chair and members
- Use of main motions and amendments
- Guidelines for effective discussion and making better decisions
- Dealing with difficult people and inappropriate remarks
- Serving the community better using Robert's Rules

### **FORMAT**

The workshop will consist of a mix of PowerPoint lectures and interactive exercises. The aim is to keep the participants fully engaged and active in their learning. The workshop is based upon adult learning principles and has proven valuable to many participants over the years.



## MATERIALS

The following materials will be prepared for this workshop:

- A paper handout that the City will photocopy for each participant.
- If desired, an electronic file giving a handout version of the PowerPoint that may be printed out, including space for notes. This handout is not necessary to participate in the workshop, but some people prefer to have it.
- A reference PDF of the PowerPoint to be distributed to attendees after the workshop.

## TERMS

Our fee schedule is attached. The fee for this training will be \$984 (two hours for 10 people each @ \$375, plus 6 additional people @ \$39 each). No adjustment will be made for no-shows. This offer is valid through July 31, 2018.

We will invoice the City upon completion of the training. All charges are due and payable 30 days from date of invoice. Checks should be made out to Jurassic Parliament.

## PUBLICITY

The City agrees to use only Jurassic Parliament branding material supplied by Jurassic Parliament. No modifications will be made to logos or other branding items. For the sake of accuracy, Jurassic Parliament will be provided the opportunity to review all announcements of the event before they are published. (Note that the presenter's surname, "Macfarlane," is often misspelled by accident.)

## INVITATION TO MAILING LIST SIGNUP

Jurassic Parliament will be provided the opportunity during the training to invite attendees to sign up for the Jurassic Parliament mailing list.

## ADVANCE PREPARATION

You will be available for inquiries in order for Jurassic Parliament to customize the material for the attendees. You will provide Jurassic Parliament with all relevant background materials and a list of participants five business days in advance of the workshop.

## INTELLECTUAL PROPERTY

The intellectual property, training material and documents prepared by Jurassic Parliament for this training session are and remain the property of Jurassic Parliament. However, the reference PDF of the PowerPoint will be licensed to the City for training of its members and staff for one year. The session may not be recorded.

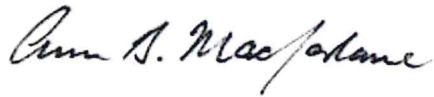
## DISCLAIMER

Jurassic Parliament will use its best efforts to provide accurate and relevant information within the area of its professional expertise. Jurassic Parliament provides these services as an independent contractor and not as an employee of the City or any company affiliated with the City. Nothing in the presentation provided will constitute legal or

business advice. Participants with legal or business questions will be advised to seek qualified counsel.

If there are any questions about these terms, please contact me so we can resolve them. If these terms are satisfactory, a signature will constitute acceptance. Thank you for the opportunity to provide this proposal. I look forward to working with you!

Sincerely yours,



Ann G. Macfarlane  
Professional Registered Parliamentarian  
Principal, Jurassic Parliament  
EIN 91-1858072 UBI 601-816-428

ACCEPTED:

---

Signature

---

Date

---

Name (please print)

---

Title (please print)

## **ANN G. MACFARLANE, PRP**

PO Box 77553  
Seattle WA 98177  
Tel: 206-542-8422  
Email: ann@jurassicparliament.com

Ann Griffin Macfarlane studied Russian and Ancient Greek at the University of California, Santa Cruz. She was awarded a Marshall Scholarship by the British government to earn a B.A./M.A. degree from Cambridge University, England. She began her career as a diplomat in the U.S. Foreign Service. Fluent in Urdu, Ann served in Lahore, Pakistan and on the Bangladesh desk of the State Department before becoming the first woman staff assistant in the Near East South Asia Bureau. In that position she supported Henry Kissinger's shuttle diplomacy in the Middle East and supervised the flow of reporting and memoranda for other hot spots in the region.

After study at the Army Russian Institute in Garmisch-Partenkirchen, Ann married fellow Foreign Service Officer Lew Macfarlane. She served on the Soviet desk before resigning her commission to devote herself to their family in the Congo, Tanzania, and Kathmandu.

The Macfarlanes returned to Seattle, Lew's native city, with their three sons. Ann became a professional translator and was elected President of the American Translators Association. She then served as Executive Director of the National Association of Judiciary Interpreters and Translators before becoming a partner with Andrew Estep as an owner of ERGA, Inc., an association management company, from 2007 to 2014.

Ann and Andrew developed "Jurassic Parliament" as a way of helping people run productive meetings. Their approach makes Robert's Rules of Order understandable, enjoyable, and easy to learn. They published *Mastering Council Meetings: A guidebook for elected officials and local governments* in 2013.

### **Education and Credentials:**

- Professional Registered Parliamentarian, National Association of Parliamentarians
- Certified Association Executive, American Society of Association Executives
- Certificate in Nonprofit Management, University of Washington
- U.S. Army Russian Institute Certificate, Garmisch-Partenkirchen, Germany
- B.A./M.A. Cambridge University, England
- Marshall Scholarship, Her Majesty's Government, United Kingdom
- B.A. with highest honors, University of California Santa Cruz



**Jurassic Parliament**  
P.O. Box 77553  
Seattle WA 98177  
Tel: 206-542-8422  
www.jurassicparliament.com

### Fees for Professional Services

Training at conference or other major event	\$3600
Local half-day training for up to 20 people. Add fee of \$59/person for up to 20 additional participants. (Includes a complimentary copy of <i>Mastering Council Meetings</i> for all participants)	\$1800
Distance training via videoconference for up to 10 people, 1-2 hours	\$375/hour
Consulting services (Two-hour minimum for in-person consulting)	\$170/hour
Travel time (if applicable)	\$75/hour
Additional travel fee for remote locations	\$750

Travel costs are additional to the above fees (economy air travel, baggage fees, ground transfers, mileage, tolls and parking, lodging, meals, tips)

*Mastering Council Meetings: A guidebook for elected officials and local governments* available from Amazon, \$24.95

As of January 1, 2018

TAB - E



**CITY COUNCIL  
AGENDA BILL  
AB 18-41**

**Meeting Date: June 18, 2018**

**AGENDA ITEM INFORMATION**

<b>SUBJECT:</b> <b><i>AWC Conference Voting Delegates</i></b>	<b>Originator:</b>	
	Mayor	
	City Council	
	City Administrator	DG
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Finance Director	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
	Other:	
<b>COST:</b> N/A		

***SUMMARY STATEMENT: The city is sending 3 elected officials to the Annual AWC Conference this June. AWC needs to know whom the city would like to be voting delegates.***

***RECOMMENDED ACTION: Authorize the city administrator to notify AWC that our three elected officials are the voting delegates for Long Beach.***





Remember to submit your city's voting delegates for the annual AWC Business Meeting. Each city may select up to three voting delegates - either elected officials or staff.

The Business Meeting is scheduled for Thursday, June 28, 2018, from 4 - 5:45 pm in conjunction with the AWC Annual Conference at the Yakima Convention Center (10 N 8th St). *Your city's delegates must attend the meeting in order to vote.*

If you haven't already selected voting delegates for this year's Business Meeting, send the names, titles, and city name of your city's designated voting delegates to [Michelle Catlin](#) by June 22. For more information on the meeting or to check the voting delegate information we have on file, [check here](#).

### **Why does AWC's Business Meeting matter?**

[You elect your board of directors](#) - the people who guide your association's activities.

Changes to [AWC's Statement of Policy](#) are not planned for 2018, but the AWC Bylaws provide for members to propose amendments for action at the Business Meeting. The Statement of Policy provides the basis for policy recommendations by AWC's Legislative Priorities Committee, the Board and staff. It is updated at least every six years and was updated with committee recommendations in 2014 and amended on the floor at the 2015 Business Meeting. If your city plans to propose a floor amendment, please complete the [amendment form](#) and send it to [Regina Adams](#) by June 15.

We look forward to seeing you in Yakima!

Questions? Contact Michelle Catlin at [michellec@awcnet.org](mailto:michellec@awcnet.org) or 1-800-562-8981.

TAB — F



**CITY COUNCIL  
AGENDA BILL  
AB 18-42**

**Meeting Date: June 18, 2018**

**AGENDA ITEM INFORMATION**

<b>SUBJECT:</b> Resolution 2018-09 Authorizing Receipt of RCO Grant Funds	<i>Originator:</i>	
	Mayor	
	City Council	
	City Administrator	
	City Attorney	
	City Clerk/Treasurer	
	City Engineer	
	Community Development Director	AS
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
<b>COST:</b> Up to \$75,000	Other:	
<b>SUMMARY STATEMENT:</b> This resolution is required as part of the application for the Recreation and Conservation Office. The City has applied to make improvements to Culbertson Park.		
<b>RECOMMENDED ACTION:</b> <i>Approve Resolution 2018-09 authorizing the receipt of RCO grant funds for the purpose of improving Culbertson Park.</i>		



## **RESOLUTION NO. 2018-09**

### **A RESOLUTION OF THE CITY OF LONG BEACH, WASHINGTON, BINDING THE CITY OF LONG BEACH AND THE WASHINGTON STATE RECREATION AND CONSERVATION OFFICE WITH RESPECT TO THE CULBERTSON PARK IMPROVEMENTS PROJECT (18-1921 D) AND AUTHORIZING ACCEPTANCE OF GRANT FUNDS**

**WHEREAS**, state grant assistance is requested by the City to aid in financing the cost of the Culbertson Park Improvements Project;

**WHEREAS**, a requirement to participate requires a resolution of the governing body authorizing the City of Long Beach to receive RCO grant funds.

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

**Section 1.** Our organization has applied for funding assistance managed by the Office for the above "Project(s)."

**Section 2.** Jerry Phillips, Mayor and David Glasson, City Administrator are authorized to act as a representative/agent for our organization with full authority to bind the organization regarding all matters related to the Project(s), including but not limited to, full authority to: (1) approve submittal of a grant application to the Office, (2) enter into a project agreement(s) on behalf of our organization, (3) sign any amendments thereto on behalf of our organization, (4) make any decisions and submissions required with respect to the Project(s), and (5) designate a project contact(s) to implement the day-to-day management of the grant(s).

**Section 3.** Our organization has reviewed the sample project agreement on the Recreation and Conservation Office's WEBSITE at:  
<https://rco.wa.gov/documents/manuals&forms/SampleProjAgreement.pdf>. We understand and acknowledge that if offered a project agreement to sign in the future, it will contain an indemnification and legal venue stipulation (applicable to any sponsor) and a waiver of sovereign immunity (applicable to Tribes) and other terms and conditions substantially in the form contained in the sample project agreement and that such terms and conditions of any signed project agreement shall be legally binding on the sponsor if our representative/agent enters into a project agreement on our behalf. The Office reserves the right to revise the project agreement prior to execution and shall communicate any such revisions with the above authorized representative/agent before execution.

**Section 4.** Our organization acknowledges and warrants, after conferring with its legal counsel, that its authorized representative/agent has full legal authority to enter into a project agreement(s) on its behalf, that includes indemnification, waiver of sovereign immunity (as may apply to Tribes), and stipulated legal venue for lawsuits and other terms substantially in the form contained in the sample project agreement or as may be revised prior to execution.

**Section 5.** Grant assistance is contingent on a signed project agreement. Entering into any project agreement with the Office is purely voluntary on our part.

**Section 6.** Our organization understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the project agreement, the characteristics of the project, and the characteristics of our organization.

**Section 7.** Our organization further understands that *prior to* our authorized representative/agent executing the project agreement(s), the RCO may make revisions to its sample project agreement and that such revisions could include the indemnification, the waiver of sovereign immunity, and the legal venue stipulation. Our organization accepts the legal obligation that we shall, prior to execution of the project agreement(s), confer with our authorized representative/agent as to any revisions to the project agreement from that of the sample project agreement. We also acknowledge and accept that if our authorized representative/agent executes the project agreement(s) with any such revisions, all terms and conditions of the executed project agreement (including but not limited to the indemnification, the waiver of sovereign immunity, and the legal venue stipulation) shall be conclusively deemed to be executed with our authorization.

**Section 8.** Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project(s) referenced above.

**Section 9.** Our organization acknowledges and warrants, after conferring with its legal counsel, that no additional legal authorization beyond this authorization is required to make the indemnification, the waiver of sovereign immunity (as may apply to Tribes), and the legal venue stipulation substantially in form shown on the sample project agreement or as may be revised prior to execution legally binding on our organization upon execution by our representative/agent.

**Section 10.** If match is required for the grant, we understand our organization must certify the availability of match at least one month before funding approval. In addition, our organization understands it is responsible for supporting all non-cash matching share commitments to this project should they not materialize.

**Section 11.** Our organization acknowledges that if it receives grant funds managed by the Office, the Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Office after we incur grant eligible and allowable costs and pay them. The Office may also determine an amount of retainage and hold that amount until the Project is complete.

**Section 12.** This resolution/authorization is deemed to be part of the formal grant application to the Office.

**Section 13.** Our organization warrants and certifies, after conferring with its legal counsel, that this resolution/authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that our organization has full legal authority to commit our organization to the warranties, certifications, promises and obligations set forth herein.

**PASSED BY THE CITY COUNCIL OF THE CITY OF LONG BEACH, AND SIGNED  
IN AUTHENTICATION OF ITS PASSAGE THIS 18<sup>TH</sup> DAY OF JUNE, 2018.**

AYES

NAYS

ABSENT

ATTEST:

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Jerry Phillips, Mayor

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Helen Bell, City Clerk



TAB — G



**CITY COUNCIL  
AGENDA BILL  
AB 18-43**

**Meeting Date: June 18, 2018**

**AGENDA ITEM INFORMATION**

**SUBJECT: Right-of-Way  
Vacation – North portion  
of 17<sup>th</sup> ST NW  
Public Hearing**

*Originator:*

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

Water/Wastewater Supervisor

**COST:** Market Value -  
\$10,000 – ½ \$5,000 the City  
can charge

**SUMMARY STATEMENT:** The City has been approached by the homeowners that abut the north side of the 17<sup>th</sup> Street NW right-of-way to vacate the 20' x 200' portion that remains. The south side of the right-of-way was vacated years ago to the Sutherlands who own on the south side and to the west. Please see attached staff report, location map and letter of interest.

**RECOMMENDED ACTION:** Review the Staff Report, continue the hearing to the July 2<sup>nd</sup> Council date where the Ordinance can be presented.

**City of Long Beach**  
**Department of Community Development**

**STAFF REPORT**

**TO:** Long Beach City Council  
**FROM:** Ariel Smith, Community Development Director  
**SUBJECT:** Case No. VAC 2018-01  
Vacation of Right-of-Way—17<sup>th</sup> Street Northwest – north portion  
**PETITIONER:** Robert and Denise Cox  
**SITE ADDRESS:** Northern twenty feet (20') of the right-of-way of 17<sup>th</sup> Street Northwest,  
west two hundred feet (200') from the right-of-way of Ocean Beach Blvd  
North;  
Assessor's Parcel No. 74060313000  
Block 13, South ½ Lot and North ½ Lot, Plat of Portland Corrected Tract,  
S ½ of N ½ of SW ¼ of Block 13 and S ½ of SW ¼ & S ½ of N ½ SE ¼  
& S ½ SE ¼ of Section 9, Township 10 North, Range 11 West, Pacific  
County, Washington  
**DATE:** May 21, 2018

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**BACKGROUND**

The owner of 1701 Ocean Beach Blvd N has petitioned to vacate the north side of the 17<sup>th</sup> St NW Right-of-way [location map attached]:

- Northern twenty feet (20') of the right-of-way of 17<sup>th</sup> Street Northwest, west two hundred feet (200') from the right-of-way of Ocean Beach Blvd North;

The vacated property would be joined with the petitioner's parcel, APN 74060313000. Currently, the south side of the right-of-way is already vacated to the adjoining property. The area to be vacated is currently an undeveloped ROW. Below is a discussion of existing infrastructure located within the subject ROW.

**17<sup>th</sup> Street Northwest**

**Electric:** There is currently power in the ROW that feeds Mr. Cox's property and Mrs. Sutherland's property to the south. The applicant has received a bid from the Pacific County PUD to relocate the power. This would be a contingency of the approval.



## PROPERTY DETAILS

**Comprehensive Plan Map Future Land Use Designation of Adjacent Property:** Single-Family

**Shoreline Master Program:** Not applicable

**SEPA:** Not applicable

### **Zoning of Adjacent Property:**

- North, south, and west: R1R– Single-Family Residential Restricted Commercial
- East: RC–Residential Commercial

**Site Description:** The proposed ROW vacation is comprised of 4,000 square feet (SF), 20' X 200' trending east-west along 17<sup>th</sup> Street NW. The vacated ROW would be joined with the applicant's property, which is a 50' X 200' lot. The area is purely residential in nature. The current site has a single-family home on it.

### **Vicinity Characteristics:**

AREA	LAND USE PLAN	ZONING	EXISTING CONDITIONS
NORTH	Single-Family Restricted	R1R	Residence
SOUTH	Single-Family Restricted	R1R	Residence
EAST	Residential Commercial	RC	Commercial
WEST	Single-Family Restricted	R1R	Residence

### **Utilities and Services:**

<u>Water:</u>	City water available
<u>Sewer:</u>	City sewer available
<u>Transportation:</u>	Property has frontage on Ocean Beach Blvd.
<u>Public Education:</u>	Ocean Beach School District
<u>Electricity:</u>	PUD No. 2 single phase electricity available at site
<u>Storm water and Drainage:</u>	City of Long Beach drainage available at site
<u>Cable:</u>	Charter Cable and several satellite providers available
<u>Solid Waste:</u>	Area served by Peninsula Sanitation

Police and Fire: City of Long Beach

Medical and

Emergency Facilities: City of Long Beach EMS, Medix ambulance service, and Ocean Beach Hospital District

Library: Timberland Regional Library in Ilwaco and Ocean Park.

Public Parks and

Recreation Area(s): Numerous park and recreation areas within the City of Long Beach and within Pacific County; within walking distance to the beach and ball fields about a block south

Public Transit: Pacific Transit District service available, including Dial-A-Ride

Flood Zone: Zone C–Minimal Flooding

## PROCEDURAL INFORMATION

### Authorizing Ordinances

Title 11, Unified Development, of the of Long Beach City Code, and more specifically as follows:

**City Code Section 11-6C-1** allows an abutting property owner to petition the City Council to vacate all or portions of street or alley ROWs ;

**City Code Sections 11-6C-2, 3, and 4** set forth procedures for evaluating the vacation of a street or alley; and

**City Code Sections 11-6C-6, 7, and 8** set forth how title, zoning, and vested rights are to be handled for vacated property.

This petition is required pursuant to City Code **Section 11-6C-1(A)**. Other applicable City regulations and guidelines are as follows:

- City of Long Beach Comprehensive Plan
- City of Long Beach Unified Development Regulations

### Process to Date

#### In 2018

January 15: Petition received by City to vacate the north portion of 17<sup>th</sup> ST NW [attached]

January 15: City Administrator notified

- April 2: City looked at utility GIS to determine if ROW vacation interfered with any services; PUD notified the City that there is power service in the ROW
- April 2: Staff reached out to applicant to let them know if there was a conflict; applicant requested to speak with PUD about relocating the power.
- May 15: Applicant let the City know that he has received a bid from the PUD and would like to move forward with the project.
- May 21: City Council considered and passed Agenda Bill (AB) 18-37, which approved Resolution 2018-08 [both attached], establishing June 18, 2018 as the day for a public hearing and possible decision. That hearing date was not less than twenty (20) days and not more than sixty (60) days from the date of the passage of said resolution.
- June 1: The City posted a public notice [attached] at the subject property, Long Beach City Hall, the Long Beach Post Office, and the Long Beach Police Department. The City also requested the Chinook Observer publish the notice on June 6 and 13, 2018.
- June 18: The Council is expected to conduct a public hearing to take public input, and may decide to close or continue the hearing.
- July 2: This is the date slated for the Council to make a decision on this matter, barring continuation of the public hearing.

### **Materials Submitted**

The petitioner submitted the following in support of the subject request for approval:

- Petition (letter)

### **ANALYSIS**

Regarding street or alley vacations, the Long Beach City Code restricts itself to procedural requirements and provides no guidance regarding what the City Council must consider when deciding whether or not to vacate ROWs. It is left to the City Council to make this decision based on the Council's judgment of what is in the best interest of the City. The following analysis provides input from key staff, identifies procedural requirements, and identifies relevant portions of the City's Comprehensive Plan. This analysis is intended to inform the Council's decision by identifying potential costs and benefits of this proposed partial street vacation. Where City Code or Comprehensive Plan references are relevant they appear [in brackets].



## **I. Staff Input**

Fire Chief: Chief Matt Bonney has no comments and identified no issues with the requested vacation.

*Staff recommends that 4,000 SF be vacated as proposed.*

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Water and Sanitary Sewer Department Head, Don Zuern, states that there are no City facilities in that portion of the ROW to be vacated.

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Parks, Streets, and Drainage Department Head, Mike Kitzman, states that there are no City facilities that exist in that portion of the ROW to be vacated.

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Engineer for Public Utilities District (PUD) No.2 of Pacific County, Jason Janda, states there are existing electrical facilities located within that portion of the ROW to be vacated. They would need to be relocated or an easement obtained. The applicant has already received a bid for the relocation. Relocation of the power source would be a requirement in the Ordinance set by the City Council.

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## **II. Comprehensive Plan**

Comprehensive Plan Goal 2-2: Strengthen Long Beach's identity as a residential community.

*The proposed street vacations would be zoned R1R as is the property on each side, lending more land to serve as residential. Street vacation as requested conforms to the Comprehensive Plan.*

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### **III. City Code**

The owners of an interest in any real estate abutting upon any street or alley may petition the city council to make vacation, giving a description of the property to be vacated. The petition must be filed with the City Administrator. [City code at 11-6C-1(A), (C)]

*On January 15, 2018, the applicant, who is also the owner of the property abutting the north side of the ROW of 17th ST NW, filed a petition with the City requesting partial street vacations, and described the property desired to be vacated. On January 15, 2018, the City Administrator was provided notification of this petition. On April 2, 2018, the Community Development Director advised the applicant that there was in fact power in that portion of the ROW and that the PUD must be consulted. The application was then put on hold until further information was gathered. At that time, the applicant received a bid from the PUD and the process resumed.*

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If the petition is signed by the owners of more than two-thirds (2/3) of the property abutting upon the street or alley sought to be vacated, the city council shall by resolution set a date when the petition will be heard at a public hearing and decided upon. The date shall be not more than sixty (60) days nor less than twenty (20) days after the date of the passage of such resolution. [City code at 11-6C-2]

*The petitioner owns 100% of the property adjoining that portion of 17<sup>th</sup> ST NW, and the City Council is required to set a date for a public hearing on the matter. On May 21, 2018, the Long Beach City Council approved AB 18-37, passing Resolution 2018-08. That resolution fixed the date of a public hearing to hear input on the proposed vacation and to possibly decide the issue. The resolution as approved conforms to code.*

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Upon passage of the resolution, the city administrator must post notice of the petition in three (3) public places in the city and a notice in a conspicuous place on the street or alley sought to be vacated. The notice must contain:

1. A statement that a petition has been filed to vacate the street or alley described in the notice; and
2. A statement of the time and place fixed for the hearing of the petition. [City code at 11-6C-3(A)]

*On or about June 1, 2018, the City posted notice of the public hearing, including a description of the property proposed to be vacated, as well as a description of the date, time, and location of the hearing in three (3) public locations in the City, plus one on the property proposed to be*

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*vacated. In addition, on June 1, 2018, the City requested the Chinook Observer publish the notice in its June 6 and 13, 2018 editions. The notice as stated and posted conforms to code.*

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If fifty percent (50%) of the abutting property owners file written objection to the proposed vacation with the city administrator prior to the time of the hearing, the city will not proceed with the resolution. [City code at 11-6C-3(C)]

*The property owners to the south and west have not made any comments at this time.*

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Ordinance Required: The hearing on the petition must be held by the city council. If the city council decides to grant the petition or any part of it, the city council may by ordinance vacate the street or alley. The ordinance may provide that it will not become effective until the owners of property abutting upon the street or alley so vacated will compensate the city in an amount which does not exceed one-half ( $\frac{1}{2}$ ) the appraised value of the area so vacated, except in the event the subject property was acquired at public expense, compensation may be required in an amount equal to the full appraised value of the vacation; provided, that the ordinance may provide that the city retain an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services. [11-6C-4(A)] The City also requires that vacation of streets that abut water be in the full amount.

*The City Council is scheduled to conclude a public hearing on this matter at its regularly – scheduled meeting on June 18, 2018. After that hearing, should the City decide to pass an ordinance and vacate a portion of the subject ROW, the applicants shall cause to have conducted an appraisal of the market value of the area to be vacated. Since the subject ROW was not purchased at public expense, and because this ROW does not directly lead to the ocean as defined in City Code, Council would be allowed to ask the applicant to pay up to a maximum of  $\frac{1}{2}$  the market value.*

The initiating party shall be responsible for the payment of all costs associated with the vacation, including the appraisal of the property. [11-6C-4(A)(1)]

*If Council grants the vacation and passes an ordinance, the petitioners must pay to have an appraisal conducted to establish the value of the property to be vacated. Alternatively, the Council and petitioners may mutually agree to use a recent valuation conducted by Lighthouse Realty, which fixed the full market value at \$10,000. With  $\frac{1}{2}$  market value as the maximum amount allowed to be charged, the amount to be charged would be \$5,000.*



*The amount a petitioner must pay for a vacated ROW up to the maximum is entirely up to Council.*

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Record Ordinance: A certified copy of the ordinance must be recorded by the city clerk-treasurer with the Pacific County auditor. [11-6C-4(B)]

*This is a staff task, and if the transaction is completed, staff will record a certified copy of the ordinance with Pacific County. The petitioner will pay any recording costs.*

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Title to Vacated Street or Alley: If any street or alley is vacated by the city council, the property within the limits so vacated will belong to the abutting property owners. [11-6C-6]

*If the City Council vacates the north portion of the 17<sup>th</sup> NW ROW as requested, the property would be owned by the petitioners or subsequent owners of the property to which the vacated land is joined.*

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Zoning of Vacated Street or Alley: The zoning of vacated ROWs shall be the same as that of the abutting property to which it will belong. [11-6C-7]

*If the City Council vacates the north portion of the 17<sup>th</sup> NW ROW as requested, that property would be zoned R1R—Single-Family Residential Restricted.*

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## **SUMMARY**

Northern twenty (20') of the right-of-way of 17<sup>th</sup> ST NW, west two hundred feet (200') from the right-of-way of Ocean Beach Blvd N. The total area proposed for vacation is 4,000 SF.

This creates no permanent problems for City facilities and functions or any problems that cannot be rectified. Analysis of the proposal against the City's Comprehensive Plan goals and regulations does not indicate the vacations as proposed would conflict with City plans or regulations.

## SUGGESTED FINDINGS OF FACT AND CONCLUSIONS OF LAW

### I. Suggested Findings of Fact

Staff provides the City Council of the City of Long Beach, Washington, the following suggested findings of fact as input to the Council's own evaluation of Case No. VAC 2018-01. If any Findings of Fact herein are deemed Conclusions of Law, they are incorporated into the Conclusions of Law for this decision.

1. **Petition.** The City Council finds the petition comprises the following:
  - 1.1 A letter from petitioner Robert & Denise Cox, January 15, 2018.
  - 1.2 All other information contained in Case File No. VAC 2018-01.
2. **Procedures.** The Council finds the following procedures were followed:
  - 2.1 On January 15, 2018, petition was received by the City.
  - 2.2 On January 15, 2018, the City Administrator was notified.
  - 2.3 On April 2, 2018, the Community Development Director consulted with City Department heads, Public Utility District No. 2 of Pacific County, and CenturyTel regarding this ROW.
  - 2.4 On May 21, 2018, the City Council approved Resolution 2018-08 setting the time and place for a public hearing on the matter.
  - 2.5 On or soon after June 1, 2018 the City posted notice of the hearing at the subject site, the Long Beach Post Office, the Long Beach Police Station, and Long Beach City Hall. The City also requested the Chinook Observer publish the notice in its June 6 and 13, 2018, issues. The notice includes a statement of the proposal, a description of the land proposed to be vacated, as well as a map. The notice also includes instruction on how to submit comments on the proposal.
  - 2.6 On June 18, 2018, the Long Beach City Council opened and conducted a public hearing at or soon after 7 PM to take public comment on this matter.
3. **Proposal.** The City Council finds the following regarding the proposed street vacations:
  - 3.1 The petitioners request and City staff recommend that Council vacate the following, with transfer of title to the petitioners and all rights thereto:
    - Northern twenty (20') of the right-of-way of 17<sup>th</sup> Street Northwest, west two hundred feet (200') from the right-of-way of Ocean Beach Blvd N, 4,000 SF
  - 3.2 The petitioners shall pay for all costs associated with this proposal, including and not limited to noticing fees and appraisal costs.

3.3 The petitioner shall pay the City up to a maximum of 50% of the appraised value of the subject property.

4. **Property characteristics.** The City Council finds the following regarding the subject property:

4.1 The subject property is the northern portion north and south 20' of the ROW of 17<sup>th</sup> Street Northwest, respectively, from the western ROW of Ocean Beach Blvd N 200'. The subject property is Block 13, South ½ Lot and North ½ Lot, Plat of Portland Corrected Tract, S ½ of N ½ of SW ¼ of Block 13 and S ½ of SW ¼ & S ½ of N ½ SE ¼ & S ½ SE ¼ of Section 9, Township 10 North, Range 11 West, Pacific County, Washington4.2

Characteristics of the property to which the vacated land would become part are as follows:

4.2.1 The parcel is 50' X 200'.

4.2.2 The lot currently has a single-family home on it.

4.2.3 The parcel is located within the C flood zone.

4.2.4 The parcel is essentially flat.

4.2.5 The parcel is served with City and utility services.

5. **Subject property land use and zoning.** The City Council finds the following regarding the land use and zoning of the property proposed for vacation:

5.1 The subject property is located adjacent to the R1R—Single-Family Residential Restricted zone pursuant to the City's zoning regulations.

5.2 The subject property is located adjacent to property designated R1R—Single-Family on the future land use map of the Long Beach Comprehensive Plan.

5.3 The current land use of the subject property is developed with a single family home on it.

6. **Surrounding property land use and zoning.** The City Council finds the following regarding the land use and zoning of surrounding property:

AREA	LAND USE PLAN	ZONING	EXISTING CONDITIONS
NORTH	Single-Family Restricted	R1R	Residence
SOUTH	Single-Family Restricted	R1R	Residence
EAST	Residential Commercial	RC	Commercial
WEST	Single-Family Restricted	R1R	Residence



7. **Services.** The City Council finds the following regarding services and utilities available to serve the proposed project:
  - 7.1 Water is available from the City of Long Beach.
  - 7.2 Sewer is available from the City of Long Beach.
  - 7.3 Transportation: Existing from Ocean Beach Blvd
  - 7.4 Public Education is provided by the Ocean Beach School District.
  - 7.5 Electricity is available from Pacific County PUD No. 2.
  - 7.6 Solid Waste is available from Peninsula Sanitation, and service is already provided on Ocean Beach Blvd N.
  - 7.7 Police and Fire are provided by the City of Long Beach Police and City of Long Beach Fire Departments.
  - 7.8 Medical and Emergency Facilities are provided by the City of Long Beach EMS, Medix Ambulance Service, and Ocean Beach Hospital District No. 3.
8. **City Staff and PUD Input.** The City Council finds the following regarding staff and PUD input:
  - 8.1 City staff did not identify any conflicts regarding City services or utilities that cannot be rectified.
  - 8.2 The PUD did identify the service located at 17<sup>th</sup> ST NW; as mentioned prior, the applicant has received a bid to relocate the services affected.
  - 8.3 Contact with CenturyTel had not been made. Contact information was outdated and an available local agent wasn't found.
9. **City's Comprehensive Plan.** The City Council finds the proposed project complies with the following relevant portions of the City's Comprehensive Plan:
  - 9.1 Goal 2-2, Land Use.
10. **City's Unified Development Regulations.** The City Council finds the proposal complies with the following relevant portions of the City's Unified Development regulations:
  - 10.1 11-6C-1(A), (C): Petition by owner.
  - 10.2 11-6C-2: Setting date for hearing.
  - 10.3 11-6C-3: Notice of hearing.
  - 10.4 11-6C-4: Hearing; ordinance of vacation.
  - 10.5 11-6C-6: Title to vacated street or alley.

10.6 11-6C-7: Zoning of vacated street or alley.

**II. Suggested Conclusions of Law**

Staff provides the Long Beach City Council the following suggested conclusions of law as input to the Council's own evaluation of Case No. VAC 2018-01. The conclusions of law herein are made in reliance upon and with specific reference to and adoption of the Findings of Fact stated above, which are incorporated herein in their entirety by reference. If any Conclusions of Law herein are deemed Findings of Fact, they are incorporated into the Findings of Fact for this decision.

The City Council of the City of Long Beach, Washington, concludes the following regarding Case No. VAC 2018-01:

1. Case No. VAC 2018-01 complies with relevant portions of the City's Comprehensive Plan, adopted via Ordinance 838, as may be amended.
2. Case No. VAC 2018-01 complies with relevant portions of the Unified Development Regulations, adopted via Ordinance 848, as may be amended.

**SUGGESTED RECOMMENDATION AND ACTION**

Based on the analysis and suggested findings of fact and conclusions of law, above, staff recommends the City Council adopt the above findings of fact and Ordinance No. 955 and **CONDITIONALLY APPROVE** Case No. VAC 2018-01, including vacation of the following:

Northern twenty (20') of the right-of-way of 17<sup>th</sup> Street Northwest, west two hundred feet (200') from the right-of-way of Ocean Beach Blvd N;

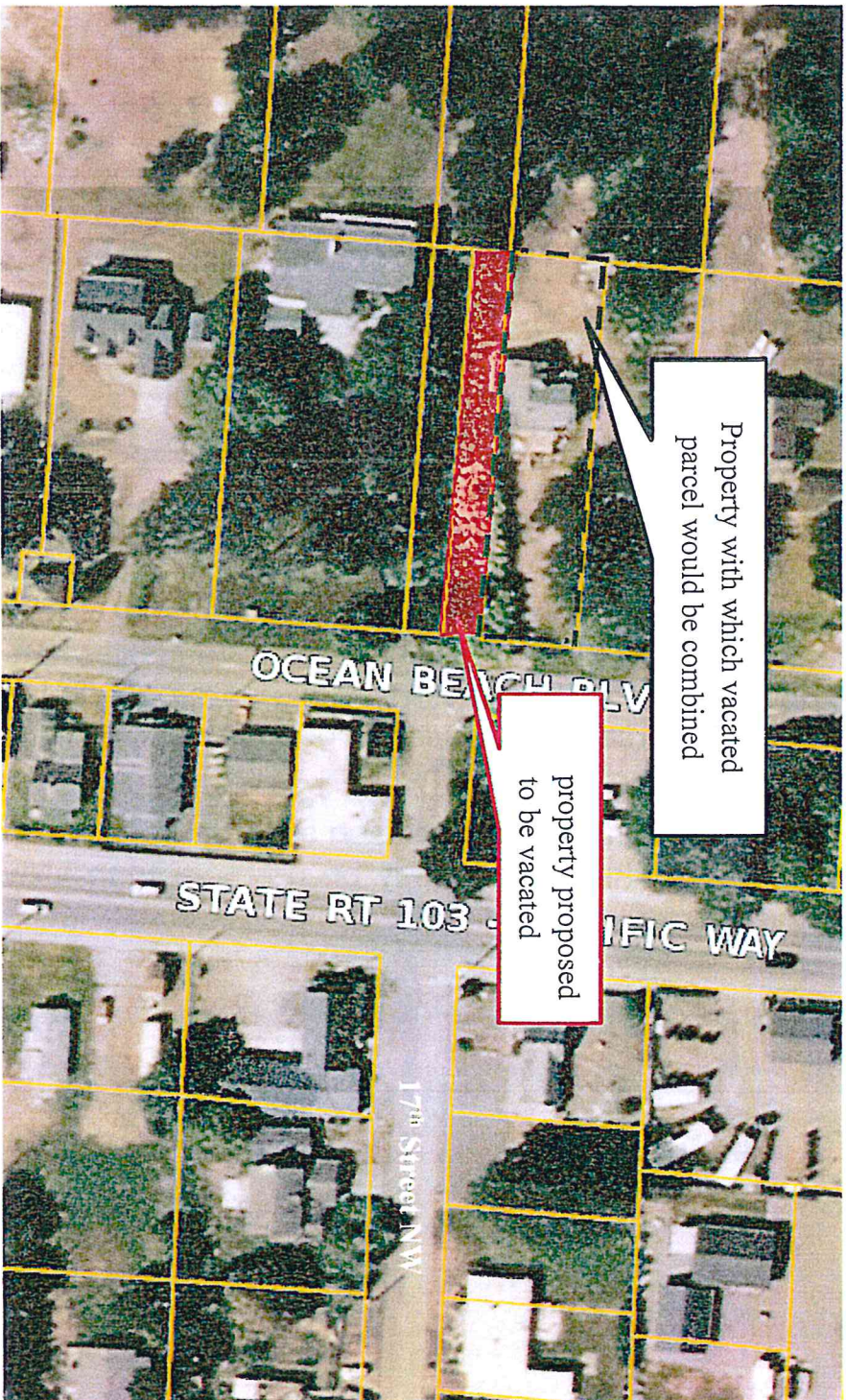
and incorporating the following conditions of approval:

1. The petitioner shall pay for all costs associated with this partial ROW vacation.
2. If required by the Long Beach City Council, the petitioner shall cause to have a market-value appraisal made of the subject property at petitioner's expense, or alternatively agree to use the results of a recent valuation based on purchase of nearby property, unless this requirement is waived by the City Council.
3. If required by the Long Beach City Council, the petitioner shall pay the City of Long Beach up to 50% of the market value of the subject property.
4. The petitioner shall relocate the power that is currently in the ROW and pay for all related expenses. The current power line serves both the petitioner's property and the property directly to the south and as mentioned, the petitioner must pay for all related costs.

## ATTACHMENTS

1. Location map
2. Petition (letter)
3. AB 18-37
4. Resolution 2018-08
5. Notice of public hearing





**Case No. VAC 2018-01; Location Map**  
Robert & Denise Cox  
Partially vacate 17<sup>th</sup> Street NW; combine with property to north





**CITY COUNCIL  
AGENDA BILL  
AB 18-37**

**Meeting Date: May 21, 2018**

**AGENDA ITEM INFORMATION**

***SUBJECT: Resolution  
2018-08 - Set Public  
Hearing Date to Receive  
Public Comment  
Regarding Partial ROW  
Vacation of 17<sup>th</sup> ST NW –  
north portion (Case No.  
VAC 2018-01)***

***Originator:***

Mayor

City Council

City Administrator

City Attorney

City Clerk

City Engineer

Community Development Director

AS

Finance Director

Fire Chief

Police Chief

Streets/Parks/Drainage Supervisor

Water/Wastewater Supervisor

Other:

***COST: N/A***

**SUMMARY STATEMENT:** Property owner Robert and Denise Cox are requesting to vacate the north portion of 17<sup>th</sup> St NW. The south portion is already vacated to the Sutherlands who own the adjacent property. The petition was received on January 15, 2018, this process came to a standstill when it was discovered that the electric utility is in that ROW. Mr. Cox has a proposal from the PUD to move the power which would be a stipulation of approval.

Pursuant to **11-6C-2** and **RCW 35.79.10**, when an adequate vacation petition is received, Council shall by resolution set a date when the petition will be heard and decided upon. The hearing may be no more than sixty (60) days nor less than twenty (20) days after the date of such resolution passage. Resolution 2018-08 accomplishes this, setting a hearing date of June 18, 2018

Staff intends to deliver a detailed staff report on this matter at the next Council meeting on June 4, 2018.

***RECOMMENDED ACTION: Pass Resolution 2018-08.***

## RESOLUTION 2018-08

### A RESOLUTION OF THE CITY OF LONG BEACH, WASHINGTON SETTING THE TIME AND PLACE FOR A PUBLIC HEARING FOR CONSIDERING A PARTIAL STREET VACATION OF 17<sup>th</sup> STREET NORTHWEST

**WHEREAS**, Robert and Denise Cox have filed a petition for the partial vacation of 17th Street Northwest to combine with their adjoining parcel to the north; and,

**WHEREAS**, RCW 35.79 requires passage of a resolution setting the time and place for a public hearing to consider vacation of a public street and the posting of public notices, such public hearing to be scheduled not less than twenty (20) nor more than sixty (60) days from passage of said resolution;

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE LONG BEACH CITY COUNCIL** that a public hearing shall be held in the Council Chambers at Long Beach City Hall for the purpose of considering the partial street right-of-way vacation of the following areas:

- 20 feet by 200 feet from Ocean Beach Blvd North westerly along the north side of 17<sup>th</sup> Street Northwest; and

Said hearing shall be held on June 18, 2018 at 7:00 PM or shortly thereafter in the Long Beach City Council chambers.

The required notice shall be placed at on the subject property—which is Assessor's parcel No. 74060313000, bounded by 17<sup>th</sup> Street Northwest, parcel No. 7406011300 and Ocean Beach Blvd North— and at Long Beach City Hall, the United States Post Office in Long Beach, and the Long Beach Police Department.

Passed this 21<sup>st</sup> day of May 2018.

Ayes 4      Nays 0      Absent 1

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Jerry Phillips, Mayor

Attest:

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Helen Bell, City Clerk



**City of Long Beach**  
**Notice of Petition and of Public Hearing**  
**To Consider Partial Vacation of 17<sup>th</sup> Street Northwest**

**VACATION OF A PORTION OF 17<sup>TH</sup> STREET NORTHWEST; CASE NO. VAC 2018-01.** Notice is hereby given that Robert and Denise Cox, filed a petition with the City of Long Beach on January 15, 2018 requesting the City vacate a portion of the right-of-way of 17<sup>th</sup> Street Northwest. The petition seeks vacation of the northern 20 feet of 17<sup>th</sup> Street Northwest from the west side of Ocean Beach Boulevard approximately 200 feet westerly, encompassing an area of approximately 4,000 square feet in the R1R – Single-Family Residential Restricted zone. **The subject property is located directly adjacent to and south of Block 13, South ½ Lot and North ½ Lot, Plat of Portland Corrected Tract, S ½ of N ½ of SW ¼ of Block 13 and S ½ of SW ¼ & S ½ of N ½ SE ¼ & S ½ SE ¼ of Section 9, Township 10 North, Range 11 West, Pacific County, Washington.**

The Long Beach City Council passed Resolution 2018-08 fixing the time, date, and location of a Public Hearing on this application as **7:00 pm or soon thereafter on Monday, June 18, 2018 in the City Council Chambers at Long Beach City Hall, 115 Bolstad Street West, Long Beach WA 98631.**

Any person interested in this request may speak for or against the request at the public hearing or submit written comments prior to the public hearing. **Written comments should be addressed to: Ariel Smith, Community Development Director, P.O. Box 310, Long Beach, WA 98631. Written comments must be received by the end of the public hearing.**

The Meeting Room is ADA accessible. For those planning to attend who have special accessibility requirements, please contact the City of Long Beach by phone, 360-642-4421 or at the address below at least ten (10) days in advance.

Responsible Official:  
Position/Title:  
Phone:  
Address:

Ariel Smith  
Director, Community Development  
(360) 642-4421  
P.O. Box 310  
Long Beach, WA 98631

Notice Date:

May 22, 2018

TAB — H



# **AWC Certificate of Municipal Leadership**

The Association of Washington Cities  
recognizes

*Councilmember Tina McGuire*

*City of Long Beach*

for the successful completion of AWC's  
Certificate of Municipal Leadership training program.

Presented 5/17/2018



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Pat Johnson, AWC President



# **Parks - Streets - Storm Water May Monthly Report**

## ***Monthly***

Safety Meetings

## ***Bi-Monthly***

Staff Meetings

## ***Mondays - Fridays***

### ***Street Sweeping***

Backpack Blowing of sidewalks and brick parks

Boardwalk and dune trail Maintenance

## ***Thursdays***

Mowing the mini parks and ball fields

## ***Daily***

Restroom maintenance

Garbage maintenance

Hanging baskets

## ***Festivals / Events /set up and tear down***

Softball and baseball

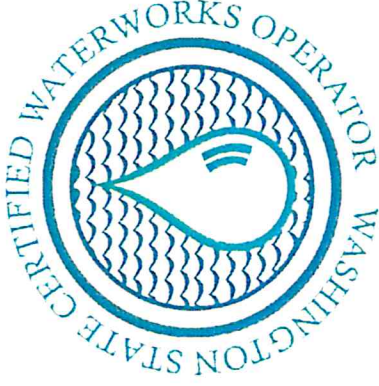
Parade

Perch derby

## ***Training***

- 1 .Poured new sidewalk and Handicap ramp north side of the road way Inn
2. Painting the Bolstad approach parking stalls
3. Turned on all the water to the sprinkler systems to the parks
4. Mowing the shoulders and right of ways
5. Fertilized Culbertson and Stanley fields

6. Put up the hanging baskets
7. Fixed the water fountain pond at Bolstad and Pacific hwy
8. Installed new cable for the flag pole on Bolstad approach
9. Weed eating the sidewalks and spraying round up
10. Painted city hall parking lot
11. Pot Hole maintenance put out cold patch
- 12 .Cleaned and touched up the paint at city hall
13. Fixed the street lights at Bolstad and pacific and Bolstad and oregon
- !4. Installed posts cable and signage for the 4<sup>th</sup> street fire lane
15. Repaired the damage light pole at 9<sup>th</sup> south and pacific hwy
- 16 Repaired broken stop sign at 4<sup>th</sup> so oregon
17. Changed the events banner patches to May and June events.
18. Installed 2 stop bars at 7<sup>th</sup> so oregon



# Certificate of Competency

## Tye J Caldwell

is hereby certified as a Waterworks Operator in the State of Washington.

This individual has met the established qualifications of the Washington State Department of Health and has passed the Waterworks Operator Certification exam for this classification.

**Classification:** WDS - Water Distribution Specialist

**Certification Number:** 014519

Deni Gray, Program Manager,  
Waterworks Operator Certification Program

May 7, 2018

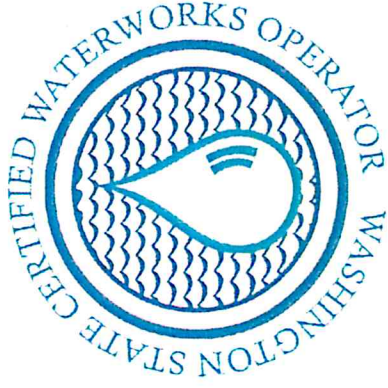
Date

*This certificate shall be in full force and effect when accompanied by an annual validation card.*



HELPING TO ENSURE SAFE AND RELIABLE DRINKING WATER





# Certificate of Competency

**Timothy M Huff**

is hereby certified as a Waterworks Operator in the State of Washington.  
This individual has met the established qualifications of the Washington State Department of Health  
and has passed the Waterworks Operator Certification exam for this classification.

**Classification:** WDS - Water Distribution Specialist

**Certification Number:** 014523

Deni Gray, Program Manager,  
Waterworks Operator Certification Program

May 7, 2018

Date

*This certificate shall be in full force and effect when accompanied by an annual validation card.*



HELPING TO ENSURE SAFE AND RELIABLE DRINKING WATER



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

June 1, 2018

David Glasson, Administrator  
City of Long Beach  
P O Box 310  
Long Beach WA 98631

**Re: Regional Biosolids Treatment Facility, WQC-2019-LongBe-00060**  
***State Fiscal Year 2019 Final Water Quality Funding Offer List and Intended Use Plan***

Thank you for your time and effort in applying to the Washington State Department of Ecology (Ecology) for funding for your water quality project in the State Fiscal Year 2019 (SFY19) Funding Cycle.

Ecology published the SFY19 *Final Water Quality Funding Offer List and Intended Use Plan* (Final List) on May 30, 2018. The Final List describes the projects and funding for the SFY19 Funding Cycle from the Centennial Clean Water Program (Centennial), the Clean Water Act Section 319 Nonpoint Source Fund (Section 319), the Stormwater Financial Assistance Program (SFAP), and the Washington State Water Pollution Control Revolving Fund (CWSRF). The Final List is available at <https://fortress.wa.gov/ecy/publications/SummaryPages/1810020.html>.

Ecology received 130 applications requesting more than \$415 million in funding during the SFY19 Funding Cycle. To ensure that funds were directed to the highest priority projects, Ecology water quality specialists evaluated and scored all eligible project proposals. Scores were compiled, and a statewide priority list was developed. Projects offered funding are based upon the priority list, the type of project, and the funding source. A record of scores and evaluator comments are available through Ecology's Administration of Grants and Loans (EAGL) system. After rating and ranking all eligible proposed projects, Ecology offered approximately \$155 million to 69 projects. Detailed information on all proposals received and offered funding can be found in Appendix 1 in the Final List.

I am pleased to inform you that your project is being offered funding of up to \$7,000,000, including:

- A \$4,891,198 Loan from CWSRF for a term of 20 years at a 1.9% percent interest rate.
- A \$276,000 Forgivable Principal loan from CWSRF that will not be required to be repaid.
- A \$0 grant from SFAP.
- A \$1,832,802 grant from Centennial.
- A \$0 grant from Section 319.

The final funding amount awarded for your project will be based on negotiations between you and Ecology regarding the project scope of work, budget, technical considerations, reasonableness of cost, and eligibility determinations.

Based on your application, project type, and fund source, various conditions of funding will apply; these will be addressed during the agreement negotiation process. For information on conditions that may apply, please see Ecology's SFY19 Funding Guidelines at <https://fortress.wa.gov/ecy/publications/SummaryPages/1710019.html> and the footnotes assigned to your project in Appendix 1 in the Final List.

Ecology is committed to negotiating and signing a funding agreement by December 31, 2018. To meet this timeline and ensure timely use of limited state and federal funds, it is essential that negotiations and funding agreement development begin as soon as possible.

Ecology assigned the following Grant and Loan Project Management Team for your project:

Dave Dougherty	Southwest Regional Office	Project Manager	360-407-6278
Jeanna Ridner	Headquarters Office, Lacey	Financial Manager	360-407-6533

Ecology's Project Manager will contact you soon to schedule a negotiation date. If you are not contacted by August 1, 2018, please contact the Project Manager directly.

Ecology appreciates your commitment to improving Washington's water quality and looks forward to working with you to complete this high priority project.

If you have any questions or concerns, please contact Jeff Nejedly at (360) 407-6572 or by email at [jeffrey.nejedly@ecy.wa.gov](mailto:jeffrey.nejedly@ecy.wa.gov).

Sincerely,



Heather R. Bartlett  
Water Quality Program Manager

cc: Ariel Smith, Director of Community Development, City of Long Beach  
Dave Dougherty, Ecology  
Jeanna Ridner, Ecology



# Long Beach Charging Station Dashboard

## June 11, 2018

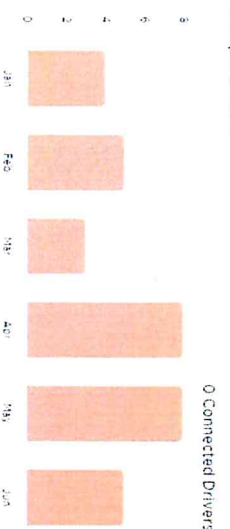
### Station Status



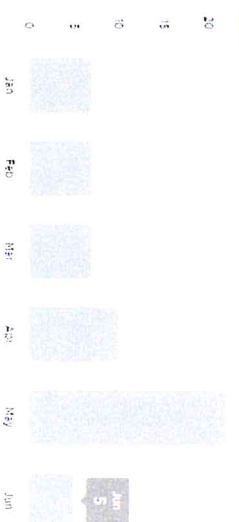
### Real Time Power



### Unique Drivers



### Sessions



### Average Session Length



### Financials

\$12.00

You've dispensed **183 kWh** of electricity over the last 30 days. Record your costs by charging & fee. ChargePoint will send you the money.

Estimated monthly cost based on electricity price of **\$0.07** + per kWh

### Environment

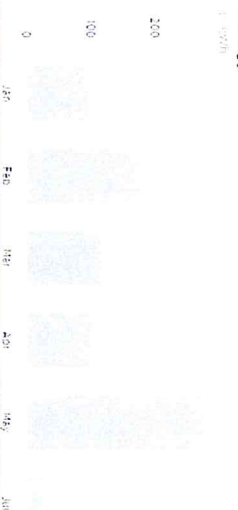
Here's how EV charging has helped:

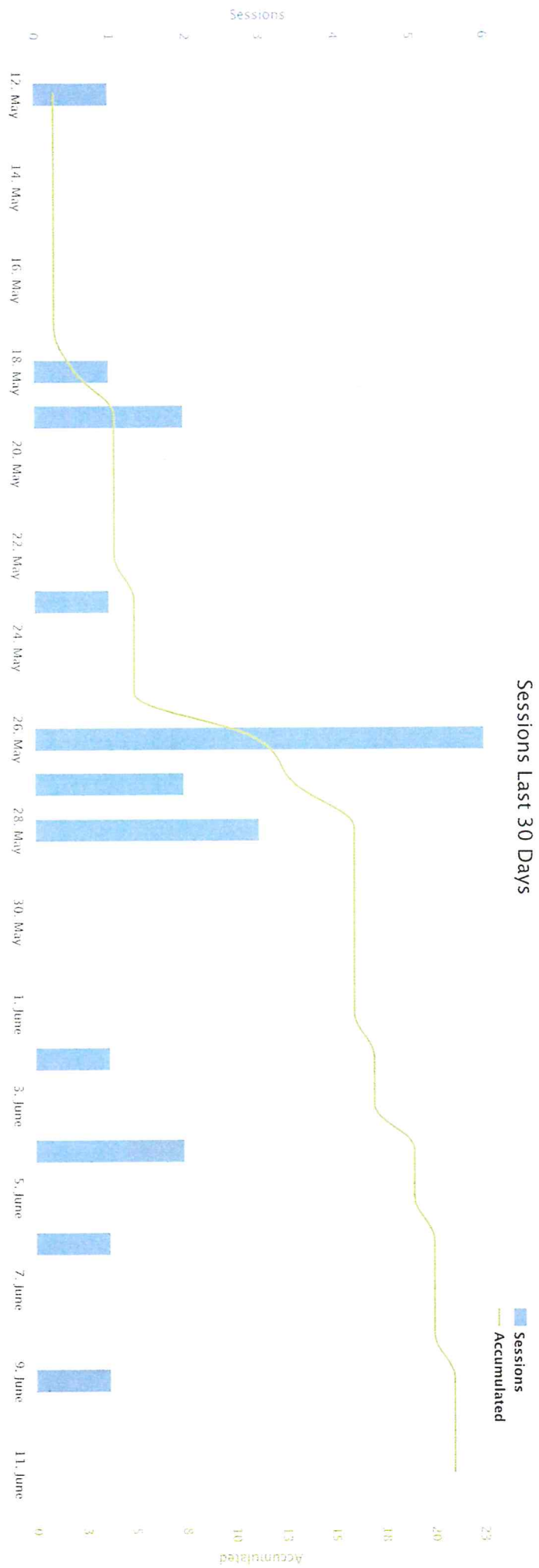
1.023 kg CO<sub>2</sub>e avoided  
equivalent to 2005-2006



Planting 28 trees and letting them grow for 10 years

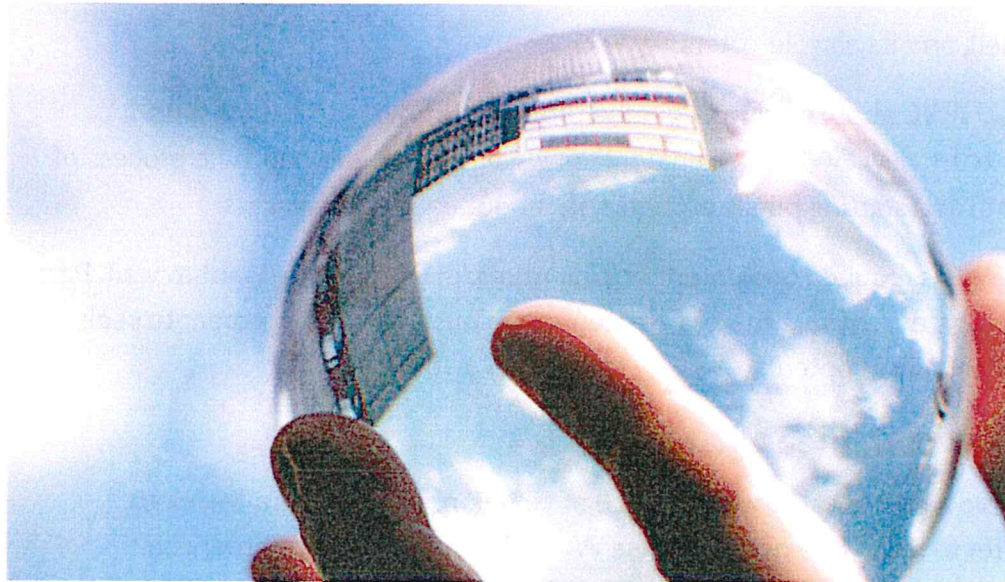
### Energy





# WVRA: To Change or Not to Change?

May 25, 2018 by [Linda Gallagher](#)  
Category: [Elections](#)



*"Be the change you want to see in the world." – Mahatma Gandhi*

This year Washington passed the Washington Voting Rights Act (WVRA), which I wrote about in [The Future of Voting in Washington](#).

This new law gives most municipalities the authority to change their election systems to remedy potential issues relating to equal voting opportunities for members of certain protected classes.

I will address some common questions MRSC has received about what comes next for municipalities considering WVRA changes.

## What is the process for making voluntary changes?

Starting June 7, 2018, the WVRA allows municipalities to make their own election system changes on a voluntary basis. These changes typically involve moving from "at-large" elections to district-based elections, and the process involves public notice and participation, including at least one public hearing.

A good start might be to look at your agency's data, including statistics and recent election results, for indications of polarized or diluted voting. Engage the public in the process of considering changes to your election systems. Create a proposed remedy with districts drawn in compliance with the factors listed in the WVRA, [ESSB 6002](#). Next, seek superior court approval with the assistance of legal counsel.

## Does the new law allow or require districting for positions on legislative bodies?

The new law gives authority for districting where such authority did not exist before this law. Creating districts or re-drawing current districts are the primary method provided in WVRA to address and remedy possible voting act violations. However, there is not a mandate or requirement because the law does not use language such as "shall" or "must" for a particular type of remedy.

## What data and analysis should we use and provide to the public?



You will want to gather your past election results and census data showing demographic information about the nature and size of racial, ethnic, and language minorities in your municipality. Some of this information is available with the State of Washington, your county, and through AWC (for towns and cities).

## **What is polarized voting?**

As defined in WVRA, “polarized voting” means voting in which there is a difference in the choice of candidates or other electoral choices preferred by voters in a protected class with the choice of candidates and/or other electoral choices preferred by voters in the rest of the electorate.

## **Should we be proactive and adopt a voluntary remedy or wait for an eligible voter to give notice of a potential violation?**

The answer depends on the jurisdiction, itself, and its eligible voters.

Several municipalities have asked MRSC and AWC about how to begin the process of moving to district-based election systems that are in compliance with the new WVRA. Fortunately now is a great time to begin the process of gathering the demographic and election data and starting public engagement about equal voting rights.

On the other hand, if you do not think a WVRA is required or wanted for your municipality you may want to wait. Part of the voluntary change process requires an agreement that there is a potential violation of WVRA in order to seek the required court approval of a remedy voluntarily adopted.

## **If we receive a WVRA Notice from a voter, then what?**

After July 18, 2018, an eligible voter may serve a municipality with a notice of violation. This triggers a 6-month period of working in good faith with the voter to reach a remedy before a WVRA lawsuit may be commenced.

If you receive a notice, the WVRA requires you to promptly share it with the public. In addition, share it with your leaders, election-related employees, and your legal counsel. Reach out right away to the provider(s) of the notice with an acknowledgement and commitment to comply with WVRA. You should then begin to work in good faith to negotiate regarding a remedy.

## **How do we “work in good faith” when we receive a WVRA Notice?**

The details here are not spelled out in the new law but other examples of “good faith work” or ‘good faith negotiation’ should be followed. Consult with your legal counsel and risk pool or insurers.

At a minimum, I suggest you plan an early public meeting with the voter providing the notice and with others. This suggestion is based in part on an earlier version of the bill (not passed) that contained a provision directing that weekly meetings be held, so I believe at least some of the proponents of voting rights legislation wanted meetings to happen.

Treat this as you would with other government subjects important to your public: Keep an open mind, be curious, show respect, and make sincere efforts to understand and consider resolutions. Share information, listen to suggestions, and reach the best outcome, by agreement if possible. Although the notice is also required to later commence litigation, do not treat it as an entirely adversarial process. Cooperate and collaborate.

## **If we decide to adopt the remedy proposed in the notice what next?**

A remedy by stipulation or written agreement must then be presented to the superior court. The new law does not give specifics on how this happens, but filing of a civil action is likely required with a hearing date before a judge or, perhaps court commissioner, depending on the county. The new law requires that the election and census data and any analysis used to propose the remedy also be filed in court. The WVRA Notice may also be included. Again, work closely with your legal counsel.

### **If we decide to adopt a different remedy than proposed or no remedy, then what next?**

Each public agency is required to seek court approval of any WVRA remedy adopted. File a superior court action or wait to adopt your proposed alternative remedy until the provider of the WVRA Notice files an action.

### **Do we need a lawyer?**

Yes, whether making voluntary changes or changes in response to a notice of alleged violation, it is important to work with your legal counsel to make sure all of the legal requirements are followed.

### **Do we need experts to give opinions about potential remedies and to help analyze census data and voting data?**

Probably, depending on how accessible your data is and how much support your county may be able to provide. Consult with your legal counsel about retaining the right experts.

### **Questions? Comments?**

In conclusion, this is just the beginning and not the end of a process that will lead to more equal voting rights for everyone, especially members of protected classes. We will provide more support as the WVRA becomes law and more municipalities become experienced in navigating these important changes.

If you have questions about this or other local government issues, please use our [Ask MRSC form](#) or call us at (206) 625-1300 or (800) 933-6772. If you have comments about this blog post or other similar topics you would like me to write about, please email me at [lgallagher@mrsc.org](mailto:lgallagher@mrsc.org).



### **About Linda Gallagher**

Linda Gallagher joined MRSC in 2017. She previously served as a Senior Deputy Prosecuting Attorney for King County and as an Assistant Attorney General.

Linda's municipal law experience includes risk management, torts, civil rights, transit, employment, workers compensation, eminent domain, vehicle licensing, law enforcement, corrections, and public health.

She graduated from the University of Washington School of Law.

[VIEW ALL POSTS BY LINDA GALLAGHER](#) ▶

[Leave a Comment](#) ▼

## Comments

0 comments on WVRA: To Change or Not to Change?

Blog post currently doesn't have any comments.

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## City of Long Beach Activities Report

May 2018

Wastewater Dept.

Call Outs - 2 ( RAS Pump )

Meetings - 6 ( PUD / Contractors / Engineers / Screw Press Rep. / Forrester / Screw Press Pres. )

Safety Meetings - 0

Plant Management - Monthly DMR's / Paperwork Review / Emails / Ordering Supplies / Engineers.

Samples – Daily Tests / Twice Weekly Testing ( BODs , TSSs , and Fecals. )

Customer Service - 3

Locates - 7 Emergency Locates – 1 ( PUD 10<sup>th</sup> st. n. )

Hauling Sludge - 0

Lift Station Checking - Daily Action. ( inspection / cleaning transducers )

Lift Station Wash down - 2 Plant Wash Down - 3

Samples to Lab - 1 ( regular. )

Pump / Blower Maint. – 3

Sink Hole Investigation – 1 ( 12<sup>th</sup> st. n. )

Main Repairs - 0

Equipment Cleanup - 1

Headworks Debris Removal – 1 Decanting Digester – 0

Training -

All Crew - Wellness Program ( Poker Walk )

Other Activities –

Pulled Pump #1 @ 17<sup>th</sup> n Station. ( Jammed – Rags )

Office Organization.

Cleaning Grit Classifier for Repainting.

Weed Control Around Plant.

Lab Accreditation Renewal.

Working On Grit Pump.

Festivals Setup / Tear Down. ( Parade / Surf Perch. )

Monthly Fire Extinguishers.

Matt W On Weekends.

Installing New Sludge Site Signs.

Mowing New Sludge Site.

Jetting Main By Bank Of The Pacific.

Assisting Seaview Sewer.

Garbage Day Cleanup.

## City of Long Beach Activities Report

May 2018

Water Dept.

Call Outs - 1 (Shut Off)

Meetings - 6 Staff / Evergreen Rural / G&O Comp Plan / HD Fowler / Geo-tech 10<sup>th</sup> st. n / Forrester.

Safety Meetings - 0

Plant Management - Paperwork / Time Cards / Monthly DOH Report / Monthly DMR's. / Monthly Report / Bills / Log Book / Called Locates / Ordered Parts / Remote Read Meter Paperwork.

Customer Service - 2

Locates - 25

Emergency Locates – 1 ( PUD 10<sup>th</sup> st n & Blvd. )

Re-reads - 12

Install New Meters - 2

Meter Reinstall - 0

New Service Investigations – 2

Valve Investigation - 0

New Service Prep – 2

Valve Can Raising - 2

Meter Removal – 0

Meter Repairs - 7

Hydrant Maint. - 0

Shut Off's - 7

Emergency Shut Offs - 3

Turn On's - 7

Res. Checking - 2

Res. Maint. – 2

Leak Repairs - 1 ( Golf Course. )

Leak Investigations - 1

Equipment Cleanup - 4

System Samples - Weekly entire system.

Samples to Lab - 2

Training -



All Crew

Wellness Program

( Poker Walk. )

Tim H & Tye C

Took and Passed Their WDS 1 Certification..

#### Other Activities –

Reading Meters. ( Long Beach. )

Raising 2 Valve Cans.

Town Cleanup.

Programing New Meters.

Meter Repairs.

Installing Remote Read Meters.

Naselle Patched All Road Cuts.

Parade Setup / Tear Down.

Surf Perch Setup / Tear Down.

Garbage Day Setup / Tear Down.

Parts Inventory.

Pumping Out World Mark Vault.

Chautauqua Lodge Meter Encoder / Programming.

Sink Hole Filling 12<sup>th</sup> st. n.

Mowing Dolman Road.

Weedeating All Reservoir Dams.