



## McCleary City Council Agenda

**March 22nd, 2017 6:30 PM- Community Center**

**Flag Salute**

**Roll Call:** \_\_\_ Pos. 1- Orffer, \_\_\_ Pos. 2-Richey , \_\_\_ Pos. 3- Peterson, \_\_\_ Pos. 4- Blankenship, \_\_\_ Pos. 5- Ator

**Presentation** Great Rivers/Telecare/Summit Pacific

**Public Hearing**

**Mayor Comments**

**Public Comment**

**Executive Session**

<b>Minutes</b>	<b>Tab A</b>	Introduction	<b>X</b>	Action	<b>X</b>
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<b>Approval of Vouchers</b>		Introduction	<b>X</b>	Action	<b>X</b>
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<b>Staff Reports</b>	<b>Tab B</b>	Dan Glenn
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<b>Old Business</b>	<b>Tab C</b>	Amend MMC Zoning Code Definitions
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<b>Tab D</b>	Non Conforming Use and Structures Amendment
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<b>New Business</b>	<b>Tab E</b>	Cash Handling Policy
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<b>Tab F</b>	Utility Billing Policy
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<b>Ordinances</b>	<b>Tab G</b>	Zoning Txt Am Hosp & RTF C
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**Resolutions**

**Mayor Council Comments**

**Public Comments**

**Executive Session**

**Adjournment or Recess Meeting**

**Please turn off Cell Phones- Thank you**

Americans with Disabilities Act (ADA) Accommodation is Provided Upon Request

The City of McCleary is an equal opportunity provider and employer.

La ciudad de McCleary as un proveedor de igualdad de oportunidades y el empleador

**TAB “A”**

**CITY OF MCCLEARY**  
**Regular City Council Meeting**  
**Wednesday, February 22, 2017**

ROLL CALL AND FLAG SALUTE	Councilmembers Orffer, Richey, Peterson, Blankenship and Ator were in attendance.
ABSENT	None.
STAFF PRESENT	Present at the meeting were Todd Baun, Wendy Collins, Chief Blumer and Dan Glenn.
PUBLIC HEARING	The Public Hearing to Amend MMC Zoning Code opened at 6:32 pm. No public comments were made. The Public Hearing closed at 6:32 pm.
EXECUTIVE SESSION	None.
MINUTES APPROVED	<b>It was moved by Councilmember Orffer, seconded by Councilmember Peterson to approve the minutes from the February 22, 2017 meeting. Motion Carried 5-0.</b>
VOUCHERS	Accounts Payable checks approved were 42398 - 42439 including EFT's in the amount of \$56,162.56.  Payroll checks approved were 42305 - 42397 including EFT's in the amount of \$156,418.39.  Bank reconciliation for February 2017.  <b>It was moved by Councilmember Ator, seconded by Councilmember Peterson to approve the vouchers. Motion Carried 5-0.</b>
MAYOR'S COMMENTS	Dan Glenn recommended the City Council consider creating a Public Works Committee and a Public Safety Committee. The Council will also be participating in a workshop next Wednesday starting at 5:00 pm.
PUBLIC COMMENT	None.
CITY ATTORNEY REPORT	Dan Glenn provided a written report for the Council and is available to address any questions.
DIRECTOR OF PUBLIC WORKS REPORT	Todd Baun reported there will be a presentation for our CERB grant on March 16th, which is a grant for our Comprehensive Plan.  The WWTP received advice from Gray & Osborne and the Department of Ecology regarding solutions for the high fecal matter issue, and after implementing their suggestions, the plant had good test results. The last test that was run came in at 43,700 and they needed to be under 2,000,000. They will be testing again next week to make sure the new process is working correctly. They will still need to make a long-term solution so this will help until then.
POLICE CHIEF BLUMER	Chief Blumer commented on his police report, stating he included an article about a recent marijuana arrest involving children in McCleary. He contacted outside assistance because he needed backup support.
AMEND MMC ZONING CODE	The Council discussed the recommendations from the hearing examiner; add a definition of "residential treatment facility", change the current definition of "hospital" and reduce the current time that a legal nonconforming use may continue being discontinued from 4 years to 1 year [MMC 17.36.020(D)]. After discussion the Council decided to wait until the next meeting/workshop on March 15th to continue discussion. Tabled.
NON CONFORMING USE AND STRUCTURES	This item was also tabled until further discussion at the March 15th meeting/workshop.

RESOLUTION 700 SMALL AND ATTRACTIVE ITEM POLICY	<p>One of the auditor's recommendations from our last audit was to create a policy for small and attractive assets. Each agency should perform a risk assessment, including both financial and operational of the agency's assets, to identify those assets that are particularly at risk or vulnerable to loss. Todd Baun prepared a policy for Council's review and Dan Glenn provided a resolution for consideration. <b>It was moved by Councilmember Ator, seconded by Councilmember Peterson to adopt Resolution 700 ADOPTING A POLICY IN RELATION TO MAINTAINING AN INVENTORY OF CERTAIN ASSETS OF THE CITY, and to add in the blanks "one" year in the guidelines section and "\$100.00" for the asset amount. Resolution Adopted 5-0.</b></p>
LOT RENTAL WITH CECCANTI	<p>Ceccanti is the WSDOT contractor for the SR 8 - Middle and East Forks Wildcat Creek Fish Barrier Removal project. They are requesting to rent the empty City lot north of the Shell Station. They intend on putting a job trailer on the lot. They proposed \$250 per month to rent the lot, plus utility usage. <b>It was moved by Councilmember Orffer, seconded by Councilmember Richey to authorize the Mayor to sign the contract with Ceccanti for the rental of the empty lot north of the Shell Gas Station. Motion Carried 5-0.</b></p>
LARGE DOCUMENT SCANNER	<p><b>It was moved by Councilmember Orffer, seconded by Councilmember Richey to authorize the Mayor to sign the large document scanner lease with Ricoh through US Communities Government Purchasing Alliance. Motion Carried 5-0.</b></p>
POLICE DEPARTMENT COPIER CONTRACT	<p><b>It was moved by Councilmember Ator, seconded by Councilmember Richey to authorize the Mayor to sign the Ricoh copier contract for the Police Department. Motion Carried 5-0.</b></p>
RESOLUTION 701 POLICE SURPLUS	<p>A list of Police surplus items was created and presented to the Council for approval to surplus out. <b>It was moved by Councilmember Orffer, seconded by Councilmember's Ator and Richey to adopt Resolution 701 DECLARING CERTAIN MATERIALS AND EQUIPMENT TO BE SURPLUS AND PROVIDING FOR THE DISPOSTION THEREOF. Resolution Adopted 5-0.</b></p>
MEETING SCHEDULE FOR 2017	<p>The City Council sets a summer meeting schedule that usually skips one meeting per month. Last year, this became an issue because there were too many important items that needed to be addressed. The Mayor foresees this to be the same case for the coming summer and believes it is best for the City to keep the regular schedule throughout the year. Changes may need to be made in the fall to work around certain holidays.</p>
POLICE INTERLOCAL WITH WASHINGTON STATE DEPARTMENT OF CORRECTIONS (DOC)	<p><b>It was moved by Councilmember Ator, seconded by Councilmember's Blankenship and Peterson to authorize the Mayor to sign the Interlocal Agreement between the City of McCleary Police Department and the Washington State Department of Corrections. Motion Carried 5-0.</b></p>
ZONING CODE AMENDMENT	<p><b>Tabled</b></p>
PUBLIC COMMENT	<p>Councilmember Peterson is concerned about the obstructed view on Simpson Avenue when he is trying to turn left off of 4th Street onto Simpson Avenue. Cars are parking on the street side of the clinic on Simpson Avenue and he has to pull way out into the street to see around them, risking getting hit on the left side. He said this could also be dangerous for people trying to cross at the crosswalk. Chief Blumer has red paint he will be painting on the curbing to prevent cars from parking there as soon as the weather permits.</p> <p>Mayor Schiller would like to recess the meeting until Wednesday, March 15th so they will legally be able to take action at the meeting/workshop, if they choose to.</p> <p>Joy Iverson works at Summit Pacific Hospital and is concerned about the old Mark Reed Hospital site sitting empty. She understands the fears about what is moving up there but understands the new group will be speaking to the Council at the next meeting and is hoping no decision will be made before the Council and community hear all sides of the situation. She believes it will bring jobs to the community and believes it is a good thing that they will be paying for utilities and contributing to the community. She urged the Council to give the situation more thought and wait to make any decisions until after they hear from the new group so they can make a decision based on all the facts.</p>
MEETING ADJOURNED	<p><b>It was moved by Councilmember Ator, seconded by Councilmember Richey to recess the meeting at 7:54 pm. The next meeting will be Wednesday, March 15th, 2017 at 5:00 pm. Motion Carried 5-0.</b></p>

*Approved by Mayor Brent Schiller and Clerk-Treasurer Wendy Collins.*

**TAB “B”**

**MEMORANDUM**

TO: MAYOR AND CITY COUNCIL, City of McCleary  
FROM: DANIEL O. GLENN, City Attorney  
DATE: March 17, 2017  
RE: LEGAL ACTIVITIES as of MARCH 22, 2017.

THIS DOCUMENT is prepared by the City Attorney for utilization by the City of McCleary and its elected officials and is subject to the attorney-client privileges to the extent not inconsistent with laws relating to public disclosure.

1. **FISCAL POLICIES:** As you are aware from past action, the Office of the State Auditor for a number of reasons "recommends" that municipalities have written policies covering many areas in place. Most recently, that led to the preparation and adoption of the policy relating to inventory and tracking of assets of the City have a relatively low valuation. As part of her process of insuring the City is in compliance with this type of written policy preference, Ms. Collins has prepared two other policies for consideration and adoption. One relates to utility billing and collection practices and the other to the processing and tracking of moneys received by the City.

For purposes of formal confirmation of their adoption as City policies, I have prepared a resolution for your consideration which would adopt both policies. She provided me with copies on Thursday. When I got the chance to review on Friday, there are a couple of minor suggestions I will be discussing on Monday since she was wisely out of the office Friday. However, none are core to her fundamental goals which will be accomplished through their implementation.

2. **ZONING TEXT AMENDMENT: DEFINITIONS AND TERM OF VALIDITY OF NON-CONFORMING USE:** Following the extensive discussion at the recessed meeting held last Wednesday, it is my perception that of the four draft ordinances submitted for your review, the likely preferred draft is the "C" version dated March 9, 2017. That version speaks specifically to the two following issues:

[a] amendment of the Zoning Code's definitional section by more directly associating the definition of "hospital" to the State's definition and by adding the definition for "residential treatment facility". Thus, when utilized in our zoning code the review will be based upon the definitions utilized by the State which licenses these facilities.

[b] modification of the current "life time" of the reactivation of a non-conforming use from the current four years to three years. This period is still longer than authorized under many municipal codes but it is not unusual. I would note that when the next review of the zoning code provisions is undertaken, I would recommend we review the issue of whether you wish to have a different "survival" period for a discontinued non-conforming use for a residential use in a commercial zone than for a non-residential use.

In any event, as I mentioned at the last meeting if an ordinance is adopted updating the definitions, the next step for the Council to consider is whether you wish to refer the matter of the zones within which such activities are allowed, whether as a permitted use or a conditional use, to the Hearing Examiner for public hearing and recommendation to you.

3. CONTRACT FOR USE OF TRIBAL CORRECTIONAL FACILITIES: It appears that the Legislature will not be taking any action to clarify the matter of the authority of municipalities to contract for correctional services with recognized Tribal entities. The issues related to this question are being discussed throughout the State. I would note that the contract the City has with the Chehalis Tribe does provide for indemnification, insurance and a partial waiver of their sovereign immunity, something which may not have been present in the contract the Nisqually Tribe had with the city against which the claim for damages has been filed.

I will keep you updated on the matter.

As always, this is not meant to be all inclusive. If you have any questions or comments, please direct them to me.

DG/le



**TAB “C”**

City of McCleary Hearing Examiner  
Report and Recommendation

Summary of Application: Amend the McCleary Municipal Code (MMC) to:

- Add a definition of “residential treatment facility”;
- Change the current definition of “hospital”; and
- Reduce the current time that a legal nonconforming use may continue before being discontinued from 4 years to 1 year. [MMC 17.36.020 (D)]

Applicant:                      City of McCleary  
   100 South 3<sup>rd</sup> Street  
   McCleary, WA 98557

SUMMARY OF RECOMMENDATION: Adopt the recommended changes to the MMC for “hospital” and “residential treatment facility”, but further discussion by the City Council is needed regarding the change in time frame for non-conforming uses.

SUMMARY OF RECORD:

***Public Hearing:***

A public hearing was conducted at 1:30 p.m. on January 24, 2017 at McCleary City Hall. Present for the city were Neil Aaland, Hearing Examiner and Todd Baun, Public Works Director. The Examiner summarized the proposal for the record, including the purpose of the hearing and how the hearing process works. No letters have been received from the public.

Todd Baun summarized the staff report.

Bob Pringle asked about the purpose of the proposal. Todd explained the current definition of “hospital” is vague. The city has heard there might be a proposal coming to the city, so the council wants to be sure the definition is specific. Mr. Pringle thinks this may be premature.

Mike Benz wonders about reducing the four years for nonconforming uses to one, He wonders about the benefit to the city for having this type of facility. He does not believe it will increase local employment, thinks it is premature He also thinks there is asbestos in the building that housed the old Mark Reed hospital. He lives across the street.

Kat Dulles has concerns about the type of mental concerns that would be addressed. She thinks it would probably be more of a paid private entity, and thinks that should be explained. A group home would be fine, but not if people are in lock down. It would be good to clarify the intended use and what kind of people would be treated.

Cassie Vicencia is concerned about safety. She wonders what this will do to resale opportunities for nearby homes.

Helen Hamilton is concerned about safety and property values. She thought the building was unsafe when it was decided to move the hospital to Elma.

Todd Baun explained these changes add city oversight. Right now, the city does not have a definition for residential treatment facility, and the definition of hospital is inadequate. These revisions will allow the city to designate where facilities should be allowed.

The written comments of city staff, together with the staff report and other supporting materials, are incorporated into the record of the hearing.

#### FINDINGS:

1. MCC Chapter 2.30 establishes the office of the Hearing Examiner and assigns certain responsibilities to the Examiner.
2. MCC Chapter 17.40.130 and ordinance #790 establishes the responsibility and authority of the Hearing Examiner to hear and make recommendations on matters assigned to him by the Mayor and the City Council.
3. The Mayor and the City Council have assigned to the Examiner the responsibility of conducting the required public hearing and making a recommendation to the City Council for a proposal to revise the MMC.
4. The Hearing Examiner conducted a public hearing for the proposal on January 24, 2017.
5. City staff have provided an affidavit of publication advertising the public hearing in the January 12<sup>th</sup> and January 19<sup>th</sup>, 2017 issues of the paper of record, the Montesano Vidette.
6. Section 17.40.140 of the MCC stipulates the procedure for amending the zoning ordinance. Section A states:

*“The City Council may amend the text of the zoning ordinance, including the city of McCleary zoning map, whenever public necessity, convenience, or general welfare require such action and the proposed amendment is consistent with the city of McCleary comprehensive land use plan in accordance with RCW 35.A.63.105.*

7. The McCleary Comprehensive Plan contains the following statement regarding non-conforming uses in Residential zones:

*“Residential uses that are nonconforming in zoning districts shall have the right to maintain, improve, or expand their properties. If a property owner removes a nonconforming residence, s/he has up to three years to replace it with a new one.*

*After this time, the future use on the parcel must be conforming to the zoning district.<sup>1</sup>*

8. People attending the public hearing testified about their concerns regarding specific proposals that may occur, primarily focused around the old Mark Reed hospital site.
9. City staff recommends approval of the proposal.
10. The State Environmental Policy Act (SEPA) requires a threshold determination to be made for revisions to the comprehensive plan and the UDC. A Determination of Non-Significance (DNS) was issued on December 20, 2016. As allowed under WAC 197-11-340 (2), no comment period was provided.

#### CONCLUSIONS:

1. The proposed revisions are not about specific proposals, but are about revising the city code to address potential facilities in the future. The city will be better able to review such proposals if these provisions are adopted.
2. A threshold determination has been properly issued under SEPA. No significant adverse environmental impacts were identified.
3. The revised definition of “hospital” and the new definition of “residential treatment facility” are consistent with the McCleary Comprehensive Plan (as required by MCC 17.40.130 (A)).
4. The proposed revised time frame for non-conforming uses is consistent with the McCleary Comprehensive Plan for all land uses except residential uses in all zones. The comprehensive plan provides a three-year time frame for such residential uses. Per RCW 35A.63.105, development regulations “shall not be inconsistent” with the comprehensive plan.

The city has several options, including:

- a. Adopt the proposed revisions for all uses except residential, and keep the current time period for residential uses. This would result in two different time frames for non-conforming uses. The Examiner notes that the current time period of four years is also not consistent with the comprehensive plan requirement of three years.
- b. Amend the Comprehensive Plan to revise the language governing timeframes for non-conforming uses in residential zones. The Examiner notes that it is unusual to have language this specific (the three-year specification for residential uses) in a comprehensive plan; the comprehensive plan is intended to serve as a general policy document.

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<sup>1</sup> Comprehensive Land Use Plan, Land Use Element, Page 13



5. The changes to the MCC are otherwise supported by the record except as noted above.

**RECOMMENDATION:**

The revised definition of “hospital” and the new definition of “residential treatment facility” should be adopted by the City Council. The Council needs to consider how to address the issue of time limits for non-conforming uses as discussed above.

**NOTICE TO APPLICANTS AND INTERESTED PARTIES:**

Under section 2.30.090 of the McCleary Municipal Code, the decision of the examiner shall be final and conclusive, as to any further action or appeal as to those matters in which the examiner's decision is in fact passed on to the mayor and council as a recommendation, on the twenty-first day after the date of the decision. Since this is a recommendation and not a final decision, there is no appeal provided.

This report is the recommendation of the Hearing Examiner to the McCleary City Council. The council may approve, reject or modify this recommendation. Interested parties should contact the Clerk-Treasurer concerning action by the City Council.

Dated this 6th day of February, 2017

Neil L. Aaland  
Neil L. Aaland, AICP  
McCleary Hearing Examiner

**STAFF REPORT**

To: Mayor Schiller  
From: Todd Baun., Director of Public Works  
Date: March 3, 2017  
Re: Zoning Amendment

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Our Hearing Examiner, Neil Aaland, conducted a required public hearing, on January 24th at 1:30 pm. This hearing was conducted at Councils request for the Zoning Ordinance Amendment change at the 12-14-2016 Council Meeting.

Attached you will find the report provided by Mr. Aaland and the associated recommendation. A copy of the staff report provided to Mr. Aaland is also included. To summarize, the recommendation is as follows:

*Amend the McCleary Municipal Code (MMC) to:*

- *Add a definition of "residential treatment facility";*
- *Change the current definition of "hospital"; and*
- *Reduce the current time that a legal nonconforming use may continue being discontinued from 4 years to 1 year. [MMC 17.36.020 (D)]*

**Action Requested:**

Please discuss and give recommendations to Mr. Glenn to prepare the appropriate ordinance to incorporate the recommended revision.



**City of McCleary**  
Home of the McCleary Bear Festival

100 South 3rd Street, McCleary, WA 98557 • 360.495.3667(phone) 360.495.3097(fax) CityofMcCleary.com

## STAFF REPORT

To: Neil Aaland, Hearing Examiner  
From: Todd Baun, Director of Public Works  
Date: December 30, 2016  
Re: Zoning Amendment- Residential Treatment Facility add, Hospital definition change, non-conforming use time review

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Attached you will find the McCleary City Council meeting minutes, from 12-14-2016, suggesting a minor change to the existing zoning ordinance. The basic premise of the request is to add the definition of “Residential Treatment Facility”, and change the current definition of “Hospital” in MMC 17.12. The final minor change is to change MMC 17.36.020 (D). The change would reduce legal time a nonconforming use that is discontinued. Currently it is 4 years or more and McCleary City Council would like to reduce the time to 1 year or more.

The R-1 district, also called the Single Family Residential district is shown on the attached zoning map. This district is bisected by State Route 108 and 3<sup>rd</sup> Street. Both State Route 108 and 3<sup>rd</sup> Street are identified in the Comprehensive Land Use Plan as “City Arterials”, thus indicating a large volume of traffic uses these facilities. These streets are the main thoroughfare into and out of the City.

The purpose of the R-1 zoning district is found in McCleary Municipal Code (MMC) Section 17.16.040(A):

*“The single-family residential (R-1) district provides for uses, structures, and activities compatible with neighborhoods consisting predominately of single-family dwelling units and designated manufactured homes.”*

The language found in the MMC is a condensed model of the language found in the 2002 Comprehensive Land Use Plan, which is as follows:

*“Single-Family Residential (R-1) District. The R-1 District preserves the small city qualities enjoyed by city residents by limiting development to a minimum lot size of 7,500 square feet.  
Examples of other compatible uses eligible for conditional uses permits in the R-1 District may include: bed and breakfast inns, home businesses, parks, schools, churches, and other public and semipublic uses as long as such uses will not*

## **Staff Report**

Mr. Neil Aaland

December 30, 2016

Zoning Amendment- Residential Treatment Facility add, Hospital definition change, non-conforming use time review.

*create a significant traffic or parking problem, noise or light pollution, and water and sewer facilities are capable of supporting such development.*

When reviewing the language in the Municipal Code, which was adopted in 2004, as well as the 2002 Comprehensive Plan, the request to include “Residential Treatment Facility” in the definition seems to blend with the term “Hospital” used in both documents. The Washington State Department of Health definition states:

*Residential treatment facilities (RTF) are licensed, community-based facilities that provide 24-hour inpatient care for people with mental health and/or chemical dependency disorders in a residential treatment setting.*

WAC 246-337-005 defines it as: *"Residential treatment facility" or "RTF" means a facility for purposes of evaluation and treatment or evaluation and referral of any individual with a chemical dependency or mental disorder.*

The existing zoning definitions include a “Hospital”, which is permitted in the Downtown Commercial district (C-1) and General Commercial district (C-2), but requires a conditional use permit to be allowed in the Single Family Residential (R-1), Multi-Family Residential (R-2), Manufactured Home Park (R-3) and Industrial (I) districts. The MMC definition of “Hospital” is as follows:

*"Hospital" means an institution specialized in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities in surgery, obstetrics, and general medical practice.*

An important item to consider is that Mark Reed Hospital, Mark Reed Medical Clinic, and Black Hills Family Medical were previously in place in the R-1 district for many years. Mark Reed Hospital from 1956 until 2016. The hospital was used regularly in the R-1 district since well before the 2002 Comprehensive Plan until its closure in 2016.

The second item to consider is updating the above, existing definition of “Hospital” to the definition in RCW 70.41.020:

*(7) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physician's offices where patients are not regularly kept as bed*



## **Staff Report**

Mr. Neil Aaland

December 30, 2016

Zoning Amendment- Residential Treatment Facility add, Hospital definition change, non-conforming use time review.

*patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come within the scope of chapter [18.51](#) RCW; nor does it include birthing centers, which come within the scope of chapter [18.46](#) RCW; nor does it include psychiatric hospitals, which come within the scope of chapter [71.12](#) RCW; nor any other hospital, or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, intellectual disability, convulsive disorders, or other abnormal mental condition. Furthermore, nothing in this chapter or the rules adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denominations.*

The final item for consideration is to change MMC 17.36.020 (D). This is what MMC 17.36.020 (D) states: *If a nonconforming use is discontinued for four years or more, then that nonconforming use is no longer legal and subsequent uses and structures shall conform to this chapter.* The McCleary City Council would like to consider reducing the current language of the time of 4 years or more to 1 year or more. The Council feels that will be more consistent with other local cities approach to the discontinued use of nonconforming uses and structures.

### **Concerns / Safety Hazards / Mitigation Measures**

As this is not a project action, safety hazards and mitigation measures have not been addressed, as these will be addressed during project actions.

### **Recommendation**

After considering all of the above issues, staff is recommending that the requests of adding the definition of “Residential Treatment Facility”, updating the definition of “Hospital” and the minor change in MMC 17.36.020 (D) be considered by the Hearing Examiner and City Council for adoption.

Attachments:

1. City zoning map
2. SEPA Checklist
3. SEPA Decision

**CITY OF MCCLEARY**  
**Regular City Council Meeting**  
**Wednesday, December 14, 2016**

ROLL CALL AND FLAG SALUTE	Councilmembers Orffer, Richey, Peterson, Blankenship, and Ator were in attendance.
ABSENT	None.
STAFF PRESENT	Present at the meeting were Todd Baun, Wendy Collins, Chief Blumer, Officer Sample, Jon Hinton and Dan Glenn.
PUBLIC HEARING	None.
EXECUTIVE SESSION	At 6:30 pm Mayor Schiller called for an executive session to not exceed fifteen minutes to discuss the FOP Contract per RCW 42.30.140(4)(a). The executive session ended at 6:45 pm.
MINUTES APPROVED	<b>It was moved by Councilmember Ator, seconded by Councilmember Peterson to approve the minutes from the November 9, 2016 meeting. Motion Carried 5-0.</b>
VOUCHERS	Accounts Payable vouchers/checks approved were 41923 - 41991 including EFT's in the amount of \$155,322.19 and 41992 - 42038 in the amount of \$55,435.15.  Payroll checks approved were 41896 - 41922 including EFT's in the amount of \$149,581.27.  Bank reconciliation for November 2016.  <b>It was moved by Councilmember Orffer, seconded by Councilmember Ator to approve the vouchers. Motion Carried 5-0.</b>
MAYOR'S COMMENTS	None.
PUBLIC COMMENT	None.
CITY ATTORNEY REPORT	Dan Glenn provided a written report for the Council and is available to address any questions.
DIRECTOR OF PUBLIC WORKS REPORT	Todd Baun provided information to the Council regarding a new long plat subdivision proposal located north of the City of McCleary on the Elma Hicklin Road in the SE Quarter of the NW Quarter of the NE Quarter of the SW Quarter of Section 2, Range 5 West, Township 18 North Grays Harbor County. Any comments or concerns are due December 22, 2016.
PROJECT OVERRUN AUTHORIZATION	Pease and Sons has substantially completed the Wildcat lift station project. There were a couple overruns and a couple underruns, which will bring them right at the bid amount. They had to cut out the old ladder runs to get the base in, and put in new steel ladders, and there was an extremely bad leak allowing ground water to enter in at the lift station. Those two things cost \$6,500. There was a bid item that was an underrun for \$5,000, making the difference \$1,500 for the total overrun. They need one more item to finish the job, which is a pump hoist, at a cost of \$1,500. There is money in the budget for it. <b>It was moved by Councilmember Ator, seconded by Councilmember Orffer to authorize the \$1,500 cost for the pump hoist. Motion Carried 5-0.</b>
POLICE CHIEF APPOINTMENT	Steven Blumer was hired on November 1, 2016 as the Interim Police Chief for the City of McCleary after Chief George Crumb retired. Mayor Schiller asked the Council to authorize the appointment of Mr. Blumer as the new Police Chief. <b>It was moved by Councilmember Blankenship, seconded by Councilmember Richey to appoint Steven Blumer as the Police Chief of McCleary. Motion Carried 5-0. Wendy Collins swore Chief Blumer in after the appointment.</b>

2017 ENGINEERING CONTRACT WITH GRAY & OSBORNE	The current contract between Gray & Osborne has expired. The City submitted a Request for Proposal for Engineering Services in October. The City received three responses and Todd Baun, along with four staff members, reviewed and scored each proposal and they all agreed Gray & Osborne was their top choice. The contract has a couple more changes and will be provided to the Council in January. <b>It was moved by Councilmember Ator, seconded by Councilmember Richey to authorize the Mayor to sign the contract after agreeing with the minor changes with Gray &amp; Osborne for 2017 engineering services. Motion Carried 5-0.</b>
AMENDMENT NO.1 - GRAY & OSBORNE	Tabled until January 11, 2017 after the G & O contract has completed the minor changes and signed by the Mayor.
GREATER GRAYS HARBOR 2017 AGREEMENT	<b>It was moved by Councilmember Orffer, seconded by Councilmember Blankenship to authorize the Mayor to sign the 2017 annual Greater Grays Harbor Municipal Services Agreement at a cost of \$1200.00. Motion Carried 5-0.</b>
DEFINITION ADDED TO ZONING CODE	Todd Baun was approached by Councilmember Blankenship requesting to add the definition of residential treatment facility to our zoning code and to also add the definition of hospital to the zoning code. If it's the Council's pleasure, it can be sent to the Hearing Examiner. <b>It was moved by Councilmember Ator, seconded by Councilmember Richey to refer the zoning definition change request to the Hearing Examiner on January 5, 2017. Motion Carried 5-0.</b>
POLICE VEHICLE PURCHASE AUTHORIZATION	Chief Blumer and Councilmember Blankenship found a police car that was fully-equipped for police operations at a reasonable cost. <b>It was moved by Councilmember Orffer, seconded by Councilmember Ator to approve the purchase of the 2012 Dodge Charger from the City of Lakewood in the amount of \$9,171.50, including tax. Motion Carried 5-0.</b>
FRATERNAL ORDER OF POLICE CONTRACT	<b>It was moved by Councilmember Orffer, seconded by Councilmember Blankenship to approve the 2017 FOP contract. Motion Carried 5-0.</b>
RESOLUTION 692 LIGHT AND POWER RATES	<b>It was moved by Councilmember Ator, seconded by Councilmember Peterson to adopt Resolution 692 relating to rates to be charged for electrical service, establishing effective dates, and repealing Resolution 666. Resolution Adopted 5-0.</b>
RESOLUTION 693 SETTING FEES	<b>It was moved by Councilmember Orffer, seconded by Councilmember Richey to adopt Resolution 693 relating to public utilities, setting fees to be charged in the event of the rejection of a payment received by the City, setting forth conditions in relation to the termination of services thereof, and repealing Resolution 223. Resolution Adopted 5-0.</b>
RESOLUTION 694 DELEGATING AUTHORITY	<b>It was moved by Councilmember Blankenship, seconded by Councilmember Ator to adopt Resolution 694 in the matter of delegating to the Mayor and Director of Public Works authority to legally bind the City of McCleary for the sole purpose of requesting Federal reimbursement of certain expenditures. Resolution Adopted 5-0.</b>
PUBLIC COMMENT	Mayor Schiller took a moment to list all the projects and accomplishments each City department completed over the past year. The list was lengthy and Mayor Schiller wanted the public to know the impressive achievements by the City staff, which most residents are unaware of. He thanked all of the employees for their hard work and effort in keeping the City running. He stated that last week, the City had their exit meeting with the auditor and we received a clean and clear audit. Last year, we had a finding from the transfer of utility fund money and this year, we corrected the issue and received a clean bill of health. The Mayor gave special credit to Wendy Collins, Todd Baun, Lori Ann Hanson and Lindsay Blumberg for the great audit because, due to their effort, it was a major improvement from the past years. He said it felt good to sit with the auditor's and hear that we had such a completely clean audit. He closed by thanking the City Council for all of their hard work. He said they've had some heated debates but he believes that is what it's about. The Council worked together and accomplished a great deal this past year. Mayor Schiller wished everyone a Merry Christmas.
MEETING ADJOURNED	<b>It was moved by Councilmember Ator, seconded by Councilmembers Richey and Peterson to adjourn the meeting at 7:27 pm. The Council canceled the meeting scheduled for December 28, 2016. The next meeting will be Wednesday, January 11th, 2016 at 6:30 pm. Motion Carried 5-0.</b>

*Approved by Mayor Brent Schiller and Clerk-Treasurer Wendy Collins.*



# CITY OF MCCLEARY ZONING MAP

This is to certify that this map was adopted as the Official Zoning Map of the City of McCleary on August 9, 2006, by Ordinance Number 737, and amended February 11, 2009, by Ordinance Number 755 of the City of McCleary, State of Washington.

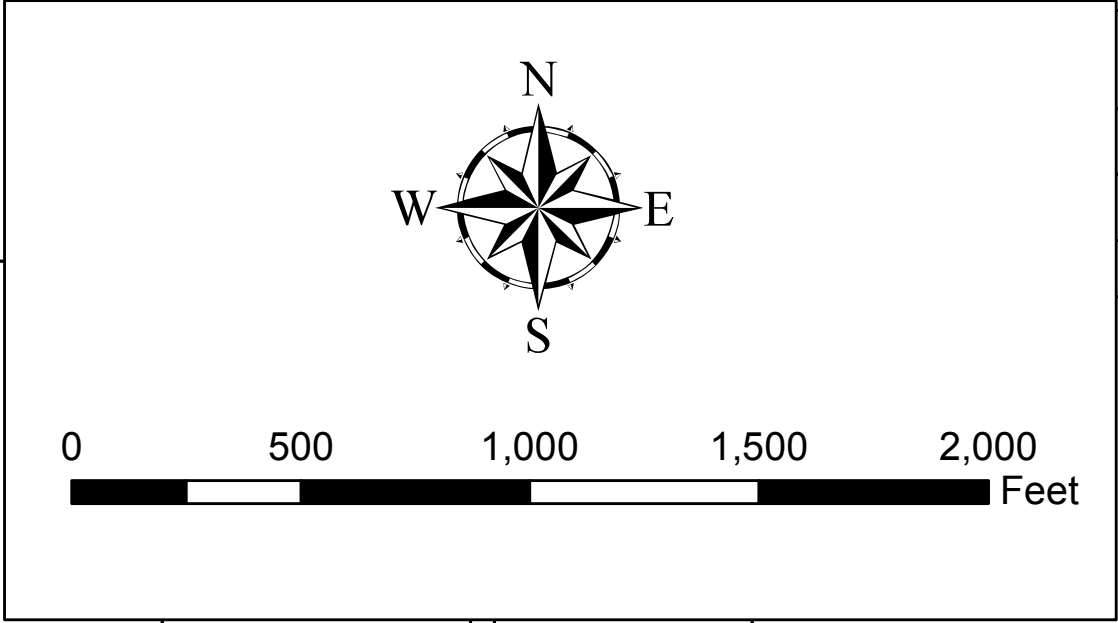
## LEGEND

- R1 - Single Family Residential
- R2 - Multiple Family Residential
- R3 - Manufactured Home Park
- C1 - Downtown District
- C2 - General Commercial District
- C3 - Highway Commercial
- I - Industrial District
- F/OS - Forest Open Space District



Disclaimer: This map is for planning purposes only. The Grays Harbor Council of Governments makes no representations as to the accuracy or fitness of the information for a particular purpose.

The accuracy of this map may be subject to zoning changes, please check with the City of McCleary for actual zoning decisions and accuracy.





## **SEPA ENVIRONMENTAL CHECKLIST**

### ***Purpose of checklist:***

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

### ***Instructions for applicants:***

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

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

### ***Instructions for Lead Agencies:***

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

### ***Use of checklist for nonproject proposals:***

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

## **A. Background**

1. Name of proposed project, if applicable:

### **R-1 Zoning Amendment**

2. Name of applicant:

### **City of McCleary**

3. Address and phone number of applicant and contact person: [\[help\]](#)

**City of McCleary- Contact person: Todd Baun**

**100 S. 3<sup>rd</sup> Street**

**McCleary, WA 98557**

**360-495-3667**

4. Date checklist prepared:

**12-20-16**

5. Agency requesting checklist:

### **City of McCleary**

6. Proposed timing or schedule (including phasing, if applicable):

**Earliest amendment to zoning ordinance will likely occur at the City Council meeting on February 8<sup>th</sup>, 2017 at 6:30 PM.**

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

**None at this time.**

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

**None known.**

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

**None known.**

10. List any government approvals or permits that will be needed for your proposal, if known.

**Recommendations of proposed modifications (if any) will be provided by the City of McCleary Hearings Examiner to the City Council for consideration. Further action will require adoption of a zoning amendment ordinance.**

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

**A request to add to the existing R-1 zoning code, the definition of a "Residential Treatment Facility" and definition of "Hospital" is to be updated. Also, review the current non conforming use of 4 years, to see if non conforming use should be dropped to 1 year.**

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

**The R-1 zoning district encompasses the a majority of the area around the core of McCleary.**

## **B. ENVIRONMENTAL ELEMENTS**

### **1. Earth**

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_

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

**6%**

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

**Most of the R-1 zoning district is residential, single family homes. In areas where excavation has occurred, pockets of gravel and clay have been observed. The national wetland inventory identified small areas hydric soils in the portions of the district.**



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

**No.**

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

**Non project action- N/A**

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

**Non project action- N/A**

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

**Non project action- N/A**

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

**Non project action- N/A**

## **2. Air**

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

**Vehicular traffic is not planned to increase. No other air emissions are anticipated.**

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

**None known**

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

**N/A**

### 3. Water

#### a. Surface Water:

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

**A tributary to Wildcat Creek, also known locally as "Sam's Canal", runs adjacent to the C-1 district. It is piped underneath a portion of the C-1 district through large diameter culverts.**

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

**Non Project Action- N/A**

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

**Non Project Action- N/A**

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

**Non Project Action- N/A**

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

**A portion of the R-1 zoning district lies within the 100-year floodplain. As this is a non project action, the site plan has been omitted.**

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

**Non Project Action- N/A**

#### b. Ground Water:

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

**Non Project Action- N/A**

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

**NON PROJECT ACTION- N/A**

c. Water runoff (including stormwater):

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

**Surface water is currently collected by existing catch basins the flows through the City's Stormwater conveyance system and discharged to Sam's Canal.**

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

**Non Project Action- N/A**

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

**Non Project Action- N/A**

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

**Non Project Action- N/A**

**4. Plants**

a. Check the types of vegetation found on the site:

- ☒ x deciduous tree: alder, maple, aspen, other  
☒ x evergreen tree: fir, cedar, pine, other  
☒ x shrubs  
☒ x grass  
☐ pasture  
☐ crop or grain  
☐ Orchards, vineyards or other permanent crops.  
☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other  
☐ water plants: water lily, eelgrass, milfoil, other  
☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

**Non Project Action- N/A**

c. List threatened and endangered species known to be on or near the site.

**None Known**

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

**Non Project Action- N/A**

e. List all noxious weeds and invasive species known to be on or near the site.

**Non Project Action- N/A**

## 5. Animals [\[help\]](#)

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other \_\_\_\_\_

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

**It is presumed that Steelhead, Fall/winter Chum and Chinook utilize Sam's Canal.**

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

**Part of the Pacific Flyway.**

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

**NON PROJECT ACTION- N/A**

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

**Non Project Action- N/A**

## **6. Energy and Natural Resources**

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

**Non Project Action- N/A**

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

**Non Project Action- N/A**

- c. What kinds of energy conservation features are included in the plans of this proposal?  
List other proposed measures to reduce or control energy impacts, if any:

**Non Project Action- N/A**

## **7. Environmental Health**

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

**Non Project Action- N/A**

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

**Non Project Action- N/A**

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

**Non Project Action- N/A**

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

**Non Project Action- N/A**

- 4) Describe special emergency services that might be required.

**Non Project Action- N/A**

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

**Non Project Action- N/A**

b. Noise

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

**Common noises such as passenger and truck traffic, and noise generated by people are common in this district.**

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

**Non Project Action- N/A**

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

**Non Project Action- N/A**

**8. Land and Shoreline Use**

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

**The R-1 district is the "Single-family residential" district.**

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

**The R-1 district has not been used for agriculture since prior to incorporation in 1943.**

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

**Non Project Action- N/A**

c. Describe any structures on the site.

**Various residential, single family homes, detached garages, etc..**

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

**Non Project Action- N/A**

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

**R-1: Single-family residential.**

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

**The R-1 District provides for a wide range of single family homes**

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

**N/A**

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

**Yes, portions of the district have hydric soils and are within the 100-year flood plain.**

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

**Non Project Action- N/A**

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

**Non Project Action- N/A**

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

**NON PROJECT ACTION- N/A**

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

**Proposed changes to the zoning ordinance will be evaluated by the City's Hearing Examiner to ensure compatibility with the existing use then recommend to the City Council for potential action.**

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

**Non Project Action- N/A**

**9. Housing**

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

**Non Project Action- N/A**

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

**Non Project Action- N/A**

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

**Non Project Action- N/A**

**10. Aesthetics**

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

**Non Project Action- N/A**

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

**Non Project Action- N/A**

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

**Non Project Action- N/A**

**11. Light and Glare**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

**Non Project Action- N/A**

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

**Non Project Action- N/A**

- c. What existing off-site sources of light or glare may affect your proposal?

**Non Project Action- N/A**



- d. Proposed measures to reduce or control light and glare impacts, if any:

**Non Project Action- N/A**

## **12. Recreation**

- a. What designated and informal recreational opportunities are in the immediate vicinity?

**Beerbower park is located in the eastern portion of the C-1 district.**

- b. Would the proposed project displace any existing recreational uses? If so, describe.

**Non Project Action- N/A**

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

**Non Project Action- N/A**

## **13. Historic and cultural preservation**

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

**The "Old McCleary Hotel" is listed as a historic property and is located on the northern portion of the C-1 district. The City "Equipment Shop" is shown as a historic property on the WISAARD and is located in the center of the C-1 district,**

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

**None Known**

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

**Non Project Action- N/A**

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

**Non Project Action- N/A**

#### 14. Transportation

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

**State Route 108 bisects the City of McCleary. An arterial street, 3<sup>rd</sup> Street, also bisects the City. Local access streets are also utilized in conjunction with the public alley's in the City**

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

**Yes, a Grays Harbor Transit Station is located within the C-1 district.**

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

**Non Project Action- N/A**

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

**NON PROJECT ACTION- N/A**

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

**Non Project Action- N/A**

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

**Non Project Action- N/A**

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

**Non Project Action- N/A**

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

**Non Project Action- N/A**

### 15. Public Services

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

**Non Project Action- N/A**

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

**Non Project Action- N/A**

### 16. Utilities

- a. Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,  
other \_\_\_\_\_

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

**Non Project Action- N/A**

## C. Signature

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

Signature: \_\_\_\_\_

Name of signee Todd Baun

Position and Agency/Organization Director of Public Works; City of McCleary.

Date Submitted: 12/20/16 EPA \_\_\_\_\_

## D. supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

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

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

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

**The proposal is not anticipated to increase the above listed concerns anymore than the currently permitted uses would.**

Proposed measures to avoid or reduce such increases are:

**None**

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

**The proposal is not anticipated to increase the above listed concerns anymore than the currently permitted uses would.**

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

**None**

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

**The proposal is not anticipated to increase the above listed concerns anymore than the currently permitted uses would.**

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

**The City offers conservation incentives to businesses and homeowners throughout the electric service area to promote energy conservation. This action will continue to occur, regardless of the proposal outcome.**

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

**The proposal is not anticipated to increase the above listed concerns anymore than the currently permitted uses would.**

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

**None at this time.**

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

**The proposal will be evaluated by the City Hearing Examiner to confirm the use is compatible with existing land uses. In the event the use is not confirmed by City Council, the proposed action will not proceed.**

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

**None at this time.**

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

**The proposal is not anticipated to increase the above listed concerns anymore than the currently permitted uses would.**

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

**None at this time.**

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

**No conflicts are anticipated.**

**CITY OF MCCLEARY  
STATE ENVIRONMENTAL POLICY ACT  
DETERMINATION OF NONSIGNIFICANCE  
(DNS)**

**Proponent/Applicant:** City of McCleary  
100 South 3rd Street  
McCleary, WA 98557  
Phone: 360-495-3667

**Jurisdiction/Lead Agency:** City of McCleary

**Responsible Official:** Todd Baun.  
Director of Public Works  
100 South 3<sup>rd</sup> Street  
McCleary, WA 98557  
Contact via U.S. Mail or Fax (360) 495-3097

**Date of Issuance:** December 20, 2016

**Comment Period:**

This Determination of Non-significance (DNS) is issued under the State Environmental Policy Act (SEPA) as provided in WAC 197-11-340; a comment period is not required in accordance with WAC 197-11-340(2).

**Description of Proposal:**

A request to add to the existing zoning code, the definition of a “Residential Treatment Facility” and definition of “Hospital” is to be updated. Also, review if the nonconforming use is discontinued for four years or more, then that nonconforming use is no longer legal and subsequent uses and structures shall conform to current zoning code. The review is to see if non-conforming use should be reduced from 4 years or more to 1 year or more.

**Location of Proposal:**

The City of McCleary and its zoning code

**Threshold Determination:**

The City of McCleary, acting as the SEPA lead agency for this Proposal, has determined that it DOES NOT have a probable significant adverse impact on the environment under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is open to the public on request. A copy of the environmental checklist is on file at McCleary City Hall, 100 South 3<sup>rd</sup> Street, McCleary, WA 98557.

Determination of Non-Significance

Subject: Zoning Amendment

Date: December 20<sup>th</sup>, 2016

Page 2 of 2

**Appeal Process:**

The SEPA lead agency has elected to not establish appeals for this proposal. A land use public hearing will be conducted on January 5<sup>th</sup>, 2017, at 1:30 PM. All members of the public are encouraged to attend.

Determination of Non-  
Significance Issued by:

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Todd Baun  
Director of Public Works

**TAB “D”**



**STAFF REPORT**

To: Mayor Schiller  
From: Todd Baun., Director of Public Works  
Date: March 3, 2017  
Re: Non-Conforming Use and Structures

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It was recommended from the Hearings Examiner that further discussion by the City Council is needed regarding the change in time frame for non-conforming uses. Below is the finding of the Hearings Examiner.

The proposed revised time frame for non-conforming uses is consistent with the McCleary Comprehensive Plan for all land uses except residential uses in all zones. The comprehensive plan provides a three-year time frame for such residential uses. Per RCW 35A.63.105, development regulations "shall not be inconsistent" with the comprehensive plan.

The city has several options, including:

- a. Adopt the proposed revisions for all uses except residential, and keep the current time period for residential uses. This would result in two different time frames for non-conforming uses. The Examiner notes that the current time period of four years is also not consistent with the comprehensive plan requirement of three years.
- b. Amend the Comprehensive Plan to revise the language governing time frames for non-conforming uses in residential zones. The Examiner notes that it is unusual to have language this specific (the three-year specification for residential uses) in a comprehensive plan; the comprehensive plan is intended to serve as a general policy document.

**Action Requested:**

Please discuss, review the draft Ordinance and give guidance on direction and blank areas on pages B-4 and B-5. As Dan notes in his report, in many cities, there is a blanket term of one year after discontinuance. However, other cities allow a longer term for discontinuance of residential uses.

**TAB “E”**

# City of McCleary Cash Handling

## **Effective Date:**

Table of Contents

Section 1 Purpose

Section 2 Who Should Know About This Policy

Section 3 Procedure

Section 4 Instructions

Section 5 Exceptions

Section 6 Record Retention

Section 7 Procedures for Cash Register Out of Balance Condition

## **Section 1. Purpose**

Strong internal controls for cash collection are necessary to prevent mishandling of city funds and are designed to safeguard and protect employees from inappropriate charges of mishandling funds by defining their responsibilities in the cash handling process. The City cash handling policy requires that departments receiving cash be approved by the Finance Department and be designated as cash collection points. A cash collection point is defined as a department that handles cash on a regular basis.

"Cash" is defined as coin, currency, checks, and credit and debit card transactions.

Required procedures for cash collection include the following:

1. Accounting for cash as is it received.
2. Adequate separation of duties which includes cash collecting, depositing and reconciling.
3. Proper pre-numbered receipts given for any cash received by BIAS.
4. Approval of voided cash receipts by BIAS.
5. Deposit of cash over \$1,000 promptly into an authorized City account.
6. Reconciliation of validated deposit forms to supporting cash register receipts.
7. Approval by the Finance Department of any changes in cash handling procedures.
8. Proper safeguarding of cash.

The use of non-city checking or other bank accounts by City personnel for depositing City cash is prohibited. The Finance Department will conduct periodic reviews of cash handling procedures.

## **Section 2. Who Should Know About This Policy**

Any official or administrator with responsibilities for managing City cash receipts and those employees who are entrusted with the receipt, deposit and reconciliation of cash for City related activities.

## **Section 3. Procedure**

### **Establishing Cash Collection Points**

The Finance Department must authorize all cash collection points. The main cash collection point will be City Hall. Additional departments (i.e. Police Department, off site events such as the annual Cleanup Day) may require status as a cash collection point if city funds are collected. Prior to authorization, the department must make the request to the Clerk-Treasurer that includes:

1. Reason(s) why cash collection point is needed.
2. A list of those positions involved with the cash collection point, a description of their duties and how segregation of duties will be maintained.
3. A description of the reconciliation process, including frequency of reconciliation.
4. A description of the process for safeguarding cash until it is deposited.

The request will be reviewed, and if appropriate, approved by the Clerk-Treasurer.

### **Procedures for Cash Collection Points**

The following list of procedures is required for the operation of cash collection points:

1. All cash received must be recorded through an individual cash drawer and entered in BIAS. The customer is presented a numbered receipt issued and printed from BIAS.
2. Cash collection must maintain a clear separation of duties. An individual should not have complete responsibility for more than one of the cash handling components: collecting, depositing and reconciling without a secondary signature.
3. The funds received must be reconciled between the cash drawer and the BIAS Software system at the end of the day. Each cashier has their own cash drawer. Cash must be reconciled separately from checks/credit cards by comparing actual cash received to the cash total entered in BIAS. BIAS separates cash from checks and cards.
4. All checks, cash and credit card receipts must be protected by using a cash register or safe until they are deposited. A secure area for processing and safeguarding funds received is to be provided and restricted to authorized personnel.

5. Checks must be made payable to the City of McCleary and must be endorsed promptly with a restrictive endorsement stamp payable to the City.
6. Checks or credit card transactions will not be cashed or written for more than the amount of purchase with the intention of receiving cash back. Any check written for more than what is owed will be added to the account as a credit balance.

Receipts of more than \$1,000.00 in the cash drawers must be deposited on a daily basis.

All funds must be deposited intact, and secured in a plastic security bank deposit bag.

Refunds or expenditures must be paid through the appropriate budget with a City generated check through accounts payable.

The Clerk-Treasurer will reconcile the monthly bank accounts by using BIAS reconciliation software and the City monthly bank statements.

#### **Section 4. Instructions**

##### **Cash received in person**

1. A receipt must be issued for each payment received. Receipts must include the date, mode of payment (cash, check or credit card), and the person issuing the receipt.
2. All checks must be endorsed immediately with a restrictive endorsement stamp payable to The City.
3. Only authorized cashiers are allowed to access a cash drawer.
4. Cash must be kept in a locked cash drawer or safe until it is deposited.

##### **Cash received Through the Mail and Drop Box**

1. The mail must be opened as soon as possible and all checks must be endorsed with a restrictive endorsement stamp. All receipts of coin or currency received by mail or picked up in the payment drop boxes must be logged and verified by two people.

##### **Balancing of Cash Receipts**

1. All funds collected must be balanced daily, by mode of payment, by comparing the total of the cash, checks and credit cards to the totals entered in BIAS receipting system, including the totals of the money received by mail or drop box.
2. Over/short amounts must be recorded on the daily balance sheet and investigated and resolved to the extent possible. Two people will independently verify the amounts and reconcile the deposit. See Procedures for Cash Register Out of Balance Conditions.

## Preparation of Deposits

1. Checks must be made payable to The City of McCleary. A calculator tape of the individual cash drawer checks should be included with the checks bundled together. A tape of all drawer bundles will be added to the final deposit.
2. Cash and coin must be recorded on the deposit slip in the appropriate space.
3. All daily transactions are balanced to the individual cash drawers and a report is printed from BIAS per drawer. A second employee verifies and signs the balanced drawer total.
4. Two employees prepare and sign the daily cash reconciliation and prepare deposit.
5. The utility payments/treasurer receipts deposit must be delivered to the bank on a daily basis if over \$1,000.
6. Plastic security bank deposit bags are available at the Finance Department for use when depositing in the Night Drop Box.

## Reconciliation of Cash Collected

1. The Clerk-Treasurer reconciles the bank accounts to the bank statements each month. A Treasurer's Report is printed, showing balanced accounts and provided to the Council for signature.

## Section 5. Exceptions

The Finance Department must approve exceptions to these procedures. For example, in cases where there is not enough staff available to maintain complete separation of duties, an alternate process to safeguard City funds must be established and approved by the Finance Department.

## Section 6. Record Retention

All cash receipts and related documents must be maintained in accordance with Record Retention schedules. Cash drawer reconciliations, deposit deposits, credit card receipts, copies of manual cash receipts, etc. should be kept for six years.

## Section 7. Procedures for Cash Register Out of Balance Conditions

Utility Clerk or other employee verify out of balance condition:

1. Re-check all figures on a reconciliation sheet.
2. Verify Daily Reconciliation to the checks and cash from the cash drawer.
3. Check the adding tape used for the cash drawer checks for any errors.

4. Re-count money, making sure that no bills or checks are stuck under the cash drawer, all denominations are together, and no bills are commingled in the wrong slot (i.e. \$10 bill in the \$1 slot, etc).

Check the office area (trash cans, behind the counter, the floor area around the register, under the cash register) to see if a check or cash was dropped or misplaced.

Check with the other employees if they had any over/under rings, unusual transactions, or issues with BIAS that could have resulted in the discrepancy.

If the shortage still has not been reconciled by the Utility Clerk or other employee, the Clerk-Treasurer will:

1. Follow steps 1 to 4 above.
2. Record and report the discrepancy. For overages or shortages of \$25.00 or more, you must notify the Mayor.
3. Shortages or overages must be officially documented and recorded the day of the occurrence in the departmental accounting records.

**TAB “F”**



# City of McCleary

## Utility Billing

### **Effective Date:**

Table of Contents

Section 1 Utility Billing

Section 2 Change of Occupancy

Section 3 Home Owners

### **Section 1. Utility Billing**

The City of McCleary reads the power and water meters between the 13<sup>th</sup> and the 16<sup>th</sup> of each month. This reading will be for consumption from the 16<sup>th</sup> to the 15<sup>th</sup> of the prior month. This bill is processed and mailed out at the end of each month. Payment is due on the 15<sup>th</sup> of each month. A penalty of 5% shall be assessed against all past due amounts on the next business day after the due date.

A yellow shut off notice will be sent with all past due billing statements. The yellow shut off notice will include the past due amount and the due date to avoid shut off. The past due amount must be paid before 10:00 am on the second Monday of the following month. If it is not paid, a \$20.00 service fee will be applied. A door tag will be hung on the second Tuesday of the month, notifying the customer of the past due amount, plus the 20.00 service fee. The past due amount plus the \$20.00 service fee must be paid before 10:00 am on the second Wednesday of the month to avoid a disconnection of utilities.

There will be an after hour turn on fee assessed of \$50.00 after 4:00 pm and on weekends.

A customer moving in or out will receive a prorated billing. A prorated final billing is due on the last day of the month it was processed.

### **Section 2. Change of Occupancy**

All new customers must fill out an application for utilities and provide a copy of their Driver's License or other State issued current picture I.D. The customer of record that requested service is responsible for all charges on the account until the City has been officially notified of any changes. A Utility Shut off form or an email is required to make a change of occupancy or a turn on/off of service. The Utility Billing department must be notified when services are no longer required or billing will continue until notification has been received.

### **Section 3. Home Owners**

If you rent your property, you are responsible for having the water/power turned on and off when there is a change in renters. Failure to notify the City that the water/power is to be turned off when a change occurs will result in additional charges.

A previous tenant's outstanding bill must be paid in-full before a new tenant can put the utilities into their name.

If a tenant is past due, the landlord will automatically receive a copy of the yellow shut off notice. A landlord can choose whether or not to receive a copy of the tenant's monthly billing statement.

Any outstanding utility bill that is unpaid by a tenant will be the responsibility of the landlord to pay.

The City does not collect deposits for utilities. It is the responsibility of the landlord to collect

**TAB “G”**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE RELATING TO ZONING,  
AMENDING SECTIONS 17.12.010 and 17.36.020  
MMC, PROVIDING AN EFFECTIVE DATE AND FOR  
SEVERABILITY & CORRECTION.**

**R E C I T A L S:**

1. The provisions of the City's Uniform Development Code, as codified in Title 17 of the Municipal Code, govern the land use within the corporate limits.

2. An ambiguity has been found which merits change so as to insure consistency of application with the provisions of state law, as now existing or hereafter amended or succeeded.

3. The Council referred the issues to the Hearing Examiner as authorized by the Municipal Code. The Examiner, after giving of the required public notice, held a public hearing. The Examiner has submitted his Report and Recommendations. Contained within that document were recommendations both as to clarification of the definitional provisions of Section 17.20.010, as well as recommendations as

to appropriate action as to clarifications as to the applicability of the non-conforming use provisions of Chapter 17.36.

4. Upon receipt of the Report and Recommendations, the Council chose to waive any further open record hearings, has adopted the Recommendations, and has chosen to adopt the modifications in definitions and clarify the applicability of the non-conforming utilization provisions of the Code.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY:

SECTION I: Section 17.12.010 and Section I, Ordinance 709, as last amended by Section II, Ordinance 795, shall be amended in the following respects:

Subsection "H": The definition of "hospital" currently existing shall be removed and replaced with the following definition:

"Hospital" means any institution, place, building, or agency which qualifies as fitting within the definition of hospital as set forth in RCW 70.41.020[7], as now existing or hereafter amended.

Subsection "R": The following definition shall be added to that subsection:

"Residential treatment facility" means any facility to which the definition contained within WAC 246-337-005, as now existing or hereafter amended or succeeded, is applicable and is required by state law to have a license issued by the State to operate as such a facility.

SECTION II: Section 17.36.020 MMC is amended to read as follows:

In order not to cause undue economic hardship to owners of property, nonconforming uses and structures shall continue under the following conditions. For purposes of interpretation, "residential building or structure" shall be deemed to include both single family and multi-family buildings or structures.

A. Existing nonconforming structures or uses cannot be enlarged or altered so as to increase their nonconformity; except, however, that owners of nonconforming dwelling units in the C-1 zoning district shall have the right to maintain, improve, or expand their properties;

B. An existing nonconforming structure and its equipment or fixtures may be repaired if the value of the repair does not exceed fifty percent of the assessed value of

the structure as determined by the county assessor for the year in which the work is to be done;

C. An existing nonconforming structure that is destroyed by fire or calamity more than fifty percent of its replacement value, as determined by the building official, may be reconstructed to its original size, shape, configuration, and in conformance with the building code if reconstruction commences within three years of the damage, unless extended by the city council; and

D. If a nonconforming use is discontinued for three ((four)) years or more, then that nonconforming use is no longer legal and subsequent uses and structures shall conform to this chapter.

SECTION III: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been

declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION IV: This Ordinance shall take effect upon the fifth day following date of publication.

SECTION V: Corrections by the Clerk-treasurer or Code Reviser. Upon approval of the Mayor and City Attorney, the Clerk-treasurer and the Code Reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations, or ordinance number and section/subsection numbering.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, by the City Council of the City of McCleary, and signed in approval therewith this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF McCLEARY:

\_\_\_\_\_  
BRENT SCHILLER, Mayor

ATTEST:



\_\_\_\_\_  
WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
DANIEL O. GLENN, City Attorney

STATE OF WASHINGTON     )  
                                      : ss.  
GRAYS HARBOR COUNTY     )

I, WENDY COLLINS, being the duly appointed Clerk-Treasurer of the City of McCleary, do certify that I caused to have published in a newspaper of general circulation in the City of McCleary a true and correct summary of Ordinance Number \_\_\_\_\_ and that said publication was done in the manner required by law. I further certify that a true and correct copy of the summary of Ordinance Number \_\_\_\_\_, as it was published, is on file in the appropriate records of the City of McCleary.

\_\_\_\_\_  
WENDY COLLINS

SIGNED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by WENDY COLLINS.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE OF  
WASHINGTON, Residing at:  
My appointment expires: