



AGENDA – Monday, May 3, 2021

7:00 p.m. City Council Meeting

Zoom Webinar ONLY

Meeting ID: 814 5330 4182

Password: 12345678

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

Call to order	Mayor Phillips, Council Member Svendsen, Council Member McGuire,
And roll call	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 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.

PROCLAMATION – MENTAL HEALTH AWARENESS MONTH – TAB A

CONSENT AGENDA – TAB B

All matters, which are listed within the consent section of the agenda, have been distributed to each member of the Long Beach City Council for reading and study. Items listed are considered routine by the Council and will be enacted with one motion unless a Council Member specifically requests it to be removed from the Consent Agenda to be considered separately. Staff recommends approval of the following items:

- Minutes, April 19, 2021 City Council Meeting
- Payment Approval List for Warrant Registers 60139-60165 & 88070-88118 for \$194,800.59

- AB 21-24 – 4th ST NW ROW Vacation – **Public Hearing** – TAB C

DEPARTMENT HEAD ORAL REPORTS CORRESPONDENCE AND WRITTEN REPORTS – TAB D

- Report and Decision for CUP 2021-01
- SEP 2021-01 Oman Fireworks
- Lodging Tax Revenues
- Sales Tax Revenues
- Transportation Benefit District Revenues
- Mental Health Awareness Month

FUTURE CITY COUNCIL MEETING SCHEDULE

The Regular City Council meetings are held the 1st and 3rd Monday of each month at 7:00 PM and may be preceded by a workshop.
May 17, 2021, June 7, 2021 & June 21, 2021

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

Mental Health Awareness Month Proclamation

WHEREAS, there is a proven connection between good mental health and overall personal health; and

WHEREAS, mental health conditions are now recognized as brain disorders affecting at least a quarter of the US population in any year; and

WHEREAS, the Covid-19 pandemic has increased the number of people of all ages experiencing depression, anxiety, trauma, and suicidal thoughts, with fewer options for social contact and support;

WHEREAS, 70% to 90% of people affected by brain-related disorders improve or recover if they have appropriate treatment and peer support in community; and

WHEREAS, stigma and shame keep many who would benefit from mental health services from seeking help, including children and senior adults; and

WHEREAS, the local nonprofit Peace of Mind Pacific County provides support and education to students, local businesses, and the community at large, showing that good mental health is critical to the well-being of all citizens;

NOW, THEREFORE, BE IT RESOLVED, that the **City of Long Beach** does hereby proclaim the month of May 2020 as MENTAL HEALTH AWARENESS MONTH. As the **Mayor** also calls upon all **Long Beach** citizens, government agencies, public and private institutions, businesses, and schools to recommit our community to increasing awareness and understanding of brain-related disorders, reducing stigma and discrimination, and promoting knowledge and peer support to all our neighbors impacted by mental health concerns.

Jerry Phillips, Mayor

TAB - B

LONG BEACH CITY COUNCIL MEETING

(Remotely Held Meeting)

April 19, 2021

7:00 CALL TO ORDER

Mayor Phillips called the meeting to order.

ROLL CALL

David Glasson, City Administrator, called roll with Mayor Phillips, C. Svendsen, C. McGuire, C. Cline, and C. Kemmer in attendance remotely. C. Murry was absent.

PUBLIC COMMENT

No comments

CONSENT AGENDA

Minutes, April 5, 2021 City Council Meeting

Payment Approval List for Warrant Registers 60104-60138 & 88001-88068 for \$399,179.40

C. McGuire made the motion to approve the Consent Agenda. C. Svendsen seconded the motion; 4 Ayes; 1 Absent, motion passed.

BUSINESS

AB 21-22 – Rescue Drone for Fire Department

David Glasson, City Administrator, presented the Agenda Bill. They discussed the possibility of purchasing a drone for the fire department. The drone can not only provide a visual for a scene but can deploy emergency life jackets as well.

C. Kemmer made the motion to authorize city staff to purchase the drone for the fire department. C. McGuire seconded the motion; 4 Ayes; 1 Absent, motion passed.

AB 21-23 – MOU with Pacific County Health Dept.

David Glasson, City Administrator, presented the Agenda Bill. Since January, the City of Long Beach has been assisting the Pacific County Health Department with COVID-19 vaccination awareness and education. The MOU outlines the City's duties and sets a rate so that the City can be reimbursed for staff time and facilities.

C. McGuire made the motion to authorize Mayor Phillips to execute the agreement. C. Cline seconded the motion; 4 Ayes; 1 Absent, motion passed.

DEPARTMENT HEAD ORAL REPORTS

CORRESPONDENCE AND WRITTEN REPORTS

- Parks, Streets and Stormwater Report for March 2021
- Water Department Report for March 2021
- Wastewater Department Report for March 2021
- Staff Report on 4th ST NW ROW Vacation
- ChargePoint Report

ADJOURNMENT

Mayor Phillips adjourned the meeting at 7:26 p.m.

Mayor

City Clerk



Warrant Register

Check Periods: 2021 - April - Second

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

Council Member	Council Member	Council Member	Clerk/Treasurer
60139	Bell, Helen S	4/20/2021	\$257.05
60140	Binion, Jacob M	4/20/2021	\$1,906.41
60141	Booi, Kristopher A	4/20/2021	\$1,774.93
60142	Goulter, John R	4/20/2021	\$1,790.42
60143	Hermens, Jessie R	4/20/2021	\$1,465.62
60144	Huff, Timothy M	4/20/2021	\$1,770.53
60145	Kemmer, Larry L	4/20/2021	\$1,608.29
60146	Luethe, Paul J	4/20/2021	\$1,684.48
60147	Moore, Vincent E	4/20/2021	\$49.69
60148	Padgett, Timothy J	4/20/2021	\$1,474.41
60149	Wood, Matthew T	4/20/2021	\$1,702.96
60150	Wright, Flint R	4/20/2021	\$2,933.79
60151	Zuern, Donald D	4/20/2021	\$2,438.85
60152	AFLAC	4/20/2021	\$536.44
60153	Awc - ST & Life	4/20/2021	\$786.18
60154	City of LB Retirement Payback	4/20/2021	\$50.77
60155	City of Long Beach - Fica	4/20/2021	\$13,150.68
60156	City of Long Beach - FWH	4/20/2021	\$9,039.86
60157	Dept of Labor & Industries	4/20/2021	\$1,898.25
60158	Dept of Retirement Systems	4/20/2021	\$16,406.10
60159	Dept of Retirement Systems Def Comp	4/20/2021	\$3,273.33
60160	Dynamic Collectors, Inc.	4/20/2021	\$202.25
60161	Employment Security Dept	4/20/2021	\$227.08
60162	Massmutual Retirement Services	4/20/2021	\$375.00
60163	Teamsters Local #58	4/20/2021	\$186.50
60164	WEX Health, Inc.	4/20/2021	\$125.00
60165	Association of WA Cities	4/19/2021	\$30,272.08
88069	Wagoner, Megan	4/19/2021	\$426.99
88070	Department of Enterprise Services	4/21/2021	\$109.40

Execution Time: 2 minute(s), 13 second(s)

88071	Estrada, Miranda	4/22/2021	\$198.29
88072	Meling, Casey	4/23/2021	\$595.65
88073	Parker, Michael	4/23/2021	\$589.68
88074	Meling, Casey	4/26/2021	\$2,164.29
88075	Active Enterprises, Inc.	4/28/2021	\$398.35
88076	Coastal AG LLC	4/29/2021	\$2,891.07
88077	2014 Lobo Holdings LLC	4/30/2021	\$73.20
88078	A-1 Redi Mix	4/30/2021	\$1,496.10
88079	ALS Group USA, Corp.	4/30/2021	\$525.00
88080	Alisco-American Linen Div.	4/30/2021	\$273.85
88081	Arts Auto Parts Inc.	4/30/2021	\$672.96
88082	Astoria Janitor & Paper Supply	4/30/2021	\$1,027.06
88083	Backflow Management Inc	4/30/2021	\$1,500.00
88084	Boyce Equipment & Parts Co., Inc	4/30/2021	\$534.45
88085	Bristol, Harley & Susan	4/30/2021	\$4,580.29
88086	Cascade Columbia Distribution CO	4/30/2021	\$5,204.69
88087	Charter Spectrum	4/30/2021	\$474.93
88088	Chinook Observer	4/30/2021	\$183.23
88089	City of Long Beach	4/30/2021	\$1,857.83
88090	Cole Industrial, Inc.	4/30/2021	\$14,137.89
88091	Columbia Steel & Welding Supply	4/30/2021	\$40.05
88092	Correct Equipment	4/30/2021	\$6,592.22
88093	Discovery Development/AG Holdings	4/30/2021	\$275.20
88094	Emerald Services, Inc.	4/30/2021	\$445.11
88095	Evergreen Septic Pumping LLC	4/30/2021	\$810.75
88096	Ford Electric	4/30/2021	\$151.62
88097	Hedges, Jan Lem	4/30/2021	\$400.00
88098	Lawson Products, Inc.	4/30/2021	\$353.23
88099	MAC TOOLS	4/30/2021	\$1,696.08
88100	Mullins, Gail	4/30/2021	\$139.47
88101	Pacific Council of Governments	4/30/2021	\$1,500.00
88102	Pacific County Department of Public Works	4/30/2021	\$10,428.87
88103	Pacific County Treasurer	4/30/2021	\$7,217.49
88104	PagerFreezer Software, Inc.	4/30/2021	\$960.00
88105	Postmaster	4/30/2021	\$868.53
88106	Public Safety Testing, Inc	4/30/2021	\$100.00
88107	Public Utility District 2	4/30/2021	\$12,236.87
88108	Quill Corporation	4/30/2021	\$70.98
88109	SDS Municipal Consulting LLC	4/30/2021	\$3,600.00
88110	Simmons, Jeremy	4/30/2021	\$7.69
88111	Solutions Yes	4/30/2021	\$308.97
88112	SPECTRA Laboratories	4/30/2021	\$200.00
88113	TireHub	4/30/2021	\$1,004.69
88114	Valley Plumbing LLC	4/30/2021	\$1,071.56
88115	Verizon Wireless	4/30/2021	\$865.48
88116	Voncannon, Douglas	4/30/2021	\$200.34

Execution Time: 2 minute(s), 13 second(s)

88117
88118

Wilcox & Flegel Oil Co.
Zero Waste USA

4/30/2021
4/30/2021

\$4,501.37
\$1,451.87

Total Check

Grand Total

\$194,800.59
\$194,800.59

TAB - C



**CITY COUNCIL
AGENDA BILL
AB 21-24**

Meeting Date: May 3, 2021

AGENDA ITEM INFORMATION		
SUBJECT: Right-of-Way Vacation – North portion of 4th 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 - \$9.00 a SQFT– ½ \$4.50 the City can charge		
SUMMARY STATEMENT: The City has been approached by the property owner of 102 4 th ST NW to vacate the northern portion of the 4 th ST NW ROW which abuts his property. The Council went to the property and assessed the situation.		
RECOMMENDED ACTION: Review the Staff Report, continue the hearing to the May 17 th 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 2021-01
Vacation of Right-of-Way—north portion of 4th ST NW—
PETITIONER: Steve Hrutfiord
SITE ADDRESS: Northern 12.5 feet of 4th Street Northwest from the southwestern property corner of parcel No. 73011012302 to the southeastern property corner of said parcel approximately 100 feet, encompassing an area of approximately 1,250 square feet,
The subject property is located on Block 12, S ½ of Lots 2 & 3, Plat of Tinkers Second North Addition, of Long Beach, Pacific County, Washington.
DATE: April 19, 2021

BACKGROUND

The owner of 102 4th ST NW has petitioned to vacate the north side of 4th ST NW Right-of-way (ROW) [location map attached]:

- Northern twelve and a half feet (12.5') of the right-of-way of 4th Street Northwest, from the southwestern property corner of parcel No. 73011012302 to the southeastern property corner of said parcel approximately 100 feet, encompassing an area of approximately 1,250 square feet

The vacated property would be joined with the petitioner's parcel(s), APN(s) 73011012302. This ROW would be used for landscaping, and to extend the yard. Below is a discussion of existing infrastructure located within the subject ROW.

PROPERTY DETAILS

Comprehensive Plan Map Future Land Use Designation of Adjacent Property: Residential Commercial

Shoreline Master Program: Not applicable

SEPA: Not applicable

Zoning of Adjacent Property:

- North, south, east, and west are all RC – Residential Commercial.

Site Description: The proposed ROW vacation is comprised of 1,250 square feet (SF), 12.5' X 100' trending east-west along 4th St NW. The vacated ROW(s) would be joined with the applicant's property, which is (50' X 100'). The area is operating currently as a vacation rental.

Vicinity Characteristics:

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

Utilities and Services:

<u>Water:</u>	City water available
<u>Sewer:</u>	City sewer available
<u>Transportation:</u>	Property has frontage on Pacific Hwy N and 4 th ST NW
<u>Public Education:</u>	Ocean Beach School District
<u>Electricity:</u>	PUD No. 2 electricity available at site
<u>Storm water and Drainage:</u>	Pre-existing use
<u>Cable:</u>	Charter Cable and several satellite providers available
<u>Solid Waste:</u>	Area served by Peninsula Sanitation
<u>Police and Fire:</u>	City of Long Beach
<u>Medical and Emergency Facilities:</u>	City of Long Beach EMS, Medix Ambulance Service, and Ocean Beach Hospital District
<u>Library:</u>	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

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

July 28, 2020: Petition received by City to vacate the north portion of 4th ST NW [attached]

July 28, 2020: City Administrator notified

Sept 21, 2020: City Council considered the vacation during an on-site workshop. The progress of this was postponed since WSDOT was coming to do curbs throughout the highway that abuts this property. The city wanted to make sure the vacation would not interfere with the WSDOT project and notified the petitioner.

September 21: City looked at utility GIS to determine if ROW vacation interfered with any services; PUD notified the City that there is power service in both ROW(s).

April 5, 2021: City Council considered and passed Agenda Bill (AB) 21-21, which approved Resolution 2012-03 [both attached], establishing May 3, 2021 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.

April 6, 2021: 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 April 14 and April 21, 2021.

May 3, 2021: The Council is expected to conduct a public hearing to take public input and may decide to close or continue the hearing.

May 17, 2021: This is the date slated for the Council to decide 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 aid 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 Kyle Jewell has no comments and identified no issues with the requested vacation.

There would still be a 62.5 ROW which provides enough access for any fire vehicle.

Water and Sanitary Sewer Department Head, Don Zuern, notes that there are utilities surrounding this property. None of which would conflict with this vacation. Please see attached utility map.

Parks, Streets and Drainage Department Head, Mike Kitzman, states that this vacation would not impact the stormwater drainage as the line is on the south side of the street.

There was a locate called in for the property prior to the City Council workshop on September 21, 2020 which called out all the utilities in 4th ST NW. This showed no interference with the requested vacation.

II. Comprehensive Plan

This request is consistent with the City's Comprehensive Plan and supports the plan's strategies.

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 Section 11-6C-1(A), (C)]

On July 28, 2020, the applicant, who is also the owner of the property abutting all sides of the proposed street vacation, filed a petition with the City requesting partial street vacation, and described the property desired to be vacated. At that time, the proper utilities were contacted for a locate to ensure that this vacation would not impact any existing services. There was a time delay due to the fact that the Council wanted to see the property in person and the City was under the impression that WSDOT was doing a project during the summer of 2021 that would directly impact the proposed vacation.

If the petition is signed by the owners of more than two-thirds (2/3) of the properties 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 Section at 11-6C-2]

The petitioner owns 100% of the property adjoining that portion of 4th ST NW, and the City Council is required to set a date for a public hearing on the matter. On April 5, 2021, the Long Beach City Council approved AB 21-21, passing Resolution 2021-03. 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.

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 April 6, 2021, 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 vacated. In addition, on April 6, 2021, the City requested the Chinook Observer publish the notice in its April 14th and 21st, editions. The notice as stated and posted conforms to code.

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 adjacent property owners have not made any comments at this time.

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 (½) 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 May 3, 2021. 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 ½ 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 \$11,250. Therefore, with ½ market value as the maximum amount allowed to be charged, the amount to be charged would be \$5,625.

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

Record Ordinance: A certified copy of the ordinance must be recorded by the City Clerk-Treasurer with the Pacific County Auditor's Office. [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.

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 4th ST 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.

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 4th ST NW ROW as requested, that property would be zoned RC—Residential Commercial.

SUMMARY

Northern 12.5 feet of 4th Street Northwest from the southwestern property corner of parcel No. 73011012302 to the southeastern property corner of said parcel approximately 100 feet, encompassing an area of approximately 1,250 square feet.

This could create access issues for water, sewer and stormwater. Also, the PUD has two transformers in the area of the vacation. If it were to pass, the owner would need to grant easements for those utilities.

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 and APPROVE of Case No. VAC 2021-01. 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 Steve Hrutfiord, July 28, 2020.
 - 1.2 All other information contained in Case File No. VAC 2021-01.
2. **Procedures.** The Council finds the following procedures were followed:
 - 2.1 On July 28, 2020, petition (completed) was received by the City.
 - 2.2 On July 28, 2020, the City Administrator was notified.
 - 2.3 On September 21, 2020 City Council considered the vacation during an on-site workshop. The progress of this was postponed since WSDOT was coming to do curbs throughout the highway that abuts this property. The city wanted to make sure the vacation would not interfere with the WSDOT project and notified the petitioner.
 - 2.4 On September 21, 2020 the City Administrator consulted with City Department Heads, Public Utility District No. 2 of Pacific County, and CenturyTel regarding this ROW.
 - 2.5 On April 5, 2021, the City Council approved Resolution 2021-03, setting the time and place for a public hearing on the matter.
 - 2.6 On or soon after April 6, 2021, 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 April 14 and April 21, 2021 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.
 - 2.7 On May 3, 2021, 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 petitioner's request and City staff recommend that Council vacate the following, with transfer of title to the petitioners and all rights thereto:
- Northern 12.5 feet of 4th Street Northwest from the southwestern property corner of parcel No. 73011012302 to the southeastern property corner of said parcel approximately 100 feet, encompassing an area of approximately 1,250 square feet.
- 3.2 The petitioners shall pay for all costs associated with this proposal, including but not limited to noticing fees and appraisal costs if granted.
- 3.3 The petitioner shall pay the City up to a maximum of 50% of the appraised value of the subject property if granted.

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

- 4.1 Northern 12.5 feet of 4th Street Northwest from the southwestern property corner of parcel No. 73011012302 to the southeastern property corner of said parcel approximately 100 feet, encompassing an area of approximately 1,250 square feet in the RC –Residential Commercial zone. The subject property is located on Block 12, S ½ of Lots 2 & 3, Plat of Tinkers 2nd North Addition, of Long Beach, according to the Plat thereof on file in the office of the Auditor in Volume D-1 of Plats, Page 45, of Pacific County, Washington.

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

- 4.2.1 The parcel(s) is 50' X 100'.
- 4.2.2 The lot currently is developed and used as a vacation rental.
- 4.2.3 The parcel is essentially flat.
- 4.2.4 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 RC—Residential Commercial zone pursuant to the City's zoning regulations.
- 5.2 The subject property is located adjacent to property designated RC—Residential Commercial 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	Residential-Commercial	RC	Residence
SOUTH	Residential Commercial	RC	Residence
EAST	Residential Commercial	RC	Commercial
WEST	Residential Commercial	RC	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 4th ST NW and Pacific Hwy N
 - 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.
 - 7.7 Police and Fire are provided by the City of Long Beach Police and City of Long Beach Fire Department.
 - 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. During the locate no PUD lines or phone service was identified that would conflict.
9. **City's Comprehensive Plan.** The City Council finds the proposed project does comply with the City's Comprehensive Plan.
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 and APPROVE Case No. VAC 2021-01. 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 2021-01:

1. Case No. VAC 2021-01 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 APPROVE Case No. VAC 2021-01, including vacation of the following:

- Northern 12.5 feet of 4th Street Northwest from the southwestern property corner of parcel No. 73011012302 to the southeastern property corner of said parcel approximately 100 feet, encompassing an area of approximately 1,250 square feet.

ATTACHMENTS

1. Location map
2. Petition (letter)
3. AB 21-21
4. Resolution 2021-01
5. Notice of public hearing

TAB - D

City of Long Beach
Summary of Report of Decision

On April 16, 2021, the Hearings Examiner for the City of Long Beach, Washington did issue a report of decision for the following application:

Project: Application CUP 2021-01, Elliot and Sandra Gesang of Graham, Washington, Conditional Use Permit to allow the use of a vacation rental in the S2– Shoreline Single-Family zone at 220 28th ST NW, Unit B.

Decision: Approved per the findings and conditions in the Report of Decision.

The complete Report of Decision for the above-referenced project is available for review at Long Beach City Hall, 115 Bolstad Avenue West, Long Beach Washington.

Chinook Observer: Please publish April 28, 2021

BEFORE THE HEARINGS EXAMINER FOR THE CITY OF LONG BEACH

In the Matter of the Application of)

Elliot and Sandra Gesang)

for the use of a residence as a)
vacation rental.)

Application for a Conditional Use)
Permit to allow the use of a)
residence as a vacation rental)
located at 220-28th Street NW,)
Unit B in the S2 - Shoreline Multi -)
Family Residential zone.)

FILE NO: CU 2021- 01

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

DECISION

The Condition Use Permit Application is **APPROVED**, subject to conditions.

INTRODUCTION

The Conditional Use Permit of **Elliot and Sandra Gesang** Elliot and Sandra Gesang, Owners to allow the use of an existing residence to be used as a part time vacation rental came on for hearing before Jan LeM. Hedges, Hearings Examiner, on April 9th at 1:00 p.m. . Ariel Smith, Director presented the Department of Community Development Staff Report.

The Hearings Examiner explained the hearing procedure, after which City staff made an opening presentation concerning the Conditional Use Permit Application.

Testifying under oath were:

Ariel Smith, Community Development Director

The following exhibits were offered and admitted:

EXHBIT	DESCRIPTION	SUBMITTED BY	DATE ADMITTED	COMMENTS
1	Application for Conditional Use Permit	Elliot and Sandra Gesang	03/19/2021	Complete
2	Staff Report	City of Long Beach	04/09/2021	Complete
3	Public Hearing Notice	City of Long Beach	04/24/2021	Complete

The hearing adjourned at 1:07 p.m.

From the foregoing, the Examiner makes the following:

FINDINGS OF FACT

1. Applicants, **Elliot and Sandra Gesang**, propose an existing residence to be used as a vacation rental.
2. The proposed site is in a **S2 - Shoreline Multi-Family Residential zone**.
3. The applicant proposes to change the existing residence to a part time vacation rental. This proposed themselves and/or a local realty management firm would manage use.
4. This vacation rental use is allowed conditional use in the **S-2, Shoreline Multi-Family Residential District** zone as a conditional use.
5. The existing residential structure and the proposed change of use meets or exceeds all of the **Municipal Code, Chapter 8 Shoreline Districts, Article B S2 Shoreline Multi-Family Residential District Code [12-8B-5 STANDARDS]** for this zone.
6. The proposed change of use is consistent with existing uses and not generate additional traffic impact, or place additional demands on the City's' infrastructure or the right of adjacent property owners or the public at large to enjoy their normal and expected peace and well being.
7. The proposed change of use meets or exceeds all the applicable standards set forth in the; Zoning Ordinance, Comprehensive Plan, The Shoreline Master Program and the State Environmental Policy Act.
8. This Conditional Use Application was **timely submitted**, was received and met the CITY completeness requirements as required in CITY Ordinance 15.08.070 B. and RCW 36.70.B.070.
9. Any Conclusion of Law deemed to be a Finding of Fact is adopted as such. From these Findings of Fact, the Examiner makes the following;

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the persons and the subject matter of the proceeding.
2. The requirements of the CITY Zoning Ordinance have been met.
3. The standards and guidelines of the CITY Comprehensive Plan have been met.
4. This proposed development is exempt from SEPA review and the Shoreline Master Program does not apply.
5. The applicant has sought the appropriate permit.
6. As conditioned below, the project will be consistent with the criteria for Conditional Use Permit approval.
7. Any finding herein which may be deemed a conclusion is hereby adopted as such.

DECISION

The application of **Elliot and Sandra Gesang**, applicants, for the change of use of an existing residence to a vacation rental located at 220 – 28th Street NW, Unit B is **APPROVED**, subject to the following conditions:

1. Any further expansion or change of use on the property shall require the approval of the City of Long Beach.
2. The applicant shall obtain a City of Long Beach business license from the State of Washington as required by Title 4, Business and License Regulations, of the Long Beach City Code and pay all applicable taxes as required by Title 3, Finances and Taxation.
3. Occupancy shall be limited to eight (8) people, including children. Guests shall be asked to leave if they do not comply with occupancy limits.
4. Should the property manager not be fully available, the property shall not be rented.
5. Should the owners change their designated agent, they shall notify the CITY in writing in advance of such change.
6. All residents within 100 feet (excluding streets and rights-of-way) shall be provided with management contact information, both for the daytime and nighttime hours.
7. All guest(s) shall be informed to respect the neighbors' rights of quiet enjoyment between 10:00 p.m. and 8:00 a.m., and that guests can and will be asked to leave if they do not comply with occupancy or noise limits.
8. Off-street parking for the vacation rental shall be provided within the existing garage and driveway and all parking needs shall be met on-site. RV parking shall not be permitted on the site.
9. When occupied, as a vacation rental the property shall be monitored daily and any trash or debris removed and/or placed in an appropriate receptacle, provided by the owner.
10. A land line must be installed prior to the property being rented.

Done this 16th day of April 2021



Jan LeM. Hedges, Hearing Examiner

NOTICE OF RIGHT TO APPEAL

RIGHT TO APPEAL –TIME LIMIT

Any person aggrieved by the decision of the hearing examiner shall have the right to appeal the decision to the City Council. The appeal shall be in writing and delivered to City Hall within ten calendar days of the hearing examiners decision. The appeal must contain a statement identifying the decision being appealed, the name and address of the appellant and the appellants standing, the specific reason(s) why the appellant asserts the decision is in error and the desired outcome or changes to the decision. Upon filing an appeal, the appellant must pay a fee of \$400.00. No new evidence will be accepted by the City Council. The appeal is limited to the record presented to the hearing examiner. [Ordinance No 656, Section 4]

TRANSCRIPT OF HEARING – PAYMENT OF COST

An appeal of the Hearing Examiner's decision requires the preparation of a transcript of the hearing before the Hearing Examiner. Therefore, a payment of ten dollars (\$10.00) for each hearing tape must accompany the request for appeal. The appeal fee is \$400.00. All costs are payable to the City of Long Beach, Washington.



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

April 21, 2021

Mark Oman
Kaboom Fireworks
PO Box 710
Long Beach, WA 98631

**RE: Case No. SEP 2021-01, Special Event Permit
Fireworks Sales at 101 7th ST SE in the OT- Old Town Zone**

Mr. Oman,

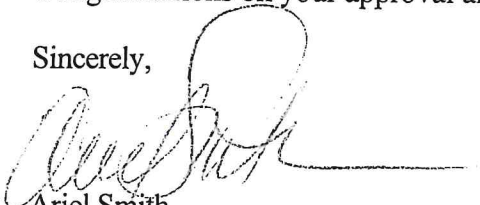
Your request to sell fireworks in an outdoor setting for the 4th of July has been conditionally approved. Sales are allowed June 28th through July 5th pursuant to RCW 70.77.395.

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

1. Keep and leave the site clean.
2. Your sales area and signage must be placed so as not to interfere with safe vehicle traffic the line-of-sight at the corner of 7th ST SE and Pacific Highway. Nothing taller than 42" may be located within 20 feet of the property corner.

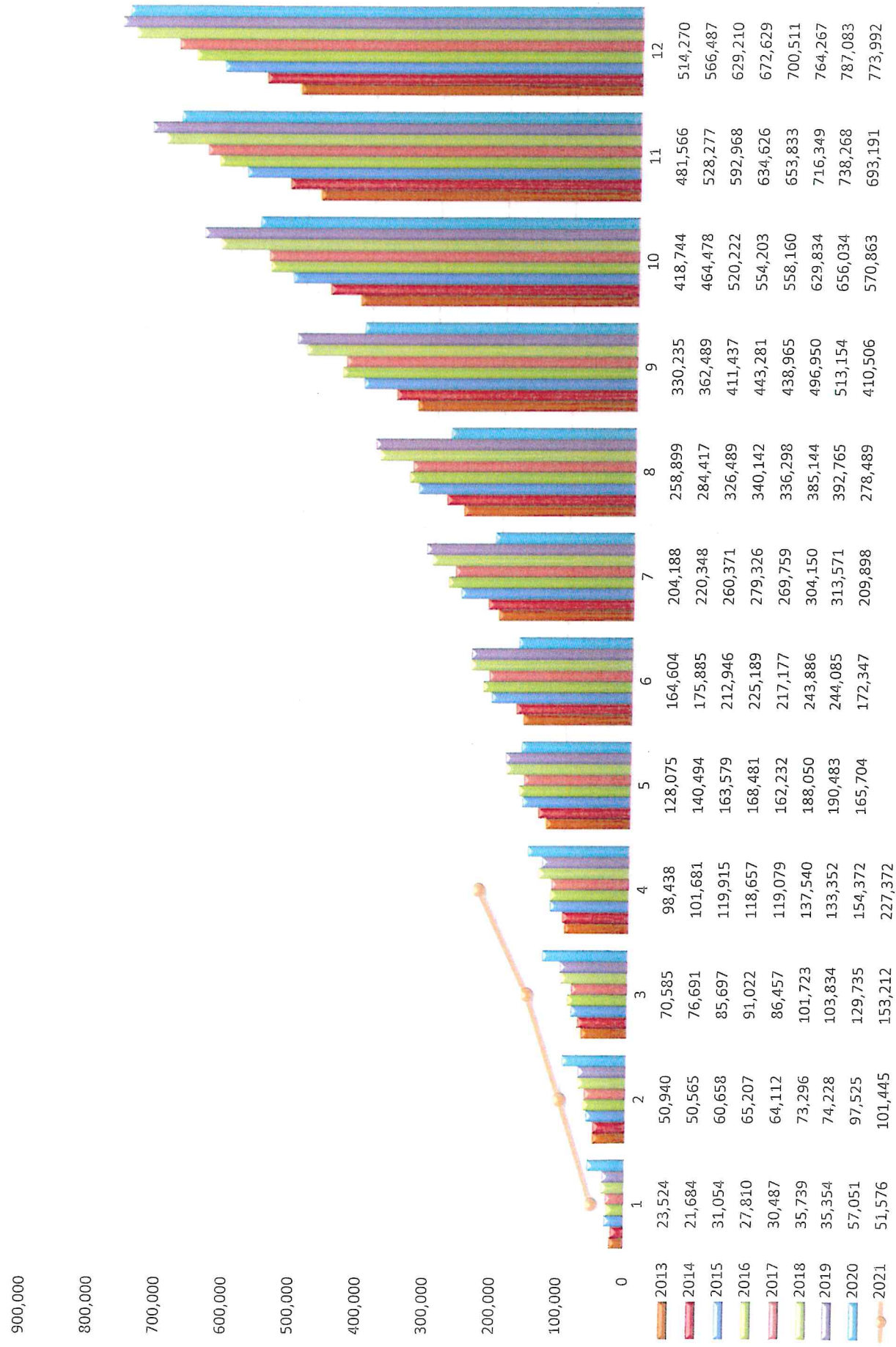
Congratulations on your approval and thank you for your continued commitment to Long Beach.

Sincerely,

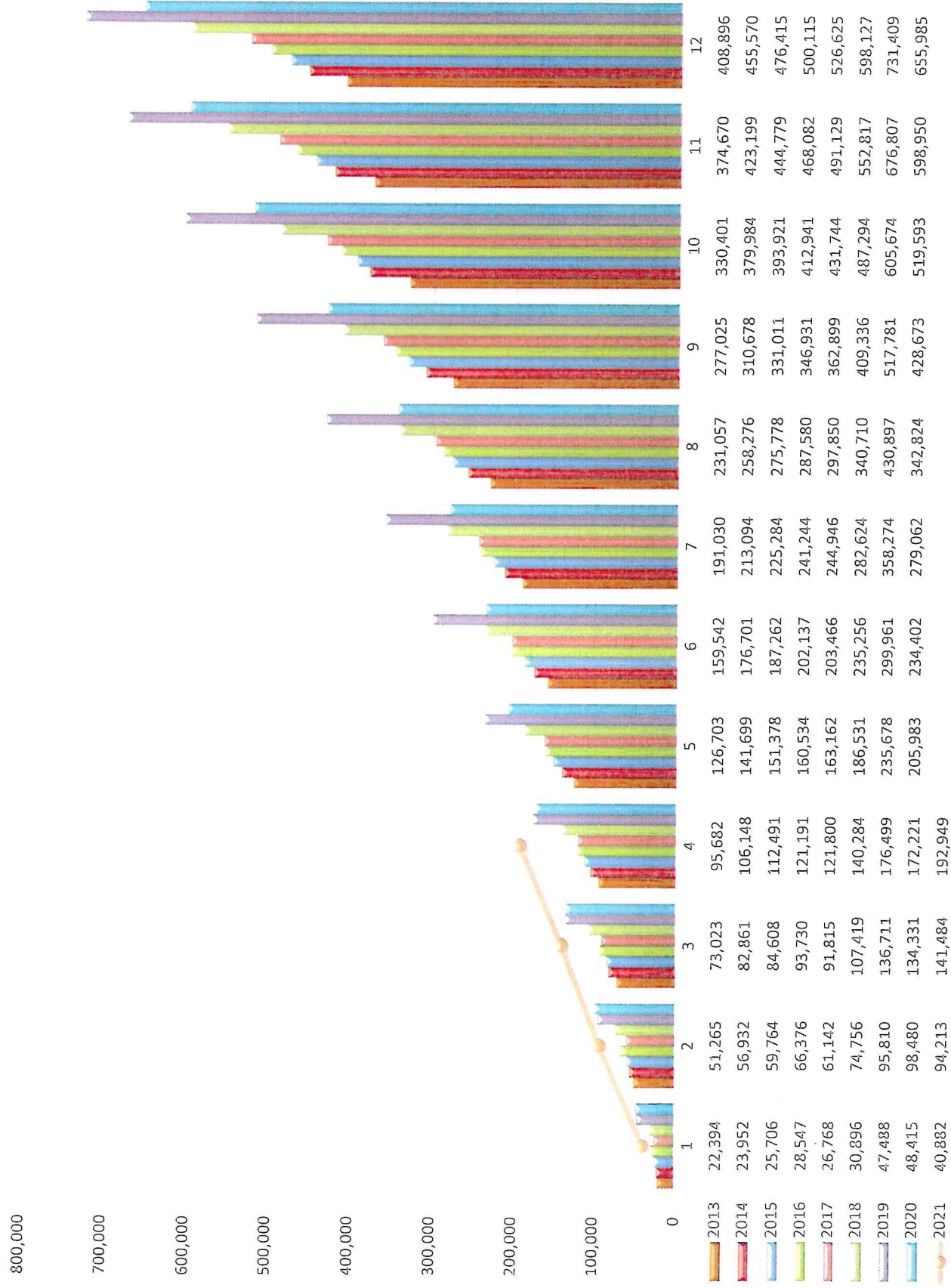


Ariel Smith
Director, Community Development

Lodging Tax Collections



Sales Tax Collections



Transportation Benefit District

25,000

20,000

15,000

10,000

5,000

2018	2019	2020	2021
■	■	■	■

	January	February	March	April	May	June	July	August	Sept	October	November	December
2018												
2019	11,044	11,279	9,677	9,325	13,841	11,210	10,905	13,518	16,182	18,299	15,395	10,661
2020	11,184	11,749	8,431	8,909	7,946	15,074	13,715	17,082	20,529	20,667	16,726	12,840
2021	9,595	12,551	11,121	12,049		6,685	10,507	14,979	20,177	21,211	18,624	13,401



Peace of Mind Pacific County

P.O. Box 708

Ocean Park, WA 98640

www.pompc.org info@pompc.org

360.244.5566

Hello, friend of Peace of Mind Pacific County!

First, thank you for your wonderful support! For many of you, it's been a decade or more since you began contributing to NAMI Pacific, now Peace of Mind Pacific County. You've brought a great many people together in Wellness Walks, Silent Auctions, and Community Awareness Dinners, helping support mental health for us all.

The May Wellness Walk, our major fundraiser, is being reimagined this year to support the local business community. Our plan is to distribute a discount coupon from your business to the local community, to bring more customers into your business. In return we'd like you to have a donation jar on your counter, with "Mental Health Is Everyone's Business" decal and a photo of hand painted rocks.

We're doing a community art project, "Wellness Rocks." Children and adults will make hand-painted Wellness Rocks to distribute all around the peninsula by May 15. Some may have the POMPC heart logo, others may use words like "Hold onto Hope." Local Timberland libraries will offer free Take and Make bags for making rocks by May 1.

All donations made to Peace of Mind Pacific County go toward mental health support, recovery, and hope. Besides the rock art and this business outreach, we will focus on the schools with a new bookmark saying "Mental Health is everyone's business." Our plan is to see that everyone has their own bookmark, indicating May 2021 as Mental Health Awareness Month.

Thanks again for bringing hope and support to our neighbors!

The Volunteer Board of Peace of Mind Pacific County

www.pompc.org PO Box 708, Ocean Park WA 98640