



McCleary Regular City Council Meeting

Wednesday, May 22, 2024 – 6:30 PM

McCleary Community Center & Zoom Virtual Meeting

Agenda

Join Zoom Meeting

https://us06web.zoom.us/webinar/register/WN_kkuYO8EiRPqPfxSty-U94w

Meeting ID: **817 9207 7978**

Passcode: **144764**

(253) 215-8782

Call to Order/Flag Salute/Roll Call

Agenda Modifications/Acceptance

Presentations

1. Aquifer Study

Public Hearing

- [2.](#) Signs Ordinance - Continued from 05/08/2024 Meeting

Public Comment - Agenda Items Only

Consent Agenda

3. Accounts Payable May 1-15, 2024 Ck Numbers 53309-53367 Including EFT's Totaling \$265,471.88
- [4.](#) Meeting Minutes - May 8, 2024

Updates

New Business

Old Business

- [5.](#) SCJ Contract Modification

Ordinances and Resolutions

- [6.](#) Signs Ordinance
- [7.](#) Public Records Ordinance
- [8.](#) Comprehensive Plan Ordinance
- [9.](#) Camera Policy Resolution

Public Comment - City Business Only

Executive Session

Council Comments

Mayor Comments

Adjourn

Please turn off Cell Phones- Thank you

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

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La ciudad de McCleary es un proveedor de igualdad de oportunidades y el empleador.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MCCLEARY
REPEALING AND REPLACING MCCLEARY MUNICIPAL
CODE SECTION 17.28.090 “SIGNS”; ADOPTING NEW
RULES AND REGULATIONS GOVERNING SIGNS IN THE
CITY OF MCCLEARY.**

RECITALS:

WHEREAS, United States Supreme Court decisions, specifically *Reed v. Gilbert*, have changed the manner in which signs may be regulated; and

WHEREAS, City of McCleary staff is intent on keeping the Sign Code within the Municipal Code compliant with all Federal and State statutes and court decisions; and

WHEREAS, City of McCleary staff determined that the manner in which signs are regulated in the City of McCleary may be more easily and effectively accomplished by categorizing signs by their physical appearance rather than message; and

WHEREAS, the City Council held a public hearing on _____ to consider this Ordinance; and

WHEREAS, the City finds that repealing and replacing MMC Section 17.28.090 with the proposed sign verbiage will ensure the City’s Municipal Code is aligned with the Supreme Court decision and will make the administration of the Sign Code more simple and equitable for City staff, citizens, and business owners alike;

NOW, THEREFORE, the City Council of the City of McCleary, Washington do ordain as follows:

SECTION I: MMC Section 17.28.090 titled “Signs”, last amended by Ordinance 749 sec. I, 2008, is repealed in its entirety.

SECTION II: MMC Section 17.28.090 titled “Temporary and Special Signs” is hereby added to read as follows:

17.28.090 Temporary and Special Signs

A. Scope and Purpose: This chapter establishes regulations governing the installation, alteration, relocation, maintenance, use and removal of all signs in the City. It is recognized that the

businessperson's right to identify their business contributes to the economic well-being of the community; however, that right should be exercised in a way as to bring benefit to the businessperson without affecting the welfare of the public. In general, this City takes the view that signs should be scaled to the building and property frontage to which the sign is related. The purpose of these regulations is to accomplish the following:

1. Promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage;
2. Prevent property damage, personal injury, and litter from signs which are improperly constructed, poorly maintained, or of flimsy materials;
3. Provide consistent sign design standards;
4. Prevent visual clutter and provide an improved visual environment for the citizens of and visitors to the City; and
5. Enable the fair and consistent enforcement of these sign regulations.

B. Sign Definitions:

1. "Abandoned sign" means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, or for which no legal owner can be found.
2. "Commercial sign" means a sign erected for a business transaction or advertising the exchange of goods and services.
3. "Construction sign" means any sign used to identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building, or to announce the character or type of building.
4. "Flashing sign" means a sign or a portion thereof which changes light intensity or switches on and off in a constant pattern, or contains motion or the optical illusion of motion by use of electrical energy.
5. "Freestanding sign" means a permanent pole, ground or monument sign attached to the ground and supported by uprights or braces attached to a foundation in the ground and not attached to any building.
6. "Permanent sign" means a sign constructed of weather-resistant material and intended for permanent use and that does not otherwise meet the definition of "temporary sign." Wallmounted sign holders designed for insertion of signs and posters shall be considered permanent signage and subject to all standards of Chapter 17.28.090 MMC.
7. "Portable sign" means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to, signs designed to be transported by means of wheels, A-frame signs, menu and sandwich board signs, and advertising flags.

8. “Projecting sign” means any sign, other than a flat wall sign, which is attached to and projects more than twelve inches from a building wall or other structure not specifically designed to support the sign.
9. “Roof sign” means any sign erected over or on the roof of a building or attached to the wall of a building and extending above the roofline.
10. “Sign” means any device, structure, fixture, placard, painted surface, awning, banner or balloon using graphics, lights, symbols and/or written copy designed, used or displayed for the purpose of advertising, informing, identifying, attracting attention to, or promoting the interest of any person, institution, business, event, product, goods or services; provided, that the same is visible from a street, way, sidewalk, or parking area open to the public.
11. “Sign area” means the entire area of a sign on which copy is to be placed. Sign structure, architectural embellishments, framework and decorative features which contain no written or advertising copy shall not be included. Sign area shall be calculated by measuring the perimeter enclosing the extreme limits of the module or background containing the advertising or identifying message; provided, that individual letters using a wall as the background, without added decoration or change in wall color, shall have a sign area calculated by measuring the smallest rectangle enclosing each letter and totaling the square footage thereof. For double-faced signs, total sign area shall be calculated by measuring only one face.
12. “Sign height” means the vertical distance from grade to the highest point of a freestanding sign or any vertical projection thereof, including its supporting columns. Grade shall be determined by taking the average elevation at finished grade for the midpoints of the four sides of the smallest rectangle that will enclose all area which is within a five-foot horizontal radius of the sign and its supporting structure.
13. “Temporary sign” means any sign that is intended and designed to be displayed for a limited period of time, including, without limitation, a sign that is not permanently mounted, painted or otherwise affixed, excluding portable signs as defined by this chapter, including any poster, banner, placard, stake sign or sign not placed in the ground with concrete or other means to provide permanent support, stability and rot prevention. Temporary signs may only be made of nondurable materials including, but not limited to, paper, corrugated board, flexible, bendable or foldable plastics, foamcore board, vinyl canvas or vinyl mesh products of less than twenty-ounce fabric, vinyl canvas and vinyl mesh products without polymeric plasticizers and signs painted or drawn with water soluble paints or chalks. Signs made of any other materials shall be considered permanent and are subject to the permanent sign regulations of Chapter 17.28.090 MMC.

C. General Requirements:

1. The construction and placement of all signs shall conform to the International Building Code and be pre-approved by the city council and/or staff.
2. No sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, bench or any type of street furniture, or otherwise create a hazard.

3. For signs that meet the definition of more than one sign type, the public works director shall determine which standards apply based on the sign's function, location and orientation.
4. Prohibited Signs. The following signs are prohibited:
 - a. Signs or sign structures which by coloring, shape, design or location resemble or conflict with traffic control signs or devices;
 - b. Signs that create a safety hazard for pedestrian or vehicular traffic, as determined by the Director of Public Works or the city building official;
 - c. Signs attached to public property without permission of the government agency owning the same, including, without limitation, trees, utility poles, street lights;
5. Maintenance. All signs and components thereof must be maintained in good repair and in a safe, neat, clean and attractive condition.
6. Abandoned Signs—Hazardous Signs. Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located within six months of abandonment. Signs which constitute a safety hazard to the public shall be removed or made safe immediately.
7. Sign Enforcement—Violations—Penalties.
 - a. Enforcement. The public works director, or the public works director's designee, shall have authority to administer, implement, and enforce this chapter. The public works director or public works director's designee may promulgate regulations consistent with this chapter. The authority of the public works director is not exclusive and is concurrent to another's lawful authority to enforce the provisions of this chapter, including, without limitation, the jurisdiction of the McCleary police department to enforce provisions of this code.
 - b. Violations. It is a violation of this chapter to fail to comply with or to be in conflict with any provision of this chapter. It shall be a separate offense for each and every day during which any violation of any of the provisions of this chapter is committed, continued, or permitted.
 - c. Penalties.
 - A. Any person, firm, corporation, or association or any agent thereof who violates any of the provisions of this chapter shall be subject to the provisions of Chapter 1.20 MMC.
 - B. Any violation of any provision of this chapter constitutes a public nuisance which the City can abate by an action in county superior court. The costs of such action shall be taxed against the violator.
 - C. Penalty and enforcement provisions provided in this chapter are not exclusive, and the City may pursue any remedy or relief it deems appropriate.

d. Removal. Signs not meeting the requirements of this chapter are subject to removal by the City. This includes the following:

- A. Signs located on public property that create an immediate threat to the safety of the public.
 - B. Signs that create an imminent danger to persons or property.
 - C. Signs placed in the public right-of-way that do not meet the requirements of this chapter.
 - D. Unauthorized signs placed on any utility pole, public property, public building or public structure, or on any traffic sign.
 - E. Temporary signs placed within the public right-of-way that may otherwise be allowed by this chapter, but which are in a degraded or dilapidated state due to age, exposure to the elements, or damage may be removed by the City. This includes signs that are illegible.
 - F. The public works director or his/her designee will attempt to contact the owner after removal of signs. The owner may contact the public works director or his/her designee to retrieve any signs removed. Failure to retrieve within fourteen days from date of removal will result in disposal by the City. The City shall not be responsible for damages or loss incurred during the removal or storage of any sign.
7. Sign Owner Responsibility. By installing any sign in the City of McCleary, the owner of the sign acknowledges responsibility for compliance with this chapter, for the safety of the sign, and for any and all damage to property or injury to persons resulting from the sign.
8. Compliance. All existing signs within the City which are not in compliance with the requirements of this chapter upon the effective date of the ordinance codified in this title are considered to be nonconforming signs. Nonconforming signs shall be made to conform with the requirements of this section under the following circumstances:
- a. Signs which do not conform with the requirements of this section shall be removed within sixty days of the effective date of this title or, if located within an area being annexed to the City, within sixty days of the effective date of annexation, whichever is later.
 - b. Whenever any modification is to be made to the structure, frame or support of any nonconforming sign, such nonconforming sign shall be removed or brought into conformance with this title. Adding a new sign face to a nonconforming sign which does not modify the shape, size or any structural element of a nonconforming sign shall be permitted.
 - c. Whenever the facade of a building upon which is located a nonconforming wall sign or nonconforming projecting sign is remodeled or renovated, all nonconforming wall signs located on the portion of the facade being renovated shall be brought into conformance with this chapter.

D. Sign Type Standards:

1. Freestanding Signs. The following regulations shall apply to all freestanding signs:
 - a. Location. Freestanding signs shall not be located within the public right-of-way.
 - b. Identification Signs for Residential Development. Each entrance to a subdivision development or manufactured home park may have a freestanding or fence-mounted identification sign up to thirty-two square feet in area. The height of such signs shall not exceed four feet.
 - c. Freestanding signs must have a substantial base that is at least half as wide and thick (measured horizontally) as the sign itself.
2. Portable Signs. The following regulations shall apply to all portable signs:
 - a. Portable signs shall not exceed nine square feet per side.
 - b. No more than one portable sign may be displayed per entity.
 - c. Signs shall be located directly in front of the sponsoring entity during business hours only.
 - d. Signs shall be located so as not to create a traffic safety hazard by obstructing the vision of motorists on private property or public right-of-way.
 - e. Owners of such signs shall assume liability for damage or injury resulting from their use and shall provide the City with an appropriate legal document satisfactory to the City attorney holding the City harmless and indemnifying the City for such resulting loss and/or injury.
 - f. Portable signs shall be nonilluminated.
3. Projecting Signs. The following regulations shall apply to all projecting signs:
 - a. Projecting signs shall not extend more than five feet above the highest exterior wall of the building it serves or, if mounted on the roof ridge line more than two feet above that ridge line.
 - b. Projecting signs shall not be located directly over windows or in conflict with other signs or architectural features of the building as determined by the City.
 - c. Projecting signs in the C-1 and C-2 districts and authorized by the City shall extend no closer than two feet to the edge of the roadway and provide a minimum clearance of ten feet from the highest existing grade.
4. Temporary signs. The following regulations shall apply to all temporary signs:
 - a. All temporary signs shall be removed within thirty days following the event or activity being promoted.
 - b. Temporary Signs in Public Right-of-Way.
 - A. Temporary signs may be located in the right-of-way when they conform with the requirements of this chapter. Temporary signs shall not be located in right-of-way adjacent to public property owned or under the control of a unit of federal, state or local government, or special purpose district such as a school, park, public utility,

port or library district, unless otherwise approved by the unit of government or special purpose district.

- B. All temporary signs shall be placed in a manner that is safe for all users of public right-of-way. Temporary signs shall not block access to structures or parked cars, and shall not block vehicular sight distance at corners or intersections.
- C. Temporary signs shall only be placed in the right-of-way if the sign owner has permission from the owner of the abutting property.
- D. Temporary signs located in City maintained rights-of-way are subject to temporary removal by the City upon the need to conduct work.

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 phrase had been declared invalid or unconstitutional.

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

PASSED THIS ____ DAY OF _____, 2024, by the City Council of the City of McCleary, and signed in approval therewith this ____, day of _____, 2024.

CITY OF McCLEARY:

CHRIS MILLER, Mayor

ATTEST:

JENNA AMSBURY, Clerk-Treasurer

APPROVED AS TO FORM:

CHRISTOPHER JOHN COKER, City Attorney



McCleary Regular City Council Meeting

Wednesday, May 08, 2024 – 6:30 PM

McCleary Community Center & Zoom Virtual Meeting

Minutes

Call to Order/Flag Salute/Roll Call

Meeting called to order at 6:30pm

PRESENT

Councilmember Brycen Huff

Councilmember Max Ross

Councilmember Andrea Dahl

ABSENT

Councilmember Jacob Simmons

Councilmember Keith Klimek

Motion made by Councilmember Ross, Seconded by Councilmember Huff to excuse Councilmembers Simmons and Klimek.

Voting Yea: Councilmember Huff, Councilmember Ross, Councilmember Dahl

Agenda Modifications/Acceptance

Motion made by Councilmember Dahl, Seconded by Councilmember Ross to accept the agenda.

Voting Yea: Councilmember Huff, Councilmember Ross, Councilmember Dahl

Public Hearing

1. Signs Ordinance

Public Hearing for the Signs Ordinance opened at 6:32pm and will be continued to the May 22nd Council Meeting. Clerk-Treasurer Jenna Amsbury met with the Policy committee and they want to remove the language about limiting signs on private property and add language about allowing temporary signs in the right-of-way. Also the policy was updated to meet current law.

2. Public Records Ordinance

Public Hearing for the Public Records Ordinance opened at 6:34pm. There were no public comments. Jenna Amsbury said this hasn't been updated in 20 years, so this Ordinance was also updated to reflect current laws. Public Hearing closed at 6:35pm.

Public Comment - Agenda Items Only

No Public Comment

Consent Agenda

Motion made by Councilmember Ross, Seconded by Councilmember Dahl to accept the Consent Agenda.

Voting Yea: Councilmember Huff, Councilmember Ross, Councilmember Dahl

3. Meeting Minutes - March 13, 2024

4. Meeting Minutes - April 24, 2024

5. Accounts Payable April 16-30, 2024 Ck Numbers 53268-53299 including EFT's Totaling \$64,384.94

Updates

Please turn off Cell Phones- Thank you

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6. Staff Reports - Light & Power, Water/Wastewater, Police, Public Works Director, Fire, Public Works, Finance

Councilmember Dahl asked Police Chief Patrick to expand on his Staff Report. Patrick explained the department training required by the State. The certificate in the packet shows that City of McCleary is compliant with state law.

Councilmember Huff asked for an update on the chiller purchase. Public Works Director Chad Bedlington said we are looking at financing options. Bedlington said he will bring this back to council in about a month.

7. Committee Updates

Councilmember Dahl said the Finance Committee will be meeting on the 22nd when Councilmember Simmons is back. Jenna Amsbury said the Annual Report is due by May 29th and she would like Finance Committee to review it before it comes to council so they are up to date with everything.

New Business

No New Business.

Old Business

8. Comprehensive Plan

Chad Bedlington explained the background of the work on the Comprehensive Plan. He talked about the 20-year goals. They had public participation and created an advisory committee in 2022 and 2023. Council was briefed on March 13th and a public hearing was held on April 10th. They had a SEPA review and there was no public comment received. Bedlington is asking for the Comprehensive Plan to be formally adopted by Council. There are some code changes that will need to be made on this, and also some zoning changes.

Councilmember Ross wanted to clarify that the Comprehensive Plan doesn't change any zoning, it outlines zoning options. Chad Bedlington said that is correct. Zoning code changes will come in a separate ordinance.

9. Grays Harbor Transit Discussion

Mayor Miller said the Grays Harbor Transit is willing to get a grant to acquire the Transit Station from us. They are willing to work with the City to make improvements. Councilmember Huff is open to conversation to discuss this further. City Attorney Chris Coker said he's always reluctant about selling property and asked if leasing would be an option with Grays Harbor Transit.

Ordinances and Resolutions

Councilmember Dahl asked to wait on adopting any of the Ordinances and Resolutions tonight until they have the chance to talk with Councilmembers Simmons and Klimek. Mayor Miller stated all items will be moved to the May 22nd meeting.

10. Public Records Ordinance

11. Comprehensive Plan Ordinance

12. Camera Policy Resolution

Public Comment - City Business Only

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Kyle Comer asked for more information on the solar grant. Chad Bedlington said he can follow up with him and share the application with him because it has all the details on it.

Executive Session

No Executive Session

Council Comments

Councilmember Huff said he will try to attend virtually the Chehalis Basin Meeting next month. Huff would also like to wish everyone a Happy Mother's Day.

Mayor Comments

None

Adjourn

Motion made by Councilmember Ross, Seconded by Councilmember Huff to adjourn the meeting at 6:49pm.
Voting Yea: Councilmember Huff, Councilmember Ross, Councilmember Dahl

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CITY COUNCIL AGENDA ITEM COVER SHEET

FROM: Chad Bedlington, Director of Public Works

DATE: May 22, 2024

AGENDA ITEM TITLE: Amendment 1 to Consultant Agreement – SCJ Alliance
Development Code Updates

SUMMARY

The City has moved through the process of updating its Comprehensive Plan which is nearing approval. Once the Comprehensive Plan is approved, there is a second phase to this project that requires an update to the current Development Code. Staff is requesting an amendment to its existing contract with SCJ Alliance to perform the needed code updates. Scope of work and fee summary is attached for your reference.

FISCAL IMPACT

Anticipated not to exceed fee for the defined tasks is \$18,500. Funding will be from the utility funds, streets, and a portion from current expense.

RECOMMENDATION/ACTION REQUESTED

Approve the request to proceed with the scope of work as defined in the attached amendment 1.



Scope of Work Comprehensive Plan Update Amendment 1: Development Code Updates McCleary, WA

Prepared For: Chad Bedlington, Public Works Director

Prepared By: Cristina Haworth, AICP

Date Prepared: May 3, 2024

Introduction:

The City of McCleary's comprehensive plan and map, which are currently in final review for adoption by City Council, included three new zoning districts to better manage growth over the next 20 years. These three zones, Master Plan (MP) District, Infill Housing Overlay (IHO) District, and Public/Institutional (P/I) District need standards written in the development code (Title 17) to implement the vision of the comprehensive plan. The City is also in need of a general Title 17 code cleanup to eliminate redundancies and ensure consistency throughout the development regulations. This amendment accomplishes those updates and is divided into three parts:

1. Develop the Master Plan District code language.
2. Develop the Infill Housing Overlay District and Public/Institutional District code language.
3. Other minor changes throughout Title 17 needed for code consistency, including revised definitions, subdivision regulations, non-conforming uses, and variances and appeals.

These additions to the Development Regulations will be consistent with the feedback received from the community during the recent public outreach process and in the guiding principles in Chapter 3 of the updated comprehensive plan.

This scope of work is limited to drafting the code language, submitting that text to staff for review and revision, and finalizing that language for staff to take through the adoption process with City Council. Completing environmental (SEPA) review, filing the Notice of Intent to Adopt with the Department of Commerce, preparing ordinances and hearing packets, and attending City Council are not included in the scope of work.

Phase 07: Development Code Updates

Task 1 Master Plan District Code Language

SCJ proposes to allow development in the Master Plan (MP) District subject to a Development Agreement, consistent with Washington State's allowances in state law (RCW 36.70B.210 and WAC 365-196-845), which documents a variety of standards, land uses, phasing, and vested

rights negotiated between the City and a private property owner or their developer. The new code language will also address the process for amendments and termination of the development agreement by either the developer or the City. This phase includes front-end research by SCJ, code drafting, one set of revisions based on review comments provided by the client, and delivery of the final language for consideration by City Council.

Deliverables:

1. Draft text of new code for Master Plan (MP) District
2. Final text of MP District

Phase 07 Task 01 Fee Estimate: \$6,500 Time & Materials

Task 2 **Infill Housing Overlay and Public/Institutional Districts**

The Infill Housing Overlay (IHO) is a district that applies to existing single-family residential homes within the core downtown area of McCleary as depicted on the preferred land use maps. A number of these properties have significant opportunities for additional housing developments, either on adjacent vacant lots or on larger properties that already have a dwelling unit. The new code will be written to permit all principal, accessory, and conditional uses in the underlying zone(s) to remain while allowing context-sensitive accessory dwelling units (ADUs) and “missing middle” housing types that keep with the scale of existing residential development (e.g. duplexes, townhomes, condominiums) to be built when code conditions are satisfied. This phase assumes modifications to existing Chapters in Title 17 to define and enable the zone, with a stand-alone chapter for standards IHO that only applies to those properties within the overlay. This allows the overlay boundary to change over time without requiring additional code text amendments.

The Public/Institutional District was established solely for city-owned and other public and/or institutional uses, including City Hall, McCleary School, the Community Center, and the cemetery. The code will recognize the variety and unique characteristics of these uses and will

strive for flexible development standards while emphasizing transparency and fairness with other similar projects in the City.

Deliverables:

1. Draft text of new code for Infill Housing Overlay (IHO) and Public/Institutional (P/I) Districts
2. Final text of IHO and P/I Districts

Phase 07 Task 02 Fee Estimate: \$12,000 Time & Materials

Task 3 **Other Updates to Title 17**

There are chapters where potentially relevant revisions might be needed, including:

- **Definitions:** Certain definitions related to the MP, IHO, and I/P Districts.
- **Subdivision Regulations:** If the IHO aims to encourage smaller lots or different lot configurations, sections within Subdivision Regulations might require updates.
- **Non-Conforming Uses:** Depending on how the new zoning changes treat existing uses that become non-conforming, relevant sections may need revision.
- **Variances and Appeals:** Sections outlining variance procedures could need updates if new standards in the IHO or MP Districts create grounds for variance requests.
- **Elimination of R3 Zone:** Eliminating the R3 District may have created inconsistencies, conflicts, or omissions in Title 17 that should be addressed. Manufactured homes or manufactured home parks should be allowed in one or more other zoning districts.

Deliverables:

1. Code updates recommendations memo and fee estimate
2. Draft text of updated code
3. Final text of updated code

Phase 07 Task 03 Fee Estimate: \$TBD Time & Materials

Conditions and Assumptions

1. SCJ Alliance is flexible in completing this scope of work. Minor changes and adjustments can be made upon request received in writing. Changes may require an adjustment to the schedule and/or budget allocations.
2. This scope of work is limited to drafting the code language, submitting that text to staff for review and revision, and finalizing that language for staff to take through the adoption process with City Council. Completing environmental (SEPA) review, filing the Notice of Intent to Adopt with the Department of Commerce, preparing ordinances and hearing packets, and attending City Council are not included in the scope of work.
3. The budgets provided are estimates to complete the work. Unexpected project changes or work outside the scope may result in the need for additional funding to complete the work. To the best of our ability, SCJ Alliance will notify the City's project manager as soon as the need for budget modification has been identified.

Budget and Schedule

This Amendment No. 1 Tasks 01 and 02 scope of work will be completed on a time and materials basis, not to exceed **\$18,500**. Task 03 will be scoped separately and work will commence when the scope and associated budget are authorized by the client.

Task 01 Deliverable 01 (draft MP code amendments) will be completed within four weeks of notice to proceed. Task 02 Deliverable 02 (final MP code amendments) will be completed two weeks after receiving review comments from the City.

Task 02 Deliverable 01 (draft IHO and P/I code amendments) will be completed eight (8) weeks after completion of Task 01. Task 02 Deliverable 02 (final IHO and P/I code amendments) will be completed two weeks after receiving review comments from the City.

Task 03 deliverables will be scheduled upon authorization and notice to proceed.

All work will be completed no later than December 31, 2024.

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WHEREAS, City of McCleary staff is intent on keeping the Sign Code within the Municipal Code compliant with all Federal and State statutes and court decisions; and

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B. Sign Definitions:

1. "Abandoned sign" means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, or for which no legal owner can be found.
2. "Commercial sign" means a sign erected for a business transaction or advertising the exchange of goods and services.
3. "Construction sign" means any sign used to identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building, or to announce the character or type of building.
4. "Flashing sign" means a sign or a portion thereof which changes light intensity or switches on and off in a constant pattern, or contains motion or the optical illusion of motion by use of electrical energy.
5. "Freestanding sign" means a permanent pole, ground or monument sign attached to the ground and supported by uprights or braces attached to a foundation in the ground and not attached to any building.
6. "Permanent sign" means a sign constructed of weather-resistant material and intended for permanent use and that does not otherwise meet the definition of "temporary sign." Wallmounted sign holders designed for insertion of signs and posters shall be considered permanent signage and subject to all standards of Chapter 17.28.090 MMC.
7. "Portable sign" means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to, signs designed to be transported by means of wheels, A-frame signs, menu and sandwich board signs, and advertising flags.

8. “Projecting sign” means any sign, other than a flat wall sign, which is attached to and projects more than twelve inches from a building wall or other structure not specifically designed to support the sign.
9. “Roof sign” means any sign erected over or on the roof of a building or attached to the wall of a building and extending above the roofline.
10. “Sign” means any device, structure, fixture, placard, painted surface, awning, banner or balloon using graphics, lights, symbols and/or written copy designed, used or displayed for the purpose of advertising, informing, identifying, attracting attention to, or promoting the interest of any person, institution, business, event, product, goods or services; provided, that the same is visible from a street, way, sidewalk, or parking area open to the public.
11. “Sign area” means the entire area of a sign on which copy is to be placed. Sign structure, architectural embellishments, framework and decorative features which contain no written or advertising copy shall not be included. Sign area shall be calculated by measuring the perimeter enclosing the extreme limits of the module or background containing the advertising or identifying message; provided, that individual letters using a wall as the background, without added decoration or change in wall color, shall have a sign area calculated by measuring the smallest rectangle enclosing each letter and totaling the square footage thereof. For double-faced signs, total sign area shall be calculated by measuring only one face.
12. “Sign height” means the vertical distance from grade to the highest point of a freestanding sign or any vertical projection thereof, including its supporting columns. Grade shall be determined by taking the average elevation at finished grade for the midpoints of the four sides of the smallest rectangle that will enclose all area which is within a five-foot horizontal radius of the sign and its supporting structure.
13. “Temporary sign” means any sign that is intended and designed to be displayed for a limited period of time, including, without limitation, a sign that is not permanently mounted, painted or otherwise affixed, excluding portable signs as defined by this chapter, including any poster, banner, placard, stake sign or sign not placed in the ground with concrete or other means to provide permanent support, stability and rot prevention. Temporary signs may only be made of nondurable materials including, but not limited to, paper, corrugated board, flexible, bendable or foldable plastics, foamcore board, vinyl canvas or vinyl mesh products of less than twenty-ounce fabric, vinyl canvas and vinyl mesh products without polymeric plasticizers and signs painted or drawn with water soluble paints or chalks. Signs made of any other materials shall be considered permanent and are subject to the permanent sign regulations of Chapter 17.28.090 MMC.

C. General Requirements:

1. The construction and placement of all signs shall conform to the International Building Code and be pre-approved by the city council and/or staff.
2. No sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, bench or any type of street furniture, or otherwise create a hazard.

3. For signs that meet the definition of more than one sign type, the public works director shall determine which standards apply based on the sign's function, location and orientation.
4. Prohibited Signs. The following signs are prohibited:
 - a. Signs or sign structures which by coloring, shape, design or location resemble or conflict with traffic control signs or devices;
 - b. Signs that create a safety hazard for pedestrian or vehicular traffic, as determined by the Director of Public Works or the city building official;
 - c. Signs attached to public property without permission of the government agency owning the same, including, without limitation, trees, utility poles, street lights;
5. Maintenance. All signs and components thereof must be maintained in good repair and in a safe, neat, clean and attractive condition.
6. Abandoned Signs—Hazardous Signs. Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located within six months of abandonment. Signs which constitute a safety hazard to the public shall be removed or made safe immediately.
7. Sign Enforcement—Violations—Penalties.
 - a. Enforcement. The public works director, or the public works director's designee, shall have authority to administer, implement, and enforce this chapter. The public works director or public works director's designee may promulgate regulations consistent with this chapter. The authority of the public works director is not exclusive and is concurrent to another's lawful authority to enforce the provisions of this chapter, including, without limitation, the jurisdiction of the McCleary police department to enforce provisions of this code.
 - b. Violations. It is a violation of this chapter to fail to comply with or to be in conflict with any provision of this chapter. It shall be a separate offense for each and every day during which any violation of any of the provisions of this chapter is committed, continued, or permitted.
 - c. Penalties.
 - A. Any person, firm, corporation, or association or any agent thereof who violates any of the provisions of this chapter shall be subject to the provisions of Chapter 1.20 MMC.
 - B. Any violation of any provision of this chapter constitutes a public nuisance which the City can abate by an action in county superior court. The costs of such action shall be taxed against the violator.
 - C. Penalty and enforcement provisions provided in this chapter are not exclusive, and the City may pursue any remedy or relief it deems appropriate.

d. Removal. Signs not meeting the requirements of this chapter are subject to removal by the City. This includes the following:

- A. Signs located on public property that create an immediate threat to the safety of the public.
 - B. Signs that create an imminent danger to persons or property.
 - C. Signs placed in the public right-of-way that do not meet the requirements of this chapter.
 - D. Unauthorized signs placed on any utility pole, public property, public building or public structure, or on any traffic sign.
 - E. Temporary signs placed within the public right-of-way that may otherwise be allowed by this chapter, but which are in a degraded or dilapidated state due to age, exposure to the elements, or damage may be removed by the City. This includes signs that are illegible.
 - F. The public works director or his/her designee will attempt to contact the owner after removal of signs. The owner may contact the public works director or his/her designee to retrieve any signs removed. Failure to retrieve within fourteen days from date of removal will result in disposal by the City. The City shall not be responsible for damages or loss incurred during the removal or storage of any sign.
7. Sign Owner Responsibility. By installing any sign in the City of McCleary, the owner of the sign acknowledges responsibility for compliance with this chapter, for the safety of the sign, and for any and all damage to property or injury to persons resulting from the sign.
8. Compliance. All existing signs within the City which are not in compliance with the requirements of this chapter upon the effective date of the ordinance codified in this title are considered to be nonconforming signs. Nonconforming signs shall be made to conform with the requirements of this section under the following circumstances:
- a. Signs which do not conform with the requirements of this section shall be removed within sixty days of the effective date of this title or, if located within an area being annexed to the City, within sixty days of the effective date of annexation, whichever is later.
 - b. Whenever any modification is to be made to the structure, frame or support of any nonconforming sign, such nonconforming sign shall be removed or brought into conformance with this title. Adding a new sign face to a nonconforming sign which does not modify the shape, size or any structural element of a nonconforming sign shall be permitted.
 - c. Whenever the facade of a building upon which is located a nonconforming wall sign or nonconforming projecting sign is remodeled or renovated, all nonconforming wall signs located on the portion of the facade being renovated shall be brought into conformance with this chapter.

D. Sign Type Standards:

1. Freestanding Signs. The following regulations shall apply to all freestanding signs:
 - a. Location. Freestanding signs shall not be located within the public right-of-way.
 - b. Identification Signs for Residential Development. Each entrance to a subdivision development or manufactured home park may have a freestanding or fence-mounted identification sign up to thirty-two square feet in area. The height of such signs shall not exceed four feet.
 - c. Freestanding signs must have a substantial base that is at least half as wide and thick (measured horizontally) as the sign itself.
2. Portable Signs. The following regulations shall apply to all portable signs:
 - a. Portable signs shall not exceed nine square feet per side.
 - b. No more than one portable sign may be displayed per entity.
 - c. Signs shall be located directly in front of the sponsoring entity during business hours only.
 - d. Signs shall be located so as not to create a traffic safety hazard by obstructing the vision of motorists on private property or public right-of-way.
 - e. Owners of such signs shall assume liability for damage or injury resulting from their use and shall provide the City with an appropriate legal document satisfactory to the City attorney holding the City harmless and indemnifying the City for such resulting loss and/or injury.
 - f. Portable signs shall be nonilluminated.
3. Projecting Signs. The following regulations shall apply to all projecting signs:
 - a. Projecting signs shall not extend more than five feet above the highest exterior wall of the building it serves or, if mounted on the roof ridge line more than two feet above that ridge line.
 - b. Projecting signs shall not be located directly over windows or in conflict with other signs or architectural features of the building as determined by the City.
 - c. Projecting signs in the C-1 and C-2 districts and authorized by the City shall extend no closer than two feet to the edge of the roadway and provide a minimum clearance of ten feet from the highest existing grade.
4. Temporary signs. The following regulations shall apply to all temporary signs:
 - a. All temporary signs shall be removed within thirty days following the event or activity being promoted.
 - b. Temporary Signs in Public Right-of-Way.
 - A. Temporary signs may be located in the right-of-way when they conform with the requirements of this chapter. Temporary signs shall not be located in right-of-way adjacent to public property owned or under the control of a unit of federal, state or local government, or special purpose district such as a school, park, public utility,

port or library district, unless otherwise approved by the unit of government or special purpose district.

- B. All temporary signs shall be placed in a manner that is safe for all users of public right-of-way. Temporary signs shall not block access to structures or parked cars, and shall not block vehicular sight distance at corners or intersections.
- C. Temporary signs shall only be placed in the right-of-way if the sign owner has permission from the owner of the abutting property.
- D. Temporary signs located in City maintained rights-of-way are subject to temporary removal by the City upon the need to conduct work.

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 phrase had been declared invalid or unconstitutional.

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

PASSED THIS ____ DAY OF _____, 2024, by the City Council of the City of McCleary, and signed in approval therewith this ____, day of _____, 2024.

CITY OF McCLEARY:

CHRIS MILLER, Mayor

ATTEST:

JENNA AMSBURY, Clerk-Treasurer

APPROVED AS TO FORM:

CHRISTOPHER JOHN COKER, City Attorney

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MCCLEARY
REPEALING AND REPLACING MCCLEARY
MUNICIPAL CODE CHAPTER 2.72 “PUBLIC
RECORDS”; ADOPTING NEW RULES AND
REGULATIONS GOVERNING PUBLIC RECORDS IN
THE CITY OF MCCLEARY.**

RECITALS:

WHEREAS, RCW 42.56, Washington’s Public Records Act (“Act”) allows the public to request public records from the City; and

WHEREAS, pursuant to the Act, the Washington Legislature requires that each local agency shall provide rules of procedure for the guidance of the public in making requests for inspection or copying of public records; and

WHEREAS, pursuant to the Act, a local agency shall appoint and publicly identify a public records officer whose responsibility is to serve as a point of contact for members of the public in requesting disclosure of public records and to oversee the agency’s compliance with the public records disclosure requirements of the Act; and

WHEREAS, the State Legislators made revisions to the Public Records Act and the City Council desires to adopt them and modify the City’s practices and policies to be consistent with the State law; and

WHEREAS, the City Council held a public hearing on _____ to consider this Ordinance; and

WHEREAS, the City finds that repealing and replacing MMC Chapter 2.72 with the proposed sign verbiage will ensure the City’s Municipal Code is aligned with the Supreme Court decision and will make the administration of the Sign Code more simple and equitable for City staff, citizens, and business owners alike;

NOW, THEREFORE, the City Council of the City of McCleary, Washington do ordain as follows:

SECTION I: MMC Chapter 2.72 titled “PUBLIC RECORDS”, last amended by Ordinance 646 sec. I, 1997, is repealed and reenacted as shown in Exhibit A.

SECTION II: 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 phrase had been declared invalid or unconstitutional.

SECTION III: This Ordinance shall be published by an approved summary consisting of the title.

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

PASSED THIS ____ DAY OF _____, 2024, by the City Council of the City of McCleary, and signed in approval therewith this ____, day of _____, 2024.

CITY OF McCLEARY:

CHRIS MILLER, Mayor

ATTEST:

JENNA AMSBURY, Clerk-Treasurer

APPROVED AS TO FORM:

CHRISTOPHER JOHN COKER, City Attorney

EXHIBIT A

Chapter 2.72

PUBLIC RECORDS REQUESTS

Sections:

- 2.76.010 Authority and purpose.
- 2.76.020 City clerk-treasurer as public records officer –Requesting records.
- 2.76.030 Processing of public records requests.
- 2.76.040 Providing records to requestor.
- 2.76.050 Exemptions.
- 2.76.060 Copying fees.
- 2.76.070 Index of public records – Findings and order.
- 2.76.080 Modifications to fees and charges.
- 2.76.090 Denials of Requests for Public Records – Internal Administrative Review – Judicial Review.

2.76.010 Authority and purpose.

- A. RCW 42.56.070(1) requires each agency to make available for inspection and copying nonexempt “public records” in accordance with published rules. The Act, RCW 42.56.010(3), defines “public record” to include a “writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained” by the agency regardless of physical form or characteristics and specifically excludes records that are not otherwise required to be retained by the agency. RCW 42.56.070(2) requires each agency to set forth " for informational purposes" every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public records held by that agency.
- B. The purpose of this chapter is to establish the procedures the city of McCleary will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the city of McCleary and establish processes for both requestors and the city of McCleary staff that are designed to best assist members of the public in obtaining such access.
- C. The purpose of the Act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The Act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the city of McCleary will be guided by the provisions of the Act describing its purposes and interpretation.
- D. The provisions of this chapter shall not apply to court case records and administrative records maintained by the McCleary municipal court in connection to judicial proceedings and records related to the management, supervision, or administration of the court. Access to these records is governed by Washington State Court Rules General Rule 31.1 and case law.

E. The provisions of this chapter shall not be construed to create any additional legal obligations upon the city or an independent cause of action against the city.

2.76.020 City clerk-treasurer as public records officer – Requesting records.

- A. The city clerk-treasurer is hereby designated as the public records officer (PRO) of the city.
- B. All persons desiring to inspect or receive a copy of public record of the city may make their request by submitting the form furnished by the clerk-treasurer, in person, by mail, email, or fax; or over the telephone.

2.76.030 Processing of public records requests.

- A. *Prompt Responses.* Responses to requests for public records shall be made promptly and pursuant to guidelines established in Chapter 42.56 RCW.
- B. *Acknowledging Receipt of Requests.* Within 5 business days of receiving a written public record request, not including the date on which the city clerk-treasurer receives the request, the city must acknowledge the request in one of the ways provided in this subsection:
 - 1. Provide the record;
 - 2. Provide an internet address or link on the city’s website to the specific records requested, except that if the requester notifies the city that he or she cannot access the records through the internet, then the city will provide access to copies. If copies are requested, provide the copies to the requestor after payment for the copies has been made by the requestor, or, if copies are being released in installments, after payment of a deposit is made pursuant to MMC 2.76.060;
 - 3. Acknowledge that the city has received the request and provide a reasonable estimate of the time the city will require to respond to the request. This estimate will take into consideration the large number or volume of records requested, the complexity of the request, the time it will take to coordinate departments to locate and assemble the requested records, third-party notice, review of records for exemption, and review of exemptions and records by legal staff;
 - 4. If the request is unclear or does not sufficiently identify the requested records, the city will request clarification from the requestor. Such clarification may be requested and provided by telephone. The city clerk-treasurer or designee may revise the estimate of when records will be available based on the clarification from the requestor. If the requestor fails to respond to the request to clarify and the entire request is unclear, the city of McCleary need not respond to the request. Otherwise, the city will respond to the portions of the request that are clear;

5. Deny the public record request. Denial must be accompanied by a written statement of specific reasons therefor.

C. *Identifiable Record*. A public records request must be for identifiable records. A request for all, or substantially all, records prepared, owned, used or retained by the city is not a valid request for identifiable records; provided, that a request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all of the city's records.

D. *Automated Requests*. The city may deny an automated or "bot" request that is one of multiple requests from the requestor within a 24-hour period. "Bot request" means a request for public records that the city reasonably believes was automatically generated by a computer program or script.

E. *Protecting Rights of Others*. In the event that the requested records contain information that may affect the rights of others and may be exempt from disclosure, the city clerk-treasurer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure pursuant to RCW 42.56.580. Such notice should be given so as to make it possible for those other persons to seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request and shall allow the affected person no more than 10 business days to prevent or limit the disclosure of the record.

F. *Records Exempt from Disclosure*. Some records are exempt from disclosure, in whole or in part. If the city believes that a record is exempt from disclosure and should be withheld, the city clerk-treasurer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the city clerk-treasurer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

G. *Privilege Log*. If the city determines that a record is exempt and should be withheld, in whole or in part, the city will prepare and maintain a privilege log of those records. The privilege log will identify the type of record withheld; the date of record; the number of pages withheld; the author and/or recipient; the exemption invoked; and a brief explanation of how the exemption applies to the withheld record. A copy of the privilege log will be provided to the records requestor.

H. *No Duty to Create Records*. The city is not obligated to create a new record in order to satisfy a request for records.

I. *Multiple Requests by the Same Party*. Where a requester makes multiple, separate requests or makes one or more additional requests while a prior request is open, the PRO may queue the requests in the order in which they were received. The PRO is not required to work on additional requests until the initial request is completed and closed. Requesters are solely responsible for requesting to re-prioritize the order of their requests.

- J. *Request for Information.* The city may deny a request for information as the request is not a request for a public “record” as required under Chapter 42.56 RCW.
- K. *No Duty to Supplement Responses; No “Standing” Requests.* The City is only required to provide records that exist at the time a request is made. The City cannot fulfill “standing” requests or requests for records that may be created at a future date.

2.76.040 Providing records to requestor.

- A. *Receiving Records.* The requestor may indicate to the city clerk-treasurer whether he or she wishes to inspect records, have the records copied, pick them up in person, or have the records sent via mail or email.
- B. *Inspection of Records.* If a requestor seeks an opportunity to inspect public records, the city clerk-treasurer shall make the records available for inspection at City Hall during regular business hours. The city clerk-treasurer, or designee, shall be present or otherwise monitor when records are being inspected. The requestor shall indicate which documents he or she wishes the agency to copy and the city clerk-treasurer will notify the requestor when the requested documents will be available to claim.
- C. *Providing Records in Installments.* Public records may be made available on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for public inspection or disclosure.
- D. *Revised Estimate of Time.* At any time while processing a request, the city clerk-treasurer may provide the requestor with a revised reasonable estimate of time within which the city will respond to the request. A revised estimate of time will be based on the factors detailed in MMC 2.76.030(B)(3). In addition, a revised estimate may be based upon any unexpected or unforeseen delays encountered during the request processing, additional requests submitted by the same requestor while the initial request is pending, and change circumstances or other considerations ascertained during processing.
- E. *Providing Electronic Records.* When a requestor requests records in an electronic format, if technologically feasible, the city clerk-treasurer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the city of McCleary and is generally commercially available; or will provide the records in a format that is reasonably translatable from the format in which the agency keeps the record. The requestor may also opt to have the records provided to them on digital storage media or device.
- F. *Withdrawn or Abandoned Requests.* The city may consider a request abandoned and close a request when the requestor either withdraws their request or fails to fulfill their obligations in

the processing of the request. The city may consider a request abandoned in the following circumstances:

1. If an entire request is unclear, and the requestor fails to clarify the request within 30 days of the city's request for clarification;
2. If the requestor fails to inspect records within 30 days of being notified that records are available for inspection;
3. If the requestor misses an appointment to inspect records and fails to contact the city within 30 days of the missed appointment;
4. If the requestor fails to view records within 30 days of being notified that records are available for electronic inspection;
5. If the requestor fails to pick up records at City Hall within 30 days of being notified that the records are available for in-person pick-up; or
6. If the requestor fails to pay a deposit or the final payment for the requested copies of records within 30 days of receiving an invoice from the city for payment thereof.

G. Closing a Request. After the city clerk-treasurer has completed a request for disclosure by providing the requestor with responsive documents and a redaction log, if applicable, the city clerk-treasurer will close the request and inform the requestor of this status. The closure of a request shall signify that the request has been completed and is considered determinative.

2.76.050 Exemptions.

The city adopts by reference the exemptions from public disclosure contained in Chapter 42.56 RCW, including any future amendments thereto or recodification thereof. In addition to exemptions found in Chapter 42.56 RCW, other statutes outside of the Act may prohibit disclosure of specific information or records.

2.76.060 Copying fees.

A requestor may obtain paper copies or electronic scans of public records under RCW 42.56.120; the city will charge for these according to the public records fee schedule established by resolution of the city council.

2.76.070 Index of public records – Findings and order.

A. Findings.

1. The Public Records Act requires all cities and public agencies to maintain and make available a current index of all public records.

2. RCW 42.56.070(4) provides that an agency need not maintain such an index if to do so would be unduly burdensome, but it must issue and publish a formal order specifying the reasons why the extent to which compliance would be unduly burdensome or would interfere with agency operations.
3. The city is comprised of numerous departments, their divisions, and subdivisions, many if not all of which maintain separate databases and/or systems for the indexing of records and information.
4. Because the city has records which are diverse, complex and stored in multiple locations and in multiple computer systems, formats and/or databases, it is unduly burdensome, if not physically impossible, to maintain a current index of all records.

B. *Order.* Based upon the findings set forth in subsection (A) of this section, and pursuant to RCW 42.56.070(4), the city council orders the following:

1. The city is not required to maintain an all-inclusive index of public records due to the undue burden and near-impossibility of maintaining such an index.
2. The city will make available for inspection and/or copying all public records, including any indexes that are maintained by the city, except to the extent that such records are exempt from public disclosure.

2.76.080 Modifications to fees and charges.

All fees and charges identified in this chapter may be modified by the clerk-treasurer or designee, as approved by resolution of the city council from time to time as deemed necessary to reflect increases in the costs of providing the services identified in this chapter. All fees and charges established pursuant to this chapter shall reflect the actual costs of the services provided.

2.76.090 Denials of Requests for Public Records – Internal Administrative Review – Judicial Review.

When a requester disagrees with the City’s decision to withhold or redact a record or portion thereof, the requester may petition in writing (including by email) to the PRO for a review of the decision. The petition must include a copy of the denial or reasonably identify the written denial or claim of exemption made by the PRO.

The PRO will promptly provide the requester’s petition and any other relevant information to the City Attorney to conduct an internal administrative review of the denial/exemption decision. Within two days of the City’s receipt of the petition, or within such other time period mutually agreed upon by City Attorney’s Office and requester, the City Attorney will affirm or reverse the

denial/exemption. If the denial/exemption is affirmed, the requester may seek judicial review pursuant to RCW 42.56.550. If the denial is reversed, the PRO will promptly produce the record for requester.

Ordinance # _____

AN ORDINANCE ADOPTING A NEW ECONOMIC DEVELOPMENT ELEMENT AND PARKS AND RECREATION ELEMENT, AND MAKING OTHER AMENDMENTS TO THE CITY OF MCCLEARY'S COMPREHENSIVE PLAN

RECITALS:

WHEREAS, City of McCleary adopted a Comprehensive Plan in 2002 for the orderly physical development of the City pursuant to RCW 35A.63.060; and

WHEREAS, RCW 35A.63.062 empowers the City to, as part of a comprehensive plan, approve additional optional elements relating to the physical development of the city; and

WHEREAS, the Economic Development Element and the Parks and Recreation Element relate to the physical development of the City; and

WHEREAS, the Land Use Element has been updated to include new land use designations for public and institutional properties and two new overlay districts to increase infill housing and accommodate master planning; and

WHEREAS, the Transportation Element and the Capital Facilities Element have been updated with a 6-year improvement programs; and

WHEREAS, this proposed update sets new 20 year goals for the City and provides updated policies and objectives to help guide decisions about growth, infrastructure and improving quality of life in McCleary; and

WHEREAS, the City of McCleary engaged in a public participation program in accordance with RCW 35A.63.070; and

WHEREAS, per RCW 35A.63.070, the City of McCleary City Council was briefed on the updates to the comprehensive plan at their meeting on March 13, 2024; and

WHEREAS, the City of McCleary held a public hearing on April 10, 2024 to approve the "McCleary Comprehensive Plan Update 2022-2042";

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of McCleary, Washington as follows:

SECTION 1: The City Council adopt the following findings in support of adopting the 2022 update to the McCleary Comprehensive Plan and Future Land Use Map that are the subject of this ordinance:

1. Extensive public outreach was conducted during the Comprehensive Plan update process. A group of citizens formed the Advisory committee and held numerous workshops in the process of reviewing and updating the 2002 comprehensive plan. The City hosted a Comprehensive Plan Update booth at the July 2023 Bear Festival. Information and draft documents were also posted on the city's Website.
2. Washington State Environmental Policy Act (SEPA) review for the Comprehensive Plan update was conducted and a DNS was issued on _____ 2024.
3. The City of McCleary is not fully subject to the Growth Management Act. Per RCW 35A.63.061, McCleary is required to prepare a comprehensive plan for the orderly physical development of the city. The comprehensive plan must have a land use element and a circulation element. The proposed comprehensive plan meets the requirement in that it has the two required elements and exceeds the requirement in that it has four other elements.

SECTION 2: The City Council of the City of McCleary do ordain as follows:

1. The attached "McCleary Comprehensive Plan Update 2022-2024" is hereby adopted in its entirety.
2. All public hearings required by law pertaining to the same, having been duly held, the city council adopts that certain McCleary comprehensive plan entitled McCleary Comprehensive Plan, dated February 2024, as the new comprehensive plan of the city, including any and all maps which are a part thereof.

One copy of the comprehensive plan, with maps which form a part thereof, is on file and shall remain on file in the office of the city clerk, and a copy thereof, with maps which form a part thereof, is also on file in the office of the director of public works of the city. The copies so filed shall be available for public inspection as required by RCW 35A.63.072.

SECTION 3: Severability.

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 4: Effective Date.

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

Section 5: 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 _____, 2024, by the City Council of the City of McCleary,
and signed in approval therewith this ____ day of _____, 2024.

CITY OF McCLEARY:

CHRIS MILLER, Mayor

ATTEST:

JENNA AMSBURY, Clerk-Treasurer

APPROVED AS TO FORM:

CHRISTOPHER JOHN COKER, City Attorney

Resolution No. _____

**A RESOLUTION ADOPTING THE CITY OF
MCCLEARY VIDEO SURVEILLANCE POLICY**

WHEREAS, the City of McCleary has installed video surveillance cameras to enhance public safety and protect city resources; and

WHEREAS, a policy is needed to govern the use of the City’s Video Surveillance, electronic recordings, and to set parameters restricting the non-court ordered use of video surveillance in public places in a manner consistent with accepted rights of privacy; and

WHEREAS, these policy recommendations have been reviewed by the policy committee and the City Attorney; and

THEREFORE, be it resolved, the City of McCleary shall adopt the Video Surveillance Policy labeled as Attachment #1 to this Resolution. The Resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

**PASSED THIS _____ DAY OF MAY 2024, by the City Council of the City of
McCleary, and signed in authentication thereof this ___day of May, 2024.**

CITY OF McCLEARY:

Chris Miller, Mayor

ATTEST:

Jenna Amsbury, Clerk-Treasurer

APPROVED AS TO FORM:

CHRISTOPHER JOHN COKER, City Attorney

CITY OF MCCLEARY VIDEO SURVEILLANCE POLICY

For Video Surveillance Monitoring and Recording of Public Areas for Safety and Security Purposes

PURPOSE

The purpose of this policy is to govern the use of the City’s Video Surveillance and electronic recording. This policy applies to all use of the City’s video surveillance monitoring and/or recording devices affixed to city property. This policy is established to set parameters restricting the non-court ordered use of video surveillance in public places and to enhance public safety and security in a manner consistent with accepted rights of privacy.

DEFINITIONS

1. “Extracting” means copying images from the hard drive or Internet site to some other media (CD ROM, external hard drive, USB drive, etc.).
2. “Monitoring” means real-time viewing or viewing footage.
3. “Personnel” means authorized police officers or non-sworn police personnel.
4. “Recording” means capturing images on a computer disk or drive, Internet storage site, CD-ROM, or videotape 24 hours a day, seven days a week, yearlong.

GENERAL PRINCIPLES

The principle objectives of video surveillance monitoring and/or recording in public areas include:

1. Promote a safe environment by preventing/deterring acts of theft, vandalism, harassment, and/or assault.
2. Assist in identification of individuals involved in criminal activity on City owned or managed property.
3. Assist in the safe daily operation of City parks and related facilities.
4. Assist law enforcement agencies in investigating criminal activity.

To assure there is no violation of a person’s reasonable expectation of privacy, video surveillance cameras shall be focused on public areas and the images shall not be used or disseminated improperly.

The City shall comply with all local, federal and state law applicable to the use of surveillance cameras in public space.

Video surveillance monitoring and/or recording will be conducted in a professional, ethical, and legal manner. Personnel using the video surveillance camera system will be appropriately trained and supervised in the responsible use of this system. Violations of this policy and procedures may result in disciplinary action and may subject those involved to criminal and/or civil liability under applicable state and federal law.

Information obtained through video monitoring and/or recording will be used exclusively for safety, security, and other legitimate purposes. Information obtained through monitoring and/or recording will only be released in accordance with this policy or as required by law or as required by the Public Records Act.

Video surveillance monitoring and/or recording of public areas will be conducted in a manner consistent with all City policies. Except for police investigations involving person(s) whose description is known, this policy prohibits monitoring and/or recording based solely on characteristics and classifications (e.g., race, gender, sexual orientation, national origin, disability, etc.).

Video surveillance monitoring of public areas, dwellings, and businesses in the City of McCleary is limited to uses that do not violate the reasonable expectation of privacy as defined by law.

Video surveillance shall not be used to monitor city employees.

To maintain an informed community, the City will list on its web page information describing the purpose and location of video surveillance cameras and the policy for their use.

INSTALLATION AND APPROVAL

Placement of additional cameras at other City facilities or buildings, such as City Hall, other City properties, public parks, open space areas, public streets or other public locations, requires review by the Chief of Police and approval by the City Council.

When seeking approval, staff will address the following issues and concerns in supporting their request:

1. Explanation for why the camera is needed in the location.
2. Equipment needed, including:

- Type of camera needed.
 - Location of camera – where to be affixed.
 - Location of necessary equipment.
3. Other deterrence or detection measures that were considered, and why video monitoring is the best solution.
 4. Any specific, verifiable reports of incidents of crime or significant safety concerns that have occurred in the location to be placed under video monitoring.
 5. Possible effects of the proposed video monitoring system on personal privacy, if any, and how they will be mitigated.
 5. Appropriate consultation with stakeholders, including the public or reasons why this is not necessary.
 6. Approach to installing and maintaining the system.
 7. Fiscal impact and availability of funding.

Permanent, fixed-mounted cameras will not be placed in areas where a reasonable expectation of privacy is standard, such as inside restrooms.

1. Cameras located internally will not be directed to look through windows to areas outside the building, unless necessary to protect external assets, provide for the personal safety of individuals or deter criminal activity from occurring.
2. Cameras will not be directed to look into adjacent, non-City owned buildings.
3. Placement of cameras will also take into consideration physical limitations such as availability of power, cell reception and reasonable mounting facilities.

OPERATING PROCEDURES

Nothing in this policy is intended to limit the reasonable and legal use of the video surveillance cameras during exigent circumstances involving matters of public and/or officer safety. All recording or monitoring of public areas for security and safety purposes by City authorized cameras is limited exclusively to practices that will not violate the standards of a reasonable expectation of privacy as defined by law. All video recordings will be video only, no audio recording is allowed.

Oversight/Administration:

The City of McCleary Police Department (MPD) is the department authorized and responsible to oversee and coordinate the use of public cameras in the City. The MPD has primary responsibility for ensuring adherence to this policy and for disseminating the policy to persons requesting information on the policy and procedures.

The Chief of MPD, or his/her designee has the responsibility to authorize all video surveillance monitoring for safety and security purposes in the City. The Chief will have the administrative rights to the system including setting up staff access and log in credentials. City Council and the Mayor shall not have access to the system.

The MPD is responsible for following new developments in the relevant laws and in security industry practices to ensure that video surveillance monitoring and/or recording in the City is consistent with high standards and protections.

The MPD will assist in aiming and focusing the cameras during the installation phase and will view and manage data from the cameras.

Training:

1. All personnel operating the video surveillance system will be trained in the technical, legal, and ethical parameters of appropriate camera use.
 - a. Personnel will receive a copy of this policy and provide written acknowledgement that they have read and understood its contents.
 - b. Personnel will receive updated training on this policy as needed. In circumstances in which video surveillance cameras are monitored, all personnel involved in monitoring and/or recording of public areas will perform their duties in accordance with the law and this policy.
2. The Chief of Police or his/her designee will ensure that responsible and proper camera monitoring/recording practices by personnel are followed by conducting periodic audits of the video surveillance camera system.

Operation:

1. The video surveillance cameras will be monitored by police department personnel. The Chief of Police will assign a designee to periodically review video systems to insure they are functioning properly and recording correctly using the proper date/time stamp.
2. An officer will be dispatched to any area in which a crime, offense, motor vehicle accident, public safety risk, traffic problem, or other incident which necessitates police intervention.
3. Video surveillance cameras shall be used to observe locations that are in public view and where there is no reasonable expectation of privacy. Any view provided by a video surveillance camera shall be no greater than what is available from the public vantage point.
4. Personnel shall not monitor/record individuals based on characteristics of race, gender, ethnicity, sexual orientation, disability, or classification such as national origin, etc. protected by state and federal laws. Personnel will monitor/record based on suspicious

behavior, not individual characteristics. **EXCEPTION:** Police investigations involving person(s) whose description is known.

5. The monitoring equipment will be configured to prevent personnel from tampering or duplicating recorded information without authorization.

6. Personnel shall not disseminate information learned from monitoring video surveillance public cameras unless such release complies with the law, this policy or other information release laws or policies.

7. Camera positions and views of residential housing shall be limited. Any view given to housing will be no greater than what is available with unaided vision. Furthermore the view of a residential housing facility must not violate the standard of “reasonable expectation of privacy.”

RETENTION, EXTRACTION AND STORAGE

Recorded video records are stored on the cloud until the record is superseded by being overwritten with new records, unless retained as part of a criminal investigation or court proceedings (criminal or civil), or other bona fide use as approved by the Chief of Police. Images obtained through video camera monitoring/recording will be retained for a length of 30 days, unless such images need to be retained longer for the final resolution of a case.

Downloaded/ archived video recorded images will be stored in a secure location with access by authorized personnel only.

Only trained Staff authorized by the Chief of Police shall be authorized to extract video from footage from the Internet, computer disk, or drive.

Any video footage extracted for investigation purposes shall be stored in a manner that will exclude access by unauthorized personnel. Video footage, which is evidence, will be processed and stored in the evidence room with access by authorized personnel only.

EXCLUSIONS

This policy does not apply to the use of surveillance, or to the conduct of surveillance monitoring or recording by a law enforcement agency engaged in a legitimate criminal investigation. This policy does not apply to the use of hand-held video cameras, police body cameras or police dash cameras.