

REGULAR COUNCIL MEETING

August 5, 2015

Officials in Attendance: Mayor Dorothy Knauss; Councilmen John May, Payton Norvell and John Wight; Councilwomen Sharon Ludwig, Carra Nupp, and Roberta McMillin.

Staff Present: City Administrator Mike Frizzell, City Attorney Charles Schuerman, Clerk/Treasurer Pamela McCart

Absent: Councilwoman Krisan LeHew

The Mayor called the meeting to order at 6:30 PM.

Audience Comments: None

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Announcements/Appointments, including:

- Mayor's Youth Award to Avery Arnold.
- Motion by Councilwoman Nupp to excuse absence of Councilwoman LeHew, seconded by Councilwoman Ludwig. Roll call vote taken with all in favor. Motion carried.
- Mayor read resignation of Teresa Shannon from the Planning Commission.
- The Chewelah Wastewater Treatment Plant will be receiving the 2014 Wastewater Treatment Plant Outstanding Achievement Award from the Department of Ecology.

Consent Agenda:

Motion by Councilwoman Ludwig approving Consent Agenda consisting of:

- >July 1st Regular Minutes
- >July Payroll and Claim Vouchers

Seconded by Councilwoman Nupp. Roll call vote taken with all votes in favor. Motion carried.

Public Hearing on Amendments to Official Zoning Map:

The Mayor opened the public hearing and set forth the format that would be followed. There were no objections to the Mayor participating as chairman. There were no objections to any Councilperson's participating in the proceedings. No Councilperson acknowledged any communications outside of this hearing and no Councilperson acknowledged any gain or interest with regard to this matter.

CITY ADMINISTRATOR MIKE FRIZZELL explained the four corrections, referencing staff report prepared by City Planner Chaz Bates dated August 5, 2015, attached hereto and made a part of these minutes. He stated that it wasn't until a couple of requests for building permits were being processed that these errors were noted – and the person who does the GIS for the County caught a couple of others.

PUBLIC TESTIMONY:

There was no written or oral public testimony.

THE MAYOR CLOSED THE PUBLIC HEARING.

Committee/Commission Reports:

- Finance/Councilwoman Ludwig: Participated in audit exit conference call; discussed utility charges; looking at salaries for the upcoming budget process.
- Park-Recreation-Cemetery/Councilwoman Ludwig: Looking at park use and trying to expand some of those – have the right kinds of guidelines/policies.

City Administrator Report:

- Charlie received the order to abate the property at Tamarack Lane. I contacted three vendors from the small works roster who perform that type of work. The lowest qualified bidder was Colville Construction. Motion by Councilwoman Nupp to accept low bid of \$13,500 plus tax by Colville Construction for house demolition at 1002 Tamarack Lane, seconded by Councilman May. Under discussion, the C/A stated that part of the scope of work includes an asbestos survey – so there is an off chance that it could cost more if asbestos removal is required. The City Attorney explained that he had obtained a court order allowing the City to perform the abatement -- but he reserved from the court a judgement to first allow the City to calculate what its total costs were to do the work, including attorney fees. He will go back to the court and obtain a judgment at a future date that will include all those costs. That will become a lien that can be foreclosed on in three years by the County Treasurer and it will have equal status as that of any other tax lien. The current owner still holds title to that property. It's the tax sale that will sell that real property to the highest bidder. At that point in time there will be other judgement liens by Stevens County against the property which would have second priority. The City would be bidding the lien amount -- there could be bids of more than that. The likelihood is that the City may or may not own it -- if ours is the only bid then we would own the property. Roll call vote taken with all in favor. Motion carried. The C/A added that Colville Construction would be able to start this in about a month as they had recently been awarded rebuild of the Colville shop that just burned down.
- The completion of the plans for the City shop has been postponed due to a medical emergency with our engineer. An addendum was sent to the plan holders to let everyone know and that a second addendum will be issued when the plans are done requesting bids two weeks from that point which will allow time for bids to be accepted at the September meeting.
- The Facilities Committee met and one of the properties we're talking about possibly selling is the library to the library district. So far we've created a description for the building itself and the property surrounding it so that if we do sell it, it is ready for lot line adjustment. The committee decided that the only appropriate way to determine the sale price is to have the only certified commercial appraiser, Dave Sitler, appraise it. I'm asking Council to accept this process so that when the appraisal is received we can contact the library district and start the conversation. The sale would basically be wall to wall, so everything from the bricks in would belong to the library district. It would not include the rear hall way.
- Last time we met I was directed to tell Stevens County and Sunshine Disposal that we were not going to move forward with our agreement anymore. Our share of the agreement states that we would pick up the garbage around the site – that was when it was behind city hall. It has morphed into three different locations since then, resulting in tipping costs/man hours to haul the garbage off. It's been two years of communication that have gone nowhere with promises of sign placement and cameras. Stevens County informed me last week that they would not be putting up signs -- that most of the fault lies in the lap of Sunshine and they were not going to move forward with the cameras. They want Sunshine to do things differently and if that doesn't work out in a month's time, then they will pull the plug and get rid of the site. Our choices are to either back out of the agreement now or wait another month and see how it pans out and have them move the location – the agreement would be null and void at that point. During discussion Councilman Wight stated that at some point the City should step up with a recycling program – perhaps abandon the existing site for now and once the new City shop is in place we'd have a secure area back there – we could have a discussion with Stevens County Landfill to arrange to have a site that is open during the daylight hours and monitored. The C/A added that there would be four cameras at the new shop site. Councilman Norvell expressed his concern with increased cost to pick up what would now be placed in City refuse containers.

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Motion by Councilman May to discontinue picking up garbage at recycling site, seconded by Councilwoman Nupp. The City Attorney stated that it would be more appropriate to give notice to be out of the agreement and maintain the site until that time. Councilman May withdrew his motion and Councilwoman Nupp withdrew her second of that motion. Motion by Councilwoman Nupp to submit thirty day notice to Stevens County of the City's intention to terminate the intergovernmental agreement for placement of recycling containers and not renew the contract, seconded by Councilman May. Roll call vote taken with Councilman Norvell voting against, remaining votes in favor. Motion carried.

City Attorney Report:

- The Mayor stated that the City had received the Attorney General's opinion with regard to the question that was submitted in May 2014 asking in what circumstances a City could transfer surplus funds from its utility accounts to its general fund. City Attorney Schuerman stated that this opinion addresses almost everything with respect to second class cities -- we are now a code city -- so I will have to perform some interpolations to see how that parallels. One of the differences is that second class cities are required to charge the utility a 4 percent value of the facilities as a fixed amount transfer. You may recall that the State Auditors led the City in the direction that if you had any surplus at all you were required to reduce rates. Cities are allowed to make a small profit on their utility companies and they can choose to transfer that profit to the general fund or elect to reduce the rates. That does not mean you are given carte blanche authority to transfer x dollars every year from a utility account to the general fund to shore it up. Cities are allowed extreme discretion as to how those rates are set. It is an extremely high burden for any taxpayer to challenge those rates. One of the things referred to is a mechanism called a ballot box whereby voters can reelect other people who may set lower rates. I think this opinion will hold up whether you're a second class or a code city.

Old Business: None

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New Business:

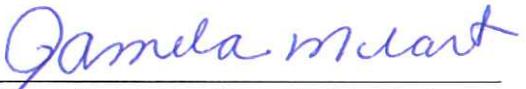
- The Clerk read the introduction of Ordinance # 887. Motion by Councilman May to Adopt Ordinance #887 Making Housekeeping Amendments to Recently Adopted Zoning Map, seconded by Councilwoman Nupp. Roll call vote taken with all in favor. Motion carried.
- The Mayor stated that at the last meeting Councilwoman LeHew had mentioned that she had spoke with Chris Branch, Planner for City of Oroville, who had told her "whatever you do don't get rid of your Planning Commission". Mike and I knew Councilwoman LeHew would not be at this meeting so we contacted Mr. Branch - we told him what our situation was. The C/A stated that Mr. Branch said that wasn't exactly what he said - his only concern is what you've already expressed - that the public have input. If you're putting something like that in place, which is what we would do, then he wouldn't have any concerns beyond that. The Mayor added that Mr. Branch was very comfortable with having a hearing examiner for appeals because that is a trained person who knows zoning and all the laws pertaining to that. I guess we'll open it for further discussion -- we're down to three members now with no training. The C/A mentioned that if the Council decided to eliminate the Planning Commission -- it would be a process that would take some time (change the City code, find a hearing examiner, etc.). Citing the RCW's, the Mayor stated that if we had a hearing examiner, we would not need a board of adjustment - and the examiner would be someone we would hire on an as need basis. If Mike made a decision as building official and Chaz backed up that decision as City Planner and the person still wasn't satisfied then that person would first come to the Council -- and if the Council upheld the decision then the person would have the right to a hearing before the hearing examiner. Motion

by Councilwoman Ludwig to start the process of eliminating the Planning Commission and supplementing the existing Planning Agency with a hearing examiner, seconded by Councilman Wight. Roll call vote taken with Call votes in favor. Motion carried.

The Mayor adjourned the meeting at 7:35 PM.



Mayor Dorothy L. Knauss



Clerk/Treasurer Pamela McCart

STAFF REPORT DATE: JULY 16, 2015

HEARING DATE AND LOCATION: On August 5, 2015 beginning at 6:30 p.m. the Chewelah City Council will hold a public hearing to consider minor modifications to the zoning map to correct errors found during the publication of the zoning map.

The hearing will be held in the City Council Chambers, 301 East Clay Avenue, Chewelah WA 99109.

PROPOSAL DESCRIPTION: The proposal is to adopt amendments to the Official Zoning Map for the City of Chewelah. The purpose of the amendments is to make corrections to parcels with incorrect or missing zoning districts.

PROPOSAL LOCATION: This proposal affects development within the boundaries of the City of Chewelah, Stevens County, Washington. The specific areas are:

- The Chewelah Industrial Park change from Single-family Residential to Commercial Industrial
- The area south of Spence Road and east of Third St East from no zone to Single-family Residential
- The area west of the city pool and armory building from no zone to Community Facilities (vacated ROW)
- The manufactured home parks near North Baker, West Clay, and North Ridge Streets from Single-family Residential to Multi-family.

APPLICANT: City of Chewelah

APPROVAL CRITERIA: Washington Administrative Code (WAC) 365-195, Revised Code of Washington (RCW) 36.70A, Chapter 16.04 of the City of Chewelah Municipal Code (CMC) (State Environmental Policy Act Guidelines), and Chapter 18.16.050 (Amendments) of the CMC are the primary guidelines for adopting an update to the Chewelah, Washington Code of Ordinance.

SUMMARY OF RECOMMENDATION: The City Council of the City of Chewelah after a duly noticed public hearing, deliberation, and in accordance with the findings and conclusions of this report unanimously recommends that the Chewelah City Council approve the proposed correction to the Zoning Map Exhibit 3.

STAFF PLANNER: Chaz Bates, Studio Cascade Inc., Contract Planner, City of Chewelah

REVIEWER: Mike Frizzell, City Administrator, City of Chewelah

ATTACHMENTS:

- Exhibit 1: Public Notices
- Exhibit 2: Commerce Submittal Letter
- Exhibit 3: Draft Zoning Map and related Zoning Code amendments



I. BACKGROUND INFORMATION

A. Purpose and Intent:

In accordance with the periodic review requirement the Washington State Growth Management Act, the City of Chewelah adopted an official zoning map. During the final production of said zoning map, minor inadvertent errors were identified. These errors generally involved applying inconsistent zoning to a specific property or not applying a zoning district at all. This proposal corrects these errors.

B. Processing:

The initial development and adoption of the zoning map was in accordance with the City's public participation policy. The minor corrections, considered housekeeping have used an expedited process. The process did use Chewelah Municipal Code Section 18.20, which specifies the review and notice procedures for zoning code amendments. The following table summarizes some of the key dates for this proposal:

Expedited Review Request Department of Commerce	July 7, 2015
SEPA Addendum	July 16, 2015
City Council Public Hearing Notice:	July 16, 2015
City Council Public Hearing	August 5, 2015

C. Zoning Code Amendment Summary:

Amend Section 18.08.010 - Text and official map. This section provides a listing of the zones shown on the map and described within Title 18 - Zoning. The proposed amendments adopt a zoning map consistent with the Future Land Use Map of the adopted Comprehensive Plan and making minor corrections as identified below and proposed in Exhibit 3.

Correction 1:

This correction is for the area is generally north of West Clay between Hunt and Ridge Streets. The change is from Single-family Residential R-1 to Multi-family (R-3). The parcels affected are the manufactured home park and adjacent parcels. The existing use on these parcels is not permitted in the R-1 zone.

Correction 2:

This correction is for the area south of Spence Road and east of north Third Street east. According to Stevens County records, this area is within the City of Chewelah's urban growth area. The change is from a Stevens County zone to Single-family Residential (R-1).

Correction 3:

The correction is for the Chewelah Industrial Park; part of the Industrial Park was not included on the map. The area has been corrected and zoned Industrial.

Correction 4:

The correction is for the area north of Chewelah Avenue along 4th Street east. This area was identified as right-of-way on the previous map when it's actually area related to park facilities.

II. FINDINGS AND CONCLUSIONS SPECIFIC TO SEPA

Findings:

Section 16.04 (State Environmental Policy Act Guidelines) of the CMC implements the State Environmental Policy Act (SEPA) and Chapter 197-11 of the Washington Administrative Code (WAC) within the jurisdictional limits of the City of Chewelah. The City issued an Addendum for the proposal, no comment period is required.

Conclusion(s):

Staff concludes that compliance with the State Environmental Policy Act (SEPA) has been fulfilled and the issuance of the Addendum is consistent with state and local law. The City did not receive an appeal of the DNS.

III. FINDINGS AND CONCLUSIONS SPECIFIC TO AGENCY COMMENTS

Findings:

Notice of intent to adopt amendments to the Zoning Map was completed on July 7, 2015. No agency comments were received.

Conclusion(s):

Appropriate noticing has been provided to agencies with jurisdiction. No comments from agencies have been received.

IV. FINDINGS AND CONCLUSIONS SPECIFIC TO THE PROPOSAL

A. Compliance with Findings from CMC 18.16.050 of the Chewelah Municipal Code:

Section 18.16.050 of the Chewelah Municipal Code provides direction to findings for adopting amendments to the Zoning Code and identifies the required findings in order to recommend approval of the proposed amendments. Since the proposal is to make minor corrections to items missed in the initial adoption of the zoning map, the analysis for the amendments is the same as the adoption of the initial zoning map and code amendments. No further analysis was needed and the findings are identical to those made by the City Council on May 6, 2015.

The proposed plan is consistent with the intent and goals of the Chewelah comprehensive plan and meets the requirements and intent of the Chewelah Municipal Code.

The proposed amendments to the Zoning Code are part of the periodic update as required by the GMA. The amendments implement the recently adopted update to the Comprehensive Plan by removing older zoning districts no longer supported by the comprehensive plan. Also, the adoption of an official zoning map will clarify and enhance the relationship between the comprehensive plan and zoning regulations. Further, the proposed amendments are consistent with the requirements of the Chewelah Municipal Code.

The proposed plan is consistent with applicable federal and state laws and regulations.

The proposed amendments are consistent with applicable federal and state laws; in fact, the proposed amendments create consistency by removing existing zoning districts that prohibit

manufactured homes. The proposed updates were also developed consistent with Washington Administrative Code (WAC) 365-195 and Revised Code of Washington (RCW) 36.70A, specifically meeting the periodic review and update requirement.

The city and other responsible agencies and special zones will be able to supply the development resulting from the zoning changes with adequate roads and streets for access and circulation, water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection.

The proposed code changes implement the adopted comprehensive plan, which identified projected need for roads, water, sewer, police, and emergency services. The comprehensive plan identified improvements and financing to meet this projected need. The projected need and improvements are consistent with the comprehensive plan analysis; further, reviewing agencies did not indicate they were not able to meet the projected development with public services.

The plan adequately mitigates impacts identified through the SEPA review process, if applicable.

The City completed a SEPA Checklist to evaluate the environmental impacts of the proposed amendments. That evaluation resulted in the City issuing threshold determination of non-significance. Many of the impacts identified as a result of the amendments were found to be mitigated through the goals and policies of the Comprehensive Plan.

The plan is beneficial to the public health, safety, and welfare, and is in the public interest

The proposed amendments to the Zoning Code and the adoption of the City's first official zoning map benefit the public health safety, and welfare. The proposed amendments do this by clarifying where each zoning districts applies, removing old incompatible zoning districts, removing illegal zoning districts, and clarifying standards for multi-family development. The proposed regulations also give developers and residents clear consistent regulation enhancing predictability. Finally, it protects the property rights of landowners from arbitrary and discriminatory actions.

Conclusion(s):

Based on the staff's review of the proposed corrections to the Zoning Map for compliance with the findings in Chapter 18.16.050, staff concludes the amendments are consistent with the goals and policies of the city's comprehensive plan, city's development regulations, and other state and federal laws. Finally, the Plan does not have significantly adverse environmental impacts and protects the health, safety, and general welfare of the public.

V. STAFF RECOMMENDATION

After review and consideration of the proposed correction to the zoning map, the findings and conclusions identified this report; all relevant federal, state, and local laws; and staff recommends that the City Council approve the Zoning Map amendments as identified in Exhibit 3.

City of Chewelah Zoning Map

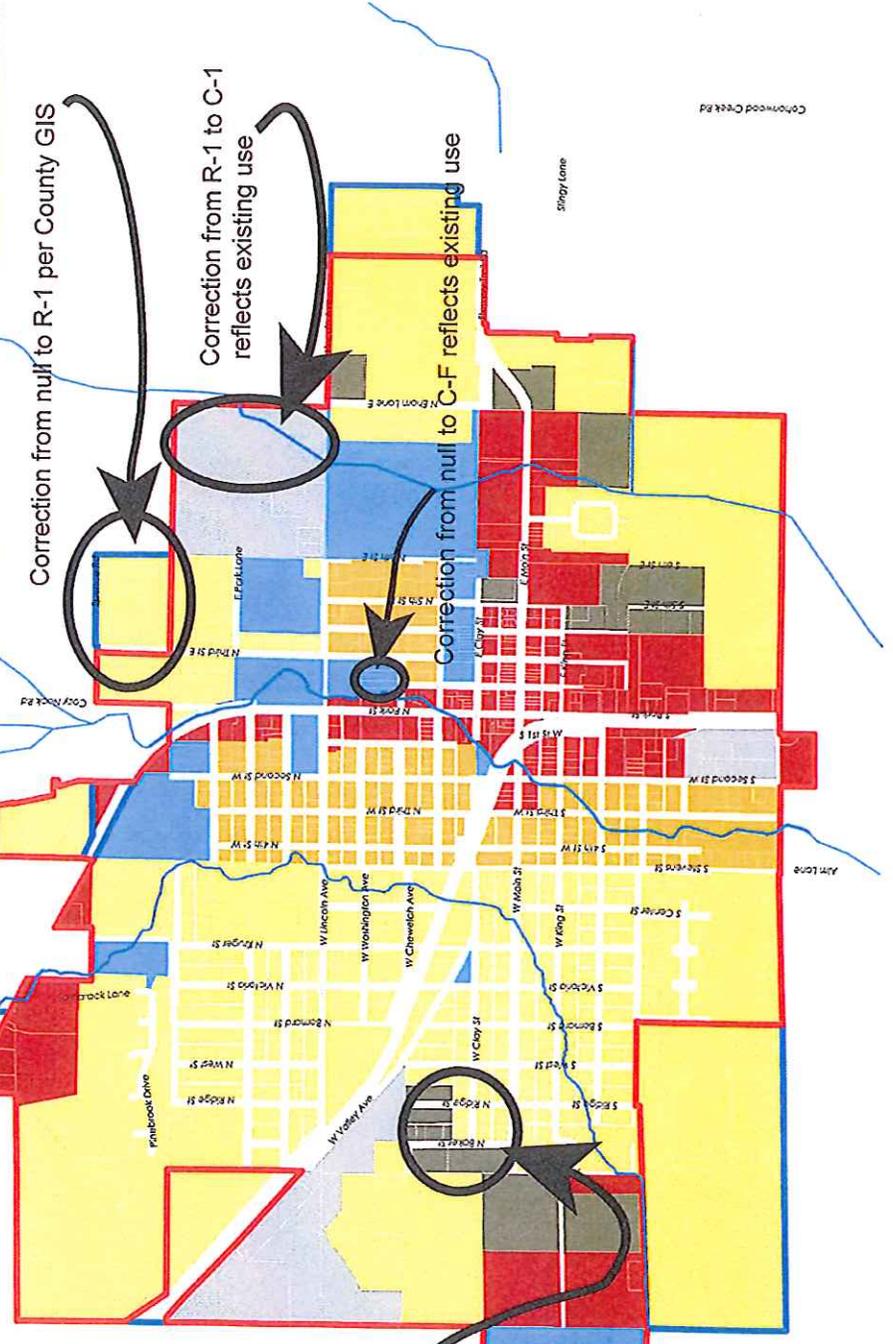
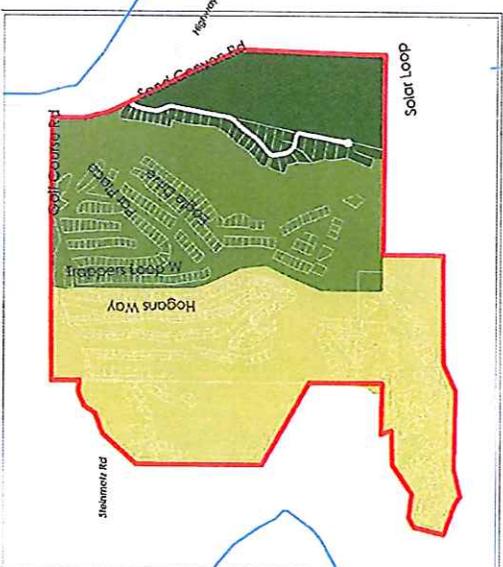
City Limits Urban Growth Boundary

Chewelah Zoning Districts

- Retail Business (R-B)
- Commercial Industrial (C-I)
- Community Facilities (C-F)
- Single-family Residential (R-1)
- Single-family Residential High Density (R-3)
- Multi-family Residential (R-1B)
- Multi-family Residential High Density (R-3)
- Airport Golf Course 1 (APGC-1)
- Airport Golf Course 2 (APGC-2)
- Airport Golf Course 3 (APGC-3)

0 1,000 2,000 3,000 4,000 5,000 Feet

City of Chewelah Zoning Map adopted by Ordinance 884 on May 6, 2015



Correction from R-1 to R-3 reflects existing use

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