REGULAR COUNCIL MEETING

July 19, 2017

Officials in Attendance: Mayor Dorothy Knauss; Councilmen John May, Payton Norvell and John Wight; Councilwomen Dee Henderson and Carra Nupp

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

Absent: Councilwoman Sharon Ludwig

Vacant: Council Position #6

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

Audience Comments:
- Brandon Hansen discussed his concerns regarding the Council’s recent decision to maintain the ban on recreational marijuana – he thought it was made without sufficient research.
- Nicole Norvell added that the American Institute for Drug Abuse specifically states that marijuana, alcohol and nicotine affect brain activity of adolescents in the same way. “So if you are against a pot shop in town then I assume you would be against having alcohol or nicotine sold in the city as well”.

Announcements/Appointments:
- Motion by Councilman Norvell to excuse absence of Councilwoman Ludwig, seconded by Councilman May. Roll call vote taken with all in favor. Motion carried.

Public Hearing on Proposed Partial Vacations of Parcels 0284050 and 555551:
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.

Staff Report: City Administrator Mike Frizzell: The proposal is basically to exchange the two checked areas of parcels 5555551 and 0284050. Those are existing right-of-ways. The top one is an existing right-of-way, old alley way, and the only place it exists is between Fourth Street and Kruger — it’s vacated further up. And the one below was an easement for a water line. That easement — and a portion of 10 feet of an old right-of-way from Grant Street as well -- is combined with that. That’s where a water line used to go — run east and west and it ran underneath the creek and then underneath the garage on the right side of the page. Due to leaks, we had to shut that line down and it isn’t the greatest place to have a water line. So I spoke with the property owner who was willing to trade us the existing easements that don’t work for our water system with ones that do. So from the middle of the page we trade an easement running north and south and then from that point to the left of the page out to Kruger. So the City’s benefit to this is we have a much better water system, fire flow and water quality for all the City in that area. The benefit to the property owner is he no longer has right-of-ways running through his buildings — it makes his property more usable — so he has access to each one of the properties after each one of the lot lines are adjusted. It’s a win/win for everybody but we have to do the vacation of the properties first and then we can do the lot line adjustments to reorganize where those new right-of-ways are.

Contracted city planner: Ryan Hughes, Studio Cascade recommended approval of VAC-01-2017 subject to conditions, as per his Staff Report dated 5-23-17 consisting of 5 pages attached hereto and made a part of these minutes.
THERE WAS NO ORAL OR WRITTEN PUBLIC TESTIMONY.  
THE MAYOR CLOSED THE PUBLIC TESTIMONY PORTION OF THE HEARING.

Committee/Commission Reports: None

City Administrator Report:
- After requesting bids from five contractors on the small works roster for emergency road repairs, two bids were received: Interstate Concrete for $27,834.31 and Arrow Concrete for $57,571.38. Motion by Councilman May to accept low bid of $27,834.31 by Interstate Concrete for emergency road repairs, seconded by Councilman Norvell. Roll call vote taken with all in favor. Motion carried.

Old Business:
- The clerk read Resolution #17-04. Motion by Councilman Norvell to adopt Resolution #17-04 Revising Agenda Format for Regular City Council Meetings, seconded by Councilwoman Nupp. Roll call vote taken with all in favor. Motion carried.
- The Mayor stated that in the process of preparing the pre-application for USDA Rural Development grant for a fire station, she discovered that the program was not for grant funding but for a loan. The only portion of what we were looking for is a $15,000 grant which is not available this year. Since Council had directed her to apply for a grant, not a loan, she asked the Council how they wanted staff to proceed. CDBG has grants for fire stations and the next grant cycle is March 1st. We may have another option that we're not ready to discuss tonight. In response to the Mayor's inquiry as to how much funding the project required, the C/A stated that about six/seven years ago an architect had designed a preliminary plan for a two-port fire station – this was done at the time because funding is more likely to be obtained with a shovel ready project. That design has two different values: one with an unfinished interior @ $185,600 and the other with a more finished interior with sheet rock instead of reflective plastic @ $225,000. So if we go with those designs, those are the amounts we're talking about -- other values aren't available because he did not have another design to compare it to. It was the consensus of Council for staff to continue to look into the three options mentioned and to place the matter on the August 2nd regular agenda under 'Old Business'.

New Business:
- The clerk read the introduction of Ordinance #914. Motion by Councilman Norvell to adopt Ordinance #914 Vacating a Portion of a City Owned Parcel and a Portion of a City Right-of-Way, seconded by Councilman Wight. Roll call vote taken with all in favor. Motion carried.

The Mayor adjourned the meeting at 7:16 PM.

[Signatures]

Mayor Dorothy L. Knauss

Clerk/Treasurer Pamela McColl
Staff Report Date: May 23, 2017

Proposal Description: Vacation Application file number VAC-01-2017: a proposal to vacate a portion of a city owned parcel, and a portion of city right-of-way that is currently a platted alley.

Proposal Location: Parcel No. 0284050, 5555551; the alley bordering 810 N Kruger St to the north and the parcel bordering it to the south; further described as a portion of SE ¾ of Section 11, Township 32, Range 40, Stevens County, Washington

Proposal Owner/Applicant: City of Chewelah

Approval Criteria: Sections 17.12.070 (Vacation and alteration), and 18.08.080 (Single-family residential (R-1) zone) of the City of Chewelah Municipal Code are the primary development regulations applicable to these sites.

Summary of Recommendation: After review and consideration of the submitted application, the City of Chewelah Comprehensive Plan, and applicable approval criteria, staff recommends approval of the Vacation Application file number VAC-01-2017 subject to the conditions of approval specified in this staff report.

Staff Planner: Ryan Hughes, Contract Planner, City of Chewelah

Reviewed By: Mike Frizzell, City Administrator, City of Chewelah

Attachments:

Exhibit A: Vacation Site Map

I. BACKGROUND INFORMATION

A. Application Processing:
The following summarizes key application procedures for this proposal:

<table>
<thead>
<tr>
<th>Application Submittal:</th>
<th>May 4, 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completeness Determination:</td>
<td>May 8, 2017</td>
</tr>
<tr>
<td>Notice of Application Issued:</td>
<td>May 19, 2017</td>
</tr>
<tr>
<td>Published Notice of Hearing (Hearing Examiner):</td>
<td>May 19, 2017</td>
</tr>
<tr>
<td>Date of Public Hearing (Hearing Examiner):</td>
<td>June 6, 2017</td>
</tr>
<tr>
<td>Published Notice of Public Hearing (City Council):</td>
<td>To be included in CC agenda notice</td>
</tr>
<tr>
<td>Date of Public Hearing (City Council):</td>
<td>July 5, 2017</td>
</tr>
</tbody>
</table>

B. Property Information:

<table>
<thead>
<tr>
<th>Size and Characteristics:</th>
<th>Approximate parcel sizes: 12,700 ft² and 6,342 ft². Peye Creek runs through the far east portion of each parcel.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Comprehensive Plan Designation:</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>Existing Zoning:</td>
<td>Single Family Residential (R-1)</td>
</tr>
<tr>
<td>Existing Land Use:</td>
<td>Single Family Residential</td>
</tr>
</tbody>
</table>
C. Surrounding Comprehensive Plan, Zoning, and Land Uses:

| North: Comprehensive Plan – Single Family Residential |  |
| Zoning – Single Family Residential (R-1) |  |
| Existing Land Use – Residential |  |
| South: Comprehensive Plan – Single Family Residential |  |
| Zoning – Single Family Residential (R-1) |  |
| Existing Land Use – Residential |  |
| East: Comprehensive Plan – Public/ Single-family residential |  |
| Zoning – Community Facilities (C-F)/ Single family residences (R-1B) |  |
| Existing Land Use – Public/ Residential |  |
| West: Comprehensive Plan – Single Family Residential |  |
| Zoning – Single Family Residential (R-1) |  |
| Existing Land Use – Residential |  |

II. FINDINGS AND CONCLUSIONS SPECIFIC TO SEPA

Findings:
Peye Creek runs through the eastern portion of both city right-of-ways.

Conclusion(s):
The vacation proposal is categorically exempt from threshold determination and EIS requirements pursuant to WAC 197-11-800 and Section 16.04.270 of the City of Chewelah Environmental Ordinance.

III. FINDINGS AND CONCLUSIONS SPECIFIC TO THE VACATION REQUEST

A. Compliance with Title 17.12.070 (Vacation and alteration) of the Chewelah Municipal Code

Findings from CMC 17.12.070 are in italics below and are followed by the staff’s response:

a. The alteration to the previously approved subdivision is in compliance with the Chewelah Comprehensive Plan and the Zoning Ordinance.

The original lot division and platting of this area was approved by the Chewelah Town Council on April 7th, 1909 as the “Mill Addition to Chewelah, Wash”. Subsequent reconfiguration of adjacent lots in their current form are based on recorded deeds (see email – Becky Smith, Stevens County Assessor’s Office, April 7, 2017).

By vacating portions of City right-of-way, and subsequent right-of-way dedication in the same vicinity, the City will gain dedicated access to the existing public sanitary sewer system network. In addition, certain “land locked” parcels will gain access via public right-of-way and certain non-conforming structures (based on current setback requirements) will be made to conform to current requirements.

Based on staff’s review the proposal to vacate portions of City owned right-of-way is in compliance with City zoning and the Comprehensive Plan.

b. The public use will be served by the alteration to the previously approved subdivision.
As previously stated, the vacation (and subsequent dedication) of City right-of-way will provide the City with dedicated access to the City's existing sanitary sewer network. It will bring certain existing structures into zoning conformance, and provide access to existing lots.

c. Adequate provision for easements and dedication to accommodate utilities and public facilities has been made.

The vacation of portions of City right-of-way (and subsequent right-of-way dedication) will assist the City in providing dedicated access to existing sanitary sewer lines. As a condition of application approval, an existing utility easement, recorded January 14, 1999 (Auditors File No. 19990000462) will be retained to provide legal access to existing utility power lines.

d. If any land within the alteration is part of an assessment district, any outstanding assessment shall be equitably divided and levied against remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration.

Based on staff's review, parcels adjacent to the proposed right-of-way vacation(s) are not within, or a part of, an assessment district.

IV. FINDINGS AND CONCLUSIONS SPECIFIC TO PUBLIC COMMENT

Findings:
Notification of the proposed vacation was properly published in the journal of record (Chewelah Independent) on May 9th, 2017. Sign notice of the proposed vacation was properly posted on-site on May 19th, 2017. No written public comments have been received as of the date of this report.

Conclusion(s):
Staff concludes that adequate public noticing was conducted for VAC-01-2017 in accordance with adopted public noticing procedures provided in CMC 18.20.040.

V. FINDINGS AND CONCLUSIONS SPECIFIC TO AGENCY COMMENTS

Findings:
No written agency comments have been received as of the date of this report.

Conclusion(s):
Staff concludes that adequate public noticing was conducted for VAC-01-2017 in accordance with adopted public noticing procedures provided in CMC 18.20.040.

VI. OVERALL CONCLUSION

Staff concludes that VAC-01-2017 is consistent or will be consistent through the application of conditions of approval with the following plans and regulations:
- Chewelah Comprehensive Plan;
- CMC 17.12.070 (Vacation and alteration);
- CMC 18.08.080 (Single-family residential (R-1) zone)
VII. **STAFF RECOMMENDATION**

After review and consideration of the submitted application and applicable approval criteria, staff recommends **approval of VAC-01-2017 subject to the following conditions:**

1. The existing easement, recorded as Stevens County Auditor File No. 19990000462, and dedicated to the City of Chewelah, be retained in order to maintain legal authority in order to allow access to existing utility power installations.

2. A signed application, contract, or letter of authorization is submitted for Lot Line Adjustments and Right-of-Way dedication for proposed lots (Exhibit "B") by all affected property owners.