REGULAR COUNCIL MEETING

May 16, 2018

Officials in Attendance: Mayor Pro Tem Payton Norvell; Councilmen John May, Evan Schalock, and John Wight; Councilwomen Nicole Norvell and Cori Wuesthoff

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

Absent: Mayor Dorothy Knauss, Councilwoman Carra Nupp

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

Audience Comments: None

Motion by Councilman Wight to excuse absence of Councilwoman Nupp, seconded by Councilwoman Wuesthoff. Roll call vote taken with all in favor. Motion carried.

Approval of/Changes to Proposed Agenda:
Motion by Councilman May to approve proposed agenda, seconded by Councilwoman Norvell. Roll call vote taken with all in favor. Motion carried.

Announcements/Appointments: None

Presentation: None

Public Hearing on CPA-01-2018:
The Mayor Pro Tem opened the public hearing and set forth the format that would be followed. There were no objections to the Mayor Pro Tem 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 about this matter.

Staff Report - Jackie Caro, Assistant Planner with Studio Cascade recommended approval of CPA-01-2018 subject to the conditions of approval specified in staff report dated 2-27-18 consisting of 5 pages attached hereto and made a part of these minutes.

City Attorney: When reviewing the proposed ordinance, you’ll note there is a difference in the wording from what was recommended by the planner. The planner recommended 18.08.135(3)(f) to read “No structure shall be permitted within 39.5 feet from the centerline of Richmond Lane”. Not having done a survey or having walked that out, I recommend modification of the wording to read “No structure shall be permitted to be newly built or newly placed at any point within 39.5 feet from the centerline of Richmond Lane.” The intent is so it does not affect any existing structure. I realize that a modification to set back in one direction is not likely to make that a problem -- just so it basically grandfather in any existing structure is the purpose for that -- the Council is not required to adopt that language but that is my recommendation and it is a deviation from what was recommended by the planner.

There was no written or oral public testimony.
The Mayor Pro Tem closed the Public Hearing.
Committee/Commission Reports:
- **Public Works, Councilman Wight:** We discussed adding sidewalk projects to the Six Year TIP. We also talked about the possibility of conducting and an electronic survey about streets/roads.
- **Finance, Councilman Norvell:** We continued discussion regarding options for the pool property and should have something for you at the next meeting.

**City Administrator Report:** None
**City Attorney Report:** None

**Old Business:** None.

**New Business:**
- The Clerk read the introduction of Ordinance #923. *Motion by Councilwoman Norvell to adopt Ordinance 923 as read, seconded by Councilman May.* Roll call vote taken with all in favor. Motion carried.

**Adjournment:**
At 6:52 PM, *motion by Councilman Wight to adjourn,* seconded by Councilman Schalock. Roll call vote taken with all in favor. Motion carried.

Mayor Dorothy L. Knauss
Clerk/Treasurer Pamela McCart
**Staff Report Date:** February 27, 2018

**Proposal Description:** CPA-01-2018: a proposal to amend Chewelah’s municipal code 18.08.135 (Zoning) to reduce front yard building setback requirements for from 20’ to 10’ in the APGC-1 Zone.

**Proposal Location:** Lots 1 through 28, Division 1, Chewelah Golf and Country Club; further described as a portion of Section 34, Township 33, Range 40, Stevens County, Washington

**Proposal Owner/Applicant:** Steve Crisp

**Approval Criteria:** Sections 18.16.050 (Amendments) and 18.08.135(A) (Airport golf course zone 1(APGC1),) 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 CPA-01-2018 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:**

<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>Exhibit 1:</td>
<td>Application Including:</td>
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<tr>
<td></td>
<td>1A: General Application (with receipt attached)</td>
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<td>1B: Citizen Petition to the City Council</td>
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<td></td>
<td>1C: Additional Application Material</td>
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<td>Exhibit 2:</td>
<td>Determination of Completeness Review</td>
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<td>Exhibit 3:</td>
<td>Vicinity Map</td>
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<td>Exhibit 4:</td>
<td>Comprehensive Plan Map</td>
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<td>Exhibit 5:</td>
<td>Zoning Map</td>
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<td>Exhibit 6:</td>
<td>Aerial Map</td>
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<td>Exhibit 7:</td>
<td>Critical Areas Map</td>
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<tr>
<td>Exhibit 8:</td>
<td>Notice of Application and Notice of Hearing Materials</td>
</tr>
<tr>
<td>Exhibit 9:</td>
<td>Affidavit of Publishing</td>
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<td>Exhibit 10:</td>
<td>SEPA Routing Memo</td>
</tr>
<tr>
<td>Exhibit 11:</td>
<td>SEPA Determination of Non-Significance (DNS)</td>
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<tr>
<td>Exhibit 12:</td>
<td>SEPA Environmental Checklist</td>
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<tr>
<td>Exhibit 13:</td>
<td>Agency Comments</td>
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<tr>
<td></td>
<td>13A Northeast Tri-County Health District</td>
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<td></td>
<td>13B Spokane Tribe of Indians</td>
</tr>
<tr>
<td>Exhibit 14:</td>
<td>Airport Engineer</td>
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<td>Exhibit 15:</td>
<td>Airport design guidelines_AC 150-5300-13</td>
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I. BACKGROUND INFORMATION

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

<table>
<thead>
<tr>
<th>Application Submittal</th>
<th>01/17/2018</th>
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<tbody>
<tr>
<td>Completeness Determination:</td>
<td>01/26/2018</td>
</tr>
<tr>
<td>Notice of Application Issued:</td>
<td>02/09/2018</td>
</tr>
<tr>
<td>Published Notice of Hearing (Hearing Examiner)</td>
<td>02/09/2018</td>
</tr>
<tr>
<td>Updated Published Notice of Hearing (Hearing Examiner)</td>
<td>3/08/2018</td>
</tr>
<tr>
<td>Date of Public Hearing (Hearing Examiner): Rescheduled</td>
<td>03/07/2018</td>
</tr>
<tr>
<td>Updated Date of Public Hearing (Hearing Examiner)</td>
<td>3/28/2018</td>
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<tr>
<td>Published Notice of Meeting (City Council)</td>
<td>02/09/2018</td>
</tr>
<tr>
<td>Updated Published Notice of Meeting (City Council)</td>
<td>4/26/2018</td>
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<tr>
<td>SEPA DNS Issued</td>
<td>03/02/2018</td>
</tr>
<tr>
<td>SEPA DNS Notice Published</td>
<td>3/08/2018</td>
</tr>
<tr>
<td>Date of Meeting (City Council): Rescheduled</td>
<td>04/04/2018</td>
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<tr>
<td>Updated City Council Meeting</td>
<td>05/16/2018</td>
</tr>
</tbody>
</table>

B. Property Information:

<table>
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<tr>
<th>Size and Characteristics:</th>
<th>An approximately 34.3 acre zone which includes 36 tax lots. 26 tax lots have existing single-family homes; some lots also have accessory buildings.</th>
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</thead>
<tbody>
<tr>
<td>Existing Comprehensive Plan Designation:</td>
<td>Recreation Residential</td>
</tr>
<tr>
<td>Existing Zoning:</td>
<td>Airport Golf Course Zone-1 (APGC1)</td>
</tr>
<tr>
<td>Existing Land Use:</td>
<td>Residential, Vacant</td>
</tr>
</tbody>
</table>

C. Surrounding Comprehensive Plan, Zoning, and Land Uses:

| North: | Comprehensive Plan – Recreation Residential  
Zoning – APGC-1  
Existing Land Use – Recreation Residential |
|--------|----------------------------------------------------------------------------------------------------------------------------------|
| South: | Comprehensive Plan – Recreation Residential  
Zoning – APGC-1  
Existing Land Use – Recreation Residential |
| East: | Comprehensive Plan – Public  
Zoning – APGC-1  
Existing Land Use – Airport, Recreation Residential |
| West: | Comprehensive Plan – Recreational Residential  
Zoning – APGC-2  
Existing Land Use – Recreation Residential |

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. After examination of a completed
SEPA checklist, the City has determined that there are not any significantly adverse unmitigated environmental impacts and has issued a Determination of Non-Significance (DNS) for the proposal.

Conclusion(s):
Based on an examination of the completed SEPA checklist, a Determination of Non-Significance (DNS) was reached for the proposed action, meaning that the proposal does not have a probable significant adverse impact on the environment.

III. FINDINGS AND CONCLUSIONS SPECIFIC TO THE AMENDMENT REQUEST

A. Compliance with the Chewelah Municipal Code (CMC) 18.16.050 – Amendments.

Findings from CMC 18.16.050 are in italics below and are followed by the staff’s response:

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

The City’s comprehensive plan designates the golf course development and areas west of the airport as “Recreation Residential.” This includes all lands within the APGC-1 zone. The comprehensive plan designates the airport itself as “Public”.

According to the CMC 18.08.135, “the purpose of the APGC1 zone is to ensure compatibility between the land use and activities generated by the Sand Canyon Airport and the existing single-family residential area adjacent to the airport... the APGC1 zone will accommodate single-family residences, hangars and other aviation oriented uses and the Sand Canyon Airport.”

The proposed front yard setback reduction is consistent with the comprehensive plan designated use and meets (or can meet through further conditions) the intent of the Chewelah Municipal Code.

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

The proposal has been reviewed for significantly adverse environmental impacts and a Determination of Non-Significance was issued with the proposed action.

The Federal Aviation Administration (FAA) provides airport design guidance and safety standards through issuance of an ‘Advisory Circular’ (AC). AC number 150/5300-13 describes guidance on the minimum widths for aircraft taxiway and taxilanes. Richmond Lane is considered a ‘taxilane’ in order for aircraft to taxi to hangars. The guidance suggests the taxilane object free area (OFA) for “Airplane Design Group” (ADG) I (one) aircraft\(^1\) have a minimum width of 79 feet (see FAA Advisory Circular 150/5300-13A).

Richmond Lane is an approximately 24 foot road surface constructed within 60 feet of public (City owned) right of way. It is unknown, at this time, the exact road alignment of Richmond

\(^1\) “The Airplane Design Group (ADG) is an FAA-defined grouping of aircraft types which has six groups based on wingspan and tail height. These groups are defined in FAA Advisory Circular 150/5300-13.” www.skybrary.aero/index.php/Airplane_Design_Group (ADG)

Staff Report for CPA-01-2018
February 27, 2018

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Lane within the 60 feet. Based on this (and the 79 foot OFA), any approval shall be subject to a restriction on future building construction adjacent to Richmond Lane. Prior to issuance of any building permit, applicants shall verify that construction is outside of 39.5 feet of center lane OFA.

The proposed front yard setback reduction is consistent with the federal and state laws and regulations (or can meet through further conditions).

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

This proposal would not increase need for any increases in current city services.

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

No impacts were identified through the SEPA review process that would need to be mitigated.

e. The amendment is beneficial to the public health, safety, and welfare, and is in the public interest.

The proposed amendment benefits the public interest by supporting the intended comprehensive plan designation and zone purpose as described in CMC 18.08.135(A)(1).

FAA safety standards and guidance for taxilane OFA width can enforced through additional development standards and be made a part of any approval of reduction to the front yard setback.

IV. FINDINGS AND CONCLUSIONS SPECIFIC TO PUBLIC COMMENT

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

CONCLUSION: Staff concludes that adequate public noticing was conducted for CPA-01-2018 in accordance with adopted noticing procedures provided in CMC 18.20.040(B)(4).

V. FINDINGS AND CONCLUSIONS SPECIFIC TO AGENCY COMMENTS

Findings:
Agency comments are attached as exhibits to the staff report and recommendation. The following agencies submitted written comments for the proposal:

1. Northeast Tri-County Health District (NETCHD)
2. The Spokane Tribe

Conclusion(s):
Agency comments are included in the attachments. Neither agency had any concern with the proposed amendment.

VI. FINDINGS AND CONCLUSIONS SPECIFIC TO DEPARTMENT COMMENTS

Findings:
Written correspondence and reference material was received from aviation engineer Trey Dial of T&O Engineering.

Conclusion(s):
Where applicable, recommendations from T&O Engineering have been incorporated into this report.

VII. OVERALL CONCLUSION

Staff concludes that CPA-01-2018 is consistent or will be consistent through the application of conditions of approval with the following plans and regulations:

- Chewelah Comprehensive Plan;
- CMC 18.16.050
- CMC 18.08.135
- CMC 18.08.170

VIII. STAFF RECOMMENDATION

After review and consideration of the submitted application and applicable approval criteria, staff recommends approval of CPA-01-2018 subject to the following condition:

1. Chewelah Municipal Code (CMC) 18.08.135 (3), APGC1 zone development standards, shall be revised as below:

   18.08.135 - Airport-golf course (APGC1), (APGC2), (APGC3) zones.

   3. Development Standards.
      c. Setback requirements:
         i. Minimum setbacks for a principal building shall be:
            (A) Front yard: twenty ten feet;

         ii. Minimum setbacks for an accessory building shall be:
            (A) Front yard: twenty ten feet;

   f. No structure shall be permitted within 39.5 feet from the centerline of Richmond Lane.

2. Prior to issuance of any building permits on any property adjacent to Richmond Lane, applicant shall verify any construction will be outside of the 79 foot taxiway object free area, or 39.5 feet from centerline, and all other required setbacks.