

CHEHALIS CITY COUNCIL AGENDA
 CITY HALL
 350 N MARKET BOULEVARD, CHEHALIS, WA 98532

Terry F. Harris, District 1, Mayor Pro Tem Daryl J. Lund, District 2 Dr. Isaac S. Pope, District 4	Anthony E. Ketchum Sr., District 3 Mayor	Dennis Dawes, Position at Large Chad E. Taylor, Position at Large Bob Spahr, Position at Large
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Regular Meeting of September 9, 2013

5:00 p.m.

ITEM	ADMINISTRATION RECOMMENDATION	PAGE
1. <u>Call to Order.</u> (Mayor)		
2. <u>Pledge of Allegiance.</u> (Mayor)		

CITIZENS BUSINESS		
This is an opportunity for members of the audience to address the council on matters not listed elsewhere on the agenda. Speaker identification forms are available at the door and may be given to the city clerk prior to the beginning of the meeting.		

PROCLAMATIONS / PRESENTATIONS		
3. <u>Proclamation Declaring September 21, 2013, as Health and Wellness Day.</u> (Mayor)	---	

SPECIAL BUSINESS		
4. <u>Update on the Flood Authority Activities.</u> (City Representative Arnold Haberstroh, Lewis County Commissioner Edna Fund, J. Vander Stoep – Governor’s Work Group)	---	

CONSENT CALENDAR		
5. <u>Minutes of the Regular Meeting of August 26, 2013.</u> (City Clerk)	APPROVE	1
6. <u>Vouchers and Transfers.</u> (Finance Manager)	APPROVE	4

ADMINISTRATION AND CITY COUNCIL REPORTS		
7. <u>Administration Reports.</u>		
a. <u>Briefing on Code Amendment Recommendations by the Chehalis Planning Commission.</u> (Community Development Director)	INFORMATION ONLY	6
8. <u>Council Reports.</u>		
a. Councilor reports. (City Council)	INFORMATION ONLY	
b. Council committee reports. (City Council)	INFORMATION ONLY	

**THE CITY COUNCIL MAY ADD AND TAKE ACTION ON
OTHER ITEMS NOT LISTED ON THIS AGENDA**

NEXT REGULAR CITY COUNCIL MEETING WILL BE ON MONDAY, SEPTEMBER 23, 2013

August 26, 2013

The Chehalis city council met in regular session on Monday, August 26, 2013, in the Chehalis city hall. Mayor Ketchum called the meeting to order at 5:00 p.m. with the following council members present: Terry Harris, Dr. Isaac Pope, Bob Spahr, Daryl Lund, Chad Taylor, and Dennis Dawes. Staff present included Merlin MacReynold, City Manager; Brian Kelly, Assistant City Attorney; Judy Schave, City Clerk; Glenn Schaffer, Police Chief; Eva Lindgren, Finance Manager; Peggy Hammer, Human Resources Administrator; Dennis Osborn, Community Development Director; and Herta Fairbanks, Public Works Director. Members of the media included Kyle Spurr from *The Chronicle* and Christina Crea from *Business to Business*.

1. **Citizens Business.** Ron Munson (246 SW 2nd Street) stated he had a problem with the city water department and how they handle extension requests. He noted he gets paid on the 5th of each month and they had already used their two extension requests for the year. When he called to ask for an additional extension city staff told him they couldn't help him and hung up.

Mr. Munson stated he contacted Councilor Dawes with his concerns, and asked that he be allowed an extension to the 5th of the following month, and to have the water left on until that time.

Mr. Munson reported they get billed on the 20th of the month and if it's not paid by the 21st they're hit with a \$40 fee and then another fee if the water gets shut off.

Mayor Ketchum apologized for Mr. Munson being hung up on, adding that would be looked into. He also suggested Mr. Munson contact City Manager MacReynold and have a conversation with him to see what can be worked out.

Councilor Dawes reported he spoke with City Manager MacReynold earlier about the issue and was a little concerned that there was a change in policy with regard to the number of extensions customers can be granted. He stated he would like to have it looked at, especially if a customer is only looking for a six day extension.

City Manager MacReynold reported he and Public Works Director Herta Fairbanks would be happy to meet with Mr. Munson and his wife. He noted they had already looked into the situation and the reason for changing to two extensions per year was because in years prior, when the city had unlimited extensions, people were building up huge utility bills and there were issues trying to collect it.

Councilor Taylor inquired about how the billing cycle worked. Ms. Fairbanks reported the city bills at the end of the month and bills go out no later than the last business day of the month. She noted utility customers have until the 21st of the following month to pay the bill; otherwise, a late fee is assessed on the 21st. Ms. Fairbanks reported, after the late fee is assessed, the customer has an additional seven days to make arrangements for payment before being disconnected. She noted the disconnect date is usually the last business day of the month and is a full 30 days after the bills have gone out.

Councilor Taylor stated he didn't know how to fix the situation for Mr. Munson, or others with the same issue. City Manager MacReynold stated they originally fixed it by providing unlimited extensions, but that only created a huge financial burden in which people ended up owing thousands of dollars. By limiting it to two extensions per year they've eliminated that burden, and for the most part, it seems to have worked.

Mr. Munson didn't know what the problem was with allowing someone more time, especially if they're a homeowner and have paid their bill for the last 20 years. He wondered why the city couldn't give that courtesy to anyone who needs it.

Mayor Ketchum suggested Mr. Munson call first thing in the morning to set up a meeting.

2. **Interview Applicant for Chehalis Planning Commission Appointment.** The council interviewed Charles Pollock who submitted an application to be considered for appointment to the Chehalis Planning Commission.

3. **Update on Chehalis-Centralia Airport Activities.** Airport Manager Allyn Roe reported he brought Lewis County Representative John Spears along, since neither city representative was able to attend the meeting.

Mr. Roe stated they were primarily focused on capital projects and general day-to-day operations. Capital projects included:

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- Construction of a new garage facility to house the FAA funded snow removal equipment and a new fuel truck to be purchased later this year (building is 60% FAA funded)
- Levee Improvement Project (on-going)
- Received a \$92,000 FAA grant to fund the garage and new markings on the runway (approved by city and county)
- Four-year FAA inspection (everything approved)

Mr. Roe reported they've had to make some changes in their capital funding projects in order to not have to dip into their reserve funds. He noted they've had a lot of unexpected capital projects, including the sewer lift station project along Louisiana Avenue, and the installation of an entryway to serve the properties around the Home Depot site. Mr. Roe reported they also had to return the deposit from Taco Time that was received in 2012, which also impacted their 2013 budget. He noted by shuffling things around they should be able to accommodate the extra in their budget and not really see a large impact.

Mr. Roe reported they were also working with Ms. Fairbanks on getting traffic counts on Louisiana Avenue near Walmart, noting the information was necessary to show prospective tenants how much traffic goes through that area. He suggested 100 percent of the traffic that passes through, less business employees, is there specifically for retail purposes.

4. **Consent Calendar.** Councilor Dawes moved to approve the consent calendar comprised of the following:

- a. Minutes of the regular meeting of August 12, 2013; and
- b. Payroll Vouchers No. 36695-36782, Direct Deposit Payroll Vouchers No. 4205-4283, and Electronic Federal Tax Payment No. 126 in the amount of \$664,442.85 dated July 31, 2013; and Claim Voucher No. 106847-106993 and Electronic Funds Transfer No. 72013 in the amount of \$442,498.35 dated August 15, 2013.

The motion was seconded by Councilor Lund and carried unanimously.

5. **Administration Reports.**

a. **July Financial Report.** Finance Manager Eva Lindgren stated the July financial report included the budget amendment approved by council at the first meeting in July. She reported the general fund revenues were on track, adding she just received an update on the latest sales and use taxes and they were up again in the 4 percent range.

Ms. Lindgren stated they had a 1.1 percent variance in the general fund expenditure totals, with a net budget/income variance of negative 0.6 percent. She noted the significant cash out at the beginning of the year was the biggest component of the variance.

Ms. Lindgren reported the utility funds were pretty much on track, noting she included explanations in the report regarding the debt service and capital outlays that are not made evenly throughout the year.

6. **Council Reports.**

a. **Update From Councilor Dawes.** Councilor Dawes reported he attended the opening of the Southwest Washington Fair and had a chance to work a couple of shifts in the Lewis County Historical Museum's booth. He also worked a couple of shifts at the Chehalis Garlic Fest & Craft Show, as well.

Councilor Dawes reported the Riverside Fire Authority Planning Committee was continuing to make progress, adding regardless of what happens, the work being done was going to be a tremendous benefit for everyone. He noted one of the more notable situations where there's a vast difference between the four local departments, including: Riverside Fire Authority, Chehalis Fire Department, and Lewis County Fire Districts No. 5 and 6, is with incident command. Riverside and Chehalis have been training together on the incident command system and there's been interest by Fire Districts 5 and 6 to attend some of those trainings. Councilor Dawes hoped it might light the fire of common sense and desire, and perhaps everyone can get back on board and look at what they were looking at before. In the meantime, he felt the training was a tremendous benefit for all taxpayers.

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Councilor Dawes reported Fire Chief Jim Walkowski is very pleased with the progress that's being made and with the spirit of all of the employees. He noted they've been very dedicated towards the goal.

Councilor Spahr reported the departments would be doing hose evolutions at the fairgrounds on Tuesday, August 27, if anyone was interested in watching how they stack fire hose on the trucks. He agreed there was a lot more interest by the outlying fire departments to train with Riverside and Chehalis, which will be extremely useful when working together.

b. **Update From Councilor Spahr.** Councilor Spahr reported he also attended the opening of the Fair and Garlic Fest, which had some great after-hours entertainment. He noted the lead singer of one of the bands got started in Lewis County through the Miss Lewis County Pageant.

Councilor Dawes added, Garlic Fest is one event that really puts heads-in-beds, noting in talking with a number of people a lot of them were staying in hotels in Chehalis. He reported Garlic Fest also donates a certain amount of money to a number of charitable organizations, noting the donations are based on the hours worked by volunteers, and each volunteer gets to choose the charitable organization they wish to donate to.

c. **Update From Councilor Lund.** Councilor Lund reported one of the nice things they learned was that Riverside Assistant Chief Mike Kytta received a grant to update our fire department's radio system, so we're on the same frequency as Riverside. He was impressed with the way the new system will work and was glad to see that we're finally getting into the 21st century.

There being no further business to come before the council, the meeting adjourned at 5:35 p.m.

Mayor



Attest:

City Clerk

SUGGESTED MOTION

I move that the council approve the minutes of the regular city council meeting of August 26, 2013.

CITY OF CHEHALIS
AGENDA REPORT

DATE: August 30, 2013
TO: The Honorable Mayor and City Council
FROM: Eva Lindgren, Finance Manager 
PREPARED BY: Michelle White, Accounting Tech II 
SUBJECT: Vouchers and Transfers

ISSUE

Council approval is requested of the following financial transactions:

Claim Vouchers No. 106994 through 107099 in the amount of \$100,786.45 dated August 30, 2013 and the transfer of \$38,161.13 from the General Fund, \$37,268.10 from the Federal & State Grants Fund, \$16,372.68 from the Wastewater Fund, \$6,701.96 from the Water Fund, \$672.04 from the Storm & Surface Water Utility Fund, \$837.44 from the Firemen's Pension Fund and \$773.10 from the City Agency Fund.

RECOMMENDATION/COUNCIL ACTION DESIRED



The administration recommends that the council approve the August 30, 2013 Claim Vouchers No. 106994 through 107099 in the amount of \$100,786.45.

SUGGESTED MOTION

I move to approve the August 30, 2013 Claim Vouchers No. 106994 through 107099 in the amount of \$100,786.45.

Reviewed by: , City Manager

CITY OF CHEHALIS
AGENDA REPORT

DATE: August 30, 2013
TO: The Honorable Mayor and City Council
FROM: Eva Lindgren, Finance Manager 
PREPARED BY: Michelle White, Accounting Tech II 
SUBJECT: Payroll Vouchers and Transfers

ISSUE

Council approval is requested of the following financial transactions:

Direct Deposit Payroll Voucher No. 4284 dated August 23, 2013, Payroll Vouchers No. 36783 through 36863, Direct Deposit Payroll Vouchers No. 4285 through 4363, and Electronic Federal Tax Payment No. 127 dated August 30, 2013 in the amount of \$651,218.90, and the transfer of \$463,506.55 from the General Fund, \$7,250.59 from the Arterial Street Fund, \$6,994.57 from the Gambling Enforcement Fund, \$665.11 from the Garbage Fund, \$67,921.35 from the Wastewater Fund, \$77,639.05 from the Water Fund, \$24,066.43 from the Storm & Surface Water Utility Fund and \$3,175.25 from the Firemen's Pension Fund.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that the council approve the August 23, 2013 Direct Deposit Payroll Voucher No. 4284, August 30, 2013, Payroll Vouchers No. 36783 through 36863, Direct Deposit Payroll Vouchers No. 4285 through 4363, and Electronic Federal Tax Payment No. 127 in the amount of \$651,218.90.

SUGGESTED MOTION

I move to approve the August 23, 2013 Direct Deposit Payroll Voucher No. 4284, August 30, 2013, Payroll Vouchers No. 36783 through 36863, Direct Deposit Payroll Vouchers No. 4285 through 4363, and Electronic Federal Tax Payment No. 127 in the amount of \$651,218.90.

Reviewed by:  _____, City Manager

**CITY OF CHEHALIS
AGENDA REPORT**

DATE: September 9, 2013
TO: The Honorable Mayor and City Council
FROM: Dennis Osborn – Community development Director
SUBJECT: 2013 Code Updates

ISSUE

The City is looking to update several code sections. Council reviewed these in May and directed staff to present to the Planning Commission. The updates under review include; Amend Binding Site Plan language to eliminate 1 year restriction, new state SEPA exemptions (withdrawn as DOE is still in rule making), New State Building Codes, Marijuana Use (withdrawn as Liquor Control is still in rule making), Accessory Dwelling Use utility connections, and right-of-way vacations. A new topic of tent camping within the city was added during Planning Commission discussions.

DISCUSSION

The items listed above are all items that went before the City Planning Commission, and the Commission will then make a recommendation to Council. The summary of the items:

- The Binding Site plan amendment would remove the 1 year approval time window and the Planning Commission recommended to remove this restriction;
- The state has added new categorical exemptions to SEPA that would remove the SEPA requirement (withdrawn at this time);
- The 2012 Building Code update, the City is mandated to adopt the new codes (The Planning commission recommends approval of the 2012 Building Codes as submitted);
- Marijuana sale & use (Withdrawn at this time)
- Clarify in the municipal code the number of water connections for a home and its ADU (the Planning Commission is recommending separate connection for primary and ADU unit);
- A municipal code on procedures to vacate city right-of-way (The Planning Commission is recommending approval as submitted)

Staff presented the topics to the Planning Commission over a series of three meetings, one of which was a Public Hearing. Upon closing the public hearing, the Planning Commission took formal action to recommend to the City Council for approval; removing the one year limitation on preliminary Binding Site Plan approval; Adopt the 2012 state building codes; require a primary residence and an ADU to have separate metering; adopted the enclosed ordinance for right-of-way vacation, and discussed and recommended limiting tent camping within the city to similar to the restrictions of camping in an RV in the City.

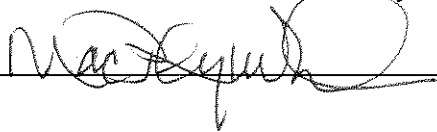
The draft language as recommended by the Commission is attached.

RECOMMENDATION/COUNCIL ACTION DESIRED

For information only at this time; however, if Council is comfortable moving forward, Council could direct administration to prepare the appropriate ordinances for a future Council meeting for consideration.

SUGGESTED MOTION

I move that the administration prepare the appropriate ordinances for the code amendments as presented and recommended to the Council by the Planning Commission.

Reviewed by:  _____, City Manager

To: Chehalis Planning Commission
From: Dept of Community Development
Subject: Text Amendment – Building Code Updates
Date: June 24, 2013

Request:

City staff is requesting that the Commission and Council consider as legislative action, to amend the Chehalis Municipal Code to adopt the new 2012 Sate Building Code Regulations

Background:

The State Building Code Council was created to advise the Legislature on building code issues and to develop the building codes used in Washington State. These codes help to ensure buildings and facilities constructed in the state are safe and healthy for building occupants, accessible to persons with disabilities and the elderly, and energy efficient.

The State Building Code (SBC) is the minimum construction requirement for the state of Washington. The State Building Code updated on a three year cycle and rule-making provides a process for amendments to national and state codes. The revision process involves Technical Advisory Groups (TAGs) that include experts in design and construction. The code is developed through open meetings and public hearings, including TAG meetings for review of each code;

The building codes comprise several volumes from the Building Code, Mechanical Code, Fire Code, and Plumbing Code. There are several exemptions the state removed. As an example, the state did not adopt the section that requires Single Family Homes to be sprinkled.

Along with the adoption of the state codes come the associated appendices. Within these appendices, some the City has adopted in the past and some under this round of updates have expanded the exemption for a building permit. Typically Chehalis has adopted Appendix, C – which defines Agriculture Building requirements, H – Swimming Pool standards, I – Patio Cover structural requirements, J - Fill & Grade permit requirements. Appendices we don't adopt would be the one that establishes the Board of Appeals; we use the Hearing Examiner instead. The other appendices we don't adopt are the ones that have the issues covered under other section of the building codes.

Comprehensive Plan:

The Comprehensive Plan is silent on Building Code updates.

General Issues:

The state building code is not optional. We are required to adopt the codes.

Comments:

Staff received no comments on this project during the SEPA comment period.

Analysis:

The state building code is not optional. We are required to adopt the codes. If the City did not adopt the codes, we would still be expected to abide by the 2012 codes. The upside of adopting the state regulations is that it removes items such as sprinkling a single family home.

Recommendation:

Staff is recommending that the planning commission adopts the 2012 building codes as adopted by the State of Washington.

Options:

The Planning Commission should make a recommendation to the City council. The Recommendation could be as follows:

1. Recommend to Council to adopt the draft revision has presented
2. Recommend to adopt draft revision with proposed changes by the Commission
3. No Action/recommendation

To: Chehalis Planning Commission
From: Community Development
Subject: Capital Improvement Plan (CIP)
Date: June 11, 2013

Request:

City staff is requesting that the Commission consider amending the Capital Improvement Program in order to be consistent with budget expenditures. The consistency is required by state law. The Public Works Director will be present at the meeting to walk the Commission through the proposed changes at this workshop.

Background:

The Growth Management Act requires consistency within the city comprehensive plans and associated documents. The capital improvement plan is one of these associated documents. The CIP identifies capital improvements that are identified through the planning process. These projects then are identified in the city budget. From time to time based on changes in priority of project, funding opportunities etc, the CIP needs updated. Such is the case with this request.

Comprehensive Plan:

The Comprehensive Plan and state law requires an up to date CIP

General Issues:

This is primarily general house keeping that Public Works will discuss at the workshop with the Commission

Comments:

Staff received no comments on this project during the SEPA comment period.

Analysis:

An updated CIP is required by state law to coincide with budget expenditures.

Recommendation:

Staff is recommending that the planning commission recommends an update to the CIP as proposed.

Options:

Staff has presented a draft CIP update for the Planning Commission consideration. The Planning Commission should make a recommendation to the City council. The Recommendation could be as follows:

1. Recommend to Council to adopt draft CIP has presented
2. Recommend to adopt draft CIP with proposed changes by the Commission
3. No Action/recommendation

To: Chehalis Planning Commission
From: Community Development
Subject: Binding Site Plan
Date: June 25th, 2013

Request:

City staff is requesting that the Commission and Council consider as legislative action, to amend the Chehalis Municipal Code remove the one year approval limit for a Binding Site Plan (BSP).

Background:

A Binding Site Plan is a way of dividing land for commercial or industrial development where the parcels will be leased as opposed to being sold. Typically, there will be multiple preliminary binding site plans filed before a final binding site plan is recorded at the auditor's office. The reason, a city may see several recordings of a preliminary binding site plan are because a developer needs the flexibility to modify the lot sizes based on the lease that is created. In other words a preliminary BSP may be recorded with 5 and 10 acre parcels, but the developer land a client that needs 35 acres, so an amended BSP would be filed. Once the entire site is leased, a final BSP gets recorded.

Our current code allows only a one year approval of a preliminary BSP, but what if it takes longer than a year to lease all the lots in a BSP? This is why staff is seeking to remove the one year clause

Applicable Code:

17.12.330 Development review committee review – Binding site plans.

A. The procedure for notice and the DRC review and decision for binding site plans and condominiums shall follow the procedure for short plats identified in CMC 17.12.210 through 17.12.240.

B. The DRC shall approve the binding site plan with or without conditions, or deny the application based upon the following findings:

1. The conformance of the proposed binding site plan with all city codes, ordinances, plans and regulations; and
2. The adequacy of water supply, sanitary and storm sewer facilities, fire hydrants and fire flow, internal access to all proposed uses within the site, open spaces and parking facilities.

C. *Approval of the binding site plan shall be valid for one year.* During that period a final site plan shall be filed with the DRC. Upon good cause shown, the DRC may allow an extension of one additional one-year period. [Ord. 847B § 10, 2009; Ord. 720B § 1, 2002.]

General Issues:

The time limit of one year for a preliminary BSP approval restricts the opportunity for the BSP to see build out within that year.

Comments:

Staff received no comments on this project during the SEPA comment period.

Analysis:

The time limit of one year for a preliminary BSP approval restricts the opportunity for the BSP to see build out within that year. Removing this restriction would allow the market to reach build out for a BSP

Recommendation:

Staff is recommending that the planning commission remove the 1 year approval period for a BSP and allow a BSP preliminary approval to match that of a major subdivision of 5 years.

Options:

- 1) Recommend to council as proposed
- 2) Make a different recommendation as created by the PC
- 3) No Action, keep the code as written

To: Chehalis Planning Commission
From: Community Development
Subject: ADU Utility Connection
Date: June 11th, 2013

Request:

City staff is requesting that the Commission and Council consider as legislative action, to amend the Chehalis Municipal Code to fix a conflict within the code regarding utility connections for Accessory Dwelling Units (ADU).

Background:

City staff has had to interpret the code in several instances regarding whether or not an ADU should be required to connect to a separate water meter from the primary residence. The definition section of the code states:

Applicable Code:

Chehalis Municipal Code (CMC) **13.04.060 Water services for premises.**

Each premises shall have a separate water service or services. All water services shall be metered. Premises containing multiple dwelling units and/or containing more than one commercial or industrial business shall have separate metered water service for each individual dwelling unit and/or commercial or industrial unit, except where situations and/or special conditions exist that make an individual service for each unit impossible or unfeasible at the discretion of the public works director, who shall determine when such situations or conditions prohibit individual services. [Ord. 866B, 2011.]

Premises are defined in Chapter 13 as:

"Premises" means a private home, building, apartment house, condominium, trailer court, Mobile Home Park, a group of adjacent buildings, or property utilized under one ownership and under a single control with respect to the use of water and responsibility for payment thereof.

Appendix Chapter F

Definition of Words, Terms and Uses

The following list of words, terms and uses shall be used in the application of this title. Where the following definitions may differ from those found in the Building and Fire Codes, the Uniform Code definitions shall apply only to building and fire code administration and enforcement; this appendix shall apply in all other circumstances.

Definitions Relating to Residential Occupancies

CODE USE/OCCUPANCY

R310

Accessory Dwelling Unit (residential) is any dwelling unit converted from an existing accessory building, or within an existing single family residence, on a residentially zoned lot for the purpose of accommodating live-in domestic help or family members; such unit receiving its utilities from the same source and metering as the principal dwelling unit.

R310

Accessory Dwelling Unit (non-residential) is any dwelling unit constructed or converted within any non-residential occupancy or building for the purpose of on-site manager, caretaker or security; such unit receiving its utilities from the same source, but not necessarily the same metering, as the principal occupancy.

General Issues:

The issue is that the code in Chapter 13.04.060 requires separate water meter for each premise; however, the definition section under the appendix to the zoning code states;

“ADU (residential)...receiving its utilities from the same source and metering as the principal dwelling unit.”

“ADU (nonresidential)... but not necessarily the same metering,”

Comments:

Staff received no comments on this project during the SEPA comment period. . . .

Analysis:

The zoning code definition section conflicts with the Utility section of the code requiring separate meter. In addition state law states:

WAC 246-290-496:

1) Production:

(a) The volume of water produced or purchased must be measured using a source meter or other meter installed upstream of the distribution system.

(b) The requirements of this section do not alter any source metering regulations adopted by either the department of health or the department of ecology.

(c) The requirements of this section do not apply to volumes of water delivered to a public water system through an emergency intertie.

(2) Consumption:

(a) The requirements of this section apply to public water systems that supply water for municipal water supply purposes.

(b) Except as provided in (g) of this subsection, the volume of water delivered to consumers must be measured by meters installed on all direct service connections.

(c) Meters must be installed on all existing direct service connections and clustered entities as provided in (g) of this subsection within ten years of the effective date of this rule.

(d) Meters must be installed on all new direct service connections when the service connection is activated.

Recommendation:

Staff is recommending that the planning commission modify the definition section of the zoning code to read as follows:

R310

Accessory Dwelling Unit (residential) is any dwelling unit converted from an existing accessory building, or within an existing single family residence, on a residentially zoned lot for the purpose of accommodating live-in domestic help or family members; such unit receiving its utilities from the same source and metering as the principal dwelling unit.

R310

Accessory Dwelling Unit (non-residential) is any dwelling unit constructed or converted within any non-residential occupancy or building for the purpose of on-site manager, caretaker or security; such unit receiving its utilities from the same source, but not necessarily the same metering, as the principal occupancy.

Options:

- 1) Recommend to council as proposed
- 2) Make a different recommendation as created by the PC
- 3) No Action, keep the code as written

To: Chehalis Planning Commission
From: Dept of Community Development
Subject: Text Amendment – Tent camping
Date: June 11, 2013

Request:

City staff is requesting that the Commission and Council consider as legislative action, to amend the Chehalis Municipal Code to affix a set time for camping/living within a tent in the City of Chehalis

Background:

City staff has received complaints regarding people living in tents within their neighborhood. Staff has been unable to respond to these complaints as the Municipal Code establishes time restrictions for camping within a Recreational Vehicle, but is silent on tent camping.

**Chapter 17.81
RECREATIONAL VEHICLES**

Sections:

- 17.81.010 Permanent habitation.
- 17.81.020 Temporary habitation – Construction sites.
- 17.81.030 Parking of recreational vehicles.

17.81.010 Permanent habitation.

A. No recreational vehicle shall be used as a place of permanent habitation or residency except when located within an approved mobile home park and connected to required utilities. Habitation of any recreational vehicle on any private property exceeding 14 calendar days annually or 30 calendar days within an approved recreational vehicle park, or any habitation by persons not having an approved permanent address elsewhere shall be construed as permanent habitation of a recreational vehicle.

B. Any unit connected to utilities and/or electricity on any portion of any private property or city right-of-way shall be deemed to be inhabited and shall cause the city to investigate such usage.

C. No recreational vehicle shall be used for living or housekeeping purposes when parked on any public right-of-way, or any public property except approved recreational vehicle parks. No recreational vehicle shall be used for living or housekeeping purposes when parked on any private property except as provided in CMC 17.81.030(A)(1).

D. No recreational vehicle shall be used for the conduct of business except approved conversions meeting all applicable codes and properly licensed for such business. [Ord. 847B § 16, 2009; Ord. 834B § 2, 2008; Ord. 720B § 1, 2002.]

17.81.020 Temporary habitation – Construction sites.

A recreational vehicle, motor home or travel trailer may be used for temporary habitation if such usage complies with all of the following:

A. Such usage must be associated with major development expected to continue for more than 90 days or valued at more than \$1,000,000, and provide on-site security for storage of construction material and/or equipment.

B. Such usage shall not be located in any residential zone without a conditional use permit issued by the hearings examiner. A conditional use permit is not required in other than a residential zone.

C. Temporary living/housekeeping activities shall occur in a recreational vehicle designed for such purpose. Such RV shall have cooking, bathroom and sleeping facilities. Living or housekeeping activities in an office, storage or other type of nonhousekeeping trailer shall not be permitted.

D. Such RV shall obtain temporary water and sewer utility service from the private property on which they are located. Such service must be approved and inspected by the public works department, and pay any fees associated with such service.

E. Such RV shall not be parked in any required street setback area, and shall not obstruct visibility at street intersections, alleys or sidewalks.

F. Not more than two such RVs shall be occupied on any such development site. Establishing a temporary RV park for the convenience of the developer shall not be permitted.

G. Actions and activities of the occupants of such usage shall not create any public nuisance in the vicinity of the site.

H. Willful or continuous disregard for these conditions or other applicable regulations shall be cause for the city to declare such habitation or occupancy a public nuisance and abate such nuisance condition. [Ord. 720B § 1, 2002.]

17.81.030 Parking of recreational vehicles.

A. No recreational vehicle, boat, boat trailer, travel trailer or similar vehicle or equipment shall be parked within the required front setback of any lot in any residential zone for a period of longer than 24 hours, except:

1. One travel trailer or motor home may be parked within such setback if the unit is owned by someone other than the occupant of the subject property, and such unit is being used by its owner for traveling or visitation to the subject property for a maximum of 14 days within any 30-day period;

2. One such vehicle or equipment may be parked within such setback if it is located upon a properly constructed concrete or gravel driveway giving access to a garage or carport, or giving access to an area of the property where a garage or carport could lawfully be built if one does not currently exist, and such unit does not project beyond any property lines;

3. One such vehicle or equipment may be parked within such setback if there is not a minimum of eight feet of width unobstructed by permanent buildings or structures giving access to a potential parking area in a rear yard, and a properly constructed gravel parking area is located so that the majority of the parking pad lies within an extension of a required side setback to the street property line. In case of a corner lot, only the side setback opposite the adjacent street side may be used for this exception (see also Appendix Chapter Q); and

4. One such vehicle or equipment may be parked within such setback on a corner lot if the frontage of the lot is 75 feet or greater, and a properly constructed gravel parking area is constructed so that the edge or end of the parking pad aligns with the building line of the principal structure and no part of the parking area or parked vehicle encroaches closer to the side street than the existing building (see also Appendix Chapter Q).

B. Parking pads constructed within a front setback shall be constructed of gravel, shall not be permanent and shall have borders of unit masonry or wood to contain the gravel surface. Concrete, asphalt, or permanent parking pads are not permitted. Parking pads may not be more than two feet larger in either dimension than the overall dimensions of the parked vehicles or equipment. No part of any parking pad or unit may create a visibility impairment for any adjacent property within 15 feet of a street curb or roadway edge. [Ord. 720B § 1, 2002.]

Comprehensive Plan:

The Comprehensive Plan is silent on tent camping in the City.

General Issues:

The issues surrounding extended tent camping in the city centers primarily on public health & safety. The camp site does not have proper facilities for bathing, toiletry, and garbage pick-up.

Comments:

Staff received no comments on this project during the SEPA comment period.

Analysis:

The zoning code prohibits extended stays in an RV within the city outside an RV park. It is silent on tent camping. The comprehensive plan is silent on tent camping. The city decided it was in the public's interest to restrict the time an RV that is being lived in can stay in a city.

Recommendation:

Staff is recommending that the planning commission restricts tent camping within the city to back yards within the residential zone for a period not to exceed 14 days within any 30 day period. The tent must be on private property and located in the rear or side yard. Tent camping is prohibited in all other zones except for approved RV parks in which case shall comply with the appropriate provisions of the municipal code.

Options:

Staff has presented a draft revision for the Planning Commission consideration. The Planning Commission should make a recommendation to the City council. The Recommendation could be as follows:

1. Recommend to Council to adopt the draft revision has presented
2. Recommend to adopt draft revision with proposed changes by the Commission
3. No Action/recommendation

To: City of Chehalis Planning Commission
From: Dept of Community Development
Subject: Proposed ROW vacation Ordinance
Date: May 6, 2013

Request:

Staff has met with the City Council to discuss developing vacating Right of Way Ordinance. Primarily, the vacation process is outlined in state law. By creating a vacation ordinance, the City accomplishes two things; first, an ordinance that outlines for the public the vacation process without having to search state law, and second, it allows the City to fine tune the state law and establish policy that the public would be aware of during consideration of a vacation petition.

Background

Earlier in the year, staff had received a petition for vacation of right-of-way, as staff looked for direction as to address some of the issues that were being discussed; staff discovered that the Chehalis Municipal Code offered staff no guidance on this process. Staff simply could follow the requirements outlined within state law. During discussion with the City Council, there were several questions raised that are not identified in the state law. Those issues included but are not limited to:

- Who pays appraised value if one party is the push for the vacation, while adjacent property owners do not oppose, they do not want to pay?
- Notification requirements?
- What if a person sign the petition, then in the process changes their mind?
- What about vacations in the UGA?
- What about utilities in the ROW sought to be vacated?
- When does Council have an opportunity to say yes or no to such petition?

Staff hopes to address these issues as we work through a draft ordinance. See attached

Summary

- Who pays appraised value if one party is the push for the vacation, while adjacent property owners do not oppose, they do not want to pay?
 - This addressed amongst the property owners and worked out among them.
 - This is not addressed in the code
- Notification requirements
 - This is addressed in 12.32.050
- What if a person sign the petition, then in the process changes their mind?
 - This, in part, is addressed in 12.32.090
- What about vacations in the UGA?
 - This is a legislative item dealt by the County commissioners
- What about utilities in the ROW sought to be vacated?
 - This is addressed in 12.32.080B

- When does Council have an opportunity to say yes or no to such petition?
 - Council, by state law, upon receipt of a satisfied petition must set a public hearing, at the Hearing, council can reject the petition if they deem appropriate.

Options

Staff has presented a draft Ordinance for the Planning Commission consideration. The Planning Commission should make a recommendation to the City council. The Recommendation could be as follows:

1. Recommend to Council to adopt draft ordinance has presented
2. Recommend to adopt draft ordinance with [proposed changes by the Commission
3. 3. Do not adopt any ordinance, and only utilize state law

Chapter 12.32 STREET AND ALLEY VACATIONS

Sections:

- 12.32.010 Petition or resolution to vacate.
- 12.32.020 Filing petition with public works department – Fee.
- 12.32.030 Presentation of petition to public works department.
- 12.32.040 Notice of public hearing.
- 12.32.050 Notice of hearing where vacation initiated by council – Objections.
- 12.32.060 Public hearing – Criteria for granting vacation.
- 12.32.080 Ordinance granting vacation.
- 12.32.090 Vacation of portion of area described in original petition.
- 12.32.100 Compensation and appraisal fees.
- 12.32.110 Assurance that petitioner meets conditions of vacation.
- 12.32.120 Property trade in lieu of payment.
- 12.32.130 Waiving compensation – Other governmental agencies.

12.32.010 Petition or resolution to vacate.

The owners of an interest in any real estate abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the city council to make vacation in the manner hereafter provided in this chapter and pursuant to Chapter 35.79 RCW, or the council may, itself, initiate by resolution such vacation procedure. The petition or resolution shall be reviewed by the public works department, and, if the petition is signed by the owners of more than two-thirds of the property abutting upon the part of such street or alley sought to be vacated, the council, by resolution, shall fix a time when the petition will be heard, which time shall not be more than sixty days nor less than twenty days after the date of passage of such resolution. The petition for vacation shall contain an accurate and correct legal description of the property requested for vacation.

12.32.020 Filing petition with the City Clerk – Fee.

The petition, properly signed, and any information forms, shall be filed with the City Clerk together with payment of a filing fee as established by resolution of the city council, which shall be paid into the general fund of the city to aid in defraying expenses incurred by the city in checking the sufficiency of such petition and investigating or reporting the facts, and shall not be returned to the petitioner(s) regardless of the council's action on such petition.

12.32.030 Presentation of petition to public works department.

The petition form, information forms, together with written instructions concerning the street vacation procedures, shall be available from the public works department. This information shall be completed and presented to the public works department for approval as to form and content prior to payment of the filing fee as set forth in Appendix A of the CMC

12.32.040 Notice of public hearing.

Upon passage of the resolution fixing time, the city shall cause twenty days' notice to be given of the pendency of the petition by a written notice in three of the most public places in the city, a like notice to be posted in a conspicuous place on that portion of the street or alley sought to be vacated, a like notice in a newspaper of general circulation in the city, and copies of such notice shall be mailed, at least fifteen days prior to the date of hearing, to all owners of abutting property, including the petitioners, at the petitioner's local address if a resident of the city, otherwise to the last address showing on the records of the county assessor. The notice shall contain a statement that a petition has been filed to vacate the portion of the street or alley described in the notice together with a statement of the time and place fixed for the hearing of the petition and inviting interested persons to appear and be heard for or against the granting of the vacation. Failure to send notice by mail to any such property owner where the current address for such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed vacation.

12.32.050 Notice of hearing where vacation initiated by council – Objections.

In all cases where the proceeding is initiated by resolution of the council without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, in addition to the notice required in CMC ???, there shall be given by mail at least fifteen days before the date fixed for the hearing a similar notice to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting upon any street or alley or any part thereof sought to be vacated, as shown on the rolls of the county assessor, directed to the address thereon shown; provided, that if fifty percent of the abutting property owners shall file written objection to the proposed vacation with the public works department, prior to the time of hearing, the council shall be prohibited from proceeding with the resolution.

12.32.060 Public hearing – Criteria for granting vacation.

At the time appointed for the hearing of the petition or resolution, or at such time as the same may be adjourned to by the council, the matter shall be considered and persons desiring to speak for or against the vacation shall be heard. Following such hearing, the council shall determine, among other things, the following:

- A. That the vacation will provide a public benefit, and/or will be for a public purpose;
- B. That the right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole;
- C. That the public need shall not be adversely affected;
- D. That the right-of-way is not contemplated or needed for future public use, including utility routing or park or pedestrian/bike access;

E. That no abutting owner becomes landlocked or his access will not be substantially impaired, i.e., there must be an alternative mode of ingress and egress by way of a city street or alley, even if less convenient; and

F. That vacation of right-of-way shall not be in violation of RCW 35.79.035.

12.32.080 Ordinance granting vacation.

If there are no objections by owners of real estate abutting on the portion of street or alley to be vacated, sufficient to divest the council of jurisdiction, and if the council deems that such vacation shall be to the public's interest and advantage, the council shall authorize by ordinance the vacation of such street or alley or part thereof, subject to the provisions of this chapter regarding payment of compensation and appraisal fees. Such ordinance may provide for the retention by the city of an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair and maintenance of public utilities, facilities and services; provided, that the city council may also, if no vested rights are impaired, modified or changed, impose such other conditions or limitations to the granting of the petition for vacation as it deems necessary and proper to preserve any desired public use or benefit.

12.32.090 Vacation of portion of area described in original petition.

If, after a hearing, the council determines that the petition cannot be granted in whole, but that a vacation of a portion of the area described in the original petition should be vacated, then the council may order that the portion be vacated.

12.32.100 Compensation and appraisal fees.

Following council's determination that the petitioned right-of-way, or a portion thereof, should be vacated, the director of public works, or the director's designee, with the assistance of the property owner(s), shall estimate the approximate value of the right-of-way to be vacated in the following manner:

A. Any vacation request shall have an appraisal done to determine the fair market value of the proposed vacation site. The appraisal value shall be determined upon an appraisal performed at the expense of the petitioner(s) to determine the value of the land; provided, however, said appraiser shall be approved by the city.

B. The vacationing party shall compensate the city in an amount which does not exceed one-half the appraised value of the area so vacated. If the street or alley has been part of a dedicated public right-of-way for twenty five years or more, or if the subject property or portions thereof were acquired at public expense, the city may require the owners of the abutting property owners of the street or alley to compensate the city in an amount that does not exceed the full appraised value of the area vacated.

C. Where the city elects to reserve a utility easement over all or a portion of a right-of-way being vacated, either the petitioner(s) shall pay ten percent of the appraised value.

D. The city reserves the right to reject any appraisal which the city feels does not adequately reflect land value. It will be the city's responsibility thereafter to establish the value of the land being considered for vacation.

After value has been determined, the City Clerk shall notify the petitioner(s) of the amount of compensation to be paid for the vacated property. The compensation amount shall be paid to the city clerk within ninety days of the date the city council passes the vacation ordinance. Upon such payment, the ordinance shall be published as provided by law.

12.32.110 Assurance that petitioner meets conditions of vacation.

In all cases where the payment of compensation by petitioners is required, the vacation ordinance shall not take effect until such time as compensation has been paid. In order to ensure payment, the street vacation ordinance, where passed, shall direct the city clerk not to publish the ordinance until payment has been verified, and in the event such payment has not been received within ninety days of the city council's adoption of said ordinance, the ordinance shall be null and void.

12.32.120 Property trade in lieu of payment.

In lieu of payment of monetary compensation, the petitioners may grant or dedicate to the city for street or other municipal purposes real property useful for that purpose where the property to be acquired by such exchange has a fair market value at least equal to the amount of cash compensation that would otherwise be required. The city shall not be obligated to accept such an exchange and the decision of the city council on the acceptability of the alternate property offered shall be final.