

PLEASE NOTE SPECIAL MEETING TIME

CHEHALIS CITY COUNCIL AGENDA

CITY HALL

350 N MARKET BOULEVARD, CHEHALIS, WA 98532

Dennis L. Dawes, Position at Large
Mayor

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
Chad E. Taylor, Position at Large
Bob Spahr, Position at Large

February 10, 2014

4:30 p.m.

EXECUTIVE SESSION

- | | | |
|--|-----|--|
| 1. <u>Executive Session Pursuant to RCW 42.30.110(1)(b) - Acquisition of Real Estate, and RCW 42.30.110(1)(g) - Review Performance of a Public Employee.</u> (City Manager, City Attorney) | --- | |
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Regular Meeting of Monday, February 10, 2014

5:00 p.m.

ITEM	ADMINISTRATION RECOMMENDATION	PAGE
2. <u>Call to Order.</u> (Mayor)		
3. <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.

SPECIAL BUSINESS

- 4. Port of Chehalis and Centralia Discussion Concerning Executive Director and Combining of the Ports. (Interim Port Director, Port Commissioners)
- 5. Flood Authority Outreach and Education Presentation. (Flood Authority Staff Scott Boettcher, Lewis County Commissioner Edna Fund, and City Representative Arnold Haberstroh)
- 6. Discover! Children's Museum Update. (Larry McGee – Executive Board Member)

INFORMATION ONLY

INFORMATION ONLY

INFORMATION ONLY

CONSENT CALENDAR

- 7. Minutes of the Regular Meeting of January 27, 2014. (City Clerk)
- 8. Vouchers and Transfers. (Finance Manager)

APPROVE

1

APPROVE

6

ADMINISTRATION AND CITY COUNCIL REPORTS

- 9. Administration Reports.
 - a. Marijuana moratorium discussion. (City Manager, City Attorney, Community Development Director)
- 10. Council Reports.
 - a. Councilor reports. (City Council)
 - b. Council committee reports. (City Council)

COUNCIL DIRECTION REQUESTED

INFORMATION ONLY

INFORMATION ONLY

UNFINISHED BUSINESS

11. <u>Ordinance No. 924-B, Second and Final Reading – Amending Section 17.12.330 of the Chehalis Municipal Code dealing with Binding Site Plan.</u> (City Manager, Community Development Director)	PASS	9
12. <u>Ordinance No. 925-B, Second and Final Reading – Adopting the 2012 Building Code and Appendices and Repealing Previous Sections to the Chehalis Municipal Code.</u> (City Manager, Community Development Director)	PASS	12
13. <u>Ordinance No. 926-B, Second and Final Reading – Creating and Adopting Section 12.32 of the Chehalis Municipal Code Dealing with Street and Alley Vacations.</u> (City Manager, Community Development Director)	PASS	15
14. <u>Ordinance No. 927-B, Second and Final Reading – Amending Section 17.81.010 of the Chehalis Municipal Code Dealing with Tent Camping.</u> (City Manager, Community Development Director)	PASS	20

**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, FEBRUARY 24, 2014

January 13, 2014

The Chehalis city council met in regular session on Monday, January 27, 2014, in the Chehalis city hall. Mayor Dawes called the meeting to order at 4:32 p.m. with the following council members present: Terry Harris, Dr. Isaac Pope, Bob Spahr, and Daryl Lund. Councilors Taylor and Ketchum were absent (excused). Staff present included: Merlin MacReynold, City Manager; Judy Schave, City Clerk; and Dennis Osborn, Community Development Director.

1. **Executive Session.** Mayor Dawes announced that the council would be in executive session pursuant to RCW 42.30.110(1)(h) – evaluate qualifications of applicants, and RCW 42.30.110(1)(b) – acquisition of real estate for approximately 30 minutes and there would be no decision following conclusion of the executive session.

Mayor Dawes closed the executive session at 4:54 p.m. and announced the council would take a short recess and reopen the regular meeting at 5:00 p.m. Additional staff included Bill Hillier, City Attorney; Glenn Schaffer, Police Chief; Eva Lindgren, Finance Manager; and Rick Sahlin, Public Works Director. Members of the media included Kyle Spurr from *The Chronicle*.

2. **Consent Calendar.** Councilor Spahr moved to approve the consent calendar comprised of the following:

- a. Minutes of the regular meeting of January 13, 2014;
- b. Claim Vouchers No. 108072-108164 in the amount of \$142,657.89 dated January 15, 2014;
- c. Approve 2014 council committee/board appointments;
- d. Confirm city manager's re-appointment of Ed Stanton to the Civil Service Commission for a six-year term expiring December 31, 2019; and
- e. Confirm the Mayor's re-appointment of Scott Blinks and Jeff Mecca to the Chehalis Planning Commission for four-year terms expiring December 31, 2017.

The motion was seconded by Councilor Harris and carried unanimously.

3. **Administration Reports.**

a. **Quarterly, November and December Financial Reports, and Quarterly Sales and Use Tax Report.** Finance Manager Eva Lindgren provided the council with an update on the quarterly and December financial reports. She indicated the quarterly report was preliminary and pending final year-end journal entries. Ms. Lindgren reported on the gambling enforcement fund, noting it would effectively be closed out. She talked briefly about the federal and state grant fund, which is used to pay expenditures for some of our major grant projects.

Ms. Lindgren reported the general fund revenues and expenditures both came in less than what was budgeted; however, the end result was to the good. She noted the general fund had an ending balance of \$871,276, but there were still a few year-end adjustments to make. Ms. Lindgren reported most of the ending fund balances came in higher than budgeted, primarily because she did not do a budget amendment to reflect increased revenues, or decreased expenditures. She noted the ending fund balance for all funds combined was approximately \$7.6 million.

Ms. Lindgren reported on the December financial report, noting sales and use taxes exceeded the budgeted revenue by almost \$40,000. The total tax revenue collected for the general fund was 99.4 percent of the budgeted amount, leaving a variance of (\$509,845). Ms. Lindgren reported the general fund expenditures came within budget with a variance of \$563,732. Most of that was attributed to the non-departmental transfers-out that didn't happen.

Councilor Harris inquired about the telephone tax revenue, noting it continues to decline even though phones are still utilized a lot. Mayor Dawes suggested one solution might be that a lot of people are dropping their traditional land-line phones.

January 13, 2014

Ms. Lindgren reminded the council about the lawsuit in which the argument was made that we were not entitled to collect taxes on certain types of telephonic communications. She stated the telephone industry prevailed in that court case and City Attorney Bill Hillier helped the city settle the matter.

City Attorney Hillier stated that was correct. He noted, additionally, the cost of the new style of phone use has gone down significantly (e.g., unlimited minutes). He reported texting is no longer taxable, as well as a lot of other things.

Councilor Pope suggested long-distance calling has also changed, adding a lot of people are using cell phones, or going through a computer.

Ms. Lindgren briefly reviewed the utility funds, noting the departments worked very close with her to do some tighter budgeting. She reported she would like to see the wastewater fund balance grow faster because of the debt service the city pays.

Mayor Dawes stated he was under the impression that the rate increases were supposed to adequately take care of those concerns. Ms. Lindgren stated they are, but we're only dealing with a step up each year.

Councilor Lund stated they were told the rates were being raised because that state required a certain amount of money in the fund. He noted the council was also told by the wastewater superintendent in a report a few weeks back that the public works director included extra in the increases to help pay for the inflow-infiltration (I&I) work. Councilor Lund suggested if they would have been told that when they were discussing rate increases, it might have been easier for the citizens to stomach.

City Manager MacReynold didn't believe that was true, noting the I&I study had been long-standing. Councilor Lund stated it had been a long time, but it wasn't mentioned when they were voting on raising the rates. City Manager MacReynold believed they had projects built in for what they would be doing in the future.

Ms. Lindgren reported the preliminary numbers for the water sales were slightly exceeding what was budgeted, and the expenditures came in less than budgeted. She noted the fund ended with an increased balance of over \$200,000. Ms. Lindgren reported the storm fund was looking strong, and the small fund balance would be useful for some upcoming projects.

Ms. Lindgren talked briefly about the sales and use tax report, adding the city definitely improved upon the previous year. She stated the total increase over last year was a little over 6 percent.

4. Council Reports.

a. **Update From Councilor Spahr.** Councilor Spahr reported he would be attending the Southwest Washington Economic Development Commission meeting on January 30, in Castle Rock.

b. **Update From Mayor Dawes.** Mayor Dawes reported on the January 15 Riverside Fire Authority Planning Committee meeting. He noted they were brought up to date on the situation at Riverside Fire regarding the sudden devaluation of TransAlta. Mayor Dawes stated the potential for tax proration could decimate the department from what it looks like today, but they would have to wait and see. The Committee was informed that Chehalis plans to continue with the functional consolidation to identify where we're at. He noted once we see what we're dealt with, we'll make the call.

Mayor Dawes reported he attended the annual Chamber banquet along with Councilor Ketchum, adding it was a nice event. He and Councilor Spahr also attended the annual Lewis County EDC banquet at the Hotel Washington.

5. Ordinance No. 923-B, Second and Final Reading – Granting a Franchise Agreement to LightSpeed Networks, Inc., to Construct, Operate and Maintain a Telecommunications Network within the City of Chehalis. City Manager MacReynold reported this was the second reading of the ordinance. He noted Robin Smith, Legal & Compliance Director for LightSpeed Networks, Inc., attended the previous meeting to present what they are proposing to do. City Manager MacReynold encouraged the council to approve the ordinance.

Councilor Harris moved that the council pass Ordinance No. 923-B on second and final reading.

January 13, 2014

The motion was seconded by Councilor Pope and carried unanimously.

6. **Resolution No. 1-2014.** Mayor Dawes reported Resolution No. 1-2014 would be pulled from the agenda regarding the execution of an interlocal agreement with Lewis County in regards to the City of Tacoma. He noted the county is the lead agency and the administration felt it would be more appropriate for the county to be the first to approve the resolution, as opposed to the city.

7. **Ordinance No. 924-B, First Reading – Amending Section 17.12.330 of the Chehalis Municipal Code (CMC) Dealing with Binding Site Plan.** City Manager MacReynold reported Ordinance Nos. 924-B through 927-B are part of the ordinance code recommendations the administration briefed the council on in September 2013. He suggested the council review the updates and vote on the ordinances at the same time.

Community Development Director Dennis Osborn stated he was still working on an ordinance for the Capital Facilities Plan that would be brought before council at a later date.

Mr. Osborn reported the current code for dealing with the binding site plan has a one-year requirement that expires. The new ordinance proposes to make it a five-year timeframe that would put it in line with state statute in terms of preliminary approval of major subdivisions.

Councilor Spahr asked, "If they can't get it done in five years is there a way to extend the timeframe?" Mr. Osborn stated an extension could be requested in one-year increments.

8. **Ordinance No. 925-B, First Reading – Adopting the 2012 Building Code and Appendices and Repealing Previous Sections to the CMC.** Mr. Osborn reported this item is one that the State Legislature passed and the city operates within its guidelines. He stated the city is not required to adopt all of the appendices, such as sprinkling of homes, which is not being proposed. Mr. Osborn stated it would simply adopt the International Building Code and Appendices C, I and J; and the International Residential Code and Appendices G and H.

9. **Ordinance No. 926-B, First Reading – Creating and Adopting Section 12.32 of the CMC Dealing with Street and Alley Vacations.** Mr. Osborn reported this is a new section to the CMC that will give the city procedural steps to follow for the vacation of a right-of-way, adding it basically mirrors the state statute.

Councilor Spahr inquired about the procedures the city currently uses. Mr. Osborn reported we currently follow state statute. He noted we're not required to adopt it; it just came up a few months ago when the city had an issue regarding a street vacation. Mr. Osborn stated the council had a lot of questions at the time it was discussed regarding the city's process and procedures.

City Manager MacReynold stated the administration received direction from council to do nothing new, but to put it all in one place so when we have someone come in they can see exactly what the process is versus looking up the state statute.

10. **Ordinance No. 927-B, First Reading – Amending Section 17.81.010 of the CMC Dealing with Tent Camping.** Mr. Osborn reported the tent camping issue came up during a code enforcement issue the city's been dealing with. He noted Sections A, B, and C are currently in the CMC, and D is the new section dealing with tent camping. Mr. Osborn stated it was his understanding that there was a concern whether someone could put a tent up in their front yard for the weekend. He stated the way the code is currently written, the answer would be no. Mr. Osborn stated he didn't believe that was the intent of the code, noting the proposed ordinance would give a 14 day period in which a tent would have to be taken down. He suggested they could put something in the code allowing tents in a front yard for the weekend or two day period, but it would then become an enforcement issue if it wasn't taken down. Mr. Osborn felt they were just looking for a little bit of discretion if a tent pops in a front yard.

Mayor Dawes stated if they make it too stringent then it wouldn't allow the STP riders to camp in the park. He indicated he had proposed some language regarding 'city sanctioned events' to City Manager MacReynold. Mayor Dawes stated he also didn't want our police department going after kids that want to spend the night out in a tent during the summer, but his biggest concern was the STP riders.

January 13, 2014

Mr. Osborn reported 17.93.080 has a section for use of public places and special event permits. He stated that permit would allow the STP to still move forward. Councilor Spahr noted STP riders also use private property. Mr. Osborn stated the tent would then need to be located on the side, or rear yard. He suggested they could tighten the ordinance up to say "front yards are allowed for a weekend," but by the time the city starts the enforcement process it would probably be taken down.

Mr. Osborn noted his thought process when drafting the ordinance was to take into consideration safety, as well as the esthetic component. Councilor Harris asked if language could be added stating no visibility from the street. Mr. Osborn stated they could simple say "not visible from the street," but there are so many variations in the lots within the city.

Councilor Pope felt they were wording it to death and didn't believe it was a serious problem. He stated they've had the STP coming through for years and other people camping out in their yards, and they're usually gone within a couple of days. Councilor Pope suggested they leave the proposed ordinance the way it is, adding they can always come back and change it at a later date if a problem develops.

Councilor Spahr inquired about the language in Section B, noting it didn't make sense. Additionally, he and several others keep their motor homes on their property, or in garage to keep them plugged in for refrigeration purposes. Mr. Osborn suggested the ordinance was drafted so if you have power to the unit it's a way for the city to have cause to knock on the door to see if in fact you're living in it.

Mayor Dawes stated his only concern with Section D is when you have an ordinance that specifically says nothing and conflicts with another ordinance. He suggested they add language to permit it for a city sanctioned event.

City Attorney Hillier indicated they could add language to the ordinance between first and second reading.

Mr. Osborn reported he would add language that states, "Except for events that are compliant with Section 17.93.080. He noted he would also clean up the language in Section B, as well.

Councilor Spahr moved that the council pass Ordinance Nos. 924-B, 925-B, 926-B and 927-B on first reading.

The motion was seconded by Councilor Pope and carried unanimously.

11. Authorize City Manager to Execute Contract Amendment with HDR Engineering, Inc., for the Chehalis Beautification and Overlay Project. City Manager MacReynold reported the city ended up going out very late last year to solicit bids for the project and only received two. Both bids were significantly over the projected cost of the project and were eventually rejected by the council. City Manager MacReynold stated the administration is planning to go back out to bid; however, some of the documents need to be amended. Additionally, project management costs need to be added to the project.

Councilor Spahr asked, "If we had accepted the higher bid, what would we have done with the additional construction management costs." City Manager MacReynold stated the city would still have to add the additional amount for the construction management.

Councilor Spahr moved to authorize the city manager to execute Amendment No. 1 to the agreement for engineering services for the Chehalis Avenue Beautification and Overlay Project with HDR Engineering, Inc., for an additional amount of \$80,813.

The motion was seconded by Councilor Pope and carried unanimously.

12. Lewis County Law Enforcement Memorial Statue Unveiling. Mayor Dawes reported he received an invitation to attend the unveiling of the Lewis County Law Enforcement Memorial Statue "The Guardian," at the entry way of the Lewis County Law and Justice Center on January 30.

13. Port of Chehalis. Mayor Dawes reported he recently read an article about the Port of Chehalis looking at some administrative changes. He noted, after speaking with one of the Port Commissioners at the Lewis County EDC Banquet, he had concerns about what was being discussed.

January 13, 2014

Mayor Dawes asked if the other council members would be interested in having the Interim Port Director and/or one of the Port Commissioners come and discuss the changes being proposed. He stated the city does a lot of things in concert with the Port, and development at the Port is certainly tied into the direction of the city. Mayor Dawes reported he had concerns that some of the changes may affect that relationship and what we'll be able to do at the Port in the future.

Councilor Lund noted there were a lot of people in town who think they need to hire a new director and move forward in providing jobs for people. He stated they're using the fire consolidation as an example for how they can do it, but that's a totally different situation.

The consensus of the council was to have representatives from the Port of Chehalis attend an upcoming city council meeting. Mayor Dawes asked City Manager MacReynold to set it up for the next meeting, if possible.

There being no further business to come before the council, the meeting adjourned 5:47 p.m.

Mayor

Attest:

City Clerk

SUGGESTED MOTION

I move that the council approve the minutes of the regular city council meeting of January 27, 2014.

CITY OF CHEHALIS
AGENDA REPORT

DATE: January 15, 2014
TO: The Honorable Mayor and City Council
FROM: Eva Lindgren, Finance Manager *EL*
PREPARED BY: Michelle White, Accounting Tech II *MW*
SUBJECT: 2013 Vouchers and Transfers

ISSUE

Council approval is requested of the following financial transactions recorded in 2013:

Claim Vouchers No. 108165 through 108174 in the amount of \$1,378.24 dated January 15, 2014 and the transfer of \$964.22 from the General Fund, \$101.68 from the Wastewater Fund, \$37.66 from the Water Fund, \$1.85 from the Storm & Surface Water Utility Fund, \$134.22 from the Firemen's Pension Fund and \$138.61 from the City Agency Fund.

RECOMMENDATION/COUNCIL ACTION DESIRED



The administration recommends that the council approve the January 15, 2014 Claim Vouchers No. 108165 through 108174 in the amount of \$1,378.24.

SUGGESTED MOTION

I move to approve the January 15, 2014 Claim Vouchers No. 108165 through 108174 in the amount of \$1,378.24.

Reviewed by: , City Manager

CITY OF CHEHALIS
AGENDA REPORT

DATE: January 15, 2014
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 recorded in 2014:

Claim Vouchers No. 108175 through 108233 in the amount of \$337,025.11 dated January 15, 2014 and the transfer of \$299,420.13 from the General Fund, \$301.75 from the 2011 G.O. Bond Fund, \$14,736.60 from the Wastewater Fund, \$22,231.60 from the Water Fund, \$174.73 from the Storm & Surface Water Utility Fund and \$160.30 from the City Agency Fund.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that the council approve the January 15, 2014 Claim Vouchers No. 108175 through 108233 in the amount of \$337,025.11.

SUGGESTED MOTION

I move to approve the January 15, 2014 Claim Vouchers No. 108175 through 108233 in the amount of \$337,025.11.

Reviewed by: , City Manager

CITY OF CHEHALIS
AGENDA REPORT

DATE: January 17, 2014
TO: The Honorable Mayor and City Council
FROM: Eva Lindgren, Finance Manager *EL*
PREPARED BY: Michelle White, Accounting Tech II *MW*
SUBJECT: 2013 Vouchers and Transfers

ISSUE

Council approval is requested of the following financial transactions recorded in 2013:

Claim Vouchers No. 108234 through 108249 and Electronic Funds Transfer No. 122013 in the amount of \$39,389.36 dated January 17, 2014 and the transfer of \$17,737.41 from the General Fund, \$7,933.57 from the Wastewater Fund, \$12,665.76 from the Water Fund, \$974.62 from the Storm & Surface Water Utility Fund and \$78.00 from the Firemen's Pension Fund.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that the council approve the January 17, 2014 Claim Vouchers No. 108234 through 108249 and Electronic Funds Transfer No. 122013 in the amount of \$39,389.36.

SUGGESTED MOTION

I move to approve the January 17, 2014 Claim Vouchers No. 108234 through 108249 and Electronic Funds Transfer No. 122013 in the amount of \$39,389.36.

Reviewed by: *Michelle White*, City Manager

CITY OF CHEHALIS

AGENDA REPORT

DATE: February 10, 2014
TO: The Honorable Mayor and City Council
FROM: Dennis Osborn, Community Development Director
SUBJECT: Ordinance No. 924-B – Amending Chehalis Municipal Code for Section 17.12.330 Dealing with Binding Site Plan.

ISSUE

Currently, the Municipal Code 17.12.330 C expires a binding site plan after one year. This amendment changes this to expire a preliminary binding site plan after 5 years. A preliminary approval is not final approval which would occur once a final Binding Site Plan is recorded. Therefore, the applicant would have five years to complete the preliminary BSP process.

DISCUSSION

This item was brought to council under the 2013 Code Amendments. The direction from the September 9, 2013 council meeting was to bring this back in ordinance form. However, this issue was set aside while council and staff worked on the ADU and Signs in Right of way issue. The first reading of this Ordinance was at the January 20, 2014 council meeting. There were no changes proposed.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that council pass Ordinance No. 924-B on second and final reading.

SUGGESTED MOTION

I move that the council pass Ordinance No. 924-B on second and final reading, as presented.

Reviewed:  _____, City Manager

ORDINANCE NO. 924-B

**AN ORDINANCE OF THE CITY OF CHEHALIS, WASHINGTON,
AMENDING SECTION 17.12.330 OF THE CHEHALIS MUNICIPAL
CODE DEALING WITH BINDING SITE PLAN.**

**THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DO
ORDAIN AS FOLLOWS:**

Section 1. The Chehalis Municipal Code shall be amended to Section 17.12.330 entitled "Development Review Committee Review – Binding Site Plans".

Building Site Plan

17.12.330 Development review committee review – Building 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 preliminary binding site plan shall be valid for a five years. 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.

PASSED by the City Council of the city of Chehalis, Washington, and **APPROVED** by its Mayor, at a regularly scheduled open public meeting thereof this 10th day of February, 2014.

Mayor

Attest:

City Clerk

Approved as to form and for content:

City Attorney

CITY OF CHEHALIS

AGENDA REPORT

DATE: February 10, 2014
TO: The Honorable Mayor and City Council
FROM: Dennis Osborn, Community Development Director
SUBJECT: Ordinance No. 925-B – Adopting the I Codes of the 2012 International Building Code and Appendices

ISSUE

In 2013, the State amended and adopted the new International Building Codes. The City has been bound by these codes upon passage by the State. Formal adoption by the City assists the city in application of the code compliance section and clarifies the appendices to the I Codes adopted.

DISCUSSION

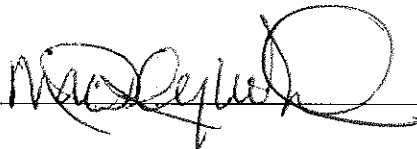
This item was brought to Council under the 2013 Code Amendments. The direction from the September 9, 2013 council meeting was to bring this back in ordinance form. However, this issue was set aside while council and staff worked on the ADU and signs in right-of-way issue. This item was brought before council at the January 20, 2014 council meeting for the first reading of the ordinance. There were no questions or recommended changes to the proposed ordinance.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that council pass Ordinance No. 925-B on second and final reading.

SUGGESTED MOTION

I move that the council pass Ordinance No. 925-B as presented on second and final reading.

Reviewed:  _____, City Manager

ORDINANCE NO. 925-B

AN ORDINANCE OF THE CITY OF CHEHALIS, WASHINGTON, ADOPTING THE I CODES OF THE 2012 INTERNATIONAL BUILDING CODE AND APPENDICES (IBC); ADOPTING APPENDIX I OF IBC; ADOPTING APPENDIX J OF THE IBC; ADOPTING APPENDIX G OF THE INTERNATIONAL RESIDENTIAL CODE (IRC); AND ADOPTING APPENDIX H OF THE IRC; AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES CONFLICTING HEREWITH.

THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City Council of the city of Chehalis, Washington, hereby adopts the 2012 International Building Codes and Appendix C, Appendix I and Appendix J, a copy of which is available at the Chehalis Planning Department, and incorporated herein by this reference.

Section 2. The City Council of the city of Chehalis, Washington, hereby adopts the International Residential Code and Appendix G and Appendix H as the city's official Building Code, a copy of which is available at the Chehalis Planning Department, and incorporated herein by this reference.

Section 3. Repeal. All Ordinances or parts of Ordinances of the City of Chehalis, Washington, conflicting herewith, shall be, and the same are hereby repealed.

PASSED by the City Council of the city of Chehalis, Washington, and **APPROVED** by its Mayor, at a regularly scheduled open public meeting thereof this 10th day of February, 2014.

Mayor

Attest:

City Clerk

Approved as to form and for content:

City Attorney

CITY OF CHEHALIS

AGENDA REPORT

DATE: February 10, 2014
TO: The Honorable Mayor and City Council
FROM: Dennis Osborn, Community Development Director
SUBJECT: Ordinance 926-B – Amending Chehalis Municipal Code for Vacation of Right-of-Way

ISSUE

Currently, state law prescribes vacation of right-of-way procedures. However, the Municipal Code provides no direction on procedures as to how to move forward on a vacation petition within the City of Chehalis. This amendment is to provide that direction.

DISCUSSION

This item was brought to council under the 2013 Code Amendments. The direction from the September 9, 2013 council meeting was to bring this back in ordinance form. However, this issue was set aside while council and staff worked on the ADU and signs in right-of-way issue. This item was brought forward for first reading on January 20, 2014. The discussion on this and the function of the ordinance is to provide the public a guide to petitioning for a vacation without having to find the requirements in state law. In addition, the ordinance provides procedures based on state law for staff to follow when processing a vacation request. Council did not make changes to the ordinance as presented.

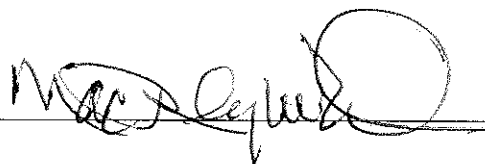
RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that council pass Ordinance No. 926-B on second and final reading.

SUGGESTED MOTION

I move that the council pass Ordinance No. 926-B on second and final reading, as presented.

Reviewed: _____



_____, City Manager

ORDINANCE NO. 926-B

**AN ORDINANCE OF THE CITY OF CHEHALIS, WASHINGTON,
CREATING AND ADOPTING SECTION 12.32 OF THE CHEHALIS
MUNICIPAL CODE DEALING WITH STREET AND ALLEY
VACATIONS.**

**THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DO
ORDAIN AS FOLLOWS:**

Section 1. The Chehalis Municipal Code shall adopt Section 12.32 entitled
“Street and Alley Vacations”.

**Chapter 12.32
STREET AND ALLEY VACATIONS**

Sections:

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

12.32.060 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 or 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 12.32.040, 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 not proceed with the vacation or proceed 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 valued.

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 petitions(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, were 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 petitions 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.

PASSED by the City Council of the city of Chehalis, Washington, and **APPROVED** by its Mayor, at a regularly scheduled open public meeting thereof this 10th day of February, 2014.

Mayor

Attest:

City Clerk

Approved as to form and for content:

City Attorney

CITY OF CHEHALIS

AGENDA REPORT

DATE: February 10, 2014
TO: The Honorable Mayor and City Council
FROM: Dennis Osborn, Community Development Director
SUBJECT: Ordinance No. 927-B – Amending Chehalis Municipal Code for Tent Camping within the City

ISSUE

This item was added as an enforcement issue arose in the City. The City regulates RV camping, but has no provisions for tent camping. This ordinance restricts tent camping within the City to the same time frame as RV camping and prohibits tent camping in the front yard.

DISCUSSION

This item was brought to council under the 2013 Code Amendments. The direction from the September 9, 2013 council meeting was to bring this back in ordinance form. However, this issue was set aside while council and staff worked on the ADU and signs in right-of-way issue. At the January 20, 2014 council meeting, Council approved the first reading of the ordinance and directed staff to add language that excluded the Seattle to Portland Bicycle Classic bike ride. The attached ordinance has the modification as directed by Council. As a side note, the ordinance at first reading had an inadvertent deletion of one of the EXISITNG sections, which states:

“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.]”

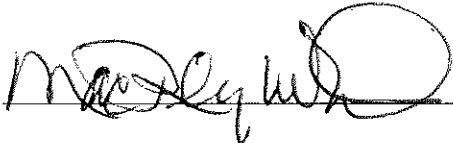
This section has been added back into the proposed ordinance that’s being presented for Council consideration.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that council pass Ordinance No. 927-B on second and final reading, as amended.

SUGGESTED MOTION

I move that the council pass Ordinance No. 927-B on second and final reading, as amended.

Reviewed:  _____, City Manager

ORDINANCE NO. 927-B

**AN ORDINANCE OF THE CITY OF CHEHALIS, WASHINGTON,
AMENDING SECTION 17.81.010 OF THE CHEHALIS MUNICIPAL
CODE DEALING WITH TENT CAMPING.**

**THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DO
ORDAIN AS FOLLOWS:**

Section 1. The Chehalis Municipal Code Section 17.81.010 entitled "Tent
Camping" shall be amended to read as follows:

Tent Camping

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 vehicles 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.

E. Tent camping within the city shall only be allowed in back/rear 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 yard. Tent camping is prohibited in all other zones except for approved RV parks that comply with the appropriate provisions of the municipal code. The Seattle to Portland Classic bike ride and other events that receive approval for special event licenses are exempt from this Ordinance.

PASSED by the City Council of the city of Chehalis, Washington, and **APPROVED** by its Mayor, at a regularly scheduled open public meeting thereof this 10th day of February, 2014.

Mayor

Attest:

City Clerk

Approved as to form and for content:

City Attorney