

**CITY OF CHEWELAH  
ORDINANCE 941**

**AN ORDINANCE AMENDING SOME SECTIONS OF TITLE 18-ZONING OF THE CHEWELAH MUNICIPAL CODE. ADDRESSES THE DEFINITION OF "ADMINISTRATOR". REVISES SOME ROLES OF THE ADMINISTRATOR, MAYOR, CITY PLANNER AND HEARING EXAMINER. ADDRESSES STALE APPLICATIONS.**

**WHEREAS**, the office of city administrator is authorized by city code; and

**WHEREAS**, in the absence of a city administrator the city code fails to address the delegation of the duties thereof; and

**WHEREAS**, the Mayor has determined that revisions with regard to some of the duties delegated to administration, the city planner and the hearing examiner are necessary; and

**WHEREAS**, the Mayor has determined that the issue of stale applications needs to be addressed.

NOW, THEREFORE, be it ordained by the City Council of Chewelah, Washington, as follows:

**SECTION 1: AMENDMENT** The following definitions in "18.04.040 Definitions" of the City of Chewelah Municipal Code are hereby *amended* as follows:

A M E N D E D

"Administrator: means the city administrator or his/her designee. In the event there is no city administrator then "administrator" means the Mayor or his/her designee.

"Technical review committee" means a committee of city officials that may consist of the administrator, chief of police, building official, public works ~~coordinator~~director or other official as designated by the administrator. For highly technical material, the administrator is authorized to obtain professional assistance at the cost of an applicant for consideration by the city.

**SECTION 2: AMENDMENT** "18.08.030 Interpretations" of the City of Chewelah Municipal Code is hereby *amended* as follows:

A M E N D M E N T

18.08.030 Interpretations

- A. The ~~hearing examiner~~city planner shall interpret and rule on the meaning, intent and proper general application of the provisions of this title. Upon written request and as

determined necessary, the ~~hearing-examiner~~city planner shall issue a written interpretation within thirty days of receipt of the request by the city. The written interpretation shall concisely identify the issue as well as the reasoning behind the interpretation.

- B. The ~~hearing-examiner~~city planner may permit in a zone any use not specifically described in this title after a finding that such use is similar to permitted uses in the zone and that the use is in keeping with the spirit and intent of the zone in which the use is to be located.

(Ord. No. 900, § 7, 8-3-2016)

**SECTION 3:**            AMENDMENT “18.08.040 Zone Boundaries” of the City of Chewelah Municipal Code is hereby *amended* as follows:

A M E N D M E N T

18.08.040    Zone Boundaries

The zone boundary lines are indicated on the adopted zoning map. Zone boundaries are lot lines or the center lines of streets and alleys, unless otherwise indicated. If uncertainty exists as to the boundary of any zone the following rules shall apply:

- A. Where the street layout actually varies on the ground from that shown on the zoning map, the designations shown on the map shall be applied to the streets as actually laid out.
- B. Where the location of the zone boundaries are shown on the map to be other than street, alley or lot lines, and the depth of the zone is not indicated, then the zone boundary shall be located by use of the scale on the map.
- C. Where the application of the above rules does not clarify the zone boundary location, the administrator shall interpret the map and by written decision determine the location of the zone boundary. The ~~hearing-examiner~~city planner and city council shall be advised of the decision. A copy of the written decision shall be kept on file ~~with the city-clerk/treasurer~~.

(Ord. No. 900, § 7, 8-3-2016)

**SECTION 4:**            AMENDMENT “18.12.030 Landscaping, Screening And Maintenance” of the City of Chewelah Municipal Code is hereby *amended* as follows:

A M E N D M E N T

18.12.030    Landscaping, Screening And Maintenance

- A. Purpose and Intent. The purpose of this section is to establish landscaping and property

maintenance standards to enhance the aesthetic appearance of property throughout Chewelah. In addition, the standards are established to protect the health and safety of the residents and users of the properties.

B. Landscape Screening.

1. Screening shall provide a filtered view minimizing the blocking of the view to the extent possible and may be provided by existing vegetation, landscaped areas, including the use of hedges, berms, fencing or a combination thereof. The use of vegetation (trees and columnar shrubs) is encouraged.
2. Perimeter screening shall be provided as follows:
  - a. At the sides and rear of all commercial and industrial sites to provide an all season visual separation and a wind break between adjacent land uses. Perimeter landscaping shall shield the views of industrial and commercial land uses, including outdoor storage, service, and loading areas, from roads and adjacent uses. If, however, the rear of the site is adjacent to an agricultural use, no rear yard perimeter screening is required.
  3. Perimeter landscaping shall be required to screen loading areas, waste disposal areas, and outdoor storage areas.
    - a. A minimum five-foot-wide perimeter screening shall be provided adjacent to roads.
    - b. Trees and columnar shrubs shall be a minimum of four feet in height at the time of planting and shall grow to a minimum of eight feet within five years.
    - c. Avoid obstructing views of crosswalks, intersections and street lights.
    - d. Additional screening may be required between dissimilar land uses, at the discretion of the **hearing examiner**city planner.
    - e. Screening requirements may be relaxed if warranted by the use of clustering or shared access, at the discretion of the **hearing examiner**city planner.
  4. Interior screening shall be required for parking areas according to the following minimum requirements:
    - a. Landscaping shall be provided at a minimum of ten percent of the parking area.
    - b. One tree for every ten single row parking spaces or twenty spaces if parking is in double rows shall be provided, for summer shade.
    - c. Minimum tree size at planting shall be two-inch caliper.
    - d. Trees shall be planted a minimum of three feet from curbs and sidewalks.
    - e. Screening may include shrubs suitable to be maintained at a height of three feet.
    - f. Avoid obstructing views of crosswalks, intersections, and streetlights.
  5. The **hearing examiner**city planner may require perimeter and/or interior landscaping or perimeter fences in accordance with CMC 18.12.060 in mobile home parks.

C. Landscape Materials and Design Requirements.

1. The use of plant materials to achieve a variety of heights, shapes and/or textures

- upon maturity is encouraged.
- 2. A combination of evergreen and deciduous trees, shrubs and groundcover may be used.
- 3. The use of drought-tolerant plant materials is encouraged.
- 4. The retention of existing trees is encouraged.
- 5. Fencing materials shall be attractive and durable.

D. Maintenance.

- 1. Provisions shall be made for the on-going maintenance, including irrigation as necessary, of required landscape areas.
- 2. Trees and shrubs which die within twelve months of planting shall be replaced by the property owner.
- 3. All yards and buildings shall be maintained in a neat, tidy manner, including trimming and upkeep of all landscaped areas, and the removal of debris and unsightly objects.
- 4. All yards shall be maintained free of noxious weeds consistent with the regulations of the Stevens County weed board.

(Ord. No. 900, § 7, 8-3-2016)

**SECTION 5:        AMENDMENT** “18.12.050 Projections And Canopies” of the City of Chewelah Municipal Code is hereby *amended* as follows:

AMENDMENT

18.12.050    Projections And Canopies

- A. Eaves, cornices, awnings and permitted signs may project not more than two feet into a required yard.
- B. Steps, terraces, platforms and porches having no roof coverings, provided that they do not exceed forty-two inches in height above the finished grade, may occupy the front or side yard.
- C. Any service station canopy may extend into the front or flanking street yard areas provided that the support columns are located in the pump islands and further, provided that no canopy shall extend closer than five feet to any property line.
- D. Canopies for uses other than service stations may be approved by the ~~hearing examiner~~ city planner, and subject to restrictions.

(Ord. No. 900, § 7, 8-3-2016)

**SECTION 6:        AMENDMENT** “18.12.070 Outdoor And Temporary Signs” of the City of Chewelah Municipal Code is hereby *amended* as follows:

## A M E N D M E N T

### 18.12.070 Outdoor And Temporary Signs

A. Purpose and Intent. The erection and maintenance of outdoor advertising signs shall be controlled in order to promote the public safety and the scenic value of public travel, and to preserve the natural character of the city.

B. Standards.

1. All signs shall be in compliance with the Uniform Sign Code.
2. Outdoor signs shall not exceed the area prescribed for each zone as follows:
  - a. Residential: Signs prohibited, except as allowed in this section;
  - b. Retail Business: sixty square feet per sign;
  - c. Commercial/Industrial: sixty square feet per sign.
3. Signs in the commercial/industrial and retail business zones may be up to one hundred twenty square feet per sign with review and approval of a variance from the ~~hearing examiner~~city planner.
4. Nonresidential uses in the residential zones may display:
  - a. One sign not more than fifteen square feet in area nor projecting more than twenty feet above the average elevation of the finished grade along the front of the building.
  - b. Churches, schools, and similar uses may in addition, have one freestanding identification sign or bulletin board, not exceeding twenty-five square feet in area.
  - c. A home occupation may have one nonluminous sign not more than two square feet in area. The sign shall be placed against the building and may be externally lighted. The sign may bear the business person's name and occupation.
5. In the residential zones, for the rental or sale of property, one temporary, nonilluminated sign not exceeding eight square feet in area shall be allowed on the subject property.
6. The following signage shall be allowed for mobile/manufactured home parks:
  - a. One sign along each major approach to the mobile home park, not to exceed a total of thirty-six square feet in area for all signs.
  - b. No sign shall project more than two feet into any required yard.
  - c. Signs may be illuminated provided that they shall not be flashing or animated and shall be of low intensity not exceeding the equivalent of four hundred twenty-five milliamperes fluorescent tubing behind plexiglass or other plastic face spaced on seven-inch or more centers, or of exposed neon not exceeding thirty milliamperes.
  - d. Each mobile home space shall be numbered with a sign or other method which will facilitate responses by emergency vehicles.
7. Signs commonly known as billboards shall be prohibited.
8. Temporary Signs.

- a. One temporary sign per business or event is allowed on an improved sidewalk or, in the absence of an improved sidewalk, in the public right-of-way. Businesses having more than one street frontage may be allowed one sign on each street frontage. The sign shall be placed in front of and on the same side of the street as the business establishment or event that it advertises. Exceptions: Community service organizations, nonprofit, church and school events will be allowed no more than two off-premise signs in compliance with the ordinance codified in this chapter.
  - b. Buildings or multiple buildings with multiple tenants who have access from a common entrance, including buildings with interior or exterior courtyards, are permitted one sign per building for the use of the residents.
  - c. No sign shall be placed in such a way as to reduce the continuous, unobstructed width of a sidewalk or walkway to less than five feet.
  - d. Signs must be at least five feet from the building face.
  - e. Signs may not obstruct an entrance to a building, or any steps.
  - f. No sign may be placed within a crosswalk.
  - g. Signs must be placed at least twelve inches from a tree grate or planting.
  - h. Signs must be at least fifteen feet distant from another sidewalk or temporary sign.
  - i. Temporary signs may be displayed from six a.m. to eight p.m. each day but shall be removed at eight p.m.
9. Size.
- a. Maximum size of a temporary sign shall be eight square feet per sign face, with a maximum sign width of thirty inches, a maximum sign height of forty-eight inches, and a minimum sign height of thirty inches.
  - b. No materials shall be added to the sign to increase its height.
10. Materials. Signs shall be constructed of weather-resistant materials, such as wood, plastic, metal or durable fabric.
11. Permit. No outdoor or temporary sign shall be installed or sited without first obtaining a sign permit from the city. The city may issue an annual permit for temporary signs located on a sidewalk.
12. Existing Signs. All temporary signs currently situated within the city shall be subject to the ordinance codified in this chapter. The ~~mayer or his~~ designee administrator shall notify owners of nonconforming signs of such status by personal service or by regular mail. Nonconforming signs shall be removed within five days of service or mailing date of the notice.
13. Enforcement/Violations. Any sign not properly removed or relocated after notice from the city is declared a nuisance as defined at CMC 8.08.020, or as hereafter amended. The nonconforming sign shall be subject to the summary abatement provisions of CMC 8.08.100, or as amended, and subject to the penalties set out at CMC 8.08.110, or as amended, in addition to the penalties for violation set forth in this title.

(Ord. No. 900, § 7, 8-3-2016)

**SECTION 7:**            **AMENDMENT** “18.12.090 Mobile/Manufactured Home Park” of the City of Chewelah Municipal Code is hereby *amended* as follows:

## A M E N D M E N T

### 18.12.090    Mobile/Manufactured Home Park

- A. Purpose. The purpose of this section is to accommodate the placement of mobile and manufactured homes in designated mobile home park developments.
- B. Permitted Locations. Upon compliance with applicable regulations and processes, mobile/manufactured home parks shall be permitted in the L-R, R-3, and R-B zones after the issuance of a conditional use permit by the hearing examiner.
- C. Design Standards. The following standards and requirements shall govern the design of a mobile home park:
  1. The minimum area of a mobile/manufactured home park shall be one and one-half acres.
  2. All mobile/manufactured home parks shall provide at least one point of ingress/egress from the park to a dedicated public street. The ~~hearing examiner~~city planner may recommend that additional access points be required. The developer shall be responsible to pave dedicated streets inside the park and to pave the frontage streets (lot line to lot line) that adjoin the property to the center of the dedicated right-of-way.
  3. All utilities including electrical distribution, cable television and telephone service systems shall be installed underground except for access terminals.
  4. Spaces within a mobile/manufactured home park shall contain a minimum of three thousand five hundred square feet in the R-3 and R-B zone and five thousand four hundred square feet in the L-R zone. The maximum building coverage including the mobile home is fifty percent of the space.
  5. A minimum of eight percent of the total gross area of the park shall be designated and maintained as a recreational area for occupants of the park.
  6. Setbacks in a mobile home park shall be as follows:
    - a. Fifteen feet between dwelling units;
    - b. Twenty feet from the front property boundary line and fifteen feet from flanking streets;
    - c. All mobile homes shall be located at least twenty feet from the perimeter of the park.
  7. All vehicular ways shall meet or exceed the standards set by the street department supervisor for public streets.

8. Support system and stabilizing devices for any mobile/manufactured-designated/manufactured home shall be designed and installed in accordance with the specifications set forth by the manufacturer or the adopted standards of a federal or state regulatory agency, whichever is more stringent.
9. Accessory structures installed in a mobile home park shall conform to the requirements of the Uniform Building Code and other applicable laws. Accessory structures shall be no closer than five feet to a property line.
10. Off-street covered parking space(s) shall be provided in accordance with CMC 18.12.020.
11. Each mobile/manufactured home space shall be numbered with a sign or other method which will facilitate responses by emergency vehicles.

D. Application Requirements.

1. Preapplication Conference.

- a. Before any proposal for a mobile home park is presented to the ~~hearing examiner~~ city planner, the building official shall schedule a meeting between the city administrator, all interested department heads, and the applicant.
- b. The applicant shall have prepared for the meeting the general outlines of the proposal, evidenced schematically by sketch plans drawn to scale containing in an approximate manner the following information:
  - (1) Legal description of the proposal;
  - (2) Boundaries and dimensions of the proposal including the number of acres involved;
  - (3) Location and dimensions of each space;
  - (4) Location and width of streets and pedestrian ways;
  - (5) Locations of recreational and other common areas;
  - (6) Location of landscaping, fences, walls, and other screening structures;
  - (7) Locations, arrangement and design of all parking facilities;
  - (8) Identification of topographical hazards, environmentally sensitive areas, floodplains.
- c. The building official shall furnish the applicant with a written review of the conference regarding the relation of the mobile home park to general development objectives and applicable city ordinances and policies.

2. Application for development permit shall include the following:

- a. All applications for approval of a mobile home park development shall be accompanied by a fee as established by resolution by the city council which shall be used to cover the costs of advertising, reviewing, and publishing incidental to the request.
- b. All new mobile home parks or extensions to existing parks shall be subject to site plan review under this title.
- c. All applications submitted for approval of a mobile home park shall include six copies of the site plan. The plan shall be drawn at a scale of one inch equals one hundred feet or larger and be on sheets of paper

eighteen inches by twenty-four inches minimum. The plan shall contain at a minimum the following information in addition to the information required in Part D, 1 of this section:

- (1) Name of person who prepared the plan;
  - (2) Name of persons owning and managing the land proposed for the park development;
  - (3) Name and address of the proposed mobile home park;
  - (4) Scale and north point on the plan;
  - (5) Vicinity map showing relationship of the development to adjacent properties;
  - (6) Location and dimensions of each space, with spaces designated by number or other designation;
  - (7) Location of each lighting fixture for exterior lighting;
  - (8) Location and dimensions of proposed building(s) other than mobile homes;
  - (9) Location of fire hydrants;
  - (10) Enlarged plot plan of a typical space, showing location of foundation base, storage space, parking, utility connections and other improvements;
  - (11) A survey plat of the property showing:
    - (A) Structures to be constructed,
    - (B) Public water system and sewer and garbage disposal plan approved by the appropriate officials.
- d. An environmental checklist and fee for review must be submitted with the application.
3. The application will be submitted in accordance with the provisions of CMC 18.20 for a Type II review.

E. Park Administration.

1. It is the responsibility of the park owner and manager to assure that the provisions of this title are observed and maintained within the mobile home park. Violations of this title shall subject both the owner and the manager to the penalties provided for in CMC 18.20.070 for such violation. The owner or designated agent shall be available and responsible for the direct management of the mobile home park.
2. The mobile home park shall be maintained free of any flammable materials in amounts which might communicate fires between homes and other improvements.
3. Refuse shall be collected and disposed of on a regular and sanitary basis.
4. Any dumpsters or centralized collection areas containing three or more receptacles will be screened from view as per CMC 18.12.030.

(Ord. No. 900, § 7, 8-3-2016)

**SECTION 8:            AMENDMENT** “18.16.020 Use Permits” of the City of Chewelah Municipal Code is hereby *amended* as follows:

A M E N D M E N T

18.16.020    Use Permits

- A. Purpose and Intent. Certain uses, because of their unique characteristics, cannot be properly classified in any one zone. Such uses should be considered individually and the impact on surrounding properties taken into account. Therefore, the intent of this section is to allow for the review of such uses as conditional uses with requirements prescribed to protect the health, welfare, and safety of the public.
- B. Review Process. A conditional use permit shall be subject to a Type I or Type II review, in accordance with CMC 18.20.030, as follows:
  - 1. The Type I procedure shall be used to process a temporary conditional use permit request.
  - 2. The Type II procedure shall be used to process all other conditional use permit requests.
- C. Action of Review Authority.
  - 1. The administrator may approve a temporary conditional use permit, in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:
    - a. The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
    - b. The proposed site is adequate in size and shape to accommodate the temporary use without detriment to the use and enjoyment of other properties in the project vicinity.
    - c. The project makes adequate provision for access and circulation, water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection.
    - d. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the review authority.
  - 2. The hearing examiner may approve a conditional use permit, in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:
    - a. The project is consistent with the city comprehensive plan and meets the requirements and intent of the Chewelah Zoning and Land Division Ordinances, including the type of land use; the density/intensity of development; and the protection of critical areas, if applicable.
    - b. The project will not be unduly detrimental to properties within three hundred feet of its boundaries.

- c. The project makes adequate provision for access and circulation, water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection.
- d. The project adequately mitigates impacts identified through the SEPA review process, if applicable.
- e. The project is beneficial to the public health, safety, and welfare, and is in the public interest.

D. Time Limit on Approval of Conditional Use Permit.

- 1. Authorization of a temporary conditional use permit shall be valid for the time specified in the approval, but not to exceed six months.
- 2. Authorization of a conditional use permit shall be void one year after the effective date, unless a building permit has been issued and substantial construction has taken place or the use has commenced. However, a written request for up to a one-year extension submitted prior to the expiration date may be approved by the ~~hearing examiner~~administrator for the conditional use permit if the ~~hearing examiner~~administrator finds that the facts on which the conditional use permit is approved have not changed substantially. If during this period the use substantially changes the conditional use permit shall become void and a new application will be considered on its own merit.
- 3. If the use authorized under a conditional use permit ceases or is interrupted for six consecutive months or more, then a new conditional use permit will be required.

(Ord. No. 900, § 7, 8-3-2016)

**SECTION 9:            AMENDMENT “18.16.030 Variance” of the City of Chewelah**  
Municipal Code is hereby *amended* as follows:

A M E N D M E N T

18.16.030    Variance

- A. Purpose and Intent. The purpose of a variance is to provide relief in cases where the strict application of the development standards in this title would result in undue hardship by virtue of physical peculiarity of a parcel of land or in the case of property in the flood management overlay zone would result in the denial of economic use of the property. The purpose is to ensure that because of physical characteristics of a property, the property is not deprived of privileges commonly enjoyed by other properties in the same zone. A variance shall not allow a use in a zone where otherwise prohibited.
- B. Review Process. A variance shall be subject to a Type I or Type II review, in accordance with CMC 18.20.030, as follows:

1. The Type I procedure shall be used to process a minor variance request involving a ten percent reduction or ten percent increase from a quantitative provision of the Zoning or Land Division Ordinance.
  2. The Type II procedure shall be used to process a variance in the flood management overlay zone and any variance not covered by a minor variance.
- C. Action of the Review Authority.
1. A variance request may be approved in whole or in part, with or without conditions, if all of the applicable findings of fact can be made in an affirmative manner. Criteria for variances to development standards and criteria for variances in the FM overlay zone are contained in Parts C,2 and C,3 below.
  2. A variance request for modification to development standards may be approved in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:
    - a. The strict application of this title to a property would result in extreme difficulty, unnecessary hardship, or the inability of an owner to use land for the purposes allowed in the zone in which it is located for reasons of physical peculiarity.
    - b. The granting of such variance would not be detrimental or injurious to the property or improvements within three hundred feet of the improvements or property boundaries.
    - c. The granting of the variance would not grant special privileges to a landowner that are in conflict with the purposes of this title.
  3. A variance request for development within the FM overlay zone may be approved in whole or in part, with our without conditions, if all of the following findings of fact can be made in an affirmative manner:
    - a. Denial of the variance would result in exceptional hardship and would deny all economic use of the property;
    - b. The variance would result in the minimum relief necessary, considering the flood hazard;
    - c. If the site is located in a designated floodway, no increase in flood levels during the base flood discharge would result;
    - d. Granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or conflict with existing local laws or ordinances;
    - e. In the case of the reconstruction of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places, the structure is being rebuilt as it previously existed.
- D. Time Limit on Approval of Variance. Authorization of a variance shall be void one year after the effective date of the variance, unless a building permit has been issued and substantial construction has taken place. However, a written request for up to a four-year extension submitted prior to the expiration date may be approved by the ~~hearing-examiner~~city planner for the variance if the ~~hearing-examiner~~city planner finds that the facts on which the variance is approved have not changed substantially.

(Ord. No. 900, § 7, 8-3-2016)

**SECTION 10:        AMENDMENT** “18.16.040 Site Plan Review” of the City of Chewelah Municipal Code is hereby *amended* as follows:

A M E N D M E N T

18.16.040    Site Plan Review

- A. Purpose and Intent. The purpose of a site plan review is to ensure that development on sites containing unique or critical resources protects these resources to the extent possible, and that the public health, safety and welfare of residents of the city are maintained.
- B. Review Process.
  - 1. A site plan review shall be required in the following situations and as required in other sections of the Chewelah Municipal Code:
    - a. Development in the critical resource areas overlay (CRA) zone;
    - b. Development in the flood management overlay (FM) zone;
    - c. Development in the shoreline enhancement overlay (SE) zone.
  - 2. Site plan review shall be subject to a Type II review, in accordance with CMC 18.20.030.
  - 3. Any person, firm, or corporation may make application for site plan review. The completed application shall be submitted to the building official with applicable fees in accordance with the fee resolution adopted by the city council.
  - 4. A site plan review application shall include the following:
    - a. Plans (drawn to scale) showing the nature, location, dimensions of the critical resource area or floodplain area, if any, on or adjacent to the site;
    - b. Existing topography and natural features;
    - c. Existing and proposed structures and the proposed uses;
    - d. Proposed grading, drainage facilities, and location of storage, if applicable;
    - e. All required technical reports prepared by experts with demonstrated qualifications in the area(s) of concern;
    - f. Any additional information deemed necessary by the administrator or ~~hearing examiner~~ city planner.
  - 5. In the case of proposed development within the FM overlay zone, the following shall also be provided:
    - a. Estimated flood elevation for a one-hundred-year flood or the flood event having a one percent chance of occurring in any given year, as determined by flood insurance agency or a qualified professional engineer.
    - b. Elevation in relation to mean sea level, of the lowest floor, including the basement, of all structures.

- c. Elevation in relation to mean sea level of which any structure has been floodproofed. Where available flood data relates to depth of flood waters rather than height above mean sea level, then the depth of the one-hundred-year flood should be substituted for elevation data.
  - d. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in CMC 18.08.150 Parts F and G.
  - e. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- C. Action by Review Authority. The hearing examiner at a public hearing may approve a site plan review in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:
- 1. The project is consistent with the Chewelah comprehensive plan and meets the requirements and intent of the Chewelah Zoning and Land Division Ordinances, including land use and intensity of development.
  - 2. The physical location, size, and placement of proposed structures on the site and the location of proposed uses within the project minimize impacts to any critical resource or floodplain area to the greatest extent possible.
  - 3. The project is compatible with and relates harmoniously to the surrounding area.
  - 4. The project will not be detrimental to the public interest, health, safety, or general welfare.
  - 5. The project adequately mitigates any identified impacts.
  - 6. Adequate setbacks and buffering have been provided. Any reduction to setbacks or buffer widths is the minimum necessary to allow for reasonable economic use of the lot and does not impact the functional value of the critical resource area.
- D. Time Limit on Approval of Site Plan Review. Authorization of a site plan review shall be void one year after the effective date, unless a building permit has been issued and substantial construction has taken place. However, the administrator may extend the site plan review four years longer if the administrator finds that the facts on which the site plan review was approved have not substantially changed.

(Ord. No. 900, § 7, 8-3-2016)

**SECTION 11:**        **AMENDMENT** “18.16.050 Amendments” of the City of Chewelah Municipal Code is hereby *amended* as follows:

## A M E N D M E N T

### 18.16.050 Amendments

- A. Purpose and Intent. The text of this title and/or applicable maps may be amended to better implement the city comprehensive plan or protect the health, safety, and welfare of city residents.
- B. Initiation of Amendment by Petition.
1. An amendment or supplement to this title may be initiated by any owner of affected property (in the case of a zone change), or any citizen of Chewelah in the case of other amendments. Any proposed amendment shall be presented on forms and in the format prescribed by the ~~hearing examiner~~city planner.
  2. Attached to any proposed amendment or supplement shall be an explanation and justification for the proposed change. Additionally, a request for a zone boundary change or zone change shall be accompanied by an accurate map at a scale not larger than one inch equals two hundred feet showing the affected property and three hundred feet in all directions from the property lines. A complete list of all owners of property on the map shall also be submitted. The list shall be certified by a licensed title company within thirty days of the date of application.
- C. Initiation of Amendment by the City. The ~~hearing examiner~~city planner or city council may initiate an amendment to this title at any time. Before such an amendment can be passed, the hearing examiner shall first investigate the merits of the proposed change and shall conclude the change, if adopted, will be in conformance with the comprehensive plan and promote the health, welfare, and safety of the people or constitutes good zoning practices and conforms to the laws of the state.
- D. Review Process. An amendment shall be subject to a Type III review consistent with CMC 18.20.030.
- E. Action of Review Authority.
1. Whenever there is a proposed rezoning being reviewed where public hearing is advertised and held, if after hearing testimony and considering the facts involved, the council finds that a more restrictive zone classification than that requested and advertised or that a rezoning of less land than that advertised would be in the public interest and constitute good zoning practice, the council may approve a more restrictive zone or smaller land area without readvertising and rehearing. For the purpose of this provision, the low-density residential zone (L-R) shall be interpreted as being the most restrictive.
  2. The hearing examiner shall review the request and shall not recommend approval of an amendment to the comprehensive plan or any implementing ordinance or regulation unless it first makes the following findings and conclusions:
    - a. The proposed amendment is consistent with the intent and goals of the Chewelah comprehensive plan and meets the requirements and intent of the Chewelah Municipal Code.
    - b. The proposed amendment is consistent with applicable federal and state laws and regulations.

- c. The city and other responsible agencies and special zones will be able to supply the development resulting from the amended comprehensive plan or implementing ordinance with adequate roads and streets for access and circulation, water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection.
- d. The amendment adequately mitigates impacts identified through the SEPA review process, if applicable.
- e. The amendment is beneficial to the public health, safety, and welfare, and is in the public interest.

(Ord. No. 900, § 7, 8-3-2016)

**SECTION 12:            AMENDMENT “18.20.030 Development Review Procedure”** of the City of Chewelah Municipal Code is hereby *amended* as follows:

A M E N D M E N T

18.20.030    Development Review Procedure

- A. Purpose and Intent. The purpose of this section is to provide procedures for the review of applications that will ensure that the requirements of this title are met, and the goals and policies of the city comprehensive plan are achieved. The intent is to integrate the development permit and environmental review process, as well as to consolidate the development review, wherever possible, in order to avoid duplication and delay.
- B. General Provisions.
  - 1. Unless otherwise required, where the city must review more than one application for a given development, all applications required for the development shall be submitted for review at one time.
  - 2. It shall be the responsibility of the applicant or petitioner to present evidence to the satisfaction of the body or person authorized by this title to hear an application that undue detriment will not result from the requested approval.
- C. Preapplication Consultation.
  - 1. Applicants for a Type I review are encouraged to contact the ~~administrator~~city planner prior to submitting an application to discuss the nature of the proposed development, applicable development standards, design alternatives, required permits and the review process.
  - 2. Applicants for a Type II or III review shall submit a preapplication request prior to submitting an application. A preapplication meeting shall be held to discuss the nature of the proposed development, applicable development standards, design alternatives, required permits, availability of services, and the review process.

D. Application and Fee. Any property owner or representative of a property owner may make application. A completed application with applicable submittal materials and fees as established by resolution of the city council shall be submitted to the ~~administrator~~city planner.

E. Stale applications. This Part of this Section is intended to extinguish applications that become stale due to inaction by the applicant.

1. Expiration of Stale Applications. An application shall be considered stale and shall expire whenever any action by the applicant required for further processing of that application (whether or not such action is the result of a Completeness Review pursuant to Part F of this Section) remains undone for six (6) or more months after the date that the action was requested, unless the applicant is granted an extension of time pursuant to Part E,3 of this Section.
2. Forfeiture of Fees. Upon the expiration of any such stale application, all fees already paid are subject to forfeiture at the sole discretion of the administrator.
3. Extension of Time. The time for expiration of an application may be extended by up to six (6) additional months upon written request by the applicant before the end of the period set out in Part E,1 of this Section. Multiple extensions may be requested, except that any such extensions, including the first requested, shall be granted solely at the discretion of the administrator.

F. Completeness Review.

1. Within fourteen days of receiving a date-stamped application, the ~~administrator~~city planner shall review the application for completeness, and provide the applicant with a written determination that the application is complete or incomplete. If the application is found to be incomplete, the ~~administrator~~city planner shall identify the information that must be provided or requirements that must be met to constitute a complete application.
2. An application is complete if it includes the following:
  - a. A completed original application form signed by the owner(s) of the property subject to the application or by a representative authorized to do so by written instrument executed by the owner(s) and filed with the application.
  - b. Information necessary to demonstrate compliance with the standards specified in the applicable section(s) of this title. In addition, the ~~administrator~~city planner may require such additional information as reasonably necessary to fully and properly evaluate the proposal.
  - c. A completed SEPA checklist, including all back-up materials, or, in the case that the project is exempt, a statement explaining why the project should be considered exempt under WAC 197-11-800.
  - d. Suggested findings of fact supporting the proposed project and relating to each required finding in this title.
  - e. Payment in full of all applicable fee(s) adopted by the city council.
  - f. The fee established by resolution by the council shall be charged for each certified/registered mailing of notice required by this title.

G. Notice of Application.

1. Within fourteen days after making a determination that an application is complete, the administrator shall publish a notice of application in accordance with the requirements of Section 18.20.040B of this chapter.

2. The notice of application begins a public comment period of not less than fourteen days and not more than thirty days.

#### H. Technical Review.

1. The technical review committee shall review the development application for compliance with the provisions of this title and the city comprehensive plan, and other applicable city regulations, including the State Environmental Policy Act (SEPA). The administrator shall make a threshold determination pursuant to SEPA.
2. After review by all city agencies affected by the development (including SEPA review) the applicant shall be notified whether additional technical information is needed in order to evaluate the proposal. If not, the application will be deemed technically complete. Additional technical information may include:
  - a. A study of the potential traffic impacts of a project by a registered professional engineer.
  - b. An Environmental Impact Statement (EIS) in compliance with WAC 197-11-400.
  - c. Delineation of critical areas on the site by qualified professionals and evaluation of the impacts of the proposed development on the delineated resources.

#### I. Environmental Review.

1. Developments and planned actions subject to the provisions of SEPA shall be reviewed in accordance with the policies and procedures contained in Chapter 16.04 (SEPA Ordinance).
2. SEPA review shall be conducted concurrently with development project review.
3. If an appeal is received on a SEPA determination, the appeal and the subject application shall be considered at the same hearing.
4. If the SEPA determination is made after the notice of application, a separate notice may be necessary to comply with state environmental regulations.

#### J. Type I, Administrative Review Process.

1. The administrator may approve, approve with conditions, or deny Type I applications, subject to the notice and appeal requirements of this article.
2. Within fourteen days, a notice of decision must be published in accordance with Section 18.20.040D of this chapter. Preliminary approvals under this section shall become final if no appeal is submitted, within fourteen days of publication of the notice of decision.

#### K. Type II, Quasi-Judicial Review Process.

1. A Type II, quasi-judicial review shall require a public hearing before the hearing examiner.
2. The administrator shall prepare a staff report on the proposed development or action summarizing the comments and recommendations of city departments, affected agencies and special zones, and evaluating the development's consistency with the requirements of this title, the Chewelah comprehensive plan, and other applicable city regulations. The staff report shall include findings, conclusions and proposed recommendations for the disposition of the development application.
3. The administrator shall schedule a public hearing before the hearing examiner as

soon as possible after a technically complete application requiring a Type II review is submitted. Notice of the time and place of the hearing shall be published in accordance with Section 18.20.040 of this chapter.

4. At the time and in the place appointed, the hearing examiner shall conduct a public hearing for the purpose of taking testimony, hearing evidence, considering the facts pertinent to the proposal, and evaluating the proposal for consistency with the requirements of this title and other applicable plans and regulations.
5. For Type II reviews other than preliminary plats, the hearing examiner may grant preliminary approval, approval with conditions, or may deny the project based on the testimony received and the findings made. Preliminary approvals under this section shall become final fourteen days after publication of the notice of decision. If a written notice of appeal is received within the specified time, the matter shall be referred to the Superior Court of the State of Washington for Stevens County for review and a decision.
6. For Type II reviews of preliminary plats, the hearing examiner may recommend preliminary approval, approval with conditions or may deny the project based on the testimony received and the findings made. Such recommendation shall be submitted to the city council not later than fourteen days following action by the hearing examiner.

L. Type III, Legislative Review Process.

1. A Type III, legislative review shall require a review before the hearing examiner, a hearing examiner recommendation to the city council, and a hearing before the council.
2. In the event of initiation of an amendment by the council, it shall refer the proposed amendment to the hearing examiner for consideration and recommendation prior to taking action. Only one public hearing (before the hearing examiner) shall be held prior to council action.
3. The administrator shall prepare a staff report on the proposed amendment or action summarizing the comments and recommendations of city departments, affected agencies and special zones, and evaluating the amendment's consistency with the requirements of this title, the Chewelah comprehensive plan, other applicable city regulations, and applicable state and federal laws and regulations. The staff report shall include findings, conclusions and proposed recommendations for the disposition of the development application.
4. The administrator shall schedule a review before the hearing examiner as soon as possible after a technically complete application requiring a legislative review is submitted.
5. At the time and in the place appointed, the hearing examiner shall review the request and evaluate the proposal for consistency with the requirements of this title and other applicable laws, plans and regulations.
6. Whenever a proposed ordinance or amendment to the zoning ordinance or land division ordinance or other ordinance implementing the comprehensive plan, or an amendment to the comprehensive plan is considered by the hearing examiner, the hearing examiner shall prepare findings of fact supporting its recommended action and transmit such findings to the city council.

7. Upon receipt of a recommendation by the hearing examiner of an ordinance, amendment to an existing ordinance, or an amendment to the comprehensive plan, the council shall, hold an open record public hearing for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, evaluating the proposal for consistency with the requirements of this title and other applicable laws, plans and regulations and considering the hearing examiner recommendation.
8. The council, before adoption, modification, or rejection of a Type III application, shall make findings of fact representing the official determination of the council and specifying the basis for the decision.
9. Action by the city council on a Type III application shall be final and conclusive, unless within twenty-one days from the date of publication of the notice of decision, the original applicant or a party adversely affected by the decision makes proper application to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition, a writ of mandamus, or other action as may be provided and allowed by law to review the action of the city council.

M. Final Decision.

1. The review authority shall approve or deny a development proposal within the following timeframes from the date of the letter of completeness:
  - a. One hundred twenty days for development applications, such as conditional use permit, variances, site plan review;
  - b. Ninety days for preliminary subdivision plats;
  - c. Thirty days for short plats;
2. For development applications not identified in this section, the one hundred twenty-day timeframe shall apply. Exceptions to this include:
  - a. Amendments to the comprehensive plan or development code.
  - b. Any time required to correct plans, perform studies or provide additional information, provided that within fourteen days of receiving the requested additional information, the ~~administrator~~ city planner shall determine whether the information is adequate to resume the project review.
  - c. Substantial project revisions made or requested by an applicant, in which case the one hundred twenty days will be calculated from the time that the city determines the revised application to be complete.
  - d. All time required for the preparation and review of an environmental impact statement.
  - e. Projects involving the siting of an essential public facility.
  - f. An extension of time mutually agreed upon by the city and the applicant.
  - g. All time required to obtain a variance.
  - h. All time required for an appeal of a determination of significance.

N. Notice of Decision. As soon as feasible after the hearing, the administrator shall prepare and distribute a notice of decision for all applications, in accordance with the requirements of Section 18.20.040D of this chapter.

O. Reinitiation of Hearings. No application for the same or substantially same project that has been denied may be filed within twelve months, except if specifically permitted at the

time of approval or denial or if reinitiated by the ~~hearing examiner~~ city planner or city council.

(Ord. No. 900, § 7, 8-3-2016)

**SECTION 13: SEVERABILITY CLAUSE** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

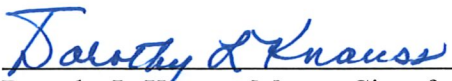
**SECTION 14: EFFECTIVE DATE** This Ordinance shall be in full force and effect five (5) days after passage and publication as provided by law.

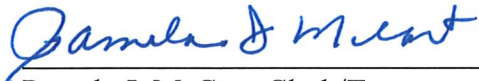
PASSED AND ADOPTED BY THE CITY OF CHEWELAH COUNCIL February 5, 2020.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Councilmember Nicole Norvell	X	_____	_____	_____
Councilmember Cori Wuesthoff	X	_____	_____	_____
Councilmember Payton Norvell	X	_____	_____	_____
Councilmember Ryan Sieber	X	_____	_____	_____
Councilmember Bruce Nupp	X	_____	_____	_____
Councilmember Evan Schalock	X	_____	_____	_____
Councilmember Ashley Grubb	X	_____	_____	_____

Presiding Officer

Authenticate

  
Dorothy L. Khauss, Mayor, City of  
Chewelah

  
Pamela J. McCart, Clerk/Treasurer  
City of Chewelah