

IMPORTANT NOTICE

The February 22 Chehalis City Council will be held in-person with some restrictions.

On February 1, Lewis County moved to Phase 2 of the Governor's Healthy Washington – Roadmap to Recovery Plan, which means cities may hold limited, in-person meetings in addition to virtual options. The capacity of these meetings is limited to 25% of the posted room capacity or 200 individuals – whichever is fewer (excludes staff). The posted room capacity for the Chehalis Council Chambers is 49, which means 12 members of the public may be in attendance.

Cities must continue to provide the public virtual access to meetings. Options for attending remotely remain the same:

1. Live-Stream

View and listen through live streaming by using the following link –

<https://www.ci.chehalis.wa.us/citycouncil/live-streaming-and-demand-viewing-city-council-meetings>

or

2. Telephone

Dial: 1-253-215-8782

Meeting ID: 822 5811 8879

Passcode: 674890

Citizens wishing to provide public comments in general and on agenda items should submit comments by 4:00 pm on the day of the meeting. All comments received will be acknowledged by the Mayor under the Citizens Business portion of the meeting agenda. Please use the following form to submit comments – <https://www.ci.chehalis.wa.us/contact>. If you do not have computer access or would prefer to submit a comment verbally, please contact City Clerk Caryn Foley at 360-345-1042 or at cfoley@ci.chehalis.wa.us. Citizens Business comments will be limited to five (5) minutes.

If you have any questions about live streaming the meeting or submitting a comment, please contact City Clerk Caryn Foley at cfoley@ci.chehalis.wa.us or 360-345-1042.

**The City truly appreciates the community's cooperation
and patience during this challenging time.**

CHEHALIS CITY COUNCIL AGENDA

CITY HALL
350 N MARKET BLVD | CHEHALIS, WA 98532

Jerry Lord, District 1 Daryl J. Lund, District 2 Dr. Isaac S. Pope, District 4	Dennis L. Dawes, Position at Large Mayor	Anthony E. Ketchum Sr., District 3 Robert J. Spahr, Position at Large Vacant, Position at Large
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Regular Meeting of Monday, February 22, 2021 5:00 pm

1. <u>Call to Order</u> . (Mayor)

ITEM	ADMINISTRATION RECOMMENDATION	PAGE
SPECIAL BUSINESS		
2. <u>Selection of New Mayor Pro Tem</u> . (Mayor)	APPOINT NEW MAYOR PRO TEM	
3. <u>City Council Committee Assignments</u> . (Mayor)	REVIEW	1

CITIZENS BUSINESS
Citizens wishing to provide public comments in general and on agenda items should submit comments by 4:00 pm on the day of the meeting. All comments received will be acknowledged by the Mayor under Citizens Business of this meeting agenda. Please use the following form to submit comments – https://www.ci.chehalis.wa.us/contact . If you do not have computer access or would prefer to submit a comment verbally, please contact City Clerk Caryn Foley at 360-345-1042 or at cfoley@ci.chehalis.wa.us . Citizens Business comments will be limited to five (5) minutes.

ITEM	ADMINISTRATION RECOMMENDATION	PAGE
CONSENT CALENDAR		
4. <u>Minutes of the Regular City Council Meeting of February 8, 2021</u> . (City Clerk)	APPROVE	5
5. <u>Vouchers and Transfers – Accounts Payable in the Amount of \$777,594.14 Dated February 12, 2021</u> . (City Manager, Finance Director)	APPROVE	8

ITEM	ADMINISTRATION RECOMMENDATION	PAGE
UNFINISHED BUSINESS		
6. <u>Ordinance No. 1016-B, Second and Final Reading – Amending CMC 17.09 Permit Processing.</u> (City Manager, Building and Planning Manager)	PASS	9

ITEM	ADMINISTRATION RECOMMENDATION	PAGE
NEW BUSINESS		
7. <u>Council Member Vacancy Process.</u> (City Manager)	APPROVE	44
8. <u>Request from Lewis County to Consider Opposing Acquisition of TransAlta Land by Washington State Department of Fish and Wildlife.</u> (City Manager)	PROVIDE DIRECTION	46
9. <u>Consider Submitting Letter of Opposition to HB 1388 Relating to Motor Vehicle Sales – Zero Emission Vehicles.</u> (City Manager, Airport Operations Coordinator)	PROVIDE DIRECTION	52
10. <u>Ordinance No. 1017-B, First Reading – Establishing 2020 Year-End Fund Balance Commitments.</u> (City Manager, Finance Director)	PASS	55
11. <u>Resolution No. 3-2021, First and Final Reading – Adopting the Public Participation Plan for the Update to the Shoreline Master Plan.</u> (City Manager, Planning and Building Manager)	ADOPT	60

ITEM	ADMINISTRATION RECOMMENDATION	PAGE
ADMINISTRATION AND CITY COUNCIL REPORTS		
12. <u>Administration Reports.</u> a. City Manager Update. (City Manager)	INFORMATION ONLY	---
13. <u>Councilor Reports/Committee Updates.</u> (City Council)	INFORMATION ONLY	---

EXECUTIVE SESSION
14. Pursuant to RCW: a. 42.30.110(1)(c) – Sale/Lease of Real Estate b. 42.30.110(1)(i) – Litigation/Potential Litigation

THE CITY COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS AGENDA.
NEXT REGULAR CITY COUNCIL MEETING IS MONDAY, MARCH 8, 2021.

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Jill Anderson, City Manager

BY: Caryn Foley, City Clerk

MEETING OF: February 22, 2021

SUBJECT: City Council Committee Assignments

ISSUE

Due to the resignation of Chad Taylor from the City Council, various council committee assignments previously covered by the former City Councilor will need to be made.

DISCUSSION

The committee assignments that now need to be reassigned due to the City Council vacancy are listed below. The complete list of committee assignments is attached to this report to provide meeting information details.

- 911 Dispatch Committee
- Beautification Committee
- CARES COVID-19 Community Program
- Centralia-Chehalis Transportation Cooperative
- Twin Transit
- Lewis County Transportation Strategy Council
- Lodging Tax Advisory Committee
- SWW Regional Transportation Planning Organization

The new council member expected to be selected in March could serve on the committees; however, if any council member has an interest in a particular committee it could be filled at this time. Councilor Ketchum has expressed interest in filling the position on the Twin Transit Board, and Councilor Lord would be interested in chairing the Lodging Tax Advisory Committee.

FISCAL IMPACT

There is no fiscal impact related to this agenda item.

RECOMMENDATION

It is requested that the City Council review the list of vacant committee assignments and that assignments are made as deemed appropriate by the City Council at this time or at a future meeting.

SUGGESTED MOTION

There is no suggested motion.

Council Committee/Board Assignments

Approved 2/10/2020

Updated 9/14/2020

Updated 2/8/2021

Board/Committee	Council	Staff	Meeting Info
911 Dispatch Committee	Dawes Pope Taylor	City Mgr Police Chief Fire Chief	TBD
Beautification Committee	Pope Spahr Taylor	Planning & Building Mgr Police Chief	TBD
CARES COVID-19 Community Program	Lund Pope Taylor	City Mgr	As needed
Centralia-Chehalis Transportation Cooperative	Ketchum Spahr Taylor	City Mgr Public Works Dir	Does not currently meet
Chehalis Basin Flood Authority		Public Works Dir	3rd Thurs of each month 9:00 AM
Chehalis Community Renaissance Team	Ketchum Lord Pope	City Mgr City Mgr's Admin Asst	2nd Fri of each month 8:30 AM City Hall
Chehalis Foundation	Pope		3rd Tues of each month 11:30 AM City Hall
Chehalis-Napavine-LCSD No. 4 Sewer Operations	Pope Spahr		As needed
Chehalis Parks Subcommittee	Lord Lund Pope	City Mgr Recreation Mgr	As needed

Board/Committee	Council	Staff	Meeting Info
Chehalis River Basin Partnership	City Rep: Terry Harris	Wastewater Supt Water Supt	4th Fri of each month 9:30 AM Lucky Eagle Casino, Rochester
Council Budget Committee	Dawes Lord Spahr	City Mgr Finance Dir	Quarterly
Council GMA Committee	Pope (Chair) Dawes Ketchum		As needed
Council Parking Committee	Lord Lund Spahr		As needed
Council Voucher Committee	Dawes Pope Spahr		Twice per month to review and sign vouchers Finance Department
Fire Consolidation Subcommittee	Dawes Lund Spahr	City Mgr Fire Chief	As needed 6:00 PM Lewis County Fire District 6 Station
Lewis County Historical Museum Board	Ketchum		3rd Tues of each month 5:00 PM Historical Museum
Lewis County LEOFF Disability Board	TBD		3rd Fri of each month 3:00 PM Lewis County Commissioner' Office
Lewis County Planned Growth (GMA) Committee	Spahr	City Mgr Planning & Building Mgr	Annually
Lewis County Public Transportation Benefit Area Authority (Twin Transit)	Taylor Dawes - alt.		3rd Tues of each month 8:00 AM TransAlta Commons (Centralia College)
Lewis County Solid Waste Advisory Committee	Lord		1st Wed of each month 1:30 PM Lewis County Public Services

Board/Committee	Council	Staff	Meeting Info
Lewis County Solid Waste Disposal District Executive Committee	Lord		Once per year to approve budget
Lewis County Transportation Strategy Council	Taylor Ketchum - alt.	City Mgr	3rd Mon of each month 2:00 PM Lewis County Public Services
Lewis EDC Board	Spahr		2nd Thurs of Jan, Mar, May, Jul, Sept, Nov 7:00 AM Holiday Inn Express
Lodging Tax Advisory Committee	Taylor	City Mgr's Admin Asst	Annually or as needed City Hall
Pt. 09 Committee	Mayor		2nd Fri of Mar, Jun, Sept, Nov 8:30 AM Lewis EDC
Sister City Committee	Ketchum	City Mgr's Admin Asst	Currently suspended
SWW Economic Development Commission	Spahr	City Mgr	Twice per year in Jan, Jun
SWW Regional Transportation Planning Organization Board	Taylor		2nd Wed of Feb, May, Sept, Nov Various member locations

The Chehalis city council met in regular session on Monday, February 8, 2021. Mayor Dennis Dawes (present in the council chambers) called the meeting to order at 5:03 pm with the following council members present via Zoom: Tony Ketchum, Jerry Lord, Daryl Lund, Dr. Isaac Pope, and Bob Spahr. Mayor Pro Tem Taylor was present in the council chambers. Staff present included: Jill Anderson, City Manager; Tammy Baraconi, Planning & Building Manager; Caryn Foley, City Clerk; Kiley Franz, City Manager's Administrative Assistant; Tedd Hendershot, Fire Chief; Erin Hillier, City Attorney; Randy Kaut, Interim Police Chief (Zoom); Trent Lougheed, Public Works Director; Brandon Rakes, Airport Operations Coordinator; and Lilly Wall, Recreation Manager (Zoom). Due to orders from the Governor's office relating to COVID-19, members of the public and the press were able to view the meeting via live streaming or Zoom. The public was also provided a process for submitting comments prior to the meeting.

1. **Recognition of Mayor Pro Tem Chad Taylor.** Mayor Dawes recognized Mayor Pro Tem Taylor with a plaque upon his resignation from the council. Mayor Dawes stated Mayor Pro Tem Taylor had served on the City Council for 19 years but had decided to resign after the recent purchase of *The Chronicle* newspaper. Mayor Dawes, on behalf of the City Council, thanked Mayor Pro Tem Taylor for his time spent on the Council and thanked Coralee Taylor for her support of Mayor Pro Tem Taylor during his time on the council. Mayor Pro Tem Taylor expressed his appreciation for the support of the council, city staff, and his family.

2. **Introduction of Richard DeBolt as New Lewis Economic Development Council Executive Director.** Richard DeBolt introduced his staff members and explained that the goal of the EDC was to ensure local entities were moving in the same direction with similar goals regarding housing needs, economic growth, and a post-COVID program. Mr. DeBolt expressed interest in meeting with the Mayor to discuss water rights and .09 funds.

3. **Consent Calendar.** Mayor Pro Tem Taylor moved to approve the consent calendar comprised of the following:

- a. Minutes of the regular city council meeting of January 25, 2021;
- b. January 29, 2021 Claim Vouchers No. 131030 – 131113 and Electronic Funds Transfer Check Nos. 1118 – 1135 in the amount of \$210,889.33;
- c. January 29, 2021, Payroll Vouchers No. 41549-41575, Direct Deposit Payroll Vouchers No. 13009-13113, Electronic Federal Tax and DRS Pension/Deferred Comp Payments No. 327-330 in the amount of \$920,280.82; and
- d. Resolution No. 1-2021, first and final reading – declaring property to be surplus.

The motion was seconded by Councilor Pope and carried unanimously.

4. **Resolution No. 2-2021, First and Final Reading – Continuing Support for a Basin-Wide Solution to Flooding and Aquatic Species Restoration.** Trent Lougheed stated the city had historically supported the effort to prevent flooding and protect aquatic species. In 2016, the City Council passed a resolution in support of a flood retention facility and improvements to the levee at the Chehalis-Centralia Airport.

Councilor Spahr moved to adopt Resolution No. 2-2021 on first and final reading and submit the resolution to the Office of the Chehalis Basin. The motion was seconded by Councilor Pope and carried unanimously.

5. **Council Member Vacancy Process.** City Manager Anderson stated the position vacated by Mayor Pro Tem Taylor was the second at-large position, which was set to expire December 31, 2021. Anyone wishing to apply must, for the last year, have been a resident of and have been registered to vote in the city. City Manager Anderson reviewed the proposed process for seeking applicants. It was proposed that applications be submitted by February 19; that the City Council hold a special meeting on March 1 to conduct interviews of applicants and appoint someone to fill the vacancy; and then have the new council member sworn in at the regular meeting of March 8.

The City Council approved the process and application, and directed staff to proceed with the process for seeking candidates to fill the vacancy. A special meeting was set for Monday, March 1, 2021 at 5:00 p.m. to interview candidates.

6. **Discussion Regarding Available Election Dates for Voter Decision on EMS Levy Renewal in 2021.** City Manager Anderson stated the EMS levy was set to expire at the end of the year. In order to fund fire services at the existing level, a

renewal of the EMS levy was necessary. City Manager Anderson explained that three election dates were available: April 27, 2021; August 3, 2021; and November 2, 2021. The ballot in April could be expensive if no other items were on the ballot.

Chief Hendershot explained that the council could file for both elections to ensure that the levy was placed on both the August 3 and the November 2 ballots. If the EMS levy passed during the August election, it could be pulled from the November ballot.

The Council unanimously agreed to have the levy placed on both the August 3, 2021 and the November 2, 2021 election ballots. The ballot for November 2, 2021 would be removed if the levy passed in August.

7. **Discussion of Potential Changes to Parking Exemptions for the Historic Downtown.** Mayor Dawes stated the discussion was regarding parking issues in the historic downtown only.

Tammy Baraconi stated the discussion covered CMC 17.84 regarding parking and loading, which did not cover parking enforcement issues. The proposed change would remove the exemption in CMC 17.84.010 for any changes in use or occupancy in the downtown historic district.

City Manager Anderson stated the removal of the exemption could cause issues for those looking to change the use or occupancy of a building in the downtown. Parking was limited in the historic downtown and any consideration of change could cause issues for those wishing to create or move a business into the downtown.

Councilor Lund stated he had initially believed this was an option that could help, but after receiving information about the possible negative impact to local businesses, he no longer believed it was a viable solution to the issue.

Councilor Lord asked for clarification regarding what consideration of parking would entail. Ms. Baraconi explained the alteration to the code would make any new business or change of occupancy to a building to have the same consideration for parking spaces that would be necessary at properties like the airport or the port. Ms. Baraconi would be required to check the parking tables to ensure that enough parking could be provided for each kind of use; anyone wishing to change the occupancy of a building would then need to show off-street parking options.

Mayor Dawes asked if a discussion of parking that could lead to a refusal of an application could be viewed as discriminatory. City Attorney Hillier stated the alteration could cause issues for public interest.

Councilor Spahr expressed his concerns about parking enforcement in the downtown area.

After discussion, it was decided to create a parking sub-committee. Councilors Spahr, Lord, and Lund volunteered to be on the committee.

The City Council agreed to not make any changes to CMC 17.84.010.

8. **Election of Mayor Pro Tem.** Mayor Dawes asked the council if they would like to consider the election of a Mayor Pro Tem. The council agreed to add the election of a Mayor Pro Tem as the first action item at the February 22, 2021 meeting.

9. **Administration Reports.**

a. **City Manager Update.** City Manager Anderson informed the council that Recreation Manager Lilly Wall would provide a report regarding the vehicle accident at Penny Playground.

Ms. Wall explained the damage to the playground impacted electrical, portable fencing, permanent fencing, custom fencing, which included the fence penny medallions, concrete, synthetic turf, five pieces of playground equipment, the shade shelter, and a bench. All contractors have been contacted and an estimated cost and timeline should be available by the end of the week.

Councilor Pope asked if the individual that damaged the structures was covered by insurance. City Manager Anderson explained that individual was insured, and the City's insurance company was working to receive compensation for the damaged equipment.

Councilor Taylor stated there was talk on social media that the new park had not been opened because an opening celebration had not yet been held. He clarified that the park had not been opened due to COVID restrictions set by the state.

Councilor Pope asked when Lintott/Alexander Park would be opened. Ms. Wall stated that tree work was being completed and the park should be opened within the next few days. City Manager Anderson thanked the Chehalis Foundation for their donation to pay for the necessary work on the trees at the park.

City Manager Anderson thanked Mayor Pro Tem Taylor for his service and for his willingness to listen and adapt to new information.

10. Councilor Reports/Committee Updates.

a. Mayor Pro Tem Taylor. Mayor Pro Tem Taylor introduced Mike Bannan (via Zoom) who was interested in becoming a council member. He also introduced his son, Franklin, and his fiancée, Melynn, and congratulated them on their upcoming baby. He thanked his wife for her patience and the support she provided while he was on the council.

b. Councilor Lund. Councilor Lund stated he had been informed that the Scout Lodge had a rodent infestation and asked that staff look into it. City Manager Anderson assured Councilor Lund that the rodent infestation would be addressed.

c. Councilor Pope. Councilor Pope encouraged anyone contemplating getting a COVID-19 vaccination to do it.

d. Mayor Dawes. Mayor Dawes stated that funding sources for water rights issues were being addressed.

11. Executive Session. Mayor Dawes announced the council would take a short recess and then be in executive session pursuant to RCW 42.30.110(1)(i) – Litigation/Potential Litigation and RCW 42.30.110(1)(c) – Sale/Lease of Real Estate, not to exceed 7:35 pm and there would be no action following conclusion of the executive session. Mayor Dawes closed the regular meeting at 6:53 pm. Mayor Pro Tem Taylor left the meeting at 6:53 pm. The executive session began at 6:59 pm. Following conclusion of the executive session, the regular meeting was reopened at 7:35 pm and immediately adjourned.

Dennis L. Dawes, Mayor

Caryn Foley, City Clerk

Approved:

Initials: _____

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Jill Anderson, City Manager

BY: Chun Saul, Finance Director
Michelle White, Accounting Tech II

MEETING OF: February 22, 2021

SUBJECT: Vouchers and Transfers – Accounts Payable in the Amount of \$777,594.14 Dated February 12, 2021

ISSUE

City Council approval is requested for Vouchers and Transfers dated February 12, 2021.

DISCUSSION

The February 12, 2021 claim vouchers have been reviewed by a committee of three councilors prior to the release of payments. The administration is requesting City Council approval for Claim Vouchers No. 131114 – 131222 and Electronic Funds Transfer Check Nos. 1136 – 1155, 120210 and 120211 in the amount of \$777,594.14 dated February 12, 2021 which includes the transfer of:

- \$ 228,557.15 from the General Fund
- \$ 274.10 from the Dedicated Street Fund – 4% Sales Tax
- \$ 52,529.56 from the Transportation Benefit District Fund
- \$ 2,824.14 from the LEOFF 1 OPEB Reserve Fund
- \$ 31,446.27 from the Public Facilities Reserve Fund
- \$ 82.55 from the Automotive Equipment Reserve Fund
- \$ 84,221.90 from the Wastewater Fund
- \$ 73,222.64 from the Water Fund
- \$ 3,101.61 from the Storm & Surface Water Utility Fund
- \$ 288,920.74 from the Airport Fund
- \$ 8,273.30 from the Custodial Court Fund
- \$ 4,140.18 from the Custodial Other Agency Fund

RECOMMENDATION

It is recommended that the City Council approve the February 12, 2021 Claim Vouchers No. 131114 – 131222 and Electronic Funds Transfer Check Nos. 1136 – 1155, 120210 and 120211 in the amount of \$777,594.14.

SUGGESTED MOTION

I move that the City Council approve the February 12, 2021 Claim Vouchers No. 131114 – 131222 and Electronic Funds Transfer Check Nos. 1136 – 1155, 120210 and 120211 in the amount of \$777,594.14.

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Jill Anderson, City Manager

BY: Tammy Baraconi, Planning and Building Manager

MEETING OF: February 22, 2021

SUBJECT: Ordinance No. 1016-B, Second and Final Reading – Amending CMC 17.09 Permit Processing

ISSUE

Providing consistency, clarity, and simplification of permit processing procedures can help developers of all sizes, as well as staff, move projects toward completion. To do this, staff has reviewed CMC 17.09 Permit Processing and is recommending changes for consideration by the City Council.

INTRODUCTION

Ordinance No. 1016-B was introduced for first reading on January 11, 2021. Since that time the ordinance has been amended consistent with the direction provided by the City Council and further review by the City Attorney. Additional language has been added and is underlined for ease in locating. Additional typos and grammatical errors have also been found and corrected, but not highlighted. The substantive changes can be found in the following sections of the proposed Chapter 17.09 Permit Processing, which is attached as Exhibit A to the Proposed Ordinance:

- **Section 17.09.010: Introduction** (starting on the *first* page of Ordinance Exhibit A)
- **Section 17.09.215: Violations** (starting on the *last* page of the Ordinance Exhibit A)

BACKGROUND

It has been brought to staff's attention that the processing of permits was inconsistent from project to project and developer to developer. At times, the process is more onerous than necessary. Staff has reviewed the permit processing code and worked with the Planning Commission to develop a permit processing code that is familiar to developers and only enacts what is necessary as defined in various State regulations.

After working with the Planning Commission through public workshops to draft this document and before it went to the Planning Commission for the public hearing, staff routed the document to various developers in the community and the hearing examiner seeking input. All comments were positive, and no significant changes were requested. Mr. Unzelman, the Chehalis Hearing Examiner commented that he was happy to see the changes and welcomed them.

On November 10, 2020, the Planning Commission held a public hearing to review these changes. No members of the public were present to comment. After careful deliberation, the Planning Commission voted unanimously to recommend approval of the code changes to the City Council.

PROPOSED CHANGES

A summary of the proposed changes to the permit processing code are provided below.

- The name of the chapter changes from Organization and Enforcement to Permit Processing.
- Permits are divided into four different review types. Type 1 is strictly administrative; Type 2 is administrative with public notice; Type 3 is quasi-judicial (hearing examiner); Type 4 is legislative (City Council).

Conditional use permits, subdivisions, and planned unit developments are currently heard by the Planning Commission. It is proposed that the hearing examiner would make these decisions. The final plat approval for all subdivisions would come to the City Council for approval. This occurs after the infrastructure has been constructed and all conditions of approval have been met.

- Procedures for processing each of these types of permits are laid out in a more organized fashion.
- Code pertaining to the Planning Commission, Historic Preservation Commission, Hearing Examiner, building official, Fire Chief, and Public Works Director are found elsewhere in the Chehalis Municipal Code. Inclusion here only takes up room and provides no necessary information for the purposes of permitting.
- Language is established for completeness review. Completeness review is important as projects are vested at the point of a complete application. Without clear criteria of what that looks like, it can change from one applicant to another.
- CMC 17.09.180 was erroneously left in the document approved by the Planning Commission. Staff recommends approval of this CMC 17.09 with the removal of CMC 17.09.180.
- SEPA threshold determinations are found in other portions of the code as well as here. This section is not meant to replace CMC 17.15 but rather provide a summary of the permit processing. Review of CMC 17.15 through CMC 17.27 will be conducted later this year, after completion of the Shoreline Master Plan updates.

A significant change in the SEPA language is to allow for judiciary appeals of SEPA decisions. This will bring our code in line with State regulations.

- Duties of the Development Review Committee (DRC) are reorganized and laid out in a clearer manner. Additional time is provided for staff to review the applications and provide comment. Currently the code states we have three (3) days to get new applications to the DRC. State regulations allow for up to 28 days. The proposed code doesn't establish a timeline, falling back on the State regulations. While on paper it appears that we are slowing the process, this allows staff time to completely research projects before we comment, thus eliminating 'false starts' on projects.

Staff is also sensitive to the need for single family homes in our community. As a result, we have removed them from needing DRC approval. This allows us to route permits for single family homes more quickly, ensuring that these permits continue to be reviewed as quickly as possible.

- Site Plan review has been added to the code. This is a tool that provides developers with surety. By applying for site plan approval along with a SEPA decision and other land use actions, developers can receive approval of a project before they have spent money designing the building and civil engineering plans. Site plan approval is also a tool that many developers will use in securing funding for their projects.
- General language is added for permitting, notice of decision, and notice of public hearing. This language is consistent with State regulations, making it clear how notices will be posted, when they will be posted, and what the notices will contain. It also allows for the department to develop additional procedures for notification that may be necessary.
- The appeals section of the code has been reorganized and modified, removing language stating that we must record all hearing examiner procedures with a cassette tape and makes the appeal process consistent with RCW 36.70C.

It further cleans up the appeal language, eliminating administrative appeals by members of the DRC, establishes that all appeals are now quasi-judicial and made to the hearing examiner, thus providing more predictability to the decision.

- Code for the conditional use permits, variances, binding site plans, planned unit developments, master planned developments, and rezones, zoning and comprehensive plan amendments all provide a more detailed outline of the process and procedures.
- Language for the appendices is being removed from CMC 17.09 as the appendices in general are being phased out.

FISCAL IMPACT

There are no direct financial impacts associated with the proposed changes.

RECOMMENDATION

It is recommended that that the City Council pass Ordinance No. 1016-B, amending CMC 17.09 Permit processing on second and final reading.

SUGGESTED MOTION

I move that the City Council pass Ordinance No. 1016-B on second and final reading.

ORDINANCE NO. 1016-B

AN ORDINANCE OF THE CITY OF CHEHALIS, WASHINGTON, REVISING PERMIT PROCESSING TO ESTABLISH PERMIT TYPES, A DEVELOPMENT REVIEW COMMITTEE, AND REVIEW AND APPEAL PROCEDURES; REPEALING AND REPLACING CHAPTER 17.09 OF THE CHEHALIS MUNICIPAL CODE; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Chehalis, Washington, has an established permitting process codified under Organization and Enforcement Section 17.09 of the Chehalis Municipal Code; and

WHEREAS, over time, the permit processing has become less uniform, less consistent, and subject to varying interpretation or application; and

WHEREAS, the City Planning Commission held public workshops and worked with staff to draft proposed revisions to Section 17.09 in effort to improve clarity, efficiency, and consistency of the permitting processes; and

WHEREAS, the Planning Commission held a public hearing to review proposed revisions on November 10, 2020; and

WHEREAS, after careful deliberation, the Planning Commission voted unanimously to recommend approval of the proposed code revisions to the City Council; and

WHEREAS, the City Council of the City of Chehalis, Washington, having considered the recommendation from the Planning Commission, does hereby find that proposed revisions of CMC Section 17.09 are appropriate and in the manner set forth below is in the best interest of the public.

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

Section 1. Repeal.

The following ordinances shall be, and the same hereby are, repealed:

Section 2, Ordinance No. 750-B passed June 23, 2003

Section 8, Ordinance No. 769-B passed July 12, 2004

Section 7, Ordinance No. 819-B passed June 25, 2007

Section 9, Ordinance No. 847-B passed September 28, 2009

Section 3, Ordinance No. 912-B passed June 22, 2013

Section 2. New Chapter. A new chapter 17.09 of the Chehalis Municipal Code relating to Permit Processing is hereby adopted as set forth in **Exhibit A** as attached.

Section 3. Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end revisions of this chapter are declared to be severable.

Section 4. Effective Date. This Ordinance shall become effective five (5) days after the date of publication by summary.

PASSED by the City Council of the City of Chehalis, Washington, and **APPROVED** by its mayor this ____ day of _____, 2021.

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

EXHIBIT A

Chapter 17.09

PERMIT PROCESSING

Sections:

- 17.09.010 Introduction.
- 17.09.015 Development permits required.
- 17.09.020 Project review classification.
- 17.09.030 Permit classification table.
- 17.09.040 Preapplication/pre-submission conferences.
- 17.09.050 Procedures for Type 1 review.
- 17.09.060 Procedures for Type 2 review.
- 17.09.070 Procedures for Type 3 review.
- 17.09.080 Procedures for Type 4 review.
- 17.09.090 Completeness review.
- 17.09.100 Public notice/Notice of application.
- 17.09.110 SEPA threshold determinations.
- 17.09.120 Determination of consistency.
- 17.09.125 Development review committee (DRC).
- 17.09.130 Site plan review.
- 17.09.140 General permit processing.
- 17.09.150 Notice of decision.
- 17.09.155 Notice of hearing.
- 17.09.160 Appeals.
- 17.09.170 Performance.
- 17.09.185 Conditional use permits.
- 17.09.190 Variances.
- 17.09.195 Binding site plans.
- 17.09.200 Planned unit developments.
- 17.09.205 Master planned developments.
- 17.09.210 Rezones, zoning regulations and comprehensive plan amendments.
- 17.09.215 Violations.

17.09.010 Introduction.

The purpose of this chapter is to provide for effective and efficient review of land use and development applications with consistent procedures for similar projects, and to combine procedural and substantive environmental reviews with the review of project permit applications under other applicable requirements. This chapter is intended to provide a framework within which the consistency of project permit applications with the city comprehensive plan and development regulations shall be determined.

17.09.015 Development permits required: Authority, development standards.

A. Permits Required. Except for specific exempted activity defined in the adopted building code, and/or defined in the development engineering standards, no development, earthwork, utility work, subdivision, building, structure, building usage, property usage, or other similar activity regulated by this title shall be initiated, erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a development permit and/or certificate of occupancy is issued by the city for such activity.

B. Application form. Application for a development permit shall be on forms specified by the city and shall contain the information required for review by the city. Required information shall include, but not be limited to, that information specified in the building code relating to building permits, and that information specified in the development engineering standards relating to utility and/or right-of-way development activity. In addition,

development within environmental districts or special districts will require specialized information or required meetings with the DRC relating to such a district. Such information shall also be submitted for review whenever applicable.

C. Review. The Development Review Committee (DRC) shall determine if such application is exempt from a development permit and, if so, such application shall be reviewed as an application for a certificate of occupancy. The DRC shall document such exemption in the permanent file for the subject address.

1. Prior to issuance of any development permit, the DRC shall determine that water and sewer utility service is physically provided to the frontage, or other approved location, of the subject property. Upon approval of the required civil plan for any public utility infrastructure, the DRC may accept a bond or other guarantee approved by the city attorney for said infrastructure in lieu of said infrastructure being installed, inspected, approved and accepted by the city. The DRC will not issue any final approval of any development permit until such infrastructure is completed and accepted by the city.

2. The DRC may place a development permit application on hold pending resolution of any abatement activity filed on the subject property or use. Unresolved abatement processes shall be cause for the DRC to deny proposed development activity for failure to comply with applicable city regulations.

D. Failure of an applicant to submit required information within 30 days of a written notice to do so shall constitute an abandoned application and shall therefore acquire no vested rights.

E. Nothing herein shall preclude an applicant from requesting that the city issue a development permit for exempt activity. Such a request shall be reviewed as if it were a required permit application.

F. Authority. Pursuant to the State Building Code Act (Chapter 19.27A RCW), certain codes, rules, and regulations, as the same now exist or may hereafter be amended, supplemented or added to, shall be, and the same hereby are, adopted by reference, including additions, deletions, and amendments to the codes (Chapters 51-40 through 51-47 WAC); the Washington State Energy Code (Chapter 51-11 WAC); the Washington State Historic Building Code (Chapter 51-19 WAC); and the Washington State Ventilation and Indoor Air Quality Code (Chapter 51-13 WAC), which are promulgated by the Washington State Building Code Council. In addition, certain code appendices and specialized codes are also adopted by reference. Such codes, rules, and regulations are enumerated in CMC 17.10 Building Code and are adopted by reference as fully set forth herein.

1. In the event of conflict between provisions of the codes, rules, or regulations enumerated in CMC 17.10 Building Code, the most restrictive shall apply, except as provided in Chapter 51-40 WAC (Building Code).

2. One copy each of the above-referenced codes shall be available for public reference in the office of the city building official.

G. Engineering standards. Any and all development which occurs upon or abutting a public right-of-way, and any and all development which involves any extension, connection, or any other direct or indirect association with any water, wastewater and/or storm water utility component, and/or any land-disturbing activity shall comply with the development engineering standards. Such standards are specified in the development engineering standards and are applicable as determined by the director of public works or designated consultant.

1. Nothing herein shall preclude the director of public works from specifying standards different than those contained in the development engineering standards based on best available information and technology; provided, that the reasons and justification for such alternative standards are made a matter of record at a DRC meeting, and that equivalency is obtained through the use of such alternative standards in the particular circumstance.

17.09.020 Project review classification.

Four types of review are established for the purposes of administering this title. The permits included in each Type, the public notice requirements, the hearing body, the decision maker, and appellate body are summarized in Section 17.09.030.

A. The city manager or his/her designee is authorized to determine the classification of review for any permit or approval not identified on the following table.

B. It is the goal of the city to consolidate the permit processing for projects or development activities that require two or more permits or approvals. The city manager or his/her designee shall determine the appropriate means of consolidating the processing of all permits and shall assign the highest Type review classification of the individual permits being sought to the consolidated permit application (with Type 4 being the highest followed by Types 3, 2, and 1). This consolidation may include integrating public hearings, establishing unified comment periods, and/or concurrent reviews. The city manager or his/her designee is authorized to make modifications to the procedural requirements of this title in order to effectively consolidate project reviews.

1. Except for the appeal of a SEPA determination of significance, no more than one open record public hearing and no more than one closed record appeal may occur on a single permit application or master application.

2. A public meeting(s) may be held prior to an open record hearing. A public meeting may include but is not limited to a scoping meeting for the preparation of a draft environmental impact statement or presentation of a final environmental impact statement, an informational meeting, and/or a neighborhood meeting. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the project permit application file.

17.09.030 Permit classification table.

Types of Permit /Approval/Action	Public Notice/Notice of Application	Hearing Body	Decision Maker	Appellate Body
Type 1 Review -Building Permit -Sign Permit -Fire Safety Permit -Civil Permit -Certificate of Appropriateness -Certificate of Design Review -Certificate of Occupancy -Clearing and Grading Permit -Code Enforcement Action -Code Interpretation -Shoreline Permit -Shoreline Letter of Exemption -Boundary Line Adjustment -Short Plat Approval (4 lots or less) -SEPA Action (not requiring public notice) -Site Plan Approval -Special Event Permit -Temporary Use Permit	None	None	City Manager or his/her designee	Hearing Examiner
Type 2 Review -Critical Area Permit -Floodplain Development Permit -SEPA Action -Shoreline Substantial Development Permit -Variance (with Type 1 or 2 permit)	Yes	None	City Manager or his/her designee	Hearing Examiner
Type 3 Review -Conditional Use Permit -Binding site plan -Preliminary Plat (5 or more lots) /Final -Planned Unit Development -Master Planned Development -Reasonable Use Exception -Shoreline Conditional Use Permit -Shoreline Variance -Variance (with Type 3 permit)	Yes	Hearing Examiner	Hearing Examiner/ City Council	Superior Court/ Shoreline Hearings Board
Type 4 Review -Approval for Final Plat of subdivisions -Comprehensive Plan/ Land Use Map Amendment	Yes	Planning Commission/Hearing Examiner	City Council	Superior Court/ Growth Management

17.09.040 Preapplication/pre-submission conferences.

Prior to formal submittal of a Type 2, 3, or 4 permit application, applicants are encouraged to request a preapplication conference with city staff and representatives of appropriate public agencies. The date, time and place of such conferences shall be established by policy. Preapplication conferences can occur outside the date, time, and place established by staff at the mutual agreement of both staff and applicant. Such conferences are intended as an informal discussion and review of possible applications to assist the applicant in discovery of appropriate city regulations, standards, application materials, and review processes that would be required of a project. A preapplication conference does not vest a proposed project permit application.

17.09.050 Procedures for Type 1 review.

Applications subject to a Type 1 review involve administrative action by the city manager or his/her designee without public notice or an open record public hearing. The city hearing examiner shall conduct an open record public hearing for appeals of decisions on Type 1 permits unless otherwise noted in this title.

A. Applications for Type 1 permits shall be processed by the city in accordance with the following general procedures unless the applicant is otherwise notified in writing:

1. Completeness review and determination of complete application;
2. Determination of consistency;
 - a. Site plan and downtown design review, as appropriate;
 - b. Application and applicable fees paid;
3. Issuance of a SEPA threshold determination, if required; and
4. Notification to the applicant of approval or denial of the application.

17.09.060 Procedures for Type 2 review.

Applications subject to a Type 2 review involve administrative action by the city manager or his/her designee following distribution of a public notice and the opportunity to submit written comments. The city hearing examiner shall conduct an open record public hearing for appeals of decisions on Type 2 permits unless otherwise noted in this title.

A. Applications for Type 2 permits shall be processed by the city in accordance with the following general procedures unless the applicant is otherwise notified in writing:

1. Preliminary site visit/inspection by city staff and/or preapplication meeting, if appropriate;
2. Completeness review and determination of complete application;
3. Determination of Consistency.
 - a. Site plan and downtown design review, as appropriate;
 - b. Application and applicable fees paid;
4. Issuance of a notice of application;
5. Issuance of a SEPA threshold determination, if required;
6. Review of public comments; and
7. Issuance of a notice of decision.

17.09.070 Procedures for Type 3 review.

The city hearing examiner shall conduct an open record public hearing before making a decision on Type 3 permit applications. The decision of the hearing examiner is subject to appeal in superior court or, in the case of shoreline permits, to the shoreline hearings board.

A. Applications for Type 3 permits shall be processed by the city in accordance with the following general procedures, unless the applicant is otherwise notified in writing:

1. Preliminary site visit/inspection by city staff and/or preapplication meeting, if appropriate;
2. Completeness Review and Determination of Complete Application.
 - a. Site plan and downtown design review, as appropriate;
 - b. Application or letter and all fees paid, as applicable;
3. Distribution of a notice of application;
4. Issuance of a SEPA threshold determination, if required;
5. Preparation of a staff report containing relevant information about the application and a determination of consistency. This report may also include a staff recommendation and shall be distributed to the public prior to the open record public hearing;
6. An open record public hearing shall be conducted by the hearing examiner, during which the applicant shall be given the opportunity to present the proposed project and interested parties shall be allowed to make comments and submit written testimony; and
7. Hearing examiner review of the record and issuance of a notice of decision.
8. Note: State law requires that final approval of plats involving five or more lots must be made by the city council. All final plats will be reviewed by the Hearing Examiner for consistency with the preliminary approval before going to the City Council for final plat approval.

17.09.080 Procedures for Type 4 review.

Decisions on all Type 4 permit applications shall be made by the city council following an open record public hearing conducted by the planning commission or hearing examiner.

A. Applications for Type 4 permits shall be processed by the city in accordance with the following procedures, unless the applicant is otherwise notified in writing:

1. Preliminary site visit/inspection by city staff and/or preapplication meeting, if appropriate;
2. Completeness review and determination of complete application;
3. Distribution of a notice of application;
4. Issuance of a SEPA threshold determination, if required;
5. Preparation of a staff report and staff recommendation that shall be forwarded to the planning commission and be made available for public review prior to the open record public hearing;
6. Distribution of the proposed amendments to state agencies, as appropriate, for review and comment;
7. An open record public hearing shall be conducted by the planning commission, during which the applicant shall be given the opportunity to present the proposed amendment, and interested parties shall be allowed to make comments and submit written testimony;

8. A review of the complete record by the planning commission and the adoption of a recommendation to the city council;
9. The recommendation of the planning commission along with a complete copy of the record shall be provided to the city council for review prior to their decision;
10. City council review and action; and
11. Issuance of a notice of decision.

17.09.090 Completeness review.

All applications shall be submitted on such forms and in accordance with such procedures as may be prescribed by the city; provided, that:

- A. All applications shall be signed by the property owner or show owner consent of the application by the agent acting on the owner's behalf;
- B. All applicable fees shall be submitted at the time of application unless otherwise specified;
- C. A completed SEPA checklist shall be filed at the same time as an application for all permits, except when:
 1. The city has determined the activity to be categorically exempt from the requirements of SEPA; or
 2. The city and applicant agree that an EIS is required; or
 3. SEPA compliance for the proposed project has already been completed; or
 4. SEPA compliance has been initiated by another agency;
- D. Within twenty-eight days of submittal, the city shall conduct a review of all application materials to determine if the application is complete and ready for processing. The city shall then make a determination of completeness and shall provide the applicant with written notification which states:
 1. That the application is complete and ready for processing or that the application is incomplete and what is necessary to make the application complete;
 2. To the extent known by the city, other agencies that may also have jurisdiction over the application; and
 3. To the extent known by the city, other permits or approvals that may be required;
- E. Nothing in this title shall limit the city from incorporating the notice of application and determination of completeness into one document;
- F. The issuance of a determination of a complete application shall not preclude the city from requesting additional information from the applicant in order to complete the processing of an application;
- G. If the city determines an application is not complete, or that additional information is necessary to complete the review of the application, and the applicant fails to respond to the request from the city in the established time frames, the city shall notify the applicant in writing that the application has lapsed and become void.

17.09.100 Public notice/Notice of application.

When review procedures require a notice of application, the following shall apply:

- A. **Timeline.** The notice shall be provided within fourteen days after the determination of completeness is issued.
- B. **Content.** The notice of application shall include the following:
 1. The file number assigned;

2. The date of application, date of the notice of completeness, and the date of the notice of application;
 3. A description of the proposed project action and a list of permits included with the application and, if applicable, a list of requested studies;
 4. Identification of known permits not included with the application;
 5. Identification of existing environmental documents that evaluate the proposal;
 6. The location where the application and any studies can be reviewed;
 7. A statement of the public comment period which shall not be less than fourteen or more than thirty days. Shoreline substantial development, conditional use and variance permit applications require a public comment period of not less than thirty days;
 8. A statement of the rights of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision and any appeal rights;
 9. Any other information determined appropriate by the city.
- C. Legal Notice. Notice shall be provided in the following manner as applicable:
1. Mail. The notice shall be sent by USPS first class mail to the following:
 - a. The applicant;
 - b. Affected city departments via e-mail or interoffice mail;
 - c. State, federal and local agencies with jurisdiction; and
 - d. Any person who requests such notice in writing to the department.
 2. Posting of the Property. Notice shall be posted according to the following:
 - a. At least one location on or adjacent to the subject property that shall be clearly visible and legible from an adjacent street or public area;
 - b. The director shall determine the specifications to the construction and installation of the notice boards;
 - c. The posting shall remain in effect for the duration of the public notice period.
 3. Publishing Notice. A published notice in the city's official newspaper of general circulation within the city boundaries and on the city's website is required. The content shall include the following:
 - a. Project location;
 - b. Project description;
 - c. Type of permit(s) required;
 - d. Comment period and dates;
 - e. Location where the complete application may be viewed.
- D. Integration of Notices. The city will integrate the notice of application with SEPA review whenever possible. Notification for a notice of application should be combined with the notification for threshold determination and the scoping for a determination of significance whenever possible.

E. Issuance of Decisions. Except for a threshold determination, the city may not issue a decision or a recommendation on a permit until the expiration of the public comment period.

F. Public Comments. Comments shall be as specific as possible. Comments shall be received by the last day of the comment period specified in the notice. If no comments are received by the date specified in the notice from an affected city department or agency with jurisdiction, which notification was sent to, then it is presumed that the department or agency has no comments.

17.09.110 SEPA threshold determinations.

A threshold determination is required for any proposal that is not categorically exempt within ninety days that an application and supporting documentation has been deemed complete. All threshold determinations shall result in a determination of nonsignificance (DNS), or a determination of significance (DS); provided, that the city may also issue a mitigated determination of nonsignificance (MDNS) based on conditions attached to the proposal, or on changes to or clarifications of the proposal made by the applicant.

A. After submission of an environmental checklist and prior to a threshold determination, the city shall notify the applicant if it is considering issuing a DS. As a result, the applicant may clarify or change features of the proposal to mitigate the impacts which make the DS likely. If a proposal continues to have a probable significant adverse environmental impact, even with the mitigating measures, an EIS shall be prepared.

B. If a preliminary SEPA threshold determination was not made in conjunction with a notice of application, and no probable significant adverse impacts are anticipated, a determination of nonsignificance shall be issued and a fifteen-day comment period may be required.

C. If a predecision open record public hearing is required, the SEPA threshold determination must be issued at least fifteen days before the hearing.

D. If the city makes a SEPA determination of significance (DS) concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice.

E. Whenever the city makes a threshold determination, it shall seek to include the public notice for the SEPA action with the notice of application or notice of decision for any associated land use application(s) or permits; provided, that:

1. If no public notice is required for the permit or approval, the city shall give notice of the DNS or DS by publishing a notice in the city's newspaper of record;
2. Whenever the city issues a DS, all public notices shall state the scoping procedure for the required EIS; and
3. Whenever the city issues a DEIS (draft EIS), or SEIS (supplemental EIS), notice of the availability of those documents shall be given by at least two of the following methods:
 - a. Indicating the availability of the DEIS or SEIS in any public notice required for an associated land use application or permit;
 - b. Posting the property, for site-specific proposals;
 - c. Publishing notice in the city's newspaper of record;
 - d. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
 - e. Notifying the news media; and/or
 - f. Publishing notice in agency newsletters and/or sending notice to agency mailing lists.

F. Mitigation measures incorporated in the MDNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit or enforced in any manner specifically prescribed by the city.

G. Nothing in this section shall limit the authority of the city in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by Chapter 43.21C RCW.

17.09.120 Determination of consistency.

As part of all project and application reviews, the city shall determine if a proposed project or development activity is consistent with applicable city development regulations, and the goals, policies, and objectives of the adopted comprehensive plan.

17.09.125 Development review committee (DRC).

The purpose of the Development review committee is to oversee orderly growth and development through a predictable review process that provides a developer with all the necessary information to successfully develop while ensuring that all levels of government have participated in the process as necessary.

A. Site Plan Review, when required by Development Review Committee membership.

1. Site plan review and/or DRC approval shall be required prior to the initial or additional use of land or activity, where city services will be provided within the boundaries of the Chehalis comprehensive plan.

Specifically:

- a. The construction or location of any residential building in which two or more dwelling units would be contained;
- b. The construction or location of any public, commercial or industrial building;
- c. Annexations;
- d. Rezones;
- e. Subdivisions, short and long;
- f. Capital improvement projects that exceed the SEPA threshold or trigger CAO review;
- g. As required by this zoning code.

2. Prior to applying for site plan review, a developer may file with the DRC a summary site plan or proposal, with adequate copies, which shall contain in a rough and approximate manner all the information required in the site plan application. The purpose of the summary site plan is to enable a developer filing the plan to obtain the advice of the DRC as to applicability of the intent, standards and provisions of this chapter to the plan. After filing of a summary site plan, the DRC shall make available to the developer its written advice regarding the compatibility of the preliminary site plan with the intent, standards and provisions of this chapter. This preliminary advice is not to be construed as an approval or disapproval outright of the proposal nor should it be interpreted as vesting of the project.

3. An application, in completed form, shall be filed for site plan review and approval with the appropriate department. An application shall not be in completed form under this section if it fails to contain any of the information and material required under CMC 17.09.130(B).

4. The DRC shall consist of the following department members: the planning and building manager, the city manager, the building official, and the water/wastewater utilities administrator, the city engineer, the public works director, the fire chief, the fire marshal, the police chief, the airport manager, the port manager, the city attorney, and/or their designee, as the project necessitates.

B. Review by the DRC.

1. The DRC shall approve, disapprove or approve with conditions any site plan submitted in compliance with Chapter 17.09 CMC. The action taken by the DRC will be submitted to the building official for subsequent action on the building permit application. An applicant can request a preliminary site plan review with the understanding that the committee response is advisory in nature and is not intended to be construed as final approval or vesting of the project.
2. The DRC shall review a site plan and approve, or approve with conditions, site plans which conform to the standards, provisions and policies of the city as expressed in its various adopted plans and ordinances. The DRC shall make the determination of complete application to the applicant as required in Chapter 17.09 CMC and shall make a determination of consistency in accordance with Chapter 17.09 CMC on projects that require DRC approval. Whenever the DRC disapproves a site plan, it shall set forth in writing the findings which shall specify the particular standards, provisions and policies to which the site plan fails to conform and the reasons why it fails to conform.
3. The decision of the DRC shall be final unless appealed in accordance with Chapter 17.09 CMC.

C. Appeals.

1. The hearing examiner shall not approve or disapprove a site plan or proposal different from that approved or disapproved by the DRC. The intent of this section is to ensure that the hearing examiner and the DRC make decisions based on the same set of plans or proposal. If the hearing examiner receives a site plan or proposal different from that considered by the DRC, the site plan or proposal shall be referred back to the DRC for further consideration.

The hearing examiner shall hear site plan applications referred with other applications or appealed to the hearing examiner and approve, or approve with conditions, site plans which conform to the standards, provisions and policies of the city as expressed in its various plans and ordinances. Similarly, the hearing examiner shall disapprove site plans which do not conform to such standards, provisions and policies.

17.09.130 Site plan review.

The purpose of a site plan review is to help ensure that new development activities do not adversely affect the public health, safety and welfare of residents of Chehalis, and that new development activities are compatible with existing patterns of development and the provisions of the Chehalis comprehensive plan. All required site plans shall be approved by the DRC.

A. A site plan review shall be required for all proposed development activities in the residential (R-1, R-2, R-3, R-4, and R-UGA) and the commercial and industrial zones (EPF, C-O, C-N, C-G, C-F, CBD, I-L, and I-H), , unless waived in writing by the city. Single family homes are exempt from formal DRC approval but must still submit a site plan consistent with CMC 17.09.130(B). Development that does not require a building permit is exempt from this requirement.

1. In addition to a site plan review, proposed development activities located within the special districts must also comply with Title 17, Division IV. Special Districts.
2. Development activities subject to a site plan review shall be determined by the city and shall include new construction, modifications to existing uses or structures that increase the size of the building or the intensity of the use, and/or changes of use.
3. The site plan review shall include the whole site, including subsequent phases of development without regard to existing or proposed lot lines.
4. A site plan review permit is separate from and does not replace other required permits such as a conditional use permit or a shoreline substantial development permit. A site plan review may be combined and reviewed concurrently with other permits and approvals, as determined by the city.

5. The site plan review must be conducted prior to, or with the approval of the city concurrent with, the review of any required building permit or clearing and grading permit applications.

B. A complete site plan review application shall be submitted in a format prescribed by the city and may include, but is not limited to, the following on plans that are drawn to scale:

1. The location and dimension of the lot(s).
2. Existing topography and natural features.
3. Proposed grading and drainage facilities, including areas to be preserved or protected for the implementation of low impact development stormwater features in accord with the provisions of the Chehalis Engineering Design Manual.
4. The footprint of existing and proposed structures, proposed building heights, proposed building setbacks, and the proposed uses.
5. The location of existing and proposed roads, access plans, parking facilities, loading areas, curbs, drains, paving, hydrants, sign and light pole locations, walls, fences, walks, approaches, and proposed landscaping plans.
6. The location of existing and proposed water, storm, and sanitary sewer lines and facilities.
7. The nature, location, dimensions of environmentally sensitive areas, shorelines, or floodplain areas and their associated buffers, if any, on or adjacent to the site.
8. All required technical reports prepared by experts with demonstrated qualifications in the area(s) of concern.
9. Any additional information deemed necessary by the city.

C. The city may approve a proposed site plan 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 Chehalis comprehensive plan and meets the requirements and intent of the Chehalis Municipal Code, including the type of land use and the intensity/density of the proposed development.
2. The physical location, size, and placement of the development on the site and the location of the proposed uses within the project minimize impacts to any critical resource or floodplain area to the greatest extent possible or are compatible with the character and intended development pattern of the surrounding properties.
3. The project makes adequate provisions for water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection to ensure that the proposed project would not be detrimental to public health and safety.
4. Public access and circulation including non-motorized access, as appropriate, are adequate to and on the site.
5. 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 adversely impact the functional value of the critical resource area or adjoining land uses.
6. The physical location, size, and placement of proposed structures on the site and the location of proposed uses within the project are compatible with and relate harmoniously to the surrounding area.
7. The project adequately mitigates impacts identified through the SEPA review process, if required.
8. The project would not be detrimental to the public interest, health, safety, or general welfare.

D. Authorization of a site plan review shall be valid for one year after the effective date and shall lapse at that time unless a building permit has been issued.

1. The city may extend the site plan review one time for an additional year if it finds that the regulations on which the site plan review is approved have not changed substantially.

2. Knowledge of expiration date and initiation of a request for extension of approval time is the sole responsibility of the applicant. The city shall not be held responsible for notification of expirations. All requests for additional time must be submitted to the community development department at least 30 days prior to expiration of site plan approval.

17.09.140 General permit processing.

A. Applications determined to be complete and accepted for processing may be approved or disapproved by the city in accordance with the procedures in this chapter; provided, that:

1. The city may request additional information from the applicant at any time and may suspend the processing of an application(s) pending the receipt of requested information.

a. Such requests shall be made in writing and shall identify the additional information required, the reason for the information, and the time frames for submitting the additional information.

b. If the applicant does not respond to the request for additional information within one year, the application may be terminated.

B. The city may approve, approve subject to conditions, or deny an application based on the information included in the record.

1. In approving an application, the city may impose such conditions and safeguards as may be required to comply with the provisions of this title and to protect the public health, safety, and welfare. These conditions and safeguards may include, but are not limited to, the following:

a. Measures identified during the environmental review process including but not limited to;

i. Flood plain development

ii. Stormwater compliance

iii. Creeks and streams

iv. Slopes

b. Measures necessary to comply with the provisions of the Chehalis comprehensive plan;

c. Measures necessary to comply with provisions of the Chehalis Municipal Code, including but not limited to; and/or

i. Airport overlay zone

ii. Historic districts

iii. Port of Chehalis

iv. Urban Growth Area

d. Measures necessary to ensure compatibility of the proposed development activity with neighboring land uses, and consistency with the intent and character of the zoning district. This may include, but is not limited to:

i. Increasing the required lot size, setback or yard dimensions;

- ii. Limiting the height of buildings or structures;
 - iii. Controlling the number and location of vehicular access points;
 - iv. Requiring the dedication of additional rights-of-way for future public street improvements identified in an adopted transportation plan;
 - v. Requiring the designation of public use easements and the recording of same;
 - vi. Increasing or decreasing the number of required off-street parking and/or loading spaces as well as designating the location, screening, drainage, surfacing or other improvement of a parking area;
 - vii. Limiting the number, size, height, shape, location and lighting of signs;
 - viii. Requiring view-obscuring fencing, landscaping or other facilities to protect adjacent or nearby properties;
 - ix. Requiring site reclamation upon discontinuance of use and/or expiration or revocation of the project permit;
 - x. Limiting hours and size of operation; and
 - xi. Controlling the siting of the use and/or structures on the property.
2. The city may deny an application based on finding that the proposed action:
- a. Would have a probable, significant, adverse impact on the environment that cannot be reasonably mitigated;
 - b. Is not consistent with the goals and policies of the Chehalis comprehensive plan;
 - c. Information required by the city in order to complete the processing was not provided in accordance with the provisions of this title; or
 - d. Does not comply with the provisions of the Chehalis Municipal Code.

17.09.150 Notice of decision.

A notice of decision shall be issued for all Type 2, 3 and 4 permit applications. A notice of decision may not be issued until the expiration of the comment period on the notice of application.

A. Notices of decision shall include:

- 1. A description of the decision or actions taken;
- 2. Any mitigation or conditions of approval required under applicable development regulations or under SEPA;
- 3. If a SEPA threshold determination has not been issued previously, the notice of decision shall state this determination; and
- 4. A description of applicable appeal procedures.

17.09.155 Notice of hearing.

When review procedures require a notice of hearing, the following shall apply:

A. Notice Integration. A notice of hearing is required for public hearings. A notice of hearing may be integrated with the notice of application.

B. Notice Content. A written notice of hearing shall contain the following information:

- 1. The name of the applicant or designated contact;

2. A description of the affected property (not including any legal description);
3. Project summary/description of each project permit application;
4. The application/project file number;
5. The date, time and place of the hearing;
6. A statement that all interested persons may appear and provide testimony;
7. A statement where information may be examined or obtained, and the staff contact and phone number;
8. A statement how written testimony or comments may be submitted;
9. The SEPA threshold determination along with any appropriate statement regarding any shared or divided lead agency status and phased review, and stating the end of any final comment period;
10. The deadline (date, time and place) for submitting a SEPA appeal;
11. A statement regarding any administrative appeal process including SEPA appeal.

C. Appeal Notification. Notification for a hearing on an open-record or closed-record appeal shall be provided in the following manner:

1. Mail. The notice shall be sent by USPS first class mail, e-mail or interoffice mail to the following:
 - a. The applicant/appellant;
 - b. Parties of record;
 - c. Affected agencies;
 - d. Parties requesting notice; and
 - e. Other persons whom the department believes may be affected by the action.

D. Project Permit Notification. Notification for a hearing on a project permit shall be provided in the following manner as applicable:

1. Mail. The notice shall be sent by first class mail or higher to the following:
 - a. The applicant;
 - b. All property owners of real property (as shown by the records of the Lewis County assessor's office) within three hundred feet of the subject property; and
 - c. Any person providing a written request to the department;
 - d. Where any portion of a property abutting the subject property is owned, controlled, or under the option of purchase by the applicant, all property owners within a three-hundred-foot radius of the total ownership interest shall be notified by mail as referenced above.
2. Posting of the Property. The notice shall be posted in the same manner and location(s) as the notice of application set forth in CMC 17.09.100.
3. Publishing Notice. A published legal notice in the city's official newspaper of general circulation within the city boundaries is required. The content of the published notice shall include the following information:
 - a. Project location;

- b. Project description;
 - c. Type of permit(s) required;
 - d. Comment period and dates;
 - e. Location where the complete application may be viewed.
- E. Notice Deadlines. Notice shall be given at least fourteen days before the hearing date except:
- 1. Shoreline permits pursuant to WAC 173-27-110(3) shall be given at least fifteen days.
 - 2. An integrated notice of hearing and notice of application shall be given at least fifteen days.
 - 3. An integrated notice of hearing and notice of a SEPA threshold determination shall be given at least fifteen days.
- F. Continuation of Hearing. Continued hearings do not require additional notices of hearing.
- G. Additional Procedures. In addition to the procedures contained in this chapter, the department may develop general procedures for notification, including mailing packets and the format of the notice and an affidavit of posting/ mailing form to be filled out by the party doing notice.

17.09.160 Appeals.

A. Standing to initiate an administrative appeal of Type 1 and 2 reviews is limited to the applicant or owner of the property in which the project permit is proposed, parties of record, affected agencies or tribes, or any person aggrieved by the final decision and who will suffer direct and substantial impacts from approval or denial of the project. The term "parties of record" for the purposes of this title shall mean:

- 1. Any person who testified at the open record public hearing on the application; or
- 2. Any person who submitted written comments in response to the notice of application or environmental review; or
- 3. Any person who submitted written comments concerning the application at the open record public hearing (excluding persons who have only signed petitions or mechanically produced form letters).

B. All appeals of interpretations or actions regarding Type 1 and 2 reviews shall be filed in a format prescribed by the city along with the required fee, within fourteen days of the date of the interpretation or action. If the deadline to file an appeal falls on a weekend or on a city holiday, the deadline shall become the next business day. The city shall mail written notice to all parties of record to apprise them of all open and closed record public appeal hearings and shall place a public notice in the city's newspaper of record at least fourteen days before the open record appeal hearing.

- 1. The notice of appeal shall specify the claimed error(s) and issue(s) which the appellate body is asked to consider and shall specifically state all grounds for such appeal. Issues or grounds of appeal which are not so identified need not be considered by the appellate body;
- 2. The appellants and any respondents to the notice of appeal shall have the opportunity to present oral and written arguments during open record appeal hearings. For all closed record appeals, the record shall be limited to information presented during the preceding open record hearing. Oral argument shall be confined to the established record and to any alleged errors in the decision;
- 3. Following an appeal hearing, the appellate body may affirm, reverse or modify the decision of record and shall adopt its own written findings and conclusions in support of its decision; and

4. The city may require an applicant and/or the appellant to reimburse the city for the cost of preparing materials to be used during open record public hearings or closed record appeals including but not limited to the cost of copying, taping, and/or transcribing a certified record of the proceedings.

C. Appeals of SEPA threshold determinations or SEPA actions shall be combined with any appeals of associated applications or permits.

1. If the final decision incorporates the SEPA threshold determination subject to a fourteen-day comment period, a joint twenty-one-calendar-day appeal period shall be provided on both the project decision and the SEPA threshold determination.

D. All Type 3 and Type 4 land use decisions and the decisions of the hearing examiner on appeals of Type 1 and 2 permits may be appealed by a party with standing to file a land use petition in Washington State Superior Court, unless otherwise specified, in accordance with the provisions of Chapter 36.70C RCW. Such petition must be filed within twenty-one days of issuance of the decision. This process shall be the exclusive means of judicial review except for local land use decisions reviewable by a quasi-judicial body created by state law, such as the shorelines hearings board.

1. Appeals of decisions of shoreline permits shall be heard by the Washington State Shorelines Hearings Board in accordance with the provisions of Chapter 90.58 RCW.

2. Proposed amendments to the city's shoreline master program must be approved by the Washington State Department of Ecology. Appeals of decisions on proposed amendments by the Department of Ecology shall be heard by the Washington State Growth Management Hearings Board in accordance with the provisions of Chapter 90.58 RCW.

17.09.170 Performance.

A. Any action authorized under this title shall be completed within two years from the date of approval, unless otherwise specified by the city. Failure to meet the time limit set shall void the approval; except that the city may authorize a time extension upon request, provided such extension request is filed in writing prior to the required completion date. Such extension request shall detail unique and special circumstances that prohibited the completion of the use authorized.

B. The city may revoke a project permit issued pursuant to this title if it is ascertained that the application included any false information material to the project permit approval, or if it develops that the conditions and safeguards made a part of the terms under which the approval was granted have not been complied with or are not now being maintained.

1. If the city finds the conditions and safeguards made part of the terms under which the project permit was granted have not been complied with or are not being maintained, the city shall prescribe a reasonable time for correction, and if corrections are not made within the time limit, the permit may be suspended or revoked.

2. The suspension or revocation of a permit may be appealed to the city hearing examiner in order to show cause why such permit approval should not be suspended or revoked.

3. An application for a permit previously revoked under this section cannot be submitted until all remedial actions required of the applicant/project sponsor/ property owner have been completed and all fines, penalties, and fees paid.

C. Violation of such conditions and safeguards, when made part of the terms under which the project permit is granted, shall be considered a violation of this title and may result in suspension or revocation of the permit and/or enforcement actions in accordance with the provisions of the Chehalis Municipal Code.

17.09.185 Conditional use permits.

A. The city's policy is to mitigate the impacts of conditional uses through special conditions of approval. Where impacts cannot be mitigated effectively, the review authority shall deny the application. A conditional use may be approved or modified only when all of the following criteria are met:

1. The use is listed as a conditional use in the master use table in CMC 17.78 Use/Occupancy;
2. Is suitable for the proposed site considering size, shape, location, topography, existence of improvements and natural features;
3. Is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use;
4. The location, size, and functional characteristics of the proposal are such that it can be made reasonable compatible with and have minimal impact on the livability and development opportunities in the neighboring area;
5. Is consistent with the applicable goals and policies of the Chehalis comprehensive plan and the purpose of the underlying zone;
6. Complies with all applicable site plan review requirements; and
7. Does not have significant environmental consequences when compared with other permitted uses in the underlying zone which cannot be mitigated through conditions of approval.

B. The review authority may impose conditions of approval as necessary to protect the public interest, achieve compliance with the Chehalis comprehensive plan, or to mitigate any adverse impacts resulting from approval of uses or impacts subject to this chapter.

C. The review authority, on its own motion, may initiate proceedings consistent with the procedures provided in the Chehalis municipal code, to revoke land use approval for noncompliance with the requirements of the title or conditions of approval listed in the final decision approving the conditional or nonconforming use or development.

D. Decisions may be appealed consistent with the provisions of CMC 17.09.160, Appeals.

17.09.190 Variances.

This section shall govern the issuance of variances for certain provisions of this title.

A. A variance may be granted to the density, dimension, height, setback and development standards; provided, that all other provisions of this title can be met.

B. Under no circumstances shall the city grant a variance to allow a use not permissible under the terms of this title in the zoning district involved, or any use expressly or by implication prohibited in the zoning district by the terms of this title.

C. Variances may be approved by the city based on a finding that such variance will not be contrary to the public interest and the comprehensive plan or where literal enforcement of the provisions of this title would result in undue hardship. A variance shall not be granted unless the city further finds that the applicant has demonstrated all of the following:

1. That special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, do exist; and
2. That because of such special circumstances, strict application of this title would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity under identical zoning district classification; and

3. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district classification in which the property is situated; and
4. That the special circumstances do not result from the actions of the applicant; and
5. That the granting of a variance will be in harmony with the general purpose and intent of this title, the specific zoning district, and the comprehensive plan.

17.09.195 Binding site plans.

A. Type of application.

General and final binding site plans are Type III applications; such applications shall be processed in accordance with procedures set forth in CMC Title 17. This process does not apply to binding site plans approved before December 31, 2020.

B. Purpose.

This chapter provides for an optional method for the division for lease or sale of commercial or industrial property, condominiums and tiny home parks and/or mobile home parks through the use of a binding site plan as provided for in Chapter 58.17 RCW. This method may be employed as an alternative to the subdivision and short subdivision procedures in this title when consistent with this chapter. The overall process for approving a binding site plan is a two-step process in which general binding site plan approval is obtained first, and specific binding site plan approval is obtained second.

C. Requirements for a complete application.

These requirements are in addition to the minimum application requirements in CMC 17.12.300.

1. General Binding Site Plan.

- a. The application submittal requirements of CMC 17.09;
- b. A copy of the site plan as approved by the city through the grading or building permit, planned unit development or other development application process;
- c. A copy of any existing, recorded or proposed covenants, conditions and restrictions, property owners' association bylaws and incorporation documents, and all other private restrictions or provisions currently applicable or which may become applicable to the subject property;
- d. If an existing residential development, evidence of the vote or appropriate association approval authorizing the submittal of the application;
- e. A copy of a title company certification (current within 60 days from filing of the binding site plan) confirming that the title of the lands as described and shown on the binding site plan is in the name of the owner(s) signing the binding site plan; and
- f. The number of copies as directed by the city.

2. Final Binding Site Plan.

- a. The number of copies as directed by the city;
- b. Required information as set forth in CMC 17.09 and CMC 17.12.300;
- c. Approved plans and documents from the applicable general binding site plan;
- d. A statement indicating that all development on the subject parcel is bound to the binding site plan; and
- d. Reference by recording number to the covenants, conditions and restrictions and property owners' association incorporation documents applicable to the property.

D. Scope – Property allowed to use the binding site plan process.

1. The division of property by binding site plan is limited to the following:

- a. Divisions of land into lots with a zoning classification allowing industrial or commercial uses;
- b. A division for the purpose of lease when no residential structures other than manufactured/mobile homes or travel trailers are permitted to be placed upon the land, provided the site plan complies with all applicable manufactured/mobile home park regulations and the zoning code;
- c. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot which contains insufficient area and dimension to meet the minimum requirements for lot circle and lot area as determined by the underlying zoning classification; and
- d. A division of land subject to Chapters 64.32 and 64.34 RCW as now in effect or hereafter amended so long as the site plan complies with the standards for condominiums under applicable Chehalis Municipal Code provisions.

2. Concurrent Applications. When an applicant wishes to utilize the binding site plan process, a binding site plan may be applied for and reviewed concurrent with an application for a general binding site plan.

3. Existing Development. Approved condominium developments, approved mobile home parks, approved final planned unit developments and approved building permits for any of the developments identified within this section which have been approved prior to the effective date of this chapter shall hereafter qualify as an approved general binding site plan. The division or redivision of land for sale or lease qualifying under this subsection may be achieved through either the specific binding site plan, subdivision or, if four or fewer lots, the short subdivision process.

4. Binding Site Plan Runs with the Land. After a general or specific binding site plan is filed with the auditor of the county in which the land lies, all persons, parties, their successors, heirs or assigns, who own, have, or will have by virtue of purchase, inheritance or assignment, any interest in the real property of the subject site or portions thereof, shall be bound by the conditions and inscriptions attending the general/specific binding site plan.

E. Procedure – General binding site plan.

1. The general binding site plan shall be considered by the appropriate decision body as provided for within Chapter 17.09 and 17.12.300 CMC.
2. Criteria for Review. The general binding site plan shall be reviewed for consistency with the Chehalis Comprehensive Plan and with the applicable development regulations in the Chehalis Municipal Code.

F. Procedure – Final binding site plan.

1. Filing – Final Binding Site Plan. A final binding site plan shall be filed with the department of community development at such time as the property owner(s) intends to sell or lease a portion of property as approved in a general binding site plan.
2. Limitations. The final binding site plan shall not be used to modify the provisions of the approved general binding site plan, building permit, final occupancy permit, or associated planned unit development other than to divide lots for sale or lease within areas designated for lot development in the general binding site plan.
3. Review Procedures – Final Binding Site Plan. The final binding site plan shall be reviewed for compliance with the conditions of the general binding site plan, building permit, applicable planned unit development conditions and all other applicable regulations in effect at the time of application.

4. Approval and Recording. Upon determination of consistency, the final binding site plan shall be signed by the community development director and the public works director and filed with the county auditor of the county in which the property is located.

G. Special provisions applicable to condominium developments subject to Chapter 64.34 or 64.32 RCW.

The following additional conditions shall be required:

1. The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest;

2. The city has approved a general binding site plan pursuant to CMC 17.12.300 and CMC 17.09 for the subject property;

3. All necessary documents are recorded with the county in which such land is located; and

4. The binding site plan contains the following statement on the face of the binding site plan:

All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein. [RCW 58.17.040(7)(e)]

5. The general binding site plan for a condominium development shall be deemed approved if the subject property has received final approval of a preliminary subdivision, planned unit development, a building permit, or a final certificate of occupancy has been issued.

H. Modifications.

1. Binding Site Plan Modifications. Modifications to a binding site plan shall be processed in the same manner as the original binding site plan.

2. Information Waiver. The city manager or appointee may waive the submittal of required information for general and final binding site plans if the information is either recorded or recorded by reference with the auditor and is available in the city's file(s).

3. The city may rescind all or a portion of a general or final binding site plan upon the request of the owner or owners of a legal lot or lots subject to a recorded binding site plan; provided, that any portion of a binding site plan which is rescinded shall be considered to be one lot unless divided by an approved subdivision or short division.

4. Signatures of the owners of those portions of a binding site plan which are not proposed to be altered by an amendment or rescission are not required on the amended binding site plan or application for rescission.

17.09.200 Planned unit developments.

The purpose of this chapter is to provide for public spaces, parks and trails consistent with the adopted community vision and plans, thereby creating an integrated system of linked local and regional trails, public rights-of-way and utility corridors for the use and enjoyment of all Chehalis residents and the general public. PUD's are meant for lands of 10 acres or less and will obtain full build out within 10 years. Lands over 10 acres or developments that will take more than 10 years for full build out must follow the master planned development code. The purpose of the planned unit development (PUD) approval process is to allow flexibility in site planning, building design, open

space, parks and trails, circulation facilities and other features, while providing for the orderly development of the city consistent with the Chehalis comprehensive plan and the following objectives:

- A. Allow for planned development equal to or superior to traditional lot-by-lot subdivisions by providing for a mixture of single-family or multifamily residential buildings, including but not limited to single-family homes, townhouses and condominiums in one development that are architecturally and spatially compatible;
- B. Promote flexibility, variety and innovation in site and building design subject to provisions of this chapter. Buildings in groups shall be related by common materials and roof styles, but contrast shall be provided throughout the site by the use of varied materials, architectural detailing, building scale and orientation;
- C. Encourage efficient street design, utility systems and public services and uses of land that could include development clustering;
- D. Provide and ensure preservation and enhancement of usable open spaces, parks and trails;
- E. Ensure that pedestrian and vehicular circulation facilities, parking facilities and other pertinent amenities are an integral part of the landscape and provide a safe integration of pedestrian, bicycle and vehicular traffic;
- F. Ensure that recreational areas (active and passive) generally are dispersed throughout the development and easily accessible from all dwelling units;
- G. Preserve and enhance natural vegetation and natural landscape features of the site; avoid development on steep slopes, wetlands and riparian areas; and protect and enhance critical fish and wildlife habitat areas, pursuant to Title 17, Division III., Environmental Districts;
- H. Maintain surface water and groundwater quality through employment of best management practices and recent science in planning and designing stormwater drainage systems that are uniquely adapted to the site and the affected environment;
- I. Provide for a multi-modal transportation system;
- J. Provide for the transition of new developments into the existing community through innovative design, screening, buffering, building setbacks and other measures to assure compatibility with existing zoning and plan districts, and adjacent existing neighborhoods.
- K. PUDs must be approved in conjunction with a site plan review and/or subdivision, whichever is applicable and as a Type 3 review. PUD approval involving uses that are not permitted outright or conditionally in the underlying zone are purely discretionary. Such uses must be approved by the hearing examiner through the conditional use permit process with a positive recommendation from the DRC and adoption of a finding that the proposal is consistent with the policies and procedures of the Chehalis comprehensive plan.

17.09.205 Master planned developments.

- A. Master Planned Development created.
 - 1. There shall be, and hereby is, created a special district to be known as the master planned development (MPD) district. Such districts shall be unique to a specific application and approval process identified in this chapter.
 - 2. Any approved MPD shall be added to Appendix Chapter P and shall include all conditions of approval.
- B. Purpose:

The purpose of this district is to protect land within the Chehalis Urban Growth Area (UGA) from premature land division and development that would preclude efficient transition to urban development and impede fulfillment of the goals contained within the Chehalis Comprehensive Plan. The MPD designation shall be applied on sites that

are 10 acres or greater in size. The City may apply the MPD designation to lands within the UGA or other lands within the city boundaries.

The MPD is a separate zoning classification that is intended to allow new development which is consistent with the comprehensive plan. More specifically, the purpose of this district is to:

1. Facilitate the efficient use of land and provide for a comprehensive review of integrated development projects;
2. Increase economic feasibility by fostering an efficient arrangement of land uses, buildings, transportation systems, open space and utilities;
3. Preserve or enhance natural amenities, features, shorelines and critical areas in the development of a particular site;
4. Identify significant environmental impacts and ensure appropriate mitigation;
5. Provide certainty regarding the character, timing and conditions of the MPD within an identified geographic area and vest such projects through a public review process;
6. Encourage environmentally sustainable development;
7. Provide needed services and facilities in an orderly, fiscally responsible manner;
8. Create vibrant mixed-use neighborhoods, with a primary focus on housing, but that also includes commercial, civic and recreational opportunities; and
9. Promote consistency with the goals, policies and objectives of the City of Chehalis and Lewis County Comprehensive Plans.

Applicants for MPD will be encouraged to utilize unique and innovative approaches that encourage the efficient and economical use of the land; promote a sound system for traffic and pedestrian circulation; promote open space and use of natural and/or developed amenities; and provide an architecturally attractive, durable, and energy-efficient development.

B. Supporting documentation.

An application for an MPD shall be accompanied by a project narrative and a conceptual master site plan that allows for analysis of overall project concepts and phasing as well as review of how the major project elements work together to implement city goals and policies. Master plan review allows for consideration and mitigation of cumulative impacts from large-scale development and allows for coordination with city capital improvement planning. Master plan review should occur at an early stage in the development of a project, when the scale, intensity and layout of a project are known. Specific application materials include the following:

1. A legal description and site location map of the property showing the location of the site and its relationship to surrounding areas, including existing streets, driveways, major physiographic features such as lakes, streams, shorelines, schools, parks and other prominent features;
2. A conceptual master site plan showing compatibility of development within the master plan area, and compatibility of anticipated uses in areas adjacent to and abutting the master plan area. Unless waived in writing by the city planning department as inapplicable or unnecessary to the understanding of the preliminary MPD, the conceptual master site plan shall show at a minimum the following items:
 - i. Site boundaries;

- ii. Streets abounding or abutting the site;
 - iii. Existing topographic contours at intervals of not more than five feet, together with conceptual grading, drainage, and landscaping plans;
 - iv. Special features, including all existing environmentally sensitive areas (as identified within the city municipal code) accompanied with a text describing conditions or features which cannot be accurately displayed on maps or drawings;
 - v. Existing buildings and indication of future use or disposition;
 - vi. Proposed land uses and densities;
 - vii. Proposed development areas including building footprints, including conceptual elevations or illustrative photos of similar development, identification of types, the number of dwelling units in each residential type and the number of square feet in each commercial type;
 - viii. Proposed location of off-street parking facilities showing points of ingress to and egress from the site;
 - ix. Proposed pedestrian and vehicular circulation pattern and proposed types of circulation facilities;
 - x. Proposed location and dimension of all common open spaces;
 - xi. Proposed location of utilities including water, sewer, storm drainage, solid waste collection, power and communications;
 - xii. Proposed streets and associated improvements and parks and open spaces;
 - xiii. Any other specific information requested by the city planning department or any other applicable provisions of the Chehalis Municipal Code;
3. A preliminary development plan consisting of a written statement for development setting out detailed information concerning the following subjects as they may be involved in the development, including, but not limited to the following items:
- i. Market analysis of proposed use;
 - ii. Proposed ownership method;
 - iii. Proposed operation and maintenance of development and landscaping;
 - iv. Provisions to assure permanence and maintenance of common open spaces through homeowner association formation, condominium development, or other means acceptable to the city;
 - v. General timetable for development, including future phases;
 - vi. Impact on community facilities and services including but not limited to streets, schools, parks, medical, fire, police, water, sewer, storm drainage, solid waste and public transportation;
 - vii. Compatibility with surrounding land uses; and

- viii. An assessment of how the project is consistent with the purpose of the comprehensive plan and base zone, as well as MPD criteria.

C. Certain exemptions applicable.

An MPD proposal need not consider the requirements or limitations of Division V of this title, Land Use Zones (Zoning), provided:

1. Uses occurring in a MPD development shall include the permitted, accessory and temporary uses identified in CMC 17.78.020 (zoning use chart); except, limited "prohibited" uses may be allowed when the planning commission finds that the nature and design of the development proposal precludes negative impacts between normally incompatible uses, and the SEPA process does not identify any significant adverse impacts. Such "prohibited" uses should be limited to not more than 10 percent of the development proposal and the applicant must demonstrate that negative or nuisance impacts will not be created by the proposal;
2. Any request for a variance from any applicable requirements of this title shall require a consideration of other reasonable site design alternatives, and demonstrate wherein such alternatives are inconsistent with CMC 17.39.030, Intent/purpose;
3. No building or structure shall be higher than its distance to the MPD district boundary, and in no case higher than the capability of the city's fire department response apparatus as determined by the fire chief;
4. The applicant shall demonstrate that the proposed parking configuration is consistent with recognized industry standards for the applicable uses; and
5. The provision of essential public services identified in the proposal shall be approved by the purveyor of such services.

D. Consistency with Division II of this title, Subdivisions.

1. Any aspect of an MPD proposal which requires consistency with Division II of this title, Subdivisions, shall be submitted for review and approval as required in Division II of this title.

No MPD proposal shall be approved until all applicable requirements of Division II of this title have been accomplished.

E. Consistency with Division III of this title, Environmental Districts.

1. Any aspect of an MPD proposal which requires consistency with Division III of this title, Environmental Districts, shall be submitted for review and approval as required in Division III of this title.
2. No MPD proposal shall be approved until all applicable requirements of Division III of this title have been accomplished.

F. Consistency with Division VII of this title, General Provisions.

Any aspect of an MPD proposal which requires consistency with any applicable section of Division VII of this title, General Provisions, shall cause the city to incorporate such requirements as a condition of approval. Such requirements shall be made a matter of record during the applicable review process.

G. Application for MPD.

An MPD, approved in accordance with the procedures of this chapter, shall be limited to those which are specifically approved in MPD development plan including recreational and open spaces, and shall achieve a net urban density of four units per acre. MPDs may specifically permit all proposed uses and developments which can be shown to be in conformance with the policies of the comprehensive plan.

1. Application for an MPD shall follow the requirements for a conditional use process identified in CMC 17.09.
2. Applications for an MPD shall not be SEPA exempt proposals and shall comply with all applicable requirements of Chapter 17.15 CMC, State Environmental Policy Act (SEPA).

H. Initiation of project – Application – Fee.

A completed application must include all supporting documentation as identified within this chapter and a nonrefundable filing fee together with a written commitment to pay all fees associated with the project as established by resolution of the city council. Application shall be made by the owner or owners of the parcel or parcels intended to be developed as a unit, or their duly authorized agent or agents. The ownership of all the parcels to be included must join in or be represented in the application. MPD projects may be initiated by any owner or group of owners of property acting jointly, or as a developer authorized to act as an agent for an owner or group of owners.

I. Phased development.

Development of the project may be phased, in which case each complete phase may be processed separately through both preliminary development plan review and final development plan review. A map showing all property owned or controlled by the applicant which is contiguous to the initial development site together with a description of said properties' possible eventual development through all potential phases, shall be submitted with the application for the first phase. The described plan shall conform to the purposes of this chapter. The city's comprehensive plan shall be used by the city in reviewing all phases of the development.

No development shall be allowed until applicable requirements of this chapter are met. Compliance with applicable plan goals and policies is deferred until the MPD has been approved.

17.09.210 Rezones, zoning regulations and comprehensive plan amendments.

A. Purpose.

The comprehensive plan is a document which guides the nature and intensity of the development in the city. An amendment to the plan is a mechanism by which the city may modify its land use, development or growth policies in order to respond to changing circumstances or needs of the city. Therefore, the purpose of this chapter is to provide guidance as to how the comprehensive plan of the city of Chehalis will be updated and amended over time. Amendments to the plan may involve changes in the written text or in the map designation adopted as part of the plan, or to supporting documents, including capital facilities plans. This chapter states the specific procedures and review criteria necessary to process comprehensive plan amendments. Plan amendments will be reviewed in accordance with the state Growth Management Act (GMA), the county-wide planning policies, applicable capital facility plans, other pertinent city plans, official population growth forecasts and key growth indicators.

Additionally, many rezone requests and changes to the zoning regulations require an underlying change to the comprehensive plan. As such they should be processed together whenever possible. If there are no necessary changes to the comprehensive plan required to affect the requested rezone or zoning regulations, the application shall be processed as a Type 4 review.

B. Who may initiate.

1. The city council or the planning commission may initiate consideration of an amendment to the comprehensive plan. An affirmative vote of not less than a majority of the total members of the council is required to initiate consideration of an amendment.
2. A resident or a property owner may apply for an amendment to the comprehensive plan in conformance with CMC 17.09.210.

C. Time to initiate.

1. Subject to subsections (C) and (D) of this section, the city council or the planning commission may initiate consideration of an amendment to the comprehensive plan at any time. A new element may be added to the comprehensive plan at any time.

2. Subject to subsections (C) and (D) of this section, a resident or property owner may apply for an amendment to the comprehensive plan between January 1st and March 1st. At any other time during the year, a resident or property owner may request that the planning commission or city council initiate consideration of an amendment to the comprehensive plan.
3. An amendment to the comprehensive plan may not be initiated by the planning commission or by a private party unless at least two years have elapsed since the adoption or review and reaffirmation of the element or subarea plan affected by the proposed amendment. In addition, at least three years must elapse between amendments to the land use designation of a property. These time limits do not apply if the applicant proves that there exists obvious technical error justifying the need for the amendment.
4. The planning commission may defer review of a proposed amendment if review of the affected subarea is scheduled or reasonably likely to occur within the calendar year the proposed amendment was requested.

D. Applicable procedure.

1. General. Subject to subsection (B) of this section, the city will process an amendment to the comprehensive plan using the planning commission as an advisory body and the appropriate city staff to perform analysis of the application.
2. Notice of Receipt of Private Application. In addition to notice required under Chapter 17.09 CMC, the city shall provide the following public notice:
 - a. Content. The city shall prepare notice of the receipt of a private application for a comprehensive plan amendment containing the following:
 - i. The name of the applicant and, if applicable, the project name; and
 - ii. If the application involves specific property, the street address or tax account number used by the Lewis County assessor's office, and a description in nonlegal terms sufficient to identify its location; and
 - iii. If the application involves specific property, a vicinity map indicating the location of the subject property; and
 - iv. The citation of CMC 17.09.150, 17.09.160 and 17.09.170 outlining the decision process; and
 - v. A brief description of the action, permit or approval requested in the application; and
 - vi. A description of the upcoming geographic scope and public hearing process.
 - b. Time of Notice. The city shall provide notice of the receipt of a private application for a comprehensive plan amendment within thirty calendar days of receipt of that application.
 - c. Means of Notice. The city shall provide notice of the receipt of a private application for a comprehensive plan amendment by:
 - i. Publishing notice of receipt in a local newspaper; and
 - ii. Posting notice of the receipt of the application at each official posting place; and
 - iii. If the application involves specific property rather than an area-wide change, then the city must mail notice of the receipt of the application to each property owner within two hundred feet or who has requested such notice in writing for the calendar year and who has paid the fee established by the applicable city department.

E. Determination of Geographic Scope of Proposal. Prior to providing public notice, the city shall establish the geographic scope of the proposed amendment.

F. Expansion of the geographic scope of the proposal.

1. In order to allow for consideration of nearby property, similarly situated property or area-wide impacts, the city council or the planning commission may expand the geographic scope of a private initiated amendment.
2. The city shall consider the following in deciding whether to expand the scope of the proposed amendment:
 1. The effect of the proposed amendment on the adjoining areas of the city; and
 2. The effect of the proposed amendment on the land use and circulation pattern of the city or subarea; and
 3. The effect of the proposed amendment on the future development of the city or subarea.
3. Notice. Within thirty calendar days of establishing the geographic scope of the proposal, the city shall provide notice of the proposed comprehensive plan amendment describing its geographic scope by:
 1. Giving notice as described in CMC 17.09.100; and
 2. Mailing notice of the proposed comprehensive plan amendment to each owner of real property within two hundred feet of any boundary of the subject property and of any contiguous property in the applicant's ownership.

G. Overall method of review.

Proposed plan amendments that are submitted for review shall be subject to the applicable criteria of this chapter. The review shall be processed as outlined in CMC 17.09.150, 17.09.160 and 17.09.170. Applications for plan map amendments are generally processed in conjunction with concurrent rezone requests. Zoning map amendments must be to a zone corresponding to the requested comprehensive plan map designations. Concurrent zoning map amendments must meet all the approval criteria of this chapter and zone changes consistent with the comprehensive plan map shall be considered subject to the approval criteria for rezones.

H. Application.

The criteria and requirements of this chapter shall apply to all applications or proposals for changes to the comprehensive plan text, policies, map designations, zoning map or supporting documents. For the purposes of establishing review procedures, criteria and timelines, amendments shall be distinguished as follows:

1. Comprehensive plan map changes involving urban growth area (UGA) boundary changes;
2. Comprehensive plan map changes not involving changes to UGA boundaries;
3. Comprehensive plan policy or text changes;
4. Changes to other plan documents (such as capital facilities);
5. Out-of-cycle amendments limited to the following:
 - a. Emergency;
 - b. Initial adoption of a subarea plan;
 - c. Adoption or amendment to a shoreline master program;
 - d. To resolve an appeal of the comprehensive plan filed with the growth management hearings board or from a court of competent jurisdiction.

I. Plan map changes—Procedure.

1. Application for all plan amendments shall be considered legislative actions, subject to the application review procedures outlined in CMC 17.09.150, 17.09.160 and 17.09.170.
2. Site-specific plan map amendments requested by private parties shall be considered legislative actions, subject to the application review procedures outlined in CMC 17.09.150, 17.09.160 and 17.09.170.

J. Submittal requirements.

1. The city shall specify the submittal requirements, including type, detail and number of copies, for a comprehensive plan amendment application to be deemed complete and accepted for filing.
2. The city may waive specific submittal requirements determined to be unnecessary for review of application.

K. Decision criteria.

The planning commission may recommend, and the city council may approve with modifications an amendment to the plan if:

1. There exists an obvious technical error in the pertinent comprehensive plan provision; or
2. The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion that the application merits approval or approval with modifications; and
3. The amendment bears a substantial relation to public health, safety and welfare; and
4. The amendment addresses changing circumstances or the needs of the city as a whole; and
5. The amendment is compatible with the provisions of the comprehensive plan or other goals and policies of the city; and
6. If applicable to an identified property, the amendment is compatible with adjacent land use and surrounding neighborhoods; and
7. The amendment will not result in development which will adversely impact community facilities, including, but not limited to, utilities, transportation, parks or schools.

L. Comprehensive plan review.

General Goals and Policies. The planning commission shall review and consider plan amendments to the goals and policies regularly at five- year intervals.

M. Cumulative impact.

In reviewing all prospective comprehensive plan changes, the city of Chehalis shall analyze and assess the following to the extent possible:

1. The cumulative impacts of all plan map changes on the overall adopted plan, plan map and relevant implementing measures, and adopted environmental policies;
2. The cumulative land use environmental impacts of all applications on the applicable local geographic area and adopted capital facilities plan;
3. Where any adverse impacts are identified, the city may require mitigation. Conditions which assure that identified impacts are adequately mitigated may be proposed by the applicant, and if determined to be adequate, imposed by the city as part of the approval action.

N. Public hearing.

1. Any person may participate in the public hearing on the rezone application by:

- a. Submitting written comments on the application to the city prior to the public hearing; or
 - b. Submitting written comments or making oral comments to the planning commission at the public hearing.
2. The city shall transmit all written comments received prior to the public hearing to the planning commission no later than the date of that hearing.
 3. The planning commission shall make an electronic sound recording of the hearing on the application and provide written minutes of that hearing.

O. Planning commission recommendation.

1. After the public hearing and any necessary public study sessions on the application, the planning commission shall either recommend approval, approval with modifications or denial of the application. The planning commission's recommendation shall be based on the criteria included in CMC 17.09.210(I).
2. The planning commission may recommend approval or approval with modifications only if the application or the application as modified complies with the applicable criteria of this chapter. In all other cases, the planning commission shall recommend denial of the application.
3. A vote to recommend approval or approval with modifications must be by a majority vote of the planning commission members present and voting. Any other vote constitutes a recommendation of denial of the application.
4. The planning commission's recommendation shall be transmitted to the city council for their action.

P. City council action.

1. Within sixty days of receipt of the recommendation from the planning commission, the city council shall consider the application at a public meeting. The following elements are to be considered in deciding upon the application:
 - a. The application; and
 - b. The minutes of any public hearing on the application and any written material submitted in accordance with CMC 17.09.120(L); and
 - c. The city staff recommendation on the application; and
2. The recommendation of the planning commission; and
 - a. The recommendation of any other affected board or commission; and
 - b. Any comments on the application received at the public meeting or received by the city council; and
 - c. Any other relevant information.
3. The city council shall take one of the following actions:
 - a. Adopt an ordinance or resolution approving the proposal; or
 - b. Adopt an ordinance or resolution approving the proposal with modifications; or
 - c. Adopt a motion denying the proposal; or
 - d. Refer the proposal back to the planning commission for further proceedings, in which the council shall specify the time within which the planning commission shall report back to the city council with a recommendation on the proposal.

4. The city council shall adopt an ordinance or resolution which approves or approves with modifications the proposal by a majority of the membership of the council. Any other vote on the proposal constitutes a denial of the application.
5. The decision of the city council is the final decision of the city subject to the decision being appealed to superior court.
6. The applicant may commence activity or obtain other required approvals or permits seven calendar days following the effective date of the ordinance or resolution. Activity commenced prior to the expiration date of the full appeal period provided in this chapter is at the sole risk of the applicant.

Q. Appeal of city council action to superior court.

Any person adversely affected by the decision may appeal the decision of the city council. A person filing an appeal must make application to the superior court for a writ of certiorari, writ of prohibition or writ of mandamus. The decision of the city council must be appealed to superior court no more than twenty calendar days following the effective date of the city council decision on the application or is thereafter barred.

R. Fees.

Application fees for all plan amendments and zone changes shall be considered as follows:

1. Fees for plan amendments and zone changes shall be noted in the city's fees and other charges resolution.
2. If multiple similar applications are received in the same review period, the fees set in the city's fees and other charges resolution may be adjusted downward to reflect actual cost.

17.09.215 Violations.

A. Failure of any person to comply with the procedural requirements of this title, or with any applicable provision identified herein, or with any condition or requirement of any development permit, license or approval, shall constitute a public nuisance, and shall be abated as provided in CMC 7.04.130.

B. Nothing herein shall preclude the city from initiating any other authorized action to correct any violation of this title, including, but not limited to, action authorized under the adopted uniform codes, and/or issuance of criminal citations.

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Jill Anderson, City Manager

BY: Caryn Foley, City Clerk

MEETING OF: February 22, 2021

SUBJECT: Council Member Vacancy Process

ISSUE

Due to the resignation of Mayor Pro Tem (MPT) Chad Taylor, effective February 9, 2021, the Chehalis City Council has one vacancy. This report provides an update on the process for seeking applicants to fill the vacancy.

BACKGROUND

During the January 25, 2021 City Council meeting, MPT Taylor announced he would resign his position on the City Council effective February 9, 2021. MPT Taylor's membership on the City Council is At-Large No. 2, which current term expires December 31, 2021. State statute provides that the vacancy be filled by the remaining members of the governing body and that the person elected to fill a vacancy shall hold office for the remainder of the unexpired term. Eligibility to hold a council position is addressed in Chehalis Municipal Code 2.08.050, which requires that an individual has been a registered voter and resident of the city for at least one year.

In order to provide potential applicants sufficient time to complete and submit an application, and to ensure a timely appointment of a replacement council member, the City Council established the following process during the February 8 council meeting:

- Notice of vacancy published in official newspaper Thursday, February 11
- Applications due Friday, February 19
- City Council conducts interviews at special meeting Monday, March 1
- New council member sworn in at regular City Council meeting Monday, March 8

DISCUSSION

As of the writing of this agenda report, five applications have been submitted. One was determined to be ineligible because the applicant lives outside of the City limits. The applications will be delivered to each City Council member on February 25 for review prior to the special meeting scheduled for March 1. Staff is proposing the following process for the special meeting on March 1 for City Council consideration:

- Introduction of candidates.
- Conduct interviews. Each Council member will ask each candidate a question.
- City Council members' time to express support for a candidate(s).
- City Council will convene into executive session to discuss qualifications of applicants.

- Regular meeting reconvened.
- Nominations from Council members. If more than one candidate is nominated, a vote will be conducted in the order of which candidates were nominated. Elections will continue until an individual receives a majority vote (4).

The new Council member will be sworn into office at the City Council's regular meeting of March 8.

STATE LAWS AND GENERAL GUIDANCE

Consistent with state law, all interviews, nominations, and votes shall be conducted by the City Council in open session. During the process of evaluating the qualifications of the candidates in executive session, MRSC (Municipal Research & Services Center) cautions that a City Council must take care not to take any kind of preliminary votes (even if it is a non-binding straw vote) or narrow the field of candidates.

FISCAL IMPACT

There is no fiscal impact related to the filling of this City Council member vacancy.

RECOMMENDATION

It is requested that the City Council review the proposed process for interviewing applicants and suggest changes as needed in order to provide direction to staff.

SUGGESTED MOTION

I move that the City Council approve the process for interviewing applicants to fill the At-Large No. 2 vacancy left by MPT Chad Taylor's resignation.

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Jill Anderson, City Manager

MEETING OF: February 22, 2021

SUBJECT: Request from Lewis County to Consider Opposing the Acquisition of TransAlta Land by Washington Department of Fish and Wildlife

ISSUE

Lewis County has submitted a letter strongly opposing a plan by the Washington Department of Fish and Wildlife (WDFW) to acquire 9600 acres of land owned by TransAlta and asked the City of Chehalis to do the same.

DISCUSSION

WDFW is planning to acquire 9600 acres of land that was previously used for coal mining from TransAlta. The WDFW refers to it as the Centralia Mine Project and the associated fact sheet indicates that this “presents a rare opportunity to manage a landscape that allows room for the creation or restoration of high-quality wildlife habitats, such as wetlands and grasslands to benefit waterfowl, amphibians, mammals, reptiles, and fish.

Lewis County is opposed to the proposed acquisition of the land by WDFW due to the permanent loss of property tax revenue that funds services provided by multiple agencies including Lewis County, Riverside Fire Authority, and Centralia School District. This would increase the cost of maintaining the current level of service to the remaining taxpayers.

The County is also concerned that the transfer of land from TransAlta to WDFW would also stifle economic development that was envisioned with the creation of the Industrial Park at TransAlta (IPAT). While the proposal does not currently include IPAT land, it does surround one parcel of IPAT land and other IPAT land is in the vicinity. IPAT may choose to sell or donate the one piece of land that is closest to the TransAlta land, while preserving the other pieces of land it currently owns for future economic development. As of a week ago, IPAT had not yet made a decision on that according to TransAlta

Therefore, the WDFW plan to introduce endangered species to the area identified for transfer is of particular concern. The WDFW indicates that the area includes the “potential to provide habitat for threatened or endangered species, including the western pond turtle, Oregon spotted frog, and streaked horned lark.” There is deep concern that this could hinder development of the land in the vicinity that includes IPAT.

The Mayor and City Manager received a briefing from TransAlta, as well as Lewis County Commissioner Swope. In order to expedite the preparation of this report, the Mayor has drafted a letter that summarizes the areas of concern that have not been adequately addressed by TransAlta or WDFW for consideration by the City Council.

The TransAlta Fact Sheet regarding the Centralia Mine project and the draft letter are provided for your information and comment.

FISCAL IMPACT

There is no fiscal impact related to this agenda item.

RECOMMENDATION

City Council direction is requested.

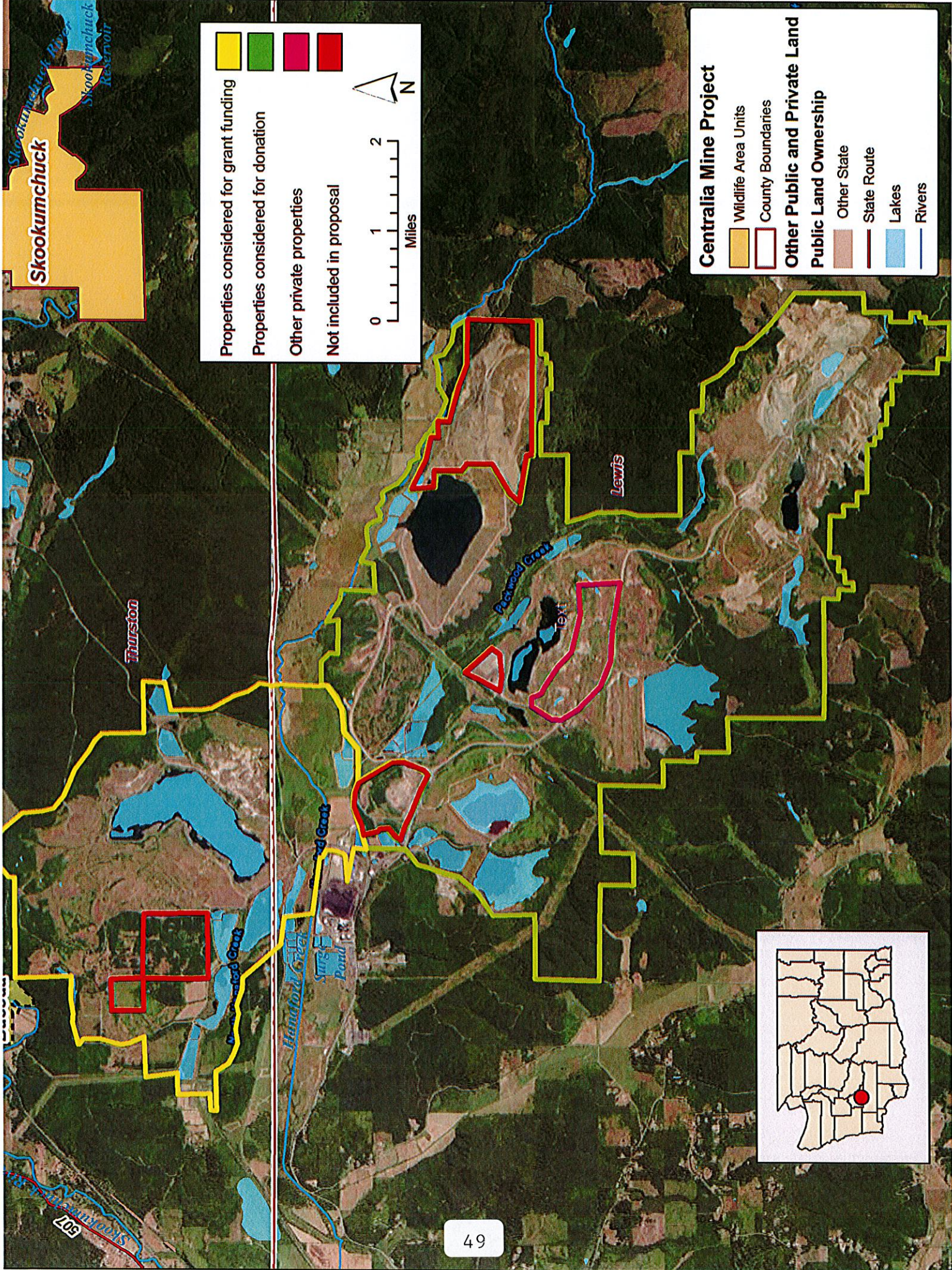
SUGGESTED MOTION

There is no suggested motion.



Project Highlights

- Up to 9,800 acres
- Multi-phased project of donation and acquisition of the Centralia Mine
- Diverse array of habitats that already exist at the site
- Property will form a new wildlife area close to urban centers allowing users to connect with diverse nature
- Current habitat supports a variety of fish and wildlife including elk, deer, salmon, warmwater fish, and many others
- Rare opportunity to manage a landscape that allows room for creation or restoration of high-quality wildlife habitats such as wetlands and grasslands to benefit waterfowl, amphibians, mammals, reptiles, and fish.
- Potential to provide habitat for threatened or endangered species, including the western pond turtle, Oregon spotted frog, and streaked horned lark
- Adding public lands to the region would benefit the local economy as well as public access
- Supported by TransAlta USA, Rocky Mountain Elk Foundation



Skookumchuck

Thurston

Lewis

Packwood Creek

Properties considered for grant funding

Properties considered for donation

Other private properties

Not included in proposal

0 1 2 Miles

N

Centralia Mine Project

Wildlife Area Units

County Boundaries

Other Public and Private Land

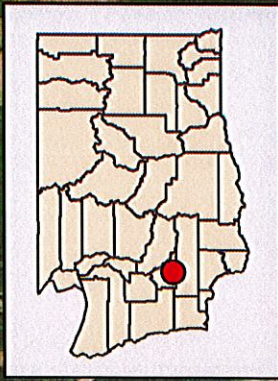
Public Land Ownership

Other State

State Route

Lakes

Rivers



CITY OF CHEHALIS

350 N. Market Boulevard, Room 101
Chehalis, Washington 98532
www.ci.chehalis.wa.us
(360) 345-1042



February 22, 2021

Washington Department of Fish and Wildlife
Real Estate Services
P.O. Box 43158
Olympia, WA 98504
Via email to: lands@dfw.wa.gov

Subject: Concern Regarding WDFW Acquisition of TransAlta Land

Dear -----

The Chehalis City Council has been asked by Lewis County to submit a letter outlining their position on the potential land acquisition by WDFW from Trans Alta. As of this writing, the City of Chehalis has some serious concerns should this transaction occur, which are outlined below.

First, there is a significant portion of land that would be removed from the property tax rolls that will shift the tax burden to the remaining property owners. Like most communities, Lewis County can ill afford to lose property tax revenue. This will trickle down and possibly have an effect on the Riverside Fire Authority and Centralia School District (along with other junior taxing districts) when they place funding measures on future ballots.

Second, this is a significant amount of property that will be removed from potential future economic development. It's true some property has been made available for IPAT, which has yet to land a client, once the property is transferred, it's gone forever should the economic development change as some companies look to get out of certain areas in the current political climate.

Third, the introduction of endangered species to this area is concerning. It's well documented how potential development is stopped dead in its tracks when an endangered species is discovered. If the species were to be introduced to this area, how would it affect the lands contiguous to the property involved, or that of lands nearby?

Fourth, agreements may be made to facilitate this transaction. If so, there must be legal safeguards to assure that they will be honored by all parties now and in the future.

While the property involved is not in the immediate vicinity of the city of Chehalis, what does or doesn't happen on the land impacts Lewis County, including the City of Chehalis and all of Lewis County. When the mine was at its peak of operations, it created significant indirect benefits to our citizens.

Should this transaction take place, any negative effects from the concerns outlined above would also have an indirect impact on our citizens.

We ask that our concerns be reviewed and addressed and that a complete dialog be conducted with Lewis County representatives. The City of Chehalis appreciates what Trans Alta has contributed to our area and would like to see this matter resolved in a way that benefits all parties now and in the decades to come.

Sincerely,

Dennis L. Dawes
Mayor

DRAFT

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Jill Anderson, City Manager

BY: Brandon Rakes, Airport Operations Coordinator

MEETING OF: February 22, 2021

SUBJECT: Consider Submitting Letter of Opposition to HB 1388 Relating to Motor Vehicle Sales—Zero Emission Vehicles

ISSUE

HB 1388 proposes to remove a dealership requirement from Washington State law for Zero Emission Vehicle (ZEV) manufacturers and to increase the authorized amount charged for documentary service fees.

Due to the City of Chehalis relying heavily on the sales tax revenue generated from local automobile dealerships, the Mayor has asked that the City Council review this for consideration.

DISCUSSION

HB 1388 would modify the Washington laws governing the direct sales of motor vehicles and documentary service fees charged to buyers.

Washington generally bars motor vehicle manufacturers and distributors from acting as dealers or owning, operating, or controlling a dealership. This prohibition restricts direct sales from manufacturers to consumers. An exception exists for manufacturers that held a vehicle dealer license in Washington on Jan. 1, 2014 (Tesla). Such manufacturers are authorized to own, operate, or control their own dealerships or companies providing leasing or financing.

HB 1388 would authorize vehicle manufacturers that produce only zero emissions vehicles to own, operate, or control a new motor vehicle dealership that sells new vehicles that are only of that manufacturer's makes or lines and that are not sold new by a licensed independent franchise dealer. It would also authorize them to own, operate, or control or contract with companies that provide finance, leasing, or service for vehicles that are of that manufacturer's makes or lines.

HB 1388 would also strike and replace the prior granted authorization to manufacturers holding a vehicle dealer license in Washington prior to January 1, 2014.

Finally, HB 1388 would amend the restriction on documentary service fees increasing the authorized maximum from \$150 to \$300 per vehicle.

The stated goal of the bill is to sell more zero emissions vehicles in the state of Washington and to remove the barrier of having a dealership network.

The City of Chehalis relies heavily on sales tax revenue generated from local dealership sales. If these dealerships are harmed by this legislation it is possible that this could negatively impact jobs in the community as well as the sales tax revenue collected from new vehicle sales.

Therefore, a draft letter of opposition is attached for consideration.

FISCAL IMPACT

There is no financial cost associated with taking a position on the legislation. Due to the nature of calculating sales tax for Zero Emmission Vehicle sales, the fiscal impact of the proposed legislation is unknown at this time.

RECOMMENDATION

It is recommended that the City Council provide direction to the staff in this matter.

SUGGESTED MOTION

I move that the City Council provide direction to the staff in this matter.

CITY OF CHEHALIS

350 N. Market Boulevard, Room 101
Chehalis, Washington 98532
www.ci.chehalis.wa.us
(360) 345-1042



February 22, 2021

The Honorable _____

Subject: HB 1388 Motor Vehicles – Statement of Opposition

Dear Representative -----

The Chehalis City Council opposes HB 1388 concerning motor vehicle sales.

This bill would allow more Zero Emission Vehicles (ZEV) manufacturers to compete directly with local dealerships and put locally-owned dealerships in jeopardy. This, in turn, could cost local jobs and sales tax revenue generated by new vehicle sales.

As in many communities throughout Washington, local automobile dealers invest hundreds of thousands of dollars in their facilities and related infrastructure. This allows the sale of automobiles of all kinds, providing those in need of motor vehicles the opportunity to buy, lease and/or service vehicles with businesses that have a vested interest in providing quality service over the long-term. This is particularly important in rural communities like Chehalis that have limited access to alternative modes of transportation.

In addition, motor vehicle sales are a large generator of sales tax revenues that allow cities, including Chehalis, to provide funds for the provision of critical public services. It is also significant to note that businesses that have a major financial investment in a community, often becomes a community partner through significant charitable contributions. In Chehalis, this has proven to be true again and again with notable contributions by our automotive business community to educational and recreational endeavors.

Therefore, on behalf of the City Council of the City of Chehalis, I ask you to oppose HB 1388. Thank you for your consideration of the City's position

Sincerely,

Dennis L. Dawes
Mayor

Where Heart and History Shape Our Future

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Jill Anderson, City Manager

BY: Chun Saul, Finance Director

MEETING OF: February 22, 2021

SUBJECT: Ordinance No. 1017-B, First Reading – Establishing 2020 Year-End Fund Balance Commitments

ISSUE

Starting in the 2020 reporting year, the Washington State Auditor’s BARS Manual requires beginning and ending cash and investments (fund balances) be classified in five fund balance categories as follows: nonspendable, restricted, committed, assigned, or unassigned. The Committed fund balance classification requires most binding formal action (Ordinance) by the City Council.

NEW FUND BALANCE CLASSIFICATIONS

The chart below summarizes the fund balance classifications and specific requirements.

New Classification	Authority	Purpose	Old Classification
<i>Nonspendable</i>	Inherent	Nonfinancial resources (i.e., endowment fund)	Reserved
<i>Restricted</i>	External restrictions	Restrictions on the purpose or use of resources imposed by law through constitutional provisions or enabling legislation, or contracts (i.e., creditors, grantors, bond covenants, donors, or other governments).	Reserved
<i>Committed</i>	Internal commitments	Specific (not generic) limitations that the government imposes upon itself by the governing body through the most binding formal action (i.e., resolution, ordinance, etc.) and that remains binding unless removed in the same manner.	Reserved
<i>Assigned</i>	Intended use	Amounts intended to be used by the government for specific purposes that are neither restricted nor committed. Can be done in an informal way such as a motion or other form of directive. The creation of a fund outside of the general fund is considered at least assigned since the creation of a fund automatically sets aside the monies for a purpose.	Unreserved
<i>Unassigned</i>	Any allowable use and purpose of that fund.	All other funds that are not reported in other categories.	Unreserved

These classifications indicate “the extent to which the government is bound to honor constraints on the *specific purposes for which amounts in the fund can be spent.*” The classifications reflect these limitations and inform management and financial statement users how much of the government’s resources are reserved for a specific purpose or use and how much is freely available for spending for any allowable purpose of that fund.

Budget documents approved by resolution or ordinance do not meet criteria for classifying balances as committed because the budget only represents the government’s authorized spending during the period, rather than a constraint on remaining balances at year end. In other words, a budget deals with plans for anticipated revenues and expenditures – resources not yet collected, and expenditures not yet incurred – whereas an internal commitment imposes a permanent constraint on **currently existing** financial resources.

Merely creating “reserve” funds through resolution or ordinance to set money aside for a different purpose or circumstance (i.e., emergency fund or rainy-day fund) does not automatically classify the entire fund balance as committed.

The government may establish a policy for its intended order of use of classification balances when an expenditure is incurred in which restricted, committed, and assigned cash and investment balances can be used to pay the expenditure. In absence of an approved policy, it is assumed that the government will use the most restricted cash and investment balance first.

PROPOSED COMMITMENTS FOR 2020 YEAR END FUND BALANCE

General Fund: The preliminary ending cash and investment (fund balance) of the City’s General Fund as of 12/31/2020 is \$2,240,826, which is about 22% of the 2020 general fund actual revenues.

\$119,536 of the total fund balance is restricted which includes the drug seizure fund, municipal court bail deposit, and unspent donations received for parks and recreation programs. The remaining \$2,137,228 can be classified as committed, assigned, or unassigned.

On February 2, 2021, the City Manager and Finance Director met with the City Council Budget Committee members and discussed whether a portion of the General Fund’s ending fund balance as of 12/31/2020 should be committed for specific purposes. The Council Budget Committee recommended a total of \$465,000 of the General Fund ending fund balance to be Committed for the following purposes:

- \$200,000 for payments for accrued leave cash outs for future general fund retirees
- \$100,000 for vehicle replacements
- \$100,000 for City’s financial software upgrade
- \$ 65,000 for police evidence garage

The Committee recommended that the remaining \$1,656,290 be classified as unassigned. This will allow replenishing the \$444,680 reserves used to balance the 2021 budget, maintain the Council goal of 10% operating reserves, and provide about \$182,246 cushion for any unexpected revenue shortfall or additional expenditures during 2021.

Reserve Funds: In addition to the General Fund, the City maintains the following general revenue funded reserve funds. These funds are managerial funds in nature and are rolled-up into the general fund for financial reporting purposes. The total ending fund balances of these funds are classified as assigned by default except any portion that is designated as Committed by the City Council. It is recommended that

the following fund balances as of 12/31/2020 be designated as Committed for the following specific purposes:

- \$ 28,520 is committed for debt service (Dedicated Street)
- \$198,020 is committed for future retiree leave cash outs (Compensated Absences)
- \$101,107 is committed for LEOFF 1 retiree medical and long-term care benefits (LEOFF 1 OPEB)
- \$108,178 is committed for vehicle replacement (Automotive/Equipment Reserve)

Restricted Governmental Funds: The ending cash and investments (fund balances) in the Arterial Street Fund, TBD Fund, Lodging Tax Fund, CDBG Fund, HUD Block Grant Fund, and REET Funds are reported as restricted as the revenue sources have statutory limitations on how they can be used, except for the following amounts that are committed for specific purposes:

- \$ 71,563 is committed for 2019 LTGO (Recreation Park) debt service (Lodging Tax Fund)
- \$130,196 is committed for 2020 LTGO (Temporary Fire Station) debt service (1Q REET Fund)
- \$ 75,131 is committed for 2011 LTGO (City Hall) debt service (2Q REET Fund)

Public Facilities Reserve Fund: The ending fund balance consists of \$431,326 bond proceeds remaining for temporary fire station project and \$257,582 unspent donations received for the Recreation Park Renovation project. These amounts will be reported as restricted. The remaining fund balance of about \$269,500 will be reported as assigned for general and park facilities repairs/replacements/acquisitions approved by the City Council.

Enterprise Funds: Fund balances in enterprise funds will include restricted amounts for refundable customer deposits and minimum debt service reserve required by debt covenants and assigned balances for everything else that can be spent for that enterprise fund activity.

SUMMARY

In summary, the following portions of the City's December 31, 2020 governmental fund balances are designated as Committed:

- \$398,020 is committed for accrued leave cash out payments for retiring employees
- \$208,178 is committed for vehicle replacement
- \$100,000 is committed for financial software/system upgrade
- \$ 65,000 is committed for police evidence garage
- \$ 25,520 is committed for debt service (Dedicated Street)
- \$101,107 is committed for LEOFF 1 retiree medical and long-term care benefits (LEOFF 1 OPEB)
- \$ 71,563 is committed for 2019 LTGO (Recreation Park) debt service (Lodging Tax)
- \$130,196 is committed for 2020 LTGO (Temporary Fire Station) debt service (1Q REET)
- \$ 75,153 is committed for 2011 LTGO (City Hall) debt service (2Q REET)

RECOMMENDATION

It is recommended that the City Council authorize a total of \$1,174,737 of the City's governmental fund balances as of 12/31/2020, including \$465,000 from the General Fund, to be Committed for the amounts and specific purposes and uses as provided above, authorize the City Manager to designate other fund balances as Assigned in order to carry out the intent of the City Council, and pass Ordinance No. 1017-B on first reading.

SUGGESTED MOTION

I move that the City Council pass Ordinance No. 1017-B on first reading.

ORDINANCE NO. 1017-B

**AN ORDINANCE OF THE CITY OF CHEHALIS, WASHINGTON,
ESTABLISHING FUND BALANCE DESIGNATION AS PROVIDED BY
WASHINGTON STATE AUDITOR'S BARS MANUAL FOR CASH BASIS
ENTITY FOR YEAR END 2020.**

WHEREAS, the Washington State Auditor's Office Cash Basis BARS Manual established a new classification system in 2020 requiring the beginning and ending cash and investments (fund balances) to be classified as "nonspendable," "restricted," "committed," "assigned," or "unassigned"; and

WHEREAS, these classifications indicate "the extent to which the government is bound to honor constraints on the specific purposes for which amounts in the fund can be spent"; and

WHEREAS, the Committed fund balance classification identifies internal fund commitments with limitations that the City imposes upon itself through formal binding action by the City Council; and

WHEREAS, the Assigned fund balance classification identifies funds intended to be used for specific purposes that are neither restricted, nor committed, and do not require formal binding action by City Council; and

WHEREAS, the City Council finds it beneficial to designate certain fund balances as Committed for specific purposes or projects and for the City Manager to designate certain other fund balances as Assigned in order to carry out the intent of the City Council.

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

Section 1. The fund balances of the City of Chehalis designated in this Ordinance are Committed for the specific purposes indicated. Amendments or modifications of the Committed fund balances set forth herein shall require formal action by the City Council.

Section 2. The City Council authorizes the City Manager to categorize other fund balances as Assigned in order to carry out the intent of the City Council.

Section 3. The following portions of the City's December 31, 2020 fund balances are designated as Committed:

\$398,020 is committed for Accrued Leave Cash Out Payments for Retiring Employees
\$208,178 is committed for Vehicle Replacement

\$100,000 is committed for Financial Software/System Upgrade
\$ 65,000 is committed for Police Evidence Garage
\$ 25,520 is committed for Debt Service (Dedicated Street)
\$101,107 is committed for LEOFF 1 Retiree Medical and Long-Term Care Benefits (LEOFF 1 OPEB)
\$ 71,563 is committed for 2019 LTGO (Recreation Park) Debt Service (Lodging Tax)
\$130,196 is committed for 2020 LTGO (Temporary Fire Station) Debt Service (1Q REET)
\$ 75,153 is committed for 2011 LTGO (City Hall) Debt Service (2Q REET)

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 ____ day of _____, 2021.

Mayor

Attest:

City Clerk

Approved as to form and content:

City Attorney

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Jill Anderson, City Manager

BY: Tammy Baraconi, Planning and Building Manager

MEETING OF: February 22, 2021

SUBJECT: Resolution No. 3-2021, First and Final Reading – Adopting the Public Participation Plan for the Update to the Shoreline Master Plan

ISSUE

The City is required to adopt a Public Participation Plan as part of the update for the Shoreline Master Plan. A draft plan has been developed for consideration by the City Council, along with an implementing resolution.

BACKGROUND

The City of Chehalis is conducting a periodic review of its Shoreline Master Program (SMP), consistent with the state Shoreline Management Act (SMA; Chapter 90.58 RCW) and Ecology’s Periodic Review Rule set forth in WAC 173-26- 90. The SMP is both a planning and a regulatory document; it sets policy and development regulations for the City’s shoreline areas, which include adjacent upland areas within 200 feet of designated shorelines, known as Shoreline Management Areas (SMAs). The primary policy objectives of the SMA are to encourage water-dependent and water-oriented uses, protect the shoreline ecology and natural resources, and promote public access. Since public use and enjoyment of the shorelines is a principal policy of the SMA, it is imperative that the public has opportunities to participate in the process. This Public Participation Plan identifies goals and strategies to ensure such participation occurs.

SMA REQUIREMENTS

The SMA requires local governments to inform the people of the state about the planning process and to invite and encourage participation by all who have any interest or responsibility related to shorelines:

“To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:

(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and

(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully

to insure that their interests are fully considered by the department and local governments.”
[RCW 90.58.130]

Shoreline Master Program administrative rules that have been developed by the Department of Ecology to implement the Shoreline Management Act provide further direction, requiring local governments to “make all reasonable efforts to inform, fully involve and encourage participation of interested persons, private entities, and local, state, and federal agencies.” [WAC 173-26-090]

PUBLIC PARTICIPATION OPPORTUNITIES

The proposed Public Participation Plan, which is attached, identifies goals and strategies to ensure such participation can occur through the means and methods described below:

Website: The City of Chehalis will maintain an SMP Update page so interested parties can have access to the latest information regarding the update, including the latest draft, upcoming meeting dates, etc. The page will include contact information and an email link for parties to send in comments. Links to the Ecology website regarding the update process will also be provided.

Public Workshop: At least one public workshop in conjunction with a Planning Commission meeting will be held. A presentation of the mandated update process will be provided in addition to a discussion of the highlights of the latest draft. Comments received will be placed on the SMP web page.

Notice Mailing List: An email list will be created for interested parties who want to be kept up-to-date on the latest developments in the update process. This list will be created through sign-up sheets at public meetings, as well as through the City’s SMP web page.

Planning Commission Meetings & Hearing: Any discussion or review of the draft SMP at Planning Commission meetings will be advertised according to the City’s normal procedures for providing notice, and opportunities for public comment will be provided at all meetings. At such time as the Planning Commission holds a hearing on a proposed final draft, public comment will be provided.

City Council: When the proposed final draft is sent by the Planning Commission to the City Council for a vote on final adoption, public comment will be provided.

News Media: The general public and stakeholders will be kept apprised of the update process through official notices of public meetings and open houses.

FISCAL IMPACT

There costs associated with the implementation of the proposed plan are minimal and will be funded through the Planning and Building Division’s 2021 Budget.

RECOMMENDATION

It is recommended that the Council adopt Resolution No. 3-2021 on first and final reading, adopting the Public Participation Plan for the update to the Shoreline Master Plan.

SUGGESTED MOTION

I move that the Council adopt Resolution No. 3-2021 on first and final reading.

RESOLUTION NO. 3-2021

**A RESOLUTION OF THE CITY OF CHEHALIS, WASHINGTON,
APPROVING THE PUBLIC PARTICIPATION PLAN FOR THE
SHORELINE MASTER PROGRAM COMPREHENSIVE UPDATE AND
PERIODIC REVIEW PROCESS.**

WHEREAS, the City of Chehalis is completing its Comprehensive Update and conducting a periodic review of its Shoreline Master Program, consistent with the state Shoreline Management Act Chapter 90.58 RCW and Ecology's Periodic Review Rule set forth in WAC 173-26-90; and

WHEREAS, the Shoreline Management Act under RCW 90.58.130 and WAC 173-26-90 requires local governments to inform the people of the state about the planning process and to invite and encourage participation by all who have any interest or responsibility related to shorelines; and

WHEREAS, the Chehalis City Council recognizes the importance of its shorelines to public use and enjoyment; now, therefore,

**THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DOES RESOLVE AS
FOLLOWS:**

Section 1. The City Council of the city of Chehalis, Washington, hereby accepts and approves the Shoreline Master Program Comprehensive Updated and Periodic Review Public Participation Plan for the year 2021 attached hereto and incorporated herein as **Exhibit A**.

ADOPTED by the City Council of the city of Chehalis, Washington, and **APPROVED** by its Mayor, at a regularly scheduled open public meeting thereof this _____ day of _____, 2021.

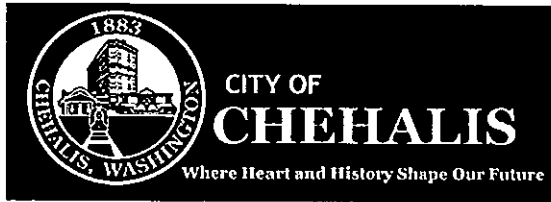
Mayor

Attest:

City Clerk

Approved as to form and content:

City Attorney



Community Development Department
1321 S Market Blvd. Chehalis, WA 98532
(360) 345-2229 / Fax: (360) 345-1039
www.ci.chehalis.wa.us email: comdev@ci.chehalis.wa.us

Shoreline Master Program
Comprehensive Update and Periodic Review
Public Participation Plan
February 2021

Introduction

The City of Chehalis is completing its Comprehensive Update and conducting a periodic review of its Shoreline Master Program (SMP), consistent with the state Shoreline Management Act (SMA; Chapter 90.58 RCW) and Ecology’s Periodic Review Rule set forth in WAC 173-26-90. The SMP is both a planning and a regulatory document; it sets policy and development regulations for the City’s shoreline areas, which include adjacent upland areas within 200 feet of designated shorelines, known as Shoreline Management Areas (SMAs). The primary policy objectives of the SMA are to encourage water-dependent and water-oriented uses, protect the shoreline ecology and natural resources, and promote public access. Since public use and enjoyment of the shorelines is a principal policy of the SMA, it is imperative that the public has opportunities to participate in the process. This Public Participation Plan identifies goals and strategies to ensure such participation occurs.

The SMA requires (RCW 90.58.130 and WAC 173-26-090) local governments to inform the people of the state about the planning process and to invite and encourage participation by all who have any interest or responsibility related to shorelines:

“To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:

(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and

(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to

EXHIBIT A

insure that their interests are fully considered by the department and local governments.” [RCW 90.58.130]

Shoreline Master Program administrative rules that have been developed by the Department of Ecology to implement the Shoreline Management Act provide further direction, requiring local governments to “make all reasonable efforts to inform, fully involve and encourage participation of interested persons, private entities, and local, state, and federal agencies.” [WAC 173-26-090]

Public Participation Goals

The Public Participation Plan should proactively encourage public participation throughout the SMP review process. To that end, the City of Chehalis has established the following goals for completing a comprehensive public outreach and participation program:

- Provide interested parties with timely information, an understanding of the SMP review and adoption process, and opportunities to meaningfully provide input into the drafting of the final SMP.
- Make information available to interested parties by maintaining an SMP page on the City’s website with the latest draft of the SMP, upcoming meetings and open houses, and information on how to submit written comments to the City.
- Provide at least one Open House to present the draft SMP to Chehalis’s citizens and to solicit their input.
- Consult with, and consider recommendations from neighboring jurisdictions, federal and state agencies, and Tribes.

Public Participation Opportunities

- Website: The City of Chehalis will maintain an SMP Update page so interested parties can have access to the latest information regarding the update, including the latest draft, upcoming meeting dates, etc. The page will include contact information and an email link for parties to send in comments. Links to the Ecology website regarding the update process will also be provided.
- Public Workshop: At least one public workshop in conjunction with a Planning Commission meeting will be held. A presentation of the mandated update process will be provided in addition to a discussion of the highlights of the latest draft. Comments received will be placed on the SMP web page.
- Notice Mailing List: An email list will be created for interested parties who want to be kept up-to-date on the latest developments in the update process. This list will be created through sign-up sheets at public meetings, as well as through the City’s SMP web page.
- Planning Commission Meetings & Hearing: Any discussion or review of the draft SMP at Planning Commission meetings will be advertised according to the City’s normal procedures for providing notice, and opportunities for public comment will be provided at all meetings. At such time as the Planning Commission holds a hearing on a proposed final draft, public comment will be provided.

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- City Council: When the proposed final draft is sent by the Planning Commission to the City Council for a vote on final adoption, public comment will be provided.
- News Media: The general public and stakeholders will be kept apprised of the update process through official notices of public meetings and open houses.

Roles and Responsibilities

Using guidance materials provided by the Department of Ecology, the City of Chehalis is responsible for all aspects of the SMP Comprehensive update and periodic review. Following adoption of the SMP, the City will be the primary regulator, with the Department of Ecology acting in a support and review capacity. Final approval of the SMP, however, must be done by the Department of Ecology after adoption of the SMP by the Chehalis City Council.

The primary contact for the SMP update is Tammy Baraconi, Planning and Building Manager, at (360) 345-2227 – tbaraconi@ci.chehalis.wa.us

Key Parties

Local governments are required to provide early and ongoing outreach to interested parties throughout the SMP update process. While not intended to be an exhaustive list, the following parties and stakeholders have been identified as important to the update process:

Members of the Public

- Residents City-wide
- Property/business owners in the shoreline jurisdiction

City Officials

- City Council
- Planning Commission

Business Community

- Chamber of Commerce
- Economic Development Council
- Master Builders
- Association of Realtors

Tribes

- Confederated Tribe of the Chehalis
- Cowlitz Indian Tribe
- Quinault Indian Nation

EXHIBIT A

Other Local Governments

- Lewis County
- Port of Chehalis

State Government

- Department of Ecology
- Department of Natural Resources, Aquatic Lands
- Department of Fish and Wildlife
- Department of Commerce
- Department of Archaeology and Historic Preservation
- Department of Transportation

Federal Agencies

- U.S. Fish and Wildlife Service
- National Marine Fisheries Service

Target Schedule

Task	Completion Date
1. Review Shoreline Master Program and Draft Revisions, if Needed.	See a, b, and c.
a. Review amendments to Chapter 90.58 and Ecology rules that have occurred since the SMP was last amended, and determine if local amendments are needed to maintain compliance.	February 2021
b. Complete Ecology's SMP checklist.	February 2021
c. Conduct any additional analysis deemed necessary to address changing local circumstances, new information, or improved data.	February 2021
2. Prepare amended goals, policies or regulations identified through the review process and identify those changes in the SMP checklist.	February - March 2021
3. Prepare draft Findings of Adequacy.	March 2021

EXHIBIT A

4.	Conduct Public Participation Activities ¹	See a, b, c, d, e, and f.
a.	Develop and maintain SMP Update website.	January 2021, then ongoing
b.	Conduct a public workshop with Planning Commission to present draft Comprehensive SMP Update and periodic review.	April 2021
c.	Notice Mailing List for interested parties.	March 2021
d.	Planning Commission meetings and hearing.	October 2020-April/May 2021
e.	City Council meetings	June 2021 for final adoption
f.	News Media	January 2021, then ongoing
g.	Complete SEPA on proposed Draft	April 2021
h.	Transmit Notice of Intent to Adopt for 60-day Commerce review.	April 2021
5.	Finalize and Adopt SMP	See a, b, c, d and e
a.	Following public workshop, compile public comments, and revise SMP, if necessary.	April 2021
b.	If revisions are necessary, assemble a final draft SMP. If not, draft final Findings of Adequacy.	April 2021
c.	Present final draft to Planning Commission.	April/May 2021
d.	Adoption of SMP by City Council and transmittal to Ecology for final approval.	June 2021

¹ Please refer to text of Public Participation Plan for more details regarding each of the public participation activities listed in this timeline.