

1 **Planning Commission**

2 **Meeting Minutes November 8, 2022**

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4 Kyle McKerricher calls meeting to order at 6:08pm.

5 Roll is taken. Present: Kyle McKerricher, David Fitzpatrick, Scott Forsman, Derek Dodd, via Zoom Melissa  
6 Cox.

7 Approval of the minutes from September 13 meeting.

8 No citizen business.

9 6:09pm Tammy Baraconi addresses the commission business. Next month there will be another public  
10 hearing for cryptocurrency code language staff is going to implement. The cryptocurrency mining that  
11 has come here as of late and has gone into incompatible uses which has caused problems. We will be  
12 trying to regulate it. They have been going into commercial locations that are not open to the public.  
13 They don't meet the intent of commercial zoning being to produce sales tax for the community. No  
14 sales tax is generated using cryptocurrency. It is a great fit for the industrial zones.

15 6:10pm Kyle moves to item number 6 on the agenda: Open House. There being no one present Kyle  
16 moves on to item number 7 on the agenda for the Public Hearing.

17 Tammy Baraconi introduces Tess Brandon with the Department of Ecology. The Shoreline Master Plan is  
18 their document that the city regulates. Tess is here to answer technical questions. Tammy provided the  
19 commissioners with a staff report that talks about the background behind the Shoreline Master Plan. It  
20 is a document of the state that the city regulates. There are four main bodies of water the city of  
21 Chehalis regulates: Salzer Creek, Chehalis River, The Newaukum River and Berwick Creek. These within  
22 our jurisdiction meet the definition of a shoreline. This project was originally started in 2015. Staff is  
23 finishing the update as well as the periodic update. The plan was originally written in 1981. The  
24 periodic updates are to review it and ensure that decisions made within the document are consistent  
25 with court cases and any changes to the codes, the RCWs, and the WACs. It was decided previously that  
26 there are two types of classifications for streams and shorelines within the city of Chehalis. That is  
27 Urban Conservancy and High Intensity. If the city were to change that, it would require a whole new  
28 analysis. Staff chose to stick with decisions that were made previously as they are reasonable. The

29 majority area of High Intensity is in the developed areas. Urban Conservancy is designated on the other  
30 side of Interstate 5 around Riverside Road, the Chehalis River, the Newaukum River, the airport area.  
31 We do not want a lot of development in that area anyways because it does flood quite a bit. Areas  
32 within the Port and areas within the city are designated High Intensity. The map in the Staff Report on  
33 page 4 show these areas. Because this is a state document, we do make the decisions at a local level. If  
34 there is a challenge to our decisions, it goes to the Shorelines Hearings Board which is a state level  
35 hearings board. Tammy then turns it over to Gary Cooper for his presentation.

36 Gary reiterates that they are doing a comprehensive update and a periodic update review. The periodic  
37 review is required every 8 years. That is based on a checklist the Ecology provides that reflects any  
38 changes in legislation, administration, or policies. Gary provides some history on the document and how  
39 decisions had been made in the past. It was a draft joint document between Lewis County and Chehalis.  
40 Then Chehalis decided to go on their own. Comments were made from Tessa's predecessor on the  
41 previous draft. There were things staff needed to address based on Ecology's comments. Staff had to  
42 decide how to adopt a related ordinance called the Critical Areas. They have done an extensive  
43 reformatting of the document too. To be a shoreline of the state, the reason why Chehalis only has four  
44 of them is because the mean annual flow of the waterbody whether it is a river, or a stream has to be 20  
45 cubic feet per second. If it is a lake it has to be a minimum of 20 acres. Those are the only water bodies  
46 that fall under the shoreline master program. The area that is regulated for those bodies is 200 feet  
47 landward from the ordinary high-water mark. You are not just regulating the stream, you are regulating  
48 the uses that occur within 200 feet of that stream. Sometimes that boundary can be extended if it is a  
49 floodplain or a wetland. This document applies to those four water bodies and the management area  
50 adjacent to those water bodies. The Critical Areas ordinance regulates streams, aquifer recharge areas,  
51 wetlands and all the other sorts of environments in the city irrespective of size. Tiny streams still fall  
52 into the Critical Areas ordinance. Ecology has provided a lot of feedback on how to improve the  
53 document. The proposed final draft was completed last July. The periodic review checklist has been  
54 completed. One of the goals of the shoreline management act is to make sure that there is no net loss  
55 of shoreline functions and environment. A no net loss analysis was required to review what protections  
56 or controls, buffers are in place when this document is completed and adopted to avoid impact  
57 whenever possible. The city is required to do a restoration plan for shorelines that are degraded within  
58 the city limits. That was completed by a consultant. It is there in the event that perhaps the city can get  
59 grants to do the restoration. After tonight's hearing if the commission does recommend sending this on  
60 for approval staff will do two more things. We are required under the State Environmental Policy Act to

61 do a threshold determination to say whether or not this would have an adverse impact on the  
62 environment. This has been drafted but has not yet been sent to Ecology which will get a determination  
63 of nonsignificance. We are also required to send this document to the Washington State Department of  
64 Commerce to ensure everything is consistent with the states Growth Management Act. It is a 60-day  
65 review process. If the commissioners say yes, it is taken to the city Council for adoption. If the council  
66 adopts it, it will be sent to Ecology for final review and hopefully final approval.

67 6:25pm Tess Brandon states that Ecology's perspective that this is a local document that implements  
68 state law. Her job is to make sure it is consistent with state law. Once the Council adopts, the staff will  
69 compile a submittal package. She explains what it includes and is sent to her. She then opens a 30-day  
70 state comment period. Department of Ecology will send notice to all interested parties as well as  
71 soliciting direct government to government with interested tribes. At the end of the 30-Day period the  
72 Department of Ecology will summarize the comments received and send them to the city. The city then  
73 has 45 days to review and consider comments and address any potential changes based on those  
74 comments. Ecology's focus is to review it against the RCW and WAC. It can either be approved as  
75 submitted or conditional approval where Ecology has identified things that need to be changed in order  
76 for it to be consistent with state law. If you receive a condition approval the city Council will need to  
77 formally reply to Ecology. Then Ecology will issue a final decision letter. 14 days after that your SMP will  
78 take effect. After local adoption, your SMP does not take into effect. You are still working with the 1981  
79 document. It has to go through final Ecology approval before you can start implementing it. The entire  
80 process can take several months.

81 6:30pm Scott Forsman asks if more land has been added since when the Shoreline Master Plan was first  
82 formalized in 1981. Has the shoreline plan grown since then?

83 Gary Cooper responds that he is not sure but would be surprised if anything has changed because it is  
84 based on the size of the water bodies that were regulated.

85 Tess Brandon adds that the definition of the state law of what constitutes a shoreline has not changed  
86 since then.

87 Scott Forsman asks if there are current businesses in that zone.

88 Tess Brandon replies no. The SMP applies to new development. It lays out a permit process. It is about  
89 any expansion or new actions. Existing uses and developments are allowed to continue.

90 Scott Forsman asks Tess if these properties are the city's responsibility.

91 Tess Brandon responds yes. The city implements their SMP through shoreline permits.

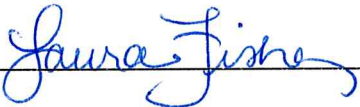
92 6:33pm Kyle McKerricher motions to make a positive recommendation to the city Council. Dave

93 Fitzpatrick seconds the motion. Motion carried unanimously. Meeting adjourned.

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95 Approved by:  \_\_\_\_\_

96 Kyle McKerricher, Chair

97 Recorded by:  \_\_\_\_\_

98 Laura Fisher, Permit Technician