

City of Chehalis
Planning Commission
Staff Report
November 8, 2022

To: Planning Commission
From: Tammy Baraconi
Date: November 8, 2022
Subject: Update to the Shoreline Master Plan, CMC 17.18

Introduction

On October 19, 1981, the City of Chehalis adopted its first Shoreline Master Plan. That plan is still in use today.

In 2015, the Washington State Department of Ecology (Ecy) provided funding for Lewis County and the jurisdictions within that regulate shorelines, to update our Shoreline Master Plans (SMP). The document presented for public hearing is the result of that effort. In addition to this updated plan, the City is also required to have a Periodic Review of the SMP once every eight years to ensure that the Plan remains compliant with any changes to the Washington State Shoreline Management Act (SMA) as well as recent court cases that could impact the SMP. This became due for the City of Chehalis in 2019. Both the Update and Periodic Review have been rolled into one process for this hearing.

Tonight's process begins by holding an Open House with the Planning Commission. This allows for members of the public to have an open dialogue with the Commission and Staff on the proposed updates. At the close of the Open House, the Planning Commission will hold a public hearing to take testimony on the proposed Shoreline Master Plan as well as the Periodic updates.

Overview

Written in 1971, Washington State Shoreline Management Act (RCW 90.58) defines shorelines as "...all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them..." Through this RCW the State Legislature has determined that shorelines are for the benefit of all residents of the State, regardless of ownership. Through cooperation with the State, Chehalis is allowed to regulate those shorelines. The State has identified and prioritized the following uses:

- (1) Recognize and protect the statewide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

The City of Chehalis has four water bodies that meet the State definition of a shoreline. They are Salzer Creek, Chehalis River, Newaukum River, and Berwick Creek. Approximately two hundred feet landward is the shoreline jurisdiction, which is what the Shoreline Master Plan is set to regulate. The SMP does not regulate within the waterbody itself. Regulation within the waterbody itself is provided by Ecy and the Washington Department of Fish and Wildlife.

The shoreline jurisdiction is determined within the RCW to start at the Ordinary High Water Mark (OHWM) then traverse 200 feet landward on a level horizontal plane. The OHWM is typically the place where the water rises to

when we receive heavy rains or runoff but prior to flood stage. If there is an associated floodplain or wetland with the waterbody, the shoreline jurisdiction begins at the edge of these areas and traverses landward 200 feet.

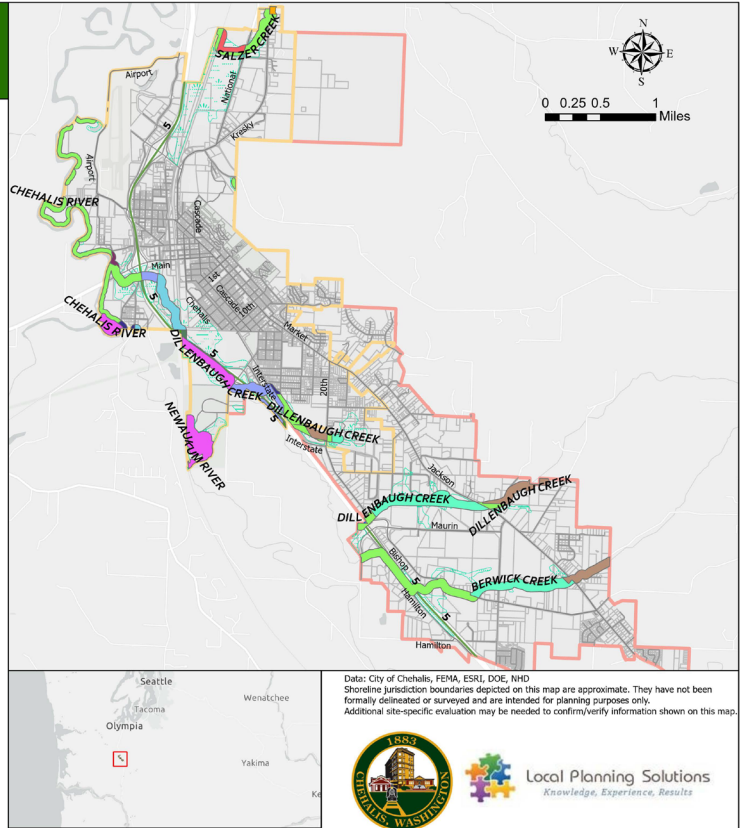
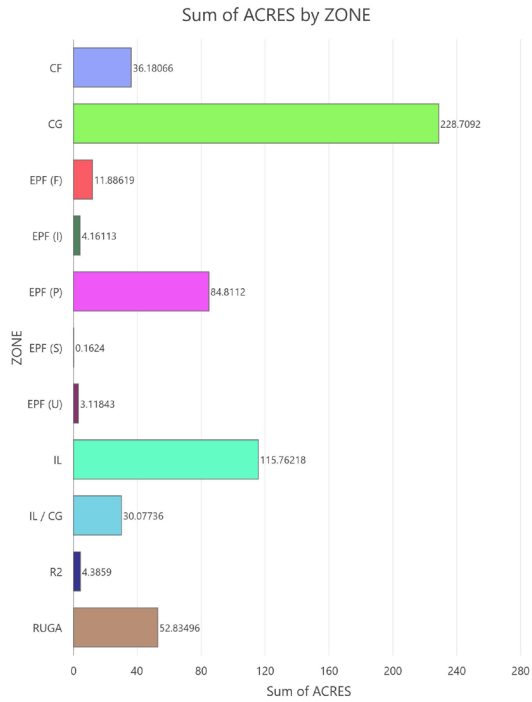
The following data summarizes the locations, names, and acreage of shoreline that is addressed in the City’s SMP.

City of Chehalis Shoreline Reaches			
Reach Number	Primary Waterbody Name	Shoreline Area (acres)	Map Reference (Township-Range)
CH-01	Salzer Creek	262.1	T14N-R02W
H-02	Chehalis River	336.6	T14N-R02W, T14N-R03W
CH-03	Newaukum River	67.5	T13N-R02W
CH-04	Berwick Creek	3.7	T13N-R02W
CH-05	Berwick Creek	190.4	T13N-R02W

Further analysis of the shoreline determined that the following zoning classifications have shoreline jurisdiction.

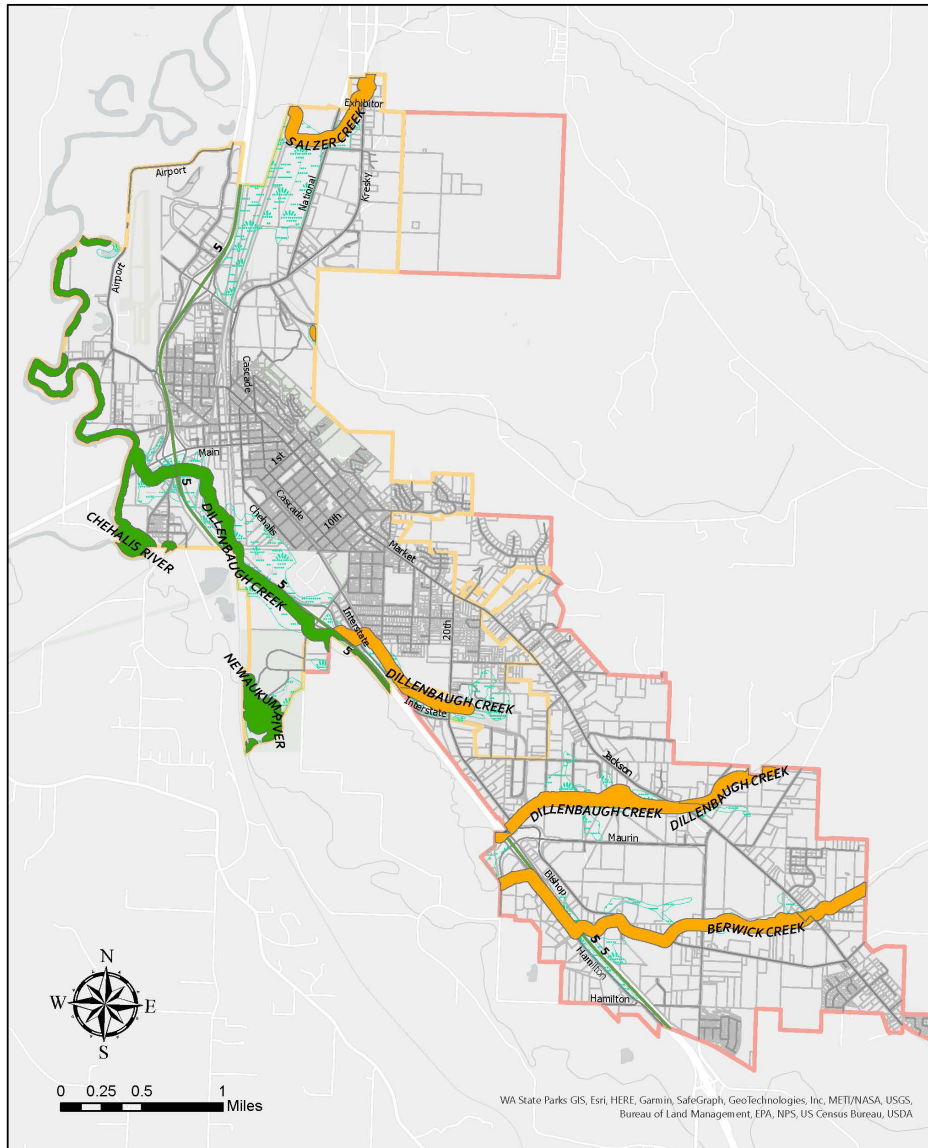
Zone	Total Acres
CF	110.238
CG	1521.96
EPF(F)	32.965
EPF(I)	95.844
EPF(P)	219.626
EPF(U)	9.972
IL	1113.773
IL/CG	148.775
R2	15.575
RUGA	937.955
Total	4206.68801

City of Chehalis Shoreline Master Plan Shoreline Designations and Zoning



All these area calculations include the shoreline from the OHWM and include the associated floodplain and wetlands.

The City, in conjunction with Ecy has determined two shoreline designations. They are High Intensity and Urban Conservancy. These areas are determined using the current zoning and use as well as potential for use. While the City does not regulate the floodplain in the Urban Growth Area, we do issue permits for Shoreline Development within both the UGA and City limits.



CITY OF CHEHALIS SHORELINE DESIGNATIONS

- | | |
|---|---|
|  Potentially Associated Wetlands | Designation |
|  City Limits |  High Intensity |
|  UGA |  Urban Conservancy |



Data: City of Chehalis, FEMA, ESRI, Washington State Department of Ecology, NHD
Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. The shoreline jurisdictional area was calculated by combining a 200' buffer surrounding SMP streams with the floodway area and surrounding 200' buffer within City of Chehalis jurisdiction and the Special Flood Hazard Area.
Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

In addition to shoreline regulations, the SMP must also address critical areas located within the shoreline jurisdiction. These critical areas include wetlands, steep slopes, floodplains, and the critical aquifer. The City addresses these critical areas through a Critical Areas Ordinance (CAO). The critical areas do not fall directly under the State authority, the shorelines do. However, many of these critical areas physically do fall within the shoreline jurisdiction. To ensure compliance with court cases and State regulations, the CAO must be included within the SMP. This allows the State shoreline regulations and local critical area regulations to be enforced as one document.

Our SMP identifies permitting procedures for shoreline permits, conditional shoreline permits, and variances for shoreline permits. While conditional use and variances are defined and outlined within the municipal code, for the purposes of the shoreline permitting, those regulations do not apply. It further identifies the appeals process for all these decisions. All appeals of shoreline decisions are heard by the Washington State Shorelines Hearings Board.

After a recommendation has been made by the Planning Commission to the City Council, this document must go out for further State and local review. This will be done prior to the City Council decision on adoption. The SMP will be routed to the Wa State Department of Commerce for a mandatory 60 day review period. At the same time, a SEPA threshold decision will be made, and the document will be routed to affected agencies for their review as well. Examples of affected agencies include but are not limited to the Port of Chehalis, Lewis County, several local tribes, and the City of Centralia to name a few.

After the City Council has made its decision, the SMP must then go to Ecology for another review and comment period. After that, any changes required by the Dept of Ecology will be made and the SMP will be ready for codification.

Public Notification and Comment

Public notification of the hearing was published in The Chronicle on October 25, 2022 and the code has been available on line at the City's website.

Environmental Review

A SEPA threshold decision will be issued after this public hearing and before it goes to the Council for action.

Staff Analysis and Recommendation

Staff finds that the proposed changes to CMC 17.18, Shoreline Master Plan is consistent with the Chehalis Comprehensive Plan and recommend approval as submitted.

Suggested language

If Approve

Make the motion to CMC 17.18, Shoreline Master Plan a POSITIVE recommendation to the City Council subject to the following condition(s):

If Deny

Make the motion to CMC 17.18, Shoreline Master Plan a NEGATIVE recommendation to the City Council for the following reason(s):

If Table

Make the motion to CMC 17.18, Shoreline Master Plan for the following reason(s):

Exhibit A: Affidavit of publication

Exhibit B: Proposed Shoreline Master Plan via link below

https://www.ci.chehalis.wa.us/sites/default/files/fileattachments/building_and_planning/page/1048/smp_final_draft_april_2022.pdf

**AFFIDAVIT
OF PUBLICATION
STATE OF WASHINGTON
COUNTY OF LEWIS**

Cindy Thayer, and/or Sarah Burdick, and/or Ronda Pogorelec and/or Cheyenne Denman says that she is the legal clerk of

**The
Chronicle**

a semi-weekly newspaper, which has been established, published in the English language, and circulated continuously as a semi-weekly newspaper in the City of Centralia, and in Lewis County, Washington, general circulation in Lewis County for more than six (6) months prior to the date of the first publication of the notice hereto attached, and that the said Chronicle was on the 7th day of July 1941, approved as a legal newspaper by the Superior Court of said Lewis County. And that the attached is a true copy and was published in regular issues (and not in supplement form) of said newspaper as LEGAL # 124120
RE: Notice of Public Hearing

once each day for a period of 1 day

commencing on 10/25/2022 and ending on 10/25/2022

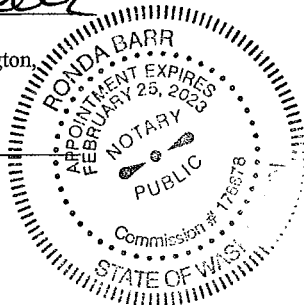
and both regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$ 144.80

Cheyenne Denman
Subscribed and sworn to before me 10/25/2022

Ronda Pogorelec

Notary Public in and for the State of Washington,
residing at

Chelars



124120 Notice of Public Hearing

**NOTICE OF
PUBLIC HEARING
PLANNING COMMISSION**

TOPIC: The Planning Commission will hold an open house to discuss the Comprehensive and Periodic update to the Shoreline Master Plan. After the open house is closed the Planning Commission will hold a public hearing on these items.

DATE, TIME and Place:
November 8, 2022 at 6:00pm
Chehalis City Hall, Council Chambers
350 N. Market Blvd
Chehalis WA 98532

Contact: To view the proposed changes during regular business hours or to request a copy, contact

Tammy Baraconi,
Planning Manager
1321 S. Market Blvd, Chehalis
360.345.2229 or tbaraconi@ci.chehalis.wa.us

View online at: https://www.ci.chehalis.wa.us/sites/default/files/fileattachments/building_and_planning/page/1048/smp_final_draft_april_2022.pdf

Anyone interested may appear and be heard. The decision of the City Council will be mailed to all those who submit comments, testify at the hearing or request the decision in writing. Any aggrieved party of record can file an appeal with Lewis County Superior Court.

Written public comment can be accepted until 4:30 PM on November 8, 2022.

Published: The Chronicle
October 25, 2022