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BEFORE THE CITY OF CHEHALIS HEARINGS EXAMINER

In re:
Jackson Park Phase II – Conditional Use

No. UGA-CU-21-001

**FINDINGS OF FACT;
CONCLUSIONS OF LAW; AND
DECISION GRANTING CONDITIONAL USE**

APPLICANT: K&W Properties, LLC

CITY OF CHEHALIS REPRESENTATIVES PRESENT AT HEARING:

Tammy Baraconi – Community Development
Erin Hillier – City Attorney’s Office
City of Chehalis
1321 S. Market Blvd.
Chehalis, WA 98532

SUMMARY OF PROJECT PROPOSAL:

Applicant applied for a conditional use permit under CMC 17.09.115 to build multi-family housing units in a General Commercial Zone.

LOCATION OF PROJECT:

2169 Jackson Highway, Chehalis, WA 98532, Lewis County Parcel No. 010783000000, lying within the Chehalis Urban Growth Area, zoned General Commercial.

SUMMARY OF RULING: A conditional use permit is **GRANTED WITH CONDITIONS**, based upon the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT & CONCLUSIONS OF LAW:

1. Applicant submitted an Application for the conditional use on January 29, 2021.
2. A public hearing was held on June 10, 2021, beginning at 5:30PM, before Pro Tem Hearing Examiner Kevin T. Nelson. The Applicant appeared through its designated representative Karl Werner; the City's representatives appeared in person. Robert Balmelli appeared on behalf of the applicant. One comment was received from the public prior to the hearing.
3. The meeting was properly noticed via publication in The Chronicle and to the appropriate interested parties.
4. The Applicants Application and the City's Staff Report were admitted as evidence without objection from any party or any member of the public.
5. The City provided argument and the Applicant provided argument. No public comments were received at/during the Hearing, although opportunity was provided.
6. The Hearings Examiner had jurisdiction to hear the matter.
7. The Application requested a conditional use to build two buildings, one to contain 7 dwelling units and one to contain 12 dwelling units.
8. The land in issue is within the Chehalis Urban Growth Area and is zoned General Commercial and only allows for multiple unit dwellings with a conditional use and is not a prohibited use in the zone.
9. The proposal is consistent with the objectives of CMC Title 17 and the comprehensive plan.
10. The proposed use is consistent with and compatible with the surrounding land uses and the character of the district and is very similar to the neighboring parcel uses on at least one side.
11. Certain conditions of are appropriate to ensure compliance with CMC Title 17 and the comprehensive plan.

NOW THEREFORE, the application for a conditional use is **GRANTED subject to the Conditions set forth below:**

Conditioned on:

- A. Supra or a lock box must be provided on at least one riser room to allow the Fire Department access to the water shut off.
- B. Civil plans shall be designed and submitted for approval consistent with the conditions stated by DRC.
- C. The frontage improvements shall meet Chehalis frontage standards and a Right of Way permit must be approved by Lewis County for all work performed in the right of way.
- D. The site shall be developed consistent with the site plan developed by RB Engineering and submitted on February 1, 2021.
- E. The plans contemplate a point of driveway access between this project and Lewis County Parcel Number 005604183244, projected to be Jackson Park Phase III at some future date. All points of access between Jackson Park Phase II and parcel 005604183244 must be

1 blocked by concrete jersey barriers or similar barriers sufficient to prevent access
2 between the two parcels unless or until Jackson Park Phase III is granted a conditional use
3 permit allowing for access between the two projects.

- 4 F. The site shall be developed consistent with the MDNS issued on May 25, 2021.
- 5 G. All civil plans must meet CMC 12.04 Engineering Development Code, CMC 15.30
6 Stormwater and Stormwater Runoff, and the current version of Ecology's Stormwater
7 Management Manual for Western Washington.
- 8 H. All building plans must meet the requirements of the 2015 International Building code,
9 the 2015 International Fire Code, and other related and applicable codes.
- 10 I. A minimum seven (7) foot tall chain-link fence with black or earth-tone privacy slats must
11 be installed on or near the property line running from Jackson Highway south to the
12 southernmost corner of the project to afford the neighboring four (4) residential
13 properties the maximum degree of privacy possible.
- 14 J. Prior to the final occupancy of any structure within the project, the parcel must be
15 combined with Jackson Park Phase I through a boundary line adjustment.

16 This Conditional Use Permit will be valid for twelve (12) months from the date of this decision.

17 **TIME FRAMES FOR NOTICE OF APPEAL and RECONSIDERATION:**

- 18 - Prior to six days after the date of mailing of the Hearing Examiner's written decision, any party of
19 record may request reconsideration. The request shall set forth alleged errors of fact, law, or
20 procedure, or issues omitted from the Hearing Examiner's decision. Any request for
21 reconsideration will stay further issuance of city permits, but shall not stay the time frame for
22 filing any appeal of the Hearing Examiner's decision. Within seven days after receiving the
23 reconsideration request, the Hearing Examiner shall either:
 - 24 o Correct or amend the original decision without an additional public hearing; or
 - 25 o Set the matter for an additional public hearing, in which case a new notice shall be
26 published, including notice to all parties of record; or
 - o Affirm the original decision.
- Any appeal of any decision of the Hearing Examiner shall be filed with the Lewis County Superior
Court in the manner required by the court, and in accordance with State Law.

DATED this 11th day of June, 2021.



KEVIN T. NELSON,
Hearing Examiner, Pro Tem
City of Chehalis