

City of Chehalis
Hearing Examiner
Staff Report
June 10, 2021

To:	Hearing Examiner	Zoning:	General Commercial
From:	Tammy Baraconi	Property Size:	1.0 acres, 43,560 sq ft
Date:	June 10, 2021	Assessor Parcel:	010783000000
Subject:	UGA-CU-21-001, Jackson Park Phase II		
Location:	2169 Jackson Hwy, Chehalis WA		

Project Description

On January 29, 2021, Stephanie and Karl Werner, representing K & W Properties applied for a conditional use permit and SEPA decision. (Exhibit A) A letter of complete application was issued on May 4, 2021 and is included with the application packet.

The proposal is for Jackson Park Phase II at 2169 Jackson Highway. The site is one acre in size and currently has a single-family home and shop. The applicant proposes two new multi-family buildings. One will contain seven units and the other will contain twelve. Units are two-bedroom, two bath homes. The proposal also identifies one ADA accessible unit on the ground floor of the twelve-unit building. In addition, the applicant is proposing seven new garages and an additional 37 on site parking stalls. Because of changes in elevation from Jackson Highway to the rear of the property, units are proposed to be staggered in elevation, creating added visual interest to the project.

It is proposed to have two points of access. One will be directly off Jackson Highway and the second will be through Jackson Park Phase I. Buildings will be adjacent to Phase I and the interior drive will run the perimeter of the lot, allowing for some separation of the new residential use from the existing residential use.



There is a sewer main easement running northwest to southeast through the site. City water services are available on the other side of Jackson Highway. A preliminary civil plan with stormwater has been submitted for review. The plan indicates that there will be onsite, underground stormwater quality and flow control.

Jackson Park Phase I has a 900 square foot onsite tot lot for residents that will be accessible by residents of Phase II also. There will be a slatted fence along the exterior of the property with landscaping to increase the privacy between this use and the existing residential use. There will also be landscaping along Jackson Highway.

Public Notification

Notice for the public hearing was published in The Chronicle on May 27, 2021. (Exhibit B) The comment period ends on June 8, 2021. Notice was mailed to all property owners within 300 feet of the site.

Public Comment

One comment letter was received during the Notice of Application. (Exhibit C) The comments from Trisha Teigen were taken into account when creating the Mitigated Determination of Non-Significance and a copy of the threshold determination was sent to Ms. Teigen. She was also provided notice for this public hearing.

Environmental Review

A threshold determination was made, and a Mitigated Determination of Non-Significance (MDNS) was issued on May 25, 2021. (Exhibit D) The appeal period on this project closed on June 8, 2021. As of the date of the writing of this staff report, no appeals of the MDNS have been received.

Adjacent Land Use

Northwest: Jackson Park Phase I, Multi-family Use; Zoned GC, General Commercial
Southeast: Single family homes, Residential Use; Zoned GC, General Commercial
Southwest: Single family home, Residential Use; R1-Single Family Low Density
Northeast: Single family, Residential Use; Zoned, RUGA, Residential Urban Growth Area

Code Analysis

I. 17.09 Permit Processing.

Discussion: As per CMC 17.09.020 a conditional use permit is classified as a Type 3 review. All required notices and processes were followed as defined in CMC 17.09 for Type 3 review. Documentation of the required notices are included in the exhibits. CMC 17.09.185 Conditional use permits requires site plan review. Site plan review is conducted in compliance with CMC 17.09.125 Development Review Committee and 17.09.130 Site plan review.

II. 17.09.130 Site plan review.

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.

Discussion and findings: As per CMC 17.78.020 Residential Table, multi-family has no indication of permitted or prohibited in the CG, General

Commercial zoning classification. As per CMC 17.78.010(F) uses that are not strictly prohibited shall be considered by a conditional use permit. Code does not identify bulk requirements or density per acre, so staff looks to the CMC 17.51 R-4, Multifamily, High Density zoning classification for guidance. Use of the R-4 zoning classification allows for consistency with all other high-density developments and helps ensure that the development is consistent with the City's comprehensive plan.

Maximum density in an R-4 is 24 units per acre. The applicant proposes 19 units per acre. Therefore, staff finds that this proposal is consistent with the Chehalis comprehensive plan and meets the intent of the Chehalis Municipal Code including the density and land use.

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.

Discussion and findings: The site is not located within the regulated floodplain, does not contain steep slopes, fish or wildlife areas, or over the critical aquifer recharge area. The National Wetland Inventory map, however, does indicate the possibility of wetlands and hydric soils. CMC 17.23.010 (B) and (D) Wetland designation identifies the process by which it is determined if a wetland exists on site. While the enclosed wetland report completed by Greg Jones and Becky Rieger do not follow the prescribed method, staff is willing to accept this report as it was used for Phase I of this project and is very closely connected geographically to Phase II.

Staff finds that this project will not negatively impact critical areas however, all future phases of this project must complete a wetland delineation and report that is consistent with CMC 17.23.

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.

Discussion and findings: City water is available on Jackson Highway. The city sewer main transects the site. The applicant has supplied a preliminary storm water plan. All emergency services are available for this location. Environmental review has been conducted for this site. Staff finds that all the

typical urban services are easily available and there are no adverse impacts to the environment or public health and safety.

4. Public access and circulation including nonmotorized access, as appropriate, are adequate to and on the site.

Discussion and findings: The developer is proposing internal access from the Phase I portion of the project through Phase II. This will eliminate the need for a second access point or hammerhead to accommodate emergency vehicles. Staff finds that the proposal is adequate to accommodate traffic flows.

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.

Discussion and findings: Using CMC 17.51.020 Bulk Regulations (R-4 zone) as guidance, the front yard setback is twenty feet, the sides are five feet, and the rear yard is five feet. Staff finds that the proposal is consistent with these requirements.

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.

Discussion and findings: The applicant proposes to locate Phase II on the interior lot line and adjacent to Phase I. For Phase II the road that access the site is located on the part of the lot that is adjacent to the neighboring residential properties. Staff finds that this location of the structure will adequately reduce impact of the development on the existing single-family homes and compatible with the existing uses.

7. The project adequately mitigates impacts identified through the SEPA review process, if required.

Discussion and findings: CMC 17.09.030 Permit classification table identifies a conditional use permit as a Type 3 review. Procedures for the Notice of Application and SEPA checklist review were followed for a Type 3 review.

8. The project would not be detrimental to the public interest, health, safety, or general welfare.

Discussion and findings: The proposal complies with all existing code with small modifications to the proposal. Staff finds that if the project is permitted and developed consistent with the plans submitted the project will not be detrimental to the public interest, health, safety, or general welfare.

II. 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 Chapter 17.78 CMC, Use/Occupancy;

Staff finds that that the proposed multi-family for 19 units and appurtenances is consistent with Chapter 17.78 CMC, Use/Occupancy.

2. Is suitable for the proposed site considering size, shape, location, topography, existence of improvements and natural features;

Staff finds that the proposal for Jackson Park Phase II is consistent with the bulk regulations established in CMC 17.51 R-4, Multifamily, provides the necessary improvements for an urban level of services and is designed with the natural features of the land.

3. Is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use;

Staff finds that there are adequate utility services, emergency services, public facilities, and transportation and therefore it is considered timely.

4. The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have minimal impact on the livability and development opportunities in the neighboring area;

Staff finds that the developer has adequately taken into consideration compatibility with the surrounding development and will minimize the impact with fencing and landscaping.

5. Is consistent with the applicable goals and policies of the Chehalis comprehensive plan and the purpose of the underlying zone;

Staff finds that this project is consistent with the Chehalis comprehensive plan and the underlying zone as it increases population and demand for commercial services.

6. Complies with all applicable site plan review requirements; and

Staff finds that if Jackson Park Phase II is developed consistently with the Development Review Committee recommendations, staff recommendations, and the plans as submitted for land use review this project meets all site plan review requirements.

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.

Staff finds that development consistent with the Mitigated Determination of Non-Significance issued on May 25, 2021, will be adequately mitigated when compared to other uses in the underlying zone.

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.

Staff Recommendation

The Development Review Committee (DRC) meet on June 2, 2021, to review this project and make any recommendations to the Hearing Examiner as may be appropriate for this development. (Exhibit D) The DRC unanimously voted to recommend approval of the project with the following conditions:

1. 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.
2. The fire department connection (fdc) for Phase II is permitted within close proximity of the fdc for Phase I however the fdc must be marked to indicate which addresses or buildings they serve.

Staff recommends **APPROVAL** of Conditional Use Permit UGA-CU-21-001 for Jackson Park Phase II at 2169 Jackson Highway with the following conditions:

1. Civil plans shall be designed and submitted for approval consistent with the conditions stated by DRC.
2. 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.
3. The site shall be developed consistent with the site plan developed by RB Engineering and submitted on February 1, 2021.
4. The site shall be developed consistent with the MDNS issued on May 25, 2021.
5. All civil plans must meet CMC 12.04 Engineering Development Code, CMC 15.30 Stormwater and Stormwater Runoff, and the current version of Ecology's Stormwater Management Manual for Western Washington.
6. All building plans must meet the requirements of the 2015 International Building code, the 2015 International Fire Code, and other related and applicable codes.
7. If the lots are not combined through a boundary line adjustment, an access easement must be created and recorded to ensure the shared use of the stormwater, internal roadway, and other shared services and amenities into the future. Either option must be completed before final occupancy of any structure in Phase II.
8. The conditional use permit shall be valid for twelve months from the date of the decision.

Exhibits

- Exhibit A: Application with SEPA checklist and preliminary civil plans received February 1, 2021.
- Exhibit B: Notice of Public Hearing
- Exhibit C: Notice of Application with comment letter.
- Exhibit D: MDNS issued May 25, 2021.
- Exhibit E: DRC notes from June 2, 2021.