



Building and Planning Department

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**City of Chehalis Hearing Examiner
Staff Report for CU-21-002, ST-21-0011
April 14, 2022**

To: Hearing Examiner From: Amelia Schwartz, City Planner Date of Staff Report: April 7, 2022 Notice of Public Hearing: Issued March 31, 2022	Subject: Multiple-Unit Dwellings Zoning: R1 (Current), MRC (Proposed) Location: 1137 Washington Ave Date of Public Hearing: April 14, 2022. 4:00 PM Location of Hearing: City of Chehalis Council Chambers.
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Introduction:

Fuller Designs on behalf of Cara and Thomas Nicholas are proposing the construction of 4 two-story fourplexes and 4 two-story duplexes in an R1 zone. Preliminary documents for the SEPA permitting process were submitted on June 24, 2021. During the SEPA review period, additional documentation and review, as well as a street vacation were required, and the project received a Mitigated Determination of Nonsignificance on February 15, 2022. After meeting with the Development Review Committee on February 23, 2022 the applicants were informed that Aust Manor Road would require upgrades to service multi-family dwellings, and Aaron Fuller of Fuller Designs has commented that the plan will likely change to instead be single-family residences on Aust Manor Drive, but the preliminary plans have not been updated yet to reflect a change as of the writing of this staff report. The current preliminary civil plans show a proposed boundary line adjustment to turn the 5 parcels into 3, with a parcel along Washington Avenue to be 1.30 acres, the parcel along what formerly was considered Adams Avenue would be 1.21 acres, and the existing parcel along Aust Manor .51 acres, possibly later divided into 2 .255 acre lots for single-family units.

The applicants requested a rezone from R1, Single-Family Low-Density to High-Density Residential in 2021. Staff has proposed a new zone type, MRC, Mixed Residential-Commercial that would be appropriate for the existing development types in the surrounding area along Market Boulevard. Multiple-unit dwellings would be an accepted use should the MRC zone type be adopted as anticipated for this site. A final City Council decision on the zoning change is not expected to happen until late Summer 2022.

Site Characteristics:

The proposal consists of 5 parcels: 005490001000 (.18 acres), 005492002000 (.60 acres), 005490000000 (.18 acres), 005604192001 (.99 acres), and 005853001000 (.31 acres). The site has approximately 242 linear feet of frontage on Washington Ave, directly adjacent to overflow parking for the Safeway grocery store southwest of the site and approximately 179 feet of frontage on Aust Manor Drive. The surrounding lots consist of single-family homes or commercial space.

The parcels are listed as Undeveloped/Vacant or Single-Residential (parcel 005853001000) in the Lewis County parcel records. The parcel listed as Single-Residential with Lewis County had a demolition permit issued in June 2020 to remove an existing single-family residence and shop building. A street vacation was requested and approved by the City for three sections of land: an alley between the parcels on Adams Avenue and Washington Avenue, a portion of SE Adams Avenue, and a portion of 12th Street. Exhibit F contains the petition for vacation, including maps of the aforementioned areas.

According to Lewis County GIS, much of the site contains hydric soils and is listed as susceptible to liquefaction, and according to nearby residents some portions experience pooling of water during heavy rains.



Current parcel locations and numbers as of April 7, 2022.

Public Notification and Comment:

The applicants applied with preliminary documents on June 24, 2021. Prior to the hearing for conditional use, the project went through a SEPA environmental review (SEPA-21-0006) and a public hearing on August 23, 2021 for the vacation petition (VACATE-21-01). Public notice of application for the SEPA process of this project was issued 8/31/2021 in The Chronicle, mailed to nearby property owners, and posted on the City of Chehalis website. Written comments submitted to the record for the SEPA threshold decision are included as Exhibit G. The MDNS was published on February 15, 2022. No appeals were received. The applicants met with the Development Review Committee to review the project on February 23, 2022, and the DRC unanimously recommends approval with conditions. Notice of Public Hearing for the Conditional Use permit for this proposal was published in the Chronicle and on the City of Chehalis website on March 31, 2022, as well as by mail to all property owners within 300 feet of the project site. No written comments have been received at the time of writing this staff report for this public hearing.

Environmental Review:

SEPA-21-0006 was routed for review on August 31, 2021 with a public comment period end date of September 14, 2021. The project required a full Traffic Impact Analysis that was received for review on January 26, 2022. The project received a Mitigated Determination of Significance on February 15, 2022 with an end of appeal date of March 1, 2022.

Adjacent Land Use:

Immediately adjacent land uses to the property include R1 single-family residences and General Commercial- Safeway grocery store.

Code Analysis

To comply with RCW 36.70B.060(6) which allows for only one open record hearing and one closed record hearing, the decision for site plan ST-21-0011 and conditional use permit CU-21-002 are being combined for this project.

CMC 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.

Staff analysis: Staff finds that if the proposed rezone of the site from R1 to MRC is approved, the proposed land use described in this project would be consistent with the currently adopted Comprehensive Plan and would meet the overall intent of the Chehalis Municipal Code, including land use and density.

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.

Staff analysis: Staff finds that the proposed development does not lie within a critical resource area or floodplain and is compatible with the 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.

Staff analysis: Staff finds that adequate provisions for aforementioned necessities are met, and with conditions met the project would not be a detriment to public health and safety.

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

Staff analysis: Staff finds that with conditions, the public access and circulation will be adequate for this project.

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.

Staff analysis: Staff finds that adequate setbacks and buffering have been provided as long as conditions are met.

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.

Staff analysis: Staff finds that the proposal is compatible with the surrounding area with conditions met.

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

Staff analysis: Staff finds that with the submitted plans and conditions met, this project will adequately mitigate impacts identified through the SEPA process.

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

Staff analysis: Staff finds that the project as submitted, with conditions would not be detrimental to the public interest, health, safety, or general welfare.

CMC 17.78.020 Use Chart Adopted

The applicant is proposing lots that will be developed for multi and possibly single-family residences. The site is currently zoned R1, but staff has proposed up-zoning the site to a new zone classification that does not yet exist- Mixed Residential Commercial (MRC). Based on intentions of the creation of MRC, which is meant to allow for residential and commercial uses, staff will be listing R1 (current) and R3 (closest existing zone type to the proposed type of MRC) code. MRC is expected to use similar residential use code as R3, but instead would permit low-density in addition to the high-density allotted currently in the R3 regulations.

Staff analysis: Staff finds that the proposed use of the site for single-family residential is permitted under R1 zoning, duplexes are permitted if the lot size of each development portion is 10,000 square feet or larger and the lot is adjacent to an arterial street, otherwise it is conditional, while the proposed use of the site for multiple-unit dwellings is prohibited as identified in the R1 Zone category of the "Residential Occupancy Group Chart." If the proposed rezone is approved, multiple-unit dwellings are permitted in the R3 Zone category, and single-family dwellings are permitted if the lot size allows only one unit under the density calculation, otherwise it is conditional. The parcel that could possibly be two single-family homes but is currently shown on the preliminary plans as multi-unit dwellings exceeds the required density calculation, so single-family dwellings would be conditional under R3 zoning. With the proposed MRC code, single-family would be permitted instead of conditional.

CMC 17.42.020 Bulk regulations. (R1 Zone)

As per the bulk regulation codes, the minimum lot size within the R1 zone is 7,500 square feet,

Staff analysis: Staff finds that the current proposal has a proposed smallest lot of approximately 22,000 square feet and is consistent with this bulk requirement standard for single-family dwellings. Should the parcel adjacent to Aust Manor Drive be divided from .51 acres into 2 lots, the minimum lot size should still be possible to be met. If the current proposal to up-zone the site is not approved, the multiple-dwelling units would not be permitted.

CMC 17.48.020 Bulk regulations. (R3 Zone)

As per the bulk regulation codes the minimum lot size of the R3 zone is 5,000 square feet. The maximum dwelling unit density is 18 units an acre.

Staff analysis: Staff finds that the current proposal has a minimum lot size of approximately 22,000 square feet and is consistent with this bulk requirement standard. The maximum proposed dwelling unit density is 10 units on 1.3 acres and 1.21 acres. This is under the maximum allowed density. Should the parcel adjacent to Aust Manor Drive be divided from .51 acres into 2 lots, the minimum lot size should still be met.

CMC 17.42.030, CMC 17.48.030 Parking and loading.

CMC 17.42.030 (R1) and CMC 17.48.030 (R3) requires any future development of residential lots to meet the requirements of CMC 17.84 (Parking and Loading).

Staff analysis: Staff finds that the proposed lots sizes and parking spaces are adequate to provide for parking upon development.

CMC 17.42.040, CMC 17.48.040 Fences, walls, and hedges.

A. Fences within any street setback area shall be limited to:

1. Forty-two inches high above adjacent grade if the fence is more than 50 percent opaque;
2. Forty-eight inches high above adjacent grade if the fence is 50 percent or less opaque.

B. Fences which are not located within any street setback area shall be limited to seven feet high above adjacent grade.

C. No residential fence shall contain barbed wire, broken glass, electricity, or any other hazardous material or substance.

D. Where a legally established use exists requiring the containment of farm animals or livestock, barbed wire or an electric fence may be used; provided, that such fence is set back more than 20 feet from any public right-of-way or public property and more than three feet from any adjacent private property, and warning signs are posted consistent with CMC 17.42.110.

E. Swimming pools shall require a minimum five-foot-high fence, but not more than six feet high, completely surrounding and securing the area of the pool. Such fence shall not be located within any street setback area. Portions of such a fence need not be provided where a secure building will accomplish the same manner of access and/or control as a fence.

F. Retaining walls shall be located entirely upon private property except where required by the public works director to protect public property.

G. A retaining wall shall not project higher than six inches above the higher adjacent grade except when it is a structural element of a building or structure.

H. Retaining walls which are higher than four feet from the bottom of the footing to the top of the wall shall comply with applicable provisions of the building code, including permit requirements.

I. Retaining walls which serve as a structural element of any building or structure shall comply with the applicable provisions of the building code.

J. A hedge shall comply with the requirements for a fence; provided, hedges which are not located within a street setback, and do not otherwise constitute a traffic visibility obstruction on any right-of-way or alley, or any public nuisance condition, are not limited in height.

Staff analysis: Upon development, the privacy buffer fence must meet requirements contained in this section of code.

CMC 17.42.080, CMC 17.48.080 Essential services/utilities

Essential services for any proposed development shall be available to serve such development prior to occupancy. Essential services which the city determines cannot be made available prior to such occupancy shall cause the city to deny issuance of all development permits for such development.

Staff analysis: Staff finds that essential services, as defined at CMC 17.06.105, are available to the site, and that sewer and water utilities are available to the site.

CMC 17.12.070 General layout of lots

CMC.12.070 requires all lots within a subdivision must meet the minimum lot size and dimension for the zoning district. Lot size can be less than the stated minimum, so long as 1) the average for all lots within the subdivision meets the minimum, and 2) no lot is less than 80% of the required minimum.

Staff analysis: Staff finds that the plat complies with CMC 17.12.070 as the minimum lot size still meets the required minimums for both R1 and R3 bulk requirements.

CMC 17.12.075 Streets and roads

CMC 17.12.075 requires that a lots within a subdivision must have direct legal access to either a public right of way or a platted private street or road.

Staff analysis: Staff finds that the plat does meet this standard, with most lots having access to a Washington Avenue, which is built to public standards. Should the applicant choose to move forward with duplexes on Aust Manor Drive, the road must be upgraded to meet public standards. If 2 or less single-family units are chosen instead, the road can remain at private standards.

CMC 17.12.080 Utilities

CMC 17.12.080 requires proposed subdivisions provide for connections to water and sewer for each lot created.

Staff analysis: Staff finds that the plat does meet this standard, with all lots making provisions for access to sewer and water.

CMC 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 multifamily uses would be allowed in this zone with a rezone up to a higher-density zone type, while duplexes are currently conditional in R1, multiple-unit dwellings are currently prohibited.
2. Is suitable for the proposed site considering size, shape, location, topography, existence of improvements and natural features;
Staff finds that with the mitigation proposed within this staff report, this project is suitable for the proposed site with regard to 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;

Staff finds the project to be a timely proposal, that would exist in an area serviced by utilities, transportation, and within a close distance of basic goods.

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 location set adjacent to residential and commercial uses is appropriate for a multi-family development such as this. Impacts to the neighborhood can be mitigated to make this project is reasonably compatible with the neighboring area.*

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

The Comprehensive Plan, Goals and Policies:

H.01 To encourage a diversity of housing types and opportunities to meet the needs of all economic segments and special needs of the community.

H.01.02 Support private individuals or developers to develop suitable housing to meet the housing needs of low and moderate income persons.

Staff finds that this development meets this goal and others within the adopted Comprehensive Plan.

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

Staff finds that with the mitigation outlined in this staff report, this project will meet 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.

With the mitigation outlined in the MDNS and this staff report, staff finds that this project will not have significant environmental impacts when compared to the surrounding permitted uses in the proposed MRC zone.

Staff Recommendation

The Development Review Committee (DRC) met on February 23, 2022 to review the proposal. The DRC voted unanimously to recommend approval of this project to the Hearing Examiner subject to the following conditions:

1. Capital facility charges for each individual water meter will be assessed.
2. Curb, gutter, and sidewalk improvements on Washington Avenue are required. Washington Avenue will also require half-street improvements.
3. Aust Manor Drive is currently not built to public roads standards to serve multi-family use. For single family homes, any more than 2 will require Aust Manor Drive to be brought to City public road standards.
4. For stormwater the current DOE manual must be used to review and account for offsite drainage. The Stormwater Plan is required to model the site from forested to developed.
5. A triplex or greater will require sprinklers or fire separation walls in accordance with the IBC.
6. The travel width inside the complex must be 26 feet. Access to the site must be 26 feet wide.
7. An updated site plan is required before scheduling the Hearing Examiner.

DRC Condition #7 was completed on March 2, 2022 with updated preliminary plans sent from Fuller Designs, and then additional updated preliminary plans were sent again on March 16, 2022 and April 7, 2022.

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Staff finds that the proposal is consistent with the Comprehensive Plan goals listed here:

H.01 To encourage a diversity of housing types and opportunities to meet the needs of all economic segments and special needs of the community.

H.01.02 Support private individuals or developers to develop suitable housing to meet the housing needs of low and moderate income persons.

Staff recommends **APPROVAL** of ST-21-0011 and CU-21-002 for the development of multi-unit, duplex, and single-family dwellings, with the following conditions:

1. All work shall be in accordance with the site plan with improvements as approved by the DRC on February 23, 2022.
2. All improvements shall be constructed in accordance with the approved City of Chehalis Municipal Code public road standards if the applicant chooses to move forward with multi-family housing along Aust Manor Drive.
3. 6-foot privacy fencing must be installed around the multi-family parcels as a buffer to adjacent single-family housing prior to final approval.
4. A landscape plan prepared by a licensed landscape architect meeting the requirements of 17.52.070 CMC shall be submitted for approval, then implemented prior to final plat approval.
5. A preliminary boundary line adjustment must be approved prior to issuance of building permits.
6. Curb, gutter, and sidewalk, as well as half-street improvements will be required along Washington Avenue frontage.
7. City Council must approve the rezone proposed by the City of Chehalis Building and Planning Department, changing the site zoning from R1 to MRC, permitting this project to develop multiple-unit dwellings.

Exhibits

Exhibit A: Application, Narrative, Preliminary Civil Plans, SEPA Checklist, Drainage and Geotechnical Reports, Grading Attachment, Traffic Impact Analysis, and Conditional Use Application Attachment

Exhibit B: Notice of Public Hearing

Exhibit C: Updated Preliminary Civil Plans Received April 7, 2022

Exhibit D: Email Conversation Indicating Expected Single-Family Home Placement

Exhibit E: Proposed Land Use Map

Exhibit F: Petition for Right of Way Vacation

Exhibit G: SEPA Comments

Exhibit H: SEPA MDNS