

**City of Chehalis**  
**Hearing Examiner**  
*Staff Report*  
*October 14, 2021*

<b>To:</b>	<b>James Buzzard, Hearing Examiner</b>	<b>Zoning:</b>	<b>RUGA; Residential Urban Growth Area</b>
<b>From:</b>	<b>Tammy Baraconi</b>	<b>Property Size:</b>	<b>4.4 acres, 191,664 sq ft</b>
<b>Date:</b>	<b>October 14, 2021</b>	<b>Assessor Parcel:</b>	<b>010799001000</b>
<b>Subject:</b>	<b>ST-21-0001 and CU-21-001, Jackson Villa IV</b>		
<b>Location:</b>	<b>2400 block Jackson Hwy, Chehalis WA (corner of Jackson Hwy and Kennicott)</b>		

**Project Description**

***Submittal***

On March 11, 2021 Fuller Design, on behalf of Lakewood Industries, LLC submitted an application to construct 21 duplexes and a single 23 unit apartment style building with the intent of creating condominiums. They also propose associated parking, stormwater, and a playground. (Exhibit A)

The applicant has proposed the site be developed in two phases. However, to prevent the need for a second hearing prior to phase two, the Hearing Examiner is being asked to review both phases at this time. Phase one of the project will include building the 23 unit building and eleven duplexes along with utilities, roadways, and the necessary stormwater to remain compliant. Phase two will be the construction of the remaining ten duplexes, extending roadways, and completion of the stormwater system.

This project has been reviewed by staff using the following documents. The application and project narrative, SEPA checklist, preliminary civil plans and a preliminary drainage report, all created by Fuller Design; a wetland report, created by Loowit Consulting Group; Geotech report, created by All American Geotechnical; archaeology report, created by Drayton Archaeology; and a traffic study, created by Heath and Associates.



### ***Site conditions and critical areas***

The site is one parcel, Lewis County Tax Parcel # 010799001000. It is in the 2400 block of Jackson Highway, at the corner of Kennicott Road, with Hosanna Lane, a private drive located on the northeast side of the property. The size of the lot is 4.4 acres and 191,664 square feet.

#### Slope and fill

The site is primarily undeveloped however an unknown quantity of organic and inorganic material was deposited on the northeast end of the lot at depths of two feet to ten feet by a previous developer. The site contains slopes averaging about fifteen percent. A Geotech report and addendum have been produced making recommendations on how the fill should be addressed for purposes of construction. (Exhibit B)

#### Wetlands

Two wetlands located from the central portion and extends to the southwest end of the site adjacent to Jackson Highway. A wetland report was created by Tim Haderly of Loowit Consulting Group, LLC. Mr. Haderly identified a Category III wetland of approximately 0.47 acres/20,473 sq ft in size. The developer is in the process of applying for and receiving wetland banking credits from the Chehalis Basin Wetland Mitigation Bank. This process includes the Washington Department of Ecology and the United States Army Corp of Engineers. (Exhibit C) Filling of the wetlands will occur during phase two of the project.

#### ***Utilities***

Fuller Design submitted a preliminary civil plan and a preliminary drainage and erosion control plan. City utilities are located at Kennicott Road frontage. (Exhibit A)

#### ***Access and onsite parking***

Two points of access have been proposed by the applicant, both on Kennicott Road. The access point on the northeast end of the site is proposed to be constructed first with the second access point closer to Jackson Highway being constructed when phase two of the development begins.

Onsite parking for residents of the development will occur in front of the units with an additional 25 parking spaces provided for visitors. (Exhibit A)

### **Public Notification**

This application was declared complete on May 20, 2021. The Notice of Application was sent to all property owners within 300 feet and posted in The Chronicle on May 22, 2021. (Exhibit D) Notice of the Public Hearing was published in The Chronicle on October 2, 2021. (Exhibit E) Notice was mailed to all property owners within 300 feet on September 23, 2021.

### **Environmental Review**

On June 3, 2021, SEPA-21-0002 was routed for affected agency review. (Exhibit F) The only issues noted by staff were with the Geotech report created by All American Geotechnical and the Critical Area Report created by Loowit Consulting Group LLC. The applicant addressed these issues, and the addendums are included in Exhibit A. An MDNS was issued for this project on September 23, 2021. It was amended on September 23, 2021 to address clerical errors in the document. (Exhibit G)

### **Public Comment**

There was no written public comment received by staff for either the Notice of Application period or during the comment period for SEPA.

### **Adjacent Land Use**

North: RUGA, Residential UGA: Single family homes  
South: RUGA, Residential UGA: Single family homes and partially developed church property  
East: RUGA, Residential UGA: Single family homes  
West: RUGA, Residential UGA: Single family homes and multi-family

### **Code Analysis**

#### **CMC 17.78**

This site is zoned RUGA, Residential Urban Growth Area. As per CMC 17.78 Use/Occupancy in the Residential Use table, condominiums and multi-family are identified as an acceptable use provided the approval of a conditional use permit.

*Staff finds that this development is acceptable in this zoning classification with the approval of a conditional use permit.*

#### **CMC 17.52**

**CMC 17.52.020 Bulk regulations** (RUGA) identifies a maximum density of 24 units per acre. The maximum number of units that can be built is 105. The applicant proposes 65 units.

*Staff finds that this development is compliant with the density identified within the code.*

#### **CMC 17.52.100 Special Provisions**

B. Conditional Use – Multifamily Dwelling Development. The following criteria shall be used, in addition to all other applicable criteria, in considering a conditional use permit application for a multifamily dwelling development on a single parcel in an R-UGA zone:

1. The subject property shall be served by installed and approved utility and transportation infrastructure; and

*Staff finds that this site is served by City of Chehalis water and sanitary sewer. By complying with CMC 12.04.110(A)(1) Requirements, staff finds that this site shall be adequately served by the transportation infrastructure.*

2. The subject property shall contain a minimum of 12,000 square feet of area for the first two units, plus 3,000 square feet of area for each additional unit.

*Staff finds that with 65 units this site is required to have 201,000 square feet. The site only contains 191,664 square feet for a difference of 9,336 square feet or a difference of less than ten percent. While this code appears to be at odds with CMC 17.52.020 Bulk Regulations, CMC 17.52.001 Intent states that it is the intent of this code to allow for low and medium density developments within the RUGA.*

*CMC 17.48.020 R-3, Multifamily, Medium Density/Bulk Regulations identifies a density of 18 units per acre. The applicant is proposing 14 units per acre. As such staff finds that even though the density is not compliant with the letter of the regulations in CMC 17.52.100 it is compliant with the intent of the regulations and as such staff finds this density to be acceptable.*

#### CMC 12.04

##### **12.04.110 Requirements.**

###### A. Frontage Improvements in General.

1. Any permit authorizing a development or redevelopment within residential and commercial zones will require that the developer or property owner be responsible for construction or installation of frontage improvements in accordance with these standards. Frontage improvements will not be required at locations where the health, safety, or welfare of the general public or environment will be negatively impacted.

*Frontage improvements are not proposed by the developer within the preliminary civil plans. Staff finds that with a condition to add half street frontage improvements along Kennicott Road and Jackson Highway, the applicant will become compliant.*

*Hosanna Lane is a private road and as such the developer is not obligated to add half street frontage improvements.*

#### CMC 17.09

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-21-0001 and conditional use permit CU-21-001 are being combined for this project.

While some of the approval requirements are duplicated from site plan approval and conditional use approval, staff is commenting on both sections of the code individually for the purposes of clarity.

##### **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 finds that the proposed land use described herein is consistent with the currently adopted comprehensive plan and meets 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 finds that this location is not subject to floodplains however there are two wetland and geologically hazardous areas as identified in the City's Critical Areas Ordinance, Division III. Environmental Districts.*

*Both wetlands are located on the southwest end of the parcel. The applicant is working with the Washington Department of Ecology and the United States Army Corps of Engineers to pursue the use of wetland mitigation banking. This mitigation will allow the developer to fill the wetlands and develop the areas. Staff finds this to be allowed as per CMC 17.23.053(D) Mitigation. Staff further finds that if the applicant is unsuccessful in purchasing the banking credits, the wetland buffer requirements of 100 feet can be observed as prescribed in CMC 17.23.030 Buffers.*

*Pertaining to the geologically hazardous areas, the Lewis County maps identify this site as having erosion control issues as well as a small potential for slips of the land. The applicant has provided staff with a Geotech report and addendum that address soil conditions on site. Staff finds that if the developer follows all guidelines established in this report, they are compliant with CMC 17.24.*

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.

*City water and sanitary sewer are both available beneath Kennicott Road. The site is easily accessible by emergency vehicles. The civil plans currently show the required access points for emergency vehicles. Additional stormwater has been proposed by the applicant to mitigate some of the seepage areas on site and to minimize the impacts of stormwater to the developed site.*

*Staff finds that if the site is developed consistent with the preliminary civil plans and the mitigation identified in the staff report, as well as applicable federal, state, and local regulations, it makes adequate provisions for water, storm drainage, sanitary sewer, emergency services, and environmental protection.*

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

*This site is located at the corner of Jackson Highway and Kennicott Road. A private road, Hosanna Lane borders the site to the northeast. The preliminary civil plan provided by the applicant identifies two*

points of access, both off Kennicott Road. A Traffic Impact Analysis (TIA) prepared by Heath and Associates was submitted for review with this application.

Lewis County provided comment during the SEPA appeal period pertaining to the TIA. (Exhibit H) The County is concerned that the traffic counts within the study were conducted during COVID in 2020 during the shutdown and as such may not accurately represent current traffic patterns. The County has requested that the applicant reanalyze the traffic using the 2019 traffic counts.

In addition to using a field study conducted during shutdown, the TIA does not take into consideration impacts to traffic for projects that have either been approved since 2020 or are currently in the pipeline for approval. Those projects include Jackson Park 2 and Cosser Tiny Homes.

Impacts to nonmotorized traffic such as pedestrians have not been taken into consideration in the plans submitted. With the addition of 65 and a household rate of 2.3 persons per household within the City of Chehalis, they will be adding an additional 149 more residents to this area. Some of these residents may not be able to or would prefer not to use motorized transportation.

As identified within the TIA provided by the applicant and in the City's Six-Year Transportation Improvement Plan, the City anticipates creating and updating sidewalks on Market Blvd from 13<sup>th</sup> Street to the edge of City limits, approximately three quarters of a mile from the proposed development. Twin Transit has a bus route that stops at Jackson Highway and Ribelin Road. Both items indicate a community commitment to accommodate alternative and nonmotorized modes of transportation.

Staff finds that with the following conditions, public access and circulation including nonmotorized uses can be mitigated.

- The Traffic Impact Analysis must be updated to reflect more accurate field data and additional projects that have either been approved or are in the process of being approved.
- Recommendations within the updated Traffic Impact Analysis must be implemented by the developer.
- Half-street improvements including curb, gutter, and sidewalk must be installed along Kennicott Road and Jackson Highway, consistent with property boundaries.
- More for a bus pullout must be dedicated and shown on the civil plans. Construction of the actual bus pull out may be deferred until Twin Transit adds Kennicott Road to its route.

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.

The lots surrounding this development are primarily single-family homes. However, except for 2470 Jackson Highway the homes are buffered by a private road or public streets.

*As per CMC 17.52.020 Bulk regulations (R-UGA zone) street setbacks are twenty feet and interior lot line setbacks are ten percent of the lot width but no more than fifteen feet or less than five feet. The site currently shows between eight foot and twenty-foot setbacks along Kennicott Road and Hosanna Lane. Setbacks from Jackson Highway to the structures are not identified. Neither the site plan nor the preliminary civil plan identifies the setbacks from the interior lot line.*

*Addressing impacts to critical areas, the lot has two wetlands located from the center area to the southwest end along Jackson Highway. Currently the applicant is working to obtain permission from the Wa Dept of Ecology and the US Army Corps of Engineers. If approved, the applicant will have no impacts on wetlands.*

*In addition to wetlands the site also contains slopes and erosion hazards. These have been evaluated and addressed by the Geotech Report.*

*Staff finds that with the mitigation listed below, this project will not adversely impact the functional value of the critical areas or the adjoining properties.*

- All work shall be conducted in accordance with the Geotech Report and addendum as submitted to City staff on September 21, 2021.*
- If the applicant is unsuccessful in obtaining permission from the US Army Corp of Engineers and the Wa Dept of Ecology for wetland banking mitigation, all work within the wetland areas and their identified buffers will be prohibited.*
- A site plan must be created showing the appropriate setbacks as identified in CMC 17.52.020.*
- A solid fence must be installed along adjacent to Kennicott Road and all interior lot lines.*

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 finds that if the plan is redesigned to reflect the required setbacks established in CMC 17.52.020, the location, size, and placement of the proposed structures on this site will be compatible with the surrounding area. Staff further finds that with the mitigation identified elsewhere in this staff report, the uses within the project will relate harmoniously to the surrounding area.*

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

*An amended Mitigated Determination of Non Significance (MDNS) was issued for this project on September 23, 2021. (Exhibit G) The appeal period for this MDNS was October 6, 2021. While no appeals were received, comments were received from Lewis County. (Exhibit H)*

*Seven conditions were listed on the MDNS. After additional review by staff and given comments received by Lewis County, staff does not believe that all conditions have been adequately mitigated to address all of the impacts*

*identified in this project.*

*Staff's recommendation at the end of this report will summarize our recommended mitigation to address all of the impacts.*

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

*Staff finds that with the recommended mitigation, this project will not be detrimental to the public interest, health, safety, or general welfare.*

#### **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 within this zone are allowed with a conditional use permit.*

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;

*The growth rate for the City of Chehalis has remained rather steady for many decades. The real growth for our community is occurring in the Urban Growth Areas. And it is generally known that the entire Lewis County area along with other communities up and down the I-5 corridor are experiencing housing shortages.*

*However, with this increase in residence, comes shortages of other services. The City can provide for life and safety related issues such as water, sewer, emergency services, public transportation etc but we do not currently have a plan for parks and recreation in the Urban Growth Area.*

*The nearest playground, at a public school, to this site is on the southwest side of Jackson Hwy and approximately one-half mile away as the crow flies. The nearest park, Recreation Park is approximately 3 miles as the crow flies from this site. And again, on the southwest side of Jackson Hwy.*

*Because of the distances and the fact that they would have to cross Jackson Hwy, a very busy road, children will have no way to access outdoor play areas on their own.*

*In addition, the site plan shows minimal yards for each unit and for some, no yards for outdoor activities by children and adults alike.*



*Staff finds that an active outdoor recreational area must be provided for children and adults. This may come in the form of a gazebo or covered picnic area with a barbeque grill for adults. Playground equipment, a half basketball court or other active outdoor recreational opportunity may be provided for children.*

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 directly adjacent to Jackson Hwy is suitable for a large 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.01.03 states “Allow for a range of densities to ensure maximum choice in housing options.”*

*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 consequences when compared with other permitted uses in the underlying zone.*

### **Staff Recommendation**

The Development Review Committee (DRC) meet on October 6, 2021, to review this project. The DRC voted unanimously to recommend approval of this project to the Hearing Examiner with the following condition:

- Half-street frontage improvements are required along Kennicott Road and Jackson Highway.

*Staff recommends **APPROVAL** of the Site Plan ST-21-0001 and Conditional Use Permit CU-21-001 for the development of 65 new multifamily/condominiums in the 2400 Block of Jackson Highway with the following conditions:*

- 1. All work shall be conducted in accordance with the Geotech Report and addendum as submitted to City staff on September 21, 2021.*
- 2. If the applicant is unsuccessful in obtaining permission from the US Army Corp of Engineers and the Wa Dept of Ecology for wetland banking*

*mitigation, all work within the wetland areas and their identified buffers will be prohibited.*

- 3. A site plan must be created showing the appropriate setbacks as identified in CMC 17.52.020.*
- 4. A solid fence must be installed along adjacent to Kennicott Road and all interior lot lines.*
- 5. The Traffic Impact Analysis must be updated to reflect more accurate field data and additional projects that have either been approved or are in the process of being approved.*
- 6. Recommendations within the updated Traffic Impact Analysis must be implemented by the developer.*
- 7. Half-street improvements including curb, gutter, and sidewalk must be installed along Kennicott Road and Jackson Highway, consistent with property boundaries.*
- 8. More for a bus pullout must be dedicated and shown on the civil plans. Construction of the actual bus pull out may be deferred until Twin Transit adds Kennicott Road to its route.*
- 9. Road access on County roads must be 150 feet from intersections.*
- 10. All roads are in the jurisdiction of Lewis County. Road approach permits and civil plans for the half-street improvements must be approved by Lewis County.*
- 11. Private and public survey monuments shall be maintained. If destroyed they must be replaced as per WAC 332-120-040.*
- 12. All work shall be conducted in accordance with the Geotech Report and addendum as submitted to City staff on September 21, 2021.*
- 13. If the applicant is unsuccessful in obtaining permission from the US Army Corp of Engineers and the Wa Dept of Ecology for wetland banking mitigation, all work within the wetland areas and their identified buffers will be prohibited.*
- 14. A site plan must be created showing the appropriate setbacks as identified in CMC 17.52.020.*
- 15. A solid fence must be installed along adjacent to Kennicott Road and all interior lot lines.*
- 16. All garbage bins and dumpsters must be contained in an enclosure to minimize public view.*

**Exhibits**

- Exhibit A: Application, narrative, preliminary civil plans and drainage report created by Fuller Design and Traffic Impact Analysis by Heath and Associates.
- Exhibit B: Geotech Report and addendum created by All American Geotechnical, Inc.
- Exhibit C: Wetland Report created by Loowit Consulting Group, LLC.
- Exhibit D: Affidavit of publication and Notice of Application
- Exhibit E: Notice of Public Hearing
- Exhibit F: SEPA checklist and Routing Slip
- Exhibit G: Amended MDNS
- Exhibit H: Lewis County Comments