

April 28, 2022

HEARING EXAMINER

Subject: Cascade SUD RTF Facility
Location: 135 West Main Street, Chehalis, WA

**RE: Response to City of Chehalis Staff Report
CU-21-004, VR-22-002, ST-21-0014**

This letter with referenced EXHIBIT attachments is hereby submitted in response to the City of Chehalis Staff Report for the above referenced project.

Clarification: The Staff Report indicates the project is to remodel and change the use of 135 West Main Street “to become a voluntary permanent supportive housing center with 16 beds.” The project is intended to provide voluntary 24-hour substance abuse treatment services together with transitional housing services. It is not intended to be permanent supportive housing. This clarification does not alter the City Staff Report reference to RCW 35A.21.430. As indicated in the Staff Report, RCW 35A.21.430 refers to both transitional and permanent supportive housing.

The City Staff Report is recommending DENIAL of VR-22-002 which pertains to CMC 12.04.280 regarding the 5-year limitation on cutting into new or repaired public streets in the City of Chehalis.

A component of the project is the installation of an automatic fire sprinkler system for the building, which is required by the Washington State Building Code and the City of Chehalis Building Code.

The installation of the automatic fire sprinkler requires new water service. There is a water main directly adjacent to the building located within the West Main Street right-of-way. We have a bid for the completion of the water line installation and repair of the street for \$85,000. This amount includes the civil engineering design required for the project and includes approximately 25 feet of new water line installation.

The improvements for West Main Street were completed approximately June of 2021. The project was funded with the use of Washington Transportation Improvement Board grant funding. CMC 12.04.280 establishes a 5-year limitation of cutting into new or repaired public streets.

In a meeting conducted by the City of Chehalis City Attorney on 2/7/2022, it was noted that the primary reason for denial of the application was the limitation created by the use of the Transportation Improvement Board (TIB) grant funding. As described, the City Staff communicated a concern that the TIB takes into account in their decision process whether or not a city has an ordinance preventing the immediate disturbance of new or repaired roads improved with TIB grant funding. The City stated that allowing the project to install the needed water line would impact the City due to the potential loss of standing in future grant applications. See **EXHIBIT A**.

The City provided an alternate option to installing the water service at West Main Street which involves the installation of a new water system loop in the alley on the south side of the property, extending to SW Saunders Way and then south to SW Alfred St. The option of extending the water line loop eastward to S Market Blvd was also offered as an option. A complete loop system is required by code because of the distance of the building from the water source at SW Cascade Avenue. This would result in either 600 or 800 feet, respectively, of new water line and street repair work. The rough estimate for this work is \$600,000, exclusive of engineering costs, permitting costs, and sales tax. See **EXHIBIT B**.

The entire construction budget for the project is \$700,500. The imposition of more than \$600,000 of utility and street improvement costs would result in cancellation of the project.

The City Staff report states that this alternate method to provide the necessary water service is a justification for denial of the Variance. This option which requires 600 feet of water line installation and street repair instead of 25 feet of installation and repair is not a feasible option. Further, the City of Chehalis code allows the 25-foot option outright within four years anyway when the moratorium expires, making the stipulation an unreasonable temporary development restriction upon an Essential Facility.

At the suggestion of the City Attorney, our office contacted the Washington State Transportation Board (Chris Langhoff, P.E., West Region Engineer) to confirm the TIB funding requirements. Mr Langhoff provided a written response to indicate the TIB is okay with allowing the facility to cut into West Main Street to install the water service for the project. The City Staff concern regarding the TIB funding implications of the cut into the new roadway is therefore no longer valid. See **EXHIBIT C**.

In his response, Mr. Langhoff recommends allowing the TIB to review the detail used for the repair. We agree to comply with this request. (His response also notes that City of Chehalis provided him with a standard detail intended to be used for the repair.)

Further, CMC 12.04.280 (1) states that if there is no option but to cut into the new pavement the Director of Public Works can provide approval. In addition to the extreme cost for the alternate option the Director should have taken into consideration the nature of the facility as an Essential Public Facility, as defined by WAC 365-196-550 and RCW 36.70A.200. Per RCW 36.70A.200(5), *No local comprehensive plan or development regulation may preclude the siting of essential public facilities*. CMC 12.04.280 as imposed upon this project is a development restriction that eliminates the ability of facility to be sited at the proposed location.

Response to City of Chehalis Staff Report
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In summary, the allowance for connection of the water service at West Main Street will not be materially detrimental to the public welfare. Not allowing the project based upon this code provision would be a greater detriment to the public welfare because of the potential loss of the essential services to be provided by the proposed project.

Respectfully,

A handwritten signature in blue ink, appearing to be 'Ron Wright', written in a cursive style.

Ron Wright, AIA
Principal

Attachments:

- EXHIBIT A: Meeting Notes, 2/7/2022, prepared by Erin Hillier, City of Chehalis Attorney
- EXHIBIT B: Communication from Michael Cholerton, Accrete Construction dated 12/1/2021 regarding the cost of the alternate option for the water line installation.
- EXHIBIT C: Communication from Chris Langhoff, P.E., Washington State Transportation Improvement Board (TIB)

Ron Wright

From: Erin Hillier <Erin@centerstlaw.com>
Sent: Monday, February 07, 2022 12:12 PM
To: Tammy Baraconi; greenwoodm@cascadementalhealth.org; Sandra Callies; Ron Wright; aschwartz@ci.chehalis.wa.us; Celest Wilder; lbunker@ci.chehalis.wa.us; jriddle@ci.chehalis.wa.us; colronjanaverill@comcast.net; pattenm@cascadementalhealth.org
Cc: Lanna Straka
Subject: Recap of Meeting re: Cascade Community Healthcare

Dear Attendees,

I want to thank you, again, for joining our meeting via Zoom this morning to clarify the process for Cascade Community Healthcare's new project to provide essential public services/facility in the City of Chehalis with transitional housing.

Our meeting included the following attendees and participants:

- Mr. Ron Wright, Ron Wright & Associates, Architects, P.S.
- Col. Ronald Averill, Cascade Community Healthcare Board of Directors
- Mr. Matt Patten, Cascade Community Healthcare
- Ms. Mindy Greenwood, Cascade Community Healthcare
- Ms. Sandra Callies, Ron Wright & Associates, Architects, P.S.
- Ms. Tammy Baraconi, City of Chehalis
- Mr. Lance Bunker, City of Chehalis
- Mr. Jud Riddle, City of Chehalis
- Ms. Erin Hillier, City Attorney

The purpose of our meeting was to address the issue of the 5-year limitation on cutting into new or repaired public streets in the City of Chehalis, how this limitation affects the Cascade project, options for a deviation or waiver of this limitation as it applies to Cascade, and the administrative processes. Main Street in Chehalis was repaved in 2021 with the use of Transportation Improvement Board grant funds. To develop the housing necessary, Cascade must install a fire suppression system within the facility and the closest location to connect to a water main is in Main Street. The City of Chehalis has a code provision adopted in 2005 that prevents cutting into new/repaired streets for the period of five years. Cascade has found that despite connections available on side streets, these alternative connections to water supporting a required fire suppression system has become cost-prohibitive, and they are seeking a solution to this obstacle. The City code requires that Cascade submit their necessary development applications and plans to the City and receive a determination from the City. If the determination is undesirable to Cascade, Cascade may then seek alternative requirements through the administrative appeals process or a variance application—both of which go before the City Hearings Examiner. The Hearings Examiner opinion may be subsequently appealed to the Lewis County Superior Court, if desired by either party.

Unfortunately, the city staff does not have the legal authority to deviate from City code on staff-level decisions, but can guide any developer through the process available to them. It is the City Hearings Examiner that will determine deviations from the engineering code. City Council can change the municipal code if they choose to as the public governing body—but would need to evaluate the policy behind any change to the actual code/city law as it affects the community as a whole and its public resources. The City is a recipient of grant funds to repair and maintain its public streets through the Transportation Improvement Board (TIB). The TIB takes into account whether or not a city has an ordinance preventing the immediate disturbance of new/repaired road when providing this grant funding.

Cascade was advised that it would need to communicate and work with the Planning Department/Community Development to determine any remaining items needed for application or appeal/variance process. All further communication will go through this department generally, to ensure that the information is streamlined and there is lessened chance for miscommunication.

Here are the code provisions referenced during the meeting:

Chehalis Municipal Code Chapter 12.04 ENGINEERING DEVELOPMENT CODE

12.04.040 Standards.

The city adopts, by reference, "The Standard Specifications for Municipal Public Works Construction," prepared by the Washington State Department of Transportation and the Washington State Chapter of the American Public Works Association as now enforced, or hereafter amended, as the official specifications for municipal public works construction for the city, and incorporates such standard specifications into the development engineering standards adopted by this chapter. [Ord. 739B, 2003.]

12.04.080 Changes to standards.

From time to time, changes may be needed to add, delete, or modify the provisions of these standards. These standards may be changed and, upon approval of the director of public works, will become effective and will be incorporated into the existing provisions. All changes to the standards will be presented and discussed in an open public forum. [Ord. 785B § 14 (1.04), 2005.]

12.04.100 Appeals.

Appeals of the administrative decisions of the director of public works will be as provided for in CMC [17.09.125](#). Appeals proposing deviations from technical standards must demonstrate the following: (A) no negative impact to public health and safety; (B) no negative impact to the environment; (C) no negative impact on the city's ability to safely and cost-effectively operate and maintain public utilities and infrastructure; and (D) methods and materials of equal or higher quality to the standard from which deviation is desired. [Ord. 785B § 14 (1.06), 2005.]

12.04.120 Variances.

A. Purpose. Any applicant may seek modification of the provisions of these standards where it appears that extraordinary conditions of topography, access, location, shape, size, drainage or other physical features of the site or adjacent development exist.

B. Application Procedure. Any development plan that includes a request for a variance to one or more of the requirements of these standards must be accompanied by a statement detailing any such variance(s) and the reasons therefor. Variance requests must include the technical aspects of a specific project that necessitates the need for a variance. A variance from the development engineering standards will not be granted based solely on financial or convenience issues. Upon receiving a variance request, the director of public works will review the information presented and make a determination as to the merits of the request. Upon completion of the review, the petitioner will be notified in writing of the director's decision.

C. Conditions. No variance will be authorized that would have the effect of granting a special privilege not shared by other properties in the same vicinity. To grant a variance(s), the director of public works will determine whether the following conditions have been met:

- 1. There are exceptional or extraordinary circumstances or conditions that apply only to the property referred to in the application and not to other properties in the vicinity. These include, but are not limited to, size, shape, topography, location, or surroundings. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.
- 2. The granting of the application will not, under the circumstances of the particular case, adversely affect the health or safety of persons residing or working in the neighborhood of the property referred to in the application and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood or adversely affect the comprehensive plan. [Ord. 819B § 13, 2007; Ord. 785B § 14 (1.08), 2005.]

12.04.270 General considerations.

This article provides minimum development standards supplementing the applicable standards as set forth in Article II of this chapter, and to encourage uniform development of an integrated, fully accessible public transportation system that will facilitate present and future travel demands with minimal environmental impact to the community as a whole. [Ord. 785B § 14 (2A), 2005.]

12.04.280 Streets.

P. Pavement Restoration. Trench cuts in roadways greatly degrade the condition of the pavement, as well as reduce its design life. The most significant damage can be seen in newer pavements. Pavement restoration should result in the pavement being as good as, or better than, the pre-trench cut condition. This can be achieved by the prevention of trench cuts, thorough utility coordination, and high-quality pavement restoration.

- 1. Trench Cuts in New Pavements. Trench cuts are not permitted in pavements that have been constructed or rehabilitated within five years. "Rehabilitation" includes all surface treatments such as chip seal, slurry seal, and asphalt overlay.

If there is no other option but to cut into new pavement, prior approval will be obtained from the director of public works. Pavement must then be restored in accordance with the standards of subsection (P)(3) of this section.

- 2. Transverse utility crossings must be bored or completed by another trenchless method. Bore pits must be restored in accordance with the standards of subsection (P)(3) of this section.

3. Pavement Restoration Requirements. Trench cuts, bore holes, and miscellaneous pavement repairs will be made in accordance with Standard Drawings 2-5 and 2-6 at the end of this chapter. Pavement will be restored across the entire lane. In addition, the patch will be made perpendicular to the closest affected road edge with a single, straight, continuous cut along the entire width of the required restoration. Minimum restoration width is five feet.

[. . .]

Please do not hesitate to reach out to the City as needed going forward. Thank you, again, for the time and energy you have each put into this effort and I wish you a successful path forward!

Sincerely,

Erin L. Hillier

Attorney at Law
Hillier, Scheibmeir, Kelly
& Satterfield, P.S.
299 NW Center Street
P.O. Box 939
Chehalis, WA 98532
(360) 748-3386
erin@centerstlaw.com

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Ron Wright

From: Michael Cholerton <Michael@accrete.build>
Sent: Wednesday, December 01, 2021 9:55 AM
To: Ron Wright
Subject: CMHC - Chehalis
Attachments: 135 W MAIN SNIP.JPG; Water Flow Test for 135 W. Main.pdf

Hi Ron:

You requested that I give you a rough guess on cost to run the watermain from the 6" water line in Cascade Street through the alley to the backside of the 135 West Main Building. My ROM cost guess on this work is \$250,000. This includes concrete sawcutting and patching, traffic control and a vault in the CMHC parking lot. My assumption is that we can avoid a long dead end line by placing the hydrant, vault, backflow, and FDC in a planter in the parking lot midway between Cascade Street and the entry at the building. If the City requires a loop, we would be right back where we started and would have to connect to West Main or all the way through the alley, down Saunders Ave to Alfred Street. That would probably cost closer to \$600k. So, we really want to avoid the loop idea. Note that this is not based upon an actual design. I would add \$50k to this number to cover the soft costs of civil design, permitting and sales tax. Our final price would need to be based upon engineered drawings approved by the City. We would also need to confirm location of entry into the building understanding that if we come from this SW corner, it would be lease expensive to have the riser room in that corner as well.

Sincerely,

Michael Cholerton, President



Accrete Construction LLC
801 Valley Ave NW, Suite A
Puyallup, WA 98371

253-286-3900
michael@accrete.build

Ron Wright

From: Langhoff, Chris (TIB) <ChrisL@tib.wa.gov>
Sent: Thursday, February 17, 2022 10:11 AM
To: Ron Wright
Cc: Richard Stride; Matt Patten; Mindy Greenwood; Sandra Callies;
colronjanaverill@comcast.net
Subject: RE: Cascade SUD Project - 135 West Main St - Chehalis

Follow Up Flag: Follow up
Flag Status: Flagged

Ron,

I spoke earlier this week with the city and will follow up with an email to them that TIB is okay with allowing the utility cut on Main Street considering the high cost of the alternate route as long as the pavement repair is sufficient. The city did say they had a standard detail to use. TIB would like to review whatever detail is used before the work is done. Typically pavement repairs are not compacted well and eventually create a small dip in the road along with creating new paths for water to seep in and erode the base material. It's best to cut at an existing joint if there's one nearby and take the repair all the way to the centerline joint of the roadway if the repair is only in one half of the roadway.

In the end though, the decision to allow the utility cut is ultimately up to the city as it's their road.

Thanks,
Chris

Chris Langhoff, P.E.
Washington State Transportation Improvement Board
West Region Engineer
Work: (360) 586-1157
Cell: (360) 508-5528

From: Ron Wright <rwright@rwaa.com>
Sent: Monday, February 07, 2022 4:00 PM
To: Langhoff, Chris (TIB) <ChrisL@tib.wa.gov>
Cc: Richard Stride <strider@cascaedmentalhealth.org>; Matt Patten <pattenm@cascaedmentalhealth.org>; Mindy Greenwood <greenwoodm@cascaedmentalhealth.org>; Sandra Callies <scallies@rwaa.com>; colronjanaverill@comcast.net
Subject: Cascade SUD Project - 135 West Main St - Chehalis

External Email

Chris-

Thank you for the discussion earlier today.

This is a brief summary of the issue regarding the moratorium issue at West Main Street.

The proposed project is a substance abuse disorder facility to be located at 135 West Main Street. The property is located adjacent to West Main Street, at mid-block. The building is a former church that was constructed in 1950, and now used as an outpatient facility for substance abuse disorder treatment by Cascade Community Healthcare. We are currently proceeding with the City of Chehalis Conditional Use Permit process for the project.

The facility is funded by the Washington State Department of Commerce.

This facility is classified by the State of Washington as an Essential Public Facility per WAC 365-196-550 and RCW 36.70A.200.

Because we are providing a new residential occupancy within the existing building, we are required to install an automatic fire sprinkler system. This requires a new connection to a water main. There is a water main located within the West Main Street right-of-way directly adjacent to the building. The connection would require approximately 25 feet of new below grade piping in the right-of-way. We have a bid for the design and construction of this work - \$85,000.

Because of the 5-year moratorium on development within the right-of-way of any newly paved streets, the City of Chehalis Public Works Department has indicated they will not approve the project. They instead directed the project to connect to the water main located within SW Cascade Avenue, accessing the building with a new line within the alley between West Main Street and SW Alfred Street. Because of the distance to the building from SW Cascade Avenue the connection is required to be a loop connection which means the new line has to have a second connection to a water main. The Public Works Department has indicated this could be a connection from SW Cascade Avenue to either North Market Blvd. or to Saunders Avenue and then south to SW Alfred Street. This results in either 800 or 600 feet, respectively, of new water line and street repair work. The bid received for this water line work is \$600,000.

The entire construction budget for the project is \$700,500. The imposition of the \$600K costs would result in the cancellation of the project.

During a meeting today regarding the project, the City expressed the concern that if the connection is allowed, the City would potentially be impacting its standing in the grant process of your agency for future work. In other words, they are expressing the concern that if they allow the facility to connect the water line at Main Street they will impact their future standing in the competitive grant approval process.

As noted, the facility is designated as an Essential Public Facility. In summary, the City is indicating they will not allow the project to proceed because of the possibility of losing standing with your agency with regard to future street improvement funding.

It would help the process to have a statement from your agency that clarifies that the work to allow for the development of the Essential Public Facility will not be detrimental to the City in the review of future grant applications.

In our discussion we also discussed the possible amount of trench work required. We will work to obtain that information for you.

Ron Wright, AIA
rwright@rwaa.com
(206) 728-4248
CELL (206) 910-7470

Ron Wright & Associates/Architects, P.S.
2003 Western Avenue, Suite 610
Seattle, Washington 98121