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City of Chehalis

Planning Commission

Staff Report

May 10, 2022

To: Planning Commission
From: Tammy Baraconi, Planning and Building Manager
Date: May 10, 2022
Subject: 2022 Updates to the Land Use map and the Zoning map

Introduction

As per CMC 17.09.210(C)(2), The City of Chehalis may only take requests to update the Comprehensive Plan once a year, between January 1 and March 1st. This year the City received seven (7) separate rezone requests (Exhibit A). In addition, staff has been made aware of hardships that have been created with incompatible zoning in various places within the community such as in the Urban Growth Area (UGA) and along Market Boulevard.

Many properties within the UGA are used as either residential (RUGA) or commercial and industrial. Commercial and industrial uses are typically zoned correctly and present no issues in the UGA. However, the RUGA presents obstacles to creating smaller lots. And smaller lots, such as our 6000 square foot minimum are the goal of the Growth Management Act. Plus, the removal of the RUGA and converting to R-1, R-2, etc ensures for a more consistent application of the zoning regulations.

Market Boulevard presents yet another unique challenge. Most of the area is zoned commercial while the actual uses are split between residential and commercial. Commercial zoning for residential uses make it harder to either sell or re-fi homes as residential in a commercial is considered a legal, non-conforming use. As per CMC 17.03.080(E), non-conforming uses that are damaged more than fifty percent must be rebuilt to conform with the zoning, which on Market Blvd is commercial. The compromise for this area is a mixed commercial residential zone.

The mixed commercial residential zone will allow for neighborhood commercial such as grocery stores, doctor's offices, medical buildings etc as well as single family homes up to multi-family with maximum density of 18 units per acre.

There are also zoning challenges with areas in which small neighborhood stores, such as the Newaukum Valley Country Store. To appropriately zone the Store to commercial and the surrounding properties as residential means that only one property will be zoned commercial. This constitutes spot zoning, which is illegal in the State of Washington. For this reason, these areas are much more appropriately zoned as mixed commercial residential.

Finally comes the last Essential Public Facility zoning. RCW 36.70A.200 states that essential public facilities are facilities that are typically hard to site such as schools, prisons, or transportation facilities. The intent of the RCW is to ensure that we do not preclude these types of uses from our community. By zoning specific uses as EPF, as they are currently being used, we are precluding them from our community. For the areas that are currently zoned EPF, it is proposed that they be rezoned to Open Space/Government. We can then go back to

the code and create language within the code that allows for the siting of essential public facilities in a way that is conforming with State regulations.

Public Notification and Comment

Public notice was published in The Chronicle on April 26, 2022 and posted on the City’s website.

Environmental Review

Environmental review will occur after the Planning Commission has made a recommendation and prior to the maps going to the Department of Commerce for review.

Process

After the public hearing phase is complete with the Planning Commission, the process moving forward will occur as follows:

1. Environmental review will be conducted and a SEPA decision will be issued.
2. The WA Dept of Commerce will have 60 days to review the proposed changes.
3. After Commerce has completed their review, it will come back to the City for a public hearing with the City Council.
4. The public hearing with the City Council will allow the public another opportunity to comment on the proposed changes.
5. The maps will be broken into two (2) hearings with the Council, an ordinance to amend the Comp Plan for the Land Use map and an ordinance to amend the Zoning map. Both will go into effect 7 days after the ordinances are published in The Chronicle.

Staff Analysis and Recommendation

As per CMC 17.09.210(K) the following criteria must be met for approval of modifications or amendments to the Land Use Map or Zoning Map.

K. Decision Criteria. The planning commission may recommend, and the city council may approve with modifications, an amendment to the plan if:

1. There exists an obvious technical error in the pertinent comprehensive plan provision; or

Staff does not find this applicable as this update is a general update of mapping.

2. The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion that the application merits approval or approval with modifications; and

Staff finds that this proposal is primarily proposed by City Staff. We further find that there is sufficient evidence to support the recommended conclusion.

3. The amendment bears a substantial relation to public health, safety and welfare; and

Staff finds that the changes will not impact public health, safety, or welfare.

4. The amendment addresses changing circumstances or the needs of the city as a whole; and

Staff finds that recent changes in the housing market warrant these changes for the City as a whole.

5. The amendment is compatible with the provisions of the comprehensive plan or other goals and policies of the city; and

Staff finds these changes to be compatible with the established goals and policies of the City.

6. If applicable to an identified property, the amendment is compatible with adjacent land use and surrounding neighborhoods; and

Staff finds that all proposed changes are compatible with adjacent land use and the surrounding neighborhoods.

7. The amendment will not result in development which will adversely impact community facilities, including, but not limited to, utilities, transportation, parks or schools.

Staff finds that the proposed changes to the Land Use map and Zoning map will not adversely impact community facilities including but not limited to, utilities, transportation, parks, or schools.

Staff recommends approval of the proposed changes to the Land Use map and Zoning map as presented.

Suggested Language

If Approve

Make a POSITIVE recommendation to the City Council for the proposed changes to the Land Use map and Zoning map subject to the following condition(s):

The Planning Commission approved the proposed changes to the Land Use map and Zoning map without conditions.

If Deny

Make a NEGATIVE recommendation to the City Council for proposed changes to the Land Use map and Zoning map for the following reason(s):

If Table

Make the motion to TABLE the proposed changes to the Land Use map and Zoning Map for the following reason(s):
