



CITY OF CHEHALIS  
Community Development Dept.  
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Chehalis, WA 98532  
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## **Conditional Use/PUD and Variance Application**

### **17.09.115 Conditional use/planned unit development (PUD).**

A. A permit to allow a conditional use or a planned unit development (PUD) may be approved when:

1. The use proposed in the application is not listed on the zoning use chart, CMC [17.78.020](#), or any special or environmental district use criteria (Divisions III and IV of this title) as a prohibited use in the zone or district in which the proposed use would be located; and
2. The procedures set forth in CMC [17.09.130](#), notice, have been followed; and
3. The examiner or planning commission has found that the proposed use is consistent with the objectives and purposes of this title and with the comprehensive plan; and
4. The examiner or planning commission has found that the proposed use is compatible with surrounding land uses and with the general character of the district in which it would be located; and
5. In the case of a conditional use permit allowing the continuance or reestablishment of a nonconforming use:
  - a. The nonconforming use possessed substantial value at the time of discontinuance; and
  - b. The owner can demonstrate substantial hardship if the conditional use is denied; and
  - c. No violations of this title nor any public nuisance would be created by the proposal if approved; and
  - d. The overall community will not be materially damaged by grant of the permit.

B. In considering an application for a conditional use permit or a PUD:

1. If the proposed use is identified in the zoning use chart, CMC [17.78.020](#); the shoreline master program (SMP) (Chapter [17.18](#) CMC and Appendix Chapter R); or any special district (Division IV of this title) as a listed conditional use, the burden to demonstrate that the proposal should be denied rests with the public;
2. If the proposed use is not identified in any use chart in this title as a listed conditional use, the burden to demonstrate that the proposal should be approved rests with the applicant.

C. In considering an application for a conditional use or PUD, the examiner or planning commission may impose modifications or conditions on the application necessary to ensure compliance with this title and the comprehensive plan. Such modifications or conditions may relate to the following:

1. Size and location of the site;
2. Street and road capacities in the area;
3. Ingress and egress to adjoining public streets;
4. Location and amount of off-street parking;
5. Internal traffic circulation system;
6. Fencing, screening, and landscaped buffer areas;
7. Building bulk and location;
8. Usable open space;
9. Signs and lighting;
10. Drainage of storm water;
11. Noise, vibration, air pollution and other environmental influences; and
12. Other pertinent factors.

D. All approved site plans relating to conditional uses and PUDs, including modifications and conditions, shall be made a part of the permanent address file and any development permit for the property.

E. No approved conditional use permit or PUD may be modified, enlarged, or expanded in ground area unless the site plan is amended and approved in accordance with any variance procedures applicable to such proposal.

F. A conditional use permit approved by the examiner and issued by the administrator shall expire 90 days from the date of issuance if no substantial activity has occurred to implement the approved proposal. A PUD approved by the planning commission shall expire 180 days from the date of approval if no substantial activity has occurred to implement the approved proposal. [Ord. 720B § 1, 2002.]

### **17.09.120 Variance.**

A. Where unnecessary hardships or practical difficulties resulting from peculiarities of a specific property render it difficult or inequitable to carry out all provisions of this title, the examiner shall have the authority to grant a variance if all the following conditions are met:

1. The variance will not constitute a grant of special privilege inconsistent with the limitation upon development of other properties in the vicinity and zone in which subject property is located; and
2. Such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with development rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; provided, that such unusual circumstances or conditions have not been created by action or acquiescence of the applicant; and
3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and
4. The granting of such a variance will not be inconsistent with the comprehensive plan; and
5. The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of any adjacent property.

B. An application for a variance shall be accompanied by a written statement as to how the request is consistent with subsection (A) of this section and the burden of demonstrating such consistency lies with the applicant. In authorizing a variance, the examiner or planning commission may attach thereto such conditions regarding the location, character, or other features of the proposed structures or uses as it may deem necessary to carry out the intent of this title.

C. Unless another time limit is established during the approval process, a variance so authorized shall become void after 90 days if no substantial construction has taken place in accordance with the plans for which the variance was authorized. [Ord. 720B § 1, 2002.]

**THE APPLICANT OR A REPRESENTATIVE MUST ATTEND THE PUBLIC HEARING.**

A **DIMENSIONED** SITE PLAN MUST BE ATTACHED TO THIS APPLICATION SHOWING ALL OF THE FOLLOWING ITEMS:

1. Size and location of the parcel.
2. Streets, roads and external traffic flow routes in the area.
3. Ingress and egress routes.
4. Location and amount of both on-street and on-site parking spaces.
5. Internal traffic flow routes.
6. Fencing, screening and landscaped buffer areas.
7. All existing and proposed buildings.
8. Usable open space.
9. Signs and lighting.
10. Drainage flow of storm water.
11. Noise, air pollution and other environmentally sensitive sources/areas.
12. Directional arrow (north)
13. Any other pertinent factors.

**A FLOOR PLAN OF ALL STRUCTURES IS ALSO REQUIRED FOR ANY NEW DEVELOPMENT OR CHANGE OF USE/OCCUPANCY.**

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**APPLICATION FEE –**

- **Pass through fee for either Conditional Use or Variance: Submittal fee \$200**  
**The applicant is responsible for Hearings Examiner fees over \$200 not to exceed \$500**
- **Fee for Planned Unit Development is \$300**
- **SEPA fee is \$200.**

*(NOTE: A conditional use for non-residential development and/or PUD application will require a SEPA checklist and the SEPA fee. Typically, no SEPA is required for Variances)*

Receipt # \_\_\_\_\_ Date received: \_\_\_\_\_ Project #: \_\_\_\_\_

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**THE PUBLIC HEARING FOR THIS APPLICATION WILL BE held in the Council Chambers located at Chehalis City Hall, 350 N Market Blvd., Chehalis, WA 98532**

**Conditional Use or Planned Unit Development Attachment**

**Submit with Cover Sheet**

**City of Chehalis**

**Community Development Department**

1321 S MARKET BLVD

CHEHALIS, WA 98532

(360) 345-2229 email: [comdev@ci.chehalis.wa.us](mailto:comdev@ci.chehalis.wa.us)

Choose one:



Conditional Use



Planned Unit



Variance

Development (P.U.D.)

**A SEPA checklist is required with Conditional Use or PUD applications.**

**SPECIFIC PROPERTY INFORMATION:**

Address: 1258 SE Washington Ave., Chehalis

Tax parcel #(s) 005604-191-000

Legal

Description: Lot 18 of Aust's Addition to the City of Chehalis, as recorded in volume 4 of plats page 35, records of Lewis County, Washington.

LOT WIDTH about 109 ft DEPTH about 110 ft SQ. FT. 10,440 sq ft

[The lot is not perfectly square; these are the longest lengths in each dimension. The square footage reflects the irregular shape.]

**PROVIDE A DETAILED DESCRIPTION OF THE PROPOSAL (attach additional pages if necessary):**

For over three years, the Lewis County Drug Court and Family Recovery Court have been renting the house at 1258 SE Washington Ave for use as a shared house for unsheltered program participants. This is a form of transitional housing in which participants in those programs, with no suitable place to live, can have a stable residence while they attend treatment, group therapy, court proceedings and events, and attempt to gain employment and otherwise improve their lives. The Drug Court / Family Recovery Court staff manage participants' residency in the house, which is necessarily a clean and sober facility. The program provides support and monitoring, assistance in attending the necessary programs and treatment and eventually in finding a job, and structure / sanctions for noncompliance to help participants make meaningful life change. A body of committed Drug Court / Family Recovery Court alumni provide peer support, as well. Residency at the house requires one to be a participant in good standing in one of these therapeutic courts, which are time-limited programs—so, the houses are necessarily transitional, as participants move through the program into self-sufficiency.

This house has crucially improved the effectiveness of the Drug Court and Family Recovery Court programs. Stably housed participants are far more able than homeless participants to succeed in treatment and find housing and employment elsewhere, increasing the chances of graduating the program. This reduces criminal recidivism and reunites families, saving taxpayer dollars and bettering our community.

Lewis County began the process of purchasing the house this fall, to preserve this use for the future. In so doing, it discovered that the previous property owner had not undergone the conditional use permit process necessary for this use at this location. Lewis County seeks to remedy that problem and permit the house as a fully compliant, permanent location for the Drug Court house. The program has had good relationships with the neighbors; the lack of any significant neighborhood concern over the last three years demonstrates that this program can live comfortably in the area without changing its character or disrupting the peace or property values of the community.

**ANSWER ALL OF THE FOLLOWING QUESTIONS IN COMPLETE DETAIL:**

**1. WHAT IS THE USAGE OF OTHER SURROUNDING PROPERTIES IN THE VICINITY OF THIS PROPOSAL?**

The surrounding properties are a mix of uses. Single family residences appear on Washington Ave, proceeding southeast. Across the street is an orthodontist's office and a professional services building. To the northwest is the large Safeway store and its parking lot. There is reportedly a multifamily housing facility being permitted to the north nearby.

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**2. IS THERE A UNIQUE CIRCUMSTANCE RELATIVE TO YOUR PROPERTY, BUT NOT THE REST OF THE NEIGHBORHOOD, THAT MAKES THE CONDITIONAL USE OR VARIANCE NECESSARY? Such as, size, shape, topography, location, surroundings, etc.**

There are a few. First, this is an R1-zoned lot of 10,000+ sq ft on an arterial street, and so a duplex would be allowed. CMC 17.78.020 at R321 & n. 5. Under the city's definitions, up to six unrelated people can share a single dwelling unit, see Title 17 CMC Appendix F at R003 & R005, even before considering RCW 35A.21.314's disallowance of such maximums. So, the house itself could support up to 12 unrelated residents as a duplex. The CU here would regularize and permit a use of similar scope.

Second, the house has been used as a duplex and commercial use before, apparently for many years without permitting. It was the site of a mediation center that created two finished spaces joined by a staircase and doorway; subsequent owners used and marketed it as a duplex because of this layout and its significant size (3400 sq ft). The CU here would match the zoning to the current use of the property, which has not been a single-family residence for some time, and mesh with the other nearby multifamily residential or commercial uses. It is highly encouraged by RCW 35A.21.430, as well.

Third, over three years ago, the Lewis County Drug Court began renting the house as transitional housing for program participants. In purchasing the house this year, Lewis County discovered that the prior owner had not permitted the facility for this use. The CU here represents a voluntary compliance effort by Lewis County, which respects the City's laws and wishes its use to comply with them.

**3. WILL THIS PROPOSAL, IF GRANTED, AFFECT ANY OTHER ADJACENT PRIVATE OR PUBLIC PROPERTY IN ANY PHYSICAL MANNER OR BE MATERIALLY DETRIMENTAL?** \_\_\_\_\_

No. Granting this proposal will merely continue the existing use of the property.

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**4. WILL THIS PROPOSAL, IF GRANTED, AFFECT THE VISUAL CHARACTERISTICS OF THE NEIGHBORHOOD?** \_\_\_\_\_

Presumably not - the Drug Court has been using this house for three years, with apparently few or no signs that anything out of the norm was occurring. This permit would only continue its uses as a shared residence.

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**5. WILL THIS PROPOSAL, IF GRANTED, AFFECT THE COMPREHENSIVE PLAN FOR THE ZONE, VICINITY, OR NEIGHBORHOOD?** No. This housing facility

is consistent with City Goals H.01, H.01.01, H.01.02, H.01.07, H.03.02, and H.05.02 from the Housing Element of the City's Comprehensive Plan, and with HB 1220.

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**6. IS THIS PROPOSAL A CONTINUANCE OR RE-ESTABLISHMENT OF A PRE-EXISTING NONCONFORMING USE? PLEASE EXPLAIN:** Yes, although not a permitted

one. It would regularize the longstanding use of this residence. See question 2, above.

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**7. WILL A SUBSTANTIAL HARDSHIP BE CREATED IF THIS PROPOSAL IS DENIED?** Yes. The occupants of 1258 Washington Ave are unsheltered; rehousing

them elsewhere will be difficult if the City declines to permit their residency there.

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**8. WILL THIS PROPOSAL, IF GRANTED, CREATE A VIOLATION OF THE CHEHALIS MUNICIPAL CODE OR A PUBLIC NUISANCE AS DEFINED BY TITLE 7?**

No. Transitional housing is now required to be allowed in any zone in which residential housing is allowed. RCW 35A.21.430. A CU permit is the proper means to square this state law with the existing city code, which ostensibly prohibits congregate residences in R1 and is partially preempted by the new state law. The City has digested this and previously permitted transitional housing on Main St as a CU, using a similar theory.

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**ADDITIONAL COMMENTS:** This property is suitable for the proposed use in terms of its size, configuration, and prior use of the structure. It is near transit and other services, within close supervisory distance of law enforcement and the Drug Court staff, and is nested in an area characterized by mixed commercial and residential uses, including multifamily residential uses. It has adequate parking and facilities for the proposed occupancy, and such facilities can be improved if necessary. In short, it has fit in the area for three years, and it can continue to do so as a conditionally permitted use. Please grant the application.

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**The city may require additional information to explain the nature and scope of the proposal and its impact on the vicinity or neighborhood in sufficient detail to perform the required analysis.**