

City of Chehalis
Hearing Examiner
Staff Report
December 7, 2023
9:00am

To:	Hearing Examiner	Zoning:	General Commercial
From:	Malissa Paulsen	Property Size:	12.37 acres; 12 acres
Date:	December 7, 2023	Assessor Parcel:	021630003000, 021629002000
Subject:	VR-23-001 Road and Utility variance request for multifamily development.		
Location:	0 NE Kresky Ave, Chehalis WA Parcel No. 021629002000, 021630003000		

Project Description

On September 12, 2023, Raindrop Properties LLC (John Braun) applied to request for variance to convert an existing private access road to a new Commercial Collector public roadway from NE Kresky Avenue through Parcel No. 021630003000 and extend onto Parcel No. 021629002000. The applicant is requesting the variance to expand the standard right-of-way, reduce the standard pavement width, remove the parking lane requirement on both sides of the proposed road, increase the maximum grade to twelve percent (12%) from ten percent (10%), and reduce the sidewalk requirement from both sides of the road to only one.

The table below reflects the existing standards for Commercial Collector Roads, and the applicant’s requested changes.



Figure 1. Vicinity Map

Commercial Collector	Existing Standards	Requested Variance
Standard Right of Way	66 feet to 78 feet	80 feet
Standard Pavement Width	40 feet	34 feet
Parking Lane	8 feet, both sides	No parking lanes
Minimum/Maximum Grade	0.5% to 10%	0.5% to 12%
Curb and Gutter	Both Sides	No Change
Sidewalks	6 feet, both sides	6 feet, single side
Design Speed	30 MPH	No Change
Minimum Centerline Radius	150 feet	No Change

Table 1. Standards and Variance Request for Commercial Collector

Public Notification

Notice for the public hearing was mailed to neighboring property owners within 300 feet on November 3, 2023, posted to the physical site on November 6, 2023, and published in The Chronicle on November 8, 2023. The comment period ended on November 17, 2023.

Public Comment

As of the writing of this staff report, no written comments have been received regarding the public hearing.

Environmental Review

On November 6, 2023, staff issued a combined Notice of Application and Mitigated Determination of Non-Significance (MDNS) through the optional MDNS process for this project based upon the preliminary site plan and SEPA checklist submitted. (Exhibit C). The appeal period on this project closed on December 1, 2023. As of the date of the writing of this staff report, no appeals have been received.

Adjacent Land Use

North: Undeveloped/Vacant; Zoned – Lewis County
South: Sky View Mobile Home Park; Zoned GC, General Commercial
East: Undeveloped/Vacant; Zoned – Urban Growth Area, R1
West: Commercial Retail; Zoned – GC, General Commercial

Staff Code Analysis

CMC 12.04.280 Streets.

- A. General. City streets are classified as arterials, collectors and local access streets in accordance with regional transportation needs and the functional use each serves. Function is the controlling element for classification and will govern right-of-way, street width, and street geometries. The public works department or designated consultant will determine the classification of new streets.

Street design must provide for the maximum loading conditions anticipated. The width and grade of the pavement must conform to specific standards set forth herein for safety and uniformity. See Table I, Minimum Street Standards.

Staff analysis: Staff finds that the applicant shall provide for the maximum loading conditions anticipated in the street design.

- B. Design Standards. The design of streets and roads will depend upon their type and usage. The design elements of city streets will conform to these standards as set forth herein and current design practices as set forth in Article II of this chapter.

The layout of streets will provide for the continuation of existing principal streets in adjoining subdivisions or of their proper projection when adjoining property is not subdivided. Minor streets, which serve primarily to provide access to abutting property, will be designed to discourage through traffic. See Table I, Minimum Street Standards.

The standards for Commercial Collector streets are outlined below, for the complete table, please see Exhibit F.

Design Standard	Commercial Collector	Applicant Response	Staff Analysis
Design Limitations	N/A	Not applicable.	Not applicable.
Minimal Structural Design	See Standard Drawing No. 2-2	Not applicable.	Not applicable.
Standard Right-of-Way	66' – 78'		The applicant has requested a right-of-way width of 80 feet. Staff finds that the requested variance is in excess and is not necessary as the applicant is proposing a reduction to the overall road width. Staff does not recommend approval of the request to expand the right-of-way width outside of the 66'-78' ft engineering development standard, to 80 ft.
Standard Pavement Width	40'	The 40-foot width listed in the standards is based on having two 8-foot parking lanes along the commercial collector roadway. With an approved section, or two 11-foot lanes with 6-foot shoulders. AASHTO Green Book Section 6 – Geometric Design specifies collector travel lanes should be between 10 and 12 feet in width.	The applicant has requested a reduction to the standard pavement width requirement from 40 feet to 34 feet. Staff finds that the requested variance from the 40 ft standard pavement width to 34 ft does not leave sufficient room for left or right turn pockets as the minimum width would calculate to 37.33 feet. Additionally, due to zoning, it is the departments determination that truck traffic should be anticipated which would also require left and right turn pockets to ensure fluid traffic patterns during delivery and peak hour traffic occurrences. Additionally, a 34 ft commercial road design does not leave room for a shoulder creating difficulty for first responders as there would be no room for traffic to move to the right in a “lights and sirens” event. Staff does not recommend approval of the request to reduce pavement width below the minimum required engineering development standard of 40 ft to 34 ft.

Parking Lane	8' Both Sides	The project proposes no parking lanes on this access road due to the site grades and [potential] additional ground disturbance associated with wider road section they create.	The applicant has requested a reduction to the standard parking lane requirement from 8 feet on both sides, to none parking lanes required. Staff does not recommend approval of on-street parking requirements below the minimum required engineering development standard.
Minimum-Maximum Grade	0.5% - 10.0%	The project proposes a maximum grade increase to 12% for the proposed commercial collector road. The applicant advises that "due to the topography of the site a 10% grade is unachievable for the initial section of the road to serve the future multi-family development. Future road extension east up the hillside at 10% grade is not feasible due to the elevation change to reach the top elevations of Section 21.	The applicant has requested an increase to the maximum grade allowance from 10.0% to 12.0%. CMC 12.04.280(B)(2) states "Street grade should conform closely to the natural contour of the land. In some cases the public works department or designated consultant may require a different grade. The minimum allowable grade will be one-half percent. <u>The maximum allowable grade will be eight to 15 percent depending on the street classification.</u> " According to Table I, the maximum allowable grade for a Commercial Collector Street is 10.0%. Staff finds that the requested variance would fall outside of the maximum allowable grade for commercial collector streets. Staff does not recommend approval of road grades that exceed maximum engineering development standard for that road class.
Curb	Both Sides	Not applicable, no change requested.	Not applicable.
Sidewalks	Both Sides 6' (min.) 8' – pedestrian corridor 10' – zero lot setback	The project proposes one single 6-foot sidewalk along the new road to minimize the width of the road section. Reducing the number of sidewalks from both sides to only one, also reduces the associated impact to the existing stabilized uphill side of the road while providing safe pedestrian access along the road. Sidewalks along the west side would require fall protection railing for most of the road length due to the steeper fill slopes along the west side of the road.	The applicant has requested a reduction to the sidewalk standard from requiring both sides to only one side of the road with a fall protection railing. Staff finds that the requested variance falls outside of the minimum standard. Staff does not recommend approval of pedestrian/multi-modal traffic conveyance below the minimum required engineering development standard.
Cul-de-Sac Radius/(Pavement Radius)	50'/(50')	Not applicable, no change requested.	Not applicable.
Intersection Curb Radius	35'	Not applicable, no change requested.	Not applicable.
Design Speed (MPH)	30'	Not applicable, no change requested.	Not applicable.
Minimum Centerline Radius	150'	Not applicable, no change requested.	Not applicable.

CMC 12.04.120 Variances.

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:

Staff analysis: The director of public works determined that in the case of this request, to ensure no effect of granting a special privilege, the determination shall be made by the hearings examiner and follow the same procedure as a land use variance.

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.

Staff analysis: Staff finds that the applicant has not provided evidence of exceptional or extraordinary circumstances or conditions which apply only to the property which would not allow for alternative designs that meet the minimum and maximum street standards.

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.

Staff analysis: Staff finds that the proposal may adversely affect the health and/or safety of persons residing or working in the neighborhood of the property in times of inclement weather. The health and safety of persons residing or working in the neighborhood would be impacted as a concern is the ability for first responders to maintain right-of-way in a "lights and sirens" event, and for the road to maintain sufficient safe conditions in the event of inclement weather. Staff further finds that the proposal will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated, nor adversely affect the comprehensive plan.

Staff Recommendation

The staff recommendation listed below incorporates all of the comments received.

*Staff **DOES NOT RECOMMEND APPROVAL** of Variance VR-23-001 for an alternative road cross section and maximum road grade for a proposed commercial collector road to replace a private access road starting from NE Hampe Way.*

Exhibits

- Exhibit A: Staff Report
- Exhibit B: Variance Application Package
- Exhibit C: Mitigated Determination of Non-significance, Environmental Checklist, Preliminary Site Plan (SEPA-23-004)
- Exhibit D: Notice of Application and Hearing
- Exhibit E: Preliminary Site and Grading Plan Set
- Exhibit F: Title 12 STREETS/SIDEWALKS/PUBLIC PLACES – CMC 12.04.280 - Table 1. Minimum Street Standards
- Exhibit G: Standard Drawing No. 2-2