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Community Development Dept.
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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.

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 #: _____

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

ANSWER ALL OF THE FOLLOWING QUESTIONS IN COMPLETE DETAIL:

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

See Attached Narrative

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.

See Attached Narrative

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

See Attached Narrative

4. WILL THIS PROPOSAL, IF GRANTED, AFFECT THE VISUAL CHARACTERISTICS OF THE NEIGHBORHOOD? _____

See Attached Narrative

5. WILL THIS PROPOSAL, IF GRANTED, AFFECT THE COMPREHENSIVE PLAN FOR THE ZONE, VICINITY, OR NEIGHBORHOOD? _____

6. IS THIS PROPOSAL A CONTINUANCE OR RE-ESTABLISHMENT OF A PRE-EXISTING NONCONFORMING USE? PLEASE EXPLAIN: _____

See Attached Narrative

7. WILL A SUBSTANTIAL HARDSHIP BE CREATED IF THIS PROPOSAL IS DENIED? _____

See Attached Narrative

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

See Attached Narrative

ADDITIONAL COMMENTS: _____

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.

Legal Descriptions for parcels:

- (a) Section 20 Township 14N Range 02W S 522.6' NE4 NE4 E NE KRESKY RD EX N 462.6' W 275'
- (b) Section 20 Township 14N Range 02W CHEHALIS E 660' N 798' NE4 NE4

Road Variance Narrative - Attachment

Project Detailed Variance Description

The proposed Road Variance Request is being submitted in conjunction with a Conditional Use for the subject property being developed as multi-family on a 12-acre lot currently zoned as C1-Commercial. The project includes converting an existing private access road to a new Commercial Collector public roadway from NE Kresky Avenue up to the subject property and existing commercial development on the adjacent parcel to the south. We are requesting this variance based on this road will continue past the site in the future to serve a large master plan community on Section 21. The new access road will be re-aligned with NE Hampe Way. New utility infrastructure will be installed as part of this project that includes sewer, water, water booster pump, natural gas, street lighting and other dry utilizes to serve the new project.

The variance is requesting an alternative road cross section and allow a road grade that exceeds the maximum grade allowed for a Commercial Collector. Below are the current minimum standards as outlined in the City of Chehalis Development Guidelines and our requested change:

<u>Commercial Collector</u>	<u>Existing Standards</u>	<u>Requested Variance</u>
Standard Right of Way	66' to 78'	80'
Standard Pavement Width	40'	34'
Parking Lane	8' Both Sides	No Parking Lanes
Min/Max Grade	0.5% to 10%	0.5% to 12%
Curb and Gutter	Both Sides	Both Sides
Sidewalks	6' Both Sides	6' Single Side
Design Speed	30 MPH	30 MPH
Min. Centerline Radius	150'	150'

Variance Requests:

Reduction in Pavement Width: 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 variance to not allow parking, the minimum commercial road width would be a 22 ft. road section, or two 11 ft. lanes with 6 ft shoulders. We are proposing a 34 ft. total road width that would provide two 11 ft. 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. Exhibit 6-5 below outlines recommended

traveled way widths and shoulder widths. The proposed road width of 34 feet meets the design volume for a 30 MPH design speed up to 2000 veh/day and over 2000 veh/day with a reduction in shoulder width of 3 feet. Below is a copy of Exhibit 6-5 from the AASHTO Greenbook.

Metric					US Customary				
Design speed (km/h)	Minimum width of traveled way (m) for specified design volume (veh/day) ^a				Design speed (mph)	Minimum width of traveled way (ft) for specified design volume (veh/day) ^a			
	under 400	400 to 1500	1500 to 2000	over 2000		under 400	400 to 1500	1500 to 2000	over 2000
30	6.0 ^b	6.0	6.6	7.2	20	20 ^b	20	22	24
40	6.0 ^b	6.0	6.6	7.2	25	20 ^b	20	22	24
50	6.0 ^b	6.0	6.6	7.2	30	20 ^b	20	22	24
60	6.0 ^b	6.6	6.6	7.2	35	20 ^b	22	22	24
70	6.0	6.6	6.6	7.2	40	20 ^b	22	22	24
80	6.0	6.6	6.6	7.2	45	20	22	22	24
90	6.6	6.6	7.2	7.2	50	20	22	22	24
100	6.6	6.6	7.2	7.2	55	22	22	24	24
					60	22	22	24	24
Width of shoulder on each side of road (m)					Width of shoulder on each side of road (ft)				
All speeds	0.6	1.5 ^c	1.8	2.4	All speeds	2.0	5.0 ^c	6.0	8.0
^a On roadways to be reconstructed, a 6.6-m [22 ft] traveled way may be retained where the alignment and safety records are satisfactory. ^b A 5.4-m [18-ft] minimum width may be used for roadways with design volumes under 250 veh/day. ^c Shoulder width may be reduced for design speeds greater than 50 km/h [30 mph] as long as a minimum roadway width of 9 m [30 ft] is maintained. See text for roadside barrier and offtracking considerations.									

Exhibit 6-5. Minimum Width of Traveled Way and Shoulders

Parking Lanes: The project proposes no parking lanes on this access road due to the site grades and additional ground disturbance associated with the wider road section they create. A pre-application meeting for this project was conducted with the City of Chehalis. In that meeting, RB Engineering discussed the potential removal of parking along the commercial collector road and city staff were in favor of that change due to the limited accesses and driveways along the road and steeper road grade.

Max. Grade: The project is requesting a maximum grade increase to 12% for the proposed commercial collector road. Due to the constraints of the topography of the site a 10% grade is unachievable for the initial section of this road to serve the proposed 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.

AASHTO Green Book Section 6 – Geometric Design specifies a minimum grade for collector streets in mountainous terrain at 12% grade. With the initial length of road and future extension into the mountainous terrain, an allowance of 12% meets AASHTO

guidelines for a design speed of 30 MPH. Below is a copy of Exhibit 6.4 from the AASHTO Greenbook.

Type of terrain	Metric								US Customary								
	Maximum grade (%) for specified design speed (km/h)								Maximum grade (%) for specified design speed (mph)								
	30	40	50	60	70	80	90	100	20	25	30	35	40	45	50	55	60
Level	9	9	9	9	8	7	7	6	9	9	9	9	9	8	7	7	6
Rolling	12	12	11	10	9	8	8	7	12	12	11	10	10	9	8	8	7
Mountainous	14	13	12	12	11	10	10	9	14	13	12	12	12	11	10	10	9

Note: Short lengths of grade in urban areas, such as grades less than 150 m [500 ft] in length, one-way downgrades, and grades on low-volume urban collectors may be up to 2 percent steeper than the grades shown above.

Exhibit 6-8. Maximum Grades for Urban Collectors

Sidewalk Both Sides: *The project is proposing a single 6 ft. sidewalk along the new road to minimize the width of the road section. This will reduce the associated impact to the existing stabilized uphill side slope along the eastern side of the existing private road access. A single sidewalk on the uphill side of the road provides 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. Providing the single sidewalk along the road retains a safe pedestrian path to access the commercial areas along NE Kresky Ave.*

1. What is the surrounding usage of other surrounding properties in the vicinity of this proposal?

The parcel immediately adjacent to the south supports the existing Elks Lodge and associated parking. Parcel to the west is undeveloped, with properties along Kresky include commercial uses (PCLI, Fergusons, Concrete Accessories, etc.). Properties to the north include undeveloped residentially zoned parcels. Properties to the east are part of a Master Planned development that will include residential and neighborhood commercial uses.

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.

The existing road grades have been established via private roads. The road grades were set based on minimizing disturbance to the steep hillside and this new public road will maintain those grades. However, these grades exceed the minimum slope of a Commercial Collector Roadway per City Development Standards. The steep topography and property limits of the site dictate the minimum grades necessary to provide access to the existing, new, and future developments.

3. Will this proposal, if granted, affect any other adjacent private or public property in any physical manner or be materially detrimental?

No, the reduced road width and minimum grades will provide safe public access to this proposed multi-family development and the existing commercial development served by the current private access road.

4. Will this proposal, if granted, affect the visual characteristics of the neighborhood?

Granting the road width and grade variance will have a minor impact on the visual characteristics of the area due to the vegetation being removed to construct the new public road. The final road construction will be consistent with the existing visual characteristics of the commercial area.

5. Will this proposal, if granted, affect the comprehensive plan for the zone, vicinity, or neighborhood?

No, the road variance does not impact the comprehensive plan.

6. Is this proposal a continuance of re-establishment of a preexisting nonconforming use?

No

7. Will a substantial hardship be created if this proposal is denied?

Yes, meeting the minimum Commercial Collector road section would result in additional 6 feet of cut into the native hillside that would extend approximately 100 feet up the steep slope. Grading of this magnitude could impact the commercial building above the road and opening the native vegetated slope to potential stability issues. The existing commercial building located above the road has already had past slope stability issues that have since been mitigated.

Additional Comments: