

Development Review Committee is represented by the City of Chehalis:
Building and Planning | Engineering | Public Works | Fire Department | Police Department | Airport

Development Review Committee Agenda

Chehalis Building and Planning Department
February 7, 2024, at 9 A.M.
Meeting Location: Chehalis Airport Conference Room

9:00 AM Pre-application Conference AC-24-001

Applicant proposes to redevelop existing industrial site with 16 buildings and numerous structures to 2 new rear load Class A industrial facilities of approximately 451,980 sq ft and 40,000 sq ft. Lewis County Parcel # 005610005000 on approximately 44.910 total acres, zoned IH, Heavy Industrial.

9:30 AM – 10:15 AM Rezone Requests: RZ-23-002, RZ-23-003, RZ-23-004, UGA-PFA-2023-001

The City of Chehalis is considering applications for multiple Comprehensive Plan Map amendments as a part of the 2023 annual comprehensive plan update.

9:30 AM RZ-23-002; 167 Kirkland Rd on parcel 017873003000 requesting to be brought into UGA

9:45 AM RZ-23-003; 201 Hannah Lane on parcel 017875055031 requested MRC from R1 zoning.

10:00 AM RZ-23-004; 1737 Bishop Road including parcels: 017767002000, 017769033001

10:15 AM UGA-PFA-2023-001; Located on Bishop Road including parcels : 017857003006, 017857003005

11:00 Interdepartmental staff meeting.

Join Zoom Meeting

<https://us06web.zoom.us/j/83910241095?pwd=dUIlYm0rTkt6SHZCZjkxUTRlVDBUUT09>

Directions to Development Review Committee

Chehalis Airport Conference Room



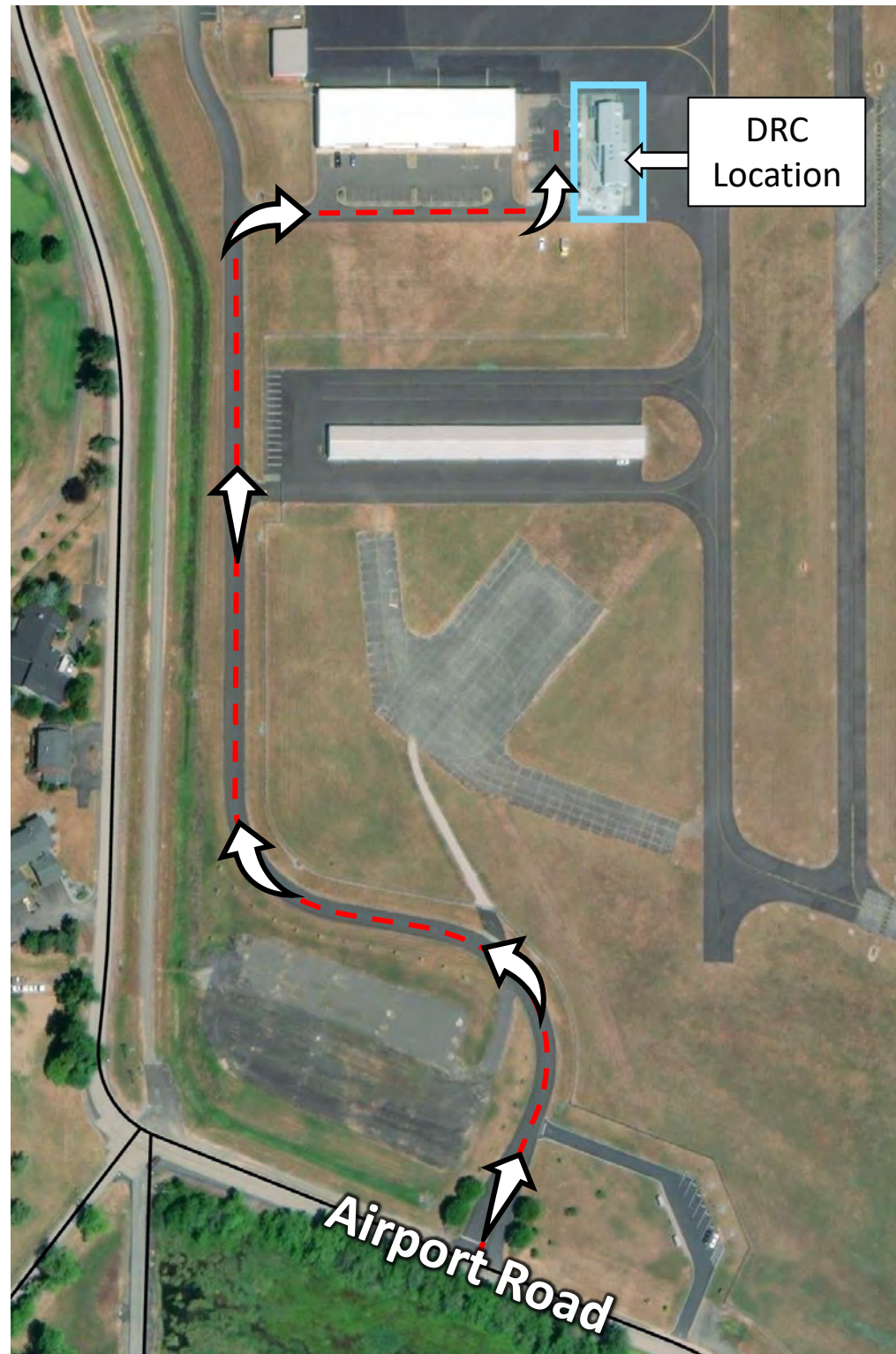
Coordinates:

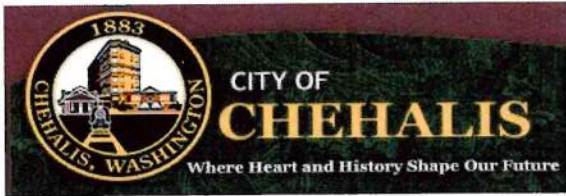
(46.672787, -122.984924)

or

46° 40' 22.0332" N

122° 59' 5.7264" W





Return your conference application to Community Development Department
 1321 S Market Blvd. Chehalis, WA 98532
 (360) 345-2229
www.ci.chehalis.wa.us email: comdev@ci.chehalis.wa.us

JOB SITE ADDRESS: 1951 N National Avenue **PARCEL #:** 005610005000

APPLICANT / CONTACT PERSON:

NAME: Flint Acquisitions, LLC / Eric Watts
ADDRESS: 3515 W 75th St, Suite 103
CITY/ST/ZIP: Prairie Village, KS, 66208
PHONE#: 913-238-6695
EMAIL: ewatts@flintdevelopment.com

CONTRACTOR / ENGINEER / SURVEYOR:


COMPANY NAME: VLMK Engineering + Design
CONTACT NAME: Tony Jenkins
ADDRESS: 3933 S. Kelly Avenue, Portland OR, 97239
PHONE #: 503-222-4453
EMAIL: tonyj@vlmk.com
CONTRACTORS L&I #: _____

Is the property owner the same as the contact person? Yes No

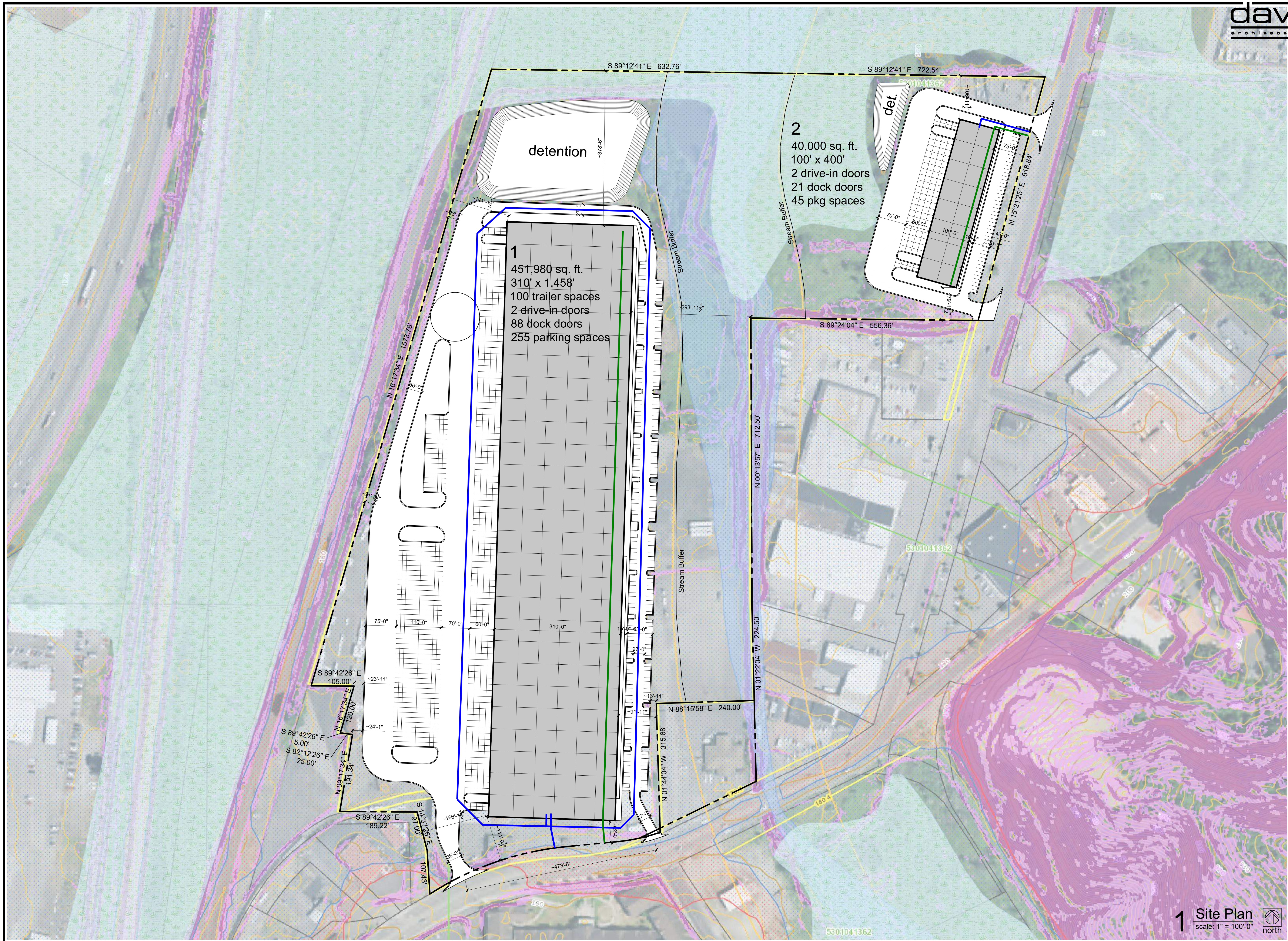
DETAILED PROJECT DESCRIPTION:

Redevelopment of an existing industrial site with 16 buildings and numerous structures in varying but generally dilapidated condition to two new rear load Class A industrial facilities of approximately 451,980 sf and 40,000 sf.

Verbal comments made during discovery are not binding. Only the plan(s) submitted will be reviewed for compliance with applicable codes. By signing below, I grant permission for City of Chehalis employees to enter and remain on the property for the purpose of review and approval of this proposal and to conduct inspections related to this proposal.

<u>Signature:</u> 	<u>Date:</u> 01/11/2024
<u>Name (print):</u> Hunter Harris	<u>Telephone #:</u> 816-645-9812

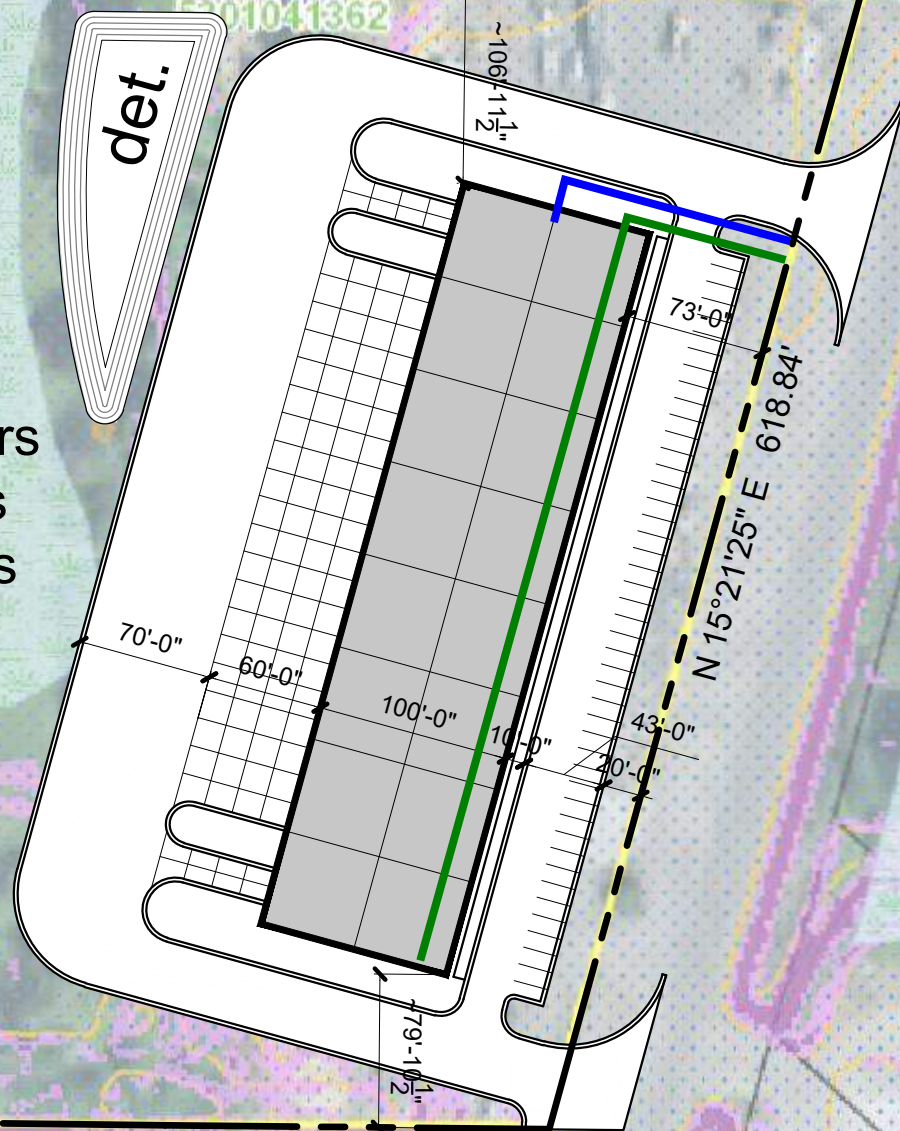
<u>Office use only</u>	
Received by:	Date Received:
Parcel #:	
Permit #:	
Zoning:	
Flood Zone: Yes No	
Zone Classification:	



detention
 -378'-6"

2
 40,000 sq. ft.
 100' x 400'
 2 drive-in doors
 21 dock doors
 45 pkg spaces

1
 451,980 sq. ft.
 310' x 1,458'
 100 trailer spaces
 2 drive-in doors
 88 dock doors
 255 parking spaces



a new development for
Chehalis Commerce Center
 1595 N National Avenue
 Chehalis, Washington

date
 01.10.2024
 drawn by
 DAE
 checked by
 DAE
 revisions

sheet number
A1.1
 drawing type
 preliminary
 project number
 23025

1 Site Plan
 scale: 1" = 100'-0"



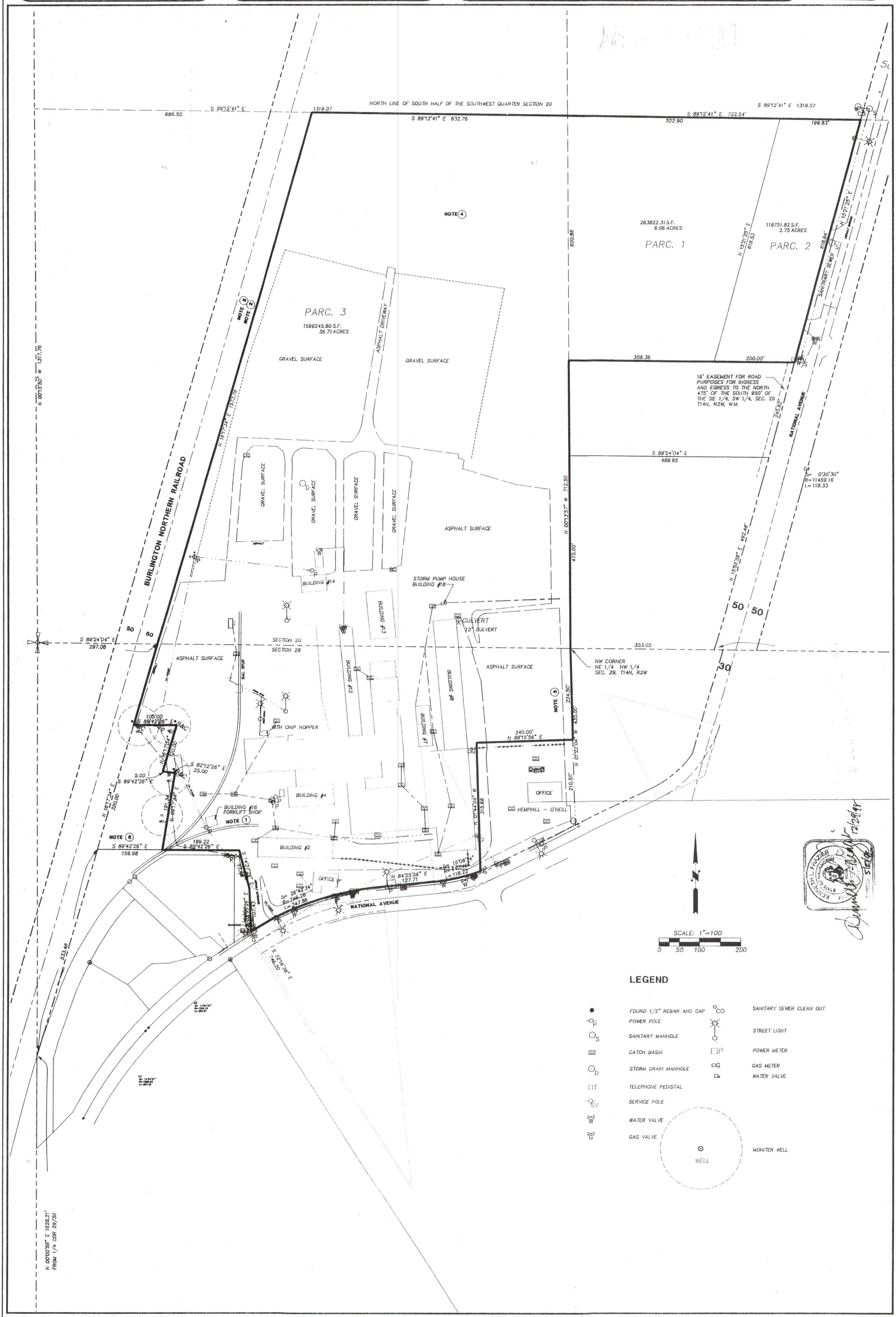


a new development for
Chehalis Commerce Center
1595 N National Avenue
Chehalis, Washington

date
01.10.2024
drawn by
DAE
checked by
DAE
revisions



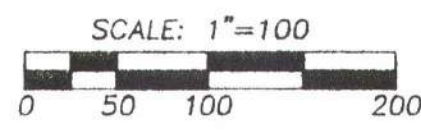
sheet number
A1.1
drawing type
preliminary
project number
23025



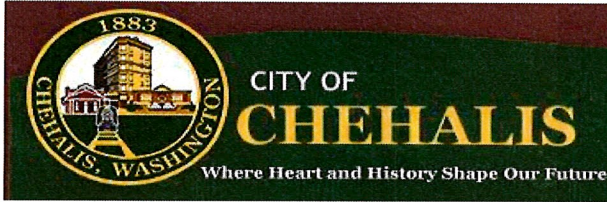
LEGEND

- | | | | |
|---|--------------------------|---|--------------------------|
| ● | FOUND 1/2" REBAR AND CAP | ○ | SANITARY SEWER CLEAN OUT |
| ○ | POWER POLE | ⊗ | STREET LIGHT |
| ○ | SANITARY MANHOLE | □ | POWER METER |
| □ | CATCH BASIN | □ | GAS METER |
| ○ | STORM DRAIN MANHOLE | □ | WATER VALVE |
| □ | TELEPHONE PEDISTAL | | |
| ○ | SERVICE POLE | | |
| ○ | WATER VALVE | ○ | MONITOR WELL |
| ○ | GAS VALVE | ○ | WELL |

Handwritten signature and date:
 K. Frazier
 12/29/95



N 00°05'56" E 1628.21'
 FROM 1/4 COR. 29/26



Return your permit application to Community Development
 Department
 1321 S Market Blvd. Chehalis, WA 98532
 (360) 345-2229
 www.ci.chehalis.wa.us email: comdev@ci.chehalis.wa.us

Job site address: 153 NEWAUKUM GOLF DR

Parcel #: SEE ATTACHED

Applicant/Contact Person

Name: BRANDON JOHNSON, PE

Mailing address: 111 TUMWATER BLVD SE, C210

City, State, and Zip: TUMWATER, WA 98501

Phone #: 360.269.6346

Email: (required) BRANDON.JOHNSON@JSA-CIVIL.COM

Is the property owner the same as the applicant: Yes No If yes, you may skip the property owner section

Property Owner

Name: NEWAUKUM VENTURES, LLC

Mailing address: 153 NEWAUKUM GOLF DR

City, State, and Zip: CHEHALIS, WA 98512

Contractor/Engineer/Surveyor

Contractor's L&I #: _____

Contact Name: SAME AS APPLICANT

Company/Firm Name: _____

Mailing address: _____

City, State, and Zip: _____

Phone #: _____

Email: (required) _____

Project Description: (Create a project narrative on a separate page if there is not enough room to completely describe your project below.)

COMPREHENSIVE PLAN UPDATE TO CONFORM WITH LEWIS COUNTY ORDINANCE 1337.

Current market value of proposed work:

(Fair market labor and materials)

NOT APPLICABLE

Only the plan(s) submitted will be reviewed for compliance with applicable codes. By signing below, you grant permission for any City of Chehalis employee the right to access and remain on the property for the purpose of review and approval of this proposal and to conduct inspections related to this proposal.

Signature: _____

Date: _____

Print Name: _____

Office use only

Received by: _____

Date Received: _____

Parcel #: _____

Permit #: _____

Zoning: _____

Flood Zone: yes no Zone Classification: _____

JSA CIVIL

Engineering | Planning | Management

September 12, 2023

Mr. Todd Johnson
City of Chehalis
Community Development
1321 S Market Blvd
Chehalis, WA 98532

Re: Newaukum Ventures –
Comprehensive Plan & Zoning Map Amendment Request

Dear Mr. Johnson,

In November of 2022, the Lewis County Board of County Commissioners adopted Ordinance 1337, in which the City of Chehalis Urban Growth Area was amended to include the “Chehalis Westlund-Enbody” properties (tax parcels: 017873003000, 017880001003, 107880001001, 107880001002, 17846003006, 17846001006, 017846003002, 17846001005, & 17874001000). A copy of Lewis County Ordinance 1337 is provided as **Exhibit A**.

Ordinance 1337 also stated that “the City of Chehalis is required to place a conservation easement over the fullest extent of the 100-year floodplain plus the 2007 mapped flood area on all parcels added to the city’s urban growth area associated with [sic] Westlund-Enbody property.” Pursuant to this requirement, a complying deed restriction was recorded in August 2023 and is provided as **Exhibit B**.

In accordance with CMC 17.09.210(C)(2) Newaukum Ventures (AKA Westlund-Enbody properties) requests that the City of Chehalis amend its Comprehensive Plan and Zoning Map to conform with Lewis County Ordinance 1337. We further request the subject properties have a designated zoning of MRC-Mixed Residential/Commercial.

Respectfully,

Brandon Johnson, PE
Principal
JSA Civil, LLC

n:\2 - projects\135 newaukum ventures\135.001 oncall engineering\correspondence\to\2023-0912 comprehensive plan amendment request\2023-0912 comp plan amendment request - nv.docx

EXHIBIT A - ORDINANCE 1337

BEFORE THE BOARD OF COUNTY COMMISSIONERS LEWIS COUNTY, WASHINGTON

IN THE MATTER OF:

ORDINANCE NO. 1337

ADOPT ORDINANCE 1337 TO AMEND THE LEWIS
COUNTY COMPREHENSIVE PLAN AND
ASSOCIATED ZONING MAP DESIGNATIONS

NOW THEREFORE BE IT ORDAINED

DONE IN OPEN SESSION this 22nd day of November, 2022.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

Barbara Russell
By: Barbara Russell,
Deputy Prosecuting Attorney

Lindsey R. Pollock, DVM
Lindsey R. Pollock, DVM, Chair

ATTEST:



Sean D. Swope
Sean D. Swope, Vice Chair

Rieva Lester
Rieva Lester,
Clerk of the Lewis County Board of
County Commissioners

F. Lee Grose
F. Lee Grose, Commissioner

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

ADOPT ORDINANCE 1337 TO AMEND)	
THE LEWIS COUNTY COMPREHENSIVE PLAN)	
AND ASSOCIATED ZONING MAP DESIGNATIONS)	ORDINANCE 1337
)	

WHEREAS, RCW 36.70A.040 requires Lewis County to plan under and in accordance with the Growth Management Act; and

WHEREAS, RCW 36.70A.130 requires that comprehensive plans be subject to continuing review and evaluation by each county at a frequency no more than once every year; and

WHEREAS, RCW 36.70A.130 requires comprehensive plan changes to be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained; and

WHEREAS, RCW 36.70A.040 requires adoption of development regulations consistent with comprehensive plans; and

WHEREAS, in the year 2022, the Lewis County Planning Commission reviewed the proposed amendments to the Lewis County Comprehensive Plan map and associated zoning map designations as shown in Exhibit A; and

WHEREAS, staff provided notice for public hearings before the Lewis County Planning Commission on the proposed amendments in the manner prescribed in Chapters 17.05 and 17.12 LCC on June 9, 2022, July 7, 2022, August 4, 2022, and August 11, 2022; and

WHEREAS, the Lewis County Planning Commission held public hearings on the proposed amendments shown in Exhibit A on June 28, 2022, July 17, 2022, July 26, 2022, and August 23, 2022; and

WHEREAS, following the public hearings, the Planning Commission deliberated and determined that all but one of the proposed the amendments met the intent and requirements of the Growth Management Act, were consistent with the Lewis County Comprehensive Plan and Countywide Planning Policies, and were in accordance with the public interest. The Planning Commission determined that the proposal to amend the City of Chehalis urban growth area for Assessor's tax parcel number 017904002002, known as the Breen property, was not in the public interest; and

WHEREAS, on September 14, 2022, the Planning Commission signed a Letter of Transmittal recommending approval of six of the proposed amendments and recommending rejection of one of the proposed amendments, as shown in Exhibit A; and

WHEREAS, on October 18, 2022, the Lewis County Board of County Commissioners (BOCC) passed Resolution 22-328 to hold a public hearing on Ordinance 1337 and directed the Clerk of the Board to provide notice of the hearing; and

WHEREAS, the BOCC held duly noticed public hearing on the proposed amendments to the Lewis County Comprehensive Plan and associated zoning map designations beginning on November 1, 2022, recessing and continuing to November 8, 2022; and

WHEREAS, the BOCC found that the proposed the amendments met the intent and requirements of the Growth Management Act, were consistent with the Lewis County Comprehensive Plan and Countywide Planning Policies, and all proposals, except the City of Chehalis – Breen proposal (Exhibit A, Attachment 1) and the YMCA Rezone (Exhibit A, Attachment 4), to be in the best interest of the public.

NOW THEREFORE BE IT RESOLVED the BOCC finds the proposed amendment to the City of Chehalis urban growth area for the parcel listed in Exhibit A, Attachment 1, known as the Breen property, is not in the public interest and hereby denies the amendment to the Lewis County Comprehensive Plan and associated zoning designation; and

NOW THEREFORE BE IT FURTHER RESOLVED the BOCC finds the proposed amendment for the parcels listed in Exhibit A, Attachment 4, known as the Mineral Lake YMCA rezone, is not in the public interest and hereby denies the amendment to the Lewis County Comprehensive Plan and associated zoning designation; and

NOW THEREFORE BE IT FURTHER RESOLVED the BOCC finds the proposed amendment to the City of Chehalis urban growth area for parcels listed below, known as the Westlund-Enbody property, meets the approval criteria within Lewis County Code 17.12.100 and hereby adopts the amendment to the Lewis County Comprehensive Plan and associated zoning designations, as shown in Exhibit A, Attachment 2; and

Name	Assessor's Tax Parcels No.	Comprehensive Plan Map Designation	Lewis County Zoning Map Designation
Chehalis Westlund- Enbody	017873003000	Urban Growth Area	City – Urban Growth Area
	017880001003		
	017880001001		
	017880001002		
	017846003006		
	017846001006		
	017846003002		
	017846001005		
	017874001000		

NOW THEREFORE BE IT FURTHER RESOLVED the BOCC requires that prior to development (as defined Lewis County Code Chapter 17), the City of Chehalis is required to place a conservation easement over the fullest extent of the 100-year floodplain plus the 2007 mapped flood area on all parcels added to the city's urban growth area associated with Westlund-Enbody property, as shown in Exhibit A, Attachment 2; and

NOW THEREFORE BE IT FURTHER RESOLVED the BOCC finds the proposed amendment to the City of Centralia urban growth area for parcels listed below meets the approval criteria within Lewis County Code 17.12.100 and hereby adopts the following amendments to the Lewis County Comprehensive Plan and associated zoning designations, as shown in Exhibit A, Attachment 3; and

Name	Assessor's Tax Parcels No.	Comprehensive Plan Map Designation	Lewis County Zoning Map Designation
Centralia	021586003005 021586003001 010592007000 010592006001 010592008003 021586004000 021586003006 010592005000 010592004000 010592003000 010592002000 010592001000 021587001000 021589005000 021589004002 021589004001	Urban Growth Area	City – Urban Growth Area

NOW THEREFORE BE IT FURTHER RESOLVED the BOCC finds the proposed amendment for parcels listed below, known as the Good-Avapollo Mining Opt-in rezoning, meets the approval criteria within Lewis County Code 17.12.100 and hereby adopts the following amendments to the Lewis County Comprehensive Plan and associated zoning designations, as shown in Exhibit A, Attachment 5; and

Name	Assessor's Tax Parcels No.	Comprehensive Plan Map Designation	Lewis County Zoning Map Designation
Good-Avapollo Mining Opt-in	028043004001 028043004002 028061000000 028025001000 028024001000	Mineral Resource Land	Mineral Resource Land (MRL)

NOW THEREFORE BE IT FURTHER RESOLVED the BOCC finds the proposed amendment for the parcel listed below, known as the De Goede rezoning, meets the approval criteria within Lewis County Code 17.12.100 and hereby adopts the following amendments to the Lewis County Comprehensive Plan and associated zoning designations, as shown in Exhibit A, Attachment 6; and

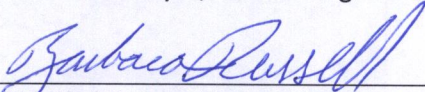
Name	Assessor's Tax Parcels No.	Comprehensive Plan Map Designation	Lewis County Zoning Map Designation
De Goede	028519065005	Other Rural Land	Rural Development District 5 (RDD-5)

NOW THEREFORE BE IT FURTHER RESOLVED the BOCC finds the proposed amendment for the parcel listed below, known as the Adna Grocery Store rezone, meets the approval criteria within Lewis County Code 17.12.100 and hereby adopts the following amendments to the Lewis County Comprehensive Plan and associated zoning designations, as shown in Exhibit A, Attachment 7; and

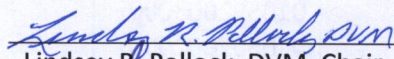
Name	Assessor's Tax Parcels No.	Comprehensive Plan Map Designation	Lewis County Zoning Map Designation
Adna Grocery Store	018752001000	Small Community	Small Town Mixed Use (STMU)

NOW THEREFORE BE IT FURTHER RESOLVED that the BOCC directs staff to produce an Official Lewis County zoning map or maps, as required by Chapter 17.200 of the Lewis County Code, which reflects the decisions made in this ordinance.

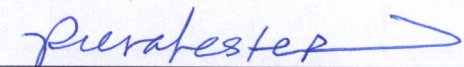
APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney


By: Civil Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON


Lindsey R. Pollock, DVM, Chair

ATTEST:


Rieva Lester, Clerk of the Board


Sean D. Swope, Vice Chair

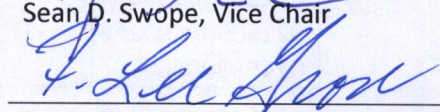

F. Lee Grose, Commissioner



EXHIBIT B - DEED RESTRICTION

3596861

MISC

2:25:40 PM Total Pages: 18 Fees: 220.50
CPA, Lewis County Auditor, Chehalis, Washington



AFTER RECORDING, RETURN TO:
Dickson Frohlich Phillips Burgess PLLC
111 21st Avenue SW
Olympia, Washington 98501

DECLARATION OF RESTRICTIONS

Grantor:	Newaukum Ventures, LLC, a Washington limited liability company
Grantee:	City of Chehalis, a Washington municipal corporation
Legal Description: (abbreviated)	S14 T13N R2W LTS A, B, and C 935319 S13 T13N R2W PT W1/2 SW 1/4 S13 T13N R2W PT NW1/4 SW 1/4 W HWY
Assessor's Tax Parcel ID Nos:	017880-001-001 017880-001-002 017880-001-003 017846-001-005 017846-001-006 017846-003-006
Reference Nos. of Documents	

THIS DECLARATION OF RESTRICTIONS ("Declaration") is made and entered into the 10 day of August, 2023, by and between Newaukum Ventures, LLC, a Washington limited liability company ("Grantor") and the City of Chehalis, a Washington municipal corporation ("Grantee"), for the benefit of the public.

RECITALS

A. WHEREAS, Grantor is the owner of approximately 247 acres of real property located in the vicinity of Newaukum Golf Drive, Chehalis, Lewis County, Washington, (hereafter, the "Newaukum Property" or "Property"); and

B. WHEREAS, the Newaukum Golf Course encompasses a portion of the Property, and the southern portion of the Property is also partially encumbered by wetlands and the floodplain of the Chehalis River; and

C. **WHEREAS**, in 2020, Grantor submitted an application to the City of Chehalis to expand the City's Urban Growth Area ("UGA") to include the Newaukum Property in order to allow for future development; and

D. **WHEREAS**, on November 22, 2022, following review and public hearings required pursuant to the Lewis County Planned Growth process, City and County codes, and the Growth Management Act (RCW 36.70A), the Lewis County Board of County Commissioners approved Ordinance No. 1337, a copy of which is attached as **Exhibit A**, which amended the Lewis County Comprehensive Plan and Associated Zoning Regulations; and

E. **WHEREAS**, as adopted, Ordinance No. 1337 expanded the Chehalis UGA to include the Newaukum Property (described therein as the "Westlund-Enbody" property) and rezoned the Property from Rural Development District (RDD-5) to "City - Urban Growth Area," and;

F. **WHEREAS**, Washington State Growth Management Act regulations (specifically, WAC 365-196-310(1)(b)(iii)(C)) allow for urban growth area expansions into the one-hundred-year flood plain of any river, provided that the following conditions are met:

(C) The land is owned by a jurisdiction planning under this chapter or the rights to the development of the land have been permanently extinguished, and the following criteria are met:

- (I) The permissible use of the land is limited to one of the following: Outdoor recreation; environmentally beneficial projects including, but not limited to, habitat enhancement or environmental restoration; stormwater facilities; flood control facilities; or underground conveyances; and
- (II) The development and use of such facilities or projects will not decrease flood storage, increase stormwater runoff, discharge pollutants to fresh or salt waters during normal operations or floods, or increase hazards to people and property.

and;

G. **WHEREAS**, in order to comply with WAC 365-196-310(1)(b)(iii) (C), Ordinance No. 1337 imposed a condition of approval which provides in pertinent part as follows:

...prior to development (as defined Lewis County Code Chapter 17), the City of Chehalis is required to place a conservation easement over the fullest extent of the 100-year floodplain plus the 2007 mapped flood area on all parcels added to the city's urban

growth area associated with [sic] Westlund-Enbody property, as shown in Exhibit A, Attachment 2 ...

and;

H. WHEREAS, Grantor desires through the recording of this Declaration to impose permanent development restrictions on those portions of the Property containing the floodplain and the 2007 mapped flood area, which are legally described on **Exhibit B** and depicted in **Exhibit C**, in compliance with the requirements of Ordinance No. 1337 (collectively, the "Floodplain"); and

I. WHEREAS, the City of Chehalis has reviewed the Declaration and concurs that it satisfies the requirements of Ordinance No. 1337.

COVENANTS

NOW, THEREFORE, in consideration of the above and the covenants, terms, conditions, and restrictions herein, Grantor does hereby establish real property covenants on the Floodplain as follows:

1. Declaration of Real Property Covenant. Grantor voluntarily establishes this Declaration in perpetuity over the Floodplain on the terms and conditions set forth herein exclusively for the purpose of permanently extinguishing development rights within the Floodplain.

2. Purpose. It is the purpose of this Declaration to prevent any development within the Floodplain except as expressly provided for herein.

3. Prohibited Uses. Except for the purpose of maintaining the state and condition of any portion of the existing Newaukum Valley Golf Course, any development within the Floodplain is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited:

a. Construction and Improvements. The placement or construction of any buildings, structures, or other improvements of any kind, including without limitation, utilities, septic systems, communication lines, communication towers, storage tanks and pipelines.

b. Development. Any residential, commercial, or industrial use or activity.

4. Covenant Running with the Land. Any and all requirements of the laws of the State of Washington to be satisfied in order for the provisions of this Declaration to constitute deed restrictions and covenants running with the land shall be deemed to be satisfied in full, and any requirements or privileges of estates are intended to be satisfied, or in the alternate, an equitable servitude has been created to insure that these restrictions run with the land. Each and every contract, deed, or other instrument hereafter executed conveying the

Property or portion thereof (excluding instruments granting security interests) shall expressly provide that such conveyance is subject to this Declaration; provided, however, that the covenants contained herein shall survive and be effective regardless of whether such contract, deed or other instrument hereafter executed conveying the Property or portion thereof provides that such conveyance is subject to this Declaration.

5. **Scope and Effect.** The terms and conditions of this Declaration:
- a. shall go into effect immediately upon recording;
 - b. shall be deemed covenants running with the land and shall continue as servitude running in perpetuity with the Property;
 - c. shall inure to the benefit of Grantee and the public;
 - d. shall inure to the benefit of and bind Grantor;
 - e. shall inure to the benefit of and bind future owners of any title interest in the Property to the same extent they apply to and bind Grantor as if each had been an original signatory to this Declaration;
 - f. shall survive any subsequent transfer of any title interest in the Property;
 - g. are unconditional and shall not be limited in any manner; and
 - h. shall not preclude repair and maintenance of existing improvements, required to maintain and/or sustain operation of the Newaukum Valley Golf Course.

6. **Terms Binding.** No transfer, mortgage, lease, license, easement, or other conveyance of any interest in or right to occupancy in all or any part of the Property by any person shall affect the terms and conditions of this Declaration.

7. **Perpetual Duration.** This Declaration shall be binding servitude running with the Property in perpetuity.

8. **Specific Performance.** Grantor confirms that damages at law may be an inadequate remedy for a breach of any provision hereof. The rights and obligations hereunder shall be enforceable by specific performance, injunction or other equitable remedy, but nothing herein contained is intended to or shall limit or affect any rights at law or by statute or otherwise of Grantee for a breach or threatened breach of any provisions hereof. The rights and obligations of Grantor and Grantee hereunder shall be enforceable in equity as well as at law or otherwise.

9. **General Provisions**

a. **No Waiver.** The failure of Grantee to promptly enforce any right or remedy under this Declaration shall not constitute a waiver thereof and shall not affect or impair the liability of Grantor.

b. **Entire Agreement.** This Declaration sets forth all covenants, promises, agreements, conditions and understandings between Grantor and Grantee concerning the matters addressed in this Declaration, and there are no covenants, promises, agreements, conditions, or understandings, either oral or written, between the parties other than as set forth in this Declaration. No subsequent alteration, amendment, change, or addition to this Declaration shall be binding upon the parties unless reduced to writing and signed by Grantee (or its successor) and all owners of a title interest in the Property.

c. **Construction; Severability.** If any provision of this Declaration is invalid, illegal, or unenforceable, such provision shall be considered severed from the rest of this Declaration and the remaining provisions shall continue in full force and effect as if the invalid provision had not been included. In no event shall this Declaration be rendered unenforceable if any applicable laws, regulations, guidance, or policies change as to form or content after the Closing Date.

d. **Governing Law; Venue.** This Declaration shall be governed by and construed in accordance with the laws of the State of Washington. Venue for any lawsuit arising out of this Declaration shall be in a court of competent jurisdiction in Lewis County, Washington.

e. **Attorneys' Fees.** In any action to interpret or enforce any of the terms or conditions of this Declaration, the prevailing party shall be entitled to recover its reasonable attorneys' fees and litigation expenses, including those incurred at trial or on appeal.

f. **Authority.** The undersigned represents that Grantor is the current fee owner of the Property and is the authorized representative of Grantor to execute and record this Declaration.

IN WITNESS WHEREOF, the Grantor has set its hand on the date first written above.

GRANTOR:
NEWAUKUM VENTURES, LLC, a
Washington limited liability company

By: Joseph O. Enbody
Joseph O. Enbody
Its: Governor

By: Trevor L. Westlund
Trevor L. Westlund
Its: Governor

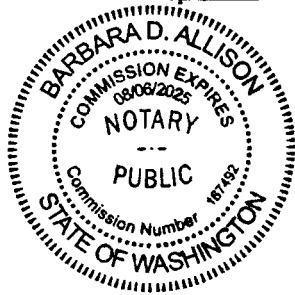
APPROVED AS TO FORM:
CITY OF CHEHALIS

By: Kevin T. Nelson
Kevin T. Nelson
Its: City Attorney

STATE OF WASHINGTON)
) ss:
County of Lewis)

I certify that I know or have satisfactory evidence that Joseph O. Enbody is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as a Governor of Newaukum Ventures, LLC, a Washington limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: this 10th day of August, 2023.

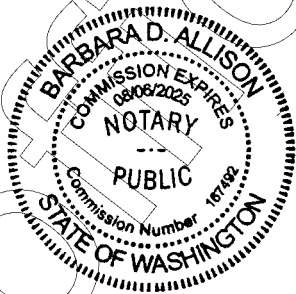


Barbara D. Allison
Barbara D. Allison
[Print Name]
NOTARY PUBLIC for the State of Washington
Residing at Chehalis WA
My Commission Expires: 8/6/2025

STATE OF WASHINGTON)
) ss:
County of Lewis)

I certify that I know or have satisfactory evidence that Trevor L. Westlund is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as a Governor of Newaukum Ventures, LLC, a Washington limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: this 10th day of August, 2023.



Barbara D. Allison
Barbara D. Allison
[Print Name]
NOTARY PUBLIC for the State of Washington
Residing at Chehalis WA
My Commission Expires: 8/6/2025

Exhibit A
Ordinance No. 1337

Unofficial Record

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON**

IN THE MATTER OF:

ORDINANCE NO. 1337

**ADOPT ORDINANCE 1337 TO AMEND THE LEWIS
COUNTY COMPREHENSIVE PLAN AND
ASSOCIATED ZONING MAP DESIGNATIONS**

NOW THEREFORE BE IT ORDAINED

DONE IN OPEN SESSION this 22nd day of November, 2022.

**APPROVED AS TO FORM: BOARD OF COUNTY COMMISSIONERS
Jonathan Meyer, Prosecuting Attorney LEWIS COUNTY, WASHINGTON**

Barbara Russell
By: Barbara Russell,
Deputy Prosecuting Attorney

Lindsey R. Pollock, DVM
Lindsey R. Pollock, DVM, Chair

ATTEST:

Sean D. Swope
Sean D. Swope, Vice Chair

Rieva Lester
Rieva Lester,
Clerk of the Lewis County Board of
County Commissioners

F. Lee Grose
F. Lee Grose, Commissioner



**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

**ADOPT ORDINANCE 1337 TO AMEND)
THE LEWIS COUNTY COMPREHENSIVE PLAN)
AND ASSOCIATED ZONING MAP DESIGNATIONS) **ORDINANCE 1337**
)**

WHEREAS, RCW 36.70A.040 requires Lewis County to plan under and in accordance with the Growth Management Act; and

WHEREAS, RCW 36.70A.130 requires that comprehensive plans be subject to continuing review and evaluation by each county at a frequency no more than once every year; and

WHEREAS, RCW 36.70A.130 requires comprehensive plan changes to be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained; and

WHEREAS, RCW 36.70A.040 requires adoption of development regulations consistent with comprehensive plans; and

WHEREAS, in the year 2022, the Lewis County Planning Commission reviewed the proposed amendments to the Lewis County Comprehensive Plan map and associated zoning map designations as shown in Exhibit A; and

WHEREAS, staff provided notice for public hearings before the Lewis County Planning Commission on the proposed amendments in the manner prescribed in Chapters 17.05 and 17.12 LCC on June 9, 2022, July 7, 2022, August 4, 2022, and August 11, 2022; and

WHEREAS, the Lewis County Planning Commission held public hearings on the proposed amendments shown in Exhibit A on June 28, 2022, July 17, 2022, July 26, 2022, and August 23, 2022; and

WHEREAS, following the public hearings, the Planning Commission deliberated and determined that all but one of the proposed the amendments met the intent and requirements of the Growth Management Act, were consistent with the Lewis County Comprehensive Plan and Countywide Planning Policies, and were in accordance with the public interest. The Planning Commission determined that the proposal to amend the City of Chehalis urban growth area for Assessor's tax parcel number 017904002002, known as the Breen property, was not in the public interest; and

WHEREAS, on September 14, 2022, the Planning Commission signed a Letter of Transmittal recommending approval of six of the proposed amendments and recommending rejection of one of the proposed amendments, as shown in Exhibit A; and

WHEREAS, on October 18, 2022, the Lewis County Board of County Commissioners (BOCC) passed Resolution 22-328 to hold a public hearing on Ordinance 1337 and directed the Clerk of the Board to provide notice of the hearing; and

WHEREAS, the BOCC held duly noticed public hearing on the proposed amendments to the Lewis County Comprehensive Plan and associated zoning map designations beginning on November 1, 2022, recessing and continuing to November 8, 2022; and

WHEREAS, the BOCC found that the proposed the amendments met the intent and requirements of the Growth Management Act, were consistent with the Lewis County Comprehensive Plan and Countywide Planning Policies, and all proposals, except the City of Chehalis – Breen proposal (Exhibit A, Attachment 1) and the YMCA Rezone (Exhibit A, Attachment 4), to be in the best interest of the public.

NOW THEREFORE BE IT RESOLVED the BOCC finds the proposed amendment to the City of Chehalis urban growth area for the parcel listed in Exhibit A, Attachment 1, known as the Breen property, is not in the public interest and hereby denies the amendment to the Lewis County Comprehensive Plan and associated zoning designation; and

NOW THEREFORE BE IT FURTHER RESOLVED the BOCC finds the proposed amendment for the parcels listed in Exhibit A, Attachment 4, known as the Mineral Lake YMCA rezone, is not in the public interest and hereby denies the amendment to the Lewis County Comprehensive Plan and associated zoning designation; and

NOW THEREFORE BE IT FURTHER RESOLVED the BOCC finds the proposed amendment to the City of Chehalis urban growth area for parcels listed below, known as the Westlund-Enbody property, meets the approval criteria within Lewis County Code 17.12.100 and hereby adopts the amendment to the Lewis County Comprehensive Plan and associated zoning designations, as shown in Exhibit A, Attachment 2; and

Name	Assessor's Tax Parcels No.	Comprehensive Plan Map Designation	Lewis County Zoning Map Designation
Chehalis Westlund-Enbody	017873003000	Urban Growth Area	City – Urban Growth Area
	017880001003		
	017880001001		
	017880001002		
	017846003006		
	017846001006		
	017846003002		
	017846001005		
	017874001000		

NOW THEREFORE BE IT FURTHER RESOLVED the BOCC requires that prior to development (as defined Lewis County Code Chapter 17), the City of Chehalis is required to place a conservation easement over the fullest extent of the 100-year floodplain plus the 2007 mapped flood area on all parcels added to the city's urban growth area associated with Westlund-Enbody property, as shown in Exhibit A, Attachment 2; and

NOW THEREFORE BE IT FURTHER RESOLVED the BOCC finds the proposed amendment to the City of Centralia urban growth area for parcels listed below meets the approval criteria within Lewis County Code 17.12.100 and hereby adopts the following amendments to the Lewis County Comprehensive Plan and associated zoning designations, as shown in Exhibit A, Attachment 3; and

Name	Assessor's Tax Parcels No.	Comprehensive Plan Map Designation	Lewis County Zoning Map Designation
Centralia	021586003005 021586003001 010592007000 010592006001 010592008003 021586004000 021586003006 010592005000 010592004000 010592003000 010592002000 010592001000 021587001000 021589005000 021589004002 021589004001	Urban Growth Area	City – Urban Growth Area

NOW THEREFORE BE IT FURTHER RESOLVED the BOCC finds the proposed amendment for parcels listed below, known as the Good-Avapollo Mining Opt-in rezone, meets the approval criteria within Lewis County Code 17.12.100 and hereby adopts the following amendments to the Lewis County Comprehensive Plan and associated zoning designations, as shown in Exhibit A, Attachment 5; and

Name	Assessor's Tax Parcels No.	Comprehensive Plan Map Designation	Lewis County Zoning Map Designation
Good-Avapollo Mining Opt-in	028043004001 028043004002 028061000000 028025001000 028024001000	Mineral Resource Land	Mineral Resource Land (MRL)

NOW THEREFORE BE IT FURTHER RESOLVED the BOCC finds the proposed amendment for the parcel listed below, known as the De Goede rezone, meets the approval criteria within Lewis County Code 17.12.100 and hereby adopts the following amendments to the Lewis County Comprehensive Plan and associated zoning designations, as shown in Exhibit A, Attachment 6; and

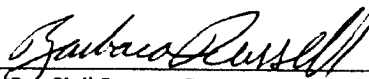
Name	Assessor's Tax Parcels No.	Comprehensive Plan Map Designation	Lewis County Zoning Map Designation
De Goede	028519065005	Other Rural Land	Rural Development District 5 (RDD-5)

NOW THEREFORE BE IT FURTHER RESOLVED the BOCC finds the proposed amendment for the parcel listed below, known as the Adna Grocery Store rezone, meets the approval criteria within Lewis County Code 17.12.100 and hereby adopts the following amendments to the Lewis County Comprehensive Plan and associated zoning designations, as shown in Exhibit A, Attachment 7; and

Name	Assessor's Tax Parcels No.	Comprehensive Plan Map Designation	Lewis County Zoning Map Designation
Adna Grocery Store	018752001000	Small Community	Small Town Mixed Use (STMU)

NOW THEREFORE BE IT FURTHER RESOLVED that the BOCC directs staff to produce an Official Lewis County zoning map or maps, as required by Chapter 17.200 of the Lewis County Code, which reflects the decisions made in this ordinance.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney


By: Civil Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON


Lindsey R. Pollock, DVM, Chair

ATTEST:


Rieva Lester, Clerk of the Board


Sean D. Swope, Vice Chair


F. Lee Grose, Commissioner



Unofficial

Exhibit B

Legal Description

Flood Area

Unofficial Record

Newaukum Valley Golf Course 2007 flood plain deed restriction description

That portion of the West Half of the Southwest Quarter of Section 13 and the South Half of the Southeast Quarter of Section 14, in Township 13 North, Range 2 West, W.M., in Lewis County, Washington described as follows:

COMMENCING at the northwest corner of said West Half; thence $S01^{\circ}52'18''W$ along the west line of said subdivision a distance of 2621.75 feet to the southwest corner of said subdivision and the POINT OF BEGINNING; thence $S88^{\circ}21'15''E$ along the south line of said subdivision a distance of 1316.14 feet to the southeast corner thereof; thence $N01^{\circ}54'48''E$ along the east line of said subdivision a distance of 1721.68 feet; thence $N88^{\circ}05'12''W$ a distance of 10.00 feet; thence $S09^{\circ}17'44''W$ a distance of 150.00 feet; thence $S45^{\circ}16'42''W$ a distance of 60.00 feet; thence $S28^{\circ}18'12''W$ a distance of 55.00 feet; thence $S15^{\circ}21'06''W$ a distance of 30.00 feet; thence $S75^{\circ}28'27''W$ a distance of 15.00 feet; thence $N19^{\circ}30'55''W$ a distance of 23.00 feet; thence $N46^{\circ}42'31''W$ a distance of 37.00 feet; thence $S77^{\circ}21'41''W$ a distance of 15.00 feet; thence $S21^{\circ}23'58''W$ a distance of 40.00 feet; thence $S09^{\circ}21'36''W$ a distance of 40.00 feet; thence $S33^{\circ}46'35''W$ a distance of 20.00 feet; thence $N89^{\circ}02'35''W$ a distance of 15.00 feet; thence $N29^{\circ}29'41''W$ a distance of 45.00 feet; thence $S54^{\circ}31'35''W$ a distance of 45.00 feet; thence $S82^{\circ}36'10''W$ a distance of 28.00 feet; thence $S17^{\circ}42'43''W$ a distance of 15.00 feet; thence $S76^{\circ}33'00''W$ a distance of 35.00 feet; thence $N04^{\circ}26'23''E$ a distance of 20.00 feet; thence $N11^{\circ}53'22''W$ a distance of 28.00 feet; thence $N50^{\circ}49'37''W$ a distance of 35.00 feet; thence $N23^{\circ}58'49''W$ a distance of 50.00 feet; thence $N29^{\circ}44'49''W$ a distance of 42.00 feet; thence $N23^{\circ}10'59''E$ a distance of 60.00 feet; thence $N45^{\circ}25'30''E$ a distance of 40.00 feet; thence $N32^{\circ}01'57''E$ a distance of 25.00 feet; thence $S81^{\circ}45'11''E$ a distance of 50.00 feet; thence $N63^{\circ}26'50''E$ a distance of 20.00 feet; thence $S57^{\circ}47'26''E$ a distance of 50.00 feet; thence $N30^{\circ}50'00''E$ a distance of 30.00 feet; thence $N88^{\circ}01'03''E$ a distance of 46.00 feet; thence $N21^{\circ}15'58''E$ a distance of 18.00 feet; thence $N44^{\circ}13'52''W$ a distance of 62.00 feet; thence $S43^{\circ}02'38''W$ a distance of 38.00 feet; thence $N65^{\circ}01'57''W$ a distance of 50.00 feet; thence $N28^{\circ}55'16''W$ a distance of 17.00 feet; thence $N50^{\circ}55'52''W$ a distance of 87.00 feet; thence $N00^{\circ}43'21''W$ a distance of 23.00 feet; thence $N28^{\circ}23'59''E$ a distance of 27.00 feet; thence $N23^{\circ}34'13''W$ a distance of 25.00 feet; thence $S53^{\circ}00'48''W$ a distance of 50.00 feet; thence $S34^{\circ}51'20''W$ a distance of 15.00 feet; thence $S79^{\circ}06'40''W$ a distance of 25.00 feet; thence $N83^{\circ}14'08''W$ a distance of 48.00 feet; thence $S62^{\circ}47'47''W$ a distance of 36.00 feet; thence $S49^{\circ}38'50''W$ a distance of 66.00 feet; thence $S17^{\circ}06'33''E$ a distance of 37.00 feet; thence $S72^{\circ}17'49''E$ a distance of 37.00 feet; thence $S22^{\circ}49'45''E$ a distance of 31.00 feet; thence $S73^{\circ}45'36''E$ a distance of 30.00 feet; thence $S41^{\circ}29'25''E$ a distance of 45.00 feet; thence $S01^{\circ}00'06''W$ a distance of 20.00 feet; thence $S47^{\circ}49'10''W$ a distance of 20.00 feet; thence $S44^{\circ}48'59''W$ a distance of 48.00 feet; thence $S76^{\circ}09'41''W$ a distance of 45.00 feet; thence $N35^{\circ}03'48''W$ a distance of 40.00 feet; thence $N44^{\circ}31'58''W$ a distance of 85.00 feet; thence $S83^{\circ}44'28''W$ a distance of 65.00 feet; thence $S53^{\circ}12'43''W$ a distance of 110.00 feet; thence $S33^{\circ}37'27''E$ a distance of 30.00 feet; thence $N71^{\circ}16'45''E$ a distance of 65.00 feet; thence $S23^{\circ}27'24''E$ a distance of 48.00 feet; thence $S35^{\circ}43'05''W$ a distance of 38.00 feet; thence $N66^{\circ}42'42''W$ a distance of 30.00 feet; thence $N53^{\circ}54'12''W$ a distance of 40.00 feet; thence $S57^{\circ}44'36''W$ a distance of 50.00 feet; thence $S37^{\circ}24'23''W$ a distance of 40.00 feet; thence $S72^{\circ}17'14''W$ a distance of 30.00 feet; thence $S75^{\circ}53'20''W$ a distance of 95.00 feet; thence $N60^{\circ}19'04''W$ a distance of 75.00 feet; thence $S86^{\circ}18'54''W$ a distance of 40.00 feet; thence

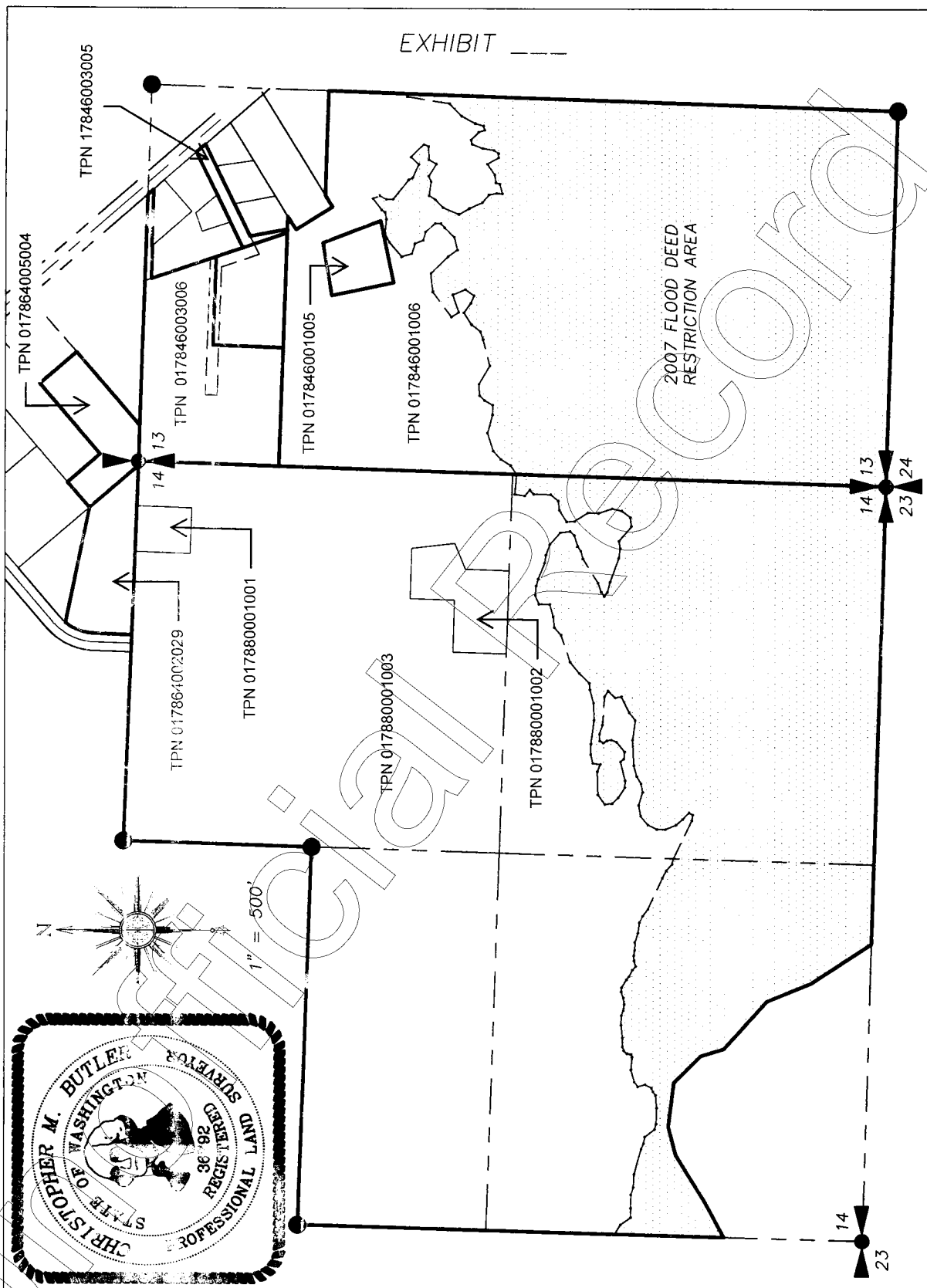
S44°27'01"W a distance of 25.00 feet; thence S28°30'34"W a distance of 32.00 feet; thence N88°43'05"W a distance of 34.00 feet; thence N74°26'17"W a distance of 66.00 feet; thence S71°57'36"W a distance of 66.00 feet; thence S47°01'51"W a distance of 40.00 feet; thence S31°42'56"W a distance of 40.00 feet; thence S56°11'04"W a distance of 38.00 feet to a point on the west line of said West Half which bears S01°52'18"W a distance of 1325.00 feet from the northwest corner of said subdivision; thence N84°24'13"W a distance of 70.00 feet; thence S08°04'55"W a distance of 35.00 feet; thence S48°31'34"E a distance of 28.00 feet; thence S48°45'49"W a distance of 20.00 feet; thence S01°34'46"W a distance of 60.00 feet; thence S39°54'54"W a distance of 35.00 feet; thence S83°00'12"W a distance of 33.00 feet; thence S58°01'43"W a distance of 48.00 feet; thence S04°09'02"E a distance of 28.00 feet; thence S32°48'07"E a distance of 55.00 feet; thence S01°49'07"W a distance of 38.00 feet; thence S18°07'45"E a distance of 50.00 feet; thence S12°49'04"W a distance of 35.00 feet; thence S37°21'08"W a distance of 38.00 feet; thence S84°21'15"W a distance of 32.00 feet; thence N50°03'28"W a distance of 67.00 feet; thence S80°17'24"W a distance of 26.00 feet; thence N81°39'06"W a distance of 35.00 feet; thence N69°28'34"W a distance of 88.00 feet; thence N75°53'18"W a distance of 36.00 feet; thence N51°41'59"W a distance of 18.00 feet; thence N53°24'10"E a distance of 18.00 feet; thence N70°00'33"E a distance of 33.00 feet; thence N57°40'31"E a distance of 100.00 feet; thence N76°08'13"E a distance of 28.00 feet; thence N54°28'38"E a distance of 20.00 feet; thence N72°57'34"E a distance of 40.00 feet; thence N44°32'23"E a distance of 21.00 feet; thence N07°33'34"W a distance of 35.00 feet; thence N47°54'21"W a distance of 55.00 feet; thence N70°42'46"W a distance of 40.00 feet; thence N80°15'25"W a distance of 28.00 feet; thence N67°43'58"W a distance of 60.00 feet; thence N74°00'16"W a distance of 25.00 feet; thence N85°34'18"W a distance of 33.00 feet; thence S67°47'56"W a distance of 33.00 feet; thence S00°20'00"W a distance of 38.00 feet; thence S74°20'15"W a distance of 45.00 feet; thence S83°45'38"W a distance of 38.00 feet; thence S47°05'46"W a distance of 35.00 feet; thence S70°53'38"W a distance of 100.00 feet; thence S50°46'38"W a distance of 50.00 feet; thence S44°19'53"W a distance of 50.00 feet; thence S84°59'30"W a distance of 23.00 feet; thence S74°10'22"W a distance of 48.00 feet; thence S88°08'39"W a distance of 60.00 feet; thence N82°22'40"W a distance of 85.00 feet; thence N89°16'50"W a distance of 38.00 feet; thence S75°24'45"W a distance of 32.00 feet; thence S08°02'52"W a distance of 26.00 feet; thence N67°29'30"W a distance of 28.00 feet; thence S88°43'19"W a distance of 82.00 feet; thence S53°06'38"W a distance of 42.00 feet; thence S05°38'18"E a distance of 25.00 feet; thence S43°08'04"E a distance of 30.00 feet; thence S57°35'15"E a distance of 43.00 feet; thence S87°03'09"E a distance of 25.00 feet; thence N76°15'48"E a distance of 69.00 feet; thence S38°45'25"E a distance of 15.00 feet; thence S82°57'09"E a distance of 25.00 feet; thence N49°55'18"E a distance of 45.00 feet; thence N21°53'13"E a distance of 20.00 feet; thence N09°37'46"W a distance of 15.00 feet; thence N30°35'56"W a distance of 15.00 feet; thence N27°55'13"E a distance of 15.00 feet; thence N88°16'25"E a distance of 25.00 feet; thence S71°36'30"E a distance of 33.00 feet; thence S85°49'05"E a distance of 100.00 feet; thence S58°51'22"E a distance of 24.00 feet; thence S43°58'06"W a distance of 35.00 feet; thence S10°00'52"E a distance of 22.00 feet; thence S63°46'51"W a distance of 62.21 feet; thence S53°02'32"W a distance of 35.00 feet; thence N82°46'50"W a distance of 70.00 feet; thence S87°10'20"W a distance of 90.00 feet; thence S74°29'22"W a distance of 40.00 feet; thence S59°45'04"W a distance of 30.27 feet; thence S79°11'34"W a distance of 30.00 feet; thence N72°20'36"W a distance of 48.00 feet; thence S79°27'35"W a distance of 39.00 feet; thence S50°54'39"W a distance of 40.32 feet; thence

S26°00'31"W a distance of 35.00 feet; thence S00°38'40"W a distance of 30.00 feet; thence S22°30'54"E a distance of 40.00 feet; thence S40°08'48"E a distance of 30.00 feet; thence S45°15'38"E a distance of 33.00 feet; thence S30°08'16"W a distance of 15.00 feet; thence N81°15'48"W a distance of 20.00 feet; thence N64°02'35"W a distance of 148.00 feet; thence N77°01'15"W a distance of 20.00 feet; thence N48°22'35"W a distance of 30.00 feet; thence N61°32'55"W a distance of 30.00 feet; thence N65°19'29"W a distance of 120.00 feet; thence N52°04'52"W a distance of 30.00 feet; thence N62°10'00"W a distance of 25.00 feet; thence N82°14'00"W a distance of 37.00 feet; thence N71°09'56"W a distance of 34.00 feet; thence N88°50'26"W a distance of 27.00 feet; thence N79°57'08"W a distance of 20.00 feet; thence S86°20'35"W a distance of 17.00 feet; thence S71°22'04"W a distance of 21.00 feet; thence N44°34'12"W a distance of 17.00 feet; thence N63°41'11"W a distance of 26.00 feet; thence N49°19'43"W a distance of 15.00 feet; thence N57°26'52"W a distance of 32.00 feet; thence N86°09'42"W a distance of 15.00 feet; thence S69°44'03"W a distance of 23.00 feet; thence S81°24'36"W a distance of 23.00 feet; thence N79°11'59"W a distance of 22.00 feet; thence N69°05'20"W a distance of 18.00 feet; thence N87°45'03"W a distance of 34.00 feet; thence S83°11'09"W a distance of 46.00 feet; thence S89°48'03"W a distance of 30.00 feet; thence S71°53'48"W a distance of 15.00 feet; thence S42°33'50"W a distance of 15.00 feet; thence S10°21'56"W a distance of 15.00 feet; thence S71°26'15"W a distance of 10.00 feet; thence N85°21'08"W a distance of 45.00 feet; thence S75°03'45"W a distance of 45.00 feet; thence S55°29'41"W a distance of 21.00 feet; thence S16°39'45"E a distance of 26.00 feet; thence S27°10'37"W a distance of 26.00 feet; thence S66°39'55"W a distance of 15.00 feet; thence S55°30'30"W a distance of 15.00 feet; thence S85°27'59"W a distance of 45.00 feet; thence N88°25'00"W a distance of 57.00 feet; thence N74°59'25"W a distance of 20.00 feet; thence N37°11'23"W a distance of 43.00 feet; thence N79°42'08"W a distance of 24.00 feet; thence N66°37'01"W a distance of 22.00 feet; thence N74°03'42"W a distance of 92.00 feet; thence N87°07'41"W a distance of 47.00 feet; thence N73°14'09"W a distance of 27.00 feet; thence N88°48'35"W a distance of 47.00 feet; thence N88°51'48"W a distance of 35.00 feet; thence N35°27'53"W a distance of 44.00 feet; thence N57°11'17"W a distance of 39.00 feet to the west line of said South Half of the Southeast Quarter of Section 14; thence S01°44'03"W along said west line a distance of 384 feet, more or less, to the centerline of the Newaukum River; thence Northeasterly and Southeasterly along said centerline a distance of 1460 feet, more or less, to the south line of said subdivision; thence S88°15'45"E along the south line of said subdivision a distance of 1603 feet, more or less, to the POINT OF BEGINNING.

Encompassing 88.40 acres, more or less

Exhibit C
2007 Mapped Flood Area

Unofficial Record



From: [Todd Johnson](#)
To: [Laura Fisher](#)
Subject: FW: Rezone petition - 201 Hannah Lane
Date: Monday, January 29, 2024 4:15:42 PM

From: Kyle Wheeler <kyle88wheeler@gmail.com>
Date: Tuesday, December 5, 2023 at 8:29 AM
To: Todd Johnson <tjohnson@ci.chehalis.wa.us>
Cc: Kassi Mackie <kmackie@ci.chehalis.wa.us>, Ron Buckholt <rbuckholt@ci.chehalis.wa.us>, Community Development <comdev@ci.chehalis.wa.us>
Subject: Re: Rezone petition - 201 Hannah Lane

NOTICE: This message originated outside of the City network - **DO NOT CLICK** on links or open attachments unless you are sure the content is safe!

Hey Todd,

Thank you for getting this to me - I know yall are paying an enormous amount of catch up. I also know I have a lot of personal history here and you have likely had to read a LOT of words to catch up. I think you have covered the basics of everything - my main point is that this property was commercially zoned until it was spot zoned in the early 2000's, that it is still connected to a commercial zone in chehalis jurisdiction as it abuts the DNR property to the west, and the newly created MRC zoning falls well within all those guidelines.

The former city planner previously wrote a staff recommendation report in 2022 referencing my desire to eventually have a permitted sign placed on this property. I would like to clarify here that any declared intention of potential development should not have any bearing on the rezone process - concerns of a sign should be addressed in the permitting process, not the rezone process as Baraconi previously did. The conversation had no bearing on the rezone petition and the only reason to have included it in the staff report was to skew the perception of the planning commission - which I never received the same full commission review as everyone else during that review. Additionally, related to this permitting discussion are previous concerns regarding the Newaukum Valley Golf Course sign that was permitted - a sign that was placed on an open space residential parcel, without a rezone, with an expired land lease and expired right to redevelopment that was abandoned for a year after it's original sign was demolished. This sign was suspiciously given what I have asked for for 3 years now with little objection from the city in the process. I understand this is a permitting issue and not a rezone issue, but considering permitting was raised to skew the rezone last year, I do want it mentioned here that I eventually intend to follow up as to why the city permitted one sign such as this golf course sign, illuminated 24 hours a day in a residential area within 60 feet of multiple private residences, on a public road parcel designated as open space, and within a mile of my site as the crow flies, but then deny my own rezone based on a potential application for a permit for a similar sign on my own property... a property that at least historically was a commercial

development until being spot zoned and then land swapped to cover that.

Happy to address any additional questions or concerns throughout. Thank you for taking this all on and apologies for the long winded nature of some of my emails trying to clarify the history here.

Kassi - just left you here for this response because I need to reiterate again how much I truly, deeply, appreciate your tact handling all of this. There has been a noted improvement in service at the city since you took over and that should not go unnoticed. You are wonderful, and deserve to know that.

Talk soon,

Kyle

On Mon, Dec 4, 2023 at 6:35 PM Todd Johnson <tjohnson@ci.chehalis.wa.us> wrote:

Hi Mr. Wheeler-

I am a planning consultant who is helping the City of Chehalis to process the 2023 requested comprehensive plan amendments and zone changes. Kassi forwarded me your email message about your pending request, which included an email chain with information on the request.

We are assembling the requests from a number of different applicants who have pending rezone requests and I do see your request on file with the city and your email following up on that.

It looks like the email chain that Kassi forwarded me included a request to rezone the property to MRC. I have a copy of the materials you previously submitted previously in 2020, 2021, and some of the materials in 2022. Those requests were for a rezone from residential to general commercial. From the email chain I read, it appears the request has been updated to be for a Mixed Residential Commercial (MRC) zoning designation.

I see in the emails for this application that you submitted additional information in an email chain to Tammy in December of 2022. I am working to compile the information we have on your request and have assigned it with a new 2023 request number for tracking with this group of requests. The application number for this year's request is RZ-23-003.

We are working to evaluate these and schedule them for public notice and hearing with the planning commission early next year. We will then forward them on to City Council for consideration at a public hearing. The Council hearing will likely be in the early 2nd quarter of next year.

I'll likely need to follow up with you directly to get any information we need to complete the review and public consideration process. If you have any updated information to support the request to MRC, please send that to me and copy comdev@ci.chehalis.wa.us with any submittals or information you send. Please include a reference to RZ-23-003 on any information you send.

Please feel free to contact me with any questions.

Todd Johnson
City of Chehalis consulting planner

Lewis County Lollipop Guild, LLC.
PO BOX 1411 Toledo, WA 98591
(360) 864-6541 team@lclg.org

RECEIVED
Building & Planning

JAN 27 2021

City of Chehalis



January 26th, 2021

Dear City Of Chehalis Communtiy Development Board,

We are requesting a rezone of tax parcel 017875055031. The current zoning is residential and we are seeking a rezone to commercial industrial, connecting to the existingly zoned area abutting this parcel on the west of Rush Road.

Thank you,

Kyle Wheeler - Representative

Lewis County Lollipop Guild, LLC.
PO BOX 1411 Toledo, WA 98591
(360) 864-6541 team@lclg.org

RECEIVED
Building & Planning

JAN 27 2021

City of Chehalis



January 27th, 2021

Dear City Of Chehalis Communtiy Development Board,

We are requesting a rezone of tax parcel 017875055031. The current zoning is residential land and we are seeking a rezone to either neighborhood, general, or freeway commercial - whichever you deem best within the existing PUD and surrounding neighborhood characteristics.

Thank you,

Kyle Wheeler - Representative

Permit Application

Submit this form and any required attachments to:

**City of Chehalis
Community Development Department
1321 S. MARKET BLVD.
CHEHALIS WA 98532
(360) 345-2229**

APPLICANT FILL OUT AND SIGN UPPER SECTION:

JOB ADDRESS: _____

APPLICANT:

NAME: _____
ADDRESS: _____
CITY/ST/ZIP: _____
PHONE#: _____
EMAIL: _____

PROPERTY OWNER (Same as Applicant? Yes No)

NAME: _____
ADDRESS: _____
CITY/ST/ZIP: _____
PHONE#: _____
EMAIL: _____

CONTACT PERSON (Same as Applicant? Yes No)

COMPANY NAME: _____
NAME _____
ADDRESS: _____
CITY/STATE/ZIP _____
PHONE # _____
EMAIL: _____

CONTRACTOR (Same as Property Owner? Yes No)

COMPANY: _____
CONTRACTOR REGISTRATION # _____
ADDRESS: _____
CITY/STATE/ZIP _____
PHONE # _____
EMAIL: _____

DETAILED PROJECT DESCRIPTION:

PROJECT VALUE: _____

Verbal comments made during discovery are not binding. Only the plan(s) submitted will be reviewed for compliance with applicable codes. By signing below, I grant permission for City of Chehalis employees to enter and remain on the property for the purpose of review and approval of this proposal and to conduct inspections related to this proposal.

<u>Signature:</u>	<u>Date:</u>
<u>Name (print):</u> Robert Balmelli PE	<u>Telephone #:</u> 360.740.8919

OFFICE USE ONLY:

Date Received: 6/29/2023 By: LF Date Reviewed: _____ By: _____
Parcel #: 017767002000, 017769033001 Zoning: UGA-IL Flood Zone: _____
Permit #: UGA-RZ-23-0001



DESIGN → PERMIT → MANAGE

June 26, 2023

Tammy Baraconi
City of Chehalis Community Development
1321 S Market Blvd
Chehalis, WA 98532
tbaraconi@ci.chehalis.wa.us

Re: Shovel Ready, LLC – Parcels 017769033001 and 017767002000 – Rezone Request
RBE NO. 21081

Dear Tammy:

Please find enclosed request to alter the City of Chehalis Zoning Map for the above listed parcels, on behalf of the property owner, Shovel Ready, LLC, PO Box 1094, Napavine, WA 98565.

Existing Zoning and Land Use

Parcel #017767002000 (1.22 ac) is currently zoned CG (General Commercial). Parcel #017769033001 (13.90 ac) has a split zone with the front portion of the lot CG and the back portion of the lot IL (Light Industrial). Both parcels are currently vacant land with no existing buildings.

Specific Need for Zoning Change

The zoning change will allow the developer to proceed with a light industrial development on both parcels. A boundary line adjustment will be completed to create one parcel.

Rezone Request

On behalf of the owners, we are requesting that Parcel #017767002000 be changed to IL and a portion of Parcel 017769033001 be changed from CG to IL zone.

Impact to Location, Vicinity and Overall Community

The zoning change will have no impact on the adjacent parcels. All the parcels north of Bishop Road are either CG/IL or just CG zoned.

Sincerely,



Robert Balmelli PE
Principal Engineer

cc: Project file
Client

Enclosure: Petition for Amendment Application
Proposed Zoning Map

4. The specific reason (in detail) why this change is necessary:

See narrative, attached.

5. The anticipated/expected affect of this change on the location, vicinity and/or overall community:

See narrative, attached.

6. ***By my signature hereon,*** I hereby certify that I have a full understanding of the implications of the above proposal, and request an opportunity to present testimony at any public hearing(s) held on this petition. I further understand that the Chehalis city council will consider this and any other similar petitions only during the second quarter of a calendar year.

Signature (x): _____

Printed name: Robert Balmelli PE

Mailing address: PO Box 923

Chehalis, WA 98531

Phone #: 360-740-8919

OFFICE USE ONLY:

Received _____ By _____ File # _____

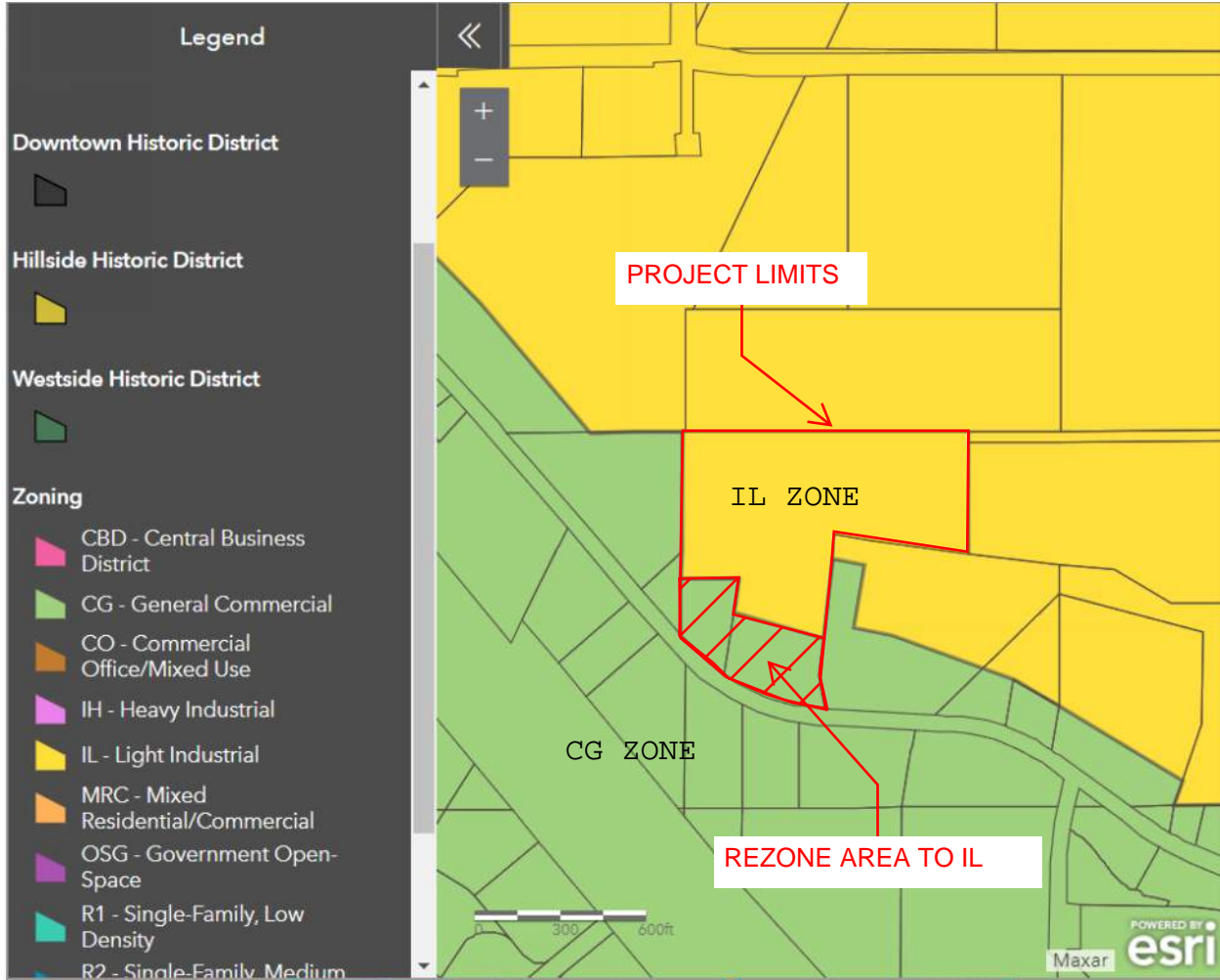
Fee paid on _____ Check #: _____ Receipt # _____

Submit to the Development Review Committee on: _____

Submit to the Planning Commission on: _____

Submit to the City Council on: _____

ZONING MAP EXHIBIT - SHOVEL READY, LLC



PETITION FOR AMENDMENT

(check only one)

- Chehalis Comprehensive Plan (July 12, 1999)
- Chehalis Uniform Development Regulations (March 25, 2002)
- Chehalis Public Works Standards (July, 2005)
- Chehalis Zoning Map (Rezone)
- Other (specify): _____

To: The Honorable Mayor and City Council
Chehalis Planning Commission
Chehalis Development Review Committee

From: [The undersigned]

Date: October 13, 2023

Subject: Request for Formal Review and Decision on a Proposed Change to the Indicated Document.

1. The specific location (page number, section number or other identification) of the referenced text or map to be considered for amendment:

Tract A Tax parcel 017857003005 and Tract B Tax parcel 017857003006

2. The specific text proposed to be changed. Use ~~strikethrough~~ format to indicate text proposed to be deleted, and underline format for text proposed to be added. If lengthy, attach additional pages:

See attached Foresight Surveying exhibits A (Parcel legal description), B (Proposed Light Industrial, zoning legal description) and C (diagram).

3. Submit a map for the alternative to the existing map. (Attach). Use dashed lines to indicate new lines proposed to be added or moved, and 'X's on removed or revised lines.

4. The specific reason (in detail) why this change is necessary:

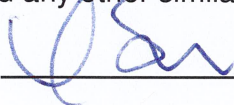
The Port would like to retain the original Light Industrial (IL) zoning on Tract A all the way to a jurisdictional water body (ditch) that is difficult to relocate, and also serves as a sufficient boundary between R3 zoned property and IL zoned property.

5. The anticipated/expected affect of this change on the location, vicinity and/or overall community:

The Port will also submit a Boundary Line Adjustment (BLA) on Tract A extending the parcel line to match the proposed zoning request.

The jurisdictional drainage ditch serving residential properties to the east and will not be impacted. Future development of Tract B will closely match the surrounding residential zoned areas.

6. ***By my signature hereon,*** I hereby certify that I have a full understanding of the implications of the above proposal, and request an opportunity to present testimony at any public hearing(s) held on this petition. I further understand that the Chehalis city council will consider this and any other similar petitions only during the second quarter of a calendar year.

Signature (x): 

Printed name: Lindsey Senter, CEO Port of Chehalis

Mailing address: 321 Maurin Road
Chehalis, WA 98532

Phone #: (360) 748-9365

OFFICE USE ONLY:

Received 10/16/2023 By LF

File # UGA-PFA-2023-001

Fee paid on _____ Check #: _____

Receipt # _____

Submit to the Development Review Committee on: _____

Submit to the Planning Commission on: _____

Submit to the City Council on: _____

EXHIBIT A
PARCEL LEGAL DESCRIPTIONS

APN: 017857003005

TRACT A OF CITY OF CHEHALIS UGA BLA NO. UGA-BL-19-004
TOGETHER WITH AND SUBJECT TO A UTILITY EASEMENT AS RECORDED UNDER LEWIS
COUNTY AUDITOR'S FILE NO. 3139981

APN: 017857003006

TRACT B OF CITY OF CHEHALIS UGA BLA NO. UGA-BL-19-004
TOGETHER WITH AND SUBJECT TO A UTILITY EASEMENT AS RECORDED UNDER LEWIS
COUNTY AUDITOR'S FILE NO. 3139981

EXHIBIT B
PROPOSED LIGHT INDUSTRIAL ZONING LEGAL DESCRIPTION

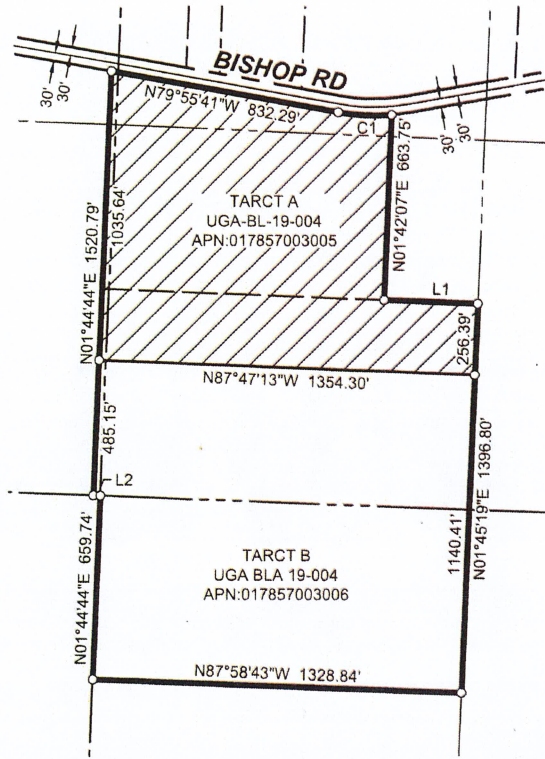
TRACT A OF CITY OF CHEHALIS UGA BLA NO. UGA-BL-19-004

TOGETHER WITH

THAT PORTION OF TRACT B OF CITY OF CHEHALIS UGA BLA NO. UGA-BL-19-004
LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT A;
THENCE S01°44'44"W ALONG THE WEST LINE OF SAID TRACTS A AND B A
DISTANCE OF 1035.64 FEET TO THE **POINT OF BEGINNING**;
THENCE S87°47'13"E A DISTANCE OF 1354.30 FEET TO THE EAST LINE OF SAID
TRACT B AND THE **TERMINUS** OF DESCRIBED LINE.

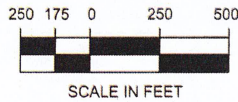
EXHIBIT C
 PORTION OF THE SW 1/4 NE 1/4, SE 1/4 NW 1/4
 AND NW 1/4 SE 1/4 SEC 14, T 13 N, R 2 W, W.M.
 LEWIS COUNTY, WASHINGTON



LINE AND CURVE DATA

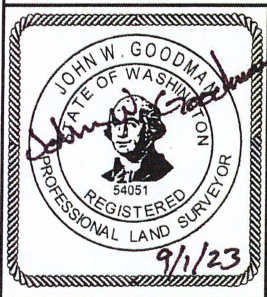
LINE	BEARING	DISTANCE
L1	N87°47'13"W	337.67'
L2	N87°53'16"W	25.00'

CURVE	DELTA	RADIUS	LENGTH
C1	14°44'28"	749.91'	192.94'



LEGEND

- SECTION LINE
 - CENTERLINE
 - RIGHT-OF-WAY LINE
 - LOT LINE
 - PROPOSED ZONING LINE
 - SITE BOUNDARY/ PARENT PARCEL
-
- ZONE CHANGE AREA = 24.55 AC



FORESIGHT
SURVEYING, INC.
 PROFESSIONAL LAND SURVEYORS
 1583 N NATIONAL AVE
 CHEHALIS, WA 98532 OFFICE: (360) 748-4000

EXHIBIT C
 JOB NO: 5300 DATE: 08/30/2023
 LEWIS COUNTY, WASHINGTON

