

# City of Chehalis

Planning Commission

Staff Report

June 14, 2022

To: Planning Commission  
From: Tammy Baraconi, Planning and Building Manager  
Date: June 14, 2022  
Subject: RZ-22-001 Rezone request for 201 Hannah Lane from RUGA to General Commercial

## Introduction

On January 26, 2021, Kyle Wheeler, on behalf of the Lewis County Lollipop Guild LLC submitted a letter (exhibit A) requesting rezoning of Lewis County tax parcel number 017875055031 from RUGA to Commercial Industrial zoning. Staff contacted Mr. Wheeler via email to ask for clarification as the City does not have a Commercial Industrial zoning classification.

Mr. Wheeler responded with a clarifying request (exhibit B) that the property be rezoned to Commercial zoning. Staff then declared this a complete application on January 27, 2021. (exhibit C)

As stated in the Letter of Complete Application, at that time staff anticipated getting this request along with all the comprehensive plan updates and rezone requests done in early fall of 2021.

Because of staffing issues and the quantity of work in 2021 staff was not able to present these items to the Planning Commission until May 2022. And due to the length of time between submittal and action, staff simply forgot Mr. Wheeler's request. Staff is profoundly sorry for this oversight, and we are hearing this request immediately after the previous hearing.

Mr. Wheeler is requesting that this site be rezoned from RUGA to Commercial zoning. The site is 1.2 acres in size or 50,491 square feet. It is accessed off London Lane and Hannah Lane with Hannah Lane being the primary point of access and used for addressing. The original plat for the Glacier Ridge Subdivision set this parcel aside for stormwater purposes under Lewis County Auditor File Number 3309359. This agreement states that this parcel shall be for the sole benefit of Glacier Springs Subdivision and to be used only for stormwater retention. The burden of paying taxes and maintaining the parcel was assigned to the Glacier Ridge Division I Homeowner's Association (HOA).

The site is at the most southerly boundary of the Chehalis Urban Growth Area and directly adjacent to Napavine jurisdiction to the south. The site is surrounded by residential property on the north and east sides and commercial zoning on the opposite side of Rush Road to the west.



As happens many times in cases such as these, the HOA disbanded, and the site fell into disrepair. Taxes also fell into arrears. As a result, this parcel was sold on the Court House steps for the cost of back taxes. Which is how Mr. Wheeler, on behalf of the Lewis County Lollipop Guild LLC came into possession of lot. Upon purchasing this site, the Lewis County Lollipop Guild (LCLG) became responsible for maintenance of the site.

The initial intent of the purchase by LCLG was to place a billboard on the site to counter the Hamilton Road sign located in Napavine jurisdiction. Staff explained to Mr. Wheeler that the intent of the property is to serve the needs of the residents and must remain residential in nature with the primary use being the use of the stormwater retention pond. For this reason, we could not permit a billboard on this site.

Mr. Wheeler is now requesting that the site be rezoned to Commercial zoning.

#### **Public Notification and Comment**

Public notice was published in The Chronicle on May 31, 2022 and posted on the City's website. Notice was also sent to all property owners within 300 feet of this site. Two comment letters were received as of the date this staff report was written. They are attached as exhibit D.

#### **Environmental Review**

Environmental review was included in the environmental review for the May 2022 Comprehensive Plan updates and Rezones. No comments were received specific to this proposal.

#### **Process**

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

1. The WA Dept of Commerce will have 60 days to review the proposed changes.
2. After Commerce has completed their review, it will come back to the City for a public hearing with the City Council.
3. The public hearing with the City Council will allow the public and developer another opportunity to comment on the proposed changes.
4. If approved by City Council, it goes into effect approximately 5 days after publication.

#### **Staff Analysis and Recommendation**

A positive recommendation for this proposal must meet CMC 17.09.210(K) Rezones, zoning regulations and comprehensive plan amendments.

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

*Staff finds that this property was zoned correctly and there are no technical errors pertinent to the comprehensive plan.*

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

*Staff finds that the applicant provided only the minimum to initiate this process. No further documentation as submitted or requested.*

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

*Staff finds that if the applicant installs a billboard within close proximity to the Hamilton Road sign it may negatively impact the traffic along Interstate 5. Staff also finds that if there is damage to, or the filling of the stormwater pond, excessive stormwater will begin impacting surrounding residential property. In addition to stormwater issues, the adjacent residential sites would be denied the use of the lot and homes as they currently do because a billboard will block sunshine.*

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

*Staff finds that this proposed change does not address any changing needs within the city as a whole.*

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

*Staff finds that this proposal is incompatible with the provisions of the comprehensive plan or other goals and policies of the City. As per the 2017 City of Chehalis Land Use section one of the identified goals is:*

*LU.13.03 Promote the maintenance of infrastructure and amenities within existing neighborhoods.*

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

*Staff does not find this proposal to be compatible with adjacent land uses and surrounding neighborhoods. Rezoning this parcel to commercial will allow the property owner to use the parcel in way compatible with commercial zoning. That includes office space, retail stores, and coffee stands to name a few. Further, CMC 17.63.110(C) General Commercial signs shall only be permitted for on-site uses. As the only current existing use is a stormwater pond, there is nothing that allows for additional signage.*

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

*Staff finds that this development will likely impact community facilities. Specifically, traffic on Interstate 5 may begin to slow down in order to read both the Hamilton Road sign and any new billboards that are installed. This could create dangerous slow downs and traffic congestion. It will also block sunshine falling on neighborhood homes and yards impacting the use of their homes as they are currently being used.*

Staff recommends denial of permit number RZ-21-001 Rezoning from RUGA to General Commercial zoning, parcel number 017875055031, 201 Hannah Lane for the following reasons

1. The site is currently being used to serve a residential neighborhood for stormwater.
2. An additional billboard would create a distraction to both the neighborhood and Interstate 5 traffic.
3. It is inconsistent with our 2017 City of Chehalis Comprehensive Plan

**Suggested Language**

***If Approve***

Make a POSITIVE recommendation to the City Council for RZ-22-001 Rezone request for 201 Hannah Lane from RUGA to General Commercial subject to the following condition(s):

***If Deny***

Make a NEGATIVE recommendation to the City Council for RZ-22-001 Rezone request for 201 Hannah Lane from RUGA to General Commercial for the following reason(s):

***If Table***

Make the motion to TABLE the proposed RZ-22-001 Rezone request for 201 Hannah Lane from RUGA to General Commercial for the following reason(s):

Exhibit A:	January 26, 2021 Request
Exhibit B:	January 27, 2021 Request
Exhibit C:	Letter of Complete Application
Exhibit D:	Public Comments



# VICINITY MAP

## RZ-22-001

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



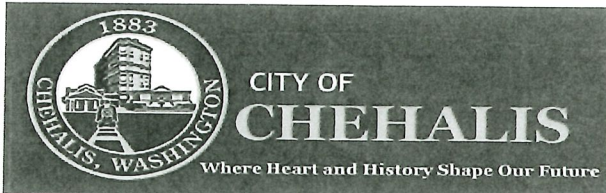
January 27th, 2021

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



Community Development Department  
1321 S. Market Blvd., Chehalis, WA 98532  
360.345.2229/Fax: 360.345.1039  
www.ci.chehalis.wa.us email: comdev@ci.chehalis.wa.us

January 27, 2021

Kyle Wheeler  
Lewis County Lollipop Guild, LLC  
PO Box 1411  
Toledo, WA 98591

COPY

RE: Letter of Complete Application; request to rezone, File # RZ-20-001

Dear Mr. Wheeler,

Your request to rezone Lewis County Parcel number 017875055031 from residential to general commercial is complete. No additional information is required at this time. It is possible that questions will come up during the review process. If additional material is needed, we will contact you.

To complete your request for rezone, staff must take the following steps.

1. Update the City of Chehalis Comprehensive Plan Land Use Map.

Staff is currently undertaking the process of updating the Comprehensive Plan. Because of the number of changes currently needed within the Comprehensive Plan the anticipated date for completing the first step of your request is September 2021.

Prior to completion the Planning Commission will hold a public hearing to take testimony on changes to the Comp Plan, including your request for a change to the Land Use Map. After deliberation, the Planning Commission then makes a recommendation to the City Council on the proposed action.

The City Council will hold another public hearing before voting to act on the proposed changes. All proposed actions take place via ordinance and require two separate readings at the Council before they can become effective.

2. Update the City of Chehalis Zoning Ordinance and Zoning Map.

Updates to the Zoning Ordinance and Zoning Map occur concurrently. They can not take place until after the City Council has approved the updates to the Comprehensive Plan.

As with the updates to the Land Use Map, changes to the Zoning Ordinance and Zoning Map require a public hearing with the Planning Commission. The Commission will take public testimony and then make their recommendation to the City Council. After this is complete, there will be another public hearing before the City Council.

And just as with the Land Use Map, proposed changes to the Zoning Ordinance and Zoning Map require an ordinance and two separate readings by the Council before they can become effective.



COPY

Lewis County Lollipop Guild, LLC  
Rezone request RZ-20-001, LOCA  
January 27, 2021  
Page 2 of 2

You will be notified via email of all public hearings before the Planning Commission and City Council involving your request for rezone. You will be afforded an opportunity to speak to the Planning Commission and the City Council during the public hearing, giving you an opportunity to represent your request and answer any questions the Planning Commission or City Council may have.

Please contact me if you have any questions about the review or legislative process. You can reach me via email at [tbaraconi@ci.chehalis.wa.us](mailto:tbaraconi@ci.chehalis.wa.us). When communicating with me regarding this request please reference the file number, RZ-20-001.

Sincerely,



Tammy S. Baraconi  
Building and Planning Manager

cc: Jill Anderson, City Manager

**AFFIDAVIT  
OF PUBLICATION  
STATE OF WASHINGTON  
COUNTY OF LEWIS**

Cindy Thayer, and/or Sarah Burdick, and/or Ronda Pogorelc and/or Cheyenne Denman says that she is the legal clerk of

**The  
Chronicle**

a semi-weekly newspaper, which has been established, published in the English language, and circulated continuously as a semi-weekly newspaper in the City of Centralia, and in Lewis County, Washington, general circulation in Lewis County for more than six (6) months prior to the date of the first publication of the notice hereto attached, and that the said Chronicle was on the 7th day of July 1941, approved as a legal newspaper by the Superior Court of said Lewis County. And that the attached is a true copy and was published in regular issues (and not in supplement form) of said newspaper as LEGAL # 122428  
RE: Notice of Public Hearing

once each day for a period of 1 day

commencing on 05/31/2022 and ending on 05/31/2022

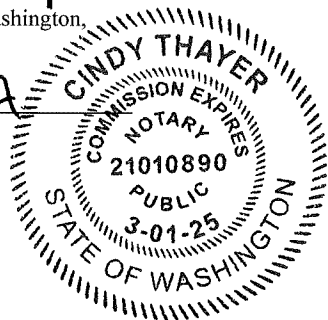
and both regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$ 119.40

Ronda Pogorelc  
Subscribed and sworn to before me 05/31/2022

Cindy Thayer

Notary Public in and for the State of Washington,  
residing at

Chehalis, WA



122428 Notice of Public Hearing

**NOTICE OF PUBLIC HEARING  
PLANNING COMMISSION**

**TOPIC:** Rezone request for 201 Hannah Lane, parcel # 017875055031. The request is to change from Residential UGA to Commercial.

**DATE, TIME and PLACE:**  
June 14, 2022 at 6:00PM  
Chehalis City Hall,  
Council Chambers  
350 N. Market Blvd  
Chehalis WA 98532

**CONTACT:** To view the proposed changes during regular business hours or to request a copy, contact:  
Tammy Baraconi,  
Planning Manager  
1321 S. Market Blvd, Chehalis  
360.345.2229, or  
tbaraconi@ci.chehalis.wa.us

Anyone interested may appear and be heard. The decision of the City Council will be mailed to all those who submit comments, testify at the hearing or request the decision in writing. Any aggrieved party of record can file an appeal with Lewis County Superior Court.

\*\*\*Written public comment can be accepted until 4:30 PM on June 13, 2022.\*\*\*

Published: The Chronicle  
May 31, 2022

## Community Development Department

1321 S Market Blvd

Chehalis Wa 98532

**6/6/2022**

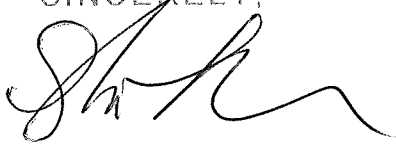
SHAWN FRAZIER  
117 HANNAH LN CHEHALIS WA 98532  
3602697336  
PARCEL 017875055016

RE:REZONING RZ-22-001

We live on Hannah and have lived here for 10 years, we built half of the houses on Hannah lane as a USDA self help housing. We have never had issues with the neighborhood, recently when the lollipop guild put a container on there residential land with a huge sign on top of it it attracted attention to our quiet neighborhood. All of this unwanted attention was just to try to get a rise out of the Hamilton sign supporters. Which doesn't cause attention like the lollipop guild sign would. The residential land has been left as a storm water/wetland area the animals enjoy the area as it is untouched by human and can develop naturally. The owner of this property has taken it upon himself to drop letters off to all the neighbors threatening to start an HOA to pay to maintain the storm water land which has never been touched since it was created he claims that in the auditors RFN# 3292424 that all house on both London lane and Hannah lane disbanded and were to have an HOA. But upon further reading it only applied to London Lane parcel lots. Most of this neighborhood on all sides have buffers around for storm water, grassy areas for natural habitats. By changing this land to commercial there's no stopping the land owner to what future possibilities they would create. This landowner should not be allowed to own this land or change to commercial due to the fact of the attention they have already brought to our small neighborhood for example placing large banners 2 inches from brand new residents homes. Mr. Wheeler knew when buying the residential land that it's main purpose is for storm water and is

located behind residential house that are along the streets but he sees this land as a way to grab attention from I5 to make there voice heard which will bring havoc to our neighborhood if the people against the sign wish to cause harm to our neighborhood.

SINCERELY,

A handwritten signature in black ink, appearing to read 'Shawn Frazier', written in a cursive style.

SHAWN FRAZIER

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June 2, 2022

To Whom It May Concern,

I am writing this letter to express my concern for the rezoning request pertaining to the property located at 201 Hannah Lane, Lewis County, Parcel number 017875055031. By rezoning the property from Residential UGA to Commercial zoning this will adversely impact the community and surrounding area. The purpose of a residential zone is to keep people from constructing larger signs, billboards, and unnecessary complex construction projects.

Allowing these higher intensity uses in a low-density family residential area will cause a devaluation in home property, nuisances, restriction of view, possible stress on local infrastructure. I strongly encourage The City of Chehalis to reject this request.

Sincerely,

Crystal Starr