

1 Planning Commission

2 Meeting Minutes June 14, 2022

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4 Present: Tammy Baraconi, Laura Fisher, Kyle McKerricher, David Fitzpatrick, Melissa Cox, Derek Dodd

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6 Kyle McKerricher calls meeting to order at 6:02pm.

7 Roll call is taken.

8 Approval of minutes from May 10 meeting.

9 No citizen business.

10 Commission business brought to the commissioner's attention by Tammy Baraconi. An update, moving
11 forward next month will be elections of officers. There is also another public hearing scheduled for next
12 month on code updates. We will start a workshop next month on the Shoreline Master Plan.

13 6:04pm K. McKerricher closes the public meeting. Opens public hearing for RZ-21-001 rezone request
14 for 201 Hannah Lane. Kyle Wheeler on behalf of the Lewis County Lollipop Guild LLC is requesting that
15 201 Hannah Lane be rezoned from RUGA-Residential to General Commercial.

16 T. Baraconi confirms this is a rezone request for 201 Hannah Lane. The site is located at the edge of
17 Glacier Ridge Subdivision. It is at the very southerly jurisdictional boundary for the city of Chehalis, just
18 east of I-5, and north of Napavine. The site is currently zoned RUGA. The applicant has requested it be
19 rezoned as GC for General Commercial. She explains the decision criteria required to be met in order to
20 approve or deny. Are there any obvious technical errors? In this case there are no pertinent technical
21 errors. The next 6 items all have to be met in order for approval. The applicant has carried the burden
22 of proof or produced sufficient evidence. The amendment bares a substantial relationship to public
23 health. The amendment addresses changing circumstances within the community. The amendment is
24 compatible with the provisions of the Comprehensive Plan. If applicable to an identified property, the
25 amendment is compatible with the adjacent land use and surrounding neighborhoods. Will this
26 amendment result in development which will adversely impact community and including but not limited
27 to utilities, transportation, parks, and schools? All of these items are in the Staff Report. Staff does
28 recommend denial of this project for reasons listed. The site is currently being used as a residential

29 neighborhood for stormwater. When it was originally created it was created as a stormwater pond in an
30 open space area for Glacier Ridge Park. If it goes to commercial it can be used for commercial uses. It is
31 not suitable for that. Its intent all along has been residential. An additional billboard, which is the intent
32 of Kyle Wheeler and the Lewis County Lollipop Guild, would create a distraction to both the
33 neighborhood and to interstate 5 because of its proximity to I-5. It is inconsistent with the 2017
34 Comprehensive Plan. The two sections it is inconsistent with are the land use section LU.09.02 that
35 requires buffers for incompatible uses. A General Commercial with a large sign right up against a
36 residential neighborhood is definitely incompatible. The housing section H.04 is to maintain and
37 preserve existing housing stock. Staff does find that it would be adversely impacting the housing stock
38 that is there to have a large billboard constructed right next to their property.

39 K. McKerricher continues with providing the applicant an opportunity to present any additional
40 information on the request for the rezone.

41 Kyle Wheeler joins via Zoom to share that a vast majority of what was said has been submitted in
42 written public comments for this. He is attending to try and answer any questions.

43 6:10pm K. McKerricher invites members of the public to testify.

44 Sharon Hess steps up to testify residing at 199 London Lane. She put up a very nice fence. One day he
45 was mowing out behind them, and she went out to talk. He reported to the city that she spit in his face.
46 She did not. He built an 8x10 sign and put it 3 inches from her fence. It was up there for quite a while.
47 The city has had him remove it. He harasses people and we don't need that. We don't need this land to
48 go to commercial. He doesn't need to build on it. She is very upset. She knows there are other people
49 too because he is not a good person.

50 Patty Osberg steps up to testify residing at 138 London Lane. Has a couple questions about the process.
51 Asks if the gentleman has asked for the petition for the hearing. Is there a regulation that would allow
52 the petitioner to apply? She believes that in the letter he sent to them, he said that if he was not
53 allowed to do some of these things he could still go ahead and request variances for his property. She
54 asks for explanation of the change of zoning and variance issues, and what the property could be used
55 for if it was turned into commercial.

56 K. McKerricher explains that the Planning Commission is an advisory board that would go to the city
57 Council. The commissioners don't change any zoning. It would go to the Council based on what is
58 decided today and they make the ultimate decision.

59 Patty Osberg continues that they have been in this zone which is kind of the ugly stepchild so to speak
60 between the county and the city. We are half and half. We have some city services. We support some
61 city services like the schools and the water district provides for us. We get other services such as law
62 enforcement through the sheriff's department through the county. Does the city of Chehalis have any
63 intention of taking them into the city anytime in the near future? If so, what would that mean to them.
64 She understands that staff is advising the commissioners to deny this for the request to rezone.

65 K. McKerricher explains to Patty that the commissioners have not voted yet.

66 T. Baraconi responds that from here the next in the process after the Planning Commission has made
67 the recommendation, is that the request will have to go to the Department of Commerce for a 60-day
68 mandatory review. When it comes back to the city, it is taken to the Council for two readings. The first
69 and second readings on an ordinance for either an approval or denial. If the Council chooses to approve
70 it, it is affective 5 days within it being published. If the Council choses to deny it Mr. Wheeler at that
71 point has the option of appealing that decision. Or he could reapply again if he can find a zone that he
72 thinks might be more appropriate. He can request a variance. Her recommendation that what he is
73 asking for is a change of use, a significant change of use, that takes the zoning change to happen in order
74 to make that plausible. She does not know that a variance would be applicable in this case. The city is
75 working on an annexation process. It is not quite ready to move forward. There is some background
76 work that needs to be done before staff will be ready to present it to the public. It is our intention to do
77 some annexation. At this point staff is not considering Glacier Ridge Subdivision but are considering
78 going down almost to Rush Road.

79 Riley Edwards steps up to testify residing at 140 Hannah Lane. As far as he is aware, Washington State
80 has statutes for subdivisions where when a subdivision is created it has to have so much open space.
81 According to this if it were to be rezoned, it would no longer be considered an open space. That is his
82 biggest reason for not wanting this to happen. Clarifies that Washington State requires by state law that
83 when creating a subdivision, they are required to have so much green space. If it were to be zoned as
84 commercial it would essentially be taking away all of the green space. On the plat for this area, it calls
85 out on the plat that this is for stormwater and green space. He is not sure what kind of footing Mr.
86 Wheeler has in any way to change that because it would be changing the entire subdivision.

87 T. Baraconi explains that there is a covenant, a CC&R for this particular parcel that requires that it be left
88 as stormwater and open space for the subdivision. That was one of the reasons why she had

89 recommended denial. The site is currently being used to serve a residential neighborhood for
90 stormwater. It is attached to those CC&Rs.

91 Shawn Frazier steps up to testify residing at 117 Hannah Lane. He wrote a letter of which is in the
92 packet before the commissioners. The letters that were sent out to the residents from Mr. Wheeler, felt
93 like a personal threat that he is going to try to charge a fee for taking care of that area. In the city
94 documents for Glacier Ridge, it notes that parcels on London Lane are in that but the ones on Hannah
95 Lane are not a part of that. He does not appreciate the false news or false facts. That area has not been
96 touched for the ten years that he has been there. The fact that it is a stormwater area, the natural
97 habitat, animals float down to that area. If they are going to cause disruption to that, he is against that.
98 The signs and banners that have been going up every so often create bad attention from crowds that
99 could bring bad things into the neighborhood. He does not want that in the area because it is a very
100 quiet area. Every time a new sign or banner goes up it creates attention to a very quiet neighborhood
101 that the older people enjoy.

102 Jamie Gleason steps up to testify residing at 137 London Lane. She asks how this parcel of land get
103 bought to begin with. She does not understand. If it had a purpose for stormwater collection, how does
104 somebody get their hands on it? How is that a feasible piece of land for someone to buy? Yes, he has
105 had random things up over the last couple of years, most of which has not been maintained. He will put
106 up flags and what not, and it all goes to trash because it gets weathered or half of it gets knocked down.
107 It basically looks like garbage to begin with. The fact that the poor gal that just bought that house at 199
108 London Lane, literally moved in, and within 2 months of her living there, she's had issues. She does not
109 like the way he is going about stuff. She has lived there in the neighborhood for 9 years and hasn't had
110 any troubles. All of a sudden, this rolls in and a happy place is now stressful. You have to worry now
111 about people coming in and ruining things. How far does that go? We've paid a lot of money for our
112 homes and have maintained them well, and our neighborhood well. This is just a pointless call for
113 attention. She thinks this needs to disappear. He can have his rainbow fence over on the west side, put
114 something on the overpass, whatever. Don't mess with a neighborhood you have nothing to do with.

115 K. Wheeler asks that it be on the record that Jamie Gleason shouted she knew where he lived.

116 T. Baraconi explains that when this subdivision was created it was created with a Homeowners
117 Association. Originally the Homeowners Association was responsible for paying the taxes on this
118 particular piece of property in question in maintaining it. The Homeowners Association disbanded, for

119 what reason she is not sure. As a result, money was not collected to pay taxes on the property. The
120 property was sold in a tax sale. That is when Mr. Wheeler bought it.

121 D. Dodd asks Tammy, for what it is currently zoned for, what can he do with it?

122 T. Baraconi answers that for residential there is nothing he can do with it. It's zoned for residential
123 because that is the use it was meant to support. It is not big enough to support a house. It has to keep
124 the stormwater pond. That is part of the CC&R's that are recorded. It has to keep the stormwater pond.
125 Unfortunately, there's not enough room to do anything with it.

126 K. Wheeler would like to address a few of the concerns. The first being that he is putting stuff up and it
127 keeps getting weathered. One of the reasons is the access to the parcel has been restricted, mainly by
128 the house that was built that Mrs. Hess has purchased and the house that was built prior to that. Part of
129 the limited access to the parcel has been this litigation. You guys have all seen the big sign Marvin
130 Construction stole my land. It all has to do with the fact that the access to this parcel is very limited.
131 You guys have seen him trying to get in there to maintain it the last couple of days and it is very hard,
132 because he has one place to get in there. Part of that restriction is frustrating to him because, he is
133 supposed to maintain it but have one 12-foot alley to get any sort of equipment in there to do that with.
134 To address Mrs. Hess specifically. The last banner that he put up regarding Marvin Construction and the
135 current litigation they are in the process of, is that it was put on his land. He understands that his land
136 happens to be 3 feet or inches out from her land. He is very sorry that she purchased a parcel from
137 Scott Marvin that was not represented in the manner that it should have been. When she purchased
138 the parcel, he had already had the survey done. It is very clear as to where her property ends, and the
139 open stormwater parcel begins. He understands the level of frustration that comes with that. He
140 understands that having a house that has less than 3 feet at the back of the house, but the city approved
141 that. He is just trying to finish out that litigation to get Mrs. Hess and Erick Sonnenberg's driveway
142 which is about 8 feet over. He is trying to get these two driveways removed to protect the original
143 parcel. That is what the litigation going on is about. That is what some of these signs are about. As far
144 as maintaining the parcel goes, it has been discussed that the HOA existed. It still exists on paper even
145 though it was disbanded so there is a level of this parcel supposed to be everyone's obligation. He
146 happened to get his hands on it. To correct Tammy for the record, he did not buy it at tax auction. It
147 was bought by another person at tax auction. He sent them a letter in the mail asking if they wanted to
148 sell it. It has been sold at tax auction two or three times in the last decade.

149 K. McKerricher asks if any members or staff have any further questions on this matter. None given.

150 6:29pm K. Mckerricher then closes up the public comment portion of the hearing and moves on to
151 debating this item.

152 M. Cox thanks the members of the public for coming and speaking tonight.

153 K. McKerricher would like to make note for full disclosure that Mr. Wheeler and his boss Chad Taylor
154 have had some disputes in the past. He does not feel that it affects his ability to make a decision
155 tonight. He would like to make a negative recommendation to city Council for the rezone request for
156 201 Hannah Lane from RUGA to General Commercial for the following reasons of which are all the
157 reasons the city has stated and that the members of the public say as well.

158 D. Dodd seconds the motion. Motion carries unanimously.

159 6:31 pm K. McKerricher closes the public hearing. Reopens the meeting and motions to adjourn.

160 M. Cox makes the motion to adjourn. D. Fitzpatrick seconds the motion. Motion carries unanimously.

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162 Approved by: 

163 Kyle McKerricher, Chair

164 Recorded by: 

165 Laura Fisher, Permit Technician

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