

**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

SUMMARY / INTRODUCTION

Application #: Rezone Request RZ-23-003 at 201 Hannah Lane

Report Date: March 1, 2024

Prepared By: Todd Johnson, City of Chehalis Planner

Project Description: The applicant, Kyle Wheeler, requests a rezone for the property located at 201 Hannah Lane from R1 (Residential) to MRC (Mixed Residential Commercial). The proposal raises concerns regarding compatibility with comprehensive plan goals, zoning regulations, and stormwater management responsibilities. The applicant submitted a narrative addressing these concerns.

Applicable Regulations and Comprehensive Plan Sections

This staff report utilizes specific citations from the City of Chehalis Comprehensive Plan and Zoning Code, emphasizing the necessary standards for approval:

1. Chehalis Comprehensive Plan, Land Use Element

Compatibility with Neighboring Uses: The proposed zoning change does not align with the land use goals outlined in the Comprehensive Plan, specifically regarding maintaining the character of residential neighborhoods and ensuring appropriate transitions between different land uses (Comprehensive Plan, Land Use Element, Section 1.10.6).

2. Chehalis Zoning Code, Mixed Residential Commercial (MRC) Zoning Requirements

Allowed Uses: A request for rezone and comprehensive plan amendment must consider all the allowed uses in the zone because once a property is rezoned, there is an expectation that one or more of those uses would be developed. The request for MRC zoning fails to meet several critical criteria, including compatibility with adjacent land uses, provision of necessary services, and adherence to development standards aimed at preserving community character (Zoning Code, MRC Zoning Section).

3. Environmental Protection and Floodplain Management

Stormwater Management: The parcel's importance to the neighboring housing development and its designation for stormwater treatment and flow control are crucial. The applicant's proposal does not adequately address how stormwater management will be sustained under the new zoning designation, as required by the City's stormwater management guidelines and the Department of Ecology's 2019 Stormwater Manual (WAC 365-196-310(1)(b)(iii)(C)).

BACKGROUND INFORMATION

The subject property is adjacent to both R1 single family residential and in the City of Napavine commercial/ Industrial zoned lots. The property currently serves a dual purpose as a stormwater management facility and a memorial/bird sanctuary. The applicant's narrative indicates a desire to maintain the current uses while also exploring commercial development opportunities. However, the request poses significant concerns regarding zoning compatibility, environmental stewardship, and the maintenance of essential services.

ANALYSIS

Spot Zoning Concerns: The proposed rezone to MRC, which is a combination of the GC and R3 multifamily zoning standards, would create an inconsistent zoning patch within a predominantly single-family residential area, raising issues of "Spot Zoning," which is discouraged by City planning policies and state regulations due to potential adverse impacts on surrounding properties. The higher densities permitted in the R3 zone or the commercial uses directly adjacent to the single-family residential neighborhood are incompatible with these existing uses. The applicant cites an approved mixed-use development in the additional narrative submitted, but also recognizes that the commercial uses were not included in the current project.

Stormwater Management: The parcel's crucial role in regional stormwater management and the lack of a clear plan for integrating existing stormwater infrastructure into the proposed development model are problematic. The Development Review Committee's notes highlight the need for detailed information on managing stormwater post-development, which the applicant has not satisfactorily provided (DRC Meeting Minutes, February 7, 2024). The additional narrative submitted by the applicant provides some information on the existing stormwater facility and use but does not include any indication of what would occur if the stormwater facility would be developed for a multi-family residential or commercial use. The applicant states that a sign is one potential use that could be developed, but with a rezone and comprehensive plan amendment specific uses should not be considered because any of the permitted or conditional uses in the zone are allowed with the rezone.

Environmental and Community Impact: The transition of a parcel with significant ecological and memorial value to a mixed-use commercial designation without a clear, beneficial purpose or plan poses risks to community values and environmental quality.

Recommendation

Given the proposal's apparent conflict with the zoning principles and environmental stewardship objectives the request requires a SEPA review and possibly some additional information from the applicant. Request any additional information needed for PC review and request the applicant prepare a SEPA ECL for publication.

Suggested Action:

Request additional information from the applicant as needed for planning commission review and recommendation to be considered at a future Planning Commission hearing and a motion to continue this hearing until the information is received and SEPA has been published.

Exhibits:

Exhibit A: Applicant Narrative - 201 Hannah Lane

Exhibit B: Development Review Committee Meeting Minutes

City of Chehalis,

Thank you for taking the time to review my rezone request.

To demonstrate how this parcel meets the standards for MRC zoning, this property abuts both residential and commercial lots within the Chehalis UGA. This parcel's western most line along Rush Road connects to a commercially zoned Washington Department of Natural Resources service lot in addition to the residential lots within the Glacier Ridge PUD which this parcel's stormwater facilities currently service. Additionally, this parcel's southern property line is the jurisdictional line where Napavine's jurisdiction takes over. Napavine's zoning in this area is also commercial with the parcel to my south containing a handful of commercial businesses. It is my understanding Napavine's zoning is unable to be considered in this process, however I think this large commercial development, which my parcel shares its largest property line with, speaks to the mixed use nature of the neighborhood the same as the DNR lot abutting this parcel within the UGA does. It is also my understanding that a PUD development such as the Glacier Ridge PUD is specifically intended for mixed use development. In fact, Glacier Ridge PUD, the entire PUD development, was zoned general commercial with no vested rights to residential development. It is my understanding that the 39 homes of what is now Glacier Ridge PUD were once intended to be a commercial area to service the Holloway Springs development which surrounds this PUD and the parcel had no vested rights to residential development to begin with which is why it was rezoned to the current mixed use PUD it is today to allow for the housing which was built there.

To demonstrate how the stormwater facility and existing stormwater would be managed should development occur I would first mention that to the best of my knowledge this stormwater system was originally installed for a commercial mini storage facility. Referencing a previous review of concept done by one former developer, chehalis file number AC-06-133, what is now the Glacier Ridge PUD was originally going to be a mixed use development with 16 houses on the north and a mini storage and RV storage facility to the south. To my knowledge the stormwater ponds on this parcel were originally developed for this mini storage facility before development plans abruptly changed near final approval to become 39 residential lots with no commercial facility that you see today. In this previous review by the city of chehalis it is specifically noted the property now known as Glacier Ridge PUD was commercially zoned with no right to residential development. It was intended to be the commercial services for the larger development, Holloway Springs, which surrounds it.

To address the concern this property's existing use is as a bird sanctuary and memorial pond as well as providing stormwater service to the homes within the mixed use PUD. The existing use is as a memorial pond (the retention ponds) along the ridge of which there are 11 birdhouses, each with a single letter painted on the bottom. Together, those birdhouse letters spell out K.a.l.i. W.a.s. H.e.r.e. Ms. Kali was a dear friend of mine who passed away abruptly in 2019 and who the memorial was established for. The sanctuary is not open to the public nor is there public access to the parcel. It is simply a roadside monument to one person's freedom of expression to be viewed at a moment's glance, similar to the Hamilton Sign nearby, Gospodor's Monuments outside Toledo or other roadside monuments to freedom of expression throughout America. To speak to any development goals, I am requesting a rezone to be better suited to eventually request a reasonable sign installation to advertise the sanctuary and diversity in our community it is intended to represent. Chehalis recently permitted such a sign, in a residentially zoned area without a rezone, for the Newaukum Valley Golf Course and I am simply requesting the same. I fully understand the ponds and their maintenance have and will always exist as part of any development of this parcel but that does not mean this parcel does not also have adequate services, space, and location to serve a complimentary purpose as well.

To address the concern of maintenance of the stormwater system should development occur - this parcel has a recorded stormwater maintenance agreement with Lewis County in place under auditor filing 3309359 which can and has been enforced previously by Lewis County. This agreement runs with the land no matter who takes possession of it and is specific to the stormwater facilities and maintaining the public benefit which those facilities provide. The agreement covers a broad range of maintenance requirements and is bound to the land no matter if other development were to occur or ownership were to transfer. Though the agreement lists Lewis County as the jurisdiction it is my understanding through conversations with DPA Russell and others at the county that these contract rights would convey to the city of Chehalis once full annexation occurred. My property and any future owner are bound by the terms of this agreement indefinitely.

To address the use or intended use, according to the use chart available online under 17.78.020 a "backyard wildlife habitat" is an allowed accessory use in residential areas and a "constructed wetland habitat" is a permitted use in commercial areas. My bird sanctuary / wildlife habitat / constructed wetland just happens to also be commercial in nature as a roadside monument that may wish to eventually develop an advertisement sign to better explain these on site services to passersby.

Please let me know if you would like a copy of either the previous city documents or the maintenance agreement referenced in this narrative.

I hope I have addressed your concerns about how this parcel meets the intent of the area it is within and how the site could be developed for the allowed or conditional uses while still preserving the existing system and nature of the neighborhood during any current or future roadside monument to freedom of expression development. Please let me know if there are additional questions or concerns I may address.

Respectfully,
Kyle Wheeler - 201 Hannah Lane rezone applicant.



PERMIT NOTES

Permit # AC-06-133
 Site Address: 1398 RUSH RD

Parcel #: 017875005000

Note Type	Note Code	Text	Created By
PLAN REVIEW - Development Review Comm (DRC)		<p>DEPARTMENT APPROVAL INFORMATION DEPT: Development Review Comm (DRC) RECEIVED: 2006-05-23 COMPLETED: 2006-05-25 COMMENTS: Building: 1) Submit 4 sets of construction plans, including a detailed site plan; 2) One-hour fire rated construction is required for the storage buildings if they are separated by less than 20'; 3) Demolition of any structure requires asbestos certification and/or abatement by a licensed professional.</p> <p>Fire: 1) A fire hydrant is required within 300' of the non-residential structures and 500' of the residential structures; 2) The turning radius around the storage buildings must meet fire department standards; 3) If the proposal is available in CAD format the fire department requests a copy for pre-fire plan purposes.</p> <p>Engineering (Water/Sewer/Street/Storm): 1) Civil plans are required for the proposed water, sewer and storm systems, there may be issues with water capacity in the vicinity of this project; 2) The property is located within the Chehalis Urban Growth Area, right of way permit approval is required from Lewis County. The County retained jurisdiction on all right of way permit approvals; 3) Holloway Springs Drive is a private road located on an easement. The city will require that the easement area either be segregated into a separate parcel and be considered a private road or the right of way must be formally dedicated to the county as a county road; 5) Frontage improvements are required. There may be an opportunity for a deferral or variance to this requirement. Additional discussion regarding frontage improvements is needed to determine specific requirements; 6) Some level of traffic impact analysis is required. Contact the Engineering Division for additional information.</p> <p>Critical Areas: 1) Wetlands-CMC Section 17.24 (attached)-A National Wetland Inventory (NWI) mapped area is located on the site. Development within 200' of a NWI mapped area requires a wetland determination be conducted by a qualified professional; 2) The project is located within the 100 year flood plain. The Finished Floor Elevation (FFE) of all structures is required to be at an elevation of 239.5'. An elevation certificate completed by a licensed land surveyor, certifying the FFE at 239.5' is required to be completed prior to final approval of any construction on any portion of the parcel within flood plain.</p> <p>State Environmental Policy Act (SEPA) Process: 1) A Subdivision, Planned Unit Development or any combination of storage buildings over 12,000 sf will trigger the requirement for a SEPA Checklist application. A \$200 SEPA filing fee is also required.</p> <p>Zoning- 1) The proposal is located within a CG General Commercial zone. It is not part of the Holloway Springs residential proposal and has no vested rights to residential development. It is recommended that the proposal proceed as a Planned Unit Development (PUD) proposal, CMC Section 17.39 (attached). A PUD, if approved, will allow for mixed use development (residential and commercial).-----INDIVIDUAL REVIEW DETAILS BY: DRC Consensus RECEIVED: 2006-05-23 COMPLETED: 2006-05-25 STATUS: COMPLETED COMMENTS:</p>	MIGRATION

Chehalis Planning Commission,

Thank you for taking the time to consider this petition to rezone the parcel known as 201 Hannah Lane.

I would like to discuss the history of the Glacier Ridge PUD that this parcel sits within. Prior to division in 2008 the Glacier Ridge PUD was known as 1398 Rush Road, a 7.8 acre commercial parcel surrounded by the newly forming Holloway Springs housing development. Between 2004-2006 the previous owners of this commercial parcel made various attempts at developing it in its commercial capacity to complement Holloway Springs.

Beginning in late 2004:

Dec 07 04 01:05p

hp

3602123873

P. 1

From: Jan Boldt
360-212-3873 Fax
360-212-2909 Work ph (10AM - 10 PM)
jd_boldt@yahoo.com 7Dec04

To: Bob Naught
360-748-~~0651~~ 6993

Re: Chehalis / Napavine UGA swap / information needed for road access

Mr. Naught,
I am inquiring of information sources regarding property within the UGA land swap between the City of Chehalis and Napavine.

I have a parcel of property under contract, (Tax lot #017875005000 -- 1398 Rush Rd - 7.8 Acre Commercial zoned Holloway parcel forming southerly boundary and included in original Napavine proposal to swap TO Chehalis) I understand it is difficult to get answers prior to actual approval (20 Dec, proposed) But I need to have a few answers prior, as seller is pushed to close by end of year.

I need the following information;

- 1) Zoning is commercial on this parcel, but what subset of Commercial? (General ?) I would like to determine the uses that would not require conditional use permits.
- 2) I need someone to contact regarding Ingress and Egress. I have not found anyone at the county, though I would assume they would make determinations. Any assistance or referrals would be appreciated.
- 3) I need information on how the City / County views the location and use of the recorded easement for Holloway Springs, I have heard the distance is too short between roads.
- 4) I would like to review a few development proposals, to consider my options in near term

Best regards,
Jan Boldt

Jan Boldt
2 pages

Then an attempt to develop a mixed use "16 Lot subdivision, mini storage and RV Storage" in 2006:

CITY OF CHEHALIS, WASHINGTON

FILE

Review / Comment Sheet (DRC Review of Concept)

File Number: **AC-06-133**

Estimated Project Cost:

Page 1 of 2 for this project

Comments Issued: **5/30/2006**

This Copy Printed: **5/30/2006**

plnrw1.rtm

16 Lot Subdivision, mini storage and RV storage

Applicant:

ONE STOP CONSTRUCTION I

Owner:

JAN & DIANA BOLDT

Contractor:

Situs Address:

>>> **1398**

RUSH

Parcel:

RD

Parcel Number: **017875005000**

Zoning: **C-G**

Lot(s):

Block:

Addition: 000 Metes & Bounds Only

Legal Description: MP 130214-3 - PTN SW4 14-13-2W

Department Comments:

Development Review Comm (DRC)

Building: 1) Submit 4 sets of construction plans, including a detailed site plan; 2) One-hour fire rated construction is required for the storage buildings if they are separated by less than 20'; 3) Demolition of any structure requires asbestos certification and/or abatement by a licensed professional.

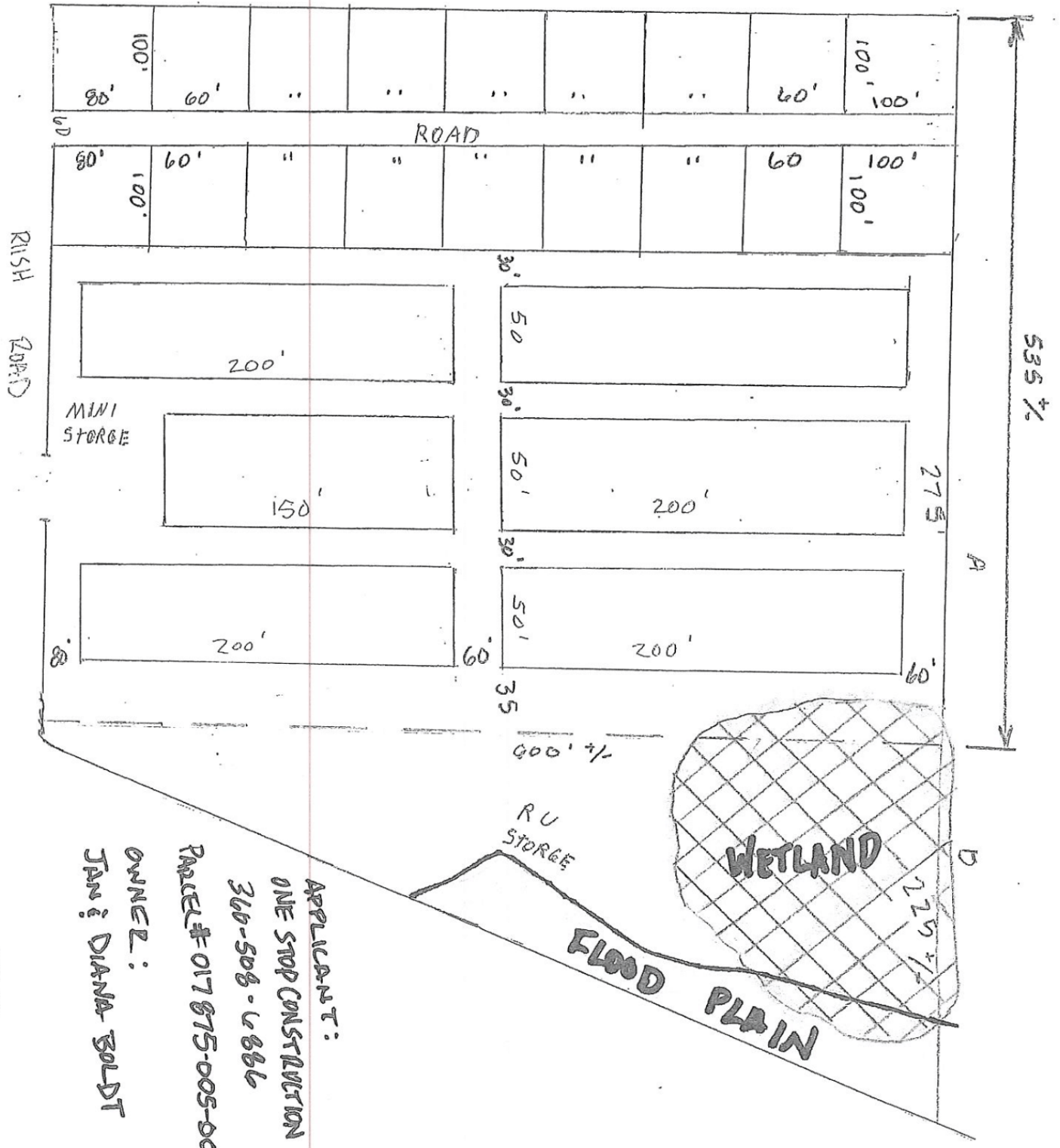
Fire: 1) A fire hydrant is required within 300' of the non-residential structures and 500' of the residential structures; 2) The turning radius around the storage buildings must meet fire department standards; 3) If the proposal is available in CAD format the fire department requests a copy for pre-fire plan purposes.

Engineering (Water/Sewer/Street/Storm): 1) Civil plans are required for the proposed water, sewer and storm systems, there may be issues with water capacity in the vicinity of this project; 2) The property is located within the Chehalis Urban Growth Area, right of way permit approval is required from Lewis County. The County retained jurisdiction on all right of way permit approvals; 3) Holloway Springs Drive is a private road located on an easement. The city will require that the easement area either be segregated into a separate parcel and be considered a private road or the right of way must be formally dedicated to the county as a county road; 5) Frontage improvements are required. There may be an opportunity for a deferral or variance to this requirement. Additional discussion regarding frontage improvements is needed to determine specific requirements; 6) Some level of traffic impact analysis is required. Contact the Engineering Division for additional information.

Critical Areas: 1) Wetlands-CMC Section 17.24 (attached)-A National Wetland Inventory (NWI) mapped area is located on the site. Development within 200' of a NWI mapped area requires a wetland determination be conducted by a qualified professional; 2) The project is located within the 100 year flood plain. The Finished Floor Elevation (FFE) of all structures is required to be at an elevation of 239.5'. An elevation certificate completed by a licensed land surveyor, certifying the FFE at 239.5' is required to be completed prior to final approval of any construction on any portion of the parcel within flood plain.

State Environmental Policy Act (SEPA) Process: 1) A Subdivision, Planned Unit Development or any combination of storage buildings over 12,000 sf will trigger the requirement for a SEPA Checklist application. A \$200 SEPA filing fee is also required.

Zoning- 1) The proposal is located within a CG General Commercial zone. It is not part of the Holloway Springs residential proposal and has no vested rights to residential development. It is recommended that the proposal proceed as a Planned Unit Development (PUD) proposal, CMC Section 17.39 (attached). A PUD, if approved, will allow for mixed use development (residential and commercial).



AC-06-133

APPLICANT:
 ONE STOP CONSTRUCTION INC
 366-508-6886
 PHONE # 017 875-005-000
 OWNER:
 JAN & DIANA BOLDT

In late 2006, outside of the formal rezone process, City Staff then volunteered to guide the Planning Commission in the conditional use process to convert the general commercial parcel into a PUD in order to allow both commercial and residential development:

MEMORANDUM

Date : November 6, 2006
To : Planning Commission Members
From : Bob Nacht, Community Development Manager
Subj : Attached Application - Planned Unit Development (PUD)

This is a somewhat unique application in that a PUD process is intended to address mixed uses in a given zone rather than a residential subdivision in a general commercial zone. However, from a staff perspective, it appears to be an appropriate use of the subject property - when all the circumstances are considered.

There is a long (and colorful) history behind the current zoning designation of this property. It relates directly to the Holloway Springs residential subdivision surrounding this property approved by the city of Napavine before it became Chehalis Urban Growth Area. I will explain the history of this area at the meeting.

The applicant is desirous of obtaining a land use decision relatively soon. A rezone process can only be considered annually, and a decision on a rezone request would occur in June or July. They will likely request a rezone of this property to residential next year. The city will likely request that the entire Holloway Springs subdivision be rezoned to residential, and this project would become a component of that consideration. In the interim, they are requesting a PUD decision because it is more timely.

The PUD process is essentially a conditional use permit process conducted by the Planning Commission rather than the Hearing Examiner. Staff will guide the Commission through the decisionmaking process. A public hearing on this matter will be scheduled for November 28th at 7:00 pm. That is a regular Commission meeting date. If you have any questions prior to the next meeting, please contact me at 345-2227. Otherwise, I will explain the application and the process at the meeting on the 14th.

Then in the spring of 2008, the Glacier Ridge PUD was pushed through as the development you see today: a mixed use PUD that has been developed as residential despite having had no vested right to residential development originally.

A PUD development, as this parcel sits within, allows for mixed use development of both residential and commercial properties. A PUD also intends to permit 'flexibility of design and use of required open space to better utilize potential sites characterized by special features such as geography, topography, size, or shape' according to 17.39.030 (B) (2):

17.39.030 Intent/purpose.

A. The intent of the PUD district is to encourage new development not limited by the strict application of this title.

B. It is the purpose of this chapter to:

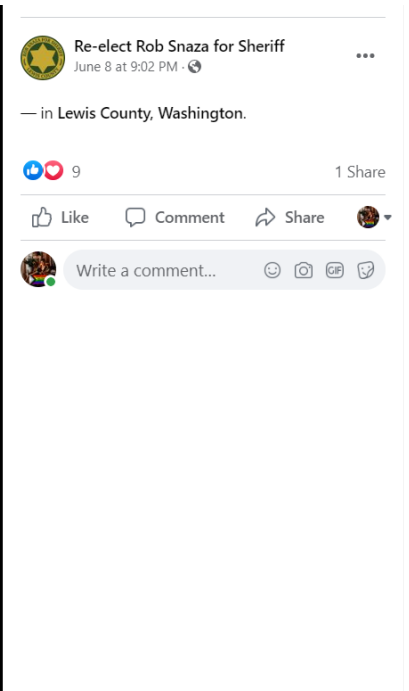
1. Encourage flexibility in design and development that will result in a more efficient and desirable use of land;
2. Permit flexibility of design, placement of buildings, use of required open spaces, circulation facilities, off-street parking areas, and otherwise better utilize the potential of sites characterized by special features, such as geography, topography, size, or shape;
3. Provide for maximum efficiency in layout of streets, utility networks, and other public improvements; and
4. Produce an integrated design for a balanced development of compatible uses that might otherwise be inharmonious or incongruous. [Ord. 720B § 1, 2002.]

To specifically address the concerns mentioned in the Staff analysis:

#1 - Known technical error: This public comment pages 1-5 provide more context for further consideration of this.

#2 - Burden of proof in application: Some of the conversations regarding this historical context have happened with Staff in other areas. Specifically, Staff was made clearly aware of this mixed use history when discussing the application for UGA-PLAT-20-0001 and the need for commercial services and public parks within Chehalis' jurisdiction and nearby as part of any further development of the remainder of Holloway Springs.

#3 - Creating a gawk block on the freeway: There have been numerous free speech fences and other forms of protected speech erected on this property over the last two years that have created no such issue. Implying any intended billboard would somehow create any more visual distraction than existing structures falsely asserts that what I intend to say is somehow more distracting or inflammatory and treads close to policing what is or is not acceptable speech. To speak further on this specific point's frailty: on 6/8/22 a local politician installed a banner on a years inactive structure on parcel 018050004000 directly across the interstate from Mr. Hamilton's structure referenced in the Staff Report. To my knowledge there has been no reported issues from this additional signage being suddenly utilized again after many years or any concerns of rubbernecking in this area from this additional signage being installed.



#3B - Sun deprivation of neighboring parcels: The shadow cast from any intended billboard would be no more a shadow than any other structure in this development. With an intended height of only 30', the intended structure would actually cast less of a shadow than the maximum structure height presently permitted within this PUD. The area I intend to apply to place a structure would also only cast shadows that solely fall onto 201 Hannah Lane anyways. Regardless, there is no structure or billboard yet proposed in this rezone petition so any shadow cast by a structure would be a consideration that will need to be addressed during the variance approval process beyond this rezone request.

#4 - Does not meet an unaddressed need: This intended project addresses unmet needs of marginalized and underrepresented members of our communities by providing a sense of belonging and dignity in the place they call home. Additionally, this project will benefit tourism and economic development by promoting a welcoming environment for all people in Lewis County as a whole.

#5 - 2017 land use goal: Given mine and other public comments here and elsewhere regarding the many years of maintenance neglect at this parcel, I think it has been well established that the City of Chehalis has failed presently in their stated goal to "promote the maintenance of infrastructure and amenities within existing neighborhoods." as it relates to this parcel. By approving this rezone the city would in fact promote more active use and maintenance of this unique parcel and with that, better advance the stated goals of the 2017 Chehalis Land Use section 13.03.

#6 - Adjacent compatible use: This parcel is adjacent to a general commercial property, the State Department of Natural Resources parcel 017906003000, which is within Chehalis' jurisdiction and directly across Rush Road from the area where this parcel also connects to Rush Road. A rezone to general commercial would be compatible with this adjacent land use. Just because this parcel abuts residential areas does not mean these residential areas, and this parcel specifically, do not also abut a commercial areas to the west in Chehalis' jurisdiction and to the south outside Chehalis' jurisdiction. To address the referenced CMC 17.63.110(C), this application is for a rezone of the parcel and not for a proposed sign, so any consideration of signage or references to specific codes regarding signage is considerations that will need to be addressed during the variance approval process beyond this rezone request.

#7 - Gawk block & sun deprivation: Duplicative. Please see response #3.

To address the additional issue listed under the final staff recommendations - regarding this parcel servicing residential lots, whether this parcel remains zoned as is currently or is granted a rezone to general commercial, whether a variance for a structure is ever granted or not, the stormwater system on this parcel can and will continue to service the residential neighborhood as well.

This rezone petition would be helpful for the variance application I intend to apply for next. I was previously told in 2020 that the City of Chehalis had never and likely would never issue a variance for a billboard similar in size to the one I was requesting. After some research, it was discovered that a variance for a billboard of the nature was in fact granted back in 2012:

CITY OF CHEHALIS

Hearing Examiner Record of Decision

Type of Action: Zoning Variance
Date of Action: February 3, 2012
Application File No.: VA-11-162

THIS MATTER having come before the Chehalis Hearing Examiner on January 3, 2012 at 5:15 p.m. on the application of Jerry Johnson, of EV Media, for a variance to construct a billboard sign on National Avenue in Chehalis. A public hearing was held at the Chehalis Community Services Offices located at 1321 S. Market Blvd. in Chehalis and the Hearing Examiner having heard the presentation of the applicant, and any public comment, now makes the following:

FINDINGS OF FACT

1. The subject property is located at 1660 North National Avenue and consists of a lot of approximately 40 feet by 150 feet with over 100 feet of frontage on North National Avenue. The property has no structures or improvements other than utility lines.
2. The applicant, Jerry Johnson, of EV Media, is proposing to construct a v-shaped billboard with no more than 300 square feet on each side.
3. The applicant's proposal for a billboard had been previously approved in December of 2001 under Variance No. 01-Z248.
4. CMC § 17.86.090 applies to off-premises advertising sign or billboards. This section provides that a variance may be granted if the conditions are met which include that the sign must advertise a product or business available within the city limits, that it not be more than 300 feet from North National Avenue, that normal variance procedures be followed, and that it meets the "size, location, lighting, and other regulations" set forth in Division V of this title – which refers to CMC § 17.63.110.
5. CMC § 17.63.110 applies to signs connected to a business on site. This section does not apply to stand alone billboards not connected to an on-site business. The applicability, therefore, of CMC § 17.63.110 is limited. It does provide that free standing signs shall not exceed 30 feet in height which applicant's proposal complies with. The maximum size of the sign under sub-section (H) would be 350 square feet, which applicant has also complied with.

6. The property is in a commercial – general (CG) zone. The surrounding area is almost entirely commercial and other billboards are located on North National Avenue.
7. Applicant's drawing showing his proposed billboard do not specify its' location with regards to North National Avenue. Applicant will need to comply with any development permit requirements, including any requirements of Public Works regarding traffic visibility.

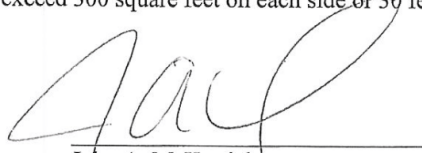
CONCLUSIONS OF LAW

1. This matter is properly before the Hearing Examiner pursuant to CMC § 17.09.110.
2. The procedures set forth in CMC § 17.09.130 have been complied with.
3. The requirements of CMC § 17.09.120 are met in that the variance does not constitute a grant of a special privilege since there are other billboards in the area and does not alter the essential character of the neighborhood which is commercial.

DECISION

The application of the applicant for a variance to construct a billboard at 1660 North National Avenue, Chehalis, is approved not to exceed 300 square feet on each side or 30 feet in height.

Dated: February 3, 2012



John A. McKerricher
Chehalis Hearing Examiner

I understand that a variance application for this parcel will be a separate process after this rezone request - current Commissioner McKerricher has previously clarified the variance process for me in a private meeting held with the former Mayor Pro Tem at the Silver Agency in late 2020.

I am disheartened that I was simply forgotten despite being applicant 001 and it is unfortunate that I was denied the opportunity to participate in this process when all other rezone requests were considered and subsequently approved last month, but I do hope that you will take the time to truly give your full consideration to this petition as it stands alone from that broader discussion now. I know that approving this request would involve resubmitting last month's map and starting the 60 day clock again for the WA Dept. of Commerce review - I hope any potential delay in this broader process is not a factor in your decision as that potential for delay was caused by Staff's own admitted oversight. Though I certainly appreciate the acknowledgement of that, it still should not affect fair consideration in the end.

I look forward to attempting to address any remaining concerns you may have.

Thank you for your time.

Kyle Wheeler



CITY OF CHEHALIS

COV

\$60.00

3309359

Page: 1 of 19

07/07/2008 02:21P

Lewis Co, WA

Return Address:

Richard G. Phillips
Owens Davies, P.S.
P.O. Box 187
Olympia, WA 98507

**SUPPLEMENTAL DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS**

**ANNEXING
GLACIER RIDGE PUD**

Grantors	Genesis Financial Group, Inc., a Washington corporation
Grantees	Glacier Ridge Homeowners Association, a Washington Non-Profit Corporation.
Legal Description (abbreviated)	A PTN of the SW4 Sec. 14-13-2W, W.M., Lewis County, Washington
Assessor's Tax Parcel ID No.	017875 005000 017875 055 001 through 017875 055 031
Reference Nos. of Related Documents	3292424

Recitations:

A. The undersigned, Genesis Financial Group, Inc., a Washington corporation, filed the Declaration of Covenants, Conditions and Restrictions for the Plat of Glacier Ridge and Lots 1 through 9 of Short Plat 07-140 (the "CC&Rs") under Lewis County Auditor's File No. 3292424 on October 17, 2007.

B. Pursuant to Section 3.5 of the CC&Rs, the undersigned reserved the right to annex the Plat of Glacier Ridge to the Property subject to the CC&Rs.



CITY OF CHEHALIS

COV

\$68.00

3309359

Page: 2 of 19

07/07/2008 02:21P

Lewis Co, WA

C. The Plat of Glacier Ridge is now known as Glacier Ridge PUD.

D. The undersigned now desires to amend and supplement the CC&Rs for purposes of annexing the Glacier Ridge PUD to the CC&Rs.

NOW, THEREFORE, pursuant to its reserved authority, Grantor/Declarant hereby supplements the Declaration of Covenants, Conditions and Restrictions for Plat of Glacier Ridge and Lots 1 through 9 of Short Plat 07-140 by annexing Glacier Ridge PUD to the Property. Glacier Ridge PUD is hereby made subject to said Covenants, Conditions and Restrictions.

DATED this 19th day of May, 2008

GRANTOR/DECLARANT:
Genesis Financial Group, Inc.

[Signature]
By: Brandon K. Ellis
Its: President

STATE OF WASHINGTON)

: ss.

County of Lewis)

On this day personally appeared before me BRANDON K. ELLIS, to me known to be the President of GENESIS FINANCIAL GROUP, INC., the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument.

GIVEN under my hand and official seal this 19th day of May, 2008.



Hillary A. Hoke
Printed Name: Hillary Hoke
Notary Public in and for the State of Washington,
residing at Chehalis
Commission Expires: 5-9-09



CITY OF CHEHALIS

COU

\$68.00

3309359

Page: 3 of 19

07/07/2008 02:21P

Lewis Co. WA

**EXHIBIT A
TO**

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
GLACIER RIDGE PUD**

Legal Description of the Glacier Ridge PUD

That portion of the Southwest quarter of Section 14, Township 13 North, Range 2 West, W.M., Lewis County, Washington lying northerly of the northerly right-of-way line of the C.C.&C. Railroad more particularly described as follows: Commencing at the Northwest corner of said subdivision; thence South 87°53'44" East along the North line of said subdivision a distance of 30.00 feet to the easterly margin of the Rush Road; thence South 01°55'51" West along said margin a distance of 707.56 feet to the South line of Holloway Drive the true point of beginning; thence South 87°53'44" East along the South line of Holloway Drive a distance of 540.00 feet; thence South 01°55'51" West a distance of 596.06 feet to the northerly right-of-way line of said railroad; thence North 62°21'33" West along the right-of-way line a distance of 250.89 feet; thence North 66°38'13" West along said right-of-way line a distance of 337.27 feet to the easterly margin of Rush Road; thence North 01°55'51" East along said margin a distance of 359.45 feet to the true point of beginning.



CITY OF CHEHALIS

COU \$60.00

3309359
Page: 4 of 19
07/07/2008 02:21P
Lewis Co, WA

BILL OF SALE (Corporation, 2 Signatures)

THIS BILL OF SALE is made and executed this 19th day of May, 2008, by and between Genesis Financial Group, hereinafter called the Grantor, and the City of Chehalis, a Municipal Corporation, hereinafter called the Grantee.

WITNESSETH:

That the grantor(s), for good and valuable consideration, the receipt of which is hereby acknowledged, hereby convey, set over, assign and warrant to the City of Chehalis the following described personal property situated in Lewis County, State of Washington, TO WIT:

All Sanitary Sewer lines, Water lines and related appurtenances lying within dedicated public rights of way for the Glacier Ridge PUD.

The grantor(s) hereby warrants that he/she/they are the sole owner(s) of all the property above conveyed, he/she/they have the full power to convey the same, and that he/she/they will defend the title of said grantee against any and all persons lawfully making claims thereto.

Dated at Chehalis, Washington, this 19th day of May, 2008.

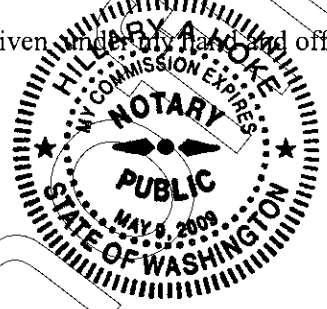
Brandon K. Ellis
Genesis Financial Group, Inc.
President

Title

STATE OF WASHINGTON)
)ss
COUNTY OF LEWIS)

On this 19th day of May, 2008, before me personally appeared Brandon K. Ellis, to me known to be the President for Genesis Financial Group, Inc., a corporation, that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

Given under my hand and official seal this 19th day of May, 2008.



Hillary A Heke
Notary Public in and for the State of Washington
residing at Chehalis
My commission expires 5-7-09



CITY OF CHEHALIS

COV

\$60.00

3309359

Page: 6 of 19

07/07/2008 02:21P

Lewis Co, WA

STORM DRAINAGE MAINTENANCE MANUAL

Glacier Ridge PUD
Lewis County, WA

Prepared For:

GENESIS FINANCIAL GROUP, INC
1217 Cooper Point Rd, Suite 5
Olympia, WA 98502
360.753.5178

Prepared By:

SKILLINGS-CONNOLLY, INC.
Consulting Engineers
5016 Lacey Boulevard S.E.
Lacey, Washington 98503
(360) 491-3399



CITY OF CHEHALIS

COU

\$60.00

3309359

Page: 7 of 19

07/07/2008 02:21P

Lewis Co, WA

PURPOSE

The purpose of this document is to provide a maintenance plan for the stormwater system associated with the Glacier Ridge PUD. This plan includes the following elements:

- Type and frequency of long term maintenance.
- Identification of the responsible maintenance organization.
- A vegetation management plan..
- An estimated annual cost of maintenance for the storm water facility.

An agreement to maintain the system according to the maintenance plan is also required by the manual.

CONTENTS:

	PAGE
Purpose and contents.....	2
Residential maintenance agreement.....	3
Maintenance program cover sheet.....	7
Instructions for person maintaining the storm water system.....	8
Specific maintenance requirements.....	9
Estimate of cost to maintain.....	13

Unofficial Record



**RESIDENTIAL
 AGREEMENT TO MAINTAIN
 STORMWATER FACILITIES AND TO IMPLEMENT A
 POLLUTION SOURCE CONTROL PLAN
 BY AND BETWEEN
 THE GLACIER RIDGE PUD HOME OWNERS ASSOCIATION
 THEIR HEIRS, SUCCESSORS, OR ASSIGNS
 (HEREINAFTER "The Owner") AND THE COUNTY OF LEWIS
 (HEREINAFTER "The Jurisdiction")**

The upkeep and maintenance of storm water facilities and the implementation of pollution source control best management practices (BMPs) is essential to the protection of water resources. All property owners are expected to conduct business in a manner that promotes environmental protection. This Agreement contains specific provisions with respect to maintenance if storm water facilities and use of pollution source control BMPs.

LEGAL DESCRIPTION:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 13 NORTH, RANGE 2 WEST, W.M., LEWIS COUNTY, WASHINGTON LYING NORTHERLY RIGHT-OF-WAY LINE OF THE C.C.&C. RAILROAD, MORE PARTICULAR DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE SOUTH 87°53'44" EAST ALONG THE NORTH LINE OF SAID SUBDIVISION A DISTANCE OF 30.00 FEET TO THE EASTERLY MARGIN OF THE RUSH ROAD; THENCE SOUTH 01°55'51" WEST ALONG SAID MARGIN A DISTANCE OF 707.56 FEET TO THE SOUTH LINE OF HOLLOWAY DRIVE THE TRUE POINT BEGINNING; THENCE SOUTH 87°53'44" EAST ALONG THE SOUTH LINE OF HOLLOWAY DRIVE OF 540.00 FEET; THENCE SOUTH 01°55'51" WEST A DISTANCE OF 596.06 FEET TO THE NORTERLY RIGHT-OF-WAY LINE OF SAID RAILROAD; THENCE NORTH 62°21'33" WEST ALONG THE RIGHT-OF-WAY LINE A DISTANCE OF 250.89 FEET; THENCE NORTH 66°38'13" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 337.27 FEET TO THE EASTERLY MARGIN OF RUSH ROAD; THENCE NORTH 01°55'51" EAST ALONG SAID MARGIN A DISTANCE OF 359.45 FEET TO THE TRUE POINT OF BEGINNING.

Whereas, the OWNER has constructed improvements, including but not limited to buildings, pavement, and stormwater facilities on the property described above. The scope of this covenant and right of entry shall be adequate to provide for the access, inspection, and maintenance of the stormwater system, and shall be subject to the following terms and conditions:

1. The OWNER shall implement the storm water facility maintenance program included herein as Attachment "A".



CITY OF CHEHALIS

COU \$60.00

3309359

Page: 9 of 19

07/07/2008 02:21P

Lewis Co, WA

2. The OWNER shall maintain a record (in the form of a log book) of steps taken to implement the programs referenced in (1) above. The log book shall be available for inspection by contacting the home owner association during normal business hours. The log book shall catalog the action taken, who took it, when it was done, how it was done, and any problems encountered or follow-on actions recommended. Maintenance items ("problems") listed in Attachment "A" shall be inspected on a monthly or more frequent basis as necessary. The OWNER is encouraged to photocopy the individual checklists in Attachment "A" and use them to complete its monthly inspections. These completed checklists would then, in combination, comprise the monthly log book.

3. The JURISDICTION shall have the perpetual right of entry across adjacent lands of the OWNER for purposes of inspecting, auditing, or conducting required maintenance of the stormwater facility (which right shall not be abridged by either County or State regulations and restrictions on right-of-entry for governmental permitting and enforcement purposes).

4. If a JURISDICTION inspection determines that maintenance is not being performed, the JURISDICTION shall endeavor to provide OWNER reasonable advance notification of the need to perform the maintenance and a reasonable opportunity for the OWNER to perform it. In the event that OWNER fails to complete the required maintenance within a reasonable time period, the JURISDICTION shall have the right to perform or contract with others to perform it at the sole expense of the OWNER. If the JURISDICTION in its sole discretion determines that an imminent or present danger exists, required maintenance and/or repair may begin immediately at OWNER's expense without prior notice to OWNER. In such event, the JURISDICTION shall provide OWNER with a written statement and accounting of all work performed and the fees, charges, and expenses incurred in making such repairs. OWNER shall agree to reimburse the JURISDICTION or pay the JURISDICTION's vendors directly for all reasonable fees, charges, and expenses identified in the JURISDICTION's statement.

5. If the JURISDICTION is required to act as a result of OWNER's failure to comply with this covenant, the JURISDICTION may remove any obstructions and/or interferences that in the sole opinion of the JURISDICTION impair the operation of the stormwater facility or the maintenance thereof. OWNER agrees to hold the JURISDICTION, its officers, employees, and agents harmless from any and all claims, actions, suits, liability, loss, expenses, damages and judgments of any nature whatsoever, including costs and attorney's fees, incurred by the removal of vegetation or physical interference from the stormwater facility.

6. When exercising the maintenance provisions of the covenant, in the event of nonpayment, JURISDICTION may bring suit to recover such costs, including attorney's fees, and upon obtaining a judgment, such amount shall become a lien against the property of OWNER as provided in RCW 4.56.190.

7. OWNER covenants that the owner(s) of the property described herein are the person or persons identified above as "OWNER(s)", that he/she/they have the right to grant this covenant on the property, and that the title to the property is free and clear of any encumbrances which would interfere with the ability to grant this covenant.



3309359
Page: 10 of 19
07/07/2008 02:21P
Lewis Co, WA

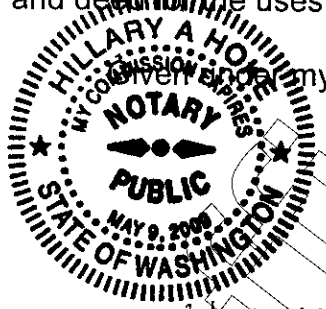
This Agreement is intended to protect the value and desirability of the real property described above and to benefit all the citizens of **The Jurisdiction**. It shall run with the land and be binding on all parties having or acquiring from **The Owner** or their successors any right, title, or interest in the property or any part thereof, as well as their title, or interest in the property or any part thereof, as well as their heirs, successors, and assigns. They shall inure to the benefit of each present or future successor in interest of said property or any part thereof, or interest therein, and to the benefit of all citizens of **The Jurisdiction**.

[Signature]
Owner

Owner

STATE OF WASHINGTON)
)ss
COUNTY OF LEWIS)

On this day and year above personally appeared before me, Brandon Ellis and known to be the individual(s) described, and who executed the foregoing instrument and acknowledge that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.



Witnessed by my hand and official seal this 10th day of June, 2008.

Hillary A. Howe
Notary Public in and for the
State of Washington, residing in
Chehalis

Dated at Chehalis, Washington, this 10th day of June, 2008.



CITY OF CHEHALIS

COV

\$88.00

3309359

Page: 11 of 19

07/07/2008 02:21P

Lewis Co, WA

STATE OF WASHINGTON)
)ss
COUNTY OF THURSTON)

On this day and year above personally appeared before me, _____, who executed the foregoing instrument and acknowledge the said instrument to be the free and voluntary act and deed of said for the uses and purposes therein mentioned and on oath states he is authorized to execute the said instrument.

Given under my hand and official seal this ____ day of _____, 2008.

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

APPROVED AS TO FORM:

**ATTACHMENT "A" MAINTENANCE PROGRAM
COVER SHEET**

Inspection Period: _____

Number of Sheets Attached: _____

Date Inspected: _____

Name of Inspector: _____

Inspector's Signature: _____

**INSTRUCTIONS**

The following pages contain maintenance needs for most of the components that are part of your drainage system as well as for some components that you may have. Let us know if there are any components that are missing from these pages. Ignore the requirements that do not apply to your system. You should plan to complete a checklist for all system components on the following schedule:

- (1) Monthly from November through April.
- (2) Once in late summer (preferably September).
- (3) After any major storm (use 1 - inch in 24 hours as a guideline), items marked "S" only.

Using photocopies of these pages, check off the problems you looked for each time you did an inspection. Add comments on problems found and actions taken. Keep these "checked" sheets in your files, as they will be used to write your annual report (due in May). Some items do not need to be looked at every time an inspection is done. Use the suggested frequency at the left of each item as a guideline for your inspection.

You may call the jurisdiction for technical assistance. Please do not hesitate to call, especially if you are unsure whether a situation you have discovered may be a problem.



ATTACHMENT "A" (CONTINUED)

Maintenance Checklist for Ponds

Frequency	Drainage System Feature	✓	Problem	Conditions to Check For	Conditions That Should Exist
M,S	General		Trash & debris build-up in pond.	Dumping of yard waste such as grass clippings and branches into basin. Unsightly accumulation of non-degradable materials such as glass, plastic, metal, foam and coated paper.	Remove trash & debris and dispose as pre-scribed by City Waste Management Section.
M			Poisonous vegetation	Any poisonous vegetation in which may constitute a hazard to the public. Examples of poisonous vegetation include: tansy ragwort, poison oak, stinging nettles, devils club.	Remove poisonous vegetation. Do not spray chemicals on vegetation without obtaining guidance from the Cooperative Extension Service and approval from the City.
M,S			Fire hazard or pollution	Presence of chemicals such as natural gas, oil, and gasoline, obnoxious color, odor, or sludge noted.	Find sources of pollution and eliminate them. Water is free from noticeable color, odor, or contamination.
M			Grass not growing or is overgrown.	For grassy ponds, grass cover is sparse and weedy or is overgrown.	Grass cutting unnecessary unless dictated by aesthetics.
M			Rodent holes	Any evidence of rodent holes if facility is acting as a dam or berm, or any evidence of water piping through dam or berm via rodent holes.	Rodents destroyed and dam or berm repaired. Contact the Thurston County Health Department for guidance.
M			Insects	When insects such as wasps and hornets interfere with maintenance activities, or when mosquitoes become a nuisance.	Insects destroyed or removed from site. Contact Cooperative Extension Service for guidance.
A			Tree growth	Tree growth does not allow maintenance access or interferes with maintenance activity (i.e., slope mowing, silt removal, or equipment movements). If trees are not interfering with access, leave trees alone.	Trees do not hinder maintenance activities.
M	Side slopes of pond		Erosion on berms or at entrance/exit	Check around inlets and outlets for signs of erosion. Check berms for signs of sliding or settling. Action is needed where eroded damage over 2 inches deep and where there is potential for continued erosion.	Find causes or erosion and eliminate them. Then slopes should be stabilized by using appropriate erosion control measure(s): e.g., rock reinforcement, planting of grass, compaction.
M	Storage area		Sediment buildup in pond	Accumulated sediment that exceeds 10% of the designed pond depth. Buried or partially buried outlet structure probably indicates significant sediment deposits.	Sediment cleaned out to designed pond shape and depth; pond re-seeded if necessary to control erosion.
A	Emergency overflow		Water obstructer	Debris block outlet.	Remove debris.

If you are unsure whether a problem exists, please contact the jurisdiction and ask for technical assistance.

Comments:

Key

A = Annual (March or April preferred)

M = Monthly (see schedule)

S = After major storm



ATTACHMENT "A" (CONTINUED)

Maintenance Checklist for Fencing/Shrubbery Screen/Other Landscaping

Frequency	Drainage System Feature	"	Problem	Conditions to Check For	Conditions That Should Exist
M			Unruly vegetation	Shrubbery is growing out of control or is infested with weeds.	Shrubbery is trimmed and weeded to provide appealing aesthetics. Do not use chemicals to control weeds.

If you are unsure whether a problem exists, please contact the jurisdiction and ask for technical assistance.

Comments:

Unofficial Record



ATTACHMENT "A" (CONTINUED)

Maintenance Checklist for Conveyance Systems (Pipes, Ditches, and Swales)

Frequency	Drainage System Feature	✓	Problem	Conditions to Check For	Conditions That Should Exist
M,S	Open ditches		Trash & debris	Dumping of yard wastes such as grass clippings and branches into basin. Unsightly accumulation of non-degradable materials such as glass, plastic, metal, foam and coated paper.	Remove trash and debris.
M			Sediment buildup	Accumulated sediment that exceeds 20% of the design depth.	Ditch cleaned of all sediment and debris so that it matches design.
M			Erosion damage to slopes	See Ponds Checklist.	See Ponds Checklist.
A			Rock lining out of place or missing (if applicable)	Maintenance person can see native soil beneath the rock lining.	Replace rocks to design standard.
Varies	Catch basins			See Catch Basins Checklist.	See Catch Basins Checklist.
M,S	Swales		Trash & debris	See above for Ditches.	See above for Ditches.
M			Sediment buildup	See above for Ditches.	Vegetation may need to be replanted after cleaning.
M			Vegetation not growing or overgrown	Grass cover is sparse and weedy or areas are overgrown with woody vegetation.	Aerate soils and reseed and mulch bare areas. Maintain grass height at a minimum of 6 inches for best storm water treatment. Remove woody growth, recontour, and reseed as necessary.
M,S			Erosion damage to slopes	See Ponds Checklist.	See Ponds Checklist.
M			Conversion by home-owner to incompatible use	Swale has been filled in or blocked by shed, woodpile, shrubbery, etc.	If possible, speak with homeowner and request that swale area be restored. Contact City to report problem if not rectified voluntarily.
A			Swale does not drain	Water stands in swale or flow velocity is very slow. Stagnation occurs.	A survey map may be needed to check grades. Grades need to be in 1-5% range if possible. If grade is less than 1%, underdrains may need to be installed.

If you are unsure whether a problem exists, please contact the jurisdiction and ask for technical assistance.

Comments:

Key

- A = Annual (March or April preferred)
- M = Monthly (see schedule)
- S = After major storm



ATTACHMENT "A" (CONTINUED)

Maintenance Checklist for Grounds (Landscaping)

Frequency	Drainage System Feature	"	Problem	Conditions to Check For	Conditions That Should Exist
M	General		Weeds (nonpoisonous)	Weeds growing in more than 20% of the landscaped area (trees and shrubs only).	Weeds present in less than 5% of the landscaped area.
M			Safety hazard	Any presence of poison ivy or other poisonous vegetation or insect nests.	No poisonous vegetation or insect nests present in landscaped area.
M,S			Trash or litter	See Ponds Checklist.	See Ponds Checklist.
M,S			Erosion of ground surface	Noticeable rills are seen in landscaped areas.	Causes of erosion are identified and steps taken to slow down/spread out the water. Eroded areas are filled, contoured, and seeded.
A	Trees and shrubs		Damage	Limbs or parts of trees or shrubs that are split or broken which affect more than 25% or the total foliage of the tree or shrub.	Trim tree/shrubs to restore shape. Replace trees/shrubs with severe damage.
M				Trees or shrubs that have been blown down or knocked over.	Replant tree, inspecting for injury to stem or roots. Replace if severely damaged.
A				Trees or shrubs which are not adequately supported or are leaning over, causing exposure of the roots.	Place stakes and rubber-coated ties around young trees/shrubs for support.

If you are unsure whether a problem exists, please contact the jurisdiction and ask for technical assistance.

Comments:

Key

- A = Annual (March or April preferred)
- M = Monthly (see schedule)
- S = After major storm

Unofficial



**COST ESTIMATE
FOR
MAINTENANCE**

Monthly and After Major Storm:

Pond 4 Hours
4 hrs. per month

12 Months/Year x 4.0 Hours/Month x \$35.00/Hour = \$1,680.00/Year

Annual:

Pond:	\$ 400.00	(Sediment removal once every 5 years)
Conveyance Systems	\$1,500.00	(includes pipes, ditches and swales)
General cleanup	\$1,000.00	(Includes cleaning pavement surfaces, and other drainage surfaces.)

\$2,900.00/Year

TOTAL ESTIMATED ANNUAL MAINTENANCE COST = \$4,580

Unofficial Record



Whereas, the OWNER has constructed improvements, including but not limited to buildings, pavement, and stormwater facilities on the property described above. The scope of this covenant and right of entry shall be adequate to provide for the access, inspection, and maintenance of the stormwater system, and shall be subject to the following terms and conditions:

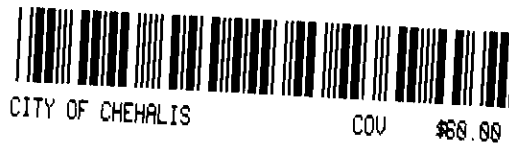
1. The OWNER shall implement the storm water facility maintenance program included herein as Attachment "A".

2. The OWNER shall maintain a record (in the form of a log book) of steps taken to implement the programs referenced in (1) above. The log book shall be available for inspection by contacting the home owner association during normal business hours. The log book shall catalog the action taken, who took it, when it was done, how it was done, and any problems encountered or follow-on actions recommended. Maintenance items ("problems") listed in Attachment "A" shall be inspected on a monthly or more frequent basis as necessary. The OWNER is encouraged to photocopy the individual checklists in Attachment "A" and use them to complete its monthly inspections. These completed checklists would then, in combination, comprise the monthly log book.

3. The JURISDICTION shall have the perpetual right of entry across adjacent lands of the OWNER for purposes of inspecting, auditing, or conducting required maintenance of the stormwater facility (which right shall not be abridged by either County or State regulations and restrictions on right-of-entry for governmental permitting and enforcement purposes).

4. If a JURISDICTION inspection determines that maintenance is not being performed, the JURISDICTION shall endeavor to provide OWNER reasonable advance notification of the need to perform the maintenance and a reasonable opportunity for the OWNER to perform it. In the event that OWNER fails to complete the required maintenance within a reasonable time period, the JURISDICTION shall have the right to perform or contract with others to perform it at the sole expense of the OWNER. If the JURISDICTION in its sole discretion determines that an imminent or present danger exists, required maintenance and/or repair may begin immediately at OWNER's expense without prior notice to OWNER. In such event, the JURISDICTION shall provide OWNER with a written statement and accounting of all work performed and the fees, charges, and expenses incurred in making such repairs. OWNER shall agree to reimburse the JURISDICTION or pay the JURISDICTION's vendors directly for all reasonable fees, charges, and expenses identified in the JURISDICTION's statement.

5. If the JURISDICTION is required to act as a result of OWNER's failure to comply with this covenant, the JURISDICTION may remove any obstructions and/or interferences that in the sole opinion of the JURISDICTION impair the operation of the stormwater facility or the maintenance thereof. OWNER agrees to hold the JURISDICTION, its officers, employees, and agents harmless from any and all claims, actions, suits, liability, loss, expenses, damages and judgments of any nature whatsoever, including costs and attorney's fees, incurred by the removal of vegetation or physical interference from the stormwater facility.



6. When exercising the maintenance provisions of the covenant, in the event of nonpayment, JURISDICTION may bring suit to recover such costs, including attorney's fees, and upon obtaining a judgment, such amount shall become a lien against the property of OWNER as provided in RCW 4.56.190.

7. OWNER covenants that the owner(s) of the property described herein are the person or persons identified above as "OWNER(s)", that he/she/they have the right to grant this covenant on the property, and that the title to the property is free and clear of any encumbrances which would interfere with the ability to grant this covenant.

Unofficial Record



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

SUMMARY / INTRODUCTION

Application #: Rezone Request UGA-RZ-23-001 by Shovel Ready LLC

Report Date: March 1, 2024

Prepared By: Todd Johnson, City of Chehalis Planner

Project Description: Shovel Ready LLC requests rezoning of parcels #017767002000 and #017769033001 from a mix of CG (General Commercial) and IL (Light Industrial) to uniformly IL (Light Industrial) to facilitate broader development options.

Applicable Regulations and Comprehensive Plan Sections

This staff report utilizes specific citations from the City of Chehalis Comprehensive Plan and Zoning Code, emphasizing the necessary standards for approval:

Comprehensive Plan

Land Use Goals and Policies: Emphasizes sustainable growth, environmental protection, and balanced development (Comprehensive Plan, Land Use Section).

Economic Development: Supports economic opportunities that align with the community's character and infrastructure capacity (Comprehensive Plan, Economic Development Section).

Zoning Code

IL Zoning Requirements: Outlines permitted and conditional uses in IL zones, emphasizing compatibility, operational needs, and environmental considerations (Zoning Code, Chapter on IL Zoning).

BACKGROUND INFORMATION

Shovel Ready LLC's rezone request involves two parcels, #017767002000 and #017769033001, currently zoned as CG (General Commercial) and IL (Light Industrial), respectively. The intention behind this rezone is to unify the zoning classification to IL across both parcels, facilitating the development of a corporate-style logistics center. Specific uses proposed cannot be considered in a rezone and a comprehensive plan amendment application because rezoning the property would allow any of the permitted or conditional uses to be developed. This adjustment is proposed to enhance the site's usability, reflecting its strategic location and potential as a nexus for industrial and logistical activities within the Chehalis Urban Growth Area (UGA).

ANALYSIS

Site and Vicinity Compatibility:

The transition to IL zoning aligns with adjacent land uses and supports the city's vision for an integrated industrial corridor. This change is conducive to the strategic development of light industrial activities, enhancing the area's economic base without undermining community standards or environmental integrity.

Comprehensive Plan Alignment:

The rezoning proposal is consistent with the Comprehensive Plan's objectives for economic growth, land use efficiency, and sustainable development patterns. It fosters an environment that encourages light industrial investment, contributing to Chehalis's economic diversification.

Infrastructure and Environmental Impacts:

The development facilitated by this rezoning will adhere to the city's standards for infrastructure adequacy and environmental protection. The proposed IL zoning continues to require that future developments are equipped with the necessary services and comply with environmental management practices.

Current Land Use and Zoning Context:

Parcel #017767002000 and the front portion of #017769033001 are designated CG, supporting a variety of commercial activities. The remainder of #017769033001 is zoned IL, accommodating light industrial operations.

The area surrounding the parcels features a mix of industrial and commercial uses, including storage facilities, manufacturing units, and potential future developments that align with the proposed IL zoning characteristics.

The site's proximity to major transportation corridors enhances its value for industrial development, underscoring the strategic rationale behind the rezone request.

Rezone Criteria:

The rezone to IL across both parcels aims to streamline land use, offering greater flexibility for developing a logistics center tailored to modern operational requirements. This includes considerations for truck storage, docking, and queuing areas not immediately adjacent to the fronting street, enhancing security and functional efficiency.\

Anticipated Community and Economic Impacts:

The rezone is anticipated to have a positive impact on the local economy by attracting investment, creating jobs, and supporting the city's objectives for industrial growth within the UGA.

By aligning the zoning classification with adjacent industrial activities, the proposal aims to contribute to a coherent land use pattern that supports the city's long-term planning goals without adversely impacting existing commercial corridors.

Recommendation

Given the proposal's alignment with the Comprehensive Plan's goals, zoning principles, and environmental stewardship objectives, the request requires a SEPA review and possibly some additional information from the applicant. Request any additional information needed for PC review and request the applicant prepare a SEPA ECL for publication.

Suggested Action:

Request additional information from the applicant as needed for planning commission review and recommendation to be considered at a future Planning Commission hearing and a motion to continue this hearing until the information is received and SEPA has been published.

Exhibits:

Exhibit A: Applicant Narrative by Shovel Ready LLC

Exhibit B: Application Form and Narrative

Exhibit C: Development Review Committee Meeting Notes



DESIGN → PERMIT → MANAGE

Narrative

Re: REZONE REQUEST – Shovel Ready LLC
TPN # 017767002000, 017769033001, City of Chehalis Permit #UGA-RZ-23-001
RBE NO. 21081

The following is to accompany the Petition for Amendment application:

4. Describe the specific reason why the rezone is necessary.

Existing Zoning and Land Use

Parcel #017767002000 and the front 250 feet of parcel #017769033001 are currently zoned CG (General Commercial), with the balance of #017769033001 zoned IL (Light Industrial). The subject parcels are currently undeveloped. In combination, the parcels comprise a 15.12-acre site. The site is encumbered with several utility easements and rights of way, including a BPA easement for a high-kVA transmission corridor on the northerly 4.3 acres.

The CG zone allows for a wide range of commercial uses including a variety of business, retail, wholesale, storage and lodging, as well as those that are oriented to the travelling public (“freeway oriented”). General Commercial diverges from Industrial zoning in that it limits larger manufacturing, warehousing, distribution centers, and hazardous occupancies, whereas CG is more oriented to mercantile uses.

Existing uses surrounding the site include (to the northern, IL side) a 13-acre mobile office storage facility, a 35-acre gas power generation facility, a 70-acre distribution cross-dock facility, as well as future light industrial and business uses on Port of Chehalis industrial sites which proposes a hydrogen storage & fueling facility. Uses along the (CG zoned) Bishop corridor include light manufacturing, truck sales, equipment storage and slightly smaller commercial/industrial businesses. Some residential properties still remain.

The existing zoning configuration for the immediate area is either CG or IL. Areas immediately adjacent to Interstate 5 were originally included as general commercial including those parcels along Hamilton Road N and Bishop Road which provide frontage road support for the freeway and local community. Portions of larger public and private-owned parcels were split zoned along Bishop to a depth of roughly 200 to 250 feet, allowing some flexibility for commercial development along that corridor.

Specific Need for Zoning Change

The applicant proposes a corporate style logistics center with a roughly 96,000 SF terminal and associated 10,000 SF office and administration building. Due to the parcel sizes and configuration, a lot consolidation would provide a consolidated site for development since #017767002000 is a relatively small 1.2-acre parcel. Although the administrative portion would be allowed in the CG zoned portion, common zoning of the site would maximize the flexibility of how to place and manage a large logistics building. Logistics centers have specific requirements with respect to receiving, queuing, docking and parking larger trucks. Ideally truck storage is not immediately adjacent to the fronting street for security reasons.

Rezone Request

To create a consistent, consolidated, and conforming zone, the request is to rezone parcel #017767002000 and the front portion of #017769033001 to IL (Light Industrial).

5. Describe the anticipated/expected effect of the rezone change on the location, vicinity and/or overall community.

Consistency

The Light Industrial (IL) zoned area would be consistent with other similarly zoned parcels to the north. IL zoning would be consistent with continued CG zoning along Bishop Road including parcels to the south. As seen on the zoning maps, IL zoning expands south of Bishop Road as the street physically diverges from the freeway.

Impact to Location, Vicinity and Overall Community

The zoning change would provide the proposed logistics center the flexibility to develop with its physical needs and in concert with existing utility corridors that can't be adjusted. The rezone would not inhibit or discourage continued General Commercial development along the Bishop Road corridor. The rezone would not put undue pressure on current or future water, sewer or other utility demands in the immediate area. The existing commercial character would not be impacted. Infrastructure and services are available to serve this level of use.

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.

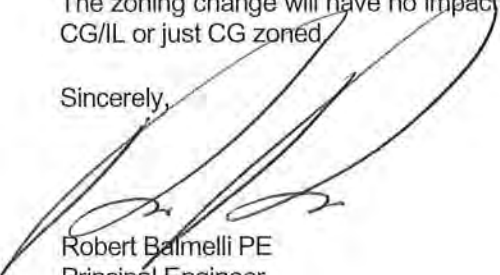
Rezone Request

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

