



City of Longview

1525 Broadway
Longview, WA 98632
www.ci.longview.wa.us

Agenda

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Planning Commission

The City Hall is accessible for persons with disabilities. Special equipment to assist the hearing impaired is also available. Please contact the City Executive Offices at 360.442.5004 48 hours in advance if you require special accommodations to attend the meeting.

1. ROLL CALL
2. APPROVAL OF MINUTES
20-000238 Minutes of the March 4, 2020 regular Planning Commission meeting
3. AUDIENCE PARTICIPATION OF CORRESPONDENCE
4. DECLARATION OF EX-PARTE COMMUNICATIONS AND APPEARNESS OF FAIRNESS
5. PUBLIC HEARINGS

20-000236 PC 2020-2 Rezone request and comprehensive plan amendment application for 5 parcels approximately .96 acres of land comprising the St. Helens Market and Hair Hut buildings and parking lots from Neighborhood Commercial NC/Neighborhood Convenience Commercial, to R-3 Residential District/High Density Residential.

RECOMMENDED ACTION: Motion to adopt the findings of the staff report and recommend the City Council approve the applications.

6. NON-PUBLIC HEARING ITEMS

20-000237 PC 2020-3 Proposed Amendments to Longview Subdivision Ordinance- repeal subsection 19.80.220 LATECOMER REIMBURSEMENT and replace with new CHAPTER 14.18 LATECOMER AGREEMENTS.

Recommended Action: Review report and presentation from Ken Hash, Public Works Director, and set a public hearing for proposal to amend the zoning code to repeal section 19.80.220 and adopt the proposed language in chapter 14 of the LMC.

7. REPORTS FROM STAFF

8. PLANNER'S REPORT

9. ADJOURNMENT



City of Longview

1525 Broadway
Longview, WA 98632
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Minutes

Agenda

Planning Commission

Wednesday, March 4, 2020

7:00 PM

City Hall

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1. **ROLL CALL**

Chairman Collins called the meeting to order at 7:00 p.m.

Present: Member Craig Collins, Member Trey Davis, Member Bill Josh, Member Ramona Leber, Member Shawn Marvin, Kalei LaFave

Absent:

Staff Present: Steve Shuman, Assistant City Attorney; John Brickey, Community Development Director; Ken Hash, Public Works Director; Adam Trimble, Planner; Lisa Vertrees, Administrative Assi

2. **APPROVAL OF MINUTES**

A motion was made by Member Ramona Leber, seconded by Kalei LaFave, to Approve the meeting minutes of the February 5, 2020 regular Planning Commission me . The motion carried by the following vote:

Ayes: Member Craig Collins, Member Trey Davis, Member Bill Josh, Member Ramona Leber, Member Shawn Marvin, Kalei LaFave

Nays: None

20-000131 Minutes of the February 5, 2020 Planning Commission Meeting

RECOMMENDED ACTION:

Motion to approve as presented.

3. **AUDIENCE PARTICIPATION OF CORRESPONDENCE**

None at this time.

4. DECLARATION OF EX-PARTE COMMUNICATIONS AND APPEARANCE OF FAIRNESS

The Declaration of Ex Parte Communications and Appearance of Fairness Doctrine was read by Mr. Trimble. Chairman Collins recused himself for the duration of the public hearing due to a conflict of interest.

5. PUBLIC HEARINGS

20-00083 PC 2020-1 Application to amend the zoning code Table 19.58.020-1 to permit brewpubs only in conjunction with a full-service sit-down restaurant, in the Light Industrial Zones.

Recommended Action: Motion to adopt the findings and recommendation of the staff report and recommend the City Council approve the proposed zoning code amendment.

Mr. Trimble read the staff report. There was a change in the definition to include "spirits".

Chairman Collins opened the public hearing.

The following people spoke:

Brett Bates - applicant

Eric Skreen - former Ashtown owner

Hearing no other speakers, Chairman Collins closed the public hearing.

A motion was made by Member Bill Josh, seconded by Kalei LaFave, to Adopt the findings and recommendation of the staff report and recommend the City Council approve the proposed zoning code amendment. The motion carried by the following vote:

Ayes: Member Trey Davis, Member Bill Josh, Member Ramona Leber, Member Shawn Marvin, Kalei LaFave

Nays: None

20-000130 PC 2020-1 Zone Text Amendment for brewpubs

6. OTHER BUSINESS

Mr. Hash reported on a Latecomer Agreement for infrastructure/development. A new Code Chapter 14 will eventually lead to a repeal of Chapter 19.

7. NON-PUBLIC HEARING ITEMS

None at this time

8. PLANNER'S REPORT

** Zone change request for the St. Helens Market to convert the area to R3. Keep the R4 portion as Neighborhood Commercial.*

** Working through final approval for Mt. Solo Estates*

** Administrative approval for an industrial park between California/Industrial Way.*

** Still waiting on the Vale at Overlook.*

** Comp plan goals/policies - Steve Langdon will consult/work on the comp plan work plan to work toward the goals and policies.*

9. ADJOURNMENT

The next regular Planning Commission is scheduled for April 1, 2020.

With no further business to discuss, the meeting adjourned at 7:55 p.m.

Lisa Vertrees, Recorder



Staff Report

TO: Longview Planning Commission

FROM: Adam Trimble, Interim Planning Manager

HEARING

DATE: May 20, 2020

TYPE OF

DECISION: Quasi-judicial

APPLICANT: St. Helens Land LLC

PROPOSAL: Rezone request and comprehensive plan amendment application for 5 parcels, approximately .96 acres of land, comprising the St. Helens Market and Hair Hut buildings and parking lots. Under the proposal, the Comprehensive Plan classification will change from Neighborhood/Convenience Commercial to High Density Residential and the zoning will change from Neighborhood Commercial, NC to R-3 Residential District. As shown in the attached map.

ADDRESS: 475 29th Ave & 236 30th Ave. Parcel numbers involved: 07999, 08000, 08002, 08004, & 08005.

BACKGROUND

The owner, St. Helens Land LLC has applied for a site specific comprehensive plan amendment and rezone to redevelop the St. Helens Market and Hair Hut buildings site into apartments. Thirty units in three buildings are proposed and the applicant states they will be for middle income. The proposal will leave the majority of parcel # 08001 addressed 216 30th Ave, as Neighborhood Commercial, NC zone and can be used for any use currently allowed in the NC zone including neighborhood convenience stores.

The applicant states in the submitted rezone narrative:

“The Applicant proposes a zone change from Neighborhood Commercial to R3 which will allow the approval of a 30-unit multi-family apartment development with on-site parking. Neighborhood Commercial does not allow for residential uses. The conceptual site plan proposes three buildings, two twelve-plexes and one six-plex, all three-stories in height. Also planned is

on-site parking with 35 spaces, including two handicap accessible spaces. Access to the site will be from a right-in right-out on 30th Avenue, a minor arterial. An emergency access will be provided on 29th Avenue.

Currently, the project site is underutilized for the area and is ideal for a multi-family development. The project site is flat and has no critical areas. R4 zoning districts exist less than a quarter mile to the northwest, west and to the southwest, however, these zoning districts are primarily developed with single-family homes.

The project will bring much needed affordable multi-family housing to this area of the City of Longview and will elevate the use of this property. The development will only have one access point as a right-in right-out, which will control traffic and mitigate traffic pressure on the existing neighborhood. For the safety of the residents of the development an emergency access is shown along 29th Avenue. The conceptual site plan shows 33 percent of the site in open space, which exceeds the required 15 percent, and will be developed with trees, shrubs and groundcover. The Applicant is also planning to provide on- site parking at a rate exceeding 1 to 1 which will mitigate on-street parking pressure.”

The application is attached as Exhibit A and maps showing the existing and proposed site plan and vicinity are attached as Exhibit B and maps showing the existing and proposed zoning and future land use map classifications are attached as Exhibit C.

Ownership

St. Helens Land, LLC

Existing Land Uses

Two commercial buildings and associated parking lots. A commercial market store and a commercial personal service store (hairdressing). Attached to the market but no included in this application is an attached building formerly housing a satellite police station and office for parole officers/service providers.

Adjacent Land Uses

East: Single-family residences

South: Single-family residences

West: 30th Avenue/Beech Street a 4-lane arterial with large grassy center median and single-family residences

North: A warehouse building used by the Longview Lions club

Comprehensive Plan

The 2019 Longview Comprehensive Plan currently classifies the parcels as Neighborhood/Convenience Commercial. The Comprehensive Plan classifications for the adjoining properties are also Neighborhood/Convenience Commercial.

Zoning

The subject property and all adjoining properties are: Neighborhood Commercial District, NC.

The purpose statement for the General Commercial District is given below (LMC 19.44.010):

The neighborhood commercial (NC) district purpose is to accommodate relatively small, compact areas located throughout the city that provide goods and services for the immediate neighborhood. These areas provide goods and services sought routinely and regularly, generally more on the basis of convenient location than price.

The purpose statement for the Residential Districts (all) is given below (LMC 19.20.010):

It is the city's intent that residential neighborhoods and uses be developed and preserved against intrusions by incongruous land uses. These zone classifications are established, in order to permit a variety of housing and population densities with minimum conflict. Protection is provided against hazards, objectionable influences, traffic and building congestion, undue strain on municipal services, and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in these districts.

There are five primary residential zoning districts established for the city, including two lower density designations (R-1, TNR), one medium density designation (R-2) and two high density zones (R-3, R-4). More limited (secondary) residential development is allowed in some commercial zone designations as provided for in other chapters. This chapter provides standards for residential land use and development and is based on the following principles:

- (1) Promote the orderly expansion and improvement of neighborhoods;
- (2) Make efficient use of land and public services and implement the Longview comprehensive plan;
- (3) Designate land for the range of housing types and densities needed by the community, including owner-occupied and rental housing;
- (4) Provide flexible lot standards that encourage compatibility between land uses, efficiency in site design, and environmental compatibility;
- (5) Provide for compatible building and site design at an appropriate neighborhood scale; provide standards that are in character with the landforms and architecture existing in the community;
- (6) Apply the minimum amount of regulation necessary to ensure compatibility with existing residences, schools, parks, transportation facilities, and neighborhood services. Reduce reliance on the automobile for neighborhood travel and provide options for walking, bicycling, and transit use; and

(7) Provide direct and convenient access to schools, parks and neighborhood services.
(Ord. 3122 § 14, 2010).

Availability of Utilities

Sanitary sewer, water and fire protection are available to the subject property. Any future development will require compliance with the City of Longview Storm Water regulations for retention/detention and water quality. The site includes area of a former public alley that was vacated and sold by City Council approval in the past. Public utilities remain in the vacated alley by easement. The Beech Street/30th Ave median is host to a large diameter stormwater drain.

S.E.P.A Determination

An Environmental Checklist for the proposed Comprehensive Plan Map and Zoning Map revisions was reviewed pursuant to the State Environmental Policy Act and a determination of non-significance was issued on May 6, 2020. [E 2020-5 SEPA checklist]

The comment period for the SEPA checklist will end on May 20, 2020. SEPA documents are attached as Exhibit D.

Traffic

The traffic analysis has not been completed as the redevelopment proposal will be made if the zone change is approved. At that time the applicant will provide a traffic analysis and an additional environmental review will be completed for the proposal to redevelop the site. City staff have provided comments that the capacity of the arterial, 30th Ave, is more than suitable for the proposal.

Critical Areas

Geologic Hazards:	No mapping indicators
Shoreline Designation:	NA
Floodplains:	Zone X – areas protected by levees from 100-year flood
Wetlands:	No mapping indicators
Steep Slopes:	No mapping indicators
Unstable Soils:	No mapping indicators
Soils Description:	Caples silty clay loam
Gradient of Soils on-site:	0-1%

Additional Information

Pursuant to Chapter 19.81 of the Longview Municipal Code, legal notice was published in the Longview Daily News on May 10, 2020 and May 17, 2020. Notice of the land-use application and public hearing was posted on the property in two locations on May 6, 2020. On May 7, 2020, public notice was mailed to property owners and occupants in or near the map amendment area totaling 40 addresses.

Citizen Correspondence

As of this writing, the City has received one comment from Penny MacKenzie, owner of 2941 CYPRESS ST which abuts the site at the rear. The comment is attached as Exhibit E. Staff discussed on the phone Ms. MacKenzie's concern about access to the rear of her property through the applicant's property and informed that there is currently no right of access through the applicant's property to the rear of her property.

COMPREHENSIVE PLAN POLICIES AND INTENT STATEMENTS

The relevant Comprehensive Plan goal and policy and map intent statements are given below.

Goal LU-A Establish an enduring vision of land development that encourages an orderly, efficient, and beneficial balance between business, residential, and other land uses.

Policy LU-A.1.1 Provide a variety of residential zoning districts at different densities to meet the needs of all economic segments of Longview's population.

Policy LU-A.1.5 Facilitate redevelopment of existing developed land when appropriate. Encourage infill development on vacant or underdeveloped land within the City.

Policy LU-A.2.2 Identify complementary zoning when considering amendments to the future land-use map, and process changes to both maps simultaneously so that zoning remains consistent with the identified future land use. Assure that any site- or area-specific requests for rezones conform to the future land-use map.

Policy LU-A.2.3 Enable discrete amendments initiated outside of the periodic review and update, whether by the City or a private individual, to proceed on a standalone basis using the established amendment process.

Policy LU-E.4.6 New multi-family land use classifications should be applied as follows:

- a. located in or abutting areas already containing multi-family uses; or
- b. in or next to Central Business, Regional or Community Commercial Districts or more intensive institutions;
- c. located in areas offering unique amenities such as in Downtown or along the Cowlitz and Columbia River waterfronts; or
- d. along arterials where access consolidation and transit are available.
- e. In all cases, existing or planned transportation capacity should be adequate to accommodate projected travel demand according to City standards.

Policy HO-A.1.4 Promote efficient use of land and infrastructure by encouraging infill development in neighborhoods and redevelopment activities.

Intent Statements

The Comprehensive Plan Map Intent Statements for the Medium Density Residential and the Community Commercial classifications are given below.

High Density Residential

This classification provides primarily for multi-family dwellings of more than four units. Multi-family development adjacent to lower density residential uses should incorporate elements in the site design and building design to soften its impact and to result in a compatible transition. Multi-family development should incorporate provisions for transit service and pedestrian and bicycle access. Manufactured housing parks designed according to firm standards for screening, buffering, parking, recreational areas, distance between units, and other matters may be appropriate when deemed compatible with adjacent property by the City or County planning commissions and local legislative bodies. Some home occupations may be acceptable including some professional offices. The recommended density is up to 25 dwelling units per gross acre.

Neighborhood/Convenience Commercial

Neighborhood/Convenience Commercial should be relatively small, compact areas located throughout the city that provide goods and services for the immediate neighborhood. These areas provide goods and services sought routinely and regularly, generally more on the basis of convenient location than price. Encouraged uses are small groceries and “mini-marts”; gas stations; beauty and barbershops; small restaurants; and small drug, gift, and variety stores. Discouraged uses include large discount or variety department stores and fast food restaurants. Development in Neighborhood/Convenience Commercial areas should be oriented primarily to pedestrian access. Uses in the Neighborhood/Convenience Commercial are intended primarily to serve local residential neighborhoods; the uses permitted are the least intense of the commercial spectrum and are limited to those that do not generate substantial volumes of traffic. This category should also allow for residential uses, when included as an integral component of the commercial development.

19.81.090 Approval criteria for site-specific rezones.

In its review of an application for rezoning, the city shall consider subsections (1) through (5) of this section. No single factor is controlling; instead, each must be weighed in relation to the other standards. The city shall not consider any representations made by the petitioner that if the change is granted the rezoned property will be used for only one of the possible range of uses permitted in the requested zoning designation. Rather, the city shall consider whether the entire range of permitted uses in the requested designation is more appropriate than the range of uses in the existing designation.

Staff comments: The applicant has submitted a proposed redevelopment plan showing three, three story- apartment buildings with associated parking and 30 total units.

(1) The proposal is in accordance with the adopted city of Longview comprehensive plan, any relevant sub-area plans, and the purpose section of the proposed zoning district.

Staff comments: The City has experienced a housing crisis in recent years due to increased demand for rental housing and increasing rents. Increasing the supply of housing, particularly rental housing was supported by the City Council in 2018 and 2019 when direction was given to the Planning Commission to reduce barriers to new construction by removing certain design requirements, open space requirements and reducing parking requirements for new multifamily.

The Comprehensive Plan policy LU-E.4.6 provides criteria for when to consider new high density residential classifications. The site satisfies criteria D, being located along the 30th Ave which is an arterial under federal classification and has access consolidation and transit available; and criteria E, “In all cases, existing or planned transportation capacity should be adequate to accommodate projected travel demand according to City standards” according to staff assessment.

(2) The proposal must bear a substantial relationship to the public health, safety, morals, or general welfare, or protect and preserve historical and cultural places and areas. The rezone may be justified, however, if a substantial public need or purpose exists, and this is so even if the private owner(s) of the land will also benefit.

Staff comments: Staff finds that the proposal has a substantial relationship to the general welfare by addressing an urgent need for new housing amid a housing affordability crunch. The Runstad Center for Real Estate Research at University of Washington¹ reports Cowlitz County had an apartment vacancy rate of .70% (9 units) in fall of 2019, fourth lowest of all counties. There is a substantial public need for additional housing which has the potential to increase supply and reduce upward pressure on rents for existing housing regardless of whether new housing is considered or intended to be ‘affordable’.

(3) The property and affected area is presently provided with adequate public facilities, services, and transportation networks to support the zoning designation, or such facilities, services and transportation networks can be adequately provided in an efficient and timely manner (or are planned to be provided within six years).

Staff comments: The subject property is within an area fully served with public facilities and transportation networks.

(4) The proposal shall not have a substantial adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive.

Staff comments: The proposal is located adjacent to an arterial road with a large landscaped median and if approved, will provide 33% open space for landscaping when re-developed. To the north is an existing warehouse and to the south is an existing commercial building/use, formerly the Longview Police satellite office. Four neighboring parcels are zoned Neighborhood Commercial but developed with single family homes.

¹ WASHINGTON STATE APARTMENT MARKET REPORT – Fall 2019. (2019, October). Retrieved from <http://realestate.washington.edu/wp-content/uploads/2019/12/2019FallApartmentMarketReport.pdf>

The rezone proposed could be seen as more consistent with the single family homes than the existing neighborhood commercial development. The site meets the criteria given in the Comprehensive plan for considering new multifamily classifications. The existing neighborhood commercial zone and building owned by the applicant (former police satellite office) is not part of this proposal and use of the property will continue to be regulated by commercial districts zoning codes.

(5) Whether conditions in the area for which comprehensive plan change/zoning amendment is requested have changed or are changing to such a degree that it is in the public interest to encourage a change in land use for the area.

Staff comments: The development will be a substantial change from the St. Helens Market and Hair Hut businesses currently on the site. Staff is aware of several neighborhood convenience stores in Longview that have closed indefinitely, and of broader changes to the groceries market which are contributing to the underutilization of land zoned Neighborhood Commercial. Staff finds that housing is currently a much higher demand than neighborhood scale retail or services and it is in the public interest to encourage a change in land use for the area.

STAFF DISCUSSION

The land use proposal if approved, will place the property in the R-3 Residential zone and allow uses permitted in the R-3 zone. The applicant has chosen to share the redevelopment proposal which assists with evaluation of the potential impacts of the land-use application but the applicant is not bound to the specific redevelopment proposal shown in the site plan. If the changes are approved, the City will conduct another environmental review when a formal application to redevelop the site is made.

STAFF FINDINGS

Staff has examined the merits of the petition to amend the City of Longview Comprehensive Plan Future Land Use Map and the Zoning Map for the subject property, and has made the following findings:

1. The proposal is consistent with the 2019 Longview Compressive plan Goals, Policies and Objectives.
2. Public facilities and transportation options are readily available at the subject property.
3. The traffic engineer has reviewed the application and has determined that the proposal will not result in any critical impacts to the adjacent roadway system.
4. It is in the public interest to encourage a change in land use for the area as there is a substantial public need for housing in Longview.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed Comprehensive Plan Future Land Use Map and Zoning Map amendments.

EXHIBITS

- A. Application
- B. Map showing proposed Comprehensive Plan map amendment
- C. Map showing proposed zoning map amendment
- D. SEPA documents.
- E. Public Comment letter

Staff Report Date: May 14, 2020

COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE REQUEST
ST. HELENS MARKET SITE

APPLICANT: ST. HELENS LAND LLC
SHAMSHER SINGH

CONTACT: S.A.K. LANDSCAPE DESIGN
STACY KYSAR

FEBRUARY 2020



Describe Your Proposed Amendment. Also provide suggested new language if *Text Amendment*:

The Applicant proposes to change approximately .96 acres of Neighborhood/Convenience Commercial designated property on five parcels, to high density residential.

(Attach additional sheets as necessary)

Describe why the amendment should be made and why it is in the public interest (e.g., correcting an error, improving consistency, addressing a need that is currently lacking, etc.)

The site's size and location make it very suitable for multi-family housing, a commodity that is currently deficient within the City of Longview, particularly in the St. Helens and Highlands neighborhoods. Re-designation of Neighborhood/Convenience Commercial on this site will allow construction of a 30-unit multi-family development.

(Attach additional sheets as necessary)

Describe how the current language or map designation affects you or your property. _____

The Neighborhood/Convenience Commercial designation does not allow for residential developments.

(Attach additional sheets as necessary)

GENERAL SITE CHARACTERISTICS

Property Size: Gross Acres: .96

Net Acres: .82

Square Feet: 35,450

Comprehensive Plan Designation: Neighborhood/Convenience Commercial Is the site vacant? No

Current use of the land. Describe geographical features and note any structures: The site is predominantly flat.

There are two buildings on the site. A 9000 square foot market and a 1200 square foot hair salon.

PETITION TO AMEND THE LONGVIEW COMPREHENSIVE PLAN

The information provided is said to be true under penalty of perjury by the Laws of the State of Washington. The undersigned state that they are the owner(s) of the property described herein, and hereby give authorization for the filing of this application. The undersigned also certify that the information contained in this application is true and correct to the best of your/their knowledge and belief. Further, I/we do by my/our signature(s) on this application absolve the City of Longview of all liabilities regarding any deed restrictions that may be applicable to the property described herein. The names, addresses and signature of all property owners is needed (Owner in escrow is not acceptable).

[Photocopy this page and attach as many pages as is needed]

Signature: <u>Shamsher Singh</u>	Signature: _____
Name: <u>SHAMSHER SINGH</u> (Please Print)	Name: _____ (Please Print)
Mailing Address: <u>464 OREGON WAY</u> (Street or PO Box)	Mailing Address: _____ (Street or PO Box)
City: <u>LONGVIEW</u> State: <u>WA</u>	City: _____ State: _____
Zip: <u>98632</u> Phone: <u>360-261-2690</u>	Zip: _____ Phone: _____
Signature: _____	Signature: _____
Name: _____ (Please Print)	Name: _____ (Please Print)
Mailing Address: _____ (Street or PO Box)	Mailing Address: _____ (Street or PO Box)
City: _____ State: _____	City: _____ State: _____
Zip: _____ Phone: _____	Zip: _____ Phone: _____
Signature: _____	Signature: _____
Name: _____ (Please Print)	Name: _____ (Please Print)
Mailing Address: _____ (Street or PO Box)	Mailing Address: _____ (Street or PO Box)
City: _____ State: _____	City: _____ State: _____
Zip: _____ Phone: _____	Zip: _____ Phone: _____

CERTIFICATION

City of Longview)
County of Cowlitz) ss

I/we, being first duly sworn, do/does hereby depose and say that _____ am/are the legal owner(s) of property described herein, and the information herewith submitted is in all respects true and correct to the best of _____ knowledge and belief, and have affixed _____ signature(s) hereto in the presence of the undersigned.

I/we declare under penalty of the perjury laws that the information provided on this form/application is true, correct and complete:

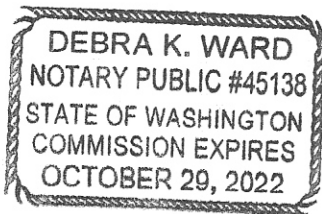
Signature of applicant(s): 

St. Helens Land UC (President)
Shamsher Singh

Mailing Address: 464 OREGON WAY See Note 3
(Street or PO Box)

City: Longview State: WA Zip: 98632 Phone: 360-261-2690

Subscribed and sworn to before me this 20th day of February, 2020



of February, 2028

[Signature]

Notary Public

Notary Public

Printed Name: Debra K Ward

Residing In: Clark, Vancouver

My Commission Expires: 10/29/20

NOTES:

1. Signatures of all owners are required if property is in joint ownership, which may include husband and wife.
2. A detailed map of the area that is subject of the Comprehensive Plan Amendment request must be submitted to the Community Development Department.
3. The mailing address on this page will be the address all reports and notices concerning this application will be sent to.

FILING FEES:

Public Hearing Fee: \$2,173.00
SEPA Review Fee: \$543.00
Total Fees: \$2,716.00
Comments: _____

BELOW IS FOR STAFF USE ONLY:

DATE APPLICATION COMPLETE: _____

LONGVIEW PLANNING COMMISSION:

Set on Planning Commission
Agenda For a Future Public Hearing: Date 5-13-20 6:00 PM
Public Hearing Scheduled: Date: 5-20-20 7:00 PM

Comments: _____

LONGVIEW CITY COUNCIL:

Public Hearing Scheduled: Date: _____ 7:00 PM

Ordinance No: _____ Adopted: _____ Effective: _____

Comments: _____

NOTES TO APPLICANT/OWNER:

1. Community Development Staff will review this application for completeness and will contact you if additional information is needed. Incomplete applications will not be scheduled for a hearing before the Planning Commission.
2. If the City Council, Planning Commission or Community Development Staff determine that additional and/or revised information is needed, and/or if other unforeseen circumstances arise, any dates outlined for processing the application may be rescheduled by the City.
3. All items shall be completed as determined by the Community Development Department prior to the application being deemed complete for processing.
4. The applicant may be required to conduct studies, such as a traffic study, and have the studies reviewed by the City prior to any public hearing on the application. The cost of all required studies shall be borne by the applicant.
5. All fees required by the City in reviewing this application shall be paid prior to any public hearings.
6. The applicant or authorized representative must attend the Planning Commission and City Council public hearings.

Comments: _____



Rezone Request Application

Community Development Department ♦ 1525 Broadway, P.O. Box 128 ♦ Longview, WA 98632 ♦ 360.442.5086 Fax 360.442.5953

Application to Rezone Property

LMC 19.81.040

Case Number: PC 2020-2

Related Case Number: _____

THIS SECTION FOR OFFICE USE ONLY:

To the City of Longview Planning Commission and City Council:

We, the undersigned, hereby petition to **Rezone** and/or change the **Zoning District** for the following property or properties:

From: Neighborhood Commercial
Present Zoning District

To: R3
Requested Zoning District

Applicant: St. Helens Land LLC
(Print All Information)

Phone: 360-261-2690

Contact Name: Shamsher Singh

Fax: N/A

Mailing Address: 464 Oregon Way
(Street or PO Box)

City: Longview

Email: saklanddesign@gmail.com

State: Wa

Zip: 98632

rick@landscapemgmt.com

Address of Property/Properties: 475 29th Avenue Longview, WA, 236 30th Avenue Longview, WA

No situs, no situs, and no situs.

Assessor's Parcel Number(s): 07999 (Property Id 3030964), 08000 (Property Id 3030965), 08002

(Property Id 3030967), 08004 (Property Id 3030968), and 08005 (Property Id 3030969).

Legal Description of Property Under Consideration: See property deed provided

Description of Property: 5 parcels on 6 lots located south of Cypress Street, bound by parcels on the north and south and 30th Avenue to the west and 29th Avenue to the east.

Name of Subdivision: St. Helens 3

Lot(s): 2, 3 and 5-8

Block(s): 49

Location: Section 32

Township & Range 8N 2W

Willamette Meridian

(Attach additional sheets as necessary)

REQUIRED SUBMITTAL MATERIALS

Have you had a pre-application conference with City staff? Yes Date: November 7, 2019

- X _____ Maps or Plans Showing Affected Property.
- X _____ Completed Environmental Checklist (SEPA).
- X _____ Narrative Explaining Reason for Zone Change Classification Requested (below).
- X _____ Legal Description of Property.
- X _____ Acceptable Proof of ownership such as notarized petitions, deed, or title report.
- X _____ One copy of the property deed; and, if the applicant is not the owner, a notarized statement (affidavit of legal interest) from the owner stating the applicant is authorized to submit this application.
- N/A _____ Certificate of Appropriateness issued by the Historic Preservation Commission, if applicable.

Comments: _____

Explain the reason(s) for the Zone Change Classification Requested: see attached narrative _____

(Attach additional sheets as necessary)

GENERAL SITE CHARACTERISTICS

Property Size: Gross Acres: .96

Square Feet: 41,600

Comprehensive Plan Designation: Neighborhood/Convenience Commercial

Does this Rezone also require a Comprehensive Plan Designation change? Yes _____

Is the site vacant? No _____

Current Use of the Land

Describe geographical features and note any structures: The site is predominantly flat.

There are two buildings on the site. A 9000 square foot market and a 1200 square foot hair salon.

Current Sewerage System: Pending approval and building permit, the project will connect to public sewer. _

Street System serving area: Parcels 08002, 08004 and 08005 have frontage on 30th Avenue a minor arterial.

Parcels 07999 and 08000 have frontage on 29th Avenue. _____

ZONE CHANGE PETITION

The owner or owners of any property located within the City may submit a request for a change of zoning classification on that property. This request will be considered by the Planning Commission. The change in the zoning classification of a property or properties must be signed by the owner or owners of not less than fifty-one (51%) percent of the area of property for which a change in zoning classification is sought.

[Photocopy this page and attach as many pages as is needed]

Name: <u>St. Helens hand LLC</u> (Please Print All Information) <u>Shamsher Singh</u> Mailing Address: <u>464 Oregon Way</u> (Street or PO Box) City: <u>Longview</u> State: <u>WA</u> Zip: <u>98632</u> Phone: <u>360.261.2690</u>	Description/use of Property: _____ _____ _____ _____ _____
Name: _____ (Please Print All Information) Mailing Address: _____ (Street or PO Box) City: _____ State: _____ Zip: _____ Phone: _____	Description/use of Property: _____ _____ _____ _____ _____
Name: _____ (Please Print All Information) Mailing Address: _____ (Street or PO Box) City: _____ State: _____ Zip: _____ Phone: _____	Description/use of Property: _____ _____ _____ _____ _____
Name: _____ (Please Print All Information) Mailing Address: _____ (Street or PO Box) City: _____ State: _____ Zip: _____ Phone: _____	Description/use of Property: _____ _____ _____ _____ _____

FILING FEES:

Public Hearing Fee: \$2,173.00

SEPA Review Fee: \$543.00

Total Fees: \$2,716.00

Comments: _____

NOTES TO APPLICANT/OWNER:

1. Community Development Staff will review this application for completeness and will contact you if additional information is needed. Incomplete applications will not be scheduled for a hearing before the Planning Commission.
2. If the City Council, Planning Commission or Community Development Staff determine that additional and/or revised information is needed, and/or if other unforeseen circumstances arise, any dates outlined for processing the application may be rescheduled by the City.
3. All items shall be completed as determined by the Community Development Department prior to the application being deemed complete for processing.
4. The applicant may be required to conduct studies, such as a traffic study, and have the studies reviewed by the City prior to any public hearing on the application. The cost of all required studies shall be borne by the applicant.
5. All fees required by the City in reviewing this application shall be paid prior to any public hearings.
6. The applicant or authorized representative must attend the Planning Commission and City Council public hearings.

Comments: _____

SIGNATURES:

I/we understand that if it is determined the application is not complete, the City shall immediately reject the application and identify in writing what is needed to make the application complete for a public hearing. No public hearings will be scheduled on this application until all outstanding issues have been resolved and the application is considered complete.

I/we agree that the City of Longview staff may enter upon the subject property at any reasonable time to consider the merits of the application, to make assessments, take photographs and to post public hearing notices.

I/we declare under penalty of the perjury laws that the information provided on this form/application is true, correct and complete.

Signature of Property Owner: *Santhir Sril* Date: 02/19/2020

Signature of Applicant: *Santhir Sril President* Date: 02/19/2020

Below is for Staff Use Only:

Longview Planning Commission:

Public Hearing Scheduled: _____ Date: _____
May 20, 2020 7:00 pm

Comments: _____

Longview City Council:

Public Hearing Scheduled: _____ Date: _____
_____ 7:00 pm

Comments: _____

Narrative

The site includes 5 parcels on 6 lots located south of Cypress Street, bound by property zoned Neighborhood Commercial to the north and south and 30th Avenue to the west and 29th Avenue to the east. The site is described as Lots 2 and 3 and 5-8 of Block 49 of the Plat of St. Helens Addition to Longview no. 3, Parcels 07999, 08000, 08002, 08004, 08005, Property tax Ids 3030964, 3030965, 3030967 through 3030969, located in the Southeast ¼ of Section 32, T8N, R2W, W.M. The site is approximately .96 acres (41,600 square feet) and has a vacated alley (ordinance 787). The site is affected by an 8-foot sewer easement on parcels 07999 and 08000 and a 20-foot easement running generally north-south affecting parcel 08000 along the west property line and parcels 08002, 08004 and 08005 along the east property lines.

The site currently has two buildings, one approximately 1200 square foot building on parcel 08000 and an approximately 8200 square foot building on parcel 08002. An asphalt parking lot is located on parcels 08004 and 08005. 07999 is currently vacant.

A sewer line exists between parcels 07999 and 08000 within an 8-foot easement and continues along the eastern boundary of parcel 08005 within the vacated alley and easement and a water main exists along the vacated alley running generally north-south through the property.

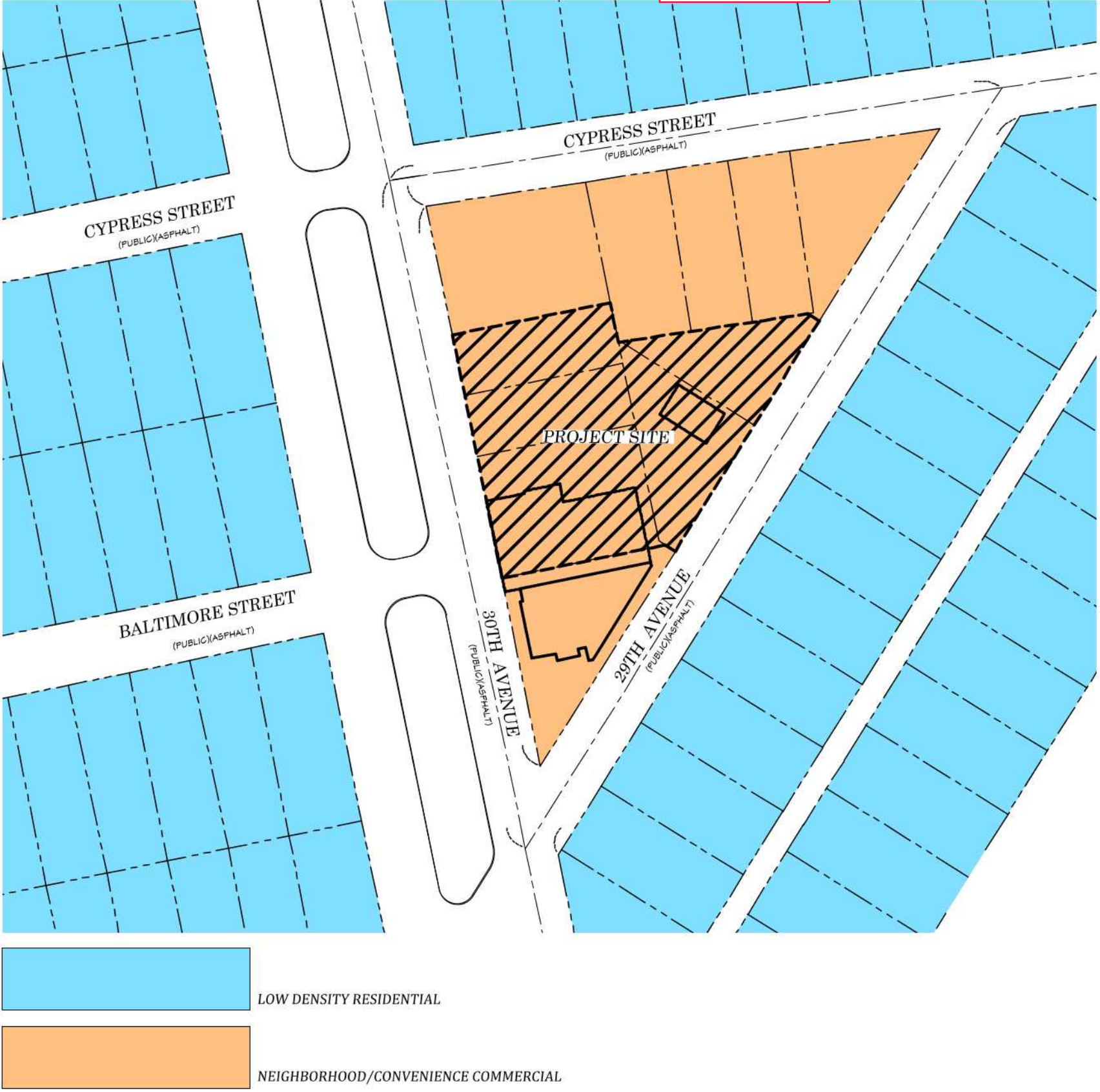
The site is located within the Neighborhood Commercial zoning district and is designated as Neighborhood/Convenience Commercial on the City of Longview Comprehensive Plan.

The Applicant proposes a zone change from Neighborhood Commercial to R3 which will allow the approval of a 30-unit multi-family apartment development with on-site parking. Neighborhood Commercial does not allow for residential uses. The conceptual site plan proposes three buildings, two twelve-plexes and one six-plex, all three-stories in height. Also planned is on-site parking with 35 spaces, including two handicap accessible spaces. Access to the site will be from a right-in right-out on 30th Avenue, a minor arterial. An emergency access will be provided on 29th Avenue.

Following the Comprehensive Plan Amendment and Zone Change Request approval the Applicant will submit a Boundary Line Adjustment Application to adjust the property line between parcel 08001 and 08002 to the required side setback (10 feet) from the existing building on parcel 08001. The Boundary Line Adjustment Application will also adjust the boundary line around the proposed project site to create one parcel.

Currently, the project site is underutilized for the area and is ideal for a multi-family development. The project site is flat and has no critical areas. R4 zoning districts exist less than a quarter mile to the northwest, west and to the southwest, however, these zoning districts are primarily developed with single-family homes.

The project will bring much needed affordable multi-family housing to this area of the City of Longview and will elevate the use of this property. The development will only have one access point as a right-in right-out, which will control traffic and mitigate traffic pressure on the existing neighborhood. For the safety of the residents of the development an emergency access is shown along 29th Avenue. The conceptual site plan shows 33 percent of the site in open space, which exceeds the required 15 percent, and will be developed with trees, shrubs and groundcover. The Applicant is also planning to provide on-site parking at a rate exceeding 1 to 1 which will mitigate on-street parking pressure.



Exhibits B & C

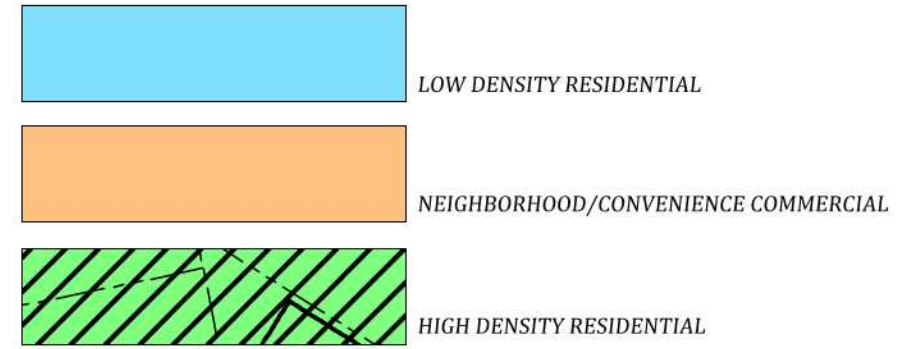
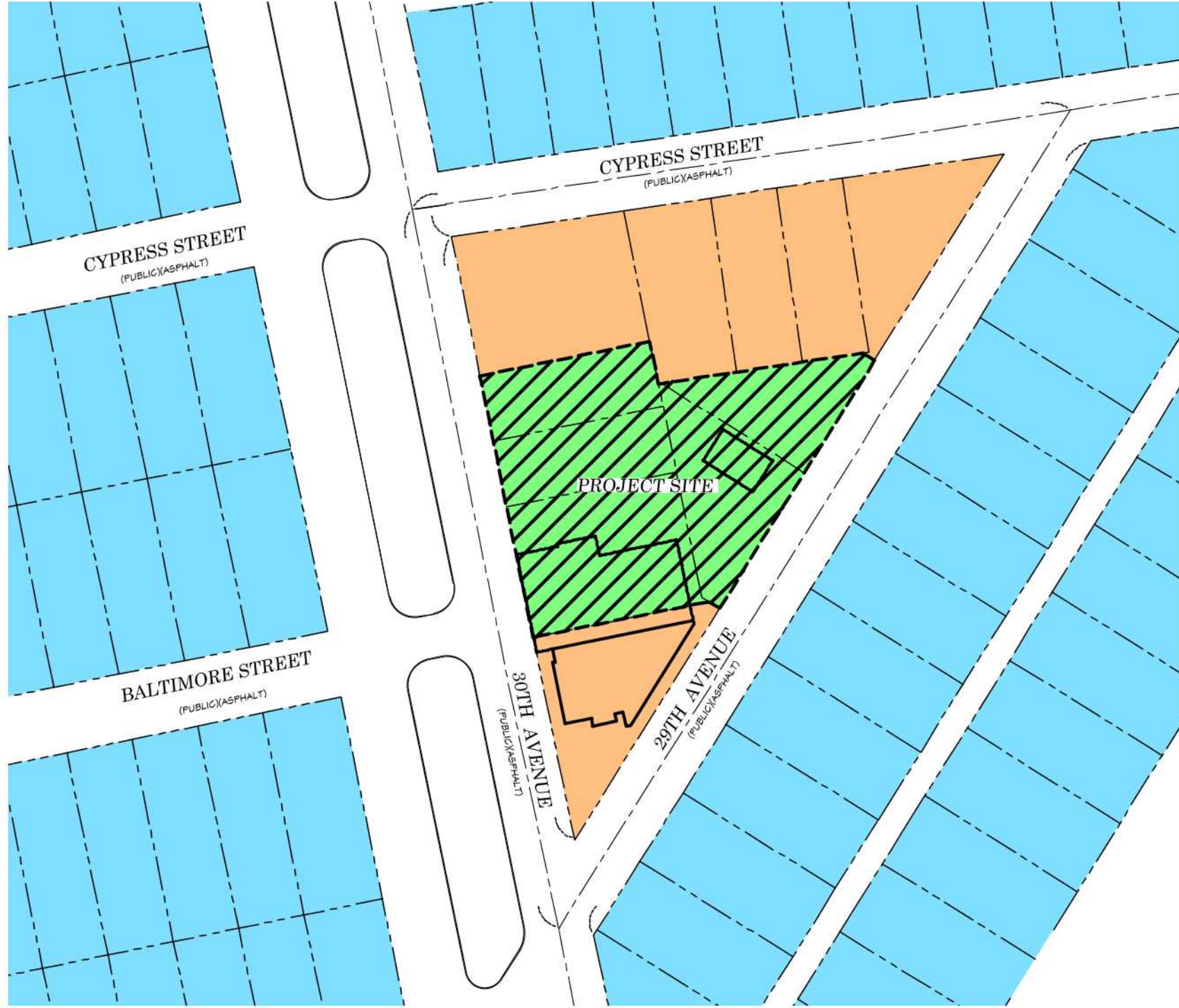


P.O. Box 1606
Brush Prairie, WA 98606
Ph. 509-370-0915
Email: saklanddesign@gmail.com

Project: St. Helen's Market
LONGVIEW, WA

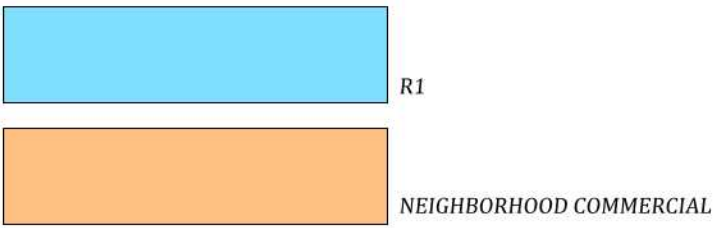
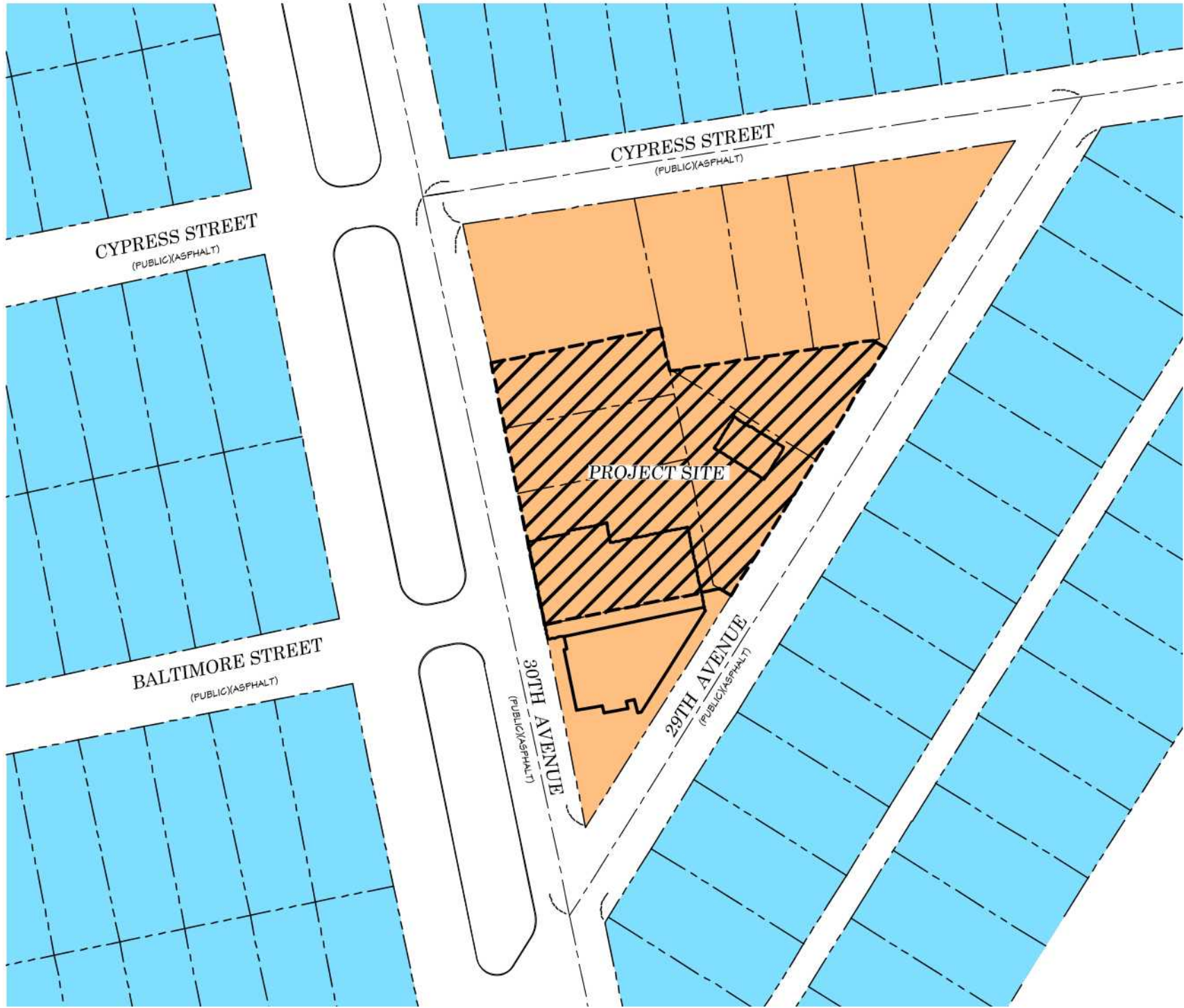
EXISTING COMPREHENSIVE PLAN DESIGNATION

P 1.0



P.O. Box 1606
 Brush Prairie, WA 98606
 Ph. 509-370-0915
 Email: saklanddesign@gmail.com

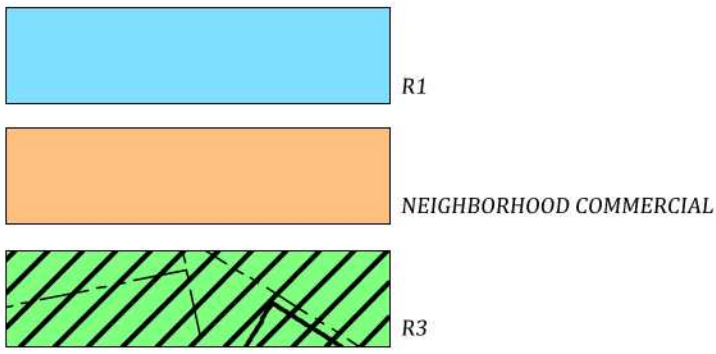
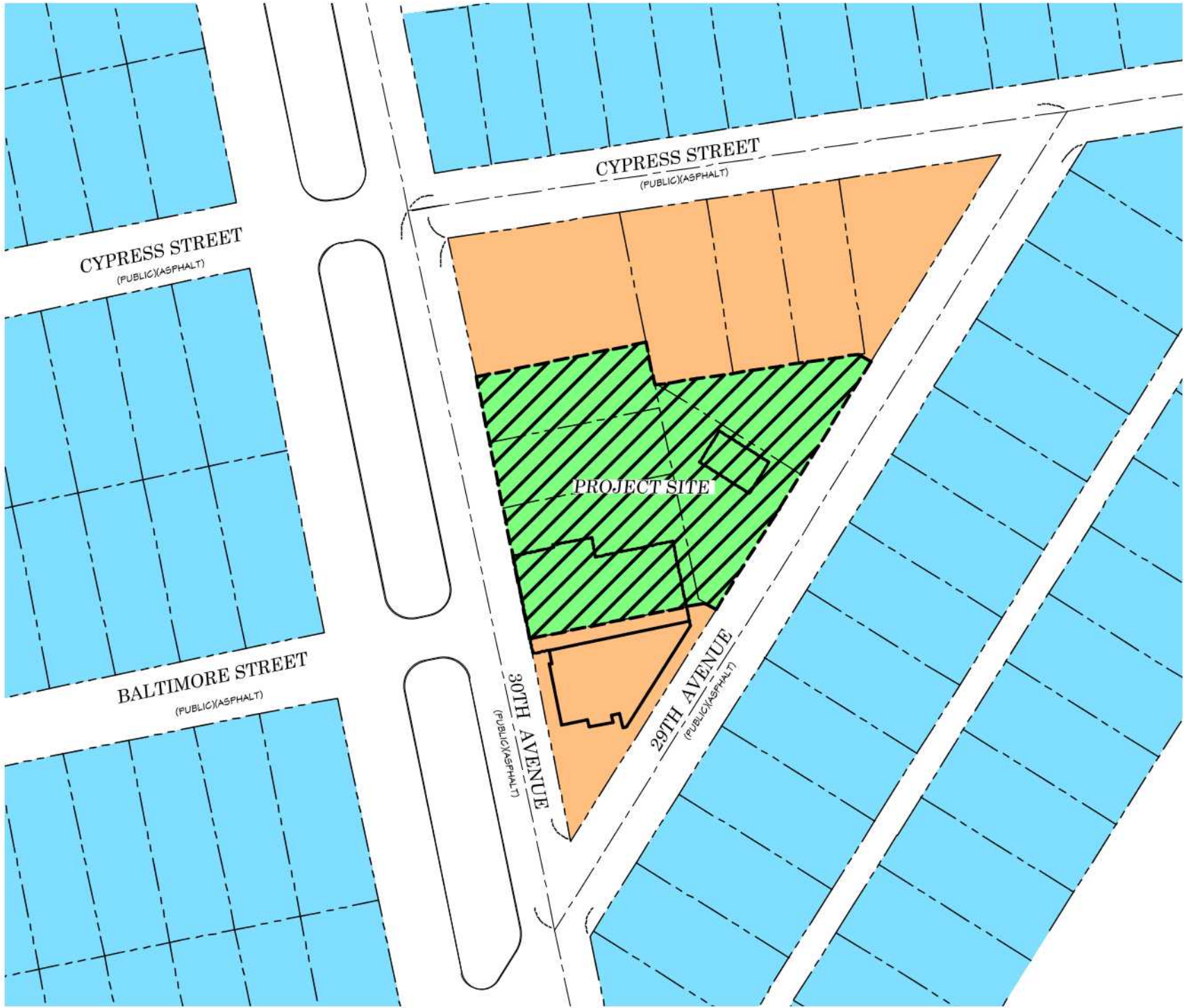
Project: St. Helen's Market
 LONGVIEW, WA





S.A.K.
Landscape
Design

P.O. Box 1606
Brush Prairie, WA 98606
Ph. 509-370-0915
Email: saklanddesign@gmail.com



P.O. Box 1606
Brush Prairie, WA 98606
Ph. 509-370-0915
Email: saklanddesign@gmail.com

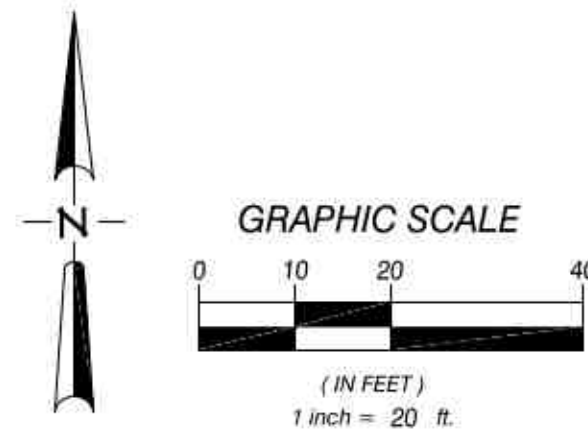
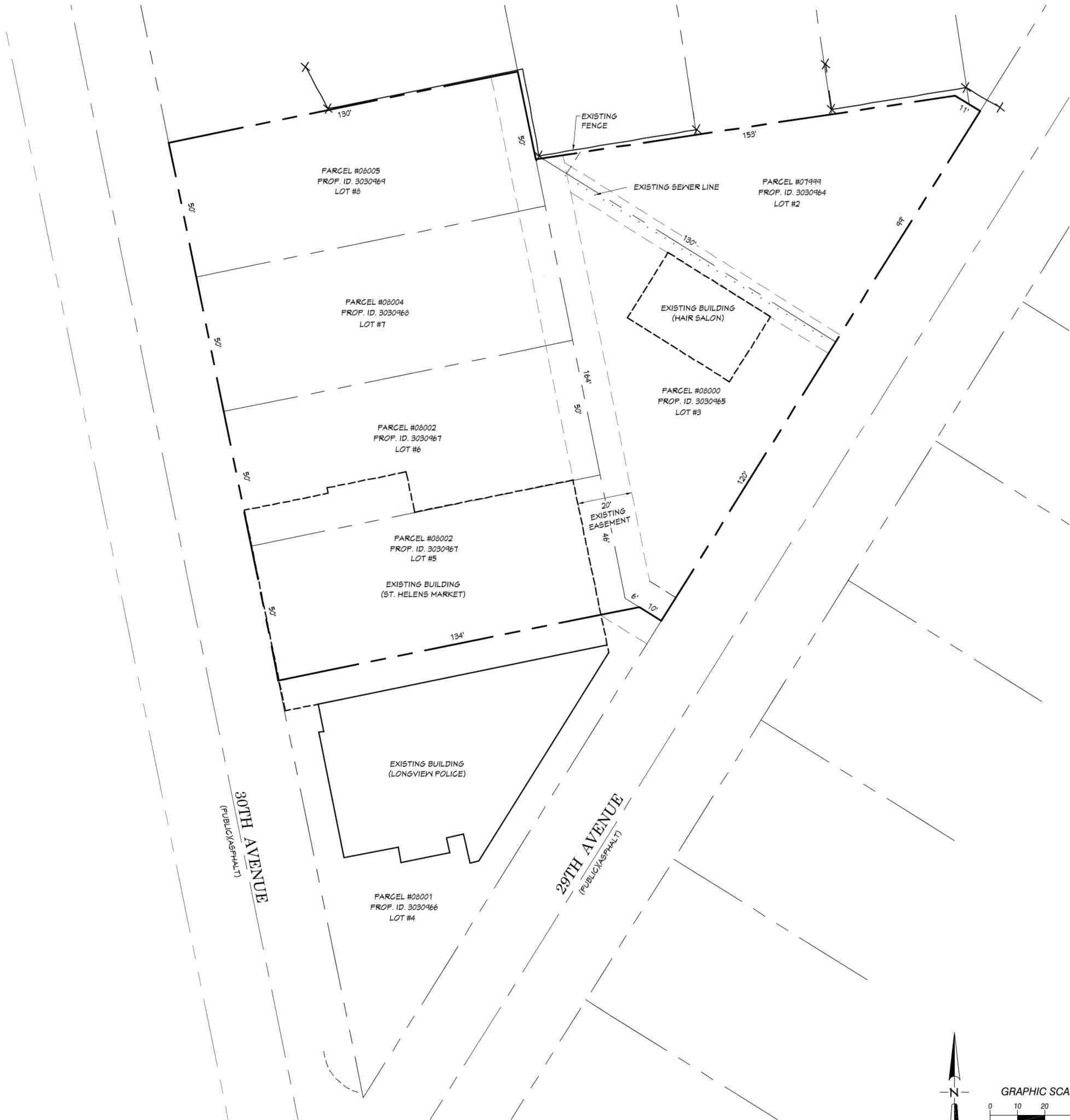
Project: St. Helen's Market
LONGVIEW, WA



PROJECT NOTES:

EXISTING SITE DATA:
PRESENT USE: GROCERY STORE, OPEN SPACE, PARKING, HAIR SALON
EXISTING ZONING: NEIGHBORHOOD COMMERCIAL
GROSS SITE AREA: PARCEL 07999 (PROP. ID. #3030464) IS 16 ACRES (6150 SF)
PARCEL 08000 (PROP. ID. #3030465) IS 30 ACRES (9650 SF)
PARCEL 08002 (PROP. ID. #3030467) IS 30 ACRES (13,200 SF)
PARCEL 08004 (PROP. ID. #3030468) IS 15 ACRES (6500 SF)
PARCEL 08005 (PROP. ID. #3030469) IS 15 ACRES (6500 SF)
THE ENTIRE SITE IS 96 ACRES (41,600 SF)

- LEGEND:**
- EXISTING BUILDING
 - EXISTING BUILDING TO BE REMOVED
 - PROPERTY LINE
 - ROAD CENTERLINE
 - ON SITE TAX LOT
 - EXISTING FENCE
 - EXISTING SEWER LINE
 - EXISTING EASEMENT
 - ADJACENT TAX LOT



PLOT: KYsar.ctb
FILE: P:\SAK Landscape Design\St Helens Market\ST HELENS EXIST COND.dwg

SAK.
Landscape
Design

P.O. Box 1606
Brush Prairie, WA 98606
Ph: 509-370-0915
Email: saklanddesign@gmail.com

EXISTING CONDITIONS FOR:

St. Helen's Market Apartments

LONGVIEW, WA

CHANGES / REVISIONS	
DESCRIPTION:	DATE:

CONTACT:
SAK Landscape Design
ATTN: Stacy Kysar
P.O. Box 1606
Brush Prairie, WA 98606
(509) 370-0915
saklanddesign@gmail.com

DRAWN: SAK

DATE: FEBRUARY 2020

SCALE: 1" = 20'

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SHEET 1 OF 2

S 1.0

EXISTING SITE DATA:
PRESENT USE:
EXISTING ZONING:
GROSS SITE AREA:

GROCERY STORE, OPEN SPACE, PARKING, HAIR SALON
NEIGHBORHOOD COMMERCIAL
PARCEL 07944 (PROP ID #83030464) IS 16 ACRES (6750 SF)
PARCEL 08000 (PROP ID #83030465) IS 20 ACRES (8650 SF)
PARCEL 08002 (PROP ID #83030471) IS 30 ACRES (12,950 SF)
PARCEL 08004 (PROP ID #83030463) IS 19 ACRES (8250 SF)
PARCEL 08005 (PROP ID #83030464) IS 15 ACRES (6500 SF)
THE ENTIRE SITE IS 96 ACRES (4,160 SF)

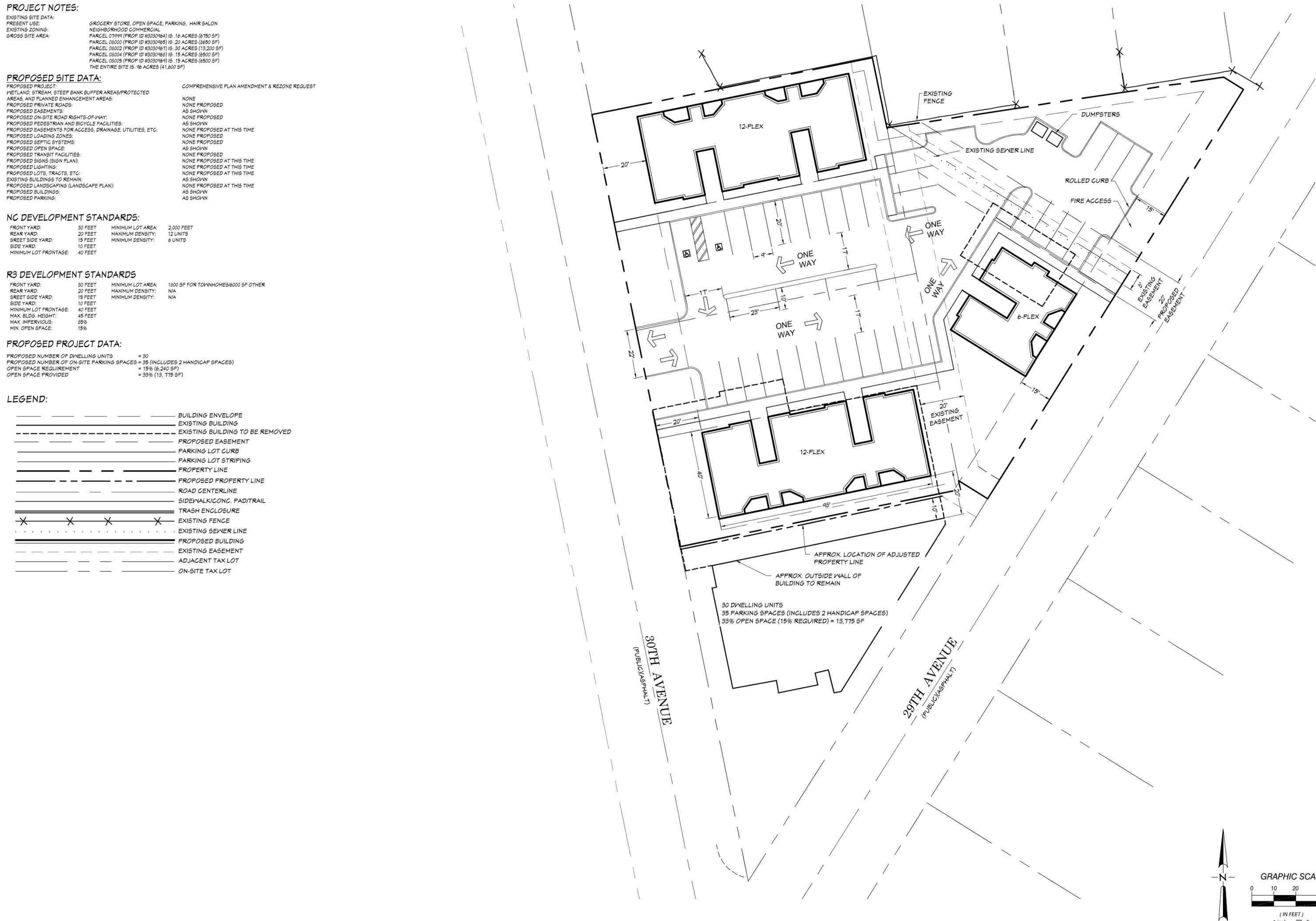
PROPOSED PROJECT:	COMPREHENSIVE PLAN AMENDMENT & REZONE REQUEST
WETLAND, STREAM, STEEP BANK BUFFER AREAS/PROTECTED AREAS, AND PLANNED ENHANCEMENT AREAS:	NONE
PROPOSED PRIVATE ROADS:	NONE PROPOSED AS SHOWN
PROPOSED EASEMENTS:	NONE PROPOSED AS SHOWN
PROPOSED ON-SITE ROAD RIGHTS-OF-WAY:	NONE PROPOSED AS SHOWN
PROPOSED PEDESTRIAN AND BICYCLE FACILITIES:	NONE PROPOSED AS SHOWN
PROPOSED EASEMENTS FOR ACCESS, DRAINAGE, UTILITIES, ETC:	NONE PROPOSED AT THIS TIME
PROPOSED LOADING ZONES:	NONE PROPOSED
PROPOSED SEPTIC SYSTEMS:	NONE PROPOSED AS SHOWN
PROPOSED OPEN SPA:	NONE PROPOSED
PROPOSED TRANSIT FACILITIES:	NONE PROPOSED AT THIS TIME
PROPOSED SIGNS (SIGN PLAN):	NONE PROPOSED AT THIS TIME
PROPOSED TRAILS:	NONE PROPOSED AT THIS TIME
PROPOSED LOTS, TRACTS, ETC:	NONE PROPOSED AT THIS TIME AS SHOWN
EXISTING BUILDINGS TO REMAIN:	NONE PROPOSED AT THIS TIME AS SHOWN
PROPOSED LANDSCAPING (LANDSCAPE PLAN):	NONE PROPOSED AT THIS TIME AS SHOWN
PROPOSED BUILDINGS:	NONE PROPOSED AS SHOWN
PROPOSED PARKING:	NONE PROPOSED AS SHOWN

FRONT YARD:	30 FEET	MINIMUM LOT AREA:	2,000 FEET
REAR YARD:	20 FEET	MAXIMUM DENSITY:	12 UNITS
STREET SIDE YARD:	15 FEET	MINIMUM DENSITY:	6 UNITS
SIDE YARD:	10 FEET		
MINIMUM LOT FRONTAGE:	40 FEET		

FRONT YARD:	30 FEET	MINIMUM LOT AREA:	1800 SF FOR TOWNHOMES/6000 SF OTHER
REAR YARD:	20 FEET	MAXIMUM DENSITY:	N/A
STREET SIDE YARD:	15 FEET	MINIMUM DENSITY:	N/A
SIDE YARD:	10 FEET		
MINIMUM LOT FRONTAGE:	40 FEET		
MAX BLDG HEIGHT:	45 FEET		
MAX IMPERVIOUS:	85%		
MIN OPEN SPACE:	15%		

PROPOSED NUMBER OF DWELLING UNITS = 30
 PROPOSED NUMBER OF ON-SITE PARKING SPACES = 35 (INCLUDES 2 HANDICAP SPACES)
 OPEN SPACE REQUIREMENT = 15% (6,240 SF)
 OPEN SPACE PROVIDED = 33% (13,775 SF)

_____ BUILDING ENVELOPE
 _____ EXISTING BUILDING
 - - - - - EXISTING BUILDING TO BE REMOVED
 _____ PROPOSED EASEMENT
 _____ PARKING LOT CURB
 _____ PARKING LOT STRIPING
 _____ PROPERTY LINE
 _____ PROPOSED PROPERTY LINE
 _____ ROAD CENTERLINE
 _____ SIDEWALK/GONG. PAD/TRAIL
 _____ TRASH ENCLOSURE
 X X X X EXISTING FENCE
 EXISTING SEWER LINE
 _____ PROPOSED BUILDING
 _____ EXISTING EASEMENT
 _____ ADJACENT TAX LOT
 _____ ON-SITE TAX LOT



PLOT: KYSAR.ctb
FILE: P:\SAK Landscape Design\St Helens Market\ST HELENS 30 units parallel parking 2020.02.05.dwg



AL SITE PLAN FOR:
St. Helen's Market Apartments
LONGVIEW, WA

CONCEPTUAL SITE PLAN FOR:

[illegible]

CONTACT:
SAK Landscape Design
ATTN: Stacy Kysar
P.O. Box 1606
Brush Prairie, WA 98606
(509) 370-0915
saklanddesign@gmail.com

DRAWN: SAK
DATE: FEBRUARY 2020
SCALE: 1" = 20'
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SHEET 2 OF 2

§ 1.1



May 6, 2020

To: Washington State E.C.Y., Environmental Review Section
Dr. Dan Zorn, Superintendent, Longview School District
Cowlitz County PUD – Right of Way
Clint Matthews, Cascade Natural Gas
CenturyLink
William Fashing, Executive Director, Cowlitz Wahkiakum Council of Governments
Ryan Hennessey, Comcast
Jon Dunaway, Longview Fire Marshal
Mike Murray, Commercial Building Inspector
Highlands Neighborhood Association
The Daily News

From: John Brickey, Director of Community Development/Building Official

Subject: **SEPA Environmental Checklist Review - Application #E 2020-5**

Project: Stacy Kysar with SAK Landscape Design on behalf of St. Helens Land LLC, Shamsher Singh has submitted a non-project action SEPA checklist for a rezone request and comprehensive plan amendment application for approximately .96 acres of land, comprising the St. Helens Market and Hair Hut properties, from Neighborhood Commercial, NC/Neighborhood Convenience Commercial to R-3, Residential District/High Density Residential. As shown in the attached map. The properties and associated parcels are addressed 475 29th Ave & 236 30th Ave, Longview, WA.

The applicant has submitted an Environmental Checklist for review under WAC 197-11, the SEPA Rules.

The site is zoned **Neighborhood Commercial, NC**. The Comprehensive Plan classification is **Neighborhood/Convenience Commercial**. Adjacent uses include: single family residences, a warehouse building, and the Beech St./30th Ave road couplet

The SEPA Responsible Official has determined that this proposal will not likely have an adverse impact on the environment and has issued a DNS on this application. Please review the attached SEPA documents and provide your written comments to me no later than **6:00 p.m. May 20, 2020**.

If you have any questions or need additional information, please contact Adam Trimble, Planner at (360) 442-5092 or me at (360) 442-5080.

Thank you.

Attachments: Rezone Request, Comprehensive Plan Amendment Application, narrative, maps

Cc: Applicant: SAK Landscape Design
File



**DETERMINATION OF NON-SIGNIFICANCE
SEPA RULES - WAC 197-11-970**

Description of Proposal: E 2020-5— a non-project action for a rezone request and comprehensive plan amendment application for approximately .96 acres of land comprising the St. Helens Market and Hair Hut buildings and parking lots from Neighborhood Commercial, NC/Neighborhood Convenience Commercial to R-3, Residential District/High Density Residential. As shown in the attached map. The property is zoned Neighborhood Commercial, NC.

Proponents:	Stacy Kysar SAK Landscape Design P.O. Box 1405 Brush Prairie, WA 98606 Phone: 509-370-0915	St. Helens Land LLC Shamsher Singh 464 Oregon Way Longview, WA 98632
--------------------	--	---

Location of Proposal, Including Street Address, if any: The site is located at 475 29th Ave & 236 30th Ave (Parcel Number(s): 07999, 08000, 08002, 08004, 08005.). The property is located within the Plat of St Helens 3 Blk: 49 Lots: 2, 3, 4, 5, 6, 7, 8 Incl Ptn Vacated Alley Ord 787, respectively, in Cowlitz County.

Lead Agency: City of Longview, Washington

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after a review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

☒ The comment period for this DNS ends at 6:00 on May 20, 2020.

Responsible Official: John Brickey

Position/Title: Director/Building Official

Department: Community Development

Address: PO Box 128, Longview, WA 98632

Contact Person: Adam Trimble, Interim Planning Manager

Phone: (360) 442-5092

Date: May 6, 2020

Signature: John H. Brickey

**City of Longview
Community Development**

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants: [\[help\]](#)

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals: [\[help\]](#)

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. background [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#)
St. Helen's Market

2. Name of applicant: [\[help\]](#)
St. Helen's Market LLC

3. Address and phone number of applicant and contact person: [\[help\]](#)

Applicant: St. Helens Land, LLC
464 Oregon Way
Longview, WA 98632

Contact: Rick Gilbert
3511 NE 109th Avenue
Vancouver, WA 98682
Email: rick@landscapemgmt.com
Phone: 360-256-0706

Contact: Stacy Kysar
SAK Landscape Design
P.O. Box 1405
Brush Prairie, WA 98606
Email: saklanddesign@gmail.com
Phone: 509-370-0915

4. Date checklist prepared: [\[help\]](#)

February 17, 2020

5. Agency requesting checklist: [\[help\]](#)

City of Longview

6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)

This proposal is for the requested Comprehensive Plan and Zoning Map Amendments, only. Following approval of the Amendments, an application for demolition of the building on parcel #08002 & #08003, will be submitted. After the building is demolished a survey will be completed of the outside wall of the building remaining on parcel #08001 so a Boundary Line Adjustment can be completed based on required setbacks. Proposed buildings will not be designed until the amendments are approved, giving certainty the intended proposed uses are allowed. Our desire is to have the proposed Comprehensive Plan and Zoning changes approved as soon as possible to allow for the future development to proceed.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)

After the Comprehensive Plan and Zoning amendments are approved and complete, the site will be developed into multi-family residential and associated infrastructure. The site may be developed in phases as market conditions dictate.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)

A Traffic Impact Assessment, Geo-technical Report and/or an Archaeological Assessment will be prepared as required for the proposed site plan approval.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [\[help\]](#)

There are no other governmental approvals pending to our knowledge.

10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)

Developer's Agreement
Application for Demolition
Boundary Line Adjustment
Comprehensive Plan Amendment
Rezone Request
SEPA Review
Building Permit

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [\[help\]](#)

The proposal requests a Comprehensive Plan Amendment to:

- Convert approximately .97 acres of Neighborhood Convenience/Commercial designated land along and between 30th Avenue, 29th Avenue to Medium Density Residential.

The Zoning Map Amendment requests the following changes:

- Convert approximately .97 acres of Neighborhood Commercial to R-3

The requested Comprehensive Plan and Zoning Map Amendments are required in order to construct future multi-family residential housing. This application only seeks approval of the Amendments. Future construction will be reviewed under a separate SEPA application during construction review as design of the future phases will not commence until Amendment approval ensures the proposed uses and densities are allowed.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [\[help\]](#)

The Amendments requested affect five parcels, 07999, 08000, 08002, 08004 and 08005, totaling approximately .97 acres (42,180 square feet) in area, and located between 30th Avenue and 29th Avenue south of Cypress Street in the City of Longview. There is approximately 200 linear feet of frontage along 30th Avenue and approximately 230 linear feet of frontage along 29th Avenue. The properties are further described as Lots 2 and 3 and 5 through 8, Block 49 of the Plat of St. Helens Addition to Longview number 3. Township 8N, Range 2W. Section 32. W ½ SE ¼.

B. ENVIRONMENTAL ELEMENTS [\[help\]](#)

1. Earth

a. General description of the site [\[help\]](#)

(circle one): Flat, rolling, hilly, steep slopes, mountainous,
other _____

b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)

3%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [\[help\]](#)

The property is predominantly paved with a mix of concrete, asphalt and gravel. Base soils according to the USGS Soil survey are Caples Silty Clay Loam 0-3%

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)

None, to the applicant's knowledge

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure; therefore, this criterion is not applicable. Excavation, fill and grading will be designed after approval of the requested Amendments and will be

reviewed through a separate SEPA process at the time of construction permit review. Because the site is flat it is anticipated that grading, fill and excavation will be minimal.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure; therefore, clearing and construction will not take place with this proposal. Future phases, after approval of the Amendments, will include the demolition of two existing buildings and construction of multi-family housing. The uses proposed will not result in erosion. Construction and clearing associated with the future construction phases will be reviewed under a separate SEPA process at the time of construction permit submittal. During clearing and construction, the contractor will adhere to all city and state requirements for erosion control management and eliminate impacts.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. Until the Amendments are approved, and the anticipated future uses are allowed by the zone, design of the future construction phases will remain conceptual. At this time, conceptual drawings do not assess total impervious surfaces anticipated; however, the project will be designed to meet all City of Longview requirements for building coverage, landscaping, open space, etc. and impervious surfaces will be limited to those required.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. Erosion control associated with the future construction phases will be reviewed under a separate SEPA process at the time of construction permit submittal. Erosion control will be implemented and managed according to all applicable City, County and State requirements.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. There will be no emissions associated with the Amendments. Future construction phases will be reviewed under a separate SEPA process at the time of construction permit submittal. However, it is anticipated that during construction standard emissions from material delivery trucks and equipment will occur

Anticipated emissions from future residential units are primarily tenant vehicle emissions. Maintenance of the residential property will result in standard emissions for grounds keeping equipment such as lawn mowers, power washers and garbage/recycling truck emissions. There are no anticipated emissions,

beyond the standard emissions for similar developments, for any phase of this project. The emissions anticipated with the requested Amendments will not be detrimentally greater than allowed by current zoning.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. There are no off-site sources of emissions or odor that may affect the project, to the applicant's knowledge.

c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#)

During anticipated future construction, no extra or unnecessary machinery will be used during construction and equipment will not be left to run while not in use. Building mechanical equipment will be properly maintained to ensure optimal performance and minimal emissions.

3. Water

a. Surface Water: [\[help\]](#)

1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [\[help\]](#)

There are no water bodies in the immediate vicinity.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. There are no waters within 200 feet of the project site.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. No fill or dredge material will be placed or removed from surface water or wetlands. Fill or excavation associated with future construction phases will be minimal as the site is relatively flat. Estimates of fill and excavation will be reviewed under a separate SEPA process at the time of future construction and does not impact the approval of the proposed Comprehensive Plan and Zoning Map Amendments.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. There are no required surface water withdrawals or diversions associated with the requested Comprehensive Plan and Zoning Map Amendments. It is also not anticipated that future construction phases will require surface water withdrawals or diversions.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#)

Per the FEMA's National Flood Hazard Layer Viewer the project is within an area with reduced flood risk due to a levee (map53015C0514G, effective date December 16, 2015). There is not an approved site plan at this time as this SEPA application is for the approval of the Comprehensive Plan and Zoning Map Amendments. Review of future construction will occur under a separate SEPA application during construction permitting.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. Future construction phases may include discharge of stormwater (if jurisdictional stormwater management practices require it) or landscaped area infiltration. Stormwater and runoff associated with the future construction phases will be quantified and a management system designed by a certified civil engineer according to all applicable jurisdictional regulations.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. No groundwater will be withdrawn from a well for this application. It is anticipated that future construction will connect to and use city utilities and also not withdraw groundwater from a well.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. No groundwater will be discharged into the ground. It is anticipated that future construction will connect to and use city utilities and also not discharge waste materials into the ground except, if jurisdictional codes require infiltration of the stormwater runoff.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. This proposal will not generate water runoff. It is anticipated that future construction will generate water runoff from building roofs and impervious vehicular and pedestrian areas. As there is no approved site plan, it is unknown how much runoff will be generated and where it will flow. A licensed civil engineer will quantify and design systems for treatment that meet all applicable jurisdictional rules once the requested Amendments are granted and the anticipated future uses approved.

- 2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. This proposal will not generate water runoff. The anticipated roof and impervious area runoff of future construction could enter ground or surface waters if infiltration is required by jurisdictional stormwater management codes.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. This proposal will not alter or otherwise affect drainage patterns in the vicinity of the site. Future construction will be designed by a licensed civil engineer per jurisdictional requirements and will avoid impacts to drainage patterns in the vicinity of the site.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. There will be no runoff with this proposal, so no reduction or control methods are proposed at this time. Future construction will be designed by a licensed civil engineer according to applicable jurisdictional requirements and likely use grading and pervious areas to control and reduce surface, ground, and runoff water and drainage pattern impacts.

4. Plants [\[help\]](#)

- a. Check the types of vegetation found on the site: [\[help\]](#)

☐ deciduous tree: alder, maple, aspen, other
☐ evergreen tree: fir, cedar, pine, other
☐ shrubs
☒ grass
☐ pasture

- _____ crop or grain
- _____ Orchards, vineyards or other permanent crops.
- _____ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- _____ water plants: water lily, eelgrass, milfoil, other
- _____ other types of vegetation

b. What kind and amount of vegetation will be removed or altered? [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. No vegetation will be removed or altered as part of the Amendment approval process. Future construction will remove the grasses and random weeds.

c. List threatened and endangered species known to be on or near the site. [\[help\]](#)

There are no threatened or endangered species known to be on or near the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. No landscaping is required or proposed for the requested Amendments. Future construction phases will include landscape design and is anticipated to include the use of some native species. As there is no existing vegetation of value on the parcels, proposed landscaping will not preserve existing vegetation on the site but will greatly improve landscaping on site.

e. List all noxious weeds and invasive species known to be on or near the site.

None known.

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include: [\[help\]](#)

birds: hawk, heron, eagle, songbirds, other:
 mammals: deer, bear, elk, beaver, other:
 fish: bass, salmon, trout, herring, shellfish, other _____

The project site is in an urban area with approximately 70% of the site paved or covered with buildings.

b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)

To the Applicant's knowledge there are no known threatened or endangered species on or near the site.

c. Is the site part of a migration route? If so, explain. [\[help\]](#)

The site lies within the Pacific Flyway which is a major north-south flyway for migratory birds in America, extending from Alaska to Patagonia. Migratory birds travel along this flyway every spring and fall. Currently most of the site is paved with impervious material or covered with buildings and therefore, is not a bird friendly environment. Future construction phases will include landscaping with trees, shrubs and groundcovers. As there is very limited existing vegetation, proposed future landscaping and open space will improve bird habitat.

d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. Measures to preserve or enhance wildlife are not applicable to the proposed Amendments. In future phases the site will be designed with landscaping which will provide opportunities as bird and wildlife habitat.

e. List any invasive animal species known to be on or near the site.

To the applicant's knowledge, there are no known invasive animal species on or near the site.

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. Energy sources are not required for the proposed Amendments. Future phases of multi-family residential will likely use a combination of electric and natural gas for all energy needs. Specific energy systems will be designed when the future phases of construction are designed.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#)

This proposal is only for Comprehensive Plan and Zoning Map Amendments. The majority of the future construction will not impact the solar energy potential of adjacent properties as two of the three multi-family buildings will be a maximum of three stories and located more than 30 feet from the north property line. One planned building could potentially impact the future potential use of solar energy by two adjacent parcels to the north. However, these two parcels are already developed as single-family residences and are not currently using solar energy.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. The proposed Amendments will not require or use energy. Conservation methods associated with future construction phases that require energy will be considered, designed and incorporated during the future design phases of the project.

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. Future construction phases will require the use of toxic chemicals in the normal course of construction. Contractors will be required to adhere to all local, state and federal rules and regulations in the use any toxic or flammable chemicals and materials.

1. Describe any known or possible contamination at the site from present or past uses.

To the Applicant's knowledge there is no known or possible contamination at the site.

2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

According to the NPMS public viewer there are no underground hazardous liquid or gas transmission pipelines within the project area or in the vicinity. To the Applicant's knowledge there are no existing hazardous chemicals/conditions that might affect the future development of the project.

3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. Future construction phases may require the use and/or storage of toxic and/or hazardous chemicals in the normal course of the construction of the multi-family buildings. Toxic and/or hazardous chemicals may also be stored and/or used in the normal course of building and landscape maintenance after the project is constructed. Contractors and maintenance employees will be required to follow all local, state and federal rules and guidelines in the use and storage of any toxic and hazardous chemicals.

4. Describe special emergency services that might be required.

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. Future construction phases may require the use of emergency services during site construction. The use of emergency services may also be required after site development as the intent is for the project to be developed as a 30 unit multi-family residential apartment complex.

5. Proposed measures to reduce or control environmental health hazards, if any:

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. However, toxic and hazardous chemicals may be used during the construction phases of the project as well as during the operating life of the project. Contractors and maintenance employees will be required to follow

all local, state and federal rules and guidelines in the use and storage of any toxic and hazardous chemicals.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)

The primary potential source for noise will be from vehicular traffic from 29th Avenue and 30th Avenue. There will also be some traffic and typical business noise associated with the neighborhood commercial parcel at the corner of 29th and 30th Avenues. Lawn equipment from abutting and adjacent residential properties is also possible but the infrequent occurrences of limited duration will make them inconsequential.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. The proposed amendments will not create noise. Future construction phases of the project will generate typical levels of noise from construction trucks and tools, patron, employee, and resident vehicles and delivery/garbage trucks as well as building HVAC systems. Periodic noise of short duration will also be created during the typical landscape maintenance activities the future project will require. Construction and maintenance activities will generate noise during typical business hours. Most of the residential noise will also take place during morning and evening hours, Monday through Friday.

- 3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. The proposed Amendments will not create noise. In future construction phases, noise from traffic will be buffered by the addition of landscaping between the multi-family residential buildings and existing streets. Landscaping will also be provided between the multi-family residential and neighborhood commercial parcel. Parking for the neighborhood commercial parcel will be provided in a small on-site parking area on the far side of the existing neighborhood commercial building.

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#)

All parcels on site are currently zoned Neighborhood Commercial. The site currently holds multiple buildings. Parcel #07999 is currently undeveloped. A hair salon is located in the small building on parcel #08000, the City of Longview Police Station is located on parcel #08001 and the St. Helens Market on parcel #08002 and #08003. Parking for the St. Helens Market is located on parcel #08003, #08004 and #08005. Conversion of the requested parcels #07999, #08000, #08002-#08005 from Neighborhood Commercial to R3 will allow for the development of those parcel into multi-family residential. Adjacent properties are zoned R1 and currently contain single-family

homes on smaller lots. If the proposed change to the Comprehensive Plan and associated zoning is approved the small building currently occupied by a hair salon and the St. Helens Market building will be removed. This will translate into traffic patterns and noise levels typical of residential uses. Landscaping with trees, shrubs and groundcovers will be provided to buffer the existing single-family residential homes directly adjacent to the site along a portion of the north property line.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#)

Not to the Applicant's knowledge.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

No, there are no abutting working farm or forest lands.

- c. Describe any structures on the site. [\[help\]](#)

Currently the site contains 3 buildings. A small one-story building is located on parcel #08000, a one-story building is located on parcel #08001 with a zero setback against a third building located on parcels #08002 and #08003.

- d. Will any structures be demolished? If so, what? [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include the demolition of any buildings. However, following the approval of the Comprehensive Plan and Zone Map Amendments, the building located on parcels #08002 and #08003 will be demolished. Following the demolition of the building, the new outside wall of the building located on parcel #08001 will be surveyed and a Boundary Line Adjustment Application submitted to relocate the parcel line between parcels #08001 and #08002. In preparation for future construction phases, the small building on parcel #08000 will also eventually be demolished.

- e. What is the current zoning classification of the site? [\[help\]](#)

The entire site is currently zoned Neighborhood Commercial.

- f. What is the current comprehensive plan designation of the site? [\[help\]](#)

Neighborhood/Convenience Commercial

- g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)

Not applicable.

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#)

No, there are no critical areas on site.

i. Approximately how many people would reside or work in the completed project? [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure; therefore, the Amendments do not have residents or employees associated with it. Future construction phases of the project will require a separate SEPA review. Conceptual planning of the future multi-family development has the number of people residing in the completed project as approximately 58 and the number of people working on the site to be approximately 2.

j. Approximately how many people would the completed project displace? [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure and as such will not displace any people. However, it is estimated that approximately 15 workers will be displaced as a result of the full-build out of the multi-family residential project. The requested rezone will allow for a multi-family residential project to be built and allow for the site to serve a greater number of the Longview population.

k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure and as such, no workers or residents will be displaced. However, it is estimated that approximately 15 workers will be displaced as a result of the full-build out of the multi-family residential project. The requested rezone will allow for a multi-family residential project to be built and allow for the site to serve a greater number of the Longview population.

L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)

The surrounding area is residentially zoned land. Adjacent and nearby properties are zoned R1. The site is currently zoned Neighborhood Commercial and the Application requests a zoning designation of R3. The zone change request affects the parcels on site directly adjacent to R1 zoned parcels. The R3 zoned property will serve as a buffer between the R1 zoned properties, adjacent to the site, and the Neighborhood Commercial. Landscaping with trees, shrubs and ground covers will also serve as a buffer between the abutting single family homes and the multi-family residential.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

This criterion does not apply as there are not nearby agricultural or forest lands of long-term commercial significance.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure; therefore, the Amendments do not have units

associated. Approval of the requested changes will allow for multi-family units which are not allowed in the existing zone. While not fully designed yet, it is anticipated that future construction will consist of up to 30 multi-family dwelling units. The proposed units will be for middle income.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)

No units will be eliminated.

- c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure; therefore, the Amendments do not have housing units directly associated with it. However, the conceptual site plan shows only one, right-in-right-out, access point to the project, from 30th Avenue, which is a boulevard. The access is separated from adjacent single-family residences by two one-way streets and an approximately 60-foot planting strip. Fire access will be allowed from 29th Avenue, for safety but will be blocked to vehicular traffic. This circulation design will force traffic to and from the project to 30th Avenue and away from adjacent single-family residences. In-depth study of specific traffic impacts will be analyzed when those future phases are designed and appropriate mitigation measures, if any are required, implemented.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. The future buildings have yet to be designed; however, it is anticipated that the multi-family housing units will be three (3) stories. The existing building located on parcel #08001 will likely remain and is a one (1) story building. All building heights will comply with all applicable maximum height ordinances. All principal exterior building materials will be compatible with surrounding development, meet all required building materials ordinances and be durable and long lasting for the environmental conditions found in Longview.

- b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)

Currently, the site is partially vacant and the existing buildings are one-story structures. Therefore, surrounding properties have partial views across the property. This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure; therefore, existing views will not be altered by the Amendments' approval. Future construction of buildings will alter views. However, the requested zone change from NC to R3 only allows a 10-foot increase in height and as discussed in Subsection C below, design measures will be undertaken to minimize impacts and retain an appealing vista for surrounding properties.

- c. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

Setbacks and landscape buffers will be implemented with all future construction phases of the project to ensure impacts to surrounding properties are minimized. Landscaping with trees, shrubs and ground covers will be used as a buffer between the proposed multi-family buildings and abutting and adjacent single-family homes.

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. At the time of future construction phases both site and building lights will be installed. All lighting will be designed and located to reduce glare and follow all applicable jurisdictional lighting regulations.

- b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)

No, all lighting will be designed and located to reduce glare and follow all applicable jurisdictional lighting regulations to ensure safety and views are not negatively impacted.

- c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)

There are no known sources of off-site light that will impact this project to a greater degree than any other multi-family residential development of a similar size.

- d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)

All lighting will be designed and located according to all applicable city, county, state and federal lighting regulations to reduce and control light and glare.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)

Cloney Park is approximately .4 miles to the northeast is ADA accessible and provides a BMX bike trail, picnic shelters, playground, skate area and trails. Lake Sacajawea Park is approximately .8 miles to the northeast and provides 3.5 miles of trails, an arboretum, boating, fishing, picnic shelters and many other activities. Archie Anderson Park is approximately .8 miles to the southeast is ADA accessible and provides ball fields, basketball courts, picnic tables and a playground.

- b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)

No.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. Approval of the Amendments and construction of future phases will not reduce existing recreation opportunities. Balconies and outdoor living spaces will be provided as part of the multi-family development which will provide recreation opportunities on site.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. [\[help\]](#)

To the Applicants knowledge, there are no buildings, structures or sites on or near the site that are over 45 years old that are listed in or eligible for listing in national, state or local preservation registers.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)

No.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments only. Approval of the Amendments will not impact cultural or historic resources, should they be present. Construction of future buildings and site work will be reviewed under a separate SEPA application at the time of future building permit review and the site will be evaluated for cultural and historic resources at that time.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

There is no loss, changes to or disturbances of resources expected.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. Access in future construction phases will include one, right-in-right-out, vehicular access to 30th Avenue. An emergency vehicle only access will also be provided onto 29th Avenue. These accesses have yet to be fully designed and engineered beyond a preliminary conceptual stage. Access will be fully developed once approval of the Amendments ensure the intended development is allowed.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)

The site is served by both RiverCities Transit route 32. The closest stop on route 32 is directly across 30th Avenue from the project site, at the corner of 30th Avenue and Baltimore Street.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. The future construction phases of the project have not yet been designed beyond preliminary conceptual plans; thus, specific parking quantities are approximate. The multi-family development will include approximately thirty-five (35) on-site parking spaces including two (2) handicap spaces.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. The requested Amendments will not require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities. Future construction phases will require construction of an access to the existing NE 30th Avenue and an emergency access to NE 29th Avenue. Improvements will be analyzed and designed during refinement of the future construction phases and reviewed under a separate SEPA review associated with the permitting of those phases.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#)

No.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates? [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and a Trip Generation Analysis or full Traffic Impact Analysis is not required for the Application. The requested Amendments will not impact existing transportation systems and will not add vehicle trips to the system. Future construction phases will have vehicle trips associated with them, but it is unknown how many vehicular trips would be generated by the completed project at full build out.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No.

- h. Proposed measures to reduce or control transportation impacts, if any: [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. The requested Amendments will not impact existing transportation systems. However, the conceptual site plan for the multi-family development shows only one, right-in-right-out, access point on 30th Avenue which is a minor arterial. Having only

one access point will control the flow of traffic to and from the project onto NE 30th Avenue which will help to mitigate traffic impacts to the surrounding neighborhood.

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. Approval of the Amendments will not increase the need for public services. Future construction phases of the project will include up to 30 multi-family residential dwelling units.

- b. Proposed measures to reduce or control direct impacts on public services, if any. [\[help\]](#)

The total number of residential units will be limited by the R3 zone. Future construction phases, although, not fully designed, will provide on-site parking at a rate of over 1 space per unit.

16. Utilities

- a. Circle utilities currently available at the site: [\[help\]](#)
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [\[help\]](#)

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure. Utilities will be analyzed and designed during refinement of the future construction phases and reviewed under a separate SEPA review associated with permitting of those phases.

C. Signature [\[HELP\]](#)

I declare under penalty of the perjury laws that the information I have provided on this form/application is true, correct and complete:

Signature: 
Name of signee SHAMSITER SINGH
Position and Agency/Organization City of Longview
Date Submitted: _____

D. supplemental sheet for nonproject actions [\[help\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

This proposal is for Comprehensive Plan and Zoning Map Amendments and does not include construction of any buildings, utilities or infrastructure.

The site is comprised of approximately .96 acres (41,690 square feet) on five parcels in the Neighborhood Commercial zoning district of the City of Longview, WA. The proposal calls for rezoning of the parcels to R3 to allow for the development of a small multi-family residential project. The requested change will not result in the discharge of waters or the production, storage or release of toxic or hazardous substances. Emission into the air and noise will result from construction equipment, resident, employee and service company vehicles and building HVAC units, but will not increase over those allowed by the existing commercial designation.

Under the proposed Amendments it is the Applicant's intent to construct a 30-unit multi-family apartment project which is not allowed under the Neighborhood Commercial zoning designation.

Proposed measures to avoid or reduce such increases are:

Landscaping with trees, shrubs and groundcovers will help to mitigate emissions from vehicles. All buildings will use new and efficient HVAC equipment.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The future construction phases allowed by approval of the requested Amendments will provide landscaping meeting the current land use code; therefore, landscaping of the site will be significantly improved over current conditions. Landscaping provided during those phases will increase the habitat and food sources for small mammals and birds.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

All future construction and landscaping will be designed, installed and maintained to meet all applicable city standards.

3. How would the proposal be likely to deplete energy or natural resources?

The future construction phases allowed by the requested Amendments will not deplete energy or natural resources to any degree greater than what is allowed by the current zoning.

Proposed measures to protect or conserve energy and natural resources are:

Future construction phases will enhance the existing site by adding landscaping and open space which will help to mitigate the urban heat island effect and add to the urban tree canopy.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The requested Amendments will not negatively affect environmentally sensitive areas or areas designated for governmental protections. Future construction phases will provide landscaping and open space which will add tree canopy to the urban area, help to mitigate the urban heat island affect and create shade, habitat and food sources for birds and small mammals.

Proposed measures to protect such resources or to avoid or reduce impacts are:

See above.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal will not encourage land uses incompatible with existing plans.

Proposed measures to avoid or reduce shoreline and land use impacts are:

There are several high density residential areas in the vicinity of the proposal, both R-3 and R-4 zones. AT

This is not applicable as the proposal will not encourage land uses incompatible with existing plans.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Public utilities in adjacent rights-of-way will be accessed for water, sewer, electric and gas. It is unknown whether the change from Neighborhood Commercial to R3 will increase traffic and vehicle trips over current uses, as a Traffic Impact Assessment has not been completed. However, the conceptual site plan for future construction phases shows access limited to only one, right-in-right-out, access onto NE 30th Avenue. On site parking of over one parking stall per dwelling unit will be provided which will reduce the impact of the project on street parking.

Proposed measures to reduce or respond to such demand(s) are:

See number 6, above.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

To the Applicant's knowledge the proposed Comprehensive Plan and Zoning Map Amendments do not and will not conflict with local, state or federal laws or requirements for the protection of the environment.

EXISTING SITE DATA
PRESIDENT LANE
EXISTING ZONING
GROSS SITE AREA

GROCERY STORE, OPEN SPACE, PARKING, HAIR SALON
NEIGHBORHOOD COMMERCIAL
PARCEL 07994 (PROP ID 00000794) @ 16 ACRES (780 SF)
PARCEL 08000 (PROP ID 00000800) @ 20 ACRES (9600 SF)
PARCEL 08002 (PROP ID 00000802) @ 30 ACRES (13,200 SF)
PARCEL 08004 (PROP ID 00000804) @ 15 ACRES (6600 SF)
PARCEL 08008 (PROP ID 00000808) @ 15 ACRES (6600 SF)
THE ENTIRE SITE @ 96 ACRES (41,880 SF)

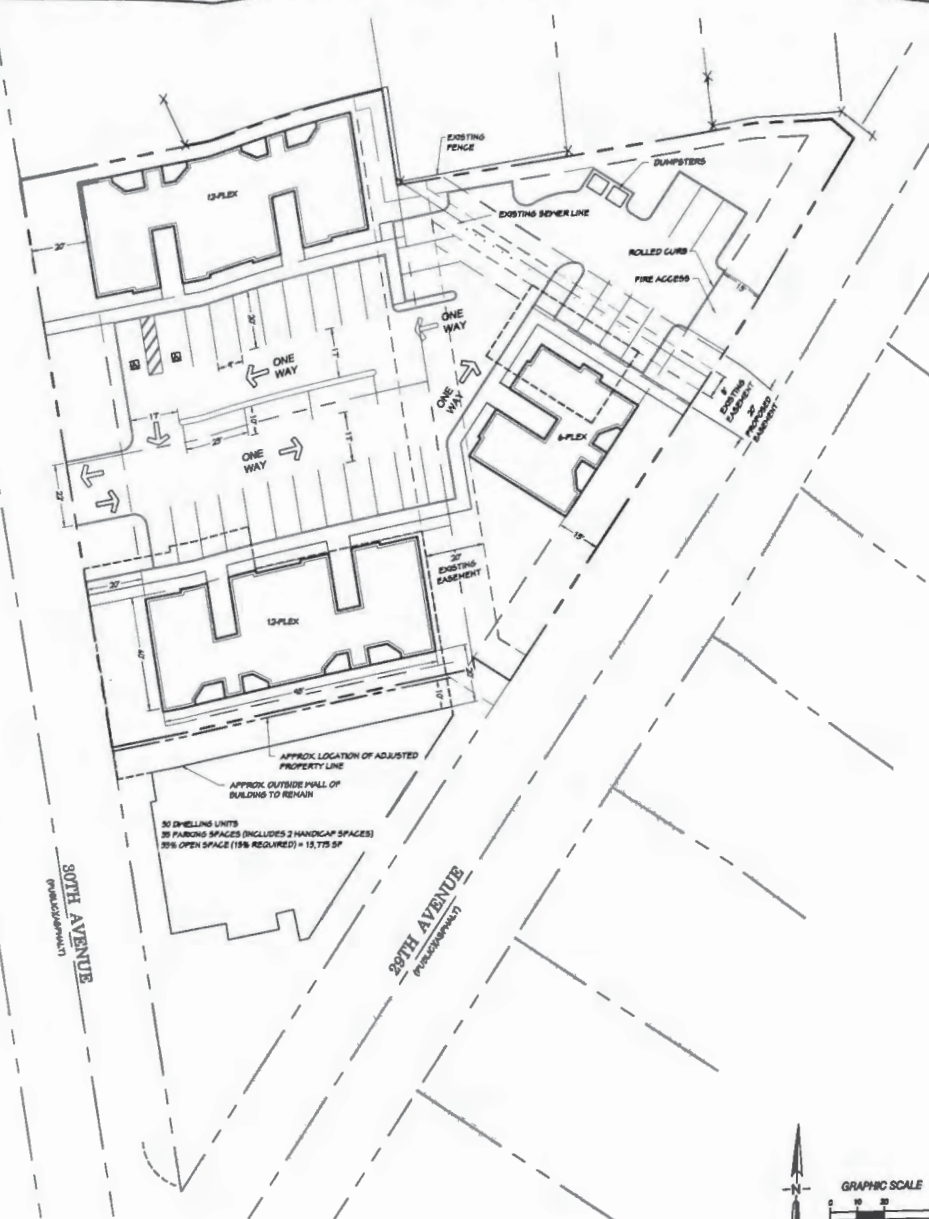
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FRONT YARD	30 FEET	HIGHWAY LOT AREA	2,000 FEET
REAR YARD	20 FEET	HIGHWAY DENSITY	12 UNITS
STREET SIDE YARD	15 FEET	HIGHWAY DENSITY	0 UNITS
SIDE YARD	10 FEET		
HIGHWAY LOT FRONTAGE	45 FEET		

FRONT YARD:	20 FEET	MINIMUM LOT AREA	1000 SF FOR TOWNHOMES/ROWHOUSES OF OTHER
REAR YARD:	20 FEET	MINIMUM DENSITY	NA
SIDEWALK SIDE YARD:	10 FEET	MINIMUM DENSITY	NA
SIDE YARD:	14 FEET		
MINIMUM LOT FRONTAGE:	40 FEET		
MAX. BLDG HEIGHT:	45 FEET		
MAX. OVERHUNG:	50%		
MIN. OPEN SPACE:	15%		

PROPOSED NUMBER OF DWELLING UNITS = 30
 PROPOSED NUMBER OF ON-SITE PARKING SPACES = 36 (INCLUDES 2 HANDICAP SPACES)
 OPEN SPACE REQUIREMENT = 10% (3,340 SF)
 OPEN SPACE PROVIDED = 30% (73,770 SF)

_____ BUILDING ENVELOPE
_____ DISTING BUILDING
_____ EXISTING BUILDING TO BE REMOVED
_____ PROPOSED EASEMENT
_____ PARKING LOT CURB
_____ PARKING LOT EXISTING
_____ PROPERTY LINE
_____ PROPOSED PROPERTY LINE
_____ ROAD CENTERLINE
_____ SIDEWALKING, FOOTPATH
_____ TRASH ENCLOSURE
_____ EXISTING FENCE
_____ EXISTING OWNER LINE
_____ PROPOSED BUILDING
_____ EXISTING EASEMENT
_____ ADJACENT TOWN LOT
_____ RESERVE TOWN LOT



PLOT: KYSAR.dwg
 P11-B- P15AK Landcare Design\ST Helens Martin\ST HELENS 30 units parallel parking 2020.02.05.dwg

SAK
Landscape
Design

P.O. Box 1608
Greenwich Village, NY 10003
Ph: 504-970-0115
Email: saklandscape@gmail.com

CONCEPTUAL SITE PLAN FOR:

St. Helen's Market Apartments
LONGVIEW, WA

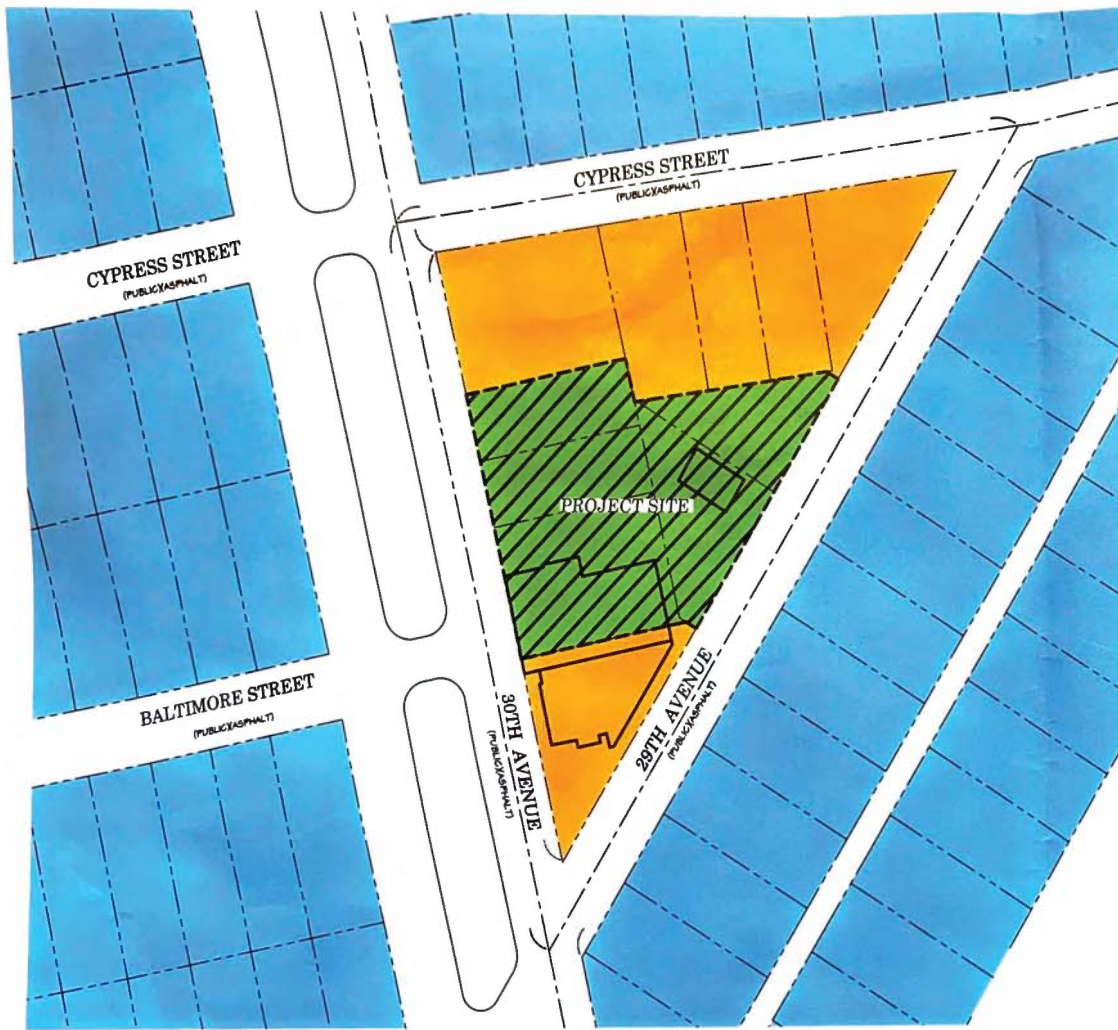
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CONTACT:
SAK Landscape Design
ATTN: Stacy Kyser
P.O. Box 1606
Brush Prairie, WA 98606
(509) 570-0915
saklanddesign@gmail.com

DRAWN: SAK
DATE: FEBRUARY 2020
SCALE: 1" = 20'
COPYRIGHT 2020

SHEET 2 OF 2

§ 1.1

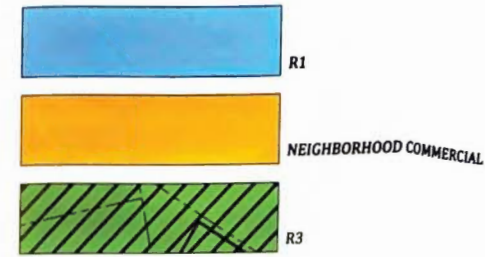
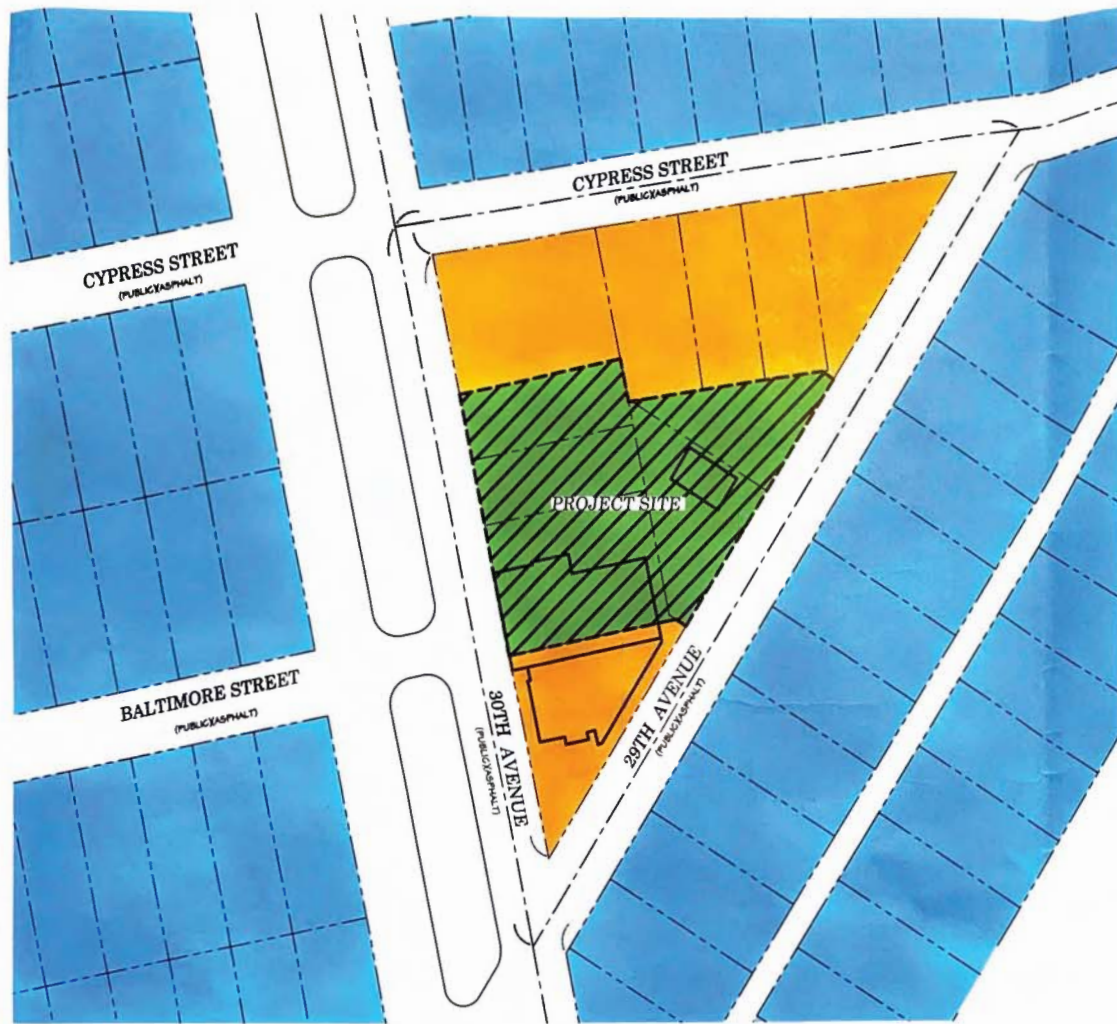


P.O. Box 1606
Brush Prairie, WA 98606
Ph. 509-370-0915
Email: saklanddesign@gmail.com

Project: St. Helen's Market
LONGVIEW, WA

PROPOSED COMPREHENSIVE PLAN DESIGNATION

P 1.1



P.O. Box 1606
Brush Prairie, WA 98606
Ph. 509-370-0915
Email: saklanddesign@gmail.com

Project: St. Helen's Market
LONGVIEW, WA

PROPOSED ZONING

P 1.3

Adam Trimble

From: Penny MacKenzie <mack895@sonic.net>
Sent: Wednesday, May 13, 2020 5:22 PM
To: Adam Trimble
Subject: Proposed re-zoning

RE: Application # E 2020-5 & PC 2020-2

Dear Adam Trimble:

Thank you again for your prompt response to my voicemail, and for your help in navigating the City of Longview website.

My tenant at 2941 Cypress Street (Parcel #08009) is Jennifer Jones. As I said in our conversation, she and I have a major concern about the proposal. Her front door is too narrow for large appliances and furniture to pass through. The only way they can be brought in or removed from the dwelling is via her wider sliding patio door. When she moved in five years ago, she was able to drive a pickup truck onto the back lawn and move large items in through the patio door. If the developers erect fencing that blocks vehicle access to the back yard, there will be no way for large furniture or appliances to be moved into or out of the dwelling.

I believe there can be a mutually satisfactory resolution of this problem. If not, I am opposed to the proposal.

Sincerely,

Penny MacKenzie
(Penelope R. MacKenzie, property owner)

April 23, 2020

TO: City Council
FROM: Ken Hash, Public Works Director
SUBJECT: Latecomer Agreements and Recommendations

What is a latecomer agreement?

Latecomer agreements allow a property owner who has installed street or utility improvements to recover a portion of the costs of those improvements from other property owners who later develop property in the vicinity and use the improvements.

- Chapter 35.72 RCW applies to cities, towns, and counties who may contract with owners of real estate for the construction or improvement of street projects.
- Chapter 35.91 RCW applies to "municipalities" (defined as a city, town, county, or drainage district) who must contract with owners of real estate for the construction of water or sewer facilities upon request, if a municipality's ordinances require the facilities to be improved or constructed as a prerequisite to further property development.

What latecomer agreements are not

Latecomer agreement charges are not to be confused with local improvement district (LID) assessments. While the computation of charges to be recovered, the procedures are very different. An LID requires a majority of impacted property owners to pre-approve the project, before the City funds the project, and recovers the costs in regular payments from each property owner in the impacted area, whether they are developed or not, over ten years. Latecomer assessments, however, do not require approval by impacted property owners and do not involve City funding of the improvements. Repayment is then to the original developer, with repayment triggered only by further developments that benefit from the covered improvements.

Latecomer agreement charges are also not to be confused with connection fees, also known as facilities charges or system development charges, for utilities under chapter 35.92 RCW (cities and towns). These fees or charges are a property owner's equitable share of the cost of the entire utility system and not just for improvements that serve his/her property.

Street Latecomer Agreements Q and A

Street Latecomer Agreements are regulated under chapter 35.72 RCW.

Who may contract? Any city may contract with "owners of real estate." They are not required to contract under the statute.

For what? Construction or improvement of streets as a prerequisite to further property development.

What's included? Street projects subject to reimbursement may include design, grading, paving, installation of curbs, gutters, storm drainage, sidewalks, street lighting, traffic controls, and other similar improvements, as required by the street standards of a city.

Where? Inside the municipal corporate boundaries.

Why? To provide for reimbursement, for a period not to exceed 15 years, of a portion of the costs of the project by other property owners who:

1. are determined to be within an assessment reimbursement area;
2. are determined to have a reimbursement share;
3. did not contribute to the original cost of the street project; and
4. subsequently develop their property within the 15-year period and at the time of development are not required to install similar street projects because they were already provided by the original developer.

What is the reimbursement amount? The reimbursement is to be a pro rata share of design, construction, and contract administration costs of the street project, determined by a method of cost apportionment based on the benefit to the property owner from the project.

What are the required procedures? In addition to the procedures set out in RCW 35.72.040, summarized below, the courts have held that a prerequisite to the latecomer agreement process is having in place an ordinance that requires the particular street improvements as a condition of property development.

With such an ordinance in place, the following statutory procedures must be followed:

1. The city formulates an assessment reimbursement area based upon a determination of which parcels adjacent to the improvements would require similar street improvements upon development.
2. The city sends, by certified mail, a preliminary determination of area boundaries and assessments, along with a description of the property owners' rights and options, to property owners within the proposed assessment area. If any property owner requests a hearing in writing within 20 days of the mailing of the preliminary determination, the city legislative body must hold a hearing, with notice to all affected property owners. The legislative body's ruling is final.
3. The contract must be recorded in the appropriate county auditor's office within 30 days of its final execution.
4. The filed contract is binding on property owners within the assessment area who are not party to the contract.

Can a city participate in or create a street latecomer agreement, and can it be the sole beneficiary of the reimbursements? Yes. RCW 35.72.050 authorizes a city to join in the financing of street improvement projects and to be reimbursed in the same manner as the property owners of real estate who participate in the projects, if the city has specified the conditions of its participation in an ordinance. Or, a city may create an assessment reimbursement area on its own initiative, without the participation of a private property owner, finance the costs of the street improvements, and become the sole beneficiary of the reimbursements that are contributed. A city may be reimbursed only for the costs that benefit that

portion of the public who will use the improvements within the assessment reimbursement area. A city may not be reimbursed for improvements that benefit the general public.

Utility Latecomer Agreements Q and A

Utility Latecomer Agreements are regulated under chapter 35.91 RCW.

Definitions

- "Latecomer fee" means a charge collected by a municipality, whether separately stated or as part of a connection fee for providing access to a municipal system, against a real property owner who connects to or uses a water or sewer facility subject to a contract created under RCW 35.91.020.
- "Municipality" means the governing body of any county, city, town, or drainage district.
- "Water or sewer facilities" means storm, sanitary, or combination sewers, pumping stations, and disposal plants, water mains, hydrants, reservoirs, or appurtenances.

Who must contract? Any municipality if so requested under chapter 35.91 RCW for a qualifying project.

With who? Owners of real estate. Who must submit a Latecomers request to the municipality prior to approval of the project.

For what? Construction of water and sewer facilities as defined in 35.91 RCW.

Where? Inside the Longview water service area.

What is the recording requirement? The contract must be filed and recorded with the county auditor and must contain conditions required by the municipality in accordance with its adopted policies and standards.

What conditions must be met? Connection of the water or sewer facility to a municipality's system must be conditioned upon:

- Construction of the water or sewer facility according to plans and specifications approved by the municipality;
- Inspection and approval of the water or sewer facility by the municipality;
- Transfer to the municipality of the water or sewer facility, without cost to the municipality, upon acceptance by the municipality of the water or sewer facility;
- Full compliance with the owner's obligations under the contract and with the municipality's rules and regulations;
- Provision of sufficient security to the municipality to ensure completion of the water or sewer facility and other performance under the contract;
- Payment by the owner to the municipality of all of the municipality's costs associated with the water or sewer facility including, but not limited to, engineering, legal, and administrative costs; and
- Verification and approval of all contracts and costs related to the water or sewer facility. Cost information must be furnished with 120 days of the completion of a water or sewer facility.

How long is the reimbursement period? For cities, the period is 20 years, with possible extensions. Extensions of time granted are not to exceed the duration of any moratorium, phasing ordinance, concurrency designation, or other governmental action that prevents making applications for, or the approval of, any new development for a period of six months or more within the benefit area of the system extension.

If a contract is extended, the contract must specify the duration of the contract extension and must be filed and recorded with the county auditor. Property owners who are subject to the reimbursement obligations shall be notified by the contracting municipality of the extension filed under this subsection.

Subject to? Reasonable rules and regulations established by a municipality.

How about approval and acceptance? Upon completion of the facilities, the governing body must approve their construction and accept them as facilities of the municipality.

What about operation and maintenance costs? If the water or sewer facilities are approved and accepted, the city is responsible for all further maintenance and operation costs.

Can a city participate in a utility latecomer agreement? Yes, subject to RCW 35.91.020(1)(b):

(b) If authorized by ordinance or contract, a municipality may participate in financing water or sewer facilities development projects authorized and improved or constructed in accordance with (a) of this subsection. Unless otherwise provided by ordinance or contract, municipalities that participate in the financing of water or sewer facilities improved or constructed in accordance with (a) of this subsection:

- (i) Have the same rights to reimbursement as owners of real estate who make contributions as authorized under this section; and
- (ii) Are entitled to a pro rata share of the reimbursement based on the respective contribution of the owner and the municipality.

Can the city recover its administrative costs for establishing a contract and administering it? A municipality may collect fees that are reasonable and proportionate to the total expenses incurred by the municipality in complying.

How is the original property owner reimbursed? The City collects the Latecomers fees as part of the overall permitting process for future projects in the impacted area, and has 60 days to forward the money to the agreement holder.

How are the costs due under a utility latecomer agreement determined? Initial costs are based on an engineer's cost estimate, and final costs are based on construction costs.

Does a latecomer agreement need to be recorded? Yes. The agreement must be recorded by parcel with the county auditor.

Does an owner of real property have an obligation to advise a municipality or district of his/her current address? Yes, the statute requires a contract with an owner to include a provision

requiring that every two years from the date the contract is executed a property owner entitled to reimbursement under this section provide the municipality with information regarding the current contract name, address, and telephone number of the person, company, or partnership that originally entered into the contract. If the property owner fails to comply with the notification requirements of this subsection within 60 days of the specified time, then a municipality may collect any reimbursement funds owed to the property owner under the contract. Such funds must be deposited in the capital fund of the municipality.

Combined Street and Utility Latecomer Agreements

In many, if not most, instances, a latecomer agreement in a city is sought for both street and water/sewer improvements, as they are constructed together. Several cities, towns, and counties have combined street and utility latecomer agreements into a single ordinance or set of code sections. Since there are differences in required procedures between each set of statutes, any ordinance or code must meet the most stringent requirement of each set of statutes. For example, the street latecomer statutes require a public hearing at the request of an aggrieved property owner, while the utility statutes do not have a specific hearing requirement. Similarly, the recording requirement for a street latecomer agreement is more explicitly stated than for utility agreements. In addition, a street latecomer agreement can extend to 15 years, while a utility latecomer agreement can extend to 20 years.

A combined set of code sections should contain uniform application and processing procedures, uniform (but flexible) requirements for establishing the pro rata share to be reimbursed, uniform hearing requirements, and uniform recording requirements. All these should be based on the more restrictive language in either set of statutes.

Current Title 19 Latecomer Agreement

Proposed to be repealed

19.80.220 Latecomer reimbursement.

(1) Agreement on the city's part to invoke the process set out in either Chapter 35.72 or 35.91 RCW is declared to be strictly discretionary with the city and the city's denial of such a request shall establish no rights of action on the part of any potentially benefiting developer whatsoever. Further, the process for latecomer reimbursement for any type of improvement shall not be deemed commenced until the city council, by majority vote, has accepted the application of a developer.

(2) As a condition to applying for a latecomer reimbursement contract, the applicant shall be required to execute a disclaimer acknowledging that the city shall not be liable for contribution or damages in the event the developer does not recoup contribution from latecomers due to lack of development or neglect by the city in collecting the contribution. Such disclaimer shall not be construed, however, to imply that the city is not obligated to distribute actual amounts collected from latecomers to the developer.

(3) Application/Processing Fees.

(a) A nonrefundable application fee as established by resolution of the city council shall accompany any such application. Water and sewer facilities to be installed simultaneously may be combined in one application. Application for street projects must be separate and shall require a separate application fee.

(b) In the event the city council accepts the application, a processing fee shall be established for each application which shall be no less than \$250.00. Such fee shall be established by the city council.

(4) The processing of latecomer contract requests shall be in compliance with the policies and procedures prepared by the public works director and approved by the city council.

Draft Title 14 Latecomer Agreement

CHAPTER 14.18 LATECOMER AGREEMENTS

Sections:

- 14.18.010 Applicability
- 14.18.020 Definitions
- 14.18.030 Application – Purpose – Term
- 14.18.040 Eligibility of Applicants
- 14.18.050 Guidelines Establishment Authority
- 14.18.060 Application Requirements - Fee
- 14.18.070 Latecomer Agreement - General Improvement Procedures
- 14.18.080 Payment of Latecomer Assessment
- 14.18.090 Removal of Unauthorized Connections
- 14.18.100 Appeal
- 14.18.110 Rights and Non-Liability of City

14.18.010 Applicability.

The Latecomer Agreements covered herein apply to street system, stormwater drainage, and utility system improvements as defined in RCW 35.72 and RCW 35.91, where the construction of such improvements is required by the City of Longview prior to property development. Street and utility system improvements constructed to comply with the City of Longview Subdivision Code, Zoning Code, Comprehensive Plan, transportation or utility system plans, and Longview Municipal Code are hereby declared to be prerequisite to further property development for the purpose of RCW 35.72.010 or RCW 35.91.020.

14.18.020 Definitions.

- (1) “Street Projects” include the acquisition of right-of-way and/or easements, in addition to project elements provided by RCW 35.72.020, and similar

improvements as required by the City. A Latecomer Agreement shall not be approved for the improvement of a property owner's abutting rights-of-way and transitions as required by City ordinance and City, State, or AASHTO design guidelines. Pursuant to RCW 35.72.010, the City is not required to grant latecomer agreements for street projects.

- (a) No Latecomer Agreement shall be approved for street projects that abut only, or are contained within, the applicant's property, for which the property owner is solely responsible as a condition of their development.
- (b) Storm drainage includes such improvements as mains and related appurtenances, including public detention or retention facilities, swales, drywells, low impact development criterion, and similar improvements.
- (2) "Utility System Improvements" shall include the acquisition of right-of-way and/or easements, and survey, design, permitting, and construction to City standards, including restoration of public and private property to pre-project or better condition. Eligible facilities shall include water, sewer, and stormwater systems as defined in RCW 35.91.015.
- (3) "Director" means the Public Works Director or his/her designee.
- (4) "Reimbursement Area" shall include those parcels that will not contribute to the original cost of proposed street or utility system improvements, and who may in future benefit from the proposed eligible improvements.
- (5) "Property Owners" shall mean the owners of record, as recorded with the Cowlitz County Assessor's office, within the reimbursement area.
- (6) The executed Latecomer Agreement shall be binding on owners of record within reimbursement area who are not party to the agreement

14.18.030 Application – Purpose - Term.

- (1) Eligibility for a Latecomer Agreement shall be determined by the Director, based upon a construction contract for the project, bids, a contractor's or engineer's estimate, or other information deemed a reliable cost estimate by the Director. The Director's determination shall be final.
- (2) Streets System Improvements: Property owners may apply for Latecomer Agreements if using private funds to construct arterial, collector, commercial or residential street improvements and appurtenances, and if the value of the portion of the project benefitting other properties exceeds \$50,000. Temporary improvements, constructed to benefit the developer or property owner's schedule, where the temporary improvement will be replaced by future development, will not be eligible for a latecomer agreement.
- (3) Street Systems Improvements Latecomer Agreements shall be of limited duration and extended only in accordance with RCW 35.72.020. Property owners eligible

for reimbursement shall ensure their current contact information is on file with the City in accordance with RCW 35.72.020(3).

- (4) Utility Systems Improvements: Property owners may apply for Latecomer Agreements if using private funds to install, improve, or oversize public water or sanitary or storm sewer improvements and appurtenances if the value of the portion of the project benefitting other properties exceeds \$10,000.
- (5) Utility Systems Improvement Latecomer Agreements shall be of limited duration and extended only in accordance with RCW 35.91. Property owners eligible for reimbursement shall ensure their current contact information is on file with the City in accordance with RCW 35.72.020(3).
- (6) Project eligibility values and processing fees shall be adjusted at the time of application by applying the rates of inflation reported by the ENR (Engineering News-Record) Seattle Construction Cost Index for the intervening years between the ordinance effective year and the year of application.
- (7) City Participation: The City may join in the financing of Street System Improvements or Utility System Improvements, in accordance with RCW 35.72.050 and RCW 35.91.060, respectively.

14.18.040 Eligibility of Applicants.

Applicants for a Latecomer Agreement shall be in compliance with all City ordinances, rules, and regulations.

14.18.050 Guidelines Establishment Authority.

The Director shall establish guidelines and rules, regulations, policies and procedures for all applications for a Latecomer Agreement.

14.18.060 Application Requirements - Fee.

- (1) All applications for a Latecomer Agreement shall be on forms approved and established by the Director and shall be accompanied by a nonrefundable processing fee.
- (2) Applicants for a Latecomer Agreement shall submit with the application a nonrefundable processing fee in the base amount of \$500.00 for each separate utility system (water, sewer, or storm) improvement project and \$1,000.00 for a street system improvement project. An additional \$200.00 shall be added to the base fee for each separate parcel of property within the proposed reimbursement area. These fees are the minimum processing fee, to be applied to the City's legal, engineering, and administrative costs (including, but not limited to, staff time, and costs for title reports, appraisers, or other costs) associated with preparing the Latecomer Agreement. These costs shall be included as reimbursable costs in the Latecomer Agreement. Should the City's engineering,

legal, and administrative costs exceed the minimum payment required herein, the City shall provide the applicant a breakdown of costs.

14.18.070 Latecomer Agreement - General Improvement Procedures.

- (1) Applicants for a latecomer agreement shall submit the following with their application:
 - a. project design plans, stamped by a professional engineer licensed in Washington.
 - b. a project location map and a map of the proposed benefit area which includes parcel boundaries and parcel numbers.
 - c. Ownership reports for each parcel within the proposed benefited area, including legal descriptions.
 - d. Cost estimates or bids for i) the total project, and ii) the portion of the project that benefits the other properties and exceeds development requirements on applicant's property. Cost estimates shall conform to City standards and ordinances and be based upon the plans submitted. Cost estimates shall be stamped and signed by an engineer registered in the State of Washington.
- (2) The Director shall review and approve the proposed reimbursement area.
- (3) The Director shall estimate the preliminary pro-rata share of costs, based on the submitted information. The Director may require submittal of additional information or supporting documentation.
- (4) The Director may hold a meeting with the applicant to review the information submitted and any further information that may become available, and to review initial findings.
- (5) The Director may utilize the application fee to retain an appraiser to assist the Director in formulating an assessment reimbursement area.
- (6) Latecomer Agreements shall require preliminary and final approval by the City Council. For preliminary approval, the Director shall schedule a City Council hearing to occur no more than 60 days following approval of the application.
 - (a) At least twenty (25) days before the scheduled City Council consideration, appropriate maps of the preliminary reimbursement area, the estimated costs per parcel, and a description of the property owners' rights and options shall be sent to each property owner.
 - (b) Property owners in the preliminary assessment reimbursement area will have 20 days after certified mail delivery of their preliminary assessment to appeal their assessment. The appeal will be considered by

City Council during the Latecomer Agreement preliminary approval hearing.

(c) The City Council in the hearing shall accept, reject, or modify the proposed Latecomer Agreement. City Council may only modify the reimbursement area upon new notice to the affected owners. If the City Council accepts the Latecomer Agreement, it shall establish the reimbursement area.

- (8) No more than 120 days after City final acceptance of the constructed project, the applicant shall provide the City a tabulation of final construction costs, with documentation, which the City will use to determine the final pro rata share of project costs.

(a) No more than 60 days following receipt of the final construction costs, the Director shall place the Latecomer Agreement final approval on the City Council agenda.

(b) Not less than 20 days prior to the scheduled approval, the City shall notify, by certified mail, the property owners within the reimbursement area of the final latecomer fees against their property and the date the latecomer agreement shall be presented to the City Council for public hearing.

(c) On the date scheduled, the City Council shall hear from affected parties and thereafter execute the Latecomer Agreement. The decision of the City Council shall be final and determinative.

- (9) The City shall record the Latecomer Agreement in the Cowlitz County Auditor's Office within 30 days of the execution of the agreement, and provide each affected property owner with a copy thereof within 14 days following the recording..

14.18.080 Payment of Latecomer Assessment.

- (1) Latecomer's fees shall be due in their entirety upon application for a permit to connect to water or sewer systems covered by the agreement, or for development or building permits leading to increased use or change of use of the subject street and/or stormwater system improvement by a property subject to the Agreement. Fees shall be paid to the City prior to the City issuing a connection or construction permit. Within 60 days of receipt, the City will pay to the participating property owner the reimbursement amount collected, less a 10% administrative fee.
- (2) When the Latecomer assessment for any property has been paid in full or the Latecomer Agreement has expired, the City shall record with Cowlitz County a certification of payment or agreement expiration releasing that property from the Latecomer Agreement.

14.18.090 Removal of Unauthorized Connections.

If a connection is made to water or sewer improvements without payment of the Latecomer's fee, the Public Works Department is authorized to disconnect the service. Means of disconnection shall be at the Utility Manager's discretion. The property owner where the unauthorized connection is located shall be liable for all costs and expenses of any type incurred to remove, disconnect, and dispose of the unauthorized connection, and for reconnection expenses after all fees have been paid.

14.18.100 Rights and Non-Liability of City.

- (1) The City reserves the right to refuse to enter into any Latecomer Agreement or to reject any application, except as provided in RCW 35.91 and RCW 35.72. All applications for a Latecomer Agreement shall be made on the basis that the applicant releases and waives any claims for any liability of the City in establishment and enforcement of a Latecomer Agreement.
- (2) The City in no way guarantees payment of fees by latecomer, or enforceability of assessments, or enforceability of the Latecomer Agreement, or the amount(s) assessed therein. The offices or finances of the City shall not be used for enforcement or collection of Latecomer's obligations beyond those duties specifically undertaken by the City herein. It shall be the obligation of the property owner to take whatever authorized means are available to enforce payment of Latecomer assessments; and, property owner is hereby authorized to take such actions.
- (3) The City shall not be responsible for locating any beneficiary or survivor entitled to benefits by or through a Latecomer Agreement. Every two years from the date the Agreement is executed, a property owner entitled to reimbursement under the agreement shall provide the City with information regarding the current contact name, address, e-mail address, and telephone number of the person, company, or partnership that originally entered into the agreement. If the property owner fails to comply with the notification requirements within 60 days of the specified time, then the City may collect any reimbursement funds owed to the property owner; such funds shall be deposited in the appropriate capital fund of the City.

RECOMMENDATIONS

- Direct the Public Works Director to work with the City Attorney to draft an Ordinance that adds a Latecomer Agreements section to LMC Title 14 and repeals LMC Title 19.80.220.

NEXT STEPS

- Work with the Planning Commission to recommend a repeal of LMC Title 19.80.220.
- Bring an ordinance to a future City Council meeting which would enact a new Title 14 Latecomer Agreement and repeal the current Title 19 Latecomer Agreement.
- Develop the needed Latecomer Agreement form and other related forms.
- Develop the internal policies and controls for latecomer agreements.