



City of Longview

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

Agenda

Join Zoom Meeting

<https://us02web.zoom.us/j/81598951778?pwd=a3l4L3BhTVRGd3N3UWFWQzh1cS8vUT09>

Meeting ID: 815 9895 1778 Password:
1923 Phone 1-253-215-8782

Planning Commission

Wednesday, July 1, 2020

7:00 PM

City Hall

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**

Join Zoom Meeting

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Meeting ID: 815 9895 1778 Password: 1923 Phone 1-253-215-8782

2. **APPROVAL OF MINUTES**

**20-000279 MINUTES OF THE MARCH 2020 MEETING - CORRECTED
MINUTES OF THE MAY 2020 SPECIAL MEETING**

Recommended Action: Motion To Approve The Minutes As Presented.

3. **AUDIENCE PARTICIPATION OF CORRESPONDENCE**

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

5. **PUBLIC HEARINGS**

20-000280 PC 2020-3

PROPOSED ZONE TEXT AMENDMENT TO REPEAL LMC TITLE 19.80.220, THE LATECOMER REIMBURSEMENT SECTION OF THE LONGVIEW SUBDIVISION CODE AND REFER TO NEW CHAPTER 14.18, LATECOMER AGREEMENTS

RECOMMENDED ACTION:

Motion to adopt the findings and recommendation of the Staff Report and recommend the City Council amend the zoning code as provided.

6. NON-PUBLIC HEARING ITEMS

2019 COMPREHENSIVE PLAN WORK PLAN: Set workshop to develop workplan and set priorities for implementing the goals, policies and objectives of the new Comprehensive Plan.

Staff will discuss the 2021-2022 budget cycle funding requests for support to complete an infill ordinance and other planning projects.

7. PLANNER'S REPORT

8. ADJOURNMENT



City of Longview

1525 Broadway
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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 Assistant

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 meeting. 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 APPEARNESS 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".

Vice-Chair Leber opened the public hearing.

The following people spoke:

Brett Bates - applicant

Eric Skreen - former Ashtown owner

Hearing no other speakers, Vice-Chair Leber 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



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Minutes

Agenda

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this Zoom Meeting link:

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-or- visit Zoom.us/join and
enter:

Web Meeting ID: 883 5105 0547

Web Password: 2vOfwJ

Call in phone number: 1 253 215 8782

Call in Meeting ID: 883 5105 0547

Call in Password: 496362

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1. ROLL CALL

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

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

Absent:

Staff Present:

Steve Shuman, Assistant City Attorney; John Brickey, Community Development Director/Building Official; Ken Hash, Public Works Director; Adam Trimble, Interim Planning Manager; Lisa Vertrees, Administrative Assistan

20-000246 Join this virtual meeting using this Zoom Meeting link:
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2. APPROVAL OF MINUTES

20-000238 Minutes of the March 4, 2020 regular Planning Commission meeting

Correction noted. Defer approval until next regular Planning Commission meeting.

3. AUDIENCE PARTICIPATION OF CORRESPONDENCE

None at this time.

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

The Ex Parte Communications and Appearness of Fairness declaration was read into the record by Mr. Trimble.

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.

Mr. Trimble reviewed the staff report and provided on-screen visuals.

Chairman Collins opened the public hearing.

** Stacy Kysar - SAK Landscape spoke on behalf of the applicant*

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

A motion was made by Member Ramona Leber, seconded by Kalei LaFave, to Adopt the findings of the staff report and recommend the City Council approve the applications for rezone and comprehensive plan amendment. 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, Member Stacy Delgarno

Nays: None

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.

Mr. Hash shared a presentation and memo regarding the Latecomer Agreement.

More information and clarity on controls and details will be made available prior to the public hearing.

A motion was made by Member Ramona Leber, seconded by Kalei LaFave, to set a public hearing for July 1, 2020 for the proposal to amend the zoning code to repeal Section 19.80.220 and adopt the proposed language in Chapter 14 of the LMC. 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

7. REPORTS FROM STAFF

Public Works:

** Beech St. bids are in and work will start on June 1st. There will be a groundbreaking ceremony the week of June 8th.*

** SR 432/411 Interchange improvement bids are in.*

** We are working on the signals on 15th and Washington Way, then will move to Ocean Beach Hwy.*

8. PLANNER'S REPORT

** Mt. Solo Estates - Phase I permit is ready to issue. Construction drawings for Phases II and III have been submitted.*

** 3rd Ave. Industrial developments - permit issuance phase.*

** Longshoremens Credit Union has applied to expand their drive-thru lanes.*

9. ADJOURNMENT

There will be no meeting in June 2020.

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

With no further business to discuss, the adjourned at 8:35 p.m.

Lisa Vertrees, Recorder



TO: Longview Planning Commission

FROM: Adam Trimble, Interim Planning Manager

HEARING

DATE: July 1, 2020

SUBJECT: Amend the zoning code to repeal LMC Title 19.80.220, the Latecomer Reimbursement section of the Longview Subdivision code and refer to new chapter 14.18, Latecomer Agreements

CASE #: PC 2020-3

TYPE OF

DECISION: Legislative

BACKGROUND

The current Longview subdivision ordinance was adopted in 2009 as part of a larger zoning code update. The chapter provides for Latecomer Reimbursement which is allowed under state law and a standard part of residential development. A proposed code change would remove the brief section from title 19 Zoning and add a new detailed chapter to Title 14, Local Improvements and Public Works Construction. Attached with this report is a memorandum from Public Works Director Ken Hash which explains latecomer agreements and reimbursement and answers questions. Also attached is the proposed code 14.18 [Exhibit A].

A latecomer can be understood as a property owner or developer which benefits from public improvements built by a different or neighboring property owner. If the city has approved a latecomer reimbursement contract with the original developer, the latecomer may need to reimburse the earlier developer for the improvements they built, which the latecomer does not have to construct and will use. State law provides for latecomer reimbursement for street and utility improvements. The following excerpt from state law shows how these contracts work for street improvements:

RCW 35.72.020

Reimbursement by other property owners—Contract requirements.

(1)... the contract may provide for the partial reimbursement to the owner or the owner's assigns for a period not to exceed fifteen years of a portion of the costs of the project by other property owners who:

- (a) Are determined to be within the assessment reimbursement area pursuant to RCW 35.72.040;
- (b) Are determined to have a reimbursement share based upon a benefit to the property owner pursuant to RCW 35.72.030;
- (c) Did not contribute to the original cost of the street project; and
- (d) Subsequently develop their property within the period of time that the contract is effective and at the time of development were not required to install similar street projects because they were already provided for by the contract.

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 the city, town, or county.

PROPOSAL

The proposal, if adopted, will amend LMC Chapter 19.80.220 Longview Subdivision Ordinance, Latecomer Reimbursement. *Note: text that is underlined is proposed to be added. Text with a line thru it is proposed to be eliminated.*

Latecomer Agreements are allowed as provided in LMC 14.18, Latecomer Agreements.

~~(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. (Ord. 3090 § 2, 2009).~~

S.E.P.A. Determination

An Environmental Checklist for the proposed zoning code revisions was reviewed pursuant to the State Environmental Policy Act and a determination of non-significance was issued on June 26, 2020. [E 2020-7 SEPA checklist] A comment period is not required for this non-project action. SEPA documents are attached as Exhibit B.

Additional Information

Pursuant to Chapter 19.81 of the Longview Municipal Code, a legal notice was published in the Longview Daily News on June 23, 2020 and June 30, 2020.

Citizen Correspondence

As of this writing, the City has received no comments.

Comprehensive Plan Goal and Policies

The comprehensive plan contains multiple goals, objectives and policies relating to land use compatibility including the following:

Objective LU-A.1 Provide a cohesive framework for land development in Longview.

Policy LU-C.10.2 Ensure that private development, public facilities, and corridor improvement projects provide sidewalks (on both sides where possible) along streets. Install curbs and gutters along arterials, collector streets, and local streets to enhance pedestrian safety and control surface water runoff. Allow for use of low-impact development techniques in keeping with established regulations.

Policy PF-A.1.2 Evaluate the impact of proposed new development on public facilities and services during the land-use and environmental permitting processes and apply mitigation accordingly.

Policy PF-C.1.2 Ensure system additions are built to standards in anticipation of future growth.

Policy PF-C.1.5 Ensure that developers are responsible for providing sewer lines and related facilities needed to serve new development or, in some cases, provided through a local improvement district.

Policy LU-A.1.5 Facilitate redevelopment of existing developed land when appropriate, and encourage infill development on vacant or underdeveloped land.

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The proposal will not affect the future land use map.

COMPREHENSIVE PLAN INTENT STATEMENT

Chapter 7 of the Comprehensive Plan addresses Public Facilities, Utilities and services and on page 98, states: “Relationship Between Land Use and Capital Facilities

One aspect of managing growth in the City of Longview is ensuring that needed public facilities, infrastructure, and services are available when growth occurs. Developing and implementing a well-founded plan for public facilities, utilities, and services will help Longview realize its vision. Realization of the City’s land-use plan is contingent on timely and orderly infrastructure development.”

PROPOSED LATECOMER AGREEMENTS APPLICABILITY STATEMENT

Proposed LMC 14.18.010 provides for ‘Applicability’. It reads:

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.

STAFF DISCUSSION

City staff is recommending the change proposed be adopted to provide for more certainty and assurance to developers and property owners engaged in the risky and leveraged business of subdividing and developing property. The existing section on Latecomer Reimbursement lacks detail and contains the statement “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,” which the proposed ordinance LMC 14.18 provides. A separate chapter is also appropriate because extensions of public streets and utilities by developers routinely occur outside of the subdivision process. Latecomer agreements are infrequent but consequential which further supports adopting LMC 14.18 which will be a lasting reference for the procedure in-place to assess and administer the contracts.

STAFF FINDINGS

Staff has examined the merits of the proposal to amend the Longview Zoning Code and makes the following findings:

1. The proposed zoning code text amendment is consistent with the Comprehensive Plan goals, policies and objectives.
2. Adoption of a separate chapter for Latecomer Agreements will provide certainty for development and clarity of administrative procedures.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend to the City Council to adopt the subject zoning code amendments.

EXHIBITS

- A. Application for Zone Text Amendment
- B. SEPA Documents

Report Date: June 26, 2020

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.



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

Description of Proposal: E 2020-7 The City of Longview proposes to amend the zoning code to repeal LMC Title 19.80.220, the Latecomer Reimbursement section of the Longview Subdivision code and refer to new chapter 14.18, Latecomer Agreements

Proponents: Adam Trimble, Interim Planning Manager
City of Longview
P.O. Box 128
Longview, WA 98632
Phone: 360-442-5092

Location of Proposal, Including Street Address, if any: This is a non-project action and applies city-wide.

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.



There is no comment period for this DNS.

Responsible Official: John Brickey

Position/Title: Director/Building Official

Department: Community Development

Address: PO Box 128, Longview, WA 98632

Contact Person: Adam Trimble, Planner

Phone: (360) 442-5092

Date: June 26, 2020

Signature: John H. Brickey

**City of Longview
Community Development**

SEPA ENVIRONMENTAL CHECKLIST

UPDATED 2014

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: *Zoning code amendments to remove the Latecomer Reimbursement section from the Longview Subdivision ordinance and adopt and refer to a new chapter, LMC 14.18, Latecomer Agreements.*
2. Name of applicant: *City of Longview*
3. Address and phone number of applicant and contact person:
Adam Trimble, Interim Planning Manager
PO Box 128/1525 Broadway Street
Longview, WA 98632
(360) 442-5092
4. Date checklist prepared: *June 26, 2020*
5. Agency requesting checklist: *City of Longview*
6. Proposed timing or schedule (including phasing, if applicable): *Planning Commission public hearing in July 1, 2020, City Council review and approval in July or August 2020.*
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. *No*
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. *None*
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. *None*
10. List any government approvals or permits that will be needed for your proposal, if known.
Longview City Council adopting an ordinance
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.) *This is a non-project action to amend the City's zoning ordinance to repeal LMC Title 19.80.220, the Latecomer Reimbursement section of the Longview Subdivision code and refer to new chapter 14.18, Latecomer Agreements*
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. *The proposal is a non-project action.*

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

1. Earth

- a. General description of the site [\[help\]](#)
(circle one): Flat, rolling, hilly, steep slopes, mountainous,
other _____ *Not applicable, this is a non-project action.*
- b. What is the steepest slope on the site (approximate percent slope)?
Not applicable, the proposal is a non-project action
- 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. *Not applicable*
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. *Not applicable*
- 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. *Not applicable*
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. *Not applicable*
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? *Not applicable*
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: *Not applicable*

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. *Not applicable, the proposal is a nonproject action.*
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. *Not applicable*

- c. Proposed measures to reduce or control emissions or other impacts to air, if any: *Not applicable*

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. *Not applicable, the proposal is a nonproject action*
- 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. *Not applicable*
- 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. *Not applicable*
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. *Not applicable*
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. *Not applicable*
- 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. *Not applicable*

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. *Not applicable, the proposal is a nonproject action*
- 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. *Not applicable*

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. *Not applicable*

2) Could waste materials enter ground or surface waters? If so, generally describe. *Not applicable*

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. *Not applicable*

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: *None*

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

a. Check the types of vegetation found on the site: *Not applicable, the proposal is a nonproject action*

____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? *Not applicable*

c. List threatened and endangered species known to be on or near the site. *Not applicable*

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: *Not applicable*

e. List all noxious weeds and invasive species known to be on or near the site. *Not applicable*

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: *Not applicable*

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

- b. List any threatened and endangered species known to be on or near the site. *Not applicable, the proposal is a nonproject action*
- c. Is the site part of a migration route? If so, explain. *Not applicable*
- d. Proposed measures to preserve or enhance wildlife, if any: *None*
- e. List any invasive animal species known to be on or near the site. *Not applicable*

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. *Not applicable, the proposal is a nonproject action*
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. *Not applicable*
- 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: *Not applicable*

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. *Not applicable, the proposal is a nonproject action*
 - 1) Describe any known or possible contamination at the site from present or past uses. *Not applicable*
 - 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. *Not applicable*
 - 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. *Not applicable*
 - 4) Describe special emergency services that might be required. *None*
 - 5) Proposed measures to reduce or control environmental health hazards, if any: *Not applicable*

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? *Not applicable, the proposal is a nonproject action*

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. *Not applicable*

3) Proposed measures to reduce or control noise impacts, if any: *Not applicable*

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. *Not applicable, the proposal is a nonproject action*

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? *Not applicable*

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: *Not applicable*

c. Describe any structures on the site. *Not applicable*

d. Will any structures be demolished? If so, what? *No*

e. What is the current zoning classification of the site? *The proposal applies to the City's residential districts, especially the R-3 and R-4 zoning districts.*

f. What is the current comprehensive plan designation of the site? The proposal applies to the City's residential classifications.

g. If applicable, what is the current shoreline master program designation of the site? *Not applicable*

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. *Not applicable*

i. Approximately how many people would reside or work in the completed project? *Not applicable*

j. Approximately how many people would the completed project displace? *Not applicable*

k. Proposed measures to avoid or reduce displacement impacts, if any: *None*

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: *None*

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: *None*

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. *Not applicable, the proposal is a nonproject action*
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. *Not applicable*
- c. Proposed measures to reduce or control housing impacts, if any: *None*

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? *Not applicable, the proposal is a nonproject action*
- b. What views in the immediate vicinity would be altered or obstructed? *None*
- c. Proposed measures to reduce or control aesthetic impacts, if any: *Not applicable, the proposal is a nonproject action.*

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? *Not applicable, the proposal is a nonproject action*
- b. Could light or glare from the finished project be a safety hazard or interfere with views? *Not applicable*
- c. What existing off-site sources of light or glare may affect your proposal? *Not applicable*
- d. Proposed measures to reduce or control light and glare impacts, if any: *Not applicable*

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? *Not applicable, the proposal is a nonproject action*
- b. Would the proposed project displace any existing recreational uses? If so, describe. *Not applicable*
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: *Not applicable*

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. *Not applicable, the proposal is a nonproject action*
- 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. *Not applicable*
- 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. *Not applicable*
- 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. *Not applicable, the proposal is a nonproject action*

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. *Not applicable, the proposal is a nonproject action*
- 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? *Not applicable*
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? *Not applicable*
- 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). *Not applicable*
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. *Not applicable*
- 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 nonpassenger vehicles). What data or transportation models were used to make these estimates? *Not applicable*
- 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. *Not applicable*
- h. Proposed measures to reduce or control transportation impacts, if any: *None*

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. *Not applicable, the proposal is a nonproject action*
- b. Proposed measures to reduce or control direct impacts on public services, if any. *None*

16. Utilities

- a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____ *Not applicable, the proposal is a nonproject action*
- 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. *Not applicable*

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: *Adam Trimble*

Position and Agency/Organization: *Interim Planning Manager, City of Longview*

Date Submitted: *June 26, 2020*

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? *N/A*

Proposed measures to avoid or reduce such increases are: *None*

2. How would the proposal be likely to affect plants, animals, fish, or marine life? *The proposal is not likely to affect the above.*

Proposed measures to protect or conserve plants, animals, fish, or marine life are: *None*

3. How would the proposal be likely to deplete energy or natural resources? *None.*

Proposed measures to protect or conserve energy and natural resources are: *None*

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 proposal is not likely to effect any of the above.*

Proposed measures to protect such resources or to avoid or reduce impacts are: *None*

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?

City staff is recommending the change proposed be adopted to provide for more certainty and assurance to developers and property owners engaged in the risky and leveraged business of subdividing and developing property. The existing section on Latecomer Reimbursement lacks detail and contains the statement "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," which the proposed ordinance LMC 14.18 provides. A separate chapter is also appropriate because extensions of public streets and utilities by developers routinely occur outside of the subdivision process. Latecomer agreements are infrequent but consequential which further supports adopting LMC 14.18 which will be a lasting reference for the procedure in-place to assess and administer the contracts.

Proposed measures to avoid or reduce shoreline and land use impacts are: *Land use decisions are guided by the Longview Comprehensive Plan October 2019.*

6. How would the proposal be likely to increase demands on transportation or public services and utilities? *The proposal is not likely to increase demands on the above. Development is expected to pay to increase capacity to minimize impacts to the above. A latecomer agreement merely increases the likelihood that a development moves forward with certainty.*

Proposed measures to reduce or respond to such demand(s) are: *None.*

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. *None known. The proposed law refers to state law and does not supersede.*