



City of Longview

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

Agenda

Attend in-person or virtually using the link below.

<https://us02web.zoom.us/j/86788038944>

Or Telephone: US: +1 253 215 8782 Webinar ID:
867 8803 8944

Planning Commission

Wednesday, April 6, 2022

7:00 PM

City Hall

1. **ROLL CALL**

2. **APPROVAL OF MINUTES**

22-000199 Minutes of the March 2, 2022 Regular Meeting.

3. **AUDIENCE PARTICIPATION OF CORRESPONDENCE**

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

5. **PUBLIC HEARINGS**

22-000196 ABA 2021-4 Proposed Accessory Dwelling Units Zoning Code Amendments.

The Planning Commission will hold a public hearing on a proposed re-write of the existing regulations on Accessory Dwelling Units in Longview. A website dedicated to the proposed code is available

here: <https://storymaps.arcgis.com/stories/432aeac4a84648c8bf5729c3613f13b1>

Recommended Action: Hold a public hearing. Motion to recommend the City Council adopt the proposed zoning code amendments and repeal the existing Accessory Dwelling Units regulations under LMC 19.22.020.

6. **NON-PUBLIC HEARING ITEMS**

22-000197 PC 2022-1 Downtown Commerce District zoning code review.

Staff will present a final draft zoning code amendment for consideration by the Planning Commission ahead of a Public Hearing.

7. **OTHER BUSINESS**

22-000198 Request to set a public hearing for PC 2022-1, Proposed Amendments to the Permitted Uses in the Downtown Commerce District for May 4, 2022.

22-000207 Request to set a public hearing for updates to the Chapter 17.24 FLOOD DAMAGE PREVENTION Ordinance as required by FEMA and Department of Ecology.

Recommended Action: Motion to set a public hearing for June 8, 2022.

8. PLANNER'S REPORT

9. ADJOURNMENT



City of Longview

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

Minutes

Agenda

Attend in-person or virtually using the link below.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86788038944>

Or Telephone: US: +1 253 215 8782 Webinar ID: 867 8803 8944

Planning Commission

Wednesday, March 2, 2022

7:00 PM

City Hall

1. ROLL CALL

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

Present: Member Craig Collins, Member Trey Davis, Member Jeff Rauth, Member Ramona Leber, Member Joanna Lee, Member Kalei LaFave,

Excused: Member Stacey Dalgarno

Staff Present: Steve Schuman, Assistant City Attorney; Adam Trimble, Planner; Sam Barham, Engineer; Lisa Vertrees, Administrative Assistant

2. APPROVAL OF MINUTES

22-000123 Minutes of the February 2, 2022, regular meeting.

A motion was made by Member Kalei LaFave, seconded by Member Joanna Lee, to approve the regular Planning Commission minutes of February 2, 2022. The motion carried by the following vote:

Ayes: Member Craig Collins, Member Trey Davis, Member Ramona Leber, Member Kalei LaFave, Member Jeff Rauth, Member Joanna Lee

Nays: None

3. AUDIENCE PARTICIPATION OF CORRESPONDENCE

None at this time.

4. OTHER BUSINESS

22-000125 PC 2021-4 ADU code revisions.

Public outreach of the proposed amendments to the Accessory Dwelling Units code continues. Staff will go over a website and survey developed for the proposal and

determine interest in holding a virtual and/or in-person open house. A public hearing could be scheduled in April or May.

*Mr. Trimble reviewed the draft website and survey for public outreach purposes. Staff requested feedback from the Planning Commission members before the website goes live.
An in-person Open House may be held in April.*

5. NON-PUBLIC HEARING ITEMS

22-000124 PC 2022-1 D-C zone permitted uses workshop #2.

At the January 13, 2022 regular meeting, the City Council adopted a moratorium on applications for certain land uses in the D-C zone and directed the Planning Commission to review the uses permitted and recommend zoning amendments to ensure a vibrant mixture of for-profit uses including the sale of goods and services, entertainment and dining are present.

Staff will present information about existing uses in the downtown commerce district and a real estate expert will be present to share information about trends in commercial uses.

Attached are charts showing the land uses in the D-C zone as recorded by the county assessor. Also attached is a working draft of potential changes to the land use table.

Mr. Trimble briefly reviewed the previous workshop.

Mr. Trimble introduced Paul Young, a commercial real agent with the Fuller Group. Mr. Young gave a presentation on Commercial Real Estate Trends for 2022 and Beyond. Trends point toward the Longview downtown area being a viable choice for locating businesses. Staff will research the percentage of downtown landlords/owners that are actually local. It was suggested to go back to land use regulations to encourage more restaurants. Break out Personal Services on the use table. It may be possible to shrink the D-C zone down to just Commerce Avenue and key corridors using footnotes. Member Ramona Leber requested more information on card rooms, casinos, etc. in the D-C zone, including the police perspective.

6. PLANNER'S REPORT

Public Works

- * The Police Satellite building project in Archie Anderson park has been awarded*
- * Industrial/California Way/3rd intersection improvements will begin soon*
- * 46th Avenue Pump Station work will begin soon*

Planning

- * Two plats for Mt. Solo Place were recorded that will add another 30 lots*

7. ADJOURNMENT

The next regular Planning Commission meeting is scheduled for April 6, 2022 at 7 p.m.

With no further business to discuss, the meeting adjourned at 8:40 p.m.

Lisa Vertrees, Recorder



Staff Report

TO: Longview Planning Commission

FROM: Adam Trimble, Planning Manager

HEARING

DATE: April 6, 2022

SUBJECT: Amend the zoning code section Title 19, LMC 19.22.020 Accessory Dwelling Units, to remove lot size restrictions for detached accessory dwelling units, to require privacy measures for detached accessory dwelling units and revise several standards and restrictions for attached and detached accessory dwelling units.

CASE #: PC 2021-4

TYPE OF

DECISION: Legislative

BACKGROUND and PROPOSAL

In October of 2019 the Longview Planning Commission recommended and the City Council adopted a 10 year update to the comprehensive plan. The Longview Comprehensive Plan update included goals, objectives and policies to encourage use of accessory dwelling units (ADU's) to meet housing goals. ADU's, like infill, take advantage of areas where infrastructure is already in place and where there are fewer environmental constraints. An entire Goal is dedicated to accessory dwelling units on page 62:

Neighborhood Preservation and Renewal

Goal HO-E

Facilitate lifecycle neighborhoods and community stability by providing for alternative living arrangements such as accessory dwelling units (ADUs), shared housing, cohousing, and smaller housing types; and by encouraging infill.

Policy HO-E.1.1

Promote the use of accessory dwelling units to meet housing needs.

- Policy HO-E.1.2 Encourage alternative housing and ownership models that will address shifting demographics and unmet needs for affordable housing options, such as accessory units, cottage housing, and cohousing.

Accessory dwelling units are one strategy to accommodate the expected growth and demand for housing over the next 20 years. Table 3-16 below on Page 55 of the Comprehensive Plan lays out the projected number and types of units needed by 2040:

Table 3-16. Number of New Housing Units Needed, By Type, 2017 – 2040

Unit Type	Census 2010	%	Estimate 2017	%	Projected 2040	# New Units
Single Family	10,856	66.3	10,986	66.2	12,520	1,571
Multi-family	4,863	29.7	4,912	29.6	5,598	703
Manufactured Home	661	4.0	641	4.2	794	100
Total Units	16,380	100.0	16,539	100.0	18,912	2,374

Source: Census 2010, Washington Office of Financial Management, CWCOCG

“The need for new housing units can be met by using three basic strategies:

- Compiling and redeveloping existing low-density residential with a higher density (smaller single-family lots, increased height to allow extra stories in multi-family housing, etc.)
- Development of “leftover” properties in existing residential neighborhoods (infill)
- Annexation of additional area for residential development”

The comprehensive plan assumes a slow rate of growth but also identifies how the lack of recent housing development has resulted in an immediate need for more housing: 579 units needed in 2020 according to table 3-15 on page 54, growing to 1,011 units needed by 2025. With constrained land supply in the growth area of the city, ADU’s and infill will have to make up part of the new units.

The Planning Commission began work on the code update in 2021 and has recommended moving forward with a re-write of the existing code to account for revised regulations and a new organization of the sections.

The proposal, if adopted, will replace LMC 19.22.020 Accessory Dwelling Units, with the proposed changes in Exhibit A attached with this report. Note ~~striketrough~~ text is to be removed underlined is added.

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 March 25, 2022. [E 2022-2 SEPA checklist] The comment period for the SEPA checklist ends April 8, 2022. SEPA documents are attached as Exhibit B.

Additional Information

Pursuant to Chapter 19.81 of the Longview Municipal Code, a legal notice was submitted to be published in the Longview Daily News on March 27, 2022 and April 3, 2022.

Citizen Correspondence

As of this writing, the City has received inquiries and will compile written comments prior to the meeting.

Comprehensive Plan Goal and Policies

The comprehensive plan contains a Housing element with a goal, objectives and policies relating to the proposed amendments:

Goal HO-E

Facilitate lifecycle neighborhoods and community stability by providing for alternative living arrangements such as accessory dwelling units (ADUs), shared housing, cohousing, and smaller housing types; and by encouraging infill.

Policy HO-E.1.1 Promote the use of accessory dwelling units to meet housing needs.

Policy HO-E.1.2 Encourage alternative housing and ownership models that will address shifting demographics and unmet needs for affordable housing options, such as accessory units, cottage housing, and cohousing.

Goal HO-E

Facilitate lifecycle neighborhoods and community stability by providing for alternative living arrangements such as accessory dwelling units (ADUs), shared housing, cohousing, and smaller housing types; and by encouraging infill.

Policy HO-E.1.1 Promote the use of accessory dwelling units to meet housing needs.

The housing element also discusses barriers to affordable housing. Page 60 of the Comprehensive plan "...calls out the following 'negative effects of public policies on affordable housing and residential investment';" such as "'Not in my back yard' (NIMBY) sentiments - Many communities promote development restrictions that result in exclusionary zoning practices..." and "Availability of land for construction – Development of affordable housing requires minimizing fixed costs, such as property acquisition..." as well as, "Infrastructure Requirements - Requirements, for sidewalks, curb and gutter, and on-site, parking can impact the ability to deliver affordable housing...". The proposed amendments will require consideration of privacy measures for neighboring properties, allow owners to add dwellings on property they already own and take advantage of existing infrastructure.

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The proposal will not affect the future land use map.

COMPREHENSIVE PLAN INTENT STATEMENT

“Future Development in Longview: Residential

People face different housing needs at different times of their life. Providing a continuum of housing choices helps meet those changing needs, including housing for families, retired folks, young singles starting out in the job world, and students. Over the past 20 years, the city’s population has grown, yet the type of housing options available to residents has remained relatively constant. Increasing housing options is important to meet the needs of existing and future residents.

- **Protecting and Enhancing Neighborhoods.** The City values and considers the protection and enhancement of its existing residential neighborhoods a high priority. Affordable housing stock has been lost due to redevelopment, and some of the established housing stock has been poorly maintained over time and needs renovation and maintenance.
- **Existing Housing Affordability Needs.** As identified in the housing element, personal income growth has trailed housing price growth. Since 2007, rents throughout the county have increased 20 percent, while incomes have increased only five percent. There are also needs for rental housing that accommodates larger families and for housing for very small households.
- **Future Needs.** Attracting and retaining younger families, single professionals, and retirees is an important concern for the City in its efforts to diversify its economy. This includes promoting and expanding downtown and non-downtown housing options.

The relative stagnation in housing options means that Longview should explore measures to increase the range of housing types to meet existing and future demand.”¹

ZONING CODE – PURPOSE STATEMENT

None in current code. Proposed amendment includes:

1. Purpose: The director shall have the authority to approve attached accessory dwelling units (ADUs) which are consistent with single-family neighborhood character and the regulations and provisions herein. The Appeal Board of Adjustment shall have the authority to approve detached accessory dwelling units (ADUs) which are consistent with single-family neighborhood character and the regulations and provisions herein. It is not the intent of these regulations to provide

¹ Page 17 Longview Comprehensive Plan

for ADUs on every residential property and they shall not be deemed to create a right or privilege to establish or maintain an ADU which is not strictly in compliance with these regulations.

STAFF DISCUSSION

The Planning Commission examined the existing ordinance and the practical consequences of the regulations around accessory dwelling units and concluded that changes were required to meet the goals included in the 2019 Comprehensive Plan. Staff has noticed a marked increase in inquiries about ADU's since 2018. Housing prices in the local market roughly doubled in the 5 years since 2017, while new units have just now begun construction. In Washington and other states, laws have been introduced aimed at encouraging or requiring cities to allow more accessory dwelling units in more locations to meet demand for housing.

The Planning Commission, in deciding to adopt a re-write of the ADU regulations, found that the existing code reflected an outdated, highly restrictive attitude about these units. The practical effect of the current regulations was to allow the possibility of detached ADUs on less than ¼ of the lots in residential zones. A website with existing and proposed maps can be viewed at:

<https://storymaps.arcgis.com/stories/432aeac4a84648c8bf5729c3613f13b1> The proposed code makes every residential zoned lot eligible to apply for a detached ADU, but does not guarantee each property will be feasible or suitable for a detached ADU. A public hearing process and owner occupancy requirement are maintained in both the existing and proposed code for detached ADU's. Both the existing and proposed code permit attached ADU's (added to, or created within the existing home) outright but require owner occupancy of one of the units.

The proposed ADU code will allow detached ADU's in areas of town previously unlikely to see any ADU's due to the prevalence of lots too small for eligibility. With this change in mind, the Planning Commission recommends including measures to provide privacy for neighboring homes backyards and requirements to ensure emergency responders can find the unit from the street via a well-marked path leading to the unit. Neighbors will have opportunity to understand and comment on all proposed detached ADU's including proposed measures to protect privacy and any solar/photovoltaic collection devices on adjacent properties.

This table summarizes the changes between the existing (old code) and the new code:

	Old Code	New Code
Parking Required:	1 for the ADU. Existing homes typically provide or are required to provide 2 parking spaces so 2+1 for the ADU.	1 for the ADU with exceptions: No parking spaces are required for an ADU in areas with on-street parking available <i>and</i> the existing home has parking for 2 cars. One parking space is required for the ADU if on-street parking is not available.
Number of ADU's	1	1
Attached ADU's	Permitted- no special approval	Permitted- no special approval
Detached ADUs	Special Property Use hearing, 10,000 sq ft lot, 85 ft width, 25 ft visibility for the ADU required.	Special property use required (a public hearing process). Screening, landscaping and privacy measures required.
Size relative to primary home:	40% max	60% max
Unit size min & max	300-1,200	300-1,500
Max Number of bedrooms	2	2
Max occupancy	4 persons	4 Adults, plus children.
Owner occupancy required?	Yes	Yes
Minimum Lot size?	N/A for attached, 10,000 sq ft min for detached	No minimum.
Maximum Height	Not specified [35' zoning]	Not specified [35' zoning]

STAFF FINDINGS

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

1. LMC 19.22.020 Accessory dwelling units, requires amendment meet the goals, policies and objectives included in the 2019 Comprehensive Plan.
2. The zoning code amendments will result in every residential zoned lot being eligible to apply for a detached ADU, but does not guarantee each property will be feasible or suitable for a detached ADU.
3. The proposed amendments include measures to provide privacy for neighboring backyards and requirements to ensure emergency responders can find the unit from the street via a well-marked path leading to the unit.

4. To mitigate for potential impacts in neighborhoods, property owners adjacent to a proposal will have opportunity to understand and comment on all proposed detached accessory dwelling units including proposed measures to protect privacy and any solar/photovoltaic collection devices on adjacent properties.

STAFF RECOMMENDATION

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

EXHIBITS

- A. Proposed zoning amendments
- B. SEPA Documents
- C. Notice

Report Date: March 31, 2022

This is a complete re-write of the existing ordinance which incorporates comments from Planning Commission Workshops.

1. Purpose: The director shall have the authority to approve attached accessory dwelling units (ADUs) which are consistent with single-family neighborhood character and the regulations and provisions herein. The Appeal Board of Adjustment shall have the authority to approve detached accessory dwelling units (ADUs) which are consistent with single-family neighborhood character and the regulations and provisions herein. It is not the intent of these regulations to provide for ADUs on every residential property and they shall not be deemed to create a right or privilege to establish or maintain an ADU which is not strictly in compliance with these regulations.
2. Requirements. Accessory dwelling units (ADUs) shall be permitted in residential districts R-1, R-2, R-3, R-4 and TNR as accessory to single-family dwellings, subject to the requirements that follow:
3. Site requirements.
 - a. A certification from the Public Works Director that existing water and sewer facilities serving the property are adequate is required.
 - b. Only one ADU shall be permitted (attached or detached) as accessory to a single-family dwelling unit.
 - c. An accessory dwelling unit may not be sold as a separate piece of property, or as a condominium unit, unless allowed by the existing zoning on the property.
 - d. Parking. A minimum of two off-street parking spaces must be provided on the property where an ADU is proposed and additional parking for the ADU is required as follows:
 - i. No minimum on-site parking spaces are required for an accessory dwelling unit in areas with on-street parking available.
 - ii. One parking space is required for the ADU if on-street parking is not available.
 - iii. On-street parking is defined as parking spaces legally available for parking of vehicles. Posted time- or day-restricted parking spaces are not considered as available for purposes of this section.
4. Building requirements:
 - a. Accessory Dwelling Units must be on the same lot as the single-family dwelling to which they are accessory. They may be attached (added to or created within) the existing single-family dwelling as provided for in LMC 19.22.020 (6) below, or detached as provided for in LMC 19.22.020(7).
 - b. All housing and building codes and standards shall be applicable to all ADUs including, but not limited to, the building code, the plumbing code, the electrical code, the mechanical code, the fire code, and all requirements of the Cowlitz County health department. Note, manufactured homes may be used for ADU's but must be less than 10 years old.
 - c. ADUs are not required to have separate independent utility connections and solid waste collection.

- d. The square foot size of any ADUs, excluding any garage area, shall not exceed 60 percent of the square foot size of the single-family dwelling to which it is accessory; it shall be of not less than 300 square feet nor in excess of 1,500 square feet, and it shall contain no more than two bedrooms.
 - e. Street-facing entrances may be allowed. Exterior entrances can be located no closer than 10 feet to an adjoining property line.
 - f. Any exterior stairs shall be placed in the rear or side yard and no closer than 10 feet to an adjoining property line.
 - g. All ADUs shall have separate street addresses that are visible from both the street and alley that clearly identify the location of the ADU.
 - h. An street/sidewalk entrance in the form of a walkway, landscaping features, mailbox post and similar construction to direct visitors to the ADU will be required per the determination of the Community Development Director upon recommendation by the Fire Marshal.
5. Occupancy:
- a. No ADU may be the residence of more than four persons over 18 years of age.
 - b. The owner of the property or immediate family member of the property owner, or contract purchaser of record of the single-family dwelling to which an ADU is accessory shall reside either in the single-family dwelling or the ADU as a permanent place of residence (must occupy one of the dwelling units on the property for more than six months of each calendar year).
 - c. Only one of the residences may be rented or leased.
 - d. The ownership of ADUs may not be separated from ownership of the single-family dwelling to which they are accessory.
 - e. Before issuance of the certificate of occupancy for an accessory dwelling unit, the homeowner must provide a copy of a statement recorded with the Cowlitz County Auditor.
 - i. The statement must read: *An application for a permit for an accessory dwelling unit has been submitted to the city of Longview by the owner of this property. Future owners are advised that the owner of the property must comply with all requirements of the Longview Zoning Code, as amended, if the accessory dwelling unit is to be occupied or rented.*
 - ii. If an accessory dwelling unit is to be removed, appropriate permits and inspections must first be received from the city. If a homeowner wants to remove the statement as required by subsection (15)(i) of this section from the property's title, then the city shall issue an appropriate release upon evidence that the accessory dwelling unit has been removed. The release shall be recorded by the homeowner with the county Auditors office and a copy of the recorded release shall be provided to the city.
 - f. No day care centers or adult family homes shall be permitted in ADUs or in single-family dwellings to which they are accessory.
 - g. The following permit and inspection requirements shall be met:

- i. No ADU may be added to, created within, or constructed upon the same lot as a single-family dwelling without a permit having been issued by the community development department;
 - ii. All applications for ADU permits shall be on forms provided by the community development department, and the fee for such permit shall be as provided in the building code;
 - iii. No ADU may be occupied unless the owner of record of the single-family dwelling to which it is accessory possesses a current certificate of occupancy for such ADU;
 - iv. Before any permit for the creation or construction of an ADU is granted, the proposed site thereof and the plans and specifications therefor shall be inspected by the building official to assure that the provisions of this chapter are not violated; and
 - v. The building official shall may inspect all ADUs at least once biannually (every two years) after giving proper notice, or at such time as a complaint alleging non-compliance with this chapter or the property maintenance code, Title 16.30, is received by the city. The purpose of such inspection shall be to determine if such ADU is in compliance with the requirements of this chapter. If such inspection reveals that such ADU is in compliance, the building official shall issue a certificate of occupancy for said ADU which shall be valid for a period of two years from its date. If the inspection reveals the ADU is not in compliance, the building official shall not issue a certificate of occupancy for said ADU, and shall notify the owner or contract purchaser of the single-family dwelling to which said ADU is accessory that said ADU must be vacated and not occupied until it is re-inspected by the building official and a certificate of occupancy is issued found to be in compliance, or the ADU removed.
6. Standards for Attached ADUs.
 - a. All attached ADUs shall be designed to maintain the appearance of the single-family dwelling to which they are accessory. If an ADU extends beyond the current footprint of the single-family dwelling, it must be consistent with the existing roof pitch, siding and windows of the single-family dwelling. Any additions to an existing structure or building shall not exceed the allowable lot coverage or encroach into the required setbacks.
 - b. Where garage space is converted to living space the garage door may be replaced with materials that match the exterior of the house so long as the portion of the driveway leading to the former garage shall also be removed.
7. Standards for Detached ADU's. In the event that the appeal board of adjustment grants a special property use permit for the construction of a detached ADU (i.e., an ADU that is not added to or created within the single-family dwelling) in accordance with LMC 19.12.055, all of the provisions of this chapter shall be applicable thereto. In addition, the following provisions shall be applicable to such detached ADUs:

- a. Landscaping shall be provided for the privacy and screening of adjacent properties. Tall vegetative landscaping is required between any windows or decks facing adjacent residential properties.
 - b. Two-story, detached accessory dwelling units shall be designed to protect the privacy of adjacent residential uses.
- 8. Special Property Use Hearings.
 - a. All proposed detached ADUs shall require a special property use permit be granted by the Appeal Board of Adjustment with consideration of impacts to privacy of neighboring properties. Where practical, locate and design the ADU to minimize disruption of privacy and outdoor activities on adjacent properties. Strategies to accomplish this include, but are not limited to: window staggering, entries face away, no overlooking decks, landscaping.
 - b. In its consideration of an application, the board shall evaluate:
 - i. Compliance with section 7. (a)&(b) above.
 - ii. Window locations
 - iii. Height and massing relative to neighboring homes, impacts from shading of neighboring properties, specifically solar access and impacts to existing solar collection systems, photo-voltaic or solar heating.
 - iv. Character and style of the detached ADU relative to homes in the surrounding four block area.
- 9. Existing Illegal ADU's
 - a. Application may be made for any accessory dwelling unit existing prior to January 1, 2022, to become legally permitted, pursuant to the provisions of this section.
 - b. An application to legalize an existing ADU shall include an application for an ADU permit and a building permit application, showing changes made to the main residence or detached accessory building to accommodate the ADU. Approval shall be consistent with the ADU regulations and process outlined in this section. The ADU shall be reviewed using the current editions of building codes in place at the time its owner brings the unit forward for permit.
 - c. Nothing in this section shall require that the city permit existing ADUs that are determined to be dangerous.



March 25, 2022

To: Washington State E.C.Y., Environmental Review Section
Review Team, Dept. of Commerce
Michael Kardas, Community Development Director
William Fashing, Executive Director, Cowlitz Wahkiakum Council of Governments
Cowlitz County Department of Building & Planning
Cowlitz 2 Fire & Rescue
Emily Wilcox, Cowlitz County Assessor
Cowlitz County PUD – Right of Way
Clint Matthews, Cascade Natural Gas
CenturyLink
John Axford, Longview Utilities Engineer
Ryan Hennessey, Comcast
Jon Dunaway, Longview Fire Marshal
The Daily News

From: Ann Rivers, Director of Community Development

Subject: SEPA Environmental Checklist Review - Application #E 2022-2

Project: Adam Trimble, Planning Manager with City of Longview, has submitted a SEPA checklist for a non-project action to amend the zoning code Title 19, LMC 19.22.020 Accessory Dwelling Units. The proposed amendments would remove lot size restrictions for detached accessory dwelling units, require privacy measures for detached accessory dwelling units and revise several standards and restrictions for attached and detached accessory dwelling units. The changes will affect residential zoned properties city-wide.

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

The non-project action will affect all the Residential Districts (zones): R-1, R-2, R-3, R-4 and TNR.
The Comprehensive Plan classification of the residential zones are ***low density, medium density and high density residential.***

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. April 8, 2022.**

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

Thank you.

Attachments: Proposed zoning code amendments for ADU's and a map of affected areas.

Cc: Applicant: City of Longview
File



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

Description of Proposal: E 2022-2– a non-project action by the City of Longview to amend the zoning code Title 19, LMC 19.22.020 Accessory Dwelling Units, to remove lot size restrictions for detached accessory dwelling units, require privacy measures for detached accessory dwelling units and revise several standards and restrictions for attached and detached accessory dwelling units. The non-project action will affect all the Residential Districts (zones): R-1, R-2, R-3, R-4 and TNR.

Proponents: Adam Trimble, Planning Manager
City of Longview
PO Box 128/1525 Broadway Street
Longview, WA 98632
Phone: 360-442-5092

Location of Proposal, Including Street Address, if any: The residential zones are distributed throughout Longview city limits.

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 April 8, 2022.

Responsible Official: Ann Rivers

Position/Title: Community Development Director

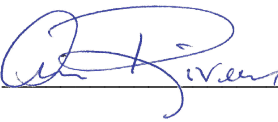
Department: Community Development

Address: PO Box 128, Longview, WA 98632

Contact Person: Adam Trimble, Planning Manager

Phone: (360) 442-5092

Date: March 25, 2022

Signature: 

**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 [\[help\]](#)

E 2022-2

1. Name of proposed project, if applicable: **Zoning Code Amendments regarding updates to Chapter 19.22.020 Accessory dwelling units.**
2. Name of applicant: *City of Longview*
3. Address and phone number of applicant and contact person:
Adam Trimble, Planning Manager
PO Box 128/1525 Broadway Street
Longview, WA 98632
360-442-5092
4. Date checklist prepared: **February 15, 2022**
5. Agency requesting checklist: *City of Longview*
6. Proposed timing or schedule (including phasing, if applicable): **Planning Commission public hearing in April 2022, City Council review and approval in May or June 2022.**
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 approving Code updates
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 Code regarding allowances for Accessory Dwelling Units (ADUs). Updates to the ADU chapter will likely include potential increases to the maximum size allowances of ADUs from 40 percent to 60 percent of the square footage of the primary home, no minimum lot size requirements, and privacy requirements for detached ADU's. The specific proposal is attached.

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 applies citywide but primarily in the R-1, R-2, R-3, R-4 and TNR residential districts.

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 primarily applies to the R-1, R-2, R-3, R-4 and TNR Residential Districts.**

f. What is the current comprehensive plan designation of the site? **The proposal primarily applies to the City's residential Comprehensive Plan 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: **The proposed amendments will require new detached ADU's to have a design consistent with a building within the same block.**

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: **The proposal makes consideration of neighboring solar water and power collection systems a requirement by the Appeal Board of Adjustment when considering a new detached ADU.**

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. **None**

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

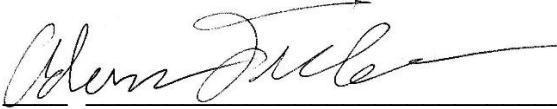
- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. **Not applicable, the proposal is a nonproject action**
- b. Proposed measures to reduce or control direct impacts on public services, if any. **None**

16. Utilities

- a. Circle utilities currently available at the site: **Not applicable, the proposal is a nonproject action**
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. **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: *Planning Manager, City of Longview*

Date Submitted: March 25, 2022

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?
By allowing more housing to be constructed in existing neighborhoods discharges of the above can be avoided due to use of existing infrastructure and reduced emissions of CO2 by residents who are able to live closer to the city center where walking and biking are more feasible.

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. See answer to question one.**

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? **The proposal is not likely to deplete energy or natural resources. Allowing ADUs and increases in density may help to reduce sprawl. Sprawling development tends to deplete energy and/or natural resources than compact development.**

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?

By adjusting ADU development standards, the proposal basically allows for additional development on a single lot and higher density residential development. ADUs are relatively small in size, as they are required to be a percentage of the primary dwelling unit, and will not have a significant impact on land and shoreline use. The Longview Comprehensive Plan calls for increasing allowances for ADU's to meet demand for housing.

Proposed measures to avoid or reduce shoreline and land use impacts are: **Existing measures in the zoning code to help reduce impacts. The proposed amendments require installation and consideration of privacy enhancing features for new ADU's. The proposal retains an 'owner occupancy' requirement for any ADU so that the use remains consistent with the purpose and intent of the low density residential zones.**

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

The proposal is not likely to significantly increase demands on the above, as allowing ADUs will minimally increase density. More compact development, however, can provide efficiencies in transportation or public services and utilities.

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.**

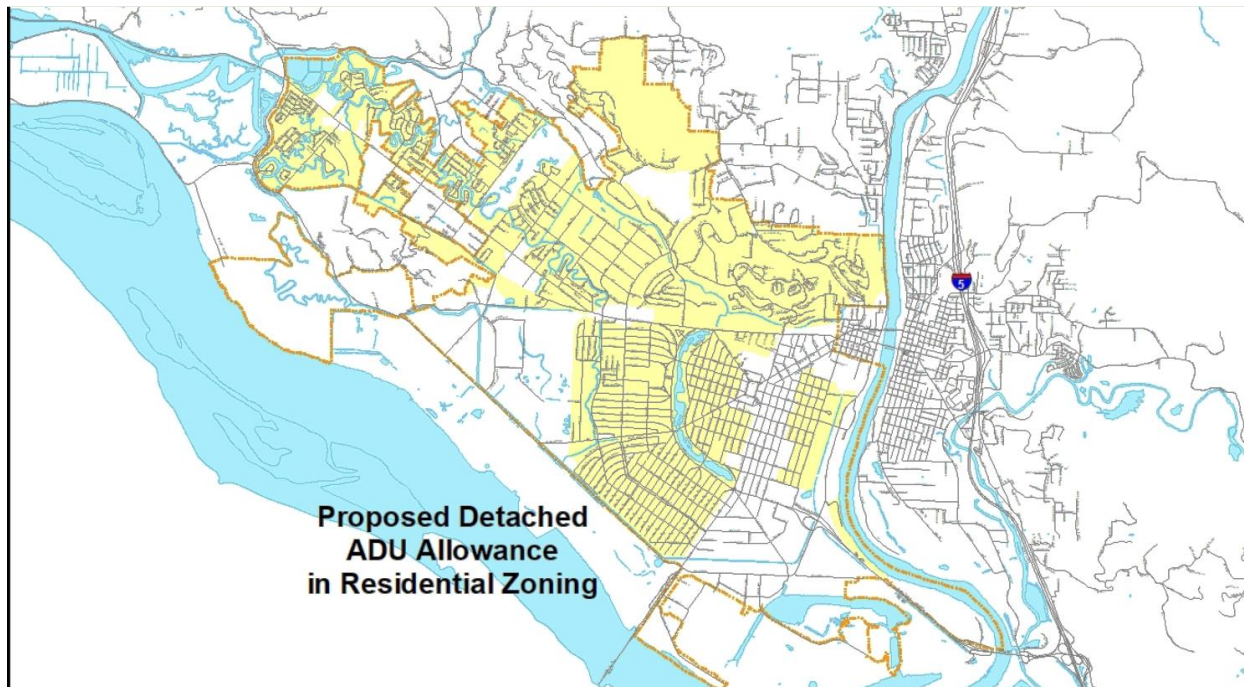
This is a complete re-write of the existing ordinance which incorporates comments from Planning Commission Workshops. The existing ordinance is LMC 19.22.020 (Link) <https://www.codepublishing.com/WA/Longview/#!/Longview19/Longview1922.html#19.22.020>

1. Purpose: The director shall have the authority to approve attached accessory dwelling units (ADUs) which are consistent with single-family neighborhood character and the regulations and provisions herein. The Appeal Board of Adjustment shall have the authority to approve detached accessory dwelling units (ADUs) which are consistent with single-family neighborhood character and the regulations and provisions herein. It is not the intent of these regulations to provide for ADUs on every residential property and they shall not be deemed to create a right or privilege to establish or maintain an ADU which is not strictly in compliance with these regulations.
2. Requirements. Accessory dwelling units (ADUs) shall be permitted in residential districts R-1, R-2, R-3, R-4 and TNR as accessory to single-family dwellings, subject to the requirements that follow:
3. Site requirements.
 - a. A certification from the Public Works Director that existing water and sewer facilities serving the property are adequate is required.
 - b. Only one ADU shall be permitted (attached or detached) as accessory to a single-family dwelling unit.
 - c. An accessory dwelling unit may not be sold as a separate piece of property, or as a condominium unit, unless allowed by the existing zoning on the property.
 - d. Parking. A minimum of two off-street parking spaces must be provided on the property where an ADU is proposed and additional parking for the ADU is required as follows:
 - i. No minimum on-site parking spaces are required for an accessory dwelling unit in areas with on-street parking available.
 - ii. One parking space is required for the ADU if on-street parking is not available.
 - iii. On-street parking is defined as parking spaces legally available for parking of vehicles. Posted time- or day-restricted parking spaces are not considered as available for purposes of this section.
4. Building requirements:
 - a. Accessory Dwelling Units must be on the same lot as the single-family dwelling to which they are accessory. They may be attached (added to or created within) the existing single-family dwelling as provided for in LMC 19.22.020 (6) below, or detached as provided for in LMC 19.22.020(7).
 - b. All housing and building codes and standards shall be applicable to all ADUs including, but not limited to, the building code, the plumbing code, the electrical code, the mechanical code, the fire code, and all requirements of the Cowlitz County health department. Note, manufactured homes may be used for ADU's but must be less than 10 years old.
 - c. ADUs are not required to have separate independent utility connections and solid waste collection.

- d. The square foot size of any ADUs, excluding any garage area, shall not exceed 60 percent of the square foot size of the single-family dwelling to which it is accessory; it shall be of not less than 300 square feet nor in excess of 1,500 square feet, and it shall contain no more than two bedrooms.
 - e. Street-facing entrances may be allowed. Exterior entrances can be located no closer than 10 feet to an adjoining property line.
 - f. Any exterior stairs shall be placed in the rear or side yard and no closer than 10 feet to an adjoining property line.
 - g. All ADUs shall have separate street addresses that are visible from both the street and alley that clearly identify the location of the ADU.
 - h. An street/sidewalk entrance in the form of a walkway, landscaping features, mailbox post and similar construction to direct visitors to the ADU will be required per the determination of the Community Development Director upon recommendation by the Fire Marshal.
5. Occupancy:
- a. No ADU may be the residence of more than four persons over 18 years of age.
 - b. The owner of the property or immediate family member of the property owner, or contract purchaser of record of the single-family dwelling to which an ADU is accessory shall reside either in the single-family dwelling or the ADU as a permanent place of residence (must occupy one of the dwelling units on the property for more than six months of each calendar year).
 - c. Only one of the residences may be rented or leased.
 - d. The ownership of ADUs may not be separated from ownership of the single-family dwelling to which they are accessory.
 - e. Before issuance of the certificate of occupancy for an accessory dwelling unit, the homeowner must provide a copy of a statement recorded with the Cowlitz County Auditor.
 - i. The statement must read: *An application for a permit for an accessory dwelling unit has been submitted to the city of Longview by the owner of this property. Future owners are advised that the owner of the property must comply with all requirements of the Longview Zoning Code, as amended, if the accessory dwelling unit is to be occupied or rented.*
 - ii. If an accessory dwelling unit is to be removed, appropriate permits and inspections must first be received from the city. If a homeowner wants to remove the statement as required by subsection (15)(i) of this section from the property's title, then the city shall issue an appropriate release upon evidence that the accessory dwelling unit has been removed. The release shall be recorded by the homeowner with the county Auditors office and a copy of the recorded release shall be provided to the city.
 - f. No day care centers or adult family homes shall be permitted in ADUs or in single-family dwellings to which they are accessory.
 - g. The following permit and inspection requirements shall be met:

- i. No ADU may be added to, created within, or constructed upon the same lot as a single-family dwelling without a permit having been issued by the community development department;
 - ii. All applications for ADU permits shall be on forms provided by the community development department, and the fee for such permit shall be as provided in the building code;
 - iii. No ADU may be occupied unless the owner of record of the single-family dwelling to which it is accessory possesses a current certificate of occupancy for such ADU;
 - iv. Before any permit for the creation or construction of an ADU is granted, the proposed site thereof and the plans and specifications therefor shall be inspected by the building official to assure that the provisions of this chapter are not violated; and
 - v. The building official shall may inspect all ADUs at least once biannually (every two years) after giving proper notice, or at such time as a complaint alleging non-compliance with this chapter or the property maintenance code, Title 16.30, is received by the city. The purpose of such inspection shall be to determine if such ADU is in compliance with the requirements of this chapter. If such inspection reveals that such ADU is in compliance, the building official shall issue a certificate of occupancy for said ADU which shall be valid for a period of two years from its date. If the inspection reveals the ADU is not in compliance, the building official shall not issue a certificate of occupancy for said ADU, and shall notify the owner or contract purchaser of the single-family dwelling to which said ADU is accessory that said ADU must be vacated and not occupied until it is re-inspected by the building official and a certificate of occupancy is issued found to be in compliance, or the ADU removed.
6. Standards for Attached ADUs.
 - a. All attached ADUs shall be designed to maintain the appearance of the single-family dwelling to which they are accessory. If an ADU extends beyond the current footprint of the single-family dwelling, it must be consistent with the existing roof pitch, siding and windows of the single-family dwelling. Any additions to an existing structure or building shall not exceed the allowable lot coverage or encroach into the required setbacks.
 - b. Where garage space is converted to living space the garage door may be replaced with materials that match the exterior of the house so long as the portion of the driveway leading to the former garage shall also be removed.
7. Standards for Detached ADU's. In the event that the appeal board of adjustment grants a special property use permit for the construction of a detached ADU (i.e., an ADU that is not added to or created within the single-family dwelling) in accordance with LMC 19.12.055, all of the provisions of this chapter shall be applicable thereto. In addition, the following provisions shall be applicable to such detached ADUs:

- a. Landscaping shall be provided for the privacy and screening of adjacent properties. Tall vegetative landscaping is required between any windows or decks facing adjacent residential properties.
 - b. Two-story, detached accessory dwelling units shall be designed to protect the privacy of adjacent residential uses.
- 8. Special Property Use Hearings.
 - a. All proposed detached ADUs shall require a special property use permit be granted by the Appeal Board of Adjustment with consideration of impacts to privacy of neighboring properties. Where practical, locate and design the ADU to minimize disruption of privacy and outdoor activities on adjacent properties. Strategies to accomplish this include, but are not limited to: window staggering, entries face away, no overlooking decks, landscaping.
 - b. In its consideration of an application, the board shall evaluate:
 - i. Compliance with section 7. (a)&(b) above.
 - ii. Window locations
 - iii. Height and massing relative to neighboring homes, impacts from shading of neighboring properties, specifically solar access and impacts to existing solar collection systems, photo-voltaic or solar heating.
 - iv. Character and style of the detached ADU relative to homes in the surrounding four block area.
- 9. Existing Illegal ADU's
 - a. Application may be made for any accessory dwelling unit existing prior to January 1, 2022, to become legally permitted, pursuant to the provisions of this section.
 - b. An application to legalize an existing ADU shall include an application for an ADU permit and a building permit application, showing changes made to the main residence or detached accessory building to accommodate the ADU. Approval shall be consistent with the ADU regulations and process outlined in this section. The ADU shall be reviewed using the current editions of building codes in place at the time its owner brings the unit forward for permit.
 - c. Nothing in this section shall require that the city permit existing ADUs that are determined to be dangerous.



Chapter 17.24
FLOOD DAMAGE
PREVENTION

Sections:

- 17.24.010 Findings of fact.
- 17.24.020 Statement of purpose.
- 17.24.030 Methods of reducing flood losses.
- 17.24.040 Definitions.
- 17.24.050 General provisions – Lands to which this chapter applies.
- 17.24.060 General provisions – Basis for establishing the areas of special flood hazard.
- 17.24.070 General provisions – Compliance.
- 17.24.080 General provisions – Abrogation and greater restrictions.
- 17.24.090 General provisions – Interpretation.
- 17.24.100 General provisions – Warning and disclaimer of liability.
- 17.24.110 Administration – Establishment of development permit.
- 17.24.120 Administration – Designation of community development director.
- 17.24.130 Administration – Duties and responsibilities of community development director.
- 17.24.140 Administration – Variance procedure.
- 17.24.145 Appeals.
- 17.24.150 Provisions for flood hazard protection – General standards.
- 17.24.160 Provisions for flood hazard protection – Specific standards.
- 17.24.170 Provisions for flood hazard protection – Floodways.
- 17.24.180 Critical facility.
- 17.24.190 Manufactured homes.
- 17.24.200 Recreational vehicles.

17.24.010 Findings of fact.

(1) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 3307 § 1, 2015; Ord. 2786 § 1, 2000).

17.24.020 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare; reduce the annual cost of flood insurance; and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money and costly flood-control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

The Longview Municipal Code is current through Ordinance 3453, passed November 18, 2021.

- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard;
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
- (9) To implement the Washington State Flood Control Zone Permit Program pursuant to the requirements of Chapter 86.16 RCW and Chapter 173-158 WAC, (Ord. 3307 § 1, 2015; Ord. 2786 § 1, 2000).

17.24.030 Methods of reducing flood losses.

In order to accomplish its purposes this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- (4) Controlling filling, grading, dredging and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 3307 § 1, 2015; Ord. 2786 § 1, 2000).

17.24.040 Definitions.

Unless specifically defined below in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application:

Alteration of watercourse: Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

(1) "Area of shallow flooding" means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

(2) "Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

[ASCE 24]: The most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

Base flood: The flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the "100-year flood").

Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

- (3) "Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.
- (4) "Critical facility" means a facility to which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.
- (5) "Development" means any manmade change to improved or unimproved real estate, including but not limited to

Commented [GM(1): Discussion Item:

The WA Model Ordinance states:

"Participate in and maintain eligibility for flood insurance and disaster relief."

Ecology would recommend adjusting this language. There is no "Washington State Flood Control Zone Permit Program."

Commented [GM(2): Recommended addition.

buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

Elevated Building: For insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Commented [GM(3)]: Recommended addition.

Elevation Certificate: An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

Commented [GM(4)]: Recommended addition.

Essential Facility: This term has the same meaning as “Essential Facility” defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

Commented [GM(5)]: Recommended addition.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

Commented [GM(6)]: Recommended addition.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Commented [GM(7)]: Recommended addition.

(6) “Flood” or “flooding” means

1. **Aa** general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters; ~~and/or~~

(b) The unusual and rapid accumulation of runoff of surface waters from any source; ~~and/or~~

(c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

Flood elevation study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

(7) “Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Floodplain or flood prone area: Any land area susceptible to being inundated by water from any source. See “Flood or flooding.”

Floodplain administrator: The community official designated by title to administer and enforce the floodplain

management regulations.

Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

(8) "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

(9) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than ~~one foot~~ designated height. Also referred to as "Regulatory Floodway."

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure: Any structure that is:

1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a) By an approved state program as determined by the Secretary of the Interior, or

b) Directly by the Secretary of the Interior in states without approved programs.

(10) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter found at LMC 17.24.160(2).

(11) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

(12) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level: For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood

Elevations shown on a community's Flood Insurance Rate Map are referenced.

(13) "New construction" means structures for which the "start of construction" commenced on or after the effective date of the ordinance codified in this section.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations adopted by the community.

Commented [GM(8): Recommended addition.

Reasonably Safe from Flooding: Development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.

*Recreational Vehicle: A vehicle,

- 1) Built on a single chassis;
- 2) 400 square feet or less when measured at the largest horizontal projection;
- 3) Designed to be self-propelled or permanently towable by a light duty truck; and
- 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(14) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(15) "Structure" means a walled or roofed building including a gas or liquid storage tank and a manufactured home that is principally above ground.

(16) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(17) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(a) Before the improvement or repair is started; or

(b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the

structure.

The term does not, however, include either:

- (c) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- (d) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(18) "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter. (Ord. 3307 § 1, 2015; Ord. 2786 § 1, 2000).

17.24.050 General provisions – Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city of Longview. (Ord. 3307 § 1, 2015; Ord. 2786 § 1, 2000).

17.24.060 General provisions – Basis for establishing the areas of special flood hazard.

(1) Frequently Flooded Areas. Frequently flooded areas may include lands outside of Federal Emergency Management Agency defined floodplains and shall include:

- (a) Areas Identified on the Flood Insurance Map(s). Those areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Cowlitz County and Incorporated Areas," dated December 16, 2015, with accompanying Flood Insurance Rate Maps (FIRM) and any revisions thereto. The Flood Insurance Study and accompanying map(s) are hereby adopted by reference, declared part of this chapter, and are available for public review at the county.
- (b) Use of Additional Information. The director may use additional flood information, such as provided by the Army Corps of Engineers, that is more restrictive or detailed than that provided in the Flood Insurance Study conducted by the Federal Emergency Management Agency to designate frequently flooded areas. The flood insurance maps are to be used as a guide for the county, project applicants and/or property owners, and the public and should be considered a minimum designation of frequently flooded areas. As flood insurance maps may be continuously updated as areas are reexamined or new areas are identified, newer and more accurate information for flood hazard area identification shall be the basis for regulation, including photographs of past flooding, location of restrictive floodways, maps showing future build-out conditions, maps that show riparian habitat areas, or similar information. (Ord. 3307 § 1, 2015; Ord. 2817 § 1, 2001; Ord. 2786 § 1, 2000).

17.24.070 General provisions – Compliance.

All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined or imprisoned in accordance with Chapter 1.33 LMC. (Ord. 3307 § 1, 2015; Ord. 2786 § 1, 2000).

Commented [GM(9): This sentence is required per "WA State Model ordinance section 3.3."

17.24.080 General provisions – Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.

However, where this chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 3307 § 1, 2015; Ord. 2786 § 1, 2000).

17.24.090 General provisions – Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and

The Longview Municipal Code is current through Ordinance 3453, passed November 18, 2021.

(3) Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 3307 § 1, 2015; Ord. 2786 § 1, 2000).

17.24.100 General provisions – Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 3307 § 1, 2015; Ord. 2786 § 1, 2000).

3.8 Severability

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

Commented [GM(10): The severability section is mandatory from the WA model ordinance. It can be included anywhere within the ordinance at the City's discretion. Including in this location following the flow of the WA model ordinance.

17.24.110 Administration – Establishment of development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in LMC 17.24.060. This permit shall be for all structures including manufactured homes, as set forth in the definitions (LMC 17.24.040), and for all other development including fill and other activities, also as set forth in the definitions. Application for a development permit shall be made on forms furnished by the community development director, and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures recorded on a current elevation certificate (FF 81-31) with Section B completed by the local official;
- (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in LMC 17.24.160(2); and
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 3307 § 1, 2015; Ord. 2786 § 1, 2000).

(5) Where development is proposed in a floodway, an engineering analysis indication no rise of the Base Flood Elevation, and

(6) Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

17.24.120 Administration – Designation of community development director.

The community development director is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 3307 § 1, 2015; Ord. 2786 § 1, 2000).

17.24.130 Administration – Duties and responsibilities of community development director.

Duties of the community development director shall include, but not be limited to:

- (1) Permit Review.
 - (a) Review all development permits to determine that the permit requirements of this chapter have been satisfied;
 - (b) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;

(c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of LMC 17.24.170(1) are met.

(d) Review all development permits to ensure the site is reasonably safe from flooding.

(e) Notify FEMA when annexations occur in the Special Flood Hazard Area.

(2) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with LMC 17.24.060, the community development director shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer LMC 17.24.160, specific standards, and LMC 17.24.170, floodways.

(3) Information to Be Obtained and Maintained.

(a) Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in subsection (2) of this section, obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. Recorded on a current elevation certificate (FF 81-31) with Section B completed by the local official;

(b) For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in subsection (2) of this section:

(i) Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed, and

(ii) Maintain the floodproofing certifications required in LMC 17.24.110(3);

(c) Maintain for public inspection all records pertaining to the provisions of this chapter including all records of floodplain hazards, certificates of floodproofing, floodway encroachment certifications, variance actions including justification for their issuance, improvement and damage calculations, and flood elevation data.

(4) Alteration of Watercourses.

(a) Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of watercourse, and submit evidence of such notification to the Federal Insurance Administration;

(b) Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

(5) Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in LMC 17.24.140. (Ord. 3307 § 1, 2015; Ord. 2786 § 1, 2000).

17.24.140 Administration – Variance procedure.

(1) The appeal board of adjustment may consider applications for variances from the requirements of this chapter, subject to the provisions of this section.

(2) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use; provided, that (a) the criteria of subsections (3), (4), and (5) of this section are met; (b) the structure or other development is protected by measures that minimize flood damages during the regulatory flood; and (c) the development will create no additional threats to public safety.

(3) Variances shall only be granted upon:

(a) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

Commented [GM(11): These additions reflect required language from the WA Model ordinance section 4.3-3. I worked the language in to follow the existing format. Each piece can be broken out at the City's discretion.

(b) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, or conflict with Chapter 86.16 RCW or other laws, regulations, or ordinances.

(4) The following requirements and guidelines apply to the granting of variances:

(a) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

(b) Variances shall not be issued within a floodway if any increase in flood levels during the base flood discharge would result.

(c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(d) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, or economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

(e) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined there is low damage potential, and it complies with all other variance criteria.

(f) Any applicant to whom a variance from the lowest floor elevation standards is granted shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(5) Criteria. When acting on a variance request, the appeal board of adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

(a) The danger to life and property due to flooding, erosion damage, or materials swept onto other lands during flood events;

(b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(c) The importance of the services provided by the proposed use to the community;

(d) The necessity to the proposed use of a waterfront location, where applicable, and the availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;

(e) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(f) The safety or access to the property in times of flood for ordinary and emergency vehicles;

(g) The expected height, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(h) The cost of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

(6) Conditions. The appeal board of adjustment may attach such reasonable conditions to the granting of the variance as may be appropriate to further the purposes of this code. Such conditions may include a requirement that the applicant record a document reciting the granting of the variance and providing notice of flood hazards.

(7) Reporting. The director shall report any variances to the Federal Insurance Director of the Federal Emergency Management Agency and the Department of Ecology upon request.

(8) The procedure for considering a variance application is the same as provided in LMC 17.24.145 as applicable. (Ord. 3307 § 1, 2015; Ord. 2786 § 1, 2000).

17.24.145 Appeals.

(1) A person aggrieved by the issuance or denial of a permit may appeal such action to the appeal board of adjustment, appointed pursuant to LMC 19.12.010. Any such appeal shall be filed in writing with the community development department within 20 calendar days of the issuance of the community development director's decision, with the first day being the day after the decision is issued. The appeal shall specify the reasons therefor. The director shall provide the appeal board of adjustment with the findings and documentation relating to the decision being appealed. The appeal board of adjustment, following a de novo hearing, shall affirm, modify or reverse the director's decision. The appellant carries the burden of proof on appeal.

(2) Upon the filing of an appeal with appropriate fee, the community development director shall set the public hearing before the appeal board of adjustment. If the appeal is filed 20 calendar days or more before the appeal board of adjustment's regularly scheduled monthly meeting, the board shall hear the appeal at that meeting as set by the director. For appeals filed within 19 calendar days of the regularly scheduled monthly meeting, the appeal board of adjustment shall hear the appeal in the subsequent month.

(3) Notice of the time, date and place of the hearing shall be sent to the appellant and the permittee by first class mail prior to the public hearing. Legal notice of the hearing shall be published in a newspaper of general circulation and the subject property shall be posted with said notice not less than 10 calendar days prior to the public hearing.

(4) Within 10 calendar days after the public hearing, the appeal board of adjustment shall issue a written decision, including findings of fact on which its decision is based. Such written decision shall be available to the appellant and the public upon request. Appeals of appeal board of adjustment decisions shall be to a court of competent jurisdiction, pursuant to the Land Use Petition Act, Chapter 347, Washington Laws, 1995. (Ord. 3307 § 1, 2015).

17.24.150 Provisions for flood hazard protection – General standards.

In all areas of special flood hazards the following standards are required:

(1) Anchoring.

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(b) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation and Flood Hazard Areas" guidebook for additional techniques).

(2) Construction Materials and Methods.

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Locating such equipment below the base flood elevation may cause annual flood insurance premiums to be increased.

(3) Utilities.

- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system. Water wells shall be located on high ground that is not in the floodway;
- (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and
- (c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during the flooding.

(4) Subdivision Proposals.

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- (d) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

(5) Review of Building Permits. Where elevation data is not available through the Flood Insurance Study, FIRM, or from another authoritative source (LMC 17.24.130(2)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates. (Ord. 3307 § 1, 2015; Ord. 2786 § 1, 2000).

17.24.160 Provisions for flood hazard protection – Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in LMC 17.24.060 or 17.24.130(2) the following provisions are required. (Additional standards were clarified in FEMA Technical Bulletin 11-01 to allow crawlspace construction for buildings located in the special flood hazard areas; however, adopting this provision can result in a 20 percent increase in flood insurance premiums.)

(1) (4) Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the level of the base flood elevation (BFE). Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE.;

New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

(2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- (b) The bottom of all openings shall be no higher than one foot above grade;
- (c) Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters;

(d) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters; and

Commented [GM(12): City of Longview has unnumbered A zones and must include this provision from the WA Model ordinance (section 5.2-1).

(3) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in LMC 17.24.130(3);

(d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as is described in subsection (1) of this section;

(e) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to one foot above the base flood level will be rated as at the base flood level). (Ord. 3307 § 1, 2015; Ord. 2786 § 1, 2000).

17.24.170 Provisions for flood hazard protection – Floodways.

Located within areas of special flood hazard established in LMC 17.24.060 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge;

(2) Construction or reconstruction of residential structures is prohibited within designated floodways, except for (a) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (b) repairs, construction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either (i) before the repair, reconstruction, or repair is started; or (ii) if the structure has been damaged, and is being restored before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or the structures identified as historic places, may be excluded in the 50 percent;

(3) If subsection (1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of LMC 17.24.150 through 17.24.190. (Ord. 3307 § 1, 2015; Ord. 2786 § 1, 2000).

17.24.180 Critical facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood plain shall be provided to all critical facilities to the extent possible. (Ord. 3307 § 1, 2015; Ord. 2786 § 1, 2000).

17.24.190 Manufactured homes.

All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot or more above the base flood elevation, and be securely anchored to an adequately anchored foundation system in accordance with the provisions of LMC 17.24.150. (Ord. 3307 § 1, 2015; Ord. 2786 § 1, 2000).

17.24.200 Recreational vehicles.

Recreational vehicles placed on sites within a special flood hazard area are required to either:

- (1) Be on the site for fewer than 180 consecutive days; or
- (2) Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- (3) Meet the requirements of LMC 17.24.190 and the elevation and anchoring requirements for manufactured homes. (Ord. 3307 § 1, 2015).

5.3 AE and A1-30 Zones with Base Flood Elevations but No Floodways

In areas with BFEs (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Commented [GM(13): Required to be included in the ordinance. Location can be at City's discretion.