



City of Longview

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

City Council

*Mayor MaryAlice Wallis
Mayor Pro Tem Michael Wallin
Council Member Ruth Kendall
Council Member Angie Wean
Council Member Spencer Boudreau
Council Member Hillary Strobel
Council Member Christopher Ortiz*

Thursday, May 26, 2022

7:00 PM

2nd Floor, City Hall

NOTICE IS HEREBY GIVEN, in accordance with RCW Chapter 42.30, that the City Council of the City of Longview, Washington, will conduct a regular meeting in the Longview City Hall Council Chamber, 1525 Broadway, Longview, on Thursday, May 26th at 7:00 p.m. The topics of discussion follow.

Zoom meeting link: <https://us02web.zoom.us/j/82696565896>

Telephone options (dial any of the following numbers):

**1-253-215-8782
1-346-248-7799
1-408-638-0968
1-669-900-6833
1-301-715-8592
1-312-626-6799
1-646-876-9923**

Webinar ID: 826 9656 5896

- 1. CALL TO ORDER**
- 2. INVOCATION*/FLAG SALUTE**
- 3. ROLL CALL**
- 4. WORKSHOP**
- 5. APPROVAL OF MINUTES**

**22-000348 MAY 12TH, 2022 REGULAR MEETING
MAY 12TH, 2022 SPECIAL MEETING**

6. CHANGES TO THE AGENDA**7. PRESENTATIONS & AWARDS**

**22-000340 PRESENTATION OF DEED TO PUD SQUIRREL BRIDGE FROM LONGVIEW
SANDBAGGERS**

**22-000341 ORDINANCE NO. 3460 - ACCEPTING THE GIFT OF PUD SQUIRREL BRIDGE FROM THE
LONGVIEW SANDBAGGERS**

RECOMMENDED ACTION:

MOTION TO ADOPT ORDINANCE NO. 3460.

22-000344 NATIONAL POPPY DAY - MAY 27, 2022

**RECIPIENT: CHERYL REDING, SERGEANT AT ARMS AMERICAN LEGION AUXILIARY,
UNIT 155**

8. CONSTITUENTS' COMMENTS (Thirty Minutes)**9. PUBLIC HEARINGS****10. BOARD & COMMISSION RECOMMENDATIONS**

**22-000343 PLANNING COMMISSION AND DOWNTOWN ADVISORY COMMITTEE
RECOMMENDATIONS: PROPOSED ZONING CODE AMENDMENTS FOR USES
ALLOWED IN THE DOWNTOWN COMMERCE DISTRICT.**

RECOMMENDED ACTION:

**MOTION TO DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE FOR JUNE 9,
2022 TO ADOPT THE ZONING CODE AMENDMENTS PROPOSED BY THE PLANNING
COMMISSION, AND PREPARE AN ORDINANCE TO REPEAL ORDINANCE NO. 3457 AND
LIFT THE LAND-USE MORATORIUM UPON CERTAIN USES IN THE DOWNTOWN
COMMERCE DISTRICT.**

11. ORDINANCES & RESOLUTIONS**12. MAYOR'S REPORT****13. COUNCILMEMBERS' REPORTS****14. CONSENT CALENDAR**

22-000345 APPROVAL OF CLAIMS

**22-000342 BID REVIEW – 2022 ARCHIE ANDERSON PARK WATER MAIN REPLACEMENT
PROJECT**

RECOMMENDED ACTION:

**MOTION TO ACCEPT THE LOW BID AND AWARD TO ADVANCED EXCAVATING
SPECIALISTS, LLC, IN THE AMOUNT OF \$191,515.37**

15. CITY MANAGER'S REPORT

22-000346 2022 LEGISLATIVE SESSION OVERVIEW

RECOMMENDED ACTION:
NO ACTION REQUIRED.

22-000347 2021 FINANCIAL REPORT

RECOMENDED ACTION:
NO ACTION REQUIRED.

- 16. MISCELLANEOUS**
- 17. EXECUTIVE SESSION**
- 18. ADJOURNMENT**

*** Any invocation that may be offered at the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker.**

**NEXT REGULAR COUNCIL MEETINGS:
THURSDAY, JUNE 9TH, 2022 - 6:00 P.M.
THURSDAY, JUNE 23RD, 2022 6:00 P.M.**

**NEXT COUNCIL WORKSHOPS:
THURSDAY, JUNE 2ND, 2022 - 6:00 P.M. DOWNTOWN PARKING**



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Minutes

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Thursday, May 12, 2022

7:00 PM

2nd Floor, City Hall

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1 646 876 9923

Webinar ID: 89153520980

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1. **CALL TO ORDER**

Mayor Wallis called the meeting to order at 7:05 p.m.

2. **INVOCATION*/FLAG SALUTE**

3. **ROLL CALL**

Present: Mayor Wallis, Mayor Pro Tem Wallin, Councilmember Kendall, Councilmember Wean, Councilmember Strobel, Councilmember Boudreau, Councilmember Ortiz

Absent: None

Staff Present: City Manager Kurt Sacha; City Attorney Jim McNamara; City Clerk Kaylee Cody; Public Works Director Ken Hash; Community and Economic Development Director Ann Rivers; Parks & Recreation Director Jen Wills; Fire Chief Jim Kambeitz; Police Chief Robert Huhta; Human Resources Director Chris Smith; Administrative Services Director Kris Swanson

4. **APPROVAL OF MINUTES**

**22-000302 APRIL 28TH WORKSHOP MINUTES
APRIL 28TH REGULAR MEETING MINUTES
MAY 3RD SPECIAL MEETING MINUTES**

On a motion duly made and passed, the reading of the minutes, copies of which had been submitted to the Mayor and members of the City Council, was waived and the minutes were approved as if read.

5. **CHANGES TO THE AGENDA**

Councilmember Wallin made a motion to remove Resolution No. 2408 from the agenda. The motion failed due to a lack of a second.

6. **PRESENTATIONS & AWARDS**

**22-000275 PROCLAMATION: HISTORIC PRESERVATION MONTH MAY 2022.
RECEIVED BY LONGVIEW HISTORIC PRESERVATION COMMISSION MEMBER
NATHANAEL LIGHT.**

Mayor Wallis presented the proclamation to Nathanael Light.

7. **CONSTITUENTS' COMMENTS (Thirty Minutes)**

Jason Still of Longview provided public comment.

An individual, name unstated, provided public comment.

Derek Fine of Winlock provided public comment.

An individual, name unstated, provided public comment.

Keenan Harvey of Kelso provided public comment.

Tina Smith of Longview provided public comment.

Kalei LaFave of Longview provided public comment.

8. **FOLLOW-UP TO PAST CONSTITUENTS' COMMENTS**

9. **PUBLIC HEARINGS**

10. **BOARD & COMMISSION RECOMMENDATIONS**

11. **ORDINANCES & RESOLUTIONS**

22-000297 RESOLUTION NO. 2406 - MARKET CONDITIONS DECLARATION TO WAIVE THE COMPETITIVE BIDDING REQUIREMENTS FOR PURCHASES ASSOCIATED WITH ARCHIE ANDERSON PARK WATERLINE REPLACEMENT PROJECT.

RECOMMENDED ACTION:

MOTION TO ADOPT RESOLUTION NO. 2406

Public Works Director Ken Hash provided a verbal report.

A motion was made by Councilmember Kendall, seconded by Councilmember Ortiz, to adopt Resolution No. 2406. The motion carried unanimously.

22-000301 RESOLUTION NO. 2407 – ESTABLISHING THE ORDER OF BUSINESS OF THE CITY COUNCIL, PROVIDING FOR THE EXPEDITIOUS CONDUCT OF CERTAIN ROUTINE MATTERS, AND REPEALING RESOLUTION NO. 2227

RECOMMENDED ACTION:

MOTION TO APPROVE RESOLUTION NO. 2407.

Jason Still provided public comment.

Ron Kosloski provided public comment.

Wendy Kosloski provided public comment.

A motion was made by Councilmember Boudreau, seconded by Councilmember Wean, to adopt Resolution No. 2407, as amended:

Amendment to include a finite time frame for workshops in the regular meeting agenda.

The motion carried by the following vote:

Ayes - Mayor Wallis, Councilmember Boudreau, Councilmember Strobel, Councilmember Wallin, Councilmember Kendall, Councilmember Wean

Abstained - Councilmember Ortiz

22-000300 RESOLUTION NO. 2408 – RESOLUTION EXPRESSING SUPPORT FOR THE DIVERT INC. PROJECT TO THE WASHINGTON ECONOMIC DEVELOPMENT FINANCE AUTHORITY FOR ECONOMIC DEVELOPMENT REVENUE BONDS.

RECOMMENDED ACTION:

MOTION TO ADOPT RESOLUTION NO. 2408

Community and Economic Development Ann Rivers presented a verbal report.

Ron Kosloski provided public comment.

A motion was made by Councilmember Strobel, seconded by Councilmember Boudreau, to adopt Resolution No. 2408. The motion carried unanimously.

12. MAYOR'S REPORT

Mayor Wallis provided a verbal report.

22-000312 APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

RECOMMENDED ACTION:

APPROVE RECOMMENDED APPOINTMENTS.

There was no objection to the Mayor's board appointments.

13. COUNCILMEMBERS' REPORTS

Councilmember Strobel provided a verbal report.

Mayor Pro Tem Wallin provided a verbal report.

Councilmember Boudreau provided a verbal report.

Councilmember Kendall provided a verbal report and requested that the Council take action to submit a letter of support on behalf of the Salvation Army that will be forwarded to their headquarters, for a project at their facility.

Jason Still provided public comment.

An individual, name unstated, provided public comment.

Ron Kosloski provided public comment.

Consensus was not met to send the letter of support. The letter may be modified and added to the agenda for a future meeting.

14. CONSENT CALENDAR

A motion was duly made and passed approving the items on the Consent Calendar as though acted on individually.

22-000269 APPROVAL OF CLAIMS

22-000276 SET PUBLIC HEARING FOR HOME, CDBG AND DOCUMENT RECORDING FEE ALLOCATIONS FOR JUNE 9, 2022.

RECOMMENDED ACTION:

MOTION TO SET THE 2022 CDBG, HOME AND DOCUMENT RECORDING FEE PUBLIC HEARINGS FOR THE JUNE 9, 2022 REGULAR CITY COUNCIL MEETING.

22-000295 CONSULTANT AGREEMENT WITH RH2 ENGINEERING INC FOR MINT VALLEY GOLF COURSE IRRIGATION

RECOMMENDED ACTION:

MOTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONSULTANT AGREEMENT WITH RH2 ENGINEERING INC

22-000296 SET PUBLIC HEARING – 2023-2028 SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM (TIP) AND RIVERCITIES TRANSIT PROGRAM OF PROJECTS (POP)

RECOMMENDED ACTION:

MOTION TO SET THE CITY COUNCIL MEETING ON JUNE 9, 2022, AS THE DATE AND TIME FOR A PUBLIC HEARING ON THE 2023-2028 SIX-YEAR TIP/POP

22-000298 BID REVIEW – OCEAN BEACH HIGHWAY SEWER MANHOLE RECONSTRUCTION PROJECT**RECOMMENDED ACTION:****MOTION TO ACCEPT THE LOW BID AND AWARD TO CLARK & SONS EXCAVATING, INC. IN THE AMOUNT OF \$145,586.00****15. CITY MANAGER'S REPORT****16. MISCELLANEOUS****17. ADJOURNMENT***The meeting was adjourned at 9:22 p.m.*

*Kaylee Cody
City Clerk*

*Approved: _____
Mayor*

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**NEXT REGULAR COUNCIL MEETINGS:
THURSDAY, MAY 26, 2022 - 7:00 P.M.
THURSDAY, JUNE 9, 2022 - 6:00 P.M.**



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

1. **CALL TO ORDER**

Mayor Wallis called the meeting to order at 6:00 p.m.

Present: Mayor Wallis, Mayor Pro Tem Wallin, Councilmember Kendall, Councilmember Wean, Councilmember Strobel, Councilmember Boudreau, Councilmember Ortiz

Absent: None

Staff Present: City Manager Kurt Sacha; City Clerk Kaylee Cody; Fire Chief Jim Kambeitz; Administrative Services Director Kris Swanson; Police Chief Robert Huhta

2. **WORKSHOP**

22-000299 EXPANDED EMS SERVICES

Fire Chief Jim Kambeitz presented. No final action was taken.

3. ADJOURNMENT

The meeting was adjourned at 6:59 p.m.

Kaylee Cody
City Clerk

Approved: _____
Mayor

**NEXT REGULAR COUNCIL MEETINGS:
THURSDAY, MAY 26, 2022 - 7:00 P.M.
THURSDAY, JUNE 9, 2022 - 6:00 P.M.**



City of Longview

Agenda Summary

ORDINANCE NO. 3460 - ACCEPTING THE GIFT OF PUD SQUIRREL BRIDGE FROM THE LONGVIEW SANDBAGGERS

RECOMMENDED ACTION:

MOTION TO ADOPT ORDINANCE NO. 3460.

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Address quality of place issues

CITY ATTORNEY REVIEW: Required

SUMMARY STATEMENT:

This bridge was created by the PUD. It was built in house by their own shop. It originally was going to have a lit scoreboard on it counting the squirrels. That was removed and it currently is the largest height and width and length. They built it to pay homage to the squirrels as they are the biggest cause of outages. This project took about 2 years to build. It is hanging near 2308 E. Kessler Blvd, near the Community Church.

The Sandbaggers retain ownership of each bridge for one year after installation before presenting a title of ownership to the City. Ownership acceptance by ordinance is required by the Longview Municipal Code. Ordinance No. 3460 will accept the gift of a squirrel bridge hung in 2021.

FINANCIAL SUMMARY:

Each bridge will require periodic maintenance, the cost of which is anticipated to be minimal.

STAFF CONTACT:

Ken Hash, Public Works Director

Attachments:

1. Ordinance 3460 - Squirrel Bridge

ORDINANCE NO. 3460

AN ORDINANCE ACCEPTING A GIFT OF A SQUIRREL BRIDGE FROM
THE LONGVIEW SANDBAGGERS CIVIC ORGANIZATION

WHEREAS, the Longview Sandbaggers civic organization has periodically constructed squirrel bridges and installed them over public right-of-way; and

WHEREAS, the Longview Sandbaggers has offered to donate to the City of Longview a gift of an additional squirrel bridge suspended over the Kessler Blvd. public right-of-way; and

WHEREAS, the City Council of the City of Longview desires to accept the gift of such work of art, and to express its appreciation to the donor, artists, and craftsmen.

NOW, THEREFORE, the City Council of the City of Longview do ordain as follows:

Section 1. That the gift from the Longview Sandbaggers consisting of the following squirrel bridge is hereby accepted by said City on behalf of the residents thereof with sincere and deep appreciation:

- PUD Squirrel Bridge: Built by Cowlitz PUD of Longview; installed over Kessler Blvd near 2308 E. Kessler in 2021; estimated value \$7,000.

Section 2. This Ordinance shall be in full force and effect from and after thirty (30) days of its passage and publication as provided by law.

Passed by the City Council this 26 day of May, 2022.

Approved by the Mayor this 26 day of May, 2022.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Published: _____

Proclamation

City of Longview, Washington



National Poppy Day ~ May 27, 2022

WHEREAS, the sacrifices of those who have lost their lives, their health, or their livelihood as a result of their military service are rightly the concern of all citizens; and

WHEREAS, the annual distribution of the red poppies by the American Legion Auxiliary, Unit 155 offers an opportunity for the people of this community to acknowledge those persons who have paid more than their share of the cost of freedom; and

WHEREAS, poppies are made by disabled veterans and the proceeds of this worthy fund-raising campaign are used exclusively for the benefit of disabled and needy veterans and their families, and the widows and orphans of deceased veterans;

NOW, THEREFORE, I, MaryAlice Wallis, Mayor of the City of Longview, do hereby proclaim May 27th, 2022 as "National Poppy Day" in the City of Longview, and I urge the citizens of this community to recognize the merits of this cause by contributing to its support through the donation of funds for poppies in appreciation for the sacrifices of our honored dead.

I further urge all patriotic citizens to wear a poppy on May 27th and 28th 2022, as just evidence of our gratitude for the men and women of this country who have risked their lives in fulfilling their obligations as American citizens.

In witness whereof, I have hereunto set my hand and caused the seal of the City of Longview to be affixed this 26th day of May 2022.

MaryAlice Wallis, Mayor



City of Longview

Agenda Summary

**PLANNING COMMISSION AND DOWNTOWN ADVISORY COMMITTEE RECOMMENDATIONS:
PROPOSED ZONING CODE AMENDMENTS FOR USES ALLOWED IN THE DOWNTOWN COMMERCE DISTRICT.**

RECOMMENDED ACTION:

MOTION TO DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE FOR JUNE 9, 2022 TO ADOPT THE ZONING CODE AMENDMENTS PROPOSED BY THE PLANNING COMMISSION, AND PREPARE AN ORDINANCE TO REPEAL ORDINANCE NO. 3457 AND LIFT THE LAND-USE MORATORIUM UPON CERTAIN USES IN THE DOWNTOWN COMMERCE DISTRICT.

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Preserve and enhance neighborhoods
Strengthen economic conditions & create new opportunities

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

At the May 11, 2022 special meeting, the Planning Commission held a public hearing on proposed zoning code amendments for LMC 19.44.020, uses permitted in the Downtown Commerce District, D-C zone. Staff recommended that a new definition for restaurants be incorporated. The Planning Commission after hearing from the public, voted to recommend the City Council adopt attached zoning code amendments as recommended by staff, with the exception of gambling and cardrooms which had been proposed to be allowed as a special property use only on 12th or 14th Avenues.

The proposed amendments were shared with the Downtown Advisory Committee in April 2022 and at the May 17, 2022 regular meeting, a motion to recommend the City Council adopt the zoning code amendments as recommended by the Planning Commission received unanimous approval.

RECOMMENDED ACTION:

Motion to direct the City Attorney to:

Prepare an ordinance for June 9, 2022 to adopt the zoning code amendments proposed by the Planning Commission, and;

Prepare an ordinance to repeal ordinance no. 3457 and lift the land-use moratorium upon certain uses in the downtown commerce district.

STAFF CONTACT:

Adam Trimble, Planning Manager

Attachments:

1. PC 2022-1 D-C zone proposed zoning code amendments memo to City Council
2. Proposed Amendments to D-C zone permitted uses table LMC 19.44.020-1 May 26 2022
3. D-C Zone proposed code amendments presentation
4. PC 2022-1 Staff Report zone text amendment D-C zone



May 19, 2022

TO: Longview City Council

FROM: Adam Trimble, Planning Manager

MEETING

DATE: May 26, 2022

SUBJECT: PC 2022-1 – Recommended zoning code amendments for uses permitted in the Downtown Commerce District

At the May 11, 2022 special meeting, the Planning Commission held a public hearing on proposed zoning code amendments for LMC 19.44.020, uses permitted in the Downtown Commerce District, D-C zone. Staff recommended that a new definition for restaurants be incorporated. The Planning Commission after hearing from the public, voted to recommend the City Council adopt attached zoning code amendments as recommended by staff, with the exception of gambling and cardrooms which had been proposed to be allowed as a special property use only on 12th or 14th Avenues.

The proposed amendments were shared with the Downtown Advisory Committee in April and at the May 17, 2022 regular meeting, a motion to recommend the City Council adopt the zoning code amendments as recommended by the Planning Commission received unanimous approval.

For more information I encourage review of the staff report attached to this agenda item. The report includes detail on the review of the land use table conducted by the Planning Commission including summaries of changes that were considered but not made. Also attached is a presentation on the recommendation and process to get these draft code amendments. These code changes are brought in response to council direction and a moratorium passed in January 2022 on applications for certain land uses downtown. I am recommending that if the amendments are acceptable, the moratorium be lifted June 9, after adoption of any code changes, prior to its expiration on July 13, 2022.

I am available for any questions, clarifications or other information you may seek about the proposed zoning code amendments. Please let me know at 360-442-5092 or adam.trimble@ci.longview.wa.us

Planning Commission recommended amendments to Downtown-Commerce District, D-C zone, permitted use regulations 5-11-22.

Note: Uses that could be added or removed are highlighted to aid understanding.

Underlined text is proposed to be added, ~~strikethrough~~ to be removed. AT]

19.44.020 Uses.

Table 19.44.020-1 includes uses that are permitted (“P”) or allowed through a special property use permit (“SPU”). If a field is blank, or the use is not listed, the use is not allowed in that particular zone.

Table 19.44.020-1. Permitted uses in commercial zones.

Use						
Retail Sales and Service	D-C	CBD	RC¹	NC²	GC	O/C
Sales oriented: stores selling, leasing, or renting consumer, home and business goods	P	P	P	P	P	P ¹⁰
Personal service oriented: financial, insurance, real estate, professional outlets and offices, and beauty/barber shops	P	P	P	P	P	P
Health care providers ³	P	P	P	P	P	P
Repair oriented: repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop-off; quick printing; tailor; locksmith; and upholsterer	P	P		P	P	P
Stand-alone liquor store		P ⁸	P		P	
Recreational marijuana retail outlets per LMC 19.44.100		P	P		P	P
Eating and Drinking Establishments	D-C	CBD	RC¹	NC²	GC	O/C
Restaurant	P	P	P	P	P	P
Restaurant, with incidental consumption of alcoholic beverages	P	P ⁸	P	SPU	P	P
Bars, taverns, and nightclubs	P	P ⁸	P		P	
<u>Restaurant, with drive-through facility</u>	<u>SPU</u> P	P	P		P	P
Restaurant, with seating in the public right-of-way	P	P		P	P	P
<u>Walk-up food establishment with no indoor seating</u>	<u>SPU</u> P	P		SPU	P	SPU
Brewpub	P	P	P ⁹		P	P
Lodging, temporary stay	D-C	CBD	RC¹	NC²	GC	O/C
Hotels, motels and lodges	P	P			P	P
Recreational vehicle (RV) parks per Chapters 19.65 and 19.90 LMC					P	
Bed and breakfast inns	P ⁴			P		
Vehicle sales, renting, service, and storage	D-C	CBD	RC¹	NC²	GC	O/C
Vehicle repair and service of consumer motor vehicles, including motorcycles, all-terrain vehicles and light and medium trucks		P			P	P
Automobile, light and medium truck dealers		P			P	P ¹⁰

Use						
Bus, heavy truck, RV, travel trailer or other large vehicle dealers						
Bicycle, motorcycle, all-terrain vehicle dealers	P ⁵	P	P		P	
Boat or marine craft dealer					P	P
Vehicle storage, outdoor					P	
Vehicle washing					P	P
Vehicle renting and leasing		P			P	P
Vehicle fueling station		P	P ¹¹	P ¹²	P	P ¹⁰
Amusement/Cultural	D-C	CBD	RC¹	NC²	GC	O/C
Indoor continuous entertainment activities such as bowling alleys, skating rinks, game arcades and pool halls	P	P	P		P	
Outdoor continuous entertainment activities such as miniature golf and skateboard facilities	P				P	
Theaters, indoor	P	P	P		P	
Drive-in theaters, stadiums and arenas					P	
Museums, botanical and zoological gardens, public plazas, performing and cultural arts studios	P	P			P	
Athletic, health and racket clubs	P	P	P	P	P	P
Circuses, carnivals, or amusement rides		SPU			SPU	
Membership clubs such as fraternal organizations	P ^{6, 14}	P			P	
Gambling casinos, card rooms, bingo parlors, pari-mutuel betting parlors, and video arcades		SPU ⁸				
Residential	D-C	CBD	RC¹	NC²	GC	O/C
Residential dwellings above the first story of commercial buildings	P	P		P	P	P
Mixed-use multifamily residential/commercial developments per LMC 19.46.015	P ¹⁴				P	
Congregate care, assisted living and continuing care facilities and nursing homes for elderly individuals; including accessory services to the above uses	SPU				SPU	SPU
Existing residences without any increase in density			P			
Permanent supportive housing	P	P	P	P	P	P
Transitional housing	P	P	P	P	P	P
Emergency shelters per LMC 19.44.110	P	P			P	P
Emergency housing per LMC 19.44.110	P	P			P	P
Residential care facilities per Chapter 19.17 LMC	P	P	P	P	P	P
Education	D-C	CBD	RC¹	NC²	GC	O/C
Schools that meet state requirements for elementary, secondary or higher education, public or private	SPU					
Vocational or technical institutions and colleges	SPU	P			P	P

Use						
Dance, music or art schools or studios; athletic, sports-training or martial arts facilities or schools	SPU	P		SPU	P	P
Driving school	SPU	P			P	P
Miscellaneous	D-C	CBD	RC¹	NC²	GC	O/C
Day care facilities for the care of more than 12 children	SPU	P		P	P	P
Commercial off-street parking lots and garages	SPU	P			P	P
Temporary uses per Chapter 19.41 LMC	P	P	P	P	P	P
Sidewalk businesses in accordance with LMC 12.30.090 through 12.30.140	P	P		P	P	P
Funeral parlors		P			P	P
Basic utility facilities, non-building structures ¹³	SPU	SPU	SPU	SPU	P	SPU
Self-service storage (mini warehouses)					P	SPU
Convention centers	SPU	P	P		P	P
Bus terminals and stations, transportation and transit facilities	SPU	P	P	P	P	P
Drive-in and drive-through facilities associated with an allowed use	SPU	P	P		P	P
Telecommunications structures and equipment, subject to the provisions of Chapter 16.75 LMC		P	P	P	P	P
Small animal clinics or veterinary hospitals	P ⁷	P ⁷			P ⁷	P ⁷
Pet grooming	P	P	P	P	P	P
Boat marinas						P
Microbrewery/microwinery/craft distillery		SPU			P	
Religious assembly and institutions, community centers	P ⁶	P			P	P
Public safety facility		P	SPU		SPU	P

1. See LMC 19.44.050 for further clarification on what is a permitted use within the regional commercial district.

2. See LMC 19.44.040 for further clarification on what is a permitted use within the neighborhood commercial district.

3. Providers of ambulance services need a special property use permit.

4. Bed and breakfast inns must be located above the first floor in the D-C district.

5. No outdoor display of motorized vehicles is allowed.

6. In the D-C district any property use intended to primarily provide meeting areas for secular and nonsecular uses without an ongoing active ground floor use is prohibited. An “active ground floor use” means a retail, business, or entertainment use where persons come and go on a constant and frequent basis.

7. The medical care and services administered to animals shall occur only within the confines of the principal building located on the premises.

8. These uses are not allowed within 700 feet of the centerline of the west end of the city street named Mark Morris Court.

9. Brewpubs are permitted outright only in conjunction with LMC 19.44.050(4), sit-down restaurants with a minimum enclosed floor area of 5,000 square feet.

10. These uses are only allowed in the O/C district if they are located west of 12th Avenue, except Assessor’s Parcel Number 08749 is allowed to have these uses also.

11. Per LMC 19.44.050.

12. Per LMC 19.44.040.

13. City water, sewer, and drainage pump stations are permitted outright in all commercial districts and are not subject to setback requirements of this chapter.

14. In the D-C zone, these uses may only be located on lots with frontage on 12th and 14th Avenues.

(Ord. 3450 § 7, 2021; Ord. 3442 § 4, 2021; Ord. 3425 § 2, 2020; Ord. 3421 § 2, 2020; Ord. 3395 § 3, 2019; Ord. 3362 § 2, 2017; Ord. 3358 § 1, 2017; Ord. 3297 § 7, 2015; Ord. 3268 § 3, 2014; Ord. 3262 § 2, 2014; Ord. 3202 § 14, 2012).

19.44.030 Downtown commerce district – Special property use.

In the downtown commerce district special property use permits are granted by the city council. Per LMC 2.03.060, the city council shall conduct an open-record public hearing prior to their decision. Per LMC 2.27.070, the planning commission shall make recommendations to the city council for the granting or denial of such permits. (Ord. 3450 § 7, 2021; Ord. 3202 § 14, 2012).

19.09.522: Restaurant.

“Restaurant means a business where food and beverages are sold to the public on demand from a menu during stated business hours and may include incidental delivery or pickup service.”

Downtown Commerce Zone Recommended Zoning Amendments

May 26, 2022



Downtown Commerce District (D-C Zone) Moratorium

- **Timeline**

- January 13: Moratorium passed on certain uses downtown.
- February: PC Workshop #1
- February: Staff Conducted Land-use inventory.
- March: Workshop #2: Heard from guest speaker, Commercial Realtor.
- April: Workshop #3, regular meeting voted on draft code.
- May: Public Hearing, environmental review.
Recommendation to City Council.
- May/June: Council review and/or 2nd Public Hearing.
- June TBD: Ordinance for adoption.
- July 13: Moratorium expires/is lifted.



Purpose of the Moratorium

- The moratorium provides time for the City and Planning Commission to consider what is working and what is not working with the zoning code downtown.
- The moratorium is not about any one business or interest downtown. It provides time to review the zoning laws without creating an incentive for anyone to apply before rules change.
- The City Council directed the Planning Commission to review the uses permitted in the Downtown Commerce district, D-C zone to ensure a vibrant mixture of for-profit uses including the sale of goods and services, entertainment and dining are present.
- The City has invested over \$4 million dollars in a downtown streetscape project to promote Commerce Avenue as a commercial hub for the city. The moratorium provides time to assess whether the current zoning is encouraging commerce.
- Since the 2014 update to the Commercial Zoning Districts land use regulations, the mixture of uses in the Downtown Commerce District has trended away from retail, entertainment, professional service or food and beverage uses.
- Independent small businesses in a 'main street' setting rely on proximity to complimentary land uses involving entertainment and the sale of goods or services to bring people to their stores and the current zoning regulations are too permissive of land-uses that are not complimentary to for-profit businesses.



Downtown Commerce District: purpose

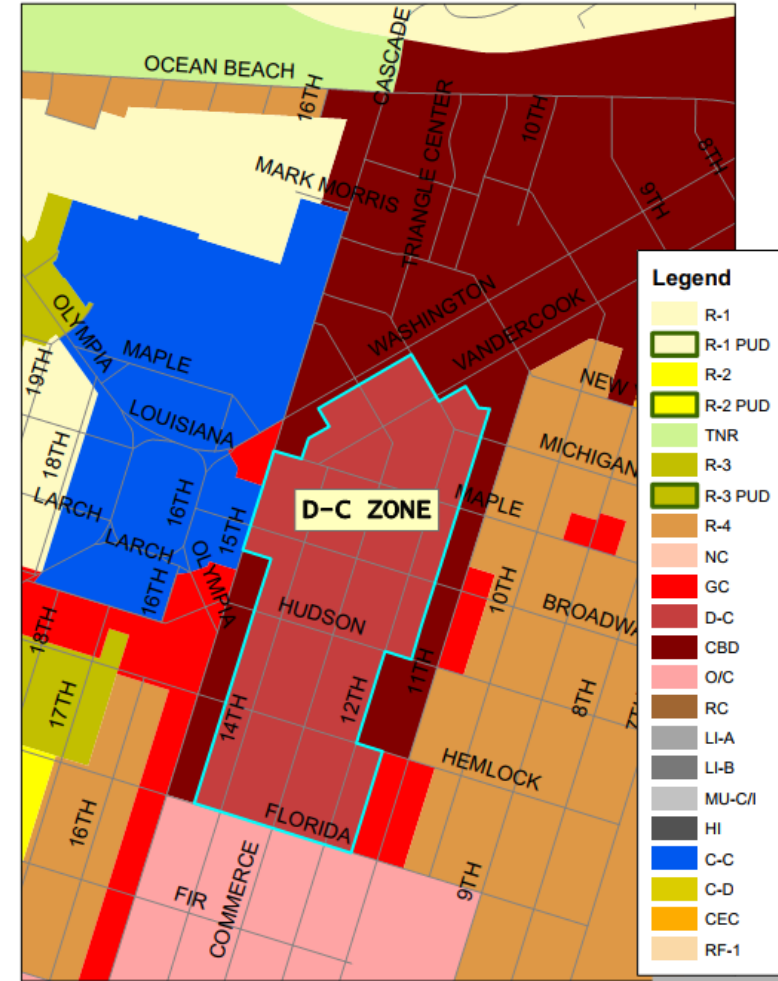
- “The downtown commerce (D-C) district is a part of the overall central business district identified in the comprehensive plan. The D-C district has the same purpose as the CBD zoning district but is designed to reflect its unique historical heritage. Pedestrian, bicycle, and transit access is emphasized to ensure that this area is walkable. Active storefronts are vital to maintaining a walkable ambiance for the downtown area.”

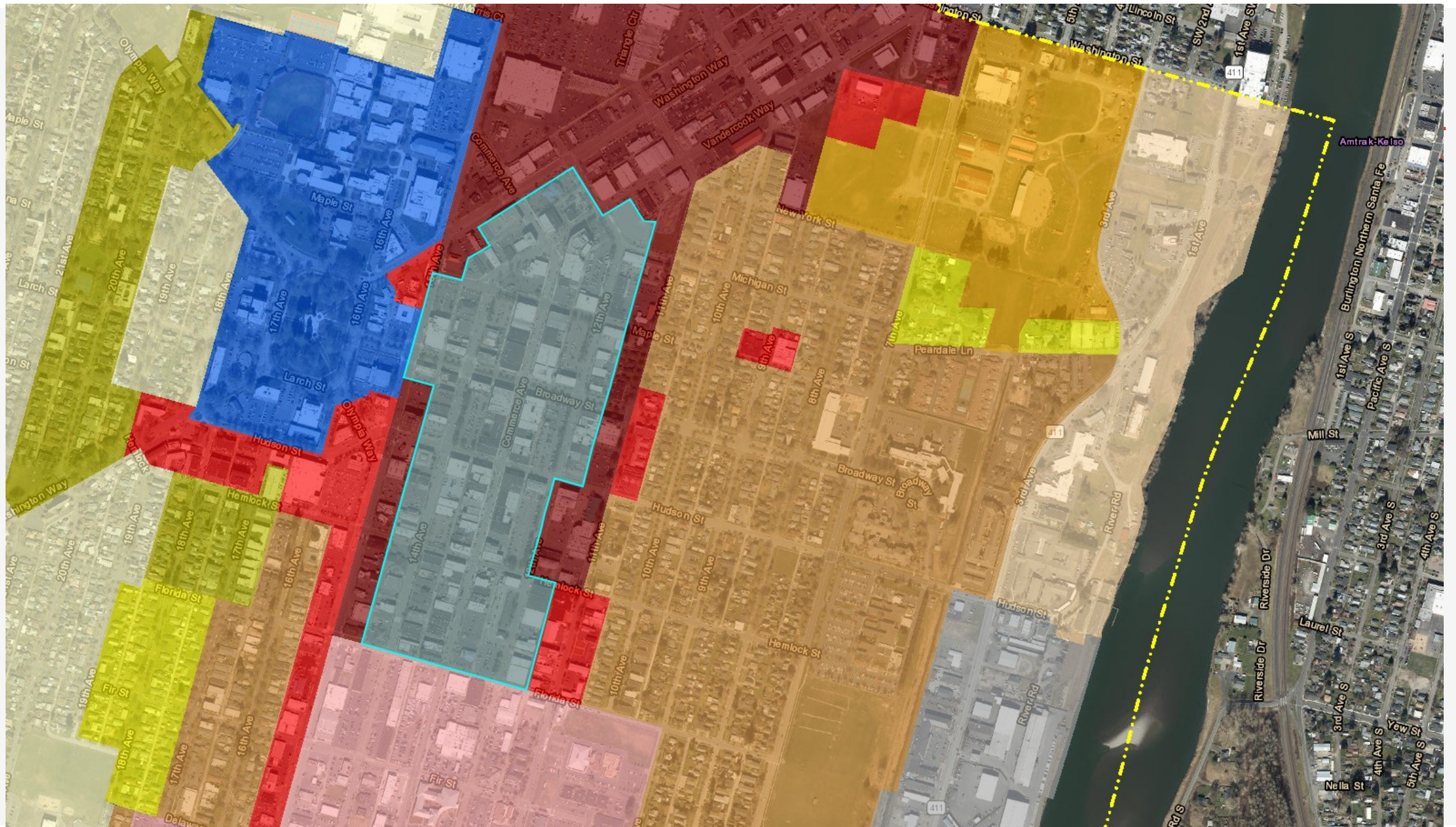


Planning Commission work plan

- The City Council directed the Planning Commission to review the uses permitted in the Downtown Commerce district, D-C zone to ensure a vibrant mixture of for-profit uses including the sale of goods and services, entertainment and dining are present.

DOWNTOWN COMMERCE DISTRICT, D-C ZONE







Planning Commission Work Plan continued

- Reviewed regulatory approaches used by other cities to promote 'main street' businesses;
- Heard from outside real-estate experts,
- Reviewed existing land uses present in the D-C zone.
- Identified additional information and expertise needed for the review.
- Limitations of current zoning code use of broad categories.
- Broad categories and consistency across all zones limits the ability to introduce nuanced variation for one zone or within one use category.



Planning Commission Recommendation for the Downtown Commerce Zone:

- Include allowances for restaurants with drive-up service,
- Removal of public hearing requirements for food truck pods and other 'walk-up' restaurants,
- Allowing outdoor entertainment activities,
- Adding location restrictions to membership clubs and fraternal organizations,
- Allowing mixed-use residential/commercial developments with location restrictions and making congregate care and similar facilities not permitted in the zone.
- Add a definition for restaurant to the zoning code.



Planning Commission Recommendation for the Downtown Commerce Zone:

Use								
Stand-alone liquor store		<i>Summary</i>	<i>Staff Comments</i>	P ^s	P		P	
Recreational marijuana retail outlets per LMC 19.44.100				P	P		P	P
Eating and Drinking Establishments	D-C			CBD	RC¹	NC²	GC	O/C
Restaurant	P		Staff will recommend the Planning Commission include in their recommended amendments a new definition for restaurant in the zoning code, to ensure that a restaurant is defined and understood as “a business where food and beverages are sold to the public on demand from a menu during stated business hours and may include incidental delivery or pickup service.” There is not currently a definition for restaurant in the zoning code, which limits the ability of the City to determine what is a food and beverage serving use allowed or not allowed in commercial zones.	P	P	P	P	P
Restaurant, with incidental consumption of alcoholic beverages	P			P ^s	P	SPU	P	P
Bars, taverns, and nightclubs	P			P ^s	P		P	
Restaurant, with drive-through facility	SPU P	Accommodating take-out business and delivery services is the main reason for this change	The Planning Commission heard from real estate experts that the restaurant industry has not recovered from impacts of Covid and this change is only expected to result in existing businesses opening or offering a pick-up window to benefit from the trend of take-out and food delivery service. One restaurant with a drive-through exists in the zone and few other suitable locations for another exist.	P	P		P	P
Restaurant, with seating in the public right-of-way	P			P		P	P	P
Walk-up food establishment with no indoor seating	SPU P	Removing the public hearing barrier for food truck pods to accommodate this trend without the added time and expense.	Recent changes to allow food trucks in more areas of the city retained a public hearing process for the Downtown Commerce District. In the interest of increasing opportunity for restaurants and a vibrant street atmosphere the Planning Commission recommends permitting these uses such as food trucks and food truck pods on a permanent basis without a hearing process.	P		SPU	P	SPU

The Staff Report contains more information about the review of uses by the Planning Commission

Questions from the PC public hearing: Housing downtown

Q: What housing is allowed and what changes are proposed in the D-C zone?

- Housing is currently allowed above commercial buildings in downtown (and in 5 of 6 commercial zones).
- The Planning Commission proposes allowing developments on 12th and 14th Avenues where only 50% of the ground floor street facing side of the building is commercial and the rest of the building can be residential. These are called Mixed-use Multifamily Residential/Commercial Developments and are allowed in 1 other commercial zone.
- The recommendation is to remove: 'Congregate care, assisted living and continuing care facilities and nursing homes for elderly individuals; including accessory services to the above' uses from the zone. It is currently allowed as a special property use which requires a city council public hearing. Staff notes that independent senior housing is still allowed.



Questions from the PC public hearing, continued

- Q: Will the proposed changes encourage outdoor seating?
 - A: By removing the public hearing barrier to food truck pods, staff anticipates this change may result in new uses that utilize outdoor seating as the public hearing had discouraged others in the past. Outdoor seating is already specifically allowed in the zone and can occur on the sidewalk with a permit.
- Q: Will the proposed changes allow or not allow non-profits downtown?
 - A: The Planning Commission considered ways to limit or restrict office uses but concluded there was not a legal, equal protection compliant way to exclude offices for non-profits vs. for-profit. A new definition for restaurant is proposed- this will clarify that food service uses involve the sale of food and set menu. *Staff notes that any use proposed in the zone must fit one of the permitted use categories whether for-profit or not.*

Downtown Advisory Committee Recommendation

- At the May 17 regular meeting, the Downtown Advisory Committee voted unanimously to recommend the City Council adopt the zoning code amendments for the D-C zone as recommended by the Planning Commission.



Questions?

Recommended Action:

Motion to direct the City Attorney to:

Prepare an ordinance for June 9, 2022 to adopt the zoning code amendments proposed by the Planning Commission, and;

Prepare an ordinance to repeal ordinance no. 3457 and lift the land-use moratorium upon certain uses in the downtown commerce district.

City Council Options

1. Vote on an ordinance June 9, 2022 and lift the moratorium at the same time.
2. Schedule a public hearing for June 23, with possible ordinance the following meeting in July.
3. Extend the Moratorium and hold a workshop or provide additional direction to Planning Commission.
4. Vote on specific changes to the amendments and direct an ordinance be prepared with those changes.



Staff Report

TO: Longview Planning Commission

FROM: Adam Trimble, Planning Manager

HEARING

DATE: May 11, 2022

SUBJECT: Amend the zoning code Title 19, LMC 19.44.020 Uses permitted in the Downtown Commerce District, D-C zone. The proposed changes include allowances for restaurants with drive-up service, removal of public hearing requirements for food truck pods and other 'walk-up' restaurants, allowing outdoor entertainment activities, adding location restrictions to membership clubs and fraternal organizations, allowing gambling casinos and cardrooms with location restrictions, allowing mixed-use residential/commercial developments with location restrictions and making congregate care and similar facilities not permitted in the zone. Staff is recommending one additional change to add a definition for Restaurant to the zoning code.

CASE #: PC 2022-1

TYPE OF

DECISION: Legislative

BACKGROUND

At the January 13, 2022 regular meeting, the City Council introduced and passed an emergency ordinance enacting a moratorium on all applications for new uses or developments in the D-C zone except for "sales oriented: stores selling, leasing, or renting consumer, home and business goods; or personal service oriented: financial, insurance, real estate, professional outlets and offices, and beauty/barber shops." With the adoption of the moratorium, the City Council directed the Planning Commission to review the uses permitted in the Downtown Commerce district, D-C zone 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.

The moratorium noted a trend of new uses downtown that are not complimentary to for-profit retail sales, personal services and restaurant uses. Two corner buildings have converted recently to house offices for mental health counseling and drug rehabilitation. To address this concern and the direction of the City

Council the planning commission considered approaches used by other cities to use zoning regulations to control what types of uses and businesses are able to locate in downtown areas. The Planning Commission also requested a survey of land-uses downtown and heard from experts in real-estate regarding trends in demand for commercial buildings and different uses like health care which is expanding and restaurants which have not recovered or come back since Covid.

The current zoning code for downtown Longview was adopted in 2010. The 2010 zoning code for commercial districts implemented a regulatory structure that addresses categories of uses instead of specific lists, and makes less use of special property uses, which require a subjective public hearing process. The updated code keeps the same use categories across all commercial zones in a table format for ease of implementation, clarity and consistency. It replaced a zoning code that listed specific types of uses allowed such as nail salons or barbers instead of a *personal services* category. The previous code was not consistent across commercial zones, with each separate zone having slightly different lists of uses. While the new zoning code is the favored modern approach to zoning, broad categories and consistency across all zones limits the ability to introduce nuanced variation for one zone or within one use category.

Singling out specific businesses or types of uses within a category for exclusion can easily violate with the equal protection clause of the 14th amendment and court precedent that requires there be a 'rational basis' for such treatment. When all commercial zones permit Health Care Providers and a proposal is made to allow Health Care Providers, except for Mental Health Counseling in one zone, that unequal application of the law must have a rational basis or it runs the risk of being an illegal arbitrary restriction. The Practice of Local Government Planning, 3rd edition describes: "An equal protection challenge to a land use regulation would be based on the claim that the regulation treats similar persons dissimilarly."¹The Cornell Law School, Legal Information Institute provides that "To pass the rational basis test, the statute or ordinance must have a legitimate state interest, and there must be a rational connection between the statute's/ordinance's means and goals."² While considering options to meet the direction of City Council the Planning Commission found that some approaches would either lead to arbitrary restrictions inconsistent with restrictions placed on similar uses, such as allowing office uses but not allowing non-profit office uses, or that restrictions which pass the equal protection test, such as limiting entire categories of uses to 2nd floor locations, or less than 2,000 square feet, would hurt the zone more than help and stymie business development.

As an example of the drawbacks to the kinds of zoning restrictions that pass the constitutional equal protection test, the previous zoning code applied a City

¹ Hoch, C. J., Dalton, L. C., & So, F. S. (2000). The practice of Local Government Planning (3rd ed.). American Planning Association (APA). P.317

² *Rational Basis Test*. (n.d.). Cornell Law School/ Legal Information Institute. Retrieved May 5, 2022, from https://www.law.cornell.edu/wex/rational_basis_test

Council public hearing requirement to any use in the D-C zone where more than 50 people could gather at one time, and to medical clinics, rehabilitation services, counseling services, alcohol and drug dependency treatment and counseling services proposed on the ground floor of a building. Ground floor uses which could accommodate more than 50 people were also limited to 20 % of each side of a street within a block. The public hearing requirement applied to uses that were otherwise permitted, if the space they occupied was rated for occupancy by 50 or more which led to restaurants, auction business and other commercial/retail uses where people gathered, being forced to go through the delay and uncertainty of a public hearing process or withdrawing from that location. While the trigger for the public hearing applied equally to all ‘assembly’ type uses, the public hearing process could still result in outcomes that are arbitrary and capricious if identical uses received different hearing outcomes. Inevitably, the approach of the former zoning code resulted in amending the code to exempt restaurants and other desired uses from the public hearing requirement, jeopardizing the equal application of the rule.

In addition to the rational basis test, zoning laws must not violate the Religious Land Use and Institutionalized Persons Act of 2000: “RLUIPA prohibits zoning and landmarking laws that substantially burden the religious exercise of churches or other religious assemblies or institutions absent the least restrictive means of furthering a compelling governmental interest.” And ... “prohibits zoning and landmarking laws that... treat churches or other religious assemblies or institutions on less than equal terms with nonreligious assemblies or institutions’...or ‘unreasonably limit religious assemblies, institutions, or structures within a jurisdiction.”³ The 2010 zoning code update addressed this federal law by allowing churches and community centers in 4 of 6 commercial zones but in the D-C zone, required; “In the D-C district any property use intended to primarily provide meeting areas for secular and nonsecular uses without an ongoing active ground floor use is prohibited. An ‘active ground floor use’ means a retail, business, or entertainment use where persons come and go on a constant and frequent basis.”⁴

PROPOSAL

The Planning Commission considered several approaches to meet the direction given by the City Council. Ultimately, a positive approach of allowing and removing barriers for more for-profit uses including the sale of goods and services, entertainment and dining was taken. The proposed changes include allowances for restaurants with drive-up service, removal of public hearing requirements for food truck pods and other ‘walk-up’ restaurants, allowing outdoor entertainment activities, adding location restrictions to membership clubs and fraternal organizations, allowing gambling casinos and cardrooms with location restrictions, allowing mixed-use residential/commercial developments with

³ Religious Land Use And Institutionalized Persons Act. (2020, October 15). The United States Department of Justice. <https://www.justice.gov/crt/religious-land-use-and-institutionalized-persons-act>

⁴ Longview Municipal Code. COMMERCIAL ZONING DISTRICTS: Chapter 19.44.020 Uses. <https://www.codepublishing.com/WA/Longview/#!/Longview19/Longview1944.html#19.44.020>

location restrictions and making congregate care and similar facilities not permitted in the zone. After the planning commission recommendation to set a public hearing on draft amendments staff received legal advice that any additional restrictions proposed on Religious Assembly and Institutions, Community Centers, would likely be illegal and is removed from the draft amendments. Staff is recommending one additional change: to add a definition for ‘Restaurant’ to the zoning code, to read: “a business where food and beverages are sold to the public on demand from a menu during stated business hours and may include incidental delivery or pickup service.” There is not currently a definition for restaurant in the zoning code, which limits the ability of the City to determine what is a food and beverage serving use allowed or not allowed in commercial zones.

The proposed changes are attached as Exhibit A.

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 April 27, 2022. [E 2022-6 SEPA checklist] The comment period for the SEPA checklist ends May 11, 2022. SEPA documents are attached as Exhibit B.

Additional Information

Pursuant to Chapter 19.81 of the Longview Municipal Code, a legal notice was published in the Longview Daily News on Sunday May 1, 2022 and Sunday, May 8, 2022. A press release about this public hearing was sent Wednesday, May 4, 2022.

Citizen Correspondence

As of this writing, the City has received no comments. The Downtown Advisory Committee have had opportunity to provide a recommendation on the draft amendments but chose to do so at their May 19, 2022 meeting.

Comprehensive Plan Goal and Policies (underline added for emphasis)

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

- | | |
|-----------------|--|
| Goal LU-F | Support existing businesses and provide an energetic business environment for new industrial and commercial activity providing a range of service, office, commercial, and mixed uses. |
| Policy LU-E.4.6 | New multi-family land use classifications should be applied as follows: <ul style="list-style-type: none">a. located in or abutting areas already containing multi-family uses; orb. in or next to Central Business, Regional or Community Commercial Districts or more intensive institutions;c. <u>located in areas offering unique amenities such as in Downtown</u> or along the Cowlitz and Columbia River waterfronts; ord. along arterials where access consolidation and transit are available.e. In all cases, existing or planned transportation capacity should be adequate to accommodate projected travel demand according to City standards. |

- Policy LU-A.1.5 Facilitate redevelopment of existing developed land when appropriate, and encourage infill development on vacant or underdeveloped land.
- Goal ED-B To create a downtown in Longview whose viability is based on a unique character, is easily differentiated from other commercial areas in the Longview/Kelso area, is attractive to residents and visitors, is active 24 hours a day, and attracts residents and visitors from Longview and other areas.
- Objective ED-B.1 Continue the implementation of the Downtown Plan through City staff support, development code updates, and coordination with Longview business groups. Key activities and programs should be identified biennially in conjunction with the adoption of the City's budget.
- Policy ED-B.1.1 Retain and promote existing retail and office uses. Consistent with the Downtown Plan, expand customer marketing, business development, streetscape improvement, property owner/developer programs, and promote parking efficiencies for a well-defined downtown retail core and mixed-use district.
- Policy ED-B.1.3 Encourage more market rate housing in and near Downtown to strengthen Downtown businesses, support transit service, increase housing diversity, and provide an active, social character. Consider adaptive reuse of some city-owned parking facilities to jump-start the process.

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The proposal will affect areas in Downtown Commerce District, D-C zone.

COMPREHENSIVE PLAN INTENT STATEMENT

Central Business District (underlines added for emphasis)

The CBD is the commercial area which is, shall be maintained, promoted as, and redeveloped as a major retail, service, financial, professional, and cultural center if not also the regional retail trade center for the Longview-Kelso urban area and vicinity. This area shall be developed and redeveloped with a dense, highly intensive land use pattern focusing on high quality, urban style of development and architecture. This land-use designation recognizes the downtown and Triangle Shopping Center as areas of special concern to the City because of their importance and potential in maintaining the community's long-term economic viability and cultural attractiveness. Encouraged uses, activities, and structures include but are not limited to the following:

- large department stores;
- smaller retail stores;
- service, financial, insurance, real estate, and professional outlets and offices;
- municipal and private shared parking garages and lots;
- pedestrian malls and plazas;
- performing arts and other entertainment and cultural facilities and activities;
- hotel, motel, and conference or convention centers;
- transportation terminal;
- mixed use projects;
- upper story residential uses; and
- pedestrian walkways linking key facilities.

Pedestrian, bicycle, and transit access is emphasized to ensure that this area is walkable. Discouraged uses are those that are land consumptive, such as warehouses, automobile sales lots, and individual business parking lots and thus diminish the area's compactness and convenience as an integrated shopping goods and services area. Uses that are strictly automobile access-oriented, such as drive-in restaurants and gas stations, as opposed to pedestrian oriented, are discouraged in the downtown portion of the CBD.

STAFF DISCUSSION

The Planning Commission considered several approaches to both broaden and increase the allowed uses that will contribute to a 'vibrant mixture of for-profit uses including the sale of goods and services, entertainment and dining are present,' and to limit and prevent uses not complimentary to the above. It was quickly realized, with the current zoning code emphasis on categories of uses, excluding specific uses, activities, or non-profit type businesses, will result in unintended consequences for businesses and uses that are desired. A re-write of the zoning code was not the direction given to the Planning Commission and zoning codes based on lists of specific uses inevitably result in unintentionally excluding a business that would be acceptable. Other constitutionally sound zoning restrictions must treat all similar uses the same, limiting the ability to target undesired uses within a desired category of uses. Planning Commission members discussed at length the concerns which prompted the D-C zone moratorium and direction from City Council. The members also recognized that zoning codes are restrictions and not practical solutions that can address underlying problems driving increased need for social service providers and drug rehabilitation clinics. Property maintenance, attracting investment and addressing crime and loitering likewise are not part of the zoning code but could be practical solutions to some of the concerns raised by downtown business and property owners. Where the zoning regulations appeared to stand in the way or limit or restrict desired uses, the Planning Commission has recommended removal. Uses that did not compliment the sale of goods and services, entertainment and dining are recommended to be limited or prohibited. In the pages below, each change or deliberate no-change is summarized and detailed with notes.

Staff Discussion of Planning Commission final draft proposed amendments to Downtown-Commerce Zone, D-C, permitted use regulations 4-6-22.

Note: Uses that could be added or removed are highlighted to aid understanding. Underlined text is proposed to be added, ~~strikethrough~~ to be removed. ATJ

19.44.020 Uses.

Table 19.44.020-1 includes uses that are permitted (“P”) or allowed through a special property use permit (“SPU”). If a field is blank, or the use is not listed, the use is not allowed in that particular zone.

Table 19.44.020-1. Permitted uses in commercial zones.

Use								
Retail Sales and Service	D-C	<i>Summary</i>	<i>Staff Comments</i>	CBD	RC¹	NC²	GC	O/C
Sales oriented: stores selling, leasing, or renting consumer, home and business goods	P			P	P	P	P	P ¹⁰
Personal service oriented: financial, insurance, real estate, professional outlets and offices, and beauty/barber shops	P	Considered limiting offices to a list consisting only of for-profit uses, limiting offices to second floor and limiting the amount of ground floor frontage.	The category includes professional outlets and offices which provides for both real estate, investment, insurance and a multitude of other offices focused on sales of services and products. It also covers offices for social service providers, non-profits, consultants and other uses that simply need a commercial space to work, in an office. The Planning Commission considered the potential threat of demand for office space to ground floor retail and restaurant spaces and ultimately concluded that the measures available to restrict these uses would result in exclusion of desired uses, and inject uncertainty into the law. The benefit of office uses to the D-C zone was also considered: employees and customers for offices uses, including social services, will inevitably contribute to the vitality of the zone by their constant proximity to downtown restaurants, retail shops and services.	P	P	P	P	P
Health care providers ³	P	Considered prohibition, limiting size, limiting to specific types of services and or limiting to second floor only.	The Planning Commission after considering various ways to allow some but not all healthcare providers in the zone concluded that there are and have been several healthcare provider uses in the zone which were beneficial to the mixture of uses, resulting in employees and patients visiting downtown throughout the day. Realtors shared that private practitioners of mental health services are good businesses in multi-tenant buildings and expressed concern that limiting health care providers to the second floor was equivalent to a ban for those with patients with mobility challenges. The planning commission concluded retaining the use in the district was beneficial even if it also allowed some non-profit mental health focused uses in the district.	P	P	P	P	P
Repair oriented: repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop-off; quick printing; tailor; locksmith; and upholsterer	P			P		P	P	P

Use								
Stand-alone liquor store		<i>Summary</i>	<i>Staff Comments</i>	P ⁸	P		P	
Recreational marijuana retail outlets per LMC 19.44.100				P	P		P	P
Eating and Drinking Establishments	D-C			CBD	RC¹	NC²	GC	O/C
Restaurant	P		Staff will recommend the Planning Commission include in their recommended amendments a new definition for restaurant in the zoning code, to ensure that a restaurant is defined and understood as “a business where food and beverages are sold to the public on demand from a menu during stated business hours and may include incidental delivery or pickup service.” There is not currently a definition for restaurant in the zoning code, which limits the ability of the City to determine what is a food and beverage serving use allowed or not allowed in commercial zones.	P	P	P	P	P
Restaurant, with incidental consumption of alcoholic beverages	P			P ⁸	P	SPU	P	P
Bars, taverns, and nightclubs	P			P ⁸	P		P	
Restaurant, with drive-through facility	SPUP	Accommodating take-out business and delivery services is the main reason for this change	The Planning Commission heard from real estate experts that the restaurant industry has not recovered from impacts of Covid and this change is only expected to result in existing businesses opening or offering a pick-up window to benefit from the trend of take-out and food delivery service. One restaurant with a drive-through exists in the zone and few other suitable locations for another exist.	P	P		P	P
Restaurant, with seating in the public right-of-way	P			P		P	P	P
Walk-up food establishment with no indoor seating	SPUP	Removing the public hearing barrier for food truck pods to accommodate this trend without the added time and expense.	Recent changes to allow food trucks in more areas of the city retained a public hearing process for the Downtown Commerce District. In the interest of increasing opportunity for restaurants and a vibrant street atmosphere the Planning Commission recommends permitting these uses such as food trucks and food truck pods on a permanent basis without a hearing process.	P		SPU	P	SPU
Brewpub	P			P	P ⁹		P	P
Lodging, temporary stay	D-C	<i>Summary</i>	<i>Staff Comments</i>	CBD	RC¹	NC²	GC	O/C
Hotels, motels and lodges	P		New state law in 2021, mandated that where hotels are permitted, emergency shelters and emergency housing must also be permitted. The Planning Commission and City Council voted to retain Hotels in the D-C zone when the issue was considered in fall of 2021 to allow for new hotels to be built near the Columbia Theatre, consistent with longer term plans to support the arts.	P			P	P
Recreational vehicle (RV) parks per Chapters 19.65 and 19.90 LMC							P	
Bed and breakfast inns	P ⁴					P		
Vehicle sales, renting, service, and storage	D-C	<i>Summary</i>	<i>Staff Comments</i>	CBD	RC¹	NC²	GC	O/C
Vehicle repair and service of consumer motor vehicles, including motorcycles, all-				P			P	P

Use								
terrain vehicles and light and medium trucks								
Automobile, light and medium truck dealers				P			P	P ¹⁰
Bus, heavy truck, RV, travel trailer or other large vehicle dealers								
Bicycle, motorcycle, all-terrain vehicle dealers	P ⁵			P	P		P	
Boat or marine craft dealer							P	P
Vehicle storage, outdoor							P	
Vehicle washing							P	P
Vehicle renting and leasing				P			P	P
Vehicle fueling station				P	P ¹¹	P ¹²	P	P ¹⁰
Amusement/Cultural	D-C	Summary	Staff Comments	CBD	RC¹	NC²	GC	O/C
Indoor continuous entertainment activities such as bowling alleys, skating rinks, game arcades and pool halls	P			P	P		P	
Outdoor continuous entertainment activities such as miniature golf and skateboard facilities	P	While the lack of un-built space will self-limit this, permitting this use could contribute to diverse entertainment options	Staff noted that new entertainment trends arise continuously: axe throwing and corn hole game tournaments for example, could be accommodated outdoors in the D-C zone, likely in combination with an eating and drinking establishment. Permitting the use may not result in many new businesses due to a lack of suitable un-developed lots but would allow them if proposed.				P	
Theaters, indoor	P			P	P		P	
Drive-in theaters, stadiums and arenas							P	
Museums, botanical and zoological gardens, public plazas, performing and cultural arts studios	P			P			P	
Athletic, health and racket clubs	P			P	P	P	P	P
Circuses, carnivals, or amusement rides				SPU			SPU	
Membership clubs such as fraternal organizations	P ^{6, 14}	A location restriction is proposed for these uses to be off Commerce Ave	The American Legion and the Elks Lodge are located in the D-C zone currently, on 12 th Avenue and these uses serve as places of assembly for their members and the community, and draw people to downtown. The Planning Commission concluded the uses were compatible with the zone when not located on Commerce Avenue and recommends adding a new footnote with this restriction, in the D-C zone.	P			P	
Gambling casinos, card rooms, bingo parlors, pari-mutuel betting parlors, and video arcades	SPU ¹⁴	Once permitted in downtown this use is currently not allowed. Proposal would allow them off-Commerce, if they receive	Gambling and cardrooms are often combined with eating and drinking establishments, bars and entertainment offerings, which could contribute to a vibrant mixture of for-profit uses in the district. The Planning Commission concluded these uses were compatible with the zone when not located on Commerce Avenue and recommends adding a new footnote with this restriction, in the D-C zone. The Planning Commission also recommends allowing these	SPU ⁸				

Use								
		approval from the City Council.	uses as a Special Property use as they are permitted in another commercial zone, so that potential impacts can be assessed and addressed prior to allowing the use.					
Residential	D-C	Summary	Staff Comments	CBD	RC¹	NC²	GC	O/C
Residential dwellings above the first story of commercial buildings	P			P		P	P	P
Mixed-use multifamily residential/commercial developments per LMC 19.46.015	P ¹⁴	Multiple developers have expressed interest in ground-floor housing units as part of housing development proposals in downtown.	The Planning Commission recommends allowing mixed-use housing developments where only 50% of the ground floor street frontage is dedicated to commercial uses, when not located on Commerce Ave. Considering the zone has always allowed residences above the first floor of commercial buildings, this recommendation will broaden the options available to potential mixed-use developers considering downtown Longview. The future of retail and commercial space remains questionable while housing demand is currently high. This option could make it more likely for a new housing development to occur downtown.				P	
Congregate care, assisted living and continuing care facilities and nursing homes for elderly individuals; including accessory services to the above uses	SPU	There do not appear to be any such uses in the zone nor any interest.	Recommendation is to remove this use from the D-C zone as it does not appear consistent with the direction from City Council.				SPU	SPU
Existing residences without any increase in density					P			
Permanent supportive housing	P			P	P	P	P	P
Transitional housing	P			P	P	P	P	P
Emergency shelters per LMC 19.44.110	P			P			P	P
Emergency housing per LMC 19.44.110	P			P			P	P
Residential care facilities per Chapter 19.17 LMC	P			P	P	P	P	P
Education	D-C			CBD	RC¹	NC²	GC	O/C
Schools that meet state requirements for elementary, secondary or higher education, public or private	SPU							
Vocational or technical institutions and colleges	SPU			P			P	P
Dance, music or art schools or studios; athletic, sports-training or martial arts facilities or schools	SPU			P		SPU	P	P
Driving school	SPU			P			P	P
Miscellaneous	D-C			CBD	RC¹	NC²	GC	O/C
Day care facilities for the care of more than 12 children	SPU			P		P	P	P
Commercial off-street parking lots and garages	SPU			P			P	P
Temporary uses per Chapter 19.41 LMC	P			P	P	P	P	P

Use								
Sidewalk businesses in accordance with LMC 12.30.090 through 12.30.140	P			P		P	P	P
Funeral parlors				P			P	P
Basic utility facilities, non-building structures ¹³	SPU			SPU	SPU	SPU	P	SPU
Self-service storage (mini warehouses)							P	SPU
Convention centers	SPU			P	P		P	P
Bus terminals and stations, transportation and transit facilities	SPU			P	P	P	P	P
Drive-in and drive-through facilities associated with an allowed use	SPU			P	P		P	P
Telecommunications structures and equipment, subject to the provisions of Chapter 16.75 LMC				P	P	P	P	P
Small animal clinics or veterinary hospitals	P ⁷			P ⁷			P ⁷	P ⁷
Pet grooming	P			P	P	P	P	P
Boat marinas								P
Microbrewery/microwinery/craft distillery				SPU			P	
Religious assembly and institutions, community centers	P ^{6, 44}	For new assembly uses, a location restriction, 'off-commerce' is proposed.	The Planning Commission has indicated support for adding a location restriction for these uses, to be allowed in the zone but not on Commerce Ave. Staff has since concluded such a restriction would not survive a legal challenge and will recommend the use remain as is. The inclusion of footnote 6 to have an "active ground floor use" ... a retail, business, or entertainment use where persons come and go on a constant and frequent basis, was part of the 2010 code update solution to accommodating these uses consistent with religious freedom protections and also the intent of the zone.	P			P	P
Public safety facility				P	SPU		SPU	P

1. See LMC 19.44.050 for further clarification on what is a permitted use within the regional commercial district.
2. See LMC 19.44.040 for further clarification on what is a permitted use within the neighborhood commercial district.
3. Providers of ambulance services need a special property use permit.
4. Bed and breakfast inns must be located above the first floor in the D-C district.
5. No outdoor display of motorized vehicles is allowed.
6. In the D-C district any property use intended to primarily provide meeting areas for secular and nonsecular uses without an ongoing active ground floor use is prohibited. An "active ground floor use" means a retail, business, or entertainment use where persons come and go on a constant and frequent basis.
7. The medical care and services administered to animals shall occur only within the confines of the principal building located on the premises.
8. These uses are not allowed within 700 feet of the centerline of the west end of the city street named Mark Morris Court.
9. Brewpubs are permitted outright only in conjunction with LMC 19.44.050(4), sit-down restaurants with a minimum enclosed floor area of 5,000 square feet.

10. These uses are only allowed in the O/C district if they are located west of 12th Avenue, except Assessor's Parcel Number 08749 is allowed to have these uses also.

11. Per LMC 19.44.050.

12. Per LMC 19.44.040.

13. City water, sewer, and drainage pump stations are permitted outright in all commercial districts and are not subject to setback requirements of this chapter.

14. In the D-C zone, these uses may only be located on lots with frontage on 12th and 14th Avenues.

(Ord. 3450 § 7, 2021; Ord. 3442 § 4, 2021; Ord. 3425 § 2, 2020; Ord. 3421 § 2, 2020; Ord. 3395 § 3, 2019; Ord. 3362 § 2, 2017; Ord. 3358 § 1, 2017; Ord. 3297 § 7, 2015; Ord. 3268 § 3, 2014; Ord. 3262 § 2, 2014; Ord. 3202 § 14, 2012).

19.44.030 Downtown commerce district – Special property use.

In the downtown commerce district special property use permits are granted by the city council. Per LMC 2.03.060, the city council shall conduct an open-record public hearing prior to their decision. Per LMC 2.27.070, the planning commission shall make recommendations to the city council for the granting or denial of such permits. (Ord. 3450 § 7, 2021; Ord. 3202 § 14, 2012).

Chapter 19.09 Definitions:

19.09.522: Restaurant.

“Restaurant means a business where food and beverages are sold to the public on demand from a menu during stated business hours and may include incidental delivery or pickup service.”

STAFF FINDINGS

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

1. The amendments are proposed in response City Council direction to review the uses permitted in the Downtown Commerce district, D-C zone 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.
2. The proposed amendments will remove limitations and restrictions from desired uses in the Downtown Commerce District, D-C zone.
3. Uses that do not compliment the sale of goods and services, entertainment and dining are recommended to be limited or prohibited.
4. The proposed amendments are consistent with the goals, objectives and policies of the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve the staff recommended changes to the draft amendments, adopt the staff findings and recommend the City Council adopt the subject zoning code amendments.

EXHIBITS

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

Report Date: Thursday, May 05, 2022



City of Longview

Agenda Summary

APPROVAL OF CLAIMS

Based upon the authentication and certification of claims and demands against the city, prepared and signed by the City's auditing officer, and in full reliance thereon, it is moved and seconded as shown in the minutes of this meeting that the following vouchers/warrants are approved for payment:

FIRST HALF MAY 2022 ACCOUNTS PAYABLE: \$1,306,625.25

FIRST HALF MAY 2022 PAYROLL:

\$9,240.01, checks no. 1282-1291

\$881,731.78, direct deposits

\$593,866.98, wire transfers

\$1,484,838.77 Total

STAFF CONTACT:

Kaylee Cody, City Clerk

John Baldwin, Accountant

Dana Beck, Payroll Specialist

Attachments: None



City of Longview

Agenda Summary

BID REVIEW – 2022 ARCHIE ANDERSON PARK WATER MAIN REPLACEMENT PROJECT

RECOMMENDED ACTION:

MOTION TO ACCEPT THE LOW BID AND AWARD TO ADVANCED EXCAVATING SPECIALISTS, LLC, IN THE AMOUNT OF \$191,515.37

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Provide sustainable water quality & environmental infrastructure

SUMMARY STATEMENT:

The project includes replacement of a 6-inch cast iron water main with 1,216 linear feet of 8-inch restrained joint ductile iron pipe, connection of (2) water services, installation of (3) fire hydrants with 30 feet of 6-inch restrained joint ductile iron pipe, 1060 linear feet of 4 foot sidewalk, and restoration of existing pavement surfaces.

On May 11, 2022, six bids were received as follows:

\$191,515.37 – Advanced Excavating Specialists, LLC, Kelso, WA
\$210,129.64 – JH Kelly, LLC, Longview, WA
\$260,696.12 – McDonald Excavating, Inc., Washougal, WA
\$272,401.19 – Raz Construction Company, Ridgefield, WA
\$334,850.56 – Midway Underground, LLC, Toledo, WA
\$340,705.26 – Confederated Construction Company, LLC, Oakville, WA

\$310,000.00 - Engineer's Estimate

The bids received were determined to be regular and responsive.

FINANCIAL SUMMARY:

This project is funded through the Water Construction Fund.

STAFF CONTACT:

Karl Enyeart, Project Engineer

Attachments: None



City of Longview

Agenda Summary

2022 LEGISLATIVE SESSION OVERVIEW

RECOMMENDED ACTION:

NO ACTION REQUIRED.

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Council Initiative: All

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

Josh Weiss and Annika Vaughn of Gordon Thomas Honeywell Governmental Affairs will be present to share an overview of the 2022 Washington State legislative session and highlight the outcomes of the City of Longview's legislative priorities. Most notably, the City was successful in securing \$309,000 for Vandercook Park Bathrooms and \$273,000 for the Longview Senior Center Roof and Energy Upgrades. Furthermore, the 2022 supplemental budget provides approximately \$13 million in additional funding for the Industrial Way/Oregon Way (IWOW) Intersection Improvements Project.

The City of Longview is exceedingly grateful and wishes to thank and recognize Senator Jeff Wilson, Representative Jim Walsh and Representative Joel McEntire for their advocacy and support of the City's request for these projects.

STAFF CONTACT:

Kurt Sacha, City Manager

Attachments:

1. 2022 Longview End of Session Presentation (GTH-State)

CITY OF LONGVIEW

2022 LEGISLATIVE SESSION

Josh Weiss and Annika Vaughn
GORDON THOMAS HONEYWELL GOVERNMENTAL AFFAIRS

PURPOSE

- Y Overview of the 2022 Legislative Session
- Y Outcome of 2022 State Legislative Priorities
- Y Additional Legislative Issues
- Y Next Steps

OVERVIEW OF 2022 LEGISLATIVE SESSION

- Y Second year of the two-year legislative biennium
- Y “Short” session: lasted 60 days
- Y Adopted supplemental operating, capital, and transportation budgets
- Y Transportation Revenue Package – Move Ahead WA
- Y Adoption of redistricting maps
- Y Democrats held majority in both House of Representatives (57-41) and Senate (28-21)
- Y Legislation left over from 2021 carried over; new 2022 proposals were considered
- Y Nearly 1,051 bills considered; 309 passed the legislature

BACKGROUND ON BUDGETS

Operating

- Y Funds all state agency operations
- Y February revenue forecasted additional \$1.453 billion for the biennium
- Y Allocates over \$1 billion in federal COVID-19 relief funding
- Y \$63 billion total budget
- Y \$2 billion shifted to transportation, \$650 million to capital budget \$812 million in reserves
- Y Local Investments: GMA & salmon recovery planning, right of way transition grants, landlord/eviction prevention assistance, marijuana revenue increase

Capital

- Y Funds public and nonprofit construction projects (excluding transportation)
- Y Supplemental budget total: \$1.5 billion
 - Y Combination of bond capacity, IIJA & ARPA funds, operating transfer
- Y \$62 million allocated for local community projects (\$250 million in 2021)
- Y Key investments in housing & homelessness, behavioral health, local infrastructure

Transportation

- Y Budget shortfall, systemic and project demand within the transportation budget led to Move Ahead WA
- Y \$17 billion investment over 16 years
- Y Revenue sources: One-time operating budget support, PWAA, Climate Commitment Act, IIJA, Fees
- Y Roughly 1/3rd of revenue from CCA – Funds transit, alternative fuel, electric ferries, rail, active transportation grants
- Y Remaining 2/3rd from other revenue streams – maintenance & preservation, ferries, new highway projects, state culverts, backfilling Connecting WA

2022 STATE LEGISLATIVE PRIORITIES

Y Funding requests:

- Y Longview Senior Center Roof Replacement – Capital Request
- Y Vandercook Park Bathrooms – Capital Request
- Y Funding for Industrial Way/Oregon Way (IWOW) – Transportation Request
- Y Columbia Heights Road Improvements – Transportation Request

Y Policy:

- Y Adjustments to 2021 Law Enforcement Reform
- Y Renew the .09 Rural County Economic Development Program – HB 1333
- Y Fund Law and Justice Requirements/Body Cameras
- Y Invest in Affordable Housing/Homelessness

BUDGET PRIORITIES - CAPITAL

- Y Delegation encouraged City to submit two requests:
- Y Longview Senior Center Roof and Energy Upgrades
 - Y Requested \$265,000
 - Y Rep. McEntire/Sen. Wilson sponsored
 - Y Received \$273,000
- Y Vandercook Park Bathrooms
 - Y Requested \$300,000
 - Y Rep. Walsh/Sen. Wilson sponsored
 - Y Received \$309,000
- Y Good session for small requests

BUDGET PRIORITIES – TRANSPORTATION

Y Funding for Industrial Way/Oregon Way (IWOW)

- Y \$85 million received in Connecting Washington Package; inflationary needs over \$10 million
- Y Received \$13 million in 2021 package proposals
- Y 2022 supplemental budget provides about \$13 million in additional funding

Y Columbia Heights Road Improvements

- Y First time submitting request - \$5.5 million for safety and congestion improvements
- Y Support from our delegation; however, very little funding for local highway projects in package
- Y Sen. Wilson sponsored an amendment to the package in committee to fund project

POLICY PRIORITIES

Y Police Reform

Y Three significant bills passed:

- Y HB 2037 – Use of force definition
- Y HB 1735 – ITA/community caretaking functions
- Y HB 1719 – Nonlethal weapons (beanbags)

Y One important bill did not:

- Y SB 5919 – Vehicular pursuits

Y Extending the .09 Economic Development Program – HB 1333

- Y Once again failed on the Senate floor in the last days of session after bipartisan support
- Y Post-session clarification from Dept. of Revenue – Cowlitz County has until 2032
- Y Legislators unlikely to take up this effort next session

POLICY PRIORITIES

Y Fund Law and Justice Mandates/Body Cameras

- Y Supported HB 1845, establishing body camera grant program within WASPC
- Y \$100,000 provided to WASPC to establish the program; legislators must fund for grants next session
- Y Eligible costs: capital costs, storage/operations and maintenance, responding to PRA requests, redaction, training

Y Housing and Homelessness:

- Y More than \$500 million in housing capital investments
- Y Right of way transition grants; Apple Health and Homes Program, behavioral health investments

ADDITIONAL LEGISLATIVE ISSUES

Y Mandating “Missing Middle” Housing – HB 1782

- Y Governor request legislation – affected GMA planning jurisdictions only
- Y “Missing middle” housing = multifamily up to sixplexes, townhouses, courtyard apartments, etc.
- Y Required cities over a certain population to allow duplexes or higher in all residential SFZ
- Y Issue to watch for extension to non-fully planning jurisdictions

Y Open Public Meetings in Emergencies – HB 1329

- Y Permanent authority for remote meetings in emergencies

Y Manufacturing Tax Incentive – SB 5901

- Y Sales tax deferral for manufacturing investments up to \$400,000

NEXT STEPS

- Y Advocacy is a year-round effort
- Y Interim workplan
 - Y Meetings to begin 2023 discussion
- Y Establishing 2023 priorities
- Y Adapt:
 - Y Retirements
 - Y Elections
 - Y Economy - November 4 revenue forecast
- Y Legislature meets for pre-session committee days on December 1 & 2
- Y Session begins January 9, 2023

QUESTIONS?

**It is a privilege to represent
Longview. Thank you!**

Josh Weiss

Partner
jweiss@gth-gov.com

Annika Vaughn

Government Affairs Consultant
avaughn@gth-gov.com



City of Longview

Agenda Summary

2021 FINANCIAL REPORT

RECOMENDED ACTION:
NO ACTION REQUIRED.

Attachments: None