



City of Longview

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

Agenda

Appeal Board of Adjustment

Tuesday, October 10,
2023

4:30 PM

Longview Council Chambers

1. **HYBRID MEETING DETAILS**

23-001560 Please click the link to join the webinar: <https://us02web.zoom.us/j/81922908550>
Webinar ID: 819 2290 8550

Or Telephone:

+1 253 205 0468 US; +1 253 215 8782 US (Tacoma);
+1 346 248 7799 US (Houston); +1 408 638 0968 US (San Jose)

2. **CALL TO ORDER**

3. **ROLL CALL**

4. **APPROVAL OF MINUTES**

23-001577 MINUTES FROM SEPTEMBER 12, 2023

5. **AUDIENCE PARTICIPATION OF CORRESPONDENCE**

23-001576 4.1 Oral Communications

Persons in the audience may discuss business not scheduled on this agenda or any item of interest within the jurisdiction of the Appeal Board of Adjustment. This Board will listen to all communication, but in compliance with the Washington Open Public Meetings Act, will not take any action on items that are not listed on the agenda.

4.2 Written Communications.

Correspondence for the Appeal Board of Adjustment received after preparation of this agenda.

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

7. **PUBLIC HEARINGS**

23-001561 ABA 2023-4 726 3RD AVE VARIANCE FOR METAL PROCESSOR/VEHICLE WRECKING WITHIN 500' OF A RESIDENTIAL DISTRICT

STAFF RECOMMENDATION: MOTION TO ADOPT THE STAFF ANALYSIS AND FINDINGS AND GRANT A VARIANCE TO HOWARD SMITH AT 726 3RD AVE, PARCEL 10100 FOR METAL PROCESSOR/VEHICLE WRECKING WITHIN 500' OF RESIDENTIAL DISTRICT.

23-001562 ABA 2023-5 5746 MT. SOLO RD PUD GARDEN VARIANCE

STAFF RECOMMENDATION: MOTION TO ADOPT THE STAFF ANALYSIS AND FINDINGS AND GRANT A VARIANCE TO PERMIT A COMMUNITY GARDEN/GARDENING

OF VACANT LAND AT 5746 MT. SOLO RD CITING THE POSITIVE IMPACTS.

8. OTHER BUSINESS

9. ADJOURNMENT



City of Longview

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

Minutes

Agenda

Appeal Board of Adjustment

Tuesday, September 12,
2023

4:30 PM

Longview Council Chambers

1. HYBRID MEETING DETAILS

23-001464 Please click the link to join the webinar: <https://us02web.zoom.us/j/81922908550>
Webinar ID: 819 2290 8550

Or Telephone:

+1 253 205 0468 US; +1 253 215 8782 US (Tacoma);
+1 346 248 7799 US (Houston); +1 408 638 0968 US (San Jose)

2. CALL TO ORDER

The meeting was called to order at 4:30 pm.

3. ROLL CALL

In attendance: Mark Backstrom, Chair; Roger Peters, Vice Chair; Dan Petersen; Steven Dahl; Arthur Chang
Staff: McAllister Kosar, Planner; Christopher Eastwood, Assistant City Attorney; Chris Collins, Assistant Public Works Director; Nancy Vandehey, Admin Assistant

4. APPROVAL OF MINUTES

23-001465 Minutes from August 1, 2023

A motion was made by Arthur Chang, seconded by Dan Petersen, to approve the minutes as presented. This passed unanimously.

5. AUDIENCE PARTICIPATION OF CORRESPONDENCE

23-001466 4.1 Oral Communications

Persons in the audience may discuss business not scheduled on this agenda or any item of interest within the jurisdiction of the Appeal Board of Adjustment. This Board will listen to all communication, but in compliance with the Washington Open Public Meetings Act, will not take any action on items that are not listed on the agenda.

4.2 Written Communications.

Correspondence for the Appeal Board of Adjustment received after preparation of this agenda.

None.

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

Mac Kosar read the declaration into record. There were no objections.

7. PUBLIC HEARINGS**23-001467 ABA 2023-2 SPECIAL PROPERTY USE FOR A DETACHED ACCESSORY DWELLING UNIT (ADU) AT 3212 PINE ST****RECOMMENDED ACTION: MOTION TO ADOPT STAFF FINDINGS OF THE STAFF REPORT AND GRANT A SPECIAL PROPERTY USE PERMIT FOR THE ESTABLISHMENT OF A DETACHED ACCESSORY DWELLING UNIT IN THE TNR DISTRICT, AT 3212 PINE ST.**

There was a brief discussion on the sewer connection and the process of reviewing a hand drawn set of plans versus a permit plan set. Mac Kosar reassured the board that the plan review for permitting would match the ADU standards.

Public hearing opened at 4:40 pm. The applicant, Larry Moore, spoke in favor of the application. Public hearing closed at 4:43 pm.

A motion was made by Steven Dahl, seconded by Dan Petersen, to adopt staff findings of the staff report and grant a special property use permit for the establishment of a detached accessory dwelling unit in the TNR district, at 3212 Pine St. This passed unanimously.

8. OTHER BUSINESS

There will be two public hearings at our regularly scheduled meeting in October.

9. ADJOURNMENT

The meeting was adjourned at 4:45 pm.



City of Longview

Agenda Summary

ABA 2023-4 726 3RD AVE VARIANCE FOR METAL PROCESSOR/VEHICLE WRECKING WITHIN 500' OF A RESIDENTIAL DISTRICT

STAFF RECOMMENDATION: MOTION TO ADOPT THE STAFF ANALYSIS AND FINDINGS AND GRANT A VARIANCE TO HOWARD SMITH AT 726 3RD AVE, PARCEL 10100 FOR METAL PROCESSOR/VEHICLE WRECKING WITHIN 500' OF RESIDENTIAL DISTRICT.

The City of Longview has received a Variance request from Howard Smith who is in a purchase agreement for the former Parrs Cars at 726 3rd Avenue. Howard would be dismantling RV's and vehicles towed off of City streets.

Attachments:

1. Staff Report ABA 2023-4
2. Ex A Variance Application
3. Ex B Distance from Residential District
4. Ex C Notice to Adjacent Property Owners ABA 2023-4 726 3rd Ave
5. Ex D 19.58.100 Vehicle Wrecking Yards
6. Ex E Proof of earnest money-redacted
7. Ex F Signed License Agreement
8. Correspondence JH Kelly Case ABA 2-23-4



STAFF REPORT
to the
LONGVIEW APPEAL BOARD OF ADJUSTMENT

PRESENTED BY: McAllister Kosar, Planner

HEARING DATE: October 10, 2023

APPLICATION NO.: ABA 2023-4

APPLICANT: Howard Smith

PROPERTY OWNER: Parr Lowell (Howard Smith has put up earnest money)

REQUEST: **Variance from Longview Municipal Code Chapter 19.58.100 (2)(a) Junkyards and Vehicle Wrecking yards shall be located at least 500 feet from any dwelling unit or residential zoning district.**

LOCATION: 726 3rd Ave, Longview, WA 98632.

ASSOCIATED CASES: None.

ZONING DISTRICT: HI, Heavy Industrial

BACKGROUND AND PROPOSAL

The applicant seeks to operate a metal processing and vehicle wrecking yard at the 726 3rd Ave property, which abuts by 100' a Residential District, however the residences are approximately 1000' away from the proposed location. The location has previously been a used car sales lot.

Neighboring land uses include:
North – Pre-existing vehicle wrecking yard.
South – Vacant lot/PUD pole.
East – BNSF Railway.
West – 3rd Avenue.

The Comprehensive Plan classification for the property is Heavy Industrial.

In accordance with LMC §19.12.090(1), written notice of the public hearing for the Variance request was mailed to the applicant and to the owners of all properties adjacent to or abutting this proposal on Monday September 25th, 2023 [Exhibit C].

Postings and legal notices are not required for Variance requests.

SEPA DETERMINATION

A State Environmental Policy Act checklist was not required.

CRITICAL AREA ORDINANCE REQUIREMENTS

There are no mapped critical areas on the property.

APPLICABLE CODE SECTIONS

LMC 19.58.100 Vehicle wrecking yards/junkyards.

This section establishes regulations for junkyards and vehicle wrecking yards to ensure that neighborhoods and economic development opportunities are protected, consistent with state law. This section applies to any junkyard or vehicle wrecking yard.

(1) Definition. A “junkyard” or “vehicle wrecking yard” shall mean any facility, structure, or land-use storage of used scrap salvage materials, including but not limited to shredding, milling, grinding, baling, or packing equipment for the handling of scrap, salvage materials, or used materials. Vehicle wrecking yards are licensed per Chapter 46.80 RCW.

(2) In addition to the performance standards given in Chapter 19.55 LMC, junkyards and vehicle wrecking yards shall comply with the following:

(a) Junkyards and vehicle wrecking yards shall be located at least 500 feet from any dwelling unit or residential zoning district. The 500-foot standard does not apply to caretaker dwellings located in an industrial district.

(b) No material shall be placed in any automobile graveyard or junkyard in such a manner that it is capable of being transferred out of the automobile graveyard or junkyard by wind, water, or other natural causes. The loose storage of paper and the spilling of flammable or other liquids into streams or sewers are prohibited.

(3) Any substantial intensification of an existing junkyard or vehicle wrecking yard in the LI-A district requires a new special property use permit. “Substantial intensification” means any of the following:

- (a) Any geographic expansion of the facility by more than 10 percent;
- (b) The addition of any shredding, milling, grinding, baling, or packing equipment for the handling of scrap or salvage materials, or the replacement of any existing shredding, milling, grinding, baling, or packing equipment for the handling of scrap and salvage materials. (Ord. 3175 § 9, 2011).

LMC 19.12.140 Variance permits – Authority to issue.

The board may authorize the granting of variances from the zoning ordinance of the city, by the building official, where compliance therewith is impractical or impossible. No application for a variance shall be granted unless the board finds:

- (1) The variance will not constitute a grant of special privileges inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and
- (2) That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
- (3) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and
- (4) The need for the variance is not the result of any action taken by the applicant. (Ord. 3122 § 10, 2010; Ord. 1620 § 1, 1973).

STAFF ANALYSIS

The code section cited above requires Junkyards and vehicle wrecking yards shall be located at least 500 feet from any dwelling unit or residential zoning district.

In reviewing LMC §19.12.140, which contains the criteria that shall guide the Board during their review of this petition, staff finds the following:

(1) The variance will not constitute a grant of special privileges inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and

The variance request will allow the property to function as a metal processing/Vehicle Wrecking Yard facility as permitted in the zoning of Heavy Industrial. This opportunity

to apply for a variance exists for any lot with special circumstances such as a residential district being in the proximity.

(2) That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

Staff finds that this lot does experience special circumstances relating to the shape and location of the residential district across the BNSF Railway. Although the residences are approximately 1000' from the property in consideration, the district is approximately 100' away, however features no homes.

(3) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and

The property to the north already performs the permitted use, and allowing this metal processor will continue to remediate the city's dilapidated Recreational Vehicle and Mobile Home situation which is seen in the given zone as well as others.

(4) The need for the variance is not the result of any action taken by the applicant.

Due diligence prior to final ownership of the property may be seen as an action taken by the applicant, however the location and shape of the property would not change regardless of the applicant, if they were seeking to be a metal processor or vehicle wrecker.

STAFF DISCUSSION

City Staff were involved in an internal routing of the application and did not raise concerns at this time.

As of this writing, staff has received no comments on the application.

STAFF FINDINGS

1. The application satisfies the conditions of LMC § 19.12.140, 1-4 for granting a variance as demonstrated in the Staff Analysis section.

RECOMMENDATION

Staff recommends that the Appeal Board of Adjustment adopt the staff analysis and findings and grant a variance to Howard Smith at 726 3rd Ave, parcel 10100.

**Approval does not remove the applicant of Vehicle wrecking yard requirements and licensing per Chapter 46.80 RCW.*

EXHIBITS

- A. Variance application.
- B. Distance to Residential Districts.
- C. Notice to Adjacent Property owners.
- D. LMC 19.58.100 Vehicle Wrecking Yards
- E. Proof of Earnest Money
- F. Signed License Agreement

Staff Report Date: October 2nd, 2023.



Variance Application

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

Application for a Variance to the Longview Zoning Ordinance (Title 19)

LMC 19.12

Application Number: _____

Related Case Number(s): _____

THIS SECTION FOR OFFICE USE ONLY:

I hereby apply for a **Variance** to the following section of the Longview Municipal Code (LMC):

_____. The reason I am requesting a variance is because: I would like
to Run my metal Processing business to benefit Louisa County
and vicinity.

at Street: 7216 3rd Ave, City of Longview, Washington.

Lot No. _____ Block No. _____ Subdivision/Addition: _____

Zoning District: _____

Applicant: Howard Smith Phone: 360-442-11651
(Print All Information)

Contact Name: Howard Smith, Robert Smith Fax: 360-747-1911
Robert

Mailing Address: 231 Washburn Rd
(Street or PO Box)

City: Kelso State: WA Zip: 98626

Is the applicant the property owner? YES NO ☒ If not, complete the following section.

Relationship to Owner: Potential Buyer

Property Owner: in Probate Phone: _____
(Print All Information)

Mailing Address: _____
(Street or PO Box)

City: _____ State: _____ Zip: _____

Justification attach additional sheets as necessary:

- a. Describe the physical conditions and circumstances of the property (lot shape, slope, building location, easements, etc.) and how they affect the project for which the variance is being requested: The property is adjacent to a wrecking yard
that currently operates, next door. Not much would need to
be changed just the zoning.
- b. Describe how the conditions and circumstances are peculiar to the property, do not apply to other properties in the zoning district, and how a special privilege will not be conferred by granting of the variance: There is currently a wrecking yard next door
so this request will parallel the current business adjacent
to the property
- c. Describe how literal interpretation of the zoning ordinance affects your rights (ability to use the property):
The interpretation of the 500' from a residence.
- d. Did any of the conditions and circumstances of the property described above result from your actions?
Yes ☐ No ☒ Explain: _____
- e. Explain how the requested variance is the minimum necessary to make reasonable use of the property:
IF I am held to the 500' the property will
not be ~~used~~ ^{allow} for metal processing.
- f. Explain how the requested variance will be in harmony with the purpose and intent of the zoning ordinance, will not be injurious to the neighborhood, or detrimental to the public welfare: _____
There is the currently the like business next door
there should be little change to the neighborhood or impact

NOTICE TO APPLICANT:

According to the Longview Municipal Code, the Appeal Board of Adjustment may authorize the granting of a variance to the zoning ordinance where compliance with the requirements of the zoning ordinance are impractical or impossible. No application for a variance shall be granted unless the Board finds:

1. The variance will not constitute a grant of special privileges inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located; and
2. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
3. That the granting of the variance(s) requested will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

FILING FEES:

Public Hearing Fee: \$1,087.00
SEPA Review Fee, if applicable: (DNS \$543.00/MDNS \$815.00) \$
Total Fees: \$
Comments:

LONGVIEW APPEAL BOARD OF ADJUSTMENT:

Public Hearing Scheduled: Date: 4:30 PM

Comments:
.....

FOR STAFF USE:

..... Legal Description of Property.
..... Site Plan and/or building elevations, floor plans.
..... Copy of Deed Restrictions and Restrictive Covenants (CCR's).
..... Responses to the justification section addressing the nature of and reason for the variance, and information demonstrating that the requested variance conforms to the requirements contained in LMC 19.12.140.
..... Certificate of Appropriateness issued by the Historic Preservation Commission, if applicable.
Comments:

NOTES TO APPLICANT/OWNER:

1. If the Appeal Board of Adjustment or City Staff determine that additional and/or revised information is needed, and/or if other unforeseen circumstances arise, any dates outlined for processing the application may be rescheduled by the City.
2. All items shall be completed as determined by the Community Development Department prior to the application being deemed complete for processing.
3. All costs incurred by the City in reviewing this application shall be paid prior to any public hearings.
4. The applicant or authorized representative must attend the Appeal Board of Adjustment public hearing.

Comments: _____

SIGNATURES:

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

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

The information provided is "said to be true under penalty of perjury by the Laws of the State of Washington."

Signature of Applicant: [Signature] Date: 9-6-23

Signature of Property Owner: [Signature], administrator Date: 9-6-23

Signature of Property Owner: _____ Date: _____
(If different than property owner)



Feet ▾

Measurement Result

102.8 Feet

Clear



NOTICE OF PUBLIC HEARING

Longview Appeal Board of Adjustment

4:30 P.M. Tuesday, October 10th, 2023, for a 'hybrid' in-person or virtual meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/81922908550>

Or phone in for audio only: (253) 215 8782 or (408) 638 0968

Webinar ID: 819 2290 8550

Case No: ABA 2023-4

Applicant: Howard Smith

Location: 726 3rd Ave, Longview WA

Request: **Variance from Longview Municipal Code Chapter 19.58.100 (2)(a)**
Junkyards and Vehicle Wrecking yards shall be located at least 500 feet
from any dwelling unit or residential zoning district.

Why You Are Receiving This Notice: You own real property located adjacent to or abutting the property seeking the Variance request. The Longview Municipal Code requires all property owners owning real property located adjacent to or abutting a land use proposal subject to a public hearing to be notified of the proposal and of the hearing date, place, and time. Contact: McAllister Kosar, Planner 360-442-5083.

Copies of the associated documents are available for review online at mylongview.com under 'Agendas & Minutes'.

Comments: If you would like to provide comments in writing on this proposal, please submit them **no later than 4:00 p.m. Tuesday, October 10th, 2023**, to the City of Longview Community Development Department, PO Box 128, Longview, WA 98632, **ATTN: McAllister Kosar, Planner**. For electronic comments, provide your comments along with full name, address, and contact information to mcallister.kosar@ci.longview.wa.us **RE: ABA 2023-4**

Public Hearing: You are invited to attend the Appeal Board of Adjustment public hearing scheduled for 4:30 P.M. Tuesday, October 10th, 2023, either in-person at Longview City Hall Council Chambers, 1525 Broadway Street, OR on the virtual meeting platform Zoom (online or phone-in).

Please contact the City Clerk's Office at 360-442-5041 with any accessibility requests.

Site location:



Distance from Residential District:



1 Feet

Measurement Result

102.8 Feet

Clear

19.58.100 Vehicle wrecking yards/junkyards.

This section establishes regulations for junkyards and vehicle wrecking yards to ensure that neighborhoods and economic development opportunities are protected, consistent with state law. This section applies to any junkyard or vehicle wrecking yard.

(1) Definition. A “junkyard” or “vehicle wrecking yard” shall mean any facility, structure, or land-use storage of used scrap salvage materials, including but not limited to shredding, milling, grinding, baling, or packing equipment for the handling of scrap, salvage materials, or used materials. Vehicle wrecking yards are licensed per Chapter 46.80 RCW.

(2) In addition to the performance standards given in Chapter 19.55 LMC, junkyards and vehicle wrecking yards shall comply with the following:

(a) Junkyards and vehicle wrecking yards shall be located at least 500 feet from any dwelling unit or residential zoning district. The 500-foot standard does not apply to caretaker dwellings located in an industrial district.

(b) No material shall be placed in any automobile graveyard or junkyard in such a manner that it is capable of being transferred out of the automobile graveyard or junkyard by wind, water, or other natural causes. The loose storage of paper and the spilling of flammable or other liquids into streams or sewers are prohibited.

(3) Any substantial intensification of an existing junkyard or vehicle wrecking yard in the LI-A district requires a new special property use permit. “Substantial intensification” means any of the following:

(a) Any geographic expansion of the facility by more than 10 percent;

(b) The addition of any shredding, milling, grinding, baling, or packing equipment for the handling of scrap or salvage materials, or the replacement of any existing shredding, milling, grinding, baling, or packing equipment for the handling of scrap and salvage materials. (Ord. 3175 § 9, 2011).

Receipt For Check (Cashier's)
Stewart Title Company**Bank of America, ABA:** [REDACTED], **Account:** [REDACTED]

Receipt Number: 43937
File Number: 2127308
Property Address: 726 3rd Avenue, Longview, WA 98632
Printed Date: 9/5/2023 12:48:36 PM
Received Date: 09/05/2023
Received By: Amanda Richardson
Amount: \$5,000.00
Payor: Howard Smith
Bank: Heritage Bank
Account Number:
Routing Number:

Memo:**Note:**

Description	Amount
Deposit	\$5,000.00
	\$5,000.00



9/5/23

Received By Amanda Richardson

Date

PUD No. 1 of Cowlitz County
P. O Box 3007
961 12th Avenue
Longview, WA 98632

**LICENSE AGREEMENT
FOR ACCESS**

Parcel No: 10095

This LICENSE, made and entered into this _____ day of _____, 2023, by and between **PUBLIC UTILITY DISTRICT NO. 1 OF COWLITZ COUNTY, WASHINGTON, a municipal corporation**, hereinafter known as "District," AND, **HOWARD SMITH**, hereinafter known as "Licensee,"

WITNESSETH THAT:

WHEREAS, the District is the owner of certain real property situated in Section 3, Township 7 North, Range 2 West of the Willamette Meridian, described as follows: BEGINNING at the intersection of the Easterly right-of-way line of Ferry Street and the Westerly right-of-way line of 3rd Avenue as shown by the recorded dedication to the City of Longview, Washington; thence Southeasterly along said Westerly right-of-way line of 3rd Avenue to a point where said 3rd Avenue intersects a line which is the centerline of Arkansas Street produced Easterly from the Plat of Highlands Addition to Longview No. 2 on file at the office of the Auditor of Cowlitz County, Washington (original City limits line of Longview, Washington); thence due West along the centerline of said produced Arkansas Street to a point of intersection with the Easterly right-of-way line of the N.P.R.R Company property; thence Northwesterly along said Easterly right-of-way line to an intersection with the Easterly right-of-way line of Ferry Street; thence Northeasterly along said Easterly right-of-way line of Ferry Street to the POINT OF BEGINNING; EXCEPTING THEREFROM Longview Out Lot No. 74-A (a triangular tract at the corner of Ferry Street and 3rd Avenue), described as follows: BEGINNING at the intersection of the Southeasterly right-of-way line of Ferry Street and the Westerly right-of-way line of 3rd Avenue, said streets being dedicated to the City of Longview, Washington; thence South 20°28'30" West along Southwesterly right-of-way line of Ferry Street a distance of 540 feet; thence South 86°05'30" East 324 feet to a point on the Westerly right-of-way line of 3rd Avenue as dedicated; thence Northerly along said Westerly right-of-way line of 3rd Avenue a distance of 540 feet, more or less, to the intersection of the Southeasterly right-of-way line of Ferry Street and the Westerly right-of-way line of 3rd Avenue and the POINT OF BEGINNING. ALSO EXCEPTING THEREFROM that portion conveyed to Amos J. Peters Construction, Inc., by Statutory Warranty Deed, dated June 23, 1976, and recorded in Volume 831 of Deeds, at Page 143, under Auditor's File No. 796625, records of Cowlitz County, Washington; ALSO EXCEPTING THEREFROM that portion conveyed to City of Longview by Warranty Deed, Dated March 3, 2020, and recorded under Auditor's File No. 3639475, records of Cowlitz County, Washington.

WHEREAS, the Licensee is the owner of a parcel of land that is coincident with, and North of, that of the District. The parcel of land is described in that certain Quit Claim Deed dated May 16, 2016, and recorded under Auditor's File No. 3544106.

WHEREAS, the Licensee desires to use a portion of the District's property for vehicular traffic, along the North property line, across the lands of the District described herein.

NOW THEREFORE, in consideration of covenants hereinafter set forth to be faithfully kept and performed by the Licensee, the District hereby grants and conveys to the Licensee, a license and right-of-use, on the North 30 feet of the heretofore described lands of the District, upon the following terms and conditions:

1. **TERM:** From execution of this license until terminated by either party providing the other party ninety (90) days prior written notice of intent to terminate.
2. **USE OF PREMISES:** The Licensee, his family, employees, agents, contractors and subcontractors, shall have the right and privilege to use the North 30 feet of the District's lands described above. The Licensee shall have the right to operate on said North 30 feet vehicles normally associated with and incidental to the use thereof. The District shall continue to enjoy the free unrestricted use of its property heretofore described.

IT IS UNDERSTOOD AND AGREED that in no event shall the North 30 feet be improved to a standard rendering it suitable for acceptance by the City of Longview as a public thoroughfare. This license agreement is only for the incidental movement of the Licensee's equipment and materials between properties owned by Licensee that is coincident with the property of the District. It is not the intent of the District that the license area be used as a public thoroughfare or as a public access to the property of the Licensee. It is also agreed that no materials or equipment shall be stored on said North 30 feet or the District's land.

IT IS UNDERSTOOD AND AGREED that this License is personal to the Licensee and shall not inure to the successors in interest or assigns of the Licensee. In the event that the property of the Licensee is sold, contracted to be sold or is transferred in any manner, this License Agreement shall terminate automatically as of the date of said sale or transfer.

FURTHER, the District shall not be held responsible for any costs associated with the maintenance and/or improvement of said North 30 feet by Licensee. The Licensee shall contact the District's Operations Department, at (360) 501-9368, prior to any maintenance/improvement of said North 30 feet, for instructions on what materials are acceptable and for inspection of said maintenance/improvements.

FURTHER, the Licensee shall, in using the District property and the Licensee's coincident property, maintain the existing drainage system and not allow surface water to build up on the said properties.

3. **RISK OF DAMAGE:** The entire risk of loss or destruction of or damage to any equipment or other property owned by or in the possession or control of the Licensee, his family, employees, agents, contractors and subcontractors on the District's property shall be borne by the Licensee during the term of this License.

STATE OF WASHINGTON }
 } ss.
COUNTY OF COWLITZ }



On this day personally appeared before me, LANCE LARWICK, DIRECTOR OF ENGINEERING, of the corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.


Notary Public (Signature)

Peter M Eggersgluss
Notary Public (Type or print)

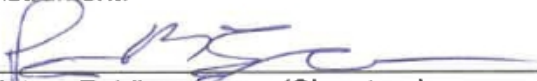
Dated: 9-13-23

My appointment expires:
10-17-23

STATE OF WASHINGTON)
) ss.
County of Cowlitz)



I certify that I know or have satisfactory evidence that, HOWARD SMITH, is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in this instrument.


Notary Public (Signature)

Peter M Eggersgluss
Notary Public (Type or Print)

Dated: 9-13-23

My appointment expires:
10-17-23

4. **COMPLIANCE WITH LAWS:** The Licensee on behalf of himself, his family, employees, agents, contractors and subcontractors agree to comply with all laws and lawful regulations of the State of Washington and of the United States relating to their operations on the District's property, including but not limited to the maintaining of adequate clearances from the existing electric facilities on the right-of-way as set forth in the 1997 National Electric Safety Code, and the Electric Safety Code and Construction Code of the Washington State Department of Labor and Industries, and their future revisions.
5. **INDEMNITY:** The Licensee will at all times indemnify, defend, pay on behalf of, and hold harmless the District, its officers and employees from and against any and all actions or causes of action, claims, demands, liabilities, losses, damages, or expenses of whatsoever kind and nature, including attorney's fees, which the District shall or may at any time sustain or incur by reason of the construction, installation, maintenance and all other operations incidental to the use of the District's property by the Licensee.
6. **TERMINATION:** Upon termination of the license, the Site shall be left in a stable, clean and wholesome condition to the District.

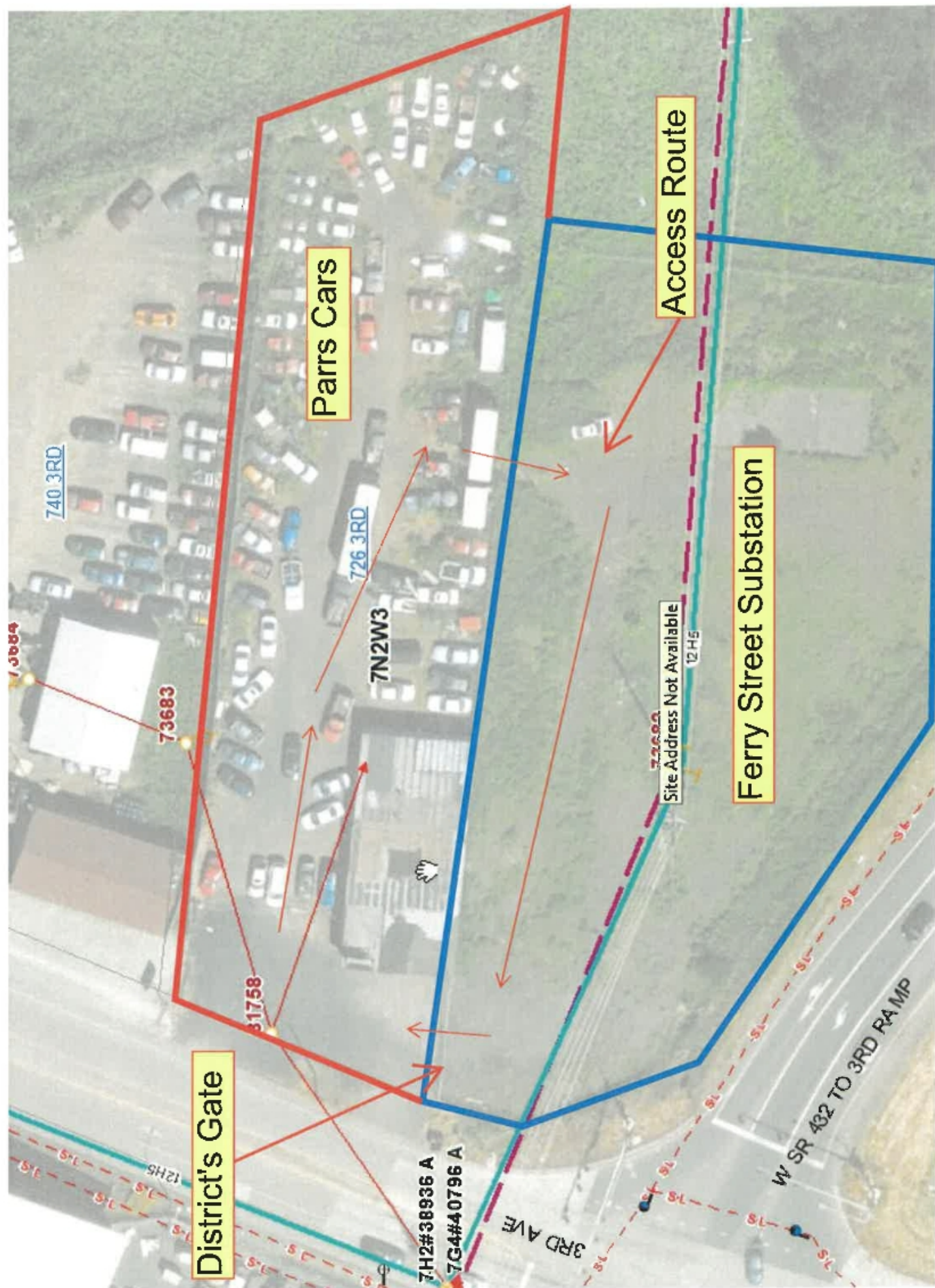
IN WITNESS WHEREOF, the parties hereto have executed this instrument this _____ day of 9-13, 2023.

PUBLIC UTILITY DISTRICT NO. 1
OF COWLITZ COUNTY, WASHINGTON


Lance Larwick, Director of Engineering

 Howard Smith
Howard Smith





Ferry Street
Substation

District Gate



© 2008 Google

From: [Mark Fleischauer](#)
Sent: Wednesday, October 4, 2023 1:54 PM
To: [Mac Kosar](#)
Subject: Case ABA 2-23-4

Importance: High

Categories: Current Planning

Good Afternoon-

I am the trustee and/or manager of JHK SMT, JH Kelly LLC, MEFT RE Fund LLC and MEFT Riverfront LLC (as well as numerous entities affiliated with the ownership of JH Kelly). We own property adjacent to the site in question, and we are also in escrow on the former Kemira site located at 850 Third Avenue. Our ownership and interest in our various properties is rooted in existing conditions and existing ordinances. We believe Third Avenue is becoming a more and more important gateway portal to the City of Longview, and we endeavor to steward our properties in a manner that reflects our civic pride and compliments the surroundings for our employees and our customers. We believe Code 19.58.100(2)(a) contributes to the aesthetics, livability and overall planning vision for the community, and we are opposed to any variance which mitigates or diminishes the protections it provides.

Thank you for your consideration.

Mark Fleischauer



Mark Fleischauer
Chairman | JH Kelly Holdings, LLC
Direct: 360.423-5510 |





City of Longview

Agenda Summary

ABA 2023-5 5746 MT. SOLO RD PUD GARDEN VARIANCE

STAFF RECOMMENDATION: MOTION TO ADOPT THE STAFF ANALYSIS AND FINDINGS AND GRANT A VARIANCE TO PERMIT A COMMUNITY GARDEN/GARDENING OF VACANT LAND AT 5746 MT. SOLO RD CITING THE POSITIVE IMPACTS.

The city has received a Variance request for a community garden at the vacant 5746 Mt. Solo Rd lot, an extension of their garden at the abutting parcel. These parcels would be used for community gardens until substation expansion by the PUD.

Attachments:

1. Staff Report ABA 2023-5 variance for Community Garden at 5746 Mt Solo
2. EX A Signed Variance Application
3. Ex B Notice to Adjacent Property Owners ABA 2023-1 2648 Garfield st
4. Exhibit C
5. Ex D CowlitzReport (1)
6. Ex D Warranty Deed AF#3627786



STAFF REPORT
to the
LONGVIEW APPEAL BOARD OF ADJUSTMENT

PRESENTED BY: McAllister Kosar

HEARING DATE: October 10, 2023

APPLICATION NO.: ABA 2023-5

APPLICANT: Cowlitz PUD No.1 – Peter Eggersgluss

PROPERTY OWNER: Cowlitz PUD No.1

REQUEST: Variance request to allow community garden plots on subject property.

LOCATION: 5746 Mt. Solo Road, Longview WA 98632.

ASSOCIATED CASES: None.

ZONING DISTRICT: General Commercial (GC)

BACKGROUND AND PROPOSAL

Cowlitz PUD has developed a community garden on the abutting parcel (107410100) zoned R-1 which permits home gardens and gardening of vacant land in accordance with Table 19.20.020-1 Permitted Uses in Residential Districts within the Longview Municipal Code. The PUD seeks to continue and expand the community garden on the property of 5746 Mt. Solo Road, which has the zoning of General Commercial, and according to the Longview Municipal Code Table 19.44.020-1 Permitted uses in commercial zones, only includes botanical and zoological gardens. The applicant seeks permission to create community garden plots on the subject property. The subject property was formerly a single-family residence prior to demolition by the PUD. The two parcels will be vacant until future substation expansion by the PUD.

Exhibit A is the application.

Neighboring land uses include:

North – Kelso Church of Truth.

South – A vacant parcel and PUD #1 substation.

East – Roy Morse Park

West – Mt. Solo Rd, Baker’s Corner store.

The Comprehensive Plan classification for the property is Community Commercial.

In accordance with LMC §19.12.090(1), written notice of the public hearing for the Variance request was mailed to the applicant and to the owners of all properties adjacent to or abutting this proposal on Thursday September 28, 2023 [Exhibit B].

Postings and legal notices are not required for Variance requests.

SEPA DETERMINATION

A State Environmental Policy Act checklist was not required.

CRITICAL AREA ORDINANCE REQUIREMENTS

There are no mapped critical areas on the property.

APPLICABLE CODE SECTIONS

Table 19.20.020-1 Permitted Uses in Residential Districts

Use	Zoning District				
	R-1	R-2	R-3	R-4	TNR
Home gardens and gardening of vacant land ³	P	P	P	P	P

Notes:

3. For gardening on vacant land, no buildings are allowed except for one garden shed not to exceed 100 square feet in size and with a height not to exceed 10 feet. The garden shed is subject to the setback requirements of a primary building.

LMC 19.44.010 Purpose.

This chapter accommodates a range of commercial land uses in the community in five commercial districts and one mixed use district. All of these districts are intended to provide for land use compatibility while providing a high-quality environment for customers, businesses and employees.

The general commercial (GC) district is intended to provide activity centers that serve the day-to-day needs of the community as well as the surrounding neighborhoods and residential areas but that are less intense than regional commercial areas.

Table 19.44.020-1. Permitted uses in commercial zones.

Use	DC	CBD	RC	NC	GC	O/C
Museums, botanical and zoological gardens, public plazas, performing and cultural arts studios	P	P			P	

LMC 19.12.140 Variance permits – Authority to issue.

The board may authorize the granting of variances from the zoning ordinance of the city, by the building official, where compliance therewith is impractical or impossible. No application for a variance shall be granted unless the board finds:

- (1) The variance will not constitute a grant of special privileges inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and
- (2) That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
- (3) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and
- (4) The need for the variance is not the result of any action taken by the applicant. (Ord. 3122 § 10, 2010; Ord. 1620 § 1, 1973).

STAFF ANALYSIS

The code section cited above requires a 25’ front yard setback for the primary building from the property line.

In reviewing LMC §19.12.140, which contains the criteria that shall guide the Board during their review of this petition, staff finds the following:

(1) The variance will not constitute a grant of special privileges inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and

The request is that the property obtain permission for which the abutting parcel, under the same ownership, already has. However, the General Commercial Zone properties in the vicinity do not have the outright permission like the property in consideration. Abutting GC properties do have the right to seek a variance from the Zoning code similar to this applicant.

(2) That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

The property in consideration was formerly a single-family home before the property was purchased by the PUD. Many single family lots in Longview and in the vicinity have been zoned GC for their proximity to Ocean Beach Hwy.

(3) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and

The request if granted will expand a community garden, which is far from materially detrimental and if anything is beneficial to the public welfare and vicinity in which the subject property is situated.

(4) The need for the variance is not the result of any action taken by the applicant.

The parcel was likely zoned General Commercial in one of the most recent Comprehensive Plan Updates, prior to PUD purchase of the parcel.

STAFF DISCUSSION

The City's Building Official, Fire Marshal, and Public Works Department have had the opportunity to review the Variance request application for 5746 Mt. Solo Rd.

As of this writing, staff has received no comments on the application.

STAFF FINDINGS

1. The application roughly satisfies the conditions of LMC § 19.12.140, 1-4 for granting a variance as demonstrated in the Staff Analysis section.

RECOMMENDATION

Staff recommends that the Appeal Board of Adjustment adopt the staff analysis and findings and grant a variance to permit a Community Garden/Gardening of vacant land at 5746 Mt. Solo Rd citing the positive impacts.

EXHIBITS

- A. Variance application.
- B. Notice to Adjacent Property owners.
- C. Site Diagram
- D. Warranty Deed/Cowlitz County Assessor Report

Staff Report Date: October 10, 2023.



Variance Application

Community Development Department • 1525 Broadway, P.O. Box 128 • Longview, WA 98632 • 360.442.5086/Fax 360.442.6953

Application for a Variance to the Longview Zoning Ordinance (Title 19)

LMC 19.12

Application Number: ABA 2023-5

Related Case Number(s): _____

THIS SECTION FOR OFFICE USE ONLY:

I hereby apply for a **Variance** to the following section of the Longview Municipal Code (LMC):

19.44. The reason I am requesting a variance is because: The District proposes to create community garden plots on the subject parcel

at Street: 5746 Mt. Solo Road, City of Longview, Washington.

Lot No. LVOL 631 Assessor's Parcel # 107430100 Subdivision/Addition: N/A

Zoning District: GC – General Commercial

Applicant: Cowlitz PUD No. 1 Phone: 360-501-9526
(Print All Information)

Contact Name: Peter Eggersgluss Fax: _____

Mailing Address: P.O. Box 3007
(Street or PO Box)

City: Longview State: WA Zip: 98632

Is the applicant the property owner? YES NO If not, complete the following section.

Relationship to Owner: _____

Property Owner: _____ Phone: _____
(Print All Information)

Mailing Address: _____
(Street or PO Box)

City: _____ State: _____ Zip: _____

Justification attach additional sheets as necessary:

- a. Describe the physical conditions and circumstances of the property (lot shape, slope, building location, easements, etc.) and how they affect the project for which the variance is being requested: Parcel is a rectangular shape, bounded on the Northeast by the Church of Truth, on the Southeast by Roy Morse Park, on the Southwest by residential condos, and on the Northwest by Mt. Solo Road.

The land is Vacant, Flat, with a gravel parking area abutting Mt. Solo Road. This parcel was previously used for agricultural purposes and farmed by the J. Willard & Ruth Edwards family and their heirs.

- b. Describe how the conditions and circumstances are peculiar to the property, do not apply to other properties in the zoning district, and how a special privilege will not be conferred by granting of the variance: Vacant, flat land is especially suitable to gardening due to the agricultural history of the parcel. The site will remain shovel-ready when the District expands its substation in the future or in the event the District were to sell the property for other commercial uses.

- c. Describe how literal interpretation of the zoning ordinance affects your rights (ability to use the property):

Gardens and/or agriculture are not listed under 19.44.020 – Uses

(Chapter 19.44 Commercial Zoning District's)

- d. Did any of the conditions and circumstances of the property described above result from your actions?

Yes ☒

No ☐

Explain: Gravel parking lot sits where the former house was located. This parcel was previously used for agricultural purposes and farmed by the J. Willard & Ruth Edwards family and their heirs.

- e. Explain how the requested variance is the minimum necessary to make reasonable use of the property: The District purchased the parcel for the future expansion of its Baker's Corner Substation and will sit vacant till that time. The site will need frequent mowing and brushing maintenance. Allowing a community garden will help maintain the property's neat appearance, limit invasive plant species and contribute to the recreational options of the neighborhood.
- f. Explain how the requested variance will be in harmony with the purpose and intent of the zoning ordinance, will not be injurious to the neighborhood, or detrimental to the public welfare: The site will remain shovel-ready when the District expands its substation or in the event the District were to sell the property for other commercial uses. Allowing a community garden will help maintain the property's neat appearance, limit invasive plant species and contribute to the recreational options of the neighborhood. A community garden will create a safe environment for children and pets. It will also offer a place for neighbors to commune with each other and nature. There is a sidewalk along Mt. Solo Road for safe pedestrian access. A community garden also has the potential to increase commerce to businesses at the Baker's Corner area.

NOTICE TO APPLICANT:

According to the Longview Municipal Code, the Appeal Board of Adjustment may authorize the granting of a variance to the zoning ordinance where compliance with the requirements of the zoning ordinance are impractical or impossible. No application for a variance shall be granted unless the Board finds:

1. The variance will not constitute a grant of special privileges inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located; and
2. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
3. That the granting of the variance(s) requested will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

FILING FEES:

Public Hearing Fee: \$1,087.00

SEPA Review Fee, if applicable: (DNS \$543.00/MDNS \$815.00)..... \$

Total Fees: \$

Comments: _____

LONGVIEW APPEAL BOARD OF ADJUSTMENT:

Public Hearing Scheduled: Date: _____ 4:30 PM

Comments: _____

FOR STAFF USE:

_____ Legal Description of Property.

_____ Site Plan and/or building elevations, floor plans.

_____ Copy of Deed Restrictions and Restrictive Covenants (CCR's).

_____ Responses to the justification section addressing the nature of and reason for the variance, and information demonstrating that the requested variance conforms to the requirements contained in LMC 19.12.140.

_____ Certificate of Appropriateness issued by the Historic Preservation Commission, if applicable.

Comments: _____

NOTES TO APPLICANT/OWNER:

1. If the Appeal Board of Adjustment or City Staff determine that additional and/or revised information is needed, and/or if other unforeseen circumstances arise, any dates outlined for processing the application may be rescheduled by the City.
2. All items shall be completed as determined by the Community Development Department prior to the application being deemed complete for processing.
3. All costs incurred by the City in reviewing this application shall be paid prior to any public hearings.
4. The applicant or authorized representative must attend the Appeal Board of Adjustment public hearing.

Comments: _____

SIGNATURES:

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

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

The information provided is "said to be true under penalty of perjury by the Laws of the State of Washington."

Signature of Applicant:  R/W Agent Date: 9-12-23

Signature of Property Owner: _____ Date: _____

Signature of Property Owner: _____ Date: _____
(If different than property owner)



NOTICE OF PUBLIC HEARING

Longview Appeal Board of Adjustment

4:30 P.M. Tuesday, October 10th, 2023, for a 'hybrid' in-person or virtual meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/81922908550>

Or phone in for audio only: (253) 215 8782 or (408) 638 0968

Webinar ID: 819 2290 8550

Case No: ABA 2023-5

Applicant: Cowlitz PUD No.1 – Peter Eggersgluss

Location: 5746 Mt. Solo Road, Longview WA 98632.

Request: Variance request to allow community garden plots on subject property.

Why You Are Receiving This Notice: You own real property located adjacent to or abutting the property affected by the Special Property Use request. The Longview Municipal Code requires all property owners owning real property located adjacent to or abutting a land use proposal subject to a public hearing to be notified of the proposal and of the hearing date, place, and time. Contact: McAllister Kosar, Planner 360-442-5083

Copies of the associated documents are available for review online at mylongview.com under 'Agendas & Minutes'.

Comments: If you would like to provide comments in writing on this proposal, please submit them **no later than 4:00 p.m. Tuesday, October 10th, 2023**, to the City of Longview Community Development Department, PO Box 128, Longview, WA 98632, **ATTN: McAllister Kosar, Planner.** For electronic comments, provide your comments along with full name, address, and contact information to mcallisterk@mylongview.com
RE: ABA 2023-5

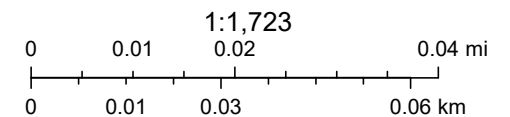
Public Hearing: You are invited to attend the Appeal Board of Adjustment public hearing scheduled for 4:30 P.M. Tuesday, October 10th, 2023, either in-person at Longview City Hall Council Chambers, 1525 Broadway Street, OR on the virtual meeting platform Zoom (online or phone-in).

Public comment can be submitted in advance to mcallisterk@mylongview.com Please contact the City Clerk's Office at 360-442-5041 with any accessibility requests.

Assessor Web Map



9/12/2023, 6:10:15 AM



Cowlitz County GIS Department., Maxar, Microsoft, Cowlitz County GIS Department, WA DNR., Cowlitz County GIS Department

ArcGIS Web AppBuilder



Cowlitz County Property Information

Property ID: 3033984

Parcel: 107430100

Site Address: 5746 MT SOLO RD

Owner Information

Owner: PUD NO-1 COWLITZ COUNTY
Mailing Address: PO BOX 3007
LONGVIEW, WA 98632

General Property Info

Jurisdiction: LONGVIEW
Acres: 1.0000
Curr Assmt Yr: 2022
Abbr Prop Ref: 819 (LONGVIEW OUTLOT) -LVOL -631 23 -8N -3W

Sect/Township/Range: 23-8N-3W
Property Use: SINGLE FAMILY RES
Neighborhood: CVG 4
Tax Code Area: 400

Current Assessed Values For 2022

Land Value: \$27,620
Improvement Value: \$174,560
Current Use: \$0
Total Assessed Value: \$202,180

Current Taxes For 2023 Payable Year

Taxes: \$1,692.20
Assessments: \$110.49
Total Charges: \$1,802.69
First Half: \$0.00
Second Half: \$0.00
Total Paid: \$1,802.69
Total Due: \$0.00

Photos





Cowlitz County Property Information

Property ID: 3033984

Parcel: 107430100

Site Address: 5746 MT SOLO RD

Property Details

Year Built - DET_GAR_WD 1950

Area (SQFT) - DET_GAR_WD FIRST 396

Year Built - SFR 1950

Area (SQFT) - SFR FIRST 1,074

Baths (Full) 1

Bedrooms 3

3627786

10/10/2019 11:58:10 AM Pages: 3
Deed COWLITZ COUNTY TITLE COMPANY 105.50
Cowlitz County Washington

When recorded return to:

PUD No.1 of Cowlitz County, Washington
P.O Box 3007
Longview, WA. 98632



Received \$ 3776.00 excise tax levied
AFFIDAVIT NO. 14218
COWLITZ COUNTY TREASURER
Date OCT 10 2019 ML Deputy

STATUTORY WARRANTY DEED

COW9721KN

The Grantor, **Sherry L. Roberts and Carol A. Lockman as Successor Trustees of the J. Willard Edwards and Ruth L. Edwards Living Trust established by agreement executed April 23, 2001.**

for and in consideration of **Ten Dollars and other valuable consideration**

in hand paid, conveys, and warrants to **PUD No.1 of Cowlitz County, Washington, a Municipal Corporation**

the following described real estate, situated in the County of Cowlitz, State of Washington:

SEE ATTACHED EXHIBIT "A"

Abbreviated Legal: **LVOL 631 IN 23-8-3W (PARCEL A); LVOL 629 IN 23-8-3W (PARCEL B)**
Tax Parcel Numbers(s): **1-0741-0100, 1-0743-0100**

SUBJECT TO covenants, conditions, restrictions, reservations, easements and agreements of record, if any.

Dated: **10/7/2019**

Living Trust of J. Willard Edwards and Ruth L. Edwards

Sherry L. Roberts Successor Trustee
By: **Sherry L. Roberts, Successor Trustee**

Carol A. Lockman Successor Trustee
By: **Carol A. Lockman, Successor Trustee**

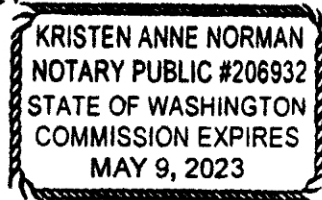
STATE OF **Washington**

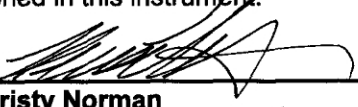
} ss.

COUNTY OF **Cowlitz**

I certify that I know or have satisfactory evidence that **Sherry L. Roberts and Carol A. Lockman as Successor Trustees of the J. Willard Edwards and Ruth L. Edwards Living Trust established by agreement executed April 23, 2001** is/are the person who appeared before me, and said person acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 12/09/19




Kristy Norman
Notary Public in and for the State of Washington
Residing at **LONGVIEW, WA.**
My appointment expires: 05/09/23

Unofficial Copy

EXHIBIT "A"

PARCEL A:

Assessor's Parcel No.
107430100
OUTLOT 631

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 14 AND THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 8 NORTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF OCEAN BEACH HIGHWAY PRODUCED NORTHWESTERLY FROM THE PLAT OF COLUMBIA VALLEY GARDENS NO. 3, AS RECORDED IN VOLUME 7 OF PLATS, PAGE 9, RECORDS OF COWLITZ COUNTY, WASHINGTON, WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF PERMANENT HIGHWAY NO. 11;

THENCE SOUTH 39° 41' 109.00 FEET ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID PERMANENT HIGHWAY NO. 11 TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE SOUTH 50° 19' EAST 400.00 FEET;

THENCE SOUTH 39° 41' WEST 109.00 FEET;

THENCE NORTH 50° 19' WEST 400.00 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID PERMANENT HIGHWAY NO. 11;

THENCE NORTH 39° 41' EAST 109.00 FEET ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF PERMANENT HIGHWAY NO. 11 TO THE TRUE POINT OF BEGINNING.

PARCEL B:

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 8 NORTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF OCEAN BEACH HIGHWAY PRODUCED NORTHWESTERLY FROM THE PLAT OF COLUMBIA VALLEY GARDENS NO. 3, AS RECORDED IN VOLUME 7 OF PLATS, PAGE 9, RECORDS OF COWLITZ COUNTY, WASHINGTON, WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF PERMANENT HIGHWAY NO. 11;

THENCE SOUTH 39° 41' 218.00 FEET ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID PERMANENT HIGHWAY NO. 11 TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE SOUTH 50° 19' EAST 400.00 FEET;

THENCE SOUTH 39° 41' WEST 218.00 FEET;

THENCE NORTH 50° 19' WEST 400.00 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID PERMANENT HIGHWAY NO. 11;

THENCE NORTH 39° 41' EAST 218.00 FEET ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF PERMANENT HIGHWAY NO. 11 TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO PUBLIC UTILITY DISTRICT NO. 1 OF COWLITZ COUNTY BY DEED RECORDED UNDER AUDITOR'S FILE NO. 441260.

SITUATE IN THE COUNTY OF COWLITZ, STATE OF WASHINGTON