



City of Longview

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

Agenda

City Council

*Mayor Spencer Boudreau
Mayor Pro Tem Kalei LaFave
Council Member Ruth Kendall
Council Member Angie Wean
Council Member MaryAlice Wallis
Council Member Keith Young
Council Member Erik Halvorson*

Tuesday, July 23, 2024

6:00 PM

2nd Floor, City Hall

The City Hall is accessible for persons with disabilities. Special equipment to assist the hearing impaired is also available. Please contact the City Executive Office at 360.442.5004 48 hours in advance if you require special accommodations to attend the meeting. Please note - virtual attendees may comment verbally during public hearings only. Virtual attendees may also submit written comments to the Clerk's Office with the heading, "Public Comment for disbursement to the City Council".

<https://us02web.zoom.us/j/82394132374>

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: 823 9413 2374

1. CALL TO ORDER
2. INVOCATION*/FLAG SALUTE
24-00674 JOSHUA WENZKE, NORTHLAKE CHURCH
3. ROLL CALL
4. WORKSHOP
5. APPROVAL OF MINUTES
24-00675 JULY 9, 2024 REGULAR MEETING

24-00679 JULY 16, 2024 SPECIAL MEETING/WORKSHOP**6. CHANGES TO THE AGENDA****7. PRESENTATIONS & AWARDS****24-00613 MID-YEAR BUDGET REVIEW**

RECOMMENDED ACTION:
NO ACTION

8. CONSTITUENTS' COMMENTS (Thirty Minutes)**9. PUBLIC HEARINGS****10. BOARD & COMMISSION RECOMMENDATIONS****11. ORDINANCES & RESOLUTIONS****12. MAYOR'S REPORT****13. COUNCILMEMBERS' REPORTS**

24-00678 ORDINANCE 3538 - ADOPTING A NEW CHAPTER OF THE LONGVIEW MUNICIPAL CODE, CHAPTER 1.38 CITY FLAG POLICY; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

RECOMMENDED ACTION:
MOTION TO ADOPT ORDINANCE 3538

14. CONSENT CALENDAR**24-00673 APPROVAL OF CLAIMS**

24-00676 RESOLUTION NO. 2507 - APPOINTING COMMITTEES TO PREPARE PRO AND CON STATEMENTS FOR BALLOT PROPOSITION AUTHORIZING AN INCREASE IN THE SALES AND USE TAX IN LONGVIEW OF ONE-TENTH OF ONE PERCENT (0.1%) ON THE SELLING PRICE TO FUND ENHANCED POLICE SERVICES AND COMMUNITY SAFETY

RECOMMENDED ACTION:
MOTION TO ADOPT RESOLUTION NO. 2507

24-00357 ORDINANCE NO. 3520 – LMC CHAPTER 17.100 WATER SUPPLY PROTECTION

RECOMMENDED ACTION:
MOTION TO ADOPT ORDINANCE NO. 3520

24-00668 CONSULTANT AGREEMENT WITH PBS ENGINEERING & ENVIRONMENTAL FOR 46TH AVENUE RECONSTRUCTION

RECOMMENDED ACTION:
MOTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE SUPPLEMENTAL 5 CONSULTANT AGREEMENT WITH PBS ENGINEERING & ENVIRONMENTAL

24-00669 RESOLUTION 2508 – REVISIONS TO SOLID WASTE AND RECYCLING RATE RESOLUTION FOR 2024

RECOMMENDED ACTION:
MOTION TO ADOPT RESOLUTION 2508

24-00670 ORDINANCE NO. 3540 – TITLE 15 AMENDMENTS

RECOMMENDED ACTION:
MOTION TO ADOPT ORDINANCE NO. 3540

24-00671 BID REVIEW – SEWER LATERAL REPLACEMENT

RECOMMENDED ACTION:
**MOTION TO ACCEPT THE LOW BID AND AWARD TO ADVANCED EXCAVATING
SPECIALIST, LLC IN THE AMOUNT OF \$87,060.50**

15. CITY MANAGER'S REPORT

24-00680 ORDINANCE NO. 3541 –INTERIM ZONING REGULATION

RECOMMENDED ACTION:
MOTION TO ADOPT ORDINANCE NO. 3541

16. MISCELLANEOUS

17. EXECUTIVE SESSION

24-00641 COLLECTIVE BARGAINING PER RCW 42.30.140(4)(a)

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:

TUESDAY, AUGUST 13, 2024 – 6:00 P.M.

TUESDAY, AUGUST 27, 2024 – 6:00 P.M.

NEXT SPECIAL COUNCIL WORKSHOPS:

TUESDAY, JULY 30, 2024 – 6:00 P.M. – ENHANCEMENT REQUESTS

TUESDAY, AUGUST 20, 2024 - 6:00 P.M. - GENERAL FUND REVENUE



City of Longview

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Minutes

City Council

*Mayor Spencer Boudreau
Mayor Pro Tem Kalei LaFave
Council Member Ruth Kendall
Council Member Angie Wean
Council Member MaryAlice Wallis
Council Member Keith Young
Council Member Erik Halvorson*

Tuesday, July 9, 2024

6:00 PM

2nd Floor, City Hall

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Webinar ID: 823 9413 2374

1. **CALL TO ORDER**

Mayor Pro Tem LaFave called the meeting to order at 6:00 p.m.

2. **INVOCATION*/FLAG SALUTE**

After the invocation provided by Larry Russell of Shekinah Christian Center, the flag salute was recited.

3. **ROLL CALL**

***Present:** Mayor Boudreau (on-line), Mayor Pro Tem LaFave, Councilmember Kendall, Councilmember Wean (on-line), Councilmember Wallis (on-line), Councilmember Young, Councilmember Halvorson*

***Staff Present:** Interim City Manager Jim Duscha, Interim City Attorney Charlotte Archer, City Clerk Tiffany Ostreim, Public Works Director/Assistant City Manager Chris Collins, Interim Community & Economic Development Director Ken Hash, Parks & Recreation Director Jen Wills, Police Captain John Reeves, Human Resources Director Sabrina Fraidenburg, Public Information Officer Angela Abel*

4. WORKSHOP**24-00618 MINT VALLEY GOLF COURSE UPDATE (TIME ESTIMATE 30 MINUTES)**

Parks and Recreation Director Jen Wills, Golf Superintendent Jim Nickerson and Design Engineer for the Golf Course Greg Baer presented.

Councilmembers expressed support for Plan A and Plan B.

Public Works Director/Assistant City Manager Collins stated funding options need to be better explored.

A motion was made by Councilmember Wallis, seconded by Councilmember Wean to do a combination of Plan A and Plan B.

Council discussed the motion.

Councilmember Wallis rephrased the motion to bring back Plan A and Plan B and funding options at the August 27, 2024 regular council meeting.

Kimberly Higgins provided public comment.

Kenneth Pence provided public comment.

Kenneth Hoyle provided public comment.

Ian Dahl provided public comment

Jason Still provided public comment.

Mint Valley Golf Course Operation Manager Trevor Eades provided public comment.

Dave Grumbois provided public comment.

A citizen, name unstated, provided public comment.

Tom Haan provided public comment.

Sylvia Hayle provided public comment.

Vicki Echert provided public comment.

Sharon Gibb provided public comment.

The motion carried unanimously.

The Council recessed at 7:20 p.m. and returned at 7:25 p.m. with all members present.

The flag salute was recited.

5. APPROVAL OF MINUTES

A motion was made by Councilmember Halvorson, seconded by Councilmember Kendall, to approve the June 25, 2024 Special Meeting/Workshop Minutes and June 27, 2024 Regular Meeting Minutes. The motion carried unanimously.

24-00611 JUNE 25, 2024 SPECIAL MEETING/WORKSHOP**24-00619 JUNE 27, 2024 REGULAR MEETING****6. CHANGES TO THE AGENDA**

Councilmember Kendall requested to remove Board and Committee Appointments from the Agenda. Council concurred.

A motion was made by Councilmember Wallis, seconded by Councilmember Wean, to remove Agenda Item 24-00634, Professional Services Agreement with Exigy, LLC from the Consent Calendar and consider separately before #8 Constituent Comments.

An amendment to the motion was made by Councilmember Halvorson, seconded by Councilmember Young, to remove Agenda Item 24-00634, Professional Services Agreement with Exigy, LLC from the Consent Calendar and consider separately after #8 Constituent Comments.

The amendment carried by the following vote:

Ayes: Councilmember Halvorson, Councilmember Young, Councilmember Kendall, Mayor Pro Tem LaFave

Nays: Councilmember Wallis, Councilmember Wean

The main motion as amended carried by the following vote:

Ayes: Councilmember Halvorson, Councilmember Young, Councilmember Kendall, Mayor Pro Tem LaFave

Nays: Councilmember Wallis, Councilmember Wean

7. PRESENTATIONS & AWARDS

8. CONSTITUENTS' COMMENTS (Thirty Minutes)

Heidi Hubler provided public comment.

Councilmember Wean recommended the Planning Commission review residential zoning in the Highlands area.

Melissa Macklin provided public comment.

Lareda Richards provided public comment.

Bob Ferranti provided public comment.

Jason Still provided public comment.

Shannon Gilman provided public comment.

A Citizen, name unstated, provided public comment.

Michael O'Neill provided public comment.

Michael Pederson provided public comment.

Vicki Echert provided public comment.

Randy Knox provided public comment.

24-00634 PROFESSIONAL SERVICES AGREEMENT WITH EXIGY, LLC, DBA EXIGY CONSULTING

RECOMMENDED ACTION:

MOTION TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT WITH EXIGY, LLC, DBA EXIGY CONSULTING

Public Works Director/Assistant City Manager Collins explained the temporary part-time consultant as a finance director to assist with the 2025-2026 biennial budget process.

A motion was made by Councilmember Halvorson, seconded by Councilmember Young to approve the Professional Services Agreement with Exigy, LLC, dba Exigy Consulting.

Council discussed the motion.

A motion was made by Councilmember Halvorson, seconded by Councilmember Young to amend the agenda to go into Executive Session immediately.

Interim City Attorney Archer explained the Executive Session was per RCW 42.30.110(1)(i) Potential Litigation for 10 minutes and there may be action taken in open session afterwards.

The motion to go into Executive Session carried by the following vote:

Ayes: Councilmember Halvorson, Councilmember Young, Councilmember Kendall, Mayor Pro Tem LaFave

Nays: Councilmember Wean, Councilmember Wallis, Mayor Boudreau

The Council and Interim City Attorney entered Executive Session at 8:25 p.m. until 8:35 p.m. At 8:35 p.m. the City Council and Interim City Attorney returned from Executive Session. No action was taken.

Jason Still provided public comment.

Michael O'Neill provided public comment.

Rick Connor provided public comment.

Anne Bennett provided public comment.

The motion to approve the Professional Services Agreement with Exigy, LLC, dab Exigy Consulting carried by the following vote:

Ayes: Councilmember Young, Councilmember Halvorson, Councilmember Kendall, Mayor Pro Tem LaFave

Nays: Councilmember Wallis, Councilmember Wean, Mayor Boudreau

9. PUBLIC HEARINGS

10. BOARD & COMMISSION RECOMMENDATIONS**11. ORDINANCES & RESOLUTIONS****12. MAYOR'S REPORT**

Mayor Boudreau provided a report.

13. COUNCILMEMBERS' REPORTS

Councilmember Wean provided a report.

A motion was made by Councilmember Wean, seconded by Councilmember Wallis, to direct the Planning Commission to review residential zoning in the Highlands area from Oregon Way to Washington Way and Beech Street to industrial Way and have a moratorium on any additional multi-family development until a recommendation is made.

Council discussed the motion.

Interim City Attorney Archer recommended an Executive Session pursuant to RCW 42.30.110(1)(iii) Legal Risks of a Proposed Action for a period of 5 minutes from 8:55 p.m. to 9:00 p.m.

The Council and Interim City Attorney Archer entered Executive Session at 8:55 p.m. All members came out of Executive Session at 9:00 p.m. No action was taken.

Councilmember Wean rephrased her motion, seconded by Councilmember Wallis, to direct Interim City Attorney Archer to create interim zoning regulations for the Highlands Neighborhood and bring back at the next council meeting.

Council discussed the motion.

Jason Still provided public comment.

Mike Pederson provided public comment.

The motion carried unanimously.

Councilmember Kendall provided a report.

Councilmember Halvorson provided a report.

Mayor Pro Tem LaFave provided a report.

24-00620 ORDINANCE 3538 - ADOPTING A NEW CHAPTER OF THE LONGVIEW MUNICIPAL CODE, CHAPTER 1.38 CITY FLAG POLICY; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

RECOMMENDED ACTION:

MOTION TO ADOPT ORDINANCE 3538

Councilmember Halvorson presented.

Council discussed the ordinance.

A motion was made by Councilmember Young, seconded by Councilmember Halvorson to postpone to the next regular city council meeting, July 23, 2024, and continue to work with Interim City Attorney Archer on legality and definitions.

Michael O'Neill provided public comment.

Jason Still provided public comment.

The motion carried with all in favor.

24-00632 EXECUTIVE SEARCH FOR A CITY MANAGER

RECOMMENDED ACTION:

MOTION TO FORM A COUNCIL SUBCOMMITTEE TO WORK WITH HR AND RECOMMEND A PATH FORWARD FOR THE EXECUTIVE SEARCH PROCESS FOR A

CITY MANAGER AND BRING RECOMMENDATIONS TO COUNCIL MEETING ON AUGUST 13, 2024.

Councilmember Kendall presented.

A motion was made by Councilmember Kendall, seconded by Councilmember Wallis, to form a Council Subcommittee to work with Human Resources and recommend a path forward for the executive search process for a City Manager and bring recommendations to council meeting on August 27, 2024.

Council discussed.

An amendment was made by Councilmember Halvorson, seconded by Councilmember Young to form a Council Subcommittee to work with Human Resources and recommend a path forward for the executive search process for a City Manager.

Council discussed.

Michael O'Neill provided public comment.

Jason Still provided public comment.

An amendment to the amendment was made by Mayor Pro Tem LaFave, seconded by Councilmember Young, to permanently appoint Interim City Manager Duscha to the position of City Manager.

Council discussed.

Councilmember Young pulled his second. The motion failed for lack of a second.

The amendment to the main motion failed by the following vote:

Ayes: Councilmember Halvorson, Councilmember Young, Mayor Pro Tem LaFave

Nays: Councilmember Kendall, Councilmember Wallis, Councilmember Wean, Mayor Boudreau

The main motion carried by the following vote:

Ayes: Councilmember Kendall, Councilmember Wallis, Councilmember Halvorson,

Councilmember Wean, Councilmember Young, Mayor Boudreau

Nays: Mayor Pro Tem LaFave

Council discussed the formation of a council subcommittee.

A motion was made by Mayor Boudreau, seconded by Councilmember Halvorson to nominate Councilmember Kendall, Councilmember Young, and Councilmember Halvorson to a council subcommittee to work with HR.

An amendment to the motion was made by Mayor Pro Tem LaFave, seconded by Councilmember Wallis for a second committee consisting of Councilmember Wean and Councilmember LaFave.

The amendment to the main motion passed by the following vote:

Ayes: Mayor Pro Tem LaFave, Councilmember Wallis, Councilmember Wean, Councilmember Kendall, Mayor Boudreau

Nays: Councilmember Young, Councilmember Halvorson

Jason still provided public comment.

Interim City Attorney Archer explained the process for two separate subcommittees discussing proposals relating to the process and reporting back to the full council in open session.

The main motion as amended passed by the following vote:

Ayes: Councilmember Young, Councilmember Wallis, Councilmember Wean, Councilmember Halvorson, Mayor Pro Tem LaFave, Mayor Boudreau

Nays: Councilmember Kendall

Interim City Attorney Archer requested the Executive Session be moved forward on the Agenda.

17. EXECUTIVE SESSION

24-00633 POTENTIAL LITIGATION PER RCW 42.30.110(1)(i)

The City Council, Interim City Attorney Archer, Benamin Stone of Lewis Brisbois entered Executive Session for 10 minutes at 9:53 p.m. until 10:03 p.m. At 10:03 p.m. the Executive Session was continued for 10 minutes, until 10:16 p.m. At 10:16 p.m. the Executive Session was continued for 10 minutes, until 10:26 p.m. At 10:26 p.m. all parties came out of Executive Session. No decisions were made.

14. CONSENT CALENDAR

A motion was made by Councilmember Kendall to approve the Consent Agenda.

Councilmember Halvorson requested to pull Consent Agenda Item #24-00616 Bid Review - Complete Streets Program - Hudson Street and 30th Ave for separate consideration. Council concurred.

24-00616 BID REVIEW – COMPLETE STREETS PROGRAM – HUDSON ST AND 30TH AVE**RECOMMENDED ACTION:**

MOTION TO ACCEPT THE BID AND AWARD TO SPECIALIZED PAVEMENT MARKING, LLC, IN THE AMOUNT OF \$317,225.00

A motion was made by Councilmember Kendall, seconded by Councilmember Young to approve the Bid Review - Complete Streets Program - Hudson Street and 30th Ave.

The motion carried by the following vote:

Ayes: Councilmember Kendall, Councilmember Young, Councilmember Wean, Councilmember Wallis, Mayor Pro Tem LaFave

Nays: Councilmember Halvorson, Mayor Boudreau

A motion was made by Councilmember Halvorson, seconded by Councilmember Kendall, to approve the remainder of the Consent Calendar. The motion carried unanimously.

24-00612 APPROVAL OF CLAIMS**24-00615 BID REVIEW – 2650 MAPLEWOOD SLIDE REPAIR****RECOMMENDED ACTION:**

MOTION TO ACCEPT THE BID AND AWARD TO SLE INC IN THE AMOUNT OF \$231,317.79

24-00617 ORDINANCE NO.3524 VACATING 28TH AVE. ROW**RECOMMENDED ACTION:**

MOTION TO APPROVE ORDINANCE NO. 3524

24-00629 IAFF 828 COLLECTIVE BARGAINING AGREEMENT, JANUARY 1, 2025 - DECEMBER 31, 2025**RECOMMENDED ACTION:**

MOTION TO APPROVE THE IAFF LOCAL 828 COLLECTIVE BARGAINING AGREEMENT FOR 2025

24-00630 RESOLUTION NO. 2506 - PROPOSITION NO. 1, AUTHORIZING AN INCREASE IN THE SALES AND USE TAX IN LONGVIEW OF ONE-TENTH OF ONE PERCENT (0.1%) ON THE SELLING PRICE TO FUND ENHANCED POLICE SERVICES AND COMMUNITY SAFETY

RECOMMENDED ACTION:
MOTION TO ADOPT RESOLUTION NO. 2506

15. CITY MANAGER'S REPORT

24-00614 ARPA FUNDS REVIEW AND STAFF RECOMMENDATIONS

RECOMMENDED ACTION:
MOTION TO ADD TWO STAFF RECOMMENDED PROJECTS TO BE PAID FOR WITH ARPA FUNDS.

Public Works Director/Assistant City Manager Chris Collins presented. Recommended pulling money out of the halted Infrastructure Projects and put back into the General Fund and fund the Council Chamber and Training Room System upgrades and DES Energy Savings Building Improvements.

Council discussed the presentation.

A motion was made by Councilmember Halvorson, seconded by Mayor Pro Tem LaFave, to add staff recommended project of DES Energy Savings Building Improvements to be paid for with the balance of the remaining ARPA funds and not do the council chamber and training room system upgrades.

Council discussed.

An Amendment to the motion was made by Councilmember Wean, seconded by Councilmember Kendall, to put the \$2,807,481 designated towards the DES Energy Savings Building Improvements and put towards the Mint Valley irrigation project.

Council discussed.

Glenda Johnson provided public comment.

Jason Still provided public comment.

Council continued to discuss.

The amendment to the motion failed by the following vote:

Ayes: Councilmember Wean, Councilmember Kendall

Nays: Councilmember Halvorson, Councilmember Young, Councilmember Wallis, Mayor Pro Tem LaFave, Mayor Boudreau

The main motion failed by the following vote:

Ayes: Councilmember Halvorson, Councilmember Young, Mayor Pro Tem LaFave

Nays: Councilmember Wean, Councilmember Kendall, Councilmember Wallis, Mayor Boudreau

16. MISCELLANEOUS

18. ADJOURNMENT

The meeting was adjourned at 11:05 p.m.

Tiffany Ostreim
City Clerk

Approved: _____
Mayor

NEXT REGULAR COUNCIL MEETINGS:

TUESDAY, JULY 23, 2024 – 6:00 P.M.

TUESDAY, AUGUST 13, 2024 – 6:00 P.M.

NEXT SPECIAL COUNCIL WORKSHOPS:

TUESDAY, JULY 16, 2024 – 6:00 P.M. – UTILITIES BUDGET

TUESDAY, JULY 30, 2024 - 6:00 P.M. - ENHANCEMENT REQUESTS



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Council Member Erik Halvorson*

Tuesday, July 16, 2024

6:00 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 special meeting in the Longview City Hall Training Room, 1525 Broadway, Longview, on Tuesday, July 16, 2024 at 6:00 p.m. The topics of discussion follow. No final action will be taken.

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Webinar ID: 823 9413 2374

1. CALL TO ORDER
Mayor Boudreau called the meeting to order at 6:03 p.m.
2. FLAG SALUTE
The flag salute was recited.
3. ROLL CALL

Present: Mayor Boudreau, Mayor Pro Tem LaFave, Councilmember Kendall, Councilmember Wean, Councilmember Young, Councilmember Halvorson

Absent/Excused: Councilmember Wallis

Staff Present: Public Works Director/Assistant City Manager Chris Collins, City Clerk Tiffany Ostreim, Fiscal Manager Lisa Wolff, Stormwater Manager Steve Haubner, Utility System Manager Brian Steveson, Parks and Urban Forestry Manager Joanna Martin, Finance Director Consultant Jeff Swanson

4. **WORKSHOP**

24-00516 UTILITIES BUDGET (TIME ESTIMATE 2 HOURS)
PRESENTATION FOR 2025 UTILITY RATES

RECOMMENDED ACTION:

**REVIEW CAPITAL PROJECTS ENHANCEMENTS AND PROPOSED UTILITY RATES
REQUEST PRESENTATION AND PROVIDE DIRECTION TO STAFF FOR THE 2025-2026
BUDGET**

Public Works Director/Assistant City Manager Chris Collins and Stormwater Manager Steve Haubner led the presentation. Biggest impact has been inflation, which hits utilities the hardest. Information included capital projects and enhancements for sewer, water, and stormwater.

Council discussed the presentation and gave direction:

Sewer –

Increase rates 8% and include Enhancements

Increase rates 5% and include Enhancements

Increase rates 5% and not include Enhancements

Include all capital as detailed in the plan.

Water –

Increase rates 10% and include Enhancements

Increase rates 8% and include Enhancements

Increase rates 5% and include Enhancements

Increase rates 5% and not include Enhancements

Include all capital as detailed in the plan.

Hold 3rd Hypo tank pending further assessment.

Stormwater -

Include Enhancement and proposed capital and take out Downtown Streetscape Phase 4 (Hemlock to Florida \$875,000)

Include Enhancement and proposed capital and take out Downtown Streetscape Phase 4 and include \$400,000 for Sidewalk Crew - workshop and discuss at public works subcommittee.

5. **ADJOURNMENT**

The meeting was adjourned at 8:00 p.m.

***Tiffany Ostreim
City Clerk***

***Approved: _____
Mayor***



City of Longview

Agenda Summary

MID-YEAR BUDGET REVIEW

RECOMMENDED ACTION:

NO ACTION

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Continue effective financial management.

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

A presentation highlighting each division and financial overview of the general fund.

FINANCIAL SUMMARY:

N/A.

STAFF CONTACT:

Chris Collins, Public Works Director/Assistant City Manager

Lisa Wolff, Fiscal Manager

Angela Abel, PIO

Attachments:

1. 2024-MidYearReview



Mid-Year Review

Highlights & Budget Status | July 23, 2024

Finance

Financial Management

- Processed 16,216 invoices for payment in 2023
- Issued 6,999 vendor payments (checks) in 2023
- 53% of payments were paper check
- 62% of payments were electronic (up 20% from 2022)

Utilities Customer Service

- 15,083 phone calls in 2023 (over 1,200/month or 42/day)
- 13,675 in-person customer visits (over 1,100/month or 38/day)
- 3,303 "monthly" cycle bills each year
- 10,788 "bi-monthly" cycle bills each year
- 4,852 workorders completed (over 400/month or 13/day)

Business & Occupation Tax/Business Licensing Administration

- 3937 tax filers



Human Resources

Welcomed 102 new employees in 2023

- Includes full-time, part-time, temporary, and seasonal employees.
- Launched a new Welcome newsletter to introduce them to the City team.

Sponsored 14 wellness events for City employees in 2023

Completion of the PTA salary survey

- Surveyed 48 positions with 10 comparable jurisdictions
- Drafted proposed salary schedule for 2025-2026 biennium budget process.
- Affects approximately 80 employees



Human Resources

All Collective Bargaining Agreements were settled for 2023, which includes:

- **Amalgamated Transit Union (ATU) Transit**
 - Affects approximately 26 employees
 - 2023 budgetary increase to base salary due to COLAs: approximately \$46k
- **Employee's Bargaining Association (EBA)**
 - Affects approximately 116 employees
 - 2023 budgetary increase to base salary due to COLAs: approximately \$308k
- **IAFF Local 3375 - Chief Officers**
 - Affects approximately 5 employees
 - 2023 budgetary increase to base salary due to COLAs: approximately \$30k
- **IAFF Local 828 - Firefighters**
 - Affects approximately 46 employees
 - 2023 budgetary increase to base salary due to COLAs: approximately \$178k
- **Longview Police Guild**
 - Affects approximately 53 employees
 - 2023 budgetary increase to base salary due to COLAs: approximately \$217k
- **Longview Police Support Guild**
 - Affects approximately 14 employees
 - 2023 budgetary increase to base salary due to COLAs: approximately \$34k

Information Technology

www.mylongview.com

IT launched a refresh of our website. The new refresh was built for ease-of-use and an improved experience for citizens. With the following changes to our website, information is easier to find.

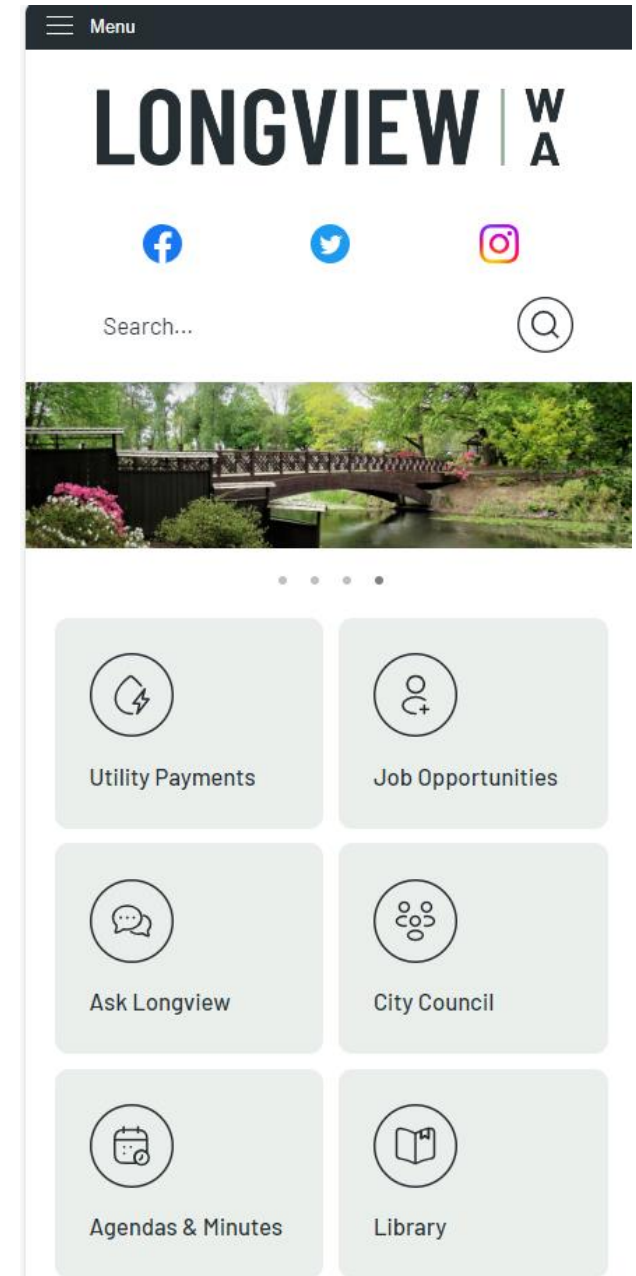
- Search bar on every web page
- New menu layout
- Updated color scheme promotes an improved page readability.
- Added links to the most relevant pages to the home page.

The new design is more flexible and able to accommodate all device types and screen sizes.

Additionally, the site meets ongoing American Disability Act (ADA) requirements to ensure accessibility to all citizens.

ERP status:

- Begun phase 1 of 4, focusing on the conversion of our current data into the new software, a component of current-state/future-state planning and strategy, and workflow automation planning.
- All four phases will take 27-30 months



Community Development

Code Enforcement

- Highlands / Industrial area
 - Opened cases in 2023 YTD: 74
 - Cases closed in 2024 YTD: 23
 - Most significant case: 1308 22nd Ave. – removal of derelict house. Case was opened on 2011.
- Remainder of the City of Longview
 - Opened cases in 2023 YTD: 163
 - Cases closed in 2024 YTD: 134
 - Most significant case: 2818 30th Ave. – removal of derelict house and junk vehicles.

Total permits issued YTD

- Community Development: 590
- Fire: 36
- Land Use: 15

Commercial Building permits:

- Commercial permits issued YTD: 99
- Most significant new start: Divert
- Divert update: Main building area is still under pre-load. 3.5 million gallon digester tank is currently under construction.



Community Development

Residential Building permits:

- Mt. Solo
 - 15 homes under construction
 - Projecting 5 new starts per month
 - 55 homes yet to start
- Other
 - 10 new starts
- Residential permits issued YTD: 174

Grants:

- Highlands Lighting Project has started installation of new poles and fixtures in the neighborhood.
- CDBG funding has been allocated for three activities for fiscal year 24.
- Soundview apartments will be re-roofed for 24 units of affordable housing.
- The Salvation Army Temple Corps elevator modernization has been awarded funding to install a new motor and restore ADA access.
- Housing Opportunities of SW Washington received funding to continue the Rent Well Tenant Education Program.



Longview Public Library

Jan - June	2023	2024
Door counter	51,530	60,743
Summer reading registrations	1,114	798
# of programs	154	292
Program attendance	3,660	9,251
Registrations	1,535	1,517
Physical circulation	149,168	151,885
Digital checkouts	42,870	50,741



Longview Public Library

Library Improvements

- Library HVAC System has been completely replaced.
- New efficient and improved LED lighting has been installed.
- Scheduled to be replaced / updated:
 - Historic lighting and wiring
 - Historic windows
 - Outdoor lighting
- Ongoing improvements are being made to the Rose Garden.
- Indoor Wi-Fi system has been updated and new outdoor wireless access points are being added to the building.
- Updated network technology to improve internet connection speed.
- Shifted books to increase accessibility and visibility.
- Improved and updated seating.



Recreation

- 2023 Breakfast with Santa hosted 350 Individuals. Sold out again for at least the 5th year in a row.
- Holiday Bazaar sold out for the 4th year in a row, 55 local vendors.
- Father Daughter Ball – long-time community favorite; approximately 1,000 fathers & daughters in one weekend.
- Created Mother & Son Dance Party event. In year one demand was high enough to create 2 sessions; approximately 350 individuals
- Kids Fish In hosted 450 Youth in 2024
- Extreme Machines is back! 2023 hosted over 60 Business Partners and 130 machines.
- Trick or Treat Walk at the Lake Free Event – Year 3
 - Booths hosted by local businesses and organizations.
 - 2022 event nearly doubled in size from previous year w/over 50 community partners and estimated 5,000 children & families in attendance
 - 2023 event had 79 local business's
- Turkey Trot attracted 550 participants in 2023. Continues to be the largest annual run in Cowlitz County.
- Over \$60,000 in Sponsorships/Donations/Grants to host Community Events
- Rainier to Longview (R2L) 10K – Year 2 - 450 participants



Recreation

Summer Programs:

- Super Summers at Archie Anderson: roughly 45 (secured \$40k from CDBG funds to continue this no cost summer camp)
- Summer Kids: 116 full summer 2024 (an increase of 55% over 2023)
 - Hosted at Rec buildings, partner Church, and Kessler Elementary School
- Pathfinders Teen Camp (hosted at Mark Morris): 25 full summer
- Until Pathfinders Teen Camp (est 2022), there were no other options for younger teens/tweens. Registration filled w/in 15 mins.

Boulevard Teen Center opened its doors again for regular hours, first time since 2020. Serving an average of 15 kids daily from after school until 5:15pm each day school was in session.





Parks

- Vandercook Bathroom Installation
- Bailey Playground Installation
- John Null Court Renovation - Clary Pickleball Courts
- Metropolitan Parks District Levy Ask
- Adoption of the 2024-2030 Comprehensive Plan
- Cloney Park Planning Documents
 - Inclusive Playground Concept Plan
 - Skatepark and Pump Track Design
 - \$1.7 Million in Secured Funding
- Hired a Parks Maintenance Supervisor
- Did You Know? Parks Dept maintains a total of 341.4 Acres
 - 289.4 Park Acres
 - 17 Parks
 - 23 Playgrounds
 - 7.7 Acres and 11 Miles of Trails
 - 12.7 Acres Across Grounds of 13 Facilities
 - 31.6 Acres of Other Areas

Urban Forestry

- 12,853 trees maintained
- 4,374 planting sites identified
- Staff time spent on tree work:
 - 49% removals
 - 26% maintenance
 - 19% planting and watering
 - 6% emergent issues and inspections
- Tree City USA for 40 years
 - Standards for recognition: tree board or department, tree care ordinance, forestry program with expenditures of at least \$2 per capita and Arbor Day celebration
- Tree City of the World for 3 years
 - Standards for recognition: tree board, tree care ordinance, updated inventory or assessment of trees, dedicated annual budget for tree management and annual tree celebration



Public Works

4 Engineers, 2 positions advertised

projects completed

- 2023: 11
- 2024 so far: 6

Highlights:

- Reservoir # 5 Roof Replacement - \$3,203,253
- Senior Center Roof - \$332,965 (Dept of Commerce Grant)
- Fishers Lane Water Treatment Demo - \$1,190,880

of projects currently working on: 22

Highlights:

- Downtown Rectangular Rapid Flashing Beacons (July 2024 completion) - \$1,236,400 grant
- Highlands Lighting Project (August 2024 completion) \$614,000 grant
- Nichols Blvd & Olympia Way Paving (Sept 2024 completion) \$2,606,400 grant
- Tennant Way Signal Upgrades (June 2025 completion) \$1,034,176 grant

Current projects: \$35,276,098 (\$33,276,098 grant funded)



Public Works - Streets

The City has 355 lane miles of roads, 53% concrete & 47% asphalt. The Transportation Benefit District (TBD) dedicated funding for road maintenance and repair has applied to:

- 13.33 lane miles chip sealed
- 644.50 cubic yards of concrete placed
- 84.96 tons of asphalt placed
- 22,050 pounds of crackseal placed
- 289.5 cubic yards of concrete placed for utility patches
- 9.67 tons of asphalt placed for utility patches

The TBD also has allowed for 4 major roadway capital improvement projects since 2017, equating to 10.11 lane miles of roadway upgraded or replaced.

This year the TBD has increased the funding for road maintenance and repair and will allow for additional capital improvement projects and maintenance. This additional funding has allowed the city to pay the 20% match on \$2.6 million in grant funding in 2024.



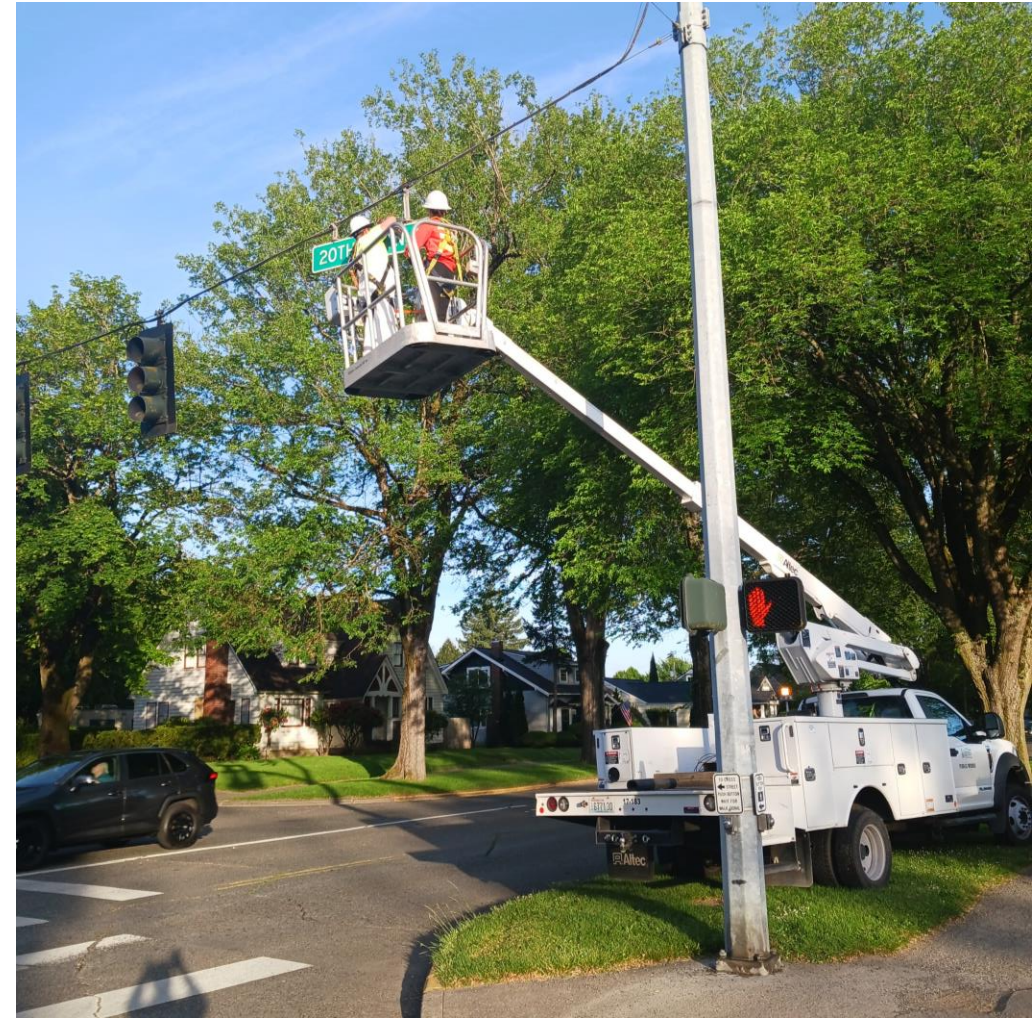
Public Works - Sidewalks

- Total square feet of sidewalk: 182 miles averaging 4.5 feet wide (~4,324,320 square feet).
- In 2023 two city sidewalk crews have repaired a total of 18555 square feet of city sidewalks.
- Ground 104 linear feet of uneven sidewalks, making safe 70 sidewalks. These included large properties (schools, churches)
- At the start of 2023 770 were addresses on the Sidewalk list awaiting repairs. Currently there are 719 addresses on that list.
- We inspect approximately 70 -100 addresses per year and add the bad sidewalks to the list, so the list is constantly changing. We remove/repair ~120 addresses from the list per year on average.
- In the last few years, the two sidewalk crews have been able to consistently reduce the number of addresses on the list despite having new addresses added simultaneously.



Public Works - Traffic

- City maintains 82 signalized intersections
- 40 School Flashers
- 50 RRFB crossings signals
- 2900 Streetlights
- 7900 Signs
- 20,000 LF of curb painted annually
- 250,000 LF of roadway lines painted annually
- 265 signs replaced last year.
- Yellow paint: 4 totes @ 250 gallons – 1,000 used
- White paint (crosswalks, bike lane, etc) - 1.7 totes/year - 425 gallons used
- Traffic control for all special events



Public Works - Water

- City manages 72 large meters, 3"-10" in size
- 1300 AMI, 6500 Touch Read, 6700 Manual Read meters
- Meter strategy discussions
- Meter reader contract:
 - 2023 - \$79,694.21
 - 2024 (through June) - \$33,135.88
- Water main breaks and cost of emergency repairs:
 - 2022: 16 water main breaks
 - 2023: 21 water main breaks



Public Works - Sewer

- 807,574 total lineal feet of sanitary sewer line
- In 2023, successfully lined 3,028 lineal feet of sanitary sewer line.
 - More cost effective
 - Maintains structure and helps eliminate the infiltration of ground water entering the sewer system
 - Cost savings on the treatment side of our discharge to TRRWA.
- Sewer main/lateral breaks and repairs:
 - 2022: 25 sewer main/lateral breaks
 - 2023: 27 sewer main/lateral breaks



Public Works - Stormwater

- 1664 catch basins inspected and cleaned
- 7337 linear feet of stormwater pipe cleaned
- 16146 linear feet of roadside ditched cleaned
- 11734 lane-miles of streets swept with 760 tons of debris collected (excluding leaves)
- Removal of all street leaves during the fall season (approx. 1500 tons)
- 108 stormwater facilities (rain gardens, bioswales, etc.) were inspected, cleaned, and repaired.
- 344,998,831 gallons of water were pumped into Lake Sacajawea from the Cowlitz river from May 15th until October 31st



Public Works – Filter Plant

Filter Plant

- Produced 1,759 million gallons in 2023
 - 16,000 gallons to Kelso in 2023
 - 282,495,596 gallons to Beacon Hill Water & Sewer in 2023
- 8 reservoirs
- Installed manual isolation valves on all 6 filters
- Installed Air relief valves on filter #2 & #3
- This project was very important to the water production process with giving operators the ability to have emergency back up valve isolation between all 6 filters.



Public Works - Transit

Route 411, providing service between the Transit Center and the north end of Lexington, Monday – Saturday, completed the two-year pilot project in April 2024.

- Beacon Hill-Lexington annexed by the Cowlitz Transit Authority, subject to voter approval of 3/10ths of 1 percent sales tax in August 2024.
- Service is 50% funded by local sales tax and 50% funding by the Climate Commitment Act (Transit Support Grant).
- Transit also provides ADA service by deviating from the fixed route to provide curb-to-curb service for passengers eligible to ride RiverCities LIFT.
- Over the last two months (Apr-May 2024), Route 411 averaged 632 riders.

Total RiverCities Transit ridership for 2023:

- Fixed route: 242,747
- LIFT (ADA paratransit): 32,064

Four transit coaches and eight cutaway minibuses were procured as replacements for aging, high maintenance vehicles, improving the agency's state of good repair.

Sales tax revenue for 2023: \$5,856,988

- Federal funding for 2023: \$294,128 (capital purchases reimbursed in 2024)
- State funding for 2023: \$97,830 (capital purchases reimbursed in 2024)



Mint Valley Golf Course

- Staff maintains - 147 acres
- Automatic irrigation has failed - Hand valving and spot watering
- 7-9 Gallons of potable water loss when system is off
- Major drainage corrections made throughout the course
- Voted #1 Golf Course and #1 Driving Range for Cowlitz County by TDN
- Continued partnerships with three local high schools, First Tee, and Special Olympics.
- Largest Gross Revenue the Course has ever taken in
 - \$1,6670,992 which is a 63% increase since 2019
- 60% increase in rounds since taking over the course.
 - From 27,543 to 43,953 (an average of 120 rounds/day)
- Moe's Grill - \$198,654 in 2023 (4.5% increase over 2022)
- Merchandise - \$253,537 in 2023 (9.7% increase over 2022)
- Washington State - Golfer's Choice Public Courses 4th in 2024.



Fleet

- 3 mechanics, 1 Lead Mechanic
- Total number of equipment: 461
- Breakdown of larger pieces:
 - Cars / Compact SUV - 23
 - LPD/SCU - 42
 - Class 5 - Light duty trucks - 51
 - Class 7/8 - Medium duty trucks - 27
 - Vac trucks - 5
 - Sweepers - 5
 - Fixed route bus - 15
 - Backhoe / excavator - 13
 - Generators - 17
 - F450/550 - 17



Facilities

- 37 buildings; 22 sites
- 2023 work orders: 1,403 (Lead has been out since July, 2023)
- 2024 work orders (Jan - June): 561
- 2023 Work order hours: 4928.1
- Total: \$1,170,893.90

Budgeted for two additional technicians beginning 2023

- Onboarded one on May 15 and the second on June 1
- Reduced our dependence on outside contractors
- Remodeling Annex (Legal Arts) Building
- Replacing deteriorated siding at Parks Maintenance
- Replacing leaking/damaged roof at Traffic Maintenance
- Multiple other smaller projects that previously contracted



Facilities

Ameresco Energy Project is in the Construction Phase

- Completed / Near Complete Projects
 - City Hall HVAC
 - Library HVAC
 - Fire Station 81 HVAC
 - Police HVAC
 - City Shop Roof
 - City Wide lighting update
- Upcoming 2024 Projects
 - McClelland Arts HVAC
 - Library Windows
 - City Shop HVAC
 - Racquet Complex HVAC



Ameresco Project

Key Stats	
▪	37 buildings / 22 sites *
▪	49 - average age of facility
▪	310,975 sq ft for buildings *
▪	Current Replacement Value (CRV) of \$97,357,862
▪	12.4 % - Current Facility Condition Index (FCI)
▪	32.3% - FCI in 10 years (2032)
▪	\$15.0M - current deferred maintenance
▪	\$39.2M - deferred maintenance in 10 years (2032)
▪	Includes 25% soft cost value

* Building and square footage totals after assessment

Ameresco Energy Project

	HVAC	Roofing	Windows	Lighting	Cost
Library	X		X	X	\$2,159,572
Police	X			X	\$1,454,418
Utilities				X	\$9,099
City Shop	X	X			\$1,014,456
City Hall	X			X	\$141,309
Station 81	X				\$491,702
Filter Plant				X	\$23,403
MV Cart Shed				X	\$3,532
MV Racquet	X				\$311,669
Golf Maintenance				X	\$2,563
PW Shop B				X	\$1,714
Facilities Shop				X	\$2,367
MAC	X			X	\$222,320
Women's Club				X	\$2,058
Recreation Office				X	\$3,571

Longview Fire Department

EMS / Fire Incidents

- 3,269 total calls for LFD, ambulance service, or both
- 87 Fires (structures, vehicles, brush)
- 91 Overdoses
- 47 Cardiac arrests
- 1 Special operations (rope / confined space / marine)

Ambulance Services Contract

- In May 2024, implemented a new contract for ambulance service within the city
- Places more ALS units (paramedic) in service than previous contract
- Reduces the average cost of response compared to previous contract
- Units positioned throughout the city, allowing for reduced response times



Longview Fire Department



Fire / Life Safety Systems

- 468 reports reviewed
- 366 in compliant status
- 51 received notices for corrections

Fire Inspections

- 296 inspections conducted
- 223 passed without violations
- 73 with violations found that require corrections

Longview Fire Department

Longview Fire has successfully secured a grant valued at \$90,000 from DOE's Public Participation Grants (PPG) Program.

This competitive grant program supports public involvement in the cleanup of hazardous substance release sites and implementation of the state's solid and hazardous waste priorities.

With these funds, we will acquire essential equipment, including:

- 6 Motorola all-band portable radios
- 1 FotoKite Incident Management Tethered Drone
- 8 4-gas air monitors/detectors.

This equipment will significantly enhance our response capabilities and incident management efficiency.



Longview Police Department

- **Behavioral Health Unit (BHU)**
- Council approved first 2 BHU positions in the 2021/2022
- Funding from Washington Association of Sheriffs and Police Chiefs (WASPC) for 2 additional BHU positions
- Funding from Federal Government (Byrne Discretionary Grant) for 2 additional BHU positions
- Team creation:
 - 1 Mental Health Professional and 1 Behavioral Health Intervention Specialist via city budget
 - 2 Mental Health Professionals via WASPC grant
 - 2 Behavioral Health Intervention Specialists via federal Byrne Discretionary Grant
 - Police Sergeant and Community Outreach Coordinator (2024)



Longview Police Department

BHU partnership at a glance:

- Safety Concerns - BHU and patrol officers can remain on scene together.
- No Safety Concerns - BHU provides treatment/services allowing officers to respond to other calls for service.
- BHU has access to hotel vouchers, money for food, clothing, laundry and other items to help stabilize clients.
- BHU had 646 unique contacts since January 2023.
- BHU leads the Police Department response to homelessness and have demonstrated an effective approach.

Created Animal Control Program

- Changed LMC's, purchased equipment, hired personnel

Hired (2) Record Specialists due to personnel changes (lateral assignment changes due to retirement & resignation)

Hired (8) Commissioned Officers in 2024



Legal Department

- Purchased Karpel criminal prosecution software system, went live February 2024.
 - An electronic case management system that increases office efficiency internally and regarding court interactions.
- Remodeling the Annex to house entire prosecution team in a centralized location.
 - Allows for prosecution to provide more services to victims.
 - LPD Officers will now have a place to ask an attorney in person to staff any cases.
- 1,802 cases in 2023 awarded a public defender firm.
 - 53 other cases awarded public defender (conflict cases)
- 413 cases in 1st quarter of 2024
- Drafted 74 resolutions, 56 ordinances, and numerous contracts (2023-2024)



Cost of Law & Justice

Municipal Court Services

- District Court fees (2023): \$287,506.26
- 5.5% increase over 2022
- 1,937 criminal filings @ \$115.14 each (\$223,026.18)
- 1,772 infraction filings @ \$36.39 each (\$64,483.08)
- 1st Quarter 2024:
 - 469 criminal filings
 - 315 infraction filings
- Jury/Witness Fees 2023 - \$2,600

Prisoner Room & Board

- Incarceration Rates for 2024
 - Bed rate: \$99.56/day (increase from \$95.56/day in 2023)
 - Booking fee or Medical Transport: \$151.96 (increase from \$75.98/day in 2023)
- Total Prisoner Room & Board fees paid in 2023: \$1,011,921.50
 - First 6 months 2024: \$398,241.27

Cost of Law & Justice

Indigent Defense

- Due to increase in number of cases and the Blake fix:
 - The defense firm we contract with hit their maximum number of cases due to an attorney shortage. We contracted with another firm to provide indigent defense counsel Nov 2023-Feb 2024.
 - 2022 Contract - \$478,000
 - 2023 Contract - \$497,119
 - 2024 Contract - \$600,000
 - Supplemental Nov 2023-Feb 2024 Contract - \$75,000
 - Washington State Supreme Court considering reducing the maximum annual number of cases indigent counsel may take, which will significantly increase the amount of indigent defense attorneys needed. Concern is to exasperate the existing state-wide shortage.
 - Anticipate 2 additional public defenders must be added to the public defense contract (estimated \$90,000 per attorney)
 - We were awarded a reimbursement grant for indigent defense costs on Possession of Controlled Substances charges (up to \$300,000)
 - City reimbursed \$62,833.70 for PCS charges Aug 2023-Dec 2023
- Other contracted public defense attorneys (2023): \$19,054

HOPE Village

- **Dec 2023-May 2024:**
- Operational Expenses (Salvation Army): \$630,442
- Meals served: 20,130
- Total occupants: 131
- Permanently housed: 16
- Actively engaged in SUD Services: 45%
- Actively engaged in Mental Health Services: 74%
- Additional: Better Money Habits Class with BofA, encampment and neighborhood clean-ups, garden, occupants now clean bathrooms and other parts of facility



Cost Drivers

General Fund Cost Drivers

Statutory Audit Services \$74,000

Election & Voter Registration Costs \$130,000

Law Enforcement Records & Records Management \$262,000
(Spillman administration and after-hours coverage)

Cowlitz County 911 Dispatch services for police & fire: \$759,000

Humane Society \$154,000

LPD Animal Control \$225,000

Southwest Clean Air Agency \$20,260

Cowlitz-Wahkiakum Council of Governments (Regional Planning)
\$105,000

Public Records

2023 JLARC Report - City Clerk's Office

	2021	2022	2023	% change
Total requests	1,188	2,117	2,180	+3%
Avg days to complete	5	6	8	+33%
Avg requests/month	99	176	180	+2%
Total PDR staff time	882	3,713	3,923	+6%
Total cost of PDRs	\$207,549	\$400,666	\$482,292	+20%
Avg cost per request	\$173	\$187	\$215.79	+15%
Litigation costs	\$0	\$0	\$0	No change
Cost to manage/retain records	\$408,058	\$613,102	\$667,572	+9%
Total PDR fees recovered	\$51	\$618	\$507	-18%

Public Records

2023 JLARC Report - City Clerk's Office

2023 Estimated Cost of Public Records	
Staff time locating/processing public disclosure requests	\$429,439.61
Overhead (10% of staff costs)	\$42,043.97
Record Request Tracking/Redaction Systems (GovQA)	\$19,809
Total	\$482,292.90

2023 Estimated Cost to Manage & Retain Records	
Staff time managing/retaining records	\$373,520.94
Overhead (10% of staff costs)	\$37,352.10
Records Management Systems	\$143,397.62
Records Management Services	\$46,172.60
Total	\$600,443.26

Response time, redactions and denied records

- 32 denied in full: primary reason: exemption pertaining to records involved in a current criminal investigation
- 695 partially denied or redacted
- 271 received an estimated response time beyond 5 days
- 1,909 closed within 5 days

Budget Update

New Revenue Sources

- Passed Ordinance No. 3474 on January 12, 2023, to levy an additional one-tenth of one percent (.001) *sales and use tax for affordable housing* (effective April 1, 2023) - \$675K in 2023 / \$900K in 2024
- Passed Ordinance No. TBD 23-01 on January 12, 2023, to *increase vehicle license fee from \$20 to \$40* (effective for renewals after July 12, 2023) - \$275K in 2023 / \$600K in 2024

General Fund Financial Review

General Fund Revenue - "Three-Legged Stool"

- **Property Tax** - 2024 Budget \$9,648,180
 - Includes 1% increase in regular levy, as well as amounts from new construction, annexations, and the refund levy
 - \$400K dedicated to Economic Development Fund for Mint Farm Industrial Park
 - Collected \$5.72 million - 59.3% of budget
 - Year-end projection is the budgeted \$9.65 million - 1% greater than 2023
- **Local Sales & Use Tax** - 2024 Budget \$11,845,800
 - Collected \$5.99 million - 51% of budget
 - Year-end projection is \$11.96 million - 1% over budget, but 6.9% less than 2023
- **Business & Occupation Tax (B&O Tax)** - 2024 Budget \$12,839,230
 - Business B&O - Collected \$1.87 million - 56% of Business B&O budget
 - Utility B&O - Collected \$6.81 million - 53% of Utility B&O budget
 - Year-end projection is \$13 million - 1.3% above budget, but 1% less than 2023

General Fund Revenues

Revenue	2024 Budget	Thru 2 nd Quarter	2024 Projected
Taxes	\$35,900,730		36,161,700
Licenses & Permits	1,228,250		1,120,250
Intergovernmental	3,678,270		4,131,560
Charges for Services	3,791,950		3,098,640
Fines & Forfeits	461,600		285,500
Miscellaneous	415,500		1,694,030
Transfers	356,000		450,000
Beginning Cash Required to Balance	2,466,240	0	3,212,510
Totals	\$48,298,540	\$	\$50,153,490

General Fund Expenditures

Expenditures	2024 Budget	Thru 2 nd Quarter	2024 Projected
General Government	\$7,495,210		\$7,497,582
Public Safety	\$26,568,360		\$27,314,540
Transportation	\$5,130,910		\$5,080,387
Community & Economic Development	\$1,564,980		\$2,377,620
Culture & Recreation	\$6,157,770		\$6,084,124
Non-Departmental	\$328,800		\$478,290
Capital Outlays	\$98,620		\$91,810
Transfers	\$953,890		\$953,890
Totals	\$48,298,540	\$	\$49,878,243

Fund Balance

General Fund Summary	2024 Budget	2024 Projected
Revenue	\$45,832,300	\$46,273,810
Expenditures	(48,298,540)	(50,153,490)
Beginning Cash Required to Balance	(\$2,466,240)	(3,212,510)
Fund Balance Calculation		
Beginning Fund Balance	\$18,545,000	22,908,270
Beginning Cash Required to Balance	(2,466,240)	(3,212,510)
Ending Fund Balance	\$16,078,760	\$19,695,760
% of Ending Fund Balance	33.29%	39.27%

Fund Balance With Ameresco

General Fund Summary	2024 Budget	2024 Projected
Revenue	\$45,832,300	\$46,273,810
Expenditures	(48,298,540)	(55,953,490)
Beginning Cash Required to Balance	(\$2,466,240)	(9,012,510)
Fund Balance Calculation		
Beginning Fund Balance	\$18,545,000	22,908,270
Beginning Cash Required to Balance	(2,466,240)	(9,012,510)
Ending Fund Balance	\$16,078,760	\$13,895,760
% of Ending Fund Balance	33.29%	24.83%



City of Longview Agenda Summary Sheet

1525 Broadway
Longview, WA 98632
www.mylongview.com

Introduced by: Erik Halvorson, Council Member
Supported by: Spencer Boudreau, Mayor

Date: March 21st, 2024
For Agenda of: July 23rd, 2024

SUBJECT TITLE: AN ORDINANCE OF THE CITY OF LONGVIEW, WASHINGTON ADOPTING A NEW CHAPTER OF THE LONGVIEW MUNICIPAL CODE, CHAPTER 1.38 CITY FLAG POLICY; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

SUMMARY STATEMENT:

The proposed ordinance for the City of Longview introduces a comprehensive flag policy, seeking to formalize flag displays within city facilities. It ensures adherence to federal and state regulations governing flag displays and outlines the specific flags permitted on city property. Additionally, the ordinance mandates permanent displays while providing guidelines for lowering flags to half-staff when necessary.

Inspired by the precedent set in *Shurtleff v. City of Boston*, this ordinance underscores the importance of transparent policies in differentiating government speech from regulated speech.

RECOMMENDED ACTION: A motion adopting Ordinance 3538

Erik Halvorson

Spencer Boudreau

ORDINANCE NO. 3538

AN ORDINANCE OF THE CITY OF LONGVIEW, WASHINGTON ADOPTING A NEW CHAPTER OF THE LONGVIEW MUNICIPAL CODE, CHAPTER 1.38 CITY FLAG POLICY; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

WHEREAS, The City of Longview wishes to memorialize and codify current practices regarding which flags are displayed and when and how flags are flown or lowered to half-staff inside and outside of City facilities; and

WHEREAS, The City of Longview wishes to ensure that the City's flag policy is consistent with the United States Flag Code and Washington state law on public flag displays; now, therefore, be it

RESOLVED, That the City Council of the City of Longview do ordain as follows:

Section 1. Adoption of New Chapter 1.38 City Flag Policy. The Longview Municipal Code is amended to adopt a new Chapter 1.38, City Flag Policy, as described in Exhibit A, attached herto and incorporated by this reference as if set forth in full.

Section 2. Corrections. The City Clerk and the codifiers of the Ordinance are authorized to make necessary clerical corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision does not affect the validity or constitutionality of the remaining parts of this Ordinance.

Section 4. Effective Date. This Ordinance becomes effective five days after publication of the ordinance, or a summary thereof, in the official newspaper of the City.

PASSED AND APPROVED by the City Council of Longview, Washington, and signed by its Mayor this 9th day of July, 2024.

ATTEST:

Mayor

Exhibit A

--NEW--

Chapter 1.38

FLAG DISPLAY

Sections:

1.38.010 Definitions.

1.38.020 Purpose and intent.

1.38.030 Allowed flags on city property.

1.38.040 Permanent and temporary flag displays on city property.

1.38.050 Lowering flags to half-staff.

1.38.060 Procedure for approving additional flags.

1.38.070 Flag height requirements.

1.38.010 Definitions.

A. "Flag" means a piece of fabric with a distinctive design that is used as a symbol, signaling device, or decoration.

B. "Flag pole" and "Flag staff" mean a staff or pole on which a flag is hoisted and displayed.

C. "Display" means the flying of a flag on a flag pole.

1.38.020 Purpose and intent.

The purpose of this chapter is to regulate the official display of flags inside and outside of city facilities. It is the specific intent of the city council of the city of Longview to follow the federal law, including but not limited to the United States Flag Code and Washington State law, in flag displays on city property. Raising a flag is an expression of government speech. Accordingly, the locations for the display of flags on City property are not a forums for free expression by the public. This chapter is not intended to regulate display of flags on employee clothing, personal property, or work stations, which are instead governed by the city's personnel policy.

1.38.030 Allowed flags on city property.

The city will fly or display only the following flags on property owned by the city: The flag of the United States of America; the Washington State flag; the POW/MIA flag; the City of Longview flag; and any other flag mandated by federal or Washington State law; and any additional flags as approved pursuant to Section 1.38.050.

1.38.040 Permanent and temporary flag displays on city property.

The city will fly or display the United States flag, the Washington State flag, and the City of Longview flag on a permanent basis on the flag staffs outside City Hall, R.A. Long Park and in such other locations as the city council may select. The POW/MIA flag will be displayed at such times and places as are mandated by federal or Washington State law on a flag staff outside City Hall and in such other locations as the city council may select.

1.38.050 Lowering flags to half-staff.

The city will lower flags displayed on city property to half-staff in the following circumstances:

- A. At the direction of the President of the United States;
- B. At the request of the Governor of the State of Washington;
- C. At the request of the city council or city manager in the event of the death of a current city employee or official.

1.38.060 Procedure for approving additional flags.

- A. The City Council has the authority to approve or deny the display of additional flags not specifically named in this ordinance.
- B. The Longview City Council may choose to fly a different flag in place of the City Flag. Any decision to fly a different flag must be made independently by the council.
- C. The approval to fly a flag in place of the City flag must be made by a majority of the Council at a regular Council meeting.

D. The request for approval must include a description and image of the flag, the purpose of its display, and the proposed duration and location for the display.

E. The City Council's decision to approve the display of an additional flag will be based on whether the flag reflects the values of the community, pays homage to the history of the community, and supports civic engagement and awareness.

1.38.070 Flag height requirements.

A. No flag displayed on city property shall be flown higher than the flag of the United States of America.

B. If a city property has only one flagpole, the United States flag shall be displayed at the top, followed immediately by the City of Longview flag.

C. All flag displays must conform to the United States Flag Code and relevant Washington State laws regarding the order and position of flags.



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 JULY 2024 ACCOUNTS PAYABLE: \$1,829,196.85

FIRST HALF JULY 2024 PAYROLL:

\$26,611.12, checks
\$1,031,526.63, direct deposits
\$664,904.04, wire transfers
\$1,723,041.79 Total

STAFF CONTACT:

Lindy Kennedy, Accountant
Dana Beck, Payroll Specialist

Attachments: None



City of Longview

Agenda Summary

RESOLUTION NO. 2507 - APPOINTING COMMITTEES TO PREPARE PRO AND CON STATEMENTS FOR BALLOT PROPOSITION AUTHORIZING AN INCREASE IN THE SALES AND USE TAX IN LONGVIEW OF ONE-TENTH OF ONE PERCENT (0.1%) ON THE SELLING PRICE TO FUND ENHANCED POLICE SERVICES AND COMMUNITY SAFETY

RECOMMENDED ACTION:

MOTION TO ADOPT RESOLUTION NO. 2507

DATE: JULY 23, 2024

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Enhance public safety & emergency response

Preserve and enhance neighborhoods

Address quality of place issues

SUMMARY STATEMENT:

The Longview Police Department has requested to add new officers to increase minimum staffing levels on patrol. As was noted during a presentation at the Council Meeting in June 2024, the City's patrol staffing levels have remained at current levels since 1980, while the population has increased by 22.8% and although calls for police service have increased by 43%. Additional patrol staffing will enable the Police Department to meet the needs of the City, which have increased since 1980.

Based on an evaluation of existing funding sources, City Council, at its meeting July 9, 2024, approved a proposition to the voters at the November 5, 2024, regular election, to establish a 1/10th of 1 percent sales and use tax to help fund the additional officers, as authorized by RCW 82.14.450(2). The deadline to submit all materials to the Cowlitz County Elections Office for the November 5, 2024, election is August 6, 2024. The City Council now needs to adopt a Resolution establishing the pro/con committees.

Attachments:

1. Res 2507 For and Against Committee
2. Resolution 2506 7-9-24 Law Enforcement Sales and Use Tax
3. LPD Staffing Workshop 5.16.24

RESOLUTION NO. 2507

A RESOLUTION APPOINTING COMMITTEES TO PREPARE PRO AND CON STATEMENTS FOR THE LOCAL VOTER'S PAMPHLET ON THE BALLOT PROPOSITION AUTHORIZING AN INCREASE IN THE SALES AND USE TAX IN LONGVIEW OF ONE-TENTH OF ONE PERCENT (0.1%) ON THE SELLING PRICE TO FUND ENHANCED POLICE SERVICES AND COMMUNITY SAFETY.

WHEREAS, on July 9, 2024, the City Council of the City of Longview passed Resolution No. 2506, providing for the submission to the qualified electors of the City of Longview for approval or rejection at the election to be held on November 5 2024, a proposition authorizing an additional sales and use tax of up to one-tenth of one percent (0.1%) of the selling price in the case of sales tax or the value of the article used in the case of a use tax, pursuant to RCW 82.14.450(2); and

WHEREAS, pursuant to RCW 29A.32.280, a local jurisdiction that has a ballot measure for the general election is required to have its legislative authority formally appoint a committee to prepare arguments advocating voters' approval of the proposition and a committee to prepare arguments advocating voters' rejection of the proposition; and

WHEREAS, each committee shall have not more than three members, however the committee may seek the advice of any person or persons; and

WHEREAS, the City solicited participants for the committees and has identified the following individuals for appointment to prepare the statements referenced herein; now, therefore,

BE IT RESOLVED by the City Council of said City as follows:

Section 1. Appointment of "For" Committee Members.

The following persons are hereby appointed to prepare a statement advocating the voters' approval of the proposition:

Connie Lantz

Spencer Boudreau

Erik Halvorson

Section 2. Appointment of "Against" Committee Members.

The following persons are hereby appointed to prepare a statement advocating the voters' rejection of the proposition:

Section 3. Severability. If any section, sentence, clause or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this resolution.

Section 4. Corrections. Upon approval of the city attorney, the city clerk is authorized to make necessary corrections to this resolution, including, without limitation, the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or section/subsection numbering.

Section 5. Effective Date. This Resolution shall take full force and effect upon passage and signatures hereon.

PASSED by the City Council of the City of Longview, Washington, and approved by its Mayor at a regular meeting of said Council held on the 23rd day of July, 2024.

MAYOR

ATTEST:

City Clerk

RESOLUTION NO. 2506

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF LONGVIEW AT AN ELECTION TO BE HELD NOVEMBER 5, 2024, OF A PROPOSITION AUTHORIZING AN INCREASE IN THE SALES AND USE TAX IN LONGVIEW OF ONE-TENTH OF ONE PERCENT (0.1%) ON THE SELLING PRICE TO FUND ENHANCED POLICE SERVICES AND COMMUNITY SAFETY; SETTING FORTH THE BALLOT PROPOSITION; DIRECTING CITY OFFICIALS TO TAKE NECESSARY ACTIONS CONSISTENT HERewith; AND PROVIDING FOR OTHER RELATED MATTERS.

WHEREAS, the City Council of the City of Longview strives to provide public safety services that match the City's growth and have prioritized sustainable funding for the City's community safety investments; and

WHEREAS, the City's patrol staffing levels have remained at current levels since 1980, while the population has increased by 22.8% and although calls for police service have increased by 43%; and

WHEREAS, police and community safety are vital to the health and well-being of the community and the Police Department currently faces an increased call volume, coupled with additional complexity in the calls received, resulting in a significantly increased length of time per call to ensure the application of de-escalation patrol tactics consistent with Washington state law; and

WHEREAS, additional funding is necessary to adequately staff the patrol division to meet the needs of the community; and

WHEREAS, the estimated annual cost of the additional patrol staff to meet this need is approximately \$1,062,500, including costs associated with recruitment, hiring, training, equipment, as well as vehicle purchasing and outfitting; and

WHEREAS, RCW 82.14.450(2) authorizes the City Council to submit an authorizing proposition to the Longview voters at an election and, if the proposition is approved by a majority of persons voting, to impose an additional sales and use tax of up to one-tenth of one percent (0.1%) of the selling price in the case of sales tax or the value of the article used in the case of a use tax, providing that one-third (1/3) of all money received must be used solely for criminal justice purposes, fire protection purposes, or both; and

WHEREAS, such an increase in the sales tax in Longview is the equivalent of one penny on every ten dollar purchase, and would increase revenues to the City in the amount of approximately \$500,000 per year in 2024 dollars; now, therefore,

BE IT RESOLVED by the City Council of said City as follows:

Section 1. Purpose of Ballot Proposition.

The City Council determines it to be in the public interest to fund the following enhanced police and community safety services beginning as soon as practicable. The City plans that beginning in 2025, and within available resources, these services would include:

- Increase minimum staffing levels by hiring additional patrol officers.

The amounts collected pursuant to the sales tax increased authorized herein shall be used solely for public safety purposes, which may include but are not limited to personnel and related costs of recruiting, hiring, training, equipping and employing the public safety professionals described above.

Section 2. Calling of Election.

The City Council finds that it is in the public interest to submit to the qualified electors of Longview for approval or rejection at the election to be held on November 5 2024, a proposition authorizing an additional sales and use tax of up to one-tenth of one percent (0.1%) of the selling price in the case of sales tax or the value of the article used in the case of a use tax, pursuant to RCW 82.14.450(2). Cowlitz County Elections, as supervisor of elections in the City, is hereby requested to assume jurisdiction of and to submit to the qualified electors of Longview the proposition hereinafter set forth.

Section 3. Ballot Title and Voters' Pamphlet.

The City Clerk is hereby authorized to certify the proposition to Cowlitz County Elections in substantially the following form, prepared pursuant to RCW 29A.36.071:

CITY OF LONGVIEW

PROPOSITION 1

ADDITIONAL SALES AND USE TAX FOR
ENHANCED POLICE PATROL SERVICES

The Longview City Council adopted Resolution No. 2506 concerning a proposition for funding enhanced police patrol services. If approved, this proposition would increase the sales and use tax rate by one-tenth of one percent (0.1%) to provide ongoing funding for public safety purposes permitted under RCW 82.14.450, planned to include an increase in minimum staffing levels on patrol through additional police officers. This increase would become effective in 2025.

Should this proposition be:

APPROVED? ☐

REJECTED? ☐

For the purposes of receiving notice of any matters related to the ballot title, as provided in RCW 29A.36.080, the City hereby designates its Interim City Attorney (Charlotte Archer, 425.450.4209, carcher@insleebest.com) as the person to whom such notice shall be provided.

The City Council authorizes the preparation and distribution of a local voters' pamphlet, including an explanatory statement and statements in favor of and in opposition to the ballot measure, if any. The preparation of the explanatory statement, the appointment of pro/con committees, and the preparation of statements in favor of and in opposition to the proposition shall be in accordance with RCW 29A.32 and the rules and guidelines of the Cowlitz County Elections Office.

Section 4. General Authorization; Ratification.

The City Council authorizes all City officials to perform their duties as are necessary or required by law to effectuate the direction set forth herein. Any action taken consistent with this authority and prior to the effective date of this Resolution is hereby ratified, approved and confirmed.

Section 5. Severability. If any section, sentence, clause or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this resolution.

Section 6. Corrections. Upon approval of the city attorney, the city clerk is authorized to make necessary corrections to this resolution, including, without limitation, the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or section/subsection numbering.

Section 7. Effective Date. This Resolution shall take full force and effect upon passage and signatures hereon.

PASSED by the City Council of the City of Longview, Washington, and approved by its Mayor at a regular meeting of said Council held on the 9 th day of July, 2024.


MAYOR

ATTEST:


City Clerk

The background of the slide is a stylized badge. It features a dark blue diagonal stripe running from the top left to the bottom right. The word "POLICE" is written in large, bold, blue capital letters with a yellow outline, positioned across the stripe. Below the stripe, there is a green landscape with several evergreen trees and a blue body of water. A grey bridge is visible at the bottom of the badge design.

POLICE

Longview Police Department PATROL Staffing Needs

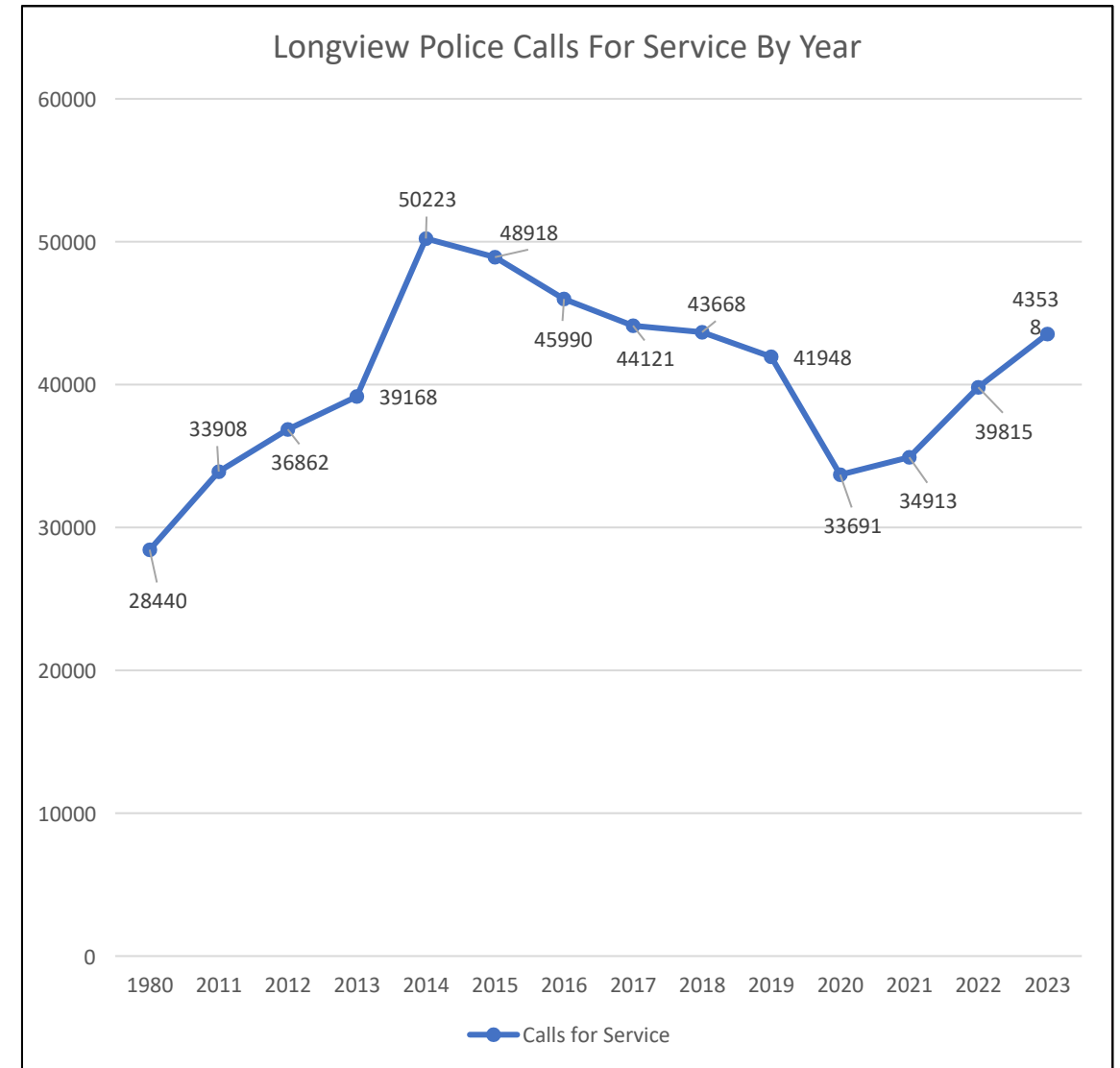


Outline

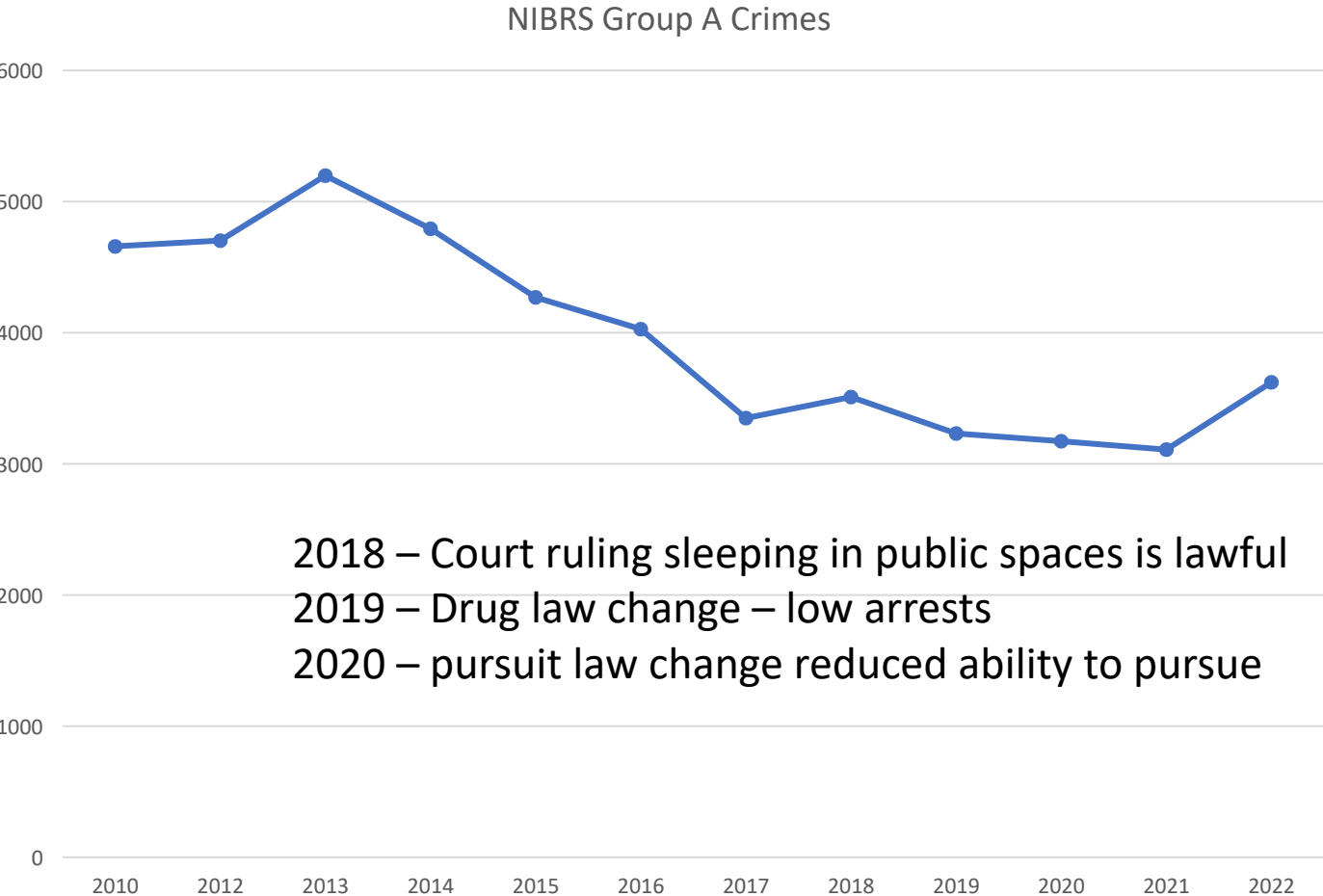
- Call load/Workload
- Annexations
- Population increase with no police staffing increase
- Changes in police workload
- Crisis Calls for service workload
- Officer per 1,000 staffing in Longview v. national average
- Current PATROL staffing
- Need for additional PATROL staffing
- Costs of increasing patrol minimum staffing levels

Police Historical Call load chart

Since 1980, LPD calls for police service have increased by 43% while patrol staffing levels have remained at 1 Sgt & 4 officers per shift.



Historical Longview Crime Data (Crime in Washington report)



Group A Offenses
Murder
Manslaughter
Rape
Sodomy
Sexual Assault w/Object
Fondling
Aggravated Assault
Simple Assault
Intimidation
Kidnapping
Incest
Statutory Rape
Human Trafficking Offenses
Violation of No Contact/Protect.
Robbery
Burglary
Larceny-Theft Offenses
Motor Vehicle Theft
Arson
Destruction of Property
Counterfeiting/Forgery
Fraud Offenses
Embezzlement
Extortion/Blackmail
Bribery
Stolen Property Offenses
Animal Cruelty
Drug/Narcotic Violations
Drug Equipment Violations
Gambling Offenses
Pornography
Prostitution Offenses
Weapon Law Violations

Crimes Against Persons comparison (LV v WA)

Group A Offenses
Murder
Manslaughter
Rape
Sodomy
Sexual Assault w/Object
Fondling
Aggravated Assault
Simple Assault
Intimidation
Kidnapping
Incest
Statutory Rape
Human Trafficking Offenses
Violation of No Contact/Protect.

CRIMES AGAINST PERSONS are the most violent crimes reports and include the crimes listed on this slide.

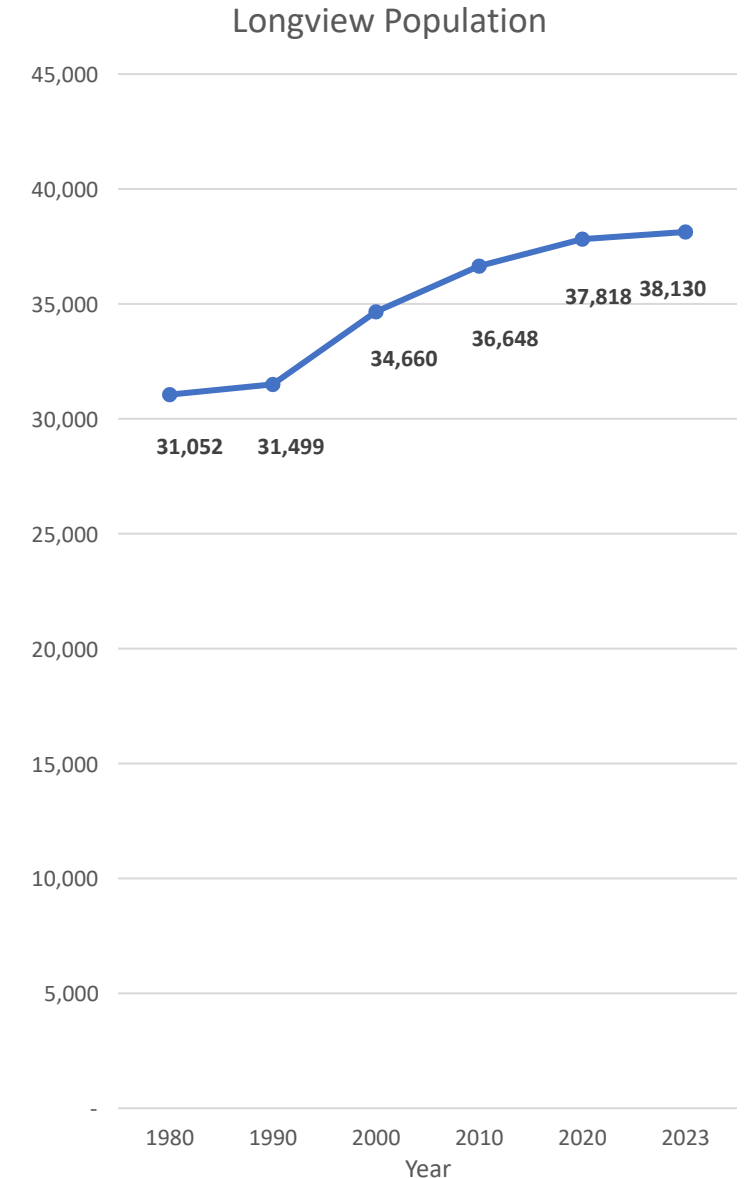
In 2022, Longview's Crimes Against Persons rate per 1,000 = 23.6 per 1,000 population

In that same year, the Washington state average for Crimes Against Persons rate per 1,000 = 14.08 per 1,000 population

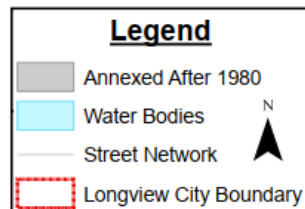
*In 2022, LV's Crimes Against Persons rate per, 1000 was 68% higher than the state average.

Longview Population historical change

- Longview's population has increased by 22.8% since 1980.
- LPD's patrol staffing levels have remained the same since 1980.
- *population data obtained from Washington State Officer of Financial Management
- Historical estimates of population by cities.



City of Longview Annexations



15.33 square miles

Police Officer Staffing Historical Chart

- **2015** – 3 officers added by city council (SCU)
- **2019** – DV Detective (grant funded) + DV Detective (city)
- **2023** – grant funded DV detective ended



How Police Work has changed

- Officers complete data entry into police records management system
- Types/volume of information collected for a police report has increased overtime including additional reporting requirements for domestic violence cases, any incident that results in force or a pursuit or other high liability police actions.
- Body worn camera video tagging, uploading, routing, supervisor review, sending to prosecutor.
- In 2023, there were 51,044 body worn camera videos uploaded by officers to our Evidence Library. If multiple officers respond to an incident, there will be a video from each officer.
- Number of high priority calls & percentage of call load has increased. High priority calls require multiple officer response.

How Police Work has changed (continued)



Significantly increased training requirements over the last 10 years (de-escalation, use of force, patrol tactics). How officers respond to a call – slow it down to increase safety to everyone. Time spent per call has increased.



Nature of calls – significantly more mental health/crisis calls

Crisis Calls For Service

Call Type	2010	2019	2020	2021	2022	2023
ITA	65	175	166	100	146	171
MENTAL	147	454	488	657	696	634
OD	73	87	94	108	126	131
SUICI	220	164	156	166	165	122
WELF	1449	1590	1525	1711	1606	1742
TOTAL	1954	2470	2429	2742	2739	2800

43% increase in crisis calls from 2010 – 2023 (13 year time period)

Workload

	1980	2023
Minimum Patrol Staffing	1 Sergeant 4 patrol officers	1 Sergeant 4 patrol officers
Call volume	28,440	43,668
Population	31,055	38,000
Required to complete one police report	Write name, property information and short narrative on piece of paper, package and log property for evidence	• Log into dispatch (CAD). • Log into records system (Spillman). • Complete data entry on names, location, property, • Enter narrative into spillman. • Complete paper form for evidence. • Download photos/video evidence. Store on digital media. • Package/submit evidence • Provide crime victim information to victims. • More call types require reports now. Some reports require additional forms (DUIs, Domestic Violence, any calls that result in force, traffic collisions) • Download body worn camera, tag video. • Significantly more training is now required to use/operate all of the police equipment/technology solutions of modern police work.
Sworn Officers	51	60

Officer per 1,000 population

- Washington state officer per 1,000 is lowest in the entire nation.
- Longview officer per 1,000 ratio – 1.57 per 1,000 (60 officers/38,110 population X 1,000 population)
- National average for officers per 1,000 - 2.31 per 1,000
- To bring Longview up to the national average for officers per 1,000 population, LPD would need to add **new 28 officers** ($88/38,100 \times 1,000 = 2.31$ officers per 1,000 population).
- When staffing levels are this low, the safety of our officers are at risk and of the public if officers are waiting for a back up officer to clear an in-progress call to go to the next in progress call.

Why is additional police officer staffing needed?

- Annexations of west Longview since 1980.
- Call volume increase
- Complexity/length of time per call/report increase/ technology (BWC)
- Safety of officers & the public
- Increased time in field training of new officers (Average is 12 months from hire to release to solo patrol).



LPD Request for Increased Police Staffing

Item	Quantity	Unit Cost	Total Cost
Police Officer salary & benefits	6	\$131,250	\$787,500
Pre-employment exam	6	\$300	\$1,800
Training (includes ammunition)	6	\$2,000	\$12,000
Uniforms & Equipment (jumpsuits, bulletproof vest, taser, duty gear, academy gear, uniforms, nametag, firearm, body camera, radio)	6	\$6,500	\$39,000
Uniform Cleaning	6	\$100	\$600
Cell Phone monthly service	6	\$600	\$3,600
Vehicle purchase (includes vehicle upfitting, MDT, sector equipment) *	2	\$93,000	\$186,000
Vehicle Rent & Depreciation	2	\$16,000	\$32,000
		2025 TOTAL	\$1,062,500

* One time purchase

Revenue Sources



1/10TH OF 1% SALES TAX
LEVY



GENERAL FUND BUDGET



?????



City of Longview

Agenda Summary

ORDINANCE NO. 3520 – LMC CHAPTER 17.100 WATER SUPPLY PROTECTION

RECOMMENDED ACTION:

MOTION TO ADOPT ORDINANCE NO. 3520

COUNCIL INITIATIVE ADDRESSED:

Provide Sustainable Water Quality & Environmental Infrastructure.

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT

This is an ordinance that replaces the current LMC Chapter 17.100 in its entirety.

This is a complete re-writing of LMC 17.100. The re-write was done for clarity and plain language in the code. The code was also updated to reflect current practices, current industry standards, to run parallel with the City stormwater code, and to reference, but not include State code.

STAFF CONTACT:

Chris Collins, Assistant Public Works Director

Ken Hash, PE, Interim Community Development Director

Attachments:

1. Ordinance - Water Supply Protection LMC 17.100 7_8_24
2. Chapter 17.100

Ordinance No. 3520

An Ordinance relating to Water Supply Protection; repealing and replacing Chapter 17.100 of the Longview Municipal Code.

WHEREAS, the City of Longview manages water production for the City and for Beacon Hill Water and Sewer District, and

WHEREAS, previously the City Council of the City of Longview enacted water supply protection regulations in Chapter 17.100 of the Longview Municipal Code, to establish regulations and minimum standards to reduce the risks of contaminants entering the water supply source aquifer and wellhead protection areas, and

WHEREAS, the City of Longview desires to keep the Longview Municipal Code current with standard industry practices, and

WHEREAS, the City of Longview desires to keep the Longview Municipal Code aligned with current internal processes, and

WHEREAS, an amendment to the LMC is required to accomplish these purposes, and

WHEREAS, the City Council of the City of Longview has determined that the adoption of the regulations and other provisions of this Ordinance will protect the health, safety, and general welfare of the residents of the City and Beacon Hill Water and Sewer District consumers,

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

Section 1. Chapter 17.100 of the Longview Municipal Code is hereby repealed and replaced in its entirety to read as follows:

Chapter 17.100 Water Supply Protection

Sections:

- 17.100.010 Purpose.**
- 17.100.020 Authority.**
- 17.100.030 Definitions.**
- 17.100.040 Scope and Applicability.**
- 17.100.050 Discharges to wellhead protection area.**
- 17.100.060 Minimum standards.**
- 17.100.070 Municipal well protection standards for new and expanding uses.**
- 17.100.080 New and expanding uses involving hazardous materials requiring utilization of all known, available, and reasonable technologies.**
- 17.100.090 Municipal well protection standards for existing uses.**
- 17.100.100 Cessation of prohibited uses.**
- 17.100.110 Removal of prohibited uses.**
- 17.100.120 Protection standards – When applicable.**

- 17.100.130 Amendment to wellhead protection boundaries.**
- 17.100.140 Appeals.**
- 17.100.150 Violation – Penalty.**
- 17.100.160 Interpretation.**
- 17.100.170 Severability.**
- 17.100.180 Adoption of other regulations and standards.**

17.100.010 Purpose.

The purpose of this chapter is to:

- 1) Fulfill public water system wellhead protection program requirements of Chapter 246-290 WAC.
- 2) Protect the municipal water supply by establishing development regulations and minimum standards to reduce the risks of contaminants entering the water supply source aquifer.
- 3) Prohibit the discharge of contaminants within the wellhead protection area as set forth in LMC 17.100.050 and require certain operations to utilize best management practices as set forth in LMC 17.100.060.
- 4) Include a groundwater pollution prevention education component for businesses, industries, and the public. In implementing this chapter, the city will offer education and technical assistance to businesses, industries, and the public to explain how to implement water resource protection and pollution control practices. Enforcement actions will normally be implemented when:
 - i) Education and technical assistance measures are unsuccessful at protecting the public interest;
 - ii) Best management practices are not followed; or
 - iii) Persons willfully contaminate or attempt to contaminate the drinking water or drinking water source of the city.
- 5) To protect the health, safety, and welfare of the residents of the city and the integrity of the water supply for the benefit of all city and Beacon Hill Water and Sewer District consumers.
- 6) Maintain economic viability while providing necessary environmental protection.

It is not the intent of this chapter to have the city pursue enforcement actions against businesses, industries, or persons whose actions or activities result in the discharge of de minimis amounts, as defined at LMC 17.100.030, of contaminants onto the ground or into the groundwater in the wellhead protection area.

17.100.020 Authority.

This chapter is established under authority of the Public Water Systems – Penalties and Compliance (Chapter 70A.125 RCW), and Group A Public Water Supplies (Chapter 246-290 WAC).

The city may impose additional requirements whenever specific circumstances applicable to an operation threatening municipal water supplies are documented.

17.100.030 Definitions.

- 1) “AKART” is an acronym for “all known, available, and reasonable methods of prevention, control, and treatment.” AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or treating the discharge of pollutants. AKART may include, but not be limited to, pollution prevention plan development and implementation, engineering solutions, and practices deemed necessary to prevent release. In determining whether a technology is considered AKART, consideration is given to its technical and economic feasibility.
- 2) “Aquifer” means a soil formation containing layers of rock, sand, gravel, and/or soil that stores, transmits, and yields water.
- 3) “Best management practices” or “BMPs” means the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the Washington State Department of Ecology and/or the city of Longview that, when used singly or in combination, control, prevent, or reduce the release of pollutants and other adverse impacts to waters of Washington State.
- 4) “Bulk petroleum fuel operation” means an operation that manages a cumulative total of 12,000 gallons or more of petroleum fuel on site in tanks capable of holding volumes of at least 4,000 gallons.
- 5) “Bulk storage container” refers to any container fifty-five gallons or larger used to store a hazardous material except containers determined to be an underground storage tank.
- 6) “CAS numbers” are unique and unambiguous identifiers for a specific substance that allows clear communication and, with the help of CAS scientists, links together all available data and research about a substance.
- 7) “Chemical lagoons and pits” means any earthen basin or uncovered concrete basin or depression, lined or unlined, containing hazardous materials.
- 8) “City” means the city of Longview.
- 9) “Closure of operation” means the cessation of activity such that hazardous materials are no longer managed at the operation. For the purposes of this chapter, an operation is considered closed if it has been nonoperational for a continuous period of two years.
- 10) “Connection” means a link or channel between two otherwise separate conveyance systems whereby there may be flow from one system to the other.
- 11) “Container” means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.
- 12) “Contaminant” means any chemical, physical, biological, or radiological substance that does not occur naturally in groundwater in the Wellhead Protection Area (WHPA), or, if naturally occurring, has been found to exist at concentrations greater than those naturally occurring in the WHPA.

- 13) “Dangerous waste” means waste designated in the Washington State Dangerous Waste Regulations (Chapter 173-303 WAC) as dangerous or extremely hazardous due to its physical, chemical, or biological properties.
- 14) “Deleterious Substance” means a substance that in contact with groundwater would degrade, alter or form part of a process of degradation or alteration of the groundwater quality so that it becomes or is likely to become harmful for human consumption.
- 15) “De minimis amounts” means a small or miniscule amount of contaminant in a discharge that is determined not to be harmful to the environment.
- 16) “Development” means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.
- 17) “Direct infiltration facility” means any mechanism that is intended to direct stormwater or process wastewater directly into the ground without providing treatment. Examples include, but are not limited to, drywells, ponds, trenches, and perforated pipe systems.
- 18) “Director” means the director of the city of Longview public works department or designee.
- 19) “Discharge” means the release of materials such that the materials may enter or be emitted to the air, land, surface water or groundwater.
- 20) “Disposal” means discharging, discarding, or abandoning materials into or on any land, air, surface water or groundwater.
- 21) “Disposal site” means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application site as defined in this section, surface impoundment, injection well, or waste pile.
- 22) “Drywell” means a hole, pit, or precast concrete manhole with perforations, created and/or installed below ground surface with drain rock or other material to provide for exfiltration of surface water runoff or other drainage to the subsurface.
- 23) “Existing operations, uses, activities” means operations, uses, or activities established prior to the effective date of this chapter.
- 24) “Facility” means all structures, contiguous land, appurtenances, and other improvements on or in the land.
- 25) “Groundwater” means water in a saturated zone or stratum beneath the surface of the land or below the bed of a surface water body.
- 26) “Hard chrome plating” means chrome plating applied in a sufficient thickness to provide a hardened protective surface rather than merely a decorative surface. A hard chrome shop is more likely to be a large single-purpose plating shop with higher quantities of hazardous plating materials on site; whereas, facilities which do decorative plating may do so as just one of the steps in their manufacturing process.
- 27) “Hazardous material” means any product, substance, commodity, or waste in liquid, solid, or gaseous form that exhibits a characteristic that presents a risk to drinking water. Risk may be due to ignitability,

toxicity, reactivity, instability, corrosivity, or persistence. This definition extends to all “dangerous wastes” and “hazardous substances” that are defined in Chapter 173-303 WAC (State Dangerous Waste Regulations). It also includes the chemicals and/or substances defined in the federal Emergency Planning and Community Right to Know Act (EPCRA) and/or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

28) “Hydraulic fracturing” or “fracking” means a human-caused technique of cracking or fracturing rocks and other geologic formations to create, restore, or increase the capacity or rate at which fluids or gases such as petroleum oil, natural gas, or water can be stored in, transmitted through, or withdrawn from the geologic formations. Hydraulic fracturing frequently involves introducing materials, chemicals, and compounds into the geologic formations to promote the cracking process and to maintain the cracks in an open condition.

29) “Illicit connection” means any manmade conveyance connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include, but are not limited to, sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the stormwater drainage system.

30) “Illicit discharge” means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater, except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.

31) “Land application site” means a place where wastes such as sludge or gray water are applied to the land.

32) “Leachable constituents” means these constituents are determined using the Toxicity Characteristic Leaching Procedure (TCLP), Test Method 1311 in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW-846.

33) “Manage” is a general term that includes, but is not limited to, the use, transfer, storage, processing, and repackaging of materials. This does not include the active or immediate transportation of materials.

34) “Mint Farm Aquifer” means the aquifer in use by the city of Longview for a municipal water supply, identified as the gravel aquifer boundary in Figure 3-1, Delineation of Source Area for the Mint Farm Wellfield, of the City of Longview Mint Farm Regional Water Treatment Plant Preliminary Design Report prepared by Kennedy/Jenks Consultants, dated March 2010.

35) “Municipal waste” means general residential and commercial wastes, including the waste collected by garbage haulers and the waste delivered to transfer or disposal sites by the waste generators themselves (self-haul).

36) “Municipal water supply well” means a city-owned drinking water well supplying a water system meeting the definition of a Group A community water system as defined by WAC 246-290-020, and/or a city-owned water well supplying water to maintain or improve water quality in waters of Washington State. Locations of such wells are depicted on the wellhead protection area maps maintained by the city.

37) “National Pollutant Discharge Elimination System” or “NPDES” means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements under the Federal Clean Water Act for the discharge of

pollutants to waters of the state from point and nonpoint sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State Department of Ecology.

38) “New development” means land disturbing activities, including Class IV general forest practices, that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivision, short subdivision, and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

39) “New operations, uses, activities” means operations, uses, or activities established on or after July 2012. Development or activities requiring a building or other permit are new operations, uses, or activities.

40) “Operation(s)” means any industrial, commercial, institutional, or residential activity, whether publicly or privately owned and operated, that involves the use of stationary or portable facilities, equipment, transport vehicles, or transfer equipment. To the extent allowed by state or federal law, this definition includes all federal, state, or local government entities.

41) “Outdoor wood preservation” means the act of pressure treating wood products for weather resistance and outdoor use, using organic-based preservatives such as creosote or pentachlorophenol, typically used to treat poles or heavy timbers, and inorganic-based preservatives such as chromium, copper, and arsenic typically used to treat dimension lumber.

42) “Permeable surface” means soil or other ground cover with a sufficiently rapid infiltration rate so as to reduce or eliminate surface runoff.

43) “Person” means any human being, firm, labor organization, partnership, corporation, unincorporated association, trustee, trustee in bankruptcy, receiver, or any other legally recognized entity.

44) “Petroleum fuel” means petroleum-based liquid products refined from crude oil specifically for fuel purposes. Fuel includes, but is not limited to, all grades and blends of vehicle fuel, aviation and agricultural fuel, diesel, heating oil, and kerosene, and includes ethanol and similar fuel products and additives prior to blending.

45) “Pollution prevention plan” means a site-specific plan that addresses the avoidance of unplanned chemical release in the air, water, or land. It is based on deliberate waste management planning, site design, and operational practices.

46) “Potentially harmful materials” means hazardous materials as defined in this section as well as other materials including, but not limited to, the following, which if discharged or improperly disposed, may present a risk to drinking water:

Petroleum products including but not limited to petroleum fuel and petroleum based coating and preserving materials; oils containing PCBs; antifreeze and other liquid automotive products; metals, either in particulate or dissolved form, in concentrations above established regulatory standards; flammable or explosive materials; radioactive material; used batteries; corrosives, acids, alkalis, or bases; paints, stains, resins, lacquers, or varnishes; degreasers; solvents; construction materials; drain cleaners and other toxic liquid household products; pesticides, herbicides, fungicides, or fertilizers unless applied in accordance with local, state, and federal

standards; steam cleaning and carpet cleaning wastes; pressure cleaning wastes; car wash water; laundry wastewater; soaps, detergents, or ammonia; swimming pool backwash; chlorine, bromine, and other disinfectants; heated water; domestic animal wastes; sewage; recreational vehicle waste; animal carcasses, excluding salmonids; food wastes; collected lawn clippings, leaves, or branches; trash or debris; silt, sediment, or gravel; dyes; and untreated or unapproved wastewater from industrial processes.

47) "Process wastewater" means wastewater discharged from one or more industrial processes or industrial cleanup procedures.

48) "Redevelopment" means, on a site that is already substantially developed (i.e., has 35 percent or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation, or expansion of a building or other structure; replacement of impervious surfaces; and land disturbing activities.

49) "Releasing" or "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment including, but not limited to, the abandonment or discarding of barrels, containers, and other closed receptacles.

50) "Responsible government official" means a person employed by the federal, state, or a local government with authority to protect the public health and safety of drinking water. Examples include, but are not limited to, persons employed by the city, law enforcement or fire department personnel, and employees of the Washington State Department of Ecology, Washington State Department of Health, the United States Environmental Protection Agency, Cowlitz County, and Cowlitz County public health.

51) "Sewage disposal cesspool" means a lined excavation in the ground which receives the discharge of a drainage system, designed to retain solids and organic matter while permitting liquids to seep through the sides and bottom.

52) "Stormwater" means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.

53) "Stormwater drainage system" means constructed and natural features that function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat, or filter stormwater.

54) "Stormwater facility" means a constructed component of a stormwater drainage system, designed, and constructed to perform a particular function or multiple functions. Stormwater facilities include, but are not limited to: pipes, swales, ditches, open channels, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, storage basins, infiltration devices, catch basins, manholes, dry wells, oil/water separators, biofiltration swales, and sediment basins.

55) "Stormwater manual" means the most current version of the city of the Stormwater Management Manual for Western Washington prepared by the Washington State Department of Ecology.

56) "Stormwater treatment facility" means a stormwater facility that is intended to remove pollutants from stormwater. Stormwater treatment facilities include, but are not limited to, wet ponds, oil/water separators, biofiltration swales, and constructed wetlands.

57) "Surface water" means water that flows across the land surface, in channels, or is contained in depressions in the land surface, including but not limited to ponds, lakes, rivers, and streams.

58) "Tank" means a portable or stationary device designed to contain liquids used or stored at an operation which may include hazardous materials, chemicals, or dangerous wastes and which is constructed primarily of non-earthen materials to provide structural support.

59) "Toxicity" means having properties that cause or significantly contribute to death, injury, or illness in humans or wildlife. A material exhibits the characteristic of toxicity if it contains certain leachable constituents at sufficient concentrations to be considered dangerous to human health and the environment. Leachable constituents and toxicity concentrations are referenced in the Toxicity Characteristic List of WAC 173-303-090(8) as amended.

60) "Transfer warehouse" means any enclosed and covered transportation-related warehouse where shipments of products, which may be hazardous materials but not dangerous wastes, are held in portable containers for transfer.

61) "Underground injection control" or "UIC" well means a manmade subsurface infiltration system designed to discharge fluids into the ground, consisting of an assemblage of perforated pipes, drain tiles, or other similar mechanisms, or a dug hole that is deeper than the largest surface dimension. Subsurface infiltration systems include drywells, pipe, or French drains, drain fields, and other similar devices.

62) "Underground storage tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, as defined in Chapter 173-360 WAC, or hazardous materials as defined in this section, and the volume of which (including the volume of underground pipes connected thereto) is ten percent or more beneath the surface of the ground and not readily available for visual inspection.

63) "Water resources" means surface water, stormwater, and groundwater.

64) "Wellhead protection area (WHPA)" means the area surrounding or contributing to the city's municipal water supply wells, including a buffer area, designated for special protection as established by a hydrogeological model, and identified on wellhead protection area maps maintained by and available for inspection at the city.

17.100.40 Scope and Applicability.

- 1) The provisions of this chapter shall apply to all facilities, activities, and residences in the city that store, handle, treat, use, produce, recycle, or dispose of hazardous materials or deleterious substances.
- 2) Operations. All operations are subject to the provisions of this chapter. Each operation shall meet the minimum standards defined in LMC 17.100.060.
- 3) Development and Redevelopment. The city shall apply development and redevelopment restrictions as defined in LMC 17.100.080 to activities inside the WHPA.
- 4) Emergency Response Exclusion. Emergency response activities shall be excluded from the requirements of this chapter, if and only if such an activity is initiated and completed within a time

frame too short to allow for full compliance with this chapter. This exclusion shall only apply to immediate actions that are undertaken in response to an imminent threat to drinking water, public health, or safety of persons or property. This exclusion shall not apply unless a responsible government official as defined in LMC 17.100.030 is notified and agrees the event is a qualifying emergency.

17.100.050 Discharges to wellhead protection area.

- 1) Prohibited Discharges. No person or operation shall discharge any potentially harmful materials within the WHPA. Persons or operations shall use all known, available, and reasonable means and BMPs to prevent the discharge of any potentially harmful materials within the WHPA.
- 2) Illicit Connections.
 - a) Any connection (pipe, open channel or drain), whether on the surface or subsurface, that could allow conveyance and discharge of any solid, liquid, or gaseous material not composed entirely of stormwater into the WHPA is considered an illicit connection and is prohibited, except:
 - i) Connections conveying allowable discharges as set forth in subsections (3) and (4) of this section;
 - ii) Connections conveying discharges pursuant to a National Pollutant Discharge Elimination System (NPDES) permit or a state waste discharge permit; and
 - iii) Connections conveying effluent from permitted or authorized on-site sewage disposal systems to subsurface soils.
 - b) Floor drains shall not be installed inside an operation which stores or uses hazardous materials unless approved by the city for connection to sanitary sewer. Existing floor drains connected to storm drains or to surface water drains located in or near indoor hazardous material storage or use areas are considered unauthorized connections and shall be sealed or removed to prevent liquid entry, piped to the sanitary sewer (with approval and appropriate shut-off valves), or be directed to additional containment or treatment systems meeting the standards of this chapter.
- 3) Allowable Discharges to Stormwater Drainage System. The following types of discharges into the storm drainage system shall be permitted unless the city determines these discharges (whether singly or in combination with others) are causing unacceptable contamination of the municipal water supply:
 - a) Diverted stream flows;
 - b) Rising ground waters;
 - c) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(b)(20));
 - d) Uncontaminated pumped ground water;
 - e) Foundation drains;
 - f) Air conditioning condensation;
 - g) Irrigation water from agricultural sources that is commingled with urban stormwater;
 - h) Springs;
 - i) Uncontaminated water from crawl space/basement pumps;
 - j) Footing drains;
 - k) Flows from riparian habitats and wetlands;
 - l) Discharges from emergency fire fighting activities; and

- m) Any discharge specifically allowed in writing by a local, state, or federal agency for remedial action in an agreed order, a consent decree, or in a voluntary cleanup effort.
- 4) Allowable Discharges to Permeable Surfaces. The following types of discharges shall be permitted onto a permeable surface unless the city determines these discharges (whether singly or in combination with others) contain greater than de minimis amounts of contaminants:
- a) All allowable discharges specified in subsection (3) of this section;
 - b) Potable water;
 - c) Potable water line flushing;
 - d) Landscape watering;
 - e) Residential car and boat washing;
 - f) Residential swimming pool and spa water; and
 - g) Common flushing practices from water wells and distribution systems.
- 5) Non-stormwater Discharges to the Stormwater Drainage System Prohibited Unless Conditions Met. The following categories of non-stormwater discharges are prohibited discharges to the stormwater drainage system unless the stated conditions are met:
- a) Discharges from potable water sources, including water line flushing, hyper-chlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent re-suspension of sediments in the stormwater drainage system. Chlorinated swimming pool, spa and hot tub discharges. The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and re-oxygenized, if necessary, volumetrically and velocity controlled to prevent resuspension of sediments in the stormwater drainage system. Discharge shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the stormwater drainage system.
 - b) Nonstormwater discharges covered by another NPDES or state waste discharge permit; provided, that the discharger is in compliance with that permit, waiver, or order and other applicable laws and regulations; and provided, that written approval has been granted by the city for the discharge to the stormwater drainage system.
 - c) Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. The city shall reduce these discharges through, at a minimum, public education activities and/or water conservation efforts. To avoid washing pollutants into the stormwater drainage system, the city must minimize the amount of street wash and dust control water used.
 - d) Dye testing for tracing purposes; provided, that written approval has been granted by the city prior to the testing.
 - e) Any non-stormwater discharges specified in writing by the director as being necessary to protect public health and safety.
 - f) Other non-stormwater discharges. Any other non-stormwater discharges shall be in compliance with the requirements of a stormwater pollution prevention plan received by the city, which addresses control of such discharges.

17.100.060 Minimum standards – Source Control Program

- 1) The director shall oversee a program that limits the amount of pollution entering the environment by requiring businesses to construct or implement source control best management practices.
- 2) Operational Best Management Practices (BMPs). All operations shall adopt the following best management practices to ensure their operations minimize potential risks to drinking water:
 - a) Precautions. The owner/operator shall take precautions to prevent accidental releases of hazardous materials. Hazardous materials shall be separated and prevented from entering stormwater drainage systems, septic systems, and drywells.
 - b) Hazardous Materials Management. Hazardous materials shall be managed so they do not threaten human health or the environment or enter drinking water or the WHPA.
 - c) Hazardous Material Releases. All hazardous materials that have been released shall be contained and abated immediately, and the hazardous materials shall be recycled or disposed of properly. The city shall be notified immediately of any release of hazardous materials that has the potential to impact the municipal water supply, but no later than 24 hours after the release. The stormwater manual provides applicable operational BMPs for spills of oils and hazardous substances.
 - d) Oil/Water Separators. Oil/water separators shall be inspected, cleaned, and maintained as stipulated in the stormwater manual. The city may allow an operation to modify the frequency of cleaning if the operation can demonstrate to the city's satisfaction that the separator operates effectively at less frequent cleaning intervals.
 - e) Pesticide and Fertilizer Management. All pesticides, herbicides, fungicides, and fertilizers shall be applied and managed according to the applicable BMPs for landscaping and lawn/vegetation management in the stormwater manual.
 - f) Stormwater Treatment Systems. Stormwater drainage systems and treatment facilities including, but not limited to, catch basins, wet ponds, vaults, biofilters, settling basins, and infiltration systems shall be cleaned and maintained by the responsible party according to the applicable operational BMPs for the maintenance of stormwater, drainage, and treatment systems specified in the stormwater manual.
 - g) Decommissioning Water Wells. Any water well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety, or public health hazard, shall be decommissioned according to the provisions of WAC 173-160-381.
 - h) Operation Closure. At the closure of an operation, all hazardous materials shall be removed from the closing portion of the operation and disposed of in accordance with local, state, and federal laws.
 - i) Mobile Washing and Pressure Cleaning. Operations which engage in activities such as pressure washing, steam cleaning, carpet cleaning, and equipment and vehicle washing shall apply best management practices according to applicable BMPs in the stormwater manual. Mobile washing operations shall ensure all their employees are knowledgeable of proper discharge practices. Wash water from such operations shall be captured and directed to an approved discharge

location. Nonapproved wash water shall not be discharged into the city's stormwater drainage system.

- j) Operations constructing pilings, piers, and other structural supports requiring excavation and drilling shall submit to the city a geotechnical report demonstrating that these activities will not result in a conduit or pathway allowing potential contaminants into the Mint Farm Aquifer underlying the WHPA.
- 3) Commercial Operations Requiring Additional BMPs. Operations which engage in the following commercial activities shall implement the applicable source control BMPs from the stormwater manual: commercial animal handling, commercial composting, printing operations, fueling stations, log sorting, railroad yards, recyclers, scrap yards, and wood treatment facilities.
- 4) Specific Activities Requiring Additional BMPs. Operations performing the following activities shall implement the applicable source control BMPs from the stormwater manual and shall comply with the requirements of Chapter 173-303 WAC:
- a) construction/repair/maintenance of boats/ships;
 - b) airfield/street deicing;
 - c) dust control;
 - d) landscaping;
 - e) loading/unloading of trucks and railcars;
 - f) repair/maintenance/parking of vehicles/equipment;
 - g) erosion control at industrial sites;
 - h) maintenance of utility corridors;
 - i) maintenance of roadside ditches/culverts;
 - j) outdoor manufacturing;
 - k) mobile fueling of vehicles/equipment;
 - l) painting/coating of vehicles/buildings/equipment;
 - m) storing dangerous wastes; and
 - n) managing raw materials.

17.100.070 Municipal well protection standards for new and expanding uses.

- 1) General Prohibitions. Due to the use of materials, chemicals, and compounds that may be harmful to human health and to prevent the potential for contamination of the city's municipal water supply, the practice of hydraulic fracturing is prohibited from use at all locations within or beneath the WHPA and corporate city limits.
- 2) New development, and expansion or enlargement of existing facilities or uses, of the type described in subsection (3) below, are prohibited within the designated wellhead protection areas.
 - a) The more restrictive regulations governing allowed uses in this chapter or LMC Title 19 – Zoning shall apply.

- b) An existing use or proposed use is deemed to be within the applicable wellhead protection area if any portion of the facility (whether existing or proposed) touches or extends into the applicable wellhead protection area. The mere encroachment of the wellhead protection area on a land tract upon which such facility is located or proposed to be located shall not prohibit otherwise authorized development on the portion of the tract outside the wellhead protection area.
- 3) The following uses are prohibited within the WHPA:
- a) Agricultural operations such as stockyards and feedlots.
 - b) Automobile wrecking facilities (hulk haulers or scrap processors as defined in RCW 46.79.010, or vehicle wreckers as defined in RCW 46.80.010).
 - c) Chemical or hazardous material manufacture, processing, reprocessing, transfer, storage, and disposal facilities.
 - d) Chemical lagoons and pits.
 - e) Dry cleaners that use chemical cleaning methods on site, including tetrachloroethylene (PCE, PERC, C2Cl4), excluding drop-off only facilities.
 - f) Gas stations
 - g) Hard chrome plating operations.
 - h) Hazardous material disposal sites.
 - i) Landfills (municipal sanitary solid waste, hazardous waste, and wood waste as defined by WAC 173-304-100.
 - j) Landspreading disposal facilities as defined by WAC 173-304-100.
 - k) Liquid petroleum products pipelines (SIC Code 461 – Pipelines, except Natural Gas).
 - l) Manufacture of flammable or combustible liquids as defined in the current edition of the fire code.
 - m) Municipal waste disposal sites.
 - n) Outdoor wood preservation operations.
 - o) Petroleum products refinery, including reprocessing (SIC Code 29 – Petroleum Refining and Related Industries).
 - p) Radioactive waste disposal sites.
 - q) Sewage disposal cesspools.
 - r) All underground storage tanks except underground storage tanks and tank systems with a total system capacity of one thousand one hundred gallons or less, and used for:
 - i) Storing motor fuel for a farm operation and not for commercial resale; and
 - ii) Heating oil for consumptive use on the premises where stored; and
 - iii) Emergency utility purposes.
 - s) Wood products preserving (SIC Code 2491.
 - t) Any enterprise using or storing chlorinated solvents in excess of ten gallons.
 - u) Any other activity that has the potential to reduce the aquifer recharge, flow, or water quality, or otherwise threaten the use of the municipal water supply, as determined by the Director.

17.100.080 New and expanding uses involving hazardous materials requiring utilization of all known, available, and reasonable technologies.

1) For new development, and expansion or enlargement of existing facilities or uses, of the type described in subsections a through c of this section (other than those described in LMC 17.100.070), which are within the designated six-month, and one-, five- and ten-year wellhead protection areas, and which use, store, handle, or dispose of materials above the minimum quantities listed below at any time, the applicant shall submit documentation which demonstrates that all known available and reasonable technologies (AKART) will be used to prevent impact to the groundwater. The Community Development Director, in consultation with the Public Works Director, shall review this documentation to determine whether the proposal shall be approved, denied, or approved with conditions, to ensure adequate protection of groundwater.

a. Hazardous materials – Substances determined to be a hazardous material as defined in this chapter, except as provided for below. Minimum cumulative quantity: one hundred sixty pounds (or the equivalent of twenty gallons).

b. Cleaning products – Cleaning substances for janitorial use or retail sale in the same packaging and concentrations as products packaged for use by the public. Chlorinated solvents and non-chlorinated solvents derived from petroleum or coal tar are not considered a cleaning substance under this subsection, but rather a hazardous material under subsection A of this section. Minimum cumulative quantity: eight hundred pounds (or the equivalent of one hundred gallons), not to exceed four hundred and forty pounds (or the equivalent of fifty-five gallons) for any single package.

c. Listed hazardous materials – Substances containing “P” or “U” listed chemicals, or “F” or “K” listed wastes as defined in Chapter 173-303 WAC. Minimum quantity: none. Any businesses that use, store, handle or dispose of these substances may be required to submit documentation which demonstrates that AKART will be used to prevent impacts to groundwater.

2) Notwithstanding the minimum thresholds listed in subsections 1.a through 1.c of this section, the city, for good cause and with reasonable expectation of risk to groundwater, may require AKART on any use proposed within the six-month, one-, five-, and ten-year time of travel zones. Uses, which may require AKART, include bulk storage containers, stormwater runoff, and discharge of CECs.

3) For any proposed agricultural use located within the designated six-month, one-, five-, and ten-year time of travel zones, the owner, upon the request of the director, or designee, at their discretion, for good cause and with reasonable expectation of risk to groundwater, shall develop and implement a farm conservation plan in conformance with the U.S. Natural Resources Conservation Service Field Office Technical Guide and obtain approval of the Cowlitz Conservation District board of supervisors. For purposes of this section, only those activities in an approved farm plan related to groundwater protection must be implemented. However, nothing in this section relieves an agricultural operation from meeting the requirements of other jurisdictions.

17.100.090 Municipal well protection standards for existing uses.

The following shall apply to existing uses located within the designated wellhead protection areas.

1) For any existing use within the approved six-month, one-, five-, and ten-year time of travel zones which uses, stores, handles or disposes of materials above the minimum quantity thresholds listed in LMC 17.100.080(1)(a) through (c), the owner, upon request of the Director, or designee, shall submit a pollution prevention plan that will ensure adequate protection of groundwater. The city shall review this plan and approve it, approve it with conditions, or reject it and document the reasons for the action.

Notwithstanding the minimum thresholds listed in LMC 17.100.080(1)(a) through (c), the city, for good cause and with reasonable expectation of risk to groundwater, may require a pollution prevention plan and MPCs (methods of prevention and control) for any use proposed within the six-month, one-, five-, and ten-year time of travel zones. Uses which may require a pollution prevention plan include, but are not limited to, bulk storage containers, stormwater runoff, and discharge of CECs (CEC's are Contaminants of Emerging Concern. Contaminants of Emerging Concern (CECs) are chemicals and toxics that have been found in waterbodies that may cause ecological or human health impacts and are not currently regulated. In wastewater, one of the most common types of CECs are pharmaceuticals and personal care products.)

Pollution prevention plans shall include the following ten elements at a minimum:

- a) A brief description of business activities and a list and map of the locations, amounts, and types of hazardous materials, hazardous waste, and petroleum products stored on site;
 - b) A pollution prevention evaluation that reviews whether the risk from hazardous substances could be reduced through modifying production processes, utilizing nontoxic or less toxic substances, implementing conservation techniques, or reusing materials;
 - c) A description of inspection procedures for hazardous material storage areas and containers and the minimum inspection intervals. An inspection logbook shall be maintained for periodic review, and be made available upon request by the city or county;
 - d) Provision of an appropriate spill kit with adequate spill supplies and protective clothing;
 - e) Detailed spill cleanup and emergency response procedures identifying how the applicant will satisfy the requirements of the Dangerous Waste Regulations, Chapter 173-303 WAC, in the event that hazardous material is released into the ground, groundwater, or surface water;
 - f) Procedures to report spills immediately to the Department of Ecology and the Environmental Health Division of the Cowlitz County Public Health and Human Services Department, in that order;
 - g) A list of emergency phone numbers (e.g., business points of contact, Longview Police Department, Longview Fire Department, Longview Water Department, etc.);
 - h) Procedures to ensure that all employees with access to locations where hazardous materials are used or stored receive adequate spill training. A training logbook shall be maintained for periodic review, and be available upon request by the city or county;
 - i) A map showing the location of all floor drains and any hazardous material and petroleum product transfer areas; and
 - j) Additional information determined by the city to be necessary to demonstrate that the use or activity will not have an adverse impact on groundwater quality.
- 2) For any existing agricultural use located within the designated six-month, one-, five-, and ten-year time of travel zones, the owner, upon the request of the Director, or designee, at their discretion for good cause and with reasonable expectation of risk to groundwater, shall develop and implement a farm conservation plan in conformance with the U.S. Natural Resources Conservation Service Field Office Technical Guide and obtain approval of the Cowlitz Conservation District board of supervisors. For purposes of this section, only those activities in an approved farm plan related to groundwater protection must be implemented. However, nothing in this section relieves an agricultural operation from meeting the requirements of other jurisdictions.

17.100.100 Cessation of prohibited uses.

Amendments to wellhead protection boundaries may cause existing facilities or land uses to become nonconforming with the provisions of this chapter. A nonconforming use under this section shall be deemed abandoned if it has been discontinued for a period of six months or more and may not be resumed.

17.100.110 Removal of prohibited uses.

- 1) Prohibited uses located within the wellhead protection areas, as identified in LMC 17.100.070, shall not be allowed within the most current adopted wellhead protection areas ten years after adoption. The more restrictive regulations governing prohibited uses in this chapter or LMC Title 19 – Zoning shall apply.
- 2) Once a prohibited use within the wellhead protection area ceases, and has been discontinued for a period of six months or more, resuming the use is prohibited.
- 3) Closure of a facility that is the location of a prohibited use under this section shall be conducted in conformance with all applicable federal, state, and local laws and regulations, and in conformance with the closure requirements of the city.

17.100.130 Amendment to wellhead protection boundaries.

Conditions may change such that there is a need to amend wellhead protection boundaries.

- 1) Conditions requiring a change to the wellhead protection boundaries may include, but are not limited to, the following:
 - a) Activation of new municipal supply;
 - b) Increase in production capacity at an existing well;
 - c) Decommission of existing municipal supply well;
 - d) Improved technology for modeling groundwater capture areas; or
 - e) Improved understanding of hydrologic conditions within the region.
- 2) The city will determine when it is appropriate to amend wellhead protection boundaries.
- 3) Prior to the adoption of amendments, notice of a public hearing regarding proposed amendments shall be given by publication and by mail to the property owner(s) of record within the proposed new wellhead protection areas.
- 4) Once amendments are adopted by city council, the provisions of this chapter will apply to facilities and uses contained within these new boundaries.

17.100.140 Appeals.

Any person believed to be aggrieved by the application of the provisions of this chapter may appeal the matter to the Longview hearing examiner. Such appeals are governed by LMC Chapter 1.32. Appeals of wellhead protection area determinations in conjunction with the establishment of wellhead protection areas must be supported by technical evidence provided through competent and credible expert testimony using a methodology deemed equally protective by the hearing examiner. The hearing examiner shall give substantial weight to the technical reports and information used by the city in establishing the wellhead protection area alleged to be improper.

17.100.150 Violation – Penalty.

- 1) Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues shall be considered a separate, distinct offense.
- 2) Any person who commits, participates in, assists, or maintains such violation may be found guilty of a separate offense.
- 3) In addition, any violation of the provisions of this chapter is declared to be a public nuisance and may be abated through civil enforcement proceedings including injunctive or similar relief in superior court or other court of competent jurisdiction.

17.100.120 Administrative programs.

- 1) Educational and Technical Assistance Program.
 - a) The city will work in conjunction with other agencies to implement an education and technical assistance program to assist property owners, business and industry owners and managers, residents, and other interested parties in understanding the importance of protecting the city's drinking water and in employing best management practices in pursuit of that goal.
 - b) The program directed toward business and industry will include but not be limited to technical assistance visits, informational fact sheets, self-audits, or workshops.
 - c) Additional education and assistance programs aimed at residences, public institutions, and low risk businesses shall include:
 - i) Education on the proper use of pesticides, herbicides, fungicides, and fertilizers;
 - ii) Discussions of the impacts of unauthorized discharges to drywells, catch basins, storm basins, and sanitary sewer;
 - iii) Activities to explain and promote the proper management and disposal of used oil and other contaminants; and
 - iv) The importance of properly abandoning wells in accordance with state law.
- 2) Compliance Inspections.
 - a) City personnel may inspect any operation within the city limits known to manage (or that may potentially manage) hazardous materials or is reasonably believed to be a potential source of an illicit discharge into the WHPA.
 - b) Inspections may be initiated as the result of a complaint or referral, or as defined by a routine schedule for compliance, or self-initiated by the city. Inspections will be used to determine if there is any risk to the water supply and to determine if an operation is in compliance with this chapter.

- c) Inspections may involve a review of process equipment, structures, and operating practices; records or plan review; interviews with operators; photo documentation; and sampling. As such, operators shall allow representatives of the city, upon presentation of credentials, to:
 - i) Enter the premises where hazardous materials are being managed, or where records may be kept as required by this chapter. The owner/operator shall make necessary arrangements to allow access without delay. Unreasonable delay may constitute a violation of this chapter;
 - ii) Have access to and copy, at reasonable times, any records that must be kept as required by this chapter;
 - iii) Inspect at reasonable times any facilities, equipment (e.g., safety, monitoring, operating, or other equipment), practices, or operations regulated or required under the provisions of this chapter; and
 - iv) Sample and monitor, at reasonable times, any substances or parameters at any location for the purposes of assuring compliance or as otherwise authorized by the provisions of this chapter. This requirement may involve the city's installation or erection of equipment to conduct sampling, inspection, compliance monitoring, or metering operations. As such, at the written or verbal request of the city, operators shall remove any temporary or permanent obstruction to safe and easy access to an operation to be inspected and/or sampled. The operator shall not replace such an obstruction without the city's consent.

17.100.160 Interpretation.

The director shall be responsible for interpreting the provisions of this chapter. The provisions of this chapter shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this chapter.

17.100.170 Severability.

Should any section, clause or provision of this chapter or any code adopted hereby be declared by a court to be invalid, the same shall not affect the validity of the remainder, either in whole or in part.

17.100.180 Adoption of other regulations and standards by reference

The following State statutes and administrative regulations are hereby adopted by this reference as if set forth in full, to the extent necessary to interpret and implement this chapter:

A.	RCWs	Title
	43.20	Drinking Water
	70.95	Dangerous and Solid Waste
	70.105	Dangerous Waste, MTCA, Sediment Standards
	90.48	Ground Water, Surface Water, Sediment
	90.54	Ground Water
	90.70	Sediment
B.	WACs	Title
	173-200	Water Quality Standards for Ground Waters of the State of Washington
	173-201	Water Quality Standards for Surface Waters of the State of Washington
	173-216	State Waste Discharge Permit Program

173-220	National Pollutant Discharge Elimination System Permit Program
173-204	Sediment Management Standards
173-303	Dangerous Waste Regulations
173-304	Minimum Functional Standards for Solid Waste Handling
173-340	The Model Toxics Control Act Cleanup Regulation
246-290	Public Water Supplies

Section 2. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance and the same shall remain in full force and effect. The City Council of the City of Longview hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

Section 3. Corrections. Upon the approval of the city attorney, the city clerk and/or code publisher is authorized to make any necessary technical corrections to this Ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 4. Prior Acts Ratified. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Publication and Effective Date. This Ordinance shall be published in the official newspaper of the city and a summary of this Ordinance in the form of the Ordinance title may be published in lieu of publishing the Ordinance in its entirety. This Ordinance shall be in full force and effect from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this ____ day of July 2024.

Approved by the Mayor the ____ day of July 2024.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Published: _____

Chapter 17.100

Water Supply Protection

Sections:

- 17.100.010 Purpose.**
- 17.100.020 Authority.**
- 17.100.030 Definitions.**
- 17.100.040 Scope and Applicability.**
- 17.100.050 Discharges to wellhead protection area.**
- 17.100.060 Minimum standards.**
- 17.100.070 Municipal well protection standards for new and expanding uses.**
- 17.100.080 New and expanding uses involving hazardous materials requiring utilization of all known, available, and reasonable technologies.**
- 17.100.090 Municipal well protection standards for existing uses.**
- 17.100.100 Cessation of prohibited uses.**
- 17.100.110 Removal of prohibited uses.**
- 17.100.120 Protection standards – When applicable.**
- 17.100.130 Amendment to wellhead protection boundaries.**
- 17.100.140 Appeals.**
- 17.100.150 Violation – Penalty.**
- 17.100.160 Interpretation.**
- 17.100.170 Severability.**
- 17.100.180 Adoption of other regulations and standards.**

17.100.010 Purpose.

The purpose of this chapter is to:

- 1) Fulfill public water system wellhead protection program requirements of Chapter 246-290 WAC.
- 2) Protect the municipal water supply by establishing development regulations and minimum standards to reduce the risks of contaminants entering the water supply source aquifer.
- 3) Prohibit the discharge of contaminants within the wellhead protection area as set forth in LMC 17.100.050 and require certain operations to utilize best management practices as set forth in LMC 17.100.060.
- 4) Include a groundwater pollution prevention education component for businesses, industries, and the public. In implementing this chapter, the city will offer education and technical assistance to businesses, industries, and the public to explain how to implement water resource protection and pollution control practices. Enforcement actions will normally be implemented when:
 - i) Education and technical assistance measures are unsuccessful at protecting the public interest;
 - ii) Best management practices are not followed; or
 - iii) Persons willfully contaminate or attempt to contaminate the drinking water or drinking water source of the city.

5) To protect the health, safety, and welfare of the residents of the city and the integrity of the water supply for the benefit of all city and Beacon Hill Water and Sewer District consumers.

6) Maintain economic viability while providing necessary environmental protection.

It is not the intent of this chapter to have the city pursue enforcement actions against businesses, industries, or persons whose actions or activities result in the discharge of de minimis amounts, as defined at LMC 17.100.030, of contaminants onto the ground or into the groundwater in the wellhead protection area.

17.100.020 Authority.

This chapter is established under authority of the Public Water Systems – Penalties and Compliance (Chapter 70A.125 RCW), and Group A Public Water Supplies (Chapter 246-290 WAC).

The city may impose additional requirements whenever specific circumstances applicable to an operation threatening municipal water supplies are documented.

17.100.030 Definitions.

1) “AKART” is an acronym for “all known, available, and reasonable methods of prevention, control, and treatment.” AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or treating the discharge of pollutants. AKART may include, but not be limited to, pollution prevention plan development and implementation, engineering solutions, and practices deemed necessary to prevent release. In determining whether a technology is considered AKART, consideration is given to its technical and economic feasibility.

2) “Aquifer” means a soil formation containing layers of rock, sand, gravel, and/or soil that stores, transmits, and yields water.

3) “Best management practices” or “BMPs” means the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the Washington State Department of Ecology and/or the city of Longview that, when used singly or in combination, control, prevent, or reduce the release of pollutants and other adverse impacts to waters of Washington State.

4) “Bulk petroleum fuel operation” means an operation that manages a cumulative total of 12,000 gallons or more of petroleum fuel on site in tanks capable of holding volumes of at least 4,000 gallons.

5) “Bulk storage container” refers to any container fifty-five gallons or larger used to store a hazardous material except containers determined to be an underground storage tank.

6) “CAS numbers” are unique and unambiguous identifiers for a specific substance that allows clear communication and, with the help of CAS scientists, links together all available data and research about a substance.

7) “Chemical lagoons and pits” means any earthen basin or uncovered concrete basin or depression, lined or unlined, containing hazardous materials.

- 8) "City" means the city of Longview.
- 9) "Closure of operation" means the cessation of activity such that hazardous materials are no longer managed at the operation. For the purposes of this chapter, an operation is considered closed if it has been nonoperational for a continuous period of two years.
- 10) "Connection" means a link or channel between two otherwise separate conveyance systems whereby there may be flow from one system to the other.
- 11) "Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.
- 12) "Contaminant" means any chemical, physical, biological, or radiological substance that does not occur naturally in groundwater in the Wellhead Protection Area (WHPA), or, if naturally occurring, has been found to exist at concentrations greater than those naturally occurring in the WHPA.
- 13) "Dangerous waste" means waste designated in the Washington State Dangerous Waste Regulations (Chapter 173-303 WAC) as dangerous or extremely hazardous due to its physical, chemical, or biological properties.
- 14) "Deleterious Substance" means a substance that in contact with groundwater would degrade, alter or form part of a process of degradation or alteration of the groundwater quality so that it becomes or is likely to become harmful for human consumption.
- 15) "De minimis amounts" means a small or miniscule amount of contaminant in a discharge that is determined not to be harmful to the environment.
- 16) "Development" means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.
- 17) "Direct infiltration facility" means any mechanism that is intended to direct stormwater or process wastewater directly into the ground without providing treatment. Examples include, but are not limited to, drywells, ponds, trenches, and perforated pipe systems.
- 18) "Director" means the director of the city of Longview public works department or designee.
- 19) "Discharge" means the release of materials such that the materials may enter or be emitted to the air, land, surface water or groundwater.
- 20) "Disposal" means discharging, discarding, or abandoning materials into or on any land, air, surface water or groundwater.
- 21) "Disposal site" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application site as defined in this section, surface impoundment, injection well, or waste pile.
- 22) "Drywell" means a hole, pit, or precast concrete manhole with perforations, created and/or installed below ground surface with drain rock or other material to provide for exfiltration of surface water runoff or other drainage to the subsurface.

- 23) “Existing operations, uses, activities” means operations, uses, or activities established prior to the effective date of this chapter.
- 24) “Facility” means all structures, contiguous land, appurtenances, and other improvements on or in the land.
- 25) “Groundwater” means water in a saturated zone or stratum beneath the surface of the land or below the bed of a surface water body.
- 26) “Hard chrome plating” means chrome plating applied in a sufficient thickness to provide a hardened protective surface rather than merely a decorative surface. A hard chrome shop is more likely to be a large single-purpose plating shop with higher quantities of hazardous plating materials on site; whereas, facilities which do decorative plating may do so as just one of the steps in their manufacturing process.
- 27) “Hazardous material” means any product, substance, commodity, or waste in liquid, solid, or gaseous form that exhibits a characteristic that presents a risk to drinking water. Risk may be due to ignitability, toxicity, reactivity, instability, corrosivity, or persistence. This definition extends to all “dangerous wastes” and “hazardous substances” that are defined in Chapter 173-303 WAC (State Dangerous Waste Regulations). It also includes the chemicals and/or substances defined in the federal Emergency Planning and Community Right to Know Act (EPCRA) and/or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).
- 28) “Hydraulic fracturing” or “fracking” means a human-caused technique of cracking or fracturing rocks and other geologic formations to create, restore, or increase the capacity or rate at which fluids or gases such as petroleum oil, natural gas, or water can be stored in, transmitted through, or withdrawn from the geologic formations. Hydraulic fracturing frequently involves introducing materials, chemicals, and compounds into the geologic formations to promote the cracking process and to maintain the cracks in an open condition.
- 29) “Illicit connection” means any manmade conveyance connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include, but are not limited to, sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the stormwater drainage system.
- 30) “Illicit discharge” means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater, except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.
- 31) “Land application site” means a place where wastes such as sludge or gray water are applied to the land.
- 32) “Leachable constituents” means these constituents are determined using the Toxicity Characteristic Leaching Procedure (TCLP), Test Method 1311 in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW-846.
- 33) “Manage” is a general term that includes, but is not limited to, the use, transfer, storage, processing, and repackaging of materials. This does not include the active or immediate transportation of materials.

34) “Mint Farm Aquifer” means the aquifer in use by the city of Longview for a municipal water supply, identified as the gravel aquifer boundary in Figure 3-1, Delineation of Source Area for the Mint Farm Wellfield, of the City of Longview Mint Farm Regional Water Treatment Plant Preliminary Design Report prepared by Kennedy/Jenks Consultants, dated March 2010.

35) “Municipal waste” means general residential and commercial wastes, including the waste collected by garbage haulers and the waste delivered to transfer or disposal sites by the waste generators themselves (self-haul).

36) “Municipal water supply well” means a city-owned drinking water well supplying a water system meeting the definition of a Group A community water system as defined by WAC 246-290-020, and/or a city-owned water well supplying water to maintain or improve water quality in waters of Washington State. Locations of such wells are depicted on the wellhead protection area maps maintained by the city.

37) “National Pollutant Discharge Elimination System” or “NPDES” means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements under the Federal Clean Water Act for the discharge of pollutants to waters of the state from point and nonpoint sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State Department of Ecology.

38) “New development” means land disturbing activities, including Class IV general forest practices, that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivision, short subdivision, and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

39) “New operations, uses, activities” means operations, uses, or activities established on or after July 2012. Development or activities requiring a building or other permit are new operations, uses, or activities.

40) “Operation(s)” means any industrial, commercial, institutional, or residential activity, whether publicly or privately owned and operated, that involves the use of stationary or portable facilities, equipment, transport vehicles, or transfer equipment. To the extent allowed by state or federal law, this definition includes all federal, state, or local government entities.

41) “Outdoor wood preservation” means the act of pressure treating wood products for weather resistance and outdoor use, using organic-based preservatives such as creosote or pentachlorophenol, typically used to treat poles or heavy timbers, and inorganic-based preservatives such as chromium, copper, and arsenic typically used to treat dimension lumber.

42) “Permeable surface” means soil or other ground cover with a sufficiently rapid infiltration rate so as to reduce or eliminate surface runoff.

43) “Person” means any human being, firm, labor organization, partnership, corporation, unincorporated association, trustee, trustee in bankruptcy, receiver, or any other legally recognized entity.

44) “Petroleum fuel” means petroleum-based liquid products refined from crude oil specifically for fuel purposes. Fuel includes, but is not limited to, all grades and blends of vehicle fuel, aviation and agricultural

fuel, diesel, heating oil, and kerosene, and includes ethanol and similar fuel products and additives prior to blending.

45) “Pollution prevention plan” means a site-specific plan that addresses the avoidance of unplanned chemical release in the air, water, or land. It is based on deliberate waste management planning, site design, and operational practices.

46) “Potentially harmful materials” means hazardous materials as defined in this section as well as other materials including, but not limited to, the following, which if discharged or improperly disposed, may present a risk to drinking water:

Petroleum products including but not limited to petroleum fuel and petroleum based coating and preserving materials; oils containing PCBs; antifreeze and other liquid automotive products; metals, either in particulate or dissolved form, in concentrations above established regulatory standards; flammable or explosive materials; radioactive material; used batteries; corrosives, acids, alkalis, or bases; paints, stains, resins, lacquers, or varnishes; degreasers; solvents; construction materials; drain cleaners and other toxic liquid household products; pesticides, herbicides, fungicides, or fertilizers unless applied in accordance with local, state, and federal standards; steam cleaning and carpet cleaning wastes; pressure cleaning wastes; car wash water; laundry wastewater; soaps, detergents, or ammonia; swimming pool backwash; chlorine, bromine, and other disinfectants; heated water; domestic animal wastes; sewage; recreational vehicle waste; animal carcasses, excluding salmonids; food wastes; collected lawn clippings, leaves, or branches; trash or debris; silt, sediment, or gravel; dyes; and untreated or unapproved wastewater from industrial processes.

47) “Process wastewater” means wastewater discharged from one or more industrial processes or industrial cleanup procedures.

48) “Redevelopment” means, on a site that is already substantially developed (i.e., has 35 percent or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation, or expansion of a building or other structure; replacement of impervious surfaces; and land disturbing activities.

49) “Releasing” or “release” means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment including, but not limited to, the abandonment or discarding of barrels, containers, and other closed receptacles.

50) “Responsible government official” means a person employed by the federal, state, or a local government with authority to protect the public health and safety of drinking water. Examples include, but are not limited to, persons employed by the city, law enforcement or fire department personnel, and employees of the Washington State Department of Ecology, Washington State Department of Health, the United States Environmental Protection Agency, Cowlitz County, and Cowlitz County public health.

51) “Sewage disposal cesspool” means a lined excavation in the ground which receives the discharge of a drainage system, designed to retain solids and organic matter while permitting liquids to seep through the sides and bottom.

- 52) “Stormwater” means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.
- 53) “Stormwater drainage system” means constructed and natural features that function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat, or filter stormwater.
- 54) “Stormwater facility” means a constructed component of a stormwater drainage system, designed, and constructed to perform a particular function or multiple functions. Stormwater facilities include, but are not limited to: pipes, swales, ditches, open channels, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, storage basins, infiltration devices, catch basins, manholes, dry wells, oil/water separators, biofiltration swales, and sediment basins.
- 55) “Stormwater manual” means the most current version of the city of the Stormwater Management Manual for Western Washington prepared by the Washington State Department of Ecology.
- 56) “Stormwater treatment facility” means a stormwater facility that is intended to remove pollutants from stormwater. Stormwater treatment facilities include, but are not limited to, wet ponds, oil/water separators, biofiltration swales, and constructed wetlands.
- 57) “Surface water” means water that flows across the land surface, in channels, or is contained in depressions in the land surface, including but not limited to ponds, lakes, rivers, and streams.
- 58) “Tank” means a portable or stationary device designed to contain liquids used or stored at an operation which may include hazardous materials, chemicals, or dangerous wastes and which is constructed primarily of non-earthen materials to provide structural support.
- 59) “Toxicity” means having properties that cause or significantly contribute to death, injury, or illness in humans or wildlife. A material exhibits the characteristic of toxicity if it contains certain leachable constituents at sufficient concentrations to be considered dangerous to human health and the environment. Leachable constituents and toxicity concentrations are referenced in the Toxicity Characteristic List of WAC 173-303-090(8) as amended.
- 60) “Transfer warehouse” means any enclosed and covered transportation-related warehouse where shipments of products, which may be hazardous materials but not dangerous wastes, are held in portable containers for transfer.
- 61) “Underground injection control” or “UIC” well means a manmade subsurface infiltration system designed to discharge fluids into the ground, consisting of an assemblage of perforated pipes, drain tiles, or other similar mechanisms, or a dug hole that is deeper than the largest surface dimension. Subsurface infiltration systems include drywells, pipe, or French drains, drain fields, and other similar devices.
- 62) “Underground storage tank” or “UST” means any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, as defined in Chapter 173-360 WAC, or hazardous materials as defined in this section, and the volume of which (including the volume of underground pipes connected thereto) is ten percent or more beneath the surface of the ground and not readily available for visual inspection.
- 63) “Water resources” means surface water, stormwater, and groundwater.

64) “Wellhead protection area (WHPA)” means the area surrounding or contributing to the city’s municipal water supply wells, including a buffer area, designated for special protection as established by a hydrogeological model, and identified on wellhead protection area maps maintained by and available for inspection at the city.

17.100.40 Scope and Applicability.

- 1) The provisions of this chapter shall apply to all facilities, activities, and residences in the city that store, handle, treat, use, produce, recycle, or dispose of hazardous materials or deleterious substances.
- 2) Operations. All operations are subject to the provisions of this chapter. Each operation shall meet the minimum standards defined in LMC 17.100.060.
- 3) Development and Redevelopment. The city shall apply development and redevelopment restrictions as defined in LMC 17.100.080 to activities inside the WHPA.
- 4) Emergency Response Exclusion. Emergency response activities shall be excluded from the requirements of this chapter, if and only if such an activity is initiated and completed within a time frame too short to allow for full compliance with this chapter. This exclusion shall only apply to immediate actions that are undertaken in response to an imminent threat to drinking water, public health, or safety of persons or property. This exclusion shall not apply unless a responsible government official as defined in LMC 17.100.030 is notified and agrees the event is a qualifying emergency.

17.100.050 Discharges to wellhead protection area.

- 1) Prohibited Discharges. No person or operation shall discharge any potentially harmful materials within the WHPA. Persons or operations shall use all known, available, and reasonable means and BMPs to prevent the discharge of any potentially harmful materials within the WHPA.
- 2) Illicit Connections.
 - a) Any connection (pipe, open channel or drain), whether on the surface or subsurface, that could allow conveyance and discharge of any solid, liquid, or gaseous material not composed entirely of stormwater into the WHPA is considered an illicit connection and is prohibited, except:
 - i) Connections conveying allowable discharges as set forth in subsections (3) and (4) of this section;
 - ii) Connections conveying discharges pursuant to a National Pollutant Discharge Elimination System (NPDES) permit or a state waste discharge permit; and
 - iii) Connections conveying effluent from permitted or authorized on-site sewage disposal systems to subsurface soils.
 - b) Floor drains shall not be installed inside an operation which stores or uses hazardous materials unless approved by the city for connection to sanitary sewer. Existing floor drains connected to storm drains or to surface water drains located in or near indoor hazardous material storage or use areas are considered unauthorized connections and shall be sealed or removed to prevent liquid entry, piped to the sanitary sewer (with approval and appropriate shut-off valves), or be

directed to additional containment or treatment systems meeting the standards of this chapter.

- 3) Allowable Discharges to Stormwater Drainage System. The following types of discharges into the storm drainage system shall be permitted unless the city determines these discharges (whether singly or in combination with others) are causing unacceptable contamination of the municipal water supply:
 - a) Diverted stream flows;
 - b) Rising ground waters;
 - c) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(b)(20));
 - d) Uncontaminated pumped ground water;
 - e) Foundation drains;
 - f) Air conditioning condensation;
 - g) Irrigation water from agricultural sources that is commingled with urban stormwater;
 - h) Springs;
 - i) Uncontaminated water from crawl space/basement pumps;
 - j) Footing drains;
 - k) Flows from riparian habitats and wetlands;
 - l) Discharges from emergency fire fighting activities; and
 - m) Any discharge specifically allowed in writing by a local, state, or federal agency for remedial action in an agreed order, a consent decree, or in a voluntary cleanup effort.
- 4) Allowable Discharges to Permeable Surfaces. The following types of discharges shall be permitted onto a permeable surface unless the city determines these discharges (whether singly or in combination with others) contain greater than de minimis amounts of contaminants:
 - a) All allowable discharges specified in subsection (3) of this section;
 - b) Potable water;
 - c) Potable water line flushing;
 - d) Landscape watering;
 - e) Residential car and boat washing;
 - f) Residential swimming pool and spa water; and
 - g) Common flushing practices from water wells and distribution systems.
- 5) Non-stormwater Discharges to the Stormwater Drainage System Prohibited Unless Conditions Met. The following categories of non-stormwater discharges are prohibited discharges to the stormwater drainage system unless the stated conditions are met:
 - a) Discharges from potable water sources, including water line flushing, hyper-chlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent re-suspension of sediments in the stormwater drainage system. Chlorinated swimming pool, spa and hot tub discharges. The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and re-oxygenized, if necessary, volumetrically and velocity controlled to prevent resuspension of sediments in the stormwater drainage system. Discharge shall be thermally controlled to prevent an increase in temperature

of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the stormwater drainage system.

- b) Nonstormwater discharges covered by another NPDES or state waste discharge permit; provided, that the discharger is in compliance with that permit, waiver, or order and other applicable laws and regulations; and provided, that written approval has been granted by the city for the discharge to the stormwater drainage system.
- c) Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. The city shall reduce these discharges through, at a minimum, public education activities and/or water conservation efforts. To avoid washing pollutants into the stormwater drainage system, the city must minimize the amount of street wash and dust control water used.
- d) Dye testing for tracing purposes; provided, that written approval has been granted by the city prior to the testing.
- e) Any non-stormwater discharges specified in writing by the director as being necessary to protect public health and safety.
- f) Other non-stormwater discharges. Any other non-stormwater discharges shall be in compliance with the requirements of a stormwater pollution prevention plan received by the city, which addresses control of such discharges.

17.100.060 Minimum standards – Source Control Program

- 1) The director shall oversee a program that limits the amount of pollution entering the environment by requiring businesses to construct or implement source control best management practices.
- 2) Operational Best Management Practices (BMPs). All operations shall adopt the following best management practices to ensure their operations minimize potential risks to drinking water:
 - a) Precautions. The owner/operator shall take precautions to prevent accidental releases of hazardous materials. Hazardous materials shall be separated and prevented from entering stormwater drainage systems, septic systems, and drywells.
 - b) Hazardous Materials Management. Hazardous materials shall be managed so they do not threaten human health or the environment or enter drinking water or the WHPA.
 - c) Hazardous Material Releases. All hazardous materials that have been released shall be contained and abated immediately, and the hazardous materials shall be recycled or disposed of properly. The city shall be notified immediately of any release of hazardous materials that has the potential to impact the municipal water supply, but no later than 24 hours after the release. The stormwater manual provides applicable operational BMPs for spills of oils and hazardous substances.
 - d) Oil/Water Separators. Oil/water separators shall be inspected, cleaned, and maintained as stipulated in the stormwater manual. The city may allow an operation to modify the frequency of cleaning if the operation can demonstrate to the city's satisfaction that the separator operates effectively at less frequent cleaning intervals.

- e) Pesticide and Fertilizer Management. All pesticides, herbicides, fungicides, and fertilizers shall be applied and managed according to the applicable BMPs for landscaping and lawn/vegetation management in the stormwater manual.
 - f) Stormwater Treatment Systems. Stormwater drainage systems and treatment facilities including, but not limited to, catch basins, wet ponds, vaults, biofilters, settling basins, and infiltration systems shall be cleaned and maintained by the responsible party according to the applicable operational BMPs for the maintenance of stormwater, drainage, and treatment systems specified in the stormwater manual.
 - g) Decommissioning Water Wells. Any water well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety, or public health hazard, shall be decommissioned according to the provisions of WAC 173-160-381.
 - h) Operation Closure. At the closure of an operation, all hazardous materials shall be removed from the closing portion of the operation and disposed of in accordance with local, state, and federal laws.
 - i) Mobile Washing and Pressure Cleaning. Operations which engage in activities such as pressure washing, steam cleaning, carpet cleaning, and equipment and vehicle washing shall apply best management practices according to applicable BMPs in the stormwater manual. Mobile washing operations shall ensure all their employees are knowledgeable of proper discharge practices. Wash water from such operations shall be captured and directed to an approved discharge location. Nonapproved wash water shall not be discharged into the city's stormwater drainage system.
 - j) Operations constructing pilings, piers, and other structural supports requiring excavation and drilling shall submit to the city a geotechnical report demonstrating that these activities will not result in a conduit or pathway allowing potential contaminants into the Mint Farm Aquifer underlying the WHPA.
- 3) Commercial Operations Requiring Additional BMPs. Operations which engage in the following commercial activities shall implement the applicable source control BMPs from the stormwater manual: commercial animal handling, commercial composting, printing operations, fueling stations, log sorting, railroad yards, recyclers, scrap yards, and wood treatment facilities.
- 4) Specific Activities Requiring Additional BMPs. Operations performing the following activities shall implement the applicable source control BMPs from the stormwater manual and shall comply with the requirements of Chapter 173-303 WAC:
- a) construction/repair/maintenance of boats/ships;
 - b) airfield/street deicing;
 - c) dust control;
 - d) landscaping;
 - e) loading/unloading of trucks and railcars;
 - f) repair/maintenance/parking of vehicles/equipment;
 - g) erosion control at industrial sites;
 - h) maintenance of utility corridors;
 - i) maintenance of roadside ditches/culverts;

- j) outdoor manufacturing;
- k) mobile fueling of vehicles/equipment;
- l) painting/coating of vehicles/buildings/equipment;
- m) storing dangerous wastes; and
- n) managing raw materials.

17.100.070 Municipal well protection standards for new and expanding uses.

- 1) General Prohibitions. Due to the use of materials, chemicals, and compounds that may be harmful to human health and to prevent the potential for contamination of the city's municipal water supply, the practice of hydraulic fracturing is prohibited from use at all locations within or beneath the WHPA and corporate city limits.
- 2) New development, and expansion or enlargement of existing facilities or uses, of the type described in subsection (3) below, are prohibited within the designated wellhead protection areas.
 - a) The more restrictive regulations governing allowed uses in this chapter or LMC Title 19 – Zoning shall apply.
 - b) An existing use or proposed use is deemed to be within the applicable wellhead protection area if any portion of the facility (whether existing or proposed) touches or extends into the applicable wellhead protection area. The mere encroachment of the wellhead protection area on a land tract upon which such facility is located or proposed to be located shall not prohibit otherwise authorized development on the portion of the tract outside the wellhead protection area.
- 3) The following uses are prohibited within the WHPA:
 - a) Agricultural operations such as stockyards and feedlots.
 - b) Automobile wrecking facilities (hulk haulers or scrap processors as defined in RCW 46.79.010, or vehicle wreckers as defined in RCW 46.80.010).
 - c) Chemical or hazardous material manufacture, processing, reprocessing, transfer, storage, and disposal facilities.
 - d) Chemical lagoons and pits.
 - e) Dry cleaners that use chemical cleaning methods on site, including tetrachloroethylene (PCE, PERC, C2Cl4), excluding drop-off only facilities.
 - f) Gas stations
 - g) Hard chrome plating operations.
 - h) Hazardous material disposal sites.
 - i) Landfills (municipal sanitary solid waste, hazardous waste, and wood waste as defined by WAC 173-304-100.
 - j) Landspreading disposal facilities as defined by WAC 173-304-100.
 - k) Liquid petroleum products pipelines (SIC Code 461 – Pipelines, except Natural Gas).
 - l) Manufacture of flammable or combustible liquids as defined in the current edition of the fire code.
 - m) Municipal waste disposal sites.

- n) Outdoor wood preservation operations.
- o) Petroleum products refinery, including reprocessing (SIC Code 29 – Petroleum Refining and Related Industries).
- p) Radioactive waste disposal sites.
- q) Sewage disposal cesspools.
- r) All underground storage tanks except underground storage tanks and tank systems with a total system capacity of one thousand one hundred gallons or less, and used for:
 - i) Storing motor fuel for a farm operation and not for commercial resale; and
 - ii) Heating oil for consumptive use on the premises where stored; and
 - iii) Emergency utility purposes.
- s) Wood products preserving (SIC Code 2491).
- t) Any enterprise using or storing chlorinated solvents in excess of ten gallons.
- u) Any other activity that has the potential to reduce the aquifer recharge, flow, or water quality, or otherwise threaten the use of the municipal water supply, as determined by the Director.

17.100.080 New and expanding uses involving hazardous materials requiring utilization of all known, available, and reasonable technologies.

1) For new development, and expansion or enlargement of existing facilities or uses, of the type described in subsections a through c of this section (other than those described in LMC 17.100.070), which are within the designated six-month, and one-, five- and ten-year wellhead protection areas, and which use, store, handle, or dispose of materials above the minimum quantities listed below at any time, the applicant shall submit documentation which demonstrates that all known available and reasonable technologies (AKART) will be used to prevent impact to the groundwater. The Community Development Director, in consultation with the Public Works Director, shall review this documentation to determine whether the proposal shall be approved, denied, or approved with conditions, to ensure adequate protection of groundwater.

- a. Hazardous materials – Substances determined to be a hazardous material as defined in this chapter, except as provided for below. Minimum cumulative quantity: one hundred sixty pounds (or the equivalent of twenty gallons).
- b. Cleaning products – Cleaning substances for janitorial use or retail sale in the same packaging and concentrations as products packaged for use by the public. Chlorinated solvents and non-chlorinated solvents derived from petroleum or coal tar are not considered a cleaning substance under this subsection, but rather a hazardous material under subsection A of this section. Minimum cumulative quantity: eight hundred pounds (or the equivalent of one hundred gallons), not to exceed four hundred and forty pounds (or the equivalent of fifty-five gallons) for any single package.
- c. Listed hazardous materials – Substances containing “P” or “U” listed chemicals, or “F” or “K” listed wastes as defined in Chapter 173-303 WAC. Minimum quantity: none. Any businesses that use, store, handle or dispose of these substances may be required to submit documentation which demonstrates that AKART will be used to prevent impacts to groundwater.

2) Notwithstanding the minimum thresholds listed in subsections 1.a through 1.c of this section, the city, for good cause and with reasonable expectation of risk to groundwater, may require AKART on any use proposed within the six-month, one-, five-, and ten-year time of travel zones. Uses, which may require AKART, include bulk storage containers, stormwater runoff, and discharge of CECs.

3) For any proposed agricultural use located within the designated six-month, one-, five-, and ten-year time of travel zones, the owner, upon the request of the director, or designee, at their discretion, for good cause and with reasonable expectation of risk to groundwater, shall develop and implement a farm conservation plan in conformance with the U.S. Natural Resources Conservation Service Field Office Technical Guide and obtain approval of the Cowlitz Conservation District board of supervisors. For purposes of this section, only those activities in an approved farm plan related to groundwater protection must be implemented. However, nothing in this section relieves an agricultural operation from meeting the requirements of other jurisdictions.

17.100.090 Municipal well protection standards for existing uses.

The following shall apply to existing uses located within the designated wellhead protection areas.

- 1) For any existing use within the approved six-month, one-, five-, and ten-year time of travel zones which uses, stores, handles or disposes of materials above the minimum quantity thresholds listed in LMC 17.100.080(1)(a) through (c), the owner, upon request of the Director, or designee, shall submit a pollution prevention plan that will ensure adequate protection of groundwater. The city shall review this plan and approve it, approve it with conditions, or reject it and document the reasons for the action.

Notwithstanding the minimum thresholds listed in LMC 17.100.080(1)(a) through (c), the city, for good cause and with reasonable expectation of risk to groundwater, may require a pollution prevention plan and MPCs (methods of prevention and control) for any use proposed within the six-month, one-, five-, and ten-year time of travel zones. Uses which may require a pollution prevention plan include, but are not limited to, bulk storage containers, stormwater runoff, and discharge of CECs (CEC's are Contaminants of Emerging Concern. Contaminants of Emerging Concern (CECs) are chemicals and toxics that have been found in waterbodies that may cause ecological or human health impacts and are not currently regulated. In wastewater, one of the most common types of CECs are pharmaceuticals and personal care products.)

Pollution prevention plans shall include the following ten elements at a minimum:

- a) A brief description of business activities and a list and map of the locations, amounts, and types of hazardous materials, hazardous waste, and petroleum products stored on site;
- b) A pollution prevention evaluation that reviews whether the risk from hazardous substances could be reduced through modifying production processes, utilizing nontoxic or less toxic substances, implementing conservation techniques, or reusing materials;
- c) A description of inspection procedures for hazardous material storage areas and containers and the minimum inspection intervals. An inspection logbook shall be maintained for periodic review, and be made available upon request by the city or county;
- d) Provision of an appropriate spill kit with adequate spill supplies and protective clothing;
- e) Detailed spill cleanup and emergency response procedures identifying how the applicant will satisfy the requirements of the Dangerous Waste Regulations, Chapter 173-303 WAC, in the event that hazardous material is released into the ground, groundwater, or surface water;
- f) Procedures to report spills immediately to the Department of Ecology and the Environmental Health Division of the Cowlitz County Public Health and Human Services Department, in that order;

- g) A list of emergency phone numbers (e.g., business points of contact, Longview Police Department, Longview Fire Department, Longview Water Department, etc.);
 - h) Procedures to ensure that all employees with access to locations where hazardous materials are used or stored receive adequate spill training. A training logbook shall be maintained for periodic review, and be available upon request by the city or county;
 - i) A map showing the location of all floor drains and any hazardous material and petroleum product transfer areas; and
 - j) Additional information determined by the city to be necessary to demonstrate that the use or activity will not have an adverse impact on groundwater quality.
- 2) For any existing agricultural use located within the designated six-month, one-, five-, and ten-year time of travel zones, the owner, upon the request of the Director, or designee, at their discretion for good cause and with reasonable expectation of risk to groundwater, shall develop and implement a farm conservation plan in conformance with the U.S. Natural Resources Conservation Service Field Office Technical Guide and obtain approval of the Cowlitz Conservation District board of supervisors. For purposes of this section, only those activities in an approved farm plan related to groundwater protection must be implemented. However, nothing in this section relieves an agricultural operation from meeting the requirements of other jurisdictions.

17.100.100 Cessation of prohibited uses.

Amendments to wellhead protection boundaries may cause existing facilities or land uses to become nonconforming with the provisions of this chapter. A nonconforming use under this section shall be deemed abandoned if it has been discontinued for a period of six months or more and may not be resumed.

17.100.110 Removal of prohibited uses.

- 1) Prohibited uses located within the wellhead protection areas, as identified in LMC 17.100.070, shall not be allowed within the most current adopted wellhead protection areas ten years after adoption. The more restrictive regulations governing prohibited uses in this chapter or LMC Title 19 – Zoning shall apply.
- 2) Once a prohibited use within the wellhead protection area ceases, and has been discontinued for a period of six months or more, resuming the use is prohibited.
- 3) Closure of a facility that is the location of a prohibited use under this section shall be conducted in conformance with all applicable federal, state, and local laws and regulations, and in conformance with the closure requirements of the city.

17.100.130 Amendment to wellhead protection boundaries.

Conditions may change such that there is a need to amend wellhead protection boundaries.

- 1) Conditions requiring a change to the wellhead protection boundaries may include, but are not limited to, the following:
 - a) Activation of new municipal supply;
 - b) Increase in production capacity at an existing well;
 - c) Decommission of existing municipal supply well;
 - d) Improved technology for modeling groundwater capture areas; or
 - e) Improved understanding of hydrologic conditions within the region.
- 2) The city will determine when it is appropriate to amend wellhead protection boundaries.
- 3) Prior to the adoption of amendments, notice of a public hearing regarding proposed amendments shall be given by publication and by mail to the property owner(s) of record within the proposed new wellhead protection areas.
- 4) Once amendments are adopted by city council, the provisions of this chapter will apply to facilities and uses contained within these new boundaries.

17.100.140 Appeals.

Any person believed to be aggrieved by the application of the provisions of this chapter may appeal the matter to the Longview hearing examiner. Such appeals are governed by LMC Chapter 1.32. Appeals of wellhead protection area determinations in conjunction with the establishment of wellhead protection areas must be supported by technical evidence provided through competent and credible expert testimony using a methodology deemed equally protective by the hearing examiner. The hearing examiner shall give substantial weight to the technical reports and information used by the city in establishing the wellhead protection area alleged to be improper.

17.100.150 Violation – Penalty.

- 1) Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues shall be considered a separate, distinct offense.
- 2) Any person who commits, participates in, assists, or maintains such violation may be found guilty of a separate offense.
- 3) In addition, any violation of the provisions of this chapter is declared to be a public nuisance and may be abated through civil enforcement proceedings including injunctive or similar relief in superior court or other court of competent jurisdiction.

17.100.120 Administrative programs.

- 1) Educational and Technical Assistance Program.
 - a) The city will work in conjunction with other agencies to implement an education and technical assistance program to assist property owners, business and industry owners and managers,

residents, and other interested parties in understanding the importance of protecting the city's drinking water and in employing best management practices in pursuit of that goal.

- b) The program directed toward business and industry will include but not be limited to technical assistance visits, informational fact sheets, self-audits, or workshops.
 - c) Additional education and assistance programs aimed at residences, public institutions, and low risk businesses shall include:
 - i) Education on the proper use of pesticides, herbicides, fungicides, and fertilizers;
 - ii) Discussions of the impacts of unauthorized discharges to drywells, catch basins, storm basins, and sanitary sewer;
 - iii) Activities to explain and promote the proper management and disposal of used oil and other contaminants; and
 - iv) The importance of properly abandoning wells in accordance with state law.
- 2) Compliance Inspections.
- a) City personnel may inspect any operation within the city limits known to manage (or that may potentially manage) hazardous materials or is reasonably believed to be a potential source of an illicit discharge into the WHPA.
 - b) Inspections may be initiated as the result of a complaint or referral, or as defined by a routine schedule for compliance, or self-initiated by the city. Inspections will be used to determine if there is any risk to the water supply and to determine if an operation is in compliance with this chapter.
 - c) Inspections may involve a review of process equipment, structures, and operating practices; records or plan review; interviews with operators; photo documentation; and sampling. As such, operators shall allow representatives of the city, upon presentation of credentials, to:
 - i) Enter the premises where hazardous materials are being managed, or where records may be kept as required by this chapter. The owner/operator shall make necessary arrangements to allow access without delay. Unreasonable delay may constitute a violation of this chapter;
 - ii) Have access to and copy, at reasonable times, any records that must be kept as required by this chapter;
 - iii) Inspect at reasonable times any facilities, equipment (e.g., safety, monitoring, operating, or other equipment), practices, or operations regulated or required under the provisions of this chapter; and
 - iv) Sample and monitor, at reasonable times, any substances or parameters at any location for the purposes of assuring compliance or as otherwise authorized by the provisions of this chapter. This requirement may involve the city's installation or erection of equipment to conduct sampling, inspection, compliance monitoring, or metering operations. As such, at the written or verbal request of the city, operators shall remove any temporary or permanent obstruction to safe and easy access to an operation to be inspected and/or sampled. The operator shall not replace such an obstruction without the city's consent.

17.100.160 Interpretation.

The director shall be responsible for interpreting the provisions of this chapter. The provisions of this chapter shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this chapter.

17.100.170 Severability.

Should any section, clause or provision of this chapter or any code adopted hereby be declared by a court to be invalid, the same shall not affect the validity of the remainder, either in whole or in part.

17.100.180 Adoption of other regulations and standards by reference

The following State statutes and administrative regulations are hereby adopted by this reference as if set forth in full, to the extent necessary to interpret and implement this chapter:

A.	RCWs	Title
	43.20	Drinking Water
	70.95	Dangerous and Solid Waste
	70.105	Dangerous Waste, MTCA, Sediment Standards
	90.48	Ground Water, Surface Water, Sediment
	90.54	Ground Water
	90.70	Sediment
B.	WACs	Title
	173-200	Water Quality Standards for Ground Waters of the State of Washington
	173-201	Water Quality Standards for Surface Waters of the State of Washington
	173-216	State Waste Discharge Permit Program
	173-220	National Pollutant Discharge Elimination System Permit Program
	173-204	Sediment Management Standards
	173-303	Dangerous Waste Regulations
	173-304	Minimum Functional Standards for Solid Waste Handling
	173-340	The Model Toxics Control Act Cleanup Regulation
	246-290	Public Water Supplies



City of Longview

Agenda Summary

CONSULTANT AGREEMENT WITH PBS ENGINEERING & ENVIRONMENTAL FOR 46TH AVENUE RECONSTRUCTION

RECOMMENDED ACTION:

MOTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE SUPPLEMENTAL 5 CONSULTANT AGREEMENT WITH PBS ENGINEERING & ENVIRONMENTAL

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Improve streets and roads
Improve transportation systems

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

In December 2019 the City of Longview received a grant from the State Transportation Improvement Board (TIB) and Federal Surface Transportation Block Program (STBGP) for the Reconstruction of 46th Avenue from Ocean Beach Highway to Olympia Way. Existing 46th Avenue is a 2-lane roadway with an average paved width of 20-ft and no shoulders. The existing roadway is believed to consist of multiple lifts of chip seal over native soil and has experienced differential settlement over time. The roadway connects the small commercial zone at Ocean Beach Highway with neighborhoods, churches and an Elementary school. There is a large volume of pedestrian and bike traffic that uses 46th Avenue and mostly travels in the roadway or in front yards.

The project will include 2 travel lanes, bike lanes and sidewalks, updated lighting, a pedestrian crossing over the CDID cut-off slough and other improvements.

This supplemental consultant agreement is for additional contract time and budget for phase 3 for construction engineering services which will provide construction management, inspection, testing, and survey of the construction project.

The proposed additional contract time and budget for phase 3 Scope of Work is attached.

FINANCIAL SUMMARY:

The PBS supplemental contract amount for construction engineering is \$140,000. The cost of this contract will be paid for by the TIB grant, Federal STBGP grant, arterial street, sewer, water funds, and a PBS claim being paid to the City due to design errors.

STAFF CONTACT:

Samuel Barham, P.E., Project Engineer

Attachments:

1. 46th Ave - Supplement 5



**Washington State
Department of Transportation**

Supplemental Agreement Number 05		Organization and Address	
Original Agreement Number 22-2477		PBS Engineering and Environmental 415 W 6th Street, Suite 601 Vancouver, WA 98660 Phone: 360-567-2115	
Project Number STBG-6751 (001)	Execution Date 02/19/2020	Completion Date 12-31-2024	
Project Title 46th Avenue Improvements	New Maximum Amount Payable 1,197,298.97		
Description of Work 46th - Construction services Original Agreement Amount = \$97,610.00 Supplement 1 Agreement Amount = \$10,958.00 Supplement 2 Agreement Amount = \$366,920.83 Supplement 3 Additional ROW= \$38,967.14 Supplement 4 Construction Management = \$541,352.00 Supplement 5 Construction Management = \$141,491.00			

The Local Agency of City of Longview

desires to supplement the agreement entered in to with PBS Engineering and Environmental
and executed on 02/19/2020 and identified as Agreement No. 22-2477

All provisions in the basic agreement remain in effect except as expressly modified by this supplement.

The changes to the agreement are described as follows:

I

Section 1, SCOPE OF WORK, is hereby changed to read:

See attached for Contract Supplement 5 - Scope of Work

II

Section IV, TIME FOR BEGINNING AND COMPLETION, is amended to change the number of calendar days
for completion of the work to read: 12/31/2024

III

Section V, PAYMENT, shall be amended as follows:

See attached for Contract Supplement 5 - Scope of Work

as set forth in the attached Exhibit A, and by this reference made a part of this supplement.

If you concur with this supplement and agree to the changes as stated above, please sign in the Appropriate
spaces below and return to this office for final action.

By: _____ By: _____

Consultant Signature

Approving Authority Signature

Date

Exhibit A Scope of Work

Project No. P21001

See attached

Agreement Number:

CITY OF LONGVIEW, WASHINGTON

Scope of Work – Amendment 5 46th Avenue Improvements City of Longview Project # 71510.001

INTRODUCTION

The City of Longview (City) selected PBS to perform construction management support for the **46th Avenue Improvements** project. The project was scheduled for completion in October 2023 with 130 working days and Contractor commencing construction on June 5, 2023. There were delays in construction of the precast culvert due to dewatering and installation of precast culvert. Change Order work was issued because of the efforts for dewatering and culvert construction. The order to suspend working days was issued on April 11, 2024, due to weather, until critical path work for permanent pavement marking could take place. Noncritical path work was performed during the working day suspension.

This noncritical path work and completion of culvert construction required daily inspection, material submittals, pay estimates, and the typical construction administration and management. This resulted in additional costs to the construction management contract between PBS and the City of Longview.

Substantial completion was given to the contractor on May 20th, 2024. The contractor was granted 75.5 additional working days for the change order work regarding dewatering and culvert construction.

CONTRACT TASKS INCREASED SCOPE OF WORK

Task 11 Water Construction: Project Management and Coordination

- Sub-Task 11.1: Contact Administration, Invoicing, and Progress Reports
- Sub-Task 11.3: Construction management and Engineering

Task 12 Sewer Construction: Project Management and Coordination

- Sub-Task 12.4: Construction Observation

Task 13 Roadway Construction: Project Management and Coordination

- Sub-Task 13.1: Contact Administration, Invoicing, and Progress Reports
- Sub-Task 13.2: Construction Survey and Staking
- Sub-Task 13.3: Construction management and Engineering
- Sub-Task 13.4: Construction Observation
- Sub-Task 13.5: Bridge Inspection
- Sub-Task 13.6: Scour/Capacity Inspection
 - Level 1 Scour Evaluation
 - Channel Capacity based on newly constructed culvert

Exhibit D-1
46th Avenue Improvements - CM Budget

City of Longview, Washington
Thursday, June 6, 2024

PBS

Task and Description	PBS Engineering and Environmental (Engineering/Management)					PBS	Burgess & Niples	BUDGET AMOUNT
	ENG- PRINCIPAL	ENG MGR VII	Const III	PRJ ADMIN II	Expense	TOTAL	TOTAL	
Task 11: Water Construction						26,216.00	0.00	26,216.00
Sub-Task 11.1: Project Management and Coordination								
Sub-Task 11.1.1: Contract Administration, Invoicing, and Progress Reports		3.00		3.00		906.00	0.00	\$906.00
Sub-Task 11.1.7: Construction Admin & Engineering		30.00		30.00		9,060.00	0.00	\$9,060.00
Sub-Task 11.3: Construction Management and Engineering								
Sub-Task 11.3.2: On-Site Meetings		10.00	10.00	10.00		4,170.00	0.00	\$4,170.00
Sub-Task 11.3.4: Construction Administration and Engineering		40.00		40.00		12,080.00	0.00	\$12,080.00
Task 12: Sewer Construction						22,378.00	0.00	22,378.00
Sub-Task 12.4: Construction Observation								
Sub-Task 12.4.2: Inspection Services			190.00		528.00	22,378.00	0.00	\$22,378.00
Task 13: Roadway Construction						87,897.00	5,000.00	92,897.00
Sub-Task 13.1: Project Management and Coordination								
Sub-Task 13.1.1: Contract Administration, Invoicing, and Progress Reports		7.00		7.00		2,114.00	0.00	\$2,114.00
Sub-Task 13.2: Construction Survey and Staking								
Sub-Task 13.3: Construction Management and Engineering								
Sub-Task 13.3.2: On-Site Meetings		30.00	10.00	30.00		10,210.00	0.00	\$10,210.00
Sub-Task 13.3.4: Construction Administration and Engineering		20.00		40.00		8,080.00	0.00	\$8,080.00
Sub-Task 13.3.5: Response to Questions and Change Orders		10.00		10.00		3,020.00	0.00	\$3,020.00
Sub-Task 13.4: Construction Observation								
Sub-Task 13.4.1: Site Visits		10.00				2,000.00	0.00	\$2,000.00
Sub-Task 13.4.2: Geotechnical Support		10.00		10.00		3,020.00	0.00	\$3,020.00
Sub-Task 13.4.3: Material Testing		10.00		10.00		3,020.00	0.00	\$3,020.00
Sub-Task 13.4.4: Inspection Services			390.00		1,583.00	46,433.00		\$46,433.00
Sub-Task 13.4.5: Scour / Capacity Evaluation	8.00	40.00				10,000.00		\$10,000.00
Sub-Task 13.4.6: WSDOT Bridge Inspection						0.00	5,000.00	\$5,000.00
TOTAL HOURS	8.00	220.00	600.00	190.00				
HOURLY RATES	250.00	200.00	115.00	102.00				
TOTAL DOLLARS	2,000.00	44,000.00	69,000.00	19,380.00	2,111.00	136,491.00	5,000.00	141,491.00



City of Longview

Agenda Summary

RESOLUTION 2508 – REVISIONS TO SOLID WASTE AND RECYCLING RATE RESOLUTION FOR 2024

RECOMMENDED ACTION:

MOTION TO ADOPT RESOLUTION 2508

Attachments:

1. RESOLUTION NO 2508 redline-07.16.24
2. RESOLUTION NO 2508 clean-07.16.24

RESOLUTION NO. 2508

A resolution fixing the rates to be charged for furnishing garbage collection and recycling service within the City of Longview, and repealing Resolution No. 2482.

BE IT RESOLVED that residential and multi-family customers receiving automated garbage and recycling collection service shall utilize the curbside roll-out container (90-gallon cart) or stationary container (300-gallon tub) provided to them by the City's garbage and recycling collection contractor.

BE IT FURTHER RESOLVED that pursuant to Section 7.16.020 of the Longview Municipal Code, the rates to be charged (see rate spreadsheet for RATES) for garbage collection and recycling service shall be as follows:

1. RESIDENTIAL:

(a) Single Family Dwellings: The rate for once per week garbage collection and recycling service for a single family dwelling shall be RATE 101. Each additional roll-out container shall be **RATE 101A** charged at 80% of RATE 101.

(b) Single Family Deluxe Service: Deluxe Service requires the driver to get out of the collection truck, walk to the customer's cart, wheel the cart into position for collection, dump the cart, and return the cart to its original position. Rates for Deluxe Service include the fees charged above for residential service.

Less than 75 feet from collection vehicle: RATE 111

More than 75 feet from collection vehicle: RATE 112

(c) Multiple Family Dwellings: Multiple family dwellings shall include, but not be limited to, apartment buildings, condominiums, duplexes, tri-plexes, mobile homes and trailer parks, and selected retirement complexes (i.e. those that do not provide an eating commons and/or provide meals).

The rate for once per week garbage collection and recycling service shall be RATE 105. Each additional cart from the same dwelling unit shall be **RATE 105A** charged at 80% of RATE 105.

(d) Multiple Family Dwelling Deluxe Service: Deluxe Service requires the driver to get out of the collection truck, walk to the customer's container, wheel the container into position for collection, dump the container, and return the container to its original position. Rates for Deluxe Service include the fees charged above for multiple family service.

Cart:

Less than 75 feet from collection vehicle: RATE 111

More than 75 feet from collection vehicle: RATE 112

Tub:

Less than 75 feet from collection vehicle: RATE 111

More than 75 feet from collection vehicle: RATE 112

(e) Additional Services/Charges

Special Pickup of cart/tub while collection vehicle is still on its route: RATE 006

Overstuffed cart/tub – First container: RATE 1STUFF

Overstuffed cart/tub – Each additional container: RATE ADDSTUFF

2. **COMMERCIAL:**

Commercial shall include, but not be limited to, places of business, industrial establishments, institutions and public buildings, nursing homes, retirement complexes (i.e. those which provide an eating commons and/or provide meals) and schools. Churches receiving service of more than two 90-gallon containers picked up once per week shall be considered commercial units for solid waste purposes. All commercial accounts shall be charged as follows:

(a) **Monthly Commercial rate for 300-gallon containers (tub):** shall be at RATE 005. Multiply the number of tubs by the number times the tubs are dumped within one week by RATE 005. (2 tubs x 3 dumps per week x RATE 005 = monthly fee)

Any commercial account that shares a 300-gallon container with another active commercial account shall pay fifty percent (50%) of the collection rate.

(b) **Monthly Commercial rate for 90-gallon containers (cart):** shall be at RATE 090. Multiply the number of tubs by the number times the tubs are dumped within one week by RATE 090. (2 carts x 3 dumps per week x RATE 090 = monthly fee)

(c) Commercial Deluxe Service:

Deluxe Service requires the driver to get out of the collection truck, walk to the customer's container, open gates if applicable, wheel the container into position for collection, dump the container, and return the container to its original position and close gates if applicable. Rates for Deluxe Service are in addition to the fees charged above for commercial service.

Cart: RATE 360

Tub: RATE 350

Frontload: RATE 5578

(d) Additional Services/Charges

Special Pickup of cart/tub while collection vehicle is still on its route: RATE 006

Overstuffed cart/tub – First container: RATE 1STUFF

Overstuffed cart/tub – Each additional container: RATE ADDSTUFF

Gate Fee assessed per service per gate (not per pick/container) – **RATE GATE**

3. **SPECIAL CONTAINER SERVICE:**

Charges for special container service shall be as provided in this section.

A. Front Loader Containers

All front loader collection fees and tipping fees will be assessed a 25% administration fee along with applicable city and state taxes.

1. Longview School District:

- (a) A solid waste tipping fee for the Longview School District shall be assessed according to the actual weight tickets for the Longview School District's containers dumped on their regular schedule.

(b) Regular **Monthly** Collection Service - Front Loader –

<u>Service Code (per pick)</u>	<u>Type of Service</u>
LSD2YD (RATE 5602)	2 yd Front Loader
LSD3YD (RATE 5603)	3 yd Front Loader
LSD4YD (RATE 5604)	4 yd Front Loader
LSD5YD (RATE 5605)	5 yd Front Loader

(c) Special Pick-Up - Front Loader -

This fee will be assessed when the Longview School District requests special pick-ups outside of their regularly scheduled service. This fee includes tipping costs at the disposal site, and no additional tipping fee will be charged.

<u>Service Code (per pick)</u>	<u>Type of Service</u>
SPLSD2YD (RATE 5572)	2 yd Front Loader
SPLSD3YD (RATE 5573)	3 yd Front Loader
SPLSD4YD (RATE 5574)	4 yd Front Loader
SPLSD5YD (RATE 5575)	5 yd Front Loader
SPLSD6YD (RATE 5576)	6 yd Front Loader

2. Commercial and All Others:

(a) Regular ~~Monthly~~ Collection Service - Front Loader—

This fee includes tipping costs at the disposal site, and no additional tipping fee will be charged. A special pick may be arranged and charged at regular rates listed. Three consecutive requests for extra service will result in the need for added regular service.

<u>Service Code (per pick)</u>	<u>Type of Service</u>
COM2YD (RATE 5572)	2 yd Front Loader
COM3YD (RATE 5573)	3 yd Front Loader
COM4YD (RATE 5574)	4 yd Front Loader
COM5YD (RATE 5575)	5 yd Front Loader
COM6YD (RATE 5576)	6 yd Front Loader

(b) Regular - Front Loader Compactor (non-restaurant)

This fee includes tipping costs at the disposal site, and no additional tipping fee will be charged. Minimum service required is one collection per week. A special pick may be arranged and charged at regular rates listed. Three consecutive requests for extra service will result in the need for added regular service.

<u>Service Code (per pick)</u>	<u>Type of Service</u>
CPCOM4YD (RATE 5577)	4 yd Front Loader

B. Drop Boxes

All drop box collection fees and tipping fees will be assessed a 25% administration fee along with applicable city and state taxes. All drop box accounts will be charged tipping fees by actual weight as recorded by Cowlitz County Landfill weight records.

1. Permanent Drop Box Service—

<u>Service Code</u>	<u>Type of Service</u>
20YD (RATE 5592)	Permanent DB Haul Fee
30YD (RATE 5593)	Permanent DB Haul Fee
40YD (RATE 5594)	Permanent DB Haul Fee
MDR (RATE 5590)	Monthly DB Rent
RESPOT (RATE 5596)	Relocate DB
DEL (RATE 5596)	Delivery of Drop Box
DBCUC (RATE 001)	DB Clean Up per Minute

2. Solid Lid Drop Box Service—

<u>Service Code</u>	<u>Type of Service</u>
SLMDR (RATE 5591)	Solid Lid Mo. Rent
RESPOT (RATE 5596)	Relocate DB
DEL (RATE 5596)	Delivery of Drop box
DBCUC (RATE 001)	DB Clean Up per Minute

Solid lid drop box haul service shall be charged at the rates established above for permanent drop box haul service and shall be available only for the 20-yard and 30-yard drop boxes.

3. Stationary Packer (Compactor) Box Service—

<u>Service Code</u>	<u>Type of Service</u>
COM(RATE 5580)	Stationary Packer Haul Fee
DBC(U(RATE 001)	DB Clean Up per Minute

4. **OTHER SERVICES**

- (a) Youth Athletic Leagues: Solid waste services received by Youth athletic leagues utilizing City park facilities under a Longview Parks and Recreation Department Facility Use Agreement shall be charged at twenty-five (25%) of the commercial rates set forth in this Resolution. In order to qualify for this reduced rate, the youth athletic league must be the customer, and this reduced rate applies only to the additional service requested by the league beyond the basic solid waste service provided to the Parks and Recreation Department for each facility.
- (b) Commercial-Residential Mixed-Use Accounts: Solid waste services received by commercial accounts that also provide for residential units within the same structure shall be considered as “commercial only” accounts and such residential units shall not be required to pay the per-unit fee as defined in Section 1 (c) of this Resolution. The calculated charges for these “commercial only” accounts will be based on the number of containers placed at the business and the number of picks per week as defined in Section 2 (a) and (b) of this Resolution. A recycling rate (RATE REC) shall be applied to the commercial rate for each residential unit within each of these designated commercial-residential accounts.
- (c) Additional Services: The Finance Office Supervisor shall determine charges for additional services not provided for in this resolution. The provision of such additional services, and the charges for such additional services, are subject to review and approval by the Director of Community Development.
- (d) Recycling Inspection Services: All recycling roll-out containers placed out for collection from single family residences, up to and including fourplexes, shall be inspected periodically for non-recyclable solid waste. Whenever a recycling container has been removed pursuant to LMC 7.12.130, the rate for a “garbage-only” account shall be RATE RECINSP charged per month until it has been determined the recycling service may be reinstated, subject to LMC 7.12.130.

In addition, all large recycling containers placed at participating multifamily-apartment complexes shall also be inspected periodically for non-recyclable solid waste. Whenever a recycling container has been removed and replaced by an equal number of solid waste containers pursuant to LMC 7.12.130, the rate for solid waste shall be based on the number of containers assigned for the multifamily-apartment complex and the number of picks per week for collection until it has been determined the recycling service may be reinstated, subject to LMC 7.12.130.

(e) Extended Distance Service: Extended service shall be provided by the City for disabled citizens. A disabled person for purposes of receiving this service is one, that because of his/her disability (as certified by his/her physician or caregiver), cannot wheel his/her garbage and/or recycling cart to the point of collection. In particular a customer must meet the following guidelines in order to receive the extended distance service:

- be disabled where said person cannot wheel a full or partially full garbage and/or recycling cart to the point of collection because of his/her disability as certified by his/her physician or caregiver; and
- no person residing with the qualified applicant can wheel a full or partially full garbage and/or recycling cart to the point of collection.

The rules and regulations for implementation of this service shall be promulgated by the Director of Community Development, or his/her designee. For those that have submitted an application to the City to receive the extended distance service and that such application has been reviewed and approved by the City, the applicant shall receive said service at no cost for a period not to exceed one year. The application shall be renewed on an annual basis to determine whether the person qualifies for continuing the extended distance service, and that it shall be the responsibility of the applicant to notify the City if they move from the property in which the extended distance service is being provided.

RATE CODE	Description	Rates; Resolution 2482
001	Special Clean Up per Minute	\$1.70
005	300 Gal Multiple accts	\$62.44
006	Special Picks In route	\$21.44
090	Commerical Cart	\$41.72
101	Residential Cart	\$19.92
101A	Residential Cart 80%	\$15.94
105	Residential Shared tub	\$19.92
105A	Residential Shared tub 80%	\$15.94
111	Residential Deluxe <75 ft	\$39.03
112	Residential Deluxe >75 ft	\$44.83
350	Commercial Deluxe Tub	\$7.86
360	Commercial Deluxe Cart	\$2.78
5572	2 yd Front Loader	\$40.67
5573	3 yd Front Loader	\$55.50
5574	4 yd Front Loader	\$65.97
5575	5 yd Front Loader	\$75.94
5576	6 yd Front Loader	\$85.65
5577	4 yd Front Load Compactor	\$111.45
5578	Deluxe Front Loader Pick	\$7.86
5580	Stationary Packer	\$99.13
5590	Monthly Drop Box Rental	\$100.51
5591	Solid Lid Monthly Rent	\$230.11
5592	20 yd Drop Box	\$80.42
5593	30 yd Drop Box	\$84.24
5594	40 yd Drop Box	\$88.45
5596	Drop Box Respot	\$50.70
5602	Longview School District 2 yd Front Loader	\$19.24
5603	Longview School District 3 yd Front Loader	\$24.98
5604	Longview School District 4 yd Front Loader	\$26.44
5605	Longview School District 5 yd Front Loader	\$28.75
1STUFF	Overstuffed cart/tub - 1st	\$21.45
ADDSTUFF	Overstuffed cart/tub - 2+	\$12.84
GATE	Gate Fee	\$1.37
REC	Recycling Rate	\$5.33
RECINSP	Recycling Inspection	\$40.52

BE IT FURTHER RESOLVED that Resolution No. 2482 adopted by the City Council on March 14th, 2024 is hereby repealed in its entirety on the date that this Resolution No. 2503 becomes effective.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Passed by the City Council of the City of Longview, Washington, and approved by its Mayor at a regular meeting of said Council held on the 23rd day of July, 2024.

M A Y O R

ATTEST:

City Clerk

RESOLUTION NO. 2508

A resolution fixing the rates to be charged for furnishing garbage collection and recycling service within the City of Longview, and repealing Resolution No. 2482.

BE IT RESOLVED that residential and multi-family customers receiving automated garbage and recycling collection service shall utilize the curbside roll-out container (90-gallon cart) or stationary container (300-gallon tub) provided to them by the City's garbage and recycling collection contractor.

BE IT FURTHER RESOLVED that pursuant to Section 7.16.020 of the Longview Municipal Code, the rates to be charged (see rate spreadsheet for RATES) for garbage collection and recycling service shall be as follows:

1. RESIDENTIAL:

(a) Single Family Dwellings: The rate for once per week garbage collection and recycling service for a single family dwelling shall be RATE 101. Each additional roll-out container shall be RATE 101A charged at 80% of RATE 101.

(b) Single Family Deluxe Service: Deluxe Service requires the driver to get out of the collection truck, walk to the customer's cart, wheel the cart into position for collection, dump the cart, and return the cart to its original position. Rates for Deluxe Service include the fees charged above for residential service.

Less than 75 feet from collection vehicle: RATE 111

More than 75 feet from collection vehicle: RATE 112

(c) Multiple Family Dwellings: Multiple family dwellings shall include, but not be limited to, apartment buildings, condominiums, duplexes, tri-plexes, mobile homes and trailer parks, and selected retirement complexes (i.e. those that do not provide an eating commons and/or provide meals).

The rate for once per week garbage collection and recycling service shall be RATE 105. Each additional cart from the same dwelling unit shall be RATE 105A charged at 80% of RATE 105.

(d) Multiple Family Dwelling Deluxe Service: Deluxe Service requires the driver to get out of the collection truck, walk to the customer's container, wheel the container into position for collection, dump the container, and return the container to its original position. Rates for Deluxe Service include the fees charged above for multiple family service.

Cart:

Less than 75 feet from collection vehicle: RATE 111

More than 75 feet from collection vehicle: RATE 112

Tub:

Less than 75 feet from collection vehicle: RATE 111

More than 75 feet from collection vehicle: RATE 112

(e) Additional Services/Charges

Special Pickup of cart/tub while collection vehicle is still on its route: RATE 006

Overstuffed cart/tub – First container: RATE 1STUFF

Overstuffed cart/tub – Each additional container: RATE ADDSTUFF

2. **COMMERCIAL:**

Commercial shall include, but not be limited to, places of business, industrial establishments, institutions and public buildings, nursing homes, retirement complexes (i.e. those which provide an eating commons and/or provide meals) and schools. Churches receiving service of more than two 90-gallon containers picked up once per week shall be considered commercial units for solid waste purposes. All commercial accounts shall be charged as follows:

(a) Commercial rate for 300-gallon containers (tub): shall be at RATE 005. Multiply the number of tubs by the number times the tubs are dumped within one week by RATE 005. (2 tubs x 3 dumps per week x RATE 005 = monthly fee)

Any commercial account that shares a 300-gallon container with another active commercial account shall pay fifty percent (50%) of the collection rate.

(b) Commercial rate for 90-gallon containers (cart): shall be at RATE 090. Multiply the number of tubs by the number times the tubs are dumped within one week by RATE 090. (2 carts x 3 dumps per week x RATE 090 = monthly fee)

(c) Commercial Deluxe Service:

Deluxe Service requires the driver to get out of the collection truck, walk to the customer's container, open gates if applicable, wheel the container into position for collection, dump the container, and return the container to its original position and close gates if applicable. Rates for Deluxe Service are in addition to the fees charged above for commercial service.

Cart: RATE 360

Tub: RATE 350

Frontload: RATE 5578

(d) Additional Services/Charges

Special Pickup of cart/tub while collection vehicle is still on its route: RATE 006

Overstuffed cart/tub – First container: RATE 1STUFF

Overstuffed cart/tub – Each additional container: RATE ADDSTUFF

Gate Fee assessed per service per gate (not per pick/container) – RATE GATE

3. **SPECIAL CONTAINER SERVICE:**

Charges for special container service shall be as provided in this section.

A. Front Loader Containers

All front loader collection fees and tipping fees will be assessed a 25% administration fee along with applicable city and state taxes.

1. Longview School District:

- (a) A solid waste tipping fee for the Longview School District shall be assessed according to the actual weight tickets for the Longview School District's containers dumped on their regular schedule.

(b) Regular Collection Service - Front Loader –

<u>Service Code (per pick)</u>	<u>Type of Service</u>
LSD2YD (RATE 5602)	2 yd Front Loader
LSD3YD (RATE 5603)	3 yd Front Loader
LSD4YD (RATE 5604)	4 yd Front Loader
LSD5YD (RATE 5605)	5 yd Front Loader

(c) Special Pick-Up - Front Loader -

This fee will be assessed when the Longview School District requests special pick-ups outside of their regularly scheduled service. This fee includes tipping costs at the disposal site, and no additional tipping fee will be charged.

<u>Service Code (per pick)</u>	<u>Type of Service</u>
SPLSD2YD (RATE 5572)	2 yd Front Loader
SPLSD3YD (RATE 5573)	3 yd Front Loader
SPLSD4YD (RATE 5574)	4 yd Front Loader
SPLSD5YD (RATE 5575)	5 yd Front Loader

2. Commercial and All Others:

(a) Regular Collection Service - Front Loader–

This fee includes tipping costs at the disposal site, and no additional tipping fee will be charged. A special pick may be arranged and charged at regular rates listed. Three consecutive requests for extra service will result in the need for added regular service.

<u>Service Code (per pick)</u>	<u>Type of Service</u>
COM2YD (RATE 5572)	2 yd Front Loader
COM3YD (RATE 5573)	3 yd Front Loader
COM4YD (RATE 5574)	4 yd Front Loader
COM5YD (RATE 5575)	5 yd Front Loader
COM6YD (RATE 5576)	6 yd Front Loader

(b) Regular - Front Loader Compactor (non-restaurant)

This fee includes tipping costs at the disposal site, and no additional tipping fee will be charged. Minimum service required is one collection per week. A special pick may be arranged and charged at regular rates listed. Three consecutive requests for extra service will result in the need for added regular service.

<u>Service Code (per pick)</u>	<u>Type of Service</u>
CPCOM4YD (RATE 5577)	4 yd Front Loader

B. Drop Boxes

All drop box collection fees and tipping fees will be assessed a 25% administration fee along with applicable city and state taxes. All drop box accounts will be charged tipping fees by actual weight as recorded by Cowlitz County Landfill weight records.

1. Permanent Drop Box Service–

<u>Service Code</u>	<u>Type of Service</u>
20YD (RATE 5592)	Permanent DB Haul Fee
30YD (RATE 5593)	Permanent DB Haul Fee
40YD (RATE 5594)	Permanent DB Haul Fee
MDR (RATE 5590)	Monthly DB Rent
RESPOT (RATE 5596)	Relocate DB
DEL (RATE 5596)	Delivery of Drop Box
DBCU (RATE 001)	DB Clean Up per Minute

2. Solid Lid Drop Box Service–

<u>Service Code</u>	<u>Type of Service</u>
SLMDR (RATE 5591)	Solid Lid Mo. Rent
RESPOT (RATE 5596)	Relocate DB
DEL (RATE 5596)	Delivery of Drop box
DBCU (RATE 001)	DB Clean Up per Minute

Solid lid drop box haul service shall be charged at the rates established above for permanent drop box haul service and shall be available only for the 20-yard and 30-yard drop boxes.

3. Stationary Packer (Compactor) Box Service—

<u>Service Code</u>	<u>Type of Service</u>
COM(RATE 5580)	Stationary Packer Haul Fee
DBC(U(RATE 001)	DB Clean Up per Minute

4. **OTHER SERVICES**

- (a) Youth Athletic Leagues: Solid waste services received by Youth athletic leagues utilizing City park facilities under a Longview Parks and Recreation Department Facility Use Agreement shall be charged at twenty-five (25%) of the commercial rates set forth in this Resolution. In order to qualify for this reduced rate, the youth athletic league must be the customer, and this reduced rate applies only to the additional service requested by the league beyond the basic solid waste service provided to the Parks and Recreation Department for each facility.
- (b) Commercial-Residential Mixed-Use Accounts: Solid waste services received by commercial accounts that also provide for residential units within the same structure shall be considered as “commercial only” accounts and such residential units shall not be required to pay the per-unit fee as defined in Section 1 (c) of this Resolution. The calculated charges for these “commercial only” accounts will be based on the number of containers placed at the business and the number of picks per week as defined in Section 2 (a) and (b) of this Resolution. A recycling rate (RATE REC) shall be applied to the commercial rate for each residential unit within each of these designated commercial-residential accounts.
- (c) Additional Services: The Finance Office Supervisor shall determine charges for additional services not provided for in this resolution. The provision of such additional services, and the charges for such additional services, are subject to review and approval by the Director of Community Development.
- (d) Recycling Inspection Services: All recycling roll-out containers placed out for collection from single family residences, up to and including fourplexes, shall be inspected periodically for non-recyclable solid waste. Whenever a recycling container has been removed pursuant to LMC 7.12.130, the rate for a “garbage-only” account shall be RATE RECINSP charged per month until it has been determined the recycling service may be reinstated, subject to LMC 7.12.130.

In addition, all large recycling containers placed at participating multifamily-apartment complexes shall also be inspected periodically for non-recyclable solid waste. Whenever a recycling container has been removed and replaced by an equal number of solid waste containers pursuant to LMC 7.12.130, the rate for solid waste shall be based on the number of containers assigned for the multifamily-apartment complex and the number of picks per week for collection until it has been determined the recycling service may be reinstated, subject to LMC 7.12.130.

(e) Extended Distance Service: Extended service shall be provided by the City for disabled citizens. A disabled person for purposes of receiving this service is one, that because of his/her disability (as certified by his/her physician or caregiver), cannot wheel his/her garbage and/or recycling cart to the point of collection. In particular a customer must meet the following guidelines in order to receive the extended distance service:

- be disabled where said person cannot wheel a full or partially full garbage and/or recycling cart to the point of collection because of his/her disability as certified by his/her physician or caregiver; and
- no person residing with the qualified applicant can wheel a full or partially full garbage and/or recycling cart to the point of collection.

The rules and regulations for implementation of this service shall be promulgated by the Director of Community Development, or his/her designee. For those that have submitted an application to the City to receive the extended distance service and that such application has been reviewed and approved by the City, the applicant shall receive said service at no cost for a period not to exceed one year. The application shall be renewed on an annual basis to determine whether the person qualifies for continuing the extended distance service, and that it shall be the responsibility of the applicant to notify the City if they move from the property in which the extended distance service is being provided.

RATE CODE	Description	Rates; Resolution 2482
001	Special Clean Up per Minute	\$1.70
005	300 Gal Multiple accts	\$62.44
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112	Residential Deluxe >75 ft	\$44.83
350	Commercial Deluxe Tub	\$7.86
360	Commercial Deluxe Cart	\$2.78
5572	2 yd Front Loader	\$40.67
5573	3 yd Front Loader	\$55.50
5574	4 yd Front Loader	\$65.97
5575	5 yd Front Loader	\$75.94
5576	6 yd Front Loader	\$85.65
5577	4 yd Front Load Compactor	\$111.45
5578	Deluxe Front Loader Pick	\$7.86
5580	Stationary Packer	\$99.13
5590	Monthly Drop Box Rental	\$100.51
5591	Solid Lid Monthly Rent	\$230.11
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5593	30 yd Drop Box	\$84.24
5594	40 yd Drop Box	\$88.45
5596	Drop Box Respot	\$50.70
5602	Longview School District 2 yd Front Loader	\$19.24
5603	Longview School District 3 yd Front Loader	\$24.98
5604	Longview School District 4 yd Front Loader	\$26.44
5605	Longview School District 5 yd Front Loader	\$28.75
1STUFF	Overstuffed cart/tub - 1st	\$21.45
ADDSTUFF	Overstuffed cart/tub - 2+	\$12.84
GATE	Gate Fee	\$1.37
REC	Recycling Rate	\$5.33
RECINSP	Recycling Inspection	\$40.52

BE IT FURTHER RESOLVED that Resolution No. 2482 adopted by the City Council on March 14th, 2024 is hereby repealed in its entirety on the date that this Resolution No. 2503 becomes effective.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Passed by the City Council of the City of Longview, Washington, and approved by its Mayor at a regular meeting of said Council held on the 23rd day of July, 2024.

M A Y O R

ATTEST:

City Clerk



City of Longview

Agenda Summary

ORDINANCE NO. 3540 – TITLE 15 AMENDMENTS

RECOMMENDED ACTION:

MOTION TO ADOPT ORDINANCE NO. 3540

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Continued Effective Financial Management.

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

This is an amendment to LMC Title 15 ("Water and Sewers") that replaces Sections 15.02.030, 15.02.080, 15.02.090, 15.02.100, 15.90.040, 15.90.060, 15.94, 15.102.010, 15.102.030 15.102.040, 15.102.060, 15.102.070, 15.106.010, 15.106.020, and 15.106.030 in their entirety to address additional changes to Title 15 related to the stormwater utility.

STAFF CONTACT:

Steve Haubner, Stormwater Manager

Attachments:

1. Ord No. 3540 - Chapter 15 Amendments
2. Title 15 edits REDLINE
3. Title 15 edits CLEAN

Ordinance No. 3540

An Ordinance amending Title 15 of the Longview Municipal Code relating to Water and Sewers.

WHEREAS, the City of Longview manages the utility finance, water distribution, sewer collection, and stormwater functions within our water, sewer, and stormwater service areas, and

WHEREAS, the City of Longview desires to keep the Longview Municipal Code current with standard industry practices, and

WHEREAS, the City of Longview desires to keep the Longview Municipal Code aligned with current internal processes, and

WHEREAS, the City of Longview chooses to be fiscally responsible, and

Whereas, the City of Longview chooses to be transparent with Public Works fees, and

WHEREAS, the City of Longview is transitioning to a Public Works Master fee schedule, and

WHEREAS, an amendment to the LMC is required to accomplish these purposes, and

WHEREAS, the City Council of the City of Longview has determined that the adoption of the regulations and other provisions of this Ordinance will protect the health, safety, and general welfare of the residents of the City,

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

Section 1. Sections 15.02.030, 15.02.080, 15.02.090, 15.02.100, 15.90.040, 15.90.060, 15.94, 15.102.010, 15.102.030 15.102.040, 15.102.060, 15.102.070, 15.106.010, 15.106.020, and 15.106.030 of Title 15 of the Longview Municipal Code shall be amended to read as follows, provided, manifest and numbering errors shall be corrected prior to publication:

Article I. Rates – Revenues - Billing – Permit Fees

15.02 Rates – Revenues - Billing – Permit Fees

Article II. Sewers

- 15.04 General Provisions
- 15.08 Definitions
- 15.16 Improvements - Replacements – Specifications
- 15.20 Side Sewers - Connections - Maintenance
- 15.24 Sewage Disposal - Pretreatment
- 15.28 Annexations
- 15.32 Violations, Enforcement, and Penalties

Article III. Water

- 15.44 General Provisions
- 15.48 Definitions
- 15.56 Improvements - Replacements - Specifications
- 15.60 Service Connections
- 15.64 Water Meters
- 15.68 Shutoffs- Turn-Ons
- 15.72 Prohibited Acts
- 15.76 Miscellaneous Provisions
- 15.80 Cross-Connection
- 15.84 Water Shortage
- 15.86 Annexations
- 15.88 Violations, Enforcement, and Penalties

Article IV. Storm Water Utility

- 15.90 General Provisions
- 15.94 Definitions
- 15.102 Improvements – Replacement – Specifications
- 15.106 Violations, Enforcement, and Penalties

Chapter 15.02

RATES – REVENUES - BILLING – PERMIT FEES*

Sections:

- 15.02.010 Definitions.**
- 15.02.020 Revenues.**
- 15.02.030 Establishment of revenues, rates, fees, and charges**
- 15.02.040 Water service charges**
- 15.02.060 Sanitary sewer service charges**
- 15.02.080 Stormwater utility charges**
- 15.02.100 Deposits**
- 15.02.110 Terminating of service – Continuance of charges.**
- 15.02.120 Consumer’s accounts – keeping.**
- 15.02.130 Date payment of bills due – Delinquency – Penalties.**
- 15.02.140 Lien for nonpayment of water service.**
- 15.02.150 Shutoff – Continuation of service**
- 15.02.160 Water loss – Adjustment of Charges.**
- 15.02.170 Testing meters**
- 15.02.180 Finance Department – Combined billing**
- 15.02.190 Termination of water service – rented dwellings.**
- 15.02.200 Delinquent utility account – rentals – special cases.**
- 15.02.210 Notices prior to shutoff – metered dwellings**
- 15.02.220 Notices prior to shutoff – Multiple dwelling meter (nonmetered individual dwellings and spaces).**
- 15.02.230 Remedies not limited.**

*For the statutory provisions authorizing cities and towns to control the rates and charges for the use of water systems, provided that rates charged are uniform for the same class of customers or service, see RCW 35.92.010.

*For the statutory provisions authorizing cities and towns to control the rates and charges for the use of sewer systems, provided that rates charged are uniform for the same class of customers or service, see RCW 35.67.020.

*For the statutory provisions authorizing cities and towns to control the rates and charges for the use of stormwater utilities, provided that rates charged are uniform for the same class of customers or service, see RCW 35A.80.

15.02.030 Establishment of revenues, rates, fees, and charges.

(1) Water and Sewer Utilities

- a. The rates to be charged for water and sewer service (base rate) and consumption (Based on metered water consumed) shall be fixed from time to time by resolution of the City Council, and shall be adequate to provide for ordinary maintenance, bond redemption, and operation costs of the system, and for:
 - i. A replacement reserve to be used to replace the present system, or parts thereof, as the same become worn out or obsolete.
 - ii. A betterment reserve to provide for extensions and additions to the system not otherwise provided for in this chapter.

(2) Stormwater utility

- a. All real property in the City shall be charged for stormwater utility services; provided,
 - i. Undeveloped parcels shall not be subject to such charges;
 - ii. Charges for new development shall be imposed upon establishment of water/sewer service, or certificate of occupancy for developments without water/sewer service.
- b. The rates and charges to be imposed for all stormwater utility services shall be uniform for all classes of real property as defined in LMC 15.94.
- c. The rates to be charged for the stormwater utility shall be fixed from time to time by resolution of the City Council, and shall be adequate to provide for ordinary maintenance, bond redemption, and operation costs of the system, and for:
 - i. A replacement reserve to be used to replace the present system, or parts thereof, as the same become worn out or obsolete.
 - ii. A betterment reserve to provide for extensions and additions to the system not otherwise provided for in this chapter.

(3) Water and sewer shall be billed by the CCF rounding to the nearest full unit.

(4) Stormwater shall be billed by the ERU rounding to the major fraction thereof.

(5) Charges, and fees to be charged for water, sewer, stormwater, and related services provided by the City to residential, commercial, or industrial users within the service area along with fees for permitting services shall be as established from time to time by resolution of the City Council.

(6) The City Council may establish classifications of water, sewer, and stormwater customers or service based on criteria determined by the City Council, using any method(s) authorized by law. If established, the classifications shall be denoted in the rates, charges, and fees resolution adopted pursuant to this section.

(7) The Finance Director, in consultation with the Director, shall periodically evaluate rates, charges and fees and recommend adjustments based on revenue requirements necessary to cover all

budgeted costs of the utility as guided by the financial policies and applicable bond covenants.

- (8) Industrial water rates may be set by agreement or contract at the discretion of the Director with concurrence from City Council.
- (9) The water rate for municipal or private fire protection service shall be as fixed from time to time by resolution of the City Council.

15.02.080 Stormwater utility charges.

All accounts for stormwater utility services shall be charged against the parcel to which such stormwater services are applicable, and such accounts shall be kept in the name of and billed as follows:

- 1) Residential accounts shall be kept in the name of and billed to the person, firm or corporation shown as the recipient of water and/or sanitary sewer service for the single-family dwelling unit.
- 2) Multiple occupancy residential accounts shall be kept in the name of and billed to the person, firm or corporation shown as the recipient of water and/or sanitary sewer service to the multiple-family parcel or multiple-family dwelling or to the record owner or owner's agent of the parcel to which such stormwater services are rendered.
- 3) Sole occupancy nonresidential accounts shall be kept in the name of and billed to the person, firm or corporation shown as the recipient of water and/or sanitary sewer service for the parcel to which such stormwater services are rendered.
- 4) Multiple occupancy nonresidential accounts shall be kept in the name of and billed to the person, firm or corporation shown as the recipient of water and/or sanitary sewer service to the premises or to the record owner or owner's agent of the parcel to which such stormwater services are rendered.
- 5) Mixed use occupancy accounts shall be kept in the name of and billed to the person, firm or corporation shown as the recipient of water and/or sanitary sewer service or the record owner or owner's agent of the parcel to which such stormwater services are rendered.
- 6) Accounts that cease to be recipients of water and/or sanitary sewer service by reason of disconnection or termination of service shall be kept in the name of and billed to the person, firm or corporation shown as the record owner of the parcel to which such stormwater services are rendered, until such time as water and/or sanitary sewer service is restored.
- 7) Account for parcels without water and/or sanitary sewer service shall be kept in the name of and billed to the person, firm or corporation shown as the record owner of the parcel to which such stormwater services are rendered.

In the event of delinquencies and the imposition of liens, the record owner of the parcel to which such stormwater utility services were provided shall bear ultimate responsibility for the payment of all charges for stormwater utility services to such parcel.

15.02.100 Deposits

A utility deposit shall be required for all new utility accounts, with the exception of new accounts only being billed for stormwater utility charges. The amount of the deposit shall be set from time to time by resolution of City Council.

Deposits shall be made to the utilities fund through the Finance Department of the City. No interest shall be paid on such deposit. Such deposit may be applied by the City, at any time, in whole or in part, to the payment of any delinquent amount due for such utility service.

- (1) One deposit of the same dollar amount shall be collected by the City Finance Department regardless of number of City utilities on the account.
- (2) Refund of Deposit. Deposits for City utility service which remain in good standing after three successive years, shall be refunded to the customer in whose name such a deposit is credited. Such refund shall be affected only by applying such a deposit in partial payment of the City utilities bill or bills then next becoming due. After such a refund, a new deposit may be required.
- (3) If a City utility customer's account should become delinquent after such a refund, the Finance Director may require a new deposit to be made prior to reconnection or continuing of the utility service to such a customer.
- (4) Service termination. If a deposit remains, then upon the customer's advising the Department of Finance of the City that such water service is no longer required by the applicant, and providing all service charges payable by the applicant are fully paid at said time, the City shall return the deposit to the applicant, and further water service shall not be furnished to the property for which the applicant had made such deposit until a new deposit is made with the City.

15.90.040 Stormwater system ownership and responsibility.

- (1) The City shall own all currently existing stormwater facilities in the public rights-of-way and in easements previously dedicated to the public and accepted by the City, except to the extent that private ownership is otherwise indicated as a matter of record. Such facilities typically include stormwater inlets/catch basins, pipes/mains, culverts, roadside ditches, treatment and flow control facilities, and outfalls.
- (2) Title to and all other incidents of ownership of the following assets are vested in the stormwater utility: all properties, interests and physical and intangible rights of every nature owned or held by the city, however acquired, insofar as they relate to or concern stormwater and surface waters
- (3) Once stormwater facilities have been constructed, approved, and accepted by the City, the City shall be responsible for the maintenance, operation, repair, and replacement of the facilities

located within the public rights-of-way but serving private property unless otherwise provided by agreement, local ordinance, or state law.

- (4) Private Ownership of Stormwater Laterals and Connections – In improved and unimproved roadways, alleyways, easements, and utility corridors, all stormwater laterals and connections to the public system located on private property are exclusively owned by the underlying property owner(s), unless otherwise assigned or dedicated by easement to and accepted by the City, except to the extent that public ownership is otherwise indicated as a matter of record. The property owner is responsible for the routine maintenance, repair or replacement of the stormwater lateral or connection from the property to the street or public stormwater system.
- (5) The City may accept ownership and/or maintenance responsibility for existing private stormwater facilities, provided:
 - a. City ownership of the facility would provide a public benefit;
 - b. Necessary and appropriate property rights are offered by the property owner at no cost to the City;
 - c. The facility substantially meets current standards, as determined by the City, or is brought up to current standards by the owner prior to acceptance;
 - d. The City has adequate resources to maintain the facility; and
 - e. The facility is transferred to the City by bill of sale at no cost to the City.
 - f. Right-of-entry is provided to the City.

15.90.060 Adoption of City and other standards.

The City of Longview Engineering Special Provisions & Standard Drawings and the latest edition of the Stormwater Manual for Western Washington shall be utilized for the processes, design and construction criteria, inspection requirements, standard plans, and technical standards related to the development of the stormwater system.

Chapter 15.94 DEFINITIONS

15.94 Definitions.

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word “shall” is always mandatory, whereas the word “may” denotes a use of discretion in making a decision.

All references in this chapter to any federal, state, or local law or regulation is to that law or regulation as it exists now or as amended.

The following words and phrases, when used in this chapter, shall have the following meanings:

“City” means the City of Longview.

“Construction Stormwater General Permit” means the permit that authorizes the discharge of stormwater from construction sites that disturb one acre or more of land, and from smaller sites that are part of a larger, common plan of development.

“Developed parcel” means a parcel of real property which has been altered by grading or filling of the ground surface, or by construction of any improvement or other impervious surface area which affects the hydraulic properties of the parcel.

“Developer” means any person who has development control over property on which development is proposed to occur or is occurring.

“Director” means the City of Longview public works Director or designee.

“Easement” means a grant of one or more property rights or privileges by a property owner to and/or for use of the property by the City for utility purposes. Easements may be temporary or perpetual.

“Engineer” means the City of Longview City Engineer or designee.

“Equivalent residential unit (ERU)” shall mean the measure of impervious square feet to be used by the utility in assessing stormwater utility fees against each parcel of property.

“Fee schedule” means that schedule of rates, fees, and charges established by resolution of the City Council.

“Finance Department” means the City department charged with the financial management of the City.

“Financial policies” means those policies and procedures adopted by the City’s Finance Department for the financial administration of the utility.

“Impervious surface” means a hard-surfaced area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to the development, and/or a hard-surfaced area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, gravel parking lots, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces.

“Latecomer agreement” means a written agreement between the City and one or more developers providing for partial reimbursement of the cost of construction of wastewater system improvements as authorized by Chapter 14.18 LMC.

“LMC” means the City of Longview Municipal Code, as it currently exists and as amended from time to time.

“Local improvement district” means a type of district established by ordinance pursuant to Chapter 14.08 LMC for the purpose of assisting property owners within a defined geographical area in financing capital improvements by the levying of a special assessment.

“Major fraction thereof” means any amount greater than one-half (1/2).

“Mixed use occupancy” means a developed parcel that is used for residential purposes and nonresidential purposes, and is occupied by more than one person, firm, or corporation.

“Multiple occupancy nonresidential” means a developed parcel that is not used for residential purposes, and is occupied by more than one person, firm, or corporation.

“Multiple occupancy residential” means a multiple-family dwelling which is a four-plex or larger, an apartment building, a mobile home park, or a trailer park.

“Nonresidential” means any developed parcel of real property in the City other than single-family parcels and multiple-family parcels.

“NPDES” The abbreviated term “NPDES” as used in this chapter means National Pollutant Discharge Elimination System.

“Parcel” means the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for tax purposes and given a tax account (lot) number by the Cowlitz County assessor.

“Person” means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, private or public corporation, business trust, political subdivision of the State of Washington or the United States, or any instrumentality thereof.

“Property owner” means any individual, company, partnership, joint venture, corporation, association, society, or group that owns or has a contractual interest in the subject property or has been authorized by the owner to act on his/her behalf, including but not limited to an agent, contractor, applicant, or developer.

“RCW” means the Revised Code of Washington, as it currently exists and as amended from time to time.

“Record drawing” means a final record drawing of the actual installation of the structures, materials and equipment as defined in the Engineering Special Provisions & Standard Drawings.

“Redevelopment” means a site that is already substantially developed which is modified as defined by LMC Title 19.

“Residential” means a single-family residential dwelling, or single-family residential dwelling unit within a duplex, triplex, or condominium building.

“Stormwater Management Manual for Western Washington (SWMMWW)” means Washington State Department of Ecology’s guidance on the measures necessary to control the quantity and quality of stormwater in Western Washington.

“Stormwater Master Plan” means that plan adopted by City Council pursuant to LMC 15.90.050.

“Sole occupancy nonresidential” means a developed parcel that is not used for residential purposes, and is occupied by only one person, firm, or corporation.

“Undeveloped parcel” means a parcel of real property which has not been altered by grading or filling of the ground surface, or by construction of any improvement or other placement of any impervious surface area thereon which affects the hydraulic properties of the parcel.

“Utility” means the stormwater utility of the City of Longview.

“Utility service area” or “service area” means that geographic area defined by the City limits, which may be expanded through subsequent interlocal agreements, annexations, and special utility district assumptions.

Chapter 15.102

IMPROVEMENTS – REPLACEMENTS – SPECIFICATIONS

Sections:

- 15.102.010 Specifications for improvement.**
- 15.102.020 Burden of replacement costs.**
- 15.102.030 System Extensions and Additions.**
- 15.102.040 Application.**
- 15.102.050 Easements**
- 15.102.060 Record drawings.**
- 15.102.070 Inspections and investigations.**

15.102.010 Specifications for improvement.

All specifications for extensions, expansions, additions, betterments, and replacements to the existing stormwater utility system shall be determined by the Director subject to the following limitations: No stormwater main or culvert less than 12 inches in diameter shall be installed without specific prior approval of the Director.

Stormwater infrastructure shall be constructed in accordance with the Longview Engineering Special Provisions & Standard Drawings and the SWMMWW.

15.102.030 System Extensions and Additions.

All extensions or additions of infrastructure required to serve new consumers shall be constructed at the expense of the consumers or the property benefited. In all cases the size of the pipes will be approved by the Director. Such extensions and additions shall be installed, and the cost thereof provided for by the property owner in any manner satisfactory to the Department as permitted by law.

- 1) All stormwater projects will be subject to LMC 17.80 and review of the minimum technical requirements of the current SWMMWW.
- 2) Excavation and grading permits will be subject to LMC 17.80 and review of the minimum technical requirements of the current SWMMWW.
- 3) Fees for stormwater application review and for excavation and grading permits will set periodically through resolution of City Council.

15.102.040 Application.

Any person desiring to extend or add to the stormwater system shall make application through the City's Public Improvement Process (PIP) as provided is LMC 12.10 or the Local Improvement District (LID) process as provided in LMC 14.08.

15.102.050 Easements

- (1) A public stormwater easement is required to be granted to the City when a public stormwater facility will be built on private property.
- (2) A private stormwater easement is required to be granted between property owners whenever:
 - a. A private stormwater facility will be built on property owned by a different private party; or
 - b. A stormwater pipe or conveyance will serve two or more properties.
 - c. Private stormwater from one property owner will flow across property owned by a different party.

15.102.060 Record drawings.

All applicants or permittees shall file a record drawing showing the location and configuration of the private stormwater connections to the public system and all private stormwater conveyances and facilities.

15.102.070 Inspections and investigations.

- (1) All work on public or private stormwater systems shall be subject to inspection by the City to ensure compliance with applicable state and local laws and are in conformance with the requirements and standards set forth in the permit conditions, if any.
- (2) An authorized representative of the City may enter private property at all reasonable times to conduct inspections, tests or carry out other duties imposed by this chapter consistent with the terms and conditions of any covenant, easement, or other legal document applicable to the property.
- (3) The City may require inspection tees or manholes in the stormwater connections to the public stormwater system at its discretion to facilitate inspections and/or investigations.
- (4) For inspection programs authorized by the Director, the City may provide advance mailings of its intent to inspect properties consistent with such inspection, testing, or other utility programs.

15.106.010 Violations, enforcement, and penalties.

- (1) Violations of this chapter are subject to enforcement pursuant to LMC 1.33, Code Compliance.
- (2) Any activity or action caused or permitted to exist in violation of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance.
- (3) It is a violation of this chapter and will be considered damage to the stormwater system to, in any manner:
 - a. Tamper with or damage any part of any stormwater system, public or private; or

- b. Interfere with or hamper the operation of any part of the stormwater system, public or private; or
 - c. Perform any work that would impact the public stormwater system without first obtaining a permit or other authorization; or
 - d. Violate the terms and conditions of an issued permit; or
 - e. Discharge or cause to be discharged into the public stormwater system any liquids, solids or materials defined as prohibited or illicit discharges under LMC 17.90 except as allowed by permit or exemption under that chapter; or
 - f. Fail to comply with any other provision of this chapter.
- (4) Any person causing damage to the stormwater system shall be responsible for all costs incurred by the City to repair the damage and for any damage claims tendered to the City by third parties that arise because of these acts.
- (5) If the person causing damage fails to reimburse the City for all costs incurred, the City may place a lien against the property where the violation occurred as provided in LMC 1.33.
- (6) If the Director determines that a condition, substance, act, or other occurrence constitutes an imminent public nuisance requiring summary abatement, the City may summarily and without prior notice to the property owner and/or responsible person, abate the condition. Notice of such abatement, including the reason for the abatement, shall be given to the property owner and/or person responsible for the property and the violation as soon as reasonably possible after the abatement. Costs, both direct and indirect, of the abatement may be assessed as provided under LMC 1.33.

15.106.020 Appeals.

- (1) Appeals by customers for billing errors shall be as provided in the City's financial policies.
- (2) Appeals of violations of this chapter shall be as provided in LMC 1.33.

15.106.030 City liability provisions.

- (1) The City is responsible for providing service to persons within the utility service area, subject to sufficient capacity and hydrologic conditions, the requirements of this chapter, and other provisions of this code and applicable federal and state law. Provided, continuous stormwater service is not guaranteed as service may be interrupted or temporarily limited due to planned, unplanned events, unforeseen circumstances, or emergencies.
- (2) The City is not responsible to any person for costs, damages, or other consequences incurred due to service interruptions or hydrologic events which exceed the design capacity or level of service of any component of the stormwater system.

- (3) Nothing contained in this chapter is intended to nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of property owners or responsible parties to comply with the provisions of this chapter, engineering standards, or related manuals; or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued; or by reason of any action or inaction on the part of the City in connection with the same.
- (4) Nothing in this chapter, engineering standards, or related manuals shall impose any liability on the City or any of its officers, employees, or agents for cleanup or any harm relating to sites containing hazardous materials, wastes or contaminated soil.
- (5) Nothing contained in this chapter, engineering standards, or related manuals shall require City involvement or enforcement of this chapter for private disputes occurring between property owners.

Section 2. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance and the same shall remain in full force and effect. The City Council of the City of Longview hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

Section 3. Corrections. Upon the approval of the city attorney, the city clerk and/or code publisher is authorized to make any necessary technical corrections to this Ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 4. Prior Acts Ratified. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Publication and Effective Date. This Ordinance shall be published in the official newspaper of the city and a summary of this Ordinance in the form of the Ordinance title may be published in lieu of publishing the Ordinance in its entirety. This Ordinance shall be in full force and effect from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this ____ day of July 2024.

Approved by the Mayor the ____ day of July 2024.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Published: _____

Article I. Rates – Revenues - Billing – Permit Fees

15.02 Rates – Revenues - Billing – Permit Fees

Article II. Sewers

- 15.04 General Provisions
- 15.08 Definitions
- 15.16 Improvements - Replacements – Specifications
- 15.20 Side Sewers - Connections - Maintenance
- 15.24 Sewage Disposal - Pretreatment
- 15.28 Annexations
- 15.32 Violations, Enforcement, and Penalties

Article III. Water

- 15.44 General Provisions
- 15.48 Definitions
- 15.56 Improvements - Replacements - Specifications
- 15.60 Service Connections
- 15.64 Water Meters
- 15.68 Shutoffs- Turn-Ons
- 15.72 Prohibited Acts
- 15.76 Miscellaneous Provisions
- 15.80 Cross-Connection
- 15.84 Water Shortage
- 15.86 Annexations
- 15.88 Violations, Enforcement, and Penalties

Article IV. Storm Water Utility

- 15.90 General Provisions
- 15.94 Definitions
- 15.102 Improvements – Replacement – Specifications
- 15.106 Violations, Enforcement, and Penalties

Chapter 15.02

RATES – REVENUES - BILLING – PERMIT FEES*

Sections:

- 15.02.010 Definitions.**
- 15.02.020 Revenues.**
- 15.02.030 Establishment of revenues, rates, fees, and charges**
- 15.02.040 Water service charges**
- 15.02.060 Sanitary sewer service charges**
- ~~**15.02.080 Liability for payment of stormwater utility charges – unoccupied premises**~~
- 15.02.090 080 Stormwater utility charges**
- 15.02.100 Deposits**
- 15.02.110 Terminating of service – Continuance of charges.**
- 15.02.120 Consumer’s accounts – keeping.**
- 15.02.130 Date payment of bills due – Delinquency – Penalties.**
- 15.02.140 Lien for nonpayment of water service.**
- 15.02.150 Shutoff – Continuation of service**
- 15.02.160 Water loss – Adjustment of Charges.**
- 15.02.170 Testing meters**
- 15.02.180 Finance Department – Combined billing**
- 15.02.190 Termination of water service – rented dwellings.**
- 15.02.200 Delinquent utility account – rentals – special cases.**
- 15.02.210 Notices prior to shutoff – metered dwellings**
- 15.02.220 Notices prior to shutoff – Multiple dwelling meter (nonmetered individual dwellings and spaces).**
- 15.02.230 Remedies not limited.**

*For the statutory provisions authorizing cities and towns to control the rates and charges for the use of water systems, provided that rates charged are uniform for the same class of customers or service, see RCW 35.92.010.

*For the statutory provisions authorizing cities and towns to control the rates and charges for the use of sewer systems, provided that rates charged are uniform for the same class of customers or service, see RCW 35.67.020.

*For the statutory provisions authorizing cities and towns to control the rates and charges for the use of stormwater utilities, provided that rates charged are uniform for the same class of customers or service, see RCW 35A.80.

15.02.030 Establishment of revenues, rates, fees, and charges.

(1) Water and Sewer Utilities

- a. The rates to be charged for water and sewer service (base rate) and consumption (Based on metered water consumed) shall be fixed from time to time by resolution of the City Council, and shall be adequate to provide for ordinary maintenance, bond redemption, and operation costs of the system, and for:
 - i. A replacement reserve to be used to replace the present system, or parts thereof, as the same become worn out or obsolete.
 - ii. A betterment reserve to provide for extensions and additions to the system not otherwise provided for in this chapter.

(2) Stormwater utility

- a. All real property in the City shall be charged for stormwater utility services; provided,
 - i. ~~However, that~~ Undeveloped parcels shall not be subject to such charges;
 - ii. ~~Provided further, that such~~ Charges for new development shall be imposed ~~on and charged to the owners and/or developers of undeveloped parcels six months after the issuance of any building permit for development or construction on such parcel upon establishment of water/sewer service, or certificate of occupancy for developments without water/sewer service,;~~
 - iii. ~~Unless such building permit has expired or been cancelled without construction of the permitted facilities.~~
- b. The rates and charges to be imposed for all stormwater utility services shall be uniform for all classes of real property as defined in LMC 15.94.
- c. The rates to be charged for the stormwater utility shall be fixed from time to time by resolution of the City Council, and shall be adequate to provide for ordinary maintenance, bond redemption, and operation costs of the system, and for:
 - i. A replacement reserve to be used to replace the present system, or parts thereof, as the same become worn out or obsolete.
 - ii. A betterment reserve to provide for extensions and additions to the system not otherwise provided for in this chapter.

(3) Water and sewer shall be billed by the CCF rounding to the nearest full unit.

(4) Stormwater shall be billed by the ERU rounding to the major fraction thereof.

(5) Charges, and fees to be charged for water, sewer, stormwater, and related services provided by the City to residential, commercial, or industrial users within the service area along with fees for permitting services shall be as established from time to time by resolution of the City Council.

(6) The City Council may establish classifications of water, sewer, and stormwater customers or service based on criteria determined by the City Council, using any method(s) authorized by law. If established, the classifications shall be denoted in the rates, charges, and fees resolution

adopted pursuant to this section.

- (7) The Finance Director, in consultation with the Director, shall periodically evaluate rates, charges and fees and recommend adjustments based on revenue requirements necessary to cover all budgeted costs of the utility as guided by the financial policies and applicable bond covenants.
- (8) Industrial water rates may be set by agreement or contract at the discretion of the Director with concurrence from City Council.
- (9) The water rate for municipal or private fire protection service shall be as fixed from time to time by resolution of the City Council.

15.02.080 ~~Liability for payment of stormwater utility charges — Unoccupied premises~~ Stormwater utility charges.

All accounts for stormwater utility services shall be charged against the parcel to which such stormwater services are applicable, and such accounts shall be kept in the name of and billed as follows:

- 1) Residential accounts shall be kept in the name of and billed to the person, firm or corporation shown as the recipient of water and/or sanitary sewer service for the single-family dwelling unit.
- 2) Multiple occupancy residential accounts shall be kept in the name of and billed to the person, firm or corporation shown as the recipient of water and/or sanitary sewer service to the multiple-family parcel or multiple-family dwelling or to the record owner or owner's agent of the parcel to which such stormwater services are rendered.
- 3) Sole occupancy nonresidential accounts shall be kept in the name of and billed to the person, firm or corporation shown as the recipient of water and/or sanitary sewer service for the parcel to which such stormwater services are rendered.
- 4) Multiple occupancy nonresidential accounts shall be kept in the name of and billed to the person, firm or corporation shown as the recipient of water and/or sanitary sewer service to the premises or to the record owner or owner's agent of the parcel to which such stormwater services are rendered.
- 5) Mixed use occupancy accounts shall be kept in the name of and billed to the person, firm or corporation shown as the recipient of water and/or sanitary sewer service or the record owner or owner's agent of the parcel to which such stormwater services are rendered.
- 6) Accounts that cease to be recipients of water and/or sanitary sewer service by reason of disconnection or termination of service shall be kept in the name of and billed to the person, firm or corporation shown as the record owner of the parcel to which such stormwater services are rendered, until such time as water and/or sanitary sewer service is restored.

- 7) Account for parcels without water and/or sanitary sewer service shall be kept in the name of and billed to the person, firm or corporation shown as the record owner of the parcel to which such stormwater services are rendered.

In the event of delinquencies and the imposition of liens, the record owner of the parcel to which such stormwater utility services were provided shall bear ultimate responsibility for the payment of all charges for stormwater utility services to such parcel.

~~15.02.090 Stormwater utility charges.~~

~~If the customer has water service and/or sewer collection service through the City, these rates and charges for stormwater service shall be due and payable with the water/sewer bill of the City and shall become delinquent at the same time the monthly City water/sewer bill becomes delinquent as provided by the present ordinances of the City and future amendments thereto.~~

15.02.100 Deposits

A utility deposit shall be required for all new utility accounts with the exception of new accounts only being billed for stormwater utility charges. The amount of the deposit shall be set from time to time by resolution of City Council.

~~Except: For accounts that are stormwater only, no utility deposit will be required.~~

Deposits shall be made to the utilities fund through the Finance Department of the City. No interest shall be paid on such deposit. Such deposit may be applied by the City, at any time, in whole or in part, to the payment of any delinquent amount due for such utility service.

- (1) One deposit of the same dollar amount shall be collected by the City Finance Department regardless of number of City utilities on the account.
- (2) Refund of Deposit. Deposits for City utility service which remain in good standing after three successive years, shall be refunded to the customer in whose name such a deposit is credited. Such refund shall be affected only by applying such a deposit in partial payment of the City utilities bill or bills then next becoming due. After such a refund, a new deposit may be required.
- (3) If a City utility customer's account should become delinquent after such a refund, the Finance Director may require a new deposit to be made prior to reconnection or continuing of the utility service to such a customer.
- (4) Service termination. If a deposit remains, then upon the customer's advising the Department of Finance of the City that such water service is no longer required by the applicant, and providing all service charges payable by the applicant are fully paid at said time, the City shall return the deposit to the applicant, and further water service shall not be furnished to the property for which the applicant had made such deposit until a new deposit is made with the City.

15.90.040 Stormwater system ownership and responsibility.

- (1) The City shall own all currently existing stormwater facilities in the public rights-of-way and in easements previously dedicated to the public and accepted by the City, except to the extent that private ownership is otherwise indicated as a matter of record. Such facilities typically include stormwater inlets/catch basins, pipes/mains, culverts, roadside ditches, treatment and flow control facilities, and outfalls.
- (2) Title to and all other incidents of ownership of the following assets are ~~hereby transferred to and~~ vested in the stormwater utility: all properties, interests and physical and intangible rights of every nature owned or held by the city, however acquired, insofar as they relate to or concern stormwater ~~and surface waters; further including, without limitation, all properties, interests, and rights acquired by adverse possession or by prescription, directly or through another, in addition to the drainage or storage, or both, of stormwater through, under or over lands, watercourses, sloughs, streams, ponds, lakes, and marshes, all beginning in each instance at a point where stormwater first enters the system of the city and ending in each instance at a point where the stormwater exits from the system of the City, and in width to the full extent of inundation caused by storm or flood conditions.~~
- (3) Once stormwater facilities have been constructed, approved, and accepted by the City, the City shall be responsible for the maintenance, operation, repair, and replacement of the facilities located within the public rights-of-way but serving private property unless otherwise provided by agreement, local ordinance, or state law.
- (4) Private Ownership of Stormwater Laterals and Connections – In improved and unimproved roadways, alleyways, easements, and utility corridors, all stormwater laterals and connections to the public system located on private property are exclusively owned by the underlying property owner(s), unless otherwise assigned or dedicated by easement to and accepted by the City, except to the extent that public ownership is otherwise indicated as a matter of record. The property owner is responsible for the routine maintenance, repair or replacement of the stormwater lateral or connection from the property to the street or public stormwater system.
- (5) The City may accept ownership and/or maintenance responsibility for existing private stormwater facilities, provided:
 - a. City ownership of the facility would provide a public benefit;
 - b. Necessary and appropriate property rights are offered by the property owner at no cost to the City;
 - c. The facility substantially meets current standards, as determined by the City, or is brought up to current standards by the owner prior to acceptance;
 - d. The City has adequate resources to maintain the facility; and
 - e. The facility is transferred to the City by bill of sale at no cost to the City.
 - f. Right-of-entry is provided to the City.

15.90.060 Adoption of City and other standards.

The City of Longview Engineering Special Provisions & Standard Drawings and the latest edition of the Stormwater Manual for Western Washington shall be utilized for the processes, design and construction criteria, inspection requirements, standard plans, and technical standards related to the development of the stormwater system.

Chapter 15.94

DEFINITIONS

15.94 Definitions.

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word “shall” is always mandatory, whereas the word “may” denotes a use of discretion in making a decision.

All references in this chapter to any federal, state, or local law or regulation is to that law or regulation as it exists now or as amended.

The following words and phrases, when used in this chapter, shall have the following meanings:

“City” means the City of Longview.

“Construction Stormwater General Permit” means the permit that authorizes the discharge of stormwater from construction sites that disturb one acre or more of land, and from smaller sites that are part of a larger, common plan of development.

“Developed parcel” means a parcel of real property which has been altered by grading or filling of the ground surface, or by construction of any improvement or other impervious surface area which affects the hydraulic properties of the parcel.

“Developer” means any person who has development control over property on which development is proposed to occur or is occurring.

“Director” means the City of Longview public works Director or designee.

“Easement” means a grant of one or more property rights or privileges by a property owner to and/or for use of the property by the City for utility purposes. Easements may be temporary or perpetual.

“Engineer” means the City of Longview City Engineer or designee.

“Equivalent residential unit (ERU)” shall mean the measure of impervious square feet to be used by the utility in assessing stormwater utility fees against each parcel of property.

“Fee schedule” means that schedule of rates, fees, and charges established by resolution of the City Council.

“Finance Department” means the City department charged with the financial management of the City.

“Financial policies” means those policies and procedures adopted by the City’s Finance Department for the financial administration of the utility.

“Impervious surface” means a hard-surfaced area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to the development, and/or a hard-surfaced area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, gravel parking lots, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces.

“Latecomer agreement” means a written agreement between the City and one or more developers providing for partial reimbursement of the cost of construction of wastewater system improvements as authorized by Chapter 14.18 LMC.

“LMC” means the City of Longview Municipal Code, as it currently exists and as amended from time to time.

“Local improvement district” means a type of district established by ordinance pursuant to Chapter 14.08 LMC for the purpose of assisting property owners within a defined geographical area in financing capital improvements by the levying of a special assessment.

“Major fraction thereof” means any amount greater than one-half (1/2).

“Mixed use occupancy” means a developed parcel that is used for residential purposes and nonresidential purposes, and is occupied by more than one person, firm, or corporation.

“Multiple occupancy nonresidential” means a developed parcel that is not used for residential purposes, and is occupied by more than one person, firm, or corporation.

“Multiple occupancy residential” means a multiple-family dwelling which is a four-plex or larger, an apartment building, a mobile home park, or a trailer park.

“Nonresidential” means any developed parcel of real property in the City other than single-family parcels and multiple-family parcels.

“NPDES” The abbreviated term “NPDES” as used in this chapter means National Pollutant Discharge Elimination System.

“Parcel” means the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for tax purposes and given a tax account (lot) number by the Cowlitz County assessor.

“Person” means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, private or public corporation, business trust, political subdivision of the State of Washington or the United States, or any instrumentality thereof.

“Property owner” means any individual, company, partnership, joint venture, corporation, association, society, or group that owns or has a contractual interest in the subject property or has been authorized by the owner to act on his/her behalf, including but not limited to an agent, contractor, applicant, or developer.

“RCW” means the Revised Code of Washington, as it currently exists and as amended from time to time.

“Record drawing” means a final record drawing of the actual installation of the structures, materials and equipment as defined in the Engineering Special Provisions & Standard Drawings.

“Redevelopment” means a site that is already substantially developed which is modified as defined by LMC Title 19.

“Residential” means a single-family residential dwelling, or single-family residential dwelling unit within a duplex, triplex, or condominium building.

“Stormwater Management Manual for Western Washington (SWMMWW)” means Washington State Department of Ecology’s guidance on the measures necessary to control the quantity and quality of stormwater in Western Washington.

“Stormwater Master Plan” means that plan adopted by City Council pursuant to LMC 15.90.050.

“Sole occupancy nonresidential” means a developed parcel that is not used for residential purposes, and is occupied by only one person, firm, or corporation.

“Undeveloped parcel” means a parcel of real property which has not been altered by grading or filling of the ground surface, or by construction of any improvement or other placement of any impervious surface area thereon which affects the hydraulic properties of the parcel.

“Utility” means the stormwater utility of the City of Longview.

“Utility service area” or “service area” means that geographic area defined by the City ~~limits in the stormwater master plan as the area served by the utility and as~~ , which may be expanded through subsequent interlocal agreements, annexations, and special utility district assumptions.

Chapter 15.102

IMPROVEMENTS – REPLACEMENTS – SPECIFICATIONS

Sections:

- 15.102.010** Specifications for improvement.
- 15.102.020** Burden of replacement costs.
- 15.102.030** System Extensions and Additions.
- 15.102.040** Application.
- 15.102.050** Easements
- 15.102.060** Record drawings.
- ~~**15.102.060** Record drawings.~~
- 15.102.070** Inspections and investigations.

15.102.010 Specifications for improvement.

All specifications for extensions, expansions, additions, betterments, and replacements to the existing stormwater utility system shall be determined by the Director subject to the following limitations: No stormwater ~~pipe~~ main or culvert less than 12 inches in diameter shall be installed without specific prior approval of the Director.

Stormwater infrastructure shall be constructed in accordance with the Longview Engineering Special Provisions & Standard Drawings and the SWMMWW.

15.102.030 System Extensions and Additions.

All extensions or additions of infrastructure required to serve new consumers shall be constructed at the expense of the consumers or the property benefited. In all cases the size of the pipes will be ~~determined~~ approved by the Director. Such extensions and additions shall be installed, and the cost thereof provided for by the property owner in any manner satisfactory to the Department as permitted by law.

- 1) All stormwater projects will be subject to LMC 17.80 and review of the minimum technical requirements of the current SWMMWW.
- 2) ~~Fill and grade~~ Excavation and grading permits will be subject to LMC 17.80 and review of the minimum technical requirements of the current SWMMWW.
- 3) Fees for stormwater application review and for ~~fill and grade~~ excavation and grading permits will set periodically through resolution of City Council.

15.102.040 Application.

Any person desiring to extend or add to the stormwater system shall make application through the City's Public Improvement Process (PIP) as provided in LMC 12.10 or the Local Improvement District (LID) process as provided in LMC 14.08.

15.102.050 Easements

- (1) A public stormwater easement is required to be granted to the City when a public stormwater facility will be built on private property.
- (2) A private stormwater easement is required to be granted between property owners whenever:
 - a. A private stormwater facility will be built on property owned by a different private party; or
 - b. A stormwater pipe or conveyance will serve two or more properties.
 - c. Private stormwater from one property owner will flow across property owned by a different party.

15.102.060 Record drawings.

All ~~private-side-stormwater~~ applicants or permittees shall file a record drawing showing the location and configuration of the private stormwater connections s to the public system and all private stormwater conveyances and facilities.

15.102.070 Inspections and investigations.

- (1) All work on public or private stormwater systems shall be subject to inspection by the City to ensure compliance with applicable state and local laws and are in conformance with the requirements and standards set forth in the permit conditions, if any.
- (2) An authorized representative of the City may enter private property at all reasonable times to conduct inspections, tests or carry out other duties imposed by this chapter consistent with the terms and conditions of any covenant, easement, or other legal document applicable to the property.
- (3) The City may require ~~sampling or~~ inspection tees or manholes in the stormwater connections to the public stormwater system at its discretion to facilitate inspections and/or investigations.
- (4) For inspection programs authorized by the Director, the City may provide advance mailings of its intent to inspect properties consistent with such inspection, testing, or other utility programs.

15.106.010 Violations, enforcement, and penalties.

- (1) Violations of this chapter are subject to enforcement pursuant to LMC 1.33, Code Compliance.
- (2) Any activity or action caused or permitted to exist in violation of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance.

- (3) It is a violation of this chapter and will be considered damage to the stormwater system to, in any manner:
- Tamper with or damage any part of any stormwater system, public or private; or
 - Interfere with or hamper the operation of any part of the stormwater system, public or private; or
 - Perform any work that would impact the public stormwater system without first obtaining a permit or other authorization; or
 - Violate the terms and conditions of an issued permit; or
 - Discharge or cause to be discharged into the public stormwater system any liquids, solids or materials defined as prohibited or illicit discharges under LMC 17.90 without a permit except as allowed by permit or exemption under that chapter; or
 - Fail to comply with any other provision of this chapter.
- (4) Any person causing damage to the stormwater system shall be responsible for all costs incurred by the City to repair the damage and for any damage claims tendered to the City by third parties that arise because of these acts.
- (5) If the person causing damage fails to reimburse the City for all costs incurred, the City may place a lien against the property where the violation occurred as provided in LMC 1.33.
- (6) If the Director determines that a condition, substance, act, or other occurrence constitutes an imminent public nuisance requiring summary abatement, the City may summarily and without prior notice to the property owner and/or responsible person, abate the condition. Notice of such abatement, including the reason for the abatement, shall be given to the property owner and/or person responsible for the property and the violation as soon as reasonably possible after the abatement. Costs, both direct and indirect, of the abatement may be assessed as provided under LMC 1.33.

15.106.020 Appeals.

- ~~(1) There is no administrative appeal of a permit for utility service.~~
- (2) Appeals by customers for billing errors shall be as provided in the City's financial policies.
- (3) Appeals of violations of this chapter shall be as provided in LMC 1.33.

15.106.030 City liability provisions.

- (1) The City is responsible for providing service to persons within the utility service area, subject to sufficient capacity and hydrologic conditions, the requirements of this chapter, and other provisions of this code and applicable federal and state law. Provided, continuous stormwater ~~drainage~~ service is not guaranteed as ~~drainage~~ service may be interrupted or temporarily limited due to planned, unplanned events, unforeseen circumstances, or emergencies.

- (2) The City is not responsible to any person for costs, damages, or other consequences incurred due to ~~flooding caused by~~ service interruptions ~~and limitations or hydrologic events which exceed the design capacity or level of service of any component of the stormwater system.~~
- (3) Nothing contained in this chapter is intended to nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of property owners or responsible parties to comply with the provisions of this chapter, engineering standards, or related manuals; or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued; or by reason of any action or inaction on the part of the City in connection with the same.
- (4) Nothing in this chapter, engineering standards, or related manuals shall impose any liability on the City or any of its officers, employees, or agents for cleanup or any harm relating to sites containing hazardous materials, wastes or contaminated soil.
- (5) Nothing contained in this chapter, engineering standards, or related manuals shall require City involvement or enforcement of this chapter for private disputes occurring between property owners.

Article I. Rates – Revenues - Billing – Permit Fees

15.02 Rates – Revenues - Billing – Permit Fees

Article II. Sewers

- 15.04 General Provisions
- 15.08 Definitions
- 15.16 Improvements - Replacements – Specifications
- 15.20 Side Sewers - Connections - Maintenance
- 15.24 Sewage Disposal - Pretreatment
- 15.28 Annexations
- 15.32 Violations, Enforcement, and Penalties

Article III. Water

- 15.44 General Provisions
- 15.48 Definitions
- 15.56 Improvements - Replacements - Specifications
- 15.60 Service Connections
- 15.64 Water Meters
- 15.68 Shutoffs- Turn-Ons
- 15.72 Prohibited Acts
- 15.76 Miscellaneous Provisions
- 15.80 Cross-Connection
- 15.84 Water Shortage
- 15.86 Annexations
- 15.88 Violations, Enforcement, and Penalties

Article IV. Storm Water Utility

- 15.90 General Provisions
- 15.94 Definitions
- 15.102 Improvements – Replacement – Specifications
- 15.106 Violations, Enforcement, and Penalties

Chapter 15.02

RATES – REVENUES - BILLING – PERMIT FEES*

Sections:

- 15.02.010 Definitions.**
- 15.02.020 Revenues.**
- 15.02.030 Establishment of revenues, rates, fees, and charges**
- 15.02.040 Water service charges**
- 15.02.060 Sanitary sewer service charges**
- 15.02.080 Stormwater utility charges**
- 15.02.100 Deposits**
- 15.02.110 Terminating of service – Continuance of charges.**
- 15.02.120 Consumer’s accounts – keeping.**
- 15.02.130 Date payment of bills due – Delinquency – Penalties.**
- 15.02.140 Lien for nonpayment of water service.**
- 15.02.150 Shutoff – Continuation of service**
- 15.02.160 Water loss – Adjustment of Charges.**
- 15.02.170 Testing meters**
- 15.02.180 Finance Department – Combined billing**
- 15.02.190 Termination of water service – rented dwellings.**
- 15.02.200 Delinquent utility account – rentals – special cases.**
- 15.02.210 Notices prior to shutoff – metered dwellings**
- 15.02.220 Notices prior to shutoff – Multiple dwelling meter (nonmetered individual dwellings and spaces).**
- 15.02.230 Remedies not limited.**

*For the statutory provisions authorizing cities and towns to control the rates and charges for the use of water systems, provided that rates charged are uniform for the same class of customers or service, see RCW 35.92.010.

*For the statutory provisions authorizing cities and towns to control the rates and charges for the use of sewer systems, provided that rates charged are uniform for the same class of customers or service, see RCW 35.67.020.

*For the statutory provisions authorizing cities and towns to control the rates and charges for the use of stormwater utilities, provided that rates charged are uniform for the same class of customers or service, see RCW 35A.80.

15.02.030 Establishment of revenues, rates, fees, and charges.

(1) Water and Sewer Utilities

- a. The rates to be charged for water and sewer service (base rate) and consumption (Based on metered water consumed) shall be fixed from time to time by resolution of the City Council, and shall be adequate to provide for ordinary maintenance, bond redemption, and operation costs of the system, and for:
 - i. A replacement reserve to be used to replace the present system, or parts thereof, as the same become worn out or obsolete.
 - ii. A betterment reserve to provide for extensions and additions to the system not otherwise provided for in this chapter.

(2) Stormwater utility

- a. All real property in the City shall be charged for stormwater utility services; provided,
 - i. Undeveloped parcels shall not be subject to such charges;
 - ii. Charges for new development shall be imposed upon establishment of water/sewer service, or certificate of occupancy for developments without water/sewer service.
- b. The rates and charges to be imposed for all stormwater utility services shall be uniform for all classes of real property as defined in LMC 15.94.
- c. The rates to be charged for the stormwater utility shall be fixed from time to time by resolution of the City Council, and shall be adequate to provide for ordinary maintenance, bond redemption, and operation costs of the system, and for:
 - i. A replacement reserve to be used to replace the present system, or parts thereof, as the same become worn out or obsolete.
 - ii. A betterment reserve to provide for extensions and additions to the system not otherwise provided for in this chapter.

(3) Water and sewer shall be billed by the CCF rounding to the nearest full unit.

(4) Stormwater shall be billed by the ERU rounding to the major fraction thereof.

(5) Charges, and fees to be charged for water, sewer, stormwater, and related services provided by the City to residential, commercial, or industrial users within the service area along with fees for permitting services shall be as established from time to time by resolution of the City Council.

(6) The City Council may establish classifications of water, sewer, and stormwater customers or service based on criteria determined by the City Council, using any method(s) authorized by law. If established, the classifications shall be denoted in the rates, charges, and fees resolution adopted pursuant to this section.

(7) The Finance Director, in consultation with the Director, shall periodically evaluate rates, charges and fees and recommend adjustments based on revenue requirements necessary to cover all

budgeted costs of the utility as guided by the financial policies and applicable bond covenants.

- (8) Industrial water rates may be set by agreement or contract at the discretion of the Director with concurrence from City Council.
- (9) The water rate for municipal or private fire protection service shall be as fixed from time to time by resolution of the City Council.

15.02.080 Stormwater utility charges.

All accounts for stormwater utility services shall be charged against the parcel to which such stormwater services are applicable, and such accounts shall be kept in the name of and billed as follows:

- 1) Residential accounts shall be kept in the name of and billed to the person, firm or corporation shown as the recipient of water and/or sanitary sewer service for the single-family dwelling unit.
- 2) Multiple occupancy residential accounts shall be kept in the name of and billed to the person, firm or corporation shown as the recipient of water and/or sanitary sewer service to the multiple-family parcel or multiple-family dwelling or to the record owner or owner's agent of the parcel to which such stormwater services are rendered.
- 3) Sole occupancy nonresidential accounts shall be kept in the name of and billed to the person, firm or corporation shown as the recipient of water and/or sanitary sewer service for the parcel to which such stormwater services are rendered.
- 4) Multiple occupancy nonresidential accounts shall be kept in the name of and billed to the person, firm or corporation shown as the recipient of water and/or sanitary sewer service to the premises or to the record owner or owner's agent of the parcel to which such stormwater services are rendered.
- 5) Mixed use occupancy accounts shall be kept in the name of and billed to the person, firm or corporation shown as the recipient of water and/or sanitary sewer service or the record owner or owner's agent of the parcel to which such stormwater services are rendered.
- 6) Accounts that cease to be recipients of water and/or sanitary sewer service by reason of disconnection or termination of service shall be kept in the name of and billed to the person, firm or corporation shown as the record owner of the parcel to which such stormwater services are rendered, until such time as water and/or sanitary sewer service is restored.
- 7) Account for parcels without water and/or sanitary sewer service shall be kept in the name of and billed to the person, firm or corporation shown as the record owner of the parcel to which such stormwater services are rendered.

In the event of delinquencies and the imposition of liens, the record owner of the parcel to which such stormwater utility services were provided shall bear ultimate responsibility for the payment of all charges for stormwater utility services to such parcel.

15.02.100 Deposits

A utility deposit shall be required for all new utility accounts, with the exception of new accounts only being billed for stormwater utility charges. The amount of the deposit shall be set from time to time by resolution of City Council.

Deposits shall be made to the utilities fund through the Finance Department of the City. No interest shall be paid on such deposit. Such deposit may be applied by the City, at any time, in whole or in part, to the payment of any delinquent amount due for such utility service.

- (1) One deposit of the same dollar amount shall be collected by the City Finance Department regardless of number of City utilities on the account.
- (2) Refund of Deposit. Deposits for City utility service which remain in good standing after three successive years, shall be refunded to the customer in whose name such a deposit is credited. Such refund shall be affected only by applying such a deposit in partial payment of the City utilities bill or bills then next becoming due. After such a refund, a new deposit may be required.
- (3) If a City utility customer's account should become delinquent after such a refund, the Finance Director may require a new deposit to be made prior to reconnection or continuing of the utility service to such a customer.
- (4) Service termination. If a deposit remains, then upon the customer's advising the Department of Finance of the City that such water service is no longer required by the applicant, and providing all service charges payable by the applicant are fully paid at said time, the City shall return the deposit to the applicant, and further water service shall not be furnished to the property for which the applicant had made such deposit until a new deposit is made with the City.

15.90.040 Stormwater system ownership and responsibility.

- (1) The City shall own all currently existing stormwater facilities in the public rights-of-way and in easements previously dedicated to the public and accepted by the City, except to the extent that private ownership is otherwise indicated as a matter of record. Such facilities typically include stormwater inlets/catch basins, pipes/mains, culverts, roadside ditches, treatment and flow control facilities, and outfalls.
- (2) Title to and all other incidents of ownership of the following assets are vested in the stormwater utility: all properties, interests and physical and intangible rights of every nature owned or held by the city, however acquired, insofar as they relate to or concern stormwater and surface waters
- (3) Once stormwater facilities have been constructed, approved, and accepted by the City, the City shall be responsible for the maintenance, operation, repair, and replacement of the facilities

located within the public rights-of-way but serving private property unless otherwise provided by agreement, local ordinance, or state law.

- (4) Private Ownership of Stormwater Laterals and Connections – In improved and unimproved roadways, alleyways, easements, and utility corridors, all stormwater laterals and connections to the public system located on private property are exclusively owned by the underlying property owner(s), unless otherwise assigned or dedicated by easement to and accepted by the City, except to the extent that public ownership is otherwise indicated as a matter of record. The property owner is responsible for the routine maintenance, repair or replacement of the stormwater lateral or connection from the property to the street or public stormwater system.
- (5) The City may accept ownership and/or maintenance responsibility for existing private stormwater facilities, provided:
 - a. City ownership of the facility would provide a public benefit;
 - b. Necessary and appropriate property rights are offered by the property owner at no cost to the City;
 - c. The facility substantially meets current standards, as determined by the City, or is brought up to current standards by the owner prior to acceptance;
 - d. The City has adequate resources to maintain the facility; and
 - e. The facility is transferred to the City by bill of sale at no cost to the City.
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Chapter 15.94

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“Developer” means any person who has development control over property on which development is proposed to occur or is occurring.

“Director” means the City of Longview public works Director or designee.

“Easement” means a grant of one or more property rights or privileges by a property owner to and/or for use of the property by the City for utility purposes. Easements may be temporary or perpetual.

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“Finance Department” means the City department charged with the financial management of the City.

“Financial policies” means those policies and procedures adopted by the City’s Finance Department for the financial administration of the utility.

“Impervious surface” means a hard-surfaced area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to the development, and/or a hard-surfaced area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, gravel parking lots, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces.

“Latecomer agreement” means a written agreement between the City and one or more developers providing for partial reimbursement of the cost of construction of wastewater system improvements as authorized by Chapter 14.18 LMC.

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“Mixed use occupancy” means a developed parcel that is used for residential purposes and nonresidential purposes, and is occupied by more than one person, firm, or corporation.

“Multiple occupancy nonresidential” means a developed parcel that is not used for residential purposes, and is occupied by more than one person, firm, or corporation.

“Multiple occupancy residential” means a multiple-family dwelling which is a four-plex or larger, an apartment building, a mobile home park, or a trailer park.

“Nonresidential” means any developed parcel of real property in the City other than single-family parcels and multiple-family parcels.

“NPDES” The abbreviated term “NPDES” as used in this chapter means National Pollutant Discharge Elimination System.

“Parcel” means the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for tax purposes and given a tax account (lot) number by the Cowlitz County assessor.

“Person” means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, private or public corporation, business trust, political subdivision of the State of Washington or the United States, or any instrumentality thereof.

“Property owner” means any individual, company, partnership, joint venture, corporation, association, society, or group that owns or has a contractual interest in the subject property or has been authorized by the owner to act on his/her behalf, including but not limited to an agent, contractor, applicant, or developer.

“RCW” means the Revised Code of Washington, as it currently exists and as amended from time to time.

“Record drawing” means a final record drawing of the actual installation of the structures, materials and equipment as defined in the Engineering Special Provisions & Standard Drawings.

“Redevelopment” means a site that is already substantially developed which is modified as defined by LMC Title 19.

“Residential” means a single-family residential dwelling, or single-family residential dwelling unit within a duplex, triplex, or condominium building.

“Stormwater Management Manual for Western Washington (SWMMWW)” means Washington State Department of Ecology’s guidance on the measures necessary to control the quantity and quality of stormwater in Western Washington.

“Stormwater Master Plan” means that plan adopted by City Council pursuant to LMC 15.90.050.

“Sole occupancy nonresidential” means a developed parcel that is not used for residential purposes, and is occupied by only one person, firm, or corporation.

“Undeveloped parcel” means a parcel of real property which has not been altered by grading or filling of the ground surface, or by construction of any improvement or other placement of any impervious surface area thereon which affects the hydraulic properties of the parcel.

“Utility” means the stormwater utility of the City of Longview.

“Utility service area” or “service area” means that geographic area defined by the City limits, which may be expanded through subsequent interlocal agreements, annexations, and special utility district assumptions.

Chapter 15.102

IMPROVEMENTS – REPLACEMENTS – SPECIFICATIONS

Sections:

- 15.102.010 Specifications for improvement.**
- 15.102.020 Burden of replacement costs.**
- 15.102.030 System Extensions and Additions.**
- 15.102.040 Application.**
- 15.102.050 Easements**
- 15.102.060 Record drawings.**
- 15.102.070 Inspections and investigations.**

15.102.010 Specifications for improvement.

All specifications for extensions, expansions, additions, betterments, and replacements to the existing stormwater utility system shall be determined by the Director subject to the following limitations: No stormwater main or culvert less than 12 inches in diameter shall be installed without specific prior approval of the Director.

Stormwater infrastructure shall be constructed in accordance with the Longview Engineering Special Provisions & Standard Drawings and the SWMMWW.

15.102.030 System Extensions and Additions.

All extensions or additions of infrastructure required to serve new consumers shall be constructed at the expense of the consumers or the property benefited. In all cases the size of the pipes will be approved by the Director. Such extensions and additions shall be installed, and the cost thereof provided for by the property owner in any manner satisfactory to the Department as permitted by law.

- 1) All stormwater projects will be subject to LMC 17.80 and review of the minimum technical requirements of the current SWMMWW.
- 2) Excavation and grading permits will be subject to LMC 17.80 and review of the minimum technical requirements of the current SWMMWW.
- 3) Fees for stormwater application review and for excavation and grading permits will set periodically through resolution of City Council.

15.102.040 Application.

Any person desiring to extend or add to the stormwater system shall make application through the City's Public Improvement Process (PIP) as provided is LMC 12.10 or the Local Improvement District (LID) process as provided in LMC 14.08.

15.102.050 Easements

- (1) A public stormwater easement is required to be granted to the City when a public stormwater facility will be built on private property.
- (2) A private stormwater easement is required to be granted between property owners whenever:
 - a. A private stormwater facility will be built on property owned by a different private party; or
 - b. A stormwater pipe or conveyance will serve two or more properties.
 - c. Private stormwater from one property owner will flow across property owned by a different party.

15.102.060 Record drawings.

All applicants or permittees shall file a record drawing showing the location and configuration of the private stormwater connections to the public system and all private stormwater conveyances and facilities.

15.102.070 Inspections and investigations.

- (1) All work on public or private stormwater systems shall be subject to inspection by the City to ensure compliance with applicable state and local laws and are in conformance with the requirements and standards set forth in the permit conditions, if any.
- (2) An authorized representative of the City may enter private property at all reasonable times to conduct inspections, tests or carry out other duties imposed by this chapter consistent with the terms and conditions of any covenant, easement, or other legal document applicable to the property.
- (3) The City may require inspection tees or manholes in the stormwater connections to the public stormwater system at its discretion to facilitate inspections and/or investigations.
- (4) For inspection programs authorized by the Director, the City may provide advance mailings of its intent to inspect properties consistent with such inspection, testing, or other utility programs.

15.106.010 Violations, enforcement, and penalties.

- (1) Violations of this chapter are subject to enforcement pursuant to LMC 1.33, Code Compliance.
- (2) Any activity or action caused or permitted to exist in violation of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance.
- (3) It is a violation of this chapter and will be considered damage to the stormwater system to, in any manner:
 - a. Tamper with or damage any part of any stormwater system, public or private; or

- b. Interfere with or hamper the operation of any part of the stormwater system, public or private; or
 - c. Perform any work that would impact the public stormwater system without first obtaining a permit or other authorization; or
 - d. Violate the terms and conditions of an issued permit; or
 - e. Discharge or cause to be discharged into the public stormwater system any liquids, solids or materials defined as prohibited or illicit discharges under LMC 17.90 except as allowed by permit or exemption under that chapter; or
 - f. Fail to comply with any other provision of this chapter.
- (4) Any person causing damage to the stormwater system shall be responsible for all costs incurred by the City to repair the damage and for any damage claims tendered to the City by third parties that arise because of these acts.
- (5) If the person causing damage fails to reimburse the City for all costs incurred, the City may place a lien against the property where the violation occurred as provided in LMC 1.33.
- (6) If the Director determines that a condition, substance, act, or other occurrence constitutes an imminent public nuisance requiring summary abatement, the City may summarily and without prior notice to the property owner and/or responsible person, abate the condition. Notice of such abatement, including the reason for the abatement, shall be given to the property owner and/or person responsible for the property and the violation as soon as reasonably possible after the abatement. Costs, both direct and indirect, of the abatement may be assessed as provided under LMC 1.33.

15.106.020 Appeals.

- (1) Appeals by customers for billing errors shall be as provided in the City's financial policies.
- (2) Appeals of violations of this chapter shall be as provided in LMC 1.33.

15.106.030 City liability provisions.

- (1) The City is responsible for providing service to persons within the utility service area, subject to sufficient capacity and hydrologic conditions, the requirements of this chapter, and other provisions of this code and applicable federal and state law. Provided, continuous stormwater service is not guaranteed as service may be interrupted or temporarily limited due to planned, unplanned events, unforeseen circumstances, or emergencies.
- (2) The City is not responsible to any person for costs, damages, or other consequences incurred due to service interruptions or hydrologic events which exceed the design capacity or level of service of any component of the stormwater system.

- (3) Nothing contained in this chapter is intended to nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of property owners or responsible parties to comply with the provisions of this chapter, engineering standards, or related manuals; or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued; or by reason of any action or inaction on the part of the City in connection with the same.
- (4) Nothing in this chapter, engineering standards, or related manuals shall impose any liability on the City or any of its officers, employees, or agents for cleanup or any harm relating to sites containing hazardous materials, wastes or contaminated soil.
- (5) Nothing contained in this chapter, engineering standards, or related manuals shall require City involvement or enforcement of this chapter for private disputes occurring between property owners.



City of Longview

Agenda Summary

BID REVIEW – SEWER LATERAL REPLACEMENT

RECOMMENDED ACTION:

MOTION TO ACCEPT THE LOW BID AND AWARD TO ADVANCED EXCAVATING SPECIALIST, LLC IN THE AMOUNT OF \$87,060.50

COUNCIL INITIATIVE ADDRESSED:

Provide sustainable water quality & environmental infrastructure

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

This project provides for replacement of sanitary sewer laterals at 1532 19th Ave and 1821 Olympia Way.

On July 16, 2024, two quotes were received as follows:

\$87,060.50, Advanced Excavation Specialists, Kelso, WA
\$99,452.00, Clark and Sons Excavating, Battle Ground, WA
\$73,500.00 - Engineer's Estimate

The low bid received was determined to be regular and responsive.

FINANCIAL SUMMARY:

This project is funded through the sewer enterprise fund.

STAFF CONTACT:

Ivona Kininmonth, P.E., Project Engineer

Attachments: None



City of Longview

Agenda Summary

ORDINANCE NO. 3541 –INTERIM ZONING REGULATION

RECOMMENDED ACTION:

MOTION TO ADOPT ORDINANCE NO. 3541

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Preserve and Enhance Neighborhoods.

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

An ordinance adopting findings of fact, adopting interim zoning regulations, and amending the Longview zoning map.

STAFF CONTACT:

Ken Hash, Interim Community Development Director

Attachments:

1. ORD No 3541 Interim Zoning Regulation
2. HighInds_Mor_Zoning

ORDINANCE NO. 3541

AN ORDINANCE OF THE CITY OF LONGVIEW, WASHINGTON, ADOPTING FINDINGS OF FACT; ADOPTING INTERIM ZONING REGULATIONS; AMENDING THE OFFICIAL CITY OF LONGVIEW ZONING MAP; PROVIDING FOR THE DURATION OF THIS ORDINANCE AND PUBLIC HEARING; PROVIDING FOR SEVERABILITY, EXPIRATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Longview is authorized to impose interim land use controls pursuant to RCW 36.70A.390 and RCW 35A.63.220; and

WHEREAS, interim zoning controls enacted under RCW 36.70A.390 and RCW 35.63.220 both authorize the enactment of an interim zoning ordinance, or interim official control without holding a public hearing as long as a public hearing is held within at least sixty days of its enactment; and

WHEREAS, on July 9, 2024, the City Council gave direction on a proposed amendment to the zoning regulations for the residential area of the City known as the “Highlands” in response to concerns with regards to the heightened zoning permitted in this area; and

WHEREAS, the City Council received feedback from the public pertaining to the R-4 zoning designation for the residential area of the City known as the “Highlands” in two areas, the first between 26th Avenue and Oregon Way, and Industrial Way and Beech Street, and the second between Douglas Street and Beech Street, and between 32nd Avenue and Industrial Way, as depicted on Exhibit Map hereto and incorporated herein by this reference; and

WHEREAS, based on feedback and staff review, the City Council finds that the current zoning designation of R-4 for this area is incompatible with the neighboring residential areas, and requires additional analysis with regards to the adequacy of infrastructure to support the heightened density in this area; and

WHEREAS, the City Council finds that amending the zoning designation for this area from R-4 to R-1 will alleviate the concerns addressed herein, while allowing the City time to review and analyze the long-term needs of this area; and

WHEREAS, the City Council desires to hold a public meeting on this interim zoning ordinance within 60 days of enactment, and to continue to evaluate the long-term needs of this area; and

WHEREAS, the City Council finds that health, safety and welfare is addressed in the proposed interim zoning map amendment for these areas; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

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

Section 1. Findings. Pursuant to RCW 36.70A.390, the City Council hereby adopts the recitals expressed above as findings of fact justifying the adoption of this ordinance.

Section 2. Purpose. The purpose of this interim zoning ordinance is to enact for the term of this ordinance an amendment to the Longview Zoning Map, thereby modifying the zoning for the area depicted on Exhibit A from R-4 to R-1.

Section 3. Authorization. The City Manager and his designees are authorized to effectuate amendment as part of the official Longview Zoning Map, as well as to take all actions necessary to effectuate the implementation of the amendments set forth herein.

Section 4. Duration of Interim Zoning Regulations/Public Hearing. The interim zoning code amendments adopted by this ordinance shall remain in effect for a period of six months from the effective date and shall automatically expire unless the same are extended as provided in RCW 36.70A.390 and RCW 35A.63.220 prior to that date, or unless the same are repealed or superseded by permanent amendments prior to that date. A public hearing on the interim amendments shall be held on or about September 30, 2024, but no later than sixty days following the effective date of this Ordinance. Following the public hearing the City Council may take action to amend this ordinance, including the making of additional findings.

Section 5. Copy to Commerce Department. Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of this ordinance to the State Department of Commerce for its files within ten (10) days after adoption of this ordinance.

Section 7. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 8. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

Passed by the City Council this ___ day of _____ 2024.

Approved by the Mayor this __ day of _____ 2024.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM

City Attorney

Published: _____

Legend

- R-4 to R-1
- R-1
- R-2
- R-3
- R-4
- NC
- GC
- LI-A
- LI-B
- MU-C/I
- HI

Exhibit Map

